

COFFEE WITH A SIDE OF KINDNESS

February 12, 2020

Starbucks holds a special place in my heart; I am a regular coffee drinker and by now my local store knows not only my name, but also my dog's name. The other day I was in line ready to order and overheard the customer in front of me laughing about her magic Starbucks card that showed a \$0.18 balance but just keeps on working. She used her magic card to pay and stepped off to the side to wait for her order. Before I could mutter "Grande Cappuccino with Skim Milk," my barista informed me their system was acting up and I could pay only with cash or the app. Panic flowed through my body—I had forgotten my iPhone that morning, so no app, and very little cash on me. The previous customer must have noticed the rising alarm in my voice because she quickly interrupted by insisting that I use her Starbucks Card, referring to it as the "Community Card." I did and it worked perfectly. I turned to the customer behind me and insisted she use the Community Starbucks Card too. Elation reigned and the barista, the customer and I started chanting: "Pass it on! Pass it on!"



Kindness. What a concept! Life presents us with little opportunities to solve a crisis and show kindness all the time. The holder of the Community Starbucks Card and I were presented with a coffee crisis by no fault of our own. She chose to share her wealth with me and she changed the entire tenor of the store that morning.

During my mediation later that day, kindness played another role. The dispute was between a homeowner and insurance company accusing the homeowner of arson. These are ugly allegations; no criminal case pending ... but who knows where this will go? The homeowner was intimidated, yet also frustrated, and quite unhappy to be involved in such a dispute. But here is where kindness played a role. Both lawyers treated her with kindness; they handled the dispute with high-level professionalism. We met in a single room but then broke up into caucuses. We discussed the cost of pursuing each side's position in court and the risk of litigation. No accusations of lying; no accusations of fraud or bragging about a credibility gap. As we began our private caucuses, neither side asked me to go down the path of attack, but rather we discussed the timing, costs, venue and other more neutral factors. The attorneys acted with kindness and were rewarded with a quick settlement that represented a true compromise by both sides.

As an attorney, putting aside your attack mode and using kindness is not a tac for every case. But I encourage you to consider kindness as one means of negotiation. When allegations are ugly, ask yourself if you must broadcast their ugliness. Can you spare the self-worth of the client and, maybe even of the attorney, on the other side? You have an ego and so do they. Allow the ego to survive the dispute; this permits the other side to save face. I urge you to do this if you can. You will both live to negotiate another day.