

Advantages and Disadvantages of Online Mediation – Mediation Matters

Mediation can be described as a 'way out of conflict through dialogue' with the goal 'to get the parties listening to each other' (Beer and Packard et al, 2012). Online mediation can provide the mechanism for bringing parties together with greater flexibility, accessibility, and ease from different locations. As human interaction evolves online across a world wide web, opportunity for misunderstanding and conflict rises, it is naturally consequent that disputes will be resolved 'online'. A reduction in costs and frustration by meeting from the comfort of one's home without the inconvenience and uncertainty of travel and surroundings, could potentially lessen parties' anxieties around the process. For some, being online means that parties can feel safe by not having to meet their adversary in person (Bucklow, 2020). Introductions can be actively managed, with the mediator able to use tools within the online facility to allow parties entry to the meeting room at the same time, to enable parity and neutrality toward each party. Some mediators have found greater connectivity and team collaboration online through the preparation and facilitation of private meetings; within a session using and naming breakout rooms as if they were physical rooms to create a sense of safe space (Carroll, 2020). 'Artificial Intelligence' within 'online dispute resolution' can extend beyond mimicry to supporting the mediator by filtering, predicting and analysing information given by parties to present prospective solutions in a shorter timeframe. Remote mediation can facilitate regular, ongoing sessions, relieving the burden of conducting business all in one day; the flipside is that often turning up in person equates to a greater commitment to seek agreement (Bucklow, 2020).

The move to online mediation whilst bringing people together across distance creates a barrier; physically being face-to-face is prized in mediation as it 'adds opportunities for communicating information and interacting efficiently' (Rifkin, 2001). Aside from the obvious technical connectivity malfunctioning, the screen diminishes the ability to use social and visual cues, for the mediator to effectively mirror, show parity and establish rapport quickly. For parties, they may not be able to see the depth or complexity of emotion, display empathy effectively and communicate as clearly; further miscommunicating and compounding unmet needs. The online environment has even been found to give rise to a stronger prevalence of aggressiveness potentially creating a power imbalance that mediation is meant to redress (Terekhov 2019, Rifkin 2001). The virtual environment creates power

imbalance in terms of technical capability, exacerbated further when 'e-messaging' is used as part of the process heightening differences in background, ability, and culture rather than diminishing. Confidentiality is intrinsic to mediation, facilitated in part by only the parties and mediators in a room; the online room is extended beyond mediator control where other people can listen, interrupt, record; creating doubt and distrust for finding agreement (Terekhov, 2019). The nature of mediation is thus changed; as there is a '4th entity, the internet' and this means that the mediator must 'acquire a different set of competencies' for success (Rifkin, 2001).

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