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APRIL 27-29, 2015 SAN DIEGO, CA

A **BOLD** APPROACH
TO TALENT ACQUISITION MANAGEMENT & LEADERSHIP

Talent Wants to Be Free

ONLY LOBEL





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Talent Wants to be **Free**



Why We Should Learn to Love Leaks, Raids, and Free Riding

ORLY LOBEL

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- ✓ **The New Cognitive Property: Human Capital Law**
Orly Lobel
Texas Law Review (2015)

- ✓ **How Noncompetes Stifle Performance**
On Amir & Orly Lobel
Harvard Business Review (2014)

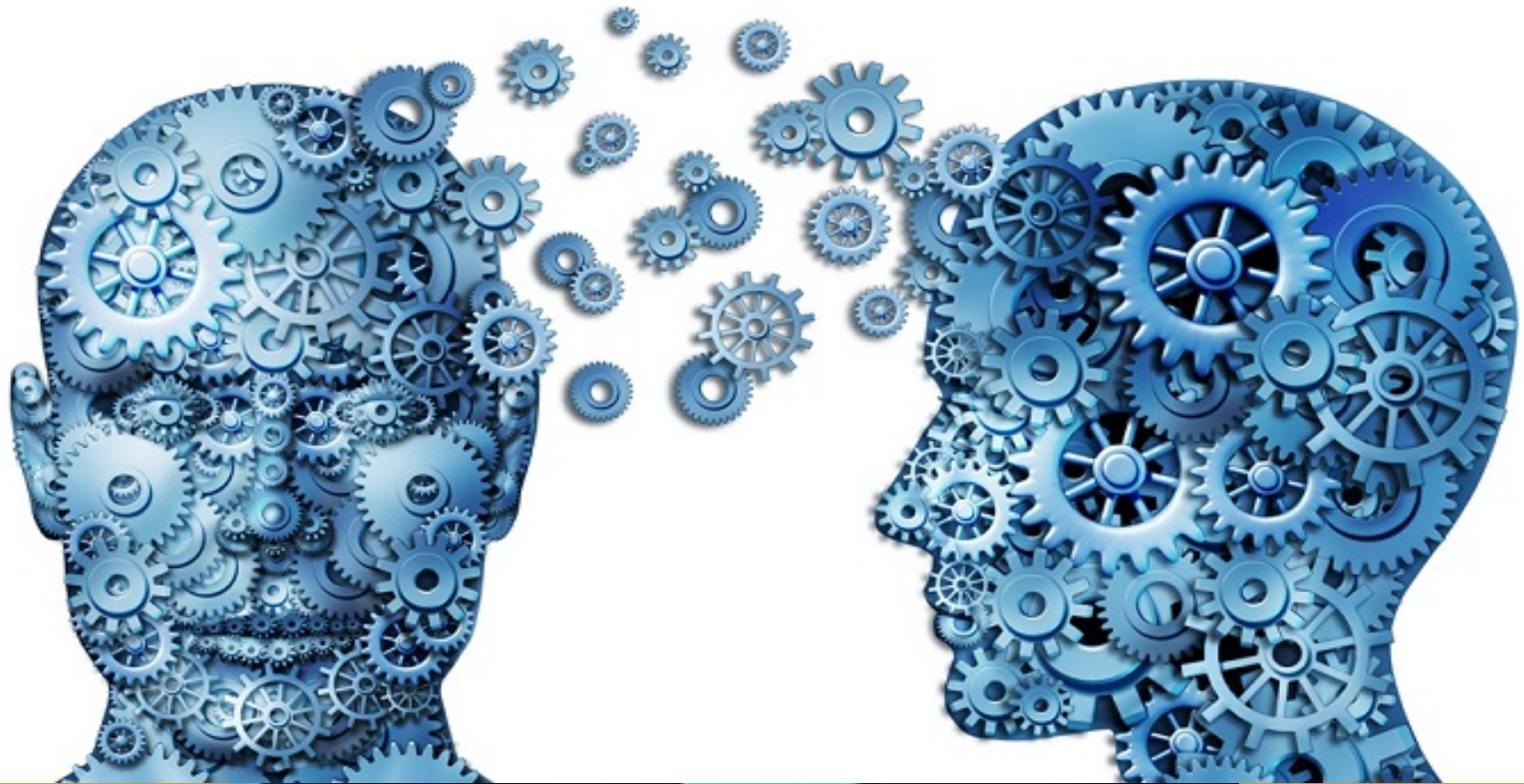
- ✓ **Driving Performance: A Growth Theory of Noncompete Law**
On Amir & Orly Lobel
Stanford Technology Law Review (2013)



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WANTED

BY THE FBI

Conspiring to Commit Computer Fraud; Accessing a Computer Without Authorization for the Purpose of Commercial Advantage and Private Financial Gain; Damaging Computers Through the Transmission of Code and Commands; Aggravated Identity Theft; Economic Espionage; Theft of Trade Secrets



Huang Zhenyu



Wen Xinyu



Sun Kailiang



Gu Chunhui



Wang Dong

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Toward a Dynamic Commons of Human Capital

Time 0 (During employment relationship):

- Cognitive controls may encourage firm investment in human capital.
- Cognitive controls may discourage individuals to invest in their own human capital and negatively affect their job motivation
- Cognitive controls may alter the relationship between performance and compensation

Time 1 (Post-employment relationship):

- Cognitive controls may encourage individuals to invest in their own human capital and positively affect their job motivation
- Cognitive controls may alter the relationship between performance and compensation





IP



Holdover clauses

Trade secrets

NDA's EEA

Insider Trading

Fiduciary duties
Business
opportunities

Non-Competes

Duty of Loyalty

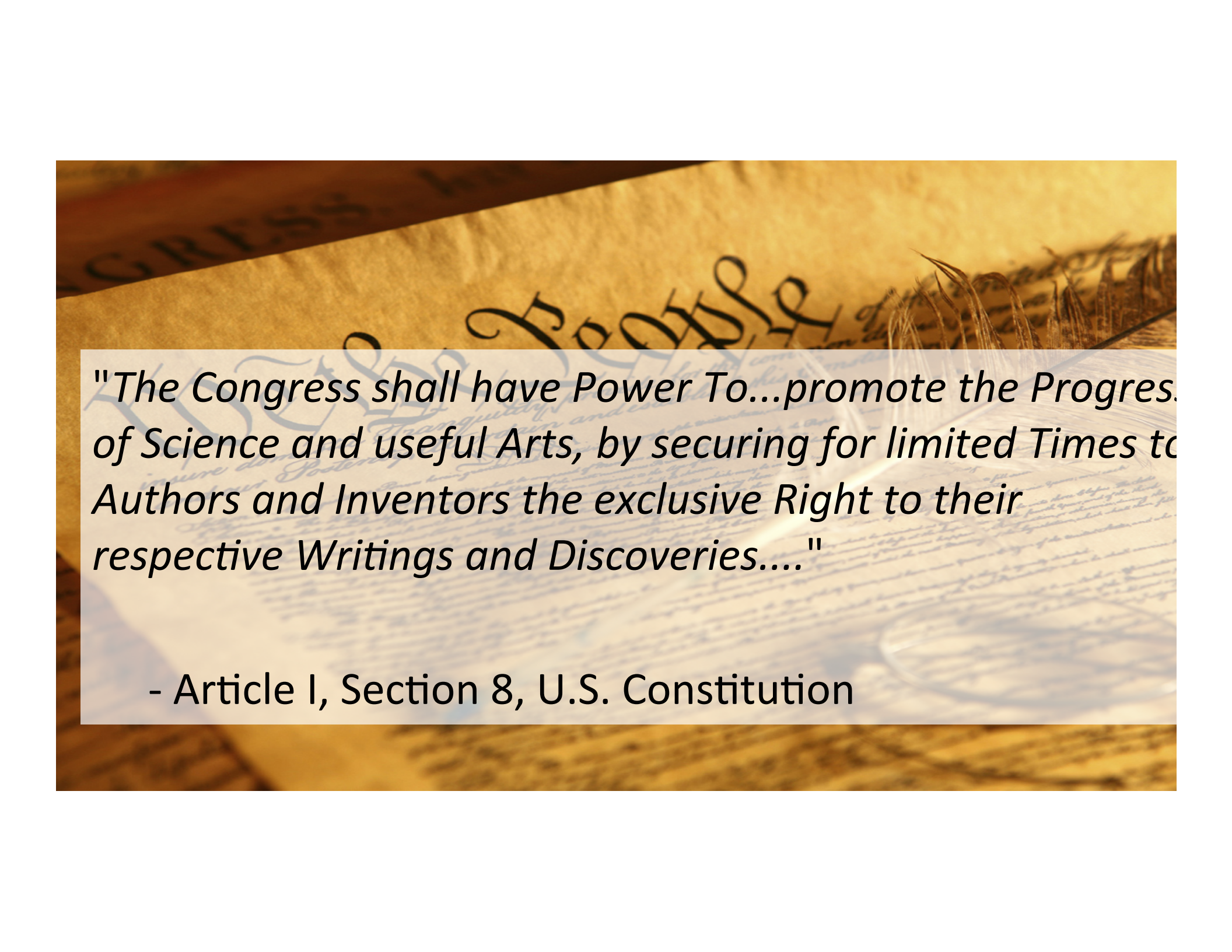
Insiders



Former Insiders

Talent Acquisition
Companies that are off limits
(Updated: June 17, 2008)

Company	Notes
Apple	Do not pro-actively solicit candidates from Apple. However, if a candidate from this company applies to a position, you can pursue.
Bell Canada	Do not hire candidates from Bell Canada until further notice.
EFI	Do not pro-actively solicit candidates from EFI. However, if a candidate from this company applies to a position, you can pursue.
EMC	Do not pro-actively solicit candidates from EMC. However, if a candidate from EMC applies to a position, you can pursue.
New Toronto Group (NTG)	Do not pro-actively solicit candidates from NTG. However, if a candidate from this company applies to a position, you can pursue.

The background of the slide features a close-up, warm-toned photograph of an antique document. The paper is aged and yellowed, with elegant cursive handwriting in dark ink. A quill pen is visible on the right side, its tip resting on the paper. The lighting is soft, creating a sense of history and intellectual pursuit.

"The Congress shall have Power To...promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries...."

- Article I, Section 8, U.S. Constitution

“drawing a line between the things which are worth to the public the *embarrassment* of an exclusive patent, and those which are not.”



Not Bug!



Feature





Ideas are like rabbits.

**You get a couple and learn how to handle them,
and pretty soon you have a dozen.**

John Steinbeck





Under

The

Radar

ART ANGLE 55_7°
APPROACHING TARGET

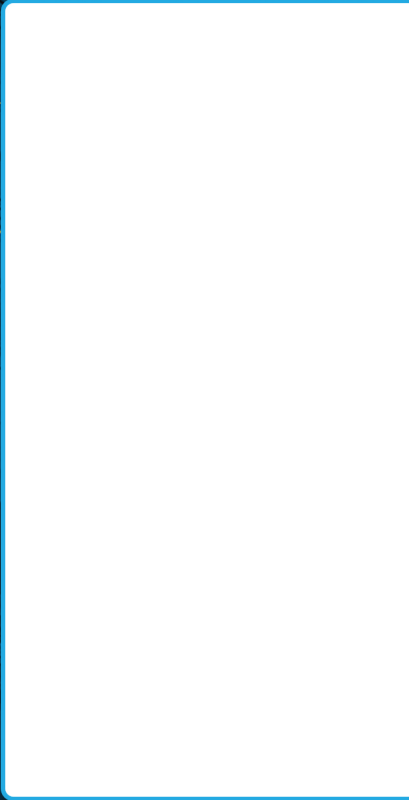








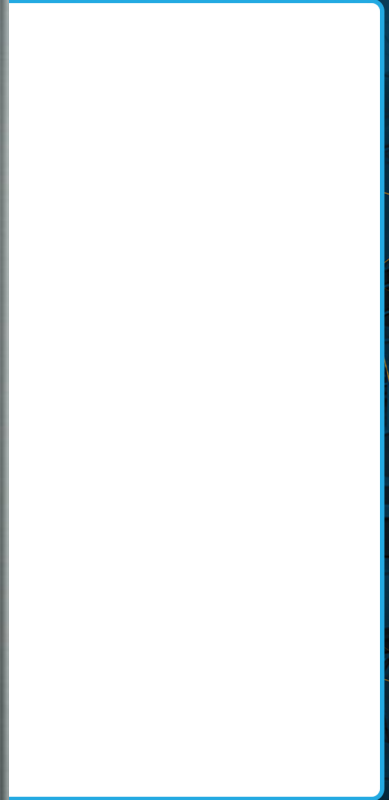
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YOU DON'T
GET TO
500 MILLION
FRIENDS
WITHOUT MAKING
A FEW
ENEMIES

the social network
socialnetwork.com

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GOOGirl

The serious power and glam passions of **Marissa Mayer**, the gorgeously geeky Googler who's generating a new kind of Silicon Valley notoriety.

BY JULIAN GUTHRIE





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GOOGgirl

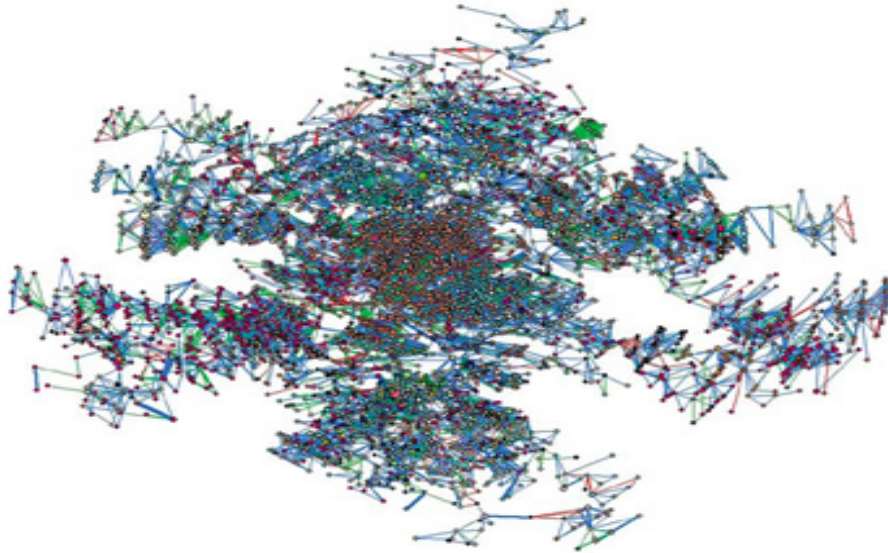
The serious power and glam passions of **Marissa Mayer**, the gorgeously geeky Googler who's generating a new kind of Silicon Valley notoriety.

BY JULIAN GUTHRIE

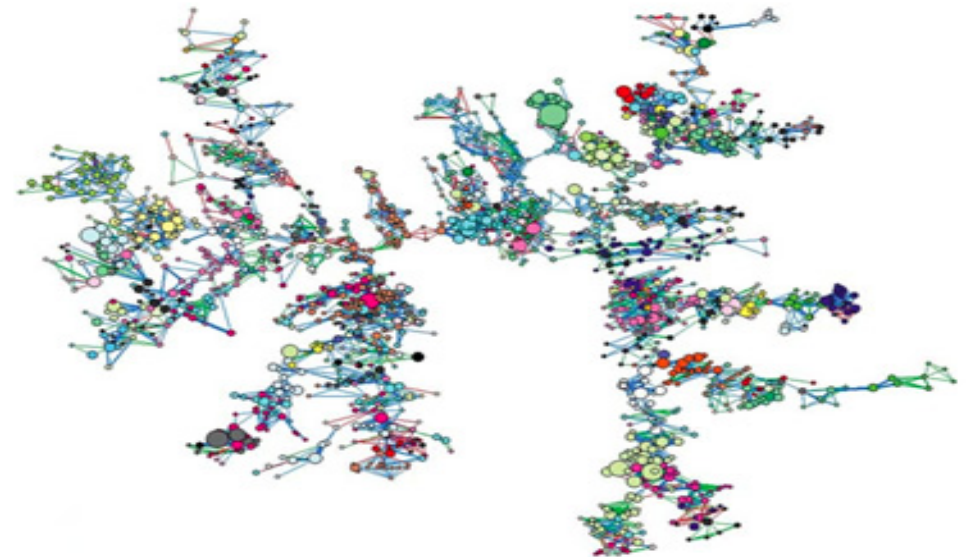




Silicon Valley v. Route 128



Fleming & Marx 2009



Non-Compete Agreements

Alabama	5	Idaho	6	Missouri	7	Pennsylvania	6
Alaska	3	Illinois	5	Montana	2	Rhode Island	3
Arizona	3	Indiana	5	Nebraska	4	South Carolina	5
Arkansas	5	Iowa	6	Nevada	5	South Dakota	5
California	0	Kansas	6	New Hampshire	2	Tennessee	7
Colorado	2	Kentucky	6	New Jersey	4	Texas	5
Connecticut	3	Louisiana	4	New Mexico	2	Utah	6
Delaware	6	Maine	4	New York	3	Vermont	5
DC	7	Maryland	5	North Carolina	4	Virginia	3
Florida	7	Massachusetts	6	North Dakota	0	Washington	5
Florida	9	Michigan	5	Ohio	5	West Virginia	2
Georgia	5	Minnesota	5	Oklahoma	1	Wisconsin	3
Hawaii	3	Mississippi	4	Oregon	6	Wyoming	4

Figure 1(a). Inevitable disclosure, 1995

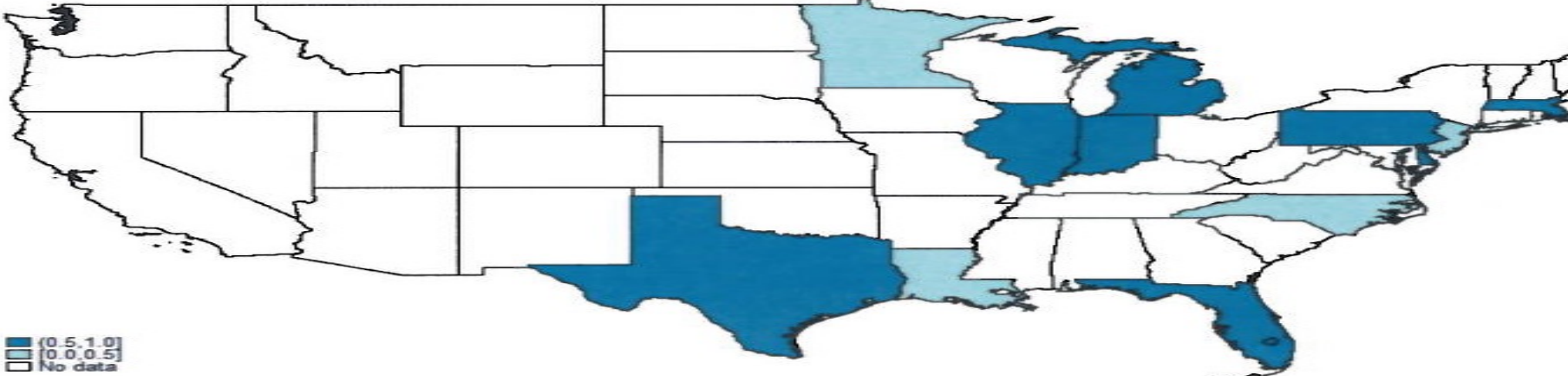
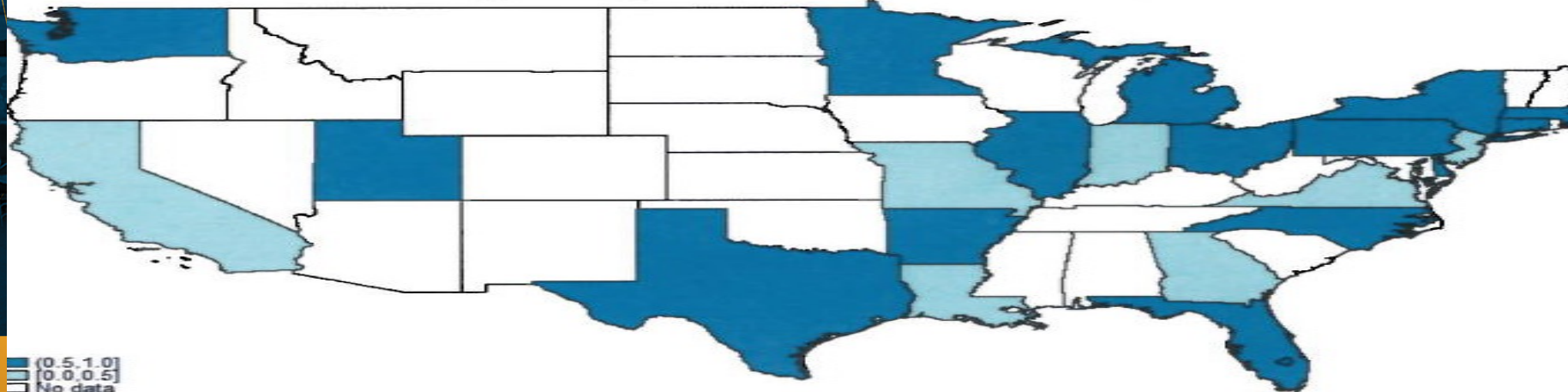


Figure 1(b). Inevitable disclosure, 2000





BIOTECH BEACH™





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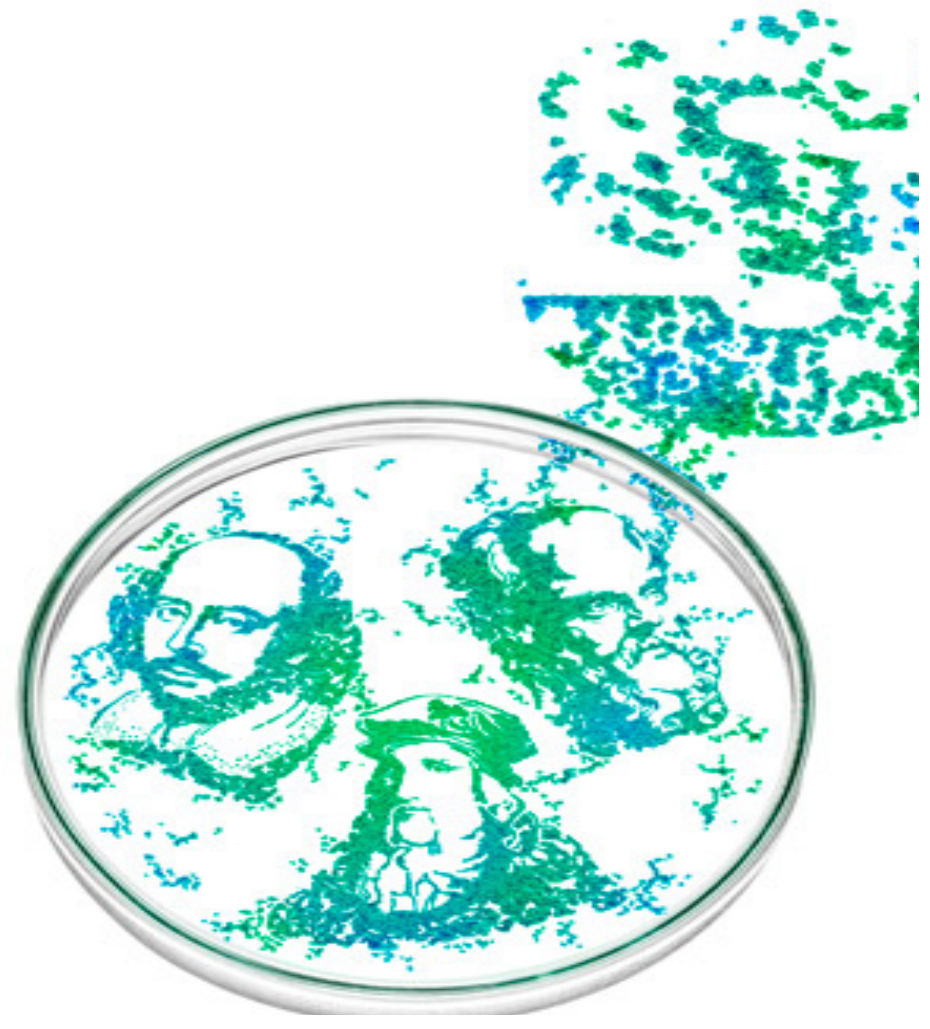
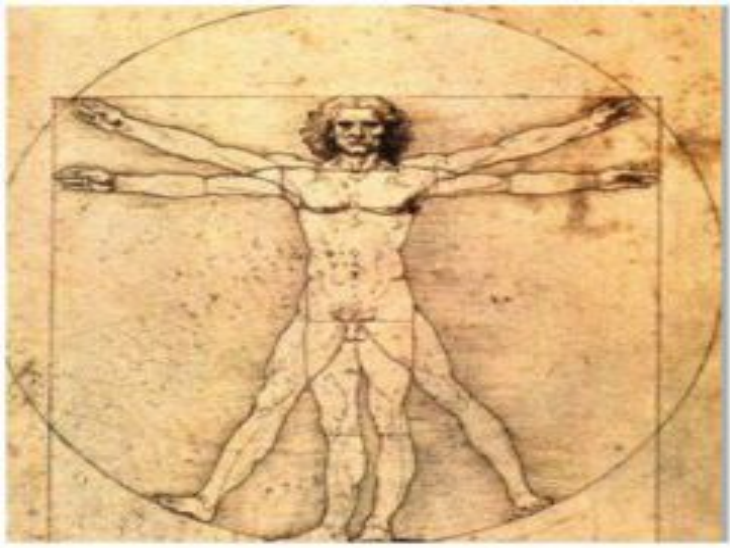


START-UP NATION

The Story of Israel's Economic Miracle

DAN SENOR AND SAUL SINGER

A Council on Foreign Relations Book



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MDG F

MDG ACHIEVEMENT FUND

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www.Networks4Prosperity.org

Networks for Prosperity: Connecting Development Knowledge Beyond 2015



Networks for Prosperity

Connecting Development Knowledge Beyond 2015



UNITED NATIONS
INDUSTRIAL DEVELOPMENT ORGANIZATION

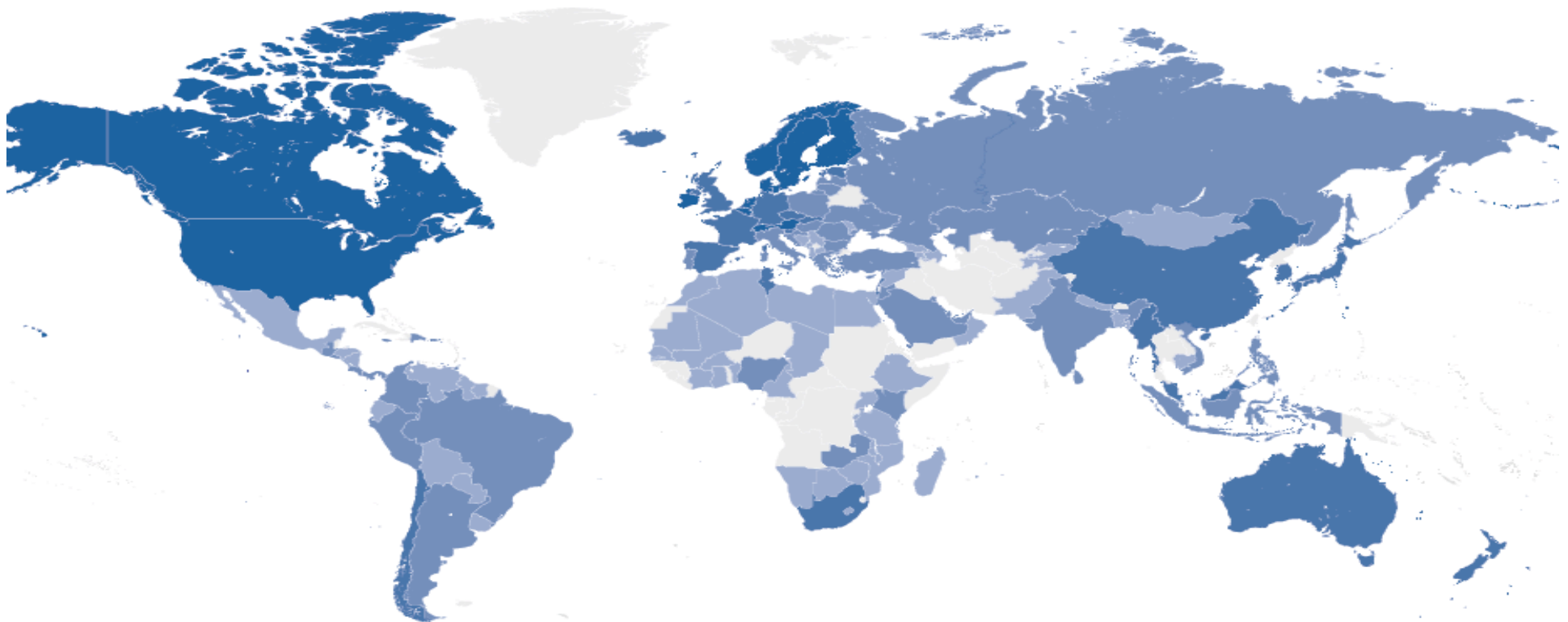
partner for prosperity



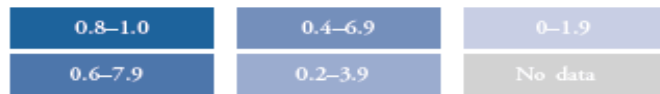
Leuven Centre
for Global
Governance Studies



Networks for Prosperity—Connectedness Index



The Connectedness Index is the average of three sub-indices (International, Inter-organizational, and Intra-organizational Networks). This map shows the level of overall connectedness of countries for which data was available.



Country	Connectedness Rank (lowest)	Country	Rank	Country	Rank	Country	Rank	Country	Rank
Andorra	1	Thailand	22	Argentina	65	Saudi	81	Senegal	97
Antigua and Barbuda	2	Turkey	23	Australia	66	Senegal	82	Sierra Leone	98
Austria	3	Turkmenistan	24	Azerbaijan	67	Sierra Leone	83	Sierra Leone	99
Azerbaijan	4	Ukraine	25	Bahrain	68	Sierra Leone	84	Sierra Leone	100
Bahrain	5	Uganda	26	Bangladesh	69	Sierra Leone	85	Sierra Leone	101
Bangladesh	6	Ukraine	27	Barbados	70	Sierra Leone	86	Sierra Leone	102
Barbados	7	Ukraine	28	Belarus	71	Sierra Leone	87	Sierra Leone	103
Belarus	8	Ukraine	29	Belize	72	Sierra Leone	88	Sierra Leone	104
Belize	9	Ukraine	30	Belize	73	Sierra Leone	89	Sierra Leone	105
Belgium	10	Ukraine	31	Belize	74	Sierra Leone	90	Sierra Leone	106
Belize	11	Ukraine	32	Belize	75	Sierra Leone	91	Sierra Leone	107
Bolivia	12	Ukraine	33	Belize	76	Sierra Leone	92	Sierra Leone	108
Bolivia	13	Ukraine	34	Belize	77	Sierra Leone	93	Sierra Leone	109
Bolivia	14	Ukraine	35	Belize	78	Sierra Leone	94	Sierra Leone	110
Bolivia	15	Ukraine	36	Belize	79	Sierra Leone	95	Sierra Leone	111
Bolivia	16	Ukraine	37	Belize	80	Sierra Leone	96	Sierra Leone	112
Bolivia	17	Ukraine	38	Belize	81	Sierra Leone	97	Sierra Leone	113
Bolivia	18	Ukraine	39	Belize	82	Sierra Leone	98	Sierra Leone	114
Bolivia	19	Ukraine	40	Belize	83	Sierra Leone	99	Sierra Leone	115
Bolivia	20	Ukraine	41	Belize	84	Sierra Leone	100	Sierra Leone	116
Bolivia	21	Ukraine	42	Belize	85	Sierra Leone	101	Sierra Leone	117
Bolivia	22	Ukraine	43	Belize	86	Sierra Leone	102	Sierra Leone	118
Bolivia	23	Ukraine	44	Belize	87	Sierra Leone	103	Sierra Leone	119
Bolivia	24	Ukraine	45	Belize	88	Sierra Leone	104	Sierra Leone	120
Bolivia	25	Ukraine	46	Belize	89	Sierra Leone	105	Sierra Leone	121
Bolivia	26	Ukraine	47	Belize	90	Sierra Leone	106	Sierra Leone	122
Bolivia	27	Ukraine	48	Belize	91	Sierra Leone	107	Sierra Leone	123
Bolivia	28	Ukraine	49	Belize	92	Sierra Leone	108	Sierra Leone	124
Bolivia	29	Ukraine	50	Belize	93	Sierra Leone	109	Sierra Leone	125
Bolivia	30	Ukraine	51	Belize	94	Sierra Leone	110	Sierra Leone	126
Bolivia	31	Ukraine	52	Belize	95	Sierra Leone	111	Sierra Leone	127
Bolivia	32	Ukraine	53	Belize	96	Sierra Leone	112	Sierra Leone	128
Bolivia	33	Ukraine	54	Belize	97	Sierra Leone	113	Sierra Leone	129
Bolivia	34	Ukraine	55	Belize	98	Sierra Leone	114	Sierra Leone	130
Bolivia	35	Ukraine	56	Belize	99	Sierra Leone	115	Sierra Leone	131
Bolivia	36	Ukraine	57	Belize	100	Sierra Leone	116	Sierra Leone	132
Bolivia	37	Ukraine	58	Belize	101	Sierra Leone	117	Sierra Leone	133
Bolivia	38	Ukraine	59	Belize	102	Sierra Leone	118	Sierra Leone	134
Bolivia	39	Ukraine	60	Belize	103	Sierra Leone	119	Sierra Leone	135
Bolivia	40	Ukraine	61	Belize	104	Sierra Leone	120	Sierra Leone	136
Bolivia	41	Ukraine	62	Belize	105	Sierra Leone	121	Sierra Leone	137
Bolivia	42	Ukraine	63	Belize	106	Sierra Leone	122	Sierra Leone	138
Bolivia	43	Ukraine	64	Belize	107	Sierra Leone	123	Sierra Leone	139
Bolivia	44	Ukraine	65	Belize	108	Sierra Leone	124	Sierra Leone	140
Bolivia	45	Ukraine	66	Belize	109	Sierra Leone	125	Sierra Leone	141
Bolivia	46	Ukraine	67	Belize	110	Sierra Leone	126	Sierra Leone	142
Bolivia	47	Ukraine	68	Belize	111	Sierra Leone	127	Sierra Leone	143
Bolivia	48	Ukraine	69	Belize	112	Sierra Leone	128	Sierra Leone	144
Bolivia	49	Ukraine	70	Belize	113	Sierra Leone	129	Sierra Leone	145
Bolivia	50	Ukraine	71	Belize	114	Sierra Leone	130	Sierra Leone	146
Bolivia	51	Ukraine	72	Belize	115	Sierra Leone	131	Sierra Leone	147
Bolivia	52	Ukraine	73	Belize	116	Sierra Leone	132	Sierra Leone	148
Bolivia	53	Ukraine	74	Belize	117	Sierra Leone	133	Sierra Leone	149
Bolivia	54	Ukraine	75	Belize	118	Sierra Leone	134	Sierra Leone	150
Bolivia	55	Ukraine	76	Belize	119	Sierra Leone	135	Sierra Leone	151
Bolivia	56	Ukraine	77	Belize	120	Sierra Leone	136	Sierra Leone	152
Bolivia	57	Ukraine	78	Belize	121	Sierra Leone	137	Sierra Leone	153
Bolivia	58	Ukraine	79	Belize	122	Sierra Leone	138	Sierra Leone	154
Bolivia	59	Ukraine	80	Belize	123	Sierra Leone	139	Sierra Leone	155
Bolivia	60	Ukraine	81	Belize	124	Sierra Leone	140	Sierra Leone	156
Bolivia	61	Ukraine	82	Belize	125	Sierra Leone	141	Sierra Leone	157
Bolivia	62	Ukraine	83	Belize	126	Sierra Leone	142	Sierra Leone	158
Bolivia	63	Ukraine	84	Belize	127	Sierra Leone	143	Sierra Leone	159
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Bolivia	65	Ukraine	86	Belize	129	Sierra Leone	145	Sierra Leone	161
Bolivia	66	Ukraine	87	Belize	130	Sierra Leone	146	Sierra Leone	162
Bolivia	67	Ukraine	88	Belize	131	Sierra Leone	147	Sierra Leone	163
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Bolivia	84	Ukraine	105	Belize	148	Sierra Leone	164	Sierra Leone	180
Bolivia	85	Ukraine	106	Belize	149	Sierra Leone	165	Sierra Leone	181
Bolivia	86	Ukraine	107	Belize	150	Sierra Leone	166	Sierra Leone	182
Bolivia	87	Ukraine	108	Belize	151	Sierra Leone	167	Sierra Leone	183
Bolivia	88	Ukraine	109	Belize	152	Sierra Leone	168	Sierra Leone	184
Bolivia	89	Ukraine	110	Belize	153	Sierra Leone	169	Sierra Leone	185
Bolivia	90	Ukraine	111	Belize	154	Sierra Leone	170	Sierra Leone	186
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Bolivia	135	Ukraine	156	Belize	199	Sierra Leone	215	Sierra Leone	231
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Bolivia	149	Ukraine	170	Belize	213	Sierra Leone	229	Sierra Leone	245
Bolivia	150	Ukraine	171	Belize	214	Sierra Leone	230	Sierra Leone	246
Bolivia	151	Ukraine	172	Belize	215	Sierra Leone</			



Not

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The World Is Flat





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Boomerang Hiring & Firm Footprint



THE CORPORATE DILEMMA

PHASERCO



**shares talent
& cooperates**

PHASERCO



**controls talent
& litigates**

LAZER INC.



**shares talent
& cooperates**

LAZER INC.



PHASERCO



**The industry, region,
and talent pools, are
enriched and each
business grows
exponentially fast.**

LAZER INC.



PHASERCO



**PhaserCo. free-rides on
talent pool of Lazer Inc.
Lazer Inc. loses talent and
competes at a
disadvantage**

LAZER INC.



**controls talent
& litigates**

LAZER INC.



PHASERCO



**Lazer Inc. free-rides on
talent pool of PhaserCo.
PhaserCo. loses talent
and competes at
a disadvantage**

LAZER INC.



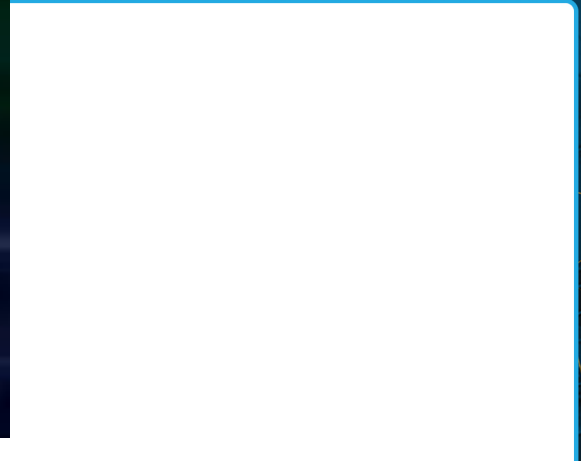
PHASERCO



**Both businesses grow slower
than if they had cooperated,
shared, and nourished talent.
Investments in knowledge
and skill are often redundant.
Everybody loses.**



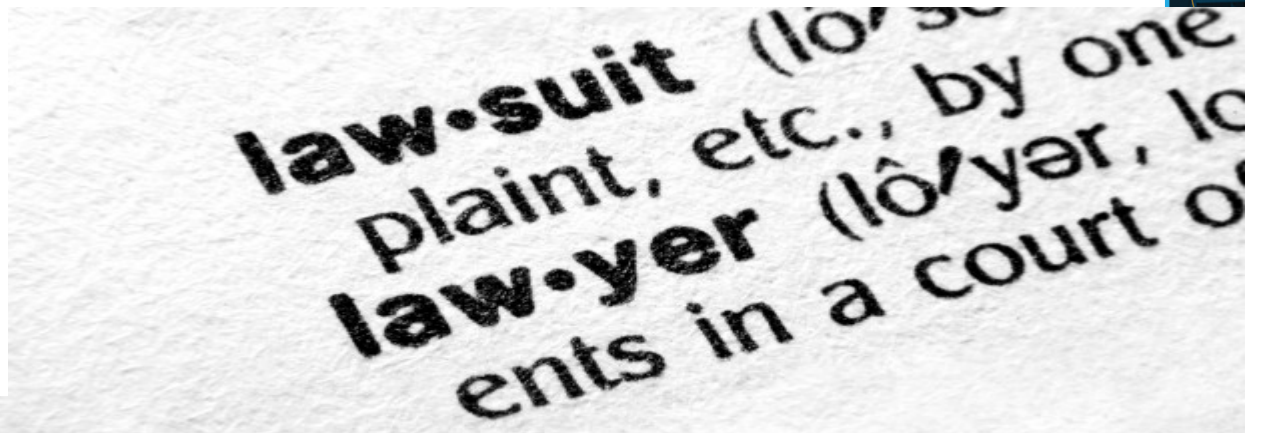
BOLD
A APPROACH
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Thank You!

