

Proposed Changes to Parts I – IV of the Principles and Standards for Law Placement and Recruitment Activities

INTRODUCTION

The National Association for Law Placement (NALP) was organized in 1971 to promote the exchange of information and cooperation between law schools and employers. In order to advance those interests, the Association has developed these "Principles and Standards for Law Placement and Recruitment Activities."

The NALP "Principles and Standards for Law Placement and Recruitment Activities" were first adopted in 1978. Part V, "Standards for the Timing of Offers and Decisions," was derived from "Interviewing Procedures for Law Students and Prospective Employers," a set of guidelines originally adopted in the early 1960s by a group of law schools meeting under the auspices of the Association of the Bar of the City of New York. Subsequent modifications were adopted in 1985, 1988, 1992, 1994, 2002, 2004, 2005, and 2009

The "Principles and Standards for Law Placement and Recruitment Activities" are organized as follows:

- I. **General Principles**
- II. **Principles for Law Schools**
- III. **Principles for Candidates**
- IV. **Principles for Employers**
- V. **General Standards for the Timing of Offers and Decisions (NOT INCLUDED IN THIS DRAFT)**

NALP encourages law schools and legal employers to educate all participants in the law placement and recruitment process about the spirit and the letter of these Principles and Standards. NALP urges all participants in the law student recruitment process, including members and non-members of NALP, to abide by these Principles and Standards. These Principles and Standards are designed to empower law schools, legal employers, and law student candidates ("candidates") to self govern based on the concepts set forth below. NALP expects that such governance will be managed with the highest regard for the best interest of all involved parties.

PART I. GENERAL PRINCIPLES

Successful recruitment and placement of law students requires cooperation and good judgment from three groups -- law schools, candidates, and employers. These Principles and Standards provide concrete guidelines for each group. Nothing in the Principles and Standards is intended to alter any legal relationships among the participants, but participants are urged to carry out all obligations in good faith.

Activities related to the placement and hiring of law students should be conducted on the highest ethical and professional level. Timely exchange of accurate information is essential. Recruitment activities should be scheduled so as to minimize interference with students' academic work.

Underlying these guidelines for ethical behavior is NALP's fundamental commitment to helping to make the legal profession accessible to all individuals on a non-discriminatory basis. NALP is strongly opposed to discrimination which is based upon gender, age, race, color, religious creed, national origin, physical disability, marital, parental or veteran status, sexual orientation, or the prejudice of clients related to such matters.

In addition to abiding by these guidelines, all parties concerned with placement and hiring should observe strictly all relevant laws, accreditation standards and institutional policies. A law school may deny use of its career services facilities to students and employers who fail to adhere to these Principles and Standards. If unusual circumstances or particular organizational constraints require a law school, a candidate, or an employer to modify any provision herein, every effort should be made to find an alternative acceptable to all parties concerned.

PART II. PRINCIPLES FOR LAW SCHOOLS

A. Law schools should make career planning services available to all students.

1. Career planning and counseling are integral parts of legal education. Law schools should dedicate to them adequate physical space, equipment, financial support, and staff.
2. The professional services of a career planning office should be available to students without charge.
3. Law schools should strive to meet the career planning needs and interests of all students. Preferential treatment should not be extended to any student or employer.

B. Law schools should subscribe to and promote practices that protect their students' legal rights.

1. Law schools should articulate and publish meaningful policies prohibiting discriminatory hiring practices. **Employers should be required to sign a non-discrimination statement prior to recruiting on campus.** Procedures should be developed and published whereby claims of violations can be investigated and resolved promptly and fairly.
2. Students' privacy should be protected against illegal or inappropriate dissemination of personal information. Information protected by federal, state, or municipal law must not be disclosed without proper consent. Institutional policies conforming to prevailing laws should be formulated and published to the attention of both students and employers.

C. Law schools should educate students as to proper career investigation techniques and protocol.

1. **Career services offices should educate all students about NALP's Principles and Standards.**
2. Publications and counseling provided by law schools should be designed to afford students adequate information about the variety of opportunities available to persons with legal training and proper methods for exploring such opportunities.
3. Students should be counseled to focus their career choices based on their aptitudes and career goals.

D. Students' freedom of choice in career decisions should be protected from undue influences.

1. In counseling students, career services officers and others within the law school community should avoid interposing either their own values or institutional interests.
2. Law schools should disseminate Part V: General Standards for the Timing of Offers and Decisions to students and employers and urge all participants in the law student recruitment process, including members and non-members of NALP, to adhere to them so that students can make informed decisions.
3. **In order to protect the best interests of all participants, law schools should take every step possible to educate students and employers alike regarding the importance of the General Standards for the Timing of Offers and Decisions.**

E. Law schools should develop and maintain productive working relationships with a broad range of employers.

1. Law schools should work actively to develop and maintain employment opportunities for students and graduates. All employment opportunity notices should be publicized to all students.
2. To enhance student learning and increase career development opportunities, the office of career services should maintain good working relationships with students, faculty, alumnae/i, and other elements of the legal community.
3. In order to ensure maximum information-sharing and efficiency in the employment search process, law schools should cooperate with one another to the fullest extent possible in gathering employer information and providing interview services.
4. Law schools should not disseminate information learned in confidence from employers.

F. Law schools should establish adequate procedures to facilitate recruitment by employers.

1. Procedures to enable employers to conduct on-campus interviews, solicit direct applications or collect student resumes should be designed for maximum efficiency and fairness. Those procedures should be clearly articulated and available in writing to students and employers.
2. In dealing with employers, law schools should make maximum use of standardized forms and procedures.

G. Law schools should establish and implement practices to ensure the fair and accurate representation of students and the institution in the employment search process.

1. Law schools should adopt and enforce policies that prohibit misrepresentation and other student abuses of the employment search process, such as engaging in interviews for practice, holding more than four offers, failing to decline offers in which there is no longer interest, or continuing to interview after acceptance of employment.
2. Law schools should provide to employers and other interested parties comprehensive information on grade standards and distribution, curriculum, degree requirements, admissions and enrollment profiles, academic awards criteria, and office of career services policies and procedures.
3. Information on employment and salaries should be collected by law schools and provided to NALP, and the survey results should be made available to employers, prospective students, and all other interested parties.

PART III. PRINCIPLES FOR CANDIDATES

A. Candidates should prepare thoroughly for the employment search process.

1. Before beginning an employment search, candidates should engage in thorough self-examination. Work skills, vocational aptitudes and interests, lifestyle and geographic preferences, academic performance, career expectations and life experiences should be carefully evaluated so that informed choices can be made. General instruction should be obtained on employment search skills, particularly those relating to the interview process.
2. Prior to making employment inquiries, candidates should learn as much as possible about target employers and the nature of their positions. Candidates should interview only with employers in whom they have a genuine interest.
3. Candidates should comply with the policies and procedures of each law schools ~~whose~~ from which they obtain services ~~they use~~.

B. Throughout the employment search process candidates should represent their qualifications and interests fully and accurately.

1. Candidates should be prepared to provide, at employers' request, copies of all academic transcripts. Under no circumstances should academic biographical data be falsified, misrepresented, or distorted either in writing or orally. Candidates who engage in such conduct may be subject to elimination from consideration for employment by the employer, suspension or other academic discipline by the law school, and disqualification from admission to practice by bar admission authorities.
2. Candidates should be prepared to advise prospective employers of the nature and extent of their training in legal writing. Writing samples submitted as evidence of a candidate's legal skills should be wholly original work. Where the writing was done with others, the candidate's contribution should be clearly identified. Writing samples from law-related employment must be masked adequately to preserve client confidentiality and used only with the permission of the supervising attorney.

C. Throughout the employment search process candidates ~~students~~ should conduct themselves in a professional manner.

1. Candidates who participate in the on-campus interview process should adhere to all scheduling commitments. Cancellations should occur only for good cause and should be promptly communicated to the office of career services and ~~or~~ the employer.
2. Candidates should respond promptly to invitations for in-office interviews and accept such invitations ~~Invitations for in-office interviews should be acknowledged promptly and accepted~~ only if the candidate has a genuine interest in the employer. With respect to all other requests for information or invitations from employers, candidates should respond promptly.
3. Candidates should reach an understanding with the employer regarding its reimbursement policies prior to the trip. Expenses for trips during which interviews with more than one employer occur should be prorated in accordance with those employers' reimbursement policies.
4. Candidates invited to interview at employer offices should request reimbursement for reasonable expenses that are directly related to the interview and incurred in good faith. Failure to observe this policy, or falsification or

misrepresentation of travel expenses, may result in non-reimbursement and elimination from consideration for employment or the revocation of offers by an employer.

5. Candidates should handle in a timely manner any changes or cancellations to an in-office interview, including cancellation of any travel arrangements.

D. Candidates should notify employers and their office of career services of their acceptance or rejection of employment offers by the earliest possible time, and no later than the time established by rule, custom, or agreement.

1. Candidates should expect offers to be confirmed in writing. Candidates should abide by the standards for ~~student~~ candidate responses set out in Part V and should in any event notify the employer as soon as their decision is made, even if that decision is made in advance of the prevailing deadline date.
2. In fairness to both employers and peers, ~~student~~ candidates should act in good faith to decline promptly offers for interviews and employment which are no longer being seriously considered. In order for law schools to comply with federal and institutional reporting requirements, ~~student~~ candidates should notify the office of career services upon acceptance of an employment offer, whether or not the employment was obtained through the office.

3. Candidates seeking or preparing to accept fellowships, judicial clerkships, or other limited term professional employment should apprise prospective employers of their intentions and obtain a clear understanding of their offer deferral policies.

E. Candidates should honor their employment commitments.

1. Candidates should, upon acceptance of an offer of employment, notify their office of career services and notify all employers who consider them to be active candidates that they have accepted a position.
2. If, because of extraordinary and unforeseen circumstances, it becomes necessary for a candidate to modify or be released from his or her acceptance, both the employer and the office of career services should be notified promptly in writing.

F. Candidates should promptly report to the office of career services any misrepresentation, discrimination or other abuse by employers in the employment process.

G. Students who engage in law-related employment should adhere to the same standards of conduct as lawyers.

1. In matters arising out of law-related employment, students should be guided by the standards for professional conduct which are applicable in the employer's state. When acting on behalf of employers in a recruitment capacity, students should be guided by the employer principles in Part IV.
2. Students should exercise care to provide representative and fair information when advising peers about former employers.

PART IV. PRINCIPLES FOR EMPLOYERS

A. Employers should maintain productive working relationships with law schools.

1. Employers should inform the law school office of career services in advance of any recruiting activities involving their students, whether conducted on- or off-campus, and should, at the conclusion of those activities, inform the office of career services of the results obtained.
2. Employers without formal recruiting programs or whose hiring activities are sporadic in nature should notify the law school office of career services as far in advance as possible of planned recruiting activities in order that appropriate assistance might be arranged.
3. Employers who conduct on-campus interviews should refrain from making unnecessary schedule change requests.

B. Employers should respect the policies, procedures and legal obligations of individual law schools and should request only services or information that are consistent therewith.

1. Employers should not expect or request preferential services from law schools.
2. Employers should not solicit information received by law schools in confidence from candidates or other employers.
3. Appointments with candidates for in-house interviews should be established for a mutually convenient time so as not to unduly disrupt ~~students'~~ candidates' studies.
4. Employers should promptly report to the office of career services any misrepresentation or other abuse by ~~students~~ candidates of the employment search process.

C. Employers should provide full and accurate information about the organization and the positions for which recruitment is being conducted.

1. Employers should provide to law schools complete organizational information as contained in the NALP Employer Questionnaire well in advance of any recruitment activities. Position descriptions should include information about the qualifications sought in candidates, the hiring timetable, nature of the work, the number of available positions, and, if known at the time, the starting salary to be offered.
2. Invitations for in-office interviews should include a clear explanation of all expense reimbursement policies and procedures.

D. Employer organizations are responsible for the conduct of their recruiters and for any representation made by them.

1. Employers should designate recruiters who are both skilled and knowledgeable about the employing organization.
2. Employers should instruct interviewers not to make any unauthorized commitments.
3. Candidates' personal privacy should be safeguarded. Information about candidates that is protected by law should not be disclosed by an employer to any third party without specific permission.

E. Employers should use valid, job related criteria when evaluating candidates.

1. Hiring decisions must be based solely on bona fide occupational qualifications.
2. Employers should carefully avoid conduct of any kind during the interview and selection process that acts or appears to act to discriminate unlawfully or in a way contrary to the policies of a particular institution.
3. Factors in candidates' backgrounds that have no predictive value with respect to employment performance, such as scores on examinations required for admission to academic institutions, should not be relied upon by employers in the hiring process. ~~When evaluating second and third year applicants, employers should not place undue emphasis on the nature of a first year summer job experience or on a student's decision not to work after the first year.~~
4. There has been a long-standing tradition that the first year summer be used to engage in public service work or to take time away from the law altogether, and, while the practice of having first year students work in private law firms provides additional employment opportunities to some students, such experiences should not be valued or emphasized inordinately.

F. Employers should refrain from any activity that may adversely affect the ability of candidates to make an independent and considered decision.

1. Employers should give candidates a reasonable period of time to consider offers of employment and should avoid conduct that subjects candidates to undue pressure to accept.
2. Response deadlines should be established when the offer of employment is made. Employers who extend offers in the fall should abide by the timetable for ~~student~~ candidate response set out in Part V and must abide by it with respect to ~~students~~ candidates enrolled in law schools that have adopted it as an employer requirement.
3. Employers should not offer special inducements to persuade candidates to accept offers of employment earlier than is customary or prescribed under the circumstances.

G. An employer should honor all commitments made on its behalf.

1. Offers of employment should be made in writing, with all terms clearly expressed.
2. If, because of extraordinary and unforeseen circumstances, it becomes necessary for an employer to rescind or modify an offer of employment, both the ~~student~~ candidate and the office of career services should be notified promptly. Employers may retract any offer that is not reaffirmed by the ~~student~~ candidate in accordance with Part V, Paragraphs B3 and C3 below.