ABA Memorandum

To: Council Members

From: Kirsten Winek, Manager, Law School Analytics and Reporting
Bill Adams, Deputy Managing Director

Date: November 5, 2019

Re: Posting of Certain Required Disclosures on Law School Websites under Standard 509

There seems to have been confusion over the last few years by law schools about how and where to post certain ABA Required Disclosures forms on their websites despite a Guidance Memo on the topic. While the Guidance Memo itself is due for an update as explained below, this memo will summarize these points of confusion and suggest ways to remedy them in a revised Guidance Memo.

Guidance Memo

The Guidance Memo (dated July 2014, revised July 2016) should be updated. First, when discussing the types of forms required for certain disclosures required by Standard 509(b), the memo discusses the Employment Summary Report and the 509 Information Report, but not the new Bar Passage Outcomes Report that was introduced in 2018. Second, newer sample forms should be included for the Employment Summary Report and 509 Information Report, and the references to the Official Guide to ABA-Approved Law Schools should be removed as it is no longer published. Finally, there are sections that could more prominently remind schools of their obligations related to posting the materials required by Standard 509, as described in the next sections.

Website Compliance Checks Completed in April/May 2019

Andrew Crane, Ken Williams, and Kirsten Winek reviewed all law school websites in April/May 2019 primarily to ensure that law schools were correctly posting their Employment Summary Reports for the current year as well as the two previous years. We also looked to see whether schools were correctly including an “ABA Required Disclosures” link on their website’s homepage, and whether they were posting forms such as the 509 Information Report and Bar Passage Outcomes Report correctly. The following were the most common issues we encountered as well as potential fixes.

- **ABA Required Disclosures Link on the Law School's Homepage**
  - **Issue:** The Guidance Memo requires that a school website’s homepage must prominently display a link entitled “ABA Required Disclosures.” Some schools had links that were small, missing, or used terms such as “Disclosures” or “Consumer Information.” On the Required Disclosures page, some schools did not have a prominent link to the 509 Information Report.
  - **Solution:** Remind schools of the Guidance Memo language on this topic; also note if other terminology is appropriate. Also, make it clear in the Guidance Memo that it must be easy to find and access the 509 Information Report on the Required Disclosures page.

- **Posting of Bar Passage Outcomes Reports**
  - **Issue:** Many schools did not post a Bar Passage Outcomes Report on their Required Disclosures webpage, posted the wrong year (2018 vs. 2019), or the wrong report format.
- **Solution:** Create a section in the Guidance Memo that explains what needs to be posted—how many years of reports, deadline to post them to their school’s Required Disclosures webpage, where to download the correct report, etc. It would also be helpful to include a sample of the Bar Passage Outcomes Report in the Guidance Memo.

### Posting of Employment Summary Reports

- **Issue:** Schools vary in where they post the Employment Summary Report for the current year and previous two years. Some post on the Career Services webpage, Required Disclosure webpage, Admissions webpage, or some combination. Occasionally, one webpage will be updated with the correct three years of reports; the other(s) will not.
- **Solution:** Remind schools of the Guidance Memo requirement that a link to the Employment Summary Reports be posted prominently in three places: 1) the school’s Required Disclosures webpage, 2) the school’s main page for Career Services, and the main page for admissions/prospective students.
- **Issue:** Instead of linking to the ABA-created Employment Summary Report, some schools will link to an image or scanned version of the Employment Summary Report—this prevents people from using the URL link to definitions on the Employment Summary Report. Other schools will create a chart that looks like the Employment Summary Report and post that instead of the ABA-created Employment Summary Report. Still others will create a link to the ABA-created PDF but add additional information within the PDF.
- **Solution:** Update the Guidance Memo to make clear that schools must post a link to the original Employment Summary Report PDFs downloaded directly from the ABA’s website and prohibit schools from altering/adding to the Employment Summary Reports in any way (the Guidance Memo currently prohibits altering it to add salary data.) Additionally, perhaps consider whether to require schools to name these links “ABA Employment Summary Report – Class of 20XX” so that this information is easy to find.
- **Issue:** Some schools create charts/graphs to explain their employment outcomes but links to the Employment Summary Reports are not prominent or at the bottom of the webpage.
- **Solution:** Remind schools that the Guidance Memo covers this and states that “whenever a school offers any analysis or elaboration of the information covered by Standard 509, the required disclosures must be repeated or there must be a link to those required disclosures that is sufficiently proximate and prominent to draw the reader’s attention to the link. The disclosures or link to them must precede the analysis or explanation. Finally, the display of the analysis and elaboration of the data may not be more conspicuous or prominent than the display of the mandated disclosures or link to them.” Examples could be added so schools know this applies to employment outcomes.
- **Issue:** If schools create charts and graphs of employment outcomes, they may include percentages. It can be difficult to know how these percentages are calculated. (Note: The Employment Summary Report itself does NOT include any percentages.)
- **Solution:** Add a requirement to the Guidance Memo that any charts, graphs, or other statistical information on employment outcomes must clearly state how the information was calculated and whether they are using NALP or ABA data. This is especially important because some schools will use different denominators when calculating percentages—for example, total graduates, total employed graduates, or total graduates for whom employment status is known.
- **Issue:** A very small number of schools will say on their website that they are ranked X based on ABA employment data—and these are usually reported to us by other schools.
- **Solution:** Include a reminder in the Guidance Memo that the ABA does not rank schools.