

Kluwer Mediation Blog

Elementary My Dear Chat!

Andrea Maia (Mediar360 – Dispute Resolution) · Saturday, July 8th, 2023

In 2017, I wrote one of my most read articles on Kluwer: [Elementary my dear Watson!](#)

At that time, artificial intelligence (AI) had already invaded our lives and much was being discussed about its potential to replace human beings. In my article, I wondered about the possibility of AI replacing the mediator. And the answer, in my point of view, at that time was that AI would not replace humans.

Only six years have gone by and we face the speedy progress of AI and ChatGPT (a part of artificial intelligence system capable of creating original and new content, such as texts, images, music and even vídeos, besides recognizing existing patterns and making decisions based on them).

Very recently, my close partner, [Constança Madureira](#), asked me to join her in a class on this topic. And the idea for this joint article came from our post class reflections.

Looking back at 2017, what we see now is the transformation of AI from a simple platform to a sophisticated tool capable of complex tasks such as:

- (a) processing technological support for mediators and parties ;
- (b) providing ‘rational’ decision-making based on real-time analysis;
- (c) offering basic prediction of results based objective criterion;
- (d) handling of new patterns of disputes (mainly those in this post crisis era), both online and off-line;
- (e) fitting into the concept of the ‘fourth party’ by [Ethan Katsh and Janet Rifkin](#) (by means of gathering information that the parties and neutrals were unaware of; performing complex calculations; listing options for resolving the conflict that were not identified by the parties and modulating the language used in communications)

With that in mind, as we were preparing the class, we decided to try into the process some of the possibilities of using ChatGPT in mediations and, among other favorable surprising findings, we can include:

1. efficiency and agility: AI can automate repetitive processes and tasks in mediation, streamlining workflow and increasing process efficiency. This includes reviewing documents, organizing relevant information and even generating proposals accordingly. With the help of AI, we save time and focus is directed to more strategic aspects of mediation;

2. **access to information and knowledge:** AI can provide quick access to a vast amount of information and knowledge relevant to mediation. For example, AI systems can analyze and extract insights from large datasets such as case law, law and case-related documents, assisting mediators in understanding the context and making informed decisions;

3. **predictive analysis and solution suggestions:** based on advanced algorithms, AI can perform predictive analysis and suggest possible solutions for conflicts in mediation. Based on patterns identified in past cases and information specific to the current case, AI can offer valuable insights to help involved parties explore settlement options and make informed decisions.

However, no matter how much technology came to rescue us, some essential human skills need to be developed to access its optimal potential as we learned . Among these skills, two very basic are:

#1 – To be able to make good questions or to make good prompts!

By the way, a prompt is an instruction or stimulus given to an artificial intelligence system to start or direct its content generation. This can be a description or any other form of input that starts the AI creation process.

#2 – To be able to make critical analysis (the chat can make mistakes).

In short, these tools, when properly used, can be considered a true and valuable ‘assistant’ to mediators.

Finally, we would like to share with our readers **some tips GPTchat itself gave us** after we asked it to offer suggestions to make mediators’ job easier from now on:

- While using AI has significant benefits, there are also challenges and concerns to consider, such as data protection, transparency of algorithms, and the need for adequate human oversight.
- It is essential to strike a balance between automation and human intervention to ensure ethical and fair outcomes in mediation.

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