

MEMORANDUM

To: LawSchool Deans and Career Services Officers

From: Hulett H. Askew, Consultant on Legal Education
Arthur R. Gaudio, Chair, Questionnaire Committee

Re: Reporting Placement Data on Annual Questionnaire

Date: July 27, 2011

We are writing to update you on the changes that are being made in the ABA Annual Questionnaire with regard to law school placement data. As in the past, these data will be reported in the *Official Guide to ABA Approved Law Schools*. However, as with many significant changes, making the conversion all at one time is not advisable or even possible. Therefore, the changes described below will be implemented over two Annual Questionnaire reporting periods.

As you are aware, concern has been raised by various organizations and individuals about the sufficiency and correctness of currently available law school placement data. During the past year the Questionnaire Committee has engaged in an extensive effort to gather information on this issue from deans and career services officers as well as from national and regional pre-law advisor associations, various law school professors, the ABA Young Lawyers Division, the ABA Law Student Division, and a number of students or recent graduates who are members of advocacy groups concerned with transparency of law school placement data. In developing its proposals, the Committee's objective was two-fold: (1) to collect and provide correct data that will be sufficient to assist law school applicants in making decisions on whether to go to law school and which school to attend, and to assist current law students and recent graduates in making employment decisions; and (2) to obtain that data in a way that will require the least amount of additional, unnecessary effort by law schools, particularly the career services officers in those schools.

The Committee has developed a reporting format that "unbundles" the reporting of job data from the reporting of salary data. As to job data, the 2011 Annual Questionnaire will request from law schools information on their graduates' employment

status, employment types, and employment locations. It will also request information on whether a graduate's employment is long-term or short-term. Finally, it will ask how many, if any, positions held by their graduates are funded by the law school or university.

As to salary data, rather than provide school-specific salary data, the Official Guide will provide the 25th, median, and 75th percentile salaries of jobs obtained in the various types in each state and region. The salary information will be based on jobs obtained by graduates from all law schools and will not be limited to those graduates from any particular school. This format will avoid the over-reporting of salary information that tends to occur for any particular school because not all of a school's graduates report salary information to the school. In particular, since the graduates who report salary information tend to be those with higher salaries, a school's 25th, median, and 75th salary percentiles tend to be over stated. Rather than provide school-specific data, the *Official Guide* will provide salary information for each employment type for graduates of all law schools who obtain a position in each state. A prospective student can consult the state data for those states at which the school sends its greatest number of graduates to determine salary levels that might be expected after graduation.

As stated, making the transition to the above described data collection and reporting system will take two questionnaire cycles to complete. Although the data categories needed to prepare the full report described above have been identified, appropriate concern has been expressed as to whether some of those data categories are clearly and adequately defined. Therefore, only those data categories that the Council considered clear and well-defined will be collected in the Annual Questionnaire that is due in October 2011. That information will be for 2010 graduates determined as of February 15, 2011 (the standard nine-month-after-graduation date).

The definitions are the same as those most of you used in the preparation of the National Association of Law Placement survey in February 2011. However, we wish to point out two differences. The definition of long-term and short-term used in the ABA report has a specific term. A short-term position is one that has a definite term of less than one year, while a long-term position is one that has a definite term of one year or more or is indefinite in length. Thus, under this definition most clerkships, which are usually one year in length, would be considered long-term. In addition, a new data category is included for jobs that are funded in total or in part, directly or indirectly, by the law school or its parent university. This data category is further broken down into jobs that are long-term or short-term, as defined above.

The Questionnaire Committee will work on refining the definitions of the other data categories and submit those definitions to the Council for its approval this fall. Assuming approval, a Questionnaire collecting the data for the 2011 graduates will be

distributed shortly thereafter in the spring and will ask for the data as of February 15, 2012. That too will be the standard nine-month-after-graduation date.

For your information, the data categories that will be collected this October are listed in the chart attached to this memorandum. The definitions of those data categories are also attached to this memorandum.

To collect those data, the Questionnaire will ask the person completing the report to enter each student's data on an individual computerized profile. The Questionnaire will automatically aggregate that data and summarize it on the Placement Data Summary.

The additional data categories that will be collected with the Annual Questionnaire in the subsequent reporting period include whether the graduate's job is part-time or full-time. It will also ask whether the job requires bar passage, whether a J.D. is preferred for the job, whether the job is in another profession, or whether the job is a non-professional one. As stated, definitions for these categories are currently being developed. Rather than wait until August 2012 to collect these data, our plan is to collect those data from the schools soon after February 15, 2012.

The forms and definitions for that portion of the Annual Questionnaire will be sent to the schools later this fall. We will circulate them broadly for notice and comment so that deans and career services personnel (and other interested parties) can comment on the categories and definitions before implementation.

Thank you for your cooperation.

Placement Data Summary

	Employment Status	Number	Long Term	Short Term
1	Employed			
2	Pursuing graduate degree FT			
3	Unemployed - not seeking			
4	Unemployed - seeking			
5	Employment status unknown			
	Total graduates			

6	Of employed - # law school funded			
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	Employment Type	Number	Long Term	Short Term
	Law firms			
7	Solo			
8	2-10			
9	11-25			
10	26-50			
11	51-100			
12	101-250			
13	251-500			
14	501+			
15	Unknown			
16	Business & industry			
17	Government			
18	Pub. Int. (inc. Pub. Def.)			
	Judicial clerkships			
19	Federal			
20	State & local			
21	Academia			
22	Employer type unknown			
	Total			

	Employment Location	State	Number
23	State/# - largest employment		
23	State/# - 2nd largest employment		
23	State/# - 3rd largest employment		
24	# employed in foreign countries		

DEFINITIONS

EMPLOYMENT STATUS

Short-term. A short-term position is one that has a definite term of less than one year. Thus, a clerkship that has a definite term of one year or more is not a short-term position. In addition, a position that is envisioned by the graduate and the employer to extend for one year or more is not a short-term position even though it is conditioned on bar licensure. Thus, a long-term position that is conditioned on passing the bar exam by a certain date does not become a short-term position because of the condition.

Long-term. A long-term position is one that does not have a definite term of less than one year. It may have a definite length of time as long as the time is longer than one year. It may also have an indefinite length but is expected to last more than one year. Just because a short-term position may evolve into a long-term position does not make the position a long-term position. An example of a long-term position is an associate in a law firm.

1) Employed. The graduate was employed as of February 15, 2011. The employment may be in a position that requires bar passage, in a position for which a JD is preferred, in a position in another profession, or in a non-professional position.

2) Pursuing graduate degree full-time. The graduate was pursuing a further graduate degree as of February 15, 2011. Such academic programs include degree-granting and non-degree granting programs. The degree being pursued may be either law related (e.g., LL.M.) or non-law related (e.g., Ph.D.). "Full-time" enrollment refers to whatever course- or credit-load defines full-time at an individual's school.

3) Unemployed – not seeking. As of February 15, 2011, the graduate was "not seeking" employment outside the home and was not in the labor force. This category includes graduates who were not seeking employment because of health-related or family circumstances, or because of personal choice (e.g., graduate's serious medical condition, dependent care responsibilities, or travel in lieu of employment). It also includes a graduate who was offered a position, turned it down, and was not seeking further employment as of February 15, 2011. A graduate doing volunteer work and not seeking employment should also be counted in this category.

4) Unemployed – seeking. As of February 15, 2011, the graduate was "seeking" employment but was not employed in any capacity outside the home. A graduate doing volunteer work while seeking employment should be counted in this category. It also includes a graduate who was offered a position, turned it down, and was seeking another position as of February 15, 2011.

5) Employment status unknown. If the law school has no information on the graduate's employment status, select this choice to indicate that the graduate is truly an "unknown."

Notes:

- Graduates who were studying for the bar exam and were not employed are presumed to be seeking employment and should be reported as such unless a designation of not seeking is supported by an individual's particular circumstances.
- Graduates who were employed but still pursuing other employment should be reported according to the job they held as of February 15, 2011; not as unemployed. Thus, report graduates who considered themselves as employed on an interim basis for whatever reason (e.g., still seeking permanent employment, or as under-employed) according to the position they actually held.

6) Law school funded. A job is law school funded if the law school or the university of which it is a part pays the salary of the graduate directly or indirectly and in any amount. Thus, a person employed in the law library has a law school funded position. Similarly, if the position is in the university's library, the position is law school funded. The position may be either a long-term position or a short-term position. Thus, a graduate may be hired in a permanent position in the university's office of legal counsel and that position will be a long-term position because it does not have a definite term of less than one year. However, a graduate whose position is less than one year is in a short-term position. Thus, a graduate hired as a seasonal recruiter by the law school's admission office is in a short-term position. The position is funded directly if the graduate is on the payroll of the law school or the university. The position is funded indirectly if the law school or the university funds another entity in any way to pay the salary. The position is funded indirectly if it is paid through funds solicited by an outside donor. Thus, a graduate employed in the law library and whose salary is paid by the law school is funded directly by the law school. A graduate who is employed by a legal services office whose position is funded in any amount by the law school is funded indirectly by the law school.

- **Since the information to answer this question is inherently available to the law school, the burden of answering this question is on the law school and does not depend on the answer that the graduate may provide in any employment survey. Accordingly, either a "yes" or "no" must be checked; there is no unknown category.**

EMPLOYMENT TYPE

7-15) Law Firms. Law firms include firms specializing in any area of the law, including those specializing in public interest law. Any job in a law firm, including associate, law clerk, law firm librarian, paralegal, and clerical position is to be reported here. A public interest law firm is defined as a private and for-profit firm, but is distinguished from other private firms in that a majority of its practice involves clients that are typically under-represented, or groups that advocate for community, rather than corporate, interests. Sliding fee cases and contingent fee cases are common. Typical areas of practice for public interest law firms include plaintiff's employment discrimination, civil rights, environmental law, and union representation.

Note that graduates working on a contract basis and hired directly by the firm should also be reported here. However, graduates employed at a law firm through an agency which places attorneys in temporary positions should be reported under – Business and Industry.

Questions 7 – 14 ask for the total number of attorneys firm-wide. For a multi-office national firm, this count corresponds to the total of all attorneys employed by the entire firm nationwide. All levels of attorneys in the firm should be included in these counts without regard to seniority, status, or job tenure (i.e., this total should reflect all of the senior and junior partners, of counsel, staff attorneys, senior and junior associates, and the like).

Please note that the size category “solo practice” is to be used only for graduates who have established their own solo practice. If a graduate is clerking for a solo practitioner, please report the firm and office size as “2-10.”

16) Business and Industry. Business and industry employers include legal temporary agencies, accounting firms, investment banking and financial institutions, entertainment/sports management companies, insurance companies, management consulting firms, publishing houses, technology/e-commerce companies, trade associations, political campaigns, etc.

Business and industry positions include temporary attorney work, temporary law clerk or paralegal work, in-house counsel, management, business development/sales/marketing, human resources, consulting, etc.

In-house positions are defined as attorney positions within the law or legal department of a company and reporting to the office of general counsel or associate general counsel; the law department handles some portion of legal matters for the company.

Graduates working as “temporaries” through a legal temporary employment agency should be classified in the “Business and industry” category. A graduate employed by a temporary employment agency but not one specifically making legal placements should also be reported as employed in “Business and industry.”

The areas listed in this item refer to types of business and industry employers. They do not refer to practice areas within law firm private practice. For example, a position with a labor union should be reported as a public interest position and not as a business and industry position.

17) Government. Government employers include federal, state and local governments. Government positions include positions in governmental agencies, military positions and prosecution positions.

18) Public Interest. Public interest positions include:

- Civil legal services – positions specifically funded by the Legal Services Corporation, as well as positions with other organizations providing indigent or reduced-fee legal services, such as prisoners' legal aid and campus legal services.
- Public defender and appellate defender positions should be reported as public interest positions, regardless of whether the office is a government agency or a private organization.
- Public interest/non-profit employers include private non-profit advocacy, religious, social service, fund-raising, community resource, or cause-oriented organizations, such as the Children's Defense Fund, United Way, churches, Boy Scouts, and Red Cross chapters. Public interest employers also include labor unions and non-profit policy analysis and research organizations, such as Brookings and the Heritage Foundation.

19-20) Judicial Clerkships. Judicial clerks include graduates who perform duties similar to those of a judicial clerk assigned to a specific judge, as well as those who perform the duties for the court as a whole rather than for a specific judge. Report separately federal and state clerkships.

If the graduate has obtained a clerkship that started after February 15, 2011, please report what the graduate was doing as of February 15. If a graduate was employed in a law firm prior to a judicial clerkship and as of February 15, report the law firm position. If the graduate obtained a clerkship that started after February 15, e.g., in September, 2011 or 2012, and is not working as of February 15, report the graduate as not working, and either seeking work or not seeking work, as appropriate.

21) Academia. Academic positions may be at any level – elementary, secondary, and higher education – and within either private or public education (e.g. private colleges, state universities, and local public education). Positions include librarian, administrator, university in-house legal counsel, faculty member, teacher, and board of education member. Do not include positions at university hospitals and similar university-related entities. Report such positions according to the university's type as either private sector or government jobs.

Academic employment does not include graduates who are continuing their education full-time. Such graduates should be reported as enrolled in a degree or non-degree program in the basic employment status item, even if they are receiving a stipend.