nalp
We advance law careers

TO: Jeffrey Lewis, Chair
Barry Currier, Managing Director
Council of the ABA Section of Legal Education and Admissions to the Bar

FROM: Melissa Lennon, President, on behalf of NALP Board of Directors
Frederick E. Thrasher, NALP Acting Executive Director

DATE: August 29, 2018

RE: ABA/NALP Employment Outcomes Reporting Advisory Group

This short memorandum will provide some background on the creation, composition and work of the ABA/NALP Employment Outcomes Reporting Advisory Group, to accompany your consideration of the *ABA Guidance Document: Protocols for Reviewing, Collecting, Maintaining, and Reporting Law Graduate Employment Data* ("Review Protocol and Data Collection Protocol"). These revised Protocols streamline and clarify all requirements for law schools, provide a more equitable audit procedure, and will help ensure that the data generated has a higher level of internal consistency. For these reasons, we urge the Council to adopt the Protocols as presented.

At the invitation of Bill Adams and Kirsten Winek, NALP formed an Advisory Group to assist the Section in streamlining the guidance to law schools on employment data collection and the audit procedure. We were grateful to receive this invitation and to continue the partnership the ABA has maintained with NALP in the formation and execution of these policies.

We solicited our law school members and received many expressions of interest in volunteering for the Advisory Group. We selected the following members, so as to be representative of different types of law schools: public, private, large, small, urban, rural, and country-wide. The members of our group are:

Heather DiFranco, Cleveland-Marshall College of Law, Chair and NALP Board Liaison
Betsy Armour, USC Gould School of Law
Melissa Berry, University of Washington School of Law
Eric Bono, University of Denver Sturm College of Law
Angelica Evans, University of Texas School of Law
Courtney Fitzgibbon, New York Law School

Fiona Hornblower, Boston University School of Law
Brian Lewis, University of North Carolina School of Law
Arturo Alejandro Thompson, University of Kansas School of Law

Also participating are NALP staff members Jim Leipold (Executive Director, currently on sabbatical) and Fred Thrasher (Acting Executive Director/Deputy Director), and Melissa Lennon, NALP President.

The group met in person with Bill and Kirsten in May 2018 at the NALP office. Our discussion was wide-ranging but we made the streamlining of the guidance documents a top priority. Other interpretive and audit related issues were discussed and various suggestions have been incorporated into the document presented to Council in this meeting.

The state of the current guidance was of primary concern. Guidance to law schools on employment data collection, reporting and audit compliance is contained in no fewer than four different sources: the rules and definitions accompanying the Annual Employment Questionnaire, the existing ABA Protocol document, the existing ABA Frequently Asked Questions (developed in partnership with NALP), and the webinars with accompanying power point slides and Q&A sessions presented by Kirsten Winek. Strict compliance with the rules and protocol can sometimes be challenging in light of this diffuse set of resources.

Moreover, in NALP's experience, the staff of law school career services offices turns over at the rate of about 30% per year. It is hard for new staff to learn the sources of all rules governing this process, which is particularly troubling given the importance of getting the results exactly right. The goal of the Advisory Group was to create a document that would be user-friendly to new and experienced law school staff, easy to cite when making employment status judgment calls, easy to amend by the ABA when necessary, and structured in such a way as to allow it to be the single source of reference for all things related to the collection, maintenance, reporting, and review of employment outcomes data.

To create the Review Protocol and Data Collection Protocol, NALP solicited input from all law school members regarding any concerns about confusing or seemingly conflicting parts of the current guidance documents. The Advisory Group then broke up into two teams – drafting and reviewing. Arturo Alejandro Thompson worked closely with Kirsten Winek to take the lead in creating the structure and numbering system of the final document. Although it may seem long, the group thought that the organizational structure would be both familiar and most useful for the law school community. The reviewing team made sure that the document encapsulated all existing guidance and was internally consistent. Of course, all of this work was reviewed and edited by ABA staff.

The final document produced through the work of the ABA staff and the Advisory Group is clear and comprehensive. It will be welcomed by the law school community. It will be easier to update in the future and add examples as the Section sees fit. The

Advisory Group has a September meeting planned in the hopes that we can now begin a plan to communicate about the Protocols to the law school community.

This has been a productive and fruitful collaboration. NALP is grateful to the ABA for the opportunity to participate in this revision and clarification process. We urge the Council to accept the Protocols as presented and are happy to answer any questions you might have.