Dear Dean O'Rourke:

We write in our capacity as legal educators to express our strong support for the proposed revisions to the employment reporting form currently under consideration by the Council. As educators, we seek to equip our law students with the knowledge, skills, and values required to meet pressing legal needs, and to prepare many of them for future careers in public service. We have also come to appreciate the resource and sustainability challenges that many local and national legal services providers face. Including school-funded public interest fellowships paying at least $40,000 in the calculation of full-time, long term, bar passage required employment will enhance our students’ ability to pursue careers in the public interest, and thereby further a core goal of legal education. Failure to adopt the recommended changes to the employment reporting form, on the other hand, would exacerbate the deficits in legal representation among indigent clients and misrepresent our students’ employment outcomes.

Funding for entry-level positions in public service law is scarce all over the country. So are opportunities for newly graduated lawyers to gain invaluable experience in public service. In our experience, legal services and nonprofit lawyer organizations typically reserve their scarce job openings for those with work experience and bar admission. For that reason, our law students face real challenges in obtaining the postgraduate experience necessary to secure permanent public interest positions, even as organizations across the country face a desperate need for their time and talents. By creating year-long public service fellowships offering pay commensurate with other fellowships and entry-level public interest positions, law schools have stepped up to the challenge posed by the justice gap. These law school initiatives echo successful programs run by Equal Justice Works, the Skadden law firm, and the Immigrant Justice Corps, which address the needs of clients and communities and help graduating law students pursue their ideals.

The exclusion of school-funded public interest fellowships from the calculation of full-time, long term, bar passage required employment has had the direct and immediate effect of harming our students who aspire to careers in public interest law. The current reporting format punishes law schools by treating their year-long fellowships differently from other year-long opportunities, such as clerkships, and incentivizes decreased school support for such fellowships. Moreover, by singling out school-funded fellowships, it misrepresents our students’ employment outcomes, as these fellowships are full-time positions compensated at the same rate as national fellowships, which the ABA classifies as full-time, long term, bar passage required employment. A rejection of the Council’s June 2017 revisions to the disclosure form would signal a decreasing commitment to public service by the Bar at a time of a staggering gulf between justice for those who can afford it and those who cannot. Why would the bar seek to chill schools who seek to encourage students to pursue public service? Why close off avenues to public service when the state courts, judges, and bar leaders urge that we redouble our efforts to provide legal representation to those who cannot afford it? The spirit of the current reporting format is directly contrary to the values that we, as legal educators, seek to instill in our students.

We look forward to your response and urge you to adopt the June revisions to the employment reporting form.

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