

Memorandum

To: Dean Maureen O'Rourke, Chair
Council of the Section of Legal Education and Admissions to the Bar

From: Pamela Lysaght, Chair
Standards Review Committee

Dean Chris Pietruszkiewicz, Chair
Employment Summary Form Working Group

Date: January 15, 2018

Re: Employment Summary Form

This is the second of four memoranda setting forth the Standards Review Committee's recommendations following its January 2018 meeting. The Council requested that the Standards Review Committee (SRC) consider simplifications, while maintaining transparency, to the current Employment Summary Form. Specifically, the Council requested that the SRC solicit input from prospective (or very new) law students regarding the Employment Summary Form and propose changes, if any, to the form based on the information that is received. The Council requested that the SRC complete its recommendation for consideration at its February 2018 Council meeting.

For the reasons explained below, the SRC recommends that the current Employment Summary Form continue to be used with a legend added to ensure that the form makes clear that each graduate is counted only once in the *Employment Status* section. (That legend was approved by the Council at its November 2017 meeting.) However, based on the request by the Council for options to simplify the form, the SRC devised three alternative forms (Version 2, Version 3, and Version 4) for consideration by the Council. Of the alternative forms, the SRC strongly favors Version 2. The methodology of solicitation of input by first year law students, a summary of the input received, and specific recommendations of the SRC are provided below.

A Working Group was tasked with soliciting information and proposing possible changes to the Employment Summary Form. The Working Group consisted of Chris Pietruszkiewicz (Chair) (Stetson), Doug Blaze (Tennessee), Craig Boise (Syracuse), Monica Ingram (Cornell), Peter Joy (Washington University), Scott Norberg (Florida International), and Scott Pagel (George Washington).

The Working Group designed a survey that would be sent to the first-year students at law schools represented by members of the SRC (11 law schools). Ten law schools agreed to participate: Catholic, Cornell, Florida International, George Washington, Stetson, Syracuse, Tennessee, Texas, Washington University, and Western New England.

The Working Group sent a survey to first-year students with the following introduction:

The American Bar Association, Section of Legal Education and Admissions to the Bar (ABA) is designated by the United States Department of Education as the accrediting body for all law schools in the United States. The ABA, through the Section, works toward ensuring that law school applicants have access to useful information before choosing a law school to attend. Among the considerations for many applicants is a law school's graduate employment outcomes. Employment results for each law school are collected by the law school according to a prescribed protocol and are reported to the ABA in a specified format to ensure that employment results for all law schools can be compared. The employment results are published on the ABA Website and on each law school's website in the specified format (see the attachment to this message).

The ABA is asking for your help as a recently enrolled law school student in determining which employment information was/would be most helpful to you in making your decision about which law school to attend. Based on the responses to this survey, the ABA may make important changes to how employment results for each law school are reported to prospective students.

We expect that this survey will take 5 minutes or less and asks you to consider the current Employment Summary Report that is attached to this message and is listed as Attachment #1 in the survey. The attachment is necessary to answer part of the survey.

We thank you in advance for helping us to provide relevant employment outcomes information for future law school applicants. Please complete the survey no later than Monday, November 20, 2017.

American Bar Association
Section of Legal Education and Admissions to the Bar

The message to the first-year students attached the current Employment Summary Form (Version 1) and was sent to first-year law students on November 13, 2017, with a second reminder on November 16, 2017. The survey asked six questions. From the ten law schools, 290 responses were received. A summary of the results is below. A link to the full survey may be obtained by contacting the Office of the Managing Director, ABA Section of Legal Education and Admissions to the Bar.

1) Did you review employment data when deciding which law school to attend?

86% Yes
14% No

2) If you answered yes to Question 1, from what sources did you obtain useful employment outcome information and data (please check all that apply):

50% ABA Website.

- 76% Individual Law School Website(s).
- 40% Other, including Internet Based Publishers or Blogs (please list)
List of Others: U.S. News – 8%; Above the Law – 7%; Law School Transparency – 6%; Start Class – 3%.

- 3) On the current ABA Employment Summary that is required of each law school and is posted on the ABA Website and each Law School Website (see Attachment #1), what information was/would be most important to you in making your decision about attending a particular law school. Use a rating scale of 0 to 5, with 0 being *not important to you at all*, and 5 being *very important to you*.
(For summary purposes, percentages are those in 4-5 categories).

- 83% The number of graduates who are working in Bar Exam Passage Required jobs.
- 68% The number of graduates who are working in Bar Exam Passage Required jobs *and* jobs for which having a JD is an advantage (JD Advantage jobs).
- 37% The number of graduates who are working in jobs Funded by the Law School compared to jobs funded by employers.
- 82% The total number of Employed graduates.
- 78% The total number of Unemployed graduates.
- 75% The total number of unemployed graduates who are seeking employment.
- 64% The number of graduates who are working in Full-Time v. Part-Time positions.
- 66% The number of graduates who are employed in Long-Term v. Short Term positions.

- 4) On the current ABA Employment Summary that is required of each law school and is posted on the ABA Website and each Law School Website (see Attachment #1), what information was/would be most important to you in making your decision about attending a particular law school. Use a rating scale of 0 to 5, with 0 being *not important to you at all*, and 5 being *very important to you*.
(For summary purposes, percentages are those in 4-5 categories).

- 76% Number of graduates in Law Firms.
- 61% The Size of the Law Firm.
- 56% Number of graduates in Business and Industry.
- 54% Number of graduates in Government.
- 50% Number of graduates in Public Interest.
- 63% Number of graduates in Judicial Clerkships.
- 57% Number of graduates in a Federal Clerkship v. State, Local, or Other Clerkship.
- 29% Number of graduates working in Education.
- 64% Location of graduates.

- 5) What information on the ABA Employment Summary (Attachment #1) is most important to an individual planning to attend a particular law school. Why?

While summaries of comments are difficult, the following categories were most frequently mentioned (each response may include more than one category below) -- Employed v. Unemployed (96), with many referring to full-time, long-term employment; Bar Passage

Required Jobs (55); Employment Type (37); Firm Size (32); Location (24); Salary (20); Bar Pass Rate (20); Clerkships (12); JD Advantage/Professional (14); Law School Funded (3), with many referring to whether they can obtain full time, long term employment.

6) Additional Comments.

While there were not a significant number of comments (52), the comments indicated that more information compared to less information is most helpful (14) with salary data requested (8).

The target audience of the Employment Summary Report is the consumer -- potential law students. Based on the above information, the SRC considered four possibilities. The first (Version 1) is the current Summary Employment Form with a legend added to ensure that the form makes clear that each graduate is counted only once in the *Employment Status* section. (That legend was approved by the Council at its November 2017 meeting.) Based on the responses received from first-year law students as a proxy for prospective law students, it does not appear that they were confused by the perceived complexity of the current form, and many comments suggested more information was better than less information. The SRC recommends the continued utilization of Version 1 as a first choice (by a vote of six in favor and three opposed). Version 1 utilizes 183 cells.

The SRC recognizes that the Council requested a more simplified Employment Summary Form for consideration. The SRC considered three additional forms (Version 2, Version 3, and Version 4) and believes overwhelmingly that Version 2 is the best of the alternative forms. The SRC also considered Versions 3 and 4; neither version received significant support but are described below.

There are similarities in Versions 2, 3, and 4. The differences in each form related to how Law School/University Funded positions are classified.

The following simplifications are included in each alternative version (Version 2, Version 3, and Version 4):

- Columns
 - Collapses four columns (Full-Time, Long-Term; Full-Time, Short-Term; Part-Time, Long-Term; and Part-Time, Short-Term) into two columns (Full-Time, Long-Term and Not Full-Time, Long-Term)
- Rows
 - Eliminates *Employed - Undeterminable* status (definitions would reclassify as Employment Status Unknown)
 - Combines *Unemployed - Seeking* and *Employment Status Unknown*
 - Consolidates Law Firm Size
 - Combines *Clerkships - State and Local* with *Clerkships - Other*
 - Eliminates *Employer Type Unknown*

One issue of simplification and transparency involves the reporting of positions funded by law schools or universities for their graduates. Law school graduates in positions funded by the law school or university are described as reported above-the-line if the graduates are reported in the

Employment Status box in a separate row labeled as *Employed - Law School/University Funded*. If additional detail is provided in a box below the *Employment Status* box entitled *Law School/University Funded Positions*, that box is referred to as below-the-line. The following summarizes the differences in how *Law School/University Funded* positions are reported in the alternative versions created by the SRC.

1. Version 1 (current Employment Summary Form with Legend)
 - No Change to the Employment Summary Report – 183 cells
 - Includes Legend that indicates that each graduate is counted only once in the *Employment Status* section
 - Maintains *Law School/University Funded* positions above-the-line and below-the line
2. Version 2 (modified Employment Summary Form with Legend)
 - Reduction from 183 cells to 82 cells
 - Maintains *Law School/University Funded* positions above-the-line and below-the-line
 - The Legend provides that each graduate is only counted once in the Employment Status section
3. Version 3
 - Reduction from 183 cells to 79 cells
 - *Law School/University Funded* positions are provided below-the-line only
 - *Law School/University Funded* positions are not designated as a separate above-the-line category. As a result, *Law School/University Funded* positions are included in the corresponding Employment Status category (Bar Passage Required, JD Advantage, etc.)
 - The Legend provides that *Law School/University Funded* positions are included in the Employment Status section in the respective Employment Status categories
4. Version 4
 - Reduction from 183 cells to 67 cells
 - *Law School/University Funded* positions are provided above-the-line
 - *Law School/University Funded* positions are not explained below-the-line
 - The Legend provides that each graduate is only counted once in the Employment Status section

The SRC recommends Version 1 as it maintains continuity in reporting and provides the greatest transparency. Moreover, the survey of first-year law students appears to indicate that law students are not confused by an Employment Summary Form with 183 cells. To the contrary, it appears that the students believe that providing more information for their consideration is preferable to providing less information.

In the event that the Council wishes to simplify the Employment Summary Form, the SRC strongly recommends Version 2, a version of the Employment Summary Form that maintains the current transparency of designating *Law School/University Funded* positions above-the-line and explaining the classification of *Law School/University Funded* positions below-the-line.

Version 3 is slightly preferable to Version 4 although the SRC does not consider either version viable. Version 3 maintains some transparency in a description of *Law School/University Funded* positions below-the-line. This version does not include a separate *Law School-University Funded* positions row above-the-line. In Version 3, prospective law students who wish to determine if jobs are funded by the marketplace would need to subtract the *Law School/University Funded* positions listed below-the-line from the general categories listed above-the-line.

In contrast, Version 4 provides less transparency than Versions 1-3. In Version 4, *Law School/University Funded* positions are listed only above-the-line and are not described below-the-line. In this version, all *Law School/University Funded* position would be classified only as *Law School/University Funded*. A prospective law student would not be able to determine whether the *Law School/University Funded* position was a Bar Passage Required, JD Advantage, etc. position.

The SRC also considered separating *Law School/University Funded* positions into two separate rows – (1) *Employed - Law School Funded Fellowships* for positions that the employer expects to last one year or more and the law school expects to last one year or more and the graduate is paid at least \$40,000 per year, and (2) *Employed - Law School Funded Bridge Programs* for positions that are not expected to last one year or more or one in which the graduate is not paid at least \$40,000 per year.

Under the current definitions, a position is not considered a *Law School/University Funded* position if the employer expects it to last one year or more, the law school expects it to last one year or more and the graduate is paid at least \$40,000 per year *and* the position and funding are open to qualified graduates of all ABA-approved law schools. Adoption of a Fellowship and Bridge distinction is not recommended under the current definitional structure.

In addition to its recommendation that the Council continue to mandate Version 1 (with the legend), or the adoption of Version 2 should the Council seek to further simplify the Employment Summary Form, the SRC unanimously makes the following recommendations for consideration by the Council:

- The approved Employment Summary Form for each law school would be included on the ABA website -- <http://employmentsummary.abaquestionnaire.org> -- as well as on each law school website as is currently required.
- Each law school would be required to use the same approved Employment Summary Form to permit comparative information for potential law students.
- The published Employment Summary Form for each school should be disconnected from the Employment Questionnaire (EQ) and that any changes to the Employment Summary Form would not require changes to the EQ.
- No changes are recommended for the EQ.

- The current detailed spreadsheet published by the Office of the Managing Director (currently about 35,000 cells) should continue to be available based on information provided by law schools in the EQ and that any changes to the Employment Summary Form would not require changes to the detailed spreadsheet.

These recommendations will ensure consistency in reporting by law schools in mandating a single, specific Employment Summary Form and consistency in providing a detailed spreadsheet available to consumers who seek more robust school-specific employment information.

Finally, the SRC recognizes that the Employment Summary Form is not subject to Notice and Comment. The SRC, however, acknowledges the receipt and consideration of the following information submitted prior to its January 12-13, 2018 meeting:

- Letter dated August 8, 2017 from NALP
- Letter dated January 5, 2018 from interested legal educators
- Letter dated January 5, 2018 from judges
- Letter dated January 5, 2018 from organizations
- Letter dated January 5, 2018 from Yale law students
- Memorandum dated January 8, 2018, from Interested Deans and Career Services Professionals
- Email message dated January 9, 2018, from Alan Michaels
- Undated Proposed Employment Summary Form from Law School Transparency

School Name

EMPLOYMENT SUMMARY FOR 2017 GRADUATES (Version 1)

Category definitions can be found here:

https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/Questionnaires/2017_eq_definitions_and_instructions.authcheckdam.pdf

EMPLOYMENT STATUS	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Employed - Bar Passage Required					
Employed - J.D. Advantage					
Employed - Professional Position					
Employed - Non-Professional Position					
Employed - Law School/University Funded					
Employed - Undeterminable					
Pursuing Graduate Degree Full Time					
Unemployed - Start Date Deferred					
Unemployed - Not Seeking					
Unemployed - Seeking					
Employment Status Unknown					
Total Graduates					
Each graduate is counted only once in this section.					

EMPLOYMENT TYPE	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Law Firms					
Solo					
2 - 10					
11 - 25					
26 - 50					
51 - 100					
101 - 250					
251 - 500					
501 +					
Unknown Size					
Business & Industry					
Government					
Pub. Int.					
Clerkships - Federal					
Clerkships - State & Local					
Clerkships - Other					
Education					
Employer Type Unknown					
Total					

LAW SCHOOL/UNIVERSITY FUNDED POSITIONS	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Employed - Bar Passage Required					
Employed - J.D. Advantage					
Employed - Professional Position					
Employed - Non-Professional Position					
Total Employed by Law School/University					

EMPLOYMENT LOCATION	STATE	NUMBER
State - Largest Employment		
State - 2nd Largest Employment		
State - 3rd Largest Employment		

Employed in Foreign Countries	0
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EMPLOYMENT SUMMARY FOR 2017 GRADUATES (Version 2)

Employment Status	Full-time and Long-term	NOT Full-time and Long-term	Total
Employed - Bar Passage Required			
Employed - JD Advantage			
Employed - Professional			
Employed - Non-Professional			
Employed - Law School/University Funded			
Employed - Start Date Deferred			
Pursuing Graduate Degree Full-Time			
Unemployed Not Seeking			
Unemployed Seeking/ Employ. Status Unknown			
Total Graduates (Each graduate is counted only once in this section)			

Law School/University Funded Positions	Full-time and Long-term	NOT Full-time and Long-term	Total
Employed - Bar Passage Required			
Employed - J.D. Advantage			
Employed - Professional Position			
Employed - Non-Professional Position			
Total Employed by Law School/University			

Employment Type	Full-time and Long-term	NOT Full-time and Long-term	Total
Law Firm			
Solo			
2-25			
26-100			
101-500			
501+			
Business & Industry			
Government			
Public Interest			
Clerkship - Federal			
Clerkship - State, Local, Other			
Education			
Total			

EMPLOYMENT LOCATION	State	Total
State - Largest Employment		
State - 2 nd Largest Employment		
State - 3 rd Largest Employment		
Employed in Foreign Countries		

EMPLOYMENT SUMMARY FOR 2017 GRADUATES (Version 3)

Employment Status	Full-time and Long-term	NOT Full-time and Long-term	Total
Employed - Bar Passage Required			
Employed - JD Advantage			
Employed - Professional			
Employed - Non-Professional			
Employed - Start Date Deferred			
Pursuing Graduate Degree Full-Time			
Unemployed Not Seeking			
Unemployed Seeking/ Employ. Status Unknown			
Total Graduates (Law School/University Funded Positions are included in this Section in their respective employment status)			

Law School/University Funded Positions	Full-time and Long-term	NOT Full-time and Long-term	Total
Employed - Bar Passage Required			
Employed - J.D. Advantage			
Employed - Professional Position			
Employed - Non-Professional Position			
Total Employed by Law School/University			

Employment Type	Full-time and Long-term	NOT Full-time and Long-term	Total
Law Firm			
Solo			
2-25			
26-100			
101-500			
501+			
Business & Industry			
Government			
Public Interest			
Clerkship – Federal			
Clerkship – State, Local, Other			
Education			
Total			

EMPLOYMENT LOCATION	State	Total
State - Largest Employment		
State - 2 nd Largest Employment		
State – 3 rd Largest Employment		
Employed in Foreign Countries		

EMPLOYMENT SUMMARY FOR 2017 GRADUATES (Version 4)

Employment Status	Full-time and Long-term	NOT Full-time and Long-term	Total
Employed - Bar Passage Required			
Employed - JD Advantage			
Employed - Professional			
Employed - Non-Professional			
Employed - Law School/University Funded			
Employed - Start Date Deferred			
Pursuing Graduate Degree Full-Time			
Unemployed Not Seeking			
Unemployed Seeking/ Employ. Status Unknown			
Total Graduates (Each graduate is only counted once in this section)			

Employment Type	Full-time and Long-term	NOT Full-time and Long-term	Total
Law Firm			
Solo			
2-25			
26-100			
101-500			
501+			
Business & Industry			
Government			
Public Interest			
Clerkship - Federal			
Clerkship - State, Local, Other			
Education			
Total			

EMPLOYMENT LOCATION	State	Total
State - Largest Employment		
State - 2 nd Largest Employment		
State - 3 rd Largest Employment		
Employed in Foreign Countries		