

PROVING YOUR WORTH: *Compensation Negotiation Tips for New Law School Graduates*

BY PAM OCCHIPINTI

Law school teaches students to be effective advocates for their clients, but few students are taught to be effective advocates for themselves. As you begin your job search, remember to advocate for your own benefit by negotiating for a higher compensation package. You are being hired to be an effective advocate for the firm and the firm's clients. What better opportunity to prove your skills?

Assessing Your Goals

Information is the key to success in a salary negotiation. To negotiate effectively, you must know as much as you can about the employer and the local and national legal employment markets, as well as understand as much as you can about yourself. Your motive for negotiating should be grounded in realistic expectations based on research (a word we lawyers are all too familiar with!). Gather information by consulting with career services professionals; asking classmates and other new lawyers what they have been offered in similar positions; searching the Internet; and using salary calculators. In addition, conduct the following self-assessments:

- *Assess your education, skills, accomplishments, and experience.* Evaluate your potential client base and consider your skill level, years of education and experience, and the degree of your experience. Although this may seem to be a re-hashing of your resume, this step assures that you recognize those points which are valuable to a negotiation.
- *Assess your current and future financial responsibilities.* Determine what your absolute bottom-line figure will be. Accepting a job just to get a job may not be a wise decision if you cannot afford to work there. You may be saying to yourself, any job with a salary is better than no job. You may be right in the short-term, but you will soon be in the position of working hard and not being able to pay your bills.

- *Assess your personality, negotiation skills, and knowledge of the prospective employer.* Do you feel comfortable and have the confidence to talk about salary? Have you done your research on the firm, its clients, and its financial status? Have you considered contacting attorneys who worked for the firm previously? Will you periodically request a review of your performance and seek increased compensation?

After assessing who you are and what your goals are, consider the big picture of what you are trying to achieve. Then, formulate a plan to accomplish this. Focus on your interest in the position, the job itself, and the long-term opportunities the firm has to offer. Evaluate what is important to you in beginning your career. You have been trained as a lawyer, so remember to think like one.





an entry-level position. While an employer may want to pay you more, sometimes he or she is limited because of equitable concerns. Most employers want to treat all entry-level positions equally. Keeping entry-level salaries equitable may eliminate potential feelings or charges of discrimination and dissension among the other attorneys in the firm.

Ready to Negotiate

Now that you have a handle on who you are, who your prospective employer is, how much you think you are worth, and what type of salary the market can and will support, it is time to negotiate. Here are some general tips on negotiating:

- Always negotiate in person — not by email and/or over your cell phone.
- Maintain eye contact and notice facial expressions.
- Listen to what the prospective employer is saying.
- Ask questions but do not talk too much.
- Stay calm and be professional at all times.
- Avoid negative comments and ultimatums.
- Be prepared to renegotiate with trade-offs.
- Know when to end the negotiation.
- Be prepared to walk away.
- Always follow up your meeting/conversation in writing.
- Reflect about what you achieved and what you did not.

Talking About Salary

Let the employer make the first offer of salary. Do not disclose your salary expectations until after an offer has been made. Unless, of course, disclosure is unavoidable. In that case, you should be comfortable enough with what you are going to answer so that there is no hesitation.

If the employer asks your salary expectations, throw the ball back into the employer's court. Respond with a question, "Since this is the first time we have discussed a salary, what is the salary for this position?" Or, simply respond, "What does the position pay?"

What if the employer asked your salary expectations and you answered, "\$55,000"? If \$55,000 is much lower than what the interviewer was going to offer you, you may be perceived as not being worth what the firm originally thought you were worth and you may lose the difference. Or, the employer may ask you to justify why you feel you are worth \$55,000. If \$55,000 is significantly higher than what the interviewer intended to offer, more than likely, he or she will conclude the interview, thinking that your expectations are too high for the firm. You lose.

In a situation where the employer knows exactly what the firm is prepared to offer, but you do not, the interviewer has the advantage. The employer is trying to make the best deal on behalf of the firm, and why not? Since you are a new graduate,

Consider the Employer's Point of View

While you want to receive the highest salary possible for the work you will be doing, the employer is thinking, "What is this candidate worth and what can he or she achieve?" The employer's goal is to hire the best-qualified candidate while remaining within the firm's budget. By anticipating the employer's concerns, you will be prepared to present your qualifications based on information important to the negotiation. In fact, an employer's willingness to negotiate may actually benefit the firm, contributing to better qualified candidates; increased employee satisfaction and loyalty; better work product; decreased advertising and training costs; and increased reputation. However, understand that an employer is usually limited to a range of compensation which can be offered, especially for



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without actual attorney experience, and no prior salary history as an attorney, you are at the disadvantage at this point in the discussion. Your objective is to get an idea of what the employer has in mind. Once you have an idea, you will be in a position to use your negotiation skills by discussing why you feel you are worth more.

Consider the salary expectations question, but with another twist. Again, you might respond, "What does this position pay?" The employer may then answer, "Well, the salary is based on experience. You are still a student, soon to be an attorney, just starting your career, and there is a high cost associated with training a new associate. The last time we hired a recent graduate we paid a starting salary of \$42,000." Or, the employer may state, "We are prepared to offer you a salary of \$42,000. Do you believe this to be a fair starting salary for you?"

There are two possibilities to consider here: 1) the employer is playing his or her hand and should tell you what the firm's budgeted salary is for the position being offered; or 2) the employer has not done his or her homework, is not prepared, has no idea what recent graduate starting salaries are, what the

cost of education is today, and/or what the cost of living is today. The second possibility is more likely, especially if the firm has not hired a new associate, right out of law school, in a very long time! Give the employer the benefit of the doubt. Again, most employers want to start off the relationship on good terms. The employer may have graduated from law school 30 years ago, started making \$18,000 a year, and has no concept as to what other firms are offering.

Accept, Counter, or Decline and Walk Away

Once you reach the point in the interviewing process when an offer has been made and you have been asked to respond, you must either disclose your expected salary or make a counteroffer. You should pause a few seconds to indicate that you are seriously considering the employer's offer and thinking of a response. Silence in this situation may get the employer to offer even more if he or she thinks your silence is a sign of rejection. The employer may say, "Well, I think we can consider going to \$45,000. How does this sound?"

You can do one of four things: 1) Accept the employer's offer; 2) ask for more time to think it over and reschedule another meeting; 3) renegotiate by offering a "salary range"; or 4) end the discussion, thank the employer, and walk away. If you have that gut feeling that something is not right, sometimes you just need to trust your instincts. No one knows you better than you know yourself. Do not let someone take advantage of you. Be prepared to walk away.

Renegotiate

What if the firm makes an offer of \$45,000, and you expected \$55,000? What do you do? If an offer has been made and you are not satisfied with it, try to close the gap by offering a "salary range." You may state, "While I appreciate your offer of \$45,000 and have thought about it carefully, I was expecting an annual salary of \$48,000 to \$55,000." If the employer responds, "Well, the firm's starting salary range, depending on the candidate's experience, is normally \$42,000 to 48,000." You may consider responding, "I appreciate your candidness, but I based my salary range on ... (refer to your self-assessments). As we have discussed, I do have specific law clerking experience in the section I would be assigned to and will not need as much supervision as another recent graduate without the same experience. Do you believe my range is within reason, and do you feel that we have room to negotiate — within my range?"

A salary range allows the employer room to negotiate. In effect, you have placed the bottom of your range at the top of the employer's range. Including the employer's figures into your salary range is keeping your negotiations within his or her

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range. If your salary range is too high, the employer may think that you are unrealistic in your expectations. Do not just focus on your needs and expectations. Base your explanation as to why a higher salary is justified on the employer's needs. Convincing the employer that you are worth the extra salary is what negotiations are all about. If you do not believe in yourself and your abilities, who will?

Do not just focus on your needs and expectations. Base your explanation as to why a higher salary is justified on the employer's needs.

The employer may either offer you the same figure, based on your lack of actual attorney experience, or the employer may offer you a figure that is higher than his or her last offer, but is still lower than what you originally expected. However, if the employer at least knows your expectations, he or she may be willing to, with justification, stay clear of the lower figures. Normally, a difference of a few thousand dollars can and will be justified. Remember, the employer has invested costly resources into this process and will more than likely not want to lose you at this stage. By losing you, the employer must start the process again, or approach their second choice in the candidacy pool.

What if the employer responds negatively to your request for a higher starting salary? Possible employer responses: "Our firm budget is lower than your salary expectation for this position"; "We do not pay our other associates who have been here longer this much"; or "Your salary history does not justify your current salary expectations."

Suggested responses include: "I would like you to reconsider based on my ..."; "I expect to be paid based on my qualifications, not on others' qualifications"; or "I may not have a salary history as a lawyer; however, based on my research ...". Assure the employer that you have the commitment to increase productivity; try to increase job responsibilities to justify a higher salary; and convince the employer that you are an investment in the firm's future.

Get It in Writing!

Take notes during the negotiations with your prospective employer. At the end of the discussion say, "This is my understanding of what the terms of my employment and compensation will be. Is this correct?" Asking this question immediately clarifies any misunderstandings. After the meeting, send two

originals of a confirmation letter and copies of your notes to the employer to make sure you are in agreement. Ask the employer to review the terms you have discussed and to sign your confirmation letter in agreement. To avoid future misunderstandings, ask that a copy of the signed notes and/or confirmation letter be put in your personnel file. Do not feel uncomfortable — this is what you would be expected to do on behalf of the firm when dealing with a client. It assures the employer that you have the necessary skills to be an effective advocate for the firm.

After finalizing the negotiations, thank the employer and reiterate that you look forward to working for the firm. Show your commitment to the firm and leave the employer with the knowledge that he or she made the right decision by hiring you.

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