

Report of NALP's Innovating Talent Acquisition Work Group

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INTRODUCTION

It is difficult to understate the frustration and discontent that many NALP members feel about the current student legal recruiting system. The prime interviewing period for second-year students begins in a season that many attorneys have limited availability and almost two years before firms need new associates to start work. It involves on-campus interviews that occur at schools across the nation during a tight two to four week period. Callback interviews occur at breakneck speed, with some firms attempting to complete as many as 40-50 callbacks per day. Moreover, many firms are preparing for on-campus interviewing even as they are concluding their summer programs and making summer associate offer decisions. At many firms, “August” has become an ugly word.

Firm employers are concerned about their ability to logistically manage the intense interviewing period and still conduct effective candidate assessment. They, and their counterparts at the law schools, are concerned about the students’ ability to meaningfully assess the different employers during the short interview period.

The recruiting methods used by other industries have long been of interest to those evaluating the legal recruiting model, and the dissatisfaction with the current legal recruiting process has increased interest in this topic. A thorough review and evaluation of the approaches taken by other industries was an intended element of the work done by the 2009 Commission on Recruiting. That group researched industries including medicine and business, but were not asked to recommend consideration or adoption of any of those industries' alternative practices and approaches. Recent NALP conferences and summit meetings have frequently included speakers from other industries who have shared information on their recruiting models, including the structure of the recruiting teams and the means by which technology was employed. These presentations were heavily attended and stimulated extensive discussion and debate. As a result, it is a natural time to for this group to delve deeper and inquire further about other recruiting methods.

NALP’s 2015-2020 Long Range Strategic Plan calls for NALP to “champion a fair and more effective entry-level hiring process” by convening “discussions about law school and legal employer challenges surrounding the current OCI timeframe, and seek[ing] potential solutions to those challenges”. In response to this directive, the Innovating Talent Acquisition Work Group (referred to as “the ITA Work Group” or the “Work Group”) was formed and was asked to look at the recruiting models of various industries in an effort to identify new ideas that might alleviate some of the challenges presented by the current recruiting process, and particularly the problems associated by many with “August compression.”

Because different NALP members have different concerns, if any, about the current recruiting processes, it was critical that the Work Group have a diverse membership. This was achieved by including representatives from both firms and schools, by including members from a range of geographic regions and by including members from organizations of different sizes and market positions.

The Work Group first met at the 2015 NALP Conference and has been holding conference calls every other week since June 2015. The findings and recommendations reflected below are the result of months of industry research and a two-day, in-person deliberation to review and analyze the results.

The Work Group has completed its industry research and has evaluated the data that it collected. Based on its deliberations, the Work Group believes that the ideas sourced from other industries can be adapted, using some creativity, to the legal industry in ways that could make the current system more efficient, more effective, more fair and more appealing to a larger number of NALP members.

What follows is a report of our research, deliberations and analysis. We began our discussion, and begin this report, with a summary of issues faced by employers and schools. We then provide details about the way other industries engage in talent acquisition. Our analysis of this information led to the creation of a list of recommendations for innovation that could be adapted by NALP members.

SUMMARY OF ISSUES

Before we could begin the process of evaluating the practices of other industries, we felt that it was necessary to distill the major concerns that stakeholders have raised with the current recruiting processes. Although we identified a number of areas of concern, four dominate:

1. Compression

In the current system, many employers are conducting a high volume of their screening and callback interviews within a short period of time in August and early September. Indeed, the interviewing window has grown shorter in each of the recent years.

Many schools host their on-campus interviewing programs during the first two weeks of August. As a result, employers race to extend callbacks as it is widely observed their students of interest will limit the number of callbacks they schedule and are more likely to accept early offers of callbacks. Employers then race to get offers out to candidates. Many employers believe that they cannot operate on a different schedule as it will cause them to lose out on some of their most desirable candidates. Similarly, because of the condensed and rolling nature of the process, many schools do not feel that they can push back their OCI programs. If they do push back, the concern is that not only will many jobs be filled before their students are seen, but students will be significantly delayed in receiving callback offers due to the limitations on the number of callbacks that can be conducted at one time by the firms. There is significant anecdotal evidence corroborating these concerns.

There has been a growth in pre-OCI interviewing in recent years. There are various reasons for the emergence of this practice, but one is certainly the intent to relieve some of the compression in August by interviewing students early. Because of widespread compliance with the NALP recruiting guidelines (and their recommendation that offers made before OCI be held open for 28 days after the start of the student's OCI), many employers do not see this as an effective or complete solution.

As a community, we have expressed our commitment to a fair and ethical recruiting process through the voluntary NALP Guidelines. Although not intentional, the interaction between the NALP Guidelines, the current market conditions and the industry entrenchment described below has created a system

that is monolithic in nature, resistant to innovation and difficult to modify through a comprehensive centralized effort. The latter point is demonstrated by the inability of the 2009 Commission on Recruitment proposals to catalyze effective reform. Yet a number of employers have made clear that the current six-week recruiting season is unsustainable.

2. Lack of Mutual Assessment

There is a widespread concern among recruiting professionals at both employer organizations and schools that the current system limits opportunity for adequate assessment of employers by students and of students by employers. With some number of students relying predominantly on the OCI process to formulate (or at least finalize) their impressions of employers, the compression in the process creates a risk of inadequate assessment.

Moreover, the NALP Guidelines addressing contact with first-year students have the effect of dramatically limiting contact between first-year students and employers during the first semester of law school. Specifically, section V(D)(2) of the Principles and Standards states that “[p]rospective employers and first year law students **should not initiate contact** with one another . . . before December 1.” Thus, a significant period of time that might be used by students to begin learning about specific employers is not being utilized. Dissatisfaction with this timing guideline appears to be widespread, as employers, schools and students are reaching more creative interpretations in order to facilitate relationship building prior to December 1.

There is also a concern that employers use a system of evaluation that is too dependent on law school grades. Law firms, in part due to a connection to traditional hiring approaches and in part due to inadequate time and exposure to the students to employ other tools and metrics, place heavy weight on grades.

Students, for their part, often reach “decision time” with the nagging feeling that they have made less than an informed decision. This is particularly true of students who rely predominantly on the OCI process to first meet and learn about the employers.

3. Industry Entrenchment

It was observed that the legal industry, like many well developed industries, is slow to innovate. This appears to be particularly true in the area of recruitment. Risk aversion and inertia have led most employers to recruit like their peers, and

most schools to structure the recruiting process, again, like their peers. Employers and schools that deviate from the norms are often referred to in negative terms – in other words, experimentation is viewed with some level of distaste and even a sense that the experimenter is somehow “cheating.” This entrenchment is intensified by the existence of the guidelines discussed below.

4. Impact of NALP’s Voluntary Guidelines

Although NALP’s Guidelines are merely that – voluntary recommendations – their widespread acceptance and comprehensive nature have the effect of exacerbating the industry’s natural reluctance to change. Moreover, they have created a series of perceptions by market participants about how recruiting “should be” that are unique among the industries that we studied. Finally, the structure of the Guidelines and the inability of the members to revise them in response to the challenges of the current market have, in our opinion, contributed in a meaningful way to the aspects of our current recruiting processes that are most often criticized (*e.g.*, the overlap of virtually all OCI programs, the compression of the interviewing season, and the lack of adequate opportunities for employers and applicants to meaningfully assess each other).

Of particular interest to us in our discussions were the guidelines and interpretations addressing: (1) contact between employers and students during the first year of law school; (2) interviewing of rising second-year students before the start of OCI programs; and (3) the period of time that students could hold offers during the interviewing season.

RESEARCH METHODOLOGY

Industry Focus

In keeping with our primary charge from NALP, we set out to understand how employers in other industries identify, recruit and on-board talent for their organizations. For our industry research, we focused on employers in highly competitive environments that hire large entry-level classes of professionals directly out of undergraduate or graduate schools. These industries included:

Accounting	Entertainment/Communications
Banking/Financial Services	Health Care
Management Consulting	Insurance
Consumer Products	Pharmaceuticals
Energy	Retail
Engineering	Technology

Having identified target industries, each member of the Work Group identified and reached out to contacts in these industries to request interviews.

Throughout the months of July, August and September 2015, the Work Group members conducted interviews with 24 employers from these industries.

Additionally, Work Group members interviewed career services professionals working at a range of undergraduate and professional schools including business, engineering, and communications in an effort to enhance our knowledge of our CSO counterparts' activities and perspectives.

Interview Topics

To avoid gaps in data collection, prior to the interviews the Work Group developed a standard outline to be used in the interviews of industry representatives. The topics covered included:

Summer Program

- Whether the employer uses a summer program as part of its recruiting process for post-graduate hiring
 - If so, the extent to which the post-graduate starting class is populated from the summer program (*i.e.*, the balance

between summer class hiring and direct entry-level hiring)

- Hiring procedures employed for the summer program, to the extent different from those used for entry-level hires

Hiring Procedures

- Time of year for interviewing and whether all employers interview at the same time
 - To the extent that all employers do not interview at the same time, how interview times are allocated and whether there is a race for talent
- Duration of interviewing process, including period during which screening interviews were conducted at various schools, period for callbacks and normal time between screening interview and callback
- Hiring criteria
- Measurement metrics and assessment tools employed
- The existence of interviewing process guidelines created by either industry groups or by individual schools
 - To the extent that guidelines exist, the extent to which there is cheating

Interviewing Approach

- Method for questioning, including whether behavioral interviewing is employed
- The use of other assessment approaches including problem-solving exercises, case-interviews, writing exercises, commercially-available or home-grown assessment tools or tests administered

Offers and Post-Offer Procedures

- When offers are made in relation to the interviewing process

- How long candidates have to respond to offers
- Whether extensions to offers are requested and granted
- Whether candidates frequently renege on offers
- The existence of guidelines created by either industry groups or by individual schools to govern offers and offer acceptance

Evaluation of the Process

- Measures employed to evaluate the successfulness of the interviewing process
- Measures employed to incentivize employees to devote time to the hiring process

The Role of Recruiting Professionals

- The role that recruiting professionals play in each facet of the candidate evaluation and hiring process

INDUSTRY RESEARCH FINDINGS

In our discussion with employers from other industries, we found some similarities with the legal recruiting process, but we were surprised to learn that there were many more differences than there were similarities. Moreover, most surprising was that the recruiting processes of the other industries shared a great deal in common with each other. In other words, the legal industry ultimately looked to be an outlier in the way that it recruits.

Among the similarities are that most industries employ a practice that includes screening interviews and callbacks as part of the overall process; most do screening interviews on the campuses of target schools; many have a summer program that feeds at least part of their entry-level class; and most have specific seasons of the recruiting process that vary little year-to-year.

We identified the following trends that seem to contribute to these companies achieving more advantageous recruiting results:

Broader Period of Engagement

- Almost uniformly, the employers that we interviewed have more contact with students than is the case in the legal industry.
- Contact begins at an earlier time in the education process and neither the employers nor the schools report seeing a negative impact of this contact on the pedagogical mission of the schools.
- Graduate business schools reported that it was rare for an employer to engage in on-campus interviewing without previously initiating contact (and often multiple contacts) with students on campus before the interviews begin.
- The goal of many companies is to use personal interactions and technology to create virtually year-round contact with students. For instance, one employer conducts a “Freshman Friendly” event during the first year to introduce students to the organization far in advance of formal interviewing. Others engage in early and ongoing marketing campaigns, multiple campus visits, information fairs, concept and presentation contests, trainings and a host of other touch points outside of the on-campus interview process.

- This contact does not terminate following the selection of summer employees. Companies review lists of students met on campus even in later years, when looking for lateral candidates.

Absence of Industry-Wide Rules, Regulations or Guidelines

- No industry that we explored had rules, regulations or guidelines that were created by industry groups to guide the recruiting process. Although groups of employers or even whole industries might engage in parallel conduct or timing, different industries, employer groups and segments of employer groups were often on very different cycles, even when they were going to the same schools. The employers and schools that we interviewed reported that this approach did not create “a race for talent.” Rather, industries and employers naturally sorted themselves (with some input from schools) into different recruiting cycles. Banking and management consulting groups seemed to engage in the earliest interviewing, but even these did not report a “race” dynamic or employers “cheating up.” When asked whether they feared losing the “best” candidates to the banks, one technology company asked “what makes you think we are looking for the same things as the banks?” In other words, the vibrancy of the assessment process created a confidence that employers would be able to find the right candidates, even if they were not the first employer to interview.
- Several employers and schools noted that the National Association of Colleges and Employers (NACE) provides some guidelines but these did not have the comprehensive scope of NALP guidelines and industry-wide compliance on par with the legal industry does not exist.
- Regulation related to on-campus visits, interview cycles, offer timelines and responses was determined by schools on an individual basis. In some cases, schools interact with key employers to develop a timeline that works well for both students and employers. Perhaps not surprisingly, it appears that the schools with the most market power tend to have more rules and more ability to enforce employer compliance. Schools created rules that made sense in the context of their respective priorities and academic calendars. This approach seems to have stimulated experimentation among employers in the ways in which they made

contact with students. Schools worked more closely with employers in holding events and in compelling attendance once a student committed to the event. As a whole, the recruiting process appears to be more organic with employers engaging in recruiting during times that make sense for their particular businesses.

- Several employers mused that a NALP-style industry-wide guideline scheme sounded preferable to their free market reality. Others found the concept perplexing or even unfathomable (the latter was particularly true in the highly innovative technology industry).

Less Structured and Shorter Offer Holding Periods

- The period for which students were allowed to hold offers of employment varied, but none of those surveyed provided more than three weeks. Two weeks was the most common period and periods as short as a few days were not unusual.
- It appears that because so much interaction and vetting happens before interviewing, both students and employers are farther along in the evaluative process when interviewing begins. As a result, the turn-around of offers and acceptances can occur more rapidly.
- Most employers reported flexibility to provide reasonable extensions to students who they knew were seriously interested in them.
- Employers and schools did not perceive problems for students arising from this approach. It was true that students were more likely to have to communicate and negotiate, but this was viewed largely as a positive feature.
- The industries that we examined did not have processes in place that allowed students to collect and evaluate all possible offers at the same time. This was not seen as necessary or even desirable. Rather, the emphasis was on more meaningful evaluation before the interview process started. As a result, it was more likely that students would accept an offer before playing out all other possible options.

- Employers and schools said that students renegeing on offer acceptances was rare.

Broader Range of Assessment Tools and Less Emphasis on Grades

- Many employers interviewed employed more substantive programming and assessment tools than is characteristically the case in the legal industry.
- Among the assessment tools were a range of personality, strength, competency or other assessment instruments, mainly delivered electronically.
- Employers in other industries are also broadly utilizing behavioral interviewing, analytical problem-solving assessments, group exercises and case study interviewing and competitions, to determine if candidates have the skills and aptitudes associated with success in the industry.
- Given that employers use a broader range of assessment tools and approaches, it is not surprising that grades and class rank appeared to play a smaller role in hiring decisions in most industries than it plays for most employers in the legal industry. Grades seemed to be a more significant factor for fields such as investment banking. One technology company indicated that it was far more important to see that a candidate was entrepreneurial, resourceful, creative and quick to adapt, than to see that he or she had top grades. Management consultants, not surprisingly, focused on practical analytical and problem-solving skills and effectiveness in working in groups and with clients. In other words, strengths in targeted aptitudes were far more likely to allow a candidate to be viable even with lower grades and the absence of strengths in those areas could remove students from consideration even if they had very strong grades. Although many employers in the legal industry seem to have made moves in this direction, the trend was more developed and pronounced in the industries that we examined.

Use of Technology

- The employers we interviewed seem to be utilizing technology to source, track and vet candidates to an extent or in ways that are not the case in the legal industry.
- Many employers are using broad technological recruiting platforms to conduct a first level of assessment of candidates. In some instances, candidates create a profile and regularly update it throughout the recruiting process. As a result, the employers are able to conduct an ongoing assessment of candidates that focuses less on grades than is the case for most employers in the legal industry. This is in stark contrast to parts of the legal industry in which employers are often dissuaded or even chastised for asking for employment application documents before “interview season” begins.
- The platforms also often serve as a means for the employers to share information with candidates or to conduct things such as case study activities as evaluative tools.

Broader Role for Professional Recruiters and Greater Recruiting Resources

- The role of the professional recruiting staff in the organizations interviewed is more substantial in the sourcing and recruiting of talent than in the legal industry. Recruiting professionals conduct initial interviews, participate in the on-campus interview process, and provide an initial assessment of the candidates that is an integral part of the process. Although some firm recruiters fill similar roles in legal employers, our sense was that the more extensive and substantive recruiter role was more prevalent in other industries.
- Virtually all of the other industries that we examined devote more time and resources to recruit their target talent. Not only are the professional recruiters much more engaged and influential, many employers have dedicated teams of professional staff (including high-placed partner-equivalents) involved in and accountable for their assigned recruitment activities. Moreover, “accountability” involves both robust measurement of results and effects on

compensation. As a result, these individuals often spend significantly more time on recruiting than their counterparts in the legal industry.

- Both professional recruiting teams and offices of career services appear to be larger in the world of corporate recruiting. Career services offices, for instance, often have large “employer teams” that are generally lacking (or the responsibilities for which are often shared among student-facing counselors or assigned to a single person) in many law schools.
- This obviously means that many of these industries are spending more on recruiting per candidate than is the case for most legal employers.

Heightened Role of Student Organizations

- Particularly in business school student recruitment, student organization involvement in the actual recruiting process appears to be more expansive than is the case in most law schools. Although career services remains in a central role, industry-focused student organizations and clubs foster and often drive interactions with target employers. The process, as a whole, appeared to us to be less paternalistic in nature.

In summary, our research revealed comparable trends across different industries that led us to conclude that collectively employers in other industries are drawing on more data and candidate information, employing more sophisticated technology and assessment procedures, engaging in a 365-day-a-year recruitment process, and utilizing more employer resources and infrastructure to identify and match talent with key organizational opportunities. These processes struck us as more thorough and holistic. Moreover, every industry examined employed fewer, less detailed and less centralized guidelines than is the case in the legal industry.

SUGGESTIONS FOR INNOVATION

So where do we go from here? Our report has to this point set forth a summary of the issues faced by employers and schools and details about the way other industries conduct talent acquisition. This was essentially the information that we possessed when we began our two-day in person meeting. During that meeting, our evaluation of the data and discussions led us to conclude that the following ideas are worth consideration by NALP members as ways to address the perceived shortfalls in our recruiting processes.

None of these ideas on their own is likely to be a magic “fix” for August. If we are committed to improvement, however, and not just lamenting the status quo, we believe that we must take steps to facilitate member innovation and then members need to innovate.

In this spirit, we recommend consideration of the following:

1. Broader Engagement with Students: We encourage employers to begin working toward greater engagement with students before the start of the formal interviewing process of the sort described above. Serious, year-long engagement with the first-year class will lead to better information on both sides of the interview table.
2. First-Year Student Interaction: We believe that individual employers, schools and students should be allowed to make determinations on when and how interactions with first-year students should occur. Schools can take the steps necessary to protect students from having the educational mission of the schools impaired. And, consistent with school rules, employers can begin outreach at a time that fits best with its recruiting system.
3. More Robust Tracking of and Information Collection from First-Year Students Who Engage with the Firm: Firms are encouraged to use interactions with students as an opportunity to collect information and form the foundation for follow-up and relationship building. As an initial step, when the recruiting staff or any lawyers meet students, the student’s name, contact information and a few thoughts about the person should be recorded and tracked. With the early creation of student records/ profiles, employers can use targeted means to provide students with the information about their practices and cultures that they want to share. Moreover, employers will be able to begin evaluating students before their judgments are affected by grades. This in-depth data could be helpful for years to come as the employer encounters lateral recruiting needs.

An administrative person within each firm might also consider connecting with students on LinkedIn. As the firm promotes content on LinkedIn, it will stay on the top of the radar screen for the students.

4. New interviewing methods: If entry level talent acquisition is a serious matter for employers, employers should consider using strategies from other industries such as objective assessment tests, writing exercises, consistently applied behavioral interview questions, group exercises, case problems and other techniques.

5. More serious candidate assessment: Employers are encouraged to explore new means of candidate assessment. Other industries use assessment tools that are designed to test for competencies and aptitudes that are desired in candidates. Given that lawyers need to take a test to get into law school, more tests to succeed in law school and a big test to get licensed to do the job, a brief but targeted assessment in connection with a job interview is not too much to ask.

6. Reevaluation of the importance of grades: A student's GPA after two semesters of law school has long served as a proxy for whether he or she could thrive in the challenging work environment of a large law firm. Perhaps this has been true over the years - that the most successful associates at the firm are those with the highest GPAs. But employers might also consider measuring the accuracy of this assumption. It might also focus (as many have in developing competency models) on what traits and attributes are best associated with success. Employers could then consider also whether grades correlate with these attributes. If there are other skills, abilities and experiences that emerge as patterns in those lawyers, the firm should investigate those traits in the interview process.

7. Evaluation of the offer hold period: We were surprised to learn that no other industry that we studied allowed students to consider offers for 28 days. It seems that the legal industry does this in part because so much emphasis is placed by both students and employers on using the OCI process to collect information necessary for employment decisions. This raised the question of whether changes in the level of pre-interviewing contact between employers and students should be accompanied by modifications of the guidelines governing the offer hold period.

8. Pre-OCI Interviewing: As noted above, most other schools have interviews conducted over a broader period of time. In thinking about how to move some interviews out of the compressed OCI period, we discussed early season interviews. Even firms that engage in preseason interviews often report that their utility is limited by the guideline calling for students to be given 28 days after the start of the student's OCI to evaluate any pre-season offers received. We believe that it is worth considering whether these guidelines should be maintained. An alternate to the current system would be one in which students are on notice that early interviewing could lead to early offers that would need to be considered during the preseason. Employers could be encouraged to grant reasonable extensions to students who they believe (from prior engagement) to have a bona fide interest in the firm. We were also interested in another alternative that would allow employers to create the analog to an early decision process in which students would apply knowing that if they received an offer they were obligated to accept it and withdraw all other applications. Another alternative would allow students to waive the right to carry offers for 28 days into the OCI season – they would do this for target employers and would need to make a decision on an offer from those employers within a reasonable time after the offer is extended. Finally, a system could be used that limits the number of offers that a student can carry into the OCI season (possibly to as few as one or two). At the end of the day, NALP members should consider ways in which different approaches could be tried to see if they lead to improvements in the “compression” of the current system.

9. Facilitation of Employer Contact by Career Services Office: Career Services Offices should continue to expand its role on educating students about employers. Ideally, this would be viewed as part of the educational process, rather than a side effort. With permission, of course, CSOs who do not already could consider providing student organization contact information to requesting employers. Schools who do not have this in place could work to develop a successful intermediary role between student organizations and legal employers. Technology should be considered as a means to facilitate this process. To get started, employers, CSOs and a small group of student leaders could brainstorm about the best ways to collaborate on activities at the beginning of each year. This collaboration would foster relationships that go beyond a request for sponsorship of an event. As these meetings become more habitual, a firm could rely on partnering with the Business Law Society, for example, on their Mergers & Acquisitions Practice Panel each year. It would also be beneficial for there to be greater transparency between employers and career services offices during the interview season and OCI process. The

industry should consider employing technology to facilitate this in the hopes of creating a more efficient market.

10. Enhanced role of recruiting professionals: The industry should consider how it can educate employer management and school faculties about the different and successful role that recruiting professionals play in other industries. An increased role for these individuals will reduce variability in the interviewing and evaluation process and allow attorney time to be employed to its best use. As a result of their management of the summer program, employer recruiters also possess insights into what it takes to be successful at the employer.

11. Larger recruiting team: Legal employers should consider the models employed by other industries to determine whether a larger commitment of resources to the recruiting process could lead to better outcomes, both in terms of immediate outcomes and in terms of candidates who are more successfully retained and advanced. A continuous effort to get to know law students simply takes a larger staff that can cover a larger footprint.

12. Greater involvement by employer lawyers, including partners: Given the importance of recruiting to the success of legal employers, employers should consider modeling the approach used in other industries in which recruiting is seen as an essential element of each person's job. Success in this area might require modifications to firms' billing and compensation policies and an example from leading partners and firm leaders. Obviously, a number of law firms have taken steps in this direction.

13. Multi-school job fairs: Employers and schools could expand collaboration on multi-school job fairs as a way to draw more employers from a particular geography into the interview process and to allow students interested in that geography to have a clearer sense before OCI of whether they are likely to have offers in their primary target market. Individual law schools, and consortia of law schools, should think creatively about making it easier for employers to recruit.

14. Alternatives to Second-Year Hiring: A firm could experiment with eliminating OCI entirely, and identify and screen candidates through resume collections, direct write-ins and contact at previous events and programs. This would put the timing and pace of interviewing entirely in the hands of the firm. Paired with a longer period of engagement, the firm could effectively recruit on its own terms. As another idea, employers could explore models from other industries that employ more entry-level hiring to fill their new classes versus relying so heavily on summer associate hiring. Firms have historically been hesitant to rely on 3L hiring due to concerns that a student underperformed in their summer associate position or, if the student did not participate in a summer associate position, that the student was underqualified to start or a poor interviewer. However, the benefit of having more law school performance data and overall work history of a 3L candidate versus a 2L candidate should not be overlooked.

CONCLUSION

Change is hard, and cultural change is the hardest of all. Given the widespread dissatisfaction among employers with the current recruiting system, change seems necessary and likely inevitable. Centralized efforts at change have been unsuccessful.

We have recommended steps that could be taken to encourage decentralized innovation. We are confident that many of these proposals have the potential to improve the industry's recruiting process. We also believe that modifying our guidelines to encourage broader experimentation is the most likely path to meaningful positive change.