



### **NALSC Ethics Committee**

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## **The NALSC Code of Ethics – Answers to Eight Frequently Asked Questions May, 2018**

If you work in attorney recruiting, you have probably heard of NALSC® (the National Association of Legal Search Consultants). Founded in 1984, NALSC is a national organization for the legal search profession with more than 160 members from the United States and Canada. In addition to attorney recruiting firm members, a range of law firms are Supporting Members of NALSC.

Because of NALSC’s unique governing role within the attorney search industry and, more specifically, its formulation of the NALSC Code of Ethics®, we wanted to provide for your reference a summary of the Code’s key provisions.

### **1. What is the NALSC Code of Ethics?**

The NALSC Code of Ethics® is a code of conduct that every member of NALSC is required to abide by. The Code is divided into four Articles (i.e., sections): (1) Relations with Employers; (2) Relations with Candidates; (3) Relations Among Members; and (4) General.

As an example, Article 1 (Relations with Employers) requires the following:

- 1. Information provided to employers shall be the most accurate information known to the search firm.**
- 2. No search firm shall withhold candidate information which the employer would reasonably consider essential to its hiring decision.**
- 3. Candidates shall be submitted only (i) with prior authorization of the employer or (ii) where the search firm, based on previous direct communication with the employer, reasonably believes the employer would accept the submission.**
- 4. Confidential information relating to the employer shall be treated accordingly.**
- 5. No search firm shall solicit any attorney from the office of an employer in which it has made a placement for a six-month period following that placement, unless the search firm reasonably believes such a restriction is not required by the employer.**



**6. No search firm shall solicit a candidate it has placed while that candidate remains with the employer that paid the recruiting fee.**

**2. Where can I find a copy of the NALSC Code of Ethics?**

The Code is available on the NALSC website at [www.nalsc.org/code-of-ethics](http://www.nalsc.org/code-of-ethics).

**3. What happens if a NALSC search firm potentially violates the NALSC Code of Ethics?**

NALSC has a formal -- and confidential -- complaint process where alleged violations are considered and formally addressed. On the NALSC website at [include link], there is an online complaint form. This form provides an opportunity to explain the alleged facts and identify the potential violator.

**4. What happens once a complaint is filed?**

Here's the summary:

- Once the online complaint form is completed, the complaint is confidentially sent to the NALSC President and the Ethics Committee (at of the time of this article, there are three Ethics Committee members).
- Upon reviewing the complaint, the Ethics Committee decides whether it appears to be valid and warrants further inquiry, or has no basis because it contains insufficient or unreliable information, or appears to be frivolous.
- If the Ethics Committee determines a potential violation may have occurred, the Ethics Committee will first notify both the Complainant and the Respondent (potential violator). The Ethics Committee will then conduct an investigation into the specific facts or circumstances to clarify, expand, or corroborate the information provided in the complaint.
- After gathering the required facts, a telephone hearing is conducted (and the parties have the right to counsel should either so choose). During the hearing, both sides have the opportunity to present the facts and positions.
- After the hearing, the Ethics Committee determines whether the complaint should be dismissed or whether a violation occurred.
- If a violation occurred, the Ethics Committee decides appropriate sanctions for the member search firm (the sanctions can range and vary depending on the circumstances, and can include censure, suspension or expulsion from the Association).

**5. Can I file a complaint against a potentially violating search firm who is not a member of the NALSC and therefore not bound by its Code of Ethics?**

No. Why? The essential element of the NALSC Code of Ethics is the enforcement process outlined above, which only applies to member search firms. If a search firm is not a member of



NALSC, they cannot technically abide by the Code of Ethics since they are not agreeing to be subject to the enforcement process. Of course, non-member search firms can choose to follow the principles of the Code of Ethics, but they cannot technically “abide” by the Code of Ethics without being subject to the enforcement process, which only applies to members. One primary goal of NALSC is to elevate the standards of the legal search profession, and a key element is the Code of Ethics and its enforcement mechanism.

**6. If a search firm violates its agreement with us, can we utilize the Code of Ethics?**

If the behavior potentially violates the Code of Ethics, then yes. It is important, however, to clarify that the enforcement mechanism in the Code of Ethics does not take the place of or supersede contractual causes of action that would be appropriate for civil litigation. NALSC cannot enforce contracts, etc. NALSC can only determine whether the Code of Ethics has been violated and, if so, apply the appropriate sanction for the violation.

**7. Who can file a complaint against a NALSC search firm member?**

Any individual or entity can file a complaint based on a potential violation of the Code of Ethics. It is not limited to NALSC members.

**8. If I want to discuss an issue or potential violation of the NALSC Code of Ethics before possibly filing a complaint, is there an option?**

Yes. You are welcome to contact Avis Caravello, Chair of the NALSC Ethics Committee. The call will remain confidential. She can be reached at (415) 979-0200 or [acaravello@aviscaravello.com](mailto:acaravello@aviscaravello.com).