

FRIDAY, APRIL 17, 2026

Mediation lessons from Mister Rogers: What lawyers can relearn

Amid rising polarization, declining trust in shared facts, and increasing incivility, lawyers can improve mediation outcomes by applying Fred Rogers-inspired principles.

By Greg Derin

In a September 2024 Gallup poll, a record-high 80% of adults said they believed Americans were “greatly divided” on the most important values, with 18% saying the country was united. This view was broadly shared across demographic groups (race, political affiliation, identity, age, etc.). In the same period, the Society for Human Resource Management (SHRM) reported in its Q4 Civility Index that U.S. workers collectively witnessed or experienced about 222 million acts of incivility per day in everyday life, and 44% believed our ability to be civil toward one another was likely to worsen in the coming year.

My informal survey of colleagues who also mediate complex commercial disputes confirms that it has become harder to help parties resolve litigated matters in a single session; many cases now require multiple sessions or extraordinary, persistent follow up.

I have been mediating commercial disputes for 24 years. It has always been true that when parties become embroiled in litigation, animus grows, perspectives harden and trust fades. The culture wars have increasingly undermined the reliance on objectively verifiable facts. No source is viewed as objective and definitive, no measure as accurate, nothing immune from rejection as distorted by personal perspective or bias. Is the earth flat? Is the flight distance from Los Angeles to New York roughly 2,450 miles? Is the population of Australia roughly 28



Shutterstock

million people? Increasingly, it all “depends on one’s perspective.”

At the same time, I have entered a new phase of life. My wife and I have been blessed with five grandchildren in the past four years—yes, there is a pair of twins there. Facing entrenched resistance to facts in my professional life, while spending more time with very young children, has led me to reflect on my own children’s youth. I keep returning to the wisdom and persistence of Fred Rogers. Before you dismiss that as naïve, think back.

For Mister Rogers, the feelings of all children could be discussed and, with care, managed. The same is true for adults in conflict—including the adults we represent. The following lessons from his “Neighborhood” have direct application for lawyers in mediation.

Lesson 1: Whatever is mentionable can be managed. Most lawyers teach their children that feelings are natural. In mediation, however, we often act as if anger, sadness and fear disappear

when a dispute is “just business.”

In complex commercial cases, unlike with personal injury or employment cases, the subject matter may be contracts, corporate governance or finance. But emotions invariably underlie the resolution of every dispute. Was someone disrespected? Does a participant fear that their error may lead to loss and jeopardize their status or career? Do the parties bear such personal animus that it clouds their judgment about what solution is right for them?

Counsel can treat those feelings either as noise or as data. Working with the mediator to normalize those emotions—to name and control them—turns them into information lawyers can use to evaluate risk, client needs and settlement options. They can become tools for resolving disputes rather than forces that silently sabotage potentially advantageous deals.

Lesson 2: Everyone is worthy of respect.

Mister Rogers did not resonate with everyone. His insistence that everyone was special and worthy of love struck many as “soft.” Still, most of us absorbed the message from our religious traditions, families or schools: every person is special and has dignity.

In litigation, it is tempting—sometimes professionally rewarded—to dehumanize the other side. That temptation is amplified in an era of polarization. But humanizing our adversaries helps overcome many of the barriers noted above. Mediators can support this by reframing language and positions so they can be heard more constructively. Lawyers can do the same by modeling a respectful description of the other side’s story, even as they dispute its accuracy or legal consequence.

Describing an opponent as “mistaken” or “operating under a different risk assessment” lands differently than describing them as “greedy,” “irrational,” or “dishonest.” The first approach promotes advocacy; the second makes it harder for your client to accept an agreement that calls for even minimal acknowledgment of the other side’s humanity.

Lesson 3: Listen fully.

Mister Rogers modeled listening as a moral act—an act of curiosity and respect. By contrast, litigation trains lawyers to listen for openings to advance their own agendas: for objections, weak points in

evidence, and opportunities to introduce contrary authority or risk assessments.

In mediation, advocacy listening is important, but it is not a complete solution. Listening openly, with the goal of fully understanding before attempting to persuade, can allow counsel to better grasp the motivations, constraints and needs of an adversary. That understanding can reveal opportunities for mutual gain, uncover non-monetary terms that may have outsized value, and equip counsel to give more accurate advice about risk and resolution.

Mister Rogers also taught us that people are complex. He reminded children that other children were just as complex as they were: sometimes they do good things, sometimes bad things. We are all the same, so take the time to listen, understand and show compassion for why people act the way they do.

Lesson 4: Firm compassion.

Mister Rogers embodied empathy that felt genuine, while maintaining clear personal boundaries. Lawyers in mediation have an analogous role: to practice “firm compassion.” Firm compassion acknowledges an opponent’s problems and pain while still rejecting proposals that are unsatisfactory.

This approach lowers the temperature without surrendering leverage. It also models for clients that acknowledging another human being’s experience is not the same as conceding liability or overpaying a claim.

Lesson 5: Prepare, prepare, prepare.

Mister Rogers excelled at introducing children to potentially frightening situations—doctor visits, hospital stays—by explaining what would happen in simple, concrete terms. Lawyers sometimes underestimate how unnatural the mediation process can be for clients.

Participants may sit in separate rooms and never interact. In some matters, all proceedings are conducted remotely, so they may never even encounter one another in a hallway or lunchroom. The “negotiation” process—extreme opening offers, wide gaps, slow concessions, mediator proposals, and end game tactics—is entirely outside the experience of most participants.

When lawyers fail to prepare clients for this unfamiliar terrain, clients can misread it. A predictable opening “insult” number is experienced as fresh disrespect. Time spent caucusing with the other side is interpreted as bias. A mediator’s proposal is taken as a judgment on the merits rather than a settlement tool.

Explaining the process in simple, Fred Rogers-style language before the session—what will happen, why it happens, and how to interpret it—reduces reactivity and increases the odds that clients will stay at the table long enough to reach a rational resolution.

Lesson 6: Be curious.

Beyond his intrinsic kindness, one of Fred Rogers’ most consistent messages was to remain curious. By asking questions and remaining open to wonder, he promised children they would continue to learn.

Lawyers often enter mediation radiating certainty. Sometimes their confidence is warranted; sometimes it is necessary theater. Mediation discussions about “what a judge or jury will do” are invitations not only to argue, but also to learn and to reconsider where the ground may be shakier than it appears.

Curiosity about the other side’s interests, constraints, fears and motivations yields information that pure argument will not. Some interests will overlap, offering chances for joint gains. Others will diverge, creating room for trade-offs that money alone cannot supply.

A genuinely curious question—“Help me understand why that particular term matters so much to you,” or “What would need to be true for you to feel you could live with this outcome?”—can do more to move a case than another ten-minute monologue about jury verdicts.

Conclusion

Incivility in the broader culture need not paralyze the resolution of disputes. In their roles as advocates and officers of the court, lawyers have a unique opportunity to import into the mediation room some of the simple practices Mister Rogers modeled: naming feelings so they can be managed, treating everyone as worthy of respect, listening fully, practicing firm compassion, preparing clients for unfamiliar processes, and remaining curious.

We do not need consensus on whether the earth is flat or spherical to settle a commercial case. But by applying these lessons, counsel and parties may discover information that illuminates a path to resolution between the human beings who populate the controversy—and perhaps, in a small way, make the neighborhood a bit more livable.

Greg Derin is a mediator and arbitrator at Signature Resolution.

