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JUDICIAL ARBITRATION AND MEDIATION SERVICES, INC.
BOSTON, MASSACHUSETTS

JAMS CASE NO. 1400015331
VOLUME II

KENDAL B. PRICE, *

Claimant, *

v.

MAJOR, LINDSEY & AFRICA, LLC, *
ALLEGIS GROUP, INC., [REDACTED] *
[REDACTED] and JANE SULLIVAN ROBERTS, *
Respondents. *

VOLUME II OF HEARING IN THE
ABOVE-ENTITLED MATTER, taken before Michelle Kaczynski,
a Registered Professional Reporter and Notary Public in
and for the Commonwealth of Massachusetts, at the
offices of JAMS, One Beacon Street, Suite 2210, Boston,
Massachusetts, on Wednesday, October 14, 2015, at 9:44
a.m.

KACZYNSKI REPORTING
72 CHANDLER STREET
BOSTON, MASSACHUSETTS 02116

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1 APPEARANCES:
2 THE ARBITRATOR:
3 HON. STEPHEN E. NEEL (RET.)
JAMS

6 THE CLAIMANT:
7 KENDAL B. PRICE, ESQ.

ON BEHALF OF THE CLAIMANT:

EARLIE L. MALLOY, III, ESQ.

ON BEHALF OF THE RESPONDENTS:
DAVID CASEY, ESQ.
ASHA A. SANTOS, ESQ.
JENNIFER M. DUKE, ESQ.
Littler Mendelson, P.C.

18 MAUREEN R. DRY-WASSON, ESQ.
Allegis Group

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PROCEEDINGS

THE ARBITRATOR: Good morning, I'm Judge Neel. I apologize for being late, our local transportation authority chose to make it so, but I would ask the newcomers to identify yourselves.

MS. ROBERTS: Hello, I'm Jane Roberts,
Roberts, R-O-B-E-R-T-S.

THE ARBITRATOR: Good morning, and welcome to both of you.

THE ARBITRATOR: Just a couple of preliminary things. [REDACTED]

[REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
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 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 THE ARBITRATOR: Mr. Price, your next
 17 witness?
 18 MR. PRICE: May I call Jane Sullivan
 19 Roberts, please.
 20 - - - -
 21 JANE SULLIVAN ROBERTS,
 22 having first been duly sworn, was
 23 examined and testified as follows:
 24 THE ARBITRATOR: Would you please state

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1 your full name and your place of residence?
 2 THE WITNESS: Jane Sullivan Roberts,
 3 Chevy Chase, Maryland.
 4 THE ARBITRATOR: Thank you. Go ahead,
 5 Mr. Price.
 6 MR. PRICE: Thank you, Your Honor.
 7 EXAMINATION OF JANE SULLIVAN ROBERTS BY MR. PRICE:
 8 **Q. Thank you, Ms. Roberts, appreciate you**
 9 **coming. Would you please describe your educational**
 10 **background?**
 11 A. Yes. I received a bachelor's degree from the
 12 College of the Holy Cross in 1976, a diploma of
 13 education from Melbourne University in Australia, 1977,
 14 a master of science in applied math from Brown in 1981,
 15 and a J.D. from Georgetown University Law Center in
 16 1984.
 17 **Q. Thank you, and can you please describe your**
 18 **professional experience?**
 19 A. Yes. How far back would you like me to go,
 20 to my waitressing days or my teaching days or
 21 engineering days?
 22 **Q. As far as you would like, ma'am.**
 23 A. Perhaps relevant for here, since graduating
 24 from law school I worked, I clerked on the Fourth

<p style="text-align: right;">191</p> <p>1 Circuit for Judge Sprouse. I worked at Dorsey & 2 Whitney as an associate in Minneapolis around '85, '86. 3 I returned to Washington in '87 and worked for Shaw, 4 Pittman, Potts & Trowbridge for the next twenty years, 5 starting as an associate in litigation and becoming a 6 partner in technology transactions. In 2007 I joined 7 Major, Lindsey & Africa as a managing director in the 8 in-house practice group. In 2008 I moved to the 9 partner practice group, again as a managing director, 10 and around 2010, effective 2011, I became a partner in 11 the partner practice group of Major, Lindsey & Africa.</p> <p>12 Q. Would you please describe your recruiting 13 experience with MLA and any prior recruiting work you 14 did before joining MLA?</p> <p>15 A. I really didn't do recruiting work before 16 joining Major, Lindsey & Africa except in my role as a 17 lawyer at Shaw Pittman when lawyers are asked to 18 interview prospective candidates who would be being 19 recruited to the firm, but generally I was not in a 20 decision-making role there. In my role as talent 21 development partner at that firm I sometimes gave 22 advice to our recruiting program, but again, that was a 23 take it or leave it basis advice, I was not in charge 24 of recruiting, and then at Major, Lindsey & Africa,</p>	<p style="text-align: right;">193</p> <p>1 opportunity, so we look at what I call parallel 2 tracking, looking at in-house opportunities and looking 3 at partner opportunities.</p> <p>4 Q. So it would be consistent with your, so your 5 description of how your counseling of an official would 6 include both to make sure -- Strike that.</p> <p>7 Would you please tell me about your work 8 with senators or former senators or about to be former 9 senators in particular in connection with the timing of 10 their searches?</p> <p>11 A. Well, it depends on when they start talking 12 to me. Again, I try to establish what their goal is, 13 whether it's in-house or a law firm. If it's in-house, 14 I will ask them, what is your timing. I advise them 15 that it's at least a solid year to find an attractive 16 in-house opportunity. It could be longer, and it could 17 be shorter if lightning struck, so we look at their 18 timing, will they be in their position another year so 19 that they have the luxury of allowing themselves the 20 time to look for an in-house position, or is their 21 position going to be over in two months, or is it over 22 now. If their time is scrunched and I ask whether they 23 have the funds to live without an income while they 24 search for that in-house opportunity, try to establish</p>
<p style="text-align: right;">192</p> <p>1 starting in 2007 for about a year I did in-house 2 recruiting, and then starting in 2007, September 2007, 3 and about a year later I switched over to the partner 4 practice group, and that's where I've been since then.</p> <p>5 Q. Can you tell us a bit about your work with 6 highly accomplished federal or state government issues?</p> <p>7 A. A significant portion of my practice on the 8 partner side is with senior government lawyers, ranging 9 from U.S. attorneys, cabinet officials, former 10 senators, chairmen of federal commissions, general 11 counsel of federal commissions, and then senior 12 political appointees within the ranks of various 13 agencies, and I -- they come to me looking to 14 transition to the private sector. One of the first 15 questions I try to determine is whether they want to be 16 on the, go in-house with a corporation or go to a law 17 firm, and talk to them about their timing and whether 18 they have the leisure, if in-house is their priority, 19 whether they have the leisure of time to give that time 20 because that's a matter of having the right opportunity 21 at the right time for them and the company or whether 22 they need to parallel track it. You know, most people, 23 they have limited time, don't have enough money to be 24 able to sit out and wait for that right in-house</p>	<p style="text-align: right;">194</p> <p>1 when do they actually need to be in a job, maybe 2 because their funds run out, whatever the reason is, 3 and then we work it back. A law firm move takes a good 4 four months, and so if they said they needed to be in a 5 job by January, I'd say, well, you need to be in the 6 market by September, and so, you know, I advise them 7 to -- again, if in-house is their primary goal, I'd 8 advise them to give in-house until September, and if it 9 doesn't work out that's when they should start their 10 partner search, so that's the kind of advice I give to 11 senior government lawyers, including senators who are 12 leaving the government.</p> <p>13 Q. Can you describe how you and your candidates, 14 particularly senior governor officials, discussed or 15 managed the ethical constraints depending on their 16 position or their status in terms of planning a launch 17 or doing recruiting prior to leaving office or after 18 office?</p> <p>19 A. Well, senior -- all lawyers, but in this case 20 we're talking about senior government lawyers, have 21 various ethical constraints. One is, pertains to 22 active cases, and on the law firm side I will ask them 23 to let me know which firms they would not want to be 24 submitted to because it could cause them embarrassment</p>

<p style="text-align: right;">195</p> <p>1 or complications, awkwardness. For example, if they're</p> <p>2 in the middle of a sensitive negotiations with a firm,</p> <p>3 they would not want to be presented to that firm, so I</p> <p>4 ask them to identify those kinds of firms, and then I</p> <p>5 also ask them to talk with their ethics officer.</p> <p>6 Although they're interpreting the same statutes, the</p> <p>7 advice given by ethics officers across the agencies can</p> <p>8 vary, then I ask them when talking with their ethics</p> <p>9 officer to keep in mind a couple of different</p> <p>10 approaches that we can use so that they can satisfy</p> <p>11 their ethical obligations.</p> <p>12 Q. Do you recall working with any senators who</p> <p>13 chose to allow you to recruit for them while they were</p> <p>14 still in the office or insisted upon waiting until</p> <p>15 after they had stepped down?</p> <p>16 A. No.</p> <p>17 Q. No, you didn't recruit for them while they</p> <p>18 were still in office, or no --</p> <p>19 A. I don't, I think -- could you rephrase your</p> <p>20 question?</p> <p>21 Q. Sure, I'm sorry, I'm very sorry.</p> <p>22 A. I think there were a couple of questions in</p> <p>23 there.</p> <p>24 Q. Did you work with sitting senators,</p>	<p style="text-align: right;">197</p> <p>1 it's not my decision. I encourage them to think about</p> <p>2 their own personal constraints and to talk with their</p> <p>3 ethics officer. That's their decision, not mine.</p> <p>4 Q. It's theirs, thank you. Can you describe in</p> <p>5 broad terms the range of annual compensation that</p> <p>6 you've been successful in obtaining for former U.S.</p> <p>7 senators or cabinet level officials?</p> <p>8 MR. CASEY: Objection.</p> <p>9 THE ARBITRATOR: What's your objection?</p> <p>10 MR. CASEY: Form, it's compound.</p> <p>11 MR. PRICE: I'm sorry.</p> <p>12 Q. (BY MR. PRICE CONTINUING): Limit it, please</p> <p>13 limit the question to let's say a senator, for example.</p> <p>14 A. It depends very much on the senator or</p> <p>15 congressperson's ability to practice law and in what</p> <p>16 areas, so sometimes their highest and best use is as a</p> <p>17 lobbyist, but they don't want to be lobbyists, so you</p> <p>18 can have, and others actually have hard legal skills.</p> <p>19 They're former litigators in various capacities and</p> <p>20 wish to resume their litigation careers, so they're</p> <p>21 very different profiles, and they range from zero</p> <p>22 dollars to, you know, three million dollars. It</p> <p>23 depends on their value add to the law firm, and again,</p> <p>24 could be from zero dollars to three million dollars.</p>
<p style="text-align: right;">196</p> <p>1 recruiting for them actively, or did you insist on</p> <p>2 working until, well, waiting until after they had been,</p> <p>3 stepped down?</p> <p>4 A. Well, it's not my decision --</p> <p>5 MR. CASEY: Objection.</p> <p>6 THE ARBITRATOR: Excuse me. To form?</p> <p>7 MR. CASEY: Yes.</p> <p>8 THE ARBITRATOR: Can you break that</p> <p>9 question up?</p> <p>10 MR. PRICE: I'm sorry, Your Honor, yes,</p> <p>11 I will.</p> <p>12 Q. How did, how have you approached at least,</p> <p>13 and if you can give a representative example, of</p> <p>14 working through the decision-making process of whether</p> <p>15 you would recruit actively for a senator while he or</p> <p>16 she was still sitting in office versus waiting until</p> <p>17 they had stepped down?</p> <p>18 A. That's not my decision, it's the candidate's</p> <p>19 decision, and it depends on what delicacies and ethical</p> <p>20 obligations they're facing, and I encourage them to go</p> <p>21 back to their ethics officer. There might be other --</p> <p>22 maybe they're too busy, which isn't an ethical issue.</p> <p>23 Maybe they've got important bills coming to a vote.</p> <p>24 Again, it's not for me an ethical issue, but again,</p>	<p style="text-align: right;">198</p> <p>1 Q. Thank you. Do you conduct any so-called cold</p> <p>2 calls, or do you at this point obtain most of your</p> <p>3 candidates through referrals?</p> <p>4 A. Most are through referrals.</p> <p>5 Q. Would referral work -- would working with</p> <p>6 candidates through referral be considered something</p> <p>7 that's preferable to making cold calls, or are you</p> <p>8 indifferent to that?</p> <p>9 A. I'd rather get a referral than make a cold</p> <p>10 call.</p> <p>11 Q. Thank you.</p> <p>12 MR. CASEY: I don't suspect that's a</p> <p>13 news flash.</p> <p>14 MR. PRICE: Foundation?</p> <p>15 Q. Aside from the high potential significant</p> <p>16 revenue placing government officials in law firms, what</p> <p>17 other nonmonetary professional benefits have you</p> <p>18 experienced from working with high government</p> <p>19 officials, both federal and state, in terms of your</p> <p>20 brand or reputation within the legal community?</p> <p>21 A. Well, they are, like any candidates, they are</p> <p>22 a potential referral source. Successful people have</p> <p>23 successful friends, and so they refer their friends as</p> <p>24 well.</p>

<p style="text-align: right;">199</p> <p>1 Q. In working with again high federal government 2 officials or state, have you been able to benefit from 3 publicity in the mass media with regard to placement 4 and their acknowledgment of their work with MLA and 5 with you in particular?</p> <p>6 A. No.</p> <p>7 Q. Can you tell us about why?</p> <p>8 A. Well, I keep my placements confidential. The 9 firm keeps them confidential. I'm aware of only one 10 case where it came to the media, and it was someone 11 moving from one law firm to another, and this person is 12 a master publicist and wanted everybody to know, for my 13 benefit and his, but otherwise, I think people are 14 pretty discreet, and I don't think I've ever been 15 mentioned in the media in moving a senior government 16 lawyer.</p> <p>17 Q. That's consistent within the partner practice 18 for sure from one law firm to another, that's rare.</p> <p>19 A. Mm-hmm.</p> <p>20 Q. I was thinking in the context of someone 21 who's in, who's been in the government and therefore 22 doesn't have the constraints of the law firm --</p> <p>23 A. Right, yes, I understand, and it's odd in 24 this case that the only one that I'm aware of that hit</p>	<p style="text-align: right;">201</p> <p>1 it's the history, has been in touch with any of our 2 other recruiters. Sometimes that's a many year set of 3 notes. In this case, it revealed that Senator [REDACTED] 4 and you had been in touch and had been working 5 together, and that you owned Senator [REDACTED]</p> <p>6 Q. So in your review of, or in your assistant's 7 review of the MaxHire database, were you able to form, 8 did you form, what impression did you form about the 9 working relationship, the length, the extent of it?</p> <p>10 A. I didn't form an impression except that she 11 told me Senator [REDACTED] is owned by you, like I don't 12 need to look beyond that because he's owned. I'm not 13 going to work with him, he's owned by you, so why would 14 I -- time is limited, I wouldn't go studying the 15 history. It's irrelevant at that point.</p> <p>16 Q. Did you become aware in the process of -- 17 actually, how would you describe the status of [REDACTED] 18 [REDACTED] preparation to launch his candidacy for a 19 position with a firm around, in July [REDACTED]?</p> <p>20 A. In July?</p> <p>21 Q. Yes.</p> <p>22 A. Okay. Can you repeat that question?</p> <p>23 Q. Certainly. How would you describe the status 24 of [REDACTED] preparations for his launch back</p>
<p style="text-align: right;">200</p> <p>1 the press was a partner from one law firm to another. 2 In the government context, I'm not aware of media 3 mentions.</p> <p>4 Q. Thank you. Would you please tell us when you 5 were first in contact with Senator [REDACTED]?</p> <p>6 A. Sometime in early June [REDACTED] he contacted me 7 and asked if he could meet with me. He was referred by 8 [REDACTED] general counsel of a company [REDACTED] 9 [REDACTED]. [REDACTED] but I'm not quite sure.</p> <p>10 Q. Do you recall, or can you tell us about how 11 and when you became aware of Senator [REDACTED] 12 representation by claimant, me, in this case?</p> <p>13 A. Right, so at about that time, I can't 14 remember whether it was before or after I met with [REDACTED] 15 [REDACTED], my assistant told me that Senator [REDACTED] was 16 owned by you.</p> <p>17 Q. And that was at -- I'm sorry, and that was 18 the first that you were aware that we worked together?</p> <p>19 A. Yes. What I do is I record my notes, or like 20 in this case, he sent me an e-mail, could we meet. I 21 forward the e-mail to my assistant. She puts it in the 22 database. She looks at what prior activity there has 23 been with respect to a candidate, and then she lets me 24 know if they, if that candidate has been in touch with,</p>	<p style="text-align: right;">202</p> <p>1 into the law firm market after having been a senator, 2 in this case in July of [REDACTED]?</p> <p>3 THE ARBITRATOR: [REDACTED]?</p> <p>4 MR. PRICE: [REDACTED], Your Honor. I 5 apologize for my voice.</p> <p>6 A. Well, he wanted to go, he still -- well, we 7 haven't talked about June, but if you want me to jump 8 ahead to July --</p> <p>9 Q. I'm sorry, please continue with June.</p> <p>10 A. Okay, so we did meet in Washington, and in 11 that meeting he was still a senator, and he was going 12 to be transitioning out I believe in July, and his 13 goals were he still wanted to be, still; he wanted to 14 be in-house in a business role, and I asked him again, 15 going back to the general conversation I have with 16 senior government lawyers, you know, what's your 17 timing, et cetera, and it was clear that he needed to 18 be in a job sooner rather than later, so though his 19 long-term goal was in-house, seemed like he needed to 20 double-track it and also pursue law firm opportunities, 21 and I described him on the in-house, that we don't work 22 for the candidate, you know, go network in the, in your 23 community. On the law firm side, if he wanted to 24 double-track it and do that, that he would need to</p>

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1 write a business plan and in discussions with our firm
2 come up with a list of firms, and I sent him a business
3 plan, and I let you know by e-mail that I had met with
4 him, that I had sent him a business plan, that I
5 understood that you owned him, and I had no intentions
6 of representing him in the market, because I also sent
7 him back to [REDACTED] where I thought he had the best
8 contacts to develop a business that would be attractive
9 to a law firm, and under our rules you owned him for
10 the [REDACTED] market, so I sent him back to you to work
11 with you to go to law firms.

12 **Q. Okay. Can you please describe the next**
13 **communication you had with [REDACTED]?**

14 A. Yes. On July 3rd I sent him an e-mail that
15 said that Mr. Price, that you were no longer with our
16 company, and that if he wanted assistance in the market
17 that we would be happy to help him.

18 **Q. And how did you come about, come to be aware**
19 **that I was no longer with the company?**

20 A. [REDACTED] called me. I was in Prague at
21 the time, and she called me to say that you were no
22 longer with the company, and would I please reach out
23 to Senator [REDACTED] to see if he would like assistance
24 going to the market. I said, well, does, do you have a

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1 non-compete, would you be allowed to represent Mr.
2 [REDACTED] and she said no. I said, okay, so then I
3 e-mailed him, as I said, I e-mailed him, and saying
4 that you had been terminated, and would he like
5 assistance, our assistance in going to the market. He
6 said he was very surprised. By return e-mail he said
7 he was very surprised that you had been terminated
8 because he had just had breakfast with you that morning
9 and you hadn't mentioned that you had been terminated.
10 I think he said something like he didn't want to get in
11 between, but he wanted our assistance in going to the
12 market.

13 THE ARBITRATOR: Just a -- I'm sorry,
14 had you finished your answer?

15 THE WITNESS: I think so, and he said he
16 didn't need to talk that day, I think we were both busy
17 that day. It was, you know, July 3rd, it was right
18 before the holiday, I think it was over a weekend, and
19 we agreed we would talk like around July 8th.

20 THE ARBITRATOR: You mentioned your
21 conversation with [REDACTED] when you were in Prague,
22 and that you asked whether Mr. Price had a non-compete,
23 and her response was what?

24 THE WITNESS: Yes.

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1 THE ARBITRATOR: He did have a
2 non-compete?

3 THE WITNESS: Yes, he was subject to a
4 non-compete, which meant he couldn't solicit or work
5 with candidates he had at while Major, Lindsey &
6 Africa.

13 **Q. Thank you. I did want to ask your thoughts,**
14 **your, your opinion, what would be the; pardon me --**
15 **Strike that, please.**

16 **Can you describe what you think would be**
17 **the effect on any senator's or high federal government**
18 **official's recruiting plan, one that had been worked on**
19 **for a while, of having a sudden unexpected shift in**
20 **recruiters at the last minute four or five days before**
21 **a planned launch?**

22 MR. CASEY: Objection.

23 THE ARBITRATOR: In that form,
24 sustained.

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1 **Q. Do you have a -- can you describe what you**
2 **think the effect of a change in recruiters would have**
3 **on the recruiter, on the candidate's prospects with his**
4 **law firm, or with, excuse me, with law firm**
5 **submissions?**

6 MR. CASEY: Objection. It's awfully
7 hypothetical.

8 THE ARBITRATOR: I'll allow it.

9 A. Well, would you just say the question again?

10 **Q. It's in the context of him in the [REDACTED]**
11 **market. He had been submitted six months earlier to a**
12 **dozen firms, got a very favorable response, and so in**
13 **many respects this was like a resubmission where he,**
14 **planning, he was planning a resubmission to some of the**
15 **same firms and others after he had now had [REDACTED]**
16 **[REDACTED], so in this context, I, based on your**
17 **substantial experience with senators, with high federal**
18 **officials, what would you think would be the impact on**
19 **a change of recruiters where in this case the managing**
20 **partners of the firms he had been working with already**
21 **had a familiar voice and now were going to move to**
22 **someone different?**

23 MR. CASEY: Objection.

24 THE ARBITRATOR: Sustained.

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1 **Q. In your experience in working with senators**
 2 **or high officials, can you describe the level of**
 3 **sensitivity to working with an individual recruiter**
 4 **like yourself?**

5 MR. CASEY: Objection.

6 THE ARBITRATOR: I'm not sure I
 7 understand the question, Mr. Price.

8 MR. PRICE: Well, what I'm trying to
 9 convey is --

10 THE ARBITRATOR: Just, you need to
 11 rephrase.

12 MR. PRICE: Rephrase.

13 THE ARBITRATOR: Actually, I'm -- how
 14 much more do you think you have for Ms. Roberts?

15 MR. PRICE: Just one, one or two more
 16 questions.

17 THE ARBITRATOR: Okay. We normally
 18 break at eleven. How much cross do you expect?

19 MR. CASEY: Two to three minutes.

20 THE ARBITRATOR: Shall we go until
 21 conclusion?

22 THE WITNESS: Yes, that's fine.

23 THE ARBITRATOR: Okay. Go ahead, Mr.
 24 Price.

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1 needed to double-track it, so to also explore the law
 2 firm market [REDACTED], and he still had not written a
 3 business plan, and we had not discussed a list of
 4 firms, so he was still, you know, in my experience, you
 5 know, at best a week from exploring the market, but
 6 more typically many weeks away, the gating issue that
 7 we know the market, we know the law firms, so except
 8 for the discussion about what firms are of interest,
 9 the real gating issue is the writing of the business
 10 plan. It's important to be taken seriously by law
 11 firms, you're not just a government bureaucrat but
 12 really a lawyer who can think and act like a business
 13 generator, so that business plan is key to making a
 14 good impression, both on paper and in the first meeting
 15 with the law firm, and he had not written a business
 16 plan, so we encouraged him to write his business plan,
 17 and again, for some people who are really on it, it may
 18 take a week, for others it might take a few weeks, but
 19 we encouraged him to write his business plan.

20 **Q. Did you have a chance or did you review the**
 21 **draft business plan that I worked on for him as well as**
 22 **my extensive notes and, about which firms he was**
 23 **interested in being submitted to, or was that not**
 24 **accessible --**

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1 **Q. (BY MR. PRICE CONTINUING): Can you please**
 2 **describe the recruiting efforts that you did undertake**
 3 **for Senator [REDACTED] after he, after I was terminated and**
 4 **he began to work with you, and if I'm correct, [REDACTED]**
 5 **as well?**

6 A. Mm-hmm, so picking up from that e-mail
 7 exchange around July 3rd, Senator [REDACTED] and I did speak
 8 about July 8th. Again, I was still in Prague, and I
 9 guess he was [REDACTED], but he was in the United
 10 States anyway, and he said that he would like to
 11 explore the market, and wanted our, meaning Major,
 12 Lindsey & Africa's assistance, and I said I would be
 13 happy to meet with him with my colleague, [REDACTED]
 14 again, because under our rules I would not be permitted
 15 to represent him alone in the [REDACTED] market, I would
 16 have to work with one of my [REDACTED] colleagues so that
 17 the candidate gets the benefit of local market
 18 knowledge, so we agreed we would meet in [REDACTED] when I
 19 got back from Prague, which was probably about a week
 20 later, and then I contacted [REDACTED] and asked him if
 21 he would co-represent Senator [REDACTED] with me in the
 22 [REDACTED] market, and he agreed. We met with Senator
 23 [REDACTED], and at that point he still, his
 24 primary goal was still to go in-house, but he still

1 MR. CASEY: Objection.

2 **Q. Did you review --**

3 MR. PRICE: I'm sorry.

4 THE ARBITRATOR: Excuse me. Sustained.
 5 Go ahead.

6 **Q. Did you review the existing record in the**
 7 **file prepared by me in order to, were you able to --**
 8 **sorry.**

9 **Did you find it useful to review the**
 10 **draft business plan and list of firms that Mr., Senator**
 11 **[REDACTED] and I had discussed and prioritized the list for**
 12 **the launch the following week?**

13 MR. CASEY: Objection.

14 THE ARBITRATOR: I'll sustain the
 15 objection to the second question. I'll allow the first
 16 question, which was, did you review the existing file
 17 that I prepared.

18 MR. PRICE: Thank you, Your Honor.

19 A. I think there are different parts of the
 20 database, and there's one summary snapshot that would
 21 say what firm somebody was presented to and what was
 22 the status of that, and I think I looked at that
 23 snapshot but not other notes within the database.
 24 [REDACTED]

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1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 **Q. (BY MR. PRICE CONTINUING): If I may, just**

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1 **one more question. Based on what you said earlier**
 2 **about, based on what you said earlier about those**
 3 **government officials who although lawyers, some don't**
 4 **have skill sets that are currently marketable as**
 5 **lawyers versus those who have been practicing lawyers**
 6 **and have hard skills, could hit the ground running, and**
 7 **the combination of intangible factors that you**
 8 **developed over your experience being a very successful**
 9 **recruiter for MLA, how valuable do you believe Senator**
 10 **[REDACTED] candidacy was?**
 11 MR. CASEY: Objection.
 12 THE ARBITRATOR: I missed the, how
 13 valuable --
 14 **Q. How valuable do you believe, did you assess**
 15 **Senator [REDACTED] candidacy to be?**
 16 THE ARBITRATOR: That's too vague I
 17 think, Mr. Price. Valuable in what sense?
 18 MR. PRICE: Valuable --
 19 THE ARBITRATOR: Why don't you just
 20 rephrase --
 21 MR. PRICE: Okay.
 22 THE ARBITRATOR: Put a new question.
 23 **Q. Can you describe the financial and intangible**
 24 **marketing and promotional value of placing Senator**

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1 [REDACTED]?
 2 MR. CASEY: Objection.
 3 THE ARBITRATOR: Again, there are
 4 several concepts going on in there.
 5 **Q. Can you describe, would you consider Senator**
 6 **[REDACTED] a valuable candidate?**
 7 MR. CASEY: Objection.
 8 THE ARBITRATOR: I'll allow it.
 9 A. Valuable in what sense?
 10 **Q. On the first level, financial.**
 11 A. It remained to be seen. As I mentioned
 12 earlier, the value of, the monetary value of a senior
 13 government official will depend on the value they bring
 14 to a law firm's client base, and as I mentioned before,
 15 some very senior people have been basically valued at
 16 zero because the law firms don't see the business case,
 17 and others have been valued at say three million
 18 dollars, so it really depends on how they're going to
 19 add value to the law firm's client base, and I
 20 typically don't know that until I see their business
 21 plan, so I can say, so what are you going to do when
 22 you join a law firm, how are you going to add value to
 23 the client base, and, you know, I don't know that until
 24 they write me a business plan and they set out their

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1 case, and part of it is to educate me so I can think
 2 about what firms we should be thinking about, but
 3 partly it is to then educate the firms, first on paper
 4 and then next in that first meeting, recency and
 5 primacy. You know, they want to make a good
 6 impression, and you have to have a snappy business
 7 case, and that is what value add do you bring to the
 8 client base, and it depends on what the person has to
 9 sell.
 10 **Q. Were you able to review the correspondence**
 11 **from the law firms to which, from managing partners of**
 12 **law firms to which he was submitted in December, and**
 13 **based on their response at the timing, the nature, the**
 14 **quality, add to your assessment of Senator [REDACTED]**
 15 **value?**
 16 MR. CASEY: Objection.
 17 THE ARBITRATOR: Is there any such
 18 correspondence in evidence, Mr. Price?
 19 MR. PRICE: Yes.
 20 THE ARBITRATOR: Where?
 21 MR. PRICE: It is in the database that
 22 they, and in, I believe it's in claimant's exhibits,
 23 I'm not going to, I'm not sure whether it's in
 24 respondents' exhibits, but I'll --

<p style="text-align: right;">215</p> <p>1 THE ARBITRATOR: I'm asking you</p> <p>2 specifically --</p> <p>3 MR. PRICE: Yes, it does exist, I can</p> <p>4 provide --</p> <p>5 THE ARBITRATOR: The exhibits in this</p> <p>6 case are in this black binder and in this white binder.</p> <p>7 Is there any such correspondence in either of these</p> <p>8 binders?</p> <p>9 MR. PRICE: I --</p> <p>10 THE ARBITRATOR: And if so, can you</p> <p>11 point me to it?</p> <p>12 MR. CASEY: While he's looking at the</p> <p>13 claimant's binder, I would note that they have not been</p> <p>14 introduced into evidence, and Mr. Price's testimony has</p> <p>15 been concluded, so unless he can put it through</p> <p>16 Ms. Roberts, which I doubt, they're not in evidence.</p> <p>17 THE ARBITRATOR: Actually my ruling at</p> <p>18 the beginning of yesterday was that the respondents'</p> <p>19 exhibits were in, being not objected to.</p> <p>20 MR. CASEY: Yes.</p> <p>21 THE ARBITRATOR: The claimant's exhibits</p> <p>22 were in unless after objection, which the, at that</p> <p>23 point respondents had not yet had an opportunity to</p> <p>24 review, so they couldn't assert, unless after objection</p>	<p style="text-align: right;">217</p> <p>1 [REDACTED]</p> <p>2 that occurred within hours and subsequently days of my</p> <p>3 submission of him to these firms on the Friday night,</p> <p>4 December 23rd.</p> <p>5 THE ARBITRATOR: And your question to</p> <p>6 Ms. -- I'm sorry, is it Ms. Roberts or Ms. Sullivan</p> <p>7 Roberts --</p> <p>8 THE WITNESS: Roberts, Roberts.</p> <p>9 THE ARBITRATOR: Ms. Roberts, is had,</p> <p>10 did she review Exhibit 16?</p> <p>11 MR. PRICE: Yes.</p> <p>12 THE ARBITRATOR: Would you show her</p> <p>13 Exhibit 16?</p> <p>14 MR. PRICE: Bad print, sorry about this.</p> <p>15 (Pause).</p> <p>16 THE WITNESS: No, I don't think I signed</p> <p>17 this. I don't recognize it.</p> <p>18 Q. (BY MR. PRICE CONTINUING): Thank you, then</p> <p>19 if I may just ask a final question. There's a lot of</p> <p>20 data in the database and I understand that, appreciate</p> <p>21 it, then it would be safe --</p> <p>22 MR. PRICE: I'll have to stop there</p> <p>23 because I can't phrase the question the way I'd like</p> <p>24 to. I appreciate your testimony. Thank you.</p>
<p style="text-align: right;">216</p> <p>1 I exclude them from being admitted, so they are in</p> <p>2 unless I've excluded them, and I've heard no objections</p> <p>3 yet to the --</p> <p>4 MR. CASEY: Okay.</p> <p>5 THE ARBITRATOR: -- black binder.</p> <p>6 MR. CASEY: I misunderstood, my</p> <p>7 apologies. I thought the ruling was that they would be</p> <p>8 admitted once someone was asked about them unless there</p> <p>9 was an objection at that time, but that's -- if I'm</p> <p>10 wrong, then I'm wrong, but I still don't think there's</p> <p>11 any correspondence in there on this subject.</p> <p>12 THE ARBITRATOR: Well, I -- both my</p> <p>13 notes and my memory are the same with regard to that,</p> <p>14 so I'm going to have to go by that.</p> <p>15 MR. CASEY: I defer to Your Honor.</p> <p>16 THE ARBITRATOR: But in any event, Mr.</p> <p>17 Price, have you been able to locate any such</p> <p>18 correspondence?</p> <p>19 MR. PRICE: [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p style="text-align: right;">218</p> <p>1 THE WITNESS: You're welcome.</p> <p>2 MR. PRICE: Your Honor, I have no more</p> <p>3 questions.</p> <p>4 THE ARBITRATOR: Thank you, Mr. Price.</p> <p>5 EXAMINATION OF JANE SULLIVAN ROBERTS BY MR. CASEY:</p> <p>6 Q. Ms. Roberts, you testified on direct in two</p> <p>7 different manners that you wrote to [REDACTED] that Mr.</p> <p>8 Price was no longer with the firm, [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 Q. Were you involved in Mr. Price's hire?</p> <p>18 A. No.</p> <p>19 Q. Were you involved in supervising Mr. Price in</p> <p>20 any respect?</p> <p>21 A. No.</p> <p>22 Q. Did you have any input into his performance</p> <p>23 evaluations?</p> <p>24 A. No.</p>

<p style="text-align: right;">219</p> <p>1 Q. Were you consulted with respect to his</p> <p>2 termination?</p> <p>3 A. No.</p> <p>4 Q. Were you involved in the decision to</p> <p>5 terminate him?</p> <p>6 A. No.</p> <p>7 Q. Other than exchanging an e-mail or two with</p> <p>8 him regarding [REDACTED], did you have any other</p> <p>9 exchanges or communications with Mr. Price at any time</p> <p>10 during his tenure at MLA?</p> <p>11 A. No.</p> <p>12 Q. Did you have any disagreements with Mr.</p> <p>13 Price?</p> <p>14 A. No.</p> <p>15 Q. Did you have any conflict with him?</p> <p>16 A. No.</p> <p>17 Q. Did you have any personal animosity toward</p> <p>18 him?</p> <p>19 A. No.</p> <p>20 Q. Did you have any conflict with Mr. Price</p> <p>21 regarding who would work with [REDACTED]?</p> <p>22 A. No.</p> <p>23 MR. CASEY: That's all I have. Thank</p> <p>24 you.</p>	<p style="text-align: right;">221</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p style="text-align: right;">220</p> <p>1 THE ARBITRATOR: Anything further, Mr.</p> <p>2 Price?</p> <p>3 MR. PRICE: No further. Thank you, Your</p> <p>4 Honor.</p> <p>5 THE ARBITRATOR: Thank you, Ms. Roberts.</p> <p>6 THE WITNESS: You're welcome.</p> <p>7 THE ARBITRATOR: We'll break. It's</p> <p>8 almost twenty after. Let's come back at twenty-five of</p> <p>9 noon.</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>