
Executive Summary of Proposed Changes to Part V (the “Timing Guidelines”) of the NALP Principles and Standards

Introduction and Brief Review of Task Force Work to Date

In light of continued expression of concerns from many quarters of the NALP membership, then-President Gihan Fernando appointed an ad hoc Task Force to consider the Principles and Standards for the Timing of Offers and Decisions. That group met first at the 2007 NALP conference, and continued its work with meetings in June and July of 2007. In the fall of that year, after extensive consultation with the NALP membership, the Task Force made a recommendation to the NALP Board to implement, among other specifics, a 45-day rolling timeframe for offers made to candidates not previously employed. In February 2008, the NALP Board adopted the Task Force’s recommendations, with some amendments made in the membership notice and comment period, making the new Part V Principles and Standards (“provisional Part V”) effective immediately on a one-year provisional basis.

The Task Force was charged with monitoring member reactions and experiences during this provisional period. Throughout the fall 2008 recruiting season, the Task Force invited member input through a series of three conference calls in November 2008 and other outreach. In December 2008, the Task Force met to review member feedback and responses in order to make a final recommendation to the Board, prior to the publication of the proposed Part V guidelines to the NALP membership for a vote on their permanent adoption at the annual NALP conference in April of 2009.

Based on member feedback, the Task Force recommended some adjustments and clarifications to the Provisional Year Timing Guidelines and presented their recommendations to the Board for consideration at the February 2009 Board meeting (see *Discussion Paper for Provisional Year, February 5, 2009* available at www.nalp.org/partv). The Board reviewed the recommendations of the Task Force and wholly endorsed them.

This document summarizes the Board approved changes to the Provisional Year Part V Principles & Standards; provides a draft of the Provisional Year Part V Princi-

ples & Standards (these are the Principles & Standards Part V that will become permanent with a “yes” vote on the proposed changes); and includes a copy of the Principles & Standards that were in place in the Fall 2007 recruiting season prior to the provisional year (the Principles & Standards Part V that would prevail should there be a “no” vote on the proposed changes).

I. Board-Adopted Changes to the Provisional Year Part V Timing Guidelines

After extensive discussion, (see *Discussion Paper for Provisional Year, February 5, 2009* available at www.nalp.org/partv), the Task Force recommended and the Board approved: one change to provisional Part V, with a corresponding editorial change to Part IV relating to reaffirmation of offers by law student candidates who were previously employed; one change to provisional Part V, clarifying the December 15/December 30 timeframe for offers from employers having a total of 40 or fewer attorneys in all offices; the addition of an Interpretation addressing offers made prior to the commencement of fall interview programs; and the addition of a new Interpretation addressing releasing offers.

The changes are:

1. Regarding offers to law student candidates previously employed, add the following language to Parts V.B.3 and V.C.3.

Candidates should reaffirm these offers within thirty days from the date of the offer letter. Employers may retract any offer that is not reaffirmed within the 30 day period.

2. Edit Part IV.G.2 of the Principles to reflect the reaffirmation language in Parts V.B.3 & V.C.3.
3. Regarding employers having a total of 40 or fewer attorneys in all offices, replace the second

to last sentence of Parts V.B.4 and V.C.4 with the following language:

Offers made on or before December 15 should remain open for at least three weeks following the date of the offer letter or until December 30, whichever comes first.

4. Add an Interpretation, as follows:

Interpretation 20: Offers Prior to Commencement of Fall Interview Programs

Q. How long must an offer to a law student candidate not previously employed remain open if the offer is given prior to the start of a student's fall interview program?

A. In light of NALP's strong commitment to allowing candidates to make independent and considered decisions, offers made before a law school's fall interview program begins to a law student candidate not previously employed should not expire until at least 45 days from the first day of the law school's fall interview program. Employers should contact the appropriate law school(s) to determine these dates. See NALP Principles & Standards PART IV F. and PART V.

5. Add another Interpretation, as follows:

Interpretation 21: Releasing Offers

Q. Are students required to contact employers to release offers?

A. Part V.A.2 states, "Candidates are expected to accept or release offers or request an extension by the applicable deadline." Professional standards dictate that students contact employers to release their offers.

II. Additional Resources and Background Information Online

At www.nalp.org/partv:

- *Discussion Paper for Provisional Year* — submitted by the NALP Part V Task Force to the NALP Board of Directors, February 5, 2009. (This paper summarizes the Task Force's reaction and

response to member feedback, and their recommendation to the Board, following the Fall 2008 recruiting season when the provisional Part V Timing Guidelines were in effect.)

- *Original Discussion Paper* — submitted by the NALP Part V Task Force to the NALP Membership, December 2007. (This paper discusses the provisional guidelines and the alternatives to the guidelines that were in place in the Fall of 2007.)
- *Marked-up Version of Part V Showing Provisional Year Timing Guidelines and Subsequent Changes.*
- *Frequently Asked Questions on the Interim Timing Guidelines.*
- *Links to NALP Bulletin Articles about the Timing Guideline changes.*
- *E-mail links to Task Force Members.*

See also <http://www.nalp.org/principles> for the full text of NALP's Principles & Standards and the Interpretations.

Two opportunities to discuss the Timing Guidelines will be provided during the 2009 Annual Education Conference: the Part V Timing Guidelines Open Forum on Wednesday, April 1, from 12:30 - 1:45 pm, and the Town Hall Meeting on Thursday, April 2, from 7:45 - 8:45 am.

III. Part V Task Force Members

Thomas Schoenherr, Chair, Fordham University School of Law

Elizabeth Armour, Suffolk Law School

Norma Cirincione, Cleary Gottlieb Steen & Hamilton, LLP

Lisa Dickinson, Kirkland & Ellis LLP

Gihan Fernando, Georgetown University Law Center

Michael Gotham, Perkins Coie LLP

Steve Marchese, University of Minnesota Law School

(Note: Steve Marchese left his position at UMLS and the Part V Task Force in October 2008)

Susan Robinson, Stanford Law School

LeaNora Ruffin, Widener University School of Law

Lynne Traverse, Bryan Cave LLP

Jo-Ann Verrier, University of Pennsylvania Law School

Charlotte Wager, Hiring Partner, Jenner & Block LLP

James Leipold, NALP, *ex officio*

Fred Thrasher, NALP, *ex officio*

These are the Principles & Standards Part V that will take effect immediately should the “yes” votes prevail. To see a marked-up version of Part V, showing the provisional year text as well as subsequent amendments, see NALP’s website at www.nalp.org.

Part V: Provisional Year Guidelines with Adopted Changes

PART V: GENERAL STANDARDS FOR THE TIMING OF OFFERS AND DECISIONS

To promote fair and ethical practices for the interviewing and decision-making process, NALP offers the following standards for the timing of offers and decisions:

A. General Provisions

1. All offers to law student candidates (“candidates”) should remain open for at least two weeks after the date of the offer letter unless the offers are made pursuant to Sections B and C below, in which case the later response date should apply.
2. Candidates are expected to accept or release offers or request an extension by the applicable deadline. Offers that are not accepted by the offer deadline expire.
3. A candidate should not hold open more than five offers of employment at any one time. For each offer received that places a candidate over the offer limit, the candidate should, within one week of receipt of the excess offer, release an offer.
4. Employers offering part-time or temporary positions for the school term are exempted from the requirements of Sections B and C below.
5. Practices inconsistent with these guidelines should be reported to the candidate’s career services office.

B. Full-Time Employment Provisions

1. Employers offering full-time positions to commence following graduation to candidates not previously employed by them should leave those offers open for at least 45 days following the date of the offer letter or until December 30, whichever comes first. Offers made after December 15 for full-time positions to commence following graduation should remain open for at least two weeks after the date of the offer letter.
2. Candidates may request that an employer extend the deadline to accept the employer’s offer until as late as April 1 if the candidate is actively pursuing positions with public interest or government organizations. Candidates may hold open only one offer in such circumstances. Employers are encouraged to grant such requests.
3. Employers offering full-time positions to commence following graduation to candidates previously employed by them should leave those offers open until at least November 15 of the candidate’s final year of law school. Candidates should reaffirm these offers within thirty days from the date of the offer letter. Employers may retract any offer that is not reaffirmed within the 30 day period.
4. Employers offering candidates full-time positions to commence following graduation and having a total of 40 attorneys or fewer in all offices are exempted from

Paragraphs 1-3 of this Section. Instead, offers made on or before December 15 should remain open for at least three weeks following the date of the offer letter or until December 30, whichever comes first, and offers made after December 15 should remain open for at least two weeks.

C. Summer Employment Provisions for Second and Third Year Students

1. Employers offering positions for the following summer to candidates not previously employed by them should leave those offers open for at least 45 days following the date of the offer letter or until December 30, whichever comes first. Offers made after December 15 for the following summer should remain open for at least two weeks after the date of the offer letter.
2. Candidates may request that an employer extend the deadline to accept the employer’s offer until as late as April 1 if the candidate is actively pursuing positions with public interest or government organizations. Candidates may hold open only one offer in such circumstances. Employers are encouraged to grant such requests.
3. Employers offering positions for the following summer to candidates previously employed by them should leave those offers open until at least November 15. Candidates should reaffirm these offers within thirty days from the date of the offer letter. Employers may retract any offer that is not reaffirmed within the 30 day period.
4. Employers offering candidates positions for the following summer and having a total of 40 attorneys or fewer in all offices are exempted from Paragraphs 1-3 of this Section. Instead, offers made on or before December 15 should remain open for at least three weeks following the date of the offer letter or until December 30, whichever comes first, and offers made after December 15 should remain open for at least two weeks.

D. Summer Employment Provisions for First Year Students

1. Law schools should not offer career services to first-semester first year law students prior to November 1 except in the case of part-time students who may be given assistance in seeking positions during the school term.
2. Prospective employers and first year law students should not initiate contact with one another and employers should not interview or make offers to first year students before December 1.
3. All offers to first year students for summer employment should remain open for at least two weeks after the date made.

Part V: Timing Guidelines for Fall 2007 and Prior Seasons

PART V: GENERAL STANDARDS FOR THE TIMING OF OFFERS AND DECISIONS

To promote fair and ethical practices for the interviewing and decision-making process, NALP offers the following standards for the timing of offers and decisions:

A. General Provisions

1. All offers to law students should remain open for at least two weeks after the date made unless the offers are made pursuant to Paragraphs B and C below, in which case the later response date should apply.
2. Law students should reaffirm offers governed by Paragraphs B and C below within thirty days from the date of the offer letter. Employers may retract any offer that is not reaffirmed by the student.
3. Students are expected to accept or release offers or negotiate an extension of the response date by the applicable deadline.
4. After September 15 a student should not hold open more than five offers of employment simultaneously; after October 1 a student should not hold open more than four offers simultaneously; and after October 15 a student should not hold open more than three offers simultaneously. Offers of employment include those received as a result of previous summer employment. For each offer received that places a student over the offer limit, the student should, within one week of receipt of the excess offer, release an offer.
5. Second and third year students may, with the consent of the employer, extend one offer beyond December 1.
6. Employers having a total of 40 attorneys or fewer in all offices may be exempted from Paragraphs B and C below but should leave offers open for a minimum of three weeks.
7. Employers offering part-time or temporary positions for the school term may be exempted from the requirements of Paragraphs B and C below.
8. Violations of these guidelines should be reported to the student's career services office.

B. Full-Time Employment Provisions

1. Employers offering full-time positions following graduation to law students not previously employed by them should leave those offers open at least until December 1.
2. Employers making offers **before** September 15 of the student's third year for full-time positions following graduation to law students previously employed by them during any preceding summer should leave those offers open at least until November 1. Upon request by the student, an employer should extend this date until December 1 upon receipt of assurances from the

student that he or she is holding and will hold no more than one other offer during the extension period.

3. Employers making offers **on or after** September 15 of the student's third year for full-time employment following graduation to law students previously employed by them during any preceding summer should leave those offers open at least until December 1.

C. Summer Employment Provisions for Second and Third Year Students

1. Employers offering summer positions in the fall to law students not previously employed by them should leave those offers open at least until December 1.
2. Employers making offers before September 15 for a second summer clerkship to law students previously employed by them during any preceding summer should leave those offers open at least until November 1. Upon request by the student, an employer should extend this date until December 1 upon receipt of assurances from the student that he or she is holding and will hold no more than one other offer during the extension period.
3. Employers making offers on or after September 15 for a second summer clerkship to law students previously employed by them during any preceding summer should leave those offers open at least until December 1.

D. Summer Employment Provisions for First Year Students

1. Law schools should not offer career services to first-semester first year law students prior to November 1 except in the case of part-time students who may be given assistance in seeking positions during the school term.
2. Prospective employers and first year law students should not initiate contact with one another and employers should not interview or make offers to first year students before December 1.
3. All offers to first year students for summer employment should remain open for at least two weeks after the date made.