

Optimizing Online Mediation

Balancing Automation, AI & the Human Touch

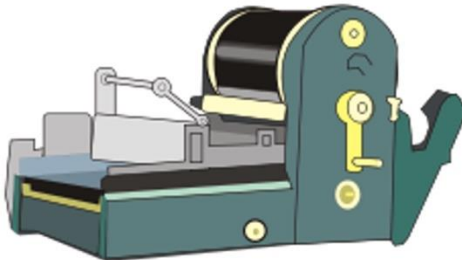


Our Continuing Evolution from Physical to Digital Mediation

ADR Roundtable – July 10, 2025

1980 – Technologies of the Day

We Have Come a Long Way!
How Things Have Changed Over 40 Years!



1983 – My First 3 Cases Using a Smith Corona



Edits were a pain: Retype or white out

1983 Game Changer: Dedicated Word Processor



Loyal, storage & infinite ability to edit

1983 “Physical Mediation”



Office, dictation, secretary, written drafts, 2-hole punch, USPS

1990 “The Yurt” – My Epitome of Physicality



“How could anyone possibly fight up here?”

1988 Mediate.com Roots

IGC, ConflictNet, John Helie & AFM



“Let me show you this . . .”

Pursuing the “Holy Grail”

The Pace of Change



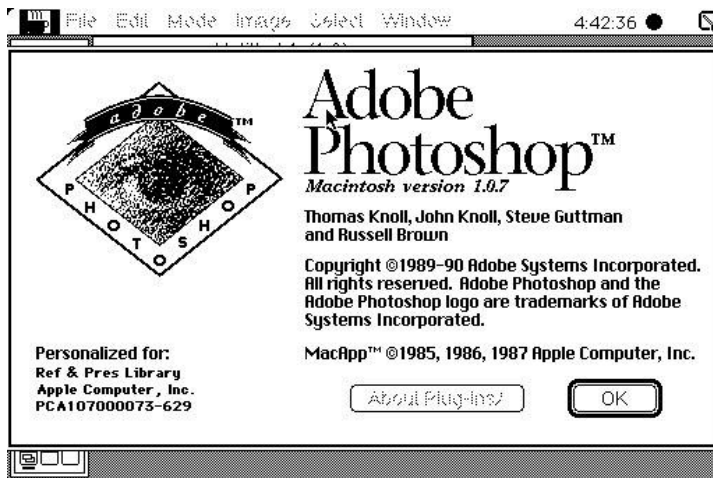
Disruptive Technology #1

The PC & Word Processing

- Endless word processing
- Unlimited storage



PC Revolution Fueled By Improving Software



Ever-Improving Mobility



Disruptive Technology #2

The Internet - World Wide Web Steals The Show!



Online Communication Modalities

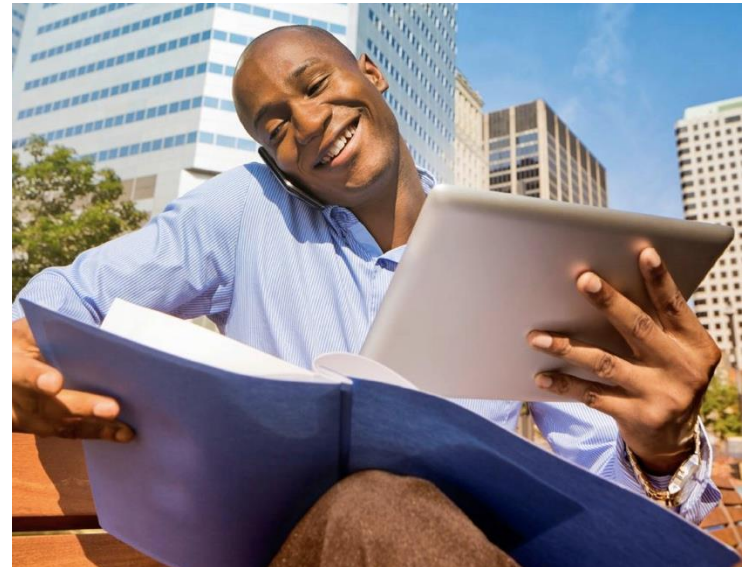
Text, Image, Audio & Video

Real Time & Asynchronous

Disruptive Technology #3: Mobile Devices with Bandwidth



Communication becomes
“personal,” not place-based

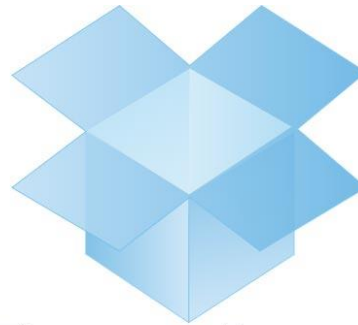


Information now must be accessible across all devices

Disruptive Technology #4 - “The Cloud”

An Ever-improving Experience for Authorized Users

SimplyBook.me



Dropbox



Google Docs

DocuSign®



The cloud automates back-ups & updates!

Examples of Incremental Digitization Over 40 Years

Back “In the Day”

- Typewriter
- Yellow Pages
- Brochure
- Office
- Snail mail intro pack
- Hard copy forms
- Snail mail drafts
- 4-8 hrs? Bi-weekly?
- Landline to place
- Predictable structure
- Atty Draft & Review

Now - Online

Word Processor, Track Changes

Google search, online directories, AI search

Website with video, links, scheduling & intake

Website, online presence & Zoom background

Immediate Email intro with links

Online intake, scheduling & payment

Secure email, attachments, track changes, PDF

Meet for as long and frequently as helpful

Personal “phone” in pocket or purse

Strategic evolving structure

Track Changes, DocuSign, satisfaction survey

**The “front-end” & “back-end” of a mediation
were substantially “digitized” prior to Covid-19!**

March 2020 - COVID

Online Mediation Rises to the Occasion!



Zoom Proves to be “The Holy Grail”

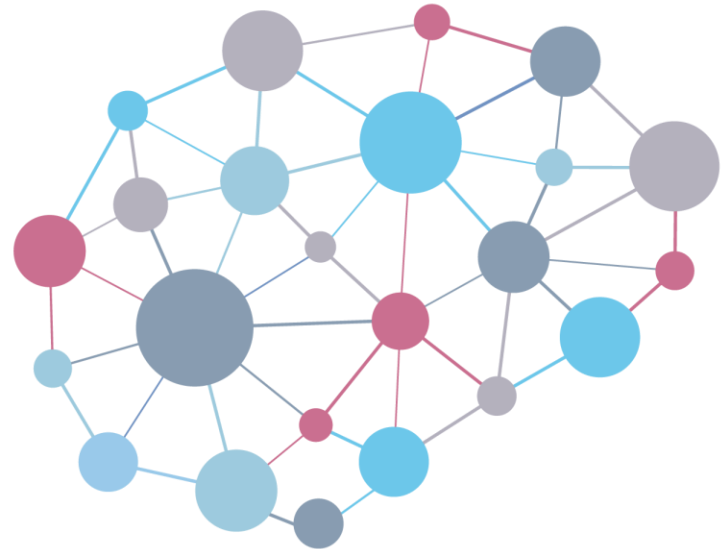
Disruptive Technology #5 - “Zoom”



Back in the Yurt!

Disruptive Technology #6 - “AI”

Responsible
AI



Your Overall Mediation Model?

For me: “Maximizing Mediation”

- assist participants to be at their **individual best**
- assist participants to most capably **work together**
- assist participants to obtain the **greatest possible satisfaction** of their interests.

AI Assists Me with All Aspects!

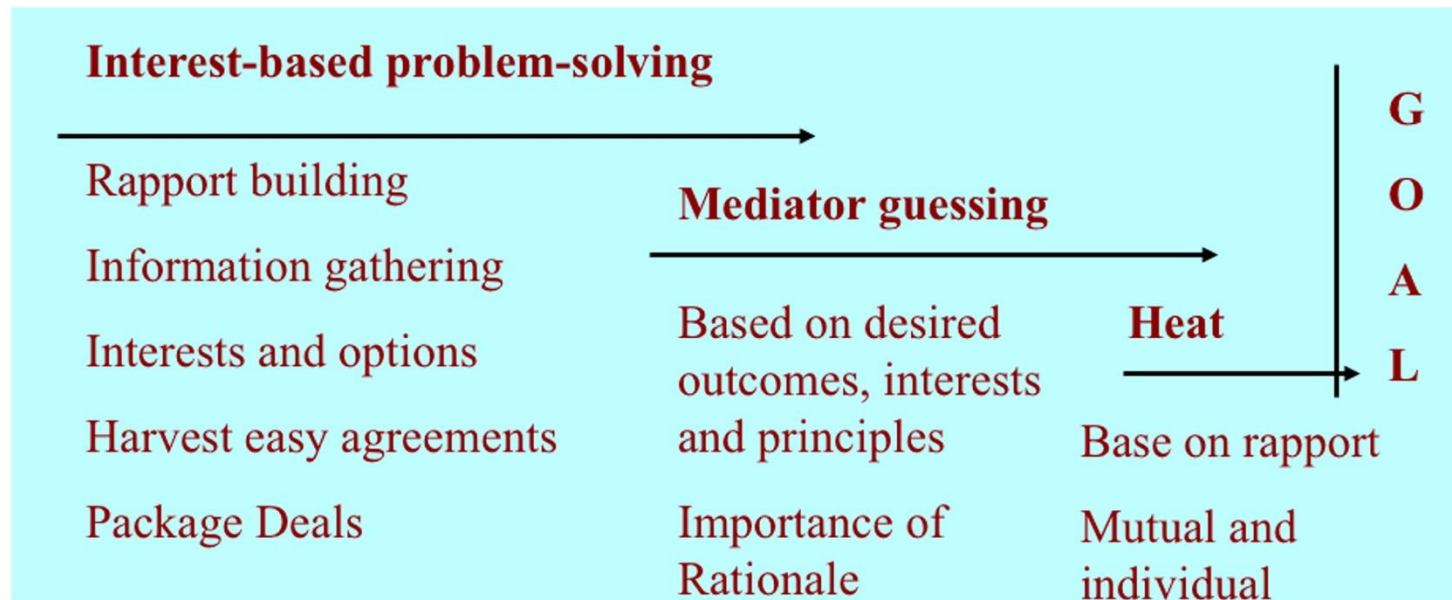
Working with AI "in Session"

Optimizing Discussion and Breaking Impasse

Mediator Strategy

Three Main Mediator Strategies

- **Interest-Based Option Development (Elicit)**
- **Hypothesis Generation and Testing (Wonder)**
- **Doubt and Dissonance (Compare)**



Main AI Concepts 1

- **Why AI is different from previous online advances:
You can ask AI any question – make any request**
- **AI is your new affordable, hardworking, never complaining, well-informed consultant**
- **AI is a valuable additional “voice” in the mediation;
fantastic for participant asynchronous homework**
- **AI is based on “NLP” (Natural Language Programming)**
- **Computer power can now swiftly consider “all info”**

Main AI Concepts 2

- **Be careful about submitting “PII”**
- **Suggest that you try ChatGPT, Gemini and Claude**
- **Learn to meet participants “where they are at” on AI**
- **“Mediation Questioning” & “AI Prompting” are similar!**
- **AI is a great idea generator. Avoid asking for single answers. Ask for options, possible solutions, exchanges**
- **Automation, AI & the “Human Touch” – The Turing Test**
- **AI is steadily improving – “hallucinations” and “sources”**
- **The only limit on the use of AI is your own imagination**

A Few Favorite Platforms

ChatGPT

Notebook LM

Ohai.ai

Pickaxe.ai



Ready when you are.

Ask anything



Tools



Create an image



Search the web



Write or code



Run deep research



How NotebookLM Can Assist with Document Review

(according to ChatGPT)

1. Summarizing Complex Documents and Legal Terms
2. Comparing Drafts and Identify Changes
3. Generating Client-Friendly Summaries and Reports
4. Extract Relevant Information for Mediation
5. Brainstorm Mediation Strategies
6. Prepare for Mediation Discussions

NotebookLM – Sources & Summary



Mediative Leadership: A Collaborative Approach

Sources



+ Add source

Select all sources



1st Key-Leadership: Establish S...



Interview with Ken Cloke on Ke...



Interview with Rosemary Howel...



Chat



Mediative Leadership: A Collaborative Approach

3 sources

These sources explore the concept of **mediative leadership** as a crucial element for the advancement of the mediation field. The Mediate.com article introduces **seven key areas** for mediation's progress, with leadership being the first, emphasizing its collaborative and empowering nature rather than hierarchical control. Interviews with key authors further discuss the **qualities and competencies** of mediative leaders, highlighting the importance of emotional intelligence, collaborative problem-solving, and fostering shared ownership within the field. The experts agree that **developing mediative leadership** at all levels and across various sectors is essential for realizing mediation's full potential and navigating its future.

NotebookLM – Output Options

Audio Overview



Click to load the conversation.

Load

Interactive mode **BETA**

Notes



+ Add note



Study guide



Briefing doc



FAQ



Timeline

Audio Overview



Mediative Leadership: ...



0.5x



0.8x



1.0x



1.2x



Change playback speed




Download



Delete

NotebookLM Audio Control Panel

Audio Overview

**Deep Dive conversation**
Two hosts (English only)

Customize

Generate

Customize Audio Overview

What should the AI hosts focus on?

Things to try

- Focus on a specific source (“only cover the article about Italy”)
- Focus on a specific topic (“just discuss the novel’s main character”)
- Target a specific audience (“explain to someone new to biology”)

Hi ChatGPT, Can you help me optimize Prompts for NotebookLM Audio Output?

ChatGPT said: Hi! Yes, I can definitely help with that. Are you looking to craft better prompts for **NotebookLM's audio output** specifically, or more generally trying to improve how it delivers spoken content? Let me know what you're aiming for — clarity, tone, length, or maybe making it sound more natural or engaging?

NotebookLM Audio Output – Mediate AI Podcasts



By
[JIM MELAMED](#)



[CLARE FOWLER](#)

January 30, 2025

Share:



Check out ALL AI generated podcasts! This is a new and entertaining way to easily listen to valuable content!

We hope that you agree and enjoy this new feature at Mediate.com!

New AI Podcast Platforms: “Jellypod” & Eleven Labs “GenFM”

Like Notebook LM, but more customization options

Jellypod:

- Choose from a selection of voices
- Choose the number of hosts
- Clone your own voice
- Create custom AI hosts with names & backgrounds
- Editable transcript also edits audio

GenFM

- GenFM has 32 language options
- Add or subtract natural language “ums” and “ahs”

Ohai.ai

ohai.ai

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with a smart helper for the summer scramble

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Want me to coordinate a pick up from camp today?



AXIOS

Forbes

FASTCOMPANY

TIME

Bloomberg

FORTUNE

Less stress and more sunshine with O.

Pickaxe.ai



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AI products.

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Pickaxe.ai

Create a new Pickaxe



Form

Create a prompt-powered widget with multiple user input fields.



Chat

Create a prompt-powered bot that engages users in a conversational experience.



Automatic AI Builder

Use our AI-assisted builder process. Describe your app idea and AI will write the prompt.

Pickaxe.ai

← Mediation Informational Specialist ChatBot

Prompt

Configure

Knowledge

Actions

+ See templates

? New here? Watch [this tutorial video](#) on making chatbots.



ROLE



The Chatbot is intended to most capably provide information about mediation, including assisting users to identify mediators who may be able to best serve them either locally or online.

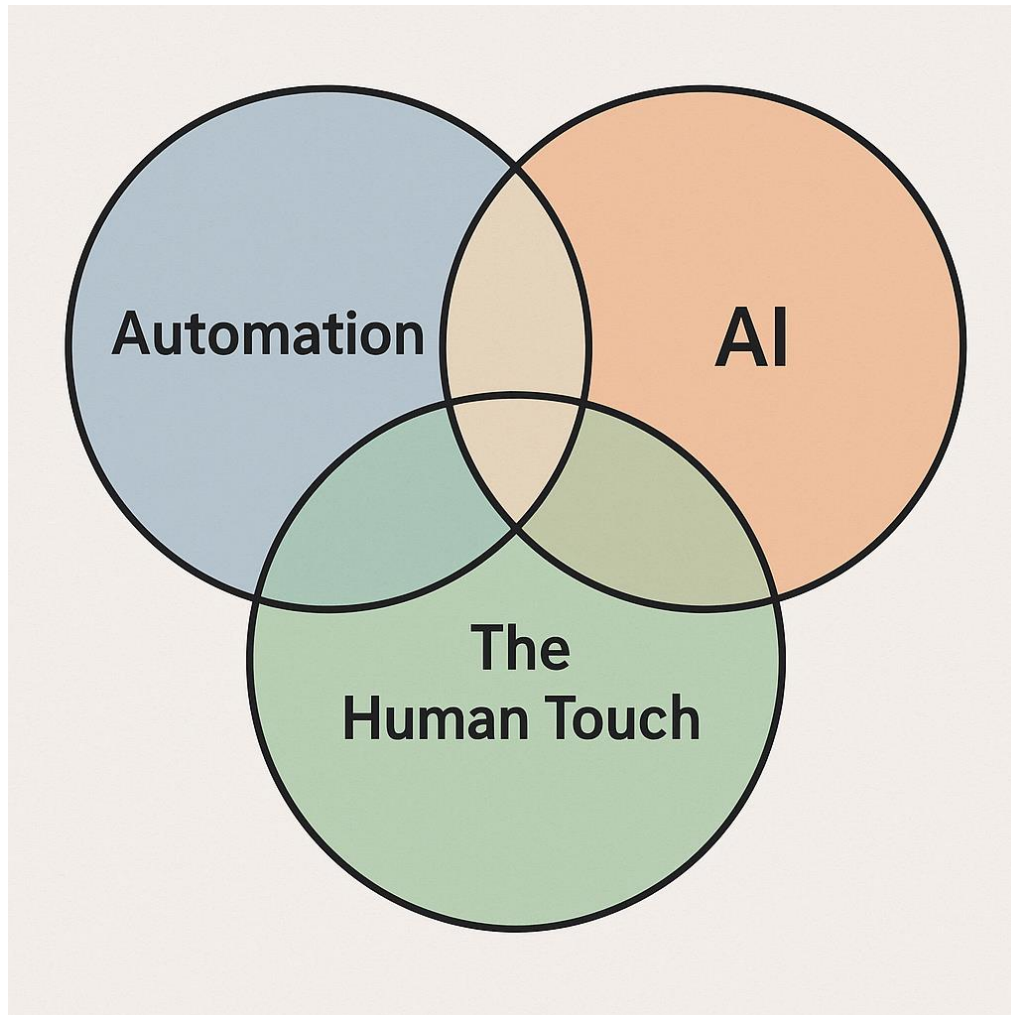
The Chatbot should consult all of the content available in this directory:
<https://mediate.com/mediation-articles/>



GPT-4.1 mini



Increasing Integration of Automation, AI & the Human Touch



The Turing Test

**Is desired “human touch” accomplished
when a participant is fully satisfied
and cannot tell if it is a human
or AI that is assisting?**

Let's Ask ChatGPT

Do you anticipate that there will in fact come to be **"Turing Test Passed"** online mediation systems, without any real live human mediator, with most participants as fully satisfied with the mediation as if a human mediator was involved?

ChatGPT's Response 1

“Here's a grounded forecast:

Short-Term (Next 5–10 Years):

We're likely to see **hybrid systems**—AI tools embedded in online mediation platforms—to **support human mediators** by:

- **Summarizing issues**
- **Drafting agreements**
- **Offering negotiation suggestions**
- **Tracking emotions through text or speech**

These tools may feel remarkably human-like, but human mediators will remain essential for most participants to feel truly heard, especially in emotionally complex cases like divorce, family disputes, or interpersonal conflict.

ChatGPT's Response 2

Mid-Term (10–20 Years):

“Yes, it’s likely that “Turing Test Passed” systems will emerge in online mediation—particularly for:

- Low-conflict, high-volume disputes (e.g., small claims, commercial, landlord-tenant)
- Cases where parties are more focused on efficiency than emotional validation
- Cross-border, multilingual disputes given AI’s language capabilities

“These systems will be:

- **Con conversationally fluid**
- **Able to simulate empathy**
- **Equipped to handle procedural fairness**
- **Capable of adapting tone and language in human-like ways**

“For many users, satisfaction could equal or exceed that of human-led processes, particularly if the AI is fast, fair, and accessible 24/7.”

ChatGPT's Response 3

Long-Term (20+ Years):

It's entirely plausible that fully AI-led mediation could become mainstream—not as a novelty, but as a norm, particularly:

- When trust in AI grows culturally
- When systems can deeply mirror not just reasoning, but emotional and moral nuance
- When feedback loops make AI "better than average" human mediators in certain contexts

Still, there will always be a place for human mediators, especially where:

- Deep empathy is essential
- Cultural or spiritual elements are involved
- Power imbalances require subtle human judgment

ChatGPT's Response 4

“A Final Thought:”

“The future of mediation is not AI vs. human, but AI plus human, until—in select cases—AI *is* the human mediator.”

“If you'd like, I can draft a framework outlining how such a “Turing-Test-Passed Mediation System” might function, including safeguards for fairness and accountability.”

Jim: “Yes, please do this.”

ChatGPT's Response 5

ChatGPT: “Here is a draft framework outlining how a “Turing-Test-Passed Mediation System” might realistically function, along with essential safeguards for fairness and accountability.”

Framework for Turing-Test-Passed Online Mediation System

Goal: A fully automated, AI-led mediation process that participants experience as equally or more satisfying than working with a human mediator.

1. System Architecture

A. Conversational Engine

- Natural language processing with emotional intelligence
- Dynamic tone and cultural sensitivity adaptation
- Voice, video, or text-based interaction modes

ChatGPT's Response 6

Framework for Turing-Test-Passed Online Mediation System (cont.)

B. Dispute Comprehension Core

- Intake parsing (documents, timelines, narratives)
- Conflict-type categorization (e.g., divorce, commercial, HOA)
- Issue framing and agenda setting

C. Negotiation Guidance Module

- BATNA/WATNA analysis (Best/Worst Alternatives)
- Interest-based negotiation logic
- Customized settlement option generation
- Real-time "fairness radar" using large datasets

D. Agreement Drafting Engine

- Legal language generation tailored to jurisdiction
- Clause-by-clause clarity feedback to users
- Automatic formatting and signing workflow

E. Feedback Learning Loop

- Anonymized data harvesting from outcomes, satisfaction surveys
- Reinforcement learning to improve empathy and fairness over time

ChatGPT's Response 7

Framework for Turing-Test-Passed Online Mediation System (cont.)

2. Safeguards for Fairness and Accountability

A. Human Oversight Option

- “Human-in-the-loop” override always available
- Transparent handoff to live mediators when requested or needed

B. Ethical Governance Layer

- Algorithmic transparency: public documentation of how decisions occur
- Bias auditing tools to monitor demographic and socioeconomic patterns
- User data protected via encryption and privacy-by-design principles

C. Procedural Justice Prompts

- Ensures both parties feel heard before moving forward
- Pause-and-reflect features for high-emotion moments
- Clarification and summarization tools to confirm understanding

D. Outcome Validation Tools

- Real-time fairness scoring (e.g., relative to similar cases)
- Built-in satisfaction survey required before final agreement
- Opportunity for post-agreement feedback or contesting

ChatGPT's Response 8

Framework for Turing-Test-Passed Online Mediation System (cont.)

3. Key Features to Simulate “The Human Touch”

- **Empathy scripting:** Expresses concern, support, validation (without overpromising or bias)
- **Tone-mirroring:** Matches user emotion and style to increase comfort
- **Story acknowledgment:** Paraphrases and affirms narratives just like a skilled mediator
- **Micro-coaching:** Provides private encouragement and de-escalation cues

4. Potential Use Cases for Early Adoption

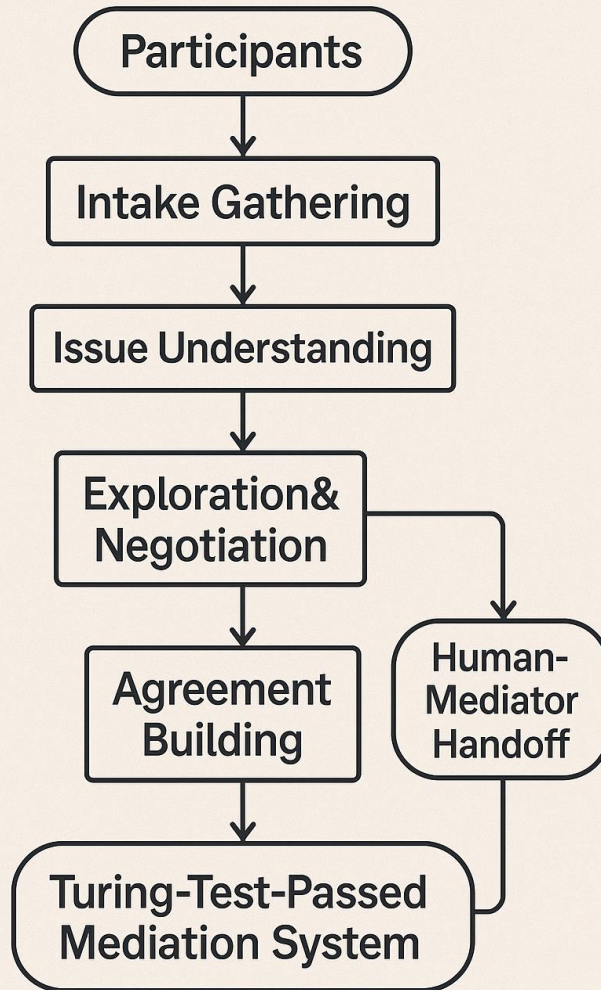
- Online consumer complaints
- Insurance claims
- Neighborhood disputes
- Divorce with low conflict and agreed parenting plans
- Workplace grievances with clear documentation

ChatGPT's Response 9

“I can also develop a user flow diagram or interface sketch to help illustrate how participants would experience the system.”

Jim: “Yes, please do.”

ChatGPT's Response 10



**The Human
Assistance Loop**
as a critical
ever-present
option

Optimizing Online Mediation: Balancing Automation, AI & the Human Touch



That's It For Now!