ABA Women Rainmakers Spring 2014 Local Programming,  
co-sponsored by the ABA Commission on Women in the Profession  
and the ABA Task Force on Gender Equity  

*Negotiate Your Way to Success: Best Practices for Women Rainmakers*  
Participant Handbook  

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**Welcome to our workshop!** This is the sixth installment of a series of national programs, which began in cities across the United States during the week of October 16, 2011. We continue to add to the number of cities that participated in our first program. These programs are designed to teach the latest techniques to develop business, enhance the skills you may already possess for rainmaking, and allow you to network with women who have similar interests. Our goal is simple: we want to teach you how to create business.

Negotiating effectively is a critical competitive advantage and an important step on the road to becoming a great rainmaker. Without the ability to negotiate on your own behalf, the clearest goals and best intentions get lost.

**Who We Are**  
ABA Women Rainmakers is a must-join group for any women lawyer. Our mission is (1) to educate professional women about marketing and business development, (2) to provide mentoring opportunities for members, and (3) to provide networking opportunities to build personal and professional relationships. ABA Women Rainmakers' home is in the ABA Law Practice Division. If you enjoy this program and would like more information, please go to [www.americanbar.org/groups/law_practice_management.html](http://www.americanbar.org/groups/law_practice_management.html) and join Women Rainmakers today! Everyone has the ability to be a rainmaker, and we want to help get you there. Many thanks for attending, and we will see you at our next program.
AGENDA

1. Introduction
2. Negotiation Styles
3. Styles Exercise
4. Preparing for a Negotiation
5. Negotiation Exercise
6. Closing Remarks

INTRODUCTION

Last year, the ABA Presidential Task Force on Gender Equity and the Commission on Women in the Profession created a terrific handbook called, *What You Need to Know about Negotiating Compensation*. We are providing you with a copy of that handbook, which is also available on the ABA Commission on Women in the Profession’s website.

Women tend to negotiate less often than men when each is negotiating on his or her own behalf. According to a Harvard Business Review article called *Breakthrough Bargaining*:

- Only 7% of women compared to 57% of men negotiated their post-MBA salaries.
- Men were 9 times as likely as women to ask for more money when offered a very low number in an experiment that offered payment for participating in the experiment.
- Men were more likely than women to begin with to put themselves into a situation requiring negotiation.

In contrast, studies found female attorneys are as effective as their male counterparts when negotiating on behalf of clients. The first thing we need to do to become better at negotiating on our own behalf is to change the way we think about negotiating. Since we are quite good at negotiating for others, what if you considered who else in your life will be affected by the outcome of the negotiation?

In other words, transform a personal goal into a “communal” goal. If you negotiate a good outcome, who else benefits? Think of yourself as the “attorney” representing your family, employees, friends, pets, etc., when you negotiate on your own behalf. For example, if you are negotiating a lease on behalf of your small business, how will your employees benefit from a better location and amount of space at a better price?

In *What You Need to Know about Negotiating Compensation*, the authors talk about “second generation” gender issues, those beliefs that are deeply embedded in culture, such as the double bind of being perceived as too aggressive if a woman self-advocates, and not assertive enough if she doesn’t—“damned if she does, but doomed if she doesn’t.” Knowing that this is a function of context and not a skill deficiency lets you know that you having nothing to lose by trying.
One of the first tips shared by authors Carol Frohlinger, Andrea S. Kramer, and Jane DiRenzo Pigott is to know what’s at stake for you besides the obvious outcome of the negotiation.

For example, negotiating your compensation well obviously means getting more money. As they point out, it can also affect how qualified the attorney is perceived to manage major client relationships or to step into other law firm leadership roles. Perhaps being aware of everything that is at stake will motivate you to take a chance and negotiate on behalf of yourself. At the very least, know what else is at stake is part of preparing for any negotiation.

To help you become more comfortable asking for what you deserve, here are a few tips to put you in the right frame of mind:

1. Prepare before you negotiate. It will help you recognize the totality of what is at stake, as well as what you need to know to be successful.
2. Remember that it’s not just for you. Who else will be affected by the outcome of the negotiation?
3. Invest in your skill development, but also remember that there will be times when you’re “damned if you do, but doomed if you don’t.”
4. Find sponsors or allies who will bolster your credibility and also advocate for you when you aren’t in the room.

NEGOTIATION STYLES

What Is Negotiating Style and Why Does It Matter?

Negotiating style refers to your characteristic approach in negotiating situations. Your approach reflects what is important to you, your method of problem solving, and your own motivations and response to the situation. It can influence your results by affecting how you are perceived in the negotiations and what points you focus on.

Each style has its strengths and blind spots. If you know your own style and recognize how it can both help and hurt you, you can devise strategies for dealing with situations in which your style will likely work against you.

The Four Negotiation Styles

1. The Administrator: Administrator’s core values are being highly dependable, responsible, and top-notch executors with great attention to detail. They excel at setting up processes that work and can’t stand disorder or disorganization. They focus on doing things the right way—right being according to the process laid out. They set up and follow steps in the proper sequence and need to understand the process to be confident moving forward. (36.7 % of lawyers¹)
   - **Strengths**: Does very well when understands specifics, next steps, and expectations. Asks excellent process and “what next?” questions.
   - **Blind spots**: Can be closed to possibilities outside of current expectations or construct. Doesn’t explore just for the fun of it.

¹ Statistics are derived from Nancy A. Schaubhut and Richard C. Thompson, *MBTI Type Tables For Occupations*, 2d Edition.
Advice: Look for expanding the pie by considering possibilities outside of established paradigm. Don’t say “no” immediately. Instead, ask questions to explore possibilities.

2. The Conceptualizer: Conceptualizer’s core value is exceeding their own very high standards of competence in their areas of expertise. They tend to be viewed as strategic, high-level, long-range thinkers. They love complex problems—and simplifying them. They are also very focused on principles and figuring out the right answer—right being the answer that is supported by objective facts, analysis, and rationale. They can’t stand incompetence, their own or others. (32.7 % lawyers)
   - Strengths: Great at coming up with “blue sky” or new and different alternatives and the big picture. Will want to ensure that the solution is internally consistent and consistent with a set of agreed-upon principles.
   - Blind spots: Can be so focused on the theoretical, loses sight of the need to resolve the issue now. Can lose sight of the importance of building and maintaining relationships with others.
   - Advice: Be open to a practical compromise that works for everyone, even if it isn’t the “best” or isn’t consistent with a set of principles.

3. The Diplomat: Diplomat’s core value is inspiring others with her creativity, passion, and drive. Diplomats are very personable and are good at reading people. They tend to have good and friendly relationships with the people they work with, and these relationships are important to them. They want the right answer—right being right for the people involved. (16.2% of lawyers)
   - Strengths: Passion and creativity in devising solutions that work for everyone.
   - Blind spots: Can be blinded by feelings of being slighted or undervalued.
   - Advice: Take a step back and look at the problem objectively. Focusing on “communal goals” is particularly helpful in maintaining objectivity.

4. The Pragmatist: Pragmatist’s core value is achieving impressive tangible results elegantly, quickly, and efficiently. Pragmatists tend to be all about now, which means that they are good when dropped into the jungle without any notice; they don’t like to prepare. They don’t like routine or inactivity and, unlike the Administrator, do not care much for process, especially if they perceive the process as standing in the way of getting results. (14.2 % of lawyers)
   - Strengths: Hyper-aware of all of the moving pieces in a negotiation. Tends to be optimistic about finding a solution that will work for everyone. Practical.
   - Blind spots: Relies on ability to negotiate anything that comes up and often underprepares. Can be impulsive about agreeing too quickly and then suffers regret.
   - Advice: Prepare in terms of knowing the facts and considering options, but also in terms of what is acceptable. Don’t agree too quickly.

STYLES EXERCISE
(1) Take 5 minutes to determine your style and move to the section of the room designated for your style.
(2) Spend 15 minutes as a group and discuss the four questions below. To answer #3, refer to the list of questions under “Leveraging Your Strengths.”

(3) After 10 minutes, we’ll talk about what you discovered in your groups.

Group Discussion Questions

1. What are the strengths of our style when it comes to negotiating? Give examples.
2. What are the blind spots of our style when it comes to negotiating? Give examples.
3. What can we do to leverage our strengths? (Use the list of questions under “Leveraging Your Strengths.”)
4. From our own experience, comparing other styles, and considering the questions above, what can we do to be more successful in a negotiation?

Leveraging Your Strengths

To feel good about your role in the negotiation and achieve a better result, you may need to modify your own style by adding strategies associated with one of the other styles. Here are some questions to ask yourselves in determining which strategies to adopt:

- Do you take the time to build relationships and rapport?
- Do you use open-ended questions and listening skills to elicit important information?
- Do you decline seemingly less-suitable agreements in hopes of attaining a more suitable one?
- Do you try to end a negotiation before exploring other options?
- Do you try to address all of your own and other’s goals?
- Do you think broadly enough about the goals, or are you focused on one issue, which makes the negotiation a zero-sum game?
- Would you benefit from creating communal goals so that you can negotiate more assertively on behalf of more than just yourself?
- Do you need to hold out for commitments supported by both detail and metrics?
- Do you need to ask questions in order to better understand what the others want and need?
- Do you need to use arguments based on fair and objective standards?
- Would you be better served by trade-offs and compromise on some points so you can win big on others?
- Do you need to be more courteous to the others, acknowledge their roles, and show sincere respect for them and their positions?

PREPARING FOR A NEGOCIATION

Preparing to Negotiate Compensation (or Anything Else) and BATNA

The key to confidence and success in negotiating is preparation. It helps to know what else is at stake and what the outcome will be without any negotiation. In What You Need to Know about Negotiating Compensation, the authors provide a comprehensive list of what you need to know before you begin negotiating your compensation in a law firm. Much of what they suggest is equally applicable in any negotiation. If you are clear about your goals, you will want to know:
• Who makes the decision? In any negotiation, is the person you are speaking with one of the decision makers or the only decision maker?

• Who will be your sponsor in the discussions leading to the decision? If the decision will be made when you are not present, who will advocate on your behalf? Does that person have all the information necessary to represent you well?

• What criteria will be used to make the decision?

In addition, you will want to know your BATNA, a term coined by Roger Fisher and William Ury in their bestselling book *Getting to Yes*. A BATNA is a **Best Alternative To a Negotiated Agreement**. Essentially, it means doing your homework, including knowing what your outcome will be if you do not negotiate well.

How do you identify your BATNA? If you are negotiating your compensation, what happens if you don’t negotiate? What will you be offered? How will it affect your raises in the future? What effect will it have on your reputation to manage major client relationships or step into law firm leadership roles? Should you consider asking for something besides straight salary?

Negotiating is a process to affect the outcome of an event by reaching a negotiated agreement. If something other than compensation is at stake, you still benefit by being able to identify the result if you do not negotiate the outcome.

Food for thought: Chris Voss, CEO of the Black Swan Group and former FBI negotiator, thinks that business negotiators try to pretend that emotions don’t exist and that you must have a BATNA. He suggests that instead of calculating your BATNA, figure out how to influence the other side by asking good questions, listening to the other side’s answers, and feeding back those answers to check for understanding. Although we suggest that you do both, we wonder what might happen if you combined the two ideas and tried to figure out the other side’s BATNA as part of your negotiation.

**EXERCISE: Negotiating and leveraging your strengths**

In pairs (or a group of 3 if there is an uneven number of participants) develop a negotiation strategy for one of the negotiation goals below:

1. Your compensation
2. To be chosen by client for a new matter from a new or existing client
3. To be chosen to work on a substantial career-making matter
4. To be chosen as the new client-relationship manager for a key client of the firm

With your partner(s), prepare a strategic plan for negotiating, which identifies

1. Key decision makers
2. Possible sponsors
3. The criteria that will be used to make the decision
4. Your BATNA

**CONCLUSION**
Think about how often you negotiate for something. It can happen every day, often more than you think. The key is to be present and intentional, to be prepared or at the very least pause when you need to, so that you can consider your style, your strengths, your blind spots, alternative strategies to your hardwiring, and your BATNA.

We hope this workshop has helped you do all of this more effectively. At the same time, we recognize that we’ve just barely scratched the surface of effective negotiation. We encourage you to use the workbook and the additional resources in the bibliography to learn more about negotiation. It is important because you don’t necessarily get what you deserve, you get what you negotiate.
Thank You!

Many people contributed their time and expertise to bring this program to life. Each deserves our gratitude, starting with Heidi Barcus who is leading this initiative for 2013-2014. Thanks also go out to Cindy Galvin and Marisol Massini for their help with logistics. Finally, special thanks to all our sponsoring law firms and facilitators.

Negotiation Bibliography


“*Negotiating Salary 101: Tactics for Better Compensation*,” Womenforhire.com


Navigate Your Own Course

November 7-8, 2014
The US Grant
San Diego, CA

www.womenrainmakers.org
Conform No More:
Navigate Your Own Course

The landscape of the legal profession is ever-changing and the strategies that worked ten years ago just aren’t cutting it anymore. As more attorneys look to their peers for guidance and emulation, now is your time to break free from the waves of conformity and navigate your own course.

The 2014 ABA Women Rainmakers Mid-Career Workshop will be your compass as you blaze the path of a modern rainmaker. This three-day workshop will focus on helping you overcome the real-world challenges you face each day. Network with national experts and experience valuable educational opportunities in the following areas:

- **Personal & Professional Development:** Finding a work/life balance, becoming a better negotiator, being in control of your career path, and combating gender bias in the workplace.

- **Rainmaking:** Developing new networks, establishing client relationships, pitching your skills and expertise to others, and crafting the best marketing plan for your career.

- **Management:** Pay equity for women lawyers, how to get paid from clients, setting budgets, succession planning…and much more!

Save the Date:
The 2014 ABA Women Rainmakers Mid-Career Workshop will be **November 7-9, 2014** in San Diego, CA at THE US GRANT. The Workshop is a biannual event of the ABA Women Rainmakers, whose home is in the ABA Law Practice Division. Stay updated on the latest developments by visiting [www.womenrainmakers.org](http://www.womenrainmakers.org) and by following us on Twitter: @WomenRainmakers.
The ABA Women Rainmakers thank the following firm hosts for their gracious support:

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