

## First Lawsuit Regarding Fraudulent Law School Employment Data to Go to Trial

By Thao Thai, J.D. Candidate 2018 | March 21, 2016

In the past few years, law students unable to find employment after graduation sued their alma maters for [alleged fraud](#). The students claimed that their schools defrauded them with misleading employment figures. However, many courts rejected this argument and these cases never made it to trial. A state judge presiding over a case against New York Law School described law students as “a sophisticated subset of education consumers, capable of sifting through data and weighing alternatives.” Many courts in Florida, New York, and Michigan shared this view. Thus, judges generally concluded that law students were sophisticated enough to recognize the uncertainty of legal employment and that they chose a legal education at their own risk.

Surprisingly, a [California judge](#) recently allowed a suit against Thomas Jefferson School of Law to proceed. The suit was brought by Anna Alaburda who graduated in the top tier of her class in 2008 but was unable to find full-time employment as a lawyer. Alaburda claims that Thomas Jefferson’s deceptive employment record induced her to attend the school and accumulate a large amount of debt. This will be the first time a law school will be on trial to defend its employment statistics.

Thomas Jefferson asserted that it filed the [data](#) that was required by the American Bar Association’s accrediting body, a common defense among accused law schools. Under the [ABA’s definition](#) of employment, “a graduate is considered to be employed if the graduate has a position in which he or she receives remuneration for work performed.” Although the definition is generous, the ABA further defines employment by breaking it down into several categories – bar passage required, JD advantage, professional position, and non-professional. Alaburda alleges that Thomas Jefferson intentionally misreported its employment figures to the ABA. A former Thomas Jefferson employee stated that she was pressured to distort the school’s employment statistics.

If Alaburda’s allegation is true, then the specific data requirements by the ABA are not helpful for applicants in gauging employment probability at law schools that intend to misrepresent data. In previous lawsuits where trials were denied, law students were held to a higher standard as educated consumers while law schools did not have to explain their employment figures. Thus, Alaburda’s case is significant in that it illustrates that at least one California court acknowledges that even educated consumers are protected under consumer laws. Furthermore, it brings attention to important questions regarding recruitment methods by law schools: How accurate must law schools be in describing their graduates’ accomplishments? Should this be treated as simple advertising or should law schools be held to a higher standard?