


Virtual Conciliation and Mediation Hearings: A Systematic Review


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Abstract: This article aims to conduct a systematic review on virtual conciliation and mediation hearings to identify their strengths, weaknesses, and areas for concern. The study employs a systematic review methodology, allowing for the identification, selection, analysis, and synthesis of relevant academic works. The research is directly linked to digital judicial governance, examining its dimensions in terms of accessibility, resources, structure, and judicial performance. By reviewing and analyzing the scientific studies available on Scopus, Web of Science, HeinOnline and Google Scholar databases, this study identifies recurring analytical dimensions and provides a framework that can serve as a basis for future research, contributing to the advancement of this area of knowledge.

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1. Introduction

Society has become increasingly interconnected through technological advancements, albeit at varying levels.¹ The so-called *homo digitalis* interacts on social networks, engages in commerce, communicates with others,² pursues education, and accesses public services in digital environments. In this context, the judicial system has undergone a process of progressive digitalization, particularly since the early 21st century.³ This shift aims to adapt to evolving social dynamics, capitalize on technological opportunities, and enhance judicial efficiency.⁴

Several studies emphasize that the dematerialization of justice⁵ was significantly accelerated by the COVID-19 pandemic, which required social distancing and led to the closure of physical court facilities. As a result, judicial systems worldwide were compelled to adopt digital mechanisms to sustain operations.⁶ Although electronic case management systems were

¹ Beatriz F. de Moraes, Fabrício C. Lunardi, and Pedro Correia, “Digital Access to Judicial Services in the Brazilian Amazon: Barriers and Potential,” *Social Sciences* 13, no. 2 (2024): 1–17; Antônio M. Oliveira et al., “An Overview of the Portuguese Electronic Jurisdictional Administrative Procedure,” *Laws* 12, no. 5 (2023): 1–24.

² Luiz O.R. de Freitas, Fabrício C. Lunardi, and Pedro M.A.R. Correia, “Liberdade de Expressão na Era Digital: Novos Intermediários e Censura por Atores Privados,” *Revista de Investigações Constitucionais* 11, no. 2 (2024): 1–22.

³ Oliveira et al., “An Overview of the Portuguese Electronic Jurisdictional Administrative Procedure.”

⁴ Rafael L. de Costa, “Audiências Virtuais e sua Influência na Governança Judicial” (MA diss., Escola Nacional de Formação e Aperfeiçoamento de Magistrados, 2023); Pedro M.A.R. Correia et al., “User-Centric Approach: Investigating Satisfaction with Portuguese Justice Services,” *Revista Brasileira de Políticas Públicas* 14, no. 2 (2024): 439–63.

⁵ Costa, “Audiências Virtuais e sua Influência na Governança Judicial”

⁶ Oliveira et al., “An Overview of the Portuguese Electronic Jurisdictional Administrative Procedure”; Chinemelum Arinze-Umobi and Ifeanyi T. Okonkwo, “Alternative Dispute Resolution Practice in Nigeria and the Effect of Covid-19 Pandemic,” *International Journal of Law and Clinical Legal Education* 2, no. 1 (2021): 82–5; Christopher D.R. Cameron, “Virtually the Same? Videoconference Arbitrations and Some Myths and Ethics about Conducting Them,” *ABA Journal of Labor & Employment* 3, no. 1 (2021): 479–94; Livia L.O. Borba, Fabrício C. Lunardi, and Tomas A. Guimaraes, “Judge’s Managerial Competences: A Case Study in a High-Performance Court,” *Revista Direito GV* 20 (2024): 1–23; Jaime Lindsey, “Open Justice, Participation and Materiality: Virtual Hearings and the Court of Protection,” in *Covid-19, Law and Human Rights: Essex Dialogues*, eds. Carla Ferstman and Andrew Fagan (Colchester: University of Essex, 2020), 257–60.

already in place in several countries prior to the pandemic,⁷ the crisis catalyzed the expansion of virtual hearings and remote trial sessions, allowing for the near-complete virtualization of judicial procedures and eliminating the need for physical attendance to access justice.⁸

Similarly, multiple jurisdictions reported the adoption of virtual conciliation and mediation hearings, with some even establishing dedicated online mediation and conciliation centers.⁹ Virtual conciliation and mediation hearings can be defined as procedural or pre-procedural sessions held on a videoconferencing platform, in which the parties seek to resolve conflicts consensually, led by a third facilitator, called a conciliator or mediator. While this transition offers numerous benefits in terms of judicial governance, particularly in enhancing accessibility, resource optimization, and structural efficiency,¹⁰ it also raises critical concerns. Scholars have questioned whether virtual hearings may compromise procedural integrity, particularly regarding confidentiality and data security, the quality of communication between participants, the duration of proceedings, inappropriate conduct by participants, the adequacy of virtual formats for handling complex disputes, digital exclusion, the absence of clear regulations ensuring due process, and the need for standardized procedural guidelines.¹¹

Thus, while judicial digitalization presents notable advantages, it also introduces challenges and opportunities that require critical examination. From an accessibility perspective, Digital Justice extends judicial services

⁷ J.C. Costa, “A Virtualização do Acesso à Justiça” (Undergraduate diss., Centro Universitário do Planalto Central Aparecido dos Santos, 2021); Lindsey, “Open Justice, Participation and Materiality”; John D. Gregory, “Current Practices of Online Dispute Resolution: The Canadian Experience,” *E-Commerce and ODR: Current Status and Prospects in the Region* 16, no. 1 (2012): 1–12.

⁸ Oliveira et al., “An Overview of the Portuguese Electronic Jurisdictional Administrative Procedure.”

⁹ Costa, “Audiências Virtuais e sua Influência na Governança Judicial.”

¹⁰ Jose G. de Araujo Filho et al., “Access to Justice and Digital Inclusion in the Amazon: Geographic Vulnerability and Riverside Communities,” *Virtual Economics* 7, no. 2 (2024): 31–49; Moraes, Lunardi, and Correia, “Digital Access to Judicial Services”; Oliveira et al., “An Overview of the Portuguese Electronic Jurisdictional Administrative Procedure.”

¹¹ Cameron, “Virtually the Same?”; Paulo C. Dias and Heitor M. de Oliveira, “As Sessões de Conciliação de Mediação Virtuais: Um Breve Ensaio sobre a Ampliação do Acesso à Justiça,” *Revista Direito UNIFACS – Debate Virtual* 269, no. 1 (2022): 1–15; Tala Zein, “Virtual Hearings in Arbitration,” *Journal of Legal Studies* 2022, no. 13 (2023): 2–10.

to geographically remote regions, eliminating the need for travel. However, there remains significant concern about digital exclusion, which may arise due to limited electricity access, lack of electronic devices, digital illiteracy, or insufficient awareness of legal rights.¹²

This research aims to conduct a systematic review on virtual conciliation and mediation hearings to identify their strengths, weaknesses, and areas for concern. To achieve this, the study employs a systematic review with meta-synthesis, enabling the identification of recurring themes and analytical frameworks in existing research. This methodological approach ensures transparency, rigor, and reproducibility, strengthening the reliability and applicability of findings.

2. Research Methods and Techniques

A systematic review is a research methodology that follows rigorous protocols to synthesize and critically analyze a large volume of academic studies, ensuring high reliability and reproducibility.¹³ Among systematic review methodologies, meta-synthesis – also referred to as meta-ethnography or meta-analysis – is particularly useful for synthesizing qualitative studies on a given subject. This approach allows researchers to identify key themes, concepts, and theoretical frameworks, thereby generating new or refined insights into the studied phenomenon.¹⁴

For this study, we employed a systematic review with meta-synthesis, which involved the identification, selection, analysis, and synthesis of scholarly articles focused on virtual conciliation and mediation hearings. The adoption of this methodology was intended to enhance the transparency and rigor of the systematic review, ensuring the reliability and applicability of the results. The review process was organized into four distinct phases: (1) identification, (2) screening, (3) inclusion, and (4) exclusion.

Subsequently, the analysis of the selected texts was carried out in-depth, comprising the following stages: (1) defining the issue to be addressed in the review, (2) selecting bibliographic databases for consultation

¹² Araujo Filho et al., “Access to Justice and Digital Inclusion in the Amazon”; Moraes, Lunardi, and Correia, “Digital Access to Judicial Services.”

¹³ Maria C.B. Galvão and Ivan L.M. Ricarte, “Revisão Sistemática da Literatura: Conceituação, Produção e Publicação,” *Logeion: Filosofia da Informação* 6, no. 1 (2019): 57–73.

¹⁴ Ibid.

and material collection, (3) developing advanced search strategies, and (4) selecting texts and organizing the gathered information.

In the first stage, the subject of the systematic review – virtual conciliation and mediation hearings – was defined, along with its key analytical dimensions. This step was critical in formulating the central research question, which guided the study.

In the second stage, considering that this is a relatively recent topic, with limited prior research focusing on it as a primary subject, the search strategy prioritized academic publications that emerged after the onset of the COVID-19 pandemic. The search has been conducted using Scopus, Web of Science, HeinOnline and Google Scholar databases, the last one chosen for its broad coverage and accessibility for emerging topics.¹⁵

In the third stage, a structured search strategy was implemented to locate relevant studies in Portuguese and English.

In the Scopus database, the combinations of terms and expressions occurred as follows, with the results shown below, in Portuguese and English: (1) <*Audiências AND virtuais AND conciliação AND mediação*> with zero results; (2) <*Audiências AND virtuais AND conciliação*> with 1 result; (3) <*Audiências AND virtuais AND mediação*> with zero results; (4) <Virtual AND hearing AND mediation AND conciliation> with 2 results; (5) <Virtual AND hearing AND conciliation> with 4 results, composed of the 2 previous ones and 2 new ones; (6) <Virtual AND hearing AND mediation> with 13 results.

Regarding the Web of Science database, adopting the same methodology for research in Portuguese and English, no studies were found in Portuguese. In English, the results were as follows: (1) <virtual AND hearing AND mediation AND conciliation> with 3 results; (2) <virtual AND hearing AND conciliation> with 8 results; (3) <virtual AND hearing AND mediation> with 16 results.

In the HeinOnline database, performing searches in Portuguese, the results are as follows: (1) <*Audiências virtuais de conciliação e mediação*> (without quotation marks) – 5 results; (2) <*Audiências virtuais de conciliação*> (without quotation marks) – 5 results, the same articles as the previous combination; (3) <*Audiências virtuais de mediação*> (without

¹⁵ Ibid.

quotation marks) – 9 results, composed of the 4 previous articles and 5 new ones. In turn, using terms and expressions in English, the search presented: (1) <AND “virtual hearing” mediation conciliation> with 40 results; (2) <AND “virtual hearing” conciliation> with 50 results; (3) <AND “virtual hearing” mediation> with 139 results.

In Google Scholar, the following search queries were used in Portuguese, along with their respective results: (1) <“*Audiências virtuais de conciliação e mediação*”> with 7,240 results; (2) <“*Audiências virtuais de conciliação*”> with 12,800 results; (3) <“*Audiências virtuais de mediação*”> with 23,200 results; (4) <“*Audiências virtuais de conciliação e mediação*”> with 2 results; (5) <“*Audiências virtuais de conciliação*”> with 21 results, and (6) <“*Audiências virtuais de mediação*”> with 3 results. After applying a time filter to include only studies published between 2020 and 2024, searches were conducted using both Portuguese and English terms, yielding the following results: (1) <*Audiências virtuais de conciliação e mediação*> (without quotation marks) – 3,420 results; (2) <*Audiências virtuais de conciliação*> (without quotation marks) – 5,700 results; (3) <*Audiências virtuais de mediação*> (without quotation marks) – 15,300 results; (4) <“*Audiências virtuais de conciliação e mediação*”> (in quotes) – 2 results; (5) <“*Audiências virtuais de conciliação*”> (in quotes) – 20 results; (6) <“*Audiências virtuais de mediação*”> (in quotes) – 1 result; (7) <Virtual Hearing mediation conciliation> (without quotation marks) – 3,260 results; (8) <Virtual Hearing conciliation> (without quotation marks) – 14,400 results; (9) <Virtual Hearing mediation> (without quotation marks) – 17,500 results.

Since this study aims to assess the state of the art on virtual conciliation and mediation hearings and identify dimensions of analysis, it was necessary to select the most relevant studies using Google Scholar’s “Sort by relevance” filter. Regarding Brazilian studies, when search terms were enclosed in quotation marks, only two studies published before 2020 were found – one focused on <*Audiências virtuais de conciliação*> and the other on <*Audiências virtuais de mediação*>. By contrast, several English-language studies published before 2020 had already examined this topic as their primary research focus, underscoring their significance in the field. Following this initial survey, a targeted review of abstracts, introductions, and concluding remarks was conducted across the retrieved studies to refine the selection. In the HeinOnline database, the articles were also sorted according to their

degree of relevance (number of citations by other studies), and the most relevant ones were analyzed.

In the fourth stage, the most relevant works for the systematic review were identified and categorized in Table 1 below, which classifies them by title, author, year, country and research approach (theoretical, empirical, or mixed-method).

Table. Categorization of articles on virtual conciliation and mediation hearings

| Title | Author, year | Country | Approach |
|--|---------------------------|-----------|--------------|
| “Análise crítica quanto à virtualização das audiências de conciliação e de mediação no âmbito do Poder Judiciário e os seus reflexos na garantia dos direitos de personalidade” [Critical Analysis of the Virtualization of Conciliation and Mediation Hearings in the Judiciary and Its Reflections on the Guarantee of the Personality Rights] | Gregório & Teixeira, 2024 | Brazil | Theoretical |
| “Access to Justice during COVID-19: Challenges and Issues Created by a Virus” | Middha & Paliwal, 2023 | India | Theoretical |
| “Arbitration Chambers and Technology: Witness Tampering and Perceived Effectiveness in Video-conferenced Dispute Resolution Proceedings” | Ferreira et al., 2023 | UK | Mixed-method |
| “Audiências de conciliação e mediação por videoconferência no Estado de São Paulo: Benefícios e desvantagens segundo relatos empíricos dos conciliadores e mediadores judiciais” [Conciliation and Mediation Hearings via Videoconference in the State of São Paulo: Benefits and Disadvantages According to Empirical Reports from Judicial Conciliators and Mediators] | Oliveira & Dias, 2022 | Brazil | Mixed-method |
| Advocacy for Online Proceedings: Features of the Digital World and Their Role in How Communication is Shaped in Remote International Arbitration | Gómez-Moreno, 2024 | Colombia | Theoretical |
| Virtual Courtrooms: Technical and Jurisprudential Challenges and Solutions – Lessons Learned by the Land and Environment Court of New South Wales | Dixon, 2023 | Australia | Theoretical |

| Title | Author, year | Country | Approach |
|---|-----------------------------|-----------|--------------|
| “O acesso à justiça durante pandemia de COVID-19: Uma análise dos atos normativos expedidos pelo CNJ e TJTO no contexto das audiências de conciliação” [Access to Justice During the Covid-19 Pandemic: An Analysis of the Normative Acts Issued by the CNJ and TJTO in the Context of Conciliation Hearings] | Costa & Costa, 2022 | Brazil | Mixed-method |
| “As alterações do processo civil diante da pandemia da Covid-19: uma análise dos impactos nas audiências de conciliação e de instrução e julgamento” [Changes in the Civil Process Facing the Covid-19 Pandemic: An Analysis of the Impacts on Conciliation Hearings and Instruction with Judgment] | Alves, 2022 | Brazil | Mixed-method |
| Mediation and Conciliation as a Tool to Reduce the Delay in the Resolution of Disputes: An Analysis in the Light of the Principle of Access to Justice | Melo et al., 2020 | Brazil | Theoretical |
| “Covid-19 in Australia: Impacts on Separated Families, Family Law Professionals, and Family Courts” | Smyth et al., 2020 | Australia | Theoretical |
| “The Extrajudicial Virtual Conciliation in Law: Reflections on Ethics” | Arboleda Lopez et al., 2018 | Colombia | Theoretical |
| “Política Autocompositiva: câmaras privadas no cenário nacional” [Self-Composition Policy: Private Chambers in the National Scenario] | Moura & Dufloth, 2024 | Brazil | Mixed-method |
| “The Evolution and Effectiveness of Online Dispute Resolution (ODR) Platforms: A Comprehensive Analysis of ADR in the Digital Age” | Goyal & Goyal, 2023 | India | Theoretical |
| “Post-Pandemic FINRA Arbitration: To Zoom or Not to Zoom?” | Gross, 2023 | USA | Empirical |
| “A Model for Post-Pandemic Remote Arbitration?” | Iannarone, 2023 | USA | Mixed-method |
| “Reform of Civil Procedure in Italy: The Purpose of Lawmakers” | Kaur, 2023 | Italy | Theoretical |
| “Forced Remote Arbitration” | Horton, 2022 | USA | Mixed-method |
| “Arbitration in the Age of COVID: Examining Arbitration’s Move Online” | Schmitz, 2021 | USA | Theoretical |
| “Mediation: Its Future Perspective in India” | Ayush, 2021 | India | Theoretical |

| Title | Author, year | Country | Approach |
|--|--------------------------------|---------|--------------|
| “Observing Online Courts: Lessons from the Pandemic” | Thornburg, 2020 | USA | Mixed-method |
| “A Mediação Digital de Conflitos como Política Judiciária de Acesso à Justiça no Brasil” [Digital Conflict Mediation as a Judicial Policy for Access to Justice in Brazil] | Spengler & Pinho, 2018 | Brazil | Theoretical |
| “Pensando convergências entre a meta 9 do CNJ e o ODS 16 da Agenda 2030: um estudo sobre a tecnologia a serviço da consensualidade no acesso à Justiça” [Thinking about Convergences between CNJ Goal 9 and SDG 16 of the 2030 Agenda: A Study on Technology Serving Consensual Access to Justice] | Ramos, 2023 | Brazil | Mixed-method |
| “Efetividade das audiências de mediação e conciliação online” [Effectiveness of Online Mediation and Conciliation Hearings] | Bessa & Nascimento, 2023 | Brazil | Theoretical |
| “A Mediação como Contribuição para o Desafogamento do Judiciário – ODR no Contexto da Realização das Audiências” [Mediation as a Contribution to Alleviating the Judiciary – ODR in the Context of Conducting Hearings] | Silva, Silva & Sales, 2023 | Brazil | Theoretical |
| “Aplicação da mediação de conflitos no ambiente virtual: desafios e possibilidades” [Application of Conflict Mediation in the Virtual Environment: Challenges and Possibilities] | Vitale, Soares & Machado, 2023 | Brazil | Theoretical |
| “The Impact of Digital Technologies on Alternative Dispute Resolution” | Bhushan, 2023 | Brazil | Theoretical |
| “Effectiveness of Mediation and Conciliation in Extrajudicial Services as an Effective Means in Resolution of Disputes” | Sá et al., 2023 | Brazil | Mixed-method |
| “Online Mediation: Prospects and Challenges in India” | Mishra, 2023 | India | Theoretical |
| “An Analysis of Online Dispute Resolution in India with Special Emphasis on the Impact of COVID-19: Opportunities and Obstacles” | Sharad & Misrab, 2023 | India | Mixed-method |
| “Virtual Hearings in Arbitration” | Zein, 2023 | Lebanon | Theoretical |

| Title | Author, year | Country | Approach |
|--|---------------------------------------|---------|--------------|
| “As sessões de conciliação de mediação virtuais: um breve ensaio sobre a ampliação do acesso à justiça” [Virtual Conciliation and Mediation Sessions: A Brief Essay on Expanding Access to Justice] | Dias & Oliveira, 2022 | Brazil | Theoretical |
| “A conciliação como método de solução de conflitos: desafios enfrentados para sua efetivação no período de pandemia do COVID-19” [Conciliation as a Conflict Resolution Method: Challenges Faced in Its Implementation During the COVID-19 Pandemic] | Abreu & Junior, 2022 | Brazil | Mixed-method |
| “Aplicabilidade da mediação e da conciliação no metaverso: uma análise à luz da advocacia 5.0” [Applicability of Mediation and Conciliation in the Metaverse: An Analysis in Light of Advocacy 5.0] | Mello, 2022 | Brazil | Theoretical |
| “Judiciário e Pandemia da COVID-19: uma análise à luz das atividades de conciliação e dos dados estatísticos referentes ao Tribunal de Justiça do Rio Grande do Norte” [The Judiciary and the COVID-19 Pandemic: An Analysis in Light of Conciliation Activities and Statistical Data from the Rio Grande do Norte Court of Justice] | Bezerra, Neris & Bezerra Júnior, 2022 | Brazil | Mixed-method |
| <i>A audiência telepresencial e a segurança jurídica no processo do trabalho</i> [Telepresence Hearings and Legal Certainty in Labor Proceedings] | da Silva, 2022 | Brazil | Theoretical |
| “Virtually the Same? Videoconference Arbitrations and Some Myths and Ethics About Conducting Them” | Cameron, 2022 | USA | Theoretical |
| “Virtual Hearing Platform: The Use of Technology to Ensure Access to Justice” | Chatterjee, 2022 | India | Theoretical |
| “Inovações Tecnológicas em audiências de conciliação: a utilização da videoconferência no âmbito do TJAP” [Technological Innovations in Conciliation Hearings: The Use of Videoconferencing within the TJAP] | Cavalcante & Abrantes, 2021 | Brazil | Mixed-method |
| “O Paradoxo das Novas Tecnologias e as Audiências Virtuais de Conciliação dos Juizados Especiais Cíveis” [The Paradox of New Technologies and Virtual Conciliation Hearings in the Special Civil Courts] | Mól & Rodrigues, 2021 | Brazil | Theoretical |

| Title | Author, year | Country | Approach |
|---|---------------------------------|-----------|--------------|
| “A Tecnologia Como Ferramenta de Acesso à Justiça: Conciliação Online e sua Aplicabilidade no Campo Jurídico” [Technology as a Tool for Access to Justice: Online Conciliation and Its Applicability in the Legal Field] | de Azevedo Sanches et al., 2021 | Brazil | Theoretical |
| “A virtualização do acesso à justiça: uma visão sobre o impacto das audiências de conciliação por videoconferência durante a pandemia da COVID-19 no âmbito do Tribunal de Justiça do Distrito Federal e dos Territórios” [The Virtualization of Access to Justice: A View on the Impact of Videoconference Conciliation Hearings During the COVID-19 Pandemic within the Court of Justice of the Federal District and Territories] | Costa, 2021 | Brazil | Theoretical |
| “Mediação e Pandemia: os meios tecnológicos como ferramenta da mediação em tempos de pandemia” [Mediation and the Pandemic: Technological Means as a Tool for Mediation in Times of Crisis] | Amaral, 2021 | Brazil | Theoretical |
| “As adaptações do Processo Civil diante da Pandemia de COVID-19: uma análise dos impactos nos processos de famílias e nas audiências de instrução e julgamento” [Adaptations to Civil Procedure in the Face of the COVID-19 Pandemic: An Analysis of the Impacts on Family Proceedings and Trial Hearings] | Alves, 2021 | Brazil | Theoretical |
| “The ‘Gants Principles’ for Online Dispute Resolution: Realizing the Chief Justice’s vision for Courts in the Cloud” | Koh, 2021 | USA | Theoretical |
| “Mediation: The New Normal?” | Alexander, 2021 | Singapore | Theoretical |
| “Arbitral Proceedings Configuration and COVID-19 Pandemic; Evaluation of Success and Shortcomings – Europe, USA and Canada” | Bello & Adeosun, 2021 | Nigeria | Mixed-method |
| “Alternative Dispute Resolution Practice in Nigeria and the Effect of COVID-19 Pandemic” | Arinze-Umobi & Okonkwo, 2021 | Nigeria | Theoretical |
| “Audiência Telepresencial e Devido Processo Constitucional” [Telepresence Hearing and Constitutional Due Process] | Soares & Alves, 2020 | Brazil | Theoretical |

| Title | Author, year | Country | Approach |
|--|-----------------------------|-----------|--------------|
| “O Uso de Meios Eletrônicos pelo Direito Processual Brasileiro Durante a Pandemia da COVID-19” [The Use of Electronic Means in Brazilian Procedural Law during the COVID-19 Pandemic] | Farias, 2020 | Brazil | Theoretical |
| “Audiências Online em Tempo de Pandemia de Covid-19 no âmbito do TJ-CE” [Online Hearings During the COVID-19 Pandemic Within the TJ-CE] | Martins & Holanda, 2020 | Brazil | Mixed-method |
| “A possibilidade da continuidade de audiências de conciliação judicial telepresencial no período pós-pandemia” [The Possibility of Continuing Remote Judicial Conciliation Hearings in the Post-Pandemic Period] | de Paula & Nascimento, 2020 | Brazil | Theoretical |
| “Mediação e conciliação on-line, vulnerabilidade cibernética e destaques do ato normativo nº 1/2020 do NUPMEC/SP” [Online Mediation and Conciliation, Cyber Vulnerability, and Highlights of NUPMEC/SP Normative Act No. 1/2020] | Tartuce & Brandão, 2020 | Brazil | Theoretical |
| “Virtual Arbitration: The Impact of Covid-19” | Bateson, 2020 | India | Theoretical |
| “The Global Impact of the Covid-19 Pandemic on Commercial Dispute Resolution in the First Seven Months” | Rooney, 2020 | Hong-Kong | Theoretical |
| “Open Justice, Participation and Materiality: Virtual Hearings and the Court of Protection” | Lindsey, 2020 | UK | Theoretical |
| “Mediation Mediums: The Benefits and Burdens of Online Alternative Dispute Resolution in Australia” | Kluss, 2020 | Australia | Theoretical |
| “Courts, Mediation and COVID-19” | Sourdin & Zeleznikow, 2020 | Australia | Theoretical |
| “Impact of COVID-19 on Arbitration Proceedings; Online Dispute Resolution a Way Forward” | Shawani & Tiwari, 2020 | India | Theoretical |
| “Building Trust Online: The Realities of Telepresence for Mediators Engaged in Online Dispute Resolution” | Exon & Lee, 2019 | USA | Mixed-method |
| “Current Practices of Online Dispute Resolution: The Canadian Experience” | Gregory, 2012 | Canada | Theoretical |

Source: Prepared by the authors based on research data.

In summary, the eligibility criteria for the selected papers are as follows:

- (1) Inclusion criteria:
 - Studies primarily focused on virtual conciliation and mediation hearings.
 - In the Scopus and Web of Science databases: all articles published in Portuguese and English.
 - In the HeinOnline database: articles in Portuguese and English, ranked among the most relevant in the database.
 - In the Google Scholar database: articles in Portuguese, published between 2020 and 2024, ranked among the most relevant in the database; articles in English, ranked among the most relevant in the database.
- (2) Exclusion criteria:
 - Works in which virtual conciliation and mediation hearings were addressed only as a secondary topic.
 - The selection process ended once further reading no longer revealed new dimensions of the subject.

After selecting the studies on virtual conciliation and mediation hearings, we conducted a full reading of their content to (1) analyze the relationships and distinctions within the topic, and (2) identify their strengths, weaknesses, and areas for concern. This research does not aim to exhaust the discussion on the subject, but rather to establish a solid foundation for future studies.

3. Analysis and Discussion of Results

The research findings indicate a substantial body of scientific literature on virtual conciliation and mediation hearings. However, before the COVID-19 pandemic, this topic was relatively uncommon as a primary focus of study. In most cases, virtual conciliation and mediation hearings were addressed only peripherally within broader research themes, particularly in studies on the digitalization of the judiciary or alternative dispute resolution methods.

With the onset of the COVID-19 pandemic, research on virtual conciliation and mediation hearings expanded significantly, with the subject becoming a primary focus of investigation. This shift coincided with the

widespread adoption of virtual hearings, driven by the need for social distancing as a public health measure.

The 60 papers identified were analyzed and categorized according to their respective thematic fields (as detailed in the table in the Appendix). Of these, 55 examined the issue – at least indirectly – from the perspective of access to justice for digitally excluded populations (Gregório & Teixeira, 2024; Moura & Dufloth, 2024; Middha & Paliwal, 2023; Dixon, 2023; Gross, 2023; Iannarone, 2023; Kaur, 2023; Ramos, 2023; Bessa & Nascimento, 2023; Silva, Silva & Sales, 2023; Vitale, Soares & Machado, 2023; Bhushan, 2023; Goyal & Goyal, 2023; Sá et al., 2023; Mishra, 2023; Sharad & Misrab, 2023; Zein, 2023; Costa & Costa, 2022; Alves, 2022; Horton, 2022; Oliveira & Dias, 2022; Dias & Oliveira, 2022; Mello, 2022; Bezerra, Neris & Bezerra Júnior, 2022; Silva, 2022; ; Cameron, 2022; Chatterjee, 2022; Schmitz, 2021; Ayush, 2021; Cavalcante & Abrantes, 2021; Mól & Rodrigues, 2021; de Azevedo Sanches, Silva, Bugalho & Cardoso, 2021; Costa, 2021; Alves, 2021; Koh, 2021; Bello & Adeosun, 2021; Arinze-Umobi & Okonkwo, 2021; Melo et al., 2020; Smyth et al., 2020; Thornburg, 2020; Soares & Alves, 2020; Farias, 2020; Martins & Holanda, 2020; Paula & Nascimento, 2020; Tarteuce & Brandão, 2020; Bateson, 2020; Rooney, 2020; Lindsey, 2020; Klus, 2020; Sourdin & Zeleznikow, 2020; Shawani & Tiwari, 2020; Exon & Lee, 2019; Arboleda Lopez et al., 2018; Spengler & Pinho, 2018; Gregov, 2012). These studies consistently emphasize the need to advance digital inclusion through public policy.

Digital exclusion is also analyzed through an intersectional approach, as “several factors may be at play simultaneously.”¹⁶ For example: “rural populations face exceptional geographical and physical barriers to connecting online”; “at the same time, additional factors like cultural expectations might make it even more difficult for rural women to connect”; “or the lack of relevant skills might create yet another barrier for older persons living in rural areas.”¹⁷ To aid in the analysis and categorization of results, the term “digitally excluded” is understood as referring to “those who do not have access to the internet and other digital media and/or who lack the ability

¹⁶ United Nations, “Digital Exclusion,” accessed October 1, 2024, https://www.un.org/techenvoy/sites/www.un.org.technvoy/files/general/Definition_Digital-Inclusion.pdf.

¹⁷ Ibid.

or knowledge to use them, even with assistive technology.”¹⁸ However, the reviewed papers also use synonymous terms such as “vulnerable populations” and “people without internet access” to account for the diverse national contexts that contribute to digital exclusion.

Additionally, a set of articles examines the technical aspects of virtual hearings and Online Dispute Resolution (ODR), proposing regulatory improvements or enhancements to support the continued use of these mechanisms in the post-pandemic period.¹⁹

Through the analysis of all the reviewed scientific papers, we also sought to identify, evaluate, and establish connections between the perceived advantages and criticisms of virtual conciliation and mediation hearings.

- (1) Positive aspects: (i) improved communication flow; (ii) greater convenience (saving time for all parties involved); (iii) reduced costs for conciliators, mediators, and litigants, primarily by minimizing travel and meal expenses, as well as cost reductions for courts; (iv) increased participation and lower absenteeism in hearings; (v) enhanced procedural efficiency; (vi) improved accessibility for individuals with disabilities.
- (2) Negative aspects: (i) potential risks to maintaining the confidentiality and secrecy of proceedings (due to the inability to control who is present in the physical space where virtual participants are located); (ii) inconsistent communication quality between participants (particularly when internet connectivity is unstable); (iii) technical difficulties (connectivity issues and internet reliability – resources and infrastructure); (iv) longer hearing durations (virtual sessions tend to last longer than in-person hearings); (v) digital exclusion resulting from a lack of

¹⁸ Conselho Nacional de Justiça, “Recomendação n. 101/2021, do CNJ: Recomenda aos tribunais brasileiros a adoção de medidas específicas para o fim de garantir o acesso à Justiça aos excluídos digitais,” Brasil, 2021, accessed March 10, 2025, <https://atos.cnj.jus.br/atos/detalhar/4036>.

¹⁹ Unnaty Goyal and Aaryushi Goyal, “The Evolution and Effectiveness of Online Dispute Resolution (ODR) Platforms: A Comprehensive Analysis of ADR in the Digital Age,” *Indian Journal of Integrated Research in Law* 3, no. 5 (2023): 1–26; Raphaella Abreu and Pedro Aruda Junior, “A Conciliação como Método de Solução de Conflitos,” in *Anais do V Congresso Latinoamericano y Caribeño de Ciencias Sociales* (Montevideo: FLACSO Uruguay, 2022), 486–501; Nadja M. Alexander, “Mediation: The New Normal?,” *Law and Covid-19* 1, no. 1 (2021): 245–54; Leticia R. Amaral, “Mediação e Pandemia” (Undergraduate diss., Pontifícia Universidade Católica de Goiás, 2021).

- digital literacy, insufficient information, or limited access to electronic devices and/or the internet; (vi) absence of adequate procedural regulations to safeguard due process.
- (3) Neutral aspects/Points of consideration: (i) participant safety (particularly in family law cases, where individuals remain in a familiar and secure environment); (ii) inappropriate behavior from participants (failure to observe the formality and decorum typically required in court proceedings); (iii) resistance to technological changes and the adoption of virtual platforms by legal professionals; (iv) limitations in handling more complex cases.

The survey indicated that, despite the numerous studies conducted on the subject, the majority relied on bibliographic reviews rather than empirical investigation. It was also observed that most of these studies adopted theoretical or legal-normative approaches, primarily seeking to determine whether virtual conciliation and mediation hearings should continue as the preferred method for conducting these proceedings.

4. Conclusion

Based on the systematic review on virtual conciliation and mediation hearings, this study provides a comprehensive overview of the current state of knowledge in this field. To ensure scientific rigor, this study employed a systematic review methodology with meta-synthesis.

The selection and analysis of the most relevant articles revealed that this topic has gained significant prominence since the onset of the COVID-19 pandemic, primarily due to the necessity of maintaining essential judicial services worldwide, particularly consensual conflict resolution sessions. From the perspective of judicial governance, technology played a pivotal role in sustaining these services, with videoconferencing emerging as the primary solution for conducting conciliation and mediation hearings.

However, while this shift initially served as an emergency response to the social distancing measures imposed by the pandemic, determining the most appropriate modality for such hearings beyond the pandemic period – whether virtual, face-to-face, or hybrid – now requires thorough research. Moreover, if virtual or hybrid hearings are to remain a viable option, it is imperative to establish best practices, evaluate both their advantages and

shortcomings, and address critical concerns to enhance the effectiveness of the adopted model.

In this regard, this study has mapped the current state of virtual mediation and conciliation hearings. A detailed analysis of the reviewed studies underscores recurring concerns, particularly regarding the digitally excluded and the technical challenges inherent to virtual hearings. Additionally, this study highlights the relationship between the virtualization of judicial proceedings, technological advancements, and their impact on access to justice, judicial resources, and court performance.

Based on the literature analysis, this article has also highlighted the positive and negative aspects of virtual hearings, as well as the technological, procedural, and accessibility challenges that need to be addressed. These observations provide a foundation for further research on the topic.

While these theoretical approaches are valuable, particularly for critically analyzing the various issues surrounding virtual hearings, the findings suggest a significant need for further empirical research, incorporating both qualitative and quantitative methodologies within the specific contexts of different countries and regions.

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