

NALSC[®] NEWS

National Association of Legal Search Consultants Newsletter

Summer 2023

PRIOR EVENT TESTIMONIALS

“I just wanted to say what a well-organized, informative event – congratulations! Also, I met such great people.”

“What an engaging group, and what a terrific set of sessions!”

“Thank you so much for putting on such a wonderful event and making me feel so welcome!”

“As a newcomer, I found the information very informative.”

Upcoming: NALSC 2023 Fall Symposium

Friday, October 20 · 8am to 7pm ET
at Latham & Watkins LLP, New York

LEARN AND NETWORK!



LATHAM & WATKINS LLP

[Link to NALSC 2023 Fall Symposium](#)

News Flash: The Fall Symposium is now Waitlist Only!

You may register, however, HQ will let you know if and when a spot becomes available.

In This Issue

- President's Letter
- NALSC Membership Growth
- NALSC Long Range Planning
- Our DEI Committee is Off to a Strong Start
- Big Law Layoffs Are Resulting in Problematic Severance Agreements for Job-Hunting Lawyers
- Direct Recruiting by Law Firm Recruiting Departments: Innovation or Heresy?
- Practice-Focused Legal Search Consulting
- NALSC is Making a Splash!
- Notice Periods: What Departing Attorneys & Recruiters Need to Know
- Announcing the 2023-2024 Advisory Committee Members
- Unleashing ChatGPT: Your Secret Weapon for Legal Recruiting Awesomeness
- Ten Top Take-Aways from the 2023 NALSC Annual Conference
- Why Associates Leave Firms: Pain Points and Opportunities
- Member Profile: Ethel Badawi
- Well THAT was a Surprise!
- 8 Ways to Get More out of Your NALSC Membership

Dear NALSC Members,

This has been a banner year for NALSC thus far. It is apparent to NALSC observers that our brand awareness campaign is an ongoing success. Also, as you will read in this newsletter, our membership has grown dramatically, both with search firm and law firm members, as has our roster of sponsors. The long-awaited Universal Lateral Partner Questionnaire (U-LPQ) is operational and available on our website, with more law firms signing on regularly as endorsers willing to accept it during the normal course of partner placements. Moreover, we had a sold-out Annual Conference in Nashville last spring, with a waiting list of attendees left clamoring to be included. Plus, we have a blockbuster Fall Symposium planned for this October 20th in NYC.

Although several long-time and valued members of our Board of Directors termed off this past spring (Board members serve three-year terms with a limit of two consecutive terms), new Board members are already bringing fresh ideas and energy to the organization. A new Executive Committee also took office at the Annual Conference last Spring which includes me as President; Patrick Moya, VP-Long Range Planning; Arthur Polott, VP-Membership; Jane Pollard, Treasurer and Cheryl Brown, Secretary. The Board, along with Executive Director Stephanie Ankus and part-time HQ consultants Valerie Fontaine and Alice Perez, are leading NALSC on this upward trajectory.

Next Spring, several additional Board members will be terming out, including yours truly. This is why, in the recent past, we've expanded our supporting committees, some ad hoc, as a runway for future Board members. The DEI Committee is our newest ad hoc committee. Chaired by Board Member Kathy Richardson, it is open to participation by all NALSC members. Think about whether you would like to become more involved, either by running for the Board next Spring, and/or by serving on one of our ad hoc committees. Ask Mary Clare Garber and/or Melissa Peters, our Nominations Committee Co-chairs, or Stephanie Ankus or any Board member for more details. We encourage your participation!

NALSC's membership now is comprised of more than 200 search firms and over 50 supporting law firms, with these record numbers increasing virtually every day. This connection between search firms and law firms is crucial to NALSC's mission of upholding the highest of ethical standards, building relationships with clients, and improving the overall success of our industry. Furthermore, NALSC greatly appreciates our growing number of corporate sponsors who provide the legal search community with valuable goods and services.

We're immensely proud of the work done by our Board and additional contributing members, our sponsors, and the Advisory Committee (made up entirely of law firms) in creating the Universal Lateral Partner Questionnaire (U-LPQ). Beyond its use as a recruiting tool, the U-LPQ is an educational guide intended to assist legal recruiters and law firm recruiting professionals as a standardized "first step" in the due diligence phase of partner recruiting. Please provide the U-LPQ to your partner candidates and encourage your clients to accept it to streamline the recruiting process industry-wide. For more information about the U-LPQ and to access downloadable forms, see: <https://www.nalsc.org/u-lpq-information/>. Also, a FAQ page will be implemented in the near future.

"Think about whether you would like to become more involved, either by running for the Board next Spring, and/or by serving on one of our ad hoc committees."



President's Message

by Mitch Satalof

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Our recent NALSC 2023 Annual Conference in Nashville was an enormous success garnering glowing testimonials such as:

"Wonderful conference all around. Nashville was the perfect city to convene in with a special rooftop cocktail party, and Country Music Hall of Fame tour and dinner. I loved being with old friends and colleagues, meeting new people, and sharing experiences and ideas. What an inspiring few days!"

"NALSC continues to impress. The hospitality is unmatched and the substantive content continues to surpass all expectations."

A huge thank you to all of NALSC's sponsors for supporting this wonderful conference!

As I mentioned above, the Annual Conference in Nashville last May attracted a record crowd. With more than 200 attendees, not only was it sold out, but there was also a waiting list of members we could not accommodate for space reasons. So, don't miss out on our next event! Register NOW to reserve your seat at the upcoming Fall Symposium which will be held on Friday, October 20, 2023, from 8am to 7pm ET, in Latham & Watkins' New York offices. We expect another capacity crowd.

Here's what you can expect at the Fall Symposium:

- Keynote Presentation: "Embracing Generational Diversity at Work" From senior partner to junior associate and from veteran recruiter to newbie in the business, professional speaker Chris DeSantis suggests strategies for navigating our differences and most effectively working with them all;
- "Current Topics in Labor and Employment Affecting Legal Recruitment" with a panel of labor and employment partners;
- "Moving the Needle: Aligning Law Firm and Agency Recruiters on DEI Recruitment and Retention Strategies" Industry experts suggest REAL strategies for legal recruiters to promote DEI via lateral lawyer recruitment;
- "What's Keeping Managing Partners Up at Night?" Directly from the mouths of law firm leaders;
- "Metrics for Success in Social Media" Explained by a Public Relations industry expert;
- "Intro to AI and ChatGPT for Legal Recruiters" Zach Warren, Technology & Innovation Insights Lead at Thomson Reuters Institute, answers our burning questions; and
- Interactive breakout sessions currently scheduled include Hot Topics in Partner Recruiting and Group Placements; Associate Recruiting—Who's Moving and Why; Breaking into In-house Recruiting; Maximizing the U-LPQ and Enhancing Lateral Partner Due Diligence; and a tour of Latham & Watkins' beautiful newly renovated offices.

These sessions strive to maximize audience interaction and provide practical takeaways, and are tailored to reflect member feedback and suggestions. As always, the Symposium also incorporates plenty of "schmoozing" time to visit sponsors via exhibit booths, reconnect with colleagues, meet new members, and network with clients. To top it off, all attendees will enjoy friendly camaraderie over cocktails at the closing reception. We look forward to seeing everyone there!

We're continuing to get the word out about NALSC and the value of our organization via our successful and ongoing brand awareness campaign in addi-

tion to releasing new episodes of our podcasts assisted by NALSC Director Emeritus Scott Love as well as gold sponsor Chambers Associate. See the article elsewhere in this newsletter with links to several more exciting episodes of NALSC Recruiter Stories, Symposium Sneak Peeks, and Chambers Associate podcasts. They also can be accessed here: <https://www.nalsc.org/podcasts/>.

I'd like to encourage our membership to add the NALSC logo (which you can get from headquarters) to your email signature as mine does, with a line that reads: **"(This search firm) is a proud member of NALSC and is accountable to the NALSC Code of Ethics®."** Members also may incorporate the NALSC logo in their websites and LinkedIn profiles.

NALSC's enhanced brand awareness campaign continues to generate considerable membership increases. The Board and Headquarters are very pleased that this communications-based campaign is yielding such successful results. By monitoring metrics and broadening our scope we are effectively creating even greater visibility and brand recognition for our overall organization and the "NALSC Community" within it.

New Members

Since our last newsletter (Winter 2023), NALSC is pleased to welcome 29 new members. We currently have 261 members consisting of 205 search firm members, 55 supporting members (law firms), and one associate member (vendor). Following is a list of recent new members and the cities and states in which they are based.

As of press time, our new legal search firm members are:

- Alevistar Legal Search - Conshohocken, PA
- Arete Consultants - Massapequa, NY
- Aurora Search Partners - Torrance, CA
- BarNone Recruiting - Oceanside, CA
- Beacon Hill Staffing Group-Attorney Recruiting Division - Boston, MA
- Consilitas Search Partners - West Chester, PA
- Encore Search Partners, LLC-Attorney Recruiting Division - Houston, TX
- FCRP International - New York, NY
- Gamble Partner Placement - Carlsbad, CA
- Gold Street Legal Search - Brooklyn, NY
- Harbour Search Solutions - Vancouver, BC
- Hatch Henderson Fivel LLC - Irvine, CA
- Holtz & Bernard, LLC - Miami, FL
- Javelin Search & Growth Advisors - Nashville, TN
- JMB Legal Search, LLC - Chicago, IL
- Kinney Recruiting LLC - Austin, TX
- Leffler Search - London, UK
- Legal Search Professionals - Hollywood, FL
- Miller, Sabino & Lee, Inc. - Sausalito, CA
- Molina Executive Search LLC - Sunrise, FL
- Oakstreet Attorney Search, LLC - Charlotte, NC
- Onward Recruiting - Eugene, OR
- Premier Legal Advantage - Pompano Beach, FL
- The Manning Group LLC - Washington, DC
- VOYlegal LLC - Miami Beach, FL
- Yates Legal Search - Los Angeles, CA

As of press time, our new law firm supporting members are:

- A.Y. Strauss, LLC
- Eversheds Sutherland (US) LLP
- Vedder Price P.C.

We look forward to meeting, exchanging ideas, collaborating, learning from, and building relationships with our new members. We also hope to see both old and new members in New York for the 2023 Fall Symposium and in San Diego for the 2024 Annual Conference. Please use that time to not only engage with industry colleagues who you already know, but to also welcome these new members and sponsors.

Kudos to the NALSC Newsletter Committee now chaired by Natalie Thorssen Harris, assisted by former Newsletter editor Valerie Fontaine, along with the excellent contributions of committee members Jordan Abshire, Cheryl Brown, and Melissa Peters. NALSC's exceptional and informative semi-annual Newsletters are extremely well-received and can be accessed through the NALSC website at <https://www.nalsc.org/newsletters/>.

Most importantly, I want to extend special thanks to our entire membership who continue to make NALSC the special organization that it is today. It's my privilege and honor to work alongside the many search firms and law firms that comprise our organization, all of whom play an essential role in NALSC's growth and success.

Best regards to all, **Mitch Satalof** - President of NALSC®

NALSC Membership Growth

by Arthur Polott, Esq.



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Board of Directors

The Board remains at its maximum head count of 13 and currently includes President Mitch Satalof, VP of Membership Arthur Polott, VP of Long Range Planning Patrick Moya, Secretary Cheryl A. Brown, Treasurer Jane Pollard, and Directors Dan Binstock, Mary Clare Garber, Natalie Harris, Kathryn Holt Richardson, Ross Weil, Jordan Abshire, Ethel Badawi and Melissa Peters. The Emeritus Director is Scott T. Love. Be sure to reach out to Nominations Committee Co-Chairs Mary Clare Garber &/or Melissa Peters if you are interested in running for a Board seat in 2024.

"We look forward to meeting, exchanging ideas, collaborating, learning from, and building relationships with our new members."

Committees

Current NALSC Committees include Executive, Nominations, Newsletter, Ethics, Audit/Risk, Governing Documents, Long-Range Strategic Planning, Website/Social Media, Events Prep, DEI and Advisory. To see the members of these committees, see <https://www.nalsc.org/committees/>.

A big thanks goes out to everyone who supports our organization. Members, sponsors, event attendees, speakers, committee members, and Board Directors each play an integral role advocating for NALSC and our upward trajectory. We greatly appreciate you all!

NALSC Long Range Planning

by Patrick Moya

NALSC's Long Range Planning (LRP) Committee is an integral part of the organization's event planning, virtual programming, and overall marketing efforts. As such, it plays an essential role in building the future of the "NALSC Community" while striving to provide the highest quality experience for our growing roster of members and sponsors.

NALSC's Annual Conference in Nashville this past Spring sold out with record attendance and a waiting list! As always, the sessions were educational, interesting, and relevant. During the keynote address: "Gina Passarella Looks into her Crystal Ball: Trends on Movement, Economics, and More," ALM Media's Editor-in-Chief clued us in on what to expect in this ever-changing legal profession. Lively receptions buzzed with networking opportunities and friendly camaraderie among colleagues and friends. Country Line Dancing in the Hospitality Suite and the gala reception, dinner, and tour of the Country Music Hall of Fame were big hits and the perfect way to top off our visit to the Music City.

Coming up on October 20, 2023, we'll return to the Big Apple for our Fall Symposium at the New York offices of Latham & Watkins. The LRP Committee helps evaluate prior event surveys and set future event agendas, such as for the upcoming Fall Symposium, with legal recruiting topics that you, our audience, want to hear. The NALSC 2023 Fall Symposium agenda, details, and registration can be found on our website at <https://www.nalsc.org/2023-fall-symposium-agenda/>. Don't miss out! Reserve your spot right away by taking advantage of the Early Bird registration and discount.

"All of our past programs have been very well attended with open, frank, and robust conversations."

NALSC also offers virtual programs periodically throughout the year to keep us updated on trends and developments affecting legal recruiting. In our extremely popular Recruiter Roundtable series, search firm members break into affinity groups based on the focus of their businesses (associate, partner, or in-house recruiting) to discuss specific topics and share recruiting questions and advice—similar to Mastermind Groups. We also provide Recruiter Roundtables geared towards our law firm members. All of our past programs have been very well attended with open, frank, and robust conversations. The LRP Committee continues to schedule Recruiter Roundtables with a variety of moderators and guest speakers, so be sure to stay tuned.

We continue to pump up our public relations campaign promoting the NALSC brand and the NALSC Code of Ethics® within the legal community, as well as improving membership retention, driving new membership for non-affiliated legal search firms, and increasing law firm sponsorships on a nationwide basis. Our digital footprint is expanding via frequent podcasts, testimonials, advertising, media briefings, bylined articles, press releases, event marketing, social media promotion, expert commentary, and targeted messaging to key industry leaders. As reported elsewhere in this news-



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letter, the public roll-out of the Universal Lateral Partner Questionnaire (U-LPQ) is garnering media attention and our membership and sponsorship numbers are increasing dramatically.

Many thanks to our Long Range Planning Committee chaired by Ross Weil and including committee members Mary Clare Garber, Arthur Polott, and Kathy Richardson.

Our DEI Committee is Off to a Strong Start

by Natalie Thorsen Harris, Esq. and Kathy Richardson, Esq.

In our last newsletter, the Board invited membership (both search firm and law firm members) to submit ideas and suggestions regarding the NALSC DEI Committee's mission and activities. Members also were encouraged to indicate if they are interested in serving on the committee now or in the future. The Board received an excellent response from the newsletter and had great discussions and suggestions during several sessions at the NALSC Conference in Nashville.

One of the strongest and most consistent recommendations from membership was that NALSC needs a top-down, data-based approach as we create the DEI committee and set its goals. Latesha Byrd, a 2022 LinkedIn Top Voice and DEI consultant, wrote in a recent article, "DEI strategies have to start at the top. Senior leaders and stakeholders need to communicate what DEI means to team members and why it matters

to the company. Leadership must be clear about where the company is starting from."

Many members recommended DEI training for the Board so that the Board is better educated on these topics as it forms the DEI Committee and helps shape its goals. Several NALSC members gave examples of non-profit organizations that have had great success with top-down approaches to DEI. The Board is exploring this recommendation.

We appreciate each member of NALSC who offered support and ideas for our DEI Committee. If you have additional suggestions, or if you are looking to be part of the committee, please contact Natalie Harris or Kathy Richardson.



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Big Law Layoffs Are Resulting in Problematic Severance Agreements for Job-Hunting Lawyers

Associates have been caught between their former firm's demand for staying quiet about being let go and their prospective future firm's demand for transparency.

By Justin Henry

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What You Need to Know

- Associates who are let go from their firms can find themselves caught between complying with their severance agreement and transparency with new employers.
- A recent decision by the NLRB seeks to prevent employers from offering overly broad confidentiality and disparagement clauses in severance agreements.

Law firm layoffs and attorney cuts in recent weeks have brought renewed attention to the restrictive severance agreements that let-go lawyers often sign.

Severance money in exchange for signing a non-disparagement or confidentiality agreement is a requirement of many law firms in the Am Law 100 to avoid the negative optics that attend downsizing employee ranks, according to sources in contact with recently let-go associates at

various firms.

But in an environment in which performance reviews are used as a pretext to right-size associate ranks, many associates have been caught between their former firm's demand for staying quiet about being let go and their prospective future firm's demand for transparency.

"The firms that are laying them off are trying to help the attorneys but a consequence is that the departing attorneys are sometimes limited in their ability to be candid," said Dan Binstock, a partner with D.C.-based search firm Garrison.

"They don't know if being fully transparent is the smart thing to do or if it's going to blow up on them," he added

In requiring confidential severance terms, law firms want to restrict laid-off lawyers from spreading negative perceptions of their former firm. In exchange, the associate gets compensation and benefits and

Continued on page 6

their profile stays on the firm's website for a period of time that allows them to find a new job.

In the latest round of [cuts last week that followed March performance reviews at Kirkland & Ellis](#), Kirkland provided the associates with severance that includes compensation and benefits and continued presence on the firm's website until July 31, according to sources familiar with the reductions.

While it's not clear whether the affected Kirkland associates had to sign non-disparagement agreements, sources said they signed such agreements last fall when the firm had another round of cuts following performance reviews.

A spokesperson for Kirkland & Ellis declined to comment for this story. Asked for comment on headcount reductions reported in *The American Lawyer* Monday, a spokesperson for the firm disputed the characterization of layoffs.

"These were not layoffs," the spokesperson said, calling them "performance-based decisions resulting directly from our attorney review process."

Non-disparagement and confidentiality agreements are commonly used by employers seeking to avoid the negative optics spread by a former employee who is disgruntled over losing their job.

But agreements that bar the discussion of the circumstances surrounding the termination in order to avoid the public blowback of reducing workforce during trying economic times place associates looking for a job between a rock and a hard place, say recruiters interviewed for this article.

Candidates don't know whether to be truthful with prospective employers after signing a restrictive severance agreement from their past firm. And recruiters say this can lead to a chilling effect between candidate and headhunter and candidate and new potential employer. This is to say nothing of the black mark of being branded an underperformer rather than the firm acknowledging the macroeconomic factors that led to the reduction in the workforce.

"...agreements that bar the discussion of the circumstances surrounding the termination in order to avoid the public blowback of reducing workforce during trying economic times place associates looking for a job between a rock and a hard place, say recruiters interviewed for this article."

Binstock said departing attorneys, who are sometimes laid off for reasons unrelated to performance, may be limited in what the firm will allow them to share. But when the situation is reversed, that same firm expects full candor from candidates.

"It's been an accepted, if contradictory, practice for which there's no easy answer," he said.

Even with the widespread prevalence of restrictive clauses in severance agreements, the true nature of why a candidate is looking for a job can be obvious to recruiters and their firms, said David Nicol, owner and partner at recruiting firm Marsden.

If the candidate says they need a job in the next three months or the firm hears from several M&A associates departing the same firm, such facts point to a higher likelihood that the candidate didn't leave on their own terms, Nicol said.

"As a recruiter, you can read between the lines, like if someone tells me they are looking to make a move within the next three months," which Nicol said indicates the time frame until their profile is removed from their former firm's website. "I think it is fairer for the bios to be left on the firm websites for the period of severance."

Best practices from recruiters interviewed for this article are to be transparent to avoid starting a new employer relationship on dishonest footing, said Kate Reder Sheikh, an associate recruiter with global search firm Major Lindsey & Africa.

"If a firm they are interviewing with finds out someone was not honest with them about the terms of their previous employment, that can set them off on bad foot with a new firm or they might not receive an offer," Sheikh said.

Binstock also offered some advice for attorneys in such a situation, noting that transparency is the way forward.

"If you are going to sign a severance agreement, make sure you understand what you can and can't say, and that you're not contractually prevented from being honest about your own particular circumstances when a new firm asks, 'So why are you leaving?'" Binstock said.

Changes to regulatory oversight of severance agreements have come with the Biden administration. In February, the National Labor Relations Board issued a decision barring the use of overly broad confidentiality and non-disparagement agreements.

A severance agreement is unlawful, the board decided, if it precludes an employee from assisting coworkers with workplace issues concerning their employer and from communicating with others, including a union and the Board, about their employment. The decision went into effect immediately.

Peter Glennon, a labor attorney based in New York, said the NLRB's move restricts lawful severance agreements to only bar defamation, not disparagement. Such clauses have a greater importance to employers since the rise of social media has "given laid-off workers more of a megaphone," Glennon said.

"As it stands now, large law firms could be subject to NLRB claims by associates if the proposed severance agreements include overly broad confidentiality and disparagement agreements that violate the attorney's right to speak about the workplace," Glennon said.

Yet Glennon said barring such clauses could hurt future negotiations for employees with employers over their severance. He said it may prove advantageous to permit broader confidentiality and non-disparagement agreements so employees can bargain for greater compensation and benefits.

Even with the recent NLRB decision to prevent employers from silencing laid-off employees made effective in February, recruiters say it's still possible for the practice to prevail on more covert grounds.

"It may not be an overt condition but there may be a tacit understanding by the firm leaving them on the website," Binstock said.

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Direct Recruiting by Law Firm Recruiting Departments: Innovation or Heresy?

By Scott Love

About a year ago, I received an email from a client asking me to participate on a panel for the 2023 NALP conference. Laura DeRise, the Director of Attorney Recruiting for Bass Berry in Nashville, proposed an innovative panel for the two of us about law firm recruiting departments reaching out and directly recruiting attorneys who work at competing firms. In other words, bypassing what the third-party recruiting industry does altogether.

I agreed to sit on the panel and, as we began to plan and discuss our strategy, my conclusion felt pretty straightforward: Law firm recruiting departments would discover that the difficulty of recruiting competing attorneys is greater than the potential benefits and it probably would not be attempted by many.

Boy, was I wrong.

“Is it short-sighted for law firms to try to circumvent third party legal recruiters and avoid paying placement fees?”

During our session, the space was standing room only with about 130 attendees. There were a handful of third-party legal recruiters in the room, but the rest of it, about ninety percent, was filled with law firm staff. At one point during our lively discussion, the moderator asked a question and suggested an informal survey: “Show of hands, how many of you who work as recruiters for law firms have attempted to make an outbound inquiry to an attorney directly?”

I was surprised when it seemed that nearly eighty percent of the hands in the room went in the air.

Was this the end of our industry? Should I start looking for a job at a law firm since they all tried to do what we do all day?

“Why on earth would they do this?” I thought to myself. The biggest reason was obvious and was mentioned earlier in the panel as a benefit for law firms to try: “We think we can save money on placement fees.”

There it was, front and center.

Honestly, nobody likes to pay a placement fee. They pay them because they hope to get a return on the investment, which, as we all know, is an attorney who can solve a problem, fill a gap, and fulfill a strategy, plus add new clients and top-line revenue to the acquiring firm. Is it short-sighted for law firms to try to circumvent third party legal recruiters and avoid paying placement fees?

When it was my turn to chime in and try to show how we are worth what we charge, I posed these talking points:

- Will attorneys view this direct reach-out from a competitor as an offensive and low-brow way to engage with a competitor?
- How will this affect relationships between firms that are co-counsel on matters when the staff of one firm is directly trying to poach the staff of another?
- I also emphasized the value of having a third-party advocate for the deal itself, someone who can nuance the challenging and awkward questions between both sides, and someone who can act as an intermediary in compensation negotiation.
- Plus, the process of a lateral partner engaging with a competing firm is filled with land mines and speed bumps. It helps to have someone who knows where those hidden obstacles exist in the process and can help maneuver the deal forward.

This final observation, I think, was the most impactful: recruiting attorneys is laborious. It's like chopping wood, and the volume of activity vs. the reward may not be justified by a law firm recruiting team. In fact, one line I used was this: “Go ahead and try it because then I know how much you will appreciate the third-party side of the business.” Many people seemed to understand that.

It was an interesting topic which, even after hearing people tell me how challenging direct recruiting is, confirmed that they don't just see us as a valuable resource.

I believe they will appreciate us that much more after trying to do it themselves.

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Practice-Focused Legal Search Consulting

A Proven Approach For Recruiting Success

By Stuart TenHoor, Esq. & Raphael Franze, Esq.

Within a legal industry substantially defined by ever-growing law firms and their distinct practice groups, a practice-focused approach to legal search consulting can yield significant dividends.

As legal search consultants, success hinges on our ability to continually navigate the intricate and competitive world of legal careers and place talented attorneys in roles where they can thrive. And let's not forget maintaining goodwill with our established clients that come back time and again for repeat business when we have delivered top talent!

An effective strategy to elevate one's legal search career is to specialize in

a particular practice area. Specialization offers many distinct advantages, from intimately knowing your practice's top players to becoming the go-to advisor for both clients and candidates. In this article, we explore the benefits of practice-focused specialization and offer tips on how to excel in such niches.

1. Learning Who the Best Are (as well as the “Jerks,” for that matter)

In any industry, reputation matters, and law practice is no exception. As you deepen your understanding of your chosen practice focus, you quickly learn which individuals are reputable and a pleasure to work with, and

Continued on page 8

those who may not have the best track record. This knowledge allows you to provide better guidance to your clients and candidates, ensuring the best matches.

2. Building a Strong Network

One of the primary benefits of specialization is the ability to create a robust and targeted professional network within your chosen practice area. We connect with all the lawyers in our fields on AI-driven platforms like LinkedIn, designed to identify connections of an aligned orientation. Furthermore, we attend industry events and join relevant sections of professional organizations like the American Bar Association or the American Corporate Counsel Association. Being active in these communities enables you to stay updated on industry trends, job openings, and potential candidates for your clients.

3. Establishing Yourself as an Expert

As you immerse yourself in a specific practice area, your knowledge and expertise in that field will grow significantly. Employers will value your insights and trust your judgment when it comes to finding the right talent for their opportunities and you become the go-to advisor for candidates seeking guidance in their career decisions. As we each have further established expertise in our respective practice areas, opportunities to educate more recent law school graduates on their pursuits in these fields have planted seeds that provide recruiting opportunities for many years forward.

4. Marketing to a Well-Educated and Highly Specialized Clientele

In addition to being well-educated, legal professionals are highly specialized and discerning individuals who demand accurate and applicable insights from their recruiters. By specializing in a particular practice area, you can tailor your marketing efforts to address the specific needs and concerns of your target audience. This focused approach allows you to build trust and credibility within your target legal community.

“This focused approach allows you to build trust and credibility within your target legal community.”

5. Leveraging Economies of Scale

As you become more established in a specialized practice area, you can leverage economies of scale to your advantage. Your expertise enables you to work more efficiently, identify talent more effectively, and devel-

op tailored strategies for each client's unique requirements. This optimization can lead to increased client satisfaction and referrals.

6. Harnessing the Power of Branding

Specializing in a practice area allows you to create a strong personal brand. Your expertise and focus on a specific legal niche become synonymous with your name, making it easier for potential clients and candidates to find and remember you.

CONCLUSION

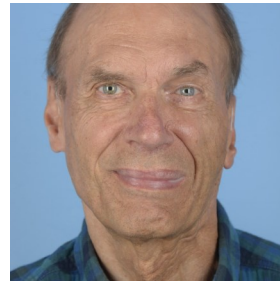
Specialization in a specific practice area can significantly enhance a legal search consultant's career. By delving deep into the nuances of a particular niche, you gain invaluable insights, build a robust network, and establish yourself as a trusted advisor. Your tailored approach to marketing and client engagement allows you to stand out in a competitive industry, driving long-term success. Embrace the benefits of specialization and you will find yourself at the forefront of the legal recruitment landscape, creating mutually beneficial connections for both clients and candidates. While each practice has its economic peaks and valleys, over the long arc of a career, a recruiter can prosper greatly from practice specialization.

A final piece of advice: Be sure to pick a practice area that you enjoy!

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NALSC is Making a Splash!

by Kathy Richardson, Esq.

NALSC continues to raise its profile in the broader legal community through its ongoing brand awareness campaign, the public roll-out of the Universal Lateral Partner Questionnaire (U-LPQ), two podcast series, and its social media initiatives. We need your help with all these efforts to boost results.

Read all about it!

The U-LPQ is attracting media attention! Earlier this summer, NALSC began sending out press releases about the new U-LPQ and its potential to streamline and boost lateral partner hiring. Immediately, *Law360 Pulse* and *Law.com* responded with interviews and articles in their publications.

The U-LPQ also is featured on our website at [https://www.nalsc.org/u-](https://www.nalsc.org/u-lpq-information/)

[lpq-information/](https://www.nalsc.org/u-lpq-information/) where you can get more information and access downloadable forms ready for use by your candidates and clients. Please use it with your candidates and encourage your clients to accept the U-LPQ in their lateral partner recruiting processes. And shoot us an email at info@nalsc.org to let us know about your success stories when using the U-LPQ!

Listen up!

Our podcasts include the latest information for our legal recruiting industry. There's no substitute for continuing to learn from the best—our NALSC colleagues and friends.

“Recruiter Stories” is the official podcast of NALSC. Gold sponsor Chambers Associate generously hosts another series of podcasts for NALSC and our niche industry, as well. You can access new episodes (and previous podcasts) for both series via <https://www.nalsc.org/podcasts/>.

The newest episode of NALSC Recruiter Stories introduces Board

Member Jordan Abshire of Abshire Legal Search. Jordan talks about how he started recruiting in June 2008, shortly before the Great Recession, and built a successful recruiting business. This episode also includes an interview with Tina Solis, a partner with Nixon Peabody who represents partners regarding the legal and ethical aspects of moving firms. She offers important dos and don'ts for recruiters, candidates, and law firms in the recruiting process.

The next episodes of Recruiter Stories will introduce two more new Board Members, Ethel Badawi and Melissa Peters, plus give us Symposium Sneak Peeks. Gary DeSantis, our keynoter, will help us make the most of generational diversity at work, and Zach Warren, from Thomson Reuters Institute, muses on how AI and ChatGPT might affect lawyer hiring, legal recruiting, and the industry as a whole. Both episodes will be released before our upcoming Fall Symposium this October.

Masterfully presented by Scott Love, these podcasts are extremely well-received. Would you like to suggest one of our members or an industry speaker for an upcoming podcast? Please let us know at info@nalsc.org or kathy@hrlegalsearch.com.

“You can be a force multiplier with just a few clicks.”

Please click!

NALSC's communications-based public relations consultant is working tirelessly alongside NALSC HQ to increase our organization's brand awareness, social media presence, and visibility within the broader legal community.

Metrics continue to reflect considerable progress, in addition to driving record numbers of new search firm and law firm sponsoring members to our organization.

We need your participation!

Please be sure to *CONNECT* with and *FOLLOW* NALSC on LinkedIn and Twitter. Also, please *LIKE*, *COMMENT* on, and *SHARE* our frequent informative LinkedIn posts about various industry topics. You can be a force multiplier with just a few clicks. (BONUS: Those quick and easy clicks increase your own social media visibility at the same time, as well.) This is a win/win for everyone!

We also encourage our membership to add the NALSC logo (which you can get from headquarters) to your website and email signature, with a line that reads: **“(This search firm) is a proud member of NALSC and is accountable to the NALSC Code of Ethics®.”**

When we work together, we can raise the profile of not only NALSC and the legal recruiting profession, but that of our own search firms, as well.

ABOUT THE AUTHOR:

Kathy Richardson, Esq. is the Founder and Principal of HR Legal Search, LLC. Kathy is also a NALSC Board Member and Chair of NALSC's Website/Social Media Committee.

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Notice Periods: What Departing Attorneys & Recruiters Need to Know

by Tina B. Solis, Esq. and Christina E. Kurow, Esq.

Nowadays, fixed notice period provisions in partnership agreements are commonplace. These types of provisions require that partners (both equity and non-equity) provide the firm with a specific period of time of advance written notice before the attorney's withdrawal or resignation becomes effective. Firms typically require anywhere from 30 to 90 days' notice. There are, however, limitations on the enforceability of these provisions. Ultimately, the guidance suggests that notice provisions are not enforceable if they are longer than is reasonably necessary to transition client matters. Whether notice provisions are enforceable depends on the facts involved. It is imperative that all lateral candidates (and their recruiters) are familiar with whether the operative agreement governing their relationship with the firm includes a notice period and if so, the length of the period.

What is the Purpose of a Notice Period?

The reasoning behind notice provisions is easily understandable. Law firms have a duty to ensure that client matters transition smoothly when an attorney departs. Firms must make certain that client-related issues are completed before an attorney's departure, such as organizing and updating files, and adjusting staffing needs to meet upcoming deadlines. Providing the firm with advance notice of a departure assists with the firm's completion of these tasks in an efficient and effective manner. Moreover, as any lawyer knows, client matters are often time-sensitive and may involve multiple deadlines. An attorney's impending departure cannot take priority over serving a client's needs. Therefore, the timing of the resignation and the applicable notice period, along with short-term client demands, must be considered when planning a lateral move.

When are Notice Periods Enforceable?

Notice periods have been scrutinized for their potential to limit an attorney's ability to practice law and a client's ability to choose their counsel. In December 2019, the American Bar Association's Standing Committee on Ethics and Professional Responsibility published Formal Opinion 489 ("Opinion 489"), which provides that a firm's fixed notice period may be unenforceable if it interferes with an attorney's departure or a client's choice of counsel.

Opinion 489 held that notice provisions that do not take client considerations into account or improperly impede the departure process may be unenforceable under Model Rule 5.6(a). Specifically, Opinion 489 provides that while firms "may require some period of advance notice of an intended departure," such period "should be the **minimum necessary, under the circumstances**, for clients to make decisions about who will represent them, assemble files, adjust staffing at the firm if the firm is to continue as counsel on matters previously handled by the departing attorney, and secure firm property in the departing lawyer's possession" (emphasis added).

Thus, a departing attorney may not be held to a notice period where there is no reasonable justification for doing so; for instance, when the files are updated, client elections have been received, and the departing attorney has agreed to cooperate post-departure with final billing and collections.

Ultimately, the firm must have a reasonable justification to hold a

departing attorney to the notice period under the teachings of Opinion 489. Otherwise, the provision may be unenforceable.

What are Best Practices for Handling Notice Provisions?

Any attorney contemplating a move should consult with ethics counsel familiar with these issues as early in the process as possible. Ethics counsel can help guide in the planning and sequencing of the resignation process and offer valuable insight with regard to the applicable notice provision, as well as other pertinent departure issues that the lateral candidate should consider before accepting an offer and providing written notice to their current firm.

Recruiters should ask any lateral candidate at the outset if they are subject to a notice period and its length. Knowing this information will assist the recruiter in setting expectations with the firms the lateral candidate speaks with in terms of when a candidate may be able to join a new firm. If all parties are operating with an understanding of the notice period, it avoids any surprises at the end of the process.

“It is imperative that all lateral candidates (and their recruiters) are familiar with whether the operative agreement governing their relationship with the firm includes a notice period and if so, the length of the period.”

After providing notice of resignation, departing attorneys should cooperate with the firm and clients to address and resolve issues on a timely basis, such as who will be handling the clients’ files once they leave, transitioning any matters that will continue to be handled at the current firm, and assisting the firm with billing and collections. As for departing associates and counsel, while they may not be bound to a contractual notice period, the best practice is to provide two weeks’ notice as a professional courtesy to the firm, not only to assist the firm with transitioning client files, but also to avoid jeopardizing time-sensitive client matters.

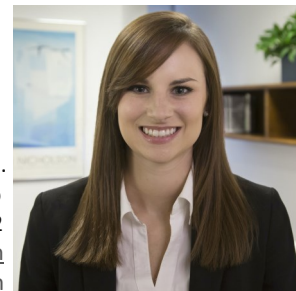
Simply put, any attorney considering a lateral move should be familiar with the notice period in their partnership agreement and convey this information to their recruiter and ethics counsel early on in the process. This will enable all parties involved to establish an appropriate timeline for giving notice while continuing to meet client demands and ensure as smooth a transition process as possible.

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Announcing the 2023-2024 Advisory Committee Members

The NALSC Board of Directors is pleased to announce that the NALSC 2023-24 Law Firm Advisory Committee consists of the following valued members:

- Chair, Carmen Kelley, Global Director Lateral Attorney Recruiting at Morrison & Foerster LLP
- Co-Chair, Shannon Davis, Chief Legal Recruiting & Integration Officer at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
- Dyana Barninger, Senior Director of Legal Talent Acquisition at Faegre Drinker Biddle & Reath LLP
- Karen Eisen, Esq., Director of Strategic Growth at McCarter & English, LLP
- T.J. Henry, Esq., Chief Legal & Growth Officer at Rimon PC
- Andrea G. Korphage, Esq., Manager, Partner Growth at Quarles & Brady LLP
- Kendall W. Lowery, Senior Director, Firmwide Attorney Recruiting at Pillsbury Winthrop Shaw Pittman LLP
- Meghan Pier, Director of Associate Recruiting at Jackson Walker LLP
- Marelys Sosa, Senior Lateral Recruiting Manager at Dechert LLP
- Miriam Stoner, Lateral Partner Recruitment Specialist at Cadwalader, Wickersham & Taft LLP

Members of the Advisory Committee serve for terms of one year, with the exception of the Chair/Co-Chair, who have a two-year term limit. The mission of the Advisory Committee is to provide expertise to the NALSC Board of Directors on how NALSC can best meet the needs of its law firm members, and how law firm members can best contribute to the overall success of NALSC.

Currently, the Advisory Committee is assisting with the roll-out of NALSC’s new U-LPQ (Universal LPQ) to their firms and the legal community as a whole. The Committee also assists with developing our Symposium and Annual Conference agenda programs in addition to providing suggestions for event locations, podcasts/article topics, and possible new initiatives such as the creation of regional events.

As a liaison between law firms and search firms, the committee also provides strategic thinking on trends in the profession and suggestions to refine legal recruiting best practices.

Many thanks to our Advisory Committee for their perspective and contributions to NALSC’s ongoing initiatives moving forward.

Unleashing ChatGPT: Your Secret Weapon for Legal Recruiting Awesomeness

By Mary Clare Garber (and ChatGPT)

When faced with refining the world of legal jargon, supercharging marketing campaigns, nailing precise Boolean search strings, or digging up industry insights, ChatGPT is our knight in shining code. Here's a glimpse into how this digital platform is transforming the way we at Princeton Legal Search Group conquer the legal world; let me share the tip of the iceberg with you.

- **Refine, Define, and Redefine:** Who wants to wrestle with the quagmire of position descriptions? Not us! Enter ChatGPT, our fearless describer, and definer extraordinaire. It hones job descriptions into concise documents. Who knew job postings could be so alluring?
- **Campaign Magic:** Email marketing campaigns – some rock, some flop. But with ChatGPT at the helm, we've got a mixed bag of inspiration and mediocrity. It's like having a brainstorming session with a robot. From taglines to email, it's snappy and stimulating.
- **Profiles That Shine:** A lawyer's resume can be as mystifying as a cryptic statute. Enter ChatGPT, the profile polisher. It helps create lawyer profiles, turning them into narratives that captivate like courtroom dramas. (We prepare accompanying profiles with candidate presentations.)
- **The Quest for Success:** Ah, the elusive Boolean search thread sequencing – it's like hunting for the legal equivalent of a unicorn. Admittedly, we're still learning, but ChatGPT is our wise sherpa on this digital expedition.
- **Research Rodeo:** Industry insights? Practice area trends? ChatGPT is the fastest horse in the research rodeo. Need intel on a law firm's history? Want to outshine competitors? Just ask ChatGPT. It's like having a thousand legal librarians at our fingertips.
- **Survey Creation:** It helps you craft questions that hit the bullseye without dizzying confusion or inconsistency.
- **Article Assistance:** I put ChatGPT's skills to the test and asked it to whip up two articles, one about the legal benefits of using ChatGPT and the other tackling the infamous "data tagging errors" fiasco. No edits, no tweaks – just pure ChatGPT.

If you're pondering whether ChatGPT is an asset for your business needs, let me humbly share this– it's more than just an asset. It's a mind space liberator, an executive-level support system, and a secret weapon in the quest for legal awesomeness.

PS: And yes, the articles below? They're ChatGPT's unfiltered examples, the ultimate proof of its digital dexterity. We at Princeton Legal Search Group subscribe to "don't tell me what you can; show me what you can do by way of example." Here's the "show me" of ChatGPT.

I'd love to hear how you're using ChatGPT- feel free to email me: mcqgarber@princetonlegal.com.

ChatGPT's Unfiltered Examples

Article #1 Embracing Chatbots powered by GPT-3 for Enhanced Legal Recruiting

The world of legal recruiting is undergoing a transformation, propelled by technological advancements that have revolutionized various industries. One of the most intriguing developments in recent

years has been the integration of Chatbots powered by Generative Pre-trained Transformers 3 (GPT-3) into the legal recruiting process. These sophisticated AI tools offer unparalleled potential to streamline and optimize the recruitment journey for both law firms and potential candidates. In this article, we delve into the reasons why embracing Chatbots powered by GPT-3 could be a game-changer in legal recruiting.

Efficiency and Time-Saving: Legal recruiting can be an intricate and time-consuming process. Searching through countless resumes, screening candidates, and conducting initial interviews can be incredibly time-intensive. Chatbots powered by GPT-3 can swiftly analyze resumes, extract relevant information, and even conduct preliminary interviews through natural language interactions. This automation not only accelerates the recruitment cycle but also allows recruiters to focus on more strategic aspects of their role.

Enhanced Candidate Experience: The candidate experience plays a pivotal role in attracting top legal talent. Traditional recruiting processes can sometimes leave candidates feeling undervalued due to delayed responses or lack of personalized engagement. GPT-3-powered Chatbots can provide instant responses to candidates' inquiries, answer frequently asked questions, and offer a personalized touch by tailoring interactions based on the candidate's qualifications and preferences. This heightened engagement can create a positive impression and increase the likelihood of top candidates considering the opportunity more seriously.

Objective Evaluation: Human biases, whether conscious or unconscious, can unintentionally affect the recruiting process. Chatbots powered by GPT-3 can bring an objective dimension to candidate evaluation by assessing qualifications, experience, and skills without being influenced by factors such as name, gender, or background. This helps create a fairer and more inclusive hiring process, promoting diversity within the legal profession.

24/7 Availability: Recruitment often extends beyond regular business hours, which can lead to delays in communication and decision-making. GPT-3-powered Chatbots are available around the clock, ensuring that candidates receive prompt responses and updates regardless of the time zone or work schedule. This real-time engagement can speed up the recruitment process and prevent candidates from losing interest due to lengthy waits.

Data-Driven Insights: Chatbots collect and analyze vast amounts of data during interactions with candidates. This data can be invaluable for identifying trends, understanding candidate preferences, and optimizing recruitment strategies. With the insights gathered from these interactions, recruiters can fine-tune their approach, tailor job descriptions, and even predict potential challenges in the recruitment process.

Scalability and Consistency: As law firms expand and recruit for multiple positions simultaneously, maintaining consistency in candidate interactions becomes challenging. GPT-3-powered Chatbots ensure that every candidate receives the same level of attention, information, and engagement, regardless of the volume of applications. This consistency helps uphold the reputation of the firm and ensures a positive recruitment experience for all candidates.

Continued on page 12

“If you're pondering whether ChatGPT is an asset for your business needs, let me humbly share this— it's more than just an asset.”

Conclusion

The integration of Chatbots powered by GPT-3 in legal recruiting marks a significant leap forward in the industry's technological evolution. These AI tools offer a multitude of benefits, ranging from efficiency gains and improved candidate experiences to unbiased evaluations and data-driven insights. By harnessing the power of AI, law firms can not only streamline their recruitment processes but also attract top legal talent in a competitive landscape. As the legal industry continues to embrace innovation, adopting GPT-3-powered Chatbots could prove to be a pivotal decision that propels legal recruiting into a new era of efficiency and effectiveness.

Article #2

Using Chatbots in Legal Recruiting Despite Data Tagging Errors

The integration of technology, such as Chatbots powered by Generative Pre-trained Transformers 3 (GPT-3), into legal recruiting processes offers a plethora of advantages. However, it's crucial to acknowledge potential concerns, such as instances where GPT-3 models have been tagged with incorrect data in legal briefs. This article aims to explore these concerns while highlighting why legal recruiting can still benefit from Chatbots powered by GPT-3 despite occasional data tagging errors.

Data Tagging Errors: A Brief Overview

Data tagging errors occur when GPT-3 models, or Chatbots, generate outputs based on incorrect or biased information. These errors stem from the biases present in the training data, which can inadvertently influence the responses generated. In a legal context, data tagging errors can lead to inaccurate or misleading information being presented, potentially impacting the quality and credibility of legal briefs.

Challenges in Legal Briefs vs. Recruiting Context

While data tagging errors in legal briefs are concerning, it's important to recognize the differences between legal documents and the context of legal recruiting:

Objective vs. Subjective Context: Legal briefs require an objective and precise analysis of legal concepts and arguments, leaving little room for interpretation. In contrast, legal recruiting involves a more subjective evaluation of candidates' qualifications, skills, and experiences. Chatbots used in recruiting can be trained with a narrower scope, focusing on factual information rather than generating complex legal arguments.

Real-time Interaction: In the legal brief scenario, errors may lead to misinterpretations of the law or inaccurate conclusions. In legal recruiting, Chatbots can assist in initial interactions, scheduling, and answering common queries. While incorrect data can still arise, it's less likely to have a critical impact on the overall process compared to legal briefs.

Benefits Outweigh Concerns

Despite the potential for data tagging errors, there are compelling reasons to continue using Chatbots powered by GPT-3 in legal recruiting:

Efficiency and Time-Saving: Chatbots expedite routine tasks, such as screening resumes and answering candidate queries, allowing human recruiters to focus on more critical aspects of the recruitment process.

Enhanced Candidate Experience: Chatbots provide instant responses, maintaining candidate engagement and enhancing their experience, which can be pivotal in attracting top legal talent.

Objective Evaluation and Fairness: While biases can exist, GPT-3 models can be fine-tuned to minimize such biases and promote a more objective evaluation of candidates' qualifications.

24/7 Availability and Scalability: Chatbots ensure consistent engagement with candidates, offering 24/7 availability and scalability, which is particularly valuable for global recruiting efforts.

Conclusion

While data tagging errors associated with GPT-3 models are valid concerns, they should not overshadow the potential benefits that Chatbots bring to legal recruiting. By recognizing the differences between legal briefs and recruiting contexts, it's possible to mitigate some of these concerns. Implementing measures such as thorough quality control, continuous monitoring, and fine-tuning can further reduce the likelihood of errors and biases. Ultimately, the evolution of technology is not without challenges, but when approached thoughtfully, the advantages of Chatbots in legal recruiting can outweigh the concerns and contribute to a more efficient and effective recruitment process.

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Ten Top Take-Aways from the 2023 NALSC Annual Conference

By Leah Henderson, Global Talent Head of Research, Chambers and Partners

Adapted with permission from:

<https://www.chambers-associate.com/career-moves/trends-in-lateral-recruitment/ten-trends-and-tips-for-lawyers-who-want-to-change-jobs-in-2023>

After a few years of inconsistency in the world of legal recruitment – hiring freezes in 2020, unprecedented levels of lateral movement in 2021 into 2022, subsequent slowing and slimming down – it looks like things are finally stabilizing. But all of these ups and downs (not to mention never-ending salary hikes), have left their mark, as we recently discovered at the 2023

annual conference of the National Association of Legal Search Consultants (NALSC) in Nashville, Tennessee. Every year, these recruiters get together to share insider knowledge and discuss trends affecting lateral recruitment across the USA.

Continued on page 13

Here's what you need to know:

1. Practice group leaders have more of a say in hiring.

Over the last five years, practice leaders have become much more involved in the hiring process compared to how it used to be. Part of this is down to misfires during the pandemic – or “*hiring disasters*” in the words of Susan Raridon Lambreth, co-founder of LawVision. Video interviews have much to answer for this. Convenient though it is, the switch to video means you can't get as much of a sense of ‘fit’ between a candidate and a firm. While it's less convenient to interview in person (especially if it involves getting on a plane), relying solely on Zoom chemistry may lose you more time in the long run if you end up losing the lateral hire a few months later anyway.

2. Some practices are going to be busier than others.

According to data shared by Gina Passarella, editor-in-chief of Global Legal Brands at ALM Media, the practices that are set to be busy with recruitment for the rest of the year include restructuring, IP, litigation, regulatory, labor and employment, funds, data privacy, antitrust, energy, project finance, and international trade. Meanwhile, venture capital, M&A, capital markets, real estate and finance are all slowing down in terms of lateral moves.

3. People are moving to warmer climates where there's a lower cost of living.

The same data showed that lawyers are seeking out opportunities in sunny spots where they can get more bang for their buck. In particular, southern places like Florida, Charlotte, Raleigh, Nashville, and Texas are drawing in the talent, as well as markets on the West Coast. Denver and Seattle got a mention too.

4. Signing bonuses aren't really a thing anymore.

Amid an ultra-competitive lateral market in 2021, firms quickly adopted signing bonuses as an effective way to entice top talent. But now, these types of perks are on their way out. In one talk we went to, the mere mention of any lingering expectation among candidates for a signing bonus was met by laughter across the room. So that tells you everything you need to know.

5. The best of the behind-the-scenes interview tips.

These recruiters have seen it all, and you learn a thing or two listening to them share their strategies on how they prepare candidates for interviews. For starters, it's important not to overprepare. Firms will also pick up on it if candidates regurgitate everything their recruiter has coached them on. Better to prepare to the point where the candidate can comfortably have a discussion about themselves and the firm, but preserve some room for spontaneity and let their personality speak for itself.

Karen Kupetz, senior director of legal recruiting at Goulston & Storrs, shared her top tip to get this balance right: The candidate should divide a page into quarters and in each quarter write 1) what they know about the firm, 2) their questions for the interviewers, 3) key points from the job description, and 4) corresponding examples of how they have demonstrated or can meet those points. This serves as a nice bullet point reference, but will stop the candidate from veering into a script.

Among the other real examples of why people didn't get asked for a second interview was a male interviewee not looking women interviewers in the eye (an obvious red flag), and someone sitting in a darkened room with kitchen knives gleaming on display in the background (just a bit creepy).

6. Recruiters use all kinds of ways to get the candidate's attention.

Beyond traditional cold-calling, some of the more unorthodox (but ultimately successful) methods of getting lawyers' attention we heard among the recruiting crew were buying tables at philanthropic events; “*sponsoring my kid's baseball jerseys*” to get known in the local area; and, our personal favorite, “*exercising where the lawyers exercise.*”

7. But candidates are right to be choosy about who they work with.

Some recruiters and recruiting firms will blast out a candidate's resume to

“Every recruiter had some kind of horror story that elicited hushed gasps and even outright exclamations around the room.”

firms without permission – that could include to firms which, for whatever reason, the candidate wouldn't consider. Something like this can actually jeopardize a job search if a candidate's resume ends up in the wrong hands. The whole reason NALSC was founded back in the mid-80s was to try to curb these kinds of practices and ensure certain standards are met in the recruitment process. You can [read the NALSC Code of Ethics here](#) to learn how member firms operate, and search [for NALSC member recruiters here](#). Ultimately, the candidates should always be the one in control of their careers.

8. Once a candidate has chosen a recruiter, they should trust them.

Every recruiter had some kind of horror story that elicited hushed gasps and even outright exclamations around the room, whether it was to do with fellow recruiters' nefarious practices, or candidates behaving badly and damaging their recruiter's reputation. Candidates should do their research before choosing who to work with, and then trust them to do their job.

9. Having an 'in' at a firm with a friend is good, but don't rely on it.

We got the impression that when candidates play up their connections, it can sometimes be to their detriment. However the candidate's friend is viewed at the firm could be a reflection on the candidate, so unless they know for sure that their buddy is in good standing, it's better to let the recruiter vouch for the candidate and keep them in the loop.

10. NALSC is rolling out a new process to make partner recruitment smoother and more efficient.

At the partner level, one major pain point in a move is the notorious Lateral Partner Questionnaire, which can take hours to fill in – and every firm has its own version, often using varying terminology. The brainchild of Mitch Satalof, president of NALSC, [the Universal LPQ](#) (or U-LPQ for short) standardizes the process to make partner moves easier for everyone involved. Satalof says: “*For partners, who have limited time, the U-LPQ is a one-stop-shop, requiring the completion of a single questionnaire while avoiding the cumbersome process of crafting similar-but-different responses to each firm's individualized LPQ. This may, in fact, enable candidates to consider more potential firms because the back-end labor involved in multiple questionnaires will be eliminated.*” The chief legal recruiting and integration officer for Mintz, Shannon Davis, says that a complicated LPQ “*can even take firms out of the race*” for top talent.

And one more for the road... One of the juiciest stories we heard during the conference was about a male partner who moved firms. A group of women from this partner's original firm sent flowers to his new firm, thanking them for taking him out of their firm, because he was such an unpleasant person to work with. The new firm heard the message loud and clear and dropped him like a hot potato. Reputation matters.

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Why Associates Leave Firms: Pain Points and Opportunities

By Fiona Trevelyan Hornblower, Esq. and Jennifer Mandery

Why do associates leave firms, and how does what firms understand about their reasons for doing so differ from what the associates themselves reveal? The NALP Foundation will be sharing intriguing new data at the 2023 Fall Symposium on recent research revealing key factors to probe when talking with both firms and talent.

Each year, The NALP Foundation collects reams of data from law firms on their associate hiring and attrition through its *Update on Associate Attrition*, and also directly from thousands of young graduates via its *Law School Alumni Employment and Satisfaction* study. The data from both studies illuminate major factors influencing associates' departures from firms – and not surprisingly, while there is some alignment between those identified by firms and those reported by early stage career lawyers themselves, there are also notable differences. Here are a few key tidbits.

Leading Departure Drivers

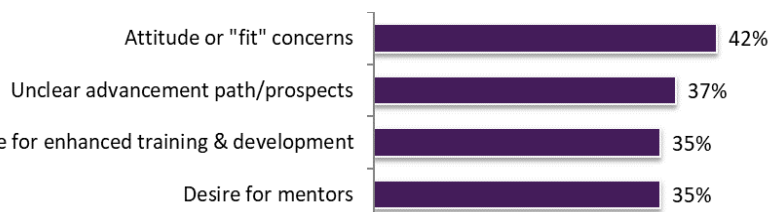
Law firms regularly designate the pursuit of specific practice area interests and a desire for a career change to another type of legal job as prime reasons for associate departures. The new data from the most recent *Attrition* survey surfaced additional reasons for both associates who joined as entry associates and lateral associates, however. Most notably, the associates point to better compensation (7% and 11%) and better support for work/life balance (8% and 9%). These not only emerged in the firm data, but also were cited by alumni themselves in the *Alumni* study as departure drivers, but at much higher rates, with better compensation cited by 62% while better work/life balance support was listed by 39%.

"I'm seeking a better work life balance and improved compensation."

Community and Development

Young alumni also revealed key additional factors that lead them to leave: a whopping 42% cited attitude or "fit" concerns with the organization as motivating their job change. Professional development issues, specifically lack of clarity around advancement prospects (37%) as well as desire for enhanced training and development and mentoring (both 35%), were also significant reasons for switching positions. So alumni are clearly reacting not only to the current environment, but also keenly assessing how an organization can support their desired career trajectory.

Reasons for Changing Jobs



Intriguingly, alumni also reported desire for remote/flexible work arrangements as the impetus for switching jobs at much higher rates (19%) than did firms (2%). As firms revisit their work policies, this will offer an opportunity for those with more flexible policies to attract talent from places with less flexible options.

Show Me the Money

Even with the recent substantial increases in associate salaries, money is a significant driver for associates' career choices, as noted above. This is not surprising, given the high level of debt graduates incur to attend law school. With the average debt load three years after graduation now at \$105,546 (and even higher at \$133,854 for alumni of color), the effect on job choices is marked: over half (56%) of those reporting debt of over \$100,000 in the *Alumni* study stated their debt impacted their overall job choice, with 35% saying it also affected the sector in which they chose to work. In contrast, those with no debt reported a negligible impact in job selection, at only 5% and 2%, respectively. Importantly, it is not only the relative compensation between two positions that may drive an associate, but their personal financial situation and the potential impact of a move on that.

Educational Debt Remaining (Mean) – Three Years Post Graduation



The Kids are Not Alright

While the pandemic may appear to be waning, its negative effect on young lawyers' mental health continues to rise. In the most recent *Alumni* study, 27% of young alumni cited better support for well-being and mental health as their primary motive for their job change. Employers with leading offerings on this front may therefore have a significant competitive advantage to tout in the talent market.

"27% of young alumni cited better support for well-being and mental health as their primary motive for their job change."

COVID-related reasons such as vaccination or testing policies, or dependent care, however, remain essentially non-factors for job changes, with only 2% of alumni reporting this, while firms report it at even lower levels of 1% or less.

Continued on page 15

Join us at the Fall Symposium to hear more about the above issues, as well as key career satisfaction metrics and risk factors, and a preview of the Foundation's exciting upcoming study on the factors driving associates to stay at firms.

All NALP Foundation research is available at www.nalpfoundation.org.

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In this installment of the NALSC Member Profile, the spotlight is on one of our newest Board members, Ethel Badawi. Ethel is the co-founder and principal of Pollack Badawi Group (PBG) based out of Washington, DC, where she focuses on placing associates and partners. Specifically, Ethel is most passionate about placing first generation attorneys and attorneys of color. She was the first in her family to attend law school and found it challenging to navigate the legal profession without mentors/role models, so she is seeking to be part of the solution with her recruiting practice.

Growing up in the suburbs of Chicago, Ethel was very involved in dance and performed at the opening ceremonies of the 1994 World Cup!! She also was named the homecoming queen at her high school. She did not dream of becoming a lawyer when she was younger but decided to attend law school because she wanted to be in a solid profession and "followed the crowd" of other twenty-somethings who decided to attend graduate school at that time. Knowing that she did not want to be a doctor, Ethel felt that lawyering was a logical, alternative option. Ironically, she earned her law degree while working as a corporate recruiter by day, foreshadowing what her professional future would hold. She looks back now and acknowledges that recruiting was a "calling" for her, much more than being a lawyer.

Unlike a lot of recruiters who come to find it later in their professional lives, Ethel's work history has a consistent theme of recruiting throughout. Indeed, during college, she worked in admissions on work study, and her first job out of college was for an economic consulting firm, serving as a recruiting coordinator. She did spend a few years practicing law at Barnes & Thornburg before pivoting to career services work. In 2011, Ethel became the Associate Director at George Washington University Law School's (her alma mater) Center for Professional Development and Career Strategy, where she honed her skills of career advisement and counseling.

The idea of opening her own legal recruiting shop was born from hours spent running with her current business partner, Abe Pollack. Abe and Ethel worked together at GW Law's Career Center and spent time running road races together. The adrenaline and ideas were flowing as they debated opening a fitness studio together as their next professional endeavor. That idea was ultimately vetoed (by Ethel's husband!) and replaced by the smart decision to open their legal recruiting company, which they did in 2018.

Member Profile: Ethel Badawi, JD

Co-Founder and Principal of Pollack Badawi Group

By Melissa Peters, Esq.



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One of Ethel's tactics for staying sane as a legal recruiter is to acknowledge that "you can do everything right and a deal can still fall through" so you must "learn from it and move on." She's not one to dwell on past mistakes or lost deals, as she instead focuses on moving forward with her practice. In fact, Ethel believes that her ability to compartmentalize her work is one of her major strengths because she refuses to let her work solely define her. Perhaps her strong sense of perspective comes from the years (2012-2017) she spent living in various parts of North Africa, where she was an avid food and travel blogger. Having that global perspective likely keeps her grounded in the daily pendulum swings of legal recruiting.

Ethel credits part of her perspective to the book *An Immense World* by Ed Young, which forced her to see the world in different ways and challenged the traditional presumptions we all have about this world. Perhaps her grounded perspective also comes from losing her father at a young age and being acutely aware that things are fleeting. "Grief has shaped my life in many ways" she shared, and she leans on *The Year of Magical Thinking* by Joan Didion as a book that helps anchor her with reality and hope.

One of the professional challenges she faces today is the difficulty in

“One of Ethel’s tactics for staying sane as a legal recruiter is to acknowledge that ‘you can do everything right and a deal can still fall through’ so you must ‘learn from it and move on.’ ”

finding the time and coordinating the logistics to meet every candidate in person. She loves talking and interacting with her lawyer-candidates and helping them maximize their career potential. She finds that in-person connection is most important and continues to make that a priority in her recruitment.

When she’s not recruiting, Ethel engages in other meaningful work such as focusing on her philanthropic endeavors. Last year, she created a philanthropy leadership program and giving circle for AAPI professionals in the DC area, culminating in a successful number of charitable contributions to local non-profits. She is looking “to break the traditional power dynamics between donors and non-profits” by making philanthropy available to everyone who wants to participate, not just the uber-wealthy.

It’s difficult not to feel a bit lightweight when comparing one’s guilty

pleasures to Ethel’s – she does not watch much TV and does not follow pop culture! As she puts it, “I’m basically a 90-year-old” when it comes to talking about TV, movies, and pop culture. She prefers listening to chamber music and reading but did admit to liking the TV show, *Ted Lasso*!

Ethel will be a huge contributor to the NALSC Board and if you have not had the chance to get to know her, you should do so at the upcoming symposia and conferences. She is full of fresh ideas and perspectives, and we are lucky to have her!

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Melissa Peters, Esq. is the Founder of MP Legal Search, LLC. She is also a NALSC Board Member, Co-Chair of the Nominations Committee and member of the Newsletter Committee.

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Well THAT Was a Surprise!

The Arbitration E-mail Battles

by Hilary P. Gerzhoy, Esq.

As part of my legal ethics practice, I routinely represent lawyers and firms when a lateral partner move goes south. In years’ past, the most typical fights were over clients, associates, and attempts by firms to claw back bonuses or withhold a departing partner’s capital contribution. Recently, firms have begun to pursue claims that a departing lawyer stole firm intellectual property. In particular, firms have initiated arbitration against departing lawyers for revealing the billable hours and rates of their former colleagues. Some may be surprised to learn that the firm, in fact, “owns” that information and that lawyers have been sanctioned for revealing it. See *Gibbs v. Breed, Abbott & Morgan*, 271 A.D.2d 180 (1st Dep’t 2000) (holding that departing partners breached their fiduciary duty to their former law firm when they gave their new firm associate billing rates and billable hour data); see also D.C. Ethics Op. 273 (deeming it a Rule of Professional Conduct 8.4(c) violation to take and share proprietary business information that belongs to the firm). At least one firm has gone one step further and sued its non-lawyer, C-level Executives for taking and revealing this information: Proskauer sued its former COO for, among other things, taking this information to Paul Hastings in an ongoing case in New York. See *Proskauer Rose LLP v. Jonathan O’Brien*, Civil Action No. 1:22-cv-10918 (SDNY 2023).

The battle over departures is usually fairly routine: a partner leaves a firm and is accused of notifying clients before he’s left, or of taking proprietary firm information, or of soliciting associates. The firm sues the departing partner, triggering a mandatory arbitration provision found in nearly every partnership agreement. Arbitration begins, and discovery quickly follows. Both sides issue discovery requests seeking e-mail correspondence. Arbitrators construe discovery broadly, typically ruling that most requests are within the scope of permissible discovery. Thousands of highly personal, often embarrassing, e-mails are produced.

In two such recent cases I have seen, however, the e-mail battles took an unexpected turn. In the first case, the firm forgot to shut off the departing partner’s e-mail after his departure date. Prior to starting at his new firm, the departing partner continued using his old firm e-mail as though everything was business as usual. The firm realized several weeks into arbitration that the departing partner had done this and, as was within their legal rights, started reviewing the departing partner’s e-mail *in real time*. Of particular note, the departing partner was discussing the *current arbitration* using his firm e-mail. Needless to say, the firm was in possession of a treasure trove of information helpful to their case and harmful to that of its former partner.

In the second, the lawyer’s personal emails were subject to discovery and

Continued on page 17

expanded the scope of the firm's lawsuit. In this case, the departing lawyer was accused of soliciting clients before he left the firm and of violating the firm's 60-day notice provision. The *initial* fight was over whether that notice period was enforceable in light of ABA Opinion 489. That Opinion states that the actual time a firm can hold a lawyer and prevent her from starting at a new firm is dictated solely by both parties' compliance with their obligations to transition client matters. Where those obligations are satisfied prior to the expiration of a fixed notice period, any remaining notice period is unenforceable. To support moves prior to the end of their partnership notice period, lateral movers usually cite ABA Opinion 489 and ABA Model Rule 5.6(a) (which prohibits partnership agreements that restrict "the right of a lawyer to practice after termination of the relationship"). Firms tend to contest these claims, and arbitrators differ in their conclusions.

"Lawyers rarely expect their professional and personal emails to be subject to scrutiny by their partners when they write them, but when it comes to disputes over lateral moves, that is frequently the case."

In this particular case, the firm issued broad discovery requests that the arbitrator sanctioned (as mentioned above, arbitrators tend to be lenient with discovery). The departing partner was forced to turn over all *personal* e-mails that in any way related to firm business. Unbeknownst to the firm at the time they requested the e-mails, the departing partner had solicited a paralegal to join him prior to his departure date. The e-mail production revealed as much and the firm added a new claim. The can of worms had been opened.

The lesson from both these cases is that while we hope lateral moves are smooth and uneventful, it is best to plan for the opposite. Lawyers rarely expect their professional and personal emails to be subject to scrutiny by their partners when they write them, but when it comes to disputes over lateral moves, that is frequently the case.

It is best to advise clients about e-mail best practices well in advance of a move. These include advising your clients (1) to keep all communications about a potential move verbal, (2) to the extent anything needs to be done in writing, to use your personal, not firm e-mail; and (3) assume that as soon as you provide notice of your departure, your firm e-mail will be inaccessible. Finally, putting your candidates on notice that very little is off limits when it comes to e-mail discovery will mitigate potential damage down the road.

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