

## Law Schools Want to See Summer Associate Arbitration Agreements



**Summary:** A number of law schools are demanding law firms to reveal if they are requiring summer associates to sign arbitration and nondisclosure agreements.

Two months ago, law students erupted into an uproar after a post on Twitter indicated that law firms were making summer associates sign arbitration provision and nondisclosure agreements. Students from the schools like the [University of California, Berkeley, School of Law](#); [Harvard Law School](#); [Georgetown University Law Center](#); and more took action by sending letters to their law school administrators to ban firms using these agreements from coming on campus to recruit summer associates.

With the growing demand from students, a number of law schools will now require law firms that interview on their campus to complete a survey and provide information about arbitration provisions and other nondisclosure agreements. [Yale Law School](#) and 13 other top law schools made the announcement Monday, according to [Law.com](#).

First-year Harvard Law student Molly Coleman said, “At law schools, we don’t talk about what people’s individual contracts look like. There’s the culture of secrecy [and] you’re told you’re not allowed to share your contract with anybody.” That “wall of silence” is being broken down after former Jones Day associate and current Harvard Law School lecturer Ian Samuel made the first hit with the Twitter post.

The law firm referenced in the Twitter post was [Munger, Tolles & Olson](#). They have since quickly announced since the news broke about their requirement for summer associates to sign the agreements that they will no longer require such arbitration clauses. A number of other law firms, including [Orrick, Herrington & Sutcliffe](#) and [Skadden, Arps, Slate, Meagher & Flom](#), also noted they will be removing their mandatory arbitration provisions as a condition of employment.

With issues taking a spot in the news like the #MeToo movement and gender discrimination lawsuits, everyone is realizing that these kinds of provisions are not appropriate. Coleman added, “It kind of opened our eyes to the fact that we shouldn’t be allowing this conversation to be swept under the rug. We should be forcing it out there even if law firms don’t want it out there.”

The survey given to law firms will inquire if they plan to have summer associates sign mandatory arbitration clauses and/or nondisclosure or confidentiality agreements. It will also ask questions about how law firms handle complaints of workplace misconduct, when those provisions are provided to new hires, and how those policies are conveyed to summer associates.

Part of the issue that is being realized is that law students are not being confronted with the agreements until after they have accepted an offer, according to Stephen Schultze, a Georgetown law student. He explained, “It almost feels like an ad hoc contractual obligation that’s being imposed on [summer associates].”

Yale plans to collect the results and make it available to law students at the participating law schools. A law firm that refuses to disclose this information in the survey will be noted as noncompliant. They hope that the survey will give students the knowledge they need to make the best choice for their career. Schultze added, “When you’re talking about a summer associate who sees this as do-or-die for their career, they’re at the lowest point of their potential ability to negotiate.”

Do you think arbitration and nondisclosure agreements are appropriate in any setting? Should there always be exceptions? Share your thoughts with us in the comments below.

**To learn more about summer associate news, read these articles:**

- [What Law Firms Have the Best Big Law Summer Associate Programs?](#)
- [Number of Summer Associate Positions Decreasing](#)
- [Start Your Summer Associate Job Search Now](#)

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