

Dispute Resolution Insights: It's a Small World

Wishing all a Happy and Healthy New Year!

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It's a world of laughter, a world of tears. It's a world of hopes and a world of fears. There's so much that we share that it's time we're aware it's a small world after all. (from It's a Small World (After All) by Richard & Robert Sherman)

As this year comes to an end and a new one is about to begin, I pause to reflect on a year's worth of dispute resolution. Whether arbitrator, mediator, or advocate, at the core of each dispute, I find one immutable truth: all disputes involve people. Thus, so do all dispute resolutions.

While people are different in so many ways, we are also all the same. We all laugh and cry. We all have hopes and fears. At our core, we have more in common than whatever may set us apart.

Are you wondering what that has to do with dispute resolution? Everything. Whether in mediation, arbitration, or courthouse litigation, we often find the path to resolution through connection, sharing, and commonalities.

In conflict, by human nature, we focus on our differences. Different views of the facts or the law. Different motivations. Different personalities. Different needs, wants, and interests. And the difference between each party's desired outcome.

But it helps to also stop and reflect on what we have in common. What facts are agreed upon? Or law? Are there any shared needs, wants, or interests? What do the parties have in common? How are they connected?

In mediation, receptivity is often the key that unlocks resolution. Receptivity is being open to new information, new ideas, and alternative outcomes. Connection, sharing, and commonalities are tools to build receptivity. Through sharing information, parties learn more about the strengths and weaknesses of their position. Through active listening, empathy, honesty, and engagement, mediators

connect with parties. Through recognition of common challenges or goals, agreed on facts or law, and identification of other areas of consensus or commonality, parties may open pathways to a resolution not previously considered.

In arbitration, many arbitrators (this one included) often require the parties to submit a stipulation of uncontested facts before the final hearing. Ever wonder why? I can only speak for myself, but these are my reasons: (a) it helps to streamline the hearing, (b) it provides me with a factual framework as I listen to the evidence, (c) by focusing on the areas of agreement, it may narrow or refine the issues to be addressed at the final hearing, and (d) by engaging in dialog around areas of agreement, it may lead to settlement negotiations. Sometimes what the parties have in common becomes the bridge to resolution.

*There is just one moon and one golden sun and a smile
means friendship to ev'ryone. (from It's a Small World (After All)
by Richard & Robert Sherman)*

Regardless of the dispute, for each participant, the sun rises in the morning and sets in the evening. In between, we can work together to find the path to resolution. It really is a small world after all.

Author's Note: As a mediator and an arbitrator, I am a "forever student" always seeking new ways to help people find a path to resolution. 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 addition, my family loves all things Disney, from the music to the shows to the parks. This post was inspired by Disney's "It's a Small World" – the book, the song, and the ride.

Disclaimer: Nothing contained herein constitutes legal advice nor does anything contained herein create a professional relationship.