

WOMEN AT THE NEGOTIATING TABLE

By Sarah Kellogg

Women are increasingly found at negotiating tables in conflict zones and corporate boardrooms, not only because there are more women today trained as negotiators and mediators, but also because their contributions are welcomed, meaningful, and needed.

Carrie Menkel-Meadow, director of Georgetown University's Hewlett Fellowship Program in Conflict Resolution and Problem-Solving, believes gender issues in dispute resolution are complicated, and there are no "simple answers" to whether women have an advantage or not as mediators.

"I made arguments over 25 years ago that eventually more women in the legal profession might just change how legal problems are handled — more collaboratively, more solution-seeking, better client relations," says Menkel-Meadow, who is considered a founder of the dispute-resolution field in the United States.

"I maintain that context matters. In some situations, women are still somewhat different in 'caring' more about the other side, valuing relationships over power and hostility, but when women represent others, as lawyers do, and have clients, they are just as effective as men, and often more effective," she says.

Factors such as the type of case, the role of the participants, the age of the parties, and the number of negotiators in the room can produce variable outcomes — something women mediators need to consider as they do their work, Menkel-Meadow says.

Changes in public attitudes and perceptions about women as mediators and negotiators — and the entrance of scores of women into the legal profession over the last three decades — have opened the conflict-resolution landscape to more female negotiators.



Carrie Menkel-Meadow, courtesy of University of California, Irvine School of Law

Menkel-Meadow says women bring specific skills to the table, making them distinctly effective. Women attorneys are better at listening both to clients and to opponents and hearing what each truly wants. They also tend to be joint-gain problem solvers rather than looking to be the sole winners in a dispute, Menkel-Meadow says.

"There is still, in my view, a great gender gap in what women see as negotiable events," she adds, observing that women often don't negotiate their salaries or sales prices the way men automatically will.

Menkel-Meadow's 2012 essay in the American Bar Association's *Dispute Resolution* magazine emphasized how social science research has been inconclusive on the impact of gender in negotiations. That still is true, she says.

"So far, the data are very mixed on this point, but I continue to believe that there are some gender differences in negotiation and conflict resolution.

But the story is not just about inequality or 'weakness' or worse outcomes. In fact, sometimes the gender difference is better conflict resolution by women for their clients, [for] others, and increasingly, [for] themselves," she says.

And after years of absence, more women are involved in legal, corporate, and conflict-zone negotiations. "There are many, many women in mediation (more women take mediation courses and training than men)," Menkel-Meadow points out.

"Women are less represented in the top of the diplomatic corps, . . . but you should also consider [that] the U.S. 'negotiator in chief' or secretary of state has in recent administrations been female," she says, citing previous secretaries of state Condoleezza Rice, a Republican, and Democrats Madeleine Albright and Hillary Clinton.

Sarah Kellogg is a regular contributor to Washington Lawyer.