

# MEMORANDUM

**To:** Alisa N. Benedict O'Brien, Board Liaison  
**Cc:** Fred Thrasher, Deputy Director  
**From:** Laurie Powers and Shawn Beem, Co-Chairs, Law School CSO Chief Officers Interest Group  
**Date:** February 1, 2024  
**Re:** Third Quarter Board Report, NALP Law School CSO Chief Officers Interest Group

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## INTEREST GROUP ENGAGEMENT

Following the November Board meeting, you shared the following best practices as suggestions for generating interest group engagement:

1. Solicit agenda items/hot topics from members well in advance of the scheduled calls.
2. Each of us posts on NALP Connect to get more engagement: hot topics, discussion questions, articles, news flashes, etc. It was suggested we could look to the Law Firm Chiefs group for posting ideas!
3. Send calendar invites to the group for scheduled calls and post such dates (and the agenda) on NALP Connect.

We certainly attempted numbers one and three. In fact, we rescheduled our quarterly meeting to provide more time for people to plan to join. Though we solicited topics, no one from the group provided any suggestions in advance. However, as you will see below, we had a robust conversation during our quarterly meeting. We will use our remaining time as co-chairs to engage via NALP Connect in advance of our February Quarterly Meeting as well as the Annual Education Conference. Please let us know if the Board has any areas in which we can explore as a group and report back.

## DECEMBER INTEREST GROUP MEETING

We kicked off our December group meeting with guest speaker, Skip Horn, NALP Foundation, who discussed the Law School Alumni Employment and Satisfaction Survey. Skip encouraged members to participate in the Survey for the class of 2020. Shawn shared his school's experience with the survey, specifically noting how the survey informs faculty about necessary curriculum changes to better prepare law students for practice.

Due to a schedule conflict, and at your request, we provided a NALP board update covering several topics including:

1. NALP's excellent financial position.
2. Canadian members' concerns about the removal of salary information from the CDLE and the possibility of an anonymous salary survey for the Canadian market.
3. New NALP staff members.
4. Status of updates to the NALP Directory of Legal Employers.
5. A forthcoming 3-5 year strategic plan to guide NALP into the late 2020s.

Our discussion turned to the following topics:

- **New Department of Education (DOE) Regulations**

Several members noted that the DOE has promulgated new regulations about gainful employment and debt/earnings of graduates. There was limited information to share in the meeting but lots of questions.

While some of the gainful employment regulations have always been in place in some form for for-profit schools, the new and updated regulations will apply to graduate programs at non-profit schools including law schools. The new regulations

establish a financial value transparency framework. That framework will increase the quality and availability of information provided directly to students about the costs, sources of financial aid, and outcomes of students enrolled in all eligible programs. In part, the transparency framework establishes measures of enhanced earnings and affordable debt—more specifically, the earnings premium (EP measure) that typical program graduates experience relative to the earnings of typical high school graduates, as well as the debt service burden (debt-to-earnings ratio or D/E rates measure) for typical graduates. It further establishes performance benchmarks for each measure, denoting a threshold level of performance below which the program may have adverse financial consequences to students. This information will be made available to all students via a program information website maintained by the Department and described in amended §668.43. For programs that do not meet the performance benchmarks for the D/E rates measure, prospective students will be required to acknowledge having viewed these disclosures before entering into enrollment agreements with an institution. Further, the Department’s program information website will provide the public, taxpayers, and the Government with relevant information with which they may act to better safeguard the Federal investment in these programs. The transparency framework will also provide institutions with meaningful information that they can use to compare their performance to other institutions and improve student outcomes in these programs.<sup>1</sup>

The following links provide additional insight by breaking down the components of the regulations. These reports were published by Duane Morris and Holland Knight.

- [https://www.duanemorris.com/alerts/departement\\_education\\_publishes\\_financial\\_value\\_transparency\\_gainful\\_employment\\_final\\_rule\\_1023.html](https://www.duanemorris.com/alerts/departement_education_publishes_financial_value_transparency_gainful_employment_final_rule_1023.html)
- <https://www.hklaw.com/en/insights/publications/2023/10/new-gainful-employment-rules-impact-for-profit-and-nonprofit>

Group members are watching this closely and seeking guidance from the financial aid and general counsel offices at their respective institutions.

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<sup>1</sup> Financial Value Transparency and Gainful Employment, 80 Fed. Reg. 70,004, 70,005 (Oct. 10, 2023) (to be codified at 34 C.F.R. pts. 600 and 668)

- **Counseling International Students**

Several group members are new to career services and not experienced with advising international students in law school. We discussed who/where to turn to with questions about advising, visa types, Curricular and Optional Practical Training, etc. Members with experience offered to talk offline with those with specific questions. We also recommended connecting with NALP's International and Advanced Degree Advising and Recruiting Section.

- **Doxing Post-Oct 7 and Public Records Requests**

Following the October 7 attacks in Israel, several members reported hearing from employers and alumni requesting names of students who participated in pro-Palestine demonstrations with the intent to rescind offers or to place students on do-not-hire lists. Likewise, schools reported an increase in the number of public records requests associated with student records. The discussion raised questions about archival/retention policies and best practices in CSOs.

- **USNWR Survey & Law.com "Go To" Survey**

Members discussed any issues schools faced by not participating in the USNWR survey of law schools. Most members expressed having few issues with non-participation. Some schools even saw an improved ranking. Questions about where USNWR was getting some data about non-participating schools. There was also discussion of whether schools were reporting the at-graduation employment numbers.

In addition, there was limited discussion of the Law.com "Go To" Survey, as the surveyors have returned to requesting schools provide this data and not employers. Some schools had not received the survey. It was suggested that members check with their dean's office, as most other schools reported receiving the survey as a forwarded email from their respective dean.

## **FUTURE INTEREST GROUP MEETINGS**

Our interest group will meet on February 15, at 3 PM ET via Zoom.

We are scheduled to meet on Wednesday, April 17, from 7:30-8:45 AM, in Governance Block #1 at the Annual Education Conference.