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## **Law School Edition**

### **Discussing transparency in law schools**

### **Law firm leaders talk about hiring**

*Janea Raines, a second-year student at Loyola University Chicago School of Law, and David Yellen, dean and professor of Loyola University Chicago School of Law.*

# Recent grads question decision to go to law school

By Amanda Robert

**B**rendon Stark studied history and political science at the University of Illinois at Urbana-Champaign and wavered between becoming a teacher or a lawyer.

After graduating in 2007, he chose to enroll at The John Marshall Law School.

Over the next three years, Stark traveled to Ireland for a 10-day trial advocacy program and to Whittier Law School in Southern California for a juvenile moot court competition. He wrote about these experiences as *Chicago Lawyer's* "3L and the City" columnist.

He served as a summer law clerk in the Cook County public defender's office, secured a fall externship with Cook County Associate Judge Mark Lopez in the Domestic Relations Division and spent three other semesters as a law clerk in the Cook County state's attorney's office.

When Stark graduated in 2010, the office partnered with John Marshall and offered him a spot in a six-month fellowship program and swore him in as a special assistant state's attorney — while the school paid him to work three days a week.

He finished the fellowship in April, and despite all of this significant experience, he still hasn't found his first full-time position.

"It's very, very frustrating," Stark said. "I understand the climate is crappy for everybody, but after doing all of the extra activities, I don't know how much it actually helps or how much hiring partners actually look for that. Or, if they're just looking for the name of the school."

Stark started substitute teaching and even though he still considers becoming a teacher, he wants to stay in the legal profession. He recently applied to both the DuPage County and Kane County state's attorney's offices.

"I constantly ask myself if I made the correct decision to go to law school," he said. "I take a look at my student loan balance and kind of say, 'I better make some money as a lawyer, or I'm in a lot of trouble.'"

According to the National Association for Law Placement's Employment Report and Salary Survey for the Class of 2010, the overall employment rate for recent law school grad-

uates stands at 87.6 percent — the lowest rate since 1996. The survey, which measures the employment rate of graduates from 192 law schools nine months after their May graduation, shows that just four years ago, the employment rate reached a 20-year high of 91.9 percent.

A growing faction within the legal community faults law schools for failing to relay these statistics to prospective students. They argue that students deserve an accurate picture of the legal market before they enroll in law school and take on at least six figures of debt.

Attorney Bob Clifford, president of The Chicago Bar Association, called for more transparency in law schools in his July *Chicago Lawyer* column.

"What's going on here is either a phenomenon that was never anticipated, namely that the job market for new lawyers would be so poor, or a dirty little secret among law schools that knew how bad it was going to be, but they've been less than forthright and candid with incoming students about the employment prospects upon graduation," Clifford said. "I'm sure that some would argue that either of those points could be correct.

"For me, it doesn't really matter. I think what really matters is getting the information out into the public domain, so that college graduates can make more informed choices about their potential career paths."

William Henderson, a professor at Indiana University Maurer School of Law, who studies the legal profession and legal education, contends that law schools' fixation with *U.S. News & World Report* rankings exacerbates the problem. The publication's rankings affect how students and alumni feel about a school, and ultimately, how much money the school receives, he said.

Henderson said many law schools take extreme measures to receive higher rankings, which often includes offering law students inaccurate job outlooks, or in some cases, fabricating employment rates.

"Students don't ask the right questions and

they don't do enough research," he said. "That's part of the problem.

"But schools are reluctant to make it easy, because they need those numbers to be as high as possible for rankings purposes. If your rankings go down, your alumni are angry, your students are angry and you're going to have a harder time filling your class the next year. It's a vicious cycle."

## Root of the problem

Michael Welsh-Phillips started at John Marshall in 2006 after interning in the Cook County state's attorney's office. He took out loans and knew he might have trouble finding a job, but the full weight of his decision didn't hit him until his second year.

"You start looking at the amount of debt you've racked up," Welsh-Phillips said. "At that point in time, you're \$50,000 in, and you kind of look at it, and you go, 'Well, OK. I'm a third of the way through, I have this much debt, how the heck am I ever going to pay this back?'"

"It was a little overwhelming, and I hate to say it, but you can't focus on it. It's just what it is."

Since graduating in 2009, Welsh-Phillips helps friends as a solo practitioner, but said he still hopes to secure his first full-time legal job. He admits that his professors and family friends helped him more than his school's career counselors.

"The legal field is one of those fields where you have to make your own connections," Welsh-Phillips said. "It really helps to have someone call in your behalf, but after that, everything else is on you."

He talks to as many lawyers as possible, but unfortunately, he said, most of them say, "We'd love to help you, we'd love to give you a recommendation, we just don't know of any real jobs out there."

Economic Modeling Specialists Inc. (EMSI), a firm that projects national labor and employment trends, found that every state except for Wisconsin, Nebraska and Washington, D.C., saw more bar exam passers than projected job openings in 2009. Its recent report shows that



*David Yellen, dean and professor of Loyola University Chicago School of Law, and Janea Raines, a second-year student at Loyola University Chicago School of Law, joined other law school deans and students in discussing whether law schools give law students an accurate picture of the legal market and their chances of getting jobs after graduation. Photo by Callie Lipkin.*

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on a national level, about 53,000 passed the bar, but less than 26,500 jobs became available.

According to EMSI, Illinois saw the fourth largest oversupply of lawyers after New York, California and New Jersey. The state yielded 2,166 law school graduates, but expected only 1,394 jobs to open up between 2010 and 2015.

Nimra Sami attended Marquette University Law School, and after graduating in 2010, she took the bar exam in both Wisconsin and Illinois. She lived in Chicago for the summer and put off her job search when she heard about the lack of jobs.

A Waukesha, Wis., native, Sami returned home in September and became of counsel at a small law firm. She sees few openings, but hopes to soon snag a spot in private practice.

“There are a lot of overqualified attorneys applying for jobs that typically people right out of law school would apply for,” Sami said. “There are a lot of part-time associate positions open right now, because for smaller to midsize firms, those are the only hours they can offer and the only benefits and salary they can offer. It’s definitely a different trend.”

Harold Krent, dean and professor at Chicago-Kent College of Law, said large law firms hire 50 percent fewer graduates than four years ago. That makes a huge difference for students who hope to get a “\$165,000 payday,” he said.

But, Krent said, hyped attention on the loss of jobs in large law firms glosses over the fact that many students go to law school not for that \$165,000 payday, but for the chance to make a difference.

“I think that there’s been a significant distortion in terms of the drying up of the legal market in the media,” he said. “It’s actually true at large firms in the last couple of years. But there has not been a commensurate drop off in smaller firm and government practice.

“Many people do wonderfully creative and interesting things with a law degree other than practice law, including being a journalist or being an investor or being a counselor.”

According to the NALP Employment Report and Salary Survey for the Class of 2010, only 68.4 percent of graduates for whom employment status was known obtained a job that required passage of the bar exam. This compares to 70.8 percent for the Class of 2009 and 74.7 percent for the Class of 2008.

NALP also shows that 10.7 percent of grad-

uates obtained jobs that required a law degree, but not necessarily passage of the bar exam, while 8.6 percent found jobs in other areas. Additionally, 11 percent of graduates gained part-time employment, 8 percent gained temporary and part-time employment and 9.4 percent were unemployed.

Only 50.9 percent of graduates obtained a job in private practice, a rate that dropped a full 5 percent since 2009, the survey shows.

## Realistic chances

In David Yellen’s opinion, there isn’t much the legal profession can do to improve the job outlook for students.

Yellen, dean and professor at Loyola University Chicago School of Law, who is also a member of the American Bar Association’s Standards Review Committee that’s studying accreditation standards, said the profession reflects the economy and it experiences the same hardships as most other fields.

His staff advises students to think strategically about their careers from the time they apply until the time they graduate, he said. They tell students that even though law school provides a beneficial education, they need to make sure it’s the right choice for them.

“A lot of times it’s a lot of money and don’t do it just because you don’t know what else to do,” Yellen said. “Do it if you really want to be a lawyer.”

Janea Raines graduated from the University of Illinois, and for the next year, worked for AmeriCorps. After serving as a community development specialist in Acadia, N.Y., and as a literacy program coordinator in Chicago, she started at Loyola law school in 2010.

“Law school was something I’d always wanted to do from a young age, because I really respected the profession,” Raines said. “The biggest question became fit. I wasn’t sure if it fit my personality, my talents, my strengths.”

Raines, president of Loyola’s Black Law Students Association, said law school staff encourages students to participate in resume reviews and mock interviews and to attend networking receptions.

She expected to study civil law, but realized she preferred criminal law after working in the public defender’s office.

“They always tell you to be open-minded,” she said. “They tell you that to navigate a difficult economy, don’t put all of your eggs in

one basket, but be open to opportunities that might be available to you.”

Raines never factored in the possibility that it could be hard to find a job after graduation.

“I’ve always been an optimistic person and I’m of very strong faith,” she said. “There is a fear of the unknown, but I don’t worry that I won’t get a job at all.”

Krent, said his school provides prospective students with information about what percentage of his alumni are employed. He also tells students to compare the price of their law school education to that of a small mortgage.

“How much of a mortgage can you afford?” Krent said. “That’s going to differ for different people. It’s your preference for risk.

“There are still people who are going to graduate school in art history. There are still people who are going to graduate school in ancient Greek. There are not that many lucrative job opportunities in those fields, but people are engaged, interested and motivated and they think the sacrifice is worth it.”

John Corkery, dean and professor at John Marshall, agreed that every law school dean in the country thinks about the state of the economy and the lack of jobs for their students. But, he said, law schools do not guarantee jobs — they prepare people for a potential career.

Corkery argued that law schools should warn students about the difficulty in the legal market but they should also promote the importance of building critical-thinking and problem-solving skills. He said someone with a legal education becomes better prepared for not only a career in law, but for a career in business, nonprofit or cultural organizations.

“The question is, really, why would someone go to law school?” Corkery said. “To get a legal education, but also to improve themselves and to improve their ability to meet challenges they might face in life.”

Steve Hall graduated from John Marshall in 2009 and instead of scouring for scarce firm positions in Chicago, he moved to Honolulu with two high school friends, one of whom was a recent graduate of DePaul University College of Law.

He continued to clerk part-time for Chicago-based federal criminal defense lawyer Nishay K. Sanan and found a second job as a bartender/waiter at the Sheraton Waikiki Hotel.

“I went to Hawaii, surfed and kept my legal resume up while all of my friends were back

here suffering through a Chicago winter, looking for jobs and finding nothing,” he said.

Hall returned to Chicago when Sanan hired him as an associate in July 2010. Despite his good fortune, he found his classmates still struggling to find their first jobs.

“Honestly, when people tell me they’re going into law school right now, I think, ‘No, don’t, not right now,’” Hall said. “I have friends who graduated a year ahead of me in 2008 who are just now getting full-time legal jobs. They were clerks for two years and licensed attorneys in Illinois.

“It seems like every year there’s a new graduating class, and every year there is a backlog ahead of them to get jobs.”

### Misleading the pack

Henderson, of Maurer School of Law, continues to see the situation differently.

In the past 20 years, as *U.S. News & World Report* began to drive legal education, many law schools launched into “aggressive rankings management mode,” Henderson said.

They increase their employment rates by counting graduates as employed even if they work part-time at Best Buy or Home Depot and by paying graduates to work in fellowship programs, he said.

“While that looks like potentially fortuitous or useful career counseling to get someone started, that behavior is entirely driven by the need to prop up their employment at nine months or employed at graduation numbers,” Henderson said.

Many law schools also take credit for graduates whose employment status is unknown, since *U.S. News & World Report* assumes that one-quarter of those graduates are gainfully employed, Henderson said.

“That leads to the temptation of not tracking down people who you’re pretty confident are unemployed, because that way, you can just say they’re unknown,” he said. “That’s been documented as a ploy.”

In the current law school job reporting process, the ABA collects comprehensive employment data from law schools and gives it to NALP. Henderson said while NALP reports some of this data to *U.S. News & World Report*, most of it never becomes available at an institutional level.

“NALP will say this isn’t a pretty picture, but the only public picture that’s drawn in any

kind of comparable way is employed at nine months and the stuff that gets reported publicly to *U.S. News*,” Henderson said. “These figures look pretty optimistic, but when you disaggregate them, they’re not really telling you the full story about how valuable it is to go to that particular law school for that particular cost.”

In the past two years, Krent, from Chicago-Kent, saw law schools report in *U.S. News & World Report* that 98 to 100 percent of their graduates were employed nine months after graduation.

“You just know it’s not true,” he said. “Personally, I don’t think that these are the most important issues facing either the legal profession or law schools today, but on the margin, I think that greater transparency would be a plus.”

Krent encouraged the ABA to adopt a more “consumer-protectionist position,” since schools do give misleading information to enhance their positions. The association not only skips over specific employment details, but also collects salary information without asking how many graduates provided that information.

Stark became suspicious of *U.S. News & World Report* rankings when he saw that John Marshall reported nearly 90 percent of its graduates as employed.

“I thought there was some kind of fuzzing of numbers, fuzzing of facts,” he said. “My study group was seven people, and coming out of law school, no one had an associate’s position lined up.

“Some of them had of counsel positions, which basically meant they’d been clerking for a law firm, they passed the bar and the law firm kept them on but only paid them what they were paying them as clerks. That counts as being employed, but it’s not the same as having an associate job.”

When asked whether he believes law schools provide inaccurate data, Corkery, from John Marshall, said he’s “not so sure that what we are reporting to the ABA is a problem.

“Maybe some schools are not being accurate. I believe we’re accurate, and that’s, for the most part, what I’m concerned about.”

Yellen, from Loyola, contended that *U.S. News & World Report* causes a number of pernicious effects, such as pushing some law schools to lie about employment data.

“I think that’s the exception still, but it leads all schools to pay too much attention to the par-

ticular statistics that *U.S. News* values,” he said. “That distorts some of what all of us do, but complaining about it doesn’t do any good.”

### Making meaningful change

Yellen and other members of the ABA Standards Review Committee recently launched the 10-year review of law school accreditation standards. Among other things, they will consider how employment outcomes are gathered and then reported to prospective law students.

He expects the committee to adopt a new standard that requires schools to go beyond providing one employment rate. For example, instead of reporting that 90 percent of their graduates are employed, schools will need to distinguish full-time, part-time, temporary and permanent jobs.

“What we’re proposing is that schools give that kind of detailed information, rather than just saying percentage or number of employed, they break it down in a number of meaningful categories to help students better assess how well that school’s graduates are doing,” he said.

Henderson said the ABA Questionnaire Committee considered similar changes as well as a move to make each school’s employment data available to the public.

“Some schools will have a hard time filling their classes and some of them will go out of business,” he said. “That’s really what needs to happen.

“Just like any working market, the information gets to the ultimate decision-maker, the student, who needs to see that if they get admitted at this school for this tuition price, is this a prudent financial decision? You want more and more people to have the information to make those decisions.”

By providing institutional data, law schools will become more invested in retooling their curriculum, developing relationships with employers and focusing on substantive employment of their students, Henderson said.

“Students care about rankings because it gives them a rough estimate of what their job prospects will be when they graduate,” he said. “The ABA can take away that power by basically telling prospective students on a school-by-school basis what the outcomes are for all 200 ABA-accredited schools.

“Some are a good deal, but some are not a very good deal.”

Clifford, of The Chicago Bar Association,

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agreed that opening up dialogue on the economic downturn and its effect on jobs will benefit the legal profession.

Even if law schools were caught off guard, they need to be honest with students about their employment chances moving forward, he said.

“What’s that cliché — success has many par-

ents, failure is an orphan?” he said. “I believe the bar associations have a role here, which is why I’m kicking up the dust on this one. I think the ABA is doing a better job today, but I don’t know if you can say that across the board.”

From Hall’s perspective as a recent graduate, law schools should provide prospective students with the current pay scale as well as

the number of graduates who are unemployed or overqualified for their jobs.

He said, “It may not have been very important when I started school — being honest about what was happening in the market — but I think it’s now vital that there be full disclosure of what the market is before people fork over that first \$35,000 check.” ■