



AMERICAN **BAR** ASSOCIATION

---

Legal Education and  
Admissions to the Bar

**ABA Guidance Document:**

# **Employment Protocols For the Class of 2023**

**Data Protocol – Protocol for Collecting, Maintaining, and  
Reporting Law Graduate Employment Data**

**Review Protocol – Protocol for Reviewing Law Graduate  
Employment Data**



# CONTENTS

<u>INTRODUCTION</u> .....	1
<u>Authority and Confidentiality</u> .....	1
<u>Purpose</u> .....	1
<u>Expectations</u> .....	2
<u>Levels of Review</u> .....	3
<u>ABA Contacts</u> .....	3
<u>PROTOCOL FOR COLLECTING, MAINTAINING, AND REPORTING LAW GRADUATE EMPLOYMENT DATA (DATA PROTOCOL)</u> .....	4
<u>DOCUMENTATION OF GRADUATE EMPLOYMENT FILES</u> .....	5
<u>Data Protocol 101. Purpose and Definitions</u> .....	5
<u>Data Protocol 102. Obligation to Maintain, Document, and Report Accurate Information</u> .....	8
<u>Data Protocol 103. Sources of Information</u> .....	11
<u>Data Protocol 104. Documentation</u> .....	14
<u>EMPLOYMENT STATUS</u> .....	22
<u>Data Protocol 201. General Requirements – Employment Status</u> .....	22
<u>Data Protocol 202. Employed – Bar Passage Required</u> .....	24
<u>Data Protocol 203. Employed – JD Advantage</u> .....	27
<u>Data Protocol 204. Employed – Professional Position</u> .....	30
<u>Data Protocol 205. Employed – Other Position</u> .....	30
<u>Data Protocol 206. Employed – Law School/University Funded Position</u> .....	31
<u>Data Protocol 207. Employed – Undeterminable</u> .....	36
<u>Data Protocol 208. Employed – Start Date Deferred</u> .....	37
<u>Data Protocol 209. Unemployed – Seeking</u> .....	40
<u>Data Protocol 210. Unemployed – Not Seeking</u> .....	41
<u>Data Protocol 211. Employment Status Unknown</u> .....	43
<u>Data Protocol 212. Enrolled in Graduate Studies</u> .....	43
<u>TERMS OF EMPLOYMENT: LONG-TERM VS SHORT-TERM AND FULL-TIME VS PART-TIME</u> .....	44
<u>Data Protocol 301. Long-Term vs Short-Term</u> .....	44
<u>Data Protocol 302. Full-Time vs Part-Time</u> .....	49
<u>EMPLOYMENT TYPE</u> .....	52
<u>Data Protocol 401. Law Firms</u> .....	52
<u>Data Protocol 402. Business and Industry</u> .....	54
<u>Data Protocol 403. Government</u> .....	55
<u>Data Protocol 404. Public Interest</u> .....	56

Data Protocol 405. Judicial Clerkships .....	56
Data Protocol 406. Education .....	57
Data Protocol 407. Employer Type Unknown .....	58
<b>EMPLOYMENT START DATE.....</b>	<b>58</b>
Data Protocol 501. Graduate Employment Status Date .....	58
Data Protocol 502. Start Date Must be on or Before Graduate Employment Status Date .....	58
Data Protocol 503. Graduate Must be Actively Working .....	58
Data Protocol 504. Documenting Employment Start Date .....	59
<b>EMPLOYER NAME AND CONTACT INFORMATION.....</b>	<b>60</b>
Data Protocol 601. Employer Name .....	60
Data Protocol 602. Employer Contact Information .....	61
<b>PROTOCOL FOR REVIEWING LAW GRADUATE EMPLOYMENT DATA (REVIEW PROTOCOL).....</b>	<b>62</b>
<b>REVIEWS OF GRADUATE EMPLOYMENT DATA.....</b>	<b>63</b>
Review Protocol 101. Overview, Types of Reviews, Obligation to Assist .....	63
Review Protocol 102. ABA Standard 509 Website Compliance Review .....	64
Review Protocol 103. Random Graduate Review .....	64
Review Protocol 104. Additional Documentation Review .....	67
<b>APPENDICES .....</b>	<b>68</b>
Appendix A. The Key Items of Employment Information for the Graduate Employment Files and The Graduate Employment Information Needed to Complete the Employment Questionnaire (EQ) .....	69
Appendix B. The Employment Questionnaire (EQ).....	72
Appendix C. Generally Reliable Sources of Information.....	73
Appendix D. Dean's Signature Page .....	74
Appendix E. Presumptions for Employment Status and Other Key Items .....	75
Appendix F. Instructions for Uploading Files Selected for Random Graduate Review.....	78
Appendix G. Flowchart – Sufficiency of Documentation.....	79
Appendix H. Examples of Logs Generated by Survey Software.....	80
Appendix I. The Employment Summary Report .....	82

# INTRODUCTION

**This version of the Employment Protocols applies to the Class of 2023, which includes persons graduating with a JD degree between September 1, 2022 and August 31, 2023. This includes joint degree or dual degree students who may not complete the second (non-JD) degree at the same time.**

Please use this document exclusively for the Class of 2023. Do not rely on any previously-issued graduate classification guidance from the ABA – this includes any email exchanges with the ABA regarding students from previous graduating classes – as that guidance applied to the Employment Protocols in effect for that specific graduating class. Please contact [Molly Wilensky](#) directly with any questions relating to Class of 2023 graduates.

The Employment Protocols are composed of two core sections: the Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol) and the Protocol for Reviewing Law Graduate Employment Data (Review Protocol).

The Employment Protocols also incorporate a series of [appendices](#) that contain related documents.

## Authority and Confidentiality

The information that a school is required to report to the ABA under these Employment Protocols is pursuant to the ABA's accrediting function to ascertain compliance with the ABA [Standards and Rules of Procedure for Approval of Law Schools](#) within the exception listed in 34 C.F.R. 99.31(a)(7) of the Family Educational Rights and Privacy Act of 1974.

Under the ABA rules, any non-public information received from a school as part of the accreditation process must be kept confidential by the ABA. This includes the contents of the graduate employment files, which contain graduate names and/or other identifying information. The ABA will not publicly disclose any private, individually identifying information from the graduate employment files selected for review. Additionally, graduate employment files selected for review are reviewed in-house by an ABA staff member. If, as part of an Elevated Review, a graduate or employer must be contacted by the ABA in order to verify the information in the graduate employment file, the school will first be notified.

Graduates may have questions about how their information will be used. Schools should explain that individual graduate employment outcomes are reported to the ABA (and likely, NALP) and that aggregate data may be provided to other organizations as well. However, it is important to stress that no information will be publicly disclosed as linked with any particular graduate and that the ABA keeps the information it receives on individual graduate employment outcomes confidential.

## Purpose

The requirements set forth in these Employment Protocols are intended to promote confidence among the ABA, law schools, law school applicants, and other interested parties that law graduate employment data is complete, accurate, and not misleading, as required by

Standard 509 of the ABA [Standards and Rules of Procedure for Approval of Law Schools](#).

The Employment Protocols outline the ABA's processes for reviewing reported graduate employment data to determine whether it is complete, accurate, and not misleading. The [Data Protocol](#) describes the obligations of a school in collecting, maintaining, and reporting graduate employment data, and is designed to ensure that schools create and maintain proper supporting documentation for their reported graduate employment data. The purpose of the [Review Protocol](#) is to identify any systemic misreporting issues, not to penalize schools for good faith reporting or nonmaterial errors in collecting, maintaining, and reporting law graduate employment data. When the ABA reviews a school's reported employment data, it will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and basis for any assumptions made in the reported data.

Reports of intentionally false reporting are rare, and errors that do arise are often the result of inadequate documentation or a good faith misunderstanding of applicable requirements. While these Employment Protocols are designed to uncover incomplete, inaccurate, or misleading reporting where it exists, a principal goal is to require schools to maintain supporting documentation that substantiates the responses submitted in the Employment Questionnaire (EQ). Ultimately, each school bears responsibility for determining the manner and frequency of communicating with graduates in order to obtain the Key Items of employment information. Likewise, schools act at their own risk when reporting graduate employment data that is unreliable or has not been adequately confirmed, or when supporting documentation is lost or not maintained. It is the responsibility of every law school dean to ensure that the school's reported graduate employment data is accurate, that adequate resources are allocated to the career services office, and that the processes employed by the school in collecting, maintaining, and reporting employment data comply with all the terms of the Employment Protocols.

## **Expectations**

Collecting, maintaining, and reporting graduate employment information is considerably challenging because law schools are largely dependent upon self-reported information from graduates, many of whom are no longer on campus. Graduates often cannot be located or are unwilling to provide the information that the ABA instructs schools to report. Because graduates are often unwilling or unable to provide some of the information sought, schools must find employment information in other ways, such as from employers, licensing authorities, employer websites, subscription databases, and social media. Obtaining information from these third-party sources is time-consuming and difficult. Furthermore, law schools have different levels of resources in their career services offices, and limited resources make obtaining complete and accurate information even more challenging.

By failing to respond to requests from their schools for employment data, either in whole or in part, graduates fail in their obligations to their schools, to prospective law students, and to the legal profession as a whole. Graduates should promptly, accurately, and completely respond to their law school's requests for employment information and should provide updated contact information so that their school can collect, update, or confirm employment data throughout the employment data reporting period. Accordingly, every law school dean should actively support their career services professionals in this endeavor, including leveraging the

influence of their office over students and graduates toward emphasizing the importance of this obligation.

## Levels of Review

The Review Protocol describes three different types of review that the ABA will use to promote confidence that the graduate employment data reported by law schools is complete, accurate, and not misleading, as required by Standard 509 of the ABA [Standards and Rules of Procedure for Approval of Law Schools](#). The types of review are:

- [Review Protocol 102](#), ABA Standard 509 Website Compliance Review
- [Review Protocol 103](#), Random Graduate Review
- [Review Protocol 104](#), Additional Documentation Review

The [Data Protocol](#) sets forth instructions and guidelines for law schools in collecting, maintaining, reporting, and publishing graduate employment data. In order for the ABA to effectively review reported graduate employment data, law schools must maintain accurate, contemporaneous, and verifiable documentation that supports the reported responses to the Key Items of employment information. Complying with the Employment Protocols requires a significant investment of time and effort on the part of most law schools. In return, law schools realize a considerable increase in confidence that the graduate employment data reported by all schools is both reliable and accurate. In addition, schools will be assured that they will remain in compliance with all relevant ABA Standards.

## ABA Contacts

**For questions about any part of the Employment Protocols, please contact:**

[Molly Wilensky](#), Manager, Law School Analytics and Reporting:  
[molly.wilensky@americanbar.org](mailto:molly.wilensky@americanbar.org) or 312.988.6804

**For technical questions relating to the uploading of the EQ, please contact:**

[Ken Williams](#), Senior Data Analyst (312.988.6739) and [Enna Rios](#), Program Specialist (312.988.6208): [EQtech@americanbar.org](mailto:EQtech@americanbar.org)

# **Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol)**



# DOCUMENTATION OF GRADUATE EMPLOYMENT FILES

The Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol) is set forth in this section. The Data Protocol and related guidance cover a wide range of activities, including the collecting, maintaining, reporting, and publishing of graduate employment data.

To assist in understanding the Data Protocol, many entries are followed by examples. Examples can include both responses to questions submitted by schools and hypothetical illustrations to help illuminate common points of confusion. While examples normally reference a particular section or subsection of one of the Data Protocols, they often involve, or offer guidance on, parallel sections or subsections.

## DATA PROTOCOL 101. PURPOSE AND DEFINITIONS

### (a) Purpose

- (1) The purpose of this Data Protocol is to establish the general standards for the reporting of graduate employment data to the ABA in a manner that ensures the information is complete, accurate, and not misleading.
- (2) Reporting data that is complete, accurate, and not misleading is essential for various stakeholders, including prospective law students, current law students, and others.
- (3) An evaluation of the efficacy of these Employment Protocols is undertaken by the Council each year.

### (b) Definitions – The definitions to the following terms should be understood to apply to any reference to these defined terms within the Employment Protocols, unless otherwise indicated in a specific Protocol.

- (1) **10-Month Employment Data** – The employment data for a graduate or class of graduates on the Graduate Employment Status Date.
- (2) **ABA** – The [American Bar Association](#), and in these Protocols refers to the ABA [Section of Legal Education and Admissions to the Bar](#), and the various components of that Section, including those responsible for the review of Graduate Employment Data.
- (3) **CSO or Career Services Office** – A member of the office or team assigned the career services-related duties at a school.
- (4) **Dean** – The dean in the highest point of authority at a school, including someone occupying that role on an interim basis.
- (5) **Dean's Signature Page** – The signature page that the dean and senior career services officer of each law school must sign, date, and upload when submitting their school's EQ. A copy is found in [Appendix D](#).
- (6) **Employed or Employment** – The graduate has a position in which the graduate receives remuneration for work performed on the Graduate Employment Status Date.

- (i) A volunteer position, for which the graduate does not receive remuneration, even if the position might ultimately lead to a remunerated position, is not considered Employment.
  - (ii) Except as set forth in Data Protocol [208\(a\)\(5\)](#), a graduate who has an offer or has accepted an offer of employment, but who has not commenced performing the duties of that position as of the Graduate Employment Status Date, is considered Employed – Start Date Deferred.
  - (iii) A graduate who is on Leave, as set forth in Data Protocol [101\(b\)\(18\)](#), on the Graduate Employment Status Date should be reported as Employed even if they are not actively engaged in work on the Graduate Employment Status Date.
- (7) **Employment Protocols (or Protocols)** – The Protocol for Collecting, Maintaining, and Reporting Law Graduate Employment Data (Data Protocol) and the Protocol for Reviewing Law Graduate Employment Data (Review Protocol).
- (8) **Employment Questionnaire or EQ** – The spreadsheet or series of individual, manually-entered graduate profiles containing each graduate’s employment data that is submitted to the ABA on or before the Graduate Data Reporting Deadline. Schools using systems such as Symplicity or 12twenty may have these spreadsheets automatically generated by these systems, while some schools manually enter the data for each graduate or fill in the spreadsheet template
- (9) **[Employment Summary Report](#)** – A member of the class of graduates whose employment data is being reported in the EQ.
- (10) **Graduate** – A member of the class of graduates whose employment data is being reported in the EQ.
- (11) **Graduating Class** – All persons graduating with a JD during a particular academic year as defined by September 1 – August 31, including joint degree or dual degree students who may not complete the second (non-JD) degree at the same time.
- (12) **Graduate Data Reporting Deadline** – The date on which the responses to the EQ must be submitted to the ABA, typically the first Friday in April.
- (13) **Graduate Employment Data** – The Key Items of employment information and their associated documentation.
- (14) **Graduate Employment File** – The specific file associated with an individual graduate, and containing all information necessary to support the 10-Month Employment Data reported to the ABA, including:
- (i) A unique identification number assigned to each graduate by the school, used to identify the graduate’s Graduate Employment File and EQ submission responses;
  - (ii) Any survey issued to the graduate and the responses thereto; and
  - (iii) Any other documentation used to support responses to the Key Items of employment information, including administrative notes and copies of any communications, websites, or other supporting materials.
- (15) **Graduate Employment Status Date** – The date on which the graduate must be employed to be reported as employed for a Graduating Class, typically March 15.

- (i) An alternative Graduate Employment Status Date may be necessary where March 15 falls on a weekend, in which case the date will be the Monday after March 15.
- (16) **Key Items of Employment Information (or Key Items)** – The items of employment data that must be included in the Graduate Employment File, as detailed in [Appendix A](#), and accompanied by the required documentation and comprised of:
- (i) Employment Status;
  - (ii) Full-Time or Part-Time;
  - (iii) Long-Term or Short-Term;
  - (iv) Employment Type;
  - (v) Employment Start Date; and
  - (vi) Employer Name and Contact Information.
- (17) **Law School or its Parent Institution** –
- (i) The law school from which the graduate is graduating; and
  - (ii) Any college, university, or other institution the law school is a part of.
- (18) **Leave** – On the Graduate Employment Status Date the graduate is an ongoing employee of record on an authorized leave of absence from their position for any absence approved by their employer, including but not limited to:
- (i) A recent birth or adoption of a child;
  - (ii) A personal or familial illness; or
  - (iii) Fulfillment of required civil or military service.
- (19) **Ministerial Changes** – Changes that do not affect the quality of the graduate's response to a request for employment data, but merely correct a minor error.
- (20) **Professional Judgment** – The use of reasonable professional judgment of a school staff member, as informed and guided by the duties and obligations set forth in the [ABA Standards and Rules of Procedure for Approval of Law Schools](#), the Employment Protocols, and the staff member's professional experience.
- (21) **Remuneration** – Salary, commission, compensation, and/or wages paid for work or a service performed as of the Graduate Employment Status Date.
- (22) **School** – A law school or law school employee, including members of a CSO, as indicated by the use of the term.
- (23) **Start Date** – The date on which a graduate started remunerated employment for the position being reported.
- (24) **University** – The parent institution of any school, regardless of the formalities of the relationship between the school and its parent institution.

***Example 1 – Data Protocol 101(b)(21)***

*Graduates in the process of starting their own law firm or business are engaged in efforts to generate revenue and are therefore considered to be receiving remuneration. Likewise, graduates who will be*

*compensated on a commission basis are considered to be receiving remuneration.*

**Example 2 – Data Protocol 101(b)(21)**

*Graduates whose only compensation includes paid or reimbursed living expenses, or reimbursement for other specific expenses, like food or transportation, are not considered to be remunerated.*

**Example 3 – Data Protocol 101(b)(11)**

*A student enrolled in a joint or dual JD/LLM program is awarded their JD in May 2023. They will not earn their LLM degree until January 2024. The school should include this graduate in the 2023 graduating class for reporting purposes, even though the graduate will earn their LLM during the academic year for the Class of 2024.*

**DATA PROTOCOL 102. OBLIGATION TO MAINTAIN, DOCUMENT, AND REPORT ACCURATE INFORMATION**

- (a) Each law school is obligated to maintain timely and accurate documentation of a graduate's employment data.
- (b) Each law school should request post-graduation contact information from students before they graduate and maintain a record of such information, including:
  - (1) School email;
  - (2) Personal email;
  - (3) Full mailing address; and
  - (4) Phone number.
- (c) A school should make multiple attempts to obtain reliable and accurate responses to the Key Items from a graduate, both before and after graduation.
- (d) A law school may stop contacting a graduate when:
  - (1) A graduate indicates that they no longer wish to be contacted;
  - (2) A graduate states that they will not provide requested data; or
  - (3) Accurate employment data is obtained from the graduate, or through other reliable sources, as set forth in the [Data Protocol](#).
- (e) Once a school has obtained responses to the Key Items from a source that is reliable, accurate, and documented, there is no ongoing obligation to later re-verify that information, unless the school becomes aware of information from a reliable source that would call into question the reliability or accuracy of the obtained response.
- (f) The dean of every law school, and senior career services officer, must certify their school's employment data, as set forth on the [Dean's Signature Page](#), attached as [Appendix D](#).
- (g) Each law school must timely report its employment data and submit files for review to the ABA at the time and in the form set forth in the EQ, Employment Protocols, and such other guidance as the ABA shall issue, including:

- (1) 10-Month Employment Data, reported in the EQ on or before the Graduate Data Reporting Deadline;
  - (2) Publication of a school's ABA [Employment Summary Report](#) on its website under Standard 509; and
  - (3) Any Graduate Employment File requested as part of a Random Graduate Review or Additional Documentation Review.
- (h) Professional judgment underlies and must guide all actions of a school with respect to the Employment Protocols, and such other guidance or requirements issued by the ABA, therefore;
- (1) Professional judgment must guide all of a school's conclusions regarding the reliability of a source of information used in responding to the EQ, the reporting of Key Items, or meeting any other obligation; and
  - (2) Professional judgment must be documented when the response or conclusion is not provided by the graduate or covered by a specific exception to the documentation requirements in this Data Protocol.
- (i) In the event a graduate dies before the Graduate Data Reporting Deadline, no employment data may be reported for that graduate, and a school must:
- (1) Remove that graduate from the total number of graduates reported in the EQ; and
  - (2) Remove any documentation for that graduate from the Graduate Employment File.
- (j) Failure to comply with the Data Protocol may result in various sanctions under the ABA [Standards and Rules of Procedure for Approval of Law Schools](#).

**Example 1 – Data Protocol 102**

*Question: Does a school need to conduct an “at graduation” survey or otherwise collect employment information from students prior to graduation?*

*Answer: While many students are not employed at the time of graduation, because it is easier to communicate with them before they leave campus, law schools should consider conducting an at-graduation survey to obtain future contact information and employment data as of that time. However, there is no obligation to do so.*

**Example 2 – Data Protocol 102**

*Question: What do we do if we find out after the Graduate Data Reporting Deadline that one or more Key Items reported for a graduate need to be amended?*

*Answer: Schools should notify the ABA right away. Corrections to the EQ can be made from approximately two weeks after the Graduate Data Reporting Deadline until mid-June of each reporting year. The ABA will notify the Career Services listserv of the deadline each reporting cycle and will notify the listserv when the edit process can begin each reporting cycle. No updates or corrections will be accepted after the designated deadline, unless otherwise directed by the ABA.*

*The Graduate Data Reporting Deadline is firm and schools should not continue data collection efforts for ABA purposes beyond that date. There is, however, an obligation to notify the ABA and follow the instructions and parameters of the edit process when the school discovers, after*

*the Graduate Data Reporting Deadline and before the mid-June deadline, that an amendment to one or more reported Key Items in a Graduate Employment File needs to be made.*

*Most schools learn that one or more Key Items need to be amended: 1) immediately after the Reporting Deadline or 2) after receiving questions and/or edit requests from NALP after they review a school's ERSS submission.*

*The following instructions and parameters should be followed when a school learns one or more Key Items for a Graduate Employment File need to be amended:*

*1) Provide the graduate ID number of the file that needs to be amended, and an explanation of what Key Items are being changed.*

*2) Once the school makes the change with the ABA, it must add the documentation to support this change to the Graduate Employment File.*

### **Example 3 – Data Protocol 102(c) and (d)**

*Question: How often must a school contact a graduate in order to obtain complete employment information?*

*Answer: The Employment Protocols do not prescribe a minimum number of times a school must contact, or attempt to contact, a graduate. It is left to the reasonable judgment of each school to determine the manner and frequency of contacting graduates to obtain complete employment data. However, because a graduate is considered the best source of information on their own employment data, a school should make reasonable efforts to have its graduates complete surveys before they graduate, and at multiple points after they graduate, until the Graduate Data Reporting Deadline.*

### **Example 4 – Data Protocol 102(e)**

*Question: Do we need to re-survey graduates who report employment on the “at graduation” survey or can we rely on their answers on the “at graduation” survey? Even in the unlikely case the graduate has done something to alter their employment in the interim, the graduate was still “employed” before the Graduate Employment Status Date.*

*Answer: You may rely on the graduate’s answers to the “at graduation” survey if you have no reason to believe they are incorrect or that the graduate’s employment has changed. However, if you become aware of a change in the graduate’s employment from a reliable source, you must update the graduate’s data accordingly. Otherwise, there is no requirement to “re-survey” graduates.*

*That said, even if the start date is before the Graduate Employment Status Date, a graduate cannot be counted as employed if the job ends or the graduate loses the job before the Graduate Employment Status Date. Since you do not have to re-survey your graduates on or just before the Graduate Employment Status Date, you only need to update a graduate’s employment status if you become aware of a change from a reliable source.*

### **Example 5 – Data Protocol 102(e)**

*Question: Must the supporting documentation for a reported Key Item of employment information be checked or updated as of the Graduate Employment Status Date?*

*Answer: Schools do not need to check or update reported Key Items of employment information (whether received directly from the graduate or from other appropriate sources) unless the*

*school has reason to believe any of the Key Items are incorrect or it becomes aware from a reliable source that a graduate's employment has changed.*

#### **Example 6 – Data Protocol 102**

*Under [ABA Standard 509 and Interpretation 509-2](#), law schools may publicize employment outcome data beyond what the Employment Protocols require as long as the information complies with Standard 509(a). Law Schools should review the Office of the Managing Director's [Guidance Memo for Standard 509](#) for best practices. Though this would not change the way graduates' employment is reported for ABA purposes, there is an opportunity for schools to share additional insight with consumers regarding graduates' specific circumstances by providing anonymized narrative context. While not exhaustive, this may include insight regarding graduates who are not employed and seeking; graduates employed in Law School/ University Funded positions; graduates employed in short-term clerkships; and graduates who participated in online, hybrid, or other non-traditional JD programs.*

### **DATA PROTOCOL 103. SOURCES OF INFORMATION**

- (a) A source of information for a graduate's Key Items of employment information must be both reliable and accurate, and the lower the reliability or accuracy of a source, the greater the need to seek verification through additional sources.
- (1) A graduate is the best source of information on their own employment data; thus, the following sources are deemed reliable and accurate, on their face:
- (i) Responses to the Key Items entered directly by the graduate, in paper or electronic form, and;
  - (ii) Responses to the Key Items entered by the CSO in direct communication with the graduate, and that are properly documented as set forth in Data Protocol [104](#).
- (2) A school should make reasonable efforts to obtain responses to the Key Items directly from the graduate but, when the graduate is not responsive, is unavailable, or does not directly provide responses to all the Key Items, the CSO may rely on information obtained by indirect means or from a third-party source as identified in [Appendix C](#).
- (b) Notwithstanding Data Protocol [103\(a\)](#), the accuracy of information, even from reliable sources, can be misreported, either by mistake or because the source fails to understand the full scope or intent of a Key Item of employment information, and must be corrected by the school.
- (1) Where the school has reason to believe a response is inaccurate, it should correct the response, regardless of how reliable the source may otherwise be.
  - (2) The obligation and authority to override a response is vested in each school and supersedes the objections of the source, including the graduate.
  - (3) Any correction to a graduate's employment data, other than changes made directly by the graduate, must be documented under Data Protocol [104](#).
- (c) When the school knows through a reliable source that a non-responsive graduate is employed, but is unable to obtain information to support responses to the Key Items

despite diligent effort, it should respond to the remaining Key Items as set forth below:

- (1) Absent a specific exception, the default rule is that the school should always choose the least favorable status when reporting a Key Item of employment information for which it lacks a reliable source.
- (2) Where the school can meet the following requirements, it may substitute its professional judgment for the default rule when reporting a Key Item:
  - (i) The school has specific knowledge of an employer’s historic hiring practices, and this knowledge is documented accordingly under Data Protocol [104](#), including an explanation of the employer’s hiring practices;
  - (ii) The employer’s historic hiring practices have consistently aligned with the status the school seeks to assign to the graduate; and
  - (iii) There is nothing known that would cause a reasonable person to believe circumstances are different for the graduate whose status is being changed.

**Example 1 – Data Protocol 103(a)**

*Question: If we have a graduate-completed survey from the same calendar year they graduated that says the graduate will start employment on a specific date in the year following, but before the Graduate Employment Status Date, what follow-up/documentation, if any, beyond the graduate survey, do we need?*

*Answer: None. You may rely on any information given to you directly by the graduate, or any other source that meets the Data Protocol for reliability and accuracy, and that has been properly documented. See Data Protocols [103](#) and [104](#), generally. The only time you have an obligation to seek further information or clarification would be where you become aware of information from a reliable source that would cause you to question the reliability or accuracy of the response as indicated in Data Protocol [102\(e\)](#).*

**Example 2 – Data Protocol 103(a)(2)**

*Question: Is a LinkedIn profile a sufficiently reliable source to document a response to the Key Items when a graduate is not on an employer website and does not reply to outreach?*

*Answer: Yes, as long as you explain any professional judgments or assumptions you are making since a LinkedIn profile does not always contain enough information to satisfy all the Key Items of employment information on its own (for instance, it does not usually include information on the graduate’s full-/part-time or long-/short-term status).*

**Example 3 – Data Protocol 103(a)(2)**

*Question: In reporting graduate employment data, may a law school rely on an oral communication between a graduate and a dean, professor, or other person employed by the school outside the career services office?*

*Answer: Yes, a school may rely on oral communication between the graduate and any member of the law school’s faculty or administration, provided that the communication is properly documented in the Graduate Employment File as indicated in Data Protocol [104](#).*



#### **Example 4 – Data Protocol 103(b)**

*Question: A graduate has reported their position as a Professional Position. We conduct a phone conversation with the graduate to collect information about the position and/or we collect information about the position from third-party sources. Based upon the information we obtain, we conclude that the position meets the definition for JD Advantage – but the graduate does not agree, and they continue to believe the position is a "Professional Position." Can we use our professional judgment to categorize the job as JD Advantage so long as we include a note indicating why we did that?*

*Answer: Yes, the school has the authority to override the data reported by the graduate, even in contravention of the graduate's assertions, if the change would be more accurate in the professional judgment of the school. However, proper documentation and/or an explanation for the change is required.*

#### **Example 5 – Data Protocol 103(b)**

*Question: What must a school do when it learns that a Key Item of previously collected employment information, reported by a graduate or otherwise, no longer accurately reflects the graduate's status as of the Graduate Employment Status Date?*

*Answer: A law school must update Key Items of employment information if it later becomes aware from a reliable source that any aspect of the information no longer reflects the most accurate classification(s) regarding a graduate's employment as of the Graduate Employment Status Date. The reported information must accurately represent the most currently known employment information regarding a graduate as of the Graduate Employment Status Date. See Data Protocol [102](#) for more information on the obligation to maintain, document, and report accurate information. Data Protocol [102, Example 2](#) addresses what to do if the school learns a Key Item needs to be updated between the Graduate Data Reporting Deadline and the mid-June edit deadline of the reporting year.*

#### **Example 6 – Data Protocol 103(c) & [104\(b\)\(5\)](#)**

*Question: The EQ does not have an "unknown" option for reporting Full-Time/Part-Time or Long-Term/Short-Term for an employed graduate. How should a school report on these items when it does not have definitive information from the graduate or other sources?*

*Answer: In such situations, a school must use reasonable judgment in reporting the graduate employment data and, in the absence of sufficient information to make a reasonable judgment, report the graduate as Part-Time or Short-Term.*

*However, See Data Protocol [103\(c\)](#). When the ABA reviews a school's reported employment data, it will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and the basis for any assumptions made in the reported data. This is a situation that requires the school to carefully consider and justify any decision to choose the most favorable outcome (i.e., Long-Term or Full-Time). The basis to support such conclusions could be numerous, but an example might be knowledge that a particular employer only hires staff attorneys for full-time employment, or that the term of a clerkship with a particular judge is never less than one calendar year. If this is an assumption that is being made, then the Graduate Employment File should be annotated to reflect how the school arrived at this conclusion.*

### **Example 7 – Data Protocol 103(a)(2)**

*Question: A graduate lists a job title on LinkedIn and I am not sure if it is a Professional or JD Advantage position. Can I rely on information in a job posting for this position or a similar one at the graduate's employer?*

*Answer: You may rely on information contained in a job posting for the graduate's same job with the graduate's employer as long as a dated copy of the job posting is added to the Graduate Employment File on or before the Graduate Data Reporting Deadline.*

*Similarly, if you have questions about whether a particular job or job title is classified as Bar Passage Required, JD Advantage, Professional, or Other, please search for a job posting or online description of duties before contacting the ABA – these sources usually answer many classification questions without the need to request guidance, and that information will likely be requested by the ABA if you decide you still need their guidance.*

### **Example 8 – Data Protocol 103(a) and 103(b)**

*Question: One of my graduates self-reported they are employed in a Bar Passage Required position as Tax Associate, but Tax Associate is on the JD Advantage presumptions list. Can I leave the graduate classified in a Bar Passage Required position?*

*Answer: Yes. As long as a graduate's self-report does not give the CSO reason to believe the graduate has misclassified a Key Item, in accordance with Data Protocol [103\(b\)](#), it is permissible to rely upon their self-report without any additional documentation.*

## **DATA PROTOCOL 104. DOCUMENTATION**

### **(a) General Procedures for Documentation**

- (1) Responses to the Key Items must be documented in a Graduate Employment File on or before the Graduate Data Reporting Deadline.
- (2) Responses to the Key Items may be obtained from multiple sources, and the related documentation must identify which responses were obtained:
  - (i) Directly from the graduate;
  - (ii) From other sources; and/or
  - (iii) From a mix of sources.
- (3) Where the school uses a survey to collect graduate responses, a copy of the survey reflecting the date it was completed and who completed it must be included in the Graduate Employment File.
- (4) The form and style of documentation, and changes to documentation, used within the Graduate Employment Files are at a school's discretion, but must be:
  - (i) Generally consistent across all the files within a graduating class; and
  - (ii) Sufficient to allow a person who is not a member of the school, or familiar with its individual practices for collecting and documenting employment data, to understand the documentation and how it supports each Key Item of employment information.
- (5) Because all documentation is subject to the professional judgment of the school's staff, there is no requirement to include the phrase "In my professional judgment" or any similar phrase when documenting a response.

- (6) Unsuccessful attempts to obtain information or responses to the Key Items do not need to be tracked or documented in a Graduate Employment File.
  - (7) Each Graduate Employment File must be maintained by a school for no less than three years from the Graduate Data Reporting Deadline.
  - (8) A school must publicly disclose its graduate employment data as set forth in Standard 509 of the ABA's [Standards and Rules of Procedure for Approval of Law Schools](#).
- (b) Documentation of Key Items of employment data can come from numerous sources and in various forms, each requiring appropriate documentation.
- (1) Documentation of responses to Key Items provided by the graduate.
    - (i) Documentation of responses provided directly to the law school by the graduate, such as in email or text messages, must include the following:
      - (a) The identity of the graduate;
      - (b) The date the graduate communicated the data;
      - (c) The means of communication, such as email, phone, messaging, or in-person;
      - (d) The identity of the law school employee in communication with the graduate;
      - (e) Copies of any written or electronic communications; and
      - (f) If the communication is oral, the responses and related documentation should be entered contemporaneously with the communication to ensure accuracy.
    - (ii) Documentation of responses recorded by a law school employee outside the CSO in communication with the graduate must include the following:
      - (a) The identity of the graduate;
      - (b) The date the graduate communicated the data;
      - (c) The means of communication, such as email, phone, messaging, or in-person;
      - (d) The identity of the law school employee in communication with the graduate;
      - (e) Copies of any written or electronic communications; and
      - (f) If the communication is oral, the responses and related documentation should be entered contemporaneously with the communication to ensure accuracy.
    - (iii) Graduate responses documented in accordance with the foregoing are, on their face, sufficient to demonstrate both the reliability and accuracy of the information contained therein.
  - (2) Authentication is required for surveys containing responses to the Key Items that are entered directly by the graduate or by a law school employee in direct communication with the graduate.
    - (i) Hard copy surveys are considered authenticated if:

- (a) Signed and dated by the graduate;
  - (b) Returned to the school by the graduate via email, and both the email and its attached survey are in the Graduate Employment File on or before the Graduate Data Reporting Deadline;
  - (c) Completed by a CSO staff member with the graduate present, and then reviewed, signed, and dated by the graduate; or
  - (d) Signed and dated by the law school employee indicating:
    - (i) The responses to the Key Items obtained directly from the graduate; and
    - (ii) The means of communication with the graduate.
- (ii) Electronic surveys are considered authenticated if they are as described by (a), (b), or (c):
- (a) Electronically signed and dated by the graduate, including:
    - (i) The graduate's typed name or email address; and
    - (ii) The date when the graduate responded to the survey.
  - (b) Electronically signed and dated by the law school employee, including:
    - (i) The identity of the law school employee;
    - (ii) Documentation by the law school employee that the responses to Key Items were obtained by them through communication with the graduate; and
    - (iii) The means of communication with the graduate.
  - (c) The software used to distribute and collect the survey<sup>1</sup>:
    - (i) Automatically logs the date and identity of the person entering responses to Key Items, including a graduate or a law school employee; or
    - (ii) Can produce a log of the changes made to the survey as a means of showing who filled out the survey and when.
- (3) Documentation of Key Items of employment information by the CSO through indirect means and third-party sources.
- (i) Documentation of Key Items of employment information obtained through indirect and third-party sources must include the following:
    - (a) The source of the information;
    - (b) The date the information is obtained;
    - (c) A printed or electronic copy of the source of information, such as a PDF or printout of the employer website naming the graduate as an

<sup>1</sup> Software like Symplicity and 12twenty Event Logs can be used for this purpose, as can spreadsheets created by other survey software. However, because software is subject to continual changes and updates, it is the responsibility of each law school to ensure that the survey software they use can meet these requirements, including the software packages named herein.

- employee, including, wherever possible, an integrated indication of the date the document was printed and the URL;
- (d) The identity of the CSO staff member or law school faculty or administrator who is documenting the information; and
  - (e) Any narrative necessary to explain the source or reliability of the information obtained, where it is not clear from the document itself.
- (ii) Where multiple sources of information are used to support a response, each source should be documented as set forth above, and, if necessary, a narrative explanation for the use of multiple sources should be included.
  - (iii) If the source of the information is oral communication, any responses and related documentation should be entered into the Graduate Employment File contemporaneously, or as soon as is practicable, to ensure accuracy.
- (4) Documentation of changes to the Graduate Employment File by the CSO.
- (i) Documentation of changes to the Graduate Employment File by the CSO based on new information should be documented subject to Data Protocol [104\(b\)\(1\) – \(3\)](#), and copies of any prior documentation already included in the file should also be kept in the file as needed to explain the new response.
  - (ii) Documentation of changes to the Graduate Employment File by the CSO based on professional judgment, other than ministerial changes, under Data Protocol [104\(b\)\(4\)](#), must include the following:
    - (a) Any source of information relied on to make the change;
    - (b) The date of the change;
    - (c) For changes based on professional judgment, an explanation of the reasoning for the decision; and
    - (d) The identity of the CSO staff member who made and documented the change.
- (5) Lack of Documentation
- (i) Where a law school lacks reliable information or documentation to support a Key Item of employment information, it must, where permitted, report the item as Unknown or Undeterminable.
  - (ii) If the Key Item of employment information does not permit a response of Unknown or Undeterminable, then the least favorable response to the questions must be selected consistent with Data Protocol [103\(c\)\(1\)](#).
  - (iii) Where a school is unable to obtain any reliable information about a graduate, that graduate must be reported as Unknown, and no documentation is required to support this conclusion in the Graduate Employment File.

***Example 1 – Data Protocol 104***

*Question: What is the ABA looking for when it reviews a Graduate Employment File?*

*Answer: The ABA will examine each Graduate Employment File subject to review to determine whether the information in the file:*

- 1) Matches the information submitted by the school to the ABA in the EQ; and*
- 2) Supports and properly documents the responses to the Key Items of employment information according to the Data Protocol.*

#### **Example 2 – Data Protocol 104**

*Question: Does the ABA audit firm size?*

*Answer: No. The ABA will not audit firm size; however, schools will be notified if numerous and significant discrepancies in firm size are noted (i.e., reporting firms of 2-10 attorneys as firms of 101-250). If a school corrects a graduate-reported firm size, no documentation or explanation is needed for this change as this is a ministerial change. See Data Protocol [104\(b\)\(4\)](#).*

#### **Example 3 – Data Protocol 104**

*Question: Is it an appropriate practice for a school to send a graduate an email telling the graduate the employment data that the school plans to submit to the ABA about that graduate, and asking the graduate to let the school know if the information is not correct?*

*Answer: Yes. Even where the graduate does not respond to the email, as long as there is a sufficient basis for the reported Key Items of employment information and the Graduate Employment File includes appropriate documentation as set forth in the Data Protocol, the school may report the information for the graduate as stated in the email.*

#### **Example 4 – Data Protocol 104**

*Question: Does the ABA require or endorse the use of any employment tracking system?*

*Answer: No. The ABA is aware that there are online databases that allow students and graduates to log in and directly provide employment information. Graduates have the ability to update their profiles when appropriate. These databases track changes and can export the stored data in an Excel spreadsheet for the school's EQ submission. These programs can also provide other information required by the Employment Protocols in a readily accessible format. The ABA is aware that many law schools contract with companies such as Symplicity and 12twenty for this software. The ABA has cooperated with these companies on some software features, but the ABA does not require or endorse the use of any particular employment tracking system.*

#### **Example 5 – Data Protocol 104**

*Question: Why do we need to spend so much time documenting dates?*

*Answer: The main reasons for including dates is to ensure that:*

- 1) Employment started on/before the Graduate Employment Status Date; and*
- 2) All information/documentation was obtained or created for the Graduate Employment Files on or before the Graduate Data Reporting Deadline.*

*In past years, some Graduate Employment Files had documentation that was dated after the Graduate Data Reporting Deadline or that was not dated at all, meaning either the school failed to timely document the information or the ABA had no way of knowing whether the documentation was timely.*

For these reasons, schools must ensure that any screenshots or printouts are dated (either on the documents themselves or through annotation in the Graduate Employment File), and that any notes in the file or changes to the file include who made the note/change and the date this was done, absent a ministerial change, as set forth in Data Protocol [104\(b\)\(4\)](#).

**Example 6 – Data Protocol 104(a)(1)**

*Question: If we receive documentation from a graduate after the Graduate Data Reporting Deadline confirming a professional judgment we made, should we exclude that from the file because it is received after the Graduate Data Reporting Deadline?*

*Answer: Yes. The documentation included in a Graduate Employment File, for reporting purposes, is frozen as of the Graduate Data Reporting Deadline unless you report a change to the ABA by the mid-June edit deadline as stated in [Data Protocol 102, Example 2](#).*

**Example 7 – Data Protocol 104(a)(2)**

*Question: Is a graduate's resume sufficient documentation for Key Items of employment data found in the resume?*

*Answer: Yes, provided that the Graduate Employment File indicates when the law school received the resume from the graduate. The school may document the date of receipt through a notation in the Graduate Employment File or by taking a screenshot showing the date the resume was uploaded to the school's employment tracking system. See [Appendix E](#), indicating that a resume is considered a reliable source.*

**Example 8 – Data Protocol 104(a)(3)**

*Question: We maintain a physical binder for each class year that contains graduate surveys and any additional documentation (screen shots, printouts, etc.). The screen shots and printouts stay in the binder; they are not scanned and uploaded to each Symplicity record. Is this OK?*

*Answer: Each school has its own way of storing and maintaining Graduate Employment Files. If some information is stored electronically and some is in a physical file, this is sufficient if 1) nothing is added after the Graduate Data Reporting Deadline in either location; and 2) you upload all information from both places when Graduate Employment Files are requested by the ABA.*

*While not mandatory, the ABA strongly encourages Career Services Offices to maintain Graduate Employment Files in electronic form and to make backup copies. This is because if a Graduate Employment File is lost or destroyed, the ABA will be unable to confirm the reported graduate employment data and the record keeping will be deemed deficient.*

**Example 9 – Data Protocol 104(a)(7)**

*Question: Where a school does not have information or documentation regarding one or more of the Key Items of employment information, must it document the efforts that it has made to obtain those items? For example, where a school reports a graduate's employment status as Unknown, must the Graduate Employment File include documentation of the school's attempts to obtain employment information from the graduate?*

*Answer: No. While it is essential that a Graduate Employment File include appropriate documentation for all reported Key Items of employment information, it need not include documentation of unsuccessful attempts to obtain information. Furthermore, no documentation is required when a graduate is reported as Unknown.*

**Example 10 – Data Protocol 104(a)(8)**

*Question: How long are schools required to maintain documentation of a graduate’s employment data?*

*Answer: Schools must maintain all records relating to their reporting of employment data for three years from the Graduate Data Reporting Deadline for that class. For example, records of graduate employment data for the class of 2020, reported in April 2021, must be maintained until at least April 2024.*

**Example 11 – Data Protocol 104(b)**

*Question: If the information in a survey is later amended, what documentation is necessary?*

*Answer: Where the graduate is personally amending the response in the survey, Data Protocol [104\(b\)\(1\)](#) applies. If the amendment is being made by a law school employee, then Data Protocol [104\(b\)\(4\)](#) applies, requiring the school employee to document and/or explain the basis for the change and still meet any other applicable requirements in the other parts of Data Protocol [104](#).*

**Example 12 – Data Protocol 104(b)**

*Question: When documenting a Key Item of employment information or a change to a Key Item, do I need to enter both the time and the date the entry was made?*

*Answer: Only the date is required. If the documentation supporting the Key Item in the Graduate Employment File has a date stamp, as is the case when you print out many web pages, the date stamp on that document is sufficient to show when you obtained the information. If the documentation does not include a date stamp, then handwriting the date on the document is sufficient. Likewise, if you have a page with administrative notes in the Graduate Employment File, you could add a note referencing the supporting documentation and the date you printed the information and added it to the file. All documentation, printouts, and administrative notes must be obtained or created for the Graduate Employment File on or before the Graduate Data Reporting Deadline.*

**Example 13 – Data Protocol 104(b)**

*Question: Is the date I printed a copy of an employer’s website showing a graduate was employed there sufficient to show the graduate was employed on or before the Graduate Employment Status Date?*

*Answer: If the date indicated on the printed document or noted in the administrative notes was on or before the Graduate Employment Status Date then, absent some indication to the contrary, the document will be sufficient to show the graduate was employed on or before that date.*

**Example 14 – Data Protocol 104(b)(1)**

*Question: What documentation is necessary for reported Key Items of employment information obtained through email communication?*

*Answer: The Graduate Employment File must include a copy of the email that includes the date of the email, the names of the parties to the email, and the Key Items of employment information that it supports.*



**Example 15 – Data Protocol 104(b)(1), 104(b)(2) & 104(b)(3)**

*Question: What documentation is necessary for reported Key Items of employment information obtained through oral communications?*

*Answer: Where the only source of a reported Key Item of employment information is a telephone call or other oral communication with the graduate or an acceptable third party, the communication for each Key Item must be individually documented in accordance with Data Protocol [104\(b\)\(1\)](#) and [104\(b\)\(3\)](#), respectively. Because the information is being received in oral form, the law school employee should take notes as contemporaneously as possible.*

**Example 16 – Data Protocol 104(b)(4)**

*Ministerial changes are changes that do not affect the quality of the graduate's response, but merely correct a minor error. Thus, correcting the name of an employer that was misspelled is ministerial, whereas changing terms of employment from short-term to long-term is not ministerial. Ministerial changes also include things like correcting the address of the employer or adjusting the firm size.*

**Example 17 – Data Protocol 104(b)(5)**

*Question: If a Graduate Employment File containing documentation is lost or destroyed, or the school otherwise believes a graduate is employed but it does not have supporting documentation, can the school still report the graduate as employed?*

*Answer: No. If a graduate's employment data cannot be properly documented, the graduate may not be reported as employed.*

**Example 18 – Data Protocol 104(b)(5)**

*Question: What if a school does not have information or documentation regarding a Key Item of a graduate's employment information?*

*Answer: Where a school does not have information or documentation for one or more Key Items of employment information for a graduate, it must report the item as "unknown" or "undeterminable" where permitted (i.e., Employment Status and Employment Type).*

*Where sufficient documentation does not exist to support other Key Items, the least favorable option must be chosen. Thus, as between Long-Term and Short-Term, Short-Term must be selected. Likewise, as between Full-Time and Part-Time, Part-Time must be selected.*

*Where the school has information that the graduate is unemployed, the graduate must be reported as Unemployed and not as Employment Status Unknown. However, see [Data Protocol 209, Example 2](#) and [Data Protocol 210, Example 2](#) for graduates who classified themselves in an Unemployed category on an at-graduation survey and who do not respond to outreach and lack an online presence.*

**Example 19 – Data Protocol 104(b)(3) & 104(b)(5); See also Data Protocol [103\(a\)\(2\)](#)**

*Question: What if a graduate does not provide the school with their graduate employment data?*

*Answer: As long as the information reported by a school is complete, accurate, and not misleading, and the reported information is properly documented per the Data Protocol, the school will be in compliance. Thus, information may be obtained by contacting employers or using reliable publicly available sources, such as employer websites, state licensing authorities, and approved social media websites including LinkedIn, Facebook, and Twitter (See [Appendix](#)*

E). If the Key Items of employment information cannot be found for a graduate, the graduate must be reported as Unemployed – Seeking or Unknown.

**Example 20 – Data Protocol 104(b)(5); See also Data Protocol [103\(c\)](#)**

*Question: The EQ does not have an “unknown” option for reporting Full-Time/Part-Time or Long-Term/Short-Term for an employed graduate. How should a school report on these items when it does not have definitive information from the graduate or other sources?*

*Answer: In such situations, a school must use reasonable judgment in reporting the graduate employment data and, in the absence of sufficient information to make a reasonable judgment, report the graduate as Part-Time or Short-Term.*

*However; See Data Protocol [103\(c\)](#). When the ABA reviews a school’s reported employment data, it will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and the basis for any assumptions made in the reported data. This is a situation that requires the school to carefully consider and justify any decision to choose the most favorable outcome (i.e., Long-Term or Full-Time). The basis to support such conclusions could be numerous, but an example might be knowledge that a particular employer only hires staff attorneys for full-time employment, or that the term of a clerkship with a particular judge is never less than one calendar year. If this is an assumption that is being made, then the Graduate Employment File should be annotated to reflect how the school arrived at this conclusion.*

**Example 21 – Data Protocol 104**

*To help guide the decision-making and documentation processes, see the flowchart included in [Appendix G](#).*

**Example 22 – Data Protocol 104(b)(1) & 104(b)(3)**

*When speaking on the phone or in-person with the graduate (or permissible third party), note if you filled in the survey with that person during the interaction. If you instead took notes during the interaction, include the notes and any explanations to show that all key items were obtained. If some but not all key items were obtained, ensure it is clear which were obtained during the conversation and which were obtained elsewhere. Additionally, if you contact a graduate or permissible third party to confirm any key items, describe in a note which key items were confirmed or if all key items were confirmed.*

**Example 23 – Data Protocol 104**

*A graduate whose employer and position is the same before/during law school and after law school must be appropriately classified according to [Appendix E](#) or other sufficient documentation addressed in Data Protocol [104](#).*

## EMPLOYMENT STATUS

### DATA PROTOCOL 201.

### GENERAL REQUIREMENTS – EMPLOYMENT STATUS

- (a) A graduate must be reported under one category of Employment Status, as set forth in Data Protocols [202](#) through [212](#).

- (b) When reporting a graduate as Employed under Data Protocols [202](#) through [207](#), a school must include the following information:
- (1) In the EQ:
    - (i) The state in which the graduate is Employed; or
    - (ii) The foreign country in which the graduate is Employed.
  - (2) In the Graduate Employment File:
    - (i) The employer's full mailing address; or
    - (ii) The employer's website; or
    - (iii) The employer's email address.
- (c) A graduate may not be reported as Employed under Data Protocols [202](#) through [207](#) if the graduate, as of the Graduate Employment Status Date, does not receive remuneration for work performed as defined in Data Protocol [101\(b\)\(21\)](#), even if the position may ultimately lead to a remunerated position.
- (d) Notwithstanding Data Protocol [201\(c\)](#), a graduate must be reported as Employed under Data Protocols [202](#) through [207](#) if:
- (1) The graduate is on Leave, as set forth in Data Protocol [101\(b\)\(18\)](#); or
  - (2) The graduate meets the conditions for exemption from the Employed - Start Date Deferred classification as set forth in Data Protocol [208\(a\)\(5\)](#).
- (e) Notwithstanding Data Protocol [103\(b\)](#), which describes a school's obligation to correct misreported classifications per the requirements set forth in these Employment Protocols, schools do not need to re-classify graduates, or otherwise include additional documentation, when graduates self-report an Employment Status higher than provided for in the [Appendix E](#) presumptions lists unless they have reason to believe the graduate's response is inaccurate as provided in Data Protocol [103\(b\)](#).

**Example 1 – Data Protocol 201**

*If the graduate is employed before the Graduate Employment Status Date, remains an ongoing employee of record, but is not working on the Graduate Employment Status Date, due to circumstances addressed in Data Protocol [101\(b\)\(18\)](#), they can still be reported as Employed under Data Protocols [202](#) through [207](#). As long as the graduate will resume the work they started prior to the Graduate Employment Status Date after the Graduate Employment Status Date, their temporary leave does not change the determination. A graduate begins working as an Associate at Law Firm XYZ in August 2023, but will be on paternity leave in March 2024. The graduate receives six weeks of paid leave and will return after this leave. The graduate can be reported as Employed despite not working at the firm on March 15, 2024.*

**Example 2 – Data Protocol 201**

*If the graduate is employed on the Graduate Employment Status Date and also meets the requirements of being on Leave from a separate position, the graduate is considered to be working in more than one job on the Graduate Employment Status Date. Therefore, a school may choose which position to report. Importantly, the school must report only one of the two positions. It may not combine the positions. A graduate accepts a position as an Attorney at Law*

*Firm XYZ and starts this position in October 2023. In December 2023, a new judge is appointed to a court for which the graduate previously applied to be a judicial clerk. The judge invites the graduate to apply to serve as a judicial clerk from January 2024-August 2024. This will allow the judge to get on a regular hiring cycle. The graduate communicates with Law Firm XYZ, which agrees the graduate can remain an employee of record and take a temporary leave of absence to fulfill this short-term role, should the graduate be selected. The graduate receives and accepts the offer. The school can choose to report either the Attorney position or the short-term judicial clerkship. This is because the graduate is considered to be employed in two positions: the short-term clerkship as of March 15, 2024 and the Attorney position due to meeting a Leave condition per [Data Protocol 101\(b\)\(18\)](#). For whichever position the school reports, it must accurately report all Key Items associated with that job and document them in compliance with these Data Protocols.*

**Example 3 – Data Protocol 201(e)**

*A graduate who self-reports they are employed in a Bar Passage Required position as an Accountant can be reported in a Bar Passage Required position, even though this job title is on the JD Advantage presumptions list. Similarly, a graduate who self-reports they are employed in a Professional position as a Bank Teller can be reported in a Professional position, even though the job title is on the Other Position presumptions list.*

**DATA PROTOCOL 202. EMPLOYED – BAR PASSAGE REQUIRED**

**(a) Requirements**

- (1) A graduate should be reported as Employed – Bar Passage Required if:
  - (i) The graduate receives remuneration for the work performed;
  - (ii) The graduate is Employed as of the Graduate Employment Status Date;
  - (iii) From the perspective of the employer, the graduate is employed in a position that in fact requires or will require the graduate to pass a bar exam or be authorized to practice law in one or more jurisdictions; or
  - (iv) From the perspective of the employer, the graduate has been hired with, or informed by the Graduate Employment Status Date, of the explicit expectation of their job title changing or converting to a role presumed to be Bar Passage Required, as outlined in [Appendix E](#); and
  - (v) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).
- (2) Positions that require a graduate to pass a bar exam or be authorized to practice law in a jurisdiction after beginning employment in order to retain the position are included in this category.

**(b) Presumptions, Considerations, and Exceptions**

- (1) Absent contrary information, no additional documentation is required for Employed – Bar Passage Required for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [202\(a\)](#).
- (2) The reporting of a position as Employed – Bar Passage Required is not affected by an employer's use of a temporary or lesser title, so long as:

- (i) The graduate or employer is the source of the information; or
  - (ii) The basis for the reported status is properly documented by the school.
- (3) The reporting of a position as Employed – Bar Passage Required is not affected by the failure of the graduate to pass the bar exam or be authorized to practice law, unless, as of the Graduate Employment Status Date:
- (i) The graduate’s employer has changed the terms of the employment to no longer require the graduate to pass a bar exam and be authorized to practice law in one or more jurisdictions; or
  - (ii) The graduate’s employment has been terminated.

**Example 1 – Data Protocol 202**

*Question: If the graduate is working as an associate but is not on the firm website, or is listed as a law clerk on the firm website, is the graduate’s representation of themselves as an associate sufficient to classify them as Bar Passage Required, Full-Time, and Long-Term?*

*Answer: You can always rely on the response given by the graduate, absent reliable information to the contrary. A graduate hired as an “Associate” will often be listed temporarily as a law clerk on the firm’s website until they are licensed and change/convert to an “Associate” (due to attorney licensing regulations).*

*Separately, if you are asking about the title being an “Associate” and what that allows you to presume, then you need to look to the presumptions in [Appendix E](#).*

**Example 2 – Data Protocol 202**

*Question: I am a bit confused regarding graduates who were hired into a Bar Passage Required position, but who do not pass the Bar Exam, yet continue to work for their law firm. How should I report them?*

*Answer: If the graduate was hired to take on the role of a licensed attorney after they passed the bar exam and were authorized to practice law, and the employer is keeping them on and allowing them to take the bar exam again, while still intending that the graduate will take on the full licensed attorney role, then you would continue to report the graduate as Bar Passage Required. If, on the other hand, the job will not change/convert to that full attorney role, then you must change it from Bar Passage Required to a more appropriate category.*

**Example 3 – Data Protocol 202**

*Question: It sounds like a graduate can still have a non-attorney title and be classified as Bar Passage Required even if they were not hired with the expectation of changing/converting to an attorney position upon bar passage. Is this correct?*

*Answer: Yes, as described in the following situations:*

- 1) The graduate is licensed or authorized to practice law and is actually performing duties that require a law license or authorization to practice law on or before the Graduate Employment Status Date, despite having no expectation that the position will be changed/converted by the employer to a position with an attorney title. See Data Protocol [202\(a\)\(1\)\(iii\)](#).*
- 2) The graduate is not yet performing duties that require a law license or authorization to practice law but has been informed by their employer after they were hired but on or before the*

Graduate Employment Status Date that they will change/convert to an attorney position upon bar passage.

3) The graduate is not and will not perform duties that require a law license or authorization to practice law in the position; however, their employer nonetheless requires bar passage, law licensure, or authorization to practice law for the position, regardless of the graduate's actual title (law clerk or otherwise).

#### **Example 4 – Data Protocol 202**

*Question: You mentioned that if a graduate fails the bar exam, their job category may still be Bar Passage Required unless the job changes. If a graduate has an associate position and fails the bar exam and the firm keeps the graduate on, the graduate cannot practice as an attorney. Wouldn't the job change significantly?*

*Answer: No. In this situation, the graduate was hired to be an attorney and the employer expects to have the graduate working as an attorney as soon as Bar Passage is achieved. The employer's intention is that the graduate will pass the bar exam and be licensed as an attorney. This intention is sufficient to support reporting the graduate as Bar Passage Required.*

*A paralegal position can only be classified as Bar Passage Required if the graduate is currently called a paralegal but has been informed by their employer upon hiring or after they were hired but on or before the Graduate Employment Status Date that they will automatically change/convert to an attorney position upon bar passage.*

#### **Example 5 – Data Protocol 202**

*Question: How should judicial clerks be classified?*

*Answer: All graduates serving as judicial clerks should be classified as having Bar Passage Required positions. No documentation is needed for this classification due to the long-standing practice of including these jobs in the Bar Passage Required category. A graduate who is a judicial clerk can still be classified as Bar Passage Required even if the graduate has not yet passed the bar exam or if Bar Passage is not required for the job.*

#### **Example 6 – Data Protocol 202(b)(1)**

*Question: I understand that we can presume Bar Passage Required, Full-Time, and Long-Term for graduates who report themselves as an "Associate" at a law firm. What if they report as "Attorney," "Staff Attorney," or other title that is not "Associate?" May the same presumptions be made?*

*Answer: The ABA has determined that "Attorney" and "Associate," at a law firm, traditionally refer to Bar Passage Required, full-time, open-ended terms of employment. Thus, graduates with these titles, working at a law firm, can be presumed to be Bar Passage Required, Full-Time, and Long-Term, unless the school knows that the firm does not hire graduates with these titles on these terms or has obtained contrary information from a credible source. The title of "Staff Attorney" at a law firm is presumed to be Bar Passage Required, but does not carry the same full-time and long-term presumptions. Schools are always encouraged to obtain employment information directly from graduates to ensure the most accurate reporting.*

#### **Example 7 – Data Protocol 202**

*Question: A graduate starts their Army JAG service on April 20, 2024, after the Graduate Employment Status Date. They are not employed by the Army JAG (or anywhere else) as of the*

*Graduate Employment Status Date, but they took their oath of service on March 1, 2024, and have a binding obligation to fulfill their JAG service. Can I classify them as Employed – Bar Passage Required, or are they considered Employed – Start Date Deferred?*

*Answer: Under Data Protocol [208\(a\)\(5\)](#), a graduate in any branch of the JAG Corps is considered to be Employed – Bar Passage Required, from the perspective of the service branch they have joined, if they have accepted their offer prior to March 15, 2024 and the commission timeline prevents them from beginning on or prior to March 15, 2024.*

#### **Example 8 – Data Protocol 202**

*A graduate who has started service as a non-reserve component JAG or who has entered into a binding obligation to fulfill their service obligation as a non-reserve component JAG on or before the Graduate Employment Status Date has a firm commitment to serve full-time for a specified number of years (usually 3-4 years). As such, schools may presume without documentation that these positions are Bar Passage Required, Full-Time, and Long-Term if they are unable to obtain the Bar Passage Required, Full-Time, and Long-Term information directly from the graduate.*

#### **Example 9 – Data Protocol 202**

*A graduate cannot be presumed to be in a Bar Passage Required or JD Advantage job from a Bar Directory listing that does not list the graduate's title. For instance, if a graduate is listed in a Bar Directory and notes a law firm address but no title, you cannot assume they are in a Bar Passage Required or JD Advantage job without more information. In this case, it is best practice to pursue other generally reliable sources of information outlined in [Appendix C](#) to obtain documentation for the graduate's Employment Status.*

#### **Example 10 – Data Protocol 202(a)**

*A graduate hired as an Attorney can be reported as Employed – Bar Passage Required even if they have not yet passed the bar exam or become licensed. A graduate hired as a Law Clerk, to convert to an Attorney, can be reported as Employed – Bar Passage Required even if they have not yet passed the bar exam or become licensed. A graduate hired as a Law Clerk, who is informed in February 2024 that they will transition to an attorney role upon bar passage or licensure can be reported as Employed – Bar Passage Required.*

### **DATA PROTOCOL 203. EMPLOYED – JD ADVANTAGE**

#### **(a) Requirements**

- (1) A graduate should be reported as Employed – JD Advantage if:
  - (i) The graduate receives remuneration for the work performed;
  - (ii) The graduate is Employed as of the Graduate Employment Status Date;
  - (iii) The possession of a JD by the graduate was:
    - (a) Sought or required by the employer;
    - (b) Is common among others employed in the same type of job; or
    - (c) Provided a demonstrable advantage in performing the position's legal-related duties as identified from a reliable source, including a job

posting for the same job with the graduate's employer or with a similar employer;

- (iv) The duties of the position do not require passage of the bar exam or authorization to practice law or involve practicing law; and
- (v) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Employed – JD Advantage for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [203\(a\)](#).
- (2) Because the applicable list of employers, duties, and titles associated with Employed – JD Advantage positions is expansive:
  - (i) If the graduate is the source of the reported information, and the school has no basis to question the graduate's conclusion, no additional documentation is necessary, but
  - (ii) If the graduate is not the source of the information, the school must document its professional judgment in reporting the position as Employed – JD Advantage.

**Example 1 – Data Protocol 203**

*Graduates can land an immense array of jobs that come under the Employed – JD Advantage category. To help in classifying the graduate's job, [Appendix E](#) provides some examples of positions that qualify as Employed – JD Advantage. However, this is not an exhaustive list. School staff members are encouraged to use the generally reliable sources outlined in [Appendix C](#), and can also apply and document their professional judgment in assessing whether the graduate's specific job meets the requirements for JD Advantage. While this can be a burden, keep in mind that the ABA will respect reasonable professional judgments regarding the reporting of graduate employment data when appropriately documented with an explanation and basis for any assumptions made.*

*JD Advantage jobs may be found in a variety of industries, including:*

- 1) *Accounting or tax firms;*
- 2) *Colleges and Universities (including athletics, academics, student services, etc.);*
- 3) *Corporate compliance departments;*
- 4) *Consulting firms;*
- 5) *Hospitals and health systems;*
- 6) *Human Resources departments;*
- 7) *Investment banks; and*
- 8) *Law Firms.*



### **Example 2 – Data Protocol 203**

*Some employers may give graduates a salary increase or bonus for earning their JD degree or passing the bar exam. This extra compensation will not automatically change/convert a position into a JD Advantage position or Bar Passage Required position, respectively. What matters to the classification of the job is whether the employer's perspective and the day-to-day job duties meet the requirements in Data Protocol [202](#) or Data Protocol [203](#).*

### **Example 3 – Data Protocol 203**

*Question: A graduate works as a high school teacher. Since they are a licensed attorney, the principal has asked them to do some occasional legal work to ensure the school is complying with certain state regulations. Should this graduate be classified as JD Advantage?*

*Answer: No. In order to classify a graduate as JD Advantage, the graduate's primary job duties must meet the requirements of Data Protocol [203](#). Doing occasional legal or compliance work as part of a primarily non-JD Advantage job is not enough to "convert" it into a JD Advantage job. In this case, the graduate's primary job is high school teaching, so they should be classified as in a Professional Position under Data Protocol [204](#).*

### **Example 4 – Data Protocol 203**

*Some graduates may be in legal fellowships where their title is Legal Fellow. There is no automatic presumption of Bar Passage Required for the title Legal Fellow. Legal Fellows are presumed to be JD Advantage unless they meet the requirements of Data Protocol [202](#). For example, a legal fellow who is required to be licensed to represent clients in the public defender's office would be Bar Passage Required, whereas a legal fellow who does research on access to justice would be JD Advantage. A legal fellowship may not require bar passage, but employers may assign work that requires licensure to a graduate who does take and pass the bar exam. If the graduate transitions to working in a licensed capacity before the Graduate Employment Status Date, the graduate may be reported as Employed – Bar Passage Required.*

### **Example 5 – Data Protocol 203**

*A graduate running for political office should be classified as Employed in an Employment Status that reflects the position for which they are running (see [Appendix E](#) for some presumptions), but only if they are paid a salary by their campaign. If they are not paid a salary by their campaign, classify them according to the job they hold while running for office or classify as Unemployed – Not Seeking if they are not paid a salary by the campaign and are not otherwise employed.*

## **DATA PROTOCOL 204. EMPLOYED – PROFESSIONAL POSITION**

### **(a) Requirements**

- (1) A graduate should be reported as Employed – Professional Position if:
  - (i) The graduate receives remuneration for the work performed;
  - (ii) The graduate is Employed as of the Graduate Employment Status Date;
  - (iii) The position requires professional skills or training, managerial or supervisory responsibilities, or the regular use of professional judgment from the perspective of the employer;

- (iv) The graduate is employed in a skilled trade job and is currently enrolled in or has completed a relevant apprenticeship or certificate program, including vocational courses, or heavy machinery equipment operation safety trainings;
- (v) The possession of a JD did not provide a demonstrable advantage in obtaining or performing the role:
  - (a) From the perspective of the employer; or
  - (b) Based on the duties as identified from a reliable source, including a job posting for the same job or a similar job with the graduate's employer or with a similar employer; and
- (vi) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Employed – Professional Position for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [204\(a\)](#).

***Example 1 – Data Protocol 204***

*While a JD may be helpful in setting up or incorporating a business, this alone is not enough to classify a position as JD Advantage. Thus, graduates who start or run their own business should be classified according to their primary job duties.*

***Example 2 – Data Protocol 204***

*Every position requires some skills or training, but that does not automatically mean the graduate should be classified as Employed – Professional Position. It is important to consider the position's requirements holistically, and as compared to the Employed – Professional Position and Employed – Other Position positions accounted for in their respective presumptions lists in [Appendix E](#).*

**DATA PROTOCOL 205. EMPLOYED – OTHER POSITION**

(a) Requirements

- (1) A graduate should be reported as Employed – Other Position if:
  - (i) The graduate receives remuneration for the work performed;
  - (ii) The graduate is Employed as of the Graduate Employment Status Date;
  - (iii) The position does not require any special professional skills or training that would otherwise require the position to be reported as Employed – Professional Position under Data Protocol [204](#); and
  - (iv) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Employed – Other Position for graduates in positions with the job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [205\(a\)](#).

**Example 1 – Data Protocol 205(b)(1)(vi)**

*"Performing Artist" captures a wide variety of positions. Some of these positions may be classified as Employed – Professional Position and others may be Employed – Other Position. To classify a performing artist as Employed – Professional Position, the graduate should have some of the following attributes: member in a professional association or performing cast, troupe, or company; has representation by an agent or attorney; or has a formal contract to perform. Graduates who work as performing artists in more of a gig-work setting, or who, though performing regularly, do not have a formal contract or agreement with the venues in which they perform, should be classified as Employed – Other Position.*

**Example 2 – Data Protocol 205(b)(1)(viii)**

*The work of receptionists, administrative assistants, and secretaries may vary based on the employer and the assigned duties. If a graduate is a receptionist, administrative assistant, or secretary that is conducting program management, statistical analysis, event management, or other duties requiring professional skills, classify them as Employed – Professional Position. If the graduate's duties are strictly clerical in nature, classify them as Employed – Other Position.*

*Generally, the best option is to classify the graduate in the category of their presumption and then obtain additional information to see if the graduate can be moved up to a higher category. This may require schools to reach out to the graduate to obtain more information about the job duties, or for schools to pursue documentation using the generally reliable sources outlined in [Appendix C](#).*

**DATA PROTOCOL 206. EMPLOYED – LAW SCHOOL/UNIVERSITY FUNDED POSITION**

(a) Requirements

- (1) A graduate should be reported as Employed in a Law School/University Funded Position if:
  - (i) The graduate receives remuneration for the work performed;
  - (ii) The graduate is Employed as of the Graduate Employment Status Date; and
  - (iii) The graduate is either:
    - (a) Employed by the Law School or its Parent Institution; or
    - (b) Exclusive of benefits, the Law School or its Parent Institution, directly or indirectly, in whole or in part, funds any portion of the graduate's salary, stipend, wages, or other remuneration, including:
      - (1) Donations solicited by or on behalf of the Law School or its Parent Institution; or
      - (2) Grants obtained by the Law School or its Parent Institution.

- (2) Any graduate whose employment is subject to Data Protocol [206\(a\)\(1\)](#) must be classified as Employed – Law School/University Funded, regardless of the amount of funding they receive from the Law School or its Parent Institution.
- (3) Notwithstanding Data Protocol [206\(a\)\(1\)](#), a graduate who satisfies the conditions set forth below should not be reported as employed in a position that is Employed – Law School/University Funded.
  - (i) As documented in the graduate file, from the perspective of the Law School or its Parent Institution, the position is expected to last for a term of one calendar year or more; **and**
  - (ii) As documented in the graduate file, the total salary, wages, stipend, or other remuneration the graduate receives for the work performed, including sums from the Law School or its Parent Institution and any other funding source, exclusive of benefits, is equal to or exceeds \$45,000 per year; **and**
  - (iii) As documented in the graduate file, the position, and all of its funding, are advertised and open to qualified graduates from all ABA-approved law schools; **or**
  - (iv) The graduate was employed by the Law School or its Parent Institution before starting law school; **and**
  - (v) Continues to be employed in the same or a similar position as of the Graduate Employment Status Date.
- (4) Because the Law School or its Parent Institution inherently must know if a position is a Law School/University Funded position, or is exempt from the definition, the burden of providing and documenting the Key Items of employment information is on the law school and does not depend on the information the graduate may provide.
- (5) Notwithstanding Data Protocols [202\(a\)\(1\)\(iv\)](#), [203\(a\)\(1\)\(v\)](#), [204\(a\)\(1\)\(vi\)](#), and [205\(a\)\(1\)\(iv\)](#), schools using the Employed – Law School/University Funded classification must also follow the guidance in this document to report one other Employment Status category, designating the graduate as Employed – Bar Passage Required, Employed - JD Advantage, Employed - Professional Position, or Employed - Other Position, in order to correctly populate all sections of the Employment Summary Report.

***Example 1 – Data Protocol 206***

*A position paying \$45,000 a year or more in the office of a university's general counsel with no expected end date, or a position as a faculty member with no expected end date, are likely examples of positions that would not be considered "Employed – Law School/University Funded" despite the technical status of the graduate on the payroll of the Law School or University. This is because these jobs are expected by the law school to last a calendar year or longer, they pay \$45,000 or more per year, and they are advertised and genuinely open to graduates from any ABA-approved law school. On the other hand, a research role in a law school library that is long-term but that is not open to graduates of other schools would be considered "Employed – Law School/University Funded."*

*When a graduate is reported with their Law School or Parent Institution as their employer, and is not reported as Employed – Law School/University Funded, the school must provide documentation to support why the graduate is exempt from this classification and was reported under another Employment Status. Therefore, the file of a graduate working for the university's general counsel or a graduate working as a faculty member for the university would need to include documentation that the position meets Data Protocol 206(a)(3)(i), (ii), **and** (iii), **or** (iv) **and** (v). The documentation would also need to appropriately support the reported Employment Status. For example, if the graduate in the university's general counsel's office is reported as Employed – Bar Passage Required, the documentation in the file also needs to appropriately support this classification.*

*Schools must provide documentation to support an exemption for positions that would otherwise be reported in a Law School/University Funded category. The school must also include documentation to support the Employment Status according to Data Protocols [202-207](#).*

### **Example 2 – Data Protocol 206**

*A position is funded directly if the graduate is on the payroll of the Law School or its Parent Institution. A position is funded indirectly if the Law School or its Parent Institution funds another institution in any way and in any amount to pay the salary. A position is also funded indirectly if it is paid through funds solicited from or donated by an outside supporter of the Law School or its Parent Institution.*

*Thus, a position in the law library is funded directly by the Law School or its Parent Institution. A position in a legal services office or a law firm that is funded in any amount by the Law School or its Parent Institution (either by the Law School or its Parent Institution or solicited from or donated by an outside supporter of the Law School or its Parent Institution) is funded indirectly by the Law School or its Parent Institution.*

### **Example 3 – Data Protocol 206**

*Examples of when a position is funded through donations solicited by or on behalf of the Law School or its Parent Institution include: 1) The law school raises funds to support fellowships for graduates in public service, 2) A law school donor agrees to fund a position for a graduate who found a position that would otherwise be unfunded, usually in public interest, or 3) An outside organization raises money to be used to fund fellowships solely for graduates of one particular law school.*

### **Example 4 – Data Protocol 206**

*A position is funded through a grant when the Law School or its Parent Institution receives money from an outside entity (government, corporation, foundation, etc.) and the Law School or its Parent Institution uses that money to pay the salary, stipend, or wages for work performed (in whole or in part) of the graduate.*

### **Example 5 – Data Protocol 206**

*If any part of the position is funded by the Law School or its Parent Institution, the position is a Law School/University funded position unless it meets all the requirements of Data Protocol [206\(a\)\(3\)](#). This is true even if the school and employer each pay an amount or percentage of the salary.*

*For example, a local Legal Aid organization hires graduates for a one-year fellowship and provides a stipend of \$22,500 for a position that is open to any law school graduate. Law School*

*X then offers its graduates an extra \$22,500 if they accept the Legal Aid position; however, this additional funding is only available to the graduates of Law School X. Should this position be regarded as Law School/University Funded or not?*

*While the one-year nature of the fellowship and the school's funding taking the position to the \$45,000 threshold showcases the position meets the exemption requirements identified in Data Protocol 206(a)(3)(i) and (ii), the position and all of its funding are not advertised and open to qualified graduates from all ABA-approved law schools. Therefore, the position does not meet the third exemption requirement outlined in Data Protocol 206(a)(3)(iii). All three exemption requirements must be met for a position that is otherwise Law School/University Funded to not be reported as such.*

#### **Example 6 – Data Protocol 206**

*A graduate participating in Gideon's Promise must be reported as Employed – Law School/University Funded if, as of the Graduate Employment Status Date, the graduate is funded by their Law School or its Parent Institution. However, a graduate participating in Gideon's Promise may be reported in a different category if, as of the Graduate Employment Status Date, the graduate is fully funded by their public defender's office.*

#### **Example 7 – Data Protocol 206(a)(3)(iii)**

*Question: Is it permissible for a job posting to include a preference for hiring graduates from the Law School or Parent Institution?*

*Answer: Yes. However, the job posting should not include preferred qualifications that are so narrow that only your graduates are fairly considered. Examples of these preferred qualifications include academic or experiential experiences exclusive to the Law School or Parent Institution, except where your Law School or Parent Institution produces graduates with unique qualifications.*

#### **Example 8 – Data Protocol 206(a)(3)(iv) and (v)**

*A graduate who begins as an academic advisor before law school, continues in this position during law school, and is hired for a faculty position after law school is considered to be in a Law School/University Funded position unless the requirements of Data Protocol [206\(a\)\(3\)](#) apply and are appropriately documented. This graduate does not meet the Data Protocol [206\(a\)\(3\)\(v\)](#) exemption requirement because the graduate is not in the same or a similar job.*

#### **Example 9 – Data Protocol 206(a)(3)(v)**

*Question: One of my graduates was employed as a faculty member prior to starting law school and was promoted to a tenure track Associate Dean role within the same department after law school. Does this graduate still meet the Data Protocol [206\(a\)\(3\)](#) exemption requirement?*

*Answer: Yes. Though the graduate is in a new role, as of the Graduate Employment Status Date, they continue to be employed in a similar capacity as they were before starting law school. In this example the "similar capacity" is the graduate's role as a faculty member. While pre-law school and post-law school roles can be telling, they are not dispositive. The school can also compare job responsibilities or descriptions. A school must use reasonable judgment in determining whether a graduate meets the Data Protocol [206\(a\)\(3\)\(v\)](#) exemption requirement and, in the absence of sufficient information to make a reasonable judgment, report the graduate as Employed – Law School/University Funded.*

**Example 10 – Data Protocol 206**

*If a graduate is employed in a Law School University Funded position through the Graduate Employment Status Date and receives remuneration in the form of a lump-sum stipend, rather than an annual salary, the timing of the stipend's distribution does not impact the graduate being reported as employed.*

**Example 11 – Data Protocol 206**

*Question: Should a graduate working at another institution that is part of the system from which they graduated be considered as working for the Law School or Parent Institution (e.g. a University of Texas School of Law graduate working as a Title IX Compliance Officer for the University of Texas - San Antonio)?*

*Answer: In this situation, the University of Texas - San Antonio is part of the University of Texas system but not of the University of Texas - Austin, which is the Parent Institution of the University of Texas School of Law. Therefore, the graduate is not considered to be in a Law School/University Funded position unless the University of Texas School of Law or University of Texas - Austin directly or indirectly funds any portion of the graduate's remuneration per Data Protocol [206\(a\)\(1\)\(iii\)\(b\)](#). Though it may be clear to the CSO, it is best practice for schools to provide documentation, in these instances, to demonstrate both that the graduate is not employed by the Law School or Parent Institution, and that the Law School or Parent Institution are not involved in the graduate's remuneration.*

**Example 12 – Data Protocol 206**

*Question: When a graduate of a Law School is employed by a different ABA-accredited Law School which is part of the same Parent Institution, is this considered to be a Law School/University Funded position? What if they are employed by the Parent Institution? (e.g. Penn State - Dickinson Law graduate is employed as a Clinical Fellow at Penn State Law or a graduate from either law school is employed as an Assistant General Counsel at Penn State University).*

*Answer: So long as the graduate's Law School is not directly or indirectly funding any portion of the graduate's remuneration per Data Protocol [206\(a\)\(1\)\(iii\)\(b\)](#), they are not considered to be in a Law School/University Funded position while they are employed by a different ABA-accredited law school that is part of the same Parent Institution. If, however, a graduate of any of the Law Schools within the Parent Institution is employed or funded by the Parent Institution itself, then the position should be classified as Law School/University Funded unless it meets the criteria set forth in Data Protocol [206\(a\)\(3\)](#).*

**Example 13 – Data Protocol 206**

*Question: Our law school offers a selected number of its graduates a one-year fellowship with an outside employer. Under the terms of the fellowship program, the law school pays for the first three months of our graduate fellows' salaries and the outside employer pays for the final nine months of the position. The law school's funding is not available to graduates of other ABA accredited law schools. Prior to the Graduate Employment Status Date and continuing for the remainder of the fellowship term, the employer takes over all payments to our fellows and the law school is no longer funding the fellows' salary or other compensation as of the Graduate Employment Status Date. Do these fellowships need to be reported as Law School/University Funded?*

*Answer: Yes. Data Protocol [206\(a\)\(1\)\(iii\)\(b\)](#) states that “A graduate should be reported as Employed in a Law School/University Funded Position if: “Exclusive of benefits, the Law School or its Parent Institution, directly or indirectly, in whole or in part, funds any portion of the graduate's salary, stipend, wages, or other remuneration[.]” In the context of a term-limited position like this one, the law school's funding of the first three months of the fellowship constitutes a portion of the graduate's salary, which qualifies this position as Law School/University Funded. If, before the Graduate Employment Status Date of March 15, the graduate is no longer working as a fellow, but is instead working in the long-term, open-ended position fully funded by the employer, the graduate is considered to be in a different position and no longer working in a position funded by the law school.*

## **DATA PROTOCOL 207. EMPLOYED – UNDETERMINABLE**

### **(a) Requirements**

- (1) A graduate should be reported as Employed – Undeterminable if:
  - (i) The graduate receives remuneration for the work performed;
  - (ii) The graduate is Employed as of the Graduate Employment Status Date;
  - (iii) The school cannot obtain sufficient information to categorize the graduate as Employed in any of the Employed categories under Data Protocols 202 through 205; and
  - (iv) The position does not come within the definition of a Law School/University Funded position, as set forth in Data Protocol [206](#).
- (2) Schools should report on all Key Items for graduates with an Employed – Undeterminable classification using the guidance in Data Protocols [103\(a\)\(2\)](#) and [103\(c\)](#).

### **Example 1 – Data Protocol 207**

*This category should rarely be used. The only time it should be used is when the school knows from a reliable source that the graduate is employed but, even after diligent effort, cannot obtain any other information that would help the school place the graduate in one of the other Employed categories. If the position is reported as being Full-Time or Long-Term, a school should make sure to diligently document the basis for those conclusions since it has such limited information about other aspects of the job.*

### **Example 2 – Data Protocol 207**

*Question: A graduate told us they are clerking for a judge, but no other details than the city in which they are clerking. Should I list the graduate as Unknown or Undeterminable?*

*Answer: In this case, the school first needs to ensure they can document that the graduate started on, or prior to, the Graduate Employment Status Date. If the school can include this documentation, they can use the information provided to determine the graduate's Employment Status. The graduate's role as a judicial clerk is accounted for in the Employed – Bar Passage Required presumptions list. Therefore, this graduate would be reported as Employed – Bar Passage Required, and not as Employed – Undeterminable or Employment Status Unknown. There is no Long-Term or Full-Time presumption for judicial clerks, so, absent any additional information, the graduate would be reported as Short-Term and Part-Time. In terms of the*



*“Employment Type,” the school would look up the courts in the city in which the graduate said they were clerking. The school would need to appropriately document this research, as well as their professional judgment, and report “Judicial Clerkship” – “Federal”; “State, Local, and Territories”; “Tribal”; or “International” accordingly. The school would also include a note that they were unable to obtain an employer name and address from the graduate or any other source.*

### **Example 3 – Data Protocol 207**

*Question: A graduate told us they started working at a law firm in Texas in September 2023. They shared the position was long-term. They do not respond to any follow-up from the school and no information can be obtained from third-party sources. Can we classify this graduate as Employed – JD Advantage?*

*Answer: In this case, Employed – Undeterminable is the right classification. We do not know the graduate's Employment Status and cannot make any presumptions from the information we do have. An Employed – Undeterminable classification requires that a school report on all Key Items. While the graduate indicated they were employed in a long-term capacity, they did not provide information about whether they were working full-time or part-time. The school would need to use a part-time classification. The school would also classify this graduate with the Employer Type of Law Firm – Unknown Size and include a note that they were unable to obtain an employer name and address from the graduate or any other source.*

## **DATA PROTOCOL 208. EMPLOYED – START DATE DEFERRED**

### **(a) Requirements**

- (1) A graduate should be reported as Employed – Start Date Deferred if:
  - (i) The graduate has received and accepted an offer of employment by the Graduate Employment Status Date;
  - (ii) The graduate has agreed to a Start Date;
  - (iii) The Start Date falls after the Graduate Employment Status Date; and
  - (iv) The graduate is not employed in any position on the Graduate Employment Status Date.
- (2) When reporting a graduate as Employed – Start Date Deferred, the only other Key Item reported is the graduate's Start Date.
- (3) A graduate who is Employed in a position on the Graduate Employment Status Date must be reported as Employed pursuant to the appropriate classification under Data Protocols [202](#) through [207](#) and may not be reported as Employed – Start Date Deferred because they have accepted a different future position the school or graduate would prefer to report.
- (4) A graduate who is Enrolled in Graduate Studies on the Graduate Employment Status Date must be reported as Enrolled in Graduate Studies under Data Protocol [212](#) and may not be reported as Employed – Start Date Deferred because they have accepted a future position the school or graduate would prefer to report.
- (5) Notwithstanding Data Protocol [208\(a\)\(1\)\(ii\)](#) and [\(iii\)](#), a graduate should be reported as Employed under Data Protocols [202](#) through [207](#) if they have

accepted employment prior to the Graduate Employment Status Date, but will not start their position on or prior to the Graduate Employment Status Date due to the conditions set forth below:

- (i) The commission timeline for military service;
- (ii) Fulfillment of required civil or military service;
- (iii) A recent birth or adoption of a child; or
- (iv) A personal or familial illness.

### **Example 1 – Data Protocol 208**

*Question: Is a graduate in this category going to be counted as employed when calculating employment percentages?*

*Answer: The ABA does not calculate employment percentages. From the perspective of the ABA, a graduate in this category is not truly employed as of the Graduate Employment Status Date and they are not counted in the "Employment Type" box on the Employment Summary Report. As such, a school should not represent graduates whose position is start date deferred as being employed under the standards of the ABA. We realize this can be confusing, given that the word "Employed" is used in the category, but this was done because the historical name for the category "Unemployed – Start Date Deferred" was not only confusing, but carried the negative stigma associated with the word "Unemployed."*

### **Example 2 – Data Protocol 208**

*Question: I have a graduate who has accepted a judicial clerkship, which will begin in August 2024 when the judge's current clerk's term ends. Until the clerkship begins, the graduate has taken a part-time, short-term position as a server in a restaurant. Is the server position, in which the graduate is employed on the Graduate Employment Status Date, the one I must report? Because I can only report one job per graduate in the EQ, can I report the judicial clerkship under the Employed – Start Date Deferred category, or do I have to report the job in the restaurant as Employed – Other Position?*

*Answer: You can only report one position. In this case, you would have to report the graduate as Employed – Other Position because the judicial clerkship position is not exempt from the Start Date Deferred classification per Data Protocol [208\(a\)\(5\)](#). The critical element is that the graduate is, in fact, employed on the Graduate Employment Status Date and the clerkship meets the requirements of the Employed – Start Date Deferred classification. If the graduate has a job, even if you would rather report a deferred job because it is regarded as a higher quality job for reporting purposes, you must report the job they have on the Graduate Employment Status Date, not the job they will start in the future.*

*On the other hand, if a graduate is working in more than one job on the Graduate Employment Status Date, a school may choose which position to report. Thus, if a graduate has one job that would be reported as Employed – Bar Passage Required, Part-Time, Short-Term, and another position that would be reported as Employed – Professional Position, Part-Time, Long-Term, it would be up to the school to choose which of the two positions it will report. Importantly, the school must report only one of the two positions. It may not combine the positions. See [Example 10, Data Protocol 208](#).*

### **Example 3 – Data Protocol 208**

*If a graduate has received and accepted an offer of employment by the Graduate Employment Status Date, but the start date is dependent on the completion of a security clearance or background check and the completion date is currently unknown, classify as Employed – Start Date Deferred and provide an approximate start date.*

### **Example 4 – Data Protocol 208**

*If a graduate has received and accepted an offer of employment by the Graduate Employment Status Date but declines to provide a start date or does not respond to follow-up regarding the start date, they should still be classified as Employed – Start Date Deferred. Just make sure to document the situation and provide an approximate start date using professional judgment.*

### **Example 5 – Data Protocol 208**

*If a graduate has received an offer of employment by the Graduate Employment Status Date, with a start date that falls after the Graduate Employment Status Date, but they can't officially accept the offer because it is contingent upon, for example, passing the MPRE or bar examination, the graduate can still be classified as Employed – Start Date Deferred.*

### **Example 6 – Data Protocol 208**

*If a graduate accepts an offer of employment by the Graduate Employment Status Date and has a Start Date after the Graduate Employment Status Date, but the official paperwork is not completed by the Graduate Employment Status Date, the graduate can still be classified as Employed – Start Date Deferred.*

### **Example 7 – Data Protocol 208**

*If the graduate has a start date delayed until after the Graduate Employment Status Date, due to circumstances not addressed by Data Protocol [208\(a\)\(5\)](#) (such as the employer's payroll schedule, a vacation, or studying for the bar exam), and are not otherwise employed, they must be reported as Employed – Start Date Deferred if the requirements of Data Protocols 208 are met, or reported under another Employment Status category set forth in Data Protocols [209](#) or [210](#). Only the specific conditions outlined in the Employed – Start Date Deferred classification requirements allow a graduate who has not yet started employment by the Graduate Employment Status Date to be exempt from the Employed – Start Date Deferred classification.*

### **Example 8 – Data Protocol 208**

*Question: One of my graduates worked as a summer associate for a firm the summer before they graduated. Their start date as an Associate Attorney was set for October 1, 2023, but got delayed to January 2, 2024. The delayed start date conflicted with the graduate's parental leave, so the graduate won't start work until after March 15, 2024. Can we count this graduate as employed?*

*Answer: Yes, this graduate can be reported as employed. Per Data Protocol 208(a)(5), absent the parental leave, the graduate otherwise would have met the requirements to be reported as Employed – Bar Passage Required. These circumstances should be documented in the file. If using a vendor system like Symplicity or I2twenty, the school should enter the original start date*

of January 2024 in the system in order for the graduate's employment to be coded and reported accurately in the Employment Questionnaire.

### **Example 9 – Data Protocol 208**

*Question: How do I classify a graduate who accepts an offer on March 11, 2024, to start working as an Attorney at Law Firm XYZ on March 18, 2024? The graduate said March 18 is their start date because all new employees start on Mondays. What about a graduate who accepts an offer on March 4, 2024, is given the opportunity to start the week of March 11, 2024 or March 18, 2024, and chooses the week of March 18, 2024 due to a vacation they have planned?*

*Answer: These graduates must be reported as Employed – Start Date Deferred. There are only four conditions that allow for an otherwise Employed – Start Date Deferred position to not be reported as such: the commission timeline for military service; fulfillment of required civil or military service; a recent birth or adoption of a child; or a personal or familial illness.*

### **Example 10 – Data Protocol 208**

*If the graduate is employed on the Graduate Employment Status Date and also meets the requirements of Data Protocol [208\(a\)\(5\)](#) for a separate position, the graduate is considered to be working in more than one job on the Graduate Employment Status Date. Therefore, a school may choose which position to report. Importantly, the school must report only one of the two positions. It may not combine the positions. For example, a graduate responds to your outreach in February 2024 to say they are currently working as a legal assistant at Law Firm XYZ. However, they have made a binding obligation to join the U.S. Army JAG Corps and will leave the legal assistant position in August 2024. The school may choose to report either the legal assistant position or the U.S. Army JAG Corps position. This is because the graduate is considered to be employed in two positions: the legal assistant position as of March 15, 2024 and the JAG Corps position due to meeting a condition for exemption from the Employed Start Date Deferred classification per Data Protocol [208\(a\)\(5\)](#). For whichever position the school reports, it must accurately report all Key Items associated with that job and document them in compliance with these Data Protocols.*

## **DATA PROTOCOL 209. UNEMPLOYED – SEEKING**

### **(a) Requirements**

- (1) A graduate should be reported as Unemployed – Seeking if, as of the Graduate Employment Status Date, the graduate:
  - (i) Is Unemployed; and
  - (ii) Is seeking employment and would accept an offer of employment.

### **(b) Presumptions, Considerations, and Exceptions**

- (1) A graduate's status as Unemployed – Seeking is not affected by the fact that the graduate:
  - (i) Is performing volunteer or other work without remuneration;
  - (ii) Has declined an offer of employment; or
  - (iii) Is studying for the bar exam.

- (2) No documentation is required in the Graduate Employment File when reporting a graduate as Unemployed – Seeking. The presumption is that a graduate is Unemployed – Seeking unless the Graduate Employment File documents otherwise.

**Example 1 – Data Protocol 209**

*Question: How do we classify a graduate who is awaiting bar results and self-reports that they are not seeking work until they obtain bar results because their desired employer will not take applications from and/or hire a graduate who has not yet passed the bar exam?*

*Answer: In these situations, the graduate would be Unemployed – Seeking. The graduate is seeking a job; they are just unable to apply or be hired until they have their Bar Exam Passage. In this situation, the school would need to override the graduate’s classification. For the requirements to classify a graduate as Unemployed – Not Seeking, see Data Protocol [210](#).*

**Example 2 – Data Protocol 209**

*Question: If a graduate said they were Unemployed – Seeking on their at-graduation survey and has not responded to outreach and has no online presence, how do we classify them?*

*Answer: While there is no requirement that schools re-survey graduates once they have obtained employment information from them, many schools continue to follow up with graduates who report themselves as Unemployed – Seeking on an at-graduation survey. Many of these graduates subsequently find jobs and the school obtains updated employment information from them. However, some of these graduates do not respond to outreach and have no online presence.*

*If you have graduates who classified themselves as Unemployed – Seeking on an at-graduation survey and they do not respond to outreach and lack an online presence, you have two options: 1) You can leave them classified according to their at-graduation surveys or 2) You can re-classify them as Employment Status Unknown. The presumption is that a graduate is Unemployed – Seeking unless the Graduate Employment File documents otherwise. If you do change the graduate-reported classification of Unemployed – Seeking to Employment Status Unknown or Unemployed – Not Seeking, you must document the basis for the change, be it professional judgment or some other basis.*

**DATA PROTOCOL 210. UNEMPLOYED – NOT SEEKING**

**(a) Requirements**

- (1) A graduate should be reported as Unemployed – Not Seeking if, as of the Graduate Employment Status Date, the graduate:
  - (i) Is Unemployed; and
  - (ii) Is not seeking employment and would not accept an offer of employment.

**(b) Presumptions, Considerations, and Exceptions**

- (1) A graduate’s status as Unemployed – Not Seeking is not affected by the fact that the graduate:
  - (i) Is performing volunteer or other work without remuneration;

- (ii) Has declined an offer of employment; or
  - (iii) Is not seeking employment for health, family, religious, personal, or other reasons.
- (2) The presumption is that a graduate is Unemployed – Seeking unless the Graduate Employment File documents otherwise.

**Example 1 – Data Protocol 210**

*Question: How do we classify a graduate who is awaiting bar results and self-reports that they are not seeking work until they obtain bar results because their desired employer will not take applications from and/or hire a graduate who has not yet passed the bar exam?*

*Answer: In these situations, the graduate would be Unemployed – Seeking. The graduate is seeking a job; they are just unable to apply or be hired until they have their Bar Exam Passage. In this situation, the school would need to override the graduate's classification. For the requirements to classify a graduate as Unemployed – Seeking, see Data Protocol [209](#).*

**Example 2 – Data Protocol 210**

*Question: If a graduate said they were Unemployed – Not Seeking on their at-graduation survey and has not responded to outreach and has no online presence, how do we classify them?*

*Answer: While there is no requirement that schools re-survey graduates once they have obtained employment information from them, many schools continue to follow up with graduates who report themselves as Unemployed – Not Seeking on an at-graduation survey. Many of these graduates subsequently find jobs and the school obtains updated employment information from them. However, some of these graduates do not respond to outreach and have no online presence.*

*If you have graduates who classified themselves as Unemployed – Not Seeking on an at-graduation survey and they do not respond to outreach and lack an online presence, you have three options: 1) You can leave them classified according to their at-graduation surveys if you believe their self-report aligns with the requirements for a Not Seeking classification as defined in these Data Protocols, 2) You can re-classify them to Unemployed – Seeking if their self-reported information or your knowledge of their circumstances better aligns with the requirements of this classification, or 3) You can re-classify them as Employment Status Unknown. If you do change the graduate-reported classification of Unemployed – Not Seeking to Employment Status Unknown, you must document the basis for the change, be it professional judgment or some other basis.*

**DATA PROTOCOL 211. EMPLOYMENT STATUS UNKNOWN**

**(a) Requirements**

- (1) A graduate should be reported as Employment Status Unknown if a school lacks information from which it can determine if a graduate is either Employed or Unemployed.
- (2) Schools should not report any other Key Items for graduates with an Employment Status Unknown classification.

- (3) Schools only need to provide documentation for this Employment Status when re-classifying an Unemployed – Seeking or Unemployed – Not Seeking graduate to Employment Status Unknown.

**Example 1 – Data Protocol 211**

*This category should only be used if a school truly has no information about a graduate or the information is unreliable. Thus, this category is not a catchall or alternative to the other types of employment status and should rarely be used.*

**Example 2 – Data Protocol 211**

*Question: A graduate provided answers to all the ABA Key Items on their at-graduation survey, except for their start date. Can we use the date the graduate completed the survey as the start date, as the survey was completed before March 15?*

*Answer: No. Schools need to confirm and provide documentation that the graduate started on or prior to the Graduate Employment Status Date, even without a specific start date, in order to categorize them as employed using the classifications from their survey. Schools should try to follow-up directly with the graduate, and, if necessary, explore all generally reliable sources of information outlined in Appendix C. If the school is not able to provide documentation that the graduate started on or prior to the Graduate Employment Status Date, this graduate needs to be reported with an Employment Status Unknown classification. Without a start date, there is no evidence of employment as of March 15, 2024.*

**DATA PROTOCOL 212. ENROLLED IN GRADUATE STUDIES**

(a) Requirements

- (1) A graduate should be reported as Enrolled in Graduate Studies if:
  - (i) The graduate is enrolled in further post-graduate education as of the Graduate Employment Status Date; and
  - (ii) A bachelor's degree is typically required for enrollment.

(b) Presumptions, Considerations, and Exceptions

- (1) A graduate's status as Enrolled in Graduate Studies is not affected by the fact that the program is:
  - (i) Full-time or part-time; or
  - (ii) Degree-granting or non-degree granting.

**Example 1 – Data Protocol 212**

*If a graduate is enrolled in graduate studies while simultaneously working in a job, the school can choose whether to classify the graduate as Enrolled in Graduate Studies or as Employed pursuant to the appropriate classification under Data Protocols [202](#) through [207](#).*

**Example 2 – Data Protocol 212**

*Graduates enrolled in professional license or commercial certification courses, exam preparation courses, and health-related training/certification programs (i.e., bar preparation*

*courses or courses/programs for yoga, nutrition counseling, personal training, etc.) should not be classified as Enrolled in Graduate Studies.*

**Example 3 – Data Protocol 212**

*Graduates enrolled in additional undergraduate courses, not requiring a bachelor's degree prerequisite, to qualify for further graduate education (i.e., medical school) or the Patent Bar, can be classified as Enrolled in Graduate Studies. Graduates enrolled in formal courses, certificate programs, or training programs, not requiring a bachelor's degree prerequisite, that are required to become a member of the clergy, can be classified as Enrolled in Graduate Studies.*

## TERMS OF EMPLOYMENT: LONG-TERM VS SHORT-TERM AND FULL-TIME VS PART-TIME

### **DATA PROTOCOL 301. LONG-TERM VS SHORT-TERM**

- (a) A position held on the Graduate Employment Status Date is categorized as Long-Term if, from the perspective of the employer, the graduate is expected to be employed for one calendar year or more from the graduation date or the Start Date, whichever is later.
- (1) This determination is based solely on the perspective of the employer, not the graduate.
  - (2) Except as set forth in Data Protocol 301(b), to report a position as Long-Term one of the following must be documented in the Graduate Employment File:
    - (i) Express information from the employer to the graduate or school indicating the position is expected to last for a term of one calendar year or more.
    - (ii) The graduate's belief that the employer expects the position to last for a term of one calendar year or more.
    - (iii) The professional judgment of the school's staff, based on its knowledge of the specific employer and its practices, indicating the position is expected to last for a term of one calendar year or more.
    - (iv) The professional judgment of the school's staff, based on its knowledge of the market, industry, and comparable employers, indicating the position is expected to last for a term of one calendar year or more.
  - (3) The requirement that the graduate obtain authorization to practice law or pass the bar exam to maintain employment does not affect this determination.
  - (4) Where the employer regards a position as lasting for one calendar year or more from the graduation date or the Start Date, whichever is later, the position should be classified as Long-Term in the absence of factual circumstances that indicate otherwise. Minor variations in the length of employment do not change the classification of a position that the employer regards as lasting for one calendar year.
- (b) Presumptions, Considerations, and Exceptions



- (1) Absent contrary information, no additional documentation is required for Long-Term for graduates in positions with job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [301\(a\)\(2\)](#).
  - (2) A graduate who is in a Canadian articling position that fulfills experiential learning requirements mandated for licensure and that are approved by a Canadian provincial or territorial law society are considered long-term, regardless of length.
- (c) A position is categorized as Short-Term if, from the perspective of the employer, it has a duration of less than one calendar year from the graduation date or the Start Date, whichever is later.

**Example 1 – Data Protocol 301**

*Question: In at-will employment states, no one knows if their position is for one calendar year or longer. How do we classify if a position is Long-Term? What factors may be used to determine if an employer expects a position to last one calendar year or more from the Start Date or graduation, whichever is later?*

*Answer: At-will employment is the norm in most locations and for most jobs. It is the perspective of the employer that is the critical factor in determining whether a position is Long- or Short-Term. Thus, the mere fact that the graduate may view the position as short-term is not at issue. It may be helpful, however, to ask the following questions of the graduate:*

- 1) *Was a specific end date discussed or left open?*
- 2) *Was the term of employment discussed or left undefined?*
- 3) *Is it the graduate's understanding that the employer expects the position to last one calendar year or more from the Start Date or graduation, whichever is later?*

*Importantly, this determination can be highly fact specific. Even where a job may be one where the graduate is performing projects which have a term of less than one calendar year, such as for a legal services provider, the term of the employment may still be Long-Term if the employer's intent is to keep the graduate regularly employed across various projects for a term of one calendar year or more from the Start Date or graduation, whichever is later. Conversely, if the employer hires a graduate on a project basis but does not, from its perspective, intend or anticipate they will be employed on an ongoing basis for a calendar year or more from the Start Date or graduation, whichever is later, then the position would be Short-Term.*

**Example 2 – Data Protocol 301**

*Question: Isn't Full-Time and Long-Term an automatic assumption with judicial clerks?*

*Answer: No. If you cannot get information on the Full-Time, Long-Term status of the judicial clerkship position from the graduate, you must explain why you are assuming the clerkship is Full-Time and Long-Term.*

**Example 3 – Data Protocol 301**

*Question: If a graduate identifies as an "Associate" or "Attorney," at a law firm, is there a presumption that the position is Bar Passage Required, Full-Time, and Long-Term and therefore does not require further documentation?*

*Answer: If a graduate identifies as an “Associate” or “Attorney,” at a law firm, and their employment is properly documented pursuant to Data Protocol [104](#), the position may be presumed to be Bar Passage Required, Full-Time, and Long-Term when the school is unable to obtain the Full-Time and Long-Term information directly from the graduate. Accordingly, if, based on your professional judgment and knowledge, an employer sometimes hires graduates with these titles on a Short-Term or Part-Time basis, or there are facts you are aware of that indicate the employment may not be Long-Term or Full-Time, you must choose the least favorable status (i.e., Short-Term, Part-Time). This guidance remains the same if the graduate is listed with a non-attorney title by the employer, but whose title will change/convert to “Associate” or “Attorney” once they pass the bar. This guidance also applies in situations where a graduate's title is unknown as they are not listed on the employer’s website or found on other publicly available sites.*

#### **Example 4 – Data Protocol 301**

*Question: The ABA historically considered an “Associate” at a law firm to have the presumptions of Bar Passage Required, Full-Time, and Long-Term. Do those presumptions now extend to graduates who are employed by a law firm and have an “Attorney,” or other similar title?*

*Answer: Graduates who have the title of “Attorney,” and who are working at a law firm, are now presumed to be Bar Passage Required, Full-Time, and Long-Term unless the school knows that the firm does not hire graduates with this title on these terms or have obtained contrary information from a credible source. For the full list of job titles or job categories presumed to be long-term, please consult [Appendix E](#). Schools are always encouraged to obtain employment information directly from graduates to ensure the most accurate reporting.*

#### **Example 5 – Data Protocol 301**

*Question: Where a graduate has not provided information on whether their employment is Long-Term or Short-Term, Full-Time or Part-Time, but the Career Services Office has found through the employer website, a LinkedIn profile, or other publicly available source that the graduate is listed as an “Associate” or “Attorney,” at a law firm, may the graduate be reported as employed in a Bar Passage Required, Full-Time, and Long-Term capacity?*

*Answer: If, based on your professional judgment and knowledge, an employer sometimes hires graduates with these titles on a Short-Term or Part-Time basis, or there are facts you are aware of that indicate the employment may not be Long-Term or Full-Time, you must choose the least favorable status (i.e., Short-Term, Part-Time). Schools cannot rely upon these presumptions, and must include additional documentation or default to the least favorable status, if the unresponsive graduate has one of these titles and does not work at a law firm.*

#### **Example 6 – Data Protocol 301**

*Question: If a graduate’s job is discovered on LinkedIn or other social media sites that, in a school staff member's professional judgment, is Long-Term, and attempts to follow up with the graduate to confirm are unsuccessful, can the position be reported as Long-Term?*

*Answer: In the absence of definitive information, a school may rely on reasonable judgment to report a job as Long-Term so long as that determination is appropriately documented with an explanation and basis for any assumptions made. Where there is not sufficient information to make a reasonable judgment, the position must be reported as Short-Term.*

**Example 7 – Data Protocol 301**

*Question: One of my graduates started as an associate at a law firm in September 2023 but will leave the firm in August 2024 to start a judicial clerkship. All other firm associates are in full-time, long-term positions. But for the clerkship, this graduate would also be in a full-time, long-term position. How do I classify them?*

*Answer: In this situation, the graduate can be classified as long-term. The perspective of the employer is that the position is long-term, even though the graduate will not be in the position for one calendar year.*

**Example 8 – Data Protocol 301**

*Unresponsive graduates documented and reported as Solo Practitioners per Data Protocol [401\(g\)](#) may also be reported as Long-Term.*

**Example 9 – Data Protocol 301**

*If a graduate is working for a political campaign, it is a best practice to check with the graduate on or near the Graduate Employment Status Date to confirm their continued employment with the political campaign. This is due to the unpredictable nature of political campaigns. For instance, a political campaign may lay off staffers if fundraising falters or a campaign may be suspended or terminated early by the candidate.*

**Example 10 – Data Protocol 301**

*A graduate on Leave at any point during their employment for any absence approved by their employer (including leave for a recent birth or adoption of a child, a personal or familial illness, or the fulfillment of required civil or military service) does not impact a long-term classification, provided the employer regarded the position as lasting for one calendar year or more from the Start Date or graduation, whichever is later.*

**Example 11 – Data Protocol 301**

*If a graduate is initially hired on a short-term or temporary contract, but the intent of the employer is that the graduate will be employed for one calendar year or more from the Start Date or graduation, whichever is later, or more if additional funding is obtained, the additional funding must be obtained on or prior to the Graduate Employment Status Date for the position to be re-classified as long-term.*

**Example 12 – Data Protocol 301**

*If a graduate is initially hired on a short-term or temporary contract, but the graduate will remain employed for one calendar year or more from the Start Date or graduation, whichever is later, if they pass the bar exam/obtain licensure, the school may classify the graduate as in a long-term position.*

**Example 13 – Data Protocol 301**

*Question: One of my graduates said they were initially hired on a short-term or temporary contract, but the employer hopes to permanently hire the graduate. Can I classify this graduate as long-term?*

*Answer: If the graduate will be hired permanently pending the results of a trial/probation period, the graduate may be classified as long-term. If the employer is unsure whether they will*

hire the graduate permanently (even if they have a stellar performance), the graduate must be classified as short-term.

**Example 14 – Data Protocol 301**

*Question: I have a graduate with a position their employer regards as lasting for one calendar year or more from the Start Date or graduation, whichever is later, who has agreed with their employer that they will end their term a few days early for personal reasons. Does this position need to be reported as short-term?*

*Answer: No, this is a long-term position. As indicated in Data Protocol [301\(a\)\(4\)](#), a position the employer regards as lasting for one calendar year or more from the Start Date or graduation, whichever is later, may be reported as long-term even if, as a technical matter, it falls short of a full-year duration by an insignificant period of time. As indicated in Data Protocol [301](#), the employer's perspective on the duration of a position is determinative of whether the position is short-term or long-term. Note that if, instead of leaving the position early, the graduate's position fell short of one-year because their Start Date was pushed back by an insignificant amount of time, that position would also qualify as long-term provided the employer regarded the position as lasting for one calendar year or more from the Start Date or graduation, whichever is later.*

**Example 15 – Data Protocol 301**

*Question: Our graduate is working in a position that normally lasts one year with their employer (e.g. a judicial clerkship, a fellowship, or other position with a defined, year-long term), however, they were hired mid-cycle as a replacement for a previous employee who held the position. In hiring the graduate, the employer indicated that the position will last only for the remainder of the original term of employment, which is a term of less than one year from their Start Date or date of graduation, whichever is later. As of the Graduate Employment Status Date, the employer has given no indication that the position will be extended to a full year. Can this graduate be reported in a long-term position?*

*Answer: No, this position should be reported as short-term. In this case, the employer's intent was only for the graduate to complete the remainder of a year-long term, which at this point is less than one year. Thus, the employer regards this graduate's term of employment as being for less than one year. Again, the employer's perspective is determinative when classifying a position as either short-term or long-term.*

**Example 16 – Data Protocol 301**

*Similar to Example 10, unresponsive graduates documented and reported in Business and Industry as having started their own business per Data Protocol [402\(e\)](#) may also be reported as Long-Term.*

**Example 17– Data Protocol 301**

*Question: Where a graduate has not provided information on whether their remunerated employment is Long-Term or Short-Term, Full-Time or Part-Time, but the Career Services Office has a job description/job posting for the same position with the same employer, what can be presumed?*

*Answer: The graduate is the best source of information on their own employment data. Schools are also encouraged to contact the employer directly to confirm employment details. However, in*

*the event a school cannot obtain employment data directly from the graduate, or their employer, a job description/job posting for the same position with the same employer may support the Long-Term and Full-Time classifications absent anything in the job description/job posting that would suggest otherwise. This contrary information might include: a specific reference to the position being part-time, the position having a specific/temporary length, or the job description/job posting being more than a year or two old.*

### **Example 18 – Data Protocol 301**

*Question: When a graduate has not provided information on whether their employment is Long-Term or Short-Term, Full-Time or Part-Time, but an authoritative publicly-available source confirms the graduate has an annual salary, as opposed to an hourly rate, can we presume the graduate is long-term and full-time?*

*Answer: Yes, in the absence of contrary information about the graduate's specific employment and/or the practices of the particular employer.*

## **DATA PROTOCOL 302. FULL-TIME VS PART-TIME**

(a) A position must be categorized as either:

- (1) Full-Time, if it is one in which the graduate typically works a minimum of 35 hours per week; or
- (2) Part-Time, if it is one in which the graduate typically works less than 35 hours per week.

(b) Presumptions, Considerations, and Exceptions

- (1) Absent contrary information, no additional documentation is required for Full-Time for graduates in positions with job titles included in the applicable section of [Appendix E](#), because these positions are presumed to meet the requirements of Data Protocol [302\(a\)\(1\)](#).
- (2) A graduate who is in a Canadian articling position that fulfills experiential learning requirements mandated for licensure and that are approved by a Canadian provincial or territorial law society are considered full-time, regardless of contrary circumstances.

### **Example 1 – Data Protocol 302**

*Question: If a graduate is hired for a Full-Time position but is working a temporary Part-Time schedule as of the Graduate Employment Status Date (and intends to return to Full-Time status), can they be classified as Full-Time?*

*Answer: If the graduate and employer regard the Part-Time schedule as ongoing or open-ended and not temporary, they should be classified as Part-Time.*

### **Example 2 – Data Protocol 302**

*Question: How do you classify a graduate who holds a 75% contract, but then has a private solo practice firm on the side, which together make the graduate Full-Time?*

*Answer: The ABA only permits you to report a graduate as Employed in one position under the Data Protocol, thus the graduate in question would be employed in either the contract or the*

solo position, but not both. Thus, if they typically work a total of 40 hours in a week and are spending 75% of that time in the contract position, then whichever job was reported would be Part-Time, pursuant to the 35-hour per week minimum set forth in Data Protocol [302\(a\)](#).

### **Example 3 – Data Protocol 302**

*Question: Under what circumstances might a contract attorney be considered Full-Time? For instance, a contractor working for four different firms, “staying busy,” etc.?*

*Answer: If a graduate is working for one employer on a series of projects, and the number of hours they work for that employer typically equals or exceeds 35 hours per week, then the graduate would be reported as Full-Time. However, if the graduate has to combine hours from two or more employers to get to the typical total of 35 hours or more per week, then they are Part-Time. This is consistent with the fact that you can only report one job for a graduate; thus, you are not permitted to combine two or more jobs that are Part-Time to be able to report a graduate as being in a Full-Time position.*

*In the situation you present, there are at least three possibilities:*

- 1) If the graduate is working for a legal services provider (LSP) that farms out attorneys to various firms on a project basis, and the LSP is the graduate’s employer, then you would combine the work at the four firms to determine the number of hours typically worked in a week. If they meet or exceed 35 hours in a typical week, the graduate should be reported as Full-Time.*
- 2) If the graduate is employed by each of the firms independently, and no individual contract job typically meets or exceeds 35 hours per week, then the graduate likely has a collection of Part-Time jobs. Report only one of those jobs.*
- 3) If the graduate has formed a business where the business model is to perform legal contract work for other attorneys, then the graduate might be in a Full-Time position, but to be counted as such they would need to meet both of the following criteria: meet or exceed the 35 hours per week threshold and have truly established the business with the intent to pursue it on a consistent basis.*

### **Example 4 – Data Protocol 302**

*Question: When you discover a graduate is employed through their LinkedIn profile or other social media account, is the screenshot sufficient to prove Full-Time employment or do you need to reach out to the graduate?*

*Answer: Proper documentation is required for each Key Item, including Full-Time or Part-Time status. If there is not sufficient information that is both reliable and documented under the terms of the Data Protocol to support a reasonable judgment for Full-Time status, the least favorable option of Part-Time must be reported. For example, in the case of LinkedIn, so long as the profile says the graduate is Full-Time, that is acceptable, but a dated copy of the profile must be included in the file to document the response. Likewise, the personal knowledge of the CSO with regard to the employer’s practices can suffice, but the person with the personal knowledge in the CSO must be identified along with the basis for the decision documented in the Graduate Employment File.*

### **Example 5 – Data Protocol 302**

*Question: May a graduate who self-reports working as a solo practitioner be reported as employed Full-Time where the graduate does not actually have enough work to fill 35 hours per week?*

*Answer: Yes, when the graduate's stated and documented intention is to make solo practice their primary source of employment as of or prior to the Graduate Employment Status Date. In the event the graduate states the employment is not Full-Time then it must be reported as Part-Time. However, when the graduate indicates the position is Part-Time, you should ensure that this is a fully-informed response to the question. If, for example, the graduate is not typically performing legal work for 35 hours or more per week but, when they add in their efforts at business development and other administrative activities related to their practice, they are typically meeting or exceeding the 35 hour per week threshold, then they should be listed as Full-Time, even if the graduate objects to the determination. Also see Data Protocol [103\(b\)](#) for overriding a graduate's response. There is no presumption of full-time for an unreachable solo practitioner graduate, however, the ABA will respect reasonable professional judgments regarding the reporting of full-time for an unreachable solo practitioner graduate when appropriately documented with an explanation and basis for any assumptions made.*

### **Example 6 – Data Protocol 302**

*Question: Must a graduate working for a legal temporary agency or working on a document review project be working on an assignment as of the Graduate Employment Status Date?*

*Answer: Yes, but a graduate on a short break between projects for the same employer or staffing agency as of the Graduate Employment Status Date may still be counted as Employed.*

### **Example 7 – Data Protocol 302**

*Question: Similar to Example 5, may a graduate who has self-reported starting their own business be reported as employed Full-Time where the graduate does not actually have enough work to fill 35 hours per week?*

*Answer: Yes, when the graduate's stated and documented intention is to make their business their primary source of employment as of or prior to the Graduate Employment Status Date. In the event the graduate states the employment is not Full-Time then it must be reported as Part-Time. However, when the graduate indicates the position is Part-Time, you should ensure that this is a fully-informed response to the question. If, for example, the graduate is not typically working for 35 hours or more per week but, when they add in their efforts at business development and other administrative activities, they are typically meeting or exceeding the 35 hour per week threshold, then they should be listed as Full-Time, even if the graduate objects to the determination. Also see Data Protocol [103\(b\)](#) for overriding a graduate's response. There is no presumption of full-time for an unreachable graduate who has started their own business, however, the ABA will respect reasonable professional judgments regarding the reporting of full-time for an unreachable graduate who has started their own business when appropriately documented with an explanation and basis for any assumptions made.*

## **EMPLOYMENT TYPE**

### **DATA PROTOCOL 401. LAW FIRMS**

- (a) Employment in a Law Firm means the graduate works:
  - (1) With or for a group of attorneys practicing law together, regardless of their specific legal relationship; or
  - (2) As a solo practitioner in the practice of law.
- (b) A firm that performs substantial public interest or low-bono work should still be categorized under Law Firms unless it is organized as a non-profit entity.
- (c) A graduate whose employer meets the terms of Data Protocol 401(a) must be reported as employed in a law firm without regard to:
  - (1) The graduate's job title; or
  - (2) The graduate performing a legal or non-legal role.
- (d) Titles in a Law Firm may include:
  - (1) Administrator;
  - (2) Associate;
  - (3) Attorney;
  - (4) Clerk;
  - (5) Contract attorney hired directly by the law firm;
  - (6) Law clerk;
  - (7) Law firm librarian;
  - (8) Lawyer;
  - (9) Paralegal; and
  - (10) Staff Attorney.
- (e) Law Firm Size
  - (1) Law Firm Size means the total number of attorneys in the entire firm across all offices, regardless of the status of the attorneys in the law firm, and is divided into the following categories:
    - (i) Solo;
    - (ii) 1-10;
    - (iii) 11-25;
    - (iv) 26-50;
    - (v) 51-100;
    - (vi) 101-250;
    - (vii) 251-500;
    - (viii) 501+; and
    - (ix) Unknown Size
  - (2) The Law Firm Size category of Solo is limited to graduates who have started their own practice and are not practicing with any other attorneys; thus, if the graduate



joins a solo practitioner in an attorney role or opens a practice with another attorney, the firm size should be reported as Law Firm 1-10.

- (3) A graduate working in a non-attorney role for a solo practitioner should be classified as working in a firm of 1-10 attorneys.

(f) Requirements for Intent to pursue Solo Practice:

- (1) A graduate may be reported in the Solo category if the graduate:
  - (i) Is practicing law in their own Law Firm that may have other employees, but no other practicing attorneys;
  - (ii) Has established the practice as of the Graduate Employment Status Date;
  - (iii) Intends to pursue that practice on a consistent basis; and
  - (iv) Is licensed to practice law as of the Graduate Employment Status Date.
- (2) A graduate who is unemployed, but who may be willing to take an occasional client while seeking employment, should be reported as Unemployed – Seeking.
- (3) A graduate who will open a solo practice should be reported as Employed – Start Date Deferred under Data Protocol [208](#) with an estimated or approximate start date if, as of the Graduate Employment Status Date the graduate:
  - (i) Has not passed a bar exam or been authorized to practice law; and
  - (ii) Is not otherwise employed.

(g) Documentation Requirements for Unresponsive Graduates to be reported in the Solo category:

- (1) The graduate is licensed to practice law in any jurisdiction as of the Graduate Employment Status Date; and
- (2) The graduate has met at least one of the following indicia as of the Graduate Employment Status Date:
  - (i) Filed corporate documents establishing a law firm;
  - (ii) Acquired a business license indicating the graduate is operating a law firm (evidence of a general business license requires at least one of the other indicia enumerated herein);
  - (iii) Established a law firm website;
  - (iv) Obtained malpractice insurance;
  - (v) Advertised their legal services on social or other media;
  - (vi) Listed as counsel on public records;
  - (vii) Employs non-attorney staff.

## **DATA PROTOCOL 402. BUSINESS AND INDUSTRY**

(a) Employment in Business and Industry means:

- (1) The graduate works for an enterprise of any type; and
- (2) The enterprise does not better fit another category of employment type.

- (b) A graduate who meets the terms of Data Protocol 402(a) must be reported as Employed in Business and Industry, without regard to title, or being employed in a legal or non-legal role.
- (c) Business and industry employers include, but are not limited to:
- (1) Accounting firms;
  - (2) Entertainment/sports management companies;
  - (3) Insurance companies;
  - (4) Investment banking and financial institutions;
  - (5) Legal temporary agencies;
  - (6) Management consulting firms;
  - (7) Non-Legal Professional Services Firms;
  - (8) Political campaigns;
  - (9) Political parties;
  - (10) Private hospitals (including those that are non-profit);
  - (11) Publishing houses;
  - (12) Quasi-public/private organizations like FINRA and Sallie Mae;
  - (13) Technology/e-commerce companies;
  - (14) Trade associations, including organizations like the American Bar Association and American Medical Association; and
  - (15) University hospitals and other similar university-related entities at private educational institutions.
- (d) Positions held in business and industry include, but are not limited to:
- (1) Business development/sales/marketing;
  - (2) Consulting;
  - (3) Compliance;
  - (4) Human resources;
  - (5) In-house counsel;
  - (6) Management;
  - (7) Temporary attorney work for an agency that places attorneys; and
  - (8) Temporary law clerk or paralegal work for a placement agency.
- (e) Documentation Requirements for Unresponsive Graduates to be reported as Having Started their Own Business:
- (1) The graduate has met at least one of the following indicia as of the Graduate Employment Status Date:
    - (i) Filed corporate documents establishing their business;
    - (ii) Acquired a business license for the specific business being reported as the Employer (evidence of a general business license requires at least one of the other indicia enumerated herein);

- (iii) Established a website for their business;
- (iv) Obtained insurance for their business;
- (v) Advertised services their business offers on social or other media;
- (vi) Employs staff.

***Example 1 – Data Protocol 402***

*If a graduate has been placed at an employer by a recruiting agency or temporary agency, the graduate's employer should be the agency and the employment type should be Business and Industry regardless of the employer with whom the graduate has been placed.*

***Example 2 – Data Protocol 402***

*Question: One of my graduates is employed by their local city's Chamber of Commerce, which is a 501(c)(6). Should this graduate be classified under Business and Industry as a trade association or under Public Interest as a non-profit?*

*Answer: This graduate should be classified as employed in Business and Industry.*

**DATA PROTOCOL 403. GOVERNMENT**

- (a) Employment in Government means the graduate works for a government entity.
- (b) A graduate who meets the terms of Data Protocol 403(a) must be reported as Employed in Government, without regard to title, or being employed in a legal or non-legal role.
- (c) Government employers can include federal, state, local, territorial, and tribal employers.
- (d) Government positions include, but are not limited to, jobs with:
  - (1) Governmental agencies;
  - (2) Military, including JAG;
  - (3) Multinational organizations such as the European Union, NATO, or United Nations;
  - (4) Prosecution offices;
  - (5) Tribal governments; and
  - (6) University hospitals and other similar university-related entities at public educational institutions.

**DATA PROTOCOL 404. PUBLIC INTEREST**

- (a) Employment in Public Interest means the graduate works for a public interest entity.
- (b) A graduate who meets the terms of Data Protocol 404(a) must be reported as Employed in Public Interest, without regard to title, or being employed in a legal or non-legal role.
- (c) Public interest positions include, but are not limited to, jobs with:
  - (1) Entities funded by the Legal Services Corporation or a similar funding source;

- (2) Organizations that provide indigent or reduced-fee legal services, such as prisoners' legal services and campus legal services;
- (3) Public defender and appellate defender offices, including those managed by, or within, a government entity;
- (4) Public interest and non-profit employers, including private non-profit advocacy, religious, social service, fund-raising, community resource, or cause-oriented organizations;
- (5) Law firms organized as non-profit entities that perform substantial public interest or low-bono work;
- (6) Labor unions; and
- (7) Non-profit policy analysis and research organizations.

***Example 1 – Data Protocol 404***

*Only campus legal services that are legal entities separate from the university are considered Public Interest. For example, a graduate working for a non-profit law firm housed on campus that provides students with legal representation and advice or a graduate working at a general practice law firm housed on campus and funded, usually, by a student legal services fee, would be classified with Public Interest as the “Employer Type.” Campus legal services that are legally part of the educational institution should be classified under Education. For example, a graduate working in a Law School clinic would be classified with Education as the “Employer Type.”*

**DATA PROTOCOL 405. JUDICIAL CLERKSHIPS**

- (a) Employment in a Judicial Clerkship means:
  - (1) The graduate performs the duties of a judicial law clerk for a court or governmental agency; and
  - (2) The graduate is assigned to either a specific judge, or two or more judges, on a court or within a governmental agency.
- (b) A graduate who meets the terms of Data Protocol 405(a) must be reported as Employed in a Judicial Clerkship.
- (c) Judicial Clerkships include clerkships with courts, including administrative law courts, and must fall within one of the following categories:
  - (1) Federal clerkships – clerkships with any federal court or agency;
  - (2) State, local, and territorial clerkships – clerkships with any state, local, or U.S. territorial court or agency;
  - (3) Tribal clerkships – clerkships with any tribal court or agency; or
  - (4) International clerkships – clerkships with courts or agencies of any level in a non-U.S. jurisdiction or international entities such as the International Criminal Court.

### **Example 1 – Data Protocol 405**

*Question: Among my graduates who may be working for the courts, how do I distinguish between those who should be reported as judicial clerks and those who should be reported in another category?*

*Answer: The title of a graduate can be telling, but it is not dispositive. If they are titled "judicial clerk" and are performing the work of a judicial clerk, then "judicial clerk" is the correct category. If the graduate has another title, like "staff attorney," but their role is that of a judicial clerk, then the appropriate category is "judicial clerk." Regardless of title, if the work the graduate performs is largely not the work of a judicial clerk, then they should be reported in another category, like Government or Public Interest, depending on their duties.*

*The duties of a judicial clerk typically involve reviewing case filings, conducting research, and drafting orders on behalf of the judge (or judges) to whom the clerk is assigned. On the other hand, a graduate who is researching issues for the court as a whole (versus a matter before a particular judge), assisting pro-se parties in accessing resources or filing materials, or serving as counsel to the judges or the court administration, should generally not be categorized as "judicial clerk" and should be reported under Government or Public Interest, depending on their duties.*

### **DATA PROTOCOL 406. EDUCATION**

- (a) Employment in Education means the graduate works for an educational institution.
- (b) A graduate who meets the terms of Data Protocol 406(a) must be reported as Employed in Education, without regard to title, or being employed in a legal or non-legal role.
- (c) Education positions include:
  - (1) Admissions, Career Services, Student Affairs, Academic Administration, Development, and other staff positions;
  - (2) Development, Fundraising, or Alumni Affairs professionals;
  - (3) Faculty;
  - (4) Law School/University funded positions such as:
    - (i) Research fellow, and
    - (ii) Clinic staff attorney;
  - (5) Librarian; and
  - (6) Staff positions outside the immediate academic sphere such as those in IT, General Counsel's Office, Compliance, Athletics, and Government Affairs.
- (d) Notwithstanding Data Protocol 406(a), positions at university hospitals and similar university-related entities must be reported as employment in:
  - (1) Government if the institution is a public institution; or
  - (2) Business and Industry if the institution is a private institution.

**Example 1 – Data Protocol 406(d)**

*Similar university-related entities include entities that have a legal existence separate from the university. For example, an alumni research foundation or an independent NGO housed within university space.*

**DATA PROTOCOL 407. EMPLOYER TYPE UNKNOWN**

- (a) This category is to be used when the school knows that a graduate is employed but does not have sufficient information to determine the employer type.

**EMPLOYMENT START DATE**

**DATA PROTOCOL 501. GRADUATE EMPLOYMENT STATUS DATE**

- (a) The Graduate Employment Status Date will be March 15 of the year following the May graduation date of the class (i.e., March 15, 2024 for the Class of 2023).
- (b) If March 15 falls on a weekend, then the Graduate Employment Status Date is the Monday after March 15 (i.e., March 17, 2025 for the Class of 2024.)

**DATA PROTOCOL 502. START DATE MUST BE ON OR BEFORE GRADUATE EMPLOYMENT STATUS DATE**

- (a) In order to report a graduate as Employed, the graduate must begin the job being reported on or before the Graduate Employment Status Date.

**Example 1 – Data Protocol 502**

*Per Data Protocol [208\(a\)\(5\)](#), graduates whose start date has been delayed due to the circumstances included in the aforementioned area of the Protocol, can still be reported as Employed.*

**DATA PROTOCOL 503. GRADUATE MUST BE ACTIVELY WORKING**

- (a) To be reported as Employed, a graduate must be actively working in the job being reported as of the Graduate Employment Status Date, unless any conditions outlined in Data Protocol [101\(b\)\(18\)](#) or Data Protocol [208\(a\)\(5\)](#) are met.
- (b) If an offer of employment has been accepted, but the graduate is not actively working in the job or any other job as of the Graduate Employment Status Date, the graduate should be reported as Employed – Start Date Deferred under Data Protocol [208](#), unless any conditions outlined in Data Protocol [208\(a\)\(5\)](#) are met.
- (c) If a graduate is employed in a position on the Graduate Employment Status Date, they must be reported as Employed in that position, even if the graduate has also accepted a separate offer of future employment that will begin after the Graduate Employment Status Date per Data Protocol [208, Example 2](#), unless any conditions outlined in Data Protocol [208\(a\)\(5\)](#) are met.

### ***Example 1 – Data Protocol 503***

*Per Data Protocol [208\(a\)\(5\)](#), graduates whose start date has been delayed due to the circumstances included in the aforementioned areas of the Protocol, are still considered to be actively working and can therefore be reported as Employed.*

## **DATA PROTOCOL 504. DOCUMENTING EMPLOYMENT START DATE**

- (a) Documentation of the exact start date is not required; it is sufficient to provide documentation that the employment began on or before the Graduate Employment Status Date.
- (b) When reporting the start date from a source other than the graduate, a date-stamped copy of the data source(s) must be included in the Graduate Employment File as supporting documentation.
- (c) All positions reported as Employed pursuant to Data Protocols [202-207](#) and those positions that meet the Data Protocol [208\(a\)\(5\)](#) Employed – Start Date Deferred exemption, should have a Start Date on or before the Graduate Employment Status Date.

### ***Example 1 – Data Protocol 504(a)***

*Schools will frequently identify graduate employment information from the mandatory reporting required by the state bar association. In these instances, so long as the documentation from the state bar association is gathered and recorded on or before the Graduate Employment Status Date, it is sufficient to report the start date as the date the information was gathered from the state bar association. This same practice is also acceptable for employment identified through employer website bios or other sources that do not provide an employment start date. However, it is acceptable to use a LinkedIn profile, an email or phone call with the graduate, or a survey dated after the Graduate Employment Status Date, but before the Graduate Data Reporting Deadline, if the start date is included (i.e., a graduate's LinkedIn profile lists a start date on or before the Graduate Employment Status Date or a graduate reports that their job started on or before the Graduate Employment Status Date).*

### ***Example 2 – Data Protocol 504(a)***

*Because Symplicity and I2tweety surveys require the reporting of a month, day, and year for the employment start date, it is acceptable to default to the first day of the month when your documentation provides only the month and year of the start date. For example, a known start date of September 2023 may be properly reported as September 1, 2023.*

### ***Example 3 – Data Protocol 504(b)***

*If internet research reveals that a graduate was employed on or before the Graduate Employment Status Date, it is appropriate to report the date the data was collected as the graduate's start date. A date-stamped copy of the internet page must be included in the Graduate Employment File as supporting documentation.*

#### **Example 4 – Data Protocol 504(c)**

*Question: What start date should I report if my graduate's position meets the Data Protocol 208(a)(5) exemption requirement? Should I use their delayed start date, or should I report the start date that is after the Graduate Employment Status Date?*

*Answer: If using a vendor system like Symplicity or I2twenty, the school should use a start date that is on or prior to March 15 in the system in order for the graduate's employment to be coded and reported accurately in the Employment Questionnaire. The file should include explicit documentation to support the position meeting the exemption requirement.*

## **EMPLOYER NAME AND CONTACT INFORMATION**

### **DATA PROTOCOL 601. EMPLOYER NAME**

(a) The Graduate Employment File must include the name of the graduate's employer.

#### **Example 1 – Data Protocol 601**

*Question: If I correct a spelling error that the graduate made in the employer's name, do I need to document this change in the Graduate Employment File?*

*Answer: No. Documentation would not be required as this is a ministerial change.*

#### **Example 2 – Data Protocol 601**

*Question: What if a graduate cannot or will not disclose the name of their employer?*

*Answer: If the graduate provides all other Key Items of employment information except for the employer name, and states that they cannot or will not disclose the employer's name, then the file is complete. However, you do need to include documentation that the graduate cannot or will not provide this information. Also, many times employer names can be found on LinkedIn or through a Google search of the graduate's name.*

#### **Example 3 – Data Protocol 601**

*Question: A graduate tells me that they are working as a lawyer in Illinois but does not respond to requests for additional information and I cannot find anything about them online. What do I list for the employer name and employer contact information?*

*Answer: A graduate in this situation should be classified as Employed – Bar Passage Required as long as you have documentation of this communication with the graduate. Then, make a note that you were unable to obtain any additional information about the graduate's employment after conducting research and include the date you made this note. If you do not know anything about the Full-Time/Part-Time or Long-Term/Short-Term nature of the position, use the least favorable classifications. Also use Employer Type Unknown and note that you were unable to obtain the Employer Name or Contact Information. You do have the state for reporting Employment Location in the EQ.*

### **DATA PROTOCOL 602. EMPLOYER CONTACT INFORMATION**



- (a) The Graduate Employment File must include one of the following for the graduate's employer:
  - (1) Full mailing address;
  - (2) Website; or
  - (3) Email address.
- (b) If the graduate is self-employed, a mailing address, website, or email address must still be provided. If the graduate does not have a business mailing address, website, or email address, a personal, non-school one must be provided.
- (c) If the graduate does not provide contact information for their employer, then:
  - (1) The CSO may rely on the employer mailing address, website, or email address listed in their school's Symplicity, 12twenty, or other Career Services Database without additional documentation or notes as long as the information is added to the Graduate Employment File on or before the Graduate Data Reporting Deadline.
  - (2) A CSO staff member may look up an employer's mailing address, website, or email address and add that information to the Graduate Employment File on or before the Graduate Data Reporting Deadline. No documentation is required.
- (d) If the graduate is in the JAG Corps and a placement location for them cannot be obtained, use the appropriate JAG Corps (Army, Air Force, Navy, Marines, Coast Guard) headquarters' mailing address, website, or email address for the employer contact information.
- (e) If the graduate is working from various locations or virtually, report the contact information for the employer's office the graduate would otherwise report to or the main office of the employer.

***Example 1 – Data Protocol 602***

*Question: Do I need to add a note to the Graduate Employment File if the graduate provides an incomplete mailing address?*

*Answer: No. Just include the rest of the employer address in the Graduate Employment File by the Graduate Data Reporting Deadline. No documentation is needed.*

***Example 2 – Data Protocol 602(a)***

*Schools reporting the employer's email address or employer's website to fulfill the Key Item of Employer Contact Information are expected to also report a state of employment (or country of employment if the job is located outside of the U.S.) in the Employment Questionnaire. It should be rare to not report a state or country of employment for an employed graduate.*

# **Protocol for Reviewing Law Graduate Employment Data (Review Protocol)**

# REVIEWS OF GRADUATE EMPLOYMENT DATA

This section sets out how the ABA will conduct its review of the graduate employment data reported annually through the Employment Questionnaire by ABA-approved schools taking new students.

## REVIEW PROTOCOL 101. OVERVIEW, TYPES OF REVIEW, OBLIGATION TO ASSIST

- (a) The review of graduate employment data and documentation, as set forth in this Review Protocol, is designed to serve as a consumer protection mechanism, ensuring that the graduate employment data schools collect and present to the public regarding employment outcomes are complete, accurate, and not misleading as required by Standard 509.
- (b) As set forth below, there are three types of reviews of the Graduate Employment Data reported to the ABA.
  - (1) The ABA Standard 509 Website Compliance Review is an annual, comprehensive review that ensures each law school's compliance with the required disclosures of information set forth in Standard 509 of the ABA [Standards and Rules of Procedure for Approval of Law Schools](#) and the Standard 509 Managing Director's Guidance Memo, as set forth in Review Protocol [102](#).
  - (2) The Random Graduate Review is an annual review of every law school in which the ABA randomly selects Graduate Employment Files for a records validation and documentation review, as set forth in Review Protocol [103](#).
  - (3) The Additional Documentation Review occurs if a law school is found out of compliance due to misreporting concerns, as set forth in Review Protocol [104](#).
- (c) In connection with the Random Graduate Review and Additional Documentation Review, a school must:
  - (1) Upload the Graduate Employment Files for all selected ABA Graduate ID numbers by the deadline stated in each reporting cycle's Schedule and Deadlines document;
  - (2) Complete and upload a Records Validation Form for each selected ABA Graduate ID number; and
  - (3) Ensure all law school employees involved in collecting, maintaining, reporting, and publishing reported employment data are familiar with the Employment Protocols and have reviewed the feedback and compliance determinations provided to the law school in prior years.
- (d) A Graduate Employment File must:
  - (1) Include the unique identification number assigned to the graduate by the school that aligns with the graduate's identification number utilized in the Employment Questionnaire;
  - (2) Contain sufficient documentation supporting all ABA Key Items as outlined in the Data Protocols; and
  - (3) Be finalized by the Graduate Data Reporting Deadline and only edited or modified following express direction from the ABA.

## **REVIEW PROTOCOL 102. ABA STANDARD 509 WEBSITE COMPLIANCE REVIEW**

- (a) Each year after the posting deadline, the ABA will inspect every school's website at least once to determine whether it meets all the requirements of ABA Standard 509, including whether its Employment Summary Reports for the three most recent years are:
  - (1) Available on the law school's ABA Consumer Information (Required Disclosures) landing page either with an individual hyperlink for each of the three Employment Summary Reports or a hyperlink that directs users to a webpage where these individual hyperlinks are available;
  - (2) Posted in the original electronic PDF format, as generated by the Employment Questionnaire within the ABA Questionnaire System, unless the law school was directed to post an updated electronic PDF following one or more edits to the Employment Questionnaire (printed and scanned PDFs are not acceptable); and
  - (3) Consistent with the employment data in the Employment Questionnaire, including any edits approved by the ABA and made in the Employment Questionnaire after the Reporting Deadline.
- (b) If the ABA identifies any concerns following this review, it will reach out to the main contact(s) for a law school's Employment Questionnaire. Should the ABA identify any concerns regarding the other Standard 509 required disclosures, one email may be sent to the main contact(s) for the Employment Questionnaire, Bar Passage Questionnaire, and/or Annual Questionnaire for more streamlined communication.
- (c) The ABA may also reach out to the main contact(s) for a law school's Employment Questionnaire and the law school's Dean if the law school:
  - (1) Fails to meet the deadline for posting its most recent Employment Summary Report;
  - (2) Appears to be publishing incomplete, inaccurate, or misleading data; or
  - (3) Reports a significant number of edits demonstrating the data in its initially-published Employment Summary Report was not complete and accurate.
- (d) The Council may be notified if a law school receives any of the outreach described above two years in a row or if any one instance appears to be egregious or intentional. The Council may, at their discretion, request information to determine compliance with the Standards.

## **REVIEW PROTOCOL 103. RANDOM GRADUATE REVIEW**

- (a) Selection, Notification, Upload, and Process Overview
  - (1) The ABA will use the Random Graduate Review and the Additional Documentation Review, if applicable, to audit Graduate Employment Files from each law school on an annual basis.
  - (2) Approximately three weeks after the Graduate Data Reporting Deadline, the ABA will randomly select ABA graduate ID numbers from each law school, corresponding with the numbers used in each law school's Employment

Questionnaire, based on the number of graduates a school has in that year's graduating class as set forth below.

- (i) Four percent of a school's graduates; or
  - (ii) Five of a school's graduates, whichever is greater using normal rounding.
- (3) The Dean of each law school, and the main contact(s) on file for each law school's employment outcomes reporting, will receive an email identifying the law school's selected ABA graduate ID numbers.
  - (4) The law school has approximately one week to upload and submit the Graduate Employment Files, and a Records Validation Form for each of its selected ABA graduate ID numbers within the ABA Questionnaire System's Employment Questionnaire. Directions on the upload and submission process are re-released each year to account for any updates in the Employment Questionnaire.
  - (5) Law schools are encouraged to upload and submit their Records Validation Forms and Graduate Employment Files as soon as possible, in advance of the deadline.
  - (6) The ABA will conduct this review process on a rolling basis following the deadline for Law Schools to upload and submit their Graduate Employment Files.
  - (7) The review process is confidential and the ABA will not contact a law school's graduates or the employers of its graduates.
  - (8) While a law school may redact graduates' personal, confidential information, unrelated to the graduate's employment status, like a graduate's medical condition or social security number, redaction should be done sparingly and the ABA has the right to request an original copy of any redacted documents.
  - (9) A law school undergoing staffing transitions for employees involved with the law school's graduate employment outcomes should notify the ABA of the new point of contact(s) for the law school.

(b) Records Validation & Compliance Determination

- (1) As part of the Random Graduate Review, all law schools are subject to the Records Validation.
- (2) The Records Validation will take place independently of the Documentation Review and as soon as possible following the deadline to upload the selected Graduate Employment Files. This part of the review will include confirmation of two components:
  - (i) Whether the law school uploaded a Graduate Employment File for each selected ABA graduate ID number, if applicable; and
  - (ii) Whether the Key Items marked in each Records Validation Form match the Key Items for the corresponding ABA graduate ID number in the Employment Questionnaire.
- (3) All law schools must fully comply with the Records Validation. If the law school is not fully compliant with the Records Validation, the ABA:
  - (i) Will request information necessary to ensure full compliance with the Records Validation from the main contact(s) on file for the law school's graduate employment outcomes;

- (ii) Will contact the law school's Dean if the main contact(s) on file for the law school's graduate employment outcomes do not timely provide the requested information or if the requested information does not result in full compliance with the Records Validation.
  - (iii) Will notify the Council if communication with the law school's main contact(s) and/or the Dean do not result in full compliance with the Records Validation.
- (4) An email will be sent to the ABA Career Services listserv once the Records Validation component of the Random Graduate Review is complete. If a law school does not receive an individual email as outlined above, the law school is in compliance with the Records Validation.

(c) Documentation Review & Compliance Determination

- (1) As part of the Random Graduate Review, all law schools are subject to the Documentation Review.
- (2) The ABA will use its discretion to determine how many of each Law School's uploaded Graduate Employment Files are subject to the Documentation Review. Factors it may consider include, but are not limited to:
  - (i) The total number of law school graduates across all law schools;
  - (ii) National economic conditions impacting, or anticipated to impact, the legal market;
  - (iii) A law school's prior Random Graduate Review audit results;
  - (iv) A law school's Employment Questionnaire edit history;
  - (v) Whether the law school has an ABA site visit in the following academic year; and
  - (vi) Whether new staff are involved in the collection and reporting of graduate employment outcomes.
- (3) The ABA will assess whether each reviewed Graduate Employment File supports and properly documents the ABA Key Items in alignment with the requirements of the Data Protocols.
- (4) The ABA will use its discretion to determine whether a law school is in compliance with the Documentation Review by assessing:
  - (i) How many and which ABA Key Items are not sufficiently documented in compliance with the Data Protocols and;
  - (ii) Whether it appears one or more ABA Key Items were inaccurately or intentionally misreported.
- (5) There are three potential outcomes to the Documentation Review:
  - (i) A law school may be found in compliance;
  - (ii) A law school may be found out of compliance due to documentation issues; or
  - (iii) A law school may be found out of compliance due to misreporting concerns.

- (6) When a law school is found in compliance, the ABA will provide feedback on the reviewed files to the main contact(s) and the Dean of the law school.
- (7) When a law school is found out of compliance due to documentation issues:
  - (i) The main contact(s) and the Dean of the law school will receive an explanation of the issues in the reviewed files; and
  - (ii) The Council will be notified of the audit results and can, at their discretion, request information to determine compliance with the Standards.
- (8) When a school is found out of compliance due to misreporting concerns, the main contact(s) and the Dean of the law school will receive an explanation of the issues in the reviewed files and will be notified that the review has been elevated to the Additional Documentation Review.

#### **REVIEW PROTOCOL 104. ADDITIONAL DOCUMENTATION REVIEW**

##### **(a) Additional Documentation Review & Compliance Determination**

- (1) The ABA may review any other file selected through the Random Graduate Review that was not initially reviewed in the Documentation Review.
- (2) If the ABA believes the files selected as part of the Random Graduate Review do not give sufficient insight into the concerns from the Documentation Review, the ABA reserves the right to request files for any other ABA graduate ID numbers from the current and prior two reporting cycles.
- (3) If the Additional Documentation Review addresses the concerns raised by the Random Graduate Review, the main contact(s) and the Dean of the law school will receive a warning that being found out of compliance the following year will result in notification to the Council, who may, at their discretion, request information to determine compliance with the Standards.
- (4) If concerns persist following the Additional Documentation Review, the main contact(s), the Dean of the law school, and the Council will be notified. The Council may, at their discretion, request information to determine compliance with the Standards.

# Appendices



# APPENDIX A. THE KEY ITEMS OF EMPLOYMENT INFORMATION FOR THE GRADUATE EMPLOYMENT FILES AND THE GRADUATE EMPLOYMENT INFORMATION NEEDED TO COMPLETE THE EMPLOYMENT QUESTIONNAIRE (EQ)

## The Key Items of Employment Information for the Graduate Employment File

The following are the Key Items of Employment Information that must be included in each individual Graduate Employment File:

### Employment Status

- Employed – Bar Passage Required
- Employed – JD Advantage
- Employed – Professional Position
- Employed – Other Position
- Employed – Law School/University Funded
- Employed – Undeterminable
- Enrolled in Graduate Studies
- Employed – Start Date Deferred
- Unemployed – Not Seeking
- Unemployed – Seeking
- Employment Status Unknown

### Full-Time or Part-Time

### Long-Term or Short-Term

### Employment Type

- Law Firm (need to include law firm size, but no documentation is required for law firm size and law firm size is not an auditable key item)
  - Solo
  - 1-10
  - 11-25
  - 26-50
  - 51-100
  - 101-250
  - 251-500
  - 501+
  - Unknown Size
- Business & Industry
- Government

- Public Interest
- Judicial Clerkships (Federal; State, Local, and Territories; Tribal; or International)
- Education
- Employer Type Unknown

### **Employment Start Date**

- Must be on/before Graduate Employment Status Date

### **Employer Name and Contact Information**

- Employer Name AND
- Employer Mailing Address\* OR Website\* OR Email Address\*

\*If using the employer website or employer email address to fulfill this Key Item, schools are still expected to also document a state of employment (or country of employment if the job is located outside of the U.S.).

## **Graduate Employment Data Needed to Complete the Employment Questionnaire (EQ)**

The EQ asks for Key Items of Employment Information in a specific way so that it can accurately populate a school's Employment Summary Report.

Because of this, the EQ asks for the Key Items in a slightly different way than how they are listed in "The Key Items of Employment Information for the Graduate Employment File."

### **The Key Items will be reported in the EQ as follows:**

#### **Employment Status**

- Employed – Bar Passage Required
- Employed – JD Advantage
- Employed – Professional Position
- Employed – Other Position
- Employed – Law School/University Funded
- Employed – Undeterminable
- Enrolled in Graduate Studies
- Employed – Start Date Deferred
- Unemployed – Not Seeking
- Unemployed – Seeking
- Employment Status Unknown

#### **Full-Time or Part-Time**

#### **Long-Term or Short-Term**

## Employment Type

- Law Firms
  - Solo
  - 1-10
  - 11-25
  - 26-50
  - 51-100
  - 101-250
  - 251-500
  - 501+
  - Unknown Size
- Business & Industry
- Government
- Public Interest
- Judicial Clerkships (Federal; State, Local, and Territories; Tribal; or International)
- Education
- Employer Type Unknown

## Employment Location

- List State of Employment if located in the United States
- List Country of Employment if located in a Non-US Jurisdiction
- **Note:** Only list State or Country on the EQ – Do not list employer address, website, or email. Employer address, website, or email address is only included in the Graduate Employment File.

**Important:** You will note that Employment Start Date and Employer Name and Contact Information are not on this list of Key Items for the EQ. This is because Employment Start Date and Employer Name and Contact Information are NOT listed on the Employment Summary Report. Only list Employment Start Date and Employer Name and Contact Information in the Graduate Employment File.

## APPENDIX B. THE EMPLOYMENT QUESTIONNAIRE (EQ)

In addition to creating Graduate Employment Files, law schools must also enter information into the Employment Questionnaire (EQ).

The process for accessing and submitting the Employment Questionnaire is currently being updated to account for feedback received in the rollout of the new Employment Questionnaire last year. Step-by-step directions will be released to the ABA career services listserv and will be available on the ABA Questionnaires resource page when the Employment Questionnaire opens for data entry (anticipated January 8, 2024).

## APPENDIX C. GENERALLY RELIABLE SOURCES OF INFORMATION

The graduate is the best source of information on their own employment data. However, in the event a school cannot obtain employment data directly from the graduate, the following sources are considered reliable when documented appropriately according to Data Protocol [104](#):

- Graduate's resume
- Website of graduate's employer
- Direct communications with graduate's employer (including former classmate working for the same employer as graduate)
- Written or oral communications between the graduate and any member of the law school faculty or administration
- Graduate's LinkedIn page
- Graduate's Twitter feed
- Graduate's Facebook page
- Attorney Registration or Bar Directories
- Business Registration pages such as those maintained by a Secretary of State
- Direct communication with the graduate's family
- Job postings for the same job with the graduate's employer
- Government or non-profit-sponsored personnel directory

## APPENDIX D. DEAN'S SIGNATURE PAGE

Note: This document is available to print and sign on the [ABA Questionnaire page](#) under "Employment Questionnaire" or within the [ABA Questionnaire System](#). Schools making edits to their EQ after the Graduate Data Reporting Deadline may be directed by the ABA to have their Questionnaire Administrator upload a new Dean's Signature Page. A new Dean's Signature Page is required when a school has a significant number of edits after the Deadline.

### DEAN'S AND CAREER SERVICES DIRECTOR'S CERTIFICATION

#### EMPLOYMENT QUESTIONNAIRE

The within Employment Questionnaire is submitted pursuant to Standard 104 of the American Bar Association Standards for Approval of Law Schools.

We have reviewed the Employment Questionnaire and know its contents. We have made an appropriate and thorough inquiry so as to satisfy ourselves that the information contained in this Employment Questionnaire has been properly collected and is fully and accurately reported. We represent that this Employment Questionnaire is true, accurate, complete and not misleading.

We understand that the provision of false, inaccurate, incomplete or misleading information in this Employment Questionnaire could subject the law school to the imposition of sanctions under Rule 15 of the Rules of Procedure for Approval of Law Schools.

---

[Dean's name]

---

[Dean's signature]

---

[Career Services Director's name]

---

[Career Services Director's signature]

---

[School Name]

---

[Date]

## APPENDIX E. PRESUMPTIONS FOR EMPLOYMENT STATUS AND OTHER KEY ITEMS

Graduates are considered to be the best source of their own employment information. While presumptions give schools greater flexibility in reporting ABA Key Items, it is still best practice to reach out to graduates directly to confirm the presumed Key Items when possible.

Absent contrary information, no additional documentation is needed for the specific job titles and job categories listed below. This is because these positions are presumed to meet the requirements for that Employment Status category or to satisfy other Key Items per the Data Protocols. Items listed are specific job titles; items with an asterisk are job categories.

A CSO staff member can only change the job classification to a higher category of Employment Status if additional documentation or explanation is provided in the Graduate Employment File. The collection and use of information collected from reliable sources, such as a job posting for the same job with the graduate's employer or a position description from the employer's website, to verify the accurate categorization of the job titles and employment statuses is necessary in case of missing or misclassified key items of employment information. No documentation or explanation is needed to move a graduate to a lower category of Employment Status.

### **Employed – Bar Passage Required:**

- Articling Student (Canada Only)
- Associate/Associate Attorney at a law firm
- Attorney
- Counsel/General or Associate General Counsel/In-House Counsel\*
- Judge Advocate General
- Judicial Law Clerk (all levels)
- Lawyer
- Legal Defender (civil and public)\*
- Prosecutor/State's Attorney/District Attorney\*
- Solo Practitioner
- Staff Attorney

### **Employed – Bar Passage Required, Full-Time, and Long-Term:**

- Articling Student (Canada Only)
- Associate/Associate Attorney (at a law firm)
- Attorney (at a law firm)
- Legal Defender (civil and public)\*
- Non-Reserve Judge Advocate General Corps Servicemember
- Prosecutor/State's Attorney/District Attorney\*

### **Employed – JD Advantage:**

- Accountant
- Alternative Dispute Resolution Specialist/Mediator/Ombudsperson\*
- Case Manager (legal employers only)
- Compliance Manager/Specialist/Investigator

- Contracts Administrator/Manager
- Director of Equal Opportunity/Title IX Coordinator
- FBI Agent
- Human Resources Professional\*
- Investigator (law- or legal claim-related only)
- Investment Banker
- Journalist covering legal, regulatory, or legislative matters\*
- Landman/Lease Analyst/Land Management or Land Procurement Professional
- Law Clerk
- Law Firm Recruiting or Professional Development Staff Member
- Law School Career Services or Admissions Staff Member
- Law Teacher (undergraduate or law school level)\*
- Legal Analyst/Consultant
- Document Reviewer (law-related only)
- Legal Fellow (Bar Passage Required only on a documented case-by-case basis)
- Legal Intern
- Legal Researcher
- Legislative Advisor/Aide/Assistant/Counsel/Staffer
- Legislator\*
- Management Consultant
- Medical Professional working in litigation, insurance, risk management, or similar settings\*
- Paralegal/Legal Assistant/Legal Secretary
- Patent Agent/Prosecutor
- Patent Examiner
- Presidential Management Fellows Program Positions\*
- Public Policy Advocate/Analyst/Consultant
- Real Estate Broker
- Regulatory Analyst/Consultant
- Settlement Negotiation Professional (official title varies by jurisdiction)\*
- Tax Associate at Accounting or Consulting Firm
- Trust Administrator

**Employed – Professional Position:**

- Architect
- B2B Salesperson
- Bailiff
- Business Manager
- Business Owner
- Dentist
- Doctor
- Engineer
- Executive Director
- Financial Planner/Advisor
- General Contractor
- Insurance Claims Adjustor
- Mayor, City Council, City Manager, or other elected executive positions
- Non-JAG Military Servicemember
- Nurse



- Pastor/Clergy/Minister
- Pharmacist
- Police Officer
- Probation Officer
- Real Estate Agent
- Skilled Trades (see Data Protocol [204\(a\)\(1\)\(iv\)](#)\*)
- Sports Coach
- Teacher/Professor (non-law subjects)
- Tutor

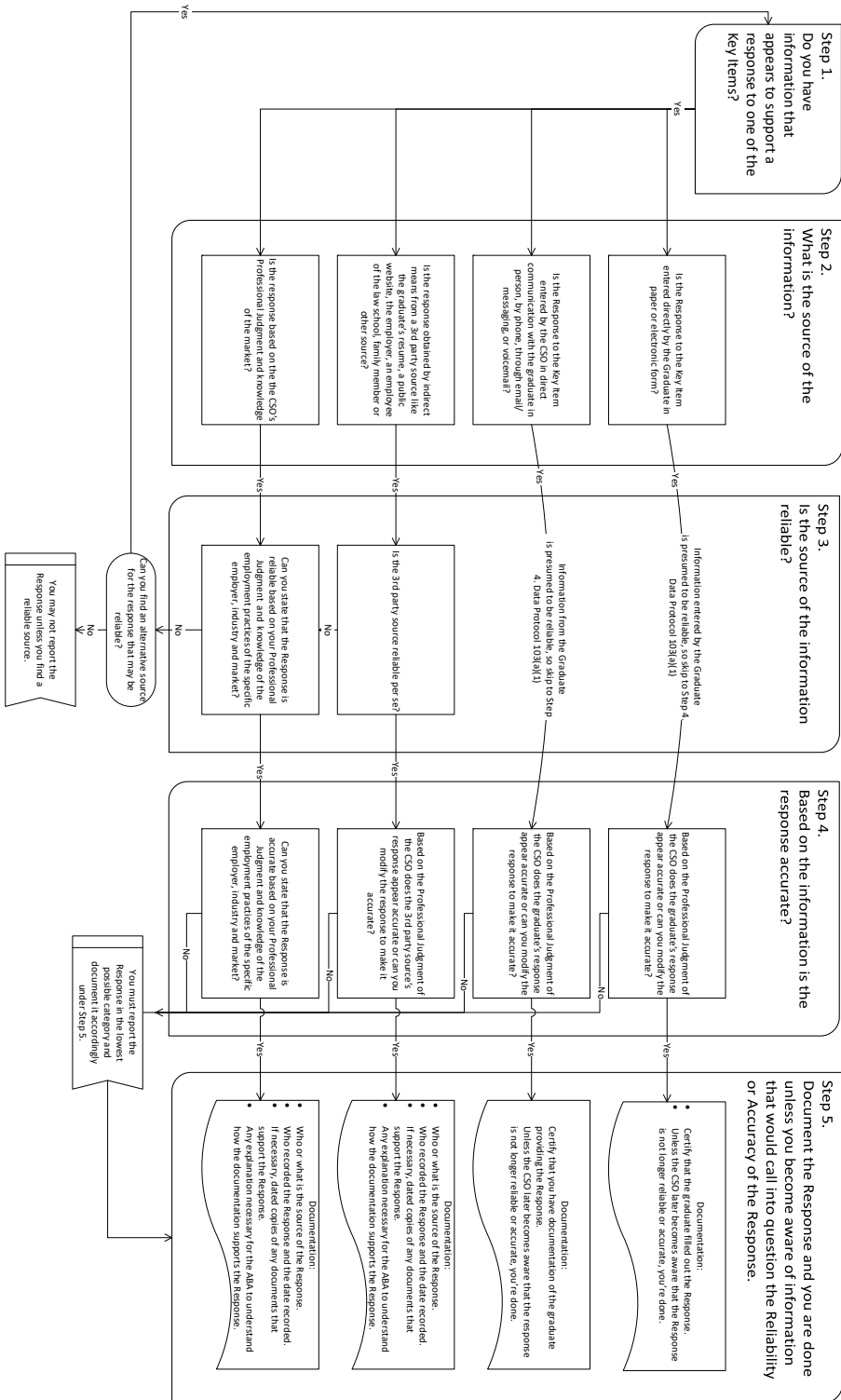
**Employed – Other Position:**

- Bank Teller
- Barista
- Bartender
- Cashier
- Cook
- Gig Economy Contractor (Lyft, Uber, DoorDash, Instacart, etc.)
- Model
- Personal Trainer
- Receptionist/Administrative Assistant/Secretary
- Restaurant Server
- Retail Salesperson
- Truck Driver

## APPENDIX F. INSTRUCTIONS FOR UPLOADING FILES SELECTED FOR RANDOM GRADUATE REVIEW

The process for accessing and submitting the files selected for Random Graduate Review is currently being updated to account for feedback received in the rollout of the new Employment Questionnaire last year. Step-by-step directions will be released to the ABA career services listserv and will be available on the ABA Questionnaires resource page prior to the selection of each law school's Random Graduate Review files.

# APPENDIX G. FLOWCHART – SUFFICIENCY OF DOCUMENTATION



# APPENDIX H. EXAMPLES OF LOGS GENERATED BY SURVEY SOFTWARE

## Symplicity Graduate Outcomes Log

School of Law /

**Joe Ablue**  
Survey ID: 11  
Employment Status: Employed

Job 1

Job Term	permanent basis
Job Term Duration	Job does not have a known end-point
Fixed Job Funding	
Employment Type	Full-time
Bar Admission	JD advantage
Employment Start Date	January 01, 2015
Job Type	Law Firm
Type of Job (Law Firm)	Associate (partnership track)
Type of Job (Government)	
Type of Job (Academic)	
Type of Job (Business)	
Type of Job (Public Interest)	
Government Level	
Firm Size (Law Firm)	501 or more attorneys
Employer (in System)	Symplicity Corporation (Arlington, VA)
Employer Name	Symplicity Corporation
Street Address	1150 Wilson Blvd., Ste. 550
City	Arlington
State	Virginia
Zip	22209
Country	United States
Website	

Graduate Outcomes Report | Joe Ablue | 1

School of Law /

EVENT LOGS:

FIELD	OLD VALUE	NEW VALUE	MODIFIED BY	MODIFIED	TYPE
Government Level	state		ihahn@symplicity.com (students)	2015-04-09 10:11:02	grad
Job Type	Government (gov)	Academic (acad)	ihahn@symplicity.com (students)	2015-04-09 10:11:02	grad
Type of Job (Government)	Judicial Clerkship (1)		ihahn@symplicity.com (students)	2015-04-09 10:11:02	grad
Type of Job (Academic)		Faculty/Teacher	ihahn@symplicity.com (students)	2015-04-09 10:11:40	grad
Job Type	Academic (acad)		ihahn@symplicity.com (manager)	2015-04-09 10:12:07	grad
Type of Job (Academic)	Faculty/Teacher		ihahn@symplicity.com (manager)	2015-04-09 10:12:07	grad
Government Level		federal	ijones@symplicity.com (manager)	2017-04-07 12:05:14	grad
Job Type		Government (gov)	ijones@symplicity.com (manager)	2017-04-07 12:05:14	grad
Type of Job (Government)		Judicial Clerkship (1)	ijones@symplicity.com (manager)	2017-04-07 12:05:14	grad
batch update		Created 1 nine-months surveys as copies of existing graduate surveys.	ihahn@symplicity.com (manager)	2018-01-09 12:28:12	9 months
Government Level	federal		ablu@student.edu (students)	2018-03-23 16:39:43	9 months
If Job is long-term, please indicate if		Job does not have a known end-point ( unknown_endpoint)	ablu@student.edu (students)	2018-03-23 16:39:43	9 months
Job is funded in whole or in part by my law school		No (0)	ablu@student.edu (students)	2018-03-23 16:39:43	9 months
Job Type	Government (gov)	Law Firm (lawfirm)	ablu@student.edu (students)	2018-03-23 16:39:43	9 months
Type of Job (Government)	Judicial Clerkship (1)		ablu@student.edu (students)	2018-03-23 16:39:43	9 months
Type of Job (Law Firm)		Associate (partnership track) ASSOC	ablu@student.edu (students)	2018-03-23 16:39:43	9 months
finalized		Survey Finalized	ablu@student.edu (students)	2018-03-23 16:39:51	9 months
Finalized	Yes (1)	No (0)	ihahn@symplicity.com (manager)	2018-04-13 12:37:54	9 months

Graduate Outcomes Report | Joe Ablue | 2

School of Law /

ADMINISTRATIVE NOTES: test #1 is fun!  
2nd administrative note added 4/4/19

# 12twenty Audit Log

Meghan Markle - Post JD - Offer Accepted Outcome Audit Log						
Time	User	User Type	Action Type	Field	New Value	Old Value
5/3/2019, 12:24 PM PDT	Oprah Winfrey	School	Add Note	Creator	Oprah Winfrey	--
				Date	5/3/2019 12:00:00 AM	--
				Has Attachment	No	--
				Student Note Type	Known Post Graduation Job	--
				Note Text	On 3/13/2019 Megan comple... <a href="#">More</a>	--
4/3/2019, 9:47 AM PDT	Oprah Winfrey	School	Add	Address 1	test address	--
				Postal Code	90034	--
				Employer	Kirkland & Ellis LLP	--
				MBACSEA Job Source	School Facilitated	--
				Job Source	Interviewed during fall O... <a href="#">More</a>	--
				Include in Reporting	Yes	--
				Is this a full-time position?	Yes	--
				Is this a full-time position (Own Venture)?	Yes	--
				Did this job come as a result of an internship you had with this employer?	No	--
				Is this a short-term position?	No	--
				Job Title	Associate	--
				Knowledge Source	Email from Student	--
				Survey Period	10 Months	--
				Timing of Offer	Before graduation	--
				Employment Type	Law Firm	--



Time	User	User Type	Action	Field	New Value	Old Value
05/03/2019 12:24PM	Oprah Winfrey	School	Add Note	Creator	Oprah Winfrey	
				Date	5/3/2019 12:00:00 AM	
				Has Attachment	No	
				Student Note Type	Known Post Graduation Job	
				Note Text	On 3/13/2019 Megan completed the paper, NALP survey attached is the document	
				Visibility	Myself and all career advisers	
04/03/2019 09:47AM	Oprah Winfrey	School	Add	Address 1	test address	
				Postal Code	90034	
				Employer	Kirkland & Ellis LLP	
				MBACSEA Job Source	School Facilitated	
				Job Source	Interviewed	

## APPENDIX I. THE EMPLOYMENT SUMMARY REPORT

The Employment Summary Report is a PDF chart showing a law school's graduate employment data for a particular graduating class. The Employment Summary Report for the most recent graduating class and the two preceding classes must be posted to each law school's website by the ABA's posting deadline each year.

### **How to Generate the Employment Summary Report**

The process for generating the Employment Summary Report is currently being updated to account for feedback received in the rollout of the new Employment Questionnaire last year. Step-by-step directions will be released to the ABA career services listserv and will be available on the ABA Questionnaires resource page when the Employment Questionnaire opens for data entry (anticipated January 8, 2024).

### **Posting the Employment Summary Report to Law School Website**

All law schools are required to post their Employment Summary Reports on their websites pursuant to ABA Standard 509. Schools will be notified by the ABA of the deadline to post the Employment Summary Report each year.

Employment Summary Reports for the most recent and two preceding graduating classes must be linked to the law school's "Consumer Information – ABA Required Disclosures" webpage. This information can be linked to the law school's Career Services webpage as well. The Employment Summary Reports posted MUST be the Employment Summary Report PDFs generated through the ABA's system. It is unacceptable to post a photocopy of the Employment Summary Report or to create your own version of the Employment Summary Report, even if it contains the same data or just adds percentages. For more information on this as well as the guidelines for posting additional information about your school's employment outcomes, please see the [Managing Director's Guidance Memo on Standard 509](#).

GENERIC UNIVERSITY SCHOOL OF LAW



Legal Education and Admissions to the Bar

**EMPLOYMENT SUMMARY FOR 2023 GRADUATES**

EMPLOYMENT STATUS	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Employed – Bar Passage Required					
Employed – J.D. Advantage					
Employed – Professional Position					
Employed – Law School/University Funded					
Employed – Other Position					
Employed - Undeterminable					
Enrolled in Graduate Studies					
Employed – Start Date Deferred					
Unemployed – Not Seeking					
Unemployed - Seeking					
Employment Status Unknown					
Total Graduates					
Each graduate is counted only once in this section.					

EMPLOYMENT TYPE	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Law Firms					
Solo					
1 – 10					
11 – 25					
26 – 50					
51 – 100					
101 – 250					
251 – 100					
501 +					
Unknown Size					
Business & Industry					
Government					
Public Interest					
Clerkships – Federal					
Clerkships – State, Local, and Territorial					
Clerkships – Tribal					
Clerkships – International					
Education					
Employer Type Unknown					
Total					

LAW SCHOOL/UNIVERSITY FUNDED POSITIONS	FULL TIME LONG TERM	FULL TIME SHORT TERM	PART TIME LONG TERM	PART TIME SHORT TERM	NUMBER
Employed – Bar Passage Required					
Employed – J.D. Advantage					
Employed – Professional Position					
Employed – Other Position					
Total Employed by Law School/University					

EMPLOYMENT LOCATION	LOCATION	NUMBER
State – Largest Employment		
State – 2 <sup>nd</sup> Largest Employment		
State – 3 <sup>rd</sup> Largest Employment		
Employed in Foreign Countries		

A one-page summary of key category definitions can be found under the Employment Questionnaire section of: [https://www.americanbar.org/groups/legal\\_education/resources/questionnaire/](https://www.americanbar.org/groups/legal_education/resources/questionnaire/)  
 This data reflects graduates' post-graduate status as of March 15, 2024.