

Mediator Insights: Stuck on No

By: Sylvia Mayer
Arbitrator, Mediator & Attorney

Toddlers love the word “no.” Some grownups do too. I see this in mediations all too often. One side is stuck on “no” and my job is to help them become unstuck.

To illustrate, let’s consider Tracey Corderoy’s *No!*

Otto is adorable. Everyone says so - his parents, his grandparents, and even the mailman. But then Otto learns a new word. No. He loves his new word so much that he says it all the time. At mealtime, at bath time, at bedtime, and even at preschool.

While Otto loves saying his favorite word, sometimes he regrets saying no. Like when the teacher asked who wants a surprise. Otto said no. And everyone else got a cupcake.

One day, the kids are on the playground when it is about to rain. The teacher asks everyone to come inside. Otto says no. Otto doesn’t just say no, he says no, no, no, NO! Otto stays outside. In the rain. Otto is alone. Otto is very wet and very sad.

When Otto’s dad picks him up, he realizes something is wrong. He kneels down and asks – would you like a hug? Otto starts to say no, but then he rushes into his dad’s arms and says “yes!” After that, Otto has a new favorite word – yes.

Otto missed out on a lot of great things by saying no. Cupcakes and hugs. Playmates and playdates. Otto was alone and sad. Otto realized that saying no was only hurting him, but he needed a helping hand from his dad so he could shift from no to yes.

Otto’s story is a perfect analogy for mediation. Parties come to mediation because they’ve been saying no. Perhaps the no was no to even discussing settlement or the no was the rejection of an offer. Regardless, they begin the



mediation stuck on no. And that's where the mediation process makes the difference.

By exploring the downside of no and the upside of yes, probing the strengths and weaknesses of each side's position, and giving the parties time to vent, share, and process, the mediator is effectively holding out a helping hand. Through this process, the mediator helps the parties get unstuck on no and shift to yes. And that yes then paves the path to resolution.

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, Tracey Corderoy's "No!" inspired this post.

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