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Don't Miss The Gorilla

How much information do you actually digest during a mediation, a trial, or an important meeting? Did the eye witness really see what she thought she saw? Scientific studies show that humans have limited attention resources. We usually see only what we expect to see, or we fail to see what we do not expect to see.

Professor Daniel J. Simons conducted a selective attention test in 1999 known as the “gorilla/basketball” video. In the now-famous video, three students are dressed in white, three are dressed in black. Each team passes a basketball back and forth as they constantly change positions. Viewers are asked to count how many times the white team passed the ball from one member to another. There is a lot of activity in the video, so you have to pay close attention to the white team. Halfway in the video, a man in a gorilla suit calmly strolls in from the right into the center of the frame, turns directly toward the camera, and briefly beats on his chest before sauntering out to the left. If you are not watching with any particular goal in mind, this surprise is hard to miss. However, if you're paying attention to the white team and deliberately blocking out the other team's movements, the gorilla seems to disappear. Since I've told you the surprise, have a colleague or family member watch the [video at this link](#). The statistics show that 50 percent of viewers do not see the gorilla.

The exercise shows that the scope of our conscious attention is often far narrower than we realize, so we prioritize by focusing on whatever is relevant to the task at hand. This can make us unaware of the “800-pound gorilla” outside of that current focus of attention. In the mediation context, here are a few “gorilla-strategies” that might help us see beyond our particular world of focus, and grasp information that might otherwise go unnoticed:

1. Check the reliability of your information. Challenge assumptions and test inferences.
2. Don't be bound to preconceived notions about the dispute, the other side, or their intentions.
3. Sometimes, you can search for other currency besides dollars to trade. For example, exchange one form of currency (dollars) for another form of currency (vacation time).
4. In some cases, you can encourage the parties to share ideas that go beyond the legal issues. This can open up creative solutions and lead to more durable agreements.

Don't miss the gorilla and you'll be the top banana at the mediation.