

August 8, 2017

Barry A. Currier
Managing Director, Accreditation and Legal Education
ABA Section of Legal Education and Admissions to the Bar
American Bar Association
321 North Clark Street
Chicago, IL 60654-7598

Dear Director Currier:

We write as deans of law schools in strong support of the action taken with regard to the new Employment Outcomes Public Disclosure Form that the Council approved in June. We believe that this new form much more accurately reflects the employment outcomes of our students.

Simply put, there is no reason to treat school-funded positions that meet the ABA definition of full-time employment (i.e., salary of at least \$40,000 and employment for a year) differently from other funded positions. The goal is a disclosure form that accurately reflects the number of graduates who are fully employed. The source of funding for a job does not alter this, particularly when school funded positions offer pay commensurate with other public interest fellowships and other entry-level public interest opportunities, as the \$40,000 minimum assures. In fact, it is misleading to not include such positions as the number then does not accurately reflect the number of graduates who are actually employed under the ABA definition.

Moreover, there are compelling reasons to treat these positions the same as all other full-time employment. Law schools should not be discouraged, and ideally should be encouraged, to help their students who want to launch careers in public service. The reality is that it is very difficult to do this without a fellowship following graduation. Treating school-funded positions differently from other full-time positions at market salaries creates a strong disincentive for law schools to create such positions and hurts law students who want to pursue public interest careers. In light of its public service mission, the ABA in its reporting requirements should not be creating such a disincentive.

We also appreciate the degree of simplification on this revised form. Law schools have an obligation to provide clear, transparent, and timely data about employment outcomes to applicants. In meeting that obligation, law school career services staff literally spend thousands of hours every year collecting, reviewing, and double-checking data from recent graduates. Similarly, the ABA spends an enormous amount of time collecting, auditing, and publishing that data for applicants to consider as they make important decisions about whether and where to attend law school. This is critical work, but it comes at a cost—every hour that a career services staff member spends collecting data is an hour that she is not spending with a law student, helping that student evaluate and achieve her career goals. If the employment reporting format can be simplified while preserving the information that applicants need in order to make informed decisions, then career services staff will be able to spend less time collecting,

reviewing, and double-checking data and more time helping our students succeed, which is our most important goal.

In addition, we agree with the Council that the form adopted in 2015 was confusing. When the ABA published the class of 2016 employment outcomes earlier this spring, news organizations, members of the legal community, and others posted stories summarizing and analyzing the data. Some of those stories contained information and statements that were clearly erroneous, which the publishing organizations later retracted once the errors had been identified by various law schools and confirmed by the ABA. These errors resulted from confusion surrounding the employment reporting format that the Data Policy and Collection Committee persuaded the Council to adopt in 2015. Given this confusion, which led even experienced members of the legal community such as the *National Law Journal* to misunderstand and misinterpret the ABA employment data, it would have been surprising and disappointing if the Council had not acted to revise the employment reporting format. If experienced members of the legal community were confused, how many applicants might have been confused? Maintaining the status quo of the employment reporting format adopted in 2015 does not seem like a viable or advisable option, and illustrates why speedy revision to increase clarity is important.

We are aware of the criticisms of the process by which the new form was adopted, and we urge you to retain it nonetheless. Given the substantial airing of these issues over the years, that the changes to the form affect only a very small percentage of the total legal jobs, offer valuable simplification, treat school funded fellowship positions more appropriately, and will, we expect, correct the documented instances of confusion produced by the current form, we strongly believe that the new form is a significant improvement on the prior one, and that it is the better foundation from which to move forward. That said, for any future changes to these disclosure forms, we, like others, would very much welcome an opportunity to comment in advance of a decision.

Therefore, we strongly applaud the change in the Employment Outcomes Public Disclosure Form and urge that this revision be implemented as planned in the coming year.

Sincerely,

Nick Allard,
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Erwin Chemerinsky,
Dean
UC Berkeley Law School

Heather Gerken,
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