

## An invitation to apply the George Costanza ‘Do the Opposite’ mediator approach.

**GEORGE:** *“My life has turned out the opposite of everything I wanted it to be. Every instinct I have had has been wrong”.*

**JERRY:** *“If every instinct you have is wrong, the opposite would have to be right!”*

I have listed below in the left-hand column a set of standard mediator toolbox of skills interventions with an opposite approach in the right-hand column.

I invite mediation practitioners to select at least two of the opposites you feel you can try in your next set of mediations.

I am not suggesting that the column on the left is the wrong approach and the column on the right is the correct one. Each approach views the role of the mediator from almost the opposite mindset with significantly different paths leading to what emerges.

1. Look for answers *opposite* Be a blank canvas -I have no answers-sit in the uncertainty
2. Focus on the solution *opposite* Focus on the moment – the solution will emerge, often in unpredictable ways
3. Close the gap *opposite* Map the present and move forward step-by-adjacent step in the general direction of where the parties want to go.
4. Create a hypothesis *opposite* no planning - remain open and curious – look for anomalies and what we don’t know
5. I am here to help *opposite* I will be with you on your journey, but I will not help or rescue you – I will be patient and hold the space
6. I see that you are both angry with each other *opposite* I feel anger
7. Separate the people from the problem *opposite* Integrate the human into the problem

8. Ask probing questions *opposite* hold back with silence- ask yourself ‘what is happening here’ -track the interaction
9. Draw on your toolbox of skills *opposite* just be yourself - be human -the parties will notice.
10. Try to understand *opposite* defer understanding -Just be curious – understand in retrospect
11. show empathy and compassion *opposite* walk beside them on their journey- separation and togetherness at the same time - journey together with a sense of direction
12. Focus, focus, focus *opposite* look with soft eyes- allow your thoughts to emerge. Stay with the uncertainty

For the right-hand column the pre-intake session is essential for the mediator to establish that human connection with each party, a connection that can be revisited at crucial points during the mediation session.

WARNING ALLERT: The left-hand column, based on analysis with minimal if any interaction, can easily be replaced by AI whereas the humanistic approach in the right-hand column, based on interaction and emergence rather than analysis, cannot.

This opposite approach is based on two short mediate.com articles titled “The art of the simple in mediation” [The Art of the Simple in Mediation - Mediate.com](https://www.mediate.com/articles/rooney010101a.htm) and “Mediator heuristics v mediator or toolbox of skills” [Mediator Heuristics Vs Mediator Toolbox of Skills - Mediate.com](https://www.mediate.com/articles/rooney010101b.htm)

It can be demonstrated in a YouTube Video of a commercial mediation role play - see [Observing a Mediation, Greg Rooney Mediator. The Tennis Club Lease](https://www.youtube.com/watch?v=...)