

On-Ramping: How Law Schools and Employers can Effectively Counsel, Recruit and Integrate Experienced Lawyers as They Return to Practice

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RE-ENTERING ATTORNEY CHECKLISTS

FOR COUNSELORS

- Analysis of time at home
 - What was the candidate's plan before leaving work?
 - What networking activities has the candidate been involved in?
 - What professional activities has the candidate been engaged in while out of the workforce?
- What is the desired re-entry path?
 - Will this be a return to a previous career or a departure?
 - Is there a need for new training or education before the candidate can begin the job search?
- Identify potential obstacles and biases the candidate may face
- Develop a Re-Entry Plan
 - Networking Plan
 - Informational Interviewing
- Draft a Resume and Cover Letter
- Prepare for Interviewing
 - Consider family issues
 - Wardrobe
 - Elevator speech
 - Mock interview
 - Employer research

FOR EMPLOYERS

- Make the Business Case to your Firm
 - Look for gaps firm needs to fill (experience, niches)
 - Maturity, stability, productivity
- Learn to Decode Those Resumes
 - Pre-leave experience
 - Relevant volunteer work (*e.g.*, fundraising = “the art of the ask”; leadership experience)
 - Freelance and Entrepreneurial
- Develop a Tailored Orientation Plan
 - Address biases (*e.g.*, dilettante, not committed, not ambitious, too old, unemployed)
 - Work/Life solutions
 - Social integration/networking
 - Technology/skills update
- Monitor Integration
 - Assignments, opportunities
 - Inclusion
 - Progress
- Get added value from your re-entering attorneys
 - Role models, mentors
 - Leverage special skills (*e.g.*, project management, trainer/presenter)

On-Ramping Resources

2012 NALP Conference Program Handout

Books & Guides:

1. NALP Lateral Hiring Best Practices:
http://www.nalp.org/assets/769_07lateralthiringbestpracti.pdf.
2. Preparing for Re-Entry: What lawyers need to know to navigate the road ahead after a career break. By M. Diane Vogt
3. Staying at Home, Staying in the Law: A Guide to remaining active in the legal profession while pursuing your dreams By Julie Power-Pierce
4. Ending the Gauntlet by Lauren Stiller Rikleen
5. The Creative Lawyer: A practical Guide to authentic Professional Satisfaction by Michael F. Melcher
6. Getting Unstuck: How dead ends become new paths by Timothy Butler

Websites:

1. iRelaunch – The Return-To-Work Experts – has comprehensive list of career re-entry programs.
<https://www.irelaunch.com/> - Carol Fishman Cohen and Vivian Steir Rabin
2. Project for Attorney Retention (PAR): <http://www.attorneyretention.org>
PAR's Opting Back In program:
<http://www.attorneyretention.org/ProgramsEvents/OptingBackInProgram.shtml>
3. CT Calvert & Associates – Cynthia Calvert
www.ctcalvert.com
4. Flex time Lawyers – Debra Henry Epstein
<http://www.flextimelawyers.com/index.asp>
5. Mom Corps <http://www.momcorps.com/home.aspx>
6. Back to Business
<http://backtobusiness.org/>
7. Come Back Moms founded by Mary Kaye guides women who have taken a hiatus from paid work to find the work that's right for them. The website includes many helpful articles, tips and resources. <http://www.comebackmoms.com/>



PATTERNS OF UNDERLYING GENDER BIAS

GLASS CEILING

DOUBLE STANDARDS

- **No competence assumption for women.** Studies show that male lawyers enjoy a presumption of competence that female lawyers do not. As a result, women are often held to higher standards and their performance is subjected to greater scrutiny than that of men. Additionally, women often have to prove their competence repeatedly.
- **Men are judged on their potential, women on their achievements.** Men are judged on their potential because they benefit from the default assumption that they are competent until proven otherwise. Women, on the other hand, are judged on their achievements because they do not get the benefit of an assumption of competence. Thus, a firm making partnership decisions for associates who have not developed clients might promote a male candidate because he has the potential to be a good rainmaker but not a female candidate because she does not have a book of business.
- **He's got what it takes, she's just lucky.** Men's success tends to be attributed to personal qualities or stable personality traits (his brilliance, his unflappability) while women's successes tend to be attributed to external or temporary situational factors (she is lucky that financial conditions forced the other side to accept the deal, she drew a receptive judge).
- **Women have to work twice as hard to get half as much.** Because men's successes are attributed to personality traits, they tend to receive larger rewards than women for the same accomplishment.
- **He has a lot on his plate, she is disorganized.** Men's failures tend to be attributed to situational factors outside of their control, while women's failures tend to be attributed to their personal qualities.
- **He thinks twice before he acts, she lacks confidence.** The assumption that men are competent leads to the assumption that, when a man hesitates in making a decision, he's just being thoughtful. A woman who hesitates, because she is not assumed to be competent, is often viewed as lacking confidence or unable to take action.

- **Leniency bias.** Studies show that people in the “in group,” such as men, will get second chances, or will have their mistakes forgiven, more often than people in the “out group” such as women. Additionally, men -- but not women -- may be given the benefit of the doubt because it is assumed any failures on their part do not reflect the true abilities of the men but rather are situational.
- **Women’s mistakes are remembered while men’s are forgotten.** In this variant of leniency bias, also called “recall bias,” stereotype-consistent information is recalled better than stereotype-inconsistent information, so that women’s mistakes, which confirm their stereotypical lack of competence, may be remembered long after men’s are forgotten.
- **The Superstar Phenomenon.** Superstar women fare very well in most firms. On the other hand, women who are merely excellent often get lower evaluations than comparable men. It is important not to be misled by how the superstars are treated into thinking all women are treated fairly.
- **Shifting standards.** Seemingly objective standards for hiring, promotion and the like may change depending on whether they are being applied to a man or woman. For example, when a male candidate has stellar educational credentials, evaluators tend to give education more weight than experience as justification for hiring the male. When a female candidate for the same position with similar educational credentials is considered, however, the evaluators may place more weight on experience than education to justify their decision not to hire her.
- **Race adds another dimension.** Women lawyers of color trigger stereotypes of both race and gender, including two sets of negative competence assumptions that may mean they have to work even harder than white women to establish competence. Research shows that when stereotypes of race and gender both operate, the result can be a multiplication (not mere addition) of bias effects that create significant career obstacles.

DOUBLE BINDS

- **He’s direct; she’s rude.** The same critical remark may be seen as rude coming from a woman, but as direct coming from a man. In the same vein, a man who is hard on support staff will be seen as a good manager who gets results, but a woman who is similarly hard will be seen as a witch who can’t get along with others.
- **Self-promotion v. bragging.** Women who highlight their accomplishments and attribute them to skill rather than luck are viewed negatively as bragging. The same behavior by a male is viewed as positive self promotion.
- **The good girl syndrome.** In some workplaces, women can get ahead only if they play traditionally feminine roles: the *good girl* who makes men feel comfortable, the *mother* who

does takes care of everyone around her, the *princess* who aligns with a powerful man (but does not threaten his dominance). Women who refuse to play these feminine roles may be seen as lacking in interpersonal skills.

- **Race adds another dimension.** The operation of both gender and race stereotypes involving the limits of acceptable behavior further disadvantage women lawyers of color. Such combined stereotypes include the “angry black woman,” and the “dragon queen.”

MATERNAL WALL

- **The good mother v. the norm of work devotion.** Our society typically thinks of “good mothers” as those who are always available to their children. This view directly conflicts with the view that lawyers should be available to their clients, partners and colleagues 24/7. Women who work full-time often receive messages that they should spend more time with their children, and women who spend more time with their children receive messages that they are killing their careers.
- **Negative commitment assumptions.** Supervisors may assume that mothers are less committed to their jobs simply because they have children, regardless of the facts.
- **Negative competence assumptions.** Studies show that, once women have children, assessments of their competence tend to fall sharply – again, regardless of the facts. One effect of this is heightened scrutiny of work product – mothers may have their work examined and criticized much more than nonmothers.
- **Part-time or flexible schedules may trigger attribution.** Attribution bias attributes certain events to a person’s characteristics, making observers jump to conclusions that a person has acted a certain way because of the type of characteristics that person exhibits. In the case of part-time workers, absence or failure to meet deadlines may be attributed to their schedules, regardless of the facts. Example: a woman on a standard schedule is out of the office, and everyone assumes she’s at a meeting, but a woman on a part-time schedule who is out of the office is assumed to be at home with her children.
- **The pregnant leader.** Pregnant women and mothers are usually seen as nurturing and supportive. When a pregnant professional acts authoritatively, she may create discomfort, confusion, or even hostility in subordinates who expect her to act stereotypically feminine and maternal.
- **“Mothers belong at home.”** This viewpoint sends a message about what mothers *should* do, often combined with hostility towards mothers who don’t act as others think they should. It is exhibited in the workplace, for example, by terminating a mother so she can stay home

with her children, or making harassing comments to a mother at work about her lack of commitment to her children.

- **Benevolent side-tracking.** Sometimes supervisors, acting out of the best of intentions, make decisions that they believe will benefit mothers but that have the effect of corralling the mothers into traditional roles. For example, a mother (or part-timer) may be passed over for a matter that requires travel on the assumption she will not want it because of her obligations at home. The harm in removing mothers from assignments that require overtime, relocation, or travel is that it forces them into dead-end roles by denying them the experiences they need to advance. (The solution? Avoid assumptions: offer the assignment and let the lawyer decide whether she wants it).
- **Forcing mothers to choose.** Called “role incongruity” by social psychologists, this bias sends the message that one cannot be a good mother and a good lawyer. Supervisors may manifest this bias by telling women they need to choose between being a mother and having a certain position, such as telling them to choose between being a mother and a partner at the firm.
- **Others, but not mothers, get the benefit of the doubt.** Leniency bias, discussed above, leads to mothers’ mistakes being remembered and others getting second chances.
- **Rules are applied more rigidly to mothers.** In another type of leniency bias, seemingly neutral workplace rules are enforced without exception to mothers, but not others. For example, a workplace may have a rule that no one can leave early for personal reasons and thus mothers will be denied time to go to an event at their children’s school, but men will be allowed to leave early to play golf.
- **Lesbian mothers.** Research shows that supervisors sometimes assume that lesbians will not have children. If they have children, lesbian attorneys may receive even more negative treatment than heterosexual mothers if supervisors feel deceived as to their intentions.
- **Race adds another dimension.** Women attorneys of color may face combined racial and maternal wall biases, causing them to be treated less favorably than white women and men. For example, African-American mothers are often offered shorter leaves or flexible work arrangements with less desirable terms than white mothers based on racial stereotypes relating to family needs. Further, they may be evaluated more negatively than white mothers when they take the leave or work flexibly. As another example, when the negative assumptions associated with pregnancy operate alongside the stereotype of Latina women as having too many children, additional negative perceptions may arise, such as a pregnant Latina attorney is irresponsible, lazy, and unreliable.

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NALP, April 18, 2012

Integration of Re-Entry Lawyers: Outline

Integration of Re-Entry Lawyers: Why It Is Different

- Social: mismatch of age and rank
- Technical: may need to refresh skills
- Scheduling: may need flexibility
- Additional hurdle: bias

Action steps for integration

- Appoint advocates for re-entry lawyers
 - Give list of action items, such as:
 - Meet with re-entry lawyer and discuss career goals and other objectives, what success looks like to him or her
 - Talk to lawyer about how things work at the firm and the unwritten rules, and give strategic suggestions for meeting his or her goals and objectives
 - Assess need for resources (coaching, refresher training, exposure to new legal areas) and ensure they are provided
 - Coordinate at least three lunches for the lawyer with others in the firm
 - Check in with lawyer daily at first
 - Make introductions to lawyers inside and outside firm, and to clients

- Identify with lawyer opportunities and assignments he or she should pursue, and help to get them
- Help lawyer identify people to have in network
- Help lawyer to identify potential mentors and sponsors
- Discuss business development
- Report regularly to the professional development chair on the status of the lawyer's integration
- Give list of red flags to watch out for
 - Not socializing
 - Not seeking out new opportunities
 - Lack of interaction with partners and clients
 - Assignments that are rote or not challenging
 - Flexible schedule not working out
- Social: Create interaction opportunities
 - Social events
 - Firm committees
 - Affinity groups
- Technical: Provide refresher training
- Schedule: Help lawyer create flexible schedule if necessary
 - Flexibility bias creates a double whammy
 - Not taken seriously
 - Not given good assignments
 - Not progressing
 - Not integrated into networks
 - Isolated
 - Solution: Flexibility must be **nonstigmatized**.

- Education about Bias, for firm and also for re-entry lawyer
 - What bias is
 - How it affects decision making and social/business interactions
 - Common biases in re-entry
 - Beginners or dilettantes
 - Not tech savvy
 - Not committed
 - Not ambitious
 - Too old to hang with associates, too junior to hang with partners
 - Unemployment bias
 - Biases often co-exist: gender, maternal wall, race, ethnicity, age, sexual orientation, etc.
 - How to control it
 - Individual Level
 - Recognize trigger situations
 - How do I know?
 - Would I decide/feel/act/expect the same from [a white male typical track lawyer]?
 - Be intentional in assigning, socializing, providing opportunities, mentoring
 - Organizational Level
 - Tone at the top
 - Visible nonverbal cues
 - Create challenges/accountability
 - Create situations for interaction
 - Heterogeneous committees
 - Firm-sponsored activities (educational, community service, pro bono, social)

- Create/Make visible counterexamples
 - Keep the issue on the front burner
 - Monitor
- How to work around it (for the lawyer)
 - Address unspoken concerns (“I am really committed to doing a good job here...”)
 - Address directly (“You said you couldn’t put me on the xyz case because of my schedule, and I just wanted to let you know that I can be available as much as needed for it. Travel is not an issue, as long as I have a bit of advance notice to make arrangements. I’d really like to work on it...”)
 - Proactively search for alternative means (look for other assignments, opportunities, other people to work with)
 - Seek help (ask mentor or professional development professionals for help)

Reduced Hour Work without Stigma

Checklist

Lay a strong foundation

- ___ Articulate the business case for your firm
- ___ Get commitment from top management
- ___ Get buy-in from key players
- ___ Assess current metrics (demographics, attrition, costs)
- ___ Create a heterogeneous policy task force

Create a fair policy

- ___ Written and available
- ___ Applies to all lawyers
- ___ Individually-tailored schedules
- ___ No duration limit
- ___ Proportional pay, including bonus
- ___ Proportional advancement, including to equity partnership
- ___ State expectations about availability for emergencies, communication
- ___ Provide for fair share of good assignments, professional development opportunities
- ___ Provide how extra work is remedied or compensated
- ___ Provide for evaluation of schedule after three and six months, then annually



Implement policy strategically

- ___ Appoint a coordinator (supervises, communicates, troubleshoots)
- ___ Have top management communicate the business case for the policy (repeatedly)
- ___ Have top management communicate that everyone has responsibility for program's success
- ___ Communicate new policy to firm, including "what's in it for them"
- ___ Train everyone in firm about policy, how to succeed, and how to supervise
- ___ Establish (and use) procedure for monitoring for schedule creep
- ___ Monitor assignments, opportunities
- ___ Work to eliminate stigma
 - ___ Train everyone in the firm on flexibility bias
 - ___ Key players need to know words and *actions* communicate
 - ___ Be visibly supportive (give good assignments and opportunities, make partners, socialize, praise)
 - ___ Squelch negative comments



Make the program work

- ___ Hold partners accountable for program's success
- ___ Troubleshoot problems (schedule creep, poor assignments, isolation)
- ___ Provide coaching for partners who resist program
- ___ Re-assess metrics annually and report on progress
- ___ Continue talking about program, ensure other initiatives don't undermine it
- ___ Highlight role models
- ___ Provide resources for lawyers (examples of effective schedules on intranet, affinity group)
- ___ Celebrate successes (good client result by part-time lawyer, great new hire or new client because of policy)
- ___ Publicize program success in recruiting and business development materials

CT Calvert & Associates, www.ctcalvert.com

Resources:

FLEX SUCCESS: THE LAWYER'S GUIDE TO BALANCED HOURS, by Cynthia Thomas Calvert and Joan C. Williams (WLL Press, 2011)

SOLVING THE PART-TIME PUZZLE: THE LAW FIRM'S GUIDE TO BALANCED HOURS, by Joan C. Williams and Cynthia Thomas Calvert (NALP, 2004)

Project for Attorney Retention, www.attorneyretention.org

CT Calvert & Associates, www.ctcalvert.com

Workforce 21, www.workforce21c.com

READY TO OPT-BACK-IN?

by Ellen Ostrow, Ph.D., CMC
LawyersLifeCoach.com

OUR PERSPECTIVE

Most attorneys -- especially women -- live impossibly busy lives. Finding a balance between work and life without sacrificing professional success, deciding on the best practice area or work setting, and making career transitions can be a daunting task, even for the most gifted and accomplished lawyer.

Just as every person deserves the best possible legal counsel, every attorney deserves professional, dedicated support in accomplishing her most important goals. You know how hard you've worked to get where you are -- you serve others, both personally and professionally. You've earned the right to both career success and a fulfilling life. This newsletter is intended to help you create a satisfying life -- within, or outside of -- legal practice.

READY TO OPT-BACK-IN?

If you left the legal workplace in order have more flexibility to care for family and are now ready to consider re-entering, you probably have many questions and concerns.

- Will anyone even look at my resume when they see how long I've been out?
- Do I want to work in the same kind of setting that I left?
- How will I explain my time off?
- Will a prospective employer take my commitment to my career seriously?
- Will I have to start my career all over again?
- Is my knowledge of my practice area up to date?
- Do I have the technology skills I need?
- What kind of compensation is it reasonable to expect?
- I'm ready to return to work, but not full time. Is it possible to find a good position where I can work a flexible schedule?
- How will my family cope with my return to work?
- Where do I start?

The process of returning to work can seem daunting. Most women lawyers have heard horror stories of others who tried to re-enter the legal workplace unsuccessfully. Some have sent out scores of resumes without getting a single response. It's easy to become pessimistic and to give up in despair prematurely.

But the fact is that many women step out of their legal careers when they find the conflict between work demands and family responsibilities impossible to manage. And many who have wanted to return to legal work have found ways to do so. They've had to be patient and strategic and their careers took them in unexpected directions. But they found a way to re-establish satisfying legal careers.

The good news is that the current demand for legal work combined with a labor shortage has led many legal employers to broaden their picture of the "ideal candidate." This has created more options for attorneys wanting to return to work.

If you've been out of the workforce for a year or more, it's likely that you don't know how to begin to find these options or how to effectively market yourself. You may not even know exactly what kind of work you want to do.

Here are 10 steps to help you get started:

1. Clarify Your Reasons for Opting Back In

Besides the fact that you have a legal degree which you'd like to use, why else do you want to go back to a career in the law? What do you want to accomplish in your work? What kinds of problems do you want to solve? What kind of work would engage you? What solutions could you provide that would be meaningful to you? Whom would you like to help?

2. Network

If you haven't maintained contact with the network you'd created before you ramped off, it's time to re-activate that network. Join Bar Association groups and develop new network connections. Ask for introductions to attorneys who have successfully opted back in. Talk to people doing different kinds of legal work in a variety of settings. You'll need job leads, connections to potential employers, models and support. A strong network can provide all of these.

3. Determine What Knowledge and Competencies You'd Enjoy Using

What are you doing when you're so absorbed that time passes without your awareness? Don't only consider obvious job-related activities. You've probably been engaged in all sorts of activities since you left the workplace: organizing people and events, managing conflict, responding to crises and solving a multitude of problems. What competencies were required for these challenges? Many of them are transferable back to the workplace.

4. Update Your Knowledge of the Marketplace

Research, read and talk to people to develop an accurate and current picture of the legal market. What practice areas are hot? What's going on in your area of specialty? Is there demand for the skills and experience you already have? Where are attorneys returning to work getting hired? Perhaps large firms are not hiring non-traditional candidates in your area but smaller firms are. It's important to be realistic about your marketability in various sectors so you know where you are most likely to be able to accomplish your goals. You'll need to decide whether to focus your energy on areas offering the greatest probability of hiring or prepare yourself for the challenge of re-entry into a more resistant part of the market.

5. Update Your Skills and Knowledge

Fill in the gaps between what you needed to practice law before you left and what is required now. Take CLE classes, do pro bono work through your local Bar Association, and volunteer for community or other projects. I recently spoke with an attorney who decided she'd like to opt-back-in to a trusts and estates practice. She worked on these matters for all of her family members, attended CLE courses and asked a more experienced colleague to mentor her. Once her skills were sharp she looked for firms wanting to expand their T & E practices.

6. Clarify Your Priorities

If you left the workplace in order to have more time with your children you'll need to consider what you now need in terms of time with them and involvement in their activities. Many women who've off-ramped don't feel ready to return to a large firm where even a part-time schedule typically means 40-50 hours/week. Think about the kinds of work demands and stress you're prepared to take on. There's no point opting back into a situation that makes you want to leave again.

7. Speak to People in Legal Staffing Agencies

Recruiters can be a great source of information about the current market, compensation, benefits and opportunities. There are recruiters who specialize in placing attorneys in part-time jobs. They usually advertise in the legal press. You can ask for recommendations at your local Bar Association, search the Internet or ask attorneys who have successfully returned to part-time work.

8. Develop the Right Mindset

There's no point going into interviews feeling embarrassed about your absence from the workplace or believing that you have to make excuses for yourself. Work and life are not separate spheres. You made a choice to focus on other life roles for a period of time and now feel ready to expand your role as a lawyer. You still know how to think like a lawyer - your analytical and problem-solving competencies and your ability to think on your feet are intact. Since you will have recently updated your practice knowledge, you may even be more on top of things than many people currently working. Not only will you have updated your knowledge and sharpened your skills by the time you're ready to interview, you'll be offering a prospective employer the sophistication and strong work ethic that only maturity and experience can provide.

Projecting confidence is the hardest challenge and the most important part of your re-entry process. Your conviction will be particularly important when you're ready to negotiate compensation and flexibility. Friends, colleagues and coaches can help you develop the right mindset.

9. Break Down Your Goals Into Small Steps

You can't do everything at once and just thinking about it all is likely to be overwhelming. Break your big-picture goal down into small steps. Set SMART goals for yourself: specific, measurable, achievable, realistic and time-bound. For example, you can set a goal to join your local women's bar association by the end of next week. Then you can

plan to join a section related to your practice area within two weeks after that. Within a month after joining you can volunteer to take the lead on a presentation which will create an opportunity for you to update your knowledge in that area.

10. Negotiate for Shared Care at Home

If you've been carrying most of the family-care responsibility, everyone is probably used to counting on your constant availability. Returning to work means that there will be limits on what you can do and when you can do it. So, you'll need more active involvement and support from the other adults at home. The goal is not for you to opt back into a legal position and then assume "second shift" at the end of your workday. Your home life needs to be reconfigured. These negotiations take time and patience. You're asking people to change their habits - and that's never easy. For some great ideas about how to approach shared care go to <http://www.thirdpath.org>.

Don't be intimidated by the prospect of re-entry. You've already successfully handled law school and working in the law, as well as the greatest challenge: managing a family. With persistence and determination - and the right kind of support and guidance - you will successfully opt back in.

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