



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 2022

October 25, 2022

Presenters:

James Leipold, Executive Director, Outgoing

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 2022
 - Navigating the ABA Protocol
 - Differences between NALP/ABA data sets
 - Tips for clean data submission
 - Case studies from you

Changes for the Class of 2022

- The previous **gender identity** item has been split into two items.

Gender (How do you describe yourself?)

C1. Select all that apply.

Woman

Man

Non-binary or third gender

An identity not listed above (describe) _____

Prefer not to respond

C2. Select all that apply.

Cisgender

Transgender

Intersex

Prefer not to respond

COVID-19 Considerations for the Class of 2022

- 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.
- Currently, these exceptions only apply to the Classes of 2020-2022.

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/
- 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 5, due to NALP April 14, 2023**
 - 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.

(Reminder) Beginning with the Class of 2021: The ABA no longer has a 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 salary to both NALP and the ABA.

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. 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.

However, 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 audit (if prior to June 16).

Differences between NALP & ABA data

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

- NALP closes the Class of 2022 dataset on **June 16** in order to publish the national reports and provide your school-specific report in a timely manner.
- The ABA accepts EQ edits through **December 20**.

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 or 12twenty, 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

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
Other Position

Employer Type:

Private Practice
Business
Government
Public Interest
Education
Judicial Clerkships

Tips for Clean Data Submission

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.

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 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.
- Report the salary the student 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 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

- Make sure to complete all of the relevant employer type information. If your school uses 12twenty, the employment type, type of job, and detailed employment type should be completed (as applicable). Without this information, the employer type information may not pull into your NALP export file.
- If your school uses 12twenty, make sure your demographic questions are enabled (e.g., new parental education items)

Tips for Clean Data Submission

- If using Symplicity, 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 in Symplicity, refer to the instructions provided by your Symplicity rep. This is important to ensuring that your race/ethnicity options and related codes populate in the file correctly and in a usable format.

Tips for Clean Data Submission

- If a grad is employed, but the employer type is unknown, use the unknown employer type rather than leaving it blank or unreported.
- All judicial clerkships should be reported as bar passage 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 **prosecutor, public defender, JAG Corps** and business **in-house 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 passage required, they may have been hired for a different role within the office.

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.

Tips for Clean Data Submission

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

- 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.

Sources of Confusion and Questions

How to distinguish between professional and other 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

- 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 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 bar passage 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: After I reported my data to the ABA, I heard back from a previously unemployed grad who started a new job on April 1. Can I report them as “employed-start date deferred” to NALP?

A: To be reported as start date deferred, the graduate must have accepted the job offer on or before March 15. If that is the case, the grad may be reported as such to NALP. The school should also notify the ABA about this employment status change. If the grad did not accept the job by March 15, the grad is still considered unemployed.

Case Studies From You!

Q: A graduate is working as a “document review attorney” for a law firm on a short-term basis. The law firm advertised the job as requiring a JD degree, but not bar admission. How should I report the law firm job type - staff attorney or something else?

A: Please use the “other non-attorney position” law firm job type and report the job as a JD Advantage position.

Case Studies From You!

Q: A graduate is working for a political action committee (PAC). How should I report the job?

A: Jobs with political action committees should be treated similarly to jobs with political campaigns/parties. Report the job as “Business-trade association or political campaign.”

Case Studies From You!

Q: The graduate is working for a small firm but has their own client base. The grad has reported the source of job as started their 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 who 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. They don't have an official title but are referred to as an "attorney" in front of clients. How should we classify the grad?

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: 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 2023 is posted on the NALP website!

Updates for Class of 2023

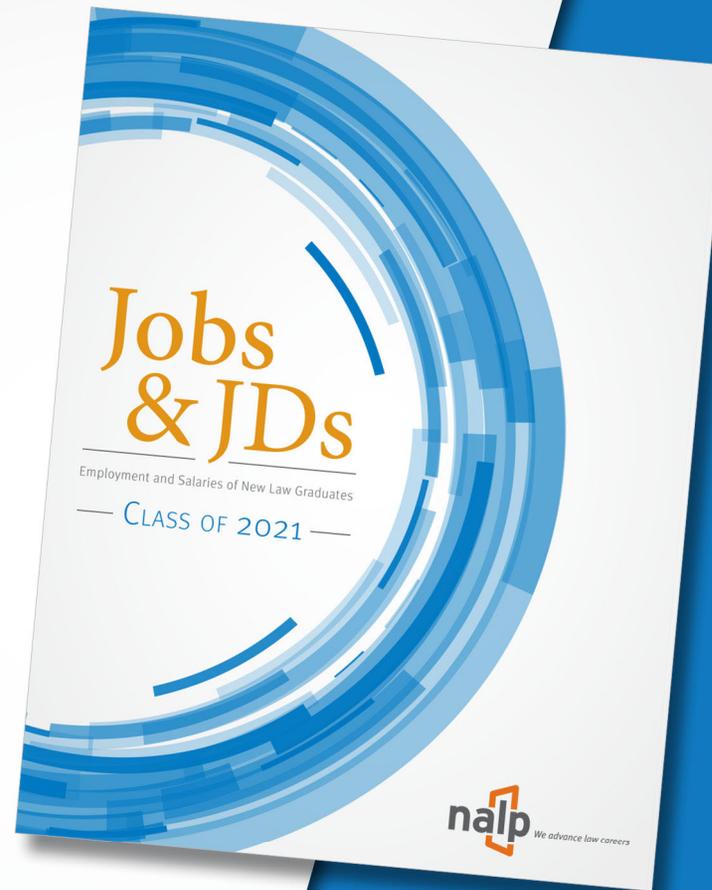
- Under the demographic items, LGBTQ Status has been changed to **LGBTQ+** Status
- Under **Business** employment, the “landman (with an energy company)” option has been removed. Graduates with this type of job should now be reported under the “other” business type of job.

The fruits of our collective labor

Jobs & JDs

Employment and Salaries of
New Graduates, Class of 2021

Jobs & JDs is the most comprehensive analysis of the types of employment and salaries obtained by the Class of 2021.



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We Now Have Time for Your Questions!

Contact Information:

Danielle Taylor
Director of Research
dtaylor@nalp.org



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