

PUBLICATION

Common Ground

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For this issue's "Common Ground" column, Atlanta Associate Jonathan Stuart, a commercial/business litigation associate, spoke with Vivien Peaden, an of counsel specializing in data privacy, security, and technology transactions, about how she finds common ground with her colleagues.

Jonathan Stuart: Vivien, I am excited to have this conversation with you because I experienced firsthand how genuinely and effortlessly you find common ground with your colleagues. We met over lunch with a few colleagues just weeks after you joined the Firm (in the middle of a global pandemic). The group was lively, and our conversations were robust. We sat directly opposite each other at the lunch table and very quickly found common ground in our foreign heritage. You were born and raised in China, and I'm from the Bahamas. During our conversation you expressed an interest in learning about your colleagues' heritage.

Can you share what sparked your interest?

Vivien Peaden: Absolutely! The simple answer is that we all have a unique background that we can share to build relationships with new colleagues. I have found that most of my colleagues are proud of their heritage, find pleasure in sharing it with others, and have remarkably interesting stories that can break the ice and build comradery. For instance, I left China 19 years ago to pursue an education in the United States. I met my husband on the first day of law school and later moved to Atlanta to be closer to his family. Growing up in China, I would have never thought that I'd one day settle down in the Deep South and build a career here. Many of my colleagues find my background fascinating and, like you, take time to share their background with me after learning of mine. This approach has been so helpful to build and grow my network at Baker Donelson and beyond.

Jonathan Stuart: That is an excellent point. Your willingness to share about your heritage invited open conversation. In fact, we learned about our Atlanta shareholder colleague Bob Johnson's close ties to Japan and how those ties were built through years of charitable work he performed during his college years. You, Bob, and I connected over Bob's background because we all have spent years living outside of our home countries and completely immersing ourselves in a foreign culture.

How else do you find common ground with your colleagues?

Vivien Peaden: I stop by my colleagues' offices to hear what they are working on and learn more about their practice, and I also like taking them to lunch. We learn so much about each other over food. Inviting a colleague to lunch can be intimidating at times, but I have found that it is an awesome way to connect on both a professional and personal level. Sometimes we eat and connect for an hour, sometimes 15 – 30 minutes. It all depends

on what we have going on at that time. Flexibility is important.

Jonathan Stuart: I have noticed that you never do lunch alone. I look forward to our lunch meetings because I learn a lot about your practice and proven negotiation skills.

That brings me to my last point. I am a commercial litigator. You focus your practice on data privacy, data security, and technology transactions. On the surface, our practice areas could not be more opposite. Yet, at lunch, we have insightful discussions about various legal issues and general practice takeaways – for example, how to work well with opposing counsel. In fact, I find that I implement much of the advice you share with me during our conversations.

Tell me how you, as a transactional attorney, are able to counsel young attorneys in different practice areas?

Vivien Peadar: I prefer to call them my "legal counterparts" rather than "opposing counsel," as the latter phrase sounds so adversarial. I appreciate that companies and individuals hire attorneys to resolve conflicts and sometimes all gloves are off. In my practice, I often remind legal counsel representing the other side that we are teaming together to solve a problem, address a pain point, or, in some cases, make things easier following a very challenging situation. I spend the time to listen to their questions, put myself in their shoes, and find creative ways (including common ground) so that we can get deals done, settle our differences, and move on. I always choose to show grace and respect for the other side so that they are motivated to propose reasonable terms to meet my client's goals. Courtesy is the best armor. I find that younger (and some older) attorneys believe they cannot zealously advocate for their clients under this teamwork approach. I like to advise otherwise, though I understand it is not always possible. You catch more flies with honey than vinegar. I like to use honey whenever possible.

Jonathan Stuart: I agree. For instance, during a particularly contentious case, my client proposed deposition dates for which he was not actually available due to an important business conflict. Before my client identified the conflict, opposing counsel noticed his deposition. Given the tone thus far in the case, I knew my request to reschedule the deposition would not be welcomed so I scheduled a call to discuss. I started the call by acknowledging the mistake and expressing a desire to work toward a mutually agreeable resolution. My efforts were met with opposing counsel raising his voice and speaking over me during the conversation. Still, I kept cooperation and teamwork front of mind. The call ended without a resolution and threats that if my client did not show up for the deposition, it would proceed without him. A few minutes after the call had ended, and much to my surprise, opposing counsel called back and we reached a compromise. I was happy that I did not threaten to seek a protective order or match opposing counsel's tone. Honey carried the day.

Jonathan and Vivien's conversation demonstrates the importance of getting to know your colleagues, investing time and resources in them, and building meaningful relationships with them. We all have interesting stories and can find common ground with colleagues who, on the surface, appear quite different in both appearance and practice area. A great path to discovering those commonalities is to invest 30 minutes to an hour in getting to know your colleagues during lunch time. After all, we all have to eat; but we all do not have to eat alone.

