



*NALP believes in fairness, facts and the power of a diverse community.*

*We work every day to be the best career services, recruitment, and professional development organization in the world because we want the lawyers and law students we serve to have an ethical recruiting system, employment data they can trust, and expert advisers to guide and support them in every stage of their careers.*



# NALP Employment and Salary Data Collection for the Class of 2020

November 10, 2020

Presenters:

James Leipold, Executive Director

Danielle Taylor, Director of Research

# Introduction and Syllabus

- We share a collective professional responsibility to collect and report law school employment outcomes
- Longstanding collaborative venture between schools/students & schools/NALP
- Today we will cover
  - NALP changes for the Class of 2020
  - Navigating the ABA Protocol
  - Differences between NALP/ABA data sets
  - Tips for clean data submission
  - Case studies from you

# Changes for the Class of 2020

The **Gender Identity** item has been expanded to include the following response options:

- Woman
- Trans Woman
- Man
- Trans Man
- Non-binary/third gender
- Choose to self-identify with an identity not listed above (describe)
- Prefer not to disclose

As a result of these additional reporting options, the *I identify as transgender* checkbox has been removed.

# Changes for the Class of 2020

- The previous sexual orientation item has been replaced with an **I identify as Lesbian, Gay, Bisexual, Transgender and/or Queer** item. This is a “Yes/No” question.

# Changes for the Class of 2020

## Some **Race/Ethnicity** categories have been renamed:

- *Hispanic/Latino* has been changed to *Latinx*, a gender-neutral term for people of Latin American descent
- *Black/African American* has been changed to *Black or African American*
- *Native American/Alaska Native* has been changed to *Native American or Alaska Native*

**Note:** If your school is a Symplicity user, please make sure to update your “Ethnicity” picklist with these new category names. Contact your Symplicity representative if you need assistance.

# Changes for the Class of 2020

Two new demographic questions on first-generation college student status have been included under **Parental/Guardian Education**. These questions have been added to capture both first-generation college students and first-generation JD students.

# Changes for the Class of 2020 – Parental Education

## Highest Overall Level of Parental/Guardian Education

- Did not finish high school
- High school diploma or GED
- Some college/no degree
- Associate's degree
- Bachelor's degree
- Master's degree
- Doctoral or professional degree

## JD Degree

- “Yes/No” item on whether a parent/guardian holds a JD degree

# Changes for the Class of 2020

- In order to be consistent with the ABA, the *Enrolled in a full-time degree or certificate program* employment status option has been changed to *Enrolled in graduate studies* to allow for both full-time and part-time enrollment.
- Under **Source of Job**, the spring and fall OCI response options have been consolidated into a single response option, *through an on-campus interview (OCI) program*, and a new response option of *as a result of an internship/externship experience* has been added.

# Changes for the Class of 2020

- Two new **business job types** have been included:
  - Privacy/Cyber Security analyst or officer
  - Contract manager/analyst
- Two new **level of government** options have been added:
  - Tribal
  - International
- The *Other* level of government response option has been eliminated.

# COVID-19 Considerations for the Class of 2020

- In order to be consistent with the ABA, judicial clerkships originally intended to last for one year or more, but that started late due to the impact of the COVID-19 pandemic, may still be counted as long-term.
- This also applies to fellowships and other term-limited positions that were intended to last at least one year. These exceptions only apply to the Class of 2020.

# ABA Audit Protocol

- All schools subject to audit
- Governed by the revised ABA audit protocol document [https://www.americanbar.org/groups/legal\\_education/resources/questionnaire/](https://www.americanbar.org/groups/legal_education/resources/questionnaire/)
- NALP Best Practices Guide <http://www.nalp.org/uploads/2015BestPracticesLSEmploymentOutcomes.pdf>
- **NALP cannot speak for the ABA or say whether something will satisfy the ABA or pass muster in an audit**

# Differences between NALP & ABA data

- **Data due to ABA April 9, due to NALP April 20, 2021**
  - Of course you can send it in earlier!
- **An individual school's NALP and ABA data sets are unlikely to match exactly because:**

## Law School Funded

- NALP will not break them out “above the line” so they will be included in the Job Type categories of Bar Admission Required, JD Advantage, etc.
- NALP has not adopted the salary-threshold definition of long-term, so all law school funded jobs that last for a year or more should be reported as long-term regardless of the starting salary.

# Differences between NALP & ABA data

**An individual school's NALP and ABA data sets are unlikely to match exactly because:**

- ABA requires a data value for short term/long term & full-time/part-time for every job, but NALP does not. If the value is truly unknown NALP allows you to leave these fields blank.
- NALP undertakes a Quality Control process to check and verify data and the ABA does not.

# Meeting Your Professional Responsibility

## How to balance student-reported information against correct information?

- Use the information the student provided unless it is wrong or directly at odds with ABA or NALP definitions.
- Exercise your professional judgment!
- ABA Protocol has created some safe harbors.
- Document any changes you make, and the reasons for making the change.
- When in doubt, use the lesser value that is supported by the facts at hand.

# Meeting Your Professional Responsibility

## How to manage reporting graduate outcomes when the NALP and ABA definitions are at odds for some of your graduates?

- Keep an archive copy of each exported reporting file
- Make the necessary changes in the graduate record to comply with the definitions provided by ABA and NALP
- If you use Symplicity – don't try to edit the XML file!

## How much surveying is enough?

- A reasonable amount!
- At least one pre-graduation survey and one post-graduation survey
- Use the last known information

# Tips for Clean Data Submission

- One record for every graduate, even if no employment status is known
- Submit the 10-month survey from Symplicity, not the at-graduation survey
- Always refer to the instructional materials provided by NALP
- These materials are available now on the NALP website at [www.nalp.org/erssinfo](http://www.nalp.org/erssinfo)

# Tips for Clean Data Submission

**Job type** and **Employer type** are the two most important pieces of information and should be completed for every graduate for whom that data is known, and the two should not be at odds with one another (e.g. local government prosecution paired with JD Advantage)

## **Job Type:**

- Bar Passage Required/Anticipated
- JD Advantage
- Other Professional
- Non-Professional

## **Employer Type:**

- Private Practice
- Business
- Government
- Public Interest
- Education
- Judicial Clerkships

# Tips for Clean Data Submission

## **Some government and clerkship jobs are categorized incorrectly**

- The new reporting categories (tribal and international) should help minimize confusion.
- Jobs with non-US courts or governments or with the UN or NATO are international.
- County governments are local governments.
- Government jobs in DC or territories like Puerto Rico or the Virgin Islands should be reported as state level jobs.
- Judicial clerkships with federal courts in DC or territories should be reported as federal jobs and jobs with other lower courts as state level jobs.

# Tips for Clean Salary Data Submission

- Report the salary the student was making as of March 15, 2021, which may not be the salary they were originally offered.
- It is not necessary to report salary data for part-time jobs or for jobs lasting less than one year, as NALP only reports on salary data for full-time jobs that last at least one year.

# Tips for Clean Salary Data Submission

- Hourly wages can be annualized to calculate salaries for graduates working full-time in long-term jobs, but don't calculate full-time equivalent salaries for part-time jobs.
- Stipends, if any, should be reported primarily for law school-funded jobs and for fellowships.
- A part-time hourly wage is not a stipend.
- Do not report salaries paid in currencies other than U.S. dollars.
- Do not convert salaries paid in other than U.S. dollars.

# Tips for Clean Data Submission

- Law firm office size should not exceed law firm size (this seems obvious, but we get conflicting data here every year). Both fields are in Symplicity and if you have data in both fields, both will come over with your NALP data set. However, for NALP purposes only law firm size matters.
- Law firm size should not be reported for non-law firm jobs. This tends to be an issue with 12Twenty submissions.

# Tips for Clean Data Submission

- All judicial clerkships should be reported as bar admission required jobs even if the student reports it differently.
- Most entry-level attorney jobs with a law firm should be reported as associate jobs.
- For legal temp agency jobs, the employer is a business even if the placement is with a law firm.

# Tips for Clean Data Submission

- The staff attorney category describes jobs where the firm hires both partnership-track and non-partnership-track attorneys. A staff attorney position is a non-partnership-track position regardless of the actual title used. It can also include instances where the firm hires attorneys on a project or fixed-duration basis.
- The staff attorney category is overused in the small firm setting. Most entry-level positions in small firms should be reported as associate level positions unless the facts support the staff attorney designation.

# Tips for Clean Data Submission

## Confusion about Solo Practitioners

- Solos should be reported as associates/entry-level attorneys even though they are likely doing some admin work.
- The same is true for two grads starting their own practice together, unless one of them is doing strictly admin work.
- Timing for a solo MUST be after bar passage.
- In Symplicity there is an employer record that should be changed to reflect the new firm size if a solo practitioner hires an additional attorney.
- It is not necessary to report salary information for a solo practitioner.

# Sources of Confusion and Questions

## **How to distinguish between professional and non-professional jobs? Fact-specific determinations!**

- Does the graduate work in a professional setting?
- Does the job require specialized training?
- Does the job require or provide ongoing professional development?
- Is the job salaried as opposed to hourly?
- Is there a professional career path for advancement?
- Does the job include supervisory responsibility for other employees?
- Does the job require professional judgment or expertise?
- If no additional information is available, you must use what the graduate has provided.

# Sources of Confusion and Questions

## **What about law clerks at law firms and with government agencies? Are they best classified as Bar Admission Required or JD Advantage?**

- They are presumed to be JD Advantage jobs unless the graduate is hired with the specific expectation of automatically becoming an attorney with passage of the bar exam (as with firms in New York)
- They are presumed to remain JD Advantage even with bar passage unless there is a title change prior to March 15
- Cannot assume bar passage converts job to Bar Admission Required
- Again, a case-by-case fact-specific determination is required

# Sources of Confusion and Questions

- Job with political campaigns are not Government jobs, they are jobs in Business.
- Clerks hired by courts who perform largely administrative functions, like the temporary assistant clerks in CT, are not Judicial Clerks. They are Judicial, Other.
- Program type, that is whether a graduate earned their degree in a part-time or full-time program, should be reported for every grad.
- Transfer status should also be reported for every grad.

# Sources of Confusion and Questions

- Legal services jobs should not be reported as public interest law firm jobs
- Legal services jobs cannot be reported as the graduate having started their own business (new law grads cannot start legal services organizations, which have a specific definition)
- Likewise, a graduate cannot start a public defender office
  - A graduate who is a solo practitioner may take public defender work on a contract basis
- Lo Bono firms are generally categorized as a public interest law firm

# Sources of Confusion and Questions

- There is some confusion about reporting the timing of a job offer received after graduation – the timing must be either *before* bar results or *after* bar results.
- The N/A option is *only* for jobs that do not require a bar exam or diploma privilege.
- For those graduates with diploma privilege who received their job offer after graduation, the post-graduation timing should be reported as *after* bar results.

# Posting Employment Data

- The school reports that you receive with your school's aggregate data are confidential.
- NALP *never* posts, publishes, or releases any school-specific employment data.\*
- NALP does not require any school to post its NALP school report.
- The ABA requires that schools post their ABA employment summary report.
- Law School Transparency urges schools to post their NALP school summary report, but this is *always* discretionary.

\*Except as required by law or subpoena from a court of law.

# Case Studies From You!

**Q:** One of our graduates is a judicial clerk. The appointment was supposed to last for at least one year, but the start date was delayed due to the COVID-19 pandemic (and now will last less than one year). Can we still count the graduate as long-term?

**A:** Yes, for the Class of 2020 graduates with judicial clerkships that have been delayed and were originally supposed to last for at least one year can still be counted as long-term. This also applies to fellowships and other term-limited positions that were intended to last for at least one year.

# Case Studies From You!

**Q:** The graduate is working for a small firm but has his own client base. He has reported the source of job as started his own practice. Is this correct?

**A:** In the law firm setting, the started own practice job source is reserved specifically for those graduates who have started their own solo practice (or a practice with another lawyer) and would not be an appropriate source in this case.

# Case Studies From You!

**Q:** We have three grads who have started a firm together and they have each reported themselves as partners. How should we report them?

**Q:** We have two grads that started a firm together and reported themselves as managing attorneys. Should we report them as Manager/Administrator?

**A:** In both cases, they should be reported as associates/entry-level attorneys.

# Case Studies From You!

**Q:** What about a graduate who was working for a firm prior to and during law school as a clerk or paralegal, who would have become an associate after passing the bar, but failed the bar, and continues to work as a clerk or paralegal while they retake the bar? Bar passage reqd/anticipated or JD Advantage? Associate or clerk?

**A:** If the transition to attorney role is automatic upon passing the bar, it can be counted as bar passage reqd as long as that condition is still true after the first bar failure and they are expected to sit for/pass the bar in the near future. If not, JD Advantage. Job should be reported as clerk or paralegal.

# Case Studies From You!

**Q:** What about a graduate who is working at a small eat-what-you-kill law firm with an estimated first year salary of “around \$100,000”?

**A:** They should be categorized as an associate/entry-level attorney with no reported salary.

# Case Studies From You!

**Q:** We have a graduate that is working for the law school's incubator program as a staff attorney and provides training to those within the program. Should we report this job as part of an incubator program?

**A:** No, the incubator program item under Law Firm employment is specifically for those graduates who are receiving start-up assistance/help through the incubator program. This job should be reported as a job in education.

# Case Studies From You!

**Q:** If a graduate reports an hourly wage, how should we annualize that?

**A:** Assuming that the job is in fact full-time and will last at least a year, 2,000 hours per year is a good guideline (40 hours/week x 50 weeks per year).

# Case Studies From You!

**Q:** I have always counted county prosecutor positions as local rather than state, even though they are technically employees of the state. Is that correct?

**A:** Yes, in this case it is appropriate to categorize them as local so as to distinguish these jobs from jobs with the state attorney general's office.

# Case Studies From You!

**Q:** We have a grad working as a part-time attorney with a firm on a consistent, but as-needed basis. She doesn't have an official title but is referred to as an "attorney" in front of clients. How should we classify her?

**Q:** What about a graduate hired by a law firm for a year long contract with no guarantee that the position will last more than a year?

**A:** They should both be reported as staff attorney positions.

# Case Studies From You!

**Q:** What do we do about a graduate who checks both Bar Passage Required and JD Advantage? The grad reports that 30% of the job requires bar licensure and 70% does not.

**A:** It should be reported as JD Advantage, as it is the lesser value and also seems to be the majority of the job according to the graduate himself.

# Case Studies From You!

**Q:** We have several graduates who either haven't taken the bar, or who weren't successful on the bar and are now employed by legal temp agencies on document review projects that require only the JD, and not bar admission. Should I report them as JD Advantage and as doing "temporary attorney work" even though they are not yet licensed?

**A:** Yes.

# Case Studies From You!

**Q:** We have a few grads who are articling in Canada and put “articling student” as their job type in our survey. Should I classify these as attorney, law clerk, or other non-attorney position?

**A:** For ERSS purposes, an articling position at a firm should be reported as an attorney.

# Case Studies From You!

**Q:** We have graduates we have reached out to several times since graduation but have heard nothing back. At graduation some indicated they were employed, and some indicated they were seeking employment. Do we use this old information, or do we count them as unknown since we have no confirmation of what they are doing as of March 15?

**A:** You should use the last known information about the graduates. Unknown is reserved for graduates for whom you have had and continue to have no information.



# And ready or not...

The survey form for the Class of 2021\* is posted on the NALP website!

*\*There are no changes from the Class of 2020*

# The fruits of our collective labor

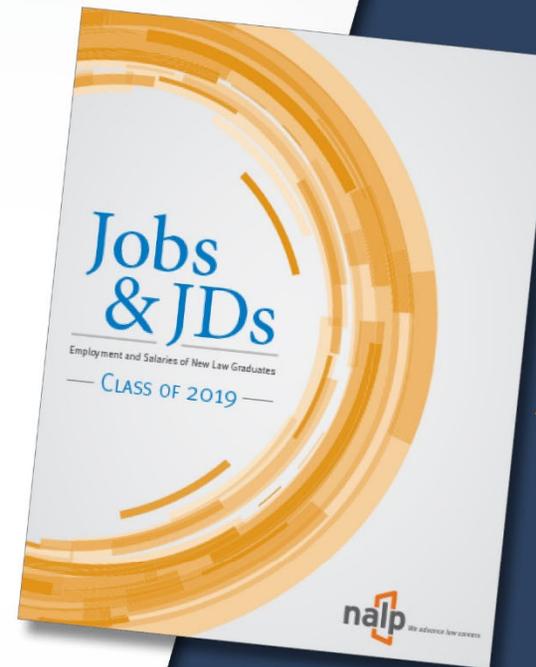
## Jobs & JDs

Employment and Salaries of  
New Graduates, Class of 2019

*Jobs & JDs* is the most comprehensive analysis of the types of employment and salaries obtained by the Class of 2019.

**NEW!**

This year's report features an **expanded demographics** section and **additional data visualizations**.



**Now  
Available!**

Buy your copy today at [www.nalp.org/bookstore](http://www.nalp.org/bookstore)

# We Now Have Time for Your Questions!

## Contact Information:

James Leipold  
Executive Director  
[jleipold@nalp.org](mailto:jleipold@nalp.org)

Danielle Taylor  
Director of Research  
[dtaylor@nalp.org](mailto:dtaylor@nalp.org)



*We advance law careers*