

University of Missouri School of Law

University of Missouri School of Law Scholarship Repository

Faculty Blogs

Faculty Scholarship

2-6-2023

A MEDIATOR AND A BOT WALK INTO A BAR ...

John Lande

Follow this and additional works at: https://scholarship.law.missouri.edu/fac_blogs



Part of the [Dispute Resolution and Arbitration Commons](#)

A MEDIATOR AND A BOT WALK INTO A BAR ...

FEBRUARY 6, 2023 | JOHN LANDE | 4 COMMENTS

Some of you know John Stephens, a colleague at the University of North Carolina School of Government, who has focused on conflict resolution for his long career. Like many of us, he was intrigued by ChatGPT and gave the following prompt and got the following response.

Describe and contrast three main models of mediation for community or court-based disputes. 700 words

Mediation is a process of resolving disputes in which a neutral third party, called a mediator, helps the parties communicate and reach a mutually agreed-upon solution. There are three main models of mediation that are commonly used in community and court-based disputes: evaluative, facilitative, and transformative.

- **Evaluative Mediation.** Evaluative mediation is a model that focuses on the substantive outcome of the dispute. The mediator plays an active role in offering opinions and making recommendations to the parties about how the dispute can be resolved. The mediator takes a more directive approach and is involved in making assessments and offering solutions to the parties. The mediator may provide information about the strengths and weaknesses of the parties' positions and help the parties assess the likelihood of success if the case were to go to court. Evaluative mediators may also offer their own evaluation of the situation and provide an opinion on what they believe is a fair and reasonable solution.
- **Facilitative Mediation.** Facilitative mediation is a model that emphasizes the process of communication between the parties. The mediator's role is to facilitate communication and help the parties reach a mutually agreed-upon solution. The mediator takes a more passive role and does not offer opinions or make recommendations. Instead, the mediator helps the parties communicate with each other and reach their own agreement. The mediator provides a structured process for the parties to communicate and helps them work through any obstacles to reaching an agreement. Facilitative mediators help the parties understand each other's perspectives and find common ground to resolve the dispute.

- **Transformative Mediation.** Transformative mediation is a model that focuses on the personal growth and relationship-building between the parties. The mediator's role is to help the parties transform their relationship and improve communication. The mediator takes a more active role in helping the parties understand each other's perspectives and emotions. The mediator helps the parties move beyond their positions to address the underlying interests and needs that are driving the conflict. Transformative mediators use a combination of facilitation and empowerment to help the parties resolve the dispute. They help the parties understand the impact of their behavior on each other and encourage them to take responsibility for their actions. The goal of transformative mediation is to help the parties create a new and improved relationship that will last beyond the resolution of the dispute.

In conclusion, evaluative, facilitative, and transformative models of mediation all have their own strengths and weaknesses and the choice of model will depend on the specific circumstances of each case. Evaluative mediation may be appropriate for disputes where the parties are looking for an objective assessment of their case, while facilitative mediation may be appropriate for disputes where the parties need help communicating with each other. Transformative mediation may be appropriate for disputes where the parties want to improve their relationship and resolve any underlying emotional or psychological issues that are driving the conflict. Each model has a unique approach to resolving disputes and the choice of model will depend on the specific needs of the parties and the dispute itself.

What do you think? How would you grade this if your student submitted this answer on an exam? How well would parties and lawyers understand what to expect from this response? What might surprise them about the mediators' approaches? 700 words.

◀ ARTIFICIAL INTELLIGENCE ◀ FOR TEACHERS AND STUDENTS ◀ MEDIATION

4 THOUGHTS ON "A MEDIATOR AND A BOT WALK INTO A BAR ..."

Tara West

FEBRUARY 14, 2023 AT 9:45 AM

If this were written by a student of mine, I would say, "Citations needed!" (But I'll cut the bot some slack since it's only a "chat" bot and not an academic paper-writing bot.) I'd be particularly curious as to where the student's information about transformative mediation came from, since the description differs from my understanding of the approach,

and I'd encourage them to use primary sources (e.g., The Promise of Mediation) whenever possible. I'd ask for another draft and then share that with parties and lawyers (so I'll hold off on answering those questions for now). But for a bot, not too shabby!

Ruben Cardoza

FEBRUARY 7, 2023 AT 4:00 PM

It fails in some part when explaining the transformative model, when it states that the mediator "... helps the parties move beyond their positions to address the underlying interests and needs that are driving the conflict"; I think that's more in the facilitative approach. And actually, when describing this model, if I'm reading this with no background in the field, I would think about a kind of magic "structured process", with unsuspected moves, to make parties communicate again, and all this from a passive position.

Kristen Blankley

FEBRUARY 7, 2023 AT 9:42 AM

When I had students journal, I always asked questions about the personal experiences in a role play. Luckily, a Bot isn't very good at describing in detail what happened in an exercise they did not participate in.

Kathleen Bird

FEBRUARY 7, 2023 AT 7:13 AM

Good one. The mediator has emotions and unconscious bias to deal with and the Bot is devoid of empathy.

This site uses Akismet to reduce spam. [Learn how your comment data is processed.](#)

