

MEMORANDUM

To: Gwen Ferrell, Board Liaison

From: Tammy King, JD Career Advisors Section Chair

Cc: Fred Thrasher, Deputy Director

Date: February 6, 2020

Re: NALP JD Career Advisors Section Quarterly Report

SUMMARY OF ACTIVITIES

On January 16, 2020, we held our quarterly section call where members received updates from our work groups and shared experiences regarding Spring Recruiting for first year law students, among other hot topics. As noted in the Environmental Scanning portion of this report, we had a robust discussion of counseling issues that section members are increasingly seeing with their students and some concerns regarding the timing of feedback on files selected by the ABA for random review during this most recent reporting cycle. Our final section call for this NALP program year will be on March 26, 2020.

As noted below, work is progressing well on the charges for the various work groups.

WORK GROUPS

Annual Education Conference/Bulletin Articles and Webinar Planning

Vice-chairs: Pamela Hoh (Arizona State) and Hallie Prest (Minnesota)

The vice-chairs continue to shepherd through the publication process articles planned for the *NALP Bulletin* in April, May and June, but work for the year is completed for the most part.

Strategic Planning

Vice-chairs: Sandy Minea (Northwestern) and Leslie Becker Wilson (UMass)

Work for the year is completed, but vice-chairs look forward to seeing NALP's finalized strategic plan.

CSO Employer Outreach

Vice-chairs: Korey Henson (Stetson) and Sarah Polly (Case Western)

The Work Group continued its work from last year on an employer outreach survey designed to reach small and mid-sized law firms, but ran into some obstacles with respect to obtaining information from those target employers. The survey was originally sent to CSOs in each state last spring who were asked

to forward the survey to 5 employers in their region. They have collected some data directly from target employers, but not as much as they had originally hoped for. In speaking with Gwen Ferrell, we determined that rather than trying to resurvey a group of employers that is notoriously difficult to reach, the Work Group chairs can still author an impactful *NALP Bulletin* article for May 2020 on “best practices” for engaging in outreach to smaller and mid-sized law firms. In authoring that article, they plan to draw on the limited data collected directly from the employers, draw from their own experiences (and those of colleagues in other CSOs) with employer outreach, and utilize the recent experience in trying to survey small- and mid-sized employers to illustrate one of the inherent difficulties involved in engaging that group of employers.

JD Counseling

Vice-chairs: Samantha Ciriaco (Case Western), Marti McCausland (Willamette) and George Podolin (William & Mary)

The JD Counseling work group continues to move toward developing a resource for advisors to use when working with students or recent alums who are in post-offer negotiations with legal employers. They will identify resources for salary information as well as identifying possible non-salary items for negotiation and providing a checklist to guide the counseling. The work group’s first product will be a brief article in April’s *NALP Bulletin* discussing the resource. The group is currently soliciting input from the membership on points to identify or cover in the resource, including by posting queries on NALPConnect.

First Generation College Students

Vice-chairs: Nikki Harris (UNLV) and Heather Spielmaker (West Virginia)

Although the Work Group had originally planned a webinar for this program year following up on a hugely successful webinar they conducted last year, they had trouble identifying a unique take on the First Gen issue. Instead, the vice-chairs would like to shift focus slightly and produce a new resource for members. Jessica Tomer, the web content manager for New England Law in Boston, recently published an article about first gen programming at law schools across the country. Only a few schools were featured in her article. Using that as a stepping-off point, she has agreed to partner with the Work Group to produce a new NALP resource. The purpose of the resource would be to encourage law schools to offer First Gen programming and to provide a robust catalogue of ideas that schools have tried thus far.

The Work Group hopes to quantify the estimated percentage of law students, nation-wide, who are first generation students who encounter issues with respect to their First Gen status. To achieve this, Jessica will draft a survey for NALP members to complete. They hope for good response rates based on the fact that responding schools will be featured in the resource. The resource will start with general information and statistics, and then list schools, either alphabetically or grouped by programming themes, with summaries of the First Gen programming they have offered and their thoughts on how successful each effort was. The impetus for this resource idea was a similar resource on professionalism

programming that was launched by NALP a few years back. The proposed timeline has this project wrapping up by late summer.

Sexual Harassment & Recruiting Conduct

Vice-chair: Mary Beth Nielsen (SMU)

NALP recently released the best practices resource drafted by the Work Group in collaboration with the Recruiting Section. The guide can be utilized by employers and schools as they intentionally plan recruiting programs with sexual harassment considerations in mind. On the section call in January, members praised the resource and its usefulness.

The Work Group will highlight the new resource to the membership in a *NALP Bulletin* article scheduled for publication in June 2020.

JD Advantage Careers

Vice-chairs: Irina Gomelskaya (New York Law School) and Rhonda Rittenberg (Northeastern)

During the 2018-19 academic year, the Work Group created a draft of the JDA Career Guide, which contained information on competencies, salaries, professional associations and certifications for ten JDA Career Paths. They submitted the Guide to NALP's staff for their review and feedback and received comments over the summer. Based on that feedback and additional internal review, the Work Group is now in the process of updating that Guide. Several members of the Work Group have agreed to assist vice-chairs Rhonda and Irina with these revisions, which include adding a summary section for each career path and streamlining the competencies section to remove repetition and redundancies. They will also remove sections on salaries and instead use the data provided by NALP. They expect the Guide to be revised and presented to NALP for review and approval in a few weeks. They hope that the Guide will be finalized and published on the NALP's website shortly thereafter.

In addition to revising the Guide, the Work Group is excited to take on a new project, which will involve creating a model/guide for regional JDA Career Fairs that law schools can follow. They will be soliciting feedback from the NALP members to learn about similar past events, as they prepare resources and information that can be useful for holding similar events in the future.

ENVIRONMENTAL SCANNING

During the Section Call on January 16, when asked about issues that are front and center with respect to their student counseling, two issues generated a particularly robust discussion. First, members discussed concerns with respect to the seemingly increased use of pre-employment background checks by both public and private employers. Several members are struggling with how to advise students as more and more employers start conducting pre-employment background checks. Generally, most of us follow a "when in doubt disclose" model, but concerns were raised as to whether we are disadvantaging students should the background check not actually reveal the issue at hand. Are we putting students at

risk of having an offer revoked when the background check wouldn't identify the issue by having the student disclose it anyway? Some members noted that they do not have a good handle on what a background check conducted by a third party on behalf of an employer typically reveals or does not reveal. They also expressed confusion regarding employment law concepts surrounding background checks. Do employer members have policies regarding what kind of conduct would disqualify students from employment that they would be willing to share? Several members noted that they will work together on submitting an RFP on this topic for next year's annual education conference. From this discussion, it is apparent that a "toolkit" for JD career advisors counseling students with respect to background checks would be gratefully received by section members.

Members also discussed concerns about the length of the ABA's Random Graduate Review process. Law schools were required to submit their graduate employment files selected for random review by June 7, 2019. Many members noted that they submitted their files in mid-May as soon as they were notified about which files had been selected for review in the hopes of receiving feedback from the ABA as soon as possible. As of January 16, some members on the call noted that they had not yet received anything from the ABA with respect to their files submitted or that they had only recently received their review results. On January 29, law schools received an email from Kirsten Winek noting that the Random Graduate Review had finally been completed the week before. Members were already well into their collection of employment data for the next reporting cycle by the time they received feedback on their files from the previous reporting cycle. While Kirsten Winek has been very responsive to member questions, members do feel that the review process is simply taking too long and questioned whether the number of files sought for the Random Graduate Review is too large for Kirsten to review on her own. Would NALP be willing to engage the ABA to see if the number of files could be reduced so that members could have the benefit of more timely feedback prior to the collection of the next data set?