

Jon Wainwright: Hello and welcome to "In Practice." I'm your host, Jon Wainwright. On today's California Lawmaking edition of In Practice, we'll be talking about negotiating legislation.

To tell us more about that, we'll be talking with Erinn Ryberg. She is the Leg Director for Assemblywoman Cristina Garcia. Thank you for joining us, Erinn.

Erinn Ryberg: Yeah, thanks for having me.

JW: We've already talked to you before about a couple other things. We'll skip the intros. Folks can refer back to our In Practice on staffing committee to get to know you more.

Let's just go ahead and dive on into policy negotiations. Overall, what's kind of the process? Obviously, that's a very broad question, so maybe we can find a way to zero in.

ER: For negotiating legislation in general?

JW: Yes.

ER: As I found out right when I started working the building, if it's a good bill, then that means that there's support and opposition on both sides because that means the bill actually does something.

Because you want to do something, people are bound to come out in opposition, even if they just want to keep the status quo and not have to do anything, not necessarily opposing the idea, just opposing them actually having to implement it. Because of this, any bill that you have -- most bills -- will require some negotiating and compromises.

The number one goal is always starting with the broadest, biggest bill that you can think of, knowing that as you move the entire process through both houses and then even to the governor, that you're going to have to remove some parts, not only remove some parts but also figuring out what is the best way to do something.

Not necessarily removing but just changing the implementation or changing the agency or changing the wording or the directive. All of this requires negotiating and meeting with all the stakeholders to get their input.

JW: I'm sure it's a balancing act too. You have to find ways to placate the people that are opposing the bill while also not ticking off your stakeholders who have been backing the thing.

ER: Which is hard. [laughs]

JW: How do you do that tightrope walk?

ER: As my boss always says, everybody that is involved in negotiating, they should walk away feeling uncomfortable. When you go into negotiating and talking about bills, you have to know that you're not going to get everything that you want, which is hard for some people.

Some people do walk in wanting everything and not willing to budge. Ideally, you want to walk in knowing what you can give away, what you want to keep.

I think the most important is your stakeholders need to be people that you trust, that are good at their jobs, and that actually have some influence or at least the ear to their bosses.

Knowing where you can budge and where you can't and knowing where you can go back to your office or your boss and say, "Hey, we lost this, but I think that what is left is still really good for all of these reasons." You can't negotiate if you have people that aren't willing to budge, people that don't have the authority to give more than what's on the paper.

You also have to be creative. Sometimes no compromises can be had, but you have to know that in some places, there maybe is that middle ground. You just have to think outside the box, which is really hard.

I'm definitely more of an inside the box type of person, but you have to take a step back and everyone just be like, "OK, think of what your issue is and what are the possible ways that we can influence it."

JW: How critical would you say it is to have good stakeholders on your side?

ER: It will make or break the bill.

My boss had a huge bill last year that involved recycling fees for car batteries. Whenever they had a stakeholder update, the email went out to a hundred plus people and each of the environmental groups and businesses. It's all people that the only reason they stuck around was because they knew ultimately they were going to benefit from in the end, maybe not how they wanted, but a smart stakeholder knows to stay engaged and stay at the table.

We invite everybody to the table as long as they're willing to give and to work. The second you shut down or you're not willing to budge anymore, then there's really no point to have them at the table. You need somebody that's willing to maybe take a loss realizing that this as a whole may benefit everybody, and then maybe you'll get your shot next year.

That happened with the recent cap and trade legislation. A lot of environmental justice groups felt like they were cut out entirely, so they stopped negotiating. We came out with another bill to address their concerns, so they had to realize that, yes, they were cut out of that first conversation but they stayed in support knowing that another bill was coming on down the road to address their concerns.

Everyone has to know it is a long path. You may not get what you want right with this bill, but know that there's many other legislative years, bills that can come forward.

JW: It sounds like a lot of just keeping your stakeholders together. It's communication, communication, communication.

ER: It's a lot of communication, a lot of mass emails, because you realize right away that you can't meet with 100 stakeholders. There's not a place in our office that we can meet with 100 stakeholders. It's calling people. It's communication. It's email updates.

Knowing the stakeholders that if you have one stakeholder who can rally a group of other stakeholders.

You contact and really work with one, and then they're in charge of calling the 10 people under them to get their feedback because, yes, I can't all day be calling 100 stakeholders in order to get their ideas on legislation in order to get it amended. That would take all day.

[laughter]

JW: That would be your whole day.

ER: Yes, and just to come back the next day to have more amendments and more meetings. Also updating only when necessary and knowing that there's a lot of other tweaks and small changes that, maybe, the whole group doesn't need to know about, but knowing that you're keeping their best interest in mind, and things will work out, and then you'll give a better update later on.

JW: That's really been all about keeping your side of the equation happy. When it comes to negotiations... Obviously there's give and take with the other side. What are things that you do, especially if you're working on a bill where you know you're going to need votes from someone on the opposite? How do you peel off those votes?

ER: It helps, first thing is you have to have a strong boss and a strong member. A lot of members take a backseat to negotiating legislation, which is hard because if it's a staff talking to another staffer and we're trying to convince each other to convince our bosses to vote a certain way, you don't have a lot of pull.

Ideally, it's member to member, and you have to have a member that's willing to make those tough asks and get no for an answer, and my boss has stalked members in the hallway to make sure she gets an answer from them on a bill.

You have to be smart and again knowing that this is only one small piece, and if you're staying steadfast and you're not wavering and you're not willing to work with anybody, they're going to remember that when your bill is trying to get through our committee or you need our vote on a bill.

Obviously, it's not trading votes but it's all engaging in the conversation and understanding and hearing each other out about how important this bill is for all these reasons. I was trying to get a tough bill passed. What I did is I found out who those members cared about.

What groups in their community do they listen to or do they give money to or do they volunteer with? I appealed to those groups so that way they can call those members and tell them how much this bill matters to them.

Members care about organizations too. They care about their constituents. If you can get their constituents on board, then they can just call and ask for that favor as a constituent.

It's really looking at the bill from the other side's perspective and seeing why is this still good and how can I convince them and sending in the right people and knowing that sometimes I'm going to be persuasive alone, that I need to really work many different angles.

JW: It seems like we've talked about a bunch of the challenges. It seems like being able to manage personalities and egos is a part of it. From the staff perspective, what are some of the dos and don'ts when you're in this process working with your member or with another member's staff?

ER: A lot of my advice is always going to go back to this, but, again, not to say where your boss is without being authorized to do so. I represent my boss, and I'm the middle man for my boss to other people, but everyone knows and I have to know that I can only say as much as she has told me and as much as...or I can give history.

"She's voted this way in the past, so I would guess, maybe she's leaning yes or no," but ultimately know that you can't speak on behalf of your boss and dos is talk to everyone and include everybody because the last thing you want is to get into committee and have the opposition say, "Well, the author's office wouldn't meet with us. The support wouldn't meet with us. Nobody's working with us."

For some committees that could make or break your bill, and a committee can hold it saying, "You need to work with the opposition." See if there's a compromise to be had. If there's not, then that's fine, but at least then I can go to committee and say, "Hey, we met this many times. We were trying to work it out. We can't work it out."

Ultimately, it's up to the committee. They have to pick a side. But if you're not meeting with them, then that's the first thing that they're going to say on all their opposition letters, the first thing that they're going to say in committee is that the author's office isn't working with us.

What I'm surprised most about first starting in the building is one day you're working with somebody, and you both really want this bill passed, and then the next day you can be on the complete opposite side of them.

That's why we all have to be respectful and trust each other and work with each other, and know that this is a job. One day I may hate what you're doing and the next day I may love it, but it's keeping that communication going and being a professional about it, so in that way, you can continue that relationship.

Don't lie because you never know who you'll be working with or working against the next day.

JW: All right. Just to put a bow on all this, it seems like the big thing's...It's not really a one, two. Maybe more a 1a, 1b. It's be a smart, savvy communicator whether that's with

your own stakeholders, the opposition. The other thing is just to know your issue. That feeds into being able to communicate.

ER: Yes. I guess the number one rule of negotiating is don't play all your cards too soon or show your hand because, especially when the leg process is at most two years for a leg cycle or it can be one year, but either way, that's a long time.

You need to go in from the very first day saying, "This is what I want. I want all of these things in this way." As you negotiate and things move down, you change that stance but you just need to be really firm with where you are, not where you're willing to go but just what you want that day.

If you don't include everything at the beginning, then stuff can be taken out. If you say from the very beginning that you're willing to have all this stuff taken out, then they'll take it out, and then you'll have nothing left for the rest of the process.

Sometimes, you just have to give something to committees that they can take out, and they feel like they've had a say in your bill, and then they'll let it through. You want to put as much in your bill as possible in the beginning.

JW: Sounds good. That is all the time we have for this. Thank you again, Erinn, for joining us...

ER: Thank you.

JW: ...and talking about negotiating policy.

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