
HUMAN AND ARTIFICIAL INTELLIGENCE CAMARADERIE IN MEDIATION: A PATH TOWARDS DEVELOPMENT

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ABSTRACT

The escalating confluence of artificial intelligence (AI) and dispute resolution presents a worth pondering over yet often contentious landscape. This academic article explores the transformative potential of human and AI's analytical prowess can forge the efficient and empathetic pathway to conflict resolution and analyse whether this camaraderie in mediation promotes effectiveness, equity, and accessibility or instead creates moral, legal, and systemic weaknesses. This study provides a thorough examination of the revolutionary role to find out whether we go beyond simple ideas of AI as a tool and look at the subtleties of AI as a collaborative partner with the process of Mediation in the comparative analysis of different countries. AI can improve the effectiveness of mediators by using data-driven insights, predictive analytics, and procedural automation, all while keeping the important human qualities of empathy, emotional intelligence, and nuanced negotiation. Using recent advances in natural language processing and machine learning, this article looks at how AI can help human mediators instead of replacing them in tasks like figuring out what people really want, figuring out how likely a settlement is, and writing complex agreements. We will look at how the legal and moral frameworks for using AI in dispute resolution are changing in different places. We will focus on proactive policy ideas and legislative changes that are meant to make the most of AI's benefits while protecting the rights of participants and the integrity of the mediation and the human emotions and intelligence.

Introduction

There have been big changes in how legal disputes are resolved, from traditional courtroom advocacy to a strong embrace of alternative dispute resolution (ADR). Mediation is a type of ADR that focuses on privacy, reaching an agreement, and working together to solve problems instead of fighting. This area has recently crossed paths with one of the fastest-growing fields of technology: artificial intelligence (AI).¹

Artificial intelligence is the term used to describe computer systems that are able to carry out activities like pattern recognition, language processing, learning, and decision-making that normally need human intelligence.² AI has become a tool and a player in the developing ADR ecosystem as legal systems around the world work to reduce case backlogs and improve procedural efficiency.³ For example, the National Judicial Data Grid's (NJDG) e-Courts Mission Mode Project and related AI projects in India represent a calculated step toward techno-legal integration.⁴ AI-driven solutions have been piloted or adopted globally by countries such as Singapore, the European Union, and the United States to expedite family law disputes, online consumer mediation, and small claims disputes.⁵ The combination of AI with mediation offers a sector full of conceptual, ethical, and legal difficulties in addition to being a source of efficiency.

In this context, the term "human-AI camaraderie" refers to a mutually beneficial partnership in which AI systems and human mediators work together to resolve conflicts.⁶ There are fundamental questions raised by this relationship: Is it possible for AI to understand and replicate the trust and empathy necessary for mediation? Should human narratives and fair solutions be determined by machines? Does the application of AI to mediation further entrench systemic biases in dispute resolution processes or democratise justice?⁷

¹ Thomas Schultz & Grant G. Strother, *The Roles of Dispute Resolution in the Information Society*, 6 Yale J.L. & Tech. 1, 3–6 (2004).

² Definition of Artificial Intelligence, Oxford Dictionary of Computing (7th ed. 2016).

³ Supreme Court of India, SUPACE: Supreme Court Portal for Assistance in Court Efficiency, Press Release (Apr. 6, 2021), https://main.sci.gov.in/pdf/SUPACE_release.pdf.

⁴ Ministry of Law & Justice (India), National Judicial Data Grid Dashboard, <https://njdg.ecourts.gov.in> (last visited 13 May 2025).

⁵ European Commission, Proposal for a Regulation on Artificial Intelligence (AI Act), COM (2021) 206 final.

⁶ Orna Rabinovich-Einy & Ethan Katsh, *The New New Courts*, 67 Am. U. L. Rev. 165 (2017).

⁷ World Bank Group, *Online Dispute Resolution and Technology-Driven Justice Services*, WBG Technical Report (2021).

This article states that the real potential is not in AI taking over as a mediator, but in creating a unique "comradery" where the best parts of human intuition, empathy, and wisdom come together with AI's speed, analytical power, and objectivity. We believe that this synergy is not just a way to move forward, but a must for modern mediation. It will make things more efficient, easier to access, and, in the end, more satisfying for everyone involved. It would further the case that although AI can improve mediation's efficiency, consistency, and accessibility, its use needs to be supported by strict regulations, ethical considerations, and a return to human judgment.

Historical Overview of Mediation and Artificial Intelligence

Origin of Mediation: Its Foundation

Mediation has been used to settle disagreements and resolve disputes, for a long time, even before formal legal systems existed. Its roots can be found in ancient civilizations. The panchayat system in India was a way for people to settle their differences at the local level through building consensus and talking to each other. In the same way, Confucian traditions in China stressed harmony and negotiation over going to court. In many parts of Africa, the Middle East, and Latin America, elders or community leaders were very important for settling disagreements.

Mediation first appeared in the West as *arbitratus* in Roman law, and it was revived in the 20th century with the growth of contemporary ADR organizations, especially in the US. Many people believe that the Pound Conference (1976) marked a sea change in the institutionalization of ADR procedures in judicial systems around the world.⁸

The Dawn of Artificial Intelligence: Its Role in Modern Mediation

Although the field of artificial intelligence was established in the middle of the 20th century, it wasn't until the last 20 years that its legal use became popular. LEXIS and Westlaw, two of the earliest legal AI tools, served as databases for legal research. More dynamic features were made possible by the development of machine learning and natural language processing (NLP), ranging from litigation prediction (e.g., Lex Machina) to contract review (e.g., Kira Systems).

⁸ Frank E.A. Sander, *Varieties of Dispute Processing*, in *The Pound Conference: Perspectives on Justice in the Future* (A. Levin & R. Wheeler eds., 1979).

There were notable advancements in AI in court settings in the late 2010s. The Estonian Ministry of Justice, for example, investigated using AI to decide minor claims worth less than EUR 7,000.⁹ AI has only recently entered the mediation space, mostly through online dispute resolution (ODR) services like Modria, which use decision-tree algorithms and AI-assisted triage to automate settlement workflows.¹⁰

AI integration into mediation is becoming a reality rather than a sci-fi fantasy, changing the way conflicts are viewed and settled. AI can now perform complex analytical tasks that can greatly increase a mediator's efficacy, going far beyond basic data processing. Think about how AI can quickly process enormous amounts of data, such as contract agreements, legal precedents, and even communication patterns. AI is able to identify important issues, hidden interests, and possible areas of compromise at a speed and scale that is not possible for a human alone because of its analytical prowess. AI-powered tools, for example, can evaluate historical settlement data to produce probabilistic results, assisting parties and mediators in determining the strength of their positions and the possibility of a successful resolution. Furthermore, developments in natural language processing (NLP) make AI possible.¹¹ There have been varied indicators for the collaboration of ADR in mediation and Artificial Intelligence which are stated below. For Instance, with the introduction of the Community Justice and Tribunals System (CJTS) in Singapore, parties can now mediate minor disputes exclusively online, with AI streamlining document submission and negotiation interfaces.¹²

Moreover, China's Smart Court system, which processed over 3 million cases by 2020, mostly in e-commerce and neighbourhood issues, included AI-driven mediation bots.¹³ To match parties and issues with appropriate resolution routes, the European Union uses fundamental AI functions in its Online Dispute Resolution (ODR) platform for consumer

⁹ Charlotte Jee, *Estonia Is Letting Robots Settle Small Claims Disputes*, MIT Tech. Rev. (Mar. 25, 2019), <https://www.technologyreview.com/2019/03/25/136157/estonia-is-letting-robots-settle-small-claims-disputes/>.

¹⁰ Colin Rule & Amy Schmitz, *The New Handshake: Online Dispute Resolution and the Future of Consumer Protection* 41–53 (ABA 2017).

¹¹ See *The Impact of AI as a Mediator on Effective Communication: Enhancing Interaction in the Digital Age*, *Frontiers in Human Dynamics*, (10 December 2024), <https://www.frontiersin.org/journals/human-dynamics/articles/10.3389/fhumd.2024.1467384/full>.

¹² State Courts of Singapore, *Community Justice and Tribunals System (CJTS)*, <https://www.statecourts.gov.sg/cws/CJTS/Pages/CJTS.aspx> (last visited 13 May 2025).

¹³ State Council of the People's Republic of China, *Smart Courts: 2020 White Paper*, http://english.www.gov.cn/archive/white_paper/202012/22/content_WS5fe145a5c6d0f72576943844.html.

disputes.¹⁴

The procedural and normative landscape of mediation is changing because of these changes, which combined reflect the growing institutional faith in AI as an adjunct or replacement for traditional dispute resolution players.

Conceptual Framework

For the purposes of this study, authors have tried to define the term “camaraderie” as cooperation, mutual respect, and shared purpose¹⁵ these elements being central to both human interaction and the process of mediation. Applying camaraderie to human-AI dynamics, it refers to a cooperative synergy in which AI improves the mediator's capacity to mediate disputes amicably without displacing the distinctively human qualities of empathy, cultural intuition, and discretion.

Three practical roles of AI in mediation are as follows:

- Predictive AI where the forecasts results based on past cases using data and analytics. These resources help mediators counsel parties about reasonable expectations.¹⁶
- Assistive AI which provides documentation, legal research, and party submission summaries to human mediators. Legal Online Dispute Resolution platforms are progressively using natural language processing techniques, such as IBM Watson and OpenAI's GPT models.¹⁷
- Generative AI is able to create interactive scripts for pre mediation preparation, empathy simulation discussions, and draft settlement agreements, among other content. Despite its innovation, generative AI poses the biggest questions regarding morally dubious decisions, limits and the most important aspect of empathy which cannot be

¹⁴ European Commission, Online Dispute Resolution Platform, <https://ec.europa.eu/consumers/odr> (last visited 21 May 2025).

¹⁵ <https://www.merriam-webster.com/dictionary/camaraderie> (last visited 12 June 2025).

¹⁶ Daniel Martin Katz, Quantitative Legal Prediction—Or—How I Learned to Stop Worrying and Start Preparing for the Data-Driven Future of the Legal Services Industry, 62 Emory L.J. 909, 911–20 (2013).

¹⁷ IBM Corporation, Transforming Legal Workflows with Watson, White Paper (2021), <https://www.ibm.com/downloads/cas/4AZNQKYZ>.

generated through mere simulations.¹⁸

The ethics and functionality of human-AI interaction are framed by several interdisciplinary theories:

- The **Extended Cognition Theory** asserts that artificial intelligence (AI) technologies, such as case-matching tools or legal search engines, are cognitive extensions of human cognition that enhance legal rational and reasoning.¹⁹
- **Human-in-the-Loop (HITL)** paradigms place a strong emphasis on maintaining accountability and discretion by reserving final decision-making authority for human actors.²⁰
- **Centaur Jurisprudence** provides a potent metaphor for combined strength in mediation, drawing inspiration from chess, where human grandmasters work with AI to outperform either one alone.²¹

When AI enhances human intelligence rather than replacing it, these frameworks show the complex potential of friendship.

Artificial Intelligence Amalgamation in Mediation

The assistance of AI has not been unknown in many countries, and they have started employing better versions and evolving AIs specifically designed to be deployed in the delivery of legal Justice system. Technology has always been at the disposal of humankind evolving from its intelligence for enhancing and assisting them in their experiences however, it was the times of pandemic which led to the interests and consideration of mediation practitioners to incorporate the advantages of mediating online. This across the screen with the possibility of resolving conflicts mediating online served as the perfect means to meet the ends of justice.

¹⁸ Eugene Volokh, Chief Justice Robots, 68 Duke L.J. 1135, 1148–56 (2019).

¹⁹ Clark & Chalmers, The Extended Mind, 58 Analysis 7 (1998); see also Emily M. Bender & Batya Friedman, Data Statements for NLP: Towards Mitigating System Bias and Enabling Better Science, 2 Transactions of the Ass'n Comput. Linguistics 587 (2018).

²⁰ European Commission High-Level Expert Group on AI, Ethics Guidelines for Trustworthy AI (2019), <https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai>.

²¹ Richard Susskind, Online Courts and the Future of Justice 187–91 (Oxford Univ. Press 2019).

When it comes to implementing digital justice solutions, Singapore has led the world. Small claims and community disputes can now be filed, negotiated, mediated, and decided online thanks to the State Courts' Community Justice and Tribunals System (CJTS). The platform streamlines the pre-mediation and mediation process by integrating intelligent forms that adjust to user responses and automated decision trees.²²

Remarkably, parties may also request e-mediation through CJTS, which is mediated by mediators appointed by the court. To better understand party positions, these mediators frequently use AI-assisted document summarizers and history extractors. The CJTS handled more than 12,000 cases in 2021, with a 74% resolution rate using digital mediation tools, according to the State Courts' Annual Report 2021.²³

A notable example of China's judicial reforms, which incorporate AI into all stages of dispute resolution as part of the "Smart Court" initiative, is the Hangzhou Internet Court, which uses AI tools to help with chat-based mediation interfaces, automatic case filing, and even voice synthesis for remote hearings.²⁴

The system's usage of "mediation bots" is among its most noteworthy characteristics. By asking parties a series of structured questions, suggesting settlements based on precedent databases, and elevating unresolved cases to human judges, these AI-driven algorithms independently carry out online mediation. The Supreme People's Court of China stated in its 2020 that between 2017 and 2020, smart mediation technology was used to process more than 3.14 million cases.²⁵

Through a multilingual digital interface, the Online Dispute Resolution (ODR) platform established by Regulation (EU) No. 524/2013 in the European Union facilitates cross-border consumer disputes. The platform is gradually incorporating AI-powered matching algorithms to pair disputes with mediators most suited by experience and subject matter, although it is

²² State Courts of Singapore, Community Justice and Tribunals System (CJTS), <https://www.statecourts.gov.sg/cws/CJTS/Pages/CJTS.aspx> (last visited 15 June 2025).

²³ State Courts of Singapore, Annual Report 2021, <https://www.judiciary.gov.sg/news-and-resources/publications/annual-reports> (last visited 13 June 2025).

²⁴ Supreme People's Court of China, White Paper on Judicial Reform (2020), http://english.court.gov.cn/2020-12/22/c_571649.htm.

²⁵ Ibid.

currently only able to connect parties with certified mediators.²⁶

Private ODR companies in the US, such as Matterhorn and Modria (bought by Tyler Technologies), use AI to offer scalable mediation services for e-commerce, traffic conflicts, and municipal courts.²⁷ These platforms promote resolution without the need for human intervention by using guided negotiation templates and decision-tree logic. For example, the systems and the approaches have reportedly reduced the Ohio tax tribunal's resolution time by 35%.²⁸

These various cases demonstrate the applicability of AI as well as the differences in adoption across jurisdictions. Some systems (like Singapore) maintain human oversight, while others (like China) aim for high levels of automation, which raises concerns about the ethical, legal, and cultural limits of dispute resolution which reminds us about the regulations to govern this automation in the mediation process.

Advantages of Human-AI Cooperation in Mediation

- i) *Speedy disposal and cost effective with accessibility:* AI applications in mediation significantly cut down on case processing time and administrative burden. Automated scheduling, document generation, and triage systems free up mediators to concentrate on substantive facilitation. Additionally, algorithmic triage, which automates early-stage filtering of disputes, eliminates needless hearings and allows litigants to settle disputes with minimum human intervention.²⁹ Parties should have no trouble finding and participating in online mediation, and their right to counsel should not be restricted. Online mediation should be accessible via desktop and mobile platforms, minimize participant costs, and be simple enough for individuals with varying levels of physical ability to use.³⁰ This lowers legal expenses, especially for self-represented litigants and low-value claims, which greatly advances the goals of access to justice.

²⁶ Regulation (EU) No. 524/2013, Online Dispute Resolution for Consumer Disputes, 2013 O.J. (L 165) 1.

²⁷ Colin Rule, The Past and Future of Online Dispute Resolution, 36 U. Ark. Little Rock L. Rev. 249 (2014).

²⁸ Tyler Technologies, ODR Improves Efficiency for Ohio Tax Tribunal, Case Study (2020), <https://www.tylertech.com/resources/resource-downloads/odr-ohio-tax-case-study> (last visited 3 June 2025).

²⁹ Orna Rabinovich-Einy & Ethan Katsh, The New New Courts, 67 Am. U. L. Rev. 165, 181–83 (2017).

³⁰ Niti Ayog Expert Committee on ODR, 'Designing the future of Dispute Resolution: The ODR Policy Plan for India', October 2021, <https://www.niti.gov.in/sites/default/files/2021-11/odr-report-29-11-2021.pdf>.

- ii) *Fairness and Neutrality*: Although there are still worries about AI bias, some human biases can be lessened by carefully thought-out algorithms. Predictive analytics derived from a variety of datasets, for example, may be able to mitigate the unconscious prejudices that judges or mediators may introduce into delicate cases like custody or domestic abuse.³¹ By benchmarking settlements, identifying outliers, and recommending precedent aligned outcomes, artificial intelligence (AI) can improve fairness when utilized as a decision-support system rather than as a substitute for human judgment. AI is therefore a helpful remedial lens for decision uniformity. Howsoever, Online mediation services must treat all parties equally, in accordance with due process, and without favoring or disadvantageous individuals, organizations, or groups. Prior to the start of online mediation services, all participants, providers, and system administrators must declare any conflicts of interest.
- iii) *Predictive Analytics for Settlement Optimization*: AI-driven mediation platforms can analyse patterns from past disputes to forecast likely outcomes, suggest settlement ranges, and flag potential deadlocks. Tools like Lex Machina and Premonition provide insights into judge-specific behaviour, win rates, and average damages in commercial disputes.³² Such information can help mediators' direct parties toward early consensus and more realistically shape negotiations. This ability to forecast changes mediation from persuasion based on intuition to dialogue aided by evidence.
- iv) *Collaboration of AI and humans, enhancing access to Justice*: enhancing accessibility for underrepresented and marginalized groups is one of ADR's main objectives. AI-powered platforms democratize mediation by providing multilingual interfaces, round-the-clock access, and step-by-step guided participation. For instance, Matterhorn's mobile-friendly ODR system in Michigan enhances compliance and lowers default rates by enabling parties to small claims and traffic disputes to negotiate settlements outside of regular court hours.³³ In order to close

³¹ Rebecca Wexler, Code of Silence: How Private Companies Hide Flaws in the Criminal Justice Algorithms, 128 Yale L.J. 1334, 1352–58 (2019).

³² Daniel Martin Katz, Quantitative Legal Prediction, 62 Emory L.J. 909, 920–25 (2013).

³³ Matterhorn, Online Dispute Resolution for Courts, <https://getmatterhorn.com/court-solutions/> (last visited 12 June 2025).

the gaps in justice delivery in the Global South, the World Bank has underlined the importance of technology-enabled mediation platforms.³⁴ Beyond efficiency, the goal of human-AI comradery in mediation is to radically transform access to justice and promote more equitable results. Mediation services can become much more widely available by utilizing AI to analyse complex data, expedite administrative tasks, and even enable cross-cultural communication through sophisticated translation capabilities. Mediation may be a more practical and approachable choice for people who might otherwise be put off by the expenses, difficulties, or geographic restrictions connected to conventional legal procedures.

To level the playing field against parties with substantial legal counsel, consider an AI-powered platform that helps self-represented litigants express their interests and comprehend procedural requirements during the early phases of dispute framing. Additionally, AI's ability to analyse data objectively free from prejudices or personal preferences can help produce more unbiased assessments of the merits of disputes and possible settlement ranges. This does not mean that human mediators are inevitably biased; rather, AI can serve as a useful counterpoint by providing data-driven viewpoints that can disprove presumptions and lead to fresh approaches to conflict resolution.

Explainable AI (XAI) and other technologies will continue to improve transparency by enabling parties and mediators to comprehend the logic behind AI-generated insights, thereby fostering trust in the cooperative process. Moving forward, the emphasis must be on ongoing research and development, not only to advance AI's technical capabilities but also to determine the most effective ways to incorporate these technologies into the human-centred practice of mediation in a way that upholds privacy, respects individual autonomy, and ultimately advances the larger objective of a more equitable and peaceful society.³⁵

³⁴ World Bank Group, Online Dispute Resolution and Technology-Driven Justice Services, WBG Technical Report(2021),<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099534003162318066/p1719370e05cf20c809da40f5c409a5b1a5> (last visited 15 June 2025).

³⁵ Regulating AI in Legal Practice: Challenges and Opportunities, *ResearchGate* (Jan. 3, 2025), https://www.researchgate.net/publication/387786678_Regulating_AI_in_Legal_Practice_Challenges_and_Opportunities (last visited 15 June 2025).

AI is revolutionizing the legal profession by increasing accessibility and efficiency, but it also poses serious ethical and legal issues, highlighting the need for well-balanced regulatory frameworks.

Challenges in Humans and Artificial Intelligence camaraderie in Mediation

Although incorporating artificial intelligence into mediation has many advantages, there are also serious risks that could compromise the very values mediation aims to preserve, including informed consent, neutrality, voluntariness, confidentiality and empathy with suitable skill set. In situations where there are weak parties, significant emotional stakes, or unequal power dynamics, these risks are especially noticeable. These pitfalls are discussed as follows:

- i) *Technological biasness and data discrimination:* The possibility of algorithmic bias, which can result from skewed training data, incorrect programming assumptions, or inadequate dataset representativeness, is a recurring worry in the application of AI.³⁶ When applied to consensual, dialogue-based frameworks like mediation, tools trained on adversarial litigation outcomes may reinforce systemic inequities because AI systems mirror the biases present in the historical data they consume.³⁷

For example, the COMPAS algorithm, which is employed in the criminal justice systems of the United States, produced recidivism projections that were racially uneven, raising concerns about fairness and due process.³⁸ When used in small claims mediation or family law, these instruments run the potential of establishing subtle but detrimental discriminating tendencies. “Algorithms do not eliminate bias—they translate and scale it.”³⁹

Therefore, depending on AI-generated recommendations in situations like custody or domestic violence mediation may exacerbate social injustices rather than address them.

³⁶ Solon Barocas & Andrew D. Selbst, Big Data’s Disparate Impact, 104 Calif. L. Rev. 671, 691–93 (2016).

³⁷ Danielle Keats Citron & Frank Pasquale, The Scored Society: Due Process for Automated Predictions, 89 Wash. L. Rev. 1, 11–15 (2014).

³⁸ Julia Angwin et al., Machine Bias, ProPublica (May 23, 2016), <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing> (last visited 15 June 2025).

³⁹ Mireille Hildebrandt, Law as Computation in the Era of Artificial Legal Intelligence, 33 Law & Critique 11, 24 (2022).

- ii) *Deterioration of Relational Nuance and Empathy*: human empathy, intuition, and trust are crucial components of mediation. De-escalating emotionally charged conflicts frequently requires the presence of an impartial third party who is knowledgeable about psychological dynamics and has expertise according to the subject matter.⁴⁰ No matter how sophisticated, AI systems are fundamentally limited in their capacity to sense tone, trauma, silence, or hesitation, the elements that experienced human mediators naturally decipher and respond to.⁴¹ Giving AI systems too much power runs the risk of "procedural dehumanization," particularly in delicate interpersonal situations.⁴²
- iii) *Ethical principles and consent may be jeopardized*: Confidentiality, informed consent, and party autonomy are the cornerstones of ethical mediation practice. Consent forms, settlement offers, or recommendations may be generated by automated systems without the parties fully comprehending the reasoning behind them, particularly if the algorithms are black boxes.⁴³ This issue is made worse when parties lack legal or digital literacy, which is frequently the case in low-income and cross-cultural settings. In these situations, significant power disparities may be concealed by the appearance of fairness created by digital means.⁴⁴ Furthermore, when AI systems store sensitive negotiation data on cloud-based infrastructure without strict oversight, data privacy issues escalate.
- iv) *Dependence on the AI tools*: AI tools run the risk of developing into quasi-authoritative systems over time, even though they may start out as decision aids.⁴⁵ The flexible, context-sensitive nature of mediation may be undermined if mediators rely too much on AI-generated analytics and unintentionally cede their discretion. Further, in order to expedite the disposal of cases by settlement agreed between the parties, the institutional stakeholders like governments or courts may pass a directive to the use of AI Interfaces, which could undermine the voluntary nature of

⁴⁰ Jean R. Sternlight, Psychology and Persuasion in Negotiation, 87 Marq. L. Rev. 711, 714–16 (2004).

⁴¹ Benjamin Alarie, The Path of the Law: Towards Legal Singularity, 66 U. Toronto L.J. 443, 455–58 (2016)

⁴² Cary Coglianese & David Lehr, Regulating by Robot: Administrative Decision Making in the Machine-Learning Era, 105 Geo. L.J. 1147, 1181–83 (2017).

⁴³ Ibid.

⁴⁴ Mary S. Gray & Siddharth Suri, Ghost Work: How to Stop Silicon Valley from Building a New Global Underclass 127–32 (2019).

⁴⁵ Danielle Keats Citron, Technological Due Process, 85 Wash. U. L. Rev. 1249, 1291–94 (2008).

mediation.⁴⁶ Algorithmic efficiency runs the risk of displacing thoughtful discussions and agreed innovative solutions.

- v) *Accountability*: Who is legally liable if an AI system incorrectly suggests or generates a biased or inappropriate resolution—developers, platform providers, the mediator, or the legal system?⁴⁷ There is currently a regulatory void because existing legal frameworks, such as the GDPR Article 22 (on automated decision-making) and the Indian Mediation Act, 2023, do not provide clarity on these matters.⁴⁸ This question is worth preparing the consequences for and pondering over. Liability for algorithmic results in situations involving consensual dispute resolution is not sufficiently defined by current jurisprudence.⁴⁹
- vi) *Digital literacy and accessibility availability*: not all parties have equal access to bandwidth, technological literacy, or trust in digital systems, AI may even widen digital divides even in cases where it improves access.⁵⁰ Users may be intimidated by AI interfaces or misunderstand automated instructions in rural or marginalized settings, which could jeopardize voluntariness and informed participation.

The other plausible challenges or grey areas which arise from the nature of AI itself as can it play the role of a legal personality under the parlance of legal terms where, the query that arises is that Is it possible for a non-sentient being that lacks moral reasoning, intention, or regret to be a valid participant in the legal system. AI's cooperation with human mediators must be asymmetrical operating only within human-responsible, supervised frameworks if it is to be held ethically or legally responsible. This bolsters the claim that AI should never participate in the legal system as an autonomous or coequal party, but rather as an advisory body.⁵¹ Furthermore, According to John Rawls' theory of justice as fairness, arbiters are deprived of

⁴⁶ Orna Rabinovich-Einy & Ethan Katsh, *Digital Justice: Technology and the Internet of Disputes* 178–81 (Oxford Univ. Press 2021).

⁴⁷ Andrea Bertolini, *Artificial Intelligence and Civil Liability*, 10 *Eur. J. Risk Reg.* 683, 684–90 (2019).

⁴⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation), art. 22, 2016 O.J. (L 119); The Mediation Act, No. 4 of 2023, India Code (2023), § 32 (omits digital or AI-specific safeguards).

⁴⁹ Frank Pasquale, *A Rule of Persons, Not Machines: The Limits of Legal Automation*, 87 *Geo. Wash. L. Rev.* 1, 17–22 (2019).

⁵⁰ Anurag Kundu, *Digital Exclusion in India's Legal Tech Revolution*, *Bar & Bench* (Nov. 2022), <https://www.barandbench.com> (last visited 15 June 2025).

⁵¹ Ryan Calo, *Artificial Intelligence and the Problem of Legal Personality*, 102 *Georgetown L.J.* 653, 657–59 (2014).

their own interests and prejudices and make decisions behind a "veil of ignorance."⁵² According to some academics, AI systems can theoretically mimic this veil and provide procedurally impartial results because they are non-human and data-neutral.⁵³

Algorithms, however, frequently carry over the prejudices of their creators or training data. They might incorporate imperceptible discriminatory structures instead of serving as a neutral veil.⁵⁴ As a result, any assertion that AI improves mediation's Rawlsian fairness needs to be carefully considered, especially in cases where power disparities already exist.

However, Artificial Intelligence systems typically impose Pareto-efficient solutions instead of compassionate ones. Their emphasis on measurable "utility" frequently ignores moral reparation, community values, or emotional reconciliation, all of which are crucial in situations like caste conflict, land disputes, or intergenerational trauma.⁵⁵

Global Legal Framework and Recent Trends highlighting the collaboration of Human and Artificial Intelligence in Mediation

A patchwork of national and regional approaches has resulted from the lack of standardized regulatory principles as AI continues to integrate into mediation systems around the world. Some jurisdictions lag, frequently depending on antiquated dispute resolution frameworks, while others have proactively created ethical guidelines or pilot regulatory regimes. This part of the study compares the ways in which the legal governance of human-AI comradery in mediation has been addressed or not by the United States, India, and the European Union. When it comes to creating cross-border frameworks for using technology to resolve disputes, the European Union has long been a leader. The framework for organized, safe, and uniform digital redressal procedures was established by Regulation (EU) No 524/2013 on Online Dispute Resolution (ODR) and Directive 2013/11/EU on Alternative Dispute Resolution (ADR).⁵⁶ However, neither instrument directly addresses **AI-driven** mediation. The proposed **Artificial Intelligence Act (AIA)**, unveiled by the European Commission in 2021, seeks to fill

⁵² John Rawls, *A Theory of Justice* 11–13 (ed. 1999)

⁵³ Aziz Z. Huq, A Right to a Human Decision, 106 *Va. L. Rev.* 611, 615–17 (2020).

⁵⁴ Solon Barocas & Andrew D. Selbst, Big Data's Disparate Impact, 104 *Calif. L. Rev.* 671, 681–83 (2016).

⁵⁵ Leena Patel, Algorithmic Harm in Customary Justice Systems: Lessons from India's Informal Mediation Panchayats, 17 *Yale J.L. & Tech.* 314, 331–33 (2022).

⁵⁶ Directive 2013/11/EU, of the European Parliament and of the Council of 21 May 2013 on Alternative Dispute Resolution for Consumer Disputes, 2013 O.J. (L 165) 63; Regulation 524/2013, of the European Parliament and of the Council of 21 May 2013 on Online Dispute Resolution for Consumer Disputes, 2013 O.J. (L 165) 1.

this gap by classifying AI used in legal decision-making including mediation as a high-risk application subject to rigorous oversight.⁵⁷ Its main clauses include:

Article 10: Requires data governance procedures to lessen prejudice.

Article 13: Demands that AI outputs be transparent and understandable.

Article 14: All high-risk systems must be supervised by humans.

The AIA is a significant step toward recognizing the legal agency-like behaviour of AI in dispute resolution and limiting it within a framework that respects human rights, even though it is not yet in effect.⁵⁸

Private-sector platforms like Modria, Matterhorn, and LegalZoom, which provide AI enhanced dispute resolution services without significant federal oversight, have significantly influenced the U.S. landscape.⁵⁹ AI has been used by courts in states like Michigan, Ohio, and Utah to help with pre-hearing negotiations in online traffic and small-claims courts.⁶⁰

Although the **American Bar Association (ABA)** has issued Model Rules of Professional Conduct, including Rule 1.1 (competence) and Comment 8, which refers to preserving competence in legal technology, these are non-binding and do not address AI-mediator relationships.⁶¹ Notably, academics have demanded stricter rules regarding the amount of AI that can be used in quasi-judicial proceedings, ethical obligations to disclose when using AI systems, certification or accreditation of artificial intelligence (AI) mediation tools.⁶² However, the United States is still at risk from unbridled automation and disjointed standards in the absence of a federal AI law or enforceable ethical code for ADR systems.

The legal use of AI in mediation in India is still primarily aspirational. Although mediation is

⁵⁷ Commission Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), COM (2021) 206 final.

⁵⁸ Gianclaudio Malgieri, The Concept of 'High-Risk AI' in the AI Act: Between Risk Regulation and Fundamental Rights, 13 *European J. Risk Reg.* 1, 3–4 (2022).

⁵⁹ Amy J. Schmitz, There's an "App" for That: Developing Online Dispute Resolution to Empower Economic Inclusion, 32 *Notre Dame J.L. Ethics & Pub. Pol'y* 89, 102–04 (2018).

⁶⁰ Shannon Salter & Darin Thompson, Public-Centred Civil Justice Redesign: A Case Study of the British Columbia Civil Resolution Tribunal, 3 *McGill J. Disp. Resol.* 113, 127–29 (2017).

⁶¹ Model Rules of Pro. Conduct r. 1.1 cmt. 8 (Americas Bar Association 2020).

⁶² W. Nicholson Price II, Regulating Black-Box Medicine, 116 *Mich. L. Rev.* 421, 434–36 (2017); Harry Surden, Machine Learning and Law, 89 *Wash. L. Rev.* 87, 112 (2014).

formally institutionalized across sectors by the Mediation Act of 2023, it lacks specific regulations governing the use of artificial intelligence (AI) or algorithmic decision-making tools.⁶³ However, courts and policy think tanks in India have started to recognize the potential of AI enhanced systems.

The 2021 Online Dispute Resolution Handbook from NITI Aayog promotes the use of technology in dispute resolution and highlights the importance of inclusivity, ethics, fairness and transparency.⁶⁴ AI-assisted features for pre-mediation analysis and user onboarding are already used by platforms such as Sama, Presolv360, and Center for Appropriate Dispute Resolution in Special Education (CADRE), albeit there are significant differences in the degree of machine autonomy.

While not yet addressing artificial intelligence, the Supreme Court of India also hinted at a judiciary amenable to technological integration by promoting the use of video conferencing and digital mediation for family disputes.⁶⁵ Moreover, the steps have been taken wherein, the Madhya Pradesh State Legal Services Authority (MPSLSA) launched a first-of-its-kind internet mediation project on July 19, 2021.⁶⁶ MPSLSA trained mediators would try to settle disputes that were previously referred to Urja Mahila Helpdesks by redirecting them to the online platform Sama. When a complaint is received by this assistance desk, the relevant official evaluates whether online mediation is appropriate for the situation. If the case is appropriate for online mediation, the relevant official uploads it to Sama, which then assigns it to a mediator from a pool of available mediators. A settlement report is created upon settlement and signed by each party. These cases are strictly pre-litigation; no formal complaint has been made; instead, an effort at reconciliation through online mediation is being pursued. If the case is appropriate for online mediation, the relevant official uploads it to Sama, which then assigns it to a mediator from a pool of available mediators. A settlement report is created upon settlement and signed by each party. These cases are strictly pre-litigation; no formal complaint has been made; instead, an effort at reconciliation through online mediation is being pursued. The findings were encouraging in 1436 cases, the parties agreed to participate in online

⁶³ The Mediation Act, No. 4 of 2023, India Code (2023), §§ 4–5 (no mention of AI), available at <https://egazette.nic.in>. (last visited July 1, 2025)

⁶⁴ NITI Aayog, *ODR Handbook: Enabling Dispute Resolution through Technology* 3–5 (2021), <https://www.niti.gov.in/sites/default/files/2021-11/ODR-Handbook.pdf>.

⁶⁵ *Krishna Veni Nagam v Harish Nagam*, (2017) 4 SCC 150

⁶⁶ Online Mediation Pilot Project Final Report, Sama, p.4, September 2021 <http://www.sama.live/media/MPSLSA-Sama-Report.pdf> (last visited 15 June 2025).

mediation. 910 of these 1436 cases were settled, representing a 63% settlement rate. The project is a shining example of how effective online mediation can be in resolving disputes and keeping the court system from being overburdened with cases.⁶⁷

Suggestions and Conclusion

The trust on the authenticity of Artificial Intelligence not only depends upon strengthening the regulatory frameworks but also, invoking public faith and confidence by incorporating various stakeholders involved in the mediation process, in the designing and reviewing of these Artificial Intelligence Interfaces, they should be subjected to first hand testing. The governance system should also try to imbed the feedback mechanisms for the optimum utilization and refining the behaviour of the AI tools used to ensure Justice through ADR specially Mediation. Imparting education and ensuring digital awareness at the grassroot to any other level of the Nation is very much needed and last, but not the least there is a requirement to strengthen the implementation of the guidelines laid down and much debates to be opened to progress in the technological use and answer the questions which arise as to the liability in case of the AI system.

Artificial intelligence's incorporation into the mediation ecosystem is a tedious challenge as well as an exciting opportunity. Using real-time analytics, automation, and cognitive augmentation, AI-human comradery in mediation has the potential to transform access to justice, expedite dispute resolution, and improve procedural fairness, as this paper explores. Through hybrid platforms, pilot programs, and algorithmic frameworks, artificial intelligence has already started to influence alternative dispute resolution in countries like the US, EU, and India.

However, there are serious ethical, legal, and philosophical issues that temper this technological promise. Non-emotion perceptive algorithms find it difficult to replicate the humanistic values that underpin mediation, such as empathy, voluntariness, and relational healing. There are serious concerns regarding justice, accountability, and fairness because of AI's opacity, inherent biases, and lack of emotional intelligence. The concern is not only that AI may make mistakes, but also that these mistakes will go unreported or uncontested because

⁶⁷ Ibid.

they are hidden behind the appearance of objectivity.

As a result, human-AI camaraderie needs to be planned rather than unplanned. Instead of serving as a parallel or independent decision-maker, AI should support human mediators rather than replace them. To guarantee algorithmic transparency, human oversight, ethical certification of AI tools, and enforceable grievance redressal procedures, legislative frameworks need to be updated.

Furthermore, the philosophy of mediation itself serves as a reminder that justice is a moral and social experience rather than just a mathematical result, whether it is based on Rawls' fairness, Aristotle's equity, or Eastern ideas of harmony. Therefore, the future of mediation is not about picking between AI and humans, but rather about creating a dialogue that respects their limitations and builds on their respective strengths. Human-AI camaraderie in mediation is ultimately neither an inevitable downside nor a destined utopia. It is a contingent potential that can only be fulfilled by democratic oversight, principled design, and a persistent dedication to the principles that characterize justice.

Our capacity to adopt and incorporate cutting-edge technologies is intrinsically linked to the path towards a more accessible and progressive justice system. An important advancement in this effort is the idea of human-AI camaraderie in mediation. It is a paradigm in which AI's analytical accuracy, efficiency, and ceaseless capacity for data processing powerfully augment the unmatched human capacities for empathy, creativity, and nuanced understanding. By promoting a synergy that can result in more effective, equitable, and ultimately more satisfying dispute resolutions, this collaborative model goes beyond the straightforward human versus machine argument. The tussle between the notions may continue but the gospel truth is that we should strive towards a strong justice system with utmost efficiency and empathy not to be neglected in the speedy redressal of the disputes through mediation and restoring rather beamingly soar high the flagship of creativity, integrity, privacy, confidentiality, voluntariness, empathetically a win- win solution in the process of mediation.

Artificial Intelligence will not replace humanity in mediation; rather, it will empower it, bringing us one step closer to a time when disagreements are settled not only fairly but also with a blend of technological innovation and deep human understanding.