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Miranda Sapoznik

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MEDIATION IN THE METAVERSE: THE FUTURE OF ONLINE DISPUTE RESOLUTION?

Miranda Sapoznik

The technological revolution was propelled following the inception of the COVID-19 pandemic.¹ The wide-spread disruption of everyday functioning highlighted the need for virtual means of connection, consequentially altering communication norms across almost all arenas.² Justice systems across the globe were no exception to this shift, as online dispute resolution (“ODR”) became a necessary mechanism to address legal conflicts.³ As ODR became the new normal in alternative dispute resolution (“ADR”), various digital platforms developed to accommodate the growing need.⁴

ODR has even entered the metaverse.⁵ The metaverse is a newly developing, 3-D-enabled, digital forum which uses augmented reality, virtual reality, and other advanced technology to enable individuals to generate lifelike interpersonal and business connections online.⁶ Innovators at the Abu Dhabi Global Market (“ADGM”) Arbitration Center utilized this contemporary online universe to create the first virtual mediation center within the metaverse.⁷ The program uses the latest Web3 technology to enhance the virtual mediation experience by inviting participants into a

¹ *Experts Say The ‘New Normal’ in 2025 Will Be Far More Tech-Driven, Presenting More Big Challenges*, PEW RSCH. CENTER, (Feb. 18, 2021), <https://www.pewresearch.org/internet/2021/02/18/experts-say-the-new-normal-in-2025-will-be-far-more-tech-driven-presenting-more-big-challenges/> [https://perma.cc/54C2-CXL2].

² *Id.*; see generally Susan Exon, *Next Generation of Online Dispute Resolution: The Significance of Holography to Enhance and Transform Dispute Resolution*, 12 CARDOZO J. CONFLICT RESOL. 19 (2010-2011).

³ See generally Meredith McBride, *ODR in the Era of COVID-19*, ABA (Oct 27, 2020), https://www.americanbar.org/groups/family_law/committees/alternative-dispute-resolution/odr/ [https://perma.cc/V5YS-YWKE].

⁴ *Id.*

⁵ *Abu Dhabi Global Market Launches Mediation in the Metaverse*, ADGM ARB. CENTER, (Nov. 11, 2022) <https://www.adgm.com/media/announcements/abu-dhabi-global-market-launches-mediation-in-the-metaverse> [https://perma.cc/Z7ME-LF32] [hereinafter *Abu Dhabi Global Market*].

⁶ *What is the Metaverse?*, MCKINSEY, (Aug. 17, 2022), <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-the-metaverse> [https://perma.cc/RX4U-LB8Y].

⁷ Abu Dhabi Global Market, *supra* note 7.

3-D office space, designed to mirror the appearance of offices within the ADGM Arbitration Center.⁸ The immersive experience is crafted to generate a similar interpersonal connection that the participants would experience in face-to-face interactions, while minimizing the detrimental environmental impacts which result from travel.⁹ In an effort to bolster accessibility, ADGM's meta-mediation platform can be joined via smart phone or desktop, eliminating the need for any additional expensive hardware.¹⁰ The company advertises this service as “the starting point for a sustainable next generation approach to international dispute resolution [which] is set to increase the reach and effectiveness of mediation as a preferred form of dispute resolution.”¹¹

Experts pioneering this technological shift predict that the metaverse will undergo a similar popularization to that of the internet, deepening the ways in which we relate to one another online.¹² However, it remains unclear whether this rapid acceptance will necessarily translate within the ADR industry. Many mediators, arbiters, attorneys, and other dispute resolution professionals were hesitant to embrace earlier advancements within ODR.¹³ Questions pertaining to accessibility of virtual platforms, whether in relation to the availability of technology or accommodations for neurodivergent individuals and people with disabilities, may persist as ODR enters the metaverse.¹⁴ The immersive setting may, however, help to personify the ODR system. If successful, ODR in the metaverse can emulate the in-person environment, improving the

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *What is the Metaverse?*, *supra* note 6; *see also* Brad Sousa, *Will the Metaverse Replace Your Zoom Calls? Experts Weigh In*, AVI (Mar. 4, 2022), <https://www.avisystems.com/blog/will-the-metaverse-replace-your-zoom-calls-experts-weigh-in> [<https://perma.cc/3KYR-LBGA>].

¹³ *When You Can't Meet in the Courtroom: Pros and Cons of Online Dispute Resolution*, LEXISNEXIS, <https://www.lexisnexis.com.au/en/COVID19/blogs-and-articles/when-you-cant-meet-in-court-online-alternative-dispute-resolution-during-coronavirus-covid19> [<https://perma.cc/G9S6-VXMS>].

¹⁴ Nadir Ali, *How Can We Make the Metaverse Mega-Accessible*, INFORMATIONWEEK (Nov. 25, 2022), <https://www.informationweek.com/big-data/how-we-can-make-the-metaverse-mega-accessible> [<https://perma.cc/DA5N-QQU3>].

development of rapport between parties, the fluidity of conversations, provide for body language-based insights, and drive more empathetic, engaged discussions.¹⁵ Ultimately, the success of ADGM's mediation in the metaverse platform, in conjunction with other industry leaders' programming, will be very telling as to what the future of ODR may look like.

¹⁵ *Id.* (discussing connection-based concerns in virtual dispute resolution settings).