



**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
Facilitators' Guide***

Created by: Shelley Canter, Anne Collier, Carol Shiro Greenwald, Jeanne Lee, Susan Letterman White, Beverly Loder, Eleanor Southers, and Colleen Vossler

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 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.

Our best wishes for making rain,

Andrea Hartley Chair, ABA Women Rainmakers 2013-2014

Heidi Barcus Vice Chair, Local Programming, ABA Women Rainmakers 2013-2014

Note to Facilitators

Thank you for agreeing to serve as a facilitator in our ABA Women Rainmakers Spring 2014 Workshop, “**Negotiate Your Way to Success: Best Practices for Women Rainmakers.**”

Your role as a facilitator is to use this guide to lead a 90-minute workshop. There is no need for you to be an expert on negotiating, but rather you will lead discussions and exercises in which the participants will be involved in identifying best practices for negotiating for the benefit of themselves.

Tips for Facilitators

- To prepare, read through this Facilitators’ Guide and the Participant Workbook. Join the facilitators’ telephone conference to hear the program discussed by the authors of the guide.
- Your delivery does not have to be verbatim, but these materials are provided as a script that will lead you through the discussion and group exercises.
- Get to the location early to meet the host, meet early arrivals, and introduce yourself to participants.
- Write the beginning and ending time for each activity (e.g., 12:45 – 1:00 pm) so that you can stay on schedule. It is important to respect the participants’ time away from the office. We have provided suggested timing starting from 0:00.
- Doing introductions at the beginning of the event may only work for smaller groups. You do not want to spend 20 minutes of your program having people do introductions.
- Instead, encourage people to network during registration, to introduce themselves at their tables or to their neighbors, and to exchange business cards before and after the event.
- The workshop is designed to be interactive. Call on volunteers to share during discussion and encourage everyone to participate during the exercises.
- Relax and enjoy. Everyone in attendance has a common goal—to meet new people and to develop new skills that will propel their career forward.

AGENDA

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

0:00-0:05 Participants get settled.

0:05-0:15 INTRODUCTION

Facilitator: Read or summarize the introduction below.

- 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*.
- ABA Women Rainmakers is committed to helping women learn the skills they need to be successful lawyers and rainmakers, and in particular, has a long tradition of work in the area of negotiating compensation.
- We are delighted with this opportunity to collaborate with the Commission, building on the foundation they created with the publication, to present a workshop in which you will learn about how to negotiate more effectively for yourself and have an opportunity to practice these tips.

Facilitator: Pose the following question to the group and ask for a show of hands:

- If you were to negotiate the purchase price for a new car for yourself (and then negotiate for the same car for your friend), who do you think would get a better deal, you or your friend?

After the question, read or summarize the following:

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?

Facilitator: Ask this follow-up question:

- When you negotiate well for yourself, who else will benefit?

Facilitator: Pose the following question to the group and ask for a show of hands:

- Do you worry when standing up for yourself that others will perceive you as pushy, aggressive, shrill, or the B word?

After the question, read or summarize the following:

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.

Facilitator: Ask the following questions:

- What is the worst that can happen if you choose not to negotiate your compensation?
- What is the best that can if happen if you do choose to negotiate for your compensation?

After a short discussion, read or summarize the following:

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 beside 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.

Facilitator: Ask the following question:

- If you learned tomorrow that you had the opportunity to change your compensation for better or worse depending on how well you could negotiate it for yourself, how would you feel?

Then say: 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.

0:15-0:55 (Total) NEGOTIATION STYLES

What Is Your Negotiating Style?

Overview: Discuss these styles and ask attendees to self-identify with one of these styles. Ask them to get into groups of 4 to 6 women with the same style. If they are unsure of their style, ask them to join a group, and if it doesn't seem like a fit, go to another group or stay with that group and learn. [This segment should take 40 minutes: 10 minutes introduction about the styles, 20 minutes to do the exercise, and 10 minutes to report back.]

0:15-0:25 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.

Facilitator: Read each of the style descriptions and ask participants to raise their hands after each if the style sounds like their own.

This segment will help you determine your style. We will discuss four 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.

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0:25-0:55 EXERCISE: What Is Your Style and How Has It Influenced Your Results?

Facilitators: Separate the room into four sections, one for each style. If possible, place the name of the style in a visible location in the section of the room. If you have flipchart paper and easels or tape, it's easier.

Give the following instructions to participants:

- (1) Take 5 minutes to determine your style and move to the section of the room designated for your style. Try to create groups of no more than 6 people per group.
- (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?

Facilitators: After 20 minutes, bring everyone together as one big group and ask:

What did you learn about your style? What are you going to do differently to enhance your style?

0:55-1:25 Total PREPARING FOR A NEGOTIATION

0:55-1:00 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 **B**est **A**lternative **T**o a **N**egotiated **A**greement. 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.

1:00-1:15 EXERCISE: Negotiating and leveraging your strengths.

Facilitators: Have the group break up into pairs (or a group of 3 if there is an uneven number of participants).

Give the following instructions to participants:

- (1) Break into pairs. Pair with someone with a different negotiation style than yours, if possible.
- (2) You will have 10 minutes to develop a negotiation strategy.
- (3) Choose one of the following negotiation goals:
 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
- (4) 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

1:15-1:25 Facilitators: After 10 minutes bring everyone together as one big group and ask 2 to 3 pairs to share their goals and strategies.

1:25-1:30 CLOSING REMARKS

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.

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ABA WOMEN RAINMAKERS MID-CAREER WORKSHOP



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Conform No More:

Navigate Your Own Course

November 7-8, 2014

THE US GRANT

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SAVE THE DATE

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 and by following us on Twitter: **@WomenRainmakers**.

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