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Dear Colleagues,

Over the past year, a number of our members have raised questions with NALP leadership concerning the rise in pre-OCI recruiting in the United States and the potential harms that creates for students and asked what NALP can do to address the issue. NALP recognizes that pre-OCI recruiting can create challenges for our school members and could potentially limit a student's ability to fully explore the employment opportunities available to them through OCI, disrupt their studies, and negatively impact their well-being. We also recognize that pre-OCI recruiting can create different, but no less significant, challenges for our employer members. That includes removing talent — particularly high-caliber diverse talent — from the OCI process, making it increasingly difficult to balance the desire to follow individual school guidelines on recruiting with the need to stay competitive.

These challenges are real, and we appreciate that they are growing with each recruiting cycle. NALP is committed to supporting all of our members in navigating this developing dynamic. Over the next year we will be publishing a series of best practices, just-in-time resources, and webinars with a focus on ways to effectively counsel students, how to successfully participate in an evolving OCI, and other critical topics. These resources, combined with the many that are already available on the NALP website, will help ensure that each of our members are equipped with the information and tools to effectively meet their goals.

We also understand the requests for additional NALP guidance. We have determined, however, that we cannot provide unilateral direction on this issue. An important part of understanding the current environment is understanding U.S. antitrust laws. Trade association policies related to how members compete with one another, including how they compete for talent, can potentially raise antitrust issues in the United States. In consultation with outside legal counsel, NALP has made the judgment that, given these risks, NALP must refrain from providing guidance on these issues. We would also caution members that working among themselves to try to limit pre-OCI recruiting activities could similarly raise antitrust risks, and we encourage our members to consult with legal counsel on these issues before taking action.



We understand that this may be disappointing to some of our members. To help educate our members on U.S. antitrust concerns and how to collaborate with each other without running afoul of them, we will also be offering a free webinar on March 13, 2023, at 3:00 p.m. ET entitled *The Dos and Don'ts of Collaborating with Competitors: An Introduction to U.S. Antitrust Laws*. You can sign up for the webinar on NALP's online registration [portal](#). It will also be recorded and available on NALP's website should you be unable to attend the live broadcast or need to review the information at a later date.

It is an honor for NALP to be the resource its members rely upon to address the challenges encountered in our profession. Although NALP cannot issue unilateral guidance related to pre-OCI recruiting, we will continue to equip our members with best practices, just-in-time resources, and educational opportunities to allow all of us to navigate these challenges with confidence and expertise.

Sincerely,



Karl Riehl
NALP President



Nikia Gray
NALP Executive Director