

# Kluwer Mediation Blog

## The story behind this pair of cufflinks

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Do you like this pair of cufflinks?



This blog post is my sharing on how I had managed to purchase this pair of cufflinks in Melbourne.

I had taken a break in late October to travel to Melbourne to see my son who is doing a master's degree there. On 26 October 2023, we walked past the court areas in Lonsdale Street for lunch. While I was waiting for the traffic lights, I saw several mannequins wearing judge and barrister robes on the mezzanine floor of a building. Out of curiosity, I decided to pay a visit to the place after lunch in order to find out more about it.

It is a clothing shop primarily providing legal robe sets for sale and for hire. We were welcomed by the shop saleslady. I introduced myself as a visitor from Hong Kong and we had a very good chat on various issues relating to the legal professions and the legal attire between Australia and Hong Kong. At that point in time, I was just browsing around with no intention of buying anything. That said, as a person in the service profession and putting myself into the shoe of a saleslady, I showed enthusiasm to know more about the shop and its products and services. I always feel that assuming each person in front of me as a future possible collaborative partner is the most appropriate way to handle a conversation with an acquaintance. By the time when I was about to leave the shop, I saw something eye-catching in the section of accessories. There were two very interesting pairs of cufflinks “Sue” and “Settle” as well as “Guilty” and “Not Guilty”.

As I am no longer practising criminal law, I dismissed the idea of buying the pair of “Guilty” and “Not Guilty” though I like them very much. Being a mediator and a person promoting mediation, I wanted so much to buy the other pair of cufflinks. However, I was a bit hesitant because I am no longer practising as a litigation lawyer and was then not very sure whether I would like to wear the cufflink “Sue”. Subconsciously, I put on my negotiator cap and started to explore the remote possibility of persuading the saleslady to consider selling me two “Settle” cufflinks instead of the prescribed set of “Sue” and “Settle”.

Given the fact that I was due to return to Hong Kong several days later and it is unlikely that I shall visit Melbourne in the near future, I had to figure out my needs and concerns as well as my BATNA and WATNA instantly. Should I buy two pairs of cufflinks so that I may wear two “Settle” cufflinks? What should I do with the pair of “Sue” cufflinks? Should I throw them away? Would it be sending a wrong message to my son on consumption behaviour though I could afford to do so financially? Should I gift them to a fighter lawyer who would accept a pair of “Sue” cufflinks? Would my friend get the wrong signal that I being a mediator want to tease him/her with a pair of “Sue” cufflinks? Would it be too remote to find a friend called Sue, who loves to wear or collect cufflinks? What harm, if any would be on me and my son (who is not a lawyer and law student) if I asked the saleslady to sell two pieces of “Settle” to me? Would the request be taken as unreasonable or impolite and thus have a negative impact on the image of us or Asian customers? What more could I say in order to connect with the saleslady before I should indicate my request? All these came to my mind all at once when I was still engaging a friendly conversation with the saleslady.

I started to work on expectation management by sharing what my practice is and how I had learned mediation from Australian mediators. Then, I explained while the “Settle” cufflink is something that I would love to possess, I might not be keen to wear the “Sue” cufflink since I am not a litigation lawyer anymore. By listening to me, the saleslady did not express any displeasure. Instead she did indicate understanding but she also told me that she did not have the mandate to sell two pieces of “Settle” cufflinks to me without obtaining permission from her manageress who was then out for lunch. I acknowledged her kindness and praised her for being prudent. I indicated

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understanding that the cufflinks came in a prescribed set. I told her that since I was on holiday and was not in a hurry, she might take her time to contact her colleague.

At the time when the saleslady was attempting to contact her manageress by phone, her boss returned to the shop. Upon listening to my needs and concerns, the manageress responded very positively and said that there would probably be a customer who would not want to settle cases and therefore wanted to avoid a “Settle” cufflink. What an out-of-the box thinking shop leader! As a result, I managed to purchase a pair of “Settle” cufflinks. What a wonderful shopping experience!

Immediately after leaving the shop, I had a short moment of triumph feeling in the sense that I had managed to persuade the shop to sell me a pair of “Settle” cufflinks so that I was not required to buy two pairs of cufflinks. However, when I subsequently reviewed the process, I started to appreciate more of the kindness and the good deed of the saleslady and her manageress who have built up an excellent image for the shop. They also have displayed the very positive dimension of Australia to a first time Melbourne visitor.

Weeks after returning to Hong Kong, I contacted my son and asked him to go back to the shop to buy another pair of cufflinks with “Guilty” and “Not Guilty” as a Christmas gift for a friend who is a criminal barrister but occasionally acts as a fiat prosecutor. It is my belief, though may be a naive one that as a person promoting win-win, I should not take advantage of those who had positively addressed my needs and concerns.



Although it was my intention to avoid the “Sue” cufflink when I was at the shop, some of my friends upon seeing the cufflinks have pulled my leg by saying that I bought two “Settle” cufflinks because I wanted the parties to settle my fee note in addition to me settling their disputes. That is interesting. It is not uncommon that people would interpret a person’s conduct by imposing their values. To me, my friends’ words are full of wisdom too.

Now I have this unique pair of cufflinks in my drawer. Should I be wearing them whenever I work as a mediator? I am hesitant to wear them when I discharge my professional duty as a mediator. Why? As a mediator who advocates and respects “self-determination” in mediation, I do not want

the disputants to think that I am too keen to make them settle their disputes. Besides, I do not want to give myself unnecessary pressure in my mediation room. The cufflinks are not supposed to be a magic stone. They have already given me a very happy shopping experience and provided me with an opportunity to reflect on my consumption needs and concerns.

Finally, I would like to thank my son encouraging me to share this story on this blog post and thank the two wonderful ladies in the shop for being very kind and professional salespersons.

As we are close to the festive season, I hope you will enjoy your shopping time and will also be a win-win patron.


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