

# Addressing, Managing, and Avoiding Conflict

by 2011 Fellow **Marcos Barbosa**, 2012 Fellow **Danielle Rawls**, and 2015 Fellow **Wednesday Shipp**

**Describe a few topics/situations in which conflict often arises in professional situations.**

**Wednesday Shipp (WS):** As an in-house counsel, conflicts arise when dealing with competing priorities and expectations. For example, I may have to deprioritize a project given my workload even though it is a key priority to one of my clients. As another example, my legal advice may result in a change in direction for an initiative.

**Marcos Barbosa (MB):** Attorneys are known for strong personality traits. Some go as far as casting the perceived “strong personality traits” in a negative light—aggressive, stubborn, conceited, and arrogant. Whether these definitions, descriptions, or traits match or not, is for a different discussion. Nonetheless, they do exist here and there in a typical law firm/department environment. Needless to say, that with such “bravado” floating around, conflict is bound to surface from time to time. In my experience, there is friction that rises as a result of variant leadership styles, work styles, and unavoidably cultural disparity.

Older generation attorneys tend to (with some recognizable exceptions) have a dictatorial style of leadership. “What I say goes, period, no matter what.” That at times is understandable, to the extent that the blame “buck,” if it materializes, should and would stop with the senior attorney. Nonetheless, times have and are changing, which requires some adaptation to such an approach. The great leader persuasively exposes her vision, rather than forcibly imposes her ways.

Young lawyers should always be prepared to be malleable and adapt to the various work styles of attorneys for whom they are working. Failure to recognize and adapt, leads to conflict. Each attorney has his or her way of doing things. Rather than fight, sit back and observe. Learn and generate your own way of doing things, one that hopefully incorporates the best of someone else’s. Seek to understand why; or conversely, be open to explain why you do it the way you do.

Ultimately in my view, the greatest challenge I’ve encountered in my years of practice relates to cultural differences. As we strive to diversify our legal profession, we face these challenges and conflicts more often. As a minority, the challenge has always been to “fit in” and be seen as an equal contributor to the cause. How should a young attorney deal with innuendoes, insinuations, suggestions, and flat-out assertions that “the only reason you are here is because you are [fill in color, gender, sexual orientation]...or that we are lowering our standards if we keep on hiring the likes of [fill in color, gender, sexual orientation]?” These misconceptions must be put to bed. It is incumbent on all of us to manage and address them.

To address any conflict, one must be aware of the audience with whom he or she is interacting. The moment we lose sight of that, we let go of any opportunity to resolve the conflict. Thus, race, ethnicity, gender, and sexual orientation do play a role—hopefully a positive role—in how we address and manage conflict at work. Color blindness, gender blindness, or any kind of blindness only means

“we are blind” and operating in the dark. In doing so, we are bound to smash right into the wall of misunderstanding. Our blindness will cause us to fail to appreciate the diversity of ideas, and to learn from different cultures and perspectives. We will mistake different approaches to a solution as “uncompromising events” throwing us deep into an all-out war unnecessarily.

**Many people tend to avoid conflict in the workplace. Can you describe situations in which avoiding conflict is detrimental to the team or a client?**

**WS:** When avoidance is really delaying the inevitable, it can be detrimental. If the conflict is going to result in some issue down the road, it is better to address it sooner rather than later.

**Danielle Rawls (DR):** When the underlying issue involves potential ethical violations, risk exposure to your team or client, or a disagreement that is so fundamental that it is detrimental to the progress of a project, avoiding conflict can harm team dynamics or the innerworkings of the client relationship. As attorneys, it is often our role to escalate a challenging situation to senior management, notify our client of significant reputational or operational risk, or focus the team on an issue that needs to be resolved. Oftentimes, providing a sound solution to these challenges can be a source of conflict or consternation. Avoiding that awkwardness, discomfort, or differing of opinion can be a fundamental breach of your duty to your client or to the bar. Documenting conflict or addressing it head on is often the most appropriate approach in these cases.

**MB:** My dad always used to repeat the well-known popular expression: “pick your battles,” meaning not all disagreements are worth fighting for. This is critically true in the legal setting. If your teammate has a “strange” way to go about gathering evidence, to the extent it is ethical and does not interfere with the ultimate goal, let it be.

On the other hand, there are areas or situations where we must not be willing to compromise. Any lingering conflict that negatively impacts the team, will adversely affect the work-product generated by the team, which ultimately jeopardizes the client’s interests. If your teammate is jumping the gun, taking credit for your good insights, benefiting from your hard work, STAND UP, in a diplomatic way, and set things straight. Don’t fall for the old idiom, “Keep working hard, your time and recognition will come.” The one sure thing that will certainly come your way is resentment and despair, when you see your teammate make partner. Before that, a sense of complacency and disengagement will take hold: Why should I come up with these great ideas if I won’t be recognized? The team is affected negatively, the work product deteriorates, and the client suffers.

**When do you find that avoiding conflict is better than addressing it?**

**WS:** In the professional context, I’ll avoid unnecessary conflict when the ultimate decision rests with someone else, and I’ve given my opinion. Likewise, if the stakes are low, I will not push an issue or my opinion. I think it’s important to provide your perspective, but you have to know when to yield to someone else. You cannot expend the same amount of energy in every situation.

**DR:** When we are brainstorming strategy or where the conversation and divergent opinions drive solutions, avoiding conflict may promote alternative solutions.

**MB:** If what’s truly at stake won’t be affected by the disagreement, then let it go and live to fight another battle—one that truly matters. If your supervisor is an “early-bird” and likes to have early

morning meetings, adapt. If your teammate offers to take the deposition of a critical witness that was in your radar, if she is just as capable of doing it as you, let it go and jump on the next opportunity. If your young associate does not dictate, but rather uses the computer in a way that you do not understand—you keep on dictating, but embrace her expertise and let her shine in her own way.

### **How do your conflict management strategies differ at work compared to in your personal life?**

**WS:** I like to think I am direct and empathetic when dealing with conflicts in general, but in my personal life, I often lack the diplomacy that I demonstrate in professional situations. Otherwise, I think my strategies are the same. I think it's important to listen, be fair, be calm, and not make things personal. Ultimately, conflicts are temporary, but relationships are long term. I'm not willing to ruin a relationship over a conflict.

**DR:** They don't really differ. I am married, have two young children, am close to my extended family, and I am fortunate to have wonderful and understanding friends. And so much of the quality of my work experience and how I interact in the workplace is informed by how I interact with my family and friends. In both my work and home life, I strive to cultivate relationships of mutual respect and accountability and seek to be a true partner in working together to reach our collective goals. Being interested in the lives of others and truly striving to understand values of the people I work with really helps to build a strong work environment. And vice versa.

**MB:** I have strived to be consistent, whether at work or at home. Picking the battles that are worth fighting for, recognizing the uncompromising situations, and letting go of the minor stuff. Recognizing the difference (uncompromising versus minor) may be easier at home, but the approach should be the same.

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