

## Mediator Insights: The Grief in the Room

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Do you know who participates in mediation? People. People participate in mediation. Whether for themselves or a business, they are still people. And many people who participate in mediation are grieving. Their grief may or may not be related to the underlying dispute. Regardless, their grief is often palpable and can be a barrier to resolution.

When grief is in the room, it is important to allow time in the mediation process for participants to cycle through their grief and become receptive to resolution.

To illustrate, let's consider Gabby Gonzalez's *I Love You Bigger Than the Sky*.

In this story, Carmen's beloved grandmother has passed away. Carmen's father tells her "You're grandma has gone to heaven." Then her father begins to cry. Carmen's response is disbelief. She thinks - this cannot be.

Carmen runs away from her father to a nearby playground. He follows her. Carmen yells at him. "Leave me alone." "I don't want to talk." Her father quietly sits with her as she cries.

Then, Carmen's father suggests they go home. Carmen is reluctant and insists that she will only go home if grandma is there. But her father cannot promise that.

They return home and Carmen cries. And cries. Her father comforts her. He shares that they will always be connected because grandma will be in their hearts forever.

Time passes. Carmen remembers how grandma loved butterflies, flowers, and the sky. Carmen feels grandma's love in her heart as she watches the butterflies fly from the flowers to the sky. Carmen looks up into the sky and whispers to her grandma – "I love you bigger than the sky."

This touching story beautifully explores the five stages of grief and shows the value of giving someone who is grieving the opportunity to move through these stages:

- Denial – Carmen thinks this cannot be.
- Anger – Carmen yells at her father.
- Bargaining – Carmen insists she will only go home if grandma is there.
- Depression – Carmen cries and cries.
- Acceptance – Carmen feels grandma’s love and looks to the sky to tell grandma she loves her.

Grief may be present in a mediation because the dispute is related to a death or serious bodily injury. Grief may be present because one or both parties are grieving a business loss related to the dispute as is common in business separations and dissolutions. Or grief may be in the room if one party has suffered a personal loss that they are still processing. Even if the loss is wholly unrelated to the dispute, grief can impact the process because it impacts a party’s mental and emotional states.

Regardless of why grief is in the room, processing grief takes time, a safe space, and a nonjudgmental and empathic listener. Mediation offers this. When one or both parties are grieving, take the time to let them cycle through the stages of grief and reach acceptance. Acceptance leads to receptivity, which allows the parties to find their 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, Gabby Gonzalez’s “I Love You Bigger Than the Sky” inspired this post.*

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