

**Mediator Insights:**  
**Don't Just Know What You Want, Know What You Need**

By: Sylvia Mayer

As parties prepare for mediation, they often focus on what they want. They want \$X. They want out of a contract. They want to pay nothing. They want....

Sometimes parties forget to also consider what they need. There is a big difference between what you want (e.g., everything you asked for in your complaint) and what you need to resolve the dispute and move forward. As you prepare for mediation, take time to consider not just your wants, but also your needs.

To illustrate, let's consider Rod Campbell's children's book "Dear Zoo." In this story, the narrator writes to the zoo and asks them to send a pet. The zoo complies.

First, it sends an elephant. It is too big, so it is sent back. Then the zoo sends a giraffe, but it is too tall, so it is sent back. The list goes on. Zoo animals arrive, don't meet the narrator's needs, and get sent back. Finally, after seven animals have been sent, rejected, and returned, the zoo sends a puppy, which is perfect. Needs have been met.

At no point in the story, did the narrator explain their need. They opened with their want and then waited for the other side, the zoo, to figure out what was needed and provide it.

I see this in mediation too. Very often a party comes to mediation having focused solely on what they want, but having spent no time considering what they need. While it is not uncommon for wants and needs to evolve as the mediation progresses, it is helpful to have a starting point at the outset of the mediation. Why? For several reasons, including:

- Most settlements ultimately lie somewhere between each party's want and their need.
- An unspoken need may go unmet. That unmet need may then become a barrier to resolution.



- Some needs cannot be identified without additional information. But if the necessary documents are inaccessible or the person with the requisite knowledge is unavailable, then we may be unable to discern the need during mediation resulting in an impasse or adjournment of the mediation.
- Understanding needs may open new avenues for resolution. Creativity can be the bridge to resolution in mediation, but only with an understanding of the problems that need to be solved creatively.

As you prepare for mediation, consider not just what you want, but what you need. Otherwise, you may spend a fruitless day rejecting elephants, giraffes, lions, snakes, and other offers you neither need nor want.

*Author's Note: As a mediator, I am a "forever student" always seeking new ways to help people find a path to resolution in mediation. As a parent, I have spent a gazillion hours reading books to my children. Oftentimes, these books teach me new ways to approach conflict resolution. In this case, Rod Campbell's "Dear Zoo" inspired this post.*