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Attitudes to safety and online mediation in a family context

Mariana Francisco dos Santos
Student Number: 51710595

Contents

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ABSTRACT

The use of online communications helps us to emphasize time and address geographical variation, enabling the court to handle jurisdictional problems more quickly. However, as various authors have noted, the fear of being watched "on camera" is a significant impediment to using technology in conflict resolution. This is a prevalent problem in feeling secure in cyberspace. It is critical to consider how online communications might be used to arbitrate differences, hence improving Online Dispute Resolution (ODR) systems. Online mediation is part of the modern-day developments that have prompted the creation of new instruments of communication and, consequently, innovations in forms of engagement and dispute resolution approaches. This study aimed to ascertain if individuals may voice their opinions and concerns about online family conflict resolution in a secure environment. As a result, the author sought to confirm the participants' perspectives on mediation's knowledge and application and its repercussions via their actions and experiences. For that, a questionnaire was applied for the field study to ensure that the research was relevant to the study's objectives, including describing online mediation, assessing the popularity of online mediation in Ireland, and determining if participants feel comfortable in a mediation setting family conflict resolution. The results suggest that despite online family mediation is quite popular in Ireland, only 7.4% of participants have attended a mediation session. However, most people have heard about

online family mediation and are willing to resolve their disputes through

it. Furthermore, the findings show that family members prefer mediation

to court-based resolution because it is flexible.

LIST OF FIGURES

CHAPTER ONE

Introduction

Mediation is a type of alternative conflict resolution that does not involve the court system (litigation), in which a mediator assists the parties in achieving a mutually beneficial result. Because this method is based on the concept of self-determination, each individual in the room must be there voluntarily. Beer, Packard, and Stief (2012) argue that self-determination serves as a guiding concept when parties come together to settle their lives. This encompasses their current and future selves. As a result, individuals who enter mediation think for themselves, speak for themselves, and most importantly, make their own decisions. Voluntarism is critical in this setting for achieving a result that benefits all parties involved. It is becoming more impossible to ignore the changing nature of society. Family disputes are on the rise in this environment. (1995, Benjamin E Irving). Although O. J. Coogler – founded the first family mediation center in 1974 – was instrumental in popularizing the concept of divorce via family mediation. That is not all it implies. Additionally, it may address other issues, such as heredity, childhood and vulnerability, and the aging process (Brown, 1982). However, many couples, even now, see it as a viable option to the legal process (Dunne, 2019).

Online mediation develops as a viable option for individuals seeking simplicity and mobility in enforcing their rights in the twentieth century.

The whole procedure takes place in a virtual environment. Thus, individuals engaged may interact in an easy-to-understand manner with trained mediators who will verify the process and help them in constructing a mutual agreement. Apart from its practicality, distant mediation helps to the optimization of the court system by providing practical remedies promptly and at an economic cost. Thus, technology has evolved into an essential ally for legal operations, more so in a complicated environment like the present Covid-19 pandemic.

On this context, this research is necessary because of the rapid advance of technology combined with the digital era that we have been experienced over the past few years, compounded by Covid-19.

1.1 Research aims and objectives

It is important to determinate if family members are ready to open and fully express their views and concerns in an online environment during a dispute resolution.

Therefore, the objectives of this paper are:

(1) To describe online mediation;

(2) To determinate how popular mediation is in Ireland;

(3) To evaluate if people feel safe in a mediation environment during family dispute resolution.

On this way, the author will determinate the attitudes to safety and online mediation in a family context.

CHAPTER TWO

Literature Review

The term mediation encompasses a variety of fields of knowledge, and its application in law, communication, social work, psychology, and education has become polysemic. In the field of law, mediation refers to a consensual mechanism for resolving conflicts in which an impartial third party – chosen or accepted by the parties – acts to encourage and facilitate the resolution of a conflict. Mediation is set up as a consensus-building mechanism.

Mediation is a kind of alternative dispute resolution (ADR) that originated in a wide variety of cultures, including ancient civilizations. Despite the growth of its practice over the last five decades, it was not until the turn of the twenty-first century that Mediation became institutionalized (Moore, 2014, p.69). While the Mediation Act 2017 specifies mediation as facilitative, a large body of published research demonstrates that various methods to mediation exist, including evaluative, transformative, narrative, and holistic.

This study used legal text, journal articles, books and mediation newspaper.

2.1   Online mediation

Online mediation is a way of carrying out the mediation process. Through it, sessions are held through an online platform. It is an exciting option for

both companies and people in their daily life. Adopting this type of solution helps to reduce the costs of a lawsuit. Even at hearings, physical attendance is necessary. All of it decreases the costs of processing. In order to carry out online mediation, it is necessary to have reliable and secure software, which enables meetings; it is essential to check the minimum prerequisites for these solutions to be carried out efficiently, without technical problems. According to Raines (2005), the online realization involves four distinct phases. However, this does not suggest that the matter will be resolved in just four sessions; the issue here is solely with the procedure inside the digital platform. As with the face-to-face version, it is required to verify the problem and assess what the parties plan to achieve in reaching an agreement, therefore a process may require more than one session (Goodman, 2002).

Online Dispute Resolution techniques may have originated as offline-based Alternative Dispute Resolution solutions. However, the truth is that technology has empowered the subjects engaged by enabling the development of new settings that were previously unimaginable in the physical world via the growing kinds of online communication that have become accessible (including for the judicial sphere, as the case may be) (Braeutigam, 2006).

As a result of these possibilities, authors such as Beal (1999) advocate for a more stringent (and disruptive) definition of ODR in which "information and communication technologies do not simply replace traditional

communication channels, but act as vectors to provide ambient parties and procedures that are not available through conventional mechanisms." However, the majority of scholars appear to believe in a more expansive definition of ODR, which would include any use of technology in the process, from an email collection procedure to a sophisticated data collection and storage system, automated responses, and computer-assisted resolutions, among others. All of this, as we understand it, may be considered ODR. However, the claim that ODR mechanisms should be seen as "an additional door" rather than just an alternative route to a door seems unassailable (Uldam, 2013).

As can be seen, the utility – or even necessity – of the ODR arises in any scenario where certain circumstances involving a prevented or resolved conflict exist, such as limited financial resources, geographic distance (which introduces difficulties in defining the applicable law and forum, for example), or even when agility is a primary goal of its users. As a result, ODR was developed within the framework of electronic commerce, which has evolved to become the world's fastest-growing industry in recent decades, vastly expanding the possibilities for commercial transactions. Marker et al., 2001 make the following points: The ODR was developed to solve one of the most significant hurdles to the market's continuous development: the prevention and resolution of large-volume disputes, the failure of which may often result in clients losing money.In an era when technology pervades our lives, particularly purchasing and selling habits

and other relationships developed online, it was time to facilitate, also through technology, prevention and dispute resolution, something that international organizations, consumer protection and defense entities, as well as government and business entities, have already implemented (Katsh and Wing, 2006).

Additionally, some misunderstandings regarding ODR have included that it would be beneficial only for low-value or low-complexity needs, that it would be beneficial just for origin or online disputes, or that it would require complete automation technologies for the process (Raines, 2005).

In contrast, ODR may be used – and has been used – to resolve more complex situations, even in the offline world, and it can very well include human components, with just partial automation, as previously stated. Since 2002, the American Bar Association Task Force on Electronic and Alternative Dispute Resolution has cautioned in its final report that the ODR will be used to resolve conflicts originating from online transactions, electronic commerce, and even non-internet-related issues.

2.1.1   Online Mediation through the history

According to Cortés (2011), the Virtual Magistrate (VM), which is based at Villanova University (Philadelphia, USA) and was established by the National Center for Automated Information Research in 1995, was the world's first online dispute resolution system to be implemented. Users and Internet Service Providers (ISPs) were able to settle conflicts via the use

of the VM, which was a voluntary online arbitration process. The evolution of Online Dispute Resolution (ODR) mechanisms is inextricably linked to the evolution of Alternative Dispute Resolution (ADR) mechanisms. Initially, it evoked numerous opportunities and was a financial powerhouse, with the potential to generate countless conflicts. It recognized, however, the diverse possibilities of these environments, and there was some skepticism about the use of these technologies in the information and communication sectors to resolve disputes. This is primarily because traditional media were defined by F2F (face-to-face) communication, and information exchange was not favored by technological resources, despite their potential.

In 1996, the Cyber tribunal was founded, pioneering a new kind of conflict resolution by combining mediation and arbitration. The service was discontinued in 1999 when the creators launched a new venture, eResolution. All of these ODR systems were experimental, with the goal of developing a workable ODR system. Cortes (2011) and Tyler and Bornstein (2006) split the brief history of ODR into four distinct phases:

- Hobbyist phase: This era is believed to have lasted from the inception of the internet until 1995, when ODR did not exist.

- Pilot phase: from 1995 to 1998, when more conflicts arose and the first ODR efforts were implemented by non-profit organizations.

- Entrepreneurial phase: 1998–2002, during which the ODR industry developed and commercial companies launched successful projects.

- Institutional phase: This phase began in 2002 and is ongoing. It refers to public entities adopting ODR programs.

In 2001, the ODR underwent a period of institutionalization. Ethan Katsch and Janet Rifkin, pioneers in field studies, established the Center for Information Technology and Dispute Resolution at the University of Massachusetts, which included an Office of Online Ombuds. Said agency acted as a mediator for the world-famous auction site eBay. This cooperation resulted in the creation of a site called SquareTrade, which was one of the first to commercially offer ODR for consumer disputes in the American market. According to Lima and Feitosa, a new wave of online dispute resolution was observed in mid-2010, with the European Union's government initiatives and American judicial organizations such as the National Mediation Board (NMB) and the Office of Government Information Services (OGIS) playing a major role (2016). According to Katsh (2012), the inaugural conference on ODR was sponsored by the National Center for Automated Information Research (NCAIR). It funded the first ODR initiatives in 1996, including the so-called Virtual Magistrate, the University of Massachusetts' Online Ombuds, and a University of Maryland study on resolving family disputes.

Furthermore, in recent years, there has been an increasing amount of literature on ODR, including online mediation. It is a well-known fact that the internet has facilitated human life. When cyberspace was founded, it promised an open, democratic environment to all. The fact is that this space has brought us into contact with people from all over the world. Thus, it is accurate to assert that as the internet grows and becomes more popular, acceptance of online mediation grows as well. It is clear from this relationship that the history of online mediation is inextricably linked to the population.

The initiative to relieve the judiciary's overburdening through alternative dispute resolution techniques spurred several firms to seize the opportunity and create online mediation solutions. The reality is that modernity brought about the precariousness of human connections by introducing a new understanding of time and relationships, which was accompanied by the era's fluidity. These changes must be complemented by new viewpoints aimed at restoring these emotive links. In the event of human disputes, the way that emerges is based on self-composition, which renounces and so relieves the state mechanism. It should be highlighted, however, that the choice to explore alternative dispute resolution techniques must be spontaneous and not prompted by the judiciary's delay or incompetence.On the other hand, some authors criticize this position. They believe that the time and expense associated with litigation serve as a showcase for mediation. Additionally, they facilitate the process's

accessibility to a broader audience. Thus, even if judges compel parties to attend the mediation session, the mediation will be guaranteed to succeed because self-determination is incorporated into the process.

As a result, ODR-based systems were developed in the United States and the European Union. According to studies, the European Union's public authorities have standardized and encouraged the use of ODR to resolve consumer disputes. Including a legal framework established by the European Parliament and Council Directive 2013/11/EU and Regulation (EU) 524/2013, both dated 21 May 2013, which established the RLL platform for online dispute resolution, which has been operational since February 2016, with maintenance and financing guaranteed by the European Commission. With the Internet's well-documented effect on public life, there were unintended repercussions, including an impact on international commerce. The introduction of the Internet, its widespread use, and the development of Information and Communication Technologies (ICTs) have fundamentally altered how human interactions and negotiations occur, necessitating, of course, an adjustment (Roberts and Palmer, 2005).

2.1.2   The legal grounds of online mediation

To examine the legal justifications for online mediation, it is essential to consult laws governing alternative conflict resolution techniques. The EU's

efforts to foster free choice, security, and justice are consistent with the development of alternative dispute resolution, especially mediation. The primary normative act governing mediation is a paper issued on 19 April 2002 by the European Communities' Commission entitled "Green Paper on alternative dispute settlement in civil and commercial law." The primary goal was to "initiate a broad-based dialogue among individuals engaged in a variety of legal problems relating to alternative dispute resolution in civil and commercial law." Mania (2015) states how great the Green Paper was on that moment. Additionally, the favourable response to the Green Paper expedited the European Commission's work on new ADR rules, the most significant of which being the European Parliament and Council Directive 2008/52/EC of 21 May 2008 on some elements of mediation in civil and commercial disputes. Because this legislative act does not refer to electronic solutions, the legal basis for their use must be derived from an interpretation of the applicable rules (Smith, 2014; Johnson and Post, 1996).

In Ireland, mediation has existed for a long period via various informal organizations. As a result, it is conceivable that the mediators originate from diverse backgrounds and use a variety of distinct practical models or, more precisely, mediation styles. In some respects, the Mediation Act 2017, legislation that aims to establish a framework for the practice of mediation, with a special emphasis on civil disputes, encapsulates our

sense of what mediation is and how it is utilized in Ireland (Cheevers, 2020).

Indeed, developing a legal framework that must be followed by all professional mediators, regardless of their experience or style of mediation, is a challenge job. Considering these considerations, the Mediation Act sought to provide a legislative framework for the practice of mediation in Ireland. Its section highlights many of mediation's basic concepts, including secrecy, self-determination, voluntariness, and impartiality (Moore, 2017). Additionally, it establishes criteria for what it believes is the proper approach to this kind of ADR when it states that mediation should be facilitative and party-led (Sammon, 2017).

Cheevers (2020) concludes in your work that in past years, mediation's usage and efficacy have grown in Ireland. As previously mentioned, courts are starting to recommend that parties explore the possibility of resolving their conflicts via mediation. However, just because things are better does not mean they cannot be improved further. As of yet, no party has been invited or penalized for refusing to utilize mediation. The Halsey issue was raised during the debate of the method used in England and Wales. Ireland seems to have abandoned the debate over whether courts should or may compel parties to utilize mediation in favor of a voluntary method that must remain optional. It is claimed that this puts an excessive amount of power in the hands of individuals who do not want to utilize mediation. The recent nature of mediation as a legal tool demonstrates that, although

much has been accomplished to get here, we still have a long road ahead
to go (Sammon, 2017).

2.1.3   The use of online mediation tools

Some authors, as Gilespie and Zittoun (2010) agree that in order to achieve
the objectives, the mediators employ tactics and tools to assist the parties
in structuring a discourse throughout the mediation and conciliation
process. Some writers distinguish between techniques and tools, whereas
others do not. The purpose of this work is not to discuss the distinctions
between tools and procedures. However, how mediators employ mediation
strategies such as rapport, active listening, validation of sentiments, and
mirroring to distribute justice among the parties.

The paraphrasing is maybe the tool that every mediator use and it refers to
the most optimistic perspective of conflict. Because in one way or another
mediation involves transformation; in that sense, re-signification is critical
in how the facilitator invites the parties involved in the conflict to a more
empathic and collaborative look, experiencing a vision that allows facing
the facts and achieving more positive solutions. Although it is required,
particular care is used when employing this technique in online mediation
so that the parties do not feel dismissed and their sentiments are
invalidated. (Johnson and Kuerten, 2013). As a result, while employing
this technology in online mediation, the facilitator must explain the

proposal for its usage to the parties involved. Before employing this instrument, phrases such as "allow me to approach the facts using this strategy" may be required. The use of reconceptualization in a virtual environment may appear tempting if it is not preceded by this attention with the stages and the usage of the tools and their purpose.

Joyce and Brown (2009) comply that positive reinforcement of each constructive deed performed by participants becomes an even more interesting tool for a mediator in the virtual world. Even though Beal (1999) does not believe that people were ready for online mediation. It is well known that the technologies has been developed so fast and now there is a completely different scenario from 20 years ago. However, employing the rapport approach still crucial in online mediations. The facilitator appreciates the parties for making the effort to engage in this experience and seeks to break through the walls of isolation until the successful positive reinforcement when a proposal is offered or when an impasse is reached. Showing care is very important in the virtual environment because of the obstacles that have been overcome. The mediator shows that progress has been achieved and urges the parties to keep seeking for solutions. Parties are more willing to collaborate when they recognize that they have conquered some new obstacles. Caressing without reason, on the other hand, should be avoided. The facilitator's credibility may suffer as a result. Individual touching should be avoided since it might jeopardize impartiality. (Uldam, 2013)

Another mediation tool is the silence, which is already a tool of great importance in the face-to-face environment, The same applies for the cyber space. It would take on greater prominence in the virtual environment. Silence is not just that exact moment when one or both parties are pondering before answering and that the facilitator must respect. Hullman (2016) agrees that more importantly, the silence of the facilitator themself when the parties are speaking up should be explored. Even more, in the virtual environment, where there is the so-called delay - that time interval to receive image and sound - the mediator must give ample space for everyone to speak and be heard in their own time, without interrupting or asking questions during the speech, of the parties. This can obstruct communication. It is the facilitator's responsibility to wait until the end of the parties' speeches to ensure that there is no additional intention to speak that everyone has heard in order to continue the process. He must guarantee that everyone pays close attention to and respects the party's remarks. (Kersten and Vahidov, 2011)

Nonetheless, in the virtual world, although silence must be evaluated from the standpoint of mediation, knowing all participants and certifying that they hear and are heard, attention must also be paid to the fact that silence might result from a misunderstanding of what is being communicated. Furthermore, Kothari (2004) shows how important is in this scenario, the mediator breaks the quiet in order to reintegrate the parties into the session.

Everything suggests that the facilitator, more than ever, must be conscious of the mediation's tone.

Another useful tool is the reality test, which is carried out for each alternative developed; each of the concepts brought up in the session is put into practice, validating its effects and practical applicability to the scenario, specially in family disputes resolutions. Naturally, all stages of mediation must be completed. When the parties begin their speech in the first proposition, the reality test is not carried out. Shapira (2012) relates the reality test with the conception of fairness in the mediation session.

On that way, the reality test primarily consists of ensuring that the plan adheres to the concepts set out by the parties. If both parties seek security, the choice must be balanced against that ideal. The facilitator faces a significant task in determining what is good or bad for one of the parties based on values that are personal to the facilitator. Nor should it be imagined that the solution does not adhere to legal notions, a responsibility that falls to the sponsors of the parties, as suggested by the facilitator. The parties, not the facilitator, deliver the best solution. The reality test is conducted in this manner depending on the parties' realities.

At some point during the mediation it is possible that this is not a case for mediation because the solution is dependent on a state manifestation. As a result, it is important to note that the facilitator is not permitted to say the appropriate thing. The parties, with the assistance of their sponsors who are competent, must provide the best solution, leaving the facilitator to lead

the session in order to maintain the principles of mediation and reestablish dialogue. (Wellington, 2000)

Lastly, the validation of feelings, is seen as one of the most importants tools of the online mediator. (Braeutigam, 2006). As it addresses this problem by utilizing one of the fundamental concepts of mediation. The facilitator must detect the parties' emotions and provide them with the value that has been offered to him as a consequence of a valid interest and need. In addition, some autors comply that it is critical not to nurture this sensation for too long, as this increases victimhood or obsession on a stance. In other words, emotional validation indicates that the party was successfully heard and their sentiments emerging from the dispute were recorded, but that it is generated from the natural will that the facts be digested in another manner, or that the demands are satisfied, resulting in the good of life. (Chan, 2013) The validation of sentiments must be quickly followed by the fixation of the parties' interests and ideals. It can be interpreted as a party being extremely uncomfortable with the circumstance, as he would like effective communication to take place in a more constructive manner, or as an act being performed differently. As a result, it should be underlined that the formalization of the feeling must be followed immediately by the fixation of the desired good of life.

Furthermore, in the virtual environment, the use of this tool is critical, keeping in mind the time difference between face-to-face and virtual, and

that, as a result, the validation must be done clearly and swiftly so as not to establish the tone of the mediation with excessive negativity.

2.1.4   Advantages and disadvantagens of Online Mediation

Personalization of the ODR system allows for better eyesight and meets the specific needs mentioned in each case. It enables learning from experience, prioritizing efficiency, reducing expenditure on resources, time, and emotional costs, and allowing for more meaningful interaction of interested parties. (Katsh and Rifikin, 2001).

Concerning the advantages and disadvantages of online mediation, Kersten and Vahidov (2011) emphasize that mediation departs from the outsourcing of conflict resolution in favour of the parties' empowerment to find an appropriate resolution to their relationships and realities. Thus, the judge does not delegate decision-making and imposing authority to the parties' exclusive administration of conflicts. Additionally, shortening distances saves time and money and enables parties to manage conflicts directly.

As a result, it is clear that electronic mediation facilitates problem resolution even more by eliminating, for example, the physical constraints associated with the face-to-face mediation model. If the parties are geographically separated, there will be no need for travel to facilitate mediation. It is sufficient for them to have electronic devices and an

internet connection. A caveat is made regarding this specific point, as despite the numerous benefits of online mediation, some authors argue that the resistance to online platforms stems from the 'paper culture' in which fear is validated. Additionally, there is a sense of insecurity surrounding the use of electronic media (Chan, 2013).

While the authors' perspective is respected, the current perception is that the world is moving toward increased use of digital media. As a result, resistance to using these methods, as opposed to paper, should not be a barrier that persists for an extended period of time or results in losses in encouraging the use of non-presential mediation. Meanwhile, a point worth noting is the effectiveness of mediation when conducted electronically; this concern stems from the fact that non-verbal communication is critical for the parties to communicate fully. However, technological advancements such as video conferencing help to mitigate these drawbacks.

Thus, because online mediation is conducted via videoconference, the losses associated with insufficient communication are minimized, avoiding the establishment of a disadvantage in the application of online mediation in comparison to face-to-face mediation. The most critical factors affecting the mediation's effectiveness will be respected in terms of the guiding principles and the mediator's role. As was discovered in a specific topic, the mediator must conduct the mediation by stimulating dialogue and rebalancing the status of the parties, with the goal of re-

establishing communication and, more importantly, transforming the conflicting parties' relationship into one of cooperation, in order to formulate a consensual solution between them.

Meanings are critical in mediation because they help situate the subject in his moment. Goodman (2003) affirms mediation becomes critical for some people in order to decipher meanings. The mediator's role is to clarify the true nature of the dispute and possible resolutions, taking into account the degree of conflict between the parties, while always maintaining a sense of civility and mutual respect. Each party has the ability to discern its own immediate interests and desires, which a magistrate would hardly assume in a litigation process.

In this sense, promoting the intersection of technology and the need for conflict resolution makes sense in order to promote peace in society's micro and macro environments.

2.2   Popularity of online mediation is in Ireland

As a benefit of utilizing digital media, we can emphasize the diversity of time and space, which enables the judiciary to resolve jurisdictional disputes quickly and efficiently. However, as some authors have noted, a significant impediment to integrating technological means into the automatic resolution of conflicts is the fear of man being replaced by a machine. This is not a contemporary situation, as it is a recurring theme in

literary science fiction and the film industry. However, it is worthwhile to discuss the extent to which this fear can be contested and how artificial intelligence can be used to resolve conflicts, thereby advancing ODR systems.

It is possible to use a variety of tools to conduct online negotiations and mediations via software with varying degrees of automation. There is no human intervention, for example, in the resolution of disputes involving monetary values. It operates automatically, as the primary objective is to secure an agreement for value payment. The primary benefits of ODR are the financial and time savings, the procedure's usefulness, the advantages over litigation, and the parties' authority over the outcome. The difficulties stem from a lack of face-to-face contact between the parties involved (F2F) and from technological and legal issues arising from the absence of a legal provision regulating ODR solutions. However, with practice and absorption of experiences, technologies, and norm regulation, the difficulties can be overcome or mimicked.

Additionally, an advantage of using Alternative Dispute Resolution, particularly in terms of the utilization of technological resources, is that the process is confidential, with immediate access to the messages exchanged between the three parties (parties and conciliator or mediator or arbitrator). In those where the emotional component is minimal, the cost of maintaining secrecy is outweighed by the benefits of utilizing digital resources. Control messages exchange is considered advantageous

because it allows parties to consider the text sent more carefully, even providing self-analysis of the emotions that sparked the conflict.

In the financial economy, alternative dispute resolution is less expensive than traditional dispute resolution. Additionally, it is more informal, and access can occur anywhere, including across counties, reducing the cost of tickets for mediation hearings compared to traditional methods. Additionally, there are time savings because they are not dependent on the jurisdiction's operating hours. They acknowledge some disadvantages, such as a lack of contact between non-verbal communication's identifying components and bodily expressions. These disadvantages can be mitigated by utilizing a technological resource, specifically videoconferencing.

ODR possesses the capacity to modify and revitalize established methods of resolving judicial or extrajudicial disputes. Advantages outweigh difficulties, not just because of their superiority, but also because of their ability to mitigate or overcome difficulties. Other advantages and disadvantages may emerge as the ODR evolves, as this concept is new and developing. It denotes the relevance of cyberculture, which is favored by real virtuality and the use of Online Mediation. Based on a period in history when society was connected, this enables easy access to, processing of, and generation of new knowledge.

While commercial mediation is still in its infancy in Ireland, Austin Kenny, the ICMA's spokesman, observes that the number of cases settled via mediation has risen substantially in the past year. Mediation has the

potential to result in a speedy and cost-effective settlement. Typically, cases are settled within three to six weeks of the process beginning, which is considerably quicker than going to trial. By actively engaging in the process, the parties often arrive at a more innovative solution than can be obtained via litigation. The procedure allows the re-establishment of important connections that would have been damaged as a result of litigation. In certain cases, an apology and explanation are more valuable than money when it comes to settling conflicts. (Administration, 2021)

Moreover, the fact that commercial mediation is still in its infancy in Ireland, data from the Irish Commercial Court show that almost 65 percent of cases submitted to mediation last year were effectively resolved. According to the ICMA's study, the success rate has increased by about 70% over the past three years. Other countries, such as the United States and the United Kingdom, where business mediation is far more established, have a considerably greater rate of cases resolved via mediation than Ireland. Success rates of up to 85 percent are possible.tion is still relatively new in Ireland, Austin Kenny, the ICMA's spokesperson, notes that the number of cases resolved through mediation has increased significantly in the last year. Mediation can result in a swift and cost-effective resolution. Cases are typically resolved in three to six weeks from the start of the process, which is significantly faster than going to trial. By participating directly in the process, the parties frequently arrive at a more creative solution than litigation can provide. The process enables the

restoration of critical relationships that would have been harmed by litigation. In some instances, an apology and explanation are more important than money in resolving disputes. (Admin, 2021)

On this context, mediation has grown well established in resolving financial conflicts, construction disputes, employment conflicts, personal injury claims (including medical malpractice claims), and family issues. Apart from that, mediation is gaining traction in a variety of fields, including banking, competition, small claims, and e-commerce disputes. Numerous disputes that would be unresolvable otherwise may be resolved via the use of fully online mediations. This is particularly true for disputes involving geographically dispersed parties and for those in which the monetary worth of the dispute is insufficient to justify face-to-face meetings.

2.3   Safety in a mediation environment during family dispute resolution

2.3.1   The Fairness of mediation process

When utilizing mediation, the first obstacle to overcome is persuading both parties to engage in the mediation process itself. A parties choice not to participate in mediation seems to be based on a general lack of confidence in the possibility of a good settlement, which may be exacerbated by a lack of knowledge about mediation. It is essential that the parties involved be

well educated about the benefits of mediation in order for the process to be successful. Once the parties have agreed to participate in mediation, the following stage is for the mediator and the ODR platform to work together to urge the parties to approach the issue in the most effective manner. Parties often exhibit a greater degree of rage at the beginning of an online mediation session than they do later on. Their approach is often win-lose in nature. They are eager to have the mediator on their side in order to compel the opposing party to take some kind of action. Mediators begin by setting communication limits between the parties, such as only permitting communications to be sent via the mediator and requiring parties to verify their messages and reply to them within 24 hours of receiving the messages.

Fisher and Ury assert that helping disputants in setting aside emotional state and concentrating on problem-solving requires mutual understanding (without necessarily agreeing) of each disputant's viewpoint and reflection on possible solutions based on empirical criteria including law, tradition, and market value. According to research on digital communications throughout conflicts, when parties have some rapport, they act more cooperatively and achieve more efficient agreements. That is why Fisher and Ury argue that it is critical to begin addressing topics on which both sides can agree, regardless of their significance. While parties come from disparate backgrounds, as is often the case in an online environment, they may have varying expectations when participating in an ODR process. For

example, one side may approach a negotiation competitively, while the other takes a more collaborative approach. If participants are not properly led in these instances, they will soon feel dissatisfied and withdraw from the conversation. Thus, it is unsurprising that empirical study has shown that the two most important elements in achieving a settlement are the mediator's competence and the parties' mindset. (Stulberg, 1997)

Online mediation has the power of a fourth party, which manifests itself in the form of a screen or interface that may be used to communicate in a manner analogous to spoken conversation. As a result, Thiessen and Zeleznikow (2004) assert that a key element is the design of the on-screen ODR software. The design of the screen may enhance the authority, quality, and trust associated with online mediation. As a result, effective use of the screen increases the likelihood of agreement and adds value to the mediator's knowledge. Eisen (1998), on the other hand, debated whether we are ready for online mediation in the previous century. Additionally, he found that the internet medium exacerbates misunderstanding, making mediation difficult. This is because online mediation does not allow for the same level of face-to-face contact that face-to-face mediation does.

To far, there has been little consensus on the amount of time the mediator should spend questioning parties involved in the mediation. The majority of the court ruled that a third party could not be held liable for ensuring that the arrangement was fair and equitable. However, this point of view

should be restricted to situations in which the mediator has not engaged in serious wrongdoing. Therefore, facilitators should be responsible for ensuring that the parties reach a conclusion freely and that the outcome of the resolution is not obviously unjust, especially in cases where there is an imbalance of power between the parties. (Stulberg, 1997)

2.3.2   Do family members feel safe in mediation compared to court based settlement?

Mediation is an alternative dispute resolution (ADR) method whose roots can be found in many different cultures, including ancient civilizations. Despite the expansion of its practice in the past five decades, it was only from the beginning of the 21st century that the institutionalization of Mediation became a reality (Moore, 2014, p.69). It is becoming increasingly difficult to ignore that society is changing. In this context, family-related conflicts are rising. (Benjamin E Irving, 1995). Although O. J. Coogler – established the first family mediation centre in 1974 - to popularize the idea of divorce in family mediation. It means more than that. Moreover, it could deal with other matters, such as inheritance, childhood and vulnerability, and elderly situation (Brown, 1982). However, even nowadays, many couples see it as an alternative to the litigation process (Dunne, 2019).

Online mediation is part of the changes that have occurred in contemporary times, which have necessitated the development of new tools and, as a

result, innovations in modes of interaction and methods of conflict resolution. Initially, the term "online dispute resolution" referred to resolving disputes that arose online, namely in e-commerce setup or online social forums (Katsh, Rifkin and Gaitenby, 2019). The use of such processes grew in popularity over time, and technological tools and systems began to be used for offline traditional dispute resolution. Similarly, offline mediation techniques can be applied to online conflict resolution, as they do not change as a result of technology use and can be used in a variety of spaces, i.e., multiple locations of conflict.

Since the fundamental principles of traditional mediation have not changed in online mediation, it is impossible to address a new type of mediation. Nonetheless, there is no doubt that, with the addition of a digital element, its principles must be reconsidered, particularly the parties' confidentiality, autonomy, and isonomy in light of access and technological difficulties. Not only is technology-assisted dispute resolution analogous to a face-to-face process, but it also results in chan. However, the nature of interaction and the skills required to manage communication and information have changed, which can have an effect on both parties and mediators (Rainey, 2014). Indeed, communication technology is another "element" in the process of online mediation, and its significance cannot be overstated. It is required for the mediator must inform the parties about the realistic security of information exchanged in a digital environment in order for them to make an informed decision about the risks associated with consent.

Thus, confidentiality is maintained through the disclosure of risks and the recommendation of safer technologies, while always leaving the parties with the option (Rainey, 2014). Autonomy is ensured by the interested parties' choice of procedure; additionally, the mediator must create an environment in which the parties feel treated equally, with the certainty that the online process will not adversely affect their results, thereby ensuring equality. Additionally, the mediator is responsible for monitoring platform usage throughout the di. It should monitor the parties' participation and, if any of them are participating less than usual due to platform-related issues, for example, it should adjust or abandon the technology at that point. The mediator's obligation to maintain objectivity and self-determination entails ensuring that neither party suffers a technological disadvantage (Rainey, 2014). As can be seen, the paradigm shift in online mediation does not imply a change in the mediator's role, who will continue to focus on assisting the parties in finding their own solution, but rather changes the nature of the interaction and the skills required to manage communication and information exchange between parties and mediators (Rainey, 2014). It necessitates, above all, changes in the mediator's relationships and abilities, as he should assist the parties in identifying the outcomes they desire through a continuous dialogue between their ideas and perspectives in an online environment (Kovach and Love, 1988).

Thus, the absence of personal contact is not an impediment to online mediation; rather, it necessitates a new mode of adaptation for parties and mediators' interaction in a technological environment. We must develop new strategies for coping with the changes brought about by communication technology and adapting to language, hearing, and vision barriers.

Therefore, the literature examines many aspects of online mediation, from its origins to its current application. Furthermore, while mediation occurs in a face-to-face paradigm, its usage online has been developed mostly in business problems involving persons from various geographic locations.

CHAPTER THREE

Research Methodology and Methods

The methodology may be thought of as a concept or guiding idea for the study (Dawson, 2002). Additionally, the technique may be described as "The instruments you use to collect data, such as questionnaires, interviews, or surveys, are all examples of data collection methods. In other words, methodology refers to the process and approach utilised on paper to assess and lead the research. Thus, methodologies are essential since they define the techniques utilised to collect and analyse the data.

This chapter will explain the methodology adopted in this research. The study's design and methodology are explained. The researcher explains the study's population, the sample size, and the sampling methods utilised. A description of the data collecting technique is provided. Additionally, this chapter covers briefly the data analysis methods and technologies that will be utilised in this project.

The study attempts to determinate if people can feel safe expressing their views and concerns on online family dispute resolution. The following are the research objectives to be addressed:

Objective 1: To describe Online mediation

Objective 2: To determinate how popular online mediation is in Ireland

Objective 3: To evaluate if people feel safe in a mediation environment during family dispute resolution

The purpose of this research was to highlight the value of mediation in resolving family disputes with an emphasis on preserving the family connection. As a result, we attempted to validate the participants' viewpoint in terms of their understanding and application of mediation, as well as its consequences, through their behaviors and experiences. The primary objective of qualitative research is to ascertain how and why individuals act in certain ways; this technique is beneficial in elucidating the underlying attitudes, motives, and explanations behind behavior (Cooper, 2014). When researchers are attempting to find new information, they mostly utilize qualitative research to get new or deeper insight into a phenomena. Others, such as Polkinghorne(2005), argue that they are usually exploratory in nature and attempt to explain 'how' and 'why' a specific social phenomena, program, or system functions the way it does in a certain setting. The purpose is to educate us about the social environment in which we live and to explain why things are the way they are.

3.1   Philosophy

Comprehension Philosophy is essential since social science research can be properly evaluated when the choices affecting the study findings are transparent. Several of these choices are made, not necessarily consciously, based on certain fundamental philosophical concepts. Philosophy establishes the fundamental principles of theoretical thought, a

technique of cognition, perspective, and self-awareness, all of which are used to gain information about reality and to plan, conduct, analyze, and interpret research and its findings. The two primary disciplines of philosophy that are important to the sciences are epistemology and ontology. All philosophical ideas and accompanying methods, whether explicitly or implicitly, have an opinion on social reality. This viewpoint, in turn, influences what constitutes actual knowledge. As a result, ontology impacts epistemology. (Williams and May, 1996, p. 69).

Ontology is concerned with the theory of social entities and what is available for investigation. Bryman (2004, p. 16–18) distinguishes two diametrically opposed theoretical perspectives on the nature of social entities:

• Objectivism – the belief that social phenomena and their meanings exist apart from social actors. They are facts on their own.

• Constructionism — the idea that social phenomena are always changing because of social interactions even the narratives of the researchers are subject to these linkages, implying that social knowledge can only be interdependent.

Epistemology, on the other hand, is concerned with how humans gain knowledge and what constitutes acceptable knowledge in a certain field. There are two main techniques of information collection in the study of social (and other) sciences:

- Empiricism — knowledge obtained by sensory experience (through the use of inductive reasoning).

- Rationalism — the acquisition of information by reasoning (using deductive reasoning).

To get a deeper understanding of the behaviours and dynamics involved in family conflict resolution, this study utilized an onion model of research centred on interpretivism philosophy to create an epistemology centred on interpretation. In order to critically assess how adults humans feel about expressing their views and concerns in a family-related conflict resolution. According to Saunders et al. (2016), it is critical to choose the research philosophy through which the researcher views the words; additionally, numerous assumptions must be made throughout the study, which will define your methodological choices, strategies, data collection, and analysis techniques (Moon and Blackman, 2014).

his dissertation was produced with an epistemological assumption known as "human knowledge" by Saunders et al. (2016). He goes on to say that having an epistemological assumption allows the researcher to make more relevant methodological choices. Following the determination of the research assumption among ontology, epistemology, and axiology, the next stage is to determine whether the research assumption will be based on objectivism or subjectivism. According to relativism, social and physical events exist independently of one another, constituting the world and possessing a lasting nature. Thus, it would be more logical to do the

study in the manner in which natural scientists would conduct their research. As a result, relativism researchers are more likely to attempt to discover the truth about the social world via their study, using techniques that enable the researcher to observe and quantify alleged facts, from which law-like generalisations about the universal social reality may be derived (Saunders et al., 2016).

Because this research began with a problem and sought to provide practical answers that would influence future practices, it was founded on the Pragmatism philosophy.

There are three reasons for doing research: Exploratory - defined as looking about, determining what is occurring, asking inquiries, or examining a subject from a fresh perspective: descriptive - study attempts to portray people, events, and circumstances properly; and explanatory - a research that elucidates a situation, often via the use of causal connections (Robson et al., 2002).

3.2   Approaches

In other words, we often refer to two distinct modes of thinking as deductive and inductive reasoning.

Deductive reasoning proceeds from the broad to the particular. This is often referred to informally as a "top-down" method. We may begin by formulating a hypothesis about our subject of interest. This is subsequently

FIGURE 1 DEDUCTION REASONING

narrowed down into more precise hypotheses that may be tested. We further refine our focus as we gather observations to test the hypotheses. This finally enables us to test ideas against particular evidence, yielding confirmation (or rejection) of our initial assumptions.

Theory

Hypothis

Observation

Confirmation
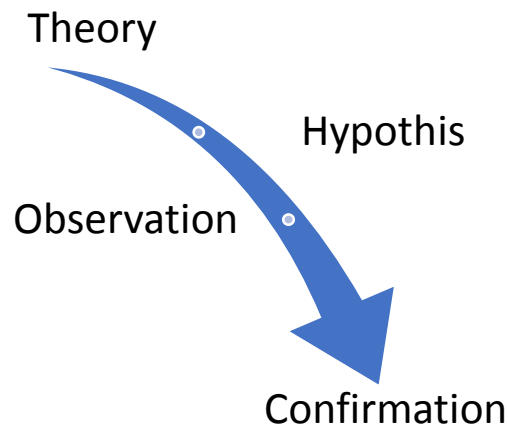
Inductive reasoning operates in the other direction, beginning with particular observations and progressing to bigger generalizations and ideas. Informally, this is referred regarded as a "bottom up" strategy. Inductive reasoning begins with particular observations and measurements, progresses to the detection of patterns and regularities, culminates in the formulation of some explorable hypotheses, and eventually results in the development of some broader conclusions or theories.
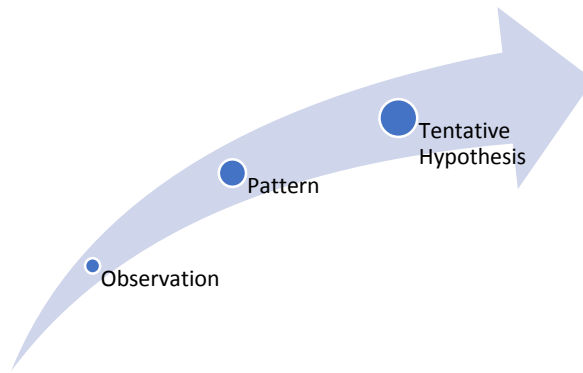
FIGURE 2 INDUCTIVE REASONING

This research's main goal is to get a better understanding of how individuals feel about sharing their views and concerns during online family mediation. On that way, the nature of this study will be descriptive. For this reason, research techniques may be classified as induction or deduction. These are two different approaches, as mentioned above, to doing any kind of research. (Saunders, Lewis, and Thorhill, 2007). In an Inductive study, the data is first collected, then after analysing, a theory may be developed. The deductive study is the inverse, in which a hypothesis or theory is established first, followed by a research method to evaluate the hypothesis or theory (Saunders et al., 2007). Since theories exist, they are utilized to provide a framework for analyzing the gathered data.

As per Lakatos and Marconi (2003), the inductive approach's primary objective is to broaden the scope of knowledge. Insofar as inductive arguments exhibit varying degrees of power, this is directly related to the premises' capacity in relation to the conclusion's foundation. In sum, inductive arguments enhance the relative richness of the premises at the

expense of accuracy. This study used an inductive method, where there is an observation, through the questionnaire on how adults behaviour themselves in family-related disputes resolution, like mediation and litigation, analysing relevant literature in conjunction with data gathered via primary research. That means a hypothesis was formed through observation, arising from a pattern found.

3.3 Time Horizon

According to Singh (2006), a cross-sectional timescale is more suitable than a longitudinal one since it requires far less time than a longitudinal study, which would render the research effort impossible. Additionally, it is stated that the cross-sectional model will be used when a definite timetable for carrying out a study is provided.

On this basis, this paper was based on cross-cultural period, as there a specific timeline for conducting a research is offered.

3.4 Choices

The kind of the research may be qualitative or quantitative (Byman and Bell, 2005). In qualitative research, the emphasis is frequently on words rather than statistics, in contrast to quantitative research. Consequently, qualitative research becomes more interpretative and inductive. Denscombe (2000) asserts that the qualitative approach is beneficial for studying human activities and behavioural patterns. Moreover, qualitative

approaches depend more on language and its interpretation, therefore data gathering procedures tend to be more collaborative and entail a creative process of theory creation instead of testing. Whereas, Walliman (2006) affirms quantitative procedures depend on the collection of numerical data that is susceptible to analytical methods such as statistical correlations, which are often used in conjunction with hypothesis testing.

On the other hand, Dulock (1993) asserts that in order to accurately describe the facts and characteristics of a particular population, or even a particular area of interest, descriptive research enables the creation of a portrait or report characterized by precise precision regarding the characteristics that define a particular individual, situation, or group. This sort of research aims to be as precise as possible in its definition of existing phenomena. It is worth noting that the term "existing phenomena" tends to pit descriptive research against experimental research, as this type of phenomenon includes not only observed phenomena, but also phenomena that arise following a specific period of treatment. Thus, the phenomena that will be observed in descriptive research are already known. Thus, the researcher's task is to collect data through the use of research instruments such as tests, questionnaires, interviews, and, of course, observation. Thus, the primary objective of descriptive research is to describe existing phenomena in a systematic manner (Atmowardoyo, 2018).

In other words, qualitative data is unstructured or semi-structured and is not statistical. This data is not always quantified using the hard figures

used to create graphs and charts. Rather than that, it is classified according to its qualities, attributes, labels, and other identifiers. Additionally, qualitative data may be utilized to elicit an answer to the question "why." It is exploratory in nature and is often left open-ended until more study is undertaken. Qualitative research is used to provide data for theorizations, interpretations, establishing hypotheses, and building first understandings. Perhaps the most serious disadvantage of this method is that it is comparisons are difficult, it is complicated to identify patterns or correlations, low reliability due to the difficulty of reproducing the identical circumstances of the study, and subjective bias of the researcher may have an effect on the results.

In this context, the present author has chosen work with quantitative data on the present research. In contrast to qualitative, quantitative data is statistical in nature and is often more structured - that is, more rigid and specified. Because this data type is quantified in terms of numbers and values, it is a more acceptable option for data analysis.

3.5   Strategy

From the researcher's viewpoint, research may be done in a variety of ways depending on the technique used—this study used quantitative approach. There are seven main strategies:

- Case Study
- Survey

- Ethnography

- Experiment

- Action Research

- Gronuded Theoriy

- Archival Research

In the case study, for Yin (2009), is a method of scientific research that enables the researcher to become more intimate with the object being studied, but lacks the rigor of other scientific methods. According to Kumar (2002), a case study is an investigation that delves deeper into a single unit, which can be an individual, a family unit, an institution, a district, or a community, as well as any unique phenomenon or event that is chosen for intensive investigation. In essence, the approach used to develop the case study evolved as a technique for resolving problems and was adopted as a tool for achieving improvements in several dimensions related to the examination of the case under analysis (Kumar, 2002). In terms of the exploratory study, "it is conducted on a specific research problem and, in general, refers to studies that indicate little or no previous research on it" (Kothari, 2004). A case study strategy would not be indicated for this research as it seeks for a hypnotise that illustrate and the generalization of the results.

Other strategy is the Ethnography. A study approach enables academics to investigate and analyse the cultures and communities that form the bedrock

of the human experience. Through direct interaction with study subjects or informants, the ethnographer gathers data and obtains insight (Walliman, 2006). As it is said, the present study will analyse people that lives in Ireland, regardless of their ethnicities and cultures. That is why this strategy would not be the best choice.

The experimental strategy is the main tool of scientific study; it involves some type of experimentation. Generally, deductive efforts to test a hypothesis. Thus, it does not applicable for inductive approach. As mentioned before, this paper seeks for formulate a hypothesis and not for testing one. On this view, the experimental strategy was not considered when the choice of the strategy was made.

Action Research begins with a researcher's desire to address an issue. The critical element is that the researcher is active in the study, and not only as a researcher. His involvement, however, may have an effect on the conclusions, raising issues about their objectivity. Additionally, this technique is iterative, requiring many rounds to arrive at a solution. The present researcher cannot affirm that there is an issue. There are studies addressing this matter, but it is not yet proven that it is an issue. Thus, action research would not be the adequate choice.

Other strategy is Grounded Research. In general, researchers do not begin with a set of objectives but rather follow the path of the study; theory is developed as evidence is obtained. Existing literature that is judged relevant is referred to as necessary literature; in this manner, the literature

stimulates more study, and the research cycle continues between literature and empirical research until a theory founded in the research is established. This strategy seems hard to lead. Moreover, the present research has clear objectives to achieve.

Finally, the survey is a data-collecting tool that is constructed around an ordered set of questions that are answered in writing in the absence of an interviewer. In general, the researcher sends the survey to the informant through email or post, and once the informant completes it, the researcher must return it. Among its benefits, we can point to the timesaving and the ability of concurrently contacting a larger number of responders. In terms of downsides, there is a chance that just a tiny proportion of surveys will be returned, as well as the likelihood of many unanswered questions (Lakatos & Marconi, 2003).

After analysing all those seven strategies, the present author used survey. A survey of adults over the age of 18 was conducted online. They established links between online mediation and family disputes and concluded that mediation could be a viable mechanism for resolving family disputes. Although the survey method is often employed in deductive research. This strategy could be used in studies in which data are gathered first to form a hypothesis or theory.

The data crossing technique was sought for the strategies used in this study, according to Kumar (2002), with the goal of validating the data by comparing different data sources, examining the evidence for the data, and

using it to build a justification for the theme in question. That is, through online mediation and field research, primary data on people's attitudes and behaviours toward family conflict resolution will be collected and analysed.

Thus, the present author uses a quantitative approach to evaluate data gathered via online questionnaires that include quantifiable values, beliefs, and perceptions (Ormston et al., 2014).

For the field study, a questionnaire was be used to ensure that the research is matched with the study's goals. Thus, the questions in this questionnaire are designed to ascertain how comfortable people over the age of 18 are with resolving family disputes through internet mediation and how popular disputes resolution, such as Mediation and Litigation are in Ireland.

3.6   Research question

The purpose of this research is to provide an answer to that question. Could individuals feel secure sharing their opinions and concerns in an online family conflict resolution forum? The literature study and applied survey provided assistance for achieving the overall goal. This is a critical problem since modernity brought the precariousness of human connections via a new understanding of time and relationships, which was accompanied by the era's fluidity. These changes must be complemented by new views geared at re-establishing these emotive links (Cortes, 2011). Additionally, online mediation improves issue resolution by removing

physical limitations associated with face-to-face mediation. If the parties are geographically separated, mediation will be facilitated without the need for travel (Chain, 2013).

3.7   Target Population

The target population consisted of all individuals over the age of 18 who resided in Ireland, had previously encountered a family matter problem, and are on social media; as the survey was applied through WhatsApp groups, Instagram, and Facebook groups. A short description of the research was done for the respondents self-select themselves, as the author could not arbitrate who have or not meet a family matter issue. Non-probability sampling was used to choose people connected with the field of business. (Kumar, 2002). In addition, those platforms was using for having a familiarity with the author of this paper.

The sampling technique enables us to precisely identify which people will be questioned. Obtaining information on a huge number of individuals or organizations is often impracticable — it would take much too long and be far too costly. The approach is to just ask a few of them and hope that their responses are reflective (or typical) of the others. Sampling is the process of choosing a small sample of individuals from a larger population. When picking a sample, there are various factors to consider. There are two distinct sampling techniques: probability sampling and non-probability sampling.

Whereas probability sampling approaches provide the most trustworthy representation of the whole population, non-probability procedures, which depend on the researcher's judgment or happenstance, cannot be utilized to generate population-wide generalizations. Non-probability sampling is based on non-random selection. This may be advantageous for certain investigations, but it gives a shaky foundation for generalization (Walliam, 2006).

Kumar (2002) says that the questionnaire specifies the precise questions to be asked. The survey in use includes closed-ended questions with multiple-choice answers. It included screening questions such as 'Do you reside in Ireland?' and 'what is your age?', which enabled the study's target demographic to participate. Ten inquiries were made.

The author of this study designed the applied survey. For seven days, the poll was made accessible online through WhatsApp and Facebook groups. "Social networking sites are advantageous because they enable researchers to target groups of individuals who have a common interest" (Denscombe, 2010, p. 17). It received a total of 108 responses.

In terms of data analysis, the study is quantitative. It also has application to phenomena represented in terms of quantity (Goddard & Melville, S. 2004). The literature review enabled an examination of the primary features of online mediation. Through the use of questionnaires, it was able to gather sufficient data to ascertain how human beings act in cyberspace when it comes to dispute resolution. The data gathered was analysed

through charts, line graphics, and tables. In order to show how popular online family mediation are in Ireland and comparing the proportions of some occurrences. For that, I have used Cross-tabulation, which is the most frequently utilized technique for quantitative data analysis. It is a popular technique since it employs a simple tabular format for inferring relationships between various data sets in the research study. It includes facts that are mutually exclusive or are related in some way.

3.8   Ethics

Participants in the survey were made aware of the nature of the study and that the information gathered would be used for academic purposes only, and that the data would be analyzed as a group rather than an individual. They were also told that this was a completely optional and anonymous study, and that they were free to quit at any point throughout the course of the survey. In order to be allowed to participate in the survey, the respondent had to acknowledge that they were aware of all of the preliminary information, and an email address was given in order to contact them if they had any questions or expressed an interest in the survey findings.

3.9   Research limitations

There were many limitations to this research that were discovered: Because of the use of convenience sampling, it is difficult and

inappropriate to generalize the findings. While non-probabilistic sampling does not invalidate the study, it does undermine the theoretical superiority of probabilistic sampling due to a number of application-related considerations. The data gathering and analysis, however, contributed to a better understanding of the realities of the study institutions and the topics they were studying. Furthermore, it was discovered that these respondents had a restriction in terms of their knowledge of the topic area. Furthermore, due to the emergence of the new Coronavirus pandemic, access to the library was limited.

Additional limitations include the inability to film or analyze participants' gestures and responses, which is an alternative method that might have given information about body language as they completed the questionnaire while utilizing online surveys.

It is important to note that, in any event, such information would not be considered a weakness of the research or a threat to its conclusion, but would instead be considered valuable.

This chapter describes the methods used in the creation of this study in terms of methodological approaches. As a qualitative research technique, a questionnaire that was conducted online using Google Docs and justified was given and justified.

As mentioned above the survey was conduct online to adults, who are social medias users. That raises a limitation in relation to the research question. As people who are on social media, they are familiar with the

cyberspace, and it could bring additional limitation to this study. However, due pandemic restrictions, conducting the survey online were best safest way to conduct this research.

This chapter describes the methods used in the creation of this study in terms of methodological approaches. As a qualitative research technique, a questionnaire that was conducted online using Google Docs and justified was given and justified.

The presentation of the data acquired by the used questionnaire may be found in the next chapter. In addition to their representation in charts and tables.

CHAPTER FOUR

Presentation of the data

According to Brickman-Bhutta (2012), as referenced by Denscombe (2017, p. 17), "online questionnaires allow survey research to be conducted quicker, cheaper, and with less support than ever before." The questionnaire was provided by Instagram, Whatsapp, and Facebook groups to adults over the age of 18 in Ireland. It received 108 responses in total. As Biggam proposed, the questions were closely related to the study goals (2018) in order to get insight into adult behaviour via the settlement of family conflicts. Additionally, participants were given demographic questions such as their gender, age, and residence in Ireland to elicit general data from the target audience's background. The questionnaire had 21 questions, which were divided in general information, questions about their behauvirol towards mediation and litigation.

4.1   Questionare's Charts

4.1.1 General Information

In the first question, people were asked if they live in Dublin or not. According to the survey, all the participants are currently living in Dublin. In the second Respondents were questioned their gender status as part of the demographic questions in order to ascertain the basic information about

the target audience. According to the poll results 79.6% of the individuals are woman and 19.9% are men; 0,9% of the responders preferred not to say their gender, as shown in figure 3.
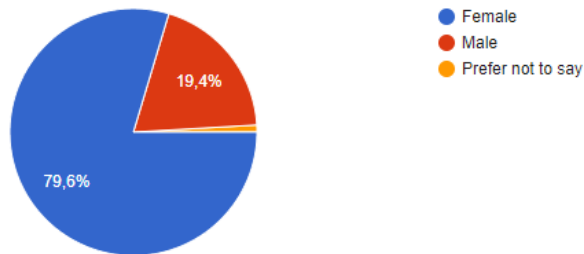
The question asked participants's age group. It was found that the majority (68.5%) of the participants are in between 29-39 years old, following for 18-28 years old (21,3%), and 40-49 years old (10,2%); as shown in figure 4.
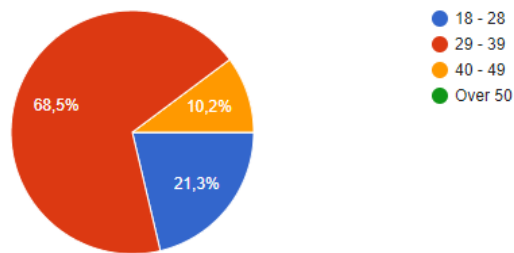
4.1.2   Mediation Session

After a brief description of what mediation is, people were asked if they have ever joined in any mediation process. The figure 5 demonstrates that the majority (74,1%) have never participated in any mediation process.
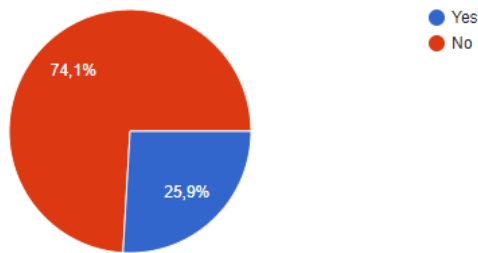
FIGURE 5 PARTICIPATION IN ANY MEDIATION PROCESS

The next two questions were for people who responded "yes" in the previous question; The researcher asked what have motivated people to mediate (Figure 6) and how satisfied they were by that moment (Figure 7) it is following above a graphic to illustrate the findings.
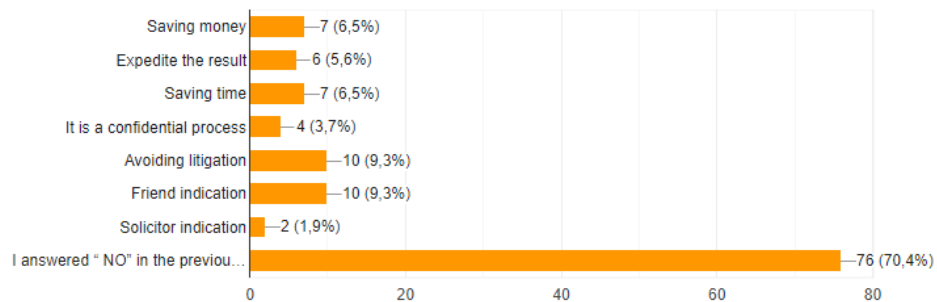

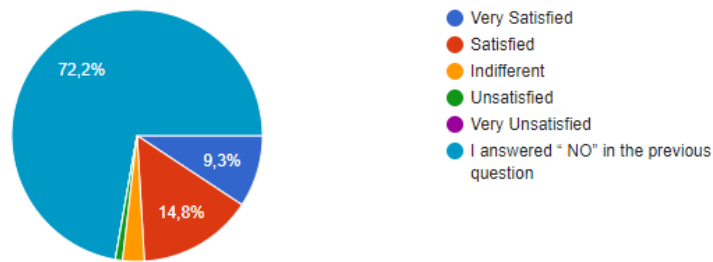**FIGURE 6 DISTRIBUTION OF MOTIVATIONS TO MEDIATE**

FIGURE 7 PARTICIPANTS' SATISFACTION WITH MEDIATION

4.1.3   Online mediation

Following a short explanation of what online mediation is, respondents were asked if they would be willing in participate in an Online Mediation. As shown in figure 8, although 7.4% replied that they would not be willing participate in online mediation, 69.4% of the respondents would be willing to do so, and 23.1% are unsure if they would or not participate in it.
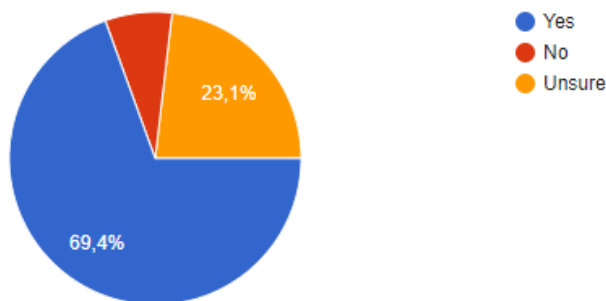

FIGURE 8 PARTICIPANT'S WILLINGNESS OF ATTEND TO ONLINE MEDIATION

The following question was for those who answered "yes" to the preceding question; people were asked to select alternatives indicating how they

would feel during an online mediation session. They could choose more
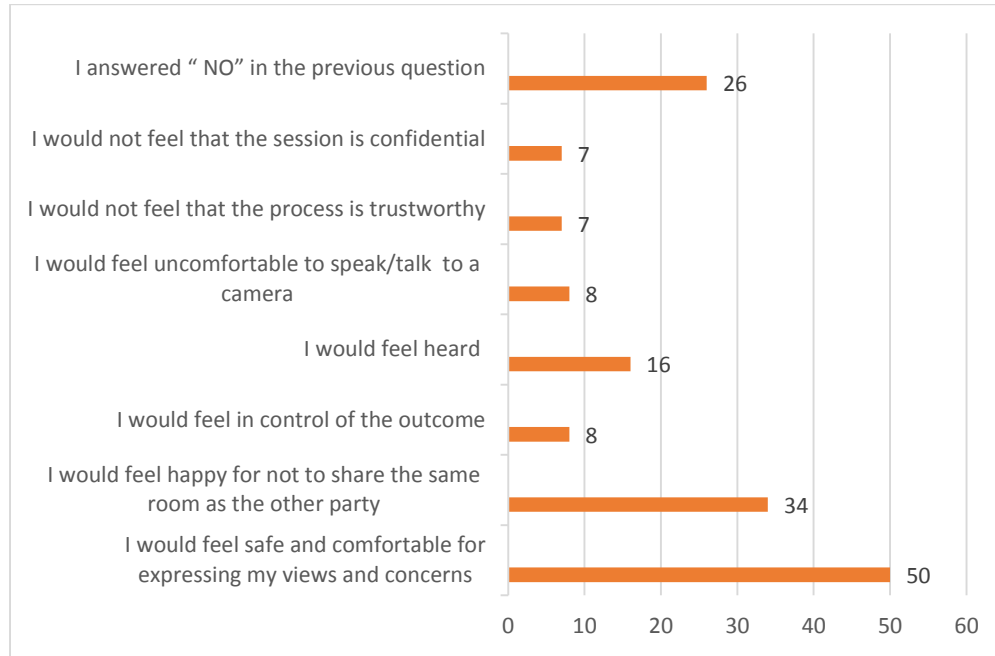than one option; the figure 9 shows the distribution.

FIGURE 9 HOW WOULD PARTICIPANTS FEEL ABOUT ONLINE MEDIATION

4.1.4   Family mediation session

Respondents were asked whether they had ever heard of Family mediation
after a brief description of what it is. The majority of respondents (57.4%)
have already heard about family mediation and 42% have never heard
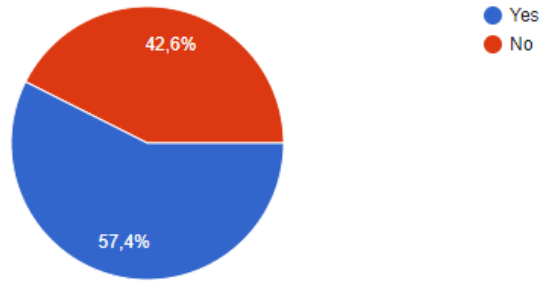about it, as shown in figure 10.

FIGURE 10 PEOPLE WHO HAVE HEARD ABOUT FAMILY MEDIATION

In the next question was asked if they would be willing to attend to online mediation to resolve family-related disputes. Just 13% of the respondents said that they would not participate. However, the majority (62%) would participate, sill 25%, that is quarter of the participants (Figure 11)
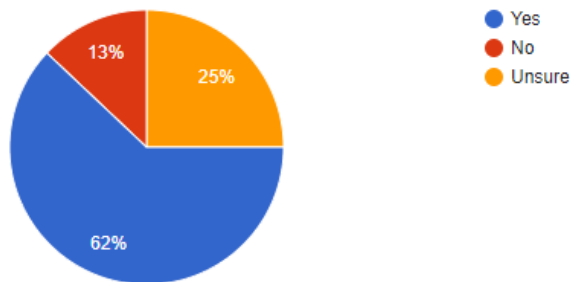
FIGURE 11 WILLINGNESS TO ATTEND ONLINE MEDIATION TO RESOLVE FAMILY-RELATED DISPUTES

The following three questions sought to understand why people would attend to online mediation to resolve a family-related conflict and which family-related matters would they resolve through it; on these questions, more the one option was possible. The figure 12, 13, and 14 illustrate the distribution of people answers.
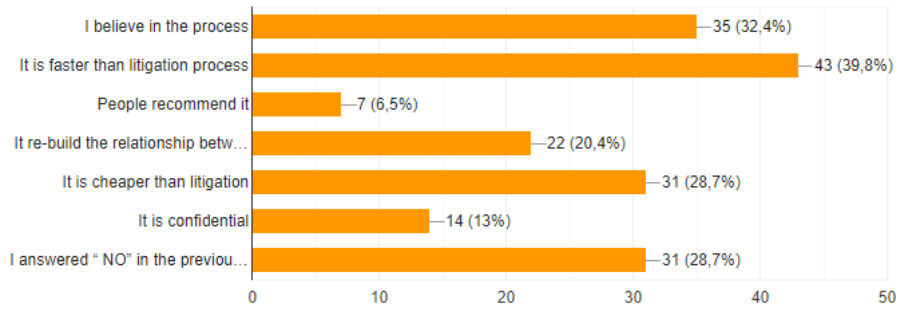
FIGURE 12 WHY WOULD PEOPLE RESOLVE FAMILY-RELATED DISPUTE THROUGH MEDIATION
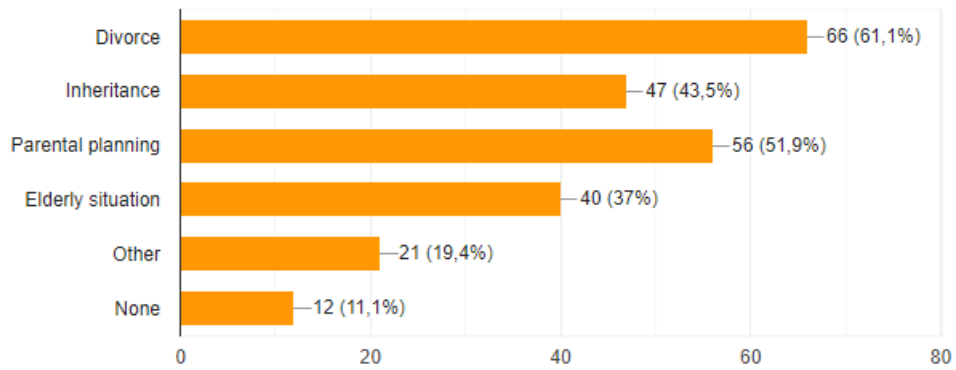
FIGURE 13 DISTRIBUTION OF FAMILY RELATED MATTERS THAT PEOPLE WOULD RESOLVE IN ONLINE MEDIATION
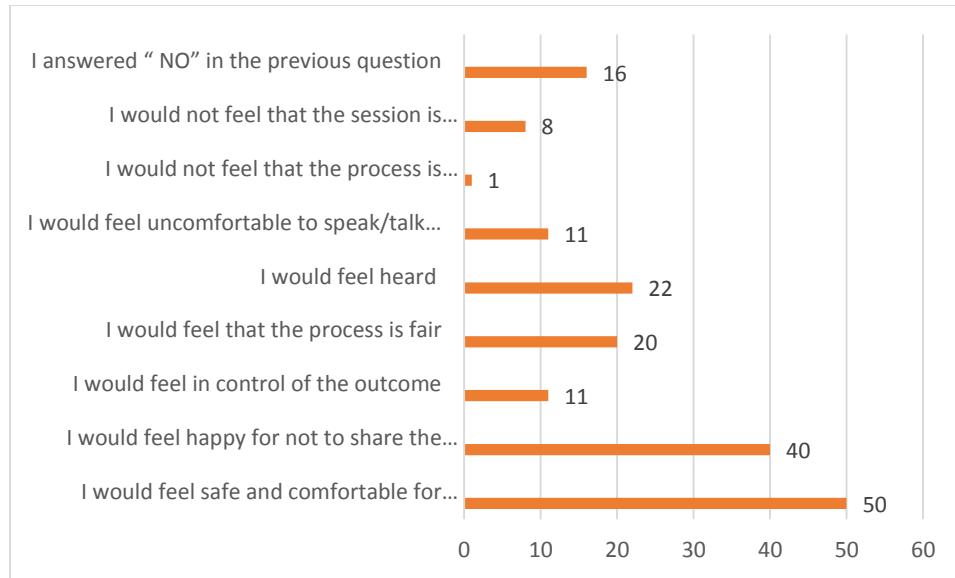
FIGURE 14 HOW PEOPLE WOULD FEEL SAFE AND COMFORTABLE FOR EXPRESSING MY VIEWS AND CONCERNS

The last two questions of this session was if the people have been in an online mediation session and if yes, how satisfied they were with the process. The results for that can be find in figure 15 and 16, respectively.
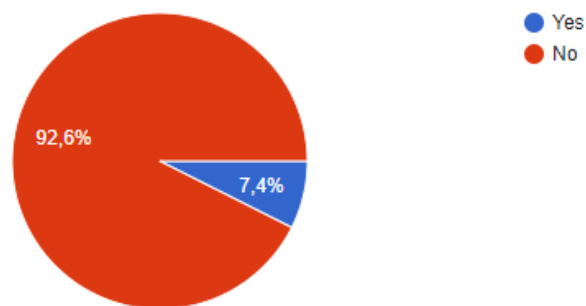
FIGURE 15 ONLINE FAMILY MEDIATION ATTENDANCE BETWEEN THE RESPONDENTS
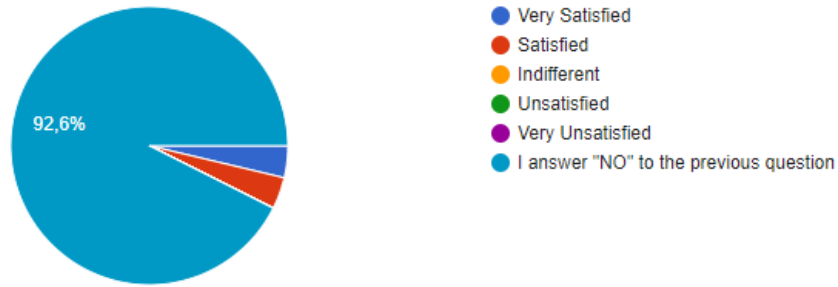
FIGURE 16 RESPONDENT'S SATISFACTION WITH ONLINE FAMILY MEDIATION

4.1.5   Litigagtion Session

The last session of the questionnaire also started with a brief description of litigation process, following by the question: "Are you familiar with litigation process?" Surprisingly, the majority of the participants (65.7%) said they are not familiar with litigation process, as shown in figure 17.
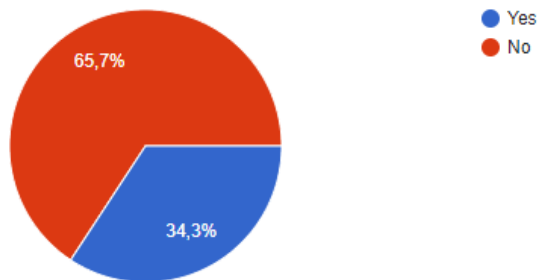
FIGURE 17   FAMILIARITY OF RESPONDENTS WITH LITIGATION PROCESS

When the participants were asked if they would be willing to resolve family matters through litigation, the majority (47.2%) are unsure, 26.9% replied that they would be willing to do so, as shown in figure 18.
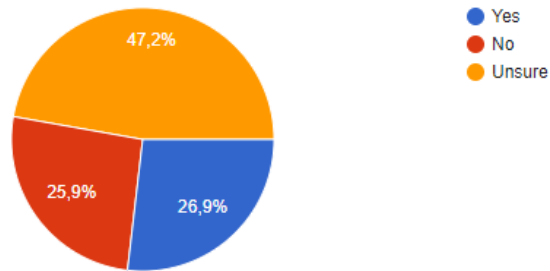
FIGURE 18 PARTICIPANTS' WILLINESS TO RESOLVE FAMILY MATTERS BY LITIGATION

Next, the researcher asked why they would or would not be willing to resolve family matters by litigation. In addition, respondents were asked to select more than one option if they want to. The figure 19, illustrates the answers.
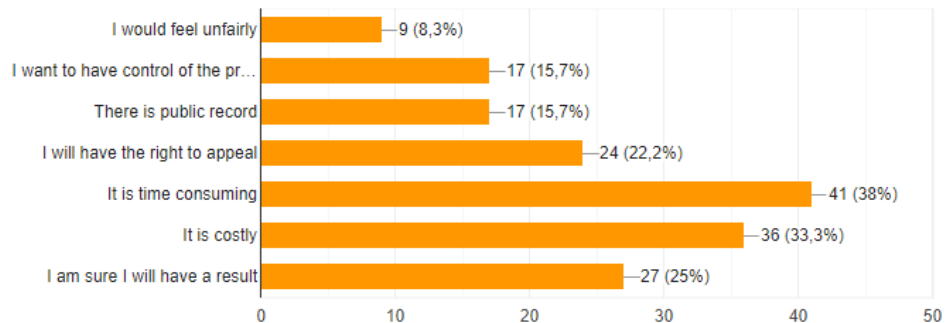
FIGURE 19 REASONS WHY RESPONDENTS WOULD OR WOULD NOT RESOLVE FAMILY MATTERS BY LITIGATION

Finally, the last two question of this session were asking if respondents have ever resolved a Family-relate dispute through litigation (figure 20) and if yes, how satisfied they were with that (figure 21).
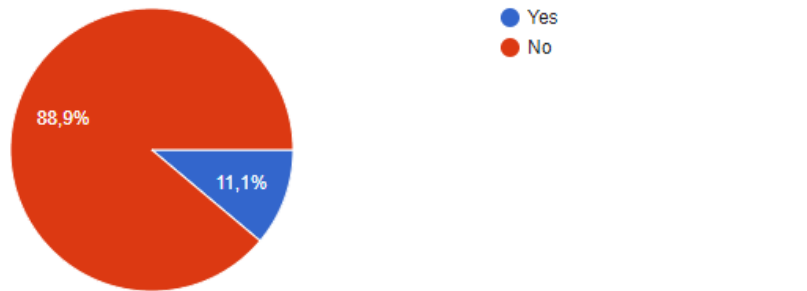
FIGURE 20 HAVE THE PARTICIPANTS EVER RESOLVED A FAMILY-RELATE DISPUTE THROUGH LITIGATION?
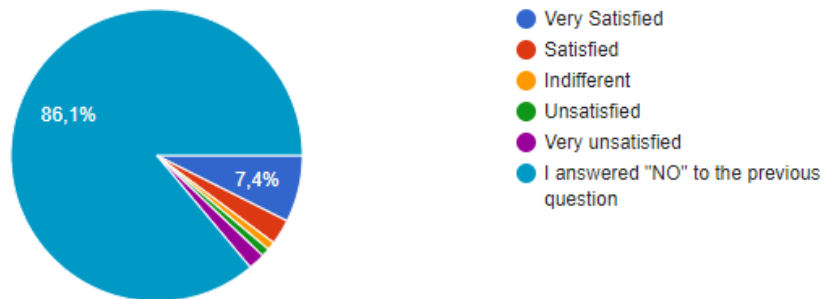
FIGURE 21 PARTICIPANTS SATISFACTION WITH LITIGATION WHEN RESOLVING FAMILY RELATED DISPUTES

Lastly, there was a space for the respondents leave any comments or thoughts about the topic. Nine of the 108 participants left a comment. A selection of the most relevant comments is found below:

- "Usually we tend to think that family mediation is only about divorce and parental planing, but is much more than these. Could involve family business, elderly situations, money, properties, etc.

I think online mediation could be very efficient, especially in a pandemic situation. Online mediation doesn't mean that is less reliable or efficient. The process must be updated and modernised adapting to the digital era."

"I tend to disagree on that virtual mediation is more secure than the physical one. This is in the sense that anything stored online can easily be hacked and subject other people's information and confidentiality to the public. An instance could be the case of the HSE website being hacked and exposing people's health issues."

- "Family mediation also takes time as there are usually a lot of people on waiting list for appointment but it's little better for people with anxiety problem and the court environment is not a mentally/emotionally easy one."

- "In general, family cases involving disputes and resolutions are made simpler through the online process and embedded technologies."

- "Mediation is very helpful specifically in family matters. 1: It provides disputants a chance to resolve issue before going into the Court. 2: Family matters are somewhat confidential so confidentiality of the meditation process makes this more convenient."

The findings presentation includes some evidence that will be compared to the literature review and discussed in the following chapter.

CHAPTER FIVE

Findings: questionnaires' results

Following data collection, it is necessary to organize the information so that it can be examined and processed in order to answer the research question. The findings of the study will be summarized in this chapter. These findings will include the popularity of online mediation in Ireland, how individuals feel about attending online mediation sessions to address family issues, and how they feel about resolving the same disputes through traditional litigation methods, amongst other things.

A total of 108 people responded to the questionnaire, all of whom are currently residing in the Republic of Ireland. According to the results of the questionnaire, the majority of respondents are female and between the ages of 18 and 39. A further problem was that no one over the age of 50 responded to the questionnaire.

When asked if they had been involved in any type of mediation process, slightly more than a quarter of respondents, or 25.9 percent, stated that they had taken part in a mediation session. Additionally, according to the responses, the most common reasons for attempting mediation are to "avoid litigation" and "refer a friend," with "saving money" and "saving time" coming in second and third place, respectively. The confidentiality of the process was cited as a motivator by a small number of respondents (3.7 percent). Three respondents chose indirect mediation over direct mediation, and only one responded that they were dissatisfied with the

process. As a result, the vast majority of participants had a positive experience with mediation.

When asked whether they would be willing to participate in an online mediation, 69.3 percent of respondents said they were not; however, 23.1 percent said they were unsure whether they would participate or not. When those who answered affirmatively were approached, the researcher asked them which phrase best described them. In particular, half of the respondents stated that they would not object to online mediation because they felt comfortable and secure expressing their thoughts and opinions online. Additionally, because they are not required to share a physical space with the other party, people feel more secure and satisfied when they use online mediation services. Being heard would also not be a problem for 14.8 percent of those who took part in the survey. Only 6.5 percent of those who took part in the survey expressed a lack of confidence in the online process. Finally, a small percentage of respondents (7.4 percent) stated that they were uncomfortable speaking in front of the camera.

Another finding was that 57.4 percent of those who answered the survey had heard of Family Mediation, indicating that it is a relatively common practice. A further finding of the survey was that only 13 percent of respondents said they would not be willing to resolve family conflicts through online mediation, indicating that the vast majority of people believe Family Online Mediation is well-liked. The fact that online family mediation is more flexible than traditional litigation is the primary reason

why these individuals prefer it over traditional litigation. Additionally, 32.4 percent of respondents express confidence in the process and, as a result, support online mediation. Surprisingly, only 13 percent of those who took part in the process were concerned about the process's confidentiality. Only 20.4 percent of those who took part in the mediation process thought it was important that the process helped the parties rebuild their relationship. However, because mediation is less expensive than litigation, 28.7 percent of those who answered the survey said they would prefer it over litigation.

Most people (61.1 percent) would resolve divorce as one of the numerous conflicts that can be resolved through online family mediation, followed by parental planning, which is frequently associated with divorce, and then other issues. The majority of participants (43.5 percent) and the elderly (37 percent) said they would seek mediation if they were involved in a family law dispute involving inheritance. Only a small percentage of people would refuse to take any of the subjects on the list, and 19.4 percent would take subjects that were not on the list.

A small number of people (7.4 percent) responded that they would not consider an online family mediation session to be confidential, indicating that process confidentiality is not the primary concern of most people when asked how they felt about online family mediation. While some respondents (10.2 percent) stated that they would be uncomfortable speaking in front of a camera, 37 percent stated that they would prefer not

to share space with the other party during the interview. In addition, it was discovered that nearly half of the participants (46.3 percent) would have no problem expressing their opinions and concerns if the opportunity presented itself. It is difficult to pin down what motivates people; however, the survey discovered that only 10.2 percent of respondents felt in control of the outcome. Despite the fact that online family mediation is extremely popular in Ireland, only 7.4 percent of participants have actually attended a mediation session. This raises the question of whether the remaining 92.6 percent of the population was required to use or chose another method of resolving the dispute. All of the participants expressed complete or extreme satisfaction with their experience.

The graph below (figure 21), in which orange represents the litigation process and blue represents online mediation, demonstrates that people are even more resistant to online mediation than to the litigation process. When compared to online mediation, the proportion of respondents who are unsure or unwilling to resolve family-related conflicts is significantly higher. Additionally, by examining why people are more receptive to online mediation than to the litigation process, it was possible to determine that the time and expense associated with the litigation process is most likely why people prefer online mediation. Another significant finding from this study is that people would prefer online mediation over litigation because they are not in the same room as the other party, which leads us to

believe that family members feel more secure in mediation than they do in court-based settlements.

Online mediation compared to court based settlement: family members' willingness to attend to dispute resolution
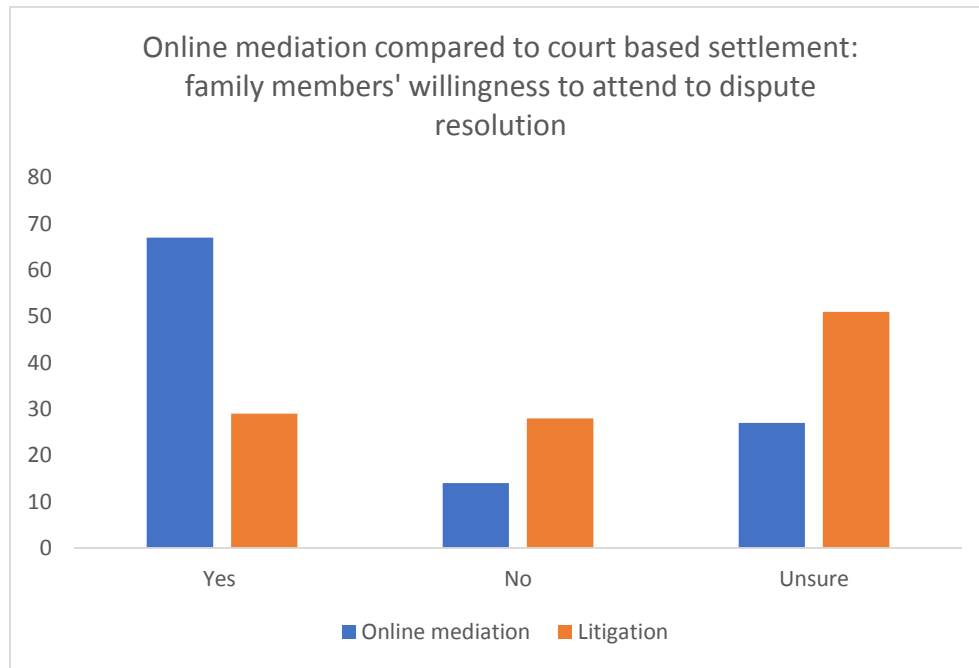
FIGURE 22 FAMILY MEMBERS' WILLINGNESS TO ATTEND TO DISPUTE RESOLUTION

Regarding the level of satisfaction among people who have participated in online mediation and litigation was compared; it was found that people are more satisfied with online family mediation than with litigation. It is worth noting that more people have taken part in litigation processes than in online mediations. That means from the eight people that have joined online family mediation process, four were very satisfied and the other half answered they were satisfied. Nonetheless, twelve people have resolved a Family-relate dispute through litigation. From that, eight were very satisfied, three satisfied, one were indifferent, one unsatisfied, and two very unsatisfied. With is, it is observed that people are generally more

satisfied with online family mediation than they are with the litigation

process, as there are no negative responses on the satisfaction scale.

CHAPTER SIX

Discussion

The outcomes discussion is a critical element in any research process since it enables the researcher to emphasize, debate, and compare the most relevant facts gathered throughout the inquiry. The data were gathered using a questionnaire that was completed by 108 individuals. Carmo and Ferreira (1998, p. 213) define descriptive research as "studying, comprehending, and explaining the existing state of the topic of inquiry." To ensure that the information is clear and simple to comprehend, this chapter is organized around the precise goals specified in the introduction and includes a comparison of the acquired primary data with the previously given literature study. With the overarching goal of analyzing and determining if, individuals may express their ideas and concerns in an online family mediation session in a secure manner.

6.1 Objective 1 – To describe online mediation

As discussed in Chapter 1, online mediation is a method of mediating disputes using an online platform. Thus, the sole distinction between mediation and online mediation is the absence of a face-to-face encounter. Online communication has grown more accessible because of technological advancements, which has aided in the expansion of

movements such as ODR. If we consider the present environment of the pandemic (COVID-19), in which face-to-face contact was limited to the absolutely required, the ability to resolve problems with the same efficiency as in-person interaction is useful. Additionally, it advances the field of online mediation. In other words, in the current day, matters should be adjudicated online to facilitate communication and to adequately manage the volume of complaints (Van den Herik, Plaat, Levy, & Dimov, 2014). On the whole, the examined research do not provide a clear definition for ODR. Typically, ODR refers to a method through which disputes are resolved over electronic networks such as the Internet (Xu, & Yuan, 2009).

Bollen, Verbeke, and Euwema (2014) examined the efficacy of an asynchronous efacilitated mediation. They employ a survey to ascertain objective measures such as the number of agreements achieved and subjective opinions of distributive, procedural, interpersonal, and informational justice. Although this study examined mediation with a real person as the mediator, it has implications for future research because not only the number of agreements reached is an indicator of mediation's performance, but also conceptions of justice associated with mediation contentment and agreement compliance.

According to Verma, Banwari, and Pande (2018), online conflict resolution has evolved to address disagreements not just coming from online communication but also from offline interactions. In this approach,

a mediator's communication style must be adapted to the online setting. For the mediator, effective listening skills and the capacity to ask pertinent and pointed questions are crucial for providing understanding to the parties involved. Additionally, legal professionals involved in conflict resolution profit from online dispute resolution approaches since they increase their efficiency in settling disputes, which results in happier and more pleased customers. Online dispute resolution has undoubtedly alleviated courtroom and judge workloads and increased their efficiency in resolving conflicts. The questionnaire results confirmed this, as a quarter of those who participated in mediation did so to save time and money, demonstrating that society today desires faster processes in addition to resources. It is believed that the internet increased life's dynamic nature, necessitating faster processes.

6.2   Objective 2 – To determinate how popular online mediation is in Ireland

Financial conflicts, construction disputes, job conflicts, personal injury claims (including medical malpractice claims), and family difficulties have all benefited from mediation. Aside from that, mediation is gaining popularity in a wide range of industries, including banking, competition, minor claims, and e-commerce conflicts. Numerous problems that would otherwise be unresolvable may be handled via the use of totally online

mediations. This is especially true for conflicts involving geographically scattered parties or where the monetary value of the issue is inadequate to support face-to-face sessions. This is shown when the majority of those who responded to the questionnaire had heard of online family mediation and want to engage in one. This number contrasts with people's familiarity with the litigious process, which most people who participated in this survey are unaware of it.

According to Heffernan (2011), mediation has become the preferred method of Alternative Dispute Resolution (ADR) in Ireland and some other jurisdictions. She maintains that the Irish judicial system has a moral obligation to explore alternative methods because our courts can no longer provide the essential services they once did. The adage "justice delayed is justice denied" is a good one. All effective legal systems are predicated on a reasonable expectation of prompt judicial relief, with each client entitled to reasonable access to the judicial system. It was, however, written prior to the 2017 Mediation Act, which addressed this need to relieve the traditional justice system.

According to O'cconell (2017), alternative dispute resolution received its most significant boost to date when the European Commission launched its platform to assist consumers and merchants with online purchase disputes. The ODR platform produces a single point of contact for EU consumers and merchants to resolve domestic and international online purchases disputes.

Online dispute resolution mainly keeps costs down in terms of location and allows for dialogue at the parties' convenience. Otherwise, in face-to-face discussion/dispute settlement, one side may have a significant advantage in terms of location/environment and hence influence the resolution process significantly in his or her favour. Additionally, the current study discovered that individuals would be content not to share a room with the opposing party. Nonetheless, Gramaticov and Klamingg (2012) indicate this as insufficient space for emotional expression. Thus, online communication, in this sense, mitigates the power disparity and discomfort associated with face-to-face conflict. Online conflict resolution provides a comparable environment for all parties, allowing them to stay in their comfort zone. Additionally, it facilitates communication between the parties involved in a secure environment (Verma, Banwari, and Pande, 2018).

Despite this, this survey discovered that just a minority of participants (7.4%) would feel uneasy communicating online during a mediation session. Due to the nature of internet communication, online conflict resolution has significant restrictions. It has several drawbacks over face-to-face engagement for resolving disputes. Another disadvantage of online mediation is that it is very vulnerable to internet security concerns about privacy and confidentiality since it is web-based. Here, the discussion's secrecy is jeopardized, and some critical information is spilt to uninvited parties. Nonetheless, this survey showed that just a tiny percentage of

respondents (6.5%) believe the procedure is untrustworthy. Thus, according to this research, the limitations of online mediation do not deter the majority of individuals from using it to resolve a dispute.

6.3 Objective 3 - To evaluate if people feel safe in a mediation environment during family dispute resolution

Much has been stated about family mediation's emotional component, and dealing with this feeling almost likely cannot be the optimal circumstance. When dealing with emotions, one must choose which behaviors to use and the extent to which those behaviors affect other people's feelings. Individuals choose their behavior toward themselves and others and then examine whether they are responding to negative or positive emotional inputs. If the behavior elicits favorable feelings, the likelihood of achieving agreement, for example, increases significantly. As a result, it becomes vital to change this negative emotion into a positive one. Additionally, Cloke (2002) argues for delving deeper into experiences in order to ascertain their reality. As consequence, it regards conflict as an opportunity for development. Individuals are just outraged about something they care about, according to this approach. Thus, it utilizes anger to elicit an examination of the individual's worries, then leverages the hurts, which may include grief, loss, suffering, or guilt, to fulfill everyone's most basic desire: to love and be loved, and finally to reframe the conflict.

The mediator's ability to deal with emotions should be emphasized, since digitally dealing with emotions is still novel in our culture. Although this is changing on a daily basis, there is still a common understanding of the distinction between actual and virtual connections. The social media platforms themselves demonstrate this transformation on a regular basis. As a result, this study is critical. In that regard, this research discovered that the majority of participants would feel comfortable discussing their perspectives, worries, and grief during an online conversation. When considering the qualities of a mediation, the preservation of the parties' connection stands out. Which it is critical in family mediation since the parties almost certainly had a connection previous to the disagreement. Particularly in divorce situations involving children. Fairness is a relative term. Due to the fact that individuals have varying standards and limits for things, the mediation session becomes an individual and customized process in which the parties agree, with the assistance of the neutral third party, on what is or is not fair. In this sense, self-determination is critical to the effectiveness of mediation.

It is then up to the mediator to ascertain the parties' requirements in order to steer them toward a resolution. Stuberg (1998) classifies fairness into three components: a legal framework, substantive distributional principles, and procedural safeguards. He believes that in order to define fairness, the three aforementioned characteristics must be mutually agreed upon by the parties. Shapira (2012) concurs that the mediation process must be fair.

Additionally, the user of mediation publications and rules of ethics for mediators may become overwhelmed by the multiple references to fairness and might even seriously question what these various facets of fairness have in prevalent and what mediation research scholars and rules framers intended when they used the term "fairness." As previously said, the notion of justice is multifaceted. Additionally, one of them is justice, which is sometimes symbolized by evenly weighted scales of justice. Themis, the Greek goddess of justice, was typically shown with scales on which she weighed the many components of an argument. Philosophers, academics, have debated the definition of justice for centuries and lawyers, and several views exist. Fairness and justice are synonymous in this research. Additionally, a majority of individuals (18.5 percent) believe that the mediation procedure is fair. Thus, one might infer that each individual has their own scale of justice, which is influenced by their culture and experiences.

Nonetheless, in the litigious process, there is only one criterion for justice: the judge. Thus, this is one of the primary distinctions between litigation and mediation. According to the present study, the litigation route generates considerable doubt, as 47.2 percent of respondents are unsure whether they would choose to litigate the dispute. This is not because of a sense of justice, but rather because the litigation process is extremely time consuming and costly. One of the changes brought about by the Mediation Act 2017 was the requirement for solicitors to present mediation as a first

option before bringing family disputes to court. There is some debate over whether this is beneficial for mediation. This is not, however, the purpose of this study. Nonetheless, the nine Act has resulted in a greater number of people attending mediation than ever before. This is a way to alleviate the burden on the traditional justice system.

When contrasting mediation and litigious procedures, there is a tendency to portray mediation as the "better" option and the adversarial process as the "worst." However, it is unjust for both systems to make such a crude judgement. It should be emphasized that mediation is not always suitable or practicable, depending on the nature of the issue. Even if mediation may proceed, there is no guarantee that an agreement will be achieved. Mediation has several restrictions, and the outcome varies each situation. In many circumstances, the legal option should be used rather than mediation. There are significant distinctions between litigation and family mediation, which contribute to the well-known benefits of family mediation for dispute resolution.

Thus, whereas the parties are considered as enemies throughout the legal process, they are urged to pursue shared interests during mediation. On the other hand, in litigious instances, attorneys identify the problems in legal terms, while the parties explain the concerns in their own words extrajudicially. Judicially, the viewpoints further alienate them from the spouses, contrary to what is confirmed in family mediation, which enables reductions and the establishment of bridges. Alternatively, the families,

that the divisions are bridged. In contrast, judicial procedures are governed by strict legal norms, while extrajudicial processes are informal, secret, and adaptable. The judicial approach focuses on past damages and offenses, while the extrajudicial path focuses on future solutions. Litigious procedures prolong conflict and stress states, while family measurement resolves conflict and reduces tension.

Thus, mediation may be seen as a strategy for bridging gaps in the legal process. There is an increasing shortage of room for listening and debate about the rising divorce rate, as well as about loneliness, a lack of knowledge, and a lack of connection within the family.

CHAPTER SEVEN

Conclusion and Recommendations

The family has always been important to society's existence. Family dynamics attempt to give humanity with the required skills for overcoming the hurdles and institutional obstructions that frequently stand in the way of growth, development, and the complete and concrete embodiment of family life. In this way, it is claimed that modern society cannot avoid its duties, leaving an unanswered question for future generations. The family expects and encourages the community's responsibilities and dedication to it. As society has evolved over time, the family has adapted and adjusted itself to the new realities and specific challenges that have developed.

Without a doubt, humanity has worked hard to organize and modify its actions in response to changing structural and functional realities inside the family. Family mediation as a way of resolving differences is a reaction to society's growth and the practical issues that have resulted.

Family mediation supports similar interests, straightforward language, listening and speaking up, dispute resolution, and relationship development. Processes are more informal, private, adaptive, and efficient, which reduces stress and saves money. Family mediation allows for a more inclusive and cooperative decision-making process in which all options are examined while looking for future solutions. It is true that mediation is not always suitable or possible, since it is reliant on the nature of the issue and

the desires of the parties.Even if it is practicable, concluding it or reaching an agreement may not be achievable.

It has been discovered that family mediation offers many advantages that allow us to regard it as a viable way of dispute resolution. Thus, when we say that family mediation is voluntary, quick, and inexpensive, that it promotes consensus, avoids the perpetuation of conflict, facilitates communication, fosters the father-child bond, generates creative alternatives, and brings justice closer to the citizen, that it is not overly bureaucratic, informal, that it promotes confidentiality and security, that it is confidential, that it encourages the maintenance of relationships in family law, and that it places a premium on cooperation. Because of its outstanding architecture, this tool is certain to prosper. Furthermore, it is suggested that online mediation is a result of current global developments, which entail the development of new tools and, as a result, innovations in modes of engagement and conflict resolution approaches. Furthermore, because offline mediation methods are unaffected by the use of technology, they may be applied in online conflict resolution. They can be used in a number of settings, i.e. in different grounds of disagreement. Online mediation, in essence, follows the same concepts as traditional mediation (autonomy, impartiality, secrecy, morality, informality, and informed decision-making). As a result, there is no way to discuss a fresh type of mediation. Technology-assisted conflict resolution is not only akin to a face-to-face method.

However, it does change the connection and the abilities needed to handle communication and information exchange, which may have an impact on both parties and mediators.

Mediation has helped with financial concerns, construction conflicts, job challenges, personal injury claims (including claims for medical malpractice), and marital problems. Aside from that, mediation is growing popularity in a wide range of industries, including banking, competition, minor claims, and e-commerce disputes.

This is especially true in disputes involving geographically dispersed locations parties or where the monetary value of the issue is inadequate to warrant in-person discussions. Because the courts are no longer capable of providing critical services, the Irish legal system has a moral obligation to examine alternative ways.

All efficient legal systems are based on a fair expectation of fast court remedy, with each client having a reasonable right to alternative conflict settlement. The European Commission's framework for assisting consumers and merchants with online purchase complaints has given alternative dispute resolution its most substantial boost to yet. According to this study, the limitations of online mediation do not deter the vast majority of people from using it to settle a disagreement.

The emotional component of family mediation and coping with this feeling almost likely cannot be the greatest circumstance. Individuals choose their own and others' behaviour and then decide whether to react to negative or

positive emotional stimuli. If one's behaviour, for example, elicits positive emotions, the chances of reaching an agreement increase considerably. For, by provoking an evaluation of the individual's worries, anger may then be utilized to leverage the individual's wounds, which may include sadness, loss, suffering, or guilt, in order to fulfil everyone's most fundamental desire: to love and be loved, and, eventually, to reframe the dispute.

Because digital dealing with emotions is still in its early stages, it is vital to emphasize the mediator's ability to deal with them.

Because people have different standards and boundaries for things, mediation becomes a personalized and tailored procedure in which the parties agree on what is and is not fair with the assistance of a neutral third party.

Because of the high structural complexity of common law, the related procedural expenses, and the compelling need for a timely and successful resolution, online mediation is the best way for resolving a significant number of the resisted claims that burden the Judiciary. They divert the State's attention away from conflicts in which its intervention is essential. Without a doubt, online mediation is a fantastic "remedy" for balancing social relationships and, as a result, disturbing the litigation culture of Irish society. Finally, people may feel safe sharing their ideas and concerns about online family conflict resolution. More experimental research is needed to assess if online mediation has expanded as a result of the Covid-

19 limits and will continue to develop. Alternative forms of composition are now seen not just as an extrajudicial mode of composition, but also as a mode of composition inside the process itself, as a strong weapon for attaining justice. This environment is ideal for judicial conciliation and mediation.

Reflection

During the Dispute Resolution Masters course, I acquired vast knowledge about how important and relevant it is to mediate conflicts and seek the best resolution alternatives for those involved. Therefore, given the present research, I was pleased to dive deeper into online mediation in a Family scenario. It is a subject that I have been interested in and have enjoyed learning more about since I have joined this curse. Honestly, I didn't expect to have a course wholly conducted online. But these were the conditions at that time of the Pandemic. Dealing with the uncertainty of this period and the lack of face-to-face contact with teachers and classmates was extremely difficult throughout the course. And that's what motivated me to research Online mediation. Overall, I am satisfied with my performance in the course as a whole. Finding the ideal balance between work and dissertation was often challenging. I had not yet experienced working and studying simultaneously, let alone doing all of this away from my family. I'm sure I am finishing this study with many skills that I wouldn't have developed if it wasn't for the Masters.

For this research to be carried out, I was required to read extensively on the themes of conflict in the family, mediation tools, legislation for mediation, mediators' interviews. These readings provided me with a refresher and update on these subjects, contributing to my professional improvement. Many times it was not easy to access the literature required. In addition to the practical benefit of keeping myself up-to-date and

developing in this field, such readings and conducting the research led me to self-evaluative reflections and questions such as: Am I applying my knowledge in m daily life? How can I improve my posture in the face of conflicts? How can I avoid or minimize the negative impacts of dispute? These reflections also propelled me towards personal and social development. Some confusing regarding research methodology also came up on the first submission, which I spent hours with my colleagues and reading to clarify as much as possible all the terms.

However, "the path is not just strewn with roses". During the research process, I came across some aspects that challenged me. The English language barrier that is still present in me, managing the pressure of delivery time and structuring all the ideas and analysis of the research clearly and concisely, were constant challenges that I had to deal with, all of which had a medium-level of difficulty. In particular, the last point was quite challenging, as the survey had a high expected target audience and was just for people who live in Ireland.

As a high level of difficulty, I would rate the concerns and anxieties arising from the worldwide Pandemic of the new coronavirus. Paired with that, however, there was a situation that there is no way to measure, being far from my family during this time of stress. My father and mom are everything for me, and do not hug them during this were so tricky for me. I often found myself unable to focus or concentrate while writing this

thesis, thinking about my parents and what it would be if they were here with me.

Nevertheless, as the Brazilian writer Paulo Coelho says, "if you just walk on sunny days, you will never reach your destination". Therefore, amid difficult moments and thoughts of giving up, it was necessary to keep walking, or rather, researching, analysing and writing until reaching this stage of writing this reflection. Finally, I describe my feelings today, making a connection with the Masters.

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APENDIX

A – Survey Question

Online Family Mediation in Ireland: Would people feel safe in engaging online mediation in family mediation disputes?

MASTER OF ARTS IN DISPUTE RESOLUTION

IMPORTANT NOTES

Purpose

This research has an academic purpose only.

There is no direct benefit from answering the questionnaire, but your participation will have an importance in the development and further understanding of the topic.

Confidentiality

Any answers provided will be sent to a link at Google Forms, and the data collected will be stored online in an electronic format protected by a password. The platform will not collect information such as name, email address or IP address. As a result of this, all responses are completely anonymous, and no identification is required.

Aim

This research aims to identify if having mediation skills could be helpful in a managerial position when resolving conflicts.

Concerns

In case you have any doubts or concerns in relation to this research, you are welcome to contact the research supervisor Paul Crowther (Paul.Crowther@independentcolleges.ie) and the research candidate Mariana Santos (marifranciscosantos@gmail.com), who is a registered student at Independent College Dublin undertaking the degree of Master of Arts in Dispute Resolution.

In case you feel that this research has not been able to maintain ethical principles, please contact Independent College Dublin at the contacts below:

Independent College Dublin at Block B, The Steelworks, Foley St, Dublin 1, or by email: info@independentcolleges.ie

Proceeding with the questionnaire, you are automatically indicating that:

You have READ and AGREED with the above information.

You agree to participate in this research VOLUNTARILY.

You are 18 years or over

Thank you for your time and for assisting me in the completion of my Master's Degree.

1. Do you live in Ireland?

a. Yes

b. No

2. What is your gender?

a. Female

b. Male

c. Prefer not to say

3. What is your age?

a. 18 – 28

b. 29 – 39

c. 40 – 49

d. More than 50

Mediation is a kind of alternative conflict resolution in which an impartial third party (the mediator) applies methods to help parties in resolving their disagreements without imposing a conclusion. The outcome of the mediation is dependent upon the parties.

4. Have you ever joined in any mediation process?

a. Yes

b. No

5. If yes, what motivated you to participate in the mediation? More than one answer is valid.

a. Saving money

b. Expedite the result

c. Saving time

d. It is a confidential process

e. Avoiding litigation

f. Friend indication

g. Solicitor indication

6. How satisfied were you with the mediation?

a. Very Satisfied

b. Satisfied

c. Indifferent

d. Unsatisfied

e. Very unsatisfied

Virtual mediation is a method in which parties may resolve their issues online without having to attend in person. Meetings are held by video or teleconference, and all document submissions are handled using a secured, cloud-based platform accessible over the internet.

7. Would you be willing to participate in an online mediation?

a. Yes

b. No

c. Unsure

8. If you answer yes, which of the sentences below describes you best? More than one option is possible.

a. I would feel safe and comfortable for expressing my views and concerns

b. I would feel happy for not to share the same room as the other party

c. I would feel in control of the outcome

d. I would feel heard

e. I would feel uncomfortable to speak/talk to a camera

f. I would not feel that the process is trustworthy

g. I would not feel that the session is confidential

h. I answered " NO" in the previous question

Family Mediation is a process in which an independent, neutral Mediator assists two or more disputing parties in resolving the Family-related dispute in a collaborative, consensual manner. The dispute could involve any family-related issue, such as inheritance, childhood and vulnerability, divorcing, and elderly situation.

9. Have you ever heard about family mediation?

a. Yes

b. No

10. Would you be willing to attend online mediation to resolve family-related disputes?

a. Yes

b. No

c. Unsure

11. If you answer yes, why would you attend do online mediation to resolve a family-related dispute?

a. I believe in the process

b. It is faster than litigation process

c. People recommend it

d. It re-build the relationship between the participants

e. It is cheaper than litigation

f. It is confidential

g. I answered " NO" in the previous question

12. Which of the family matters would you use online mediation to resolve? More than one answer is possible

a. Divorce

b. Inheritance

c. Parental planning

d. Elderly situation

e. Other

13. How would you feel about using online family mediation? More than on answer is possible.

a. I would feel safe and comfortable for expressing my views and concerns

b. I would feel happy for not to share the same room as the other party

c. I would feel in control of the outcome

d. I would feel that the process is fair

e. I would feel heard

f. I would feel uncomfortable to speak/talk to a camera

g. I would not feel that the process is trustworthy

h. I would not feel that the session is confidential

i. I answered " NO" in the previous question

14. Have you been in an online family mediation sesseion?

a. Yes

b. No

15. If you answered yes, how satisfied were you with it?

a. Very Satisfied

b. Satisfied

c. Indifferent

d. Unsatisfied

e. Very unsatisfied

Litigation is the process of bringing a legal issue to court. If parties cannot agree on a fair and appropriate resolution to a disagreement, they will submit their respective claims to a court for a decision.

16. Are you familiar with litigation process?

a. Yes

b. No

17. Would you be willing to resolve family matters by litigation?

a. Yes

b. No

c. Unsure

18. Why would you be willing to resolve family matters by litigation? Or Why would not you be willing to resolve family matters by litigation? More than one answer is possible.

a. I would feel unfairly

b. I want to have control of the process

c. There is public record

d. I will have the right to appeal

e. It is time consuming

f. It is costly

g. I am sure I will have a result

19. Have you ever resolved a Family-relate dispute through litigation?

a. Yes

b. No

20. If you answered yes, how satisfied would you be?

a. Very Satisfied

b. Satisfied

c. Indifferent

d. Unsatisfied

e. Very unsatisfied

21. If you would like to add any comments or thoughts feel free.