

Law School Transparency Reports:

The Initial Request

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Executive Summary

Background

The purpose of this report is to analyze the current interest among U.S. law schools in reforming how they disclose employment information. Reform is necessary because current reporting standards leave prospective law students in the dark about the significant risks involved in pursuing a legal education in the U.S. This report is part of an effort by Law School Transparency (“LST”) to bring together all relevant stakeholders into a focused discussion about the need to establish a new reporting standard. LST sent its initial request (Appendix A) in July 2010 to the administrators of all 199 ABA approved and provisionally-approved law schools, asking them to commit to disclosing post-graduation employment information under a new reporting standard (the “LST Standard”).

This report summarizes the results of LST’s initial request. The report includes a critical examination of the substantive responses from the law schools that responded before the deadline. It also explores reasons why the other law schools may have declined to respond to the initial request. Additionally, the report summarizes the media attention that followed the request. The media has continued to look critically at how law schools are responding (or not responding) to requests for reasonable information.

Findings

Of the 199 schools that LST contacted, 11 schools submitted a response. The rest did not respond to LST’s initial request, though LST did learn that schools were communicating with each other during the response period. The chart below lists the eleven respondent schools, along with the stances they took regarding the Standard. This report contains a closer look at each reason. The full text of the responses can be found in Appendix B.

Law School	Stance	Primary reason for declining
American University	Maybe	Waiting for finalized Guidelines to decide
Ave Maria	Yes	
Creighton University	No	Compliance costs are too great
Northwestern University	No	LST is not well-established
Santa Clara University	No	Compliance costs are too great
University of Colorado	No	Compliance costs are too great
University of Florida	No	Prefer other means of improving information
University of Michigan	Maybe	Should make open records request instead
University of Tennessee	No	Violates privacy of students and employers
Vanderbilt University	Maybe	Waiting to examine impact on privacy
William Mitchell	No	No reason provided

As of the publication of this report, Ave Maria School of Law is the only ABA approved law school to commit to disclosing under the LST Standard. Ave Maria (along with other schools that choose to do so) will disclose employment data for the Class of 2010. According to LST’s request, Ave Maria will release the data soon after the February 15, 2011 deadline. Other law

schools can commit officially at any time.

Much of the media commentary regarding the low response rate was speculative but highly critical, often assuming malicious intent on the part of law school administrators. Many people believed that the publicized concerns were exaggerated or designed to cloak schools' actual concerns. As many people pointed out, law schools already collect the data required by the LST Standard. Media exposure played a critical role in advancing public awareness, but may have upset some of the schools that took the time to respond on the record

Ave Maria's decision to comply with the LST Standard has the potential to be a catalyst. Their decision to elevate the importance of their future students' welfare raises the ethical bar. As the discussion moves forward and LST seeks commitments from more schools, Ave Maria's position draws a line in the sand and allows the public (and particularly the media) to ask why other schools refuse to do the same thing. While more commitments out of the gate would have certainly accelerated progress, LST can now frame the debate in terms of which schools are transparent and which are not.

The other respondent schools did provide a number of concerns that are worth examining more closely. Of these, concerns about compliance costs and privacy norms were the most common. Another concern were the potential chilling effects of moving to a more detailed reporting standard, where the disclosure of more information may result in more graduates preferring not to report to their schools. Other concerns indicate that some schools may not have understood the terms of the request, and that the finalized Guidelines may clear up the confusion.

LST responds that the LST Standard and accompanying Guidelines were designed to benefit both schools and individual students, and that a closer inspection will show that this is true. The structure and content of the LST Standard do not require additional costs to administer a new survey because the NALP survey already covers nearly all of the Standard's components. The components that schools do not already collect in existing surveys are either easily derived from existing information or a matter of public record. Furthermore, some cost concerns appear to reflect inter-office conflicts with how a law school allocates resources. The concerns may reflect an insistence that career services offices will not participate without additional funding from their administrations, even if the Standard does not add much of a burden. Overworked career services staff may therefore be stalling commitments until deans allocate more funds to their office, making it more difficult for law school administrators to agree to reform.

Privacy norms require taking a closer look at how the Standard operates in actual practice; fortunately the exemption discussed in the Guidelines allows schools to be LST Compliant even if some graduates request that schools do not include their particular job outcome. Schools may also be hiding behind privacy claims to avoid having to disclose employment data about graduates who are discouraged but nevertheless intent on publicizing their outcomes. In reality, many individuals have contacted LST to vent about their own employment outcome, alleging that their school mischaracterized the outcome. While LST has not yet investigated these accusations, which sometimes only reflects a misunderstanding about the ABA reporting standard, it demonstrates that schools need to at least ask whether their graduates would have privacy concerns prior to rejecting the LST Standard on these grounds.

Next Steps

Challenges for LST include garnering more responses from law school administrators, addressing their concerns, and convincing them that compliance with LST's Standard is an appropriate course of action. The number of respondents to LST's initial request was too small to conduct a comprehensive review of how law schools currently view the problem of uninformed prospectives. Thus there is a pressing need to engage more law school administrators in discussion about the benefits of additional disclosure, and whether concerns about compliance costs and privacy norms can be or are already resolved. Where necessary, LST should consider investigating claims that law schools have intentionally mischaracterized the employment outcomes of their graduates. Revealing these mischaracterizations could help emphasize the benefits of a standardized disclosure method where a school could point to their LST Certification as an indication that they disclosed graduate information in good faith.

Schools owe a responsibility to publish basic consumer information about their programs in a manner that does not mislead prospective students. LST has asked schools to do a little more work to fulfill this responsibility because the current disclosure standards greatly limit the ability of prospectives to become adequately informed. This problem has repercussions for individual students and schools and the legal profession as a whole. When new attorneys without prior knowledge of the actual hiring market enter the profession with unsustainable debt loads, they are likely to become disenfranchised with the practice of law and less likely to contribute in meaningful ways to the profession.

People are taking notice of the many disgruntled graduates voicing their disapproval of how U.S. legal education operates. Without a sincere effort on the part of law school administrators to improve disclosure methods, it is likely that these dissenting voices will continue gaining public approval and further damage how lawyers and the legal profession in general are perceived. These voices deserve to be heard, at least so long as reporting standards overemphasize top performers while cloaking access to actual employment outcomes for the majority of graduates. LST should consider encouraging discussions between these graduates and their alma maters to help create new disclosure practices that adequately inform prospective law students about the risks involved in financing a law degree.

LST is optimistic that by increasing collaboration with stakeholders, improving dialogue with law school administrators, and continued exposure through the media, U.S. law schools will choose to improve their disclosure of post-graduation employment outcomes.

Table of Contents

1.	Introduction	5
2.	School Responses	7
3.	School Commentary	8
3.1	General Support for Reform.....	8
3.2	Respondent Schools’ Concerns.....	8
3.2.1	Making a decision now is premature	8
3.2.2	The compliance costs are too great.....	8
3.2.3	The Standard violates privacy norms.....	9
3.2.4	The violation of privacy norms might chill data collection efforts	9
3.2.5	LST is not well-established.....	10
3.2.6	LST does not intend to use the data to create an alternative ranking	10
3.3	Other Potential Concerns	10
3.3.1	The official request was not effectively communicated	11
3.3.2	Journal status is not an appropriate component	11
4.	Other Commentary	11
4.1	Reactions in and Around the Media.....	11
4.1.1	“Most schools would Like Law School Transparency to just go away.”	11
4.1.2	Ave Maria: “a lone beacon of light has emerged from the darkness”	14
4.1.3	Related Coverage	14
4.2	LST’s Reactions	15
4.2.1	The Silence of the Schools.....	15
4.2.2	The LST Standard Guidelines are now finalized as of November 15, 2010	16
4.2.3	The benefits to the profession outweigh the compliance costs.....	16
4.2.4	Privacy protections can coexist with LST compliance	18
4.2.5	Chilling effects will never be as bad as the current reporting standards	19
4.2.6	LST’s Establishment.....	21
5.	Parting Thoughts.....	21
	Appendix A: The Initial Request.....	26
	Appendix B: School Responses.....	47
	American University Washington College of Law.....	47
	Ave Maria School of Law.....	47
	Creighton University School of Law	47
	Northwestern University School of Law	48
	Santa Clara University Law School.....	48
	University of Colorado Law School	48
	University of Florida Levin College of Law.....	49
	University of Michigan Law School.....	49
	University of Tennessee College of Law.....	50
	Vanderbilt University Law School	52
	William Mitchell College of Law	52

1. INTRODUCTION

The purpose of this report is to analyze the current level of interest among U.S. law schools in reforming how they disclose post-graduation employment outcomes. Reform is necessary because current reporting standards leave prospective law students in the dark about the significant risks involved in pursuing a legal education in the U.S, which results in tens of thousands of individuals graduating each year with unsustainable debt and different-than-expected job prospects.

Since the early 1990's, a number of initiatives have sought to bring better information to people who are thinking about attending law school. As early as 1992, when the ABA commissioned the MacCrate Report, concerned members of the legal profession have pointed out the lack of information and have called for more disclosure. Other organizations, notably NALP, have surveyed law schools to produce studies on the entry-level job market. Many of the criticisms have focused on the regulatory processes involved, asking whether the ABA is fulfilling its duty to regulate law schools and whether reform is needed to help correct an information asymmetry in the market. Others have looked at the law schools as purveyors of misinformation, trapped in a prisoners' dilemma where rankings competitions between schools have diluted the level of meaningful information present in law school advertising.

This report is part of an effort by Law School Transparency ("LST") to bring together all interested stakeholders into a focused discussion about the need to establish a new reporting standard. As part of this effort, LST sent a request in July 2010 (available in Appendix A) to the administrators of all ABA approved and provisionally-approved law schools, asking them to commit to disclosing information under a new employment reporting standard (the "LST Standard").

LST crafted this new standard to cure some of the deficiencies of the currently available employment information and to provide prospective law students ("prospectives") the means to make informed decisions about pursuing a legal education. The LST Standard was designed after a careful study of the flaws in the two reporting standards used by the ABA and U.S. News. LST's main criticism of the current ABA and U.S. News employment reporting standards is that both are seriously limited by their form and substance. These standards aggregate employment outcomes, overemphasize certain portions of the class, and make it difficult for prospectives to answer meaningful questions about employment prospects. Read more about these deficiencies in LST's white paper, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1528862.

The most important features of the LST Standard resolve some of these deficiencies without requiring an overhaul of how schools collect information. LST arrived at the standard's features by considering the interests of law school administrators, employers, and students, and balanced those concerns with legitimate consumer expectations. In doing so, LST has taken special care to ensure that law schools are capable of complying with this new standard without introducing too many new administrative costs.

LST will offer certification to those schools that meet the LST Standard. The LST Standard asks law schools to report data about its graduates on two separate lists, starting with the Class of 2010:

The LST Standard

JOB LIST

1. Employer Type
2. Employer Name
3. Position
4. Credentials
5. Full-Time / Part-Time
6. Office Location (City, State, Country)
7. Salary Source
8. Journal

SALARY LIST

1. Employer Type
2. Office Location (City, State, Country)
3. Full-Time / Part-Time
4. Salary

Each list contains as many rows as there are graduates in 2010. To be certified, each row must include data for every component, unless explicitly exempted by the LST Standard's guidelines ("Guidelines" or "LST Standard Guidelines"). If a school cannot collect data for every component for every student, schools are encouraged to report what they can collect and then state the reasons why other data are missing.

This report begins by examining law schools' responses to LST's initial request on July 15, 2010. It includes a look at the responses, possible stances taken by the schools that did not respond, and reactions from the media. This report then details LST's response to the concerns supplied by law school administrators, exploring which arguments can be resolved and which merit further discussion among stakeholders. This report concludes by discussing what steps other stakeholders can take to continue working towards reform.

Schools had until September 10, 2010 to respond to the initial request. However, failure to respond within the 60-day response period does not foreclose non-respondent schools from participating. LST's first reporting deadline will be at the end of February 2011, which coincides with NALP's existing deadline for reporting data. During the initial response period LST agreed to keep correspondence with the schools confidential until the response period closed, in order to encourage schools to use the full 60 days to communicate internally and externally about the positive and negative aspects of pledging full compliance. As has been made clear by the low overall response rate discussed in the following section, this incentive method was not enough to garner responses from the schools.

2. SCHOOL RESPONSES

Of the 199 law schools asked to commit to the LST Standard, 11 (5.5%) responded before the close of our 60-day response period. These responses are available in Appendix B.

The following 11 schools responded:

American University, Washington College of Law
 Ave Maria School of Law
 Creighton University School of Law
 Northwestern University School of Law
 Santa Clara University Law School
 University of Colorado Law School
 University of Florida, Levin College of Law
 University of Michigan Law School
 University of Tennessee College of Law
 Vanderbilt University Law School
 William Mitchell College of Law

Ave Maria School of Law was the only school to commit to the LST Standard. However, three schools informed LST that they are waiting to make a final decision about full compliance with the LST Standard. These schools are American University, Washington College of Law; University of Michigan Law School; and Vanderbilt University Law School.

American “continues to take this matter under advisement and will not commit to providing the requested information about [2010] graduates until receiving and reviewing [LST’s] finalized guidelines in November.” The school needs to know exactly what disclosure the LST Standard requires. As such, it is unclear the kind of data, if any, American will provide LST.

Michigan is “happy to help in any way [it] can.” Michigan directed LST to the University of Michigan’s FOIA Office to coordinate the school’s responses to data requests such as the one LST has made of the school. Because schools already collect and include most of the components that make up the LST Standard in their records, an open records request may cause Michigan to disclose some of the requested data.

Vanderbilt will “report, as usual,” at least some of the data LST requested, but will not evaluate the extent to which it will increase its disclosure until the reporting deadline in February 2011 approaches. Vanderbilt’s decision to wait is grounded in privacy concerns about the Job and Salary Lists, and it will make a final determination based on whether the Lists ultimately identify individual graduates.

The remaining (seven) respondent schools declined our initial request to commit, citing various concerns with the LST Standard. The other 188 law schools did not respond to LST’s initial request. Some schools acknowledged the request with procedural questions but did not ultimately submit a response. The next section explains the respondent schools’ concerns in detail. It also analyzes additional concerns from non-respondent schools that LST learned through unofficial channels.

3. SCHOOL COMMENTARY

3.1 General Support for Reform

Unsurprisingly, there is overwhelming support from the schools that chose to respond. These law schools agree that there is a problem and that it needs to be fixed. Of the respondents, nearly all expressed support for providing accurate information to prospective law students. Some stated that, while a problem exists (presumably at other schools), the current level of information they provide to prospectives or to admitted students is adequate. Others lauded LST's efforts to create a dialogue among different stakeholders to determine the best measure of reform.

“You have, indeed, identified a very real problem: the lack of reliable data for present and prospective students who want a clearer picture of a law school’s placement record.”

- Colorado Law School

3.2 Respondent Schools’ Concerns

LST hopes that by addressing the respondents’ concerns, more schools will join the discussion and participate in improving access to information. The goal of this section is to educate readers about why some schools said no and why most schools did not respond. Replying to the first responses continues the dialogue and opens it up to other stakeholders who have yet to participate in the conversation. These stakeholders include not just administrators at the non-respondent law schools, but also pre-law advisors, student government leaders, and state and regional bar association representatives. The various concerns addressed in this reply are just the tip of the iceberg, though some may be resolved for readers. Section 4.2 further narrows the discussion to show which concerns are legitimate and which concerns may be red herrings so that the discussion can continue moving forward.

3.2.1 Making a decision now is premature

In the July 12 letter, LST stated that:

Attached to this request are tentative guidelines for fairly, accurately, and uniformly reporting data under our standard. The guidelines will be finalized by November 15, 2010. Until then, we reserve the right to clarify how your school can best fill out each component. The finalized 2010 guidelines will serve as The Official LST Standard.

Some schools may have interpreted the letter to mean that LST may elect to change the two lists included in the LST Standard, rather than the specifics of *how* a school should report graduate data on the Job and Salary Lists. This confusion had a material effect on the response rate. One respondent school indicated that it is waiting until the Guidelines are finalized before making a decision. If schools thought the LST Standard was only in draft form, they may not have given the standard serious consideration.

3.2.2 The compliance costs are too great

Schools identified two groups of stakeholders that need to exert additional effort to fully comply with the LST Standard: the recent graduates who are asked to update their schools with their job placement data and the law school administrators responsible for collecting that data.

Regarding recent graduates, one law school expressed a reluctance to “press another survey upon” these graduates, many of whom are trying to pursue careers in a highly competitive market. Graduates already have enough to do in the nine months following spring graduation, from studying and taking the bar exam to securing work and beginning loan repayment schedules.

Regarding law school administrators, many of the schools that responded expressed that a lack of resources inhibits their ability to commit to a new standard. School administrators already collect and report information on job outcomes to NALP, the ABA, and U.S. News each year (a laborious task, especially for large classes). Schools provide additional information on their websites and in recruiting materials distributed to prospective students and pre-law advisors, which are usually presented differently than the information reported to other institutions.

At the same time, career services staffs are working more to assist higher numbers of unemployed graduates. Oftentimes the administrators charged with data collection are also the people who must cultivate meaningful relationships with employers and manage the expectations of their students. Students, recent graduates, and members of the media who are looking for someone to blame increasingly fault these same administrators for the lack of entry-level legal jobs.

Schools decide how to allocate their limited resources across departments during all hiring climates; internal struggles over the management of those resources can predictably lead to difficulties if a request for information requires a redistribution of funds. Deciding whether to collect and provide additional data to comply with the LST Standard therefore requires some consideration of compliance costs before moving forward, even if the outcome is desirable.

3.2.3 The Standard violates privacy norms

One major concern is that certain features of the LST Standard could violate either graduate privacy or employer privacy norms. Schools are concerned that certain components of the LST Standard might readily serve as unique identifiers. In other words, it would be too easy to identify a graduate in certain situations, such as when only one graduate works in a city.

Schools are especially wary that salary information is sensitive and thus best left in the aggregate. Many graduates are not interested in having their exact starting salary known to their peers. Some employers might see a competitive disadvantage if they are publicly associated with a starting salary for a first-year employee. First, employers might not want clients or customers to know how much they pay their employees. Second, employers might not want employees knowing other employees’ salaries because of the environment this knowledge fosters and because it harms their bargaining position.

3.2.4 The violation of privacy norms might chill data collection efforts

Beyond violating privacy norms, some schools are also concerned with the consequences of norm violations on data collection efforts. Some schools fear that graduates will stop responding to the post-graduation outcomes survey if the schools publish data that violates privacy norms. LST conducted a review of Class of 2006 information submitted to the ABA

and learned that in 2006, typically between 0 and 10% of graduates did not respond to the surveys sent out by each school, with outlier rates reaching up to 60%. Fewer responding graduates would impact not just the quality of school-specific information, but also industry-wide studies produced by NALP.

3.2.5 LST is not well-established

One school stated that LST is not the right organization to collect post-graduation employment data. The intuition here is that a larger, better-established organization is more appropriate than a small, fledgling organization. A more established organization is more likely to have more capital resources, experience, and clout within the legal industry. New businesses often lack the capital or industry reputation necessary to bring a nationwide service to market. As a new business, LST also cannot provide assurances of continued operation. Seen in this light, committing to a standard put forth by an organization that has yet to prove that it has staying power might be imprudent, even if the service itself proves to be optimal.

3.2.6 LST does not intend to use the data to create an alternative ranking

The same school that was concerned about LST's lack of establishment also indicated that LST is not the ideal collection agent because LST does not intend to use the data to create an alternative ranking system. Many law school administrators have spoken out publicly against the market power of the U.S. News rankings, and some are actively seeking out ways to reduce or eliminate their effect on law school operations. One way to reduce the impact of U.S. News is to introduce an alternative ranking system. LST's official stance that it will not compute rankings may therefore concern some of these schools. The worry is that LST's collection efforts will congest the market and increase compliance costs without having an appreciable effect on the influence of U.S. News.

3.3 Other Potential Concerns

During the response period, LST learned that law school administrators of both respondent and non-respondent law schools were communicating with each other about the request. It is likely that many of them formulated some sort of institutional opinion, even though some of these schools did not communicate an opinion to LST. Much of the media attention has focused on the resounding silence from the law school community, asking for an explanation of what it could mean.

It may be that some schools engaged in an internal debate about the new standard, but were cautious about expressing their concerns on the record before seeing whether and how other schools replied. Others may have been too busy during the initial response period to give the initial request the time and consideration needed to reach a decision. At least a few schools underwent changes in administrative staff during the response period, so the request may have simply been lost in the shuffle. Some may not have taken the request seriously because LST's institutional footprint is significantly smaller than most of the other organizations involved in legal education. Still others may have deliberately ignored the request to try to limit LST's participation in the debate.

Through unofficial channels, LST was able to learn of a few other concerns about the LST Standard. Please note that the following concerns do not likely represent all other concerns that

would warrant discussion.

3.3.1 The official request was not effectively communicated

Multiple schools appear to have been taken aback by the length and format of our request, which consisted of an email including a 20-page attachment and requested a response within 60 days. The time it takes to read the actual request document, verify LST’s mission, and assign someone to start the internal discussion is not insubstantial. Such time constraints may have limited some schools’ ability to seriously consider the request. In cases where a school did not find LST or its request facially credible, there would be even less incentive to read such a long document and begin the decision-making process.

3.3.2 Journal status is not an appropriate component

This concern is two-pronged. First, the administrators at a law school who keep track of journal membership often work in departments that are separate from career services offices, where most of the data collection on post-graduation outcomes typically takes place. Coordinating among departments with different goals would be tedious. Navigating the internal bureaucracy of a law school’s administration ties into the compliance cost concern in Section 3.2.2.

Second, use of the journal status component in the LST Standard to approximate class standing is questionable. For some law schools, employers view success in activities like moot court, mock trial, and legal clinics as an equal or stronger indicators of a candidate’s success compared to journal membership. Different sorting mechanisms favor students’ abilities differently, and using only journal status will overemphasize some abilities while simultaneously minimizing others. From an academic standpoint, boiling down the differences among J.D. candidates to whether they were on a primary or secondary journal ignores the significant strides that law schools have made in recent years to introduce experiential learning opportunities like clinics and externship programs.

4. OTHER COMMENTARY

4.1 Reactions in and Around the Media

LST’s efforts (often called the Law School Transparency Project) have garnered widespread coverage in the traditional media, the legal media, and the blogosphere. Coverage began when LST released a white paper in April and continued steadily throughout the summer. This section details representative coverage regarding school responses to LST’s initial request.

4.1.1 “Most schools would Like Law School Transparency to just go away.”¹

Generally, the coverage of the initial request described LST as an important pest. Elie Mystal, editor for *Above the Law*, wrote an article (with the above title) that described how “[LST’s] push... has gotten off to a slow start.”² Karen Sloan, writing for *The National Law Journal*, wrote an article titled, “Law schools give cold shoulder to transparency project.”³ These titles reflect the tone of most of the articles written about LST’s initial request. Many articles qualified the number of respondent schools with the terms “just” and “only” to describe the initial request as a “slow start.” These terms suggest a combination of beliefs about both LST and about the schools that did not respond. To many, a low response rate signaled a failure of

LST’s effort, while the non-respondent schools were seen as failing to address “an urgent question that affects the life of every person who is in law school or is considering going to law school.”⁴

Few seemed surprised by the substance and quantity of the responses. One blogger asked, “What did [LST] expect?”⁵ Another explained, “I can’t say that I was surprised.”⁶ Writing for *The Careerist*, Vivia Chen said the results were “to the surprise of only the very naïve or overly optimistic.”⁷

“Some day, someone is going to have to explain to me why I have more substantive protections buying a \$4 share of Citigroup stock than some poor 22-year old has in deciding whether or not to incur \$100K+ in non-dischargeable debt.”

The bases behind these sentiments varies. Christine Hurt of *The Conglomerate* does not blame the waiting schools for not agreeing to comply, due to what she sees as the law schools’ prisoner’s dilemma.⁸ Other critics explained the silence of the schools by saying that “the truth [would cause] enrollment to drop.”⁹ During a BLIY.com podcast, one commenter thought law schools were smart not to respond because LST does not have regulatory power to compel schools to “provide data that hurts.”¹⁰ Along these lines, Mr. Mystal proclaimed that “[w]ithout the regulatory hammer of ABA (which the [ABA] inexplicably refuses to wield), or the public shaming of U.S. News (a for-profit magazine, not an industry watchdog), LST is up against long odds to report simple facts on the employment prospects of law school graduates.”¹¹

Some coverage analyzed the reasons given by the schools that responded but declined to participate in LST’s proposed change. Much of this coverage downplayed the schools’ explanations, particularly the concerns about the cost of collecting data. For example, the BLIY.com podcast commenters suggested that schools should stop publishing all employment information if they do not have the underlying data LST requested.¹² Likewise, Ms. Hurt’s piece includes her observation that “schools seem to compile the info anyway.”¹³

Mr. Mystal alleged that schools “cooked up [their reasons] to justify keeping people in the dark about employment prospects of law school graduates.”¹⁴ One *Above the Law* commenter retorted that “[t]his story fails to even tell part of the whole picture. Go read the LST’s discussion of the very topics [Mr. Mystal] discounted (the cost of complying with the request is thoroughly discussed).”¹⁵ Others seem to share Mr. Mystal’s sentiments, though opted for facetiousness to make their point:

Of course, with higher education being honorable and what not, I assumed that they would comply because honesty is the best policy. After all, more than one Law School Dean has said that they are not in the business of guaranteeing jobs.
- downbylaw.org¹⁶

I look at it as, if you are an educator, your underlying goal is to help students in any way possible to make an informed decision. <laughter> Law schools are all about the money.
- BLIY.com podcast¹⁷

Northwestern's response in particular stirred coverage, commentary, and controversy. The school revealed that "Forbes recently conducted a survey of law school alumni which asks for similar types of information. Forbes intends to use the survey results to create a new ranking of law schools based on these employment-related outcomes. We were happy to participate and assist them in this endeavor."¹⁸

This was news to many. The *ABA Journal* reported:

TaxProf Blog alluded to new law school rankings by Forbes in an Aug. 19 post, saying the magazine reportedly will rank schools for their "return on investment." The Northwestern letter, published on the Law School Transparency website, confirms the Forbes survey and says the magazine is seeking information similar to that requested by the transparency group.¹⁹

To date, *Forbes* has not confirmed what Northwestern reported. An email published by Professor Brian Leiter indicated that *Forbes*, in response to methodological concerns, has decided to regroup.²⁰ Professor Leiter reports that this was necessary because "there was significant unwillingness to cooperate from law schools."²¹ He went on to call the methodology "idiotic" and the rankings "a disaster in the making."²²

Kimber A. Russell, from *Shilling Me Softly*, was concerned for additional reasons. She criticized Northwestern for "missing the point" because *Forbes*, like *U.S. News*, is a "for-profit enterprise[] that [has] a vested interest in selling [its] wares."²³ She continues that *Forbes*, even if successful, would "ultimately be a continuation of the current flawed status quo—law schools would simply skew their reported statistics to achieve higher rankings determined by Forbes" instead of *U.S. News*.²⁴ "[I]t's these flawed rankings themselves that have created the perverse incentives for law schools to spend time, money, and limited resources on staying in the vaunted top tiers instead of actually preparing their students for the practice of law."²⁵ Mr. Mystal agreed and found Northwestern's response to be particularly "disheartening."²⁶ He suggested that "[a] 'more well-established organization' has no interest in exposing the truth behind law school employment numbers."²⁷ Northwestern's response "sounds reasonable until you think about it for two seconds and realize that it's a fake deadline that will never come to pass."²⁸

There exists an overwhelming sentiment that prospective law students are consumers of a high-risk, high-cost service and therefore deserve adequate information about that service. Echoing Justice Brandeis' efforts to bring about securities reform through transparency, an *Above the Law* commenter rhetorically asked for someone to explain why he had "more substantive protections buying a \$4 share of Citigroup stock than some poor 22-year old has in deciding whether or not to incur \$100k+ in non-dischargeable debt."²⁹ Abigail Field, writing for *AOL Daily Finance*, poses a similarly normative suggestion to law and economics professors. She supports schools using LST's survey to "empower potential law students with the information they need to behave like rational economic actors" because it "could impose a bit of market discipline and transform the legal education landscape."³⁰ She suggests that this is "theoretically up [the professors'] alley" and that they should "go talk to [their] deans and demand [that their] school participate."³¹ Ms. Hurt inquiringly wonders, "can we rely on the market to prompt law schools to try to signal their value with voluntary disclosures and warranties?"³² This sentiment prompted one blogger to declare that "[t]he ABA needs to step up

to the plate and require [detailed job statistics].”³³

4.1.2 Ave Maria: “a lone beacon of light has emerged from the darkness”

LST obliged Ave Maria’s request for an extension to the initial request deadline. As such, Ave Maria did not inform LST of their intent to comply until 6 days after the 60-day response period ended. This led to a second wave of reporting on Ave Maria’s decision.

The reactions were mixed. Most of the commentary commended Ave Maria and prompted questions about what “other law schools have to hide.” It “intrigue[ed]” people because “Ave Maria is a fourth tier law school,” referring to Ave Maria’s *U.S. News* ranking.³⁴ Mr. Mystal in particular suggested that “it’s these fourth tier law schools who are most guilty of ‘scamming’ students out of tuition dollars without giving them enough information about their true employment prospects. If Ave Maria can come clean about employment statistics, can’t other fourth tier schools . . . also comply with the initiative?”³⁵

“Whatever [Ave Maria’s] reason it’s a good start. A journey of a 1000 miles starts with one step.”

Nevertheless, he queried whether Ave Maria as the first mover was a good thing, suggesting that it might do more harm than good.³⁶ Mr. Mystal recognized that “getting a law school to agree to the project makes the entire LST effort look more legitimate.”³⁷ He suggested, however, that “there’s never going to be a movement where Ave Maria is first to the party, and Harvard Law School is second.”³⁸ One commenter, with many supporters, had this to say in response:

Elie, . . . you . . . moan about law school [*sic*] fudging their numbers and when a school actually agrees to to [*sic*] be honest you slam it. WTF? Maybe the over-riding Christian theme of don’t lie is why they are releasing the numbers. Maybe it's marketing as suggest [*sic*] above. Whatever the reason it's a good start. A journey of a 1000 miles starts with one step.³⁹

Ashby Jones, writing for the *Wall Street Journal Law Blog*, used less colorful language to make the same point. He was “sympathetic to the [optimistic] view,” calling Ave Maria “a lone beacon of light [that] has emerged from darkness.”⁴⁰ One commenter summed up these mixed reactions: “Damned if they do, and damned if they don’t.”⁴¹

4.1.3 Related Coverage

The recent focus on LST’s initial request to the schools has opened up the debate to a wider audience. Separate from the initial response, other articles are looking more in depth at LST’s origins, purpose, and goals. Some of these have contributed substantially to the conversation by seeking comments from other stakeholders, notably law school deans and ABA representatives.

In an interview with Tom Huddleston Jr. from *The American Lawyer*, David Yellen, Dean of Loyola University Chicago School of Law and Chair of the ABA’s Standard 509 Subcommittee, noted that “current disclosure standards fall short.”⁴² Dean Yellen stated that he would like schools to report salary, whether a job is part-time or full-time, whether it is permanent or temporary, and whether it requires a J.D.⁴³ Most notably, he described the current system as “silly” and pointed out that the ABA Subcommittee “will soon begin working toward making a

declarative judgment on acceptable disclosure standards, with schools that don't comply risking a loss of accreditation.”⁴⁴

Regarding LST, Dean Yellen “says the ABA is unlikely to take an official position.”⁴⁵ He also suggests that LST’s request “may place too great a burden on law schools without offering enough of a benefit to prospective students.”⁴⁶

4.2 LST’s Reactions

As one law school administrator told LST, “change is hard.” Even when public opinion is overwhelmingly in support of reform, there are still obstacles that must be overcome before the status quo will shift. Open dialogue and collaboration are the centerpieces of LST’s strategy, but to succeed LST needs people to pay attention. With this tenet, LST believes that the initial request and ensuing public discussion were an unequivocal success. Improving the reporting standards is an ongoing process, with each stage bringing with it a different level of expectations.

Thus far, LST has helped illustrate a problem that is reaching a pivotal turning point. This problem is generating increasingly widespread coverage and being conveyed to an ever-widening audience. Most importantly, commentary has begun shifting to a more focused dialogue about specific reform. Law schools are paying attention and acknowledging that there is a problem, even if they need additional encouragement to be fully responsive. The media is paying attention and applying pressure to law schools and other stakeholders who have the ability to bring about reform. The ABA is now working on a number of regulatory measures that have the potential to change how schools report employment information. Other members of the legal profession are paying attention and asking the right questions, not only of the ABA, but also of their own alma maters. Perhaps most importantly, many thousands of prospective law students are paying attention. They are using LST’s website, which includes a data clearinghouse, to educate themselves about the available employment information. If the ABA can do a satisfactory job in addressing some of the concerns of these various stakeholders, much will have been accomplished. In the meantime, LST will continue pursuing an optimized standard that can be implemented by any organization, including the ABA and LST.

Few of the concerns schools expressed in denying LST’s request dealt with the LST Standard’s components. This is reassuring; the components are, after all, basic, requiring data that schools, for the most part, already collect. And the compliance costs are reasonable, given the value added by the additional data and its potential to transform how people prepare for entering the legal profession. Given that ABA approved law schools constitute the door to the legal profession, they shoulder an important responsibility to provide basic consumer information to prospective law students. Still, the respondent schools raised legitimate concerns. While the sample size of the responses was too small to make broad conclusions, LST believes these concerns provide strong insight into why reform will doubtless be a collaborative effort. The rest of this section examines the concerns raised in sections 3.2 and 3.3.

4.2.1 The Silence of the Schools

As widely noted in the media, the response rate was very low. Only 5.6% (11/199) of the schools responded to LST’s initial request. Even though most schools did not respond on the

record, they were corresponding with each other throughout the request period. For schools that adopted a wait-and-see approach, the significant media coverage and the potential fallout among prospectives may encourage them to develop an official position in the coming months. The initial request was only the first opportunity for schools to commit to a new reporting standard, and LST will continue working with law school administrators to encourage their support and participation.

It should not be overlooked that Ave Maria has agreed to comply with the LST Standard, and that as the first mover, other schools will compare their actions to Ave Maria's decision. Concerns that a small school with mostly regional job placement cannot lead by example are exaggerated. Ave Maria's potential to be a catalyst is significant; their decision to elevate the importance of their future students' welfare raises the ethical bar. As the discussion moves forward and LST seeks commitments from more schools, Ave Maria's position draws a line in the sand and allows the public (and particularly the media) to ask why other schools refuse to do the same thing. While more commitments out of the gate would certainly accelerate progress, LST can now frame the debate in terms of which schools are transparent and which are not.

4.2.2 The LST Standard Guidelines are now finalized as of November 15, 2010

LST's initial request attempted to distinguish the Standard itself from the Guidelines that describe how to actually report the data. The 2010 Standard was the result of a lengthy process of determining the optimal level of data that schools could collect and make accessible to prospective students, and will not change in substance. However, the Guidelines were left fluid to give law school administrators time to convey any challenges they might face with compliance, including cost concerns. With participation from some law schools, the Guidelines are finalized and schools can once again assess the merits of complying. Because the LST Standard is designed to align with the existing timeline for reporting data to NALP, schools still have three months before they are able to disclose according to the LST Standard.

4.2.3 The benefits to the profession outweigh the compliance costs

The compliance cost argument merits careful attention. Increased disclosure must be real, but it must also be affordable given the constraints faced by these non-profit institutions. Schools operate with a limited pool of resources, which administrators must allocate between different offerings.

At the same time, schools owe a responsibility to publish basic consumer information about their programs in a manner that does not mislead prospective students. Schools must make a value judgment as to whether the funds and staff they dedicate to data collection and disclosure are sufficient to fulfill their responsibility to provide prospective students with meaningful consumer information. LST has asked schools to do a little more work to achieve meaningful information because the current disclosure standards greatly limit prospectives' ability to become adequately informed. This problem has repercussions not only for individual students and schools but the legal profession as a whole.

That said, reform is far more likely to occur if it can be implemented at the lowest possible cost. LST recognizes that law schools have many responsibilities, some of which the ABA Standards prescribe. Most prominently, the ABA Standards charge schools with achieving "a sound

program of legal education" for all attending students.⁴⁷ This includes teaching students about protecting "the interests of the public, law students, and the profession" and ensuring that graduates "understand their ethical responsibilities" as lawyers.⁴⁸ Law schools are also charged with advancing the rule of law through faculty scholarship and to assist local communities through innovative programs that offer free legal services to underrepresented communities. How a law school dean chooses to allocate resources for recruiting and retaining qualified academics, or for helping students get jobs, requires making difficult decisions. In this balance the dean's duty to its prospective students, which include its future students and alumni, cannot be lost in the shuffle.

Prospectives are not just the future alumni of a law school; they are also investors responsible for financing a large percentage of a school's budget. An institution cannot justly solicit substantial investments from these individuals without providing meaningful consumer information about the services offered. When a career services office does not currently provide prospectives with meaningful information, it is the dean's responsibility to reallocate funds accordingly so that they can. And when the public claims foul play for how a school misreports its information to prospectives, it is the dean who must determine how to restore confidence in the law school's programs.

No school has provided an estimate as to the actual costs of complying with the LST Standard, other than saying or implying that the costs are too great. Because resolving cost estimates is an important step in choosing to become compliant, LST has tried to identify the steps schools need to take to earn LST certification. Fortunately, the structure and content of the LST Standard do not require that schools administer a new survey in order to comply with the LST Standard. This is because the NALP survey, which nearly every ABA approved law school fills out each year, covers all of the components except for the Journal component and, to a lesser extent, Salary Source and Position Name. Indeed, NALP requests more personal information than LST, so the costs of complying with the LST Standard alone would actually be less than what a school already spends to comply with NALP. By deriving the LST Standard from data that schools already collect each year, schools can commit without worrying too much about how much more time it will take.

Schools will need to spend some additional time to match up the Journal component with each employment outcome. But it would be surprising if career services staff were not already apprised of the journals on which students participated. These data are also publicly available through journal mastheads, hard copies, and websites, making their procurement as easy as looking online or in their library. Additional time to match journal status to each employment outcome would take hours rather than days, with the exact number depending on the size of the graduating class and number of law journals. The Salary Source component is largely answered using the results from the NALP survey, but may require slightly more nuance in the questions schools ask. For the Position Name component, it should be derivable in all but the most extraordinary cases from the questions on the NALP survey. For both of these components slight modification of surveys might be prudent, but are certainly not required.

No additional costs, however, need to be exerted to collect information from a larger percentage of the class. Schools typically fail to collect employment information for between 0 and 10% of

a class.⁴⁹ The LST Standard will certainly highlight this gap, and some schools may wish to explain difficulties they faced in contacting certain graduates and procuring responses if they so choose. This would take some additional time. Conversely, some schools may determine that they want to put more resources into the accuracy and verification of graduates' outcomes because the results will be exposed to public scrutiny. Deans have always warranted the information reported by their schools, but never before has the public had the opportunity to audit the information. Nonetheless, these additional measures are voluntary and are not necessary for schools that already do a good job at collecting (as distinguished from disclosing) data.

Do declining and non-respondent schools value honest disclosure and reporting practices enough to bring a new ethical standard to the industry? Many people think they should. ABA approved law schools are the primary gateway to the legal profession, charged with the enormous responsibility of recruiting and training the country's future lawyers, advocates, judges, and community leaders (to name a few of the many roles law graduates assume). To say that these future members of the profession do not deserve a fair and balanced view of the profession is to disclaim that responsibility in favor of other pursuits. This would be an unfortunate value judgment.

4.2.4 Privacy protections can coexist with LST compliance

From the start, LST has provided careful consideration to formulating a standard that does not ask for personal information that would otherwise remain private. There exist countless factors which might play into an individual's employability but fall outside the purview of what a reporting standard can adequately collect. Additionally, many of these factors should be left out. These include (but are certainly not limited to) family connections among legal employers, race, and physical attractiveness. In a world free of privacy concerns, such intimate data would be readily available to compare with job outcomes. But the truth is that privacy norms do restrain what types of information schools can disclose about their graduates.

The need for detailed, organized, and comparable data will bring together some public data about graduates that would otherwise remain disassociated, but this does not mean that the LST Standard infringes upon a graduate's privacy rights. For starters, information about job outcomes are supplied voluntarily by the graduates themselves; if a graduate truly does not want their job outcome appearing in a list, the school does not have to report the information. Where the LST Standard differs from current practice is that it ensures that schools cannot hide employment outcomes in aggregate form, and that any gaps in the information are visible. Without this development, the likelihood of a standard that adequately informs prospectives greatly diminishes.

Additionally, if a school's only objection to the LST Standard is that it lets readers identify graduates, and the school also advertises employer names in their promotional materials, then their statements are inconsistent with actual practice. Only one component (Employer Name) can occasionally lead to the identification of a graduate, and a number of schools already reveal it. This suggests that concerns about complying with the LST Standard and respecting individual privacy are greatly exaggerated. When a school publishes even a partial or sample list of employers, prospectives can cross-reference the list with employer websites or

Martindale.com. This makes it very easy to determine who actually obtained the job.* Schools release these lists because it makes sense to advertise a program by revealing the jobs that graduates obtain using a law degree. All the LST Standard does is require employer information for all graduates so that prospectives can assess the value of a particular degree program.

But even if this objection about identifying graduates can be resolved, there are still concerns about the salary component on the Salary List. Crucially, the LST Standard separates salary from other data so that readers cannot often match a salary to the name of an employer. Doing so decreases the likelihood that a reader can deduce the employer-salary relationship, while still providing prospectives with the information they need to determine how much debt to assume. That said, schools worried about privacy concerns do need some way to estimate the potential size of the problem.

The graduates and employers for whom a salary relationship can potentially be deduced make up only a small subset of total graduates. For starters, some graduates do not have salaries to report. Many salaries are also already public, particularly for large law firms and government positions. According to NALP, only 33.7% of all 2009 graduates reported a salary in an employer type category that is not inherently public information.⁵⁰ Of this 33.7%, another 35% – 40% usually report salaries to the NALP Directory or on other public salary lists. This leaves roughly 20% of all salaries that have the potential to attach to individual employers or graduates.

However, because the Salary and Job Lists are distinct, salary will correlate to an employer only when the other data are distinctive. Examples include when a school sends just one graduate to a particular city, in which case readers can connect the only salary for that city with the only employer for that city. Considering that very few schools see a wide geographic dispersal of their graduates, unique employer-salary pairings are likely to occur for only a few graduates at each school. And as discussed above, most of these salaries will already be a matter of public record. In terms of identifying how much a specific graduate makes, the salary will only connect to a graduate when that graduate is listed on an employer’s website or some other website or public record.

This does not mean that schools should not be concerned about privacy, especially where publishing salaries could create competitive disadvantages for law schools or employers. Rather, it just means that where listing salary associates a non-public salary with an individual, schools should either ask graduates for permission or not report the number. Concerns about having to ask a few graduates for permission each year are not enough to decline to participate with the LST Standard based on privacy concerns.

4.2.5 Chilling effects will never be as bad as the current reporting standards

Chilled data-collection efforts matter only when the new status quo is worse than the status quo. It is possible that a new reporting standard will have a chilling effect on current data collection efforts if graduates do not want to share certain data.[†] The ultimate question, however, is

* Schools that already release lists of employers with enough information to identify some individuals include Vanderbilt, Duke, Chicago, and Loyola-Chicago.

[†] In addition to graduate data accumulated through graduates’ responses to surveys, schools can gather data through independent research. “Note that you may also obtain information from second-hand sources: you may hear about a

whether a change will have an appreciable effect on the quality of information available to prospectives. The current employment reporting standards (from the ABA and U.S. News) are seriously limited by their form and substance. These standards aggregate employment outcomes, overemphasize certain portions of the class, and make it difficult for prospectives to answer meaningful questions about employment prospects. Without significant modifications to how schools report information, the status quo is not worth preserving.

Data presentation under the LST Standard will help explain what happened to graduates with graduate-level detail and help answer many prospectives' important, unanswered questions. For example, it will help answer simple questions like whether graduates obtained positions as attorneys. Under the ABA's reporting standard, (<http://officialguide.lsac.org>), 'a job is a job.' This means that prospectives cannot even answer whether graduates obtain positions as attorneys or any other job in the workforce.

Lowering response rates has three primary risks. There is a risk that prospectives will not have an accurate idea of the percentage of the class that has some sort of job after graduation. Right now, the vast majority of graduates report their employment status post-graduation. (In 2009, for example, 92.8% of 2009 Graduates reported employment status.⁵¹) If a graduate would otherwise report but-for the LST Standard, that figure will drop. However, the basic ABA-required employment figures do not provide prospectives with any idea of how a graduating class fared, so the risk that the quality of information declines is very low.

Relatedly, there is a risk that the gap between the number of satisfied graduates willing to report and the number of less satisfied graduates willing to report will widen, causing employment information (especially salary figures reported to U.S. News and on school websites) to be even more unrepresentative of the class. Unsatisfied graduates often refuse to provide schools with data for one of two main reasons: because they are discouraged by their outcomes and want the information to remain private, and/or because they do not want their school to benefit from counting them as employed. But while more graduates preferring privacy may decline to report—because the LST Standard shines more light on their outcomes—graduates who are upset at their schools might do the opposite of what they would have otherwise done. In other words, under the current standards upset graduates who are not worried about privacy actually have an incentive to not report. After adoption of the LST Standard, these graduates may actually prefer to have their data exposed. The net effect would almost assuredly be more quality employment information.

Finally, there is also a risk that NALP would not be able to produce entry-level hiring reports that are as meaningful as they are now. While the NALP reports are interesting and contain important information about the overall hiring market, they are not very useful for reviewing the outcomes of a particular school. Because prospectives need to determine realistic expectations

graduate through classmates, friends, family members, or faculty. As long as you are comfortable that the information conveyed is reliable, take advantage of it. You can also make use of online resources, such as a list of bar admittees in your state, and Google. Graduates are particularly reluctant to provide salary information, but often such information is a matter of public record, information that can be used, even if not did come directly from the graduate. For example, starting salaries at large firms are known, as are salaries for many judicial clerks." NALP Surveying Guidelines, http://www.nalp.org/assets/1294_guidelines.pdf.

about the job prospects from particular schools to make an informed decision, a decrease in the meaning of the NALP reports would not have a major impact on the quality of information.

4.2.6 LST’s Establishment

If another organization—one that is more established—wants to step up and collect this data, LST welcomes that action. LST’s mission is to improve access to consumer information and help the country’s future lawyers understand the entry-level legal market with greater clarity through greater transparency. LST is but one possible avenue to improving access to information. A regulatory body (the ABA) or a more-established non-profit organization (NALP) can take up the charge. A for-profit organization may also recognize the benefits of providing a new service, which has value for the tens of thousands of prospective law students thinking about investing in legal education. Indeed, some notable organizations (U.S. News and the National Law Journal) have already disseminated school-specific, widely-used employment information, though this information only marginally helps prospective law students make informed decisions. Either way, notions of transparency can drive reform.

5. PARTING THOUGHTS

It should be noted that not all of the concerns about the LST Standard were necessarily made in good faith, particularly where schools point to a lack of resources as the reason why the school cannot comply with a new reporting standard. This may be true for the particular office in charge of data collection and disclosure, but it is certainly not true for law schools as a whole with operating budgets that dwarf the costs of becoming LST compliant. Adequately informing prospectives about the job prospects of a professional school is the responsibility of the entire school, not solely admissions and career services offices.

In speaking with law school administrators and reviewing the types of responses LST received during the initial response period, it became apparent that the issue of post-graduation employment is a divisive one within administrations. The recent retraction of the legal hiring market has significantly increased the number of law school graduates who, rightly or wrongly, blame the law schools for misleading them about the job market. The administrators that receive the blame have been working in a high-pressure environment, since at least 2008, trying to secure their students jobs as jobs become more scarce. When LST asks these same administrators to assume additional, volunteer responsibilities for data collection, it is not surprising that they would be unlikely to do so without having additional resources in place. Even then they may need reassurances from the school that moving to a more ethical reporting standard will not eventually lead to budget cuts as the market for law degrees corrects itself and law school administrators need to make difficult decisions. Perhaps the real concern about compliance costs is not that career services staff are unable to collect the information; instead, they are not willing to collect it without adequate, additional compensation or staff support.

LST is sympathetic to the pressures placed on career services staff, which is why the LST Standard is so easy to implement. LST gave strong consideration to the data schools are already collecting in order to keep compliance costs at a minimum. Most of the requested data are already collected each year by the schools, which means complying will primarily consist of disclosing available data. These data also underlie the employment information schools already

provide to prospectives. As a few commenters suggested, if a school genuinely does not possess the underlying data (or if the data is so incomplete as to be unrepresentative for a school), then from an ethical standpoint that school should not present their employment information as if it were complete, accurate, and reliable. In these cases, schools might also be in violation of ABA Standard 509 and risk probation. Schools must direct enough funds towards collection and reporting efforts to at least achieve the level prescribed by Standard 509.

Schools subject to open records requests may be required to release data in accordance with state law. Open records requests have greatly benefitted consumers and the public in general by disclosing information about safety or environmental hazards that would otherwise go unaddressed. As with other legal tools available to protect consumer rights, open records requests have limits (the effective time lags in many cases and the ease with which companies can claim confidentiality, to name just two). But they can and do serve as useful means of bringing information out into the open.

Regardless of their utility, state open record laws serve only as a floor for data that schools can release. That is, schools can legally release more data, which is what law schools do with NALP and on their websites. Schools can also request consent to disclose data, thus avoiding potential legal issues. A survey of students asking whether they would consent would be an easy way for a school to determine whether it should move forward. Even though no declining law school indicated that it would contact students, this option is absolutely open for law schools seeking to report to LST.

LST will continue to engage schools in discussion, in order to elicit more commitments and to improve the overall response rate. LST will also continue publicizing details of our outreach and encouraging participation from other stakeholders, particularly prospective law students. Understanding schools' positions is necessary to improving how the public understands the debate, not just for learning how to best elicit the employment information prospectives need to make informed decisions. Many schools believe prospectives' current decision-making processes overvalue the annual rankings published by *U.S. News*, which assigns disproportionate weight to components that are only tangentially related to the quality of a professional education program.

The problem for these schools is that rankings will always exist; they are easily digestible and can serve as a rough proxy for aspects that are otherwise difficult to measure, like national reputation. Compliance with the LST Standard can diminish the effect of the rankings by emphasizing what the vast majority of prospectives care about the most: the career opportunities available at different law schools. As schools come to understand the potential for minimizing the impact of rankings on decision-making, it is more likely that they will make official commitments to a new reporting standard.

Complying with the LST Standard sends a strong message to prospective law students that a law school is fulfilling its responsibility to uphold the values of the profession. The law school recruiting process is often the first direct point of contact a person has with members of the legal profession. Nowhere is there a better opportunity to show that the profession is committed to upholding values of honesty and openness. Disclosure is as important for the legal education

industry as any other service-provider. Justice Brandeis was working to reform the banking industry when he famously wrote that sunshine is the best disinfectant, but his observations then are worth reiterating a century later as the legal industry comes under fire for a failure to regulate its own institutions.

Once a law school states that prospectives deserve better information about job prospects—and many have so stated, whether through direct responses to LST or to one of the many journalists around the country who are now covering the issue—the school should improve the level of disclosure if they wish to continue recruiting students to invest in their program. Admitting that there is a problem but then claiming that additional disclosure is not worth the additional costs involved sends a clear signal that a law school does not value the significant personal investment made each year by the students. As the public becomes increasingly aware of this discrepancy in what law school administrators say and what they do, it is also more likely that individual deans will be held accountable in the public eye for a failure to act.

END NOTES

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²¹ *Id.*

²² *Id.*

²³ Russell, *supra* note 6.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Mystal, *supra* note 1.

²⁷ *Id.*

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³⁷ *Id.*

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⁴¹ Herb Spencer, comment in reply to *In Call for Law School Transparency, Ave Maria Steps Forward*, WALL ST. J. LAW BLOG, Sep. 17, 2010 6:38 p.m., <http://blogs.wsj.com/law/2010/09/17/in-call-for-law-school-transparency-ave-maria-steps-forward/tab/comments/>.

⁴² Thomas Huddleston Jr., *Exhibit A - Shining a Light on Law School Employment Data*, THE AMERICAN LAWYER, Sep. 30, 2010, <http://www.law.com/jsp/tal/PubArticleTAL.jsp?id=1202472305603>.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ 2010-2011 ABA Standards Preamble, <http://www.abanet.org/legaled/standards/2010-2011%20Standards/2010-2011%20ABA%20Standards%20pdf%20files/Preamble.pdf>.

⁴⁸ *Id.*

⁴⁹ ABA Official Guide, <http://officialguide.lsac.org>.

⁵⁰ NALP 2009 National Summary Report, <http://www.nalp.org/uploads/NatlSummaryChartClassof09.pdf>.

⁵¹ *Id.*

APPENDIX A: THE INITIAL REQUEST

Attention Deans and Directors:

Law School Transparency ("LST") is a Tennessee non-profit corporation dedicated to encouraging and facilitating the transparent flow of law school employment information. Pursuant to this goal, we respectfully request that your law school commit to complying with LST's new standard for employment reporting.

The current ABA and U.S. News employment reporting standards are seriously limited by their form and substance. These standards aggregate employment outcomes, overemphasize certain portions of the class, and make it difficult to answer meaningful questions about employment prospects. The most important features of our standard help resolve these deficiencies. We arrived at the standard's features by considering the interests of law school administrators, employers, and students, and balanced those concerns with legitimate consumer expectations. In doing so, we have taken special care to ensure that law schools are capable of complying with the new standard without introducing too many new administrative costs.

Starting with the Class of 2010, we request that your school report to LST two lists with data about every graduate as of February 15, 2011. We formulated the list components with strong consideration to the data law schools already collect about a very large percentage of graduates. Your school already reports seven of the nine unique components to NALP. The two additional components – "Salary Source" and "Journal Status" – require minimal adaptation. To further reduce compliance costs, our standard requests data for graduates from the same time period, and as of the same date, as the ABA, NALP, and U.S. News request.

Job List

1. Employer Type
2. Employer Name
3. Position
4. Credentials
5. Full-Time / Part-Time
6. Office Location (City, State, Country)
7. Salary Source
8. Journal

Salary List

1. Employer Type
2. Office Location (City, State, Country)
3. Full-Time / Part-Time
4. Salary

Attached to this request are tentative guidelines for fairly, accurately, and uniformly reporting data under our standard. The guidelines will be finalized by November 15, 2010. Until then, we

reserve the right to clarify how your school can best fill out each component. The finalized 2010 guidelines will serve as The Official LST Standard; compliance with The Official LST Standard will authorize your law school to use our certification mark. LST will not charge law schools a fee for Mark certification.

LST asks that your office respond to lawschooltransparency@gmail.com within sixty (60) days of delivery. During the interim period, we encourage you to consult with your administration, your students, your alumni, and other law schools. If you decide not to commit to disclosing according to the LST Standard, we respectfully request that you provide your reasons for declining to disclose. We recognize that not all schools will share our view that there is a need for greater transparency. If your school disagrees with our position, we would like to have an open, on-the-record dialogue to debate the merits of our respective positions.

Our website – www.lawschooltransparency.com – will be updated at the end of the 60-day period with a summary of the responses we received, broken down by school. We will educate the public with what we learned from each law school, including correspondence that aids prospective students and the legal profession as they try to distinguish among schools by their reactions to this request. As a reminder, we reserve the right to publish any of our correspondence with your law school.

We look forward to hearing from your law school by September 10, 2010. In the meantime, please send any comments or concerns to lawschooltransparency@gmail.com.

Sincerely,

Patrick J. Lynch, J.D.
Co-Founder

Kyle McEntee
Co-Founder

LST and its administrators operate independently of any legal institutions, legal employers, or academic reports related to the legal market. This email was sent to each ABA-approved and provisionally-approved law school's dean, admissions department, and career services department.

Guidelines[‡]

Compliance with the Law School Transparency (“LST”) Official Standard serves to authorize a law school’s use of LST’s List Certification Mark (the “Mark”). These Guidelines outline the minimum reporting obligations necessary for Mark authorization, and anticipate problems that the Standard’s components may cause your schools while fulfilling the obligations. The following criteria will be included in the Mark licensing agreement, subject to change until November 15, 2010. Please contact LST at lawschooltransparency@gmail.com if you would like to provide direct input on these Guidelines.

- I. Supplemental Information
- II. List Basics
- III. The Complete Job List
- IV. The Complete Salary List
- V. Contact
- VI. Dean’s Warranty

If a school does not meet any of the following policies and procedures, that school may not use the Mark until the school complies. Any optional component is clearly labeled *option*. Please label each submitted document with the official law school name.

I. Supplemental Information

This additional information provides context to the Job and Salary Lists.

A. Total Class of 2010 Graduates

Provide the total number of Class of 2010 graduates. Consistent with the ABA, U.S. News, and NALP reporting requirements, a graduate from the Class of 2010 is conferred a J.D. or an equivalent primary professional degree between September 1, 2009 and August 31, 2010. This includes all graduates, part-time and full-time, from the fall, winter, spring, summer, or any other term. This excludes LL.M, S.J.D., and other law degrees that do not serve as the primary professional degree in the United States.

B. Supplemental Context

Attach any additional data or information that your school thinks can provide greater context. Nobody knows the realities of a school’s placement better than the school itself. Where the lists paint a dimmer picture than deserved, this supplemental data or information can show why reality is more forgiving to its graduates. It may also serve to show that a school’s placement is even better than the Lists demonstrate.

Example: “A survey of the entire Class of 2010 asking about the graduates’ job outcome satisfaction provides that S% said they are totally satisfied . . . , and U% said they are totally unsatisfied. The survey response rate for this item was R%.”

[‡] NOTE: this is only the draft submitted during the initial request. The Finalized Guidelines are available on www.lawschooltransparency.com.

Example: “A survey of the entire Class of 2010 asking about the source of the graduates’ job outcome provided that F% interviewed during a 2L fall OCI program organized by the career services office, J% interviewed at a job fair or consortia, T% used a temporary placement agency or legal search consultant, The survey response rate for this item was R%.”

Example: “A survey of the entire Class of 2010 asking whether the graduate is currently seeking another job provides that S% are currently seeking other employment. The survey response rate for this item was R%.”

II. List Basics

Every single Class of 2010 graduate must have one, and only one, entry on both the Job List and the Salary List. The total entries on each List shall equal the number reported for “Total Class of 2010 Graduates”, **I.A.** Each entry must include data for every List component, unless explicitly exempted by these Guidelines.

A. Post-Graduation Outcomes

The Job List and Salary List represent only post-graduation outcomes (“PGO(s)”). A PGO reflects what a graduate is doing as of February 15, 2010.

Example: John accepted a job temporarily working for a public interest group. Kelly volunteers for LST. Lee is unemployed and (not) seeking work. Maria is pursuing an LL.M. These are all PGOs.

PGOs do not include what a graduate could have done but for deciding to do something else.

Example: Natasha received an offer to work for ABC law firm, but decided to clerk for the N.D. Cal. instead. Natasha’s firm offer is not a PGO.

PGOs include a job that the graduate held during school that will continue after graduation.

Example: Omer worked full-time for a large accounting firm while attending law school part-time. It does not matter whether Omer holds the same position before and after graduating law school. It only matters that the accounting firm employs Omer.

A graduate may have multiple PGOs.

Example: Kelly works full-time for ABC law firm and volunteers for LST. Kelly has two PGOs.

PGOs include a narrow exception for deferred graduates. *See* Deferred Graduates, **II.E.**

B. *One Post-Graduation Outcome Entry*

While graduates may have multiple PGO as of February 15, 2011, and each PGO is an eligible entry, no graduate shall have more than one entry on these Lists.

Example: Perry works for ABC law firm part-time and DFG Corporation part-time. Both jobs are PGOs, **II.A.**, but only one job may be reported on these Lists.

It is non-compliant to record some components about one outcome and other components about another outcome.

Example: Perry works for ABC law firm part-time and DFG Corporation part-time. It is incorrect to record Perry's salary from ABC law firm and John's employer type or name from DFG Corporation.

C. *Choosing Among Eligible Entries*

There are no mandatory procedures for choosing among the eligible entries.

D. *Employment Status*

A graduate's entry may be described as one of four mutually exclusive, exhaustive employment status categories. This category determines how to fill out a graduate's entry.

A graduate's employment status is **employed** if the graduate's PGO is a job. This includes, but is not limited to, temporary positions, unpaid positions, and permanent positions.

A graduate's employment status is **unemployed** if the graduate does not have a job of any kind and is not enrolled in a full-time degree program. This includes graduates who are seeking work, not seeking work, and studying full-time for the bar.

A graduate's employment status is **advanced degree** if the graduate is pursuing an advanced degree full-time. This does not include taking cooking classes at the local community college.

A graduate's employment status is **unknown** if the graduate could not be tracked down or reliably described by somebody "in the know." *See* Reporting Generally, **II.F.** Based on NALP data from recent years, this is rare.

E. *Deferred Graduates*

Report as **employed** graduates who have accepted a position with a law firm, but that law firm deferred the graduate's start date beyond February 15, 2011. Record the details of the law firm job rather than whatever the graduate might do during the interim. If the deferral turns into a rescinded job offer prior to February 15, 2011, the graduate shall be reported as **unemployed**, unless he or she secures a different job as of February 15, 2011. This parallels NALP's new policy for the Class of 2009. Learn more [here](#).

This does not include graduates that have accepted a clerkship position with a judge for a later term.

Example: A Class of 2010 graduate that accepts a clerkship that starts after February 15, 2011 should be reported as **unemployed** unless he or she has another job in the interim.

F. *Reporting Generally*

Answers can change. If you collected data at graduation, you should follow up with graduates known to have a job at that time and confirm that the data previously collected still holds, and request updated data if it has changed. You should also follow up with graduates who were not working at that time, with those known to have had a short-term commitment at that time, and with those for whom you did not have any data. When you receive update data on a graduate, please change all entry data.

Verify accuracy and validity. Upon receiving data, schools shall review that data for accuracy and validity before sending it to LST. Be sure to investigate gaps in reported data or contradictory data. For example, graduates may not classify themselves correctly as to employment status and/or employer type. *Adjustments maybe necessary to conform with LST and NALP definitions.* Salaries that seem unusual based on your knowledge of the legal market also warrant a follow-up. If you received updated data as the result of a follow-up mailing, telephone call, or other means, please be sure that all of the data submitted to LST for each graduate reflects the latest input.

Compiling data do not end with the graduate. Schools shall also obtain information from second-hand sources when necessary. For example, it is appropriate to rely on data gathered from reliable classmates, friends, family members, and faculty. Take advantage of all reliable data. Make use of online resources, such as lists of bar, and Google search. According to NALP, graduates are particularly reluctant to provide salary information, but often such information is a matter of public record. This information can be used, even if it did not come directly from the graduate.

III. Complete Job List

This List describes important feature's of each graduate's post-graduation outcome.

A. *Component: Employer Type*

Employed: Record "Employer Type" as "Law Firm" (all jobs, legal and non-legal), "Business and Industry" (all jobs, legal and non-legal), "Government" (all jobs, legal and non-legal), "Public Interest" (all jobs, legal and non-legal), "Judicial Clerkship", or "Academia" (all jobs, legal and non-legal) in an educational organization as reported to NALP.

If the graduate did not report "Employer Type", and it is unreasonable to generate an accurate response from a reliable source, record "Unknown".

Unemployed: Record “Employer Type” as “Unemployed – seeking” or “Unemployed – not seeking”.

Example: Isabella is studying full-time for the bar, without a side job, while sending resumes to potential employers. Record Isabella as “Unemployed – seeking”.

Advanced Degree: Record “Employer Type” as “FT Degree”.

Unknown: Record “Employer Type” as “Unknown”.

B. **Component:** *Employer Name*

Employed: Record “Employer Name” as the full name of the employer. If the graduate did not report “Employer Name”, and it is unreasonable to generate an accurate response from a reliable source, record “Unknown”.

Advanced Degree: Record “Employer Name” as “N/A”. *Optional:* record “Employer Name” as the degree-granting institution.

Example: “Kenan-Flagler Business School at The University of North Carolina at Chapel Hill”.

Unemployed, Unknown: Record “Employer Name” as “N/A”.

C. **Component:** *Position*

Employed: Record “Position” as one word or a short phrase that accurately describes the graduate’s role and hierarchical position with the employer.

Example: “Attorney”, “Associate”, “Term Clerk”, “Career Clerk”, “Contract Attorney”, “Financial Analyst”, “Founder”, “Policy Specialist”, “Patent Agent”, “Research Assistant”, “Musician”, “Professional Athlete”, “Paralegal”, “Law Librarian”, “Legal Secretary”.

If the graduate did not report “Position”, and it is unreasonable to generate an accurate response from a reliable source, record “Unknown”.

Advanced Degree: Record “Position Name” as “N/A”. *Optional:* record “Position Name” as the degree sought.

Example: “M.B.A.”

Unemployed, Unknown: Record “Position Name” as “N/A”.

D. **Component:** *Credentials*

Employed: Record “Credentials” as “Bar Required”, “J.D. Preferred”, “Professional”, or “Other”. If the graduate did not report “Credentials”, and it is unreasonable to generate an accurate response from a reliable source, record “Unknown”.

Jobs requiring bar admission include, in addition to attorney and corporate counsel positions, law clerks and judicial clerks. Examples of jobs for which a J.D. is preferred (and may even be required) include corporate contracts administrator, alternative dispute resolution specialist, government regulatory analyst, FBI special agent, jobs with legal publishers, and jobs in a law school career services office. The professional category includes jobs which require professional skills or training, but for which a J.D. is neither preferred nor particularly applicable, such as accountant, teacher, business manager, nurse, etc. If none of the above categories apply, and “Unknown” is inappropriate, record “Other”. Examples of these jobs include waiter, janitor, and LSAT tutor.

Unemployed, Advanced Degree, Unknown: Record “Bar Passage” as “N/A”.

E. **Component:** *Full-Time / Part-Time*

Employed: Record “Full-Time / Part-Time” as “FT” for full-time jobs or “PT” for part-time jobs. If the graduate did not report “Full-Time / Part-Time”, and it is unreasonable to generate an accurate response from a reliable source, record “Unknown”.

Unemployed, Advanced Degree, Unknown: Record “Full-Time / Part-Time” as “N/A”.

F. **Component:** *Office Location*

Employed: Record “City”, “State”, “Country” as three (3) separate columns. If the graduate did not report any part of the “Office Location”, and it is unreasonable to generate an accurate response from a reliable source, record “Unknown”.

Example: Lee works in Boise, Idaho.

City	State	Country
Boise	Idaho	United States

If the country is divided into regions, provinces, or any other entity that parallels a state, record it under “State”.

Example: Lee works in Calgary, Canada.

City	State	Country
Calgary	Alberta	Canada

If any column is not applicable, record that column as “N/A”.

Example: Lee works for the Peace Corps in Peru.

City	State	Country
N/A	N/A	Peru

Unemployed, Advanced Degree, Unknown: Record “Office Location” as “N/A”. Please do not record a school’s location here. If needed to resolve ambiguity, please be more specific under the “Employer Name” component.

G. **Component:** *Journal*

Record “Journal Status” as either “Primary”, “Secondary”, “None”, or “Unknown”.

Do not record the journal name. Only designate whether the graduate was on a primary journal, secondary journal, or no journal. While multiple journals may qualify as secondary, each school shall only count one journal as the primary journal.

If the graduate did not report “Journal”, and it is unreasonable to generate an accurate response from a reliable source, record “Unknown”.

H. **Component:** *Salary Source*

Employed: Record “Salary Source” as “Employer”, “Other”, or “Unpaid”. This reflects who pays the graduate to work. If the salary source is the entity listed under “Employer Name”, record “Employer”. If there is no salary paid – including hourly wages – record “Unpaid”. If the graduate is paid by the school, through a fellowship or grant, or some source other than the entity listed under “Employer Name”, record “Other”.

Unemployed, Advanced Degree, Unknown: Record “Salary Source” as “N/A”.

IV. Complete Salary List

This List shows salary outcomes with geographical context to allow readers, with the help of other information, to compare salaries that are cost-of-living adjusted.

A. **Component:** *Employer Type*

See Complete Job List, **III.A.**

B. **Component:** *Office Location*

See Complete Job List, **III.F.**

C. **Component:** *Full-Time / Part-Time*

See Complete Job List, **III.E.**

D. **Component:** *Salary*

Employed: Record “Salary” as the job’s annual starting salary of the reported PGO. Do not include items such as a bar stipend, a signing bonus, a potential bonus, or contingent income.

Example: Quinn has been deferred at ABC Law Firm. Her salary at ABC Law Firm, as reported to NALP and on her offer letter, is \$160,000. ABC Law Firm provided Quinn a \$60,000 stipend to work for a public interest group. Consistent with **III.E.**, and provided that ABC Law Firm is the reported PGO entry, record Quinn’s salary as “\$160,000”.

Do not record aggregate salaries of partners, multiple jobs, or any other income besides the salary paid by the salary source(s).

Example: Quinn's job at Law Firm ABC pays \$160,000. Quinn's partner makes \$40,000. Quinn has an additional \$25,000 of supplemental income. Record Quinn's salary as "\$160,000".

Example: Reggie's job at a public interest group pays \$50,000. The group pays \$40,000 and a grant pays the other \$10,000. Record Reggie's salary as "\$50,000".

In general, record the starting salary even if the graduate received a raise before February 15. If, however, the salary increased as a result of passing the bar, record the higher salary. Additionally, if the salary increased as a result of a universal raise, record the higher salary. In the same vein, record a lower salary if the employer universally lowers salaries.

Example: ABC Law Firm increases first year associates' annual starting salary from \$145,000 to \$160,000 before February 15. Record "\$160,000" in lieu of the previously recorded "\$145,000".

Example: ABC Law Firm decreases first year associates' annual starting salary from \$145,000 to \$125,000 before February 15. Record "\$125,000" in lieu of the previously recorded "\$145,000".

If the job is unpaid, record "Salary" as "Unpaid". If the job is paid hourly, and full-time, compute the annual salary based on the hourly rate for 2000 hours unless more precise information is provided by the graduate. If the job is paid hourly, but part-time, compute the annual salary based on the hourly rate for 1200 hours unless more precise information is provided by the graduate.

Unemployed, Advanced Degree, Unknown: Record "Salary" as "N/A".

V. Designated Contact Information

The Dean shall designate a point of contact to communicate with LST about LST's procedures. This is important for streamlining communications. LST will hold the contact's identity as strictly confidential. To submit, please print, fill out, scan, and return the document to lawschooltransparency@gmail.com. To send via certified mail, please email lawschooltransparency@gmail.com to request LST's mailing address.

VI. Dean's Warranty

The Dean shall certify the data and information provided to LST. The Dean shall also initial next to each part of the Standard as a representation that the part has been packaged for submission to LST. To submit, please print, fill out (with signatures and initials), scan, and return the document to lawschooltransparency@gmail.com. To send

via certified mail, please email lawschooltransparency@gmail.com to request LST's mailing address.

Sample Documents

- I. Supplemental Information
- II. Sample Job List
- III. Sample Salary List
- IV. Designated Contact Information
- V. Dean's Warranty

Supplemental Information

School Name: _____

Total Graduates from September 1, 2009 to August 31, 2010: _____

If your school would like to supplement the data and information provided with an explanation for a particularly high unemployment or unknown rate, or anything else relating to the data and information provided to LST, we encourage you to do so fairly and transparently in the space below. If more space is needed, please clearly label and attach the addition(s). Any supplement will appear on your school's page on our website, <http://www.lawschooltransparency.com>.

Supplemental page(s) attached If checked, how many pages are attached? _____

SAMPLE JOB LIST

School: Zeta Law School

Employer Type	Employer Name	Position	Creds	FT/PT	Office Location			Salary Source	Journal
					City	State	Country		
Academia	Zeta Law School DFG	Law Librarian	Profess.	PT	Los Angeles	CA	USA	Employer	Secondary
Business	Corporation DFG	ADR Specialist	JD Pref.	PT	Salem	OR	USA	Employer	Secondary
Business	Corporation	Patent Agent	JD Pref.	FT	Los Angeles	CA	USA	Employer	None
Business	Unknown DFG	Bartender	Other	FT	Sacramento	CA	USA	Employer	Primary
Business	Corporation	Counsel	Bar Req.	FT	Salem	OR	USA	Employer	Primary
Business	Self-Employed	Actor	Other	FT	Los Angeles San Francisco	CA	USA	Other	Primary
Clerkship	C.D. Cal. Zeta Bus. School	Term Clerk	Bar Req.	FT	San Francisco	CA	USA	Employer	None
FT Degree		LLM Degree	N/A	N/A	N/A	N/A	N/A	N/A	Primary
Government	CA Comptroller	Attorney	Bar Req.	FT	Los Angeles	CA	USA	Employer	Primary
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Los Angeles	CA	USA	Employer	Secondary
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Los Angeles	CA	USA	Other	None
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Denver	CO	USA	Employer	None
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Denver	CO	USA	Other	Secondary
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Davis	CA	USA	Employer	None
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Los Angeles	CA	USA	Employer	None
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Los Angeles	CA	USA	Employer	Primary
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Los Angeles	CA	USA	Employer	Secondary
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Seattle	WA	USA	Other	Primary
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Salem	OR	USA	Employer	None
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Los Angeles	CA	USA	Other	None
Law Firm	ABC Law Firm	Patent Agent	JD Pref.	FT	Seattle	WA	USA	Employer	None
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Seattle	WA	USA	Employer	None
Law Firm	ABC Law Firm	Associate	Bar Req.	FT	Los Angeles	CA	USA	Employer	None
Public Int.	P.I. Org.	Policy Analyst	JD Pref.	PT	Davis	CA	USA	Employer	None
Public Int.	P.I. Org.	Attorney Gov't	Bar Req.	PT	Portland	OR	USA	Employer	Primary
Public Int.	P.I. Org.	Relations	JD Pref.	FT	Eugene	OR	USA	Employer	None
Unemployed- not seeking		N/A	N/A	N/A	N/A	N/A	N/A	N/A	Primary
Unemployed- seeking		N/A	N/A	N/A	N/A	N/A	N/A	N/A	None
Unknown	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Secondary

NOTE: we used shorthand only to get this on one page.
Official Lists must comply with the certification mark guidelines.

SAMPLE SALARY LIST

School: Zeta Law School

Employer Type	Office Location			FT/PT	Salary
	City	State	Country		
Law Firm	Davis	CA	USA	FT	Unknown
Public Int.	Davis	CA	USA	PT	Unknown
Law Firm	Los Angeles	CA	USA	FT	\$90,000
Law Firm	Los Angeles	CA	USA	FT	\$160,000
Government	Los Angeles	CA	USA	FT	\$45,000
Law Firm	Los Angeles	CA	USA	FT	\$160,000
Law Firm	Los Angeles	CA	USA	FT	\$35,000
Law Firm	Los Angeles	CA	USA	FT	\$145,000
Law Firm	Los Angeles	CA	USA	FT	\$125,000
Business	Los Angeles	CA	USA	FT	Unknown
Law Firm	Los Angeles	CA	USA	FT	Unknown
Academia	Los Angeles	CA	USA	PT	\$85,000
Business	Los Angeles	CA	USA	FT	\$75,000
Business	Sacramento	CA	USA	FT	\$75,000
Clerkship	San Francisco	CA	USA	FT	\$55,000
Law Firm	Denver	CO	USA	FT	\$115,000
Law Firm	Denver	CO	USA	FT	Unknown
Public Int.	Portland	OR	USA	PT	\$40,000
Public Int.	Eugene	OR	USA	FT	Unknown
Business	Salem	OR	USA	PT	Unknown
Law Firm	Salem	OR	USA	FT	\$30,000
Business	Salem	OR	USA	FT	Unknown
Law Firm	Seattle	WA	USA	FT	\$115,000
Law Firm	Seattle	WA	USA	FT	Unknown
Law Firm	Seattle	WA	USA	FT	\$115,000
FT Degree	N/A	N/A	N/A	N/A	N/A
Unemployed- seeking	N/A	N/A	N/A	N/A	N/A
Unemployed- not seeking	N/A	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A	N/A

NOTE: we used shorthand only to get this on one page.
Official Lists must comply with the certification mark guidelines.

LAW SCHOOL TRANSPARENCY
DESIGNATED CONTACT INFORMATION
CONFIDENTIAL

Please include the name and position of the person responsible for collecting and returning any documentation needed to comply with the Official LST Standard, as well as that person's email address and phone number. Please see the Guidelines for details on the level of confidentiality.

Name: _____

Position: _____

School Name: _____

Email Address: _____

Phone Number: _____

Return by February 22, 2011 to lawschooltransparency@gmail.com

LAW SCHOOL TRANSPARENCY
OFFICIAL STANDARD WARRANTY
DEAN'S SIGNATURE PAGE

	Dean's Initials
Supplemental Information	_____
Complete Job List	_____
Complete Salary List	_____
Designated Contact Information	_____

I hereby certify that the data and information provided within to be a complete and accurate representation of this law school.

Dean's Signature: _____

Printed Name: _____

School Name: _____

Date: _____

Return by February 22, 2011 to lawschooltransparency@gmail.com

The Benefits of the New Standard

LST is committed to establishing an ethical standard in employment reporting at ABA-approved law schools. We believe that law school administrators and faculty are dedicated to recruiting, training, and introducing new generations of lawyers into the profession. We also understand the pressures faced by law school administrators in recruiting prospective law students while simultaneously maintaining ABA accreditation, maximizing U.S. News ranking, reforming curricula, recruiting employers, and producing scholarship. In the past, schools have had to make a number of difficult choices about how to report their graduates employment information. This new standard offers an accessible solution. Given that no school can commit to heightened disclosure requirements on their own, LST seeks to foster a dialogue among leaders in legal education.

Our two core missions are (a) to create more-informed consumers of JDs and (b) to incentivize schools to identify and develop employment niches. Schools can benefit from more transparent markets in a number of ways. Better information about where graduates go can highlight law schools that have successfully developed niches in particular geographical markets, job sectors, or fields of law. This will help direct prospectives to the schools that can best serve their individual professional goals. At the national level, greater clarity about hiring statistics and starting salaries can help improve the financial preparedness of future lawyers by giving them the information they need to make accurate risk assessments. Students who obtain post-graduation outcomes commensurate with expectations will have more financial freedom to pursue the careers they want and be more likely to find their outcomes satisfying.

An increasing number of vocal graduates aim to steer prospectives away from law school. They accuse schools of misrepresentation and fraud, causing damage to not only the accused law schools but the legal profession as a whole. As prospectives grow increasingly skeptical of the value of a law degree, they are rewarding schools that value transparency and prove it with disclosure. By providing real disclosure to potential investors before they matriculate, schools can limit further reputational harm. Perhaps most importantly for ABA-approved law schools, providing prospective law students with greater access to meaningful information about employment outcomes can minimize the extent prospectives rely on national rankings to decide where to attend. The choice then becomes less about what a school ranks each year in the U.S. News and more about how each school can help achieve a student's professional goals. We think this would be a good thing.

It is inevitable that schools will need to adapt their programs in innovative ways to fit into the changing legal market. Figuring out how to recruit and train new lawyers in ways that maximize employment outcomes and minimize debt loads is a burden we fully expect all law schools are willing and able to carry. LST's new standard for employment reporting aims to provide the focal point for schools to reassess their educational frameworks. American law schools can open many doors for new graduates, even in this changing legal market; it is our hope that schools will commit to greater disclosure in a way that provides meaningful information to the next generation of lawyers.

Across The Web

For more background on LST and our supporters, we encourage you to click on some of the links below. You can also visit our website, www.lawschooltransparency.com, for periodic updates as we continue generating support for this initiative. To read our paper, visit our [SSRN](#) page.

[ABA Journal Podcast: The Future of Law School Tuition](#)

[ABA Journal, Plan for Better Employment Stats](#)

[Am Law Daily](#)

[National Law Journal](#)

[Above the Law](#)

[TaxProf Blog, Vanderbilt 2Ls Push for Better Employment Stats](#)

[TaxProf Blog: ABA Podcast: Law School Tuition](#)

[The Blackbook Legal Blog](#)

[The Faculty Lounge](#)

[Legal Ethics Forum](#)

[Adjunct Law Prof Blog](#)

[FP Legal Post](#)

[About.com](#)

[Law Librarian Blog](#)

[Temporary Attorney](#)

[Opening up the books on post-grad employment - What they didn't teach in law school](#)

[Clear Admit](#)

[Young Lawyers Blog | Law Students to Law Schools: "We Gotta Have More Sunshine"](#)

[Accepted.com](#)

[The Jobless Juris Doctor: Law School Disclosure Podcast](#)

[Florida Lawyer's Assistance Program: Law Student Employment Statistics](#)

[Out of the Jungle: ABA Journal Roundtable](#)

[Adjunct Law Prof Blog](#)

NEWS RELEASE

July 12, 2010

EMBARGOED UNTIL JULY 12, 2010

Contact: Kyle McEntee

Email: lawschooltransparency@gmail.com

Law Schools on Notice: Employment Reporting Reform Possible and Necessary

NASHVILLE, TENNESSEE – Law School Transparency (“LST”) contacted each American Bar Association (“ABA”) accredited and ABA-provisionally accredited law school requesting that they commit to complying with LST’s new standard for employment reporting. This initiative provides prospective law students with valuable, missing data to use for making informed risk-assessments about financing their legal education.

The current ABA and *U.S. News and World Report* employment reporting standards are seriously limited by their form and substance. These standards aggregate employment outcomes, overemphasize certain portions of the graduating class, and make it difficult to answer meaningful questions about employment prospects.

The most important features of LST’s standard help resolve these deficiencies. LST arrived at the standard’s features by considering the interests of law school administrators, employers, and students, and balanced those concerns with legitimate consumer expectations. The result: schools are capable of complying with the new standard that provides a more comprehensive look at job prospects for recent law school graduates.

Timeline

Monday, July 12, 2010. Email sent to law school Deans, Career Service Deans and Admissions Deans. This email included a request letter, reporting guidelines, and other useful documents. The documents are available [on our website](#).

Monday, September 10, 2010. Deadline for law schools to be among the first wave to commit to publishing data according to the LST Standard.

Monday, November 15, 2010. Official LST Guidelines published and sent to schools.

Tuesday, February 22, 2011. Lists that reflect the Class of 2010 as of February 15 are due. Shortly after, LST will send certification mark licensing agreements to schools that comply by this date. For schools that comply after the due date, the earliest the school may sign a licensing agreement is May 15, 2011.

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page 2 of 2

Law School Transparency is a Tennessee non-profit corporation dedicated to encouraging and facilitating the transparent flow of law school employment information. LST operates on behalf of current and prospective law to improve public access to employment prospects at ABA-approved law schools. For more information about Law School Transparency, visit their website at <http://lawschooltransparency.com>.

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If you would like more information about this initiative, or to schedule an interview with the founders of Law School Transparency, please e-mail Kyle McEntee at lawschooltransparency@gmail.com or call him at [REDACTED].

APPENDIX B: SCHOOL RESPONSES

These responses are unedited, except for removal of salutations, valedictions, and signature lines. LST also redacted contact information embedded in the body of the University of Michigan Law School's response.

American University Washington College of Law

Via email:

In response to your request below, American University Washington College of Law continues to take this matter under advisement and will not commit to providing the requested information about our recent graduates until receiving and reviewing the finalized guidelines in November.

Ave Maria School of Law

Via email:

This email will confirm that Ave Maria School of Law has agreed to participate in the Transparency Project. We look forward to receiving more information from you on the reporting guidelines in November.

Creighton University School of Law

Via email:

Thank you for your inquiry of July 12, 2010.

We support your goal of transparency but due to our small office size and resource restraints at a busy time of year, we regret we cannot participate this year. In addition, given the nature of our student body and the types of positions they accept, we are concerned that providing individual information, even without names, will allow individuals to be easily identified. Providing salary information for those students may cause a chilling effect for future students who do not want their salaries made public. When collecting salary information, we inform students that individual information is never publicly released – only aggregate information. We hope you understand our concerns.

We will reevaluate our participation in your project on a year to year basis.

Good luck with your endeavor.

Northwestern University School of Law

Via Email:

Thank you for your recent request for employment data on Northwestern Law JD and JD-MBA graduates.

We agree with the general mission of Law School Transparency. However, as I have stated elsewhere, we believe that the type of information you have requested, which in some cases is quite sensitive, is better collected and assembled by a more well-established organization – ideally for the purpose of creating an alternative ranking. For example, Forbes recently conducted a survey of law school alumni which asks for similar types of information. Forbes intends to use the survey results to create a new ranking of law schools based on these employment-related outcomes. We were happy to participate and assist them in this endeavor.

Santa Clara University Law School

Santa Clara declined our request via phone, citing privacy and compliance cost concerns.

University of Colorado Law School

Via email:

We have received your Law School Transparency (“LST”) letter and have read the explanation and reasoning behind your decision to establish LST. You have, indeed, identified a very real problem: the lack of reliable data for present and prospective students who want a clearer picture of a law school’s placement record. In light of the fact that not all employers (especially those in the public sector) are prepared to extend an offer of employment to a new graduate until that graduate has passed the bar exam, the at graduation figures reported to US News do not provide a clear picture of the employment market. The 9 months out figures provided to NALP in the February following graduation are the best we have, and even those are difficult to compile with accuracy.

Although we do agree with you about the nature of the problem, the additional data sets that might produce more robust information would be very difficult for us to collect. The collection of data for NALP, ABA, and U.S. News & World Report, is already an onerous task for a small staff. The most fundamental hurdle for any law school is the reluctance of recent graduates themselves to report their personal information to us even for the NALP survey. We already make numerous inquiries by phone and email, spending more staff time collecting and updating data than is justifiable. Even with that effort we do not get information from “the entire class.”

In any economy, but especially in the current economy, we are convinced that our limited resources must be spent helping our students and alumni get jobs, ride out deferrals, and stay motivated. Those responsibilities have increased greatly as a result of the tightened hiring market. When excellent graduates are frustrated and embarrassed by their inability to find satisfying employment after graduation, they are even more reluctant to provide us with the information requested on the NALP form and sometimes let us know they wish we would not keep after them for responses.

Recently, I have told our staff that if it comes down to meeting demands for assistance to students in their job searches or data collection, the latter must give way. Leaving aside the important issue of confidentiality, we hesitate to press another survey upon our recent graduates and to allocate precious staff time to the task of administering it, following up with our alumni, and compiling the responses.

In conclusion, while we agree wholeheartedly with the motivation that drives your desire to seek more data, there simply is no easy way to collect it.

University of Florida Levin College of Law

Via email:

The Center for Career Development at the Levin College of Law received your July 12, 2010, e-mail. We share your commitment to transparency and accuracy in how placement data is recorded and reported, and we appreciate the Law School Transparency Project's encouragement of more discussion of this issue among law schools, law students, and the legal profession.

Our college follows the guidelines set by the American Bar Association, the Law School Admissions Council, and the National Association for Legal Career Professionals for reporting employment-related data. We agree that there are always other factors that could be considered and other methodologies that could be used in describing placement results, and we believe there is room for improvement in current methodologies. We plan to follow the above-mentioned guidelines in our reporting at this time, and we plan to participate in efforts to improve those guidelines.

University of Michigan Law School

Via email:

Thank you for your email. We share your interest in making sure that the best possible information is available to law school applicants about the career prospects of law graduates, and to that end, we distribute a great deal of information (on our website and in publications for admitted students) about the specific experiences of our students in the job market—far more than what is called for by the National Association for Law

Placement, and even more than the new information you have mentioned. We work with our students and alumni, as well as other important constituencies, on an ongoing basis to be responsive to changing needs in this arena.

With specific regard to your request, as a public institution governed by the state of Michigan's Freedom of Information Act, I must direct you to the University's FOIA Office. The FOIA Office coordinates our responses to the many requests for data we receive. The relevant contact information is:

██████████
FOIA Coordinator
Freedom of Information Act Office
2025 Fleming Administration Building
Ann Arbor, Michigan 48109-1340
Phone: ██████████
Fax: ██████████
E-mail: ██████████

██████████ will contact the relevant law school administrators after she hears from you, and we will proceed accordingly. Please note that, as a general matter, we are not always able to provide all the information requested via FOIA. For example, we are obligated to remove any information that could lead to identifying specific individuals, out of consideration for their privacy. Please also be aware that some FOIA requests, depending on their complexity, result in a charge for the cost of compliance. ██████████ is the expert, however, and will be able to advise you about the process in detail.

We'll be very happy to help in any way we can.

University of Tennessee College of Law

Via email:

The University of Tennessee College of Law's Admission, Financial Aid, and Career Center form one administrative unit designed to help prospective students analyze critical information such as cost of attendance, average indebtedness, career prospects, and starting salaries of graduates in order to determine return on investment in a legal education.

UT offers information to prospective students in a variety of methods, including:

Annual Graduate Employment and Salary Survey. UT's Annual Graduate Survey provides comprehensive post-graduate employment and salary data by job setting, location, and size of firm. Available for each class since 1989, this longitudinal data allows for comparisons over time and across employment settings and locations. UT typically collects salary information for about 60% of its graduates and honors requests

of students who prefer not to disclose salary data that they consider private and confidential.

“Be astute – Compare the numbers” campaign. UT sends a targeted mailing to prospects each fall disclosing key data points about UT (annual tuition and fees, average indebtedness, and range of graduate starting salaries) and encouraging prospects to gather similar information from other law schools.

Employment and Salary Data Online. UT posts aggregate graduate employment and salary information by job setting and location for recent classes on its web site. Specific information is provided on the sites for prospective students and admitted candidates drawing their attention to this information and inviting them to discuss career issues with Career Center staff.

Career Information Visible in Recruitment Materials. Employment and salary information on the most recent graduate class is prominent in the admissions view book, The Tennessee Advantage, and in the At a Glance class profile.

Job Market Update presentation to students each fall. This workshop and presentation compares UT graduate employment with national law graduate employment outcomes based on NALP’s national annual report, JOBS & JDs. This data is also integrated into presentations and reports to prospective students and alumni audiences, and the PowerPoint presentation is available as a link from the Prospective Student and Career Center web sites.

RATIONALE FOR DECLINING PARTICIPATION IN SURVEY

The College of Law believes that if it exposed individual salaries of graduates and specific salaries offered by employers, UT’s actions would actually inhibit the collection and reporting of salary information by both students and employers.

The employment profile of UT graduates is very similar to the national employment profile reported by NALP, with the most common employment settings for post-graduate employment being private practice and government. The most common single job setting for UT graduates each year is law firms with 25 attorneys or fewer. Generally, a law firm hires only one student from the graduating class. If an employer’s name and starting salary were to be listed, it would be virtually impossible to maintain any type of confidentiality for the graduate.

Additionally, employers are not obligated to establish a common starting salary, and increasingly they may negotiate salaries with individuals as they are hired. If an employer hired individuals within the same class but at different salary levels, disclosure of salary by employer name would place UT in a position to reveal information that is otherwise confidential between students and their employers. The Career Center requests, but does not require, its graduates to disclose personally-negotiated salary data that is not commonly known and announced by the employer. But this disclosure is made

with the understanding that individual salary data will be kept in strict confidence and only reported in the aggregate. A change in this expectation would likely have a chilling effect on the rate of reporting and thereby diminish the amount of available data.

Vanderbilt University Law School

Via email:

Vanderbilt will report, as usual, all employment data for the Class of 2010 which does not identify particular students and is consistent with what is reported to both the ABA and NALP. This information derives from the Graduation Employment Report which students are asked to complete but often do not, for various reasons, and from conversations and emails from our students.

If the final list of requested information includes data that we have not been collecting, we will have to determine whether reporting this information would create problems of confidentiality or an unmanageable workload for our staff.

William Mitchell College of Law

Via email:

Thank you for your letter requesting our participation in Law School Transparency. We respectfully decline the invitation.

Like you, we take seriously the sharing of data and information that students need to make well-informed decisions about law school. We strive to be complete and thorough when publishing and reporting this data and when responding to inquiries from prospective students.

Should there be further developments in your project, please do not hesitate to let us know about them.