

Mediator Insights: Thinking Outside of the (Crayon) Box

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Sometimes the solution to a problem is obvious or simple, but not always. Particularly in multifaceted conflict (such as complex litigation, restructuring negotiations, business divorces, and multi-party disputes), the path to resolution often requires thinking outside of the box.

To illustrate, let's consider Drew Daywalt's "The Day the Crayons Quit." Duncan has a coloring assignment at school. He opens his crayon box but finds a stack of letters inside instead of crayons. The letters are from the crayons. The red crayon complains that Duncan uses it to color everything. Red crayon needs to rest. The black crayon complains it is only used to draw outlines and never to fill in the space. Black crayon needs a chance to be a focal point. The pink crayon complains that Duncan has not used pink in over a year. Pink crayon needs to be involved. The white crayon complains that it is the same color as the paper. It feels invisible. White crayon needs to be seen.

Duncan needs to color. Duncan thinks hard. Then he colors a beautiful picture with only a few tiny spots of red, a big black rainbow, a pink airplane and a pink dinosaur, a yellow sky with white clouds, and green water with a white boat and a white cat.

Duncan deftly resolved a multifaceted conflict. He listened to each crayon's concerns and needs. Then, Duncan thought outside of the conventional crayon box. He found a creative resolution that met everyone's needs, including his own.

How does this translate to mediation? Particularly in multifaceted disputes, the mediator must actively listen to each party's needs, while creatively exploring different ways to balance and meet each of the party's needs. The beauty of mediation is that we are not confined to a specific structure for resolution. Instead, we can be creative and go outside the conventional box to find a path to resolution that is tailored to the needs of the parties.



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, Drew Daywalt's "The Day the Crayons Quit" inspired this post.

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