



# Class of 2023 NALP Employment and Salary Data Collection

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**Presenter:**  
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# 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 – our **50<sup>th</sup> year!**
- Today we will cover
  - NALP changes for the Class of 2023
  - Navigating the ABA Protocols & differences between NALP and ABA datasets
  - Tips for clean data submission
  - Preview of changes for the Class of 2024

# Changes for the Class of 2023

- Within the demographic section, **LGBTQ Status** has been updated to **LGBTQ+ Status**.
- Under Business employment, the **Landman (with an energy company)** option has been removed. These graduates should now be reported using the **Other** business job type.

# ABA Employment Reporting

- ABA participation is **compulsory** in order to provide public consumer information.
- Governed by the **Class of 2023 Employment Protocols**.

[www.americanbar.org/groups/legal\\_education/resources/employment-questionnaire-resources/](http://www.americanbar.org/groups/legal_education/resources/employment-questionnaire-resources/)

- All schools subject to ABA audit.
- NALP **cannot speak for the ABA** or say whether something will satisfy the ABA or pass muster in an audit.
- Contact Molly Wilensky ([Molly.Wilensky@americanbar.org](mailto:Molly.Wilensky@americanbar.org)) with questions regarding ABA reporting and documentation.

# ABA Data Points

## Key Items:

- Employment Status
- Full-time or Part-time
- Long-term or Short-term
- Employment Type
- Employment Start Date
- Employer Name & Contact Information

# NALP Employment Report and Salary Survey (ERSS)

- Also serves as important source of **public consumer information**, as well as a **public good**.
  - NALP provides long-standing research and in-depth analyses of employment outcomes and salaries, including how they vary by graduate demographics.
- School participation is **voluntary, but nearly universal**.
- Schools receive extensive and detailed report & data analysis in exchange for participation.
  - At school's discretion whether to share any or all of that report publicly.
- Data submitted is reviewed for internal consistency, but **not subject to audit**.

# NALP Data Points

## Demographic Information:

- Gender & LGBTQ+ Status
- Race/Ethnicity
- Age
- Disability Status
- Veteran Status
- Transfer Student
- Program Type
- Parental/Guardian Education

Note: Blue/bolded items are also collected by the ABA.

\* Indicates that there are slight differences in the information collected.

## Job Information:

- **Employment Status, Type of Job, and Full-time/Part-time Job Status**
- Timing of Job Offer
- **Job Start Date**
- Source of Job
- Search Status of Employed Graduates
- **Job Duration for Employed Graduates**
- **Law School Funding\***
- Additional Job Detail – Law Firm, Business, Government, Public Interest, and Education Employment
- **Geographic Location\***
- Salaries and Stipends

# Differences Between NALP and the ABA

- Data due to **ABA on April 3, 2024**, due to **NALP on April 10**.
  - Of course, you can send it in earlier!

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

## Law School Funded Positions

- 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 does not maintain a salary minimum threshold for jobs that otherwise meet the law school funded exclusion requirements within the ABA Protocols.

# Differences Between NALP and the ABA

- 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 individual school/graduate data** and the ABA does not (they do conduct a high-level look at the national data prior to publication).
  - Most schools will receive a follow up email from NALP after we review your file. This is normal and will often result in some changes to your file. It is unusual to hear from the ABA until after your school's Random Graduate Review.
  - Schools should notify the ABA about any NALP-identified changes that also impact your ABA reporting. Likewise, notify NALP of any changes identified in your ABA review (if prior to **June 14**).

# Meeting Your Professional Responsibility

## How to balance student-reported info against more accurate information?

- Use the information the graduate provided **unless it is wrong or directly at odds with ABA or NALP definitions.**
- Exercise your professional judgment! Review the ERSS instructions and ABA Protocols.
  - ABA Protocols have created some safe harbors (presumption lists).
- 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.
- Email Danielle (NALP) and/or Molly (ABA) with questions not covered in the ERSS instructional materials and ABA Protocols.

# 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! We recommend at least one pre-graduation survey and one post-graduation survey.
- Use the last known information.

## Tips for a Clean NALP Data Submission *(and minimize follow up!)*

- One record for every graduate, even if no employment status is known.
- Submit the **10-month survey** from Symplicity or 12twenty, not the at-graduation survey.
- Double check that all graduates belong to the **appropriate graduating class**.
- Collect and report the NALP-specific employment questions from grads.
  - Without your participation, we cannot provide vital national research on employment outcomes! **This includes demographic information.**
- 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 a Clean NALP Data Submission *(and minimize follow up!)*

- Unemployed-Seeking should be used if a graduate is not employed because they are studying for the bar exam.
- Employer Type Unknown should **rarely be used**.
  - Schools should look up and classify the employer type appropriately and/or consult the ABA and NALP for guidance.
- Graduates working **entirely remotely** should be reported with the employment location for the employer's office the graduate would otherwise report to or the main office of the employer.

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

**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 prosecutor paired with JD Advantage).

## **Job Type:**

Bar Admission Required/Anticipated  
JD Advantage  
Other Professional  
Other Position

## **Employer Type:**

Private Practice  
Business  
Government  
Public Interest  
Education  
Judicial Clerkships

## Tips for a Clean NALP Data Submission *(and minimize follow up!)*

- All judicial clerkships should be reported as **bar admission required jobs** even if the graduate reports it differently.
- Most entry-level attorney jobs with a law firm should be reported as **associate jobs/entry-level attorney positions**.
- The **prosecutor**, **public defender**, **JAG Corps** and **in-house lawyer** categories are for those jobs specifically, and not for graduates who may be working in the office but in another capacity, e.g., as a law clerk or paralegal.
  - If a graduate reports one of the job types above and the job is not also reported as bar admission required, they may have been hired for a different role within the office. Follow up with graduates as necessary to make sure you have the correct job details!

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

## **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 admission.
- It is not necessary to report salary information for a solo practitioner.

## Tips for a Clean NALP Data Submission *(and minimize follow up!)*

- **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 often **overused by schools in the small firm setting**.
  - Most entry-level positions in small firms should be reported as entry-level attorney/associate positions unless the facts support the staff attorney designation.

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

## **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 bar admission (as with firms in New York).
- They are presumed to remain JD Advantage even with bar admission unless there is a title change prior to March 15.
- Cannot assume bar admission converts job to Bar Admission Required.
- Again, a case-by-case fact-specific determination is required.

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

## Firm Size:

- 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 Symlicity and if you have data in both fields, both will be included with your NALP dataset. 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 a Clean NALP Data Submission *(and minimize follow up!)*

## **Public Interest Jobs:**

- A graduate cannot start a public defender office.
  - A graduate who is a solo practitioner (Law Firm employer) may take public defender work on a contract basis.
- Lo Bono firms are generally categorized as a public interest law firm (Law Firm).
- All public defenders should be classified under Public Interest (not Government).

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

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

- Jobs with non-U.S. 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 (unless they are federal government 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.
- Be on the lookout for judicial clerkships that may have been miscategorized as other Government jobs or Public Interest employment.

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

- Jobs 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 **Government-Judicial, Other**.
- For legal temp agency jobs, the employer is **Business & Industry** even if the placement is with a law firm.
- 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.

# Tips for Clean Salary Data Submission

- Hourly wages can and should 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 **short-term or part-time law school-funded jobs and for fellowships**.
  - Most full-time, long-term funded jobs should be reported with salaries.
  - 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.
- Report the salary the graduate was making as of March 15, 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.

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

## 12twenty Tips:

- Make sure to complete all of the relevant employer type information. The **Employment Type**, **Type of Job**, and **Detailed Employment Type** fields in 12twenty should be completed (as applicable). If not, your NALP Employer Type code will not populate.
- Judicial Clerkships are **reported separately** from other jobs in 12twenty. Make sure you use the correct reporting option and look for grads who may have misreported.
- Make sure your demographic questions are enabled (e.g., parental education items, LGBTQ+ status).
  - Consider using the “**Survey on Log-in**” for Attributes feature to prompt students/grads to answer a particular question the next time they log-in.

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

## Symlicity Tips:

- You **must assign a survey year** when you create a survey (e.g., 2023). If you do not or assign an old survey year you may see outdated response options and/or questions.
- Enter a **complete employer address**. Without complete address information, the NALP ERSS city code will not populate correctly. Also, make sure the city name is spelled accurately (e.g., Philadelphia not Philly).
- If updating or verifying your **race/ethnicity picklist**, refer to the instructions provided by your Symlicity rep. This is vital to ensuring that your race/ethnicity options and related codes populate in the file correctly and in a usable format.
- Be on the lookout for graduates working as **public defenders** who may have misreported their job under Government-Other. All PDs should be reported under Public Interest.

# Tips for a Clean NALP Data Submission *(and minimize follow up!)*

## **Pay close attention to any information received from graduates in between the ABA and NALP reporting deadline**

- If a graduate reports new information to you in between the reporting dates (such as a new job), make sure that the job started on or **prior to March 15** if reporting the graduate as employed. Otherwise report the prior employment status (e.g., unemployed-seeking) or start date deferred if applicable.
- If the start date for the new job is after March 15, employed-start date deferred is only applicable if the graduate **accepted the offer on or prior to March 15.**
- Notify the ABA about changes that impact your ABA reporting.

# Ready to Submit?

- Not a 12twenty/Symplicity user? Use the ASCII specifications on the NALP website or request an Excel template to enter your data.
- If using a vendor system, download your file in the correct file format.
  - Make sure to select your NALP report and 10-month data!
  - Symplicity users – download the XML file, not an Excel file.
  - 12twenty users submit an Excel file.
- Complete the Data Submission sheet from the NALP website and email it with your file to [research@nalp.org](mailto:research@nalp.org).
- Submit your NALP data by **April 10, 2024**.

# Posting Employment Data

- The NALP 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.
- Other entities may encourage 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.

And Ready or Not.....

The survey form for the **Class of 2024** is posted on the NALP website!

# Overview of Major Updates for the Class of 2024

- Several **Job Sources** have minor language updates.
  - The order of the job sources has also been updated to reflect career office related job sources at the beginning of the list.
  - Removed the “as a result of an internship/externship experience” option to better attribute to original source.
- Added a **new Type of Government Job**: Presidential Management Fellow (PMF).
- Renamed Legal Process Outsourcer (LPO) Type of Business Employer to **Alternative Legal Service Provider (ALSP) or Legal Process Outsourcer (LPO)**.

# Additional Resources

**NALP ERSS Instructional Materials:** [www.nalp.org/erssinfo](http://www.nalp.org/erssinfo)

**ABA Employment Protocols:** [www.americanbar.org/groups/legal\\_education/resources/employment-questionnaire-resources/](http://www.americanbar.org/groups/legal_education/resources/employment-questionnaire-resources/)

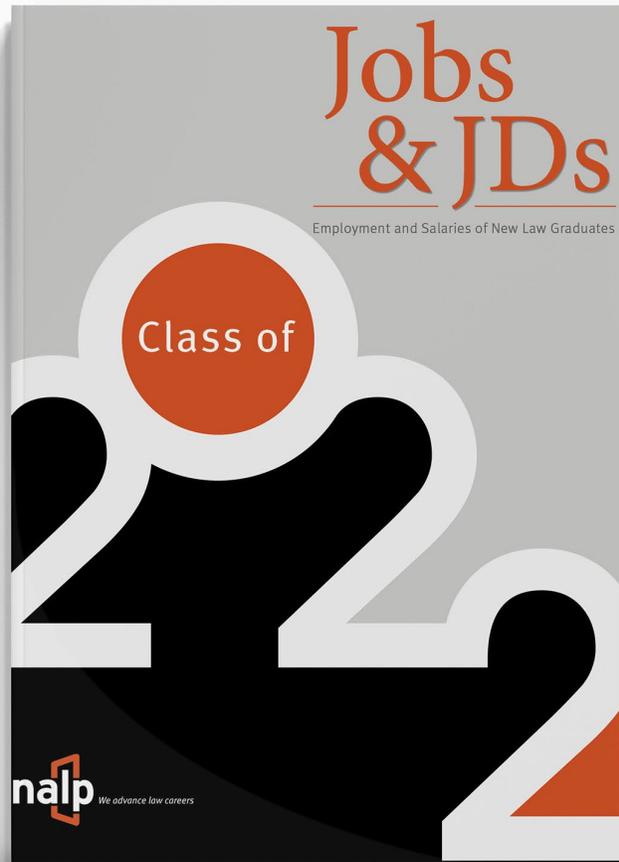
**12twenty Resource Hub:** [12twenty.zendesk.com/hc/en-us/articles/4413562315539-12twenty-ABA-NALP-Resource-Hub](https://12twenty.zendesk.com/hc/en-us/articles/4413562315539-12twenty-ABA-NALP-Resource-Hub)

**Symplicity Help Center:** <https://support.symplicity.com/hc/en-us/articles/360003268733-Graduate-Employment-Survey->

*(Symplicity clients must be logged into the Help Center to access this link. Reach out to the Symplicity Help Desk if you need assistance accessing this resource.)*

Also check with your vendor systems about any additional employment reporting resources and/or webinars!

# The Fruits of our Collective Labor



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# Questions?

## **Contact Information:**

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