



A Checklist *for* Salary Negotiation

WHEN IS NEGOTIATION APPROPRIATE?

- More likely for small to mid-size firm (<50 lawyers)
- Specialty department within a firm
- You = unique skill/background/other assets
- When the employer opens the door
- You've obviously been low-balled
- If you're already employed and:
 - Significant achievement
 - Review time
 - After a year
- When it's probably NOT appropriate:
 - There is a salary range listed
 - Lockstep employer

WHAT IS NEGOTIABLE?

- Salary
- Signing bonus
- CLE reimbursement
- Bar association and other professional membership
- Marketing/travel allowance
- Moving allowance
- Extra vacation
- Lower billable requirement; compressed week
- Loan repayment
- Financial incentives/bonus
- Usually NOT negotiable:
 - Health benefits/other insurance
 - 401k (match)

HOW DO I EFFECTIVELY NEGOTIATE?

- **Do your homework**
 - Objective industry data
 - Your own salary history
 - Know what you need
 - Understand the whole package
 - Compression as a factor

- **Prepare your case**

- Crossover skills – prior employment
- Industries you know about
- Potential client connections
- Judges you've appeared before or worked with
- Pleadings, motions, transactional documents you've drafted
- Rainmaking skills/community involvement
- Have samples and references ready
- Make an outline and practice what you're going to say

- **Get in the right mindset**

- Stay calm and objective
- Understand why firms low ball (get the best deal; lack of current or comparable salary information; internal communication breakdown)
- Consider your long-term career goals

- **Be tactical**

- Remember the 3 R's: Respectful, Reasonable, Researched
- Be gracious about the offer: "I am excited for the opportunity to work together."
- Ask for high end of reasonable
- Don't negotiate serially (don't ask for one more thing...and then one more)
- Avoid ultimatums
- Use objective statements: "This is what my market research is telling me." "Similarly situated attorneys..."
- Other good phrases to use: "Is that number flexible at all?" "I would be more comfortable with..."

- **Document any discussions**