

Changes/Clarifications to the NALSC Code of Ethics®

by Dan Binstock, Esq.

Over the past year, the Board approved several changes/clarifications to the Code of Ethics, which we wanted to make sure everybody sees. As a reminder, the full [Code of Ethics](#) is on the NALSC website. I'll break out the changes into two parts, as they address different issues.

Clarifying the Requirement of Representing Accurate Information, Especially During Outreach

As we are all aware, there unfortunately are some bad-acting recruiters (not members of NALSC) using misleading pretenses to "hook" candidates. For example, the "X firm asked me to specifically call you" when the firms didn't ask the recruiter to call, or may not even have a relationship with the recruiter at all. This is just one example.

While this is not an issue among NALSC recruiters, we want to make it clear to the marketplace that NALSC recruiters don't (and can't) play those games as it's explicitly against the Code of Ethics and subject to consequences. We hope that the below will provide an extra level of comfort to those working with NALSC recruiters.

Here are the changes that were approved (**bolded** language was added):

Article 2 (Relations with Candidates), Section 1:

Information provided to **potential candidates during outreach** or candidates **during the recruiting process** shall be the most accurate information known to the search firm.

Article 4 (General), Section 1:

No member shall **knowingly** make **any** false or deceptive **claims** representations in any **outreach or recruiting, or in** any advertising, promotion, or public relations materials.

These modifications were added to make it clear that accurate information applies during **outreach** as well as during the recruiting process itself (previously, "candidates" in Article 2 could have been interpreted to mean that accurate information only applied to attorneys with whom the recruiter was engaged in a recruiting relationship).

"We want to make it clear to the marketplace that NALSC recruiters don't (and can't) play those games as it's explicitly against the Code of Ethics and subject to consequences."

It also makes clear that false or deceptive representations also apply to the outreach and recruiting process, not just advertising, promotion, or public relations.

Clarifying that the Placement Agreements Between Search Firms and Employers Always Control Over the Code of Ethics.

These changes are self-explanatory:

Article 1 (Relations with Employers), Section 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 **otherwise agreed to by** the search firm **and** the employer.

Article 4 (General), Section 6:

No provisions in this code supersede or replace (1) agreements between search firms and employers, and/or (2) the requirements of local, state, and/or federal laws. This Code neither supersedes nor replaces the requirements of local, state, or federal laws.

Lastly, aside from the above modifications, this is a quick reminder that our Code of Ethics has a provision that says: "Members are strongly encouraged to bring to the attention of the Association any violation of this Code."

If you see something, say something.

Anyone (not just NALSC members) can file a complaint against a NALSC member search firm for potentially violating the Code of Ethics. Here's a [link to the complaint form](#).

As stated by our bylaws, "All Complaints, and all proceedings related thereto, shall be treated as confidential to the fullest extent practicable."

If you have any questions, please contact any member of the Ethics Committee (myself, Ethel Badawi, Melissa Peters, or Mitch Satalof).

ABOUT THE AUTHOR:

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