

“Tools for Constructive Conversations Across Our Differences”

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Objectives

- Identify obstacles to constructive conversations and understand how and why we get “stuck”
- Offer tools and techniques to engage in constructive conversations -- especially across our differences
- Provide opportunities to practice/apply the tools and techniques

Guidelines

- Participate
- Respect different points of view
- Be open to learning
- Take some risks
- Preserve confidentiality

A recent successful conversation across difference

Something I want to learn or leave with today

Definition of a constructive conversation

Using respectful dialogue techniques to speak candidly about an awkward or difficult dynamic

Some examples of constructive conversation topics

- Raising an issue about insensitivity to diversity and inclusion
- Letting someone know their questions or comments made you feel uncomfortable
- Giving someone more senior feedback about his/her behavior
- Giving an unfavorable performance review across difference
- Talking to a colleague about their perceived favoritism
- Telling someone their dress or conduct is inappropriate
- Letting someone know you disagree with a key decision

Other examples...

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A constructive conversation I need to have

Common obstacles to constructive conversations

Put a check mark next to any box that applies to you or your situation.
Feel free to add additional obstacles on the lines below.

- Lack of skill or know-how
- Discomfort with conflict
- Fear of saying the wrong thing
- Concern about being accused of discrimination or bias
- Desire to maintain stability of the group/team
- Too busy
- Fear of retaliation
- Fear of hurting feelings
- Belief that “It won’t do any good”
- Discomfort with differences
- Power imbalances
- Worry about undermining the Firm’s or school’s diversity efforts
- Others....
 - _____
 - _____

Costs/benefits of engaging in constructive conversations

Costs	Benefits
<ul style="list-style-type: none"> ▪ Performance/behavioral problems go unaddressed ▪ Leads to breakdowns in communication and fosters cynicism ▪ Undermines teamwork ▪ May lead to perceptions of bias and stereotypes ▪ Can adversely impact Firm or law school’s diversity efforts 	<ul style="list-style-type: none"> ▪ Increases awareness of impact of one’s behavior ▪ Provides opportunities for behavior adjustment and performance improvement ▪ Encourages mutual problem-solving ▪ Allows people to feel heard, valued and included ▪ Enhances productivity and teamwork

SCENARIO

Juana, a 2nd year Latina law student, returned from a law firm interview, complaining to MaryAnn, the school's Director of Placement (a white female) that she felt insulted that almost all of the attorneys she interviewed with were people of color. This wasn't the first time that something like this had happened. Last year, when MaryAnn called Janelle, the firm's Director of Recruitment (an African American female), to let her know that an African American student felt he had been interviewed almost exclusively by other African Americans, Janelle's response was, "And if they don't speak with attorneys of color they complain about that too!" MaryAnn has decided she needs to revisit this issue with Janelle, but worries about how to broach the subject without alienating Janelle or her firm.

What advice would you offer MaryAnn? Why?

PREPARING FOR A CONSTRUCTIVE CONVERSATION

Acknowledge the obstacles

What might be the obstacles for MaryAnn?

Clarify the desired outcome

What is MaryAnn's motivation for initiating this conversation? What does she really want to achieve ...

For HERSELF	For JANELLE	For the SCHOOL/FIRM

What does MaryAnn need to avoid?

Factor in diversity

What diversity factors may be affecting the interaction between MaryAnn and Janelle?

Diversity-related questions to consider

- Are there racial, gender, generational, job position and other types of differences causing me (or the other person) to shut down or go silent?
- Do I have blind spots? Am I making assumptions, engaging in stereotyping or harboring any unconscious biases?
- Am I being one-sided? Am I being fair and consistent?
- Would I act/respond the same way if the person were a different race, gender, religion, age, job role, sexual orientation, etc.?

CONSTRUCTIVE CONVERSATION MODEL

Five step process: Remember POINT

1. Set a POSITIVE tone
2. Offer your OBSERVATIONS/PERSPECTIVE
3. Describe the IMPACT
4. INQUIRE about the other person's point of view/perspective
5. TALK about solutions and TEST for agreement/comprehension

Step one: SET A POSITIVE TONE

Make it safe for dialogue

- Clarify your intent and what you want to avoid
- Focus on the desired outcome
- Be authentic; acknowledge any discomfort
- State a common goal (mutual purpose)

Things to Remember

- Setting a positive tone is not sugar-coating
- This is not about political correctness; it is about re-connecting
- Don't let diversity concerns be an impediment to addressing the underlying issue
- Contrasting ("both/and") can be used to set a positive tone:

"I don't want upset you. I do want to talk about a sensitive issue and see how we might resolve it."

How might MaryAnn set a positive tone with Janelle?

Step two: OFFER YOUR OBSERVATIONS/PERSPECTIVE

Use descriptive, not judgmental language

- Be brief and to the point
- Provide specifics about the behavior
- Focus on the behavior or action, not the person

Things to Remember*

Separate stories from facts. Stories are not facts. They are judgments, conclusions and assumptions that may lead us to distort the facts.

- Judgment: Our decision about whether a fact is “good” or “bad”
- Conclusion: The way we link the facts together
- Assumption: Our version of why people do what they do

MaryAnn’s Story	The Facts

*Source: K. Patterson, J. Grenny, A. Switzler, R. McMillan, Crucial Conversations

Step three: DESCRIBE THE IMPACT

Keep the discussion objective

- Describe how it affected you or the work
- Link it to some larger objective (e.g., work effectiveness, diversity or inclusion)
- Maintain an objective tone

Things to Remember

- Don't assume that the impact is obvious to the other person
- Avoid piling on other unrelated issues from the past
- Clarify whether you perceive this behavior as part of a pattern or an isolated incident
- Avoid using phrases like "*Everyone agrees with me...*" or "*I'm not the only person who sees or reacts this way.*"
- Be clear about why you haven't raised this issue before now

What's the impact that MaryAnn wants to communicate to Janelle?

Step four: INQUIRE ABOUT THE OTHER PERSON'S PERSPECTIVE

Find out what the other person thinks

- Ask about their observations, concerns and interpretations
- Listen for both content and emotions
- Stay open to learning
- Remember that reflecting back does not mean you agree

Things to Remember

- Be prepared for any of these responses
 - Going to judgment (“you’re wrong!”)
 - Blaming and/or finger-pointing
 - Demonizing you or other people
 - Labeling people as “racist, sexist, homophobic, etc.”
 - Getting defensive: staying locked into their version of “the truth”
- Avoid counter-attacking. Ask yourself:
 - What am I missing in how I see this situation?
 - Did I contribute to this situation?
 - Is my need to be proven right distorting my view?

Step five: TALK ABOUT SOLUTIONS/TEST FOR AGREEMENT

Explore the range of possibilities

- Find out what the other person's desired outcome is
- Talk about different ways to handle things in the future
- Discuss what each person will do differently going forward
- Offer encouragement

Things to Remember

- Test for comprehension. What is the other person walking away from the conversation thinking? What were the key insights?
- Test for agreement. What will one or both of you do differently? By when?
- Consider checking in tomorrow to make sure there are no after-thoughts or feelings that need to be addressed
- Try to maintain some on-going contact
- Establish a specific time to see how any agreed upon change is going

PRACTICE SESSION

Acknowledge the obstacles

What is getting in the way of having this conversation?

Describe the desired outcome

What do you want...

For YOU	For THE OTHER PERSON	For the FIRM/SCHOOL

What do you need to avoid?

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Factor in diversity

Which diversity factors may be affecting the interaction?

Diversity-related questions to consider

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- Would I act/respond the same way if the person were a different race, gender, religion, age, job role, sexual orientation, etc.?

Separate STORY from FACT

MY STORY	THE FACTS

Prepare for the conversation

Set positive tone	
Describe the behavior or work situation	
State the impact	
Ask for their input	
Talk about solutions/ Test for comprehension	

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