Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

Articles

Studia Iuridica Lublinensia vol. 32, 4, 2023
DOI: 10.17951/sil.2023.32.4.117-132

Sławomir Pilipiec
Maria Curie-Skłodowska University (Lublin), Poland
ORCID: 0000-0002-8716-3536
slawomir.pilipiec@umcs.pl

Patryk Patoleta
Maria Curie-Skłodowska University (Lublin), Poland
ORCID: 0000-0002-3394-9218
patryk.patoleta@umcs.pl

Perception of Mediation and Online Mediation by Trainee Attorney-at-Law at the Lublin Bar Association of Attorneys-at-Law

Postawy aplikantów radcowskich Okręgowej Izby Radców Prawnych w Lublinie wobec mediacji i mediacji online

ABSTRACT

The phenomenon of popularisation of alternative methods of conflict resolution is widespread in Poland, both at the state and self-government levels. Combining the interdisciplinary achievements of practice and doctrine, numerous projects and programmes are being developed to encourage parties and professional lawyers to use mediation in the process of dispute resolution. However, on the basis of statistical data showing the use of judicial mediation in cases where it could have been used at a level of 1.6%, it should be concluded that there is still a long way to go before mediation becomes a 'fully-fledged' method of conflict resolution, constituting a viable alternative to the traditional adjudicative method of dispute resolution. The purpose of the article is to present the results of empirical research conducted by the authors within the framework of scientific activities related to the implementation of the assumptions of the Academic Mediation Centre operating at the Institute of

CORRESPONDENCE ADDRESS: Sławomir Pilipiec, PhD, Assistant Professor, Maria Curie-Skłodowska University (Lublin), Faculty of Law and Administration, Institute of Legal Sciences, Maria Curie-Skłodowska Square 5, 20-031 Lublin, Poland; Patryk Patoleta, MA, PhD Candidate, Doctoral School of Social Sciences, Maria Curie-Skłodowska University (Lublin), Institute of Legal Sciences, Maria Curie-Skłodowska Square 5, 20-031 Lublin, Poland.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

Legal Sciences of Maria Curie-Skłodowska University (Lublin). The article consists of three parts. The first one presents the subject, scope and objectives of the research, as well as the research hypotheses and methodological details. The second part presents the results of the empirical research conducted and the partial conclusions. The last part is a summary of the conclusions of the research carried out.

Keywords: mediation; online mediation; social research; sociology of law; attorney-at-law; trainee attorney-at-law

INTRODUCTION

At present, it can be argued that mediation has become a permanent feature of the Polish legal and social order. Efforts to popularise the institution of mediation as an alternative (to judicial) method of dispute resolution began with the establishment of the Social Council for Alternative Dispute and Conflict Resolution Methods at the Ministry of Justice in 2005 (functioning to this day)[1] and the transfer of competences to promote alternative dispute resolution (hereinafter: ADR) to the Department for International Cooperation and Human Rights at the Ministry of Justice.[2] In 2010, a substantive unit dealing with mediation issues was set up, which now functions as the Mediation Unit in the Department of Strategy and European Funds.[3]

Numerous non-governmental organisations also promote activities supporting the popularisation of mediation as an alternative method of dispute resolution. These include, i.a., the National Bar Council of Attorneys-at-Law and the Supreme Bar Council, which operate non-profit mediation centres within their structures, whose aim is to assist in solving out-of-court conflicts through mediation,[4] as well as carrying out educational activities, e.g. as part of the "International Mediation Week". Local authorities are also actively involved in setting up mediation centres within their structures. The academic community also plays its part by actively researching new ADR methods and creating separate units within their structures, such as the Academic Mediation Centre at Maria Curie-Skłodowska University, which promotes research, teaching, training and service activities.[5]

---

[1] M. Plucińska-Nowak, *Status i oblicza mediacji w społeczeństwie polskim*, Poznań 2021, p. 150.

[2] *Ibidem*.

[3] Ministerstwo Sprawiedliwości, *Mediacja w strukturze Ministerstwa Sprawiedliwości*, https://www.gov.pl/web/sprawiedliwosc/dzialania-ministerstwa-sprawiedliwosci-w-przedmiocie-mediacji (access: 20.11.2023).

[4] Centrum Mediacji, http://mediacje.kirp.pl (access: 20.11.2023); Centrum Mediacji przy Naczelnej Radzie Adwokackiej, http://centrummediacji.nra.pl (access: 20.11.2023).

[5] Akademickie Centrum Mediacji, https://www.umcs.pl/pl/nasze-cele,23125.htm (access: 20.11.2023).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

The emphasis that is being placed on the promotion of mediation in Poland is also evident through the progress in the implementation of the so-called National Register of Mediators, i.e. the project titled "Popularisation of alternative dispute resolution methods by enhancing mediators' competences, establishment of the National Register of Mediators and information activities" is co-financed by the European Social Fund, under the Operational Programme Knowledge Education Development, as part of Measure 2.17 "Efficient administration of justice".[6]

The advantages (and at the same time characteristics) of mediation include the fast pace of the proceedings, reduced costs, a de-formalised process.[7] Given the above characteristics, the process itself can be so flexible that, in the reality of the pandemic, the possibility of mediation was not restricted and the proceedings were moved to the online space. It should be noted that online mediation did not emerge with the pandemic, but had been in operation before, although not on this scale.[8] When analyzing the phenomenon of moving mediation to the online space, it is also important to keep in mind issues related to the security of sensitive data of mediation participants. The issue of cybersecurity should be one of the priority issues discussed in the case of online mediation, especially from the perspective of maintaining the principle of confidentiality of the process. It should be borne in mind that cyber-attacks are becoming more frequent due to, i.a., the number of actors and devices in the network, the lack of specific control barriers, the diversity of information systems.[9]

Taking into account the above-mentioned activities aimed at popularising mediation, professionalising the mediator's status and facilitating access to mediation for the parties, one might assume that the effectiveness of mediation as an alternative to judicial dispute resolution is high and that the method itself is widely used. The statistics provided by the Ministry of Justice show a different picture. Although there has been an increase in the use of mediation over the years, the mediation rate[10] in 2019 was 1.3% and the percentage of successful mediations in the total number

[6] Ministerstwo Sprawiedliwości, *Projekt Krajowy Rejestr Mediatorów*, https://www.gov.pl/web/sprawiedliwosc/projekt-krm2 (access: 20.11.2023). S. Pilipiec participated in the project as a representative of the Academic Mediation Centre in 2022–2023. Within the framework of several meetings, he gave the following lectures: "Mediation as a Way of Resolving Conflicts", "Evaluative Mediation: Opportunity or Threat to Mediation and the Justice System", "Facilitation or Conciliation – How to Mediate Effectively", "Mediation as a Form of Justice".

[7] A. Kalisz, A. Zienkiewicz, *Mediacja sądowa i pozasądowa. Zarys wykładu*, Warszawa 2014, p. 27.

[8] A. Zemke-Górecka, C. Rogula, *Trzy uwagi związane z mediacją online*, [in:] *Mediacja: w kierunku ugody*, ed. M. Romanowski, Warszawa 2021, p. 117.

[9] M. Karpiuk, *Crisis Management vs. Cyber Threats*, "Sicurezza, Terrorismo e Societa" 2022, vol. 2, p. 122.

[10] The mediation rate is taken as the percentage of cases referred to mediation in relation to all cases before the court in which mediation can be used.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

of cases referred to mediation was 26.61%. The number of settlements in civil cases in mediations conducted in 2019 was 34.57%. In 2021[11] (when the number of cases referred to court was significantly lower than in 2019), the mediation rate remained at a similar level – 1.6%, while the percentage of successful mediations was 28.4%.[12] While the above figures optimistically indicate a systematic increase in use, they still leave much to be desired in the context of the functioning of mediation as a 'full' method of conflict resolution, providing a viable alternative to the traditional adjudication method of dispute resolution.

In view of the above, it is reasonable to examine the reasons why both traditional mediation and online mediation (e-mediation) do not achieve a high rate of effectiveness, despite extensive activities and investments at the governmental and non-governmental (self-governmental) level, and what are the reasons for maintaining this state of affairs.

The aim of the article is to present the results of empirical research conducted by the authors within the framework of scientific activities related to the implementation of the assumptions of the Academic Mediation Centre operating at the Institute of Legal Sciences of Maria Curie-Skłodowska University.

The article consists of three parts. The first one presents the subject, scope and objectives of the research, as well as the research hypotheses and methodological details. The second part presents the results of the empirical research conducted and the partial conclusions. The last part is a summary of the conclusions of the research carried out.

The aim of the study was to explore the field of research in the attitudes of the legal community towards the use of mediation in professional practice and to identify the key elements influencing the low percentage of mediation effectiveness in the Polish social order.

The unit of analysis was a social group, i.e. trainee attorney-at-law from the Lublin Bar Association of Attorneys-at-Law. The research objectives corresponded to the cross-sectional dimension of the study, the period of data collection was planned for the period from May to June 2022. Prior to the actual survey, a pilot study was conducted to verify the research tool – a questionnaire – at the level of conceptualisation and operationalisation of concepts.

The study was based on the following research hypotheses:

1. The type of legal work performed is related to attitudes towards the effectiveness of mediation.

[11] M. Bettin, J. Kowalczyk, *Postępowanie mediacyjne w świetle danych statystycznych. Sądy rejonowe i okręgowe w latach 2006–2019. Edycja 9*, Warszawa 2020.

[12] Eidem, *Postępowanie mediacyjne w świetle danych statystycznych. Sądy rejonowe i okręgowe w latach 2006–2021. Edycja 13*, Warszawa 2022.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

2. Traditional mediation and online mediation are rated equally in terms of effectiveness by respondents.
3. Training in alternative dispute resolution, both at university and in practice, increases the belief in the effectiveness of mediation.
4. Participation in mediation and online mediation leads to higher ratings of the effectiveness of the above-mentioned tools.

Given the subject of the study, its purpose and the hypotheses set out in the study, quantitative methods were used by means of an interview, i.e. an anonymous auditory questionnaire consisting of closed single-choice questions,[13] closed Likert scale questions, and semi-open and open questions. The questionnaire consisted of 18 questions.

The choice of methods and research tools was determined by the authors' previous experience in research on the legal profession. During the cohort study conducted at the Faculty of Law and Administration of the Marie Curie-Skłodowska University in 2016/2017[14] and 2019/2020,[15] the validity of the use of semi-open questions was confirmed, which allowed respondents to answer beyond the pattern initially assumed by the researchers at the conceptualisation stage. The use of a Likert scale proved to be extremely effective in the study on the prestige of the legal profession.[16] A novelty used in this quantitative study was the use of open questions, which are characteristic of qualitative research. The use of elements of qualitative techniques in the present study was dictated by the positive experience of researchers in using this technique in the study of legal awareness of law students in 2019.[17]

RESEARCH AND RESULTS

In 2023, 214 trainees are preparing to practice as attorney-at-law in the Lublin Bar Association of Attorneys-at-Law, the data for 2022 did not differ far from the above number of people. The survey included 88 trainee attorneys-at-law, of which 38.4% were third-year trainees, 26.7% were second-year trainees and 34.9% were first-year trainees.

[13] A. Pieniążek, M. Stefaniuk, *Socjologia prawa. Zarys wykładu*, Warszawa 2021, p. 168.

[14] M. Kępa, S. Pilipiec, *Preferencje zawodowe studentów prawa. Raport z badania*, Lublin 2018.

[15] Eidem, *Perspektywy zawodowe studentów prawa*, Lublin 2021.

[16] Eidem, *The Prestige of Legal Professions among Students of Law and the Intention to Practice These Professions*, "Studia Iuridica Lublinensia" 2019, vol. 28(4).

[17] S. Pilipiec, K. Niewęgłowski, P. Patoleta, *Awareness among the Students of Law within the Scope of Working as an Attorney-at-Law*, "Studia Iuridica Lublinensia" 2019, vol. 28(1).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

Table 1. Percentage distribution of respondents vs year of application

Year	Number of applicants	Percentage
I	31	34.9
II	23	26.7
III	34	38.4

Source: Authors' own research.

In terms of place of practice, the largest group of respondents accounting for about 67% are those employed in law firms. About 18% of respondents are employed in government offices. About 7% of respondents practice in capital companies, working as in-house lawyers, (lawyers who provide legal services directly inside the company). About 3% of the respondents-applicants taking part in the survey are engaged in professions unrelated to the legal profession.

Table 2. Percentage distribution of applicants' place of employment

Place of employment	Percentage of respondents
Law firm	67
Public administration office	18
Capital company (in-house lawyer position)	7
Engaged in a profession unrelated to the legal profession	3

Source: Authors' own research.

In the next part of the survey, respondents were asked to indicate the dominant areas of law in professional practice. Respondents had the option of indicating one or more fields, and their responses were summed and tabulated. The largest group of trainees indicated civil law with a focus on family and inheritance law as their dominant practice (about 44%), followed by a slightly smaller group of trainees who take up business and commercial law matters in their daily work, indicating entrepreneurs as their main principals (about 40%). Among the group of respondents, about 18% of trainees take up administrative law challenges on a daily basis, with slightly fewer (about 14%) taking up labour law issues. In the Lublin environment, one notices a relatively small group of trainees practicing in so-called corporate law, which includes in its scope mergers and acquisitions transactions, compliance services and GDPR (about 7%) and banking law (about 6%). Single trainees indicated criminal law (3%), medical law (2%) cases in addition to handling the above-mentioned categories of cases. Other fields of law (e.g. tax law, public procurement law) were indicated only in single responses and only in juxtaposition with other branches of the fields dominant among respondents.

Another question concerned respondents' experience with alternative dispute resolution. Slightly more than half of the trainee attorneys in the course of their studies participated in optional classes on the topic of alternative dispute resolution

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

(53%). A larger number of trainees explored the above topic in classes during their attorney-at-law application (58%).

Trainee attorneys-at-law of the Lublin Bar Association have had the opportunity to participate in mediation proceedings in the vast majority during their work. During the survey, as many as 70% of respondents confirmed active participation, however, in terms of online mediation sessions, only 8% of respondents indicated active participation.

Turning to the actual (opinion) part of the survey, respondents were asked to indicate on a Likert scale their attitude toward mediation as a tool for alternative dispute resolution. Applicants were asked to answer the question on a scale from 1 to 7, where 1 point meant the lowest agreement with the statement presented in the survey and 7 points meant the highest.

Applicants generally rated the effectiveness of mediation highly in the context of their profession. Some 51% of respondents rated mediation highly on a Likert scale as an effective form of dispute resolution, giving the statement: "In the context of my profession, I consider mediation an effective form of dispute resolution" a value of 6 points, 16% of respondents chose the highest value – 7 points, while 23% showed moderate agreement with the statement (12.6% – 4 points, 10.3% – 5 points). Only 9% of respondents disapproved of the postulate of mediation's effectiveness in their profession (7% of respondents indicated 3 points of approval, 2.3% – 2 points, 1% – 1 point).

The purpose of the above question was to put it in juxtaposition with the direction of legal practice prevailing in the professional lives of trainees.

The highest ratings of mediation effectiveness are given by trainees whose professional work is mainly based in the branch of civil law (civil law related to the service of private individuals, e.g. family law, inheritance law, ad hoc legal assistance – 42.8%) and business law (disputes between entrepreneurs – 35.6%). In addition, the majority of trainees rated the highest on the effectiveness of mediation the majority of respondents (64.3%) took classes in alternative dispute resolution during their studies, and a minority (35.6%) during their application. A surprising result, however, is that among the trainees showing the highest confidence in the effectiveness of mediation, as many as 93% had never participated in a mediation session.

As indicated above, the largest group of respondents are trainees who highly rate the effectiveness of mediation (about 51% agreed with the statement giving it a value of 6 points on a Likert scale). Among this group, one can also see the dominance of civil practice (31.8%) and business practice (22.8%). In this group, there is also representation of practitioners in administrative law fields (11.4%). The majority of respondents in this category also took classes in alternative dispute resolution during their studies (54.5%), but a minority (40.9%) attended such classes during their application. In this group, there is already a significant percentage of respondents participating in mediation (34.1%), however, they still represent a minority.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

Next, the responses of a group of respondents presenting a moderate attitude toward the effectiveness of mediation were analyzed. For the analysis, responses with values of 4 points (12.6%) and 5 points (10.3%) on a Likert scale were summed. This group is dominated by trainees employed in law firms (65%), 15% of respondents are those employed in offices and 10% in capital companies. The skeptics group is dominated by those who undertake day-to-day work handling business entities (50%) and those specializing in civil cases (20%). The remaining respondents equally address issues related to corporate law (10%) and administrative law (10%). These respondents were in the minority (45%) who took classes in alternative dispute resolution during their studies, as well as during their application (40%). This group is also characterized by a lack of personal experience in mediation, with only 25% of respondents having participated in mediation.

The last group analyzed in terms of professional practice is the small group of respondents who consider mediation an ineffective tool for resolving disputes in the context of their profession. To analyze this group, responses with values of 1, 2 and 3 points on a Likert scale were summed. In this group, about 44% of respondents deal with civil law, 33% with business law. This group is not distinguished from the others by exceptional attendance at classes on alternative dispute resolution during the course of study (56% of respondents say they participated), as well as at the application (67% say they participated). It is surprising that a fairly significant percentage (about 44% of respondents) declare participation in mediation proceedings.

In terms of online mediation, respondents were asked to provide a similar response (indicating on a Likert scale their attitude toward online mediation as a tool for alternative dispute resolution).

In relation to classical mediation, trainees referred to the effectiveness of online mediation with more distance. The largest portion of respondents (33%) showed moderate agreement with the statement: "In the context of my profession, I consider online mediation to be an effective form of dispute resolution", giving a value of 4 points on a Likert scale.

This was followed by the second largest group of respondents selecting a value of 6 points on the Likert scale (20.5%), 17% indicated a value of 5 points, 10.2% of respondents selected the highest value of 7 points, and a lower value of 3 points. A small group of respondents indicated the low effectiveness of online mediation: 4.5% of respondents answered the question by marking 2 points and 1 point.

The above responses indicate less confidence in the ability to resolve disputes online vs traditional mediation in the context of the profession.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

Table 3. Summary of overall results on mediation effectiveness among respondents

Grade on the mediation Likert scale	Mediation (%)	Online mediation (%)
1	1.1	4.5
2	2.3	4.5
3	6.9	10.2
4	12.6	33.0
5	10.3	17.0
6	50.6	20.5
7	16.1	10.2

Source: Authors' own research.

The highest value for the effectiveness of online mediation (7 points) was given by trainees specializing in the fields of civil law (66%) and equally in copyright law (11.1%), handling business entities (11.1%), and labour law (11.1%). Among this group, a minority of applicants took classes in alternative dispute resolution in college (44.4%) and only a small percentage (11.1%) in the application. As in the case of classical mediation, among those indicating the highest mediation success rate, only 11.1% of respondents had participated in mediation of this type.

A rating of 6 points on the Likert scale was given by trainees specializing in civil matters (44.5%). In addition to them, a large group is made up of those practicing business law in the broad sense (33.7%) and administrative law (11.2%) on a daily basis. Also appearing in this group are those practicing labour law (5.6%) and banking law (5.6%). The above group is characterized by a high rate of participation in classes on alternative dispute resolution during their studies (77.8% of trainees declared participation), but a smaller number of trainees participated in classes of this type during their training course (55.6%). A small percentage of those participating in online mediation (16.7%) also appears in this group.

Another group consists of those with positive attitudes toward the effectiveness of online mediation in the context of their profession. This group is dominated by trainees dealing with civil law in the broadest sense (46.3%) and business law (33.3%), single responses from respondents indicate banking law (6.7%) and corporate law (6.7%). In this group, a minority of respondents took classes on alternative dispute resolution during their studies (40%), and during their application (26.7%). Only 6.7% of respondents in the group indicated participation in online mediation.

The largest group is made up of those with a moderately positive attitude toward the effectiveness of online mediation in the context of their profession. Among this group, civil (41.1%) and commercial (37.8%) trainees dominate. Some respondents take up issues related to administrative law (13.7%), public procurement law (3.4%) and corporate law (3.4%) in their daily work. In this group, 41.4% of respondents took classes on alternative conflict resolution during their studies, and 44.8% during their application. The above group is characterized by a negligible number of respondents participating in online mediation (only 3.4%).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

The group that is moderately negative about online mediation as an effective method of dispute resolution is not significantly different from the other groups. We can still observe a high rate of civil and business practice (33.3% each), but in this group the third branch is administrative law (also 33.3%). In this group, the majority of respondents participated in classes on alternative conflict resolution during their studies, and 66.7% during their application 44.4%. The above group is characterized by a small number of respondents participating in online mediation (only 11.1%).

The last and least numerous groups negatively evaluating online mediation as a dispute resolution tool were summed up (scores for 1 and 2 points on a Likert scale). The above respondents have a professional profile focused on civil law (50%) or business law (25%), the other branches in this group are medical and administrative law (12.5% each). In this group, the majority of respondents participated in classes on alternative methods of conflict resolution during their studies (62.5%), and during their application (87.5%). The above group is characterized by a small number of respondents participating in online mediation (only 11.1%). This group is distinguished from the others by a complete lack of participation in online mediation.

Table 4. Summary of respondents' evaluations of mediation and online mediation

Grade on the mediation Likert scale	Classic mediation				Online mediation			
	yes		no		yes		no	
1	1	4%	0		0		4	5%
2	1	4%	1	2%	0		3	4%
3	2	8%	4	6%	1	14%	8	10%
4	2	8%	9	15%	1	14%	28	**35%**
5	3	12%	6	10%	1	14%	14	18%
6	15	**60%**	29	**47%**	3	**43%**	15	19%
7	1	4%	13	21%	1	14%	8	10%
Total	25	1	62	100%	7	100%	80	100%

Source: Authors' own research.

In order to analyze the issue in more depth, the figures from the Likert scale for the evaluation of the effectiveness of mediation and the effectiveness of online mediation were compared with the declaration of participation and non-participation in a particular mode of mediation. The dominance of the results indicates that in the field of classical mediation, the results are relatively similar, the most repeated value in the set of results remains a very high rating of effectiveness – 6 points. In terms of online mediation, the dominant score differs with respect to the effectiveness rating in the groups of online mediation participants and non-participants. The data presents a relatively higher assessment of the effectiveness of online mediation among those who participated, but due to the number of results, interpretation of the results of this part of the survey should be approached with caution. From the above summary, it appears that participation in mediation increases confidence in the effectiveness of mediation in both classic and remote forms.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

Table 5. Evaluation of the use of mediation and online mediation by branch of law

Grade on the mediation Likert scale	Mediation in civil cases (%)	Mediation in criminal cases (%)	Mediation in administrative cases (%)
1	4.5	14.8	9.1
2	3.4	5.7	3.4
3	13.6	**22.7**	17.0
4	20.5	**22.7**	**26.1**
5	23.9	20.5	**22.7**
6	**27.3**	9.1	17.0
7	6.8	4.5	4.5

Source: Authors' own research.

Given the (anticipated) lower level of participation in online mediation than in classic forms of mediation, three additional questions were asked of the respondents in order to gauge applicants' attitudes toward the use of online mediation in particular types of proceedings. On a Likert scale, trainees were asked to indicate to what extent they consider online mediation to be an effective tool for resolving disputes in civil, criminal and administrative cases. As expected, trainees most believe in the effectiveness of online mediation in civil cases, slightly fewer of the respondents recognize the validity of using online mediation in administrative cases, and by far the least in criminal cases. An interesting observation is the relatively high percentage of respondents indicating a lack of applicability of online mediation in criminal cases (about 15% of respondents answered 1 point on a Likert scale in response to this question).

In addition, the survey asked respondents to express their opinion on the emphasis that should be placed on alternative dispute resolution during legal education. The vast majority of respondents categorically agree with the above statement, with trainees expressing the need for education toward alternative dispute resolution.

Table 6. Assessment of the need for greater emphasis on ADR learning among trainees

Grade on the mediation Likert scale	The legal education program should place greater emphasis on learning alternative dispute resolution methods (%)
1	2.3
2	1.1
3	1.1
4	11.4
5	13.6
6	45.5
7	25.0

Source: Authors' own research.

Additional open-ended questions were then posed to respondents to further explore the issue. The first was a question about plans to conduct mediation in further professional practice. The majority of respondents plan to conduct mediation in their

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

professional practice, pointing primarily to the speed of the proceedings, the possibility for the parties to the proceedings to 'settle' the dispute, and extra-procedural aspects such as the possibility of reconciliation. Those declaring no desire to use mediation in their professional work mainly indicated either the low effectiveness of mediation or the inability to use mediation in the field of law they plan to practice (e.g. those serving corporate entities). Respondents' answers not indicating a clear willingness or unwillingness to participate in mediation themselves were classified in the last group of 'no response'. In this group, respondents indicated a lack of knowledge about the proceedings, or unspecified career plans, or simply left the answer blank in the box.

Table 7. Attitudes of trainees towards undertaking mediation in professional practice

Question	Planning (%)	I do not plan to (%)	No response (%)
Do you plan to conduct mediation as part of your professional practice?	51	17	32

Source: Authors' own research.

The last two open-ended questions focused on online mediation proceedings. Respondents were asked to answer questions about online mediation in order to verify respondents' feelings about the pros and cons of this method of alternative dispute resolution. The survey intentionally did not impose an answer matrix, due to the exploratory nature of the question, respondents' answers were grouped and tabulated according to the following scheme. Some of the applicants raised more than one issue in their individual answers, herds in the development of the survey results it was decided to summarize all the answers given. In addition, non-responses of respondents were included in the summary, as well as responses that were given in a vague and incomprehensible manner, or that made it impossible to qualify for any category of variable.

Table 8. Summary of advantages of online mediation

Variable	Number of answers given
Accessibility	31
None/unspecified	21
Speed of proceedings	18
Comfortable conditions	6
Lower party costs	5
Reduce negative emotions especially in family matters	4

Source: Authors' own research.

In terms of the advantages of online mediation, respondents primarily pointed to the accessibility of online mediation, by which they meant not only the ability to resolve disputes over long distances, but also the saving of time for the parties to commute. This feature was dominant and appeared in most responses. Another

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

important feature indicated by respondents was the speed of the proceedings, especially in relation to traditional court proceedings. Some trainees also pointed to the possibility of attending the mediation session in the comfort of their homes, which, according to them, reduces the stress of sitting in a mediation room in court. A small number of respondents also pointed out the savings of not having to pay for space rental and transportation. Four trainees raised as an advantage the possibility of sparing the parties from the negative emotions associated with physically being with the opposing party, noting in particular the difficult specifics of family cases.

Table 9. Summary of disadvantages of online mediation

Variable	Number of answers given
Lack of opportunity to 'release emotions', to feel the emotions of the other party, making it difficult to present a position	24
None/unspecified	21
Deliberate prolongation of proceedings due to network problems	12
The mediator's inability to control the privacy and confidentiality of the meeting	11
No personal contact	11
Limiting the availability of mediation for the elderly (digital exclusion)	2

Source: Authors' own research.

Applicants also noted a number of disadvantages of online mediation, primarily noting the limited ability of the parties to feel emotions, which makes it difficult or impossible to achieve the non-legal goals of mediation such as reconciliation. A large number of respondents also noted the possibility of the parties to online mediation prolonging the proceedings by posing connection problems, as a similarly significant drawback, respondents pointed to the risk of not violating the principle of confidentiality of the meeting and the lack of personal contact between the mediator and the parties. Individual respondents also referred to the issue of digital exclusion, indicating it as a drawback of online mediation proceedings.

CONCLUSIONS

Based on the survey, it can be concluded that some of the initial hypotheses posed in the study were largely confirmed. Applicants generally rated the effectiveness of mediation highly in the context of their profession. The highest ratings of mediation effectiveness were given by trainees who undertake civil law cases both considering the needs of private individuals and business entities, and the above data are consistent with the general perception of mediation effectiveness among all respondents. Although these results seem to reflect statistical data, their interpretation should be approached with some caution, stemming from the fact that trainees who undertake the daily resolution of cases related to civil law, broadly defined, dominate the other groups.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

To the surprise of respondents in this survey, support for mediation demands was not directly correlated with education and personal participation in the proceedings.

Applicants approach e-mediation with more distance compared to its classic mode, although the effectiveness of this model is still the highest rated by young lawyers for use in civil cases.

In addition, it should be noted that respondents participating in mediation as well as online mediation tend to have a higher rating of the effectiveness of the solution. This study, however, did not show such a relationship in relation to those participating in mediation training in the course of their studies as well as in the application.

Despite the lack of correlation between ratings of mediation effectiveness and the degree of mediation education, trainees strongly express the need for greater emphasis on learning alternative dispute resolution methods in the course of their legal education.

Applicants mostly declare a desire to use mediation in their professional practice, pointing mainly to the speed of the proceedings, the possibility for the parties to the proceedings to 'settle' the dispute, and extra-procedural aspects such as the possibility of reconciliation. Those declaring no desire to use mediation in professional practice mainly indicated either the low effectiveness of mediation or the lack of applicability of mediation in the field of law they plan to practice.

However, in terms of mediation conducted remotely, the applications expressed concern about the limited possibilities of achieving the non-legal goals of mediation such as reconciliation, and also saw the possibility of using the ADR tool to prolong the proceedings. Also telling in this regard is skepticism about the preservation of confidentiality during such proceedings. Despite the above, trainees point to the advantages that online mediation brings, such as accessibility, speed and convenience, which was puzzlingly mentioned before issues related to the cost of the process.

In conclusion, it should be said that the experimental research, while answering the research hypotheses, also identified new fields for exploration in the legal education system and the use of alternative dispute resolution methods. Important for the authors of the study, in addition to the answers to the questions contained in the hypotheses, is also the fact, that trainee attorneys recognize the non-litigation needs of litigants and cybersecurity issues. With regard to ensuring data confidentiality, consider the call for the establishment of an online mediation platform and the possibility of integrating it into the national cyber security system.[18]

In addition, with the increasing number of disputes and the opportunities presented by remote conflict resolution, it is important to consider what steps need to be taken to provide parties to online mediation with a platform that enables effective

[18] More on the national cyber security system, see J. Kostrubiec, Kostrubiec, *The Position of the Computer Security Incidents Response Teams in the National Cybersecurity System*, "Cybersecurity and Law" 2022, vol. 8(2).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

communication, puts in place rules that prevent procedural obstruction, and provides appropriate tools to maintain the confidentiality of the process.

In light of the research, there is a high probability that the above will lead to the perception of online mediation as a full-fledged tool for dispute resolution. According to the authors, the above solution will have a positive impact on the culture of dispute resolution in Poland.

REFERENCES

Literature

Bettin M., Kowalczyk J., *Postępowanie mediacyjne w świetle danych statystycznych. Sądy rejonowe i okręgowe w latach 2006–2019. Edycja 9*, Warszawa 2020.

Bettin M., Kowalczyk J., *Postępowanie mediacyjne w świetle danych statystycznych. Sądy rejonowe i okręgowe w latach 2006–2021. Edycja 13*, Warszawa 2022.

Kalisz A., Zienkiewicz A., *Mediacja sądowa i pozasądowa. Zarys wykładu*, Warszawa 2014.

Karpiuk M., *Crisis Management vs. Cyber Threats*, "Sicurezza, Terrorismo e Societa" 2022, vol. 2.

Kępa M., Pilipiec S., *Perspektywy zawodowe studentów prawa*, Lublin 2021.

Kępa M., Pilipiec S., *Preferencje zawodowe studentów prawa. Raport z badania*, Lublin 2018.

Kępa M., Pilipiec S., *The Prestige of Legal Professions among Students of Law and the Intention to Practice These Professions*, "Studia Iuridica Lublinensia" 2019, vol. 28(4), **DOI: https://dx.doi.org/10.17951/sil.2019.28.4.65-87**.

Kostrubiec J., *The Position of the Computer Security Incidents Response Teams in the National Cybersecurity System*, "Cybersecurity and Law" 2022, vol. 8(2), **DOI: https://doi.org/10.35467/cal/157121**.

Pieniążek A., Stefaniuk M., *Socjologia prawa. Zarys wykładu*, Warszawa 2021.

Pilipiec S., Niewęgłowski K., Patoleta P., *Awareness among the Students of Law within the Scope of Working as an Attorney-at-Law*, "Studia Iuridica Lublinensia" 2019, vol. 28(1), **DOI: http://dx.doi.org/10.17951/sil.2019.28.1.117-131**.

Plucińska-Nowak M., *Status i oblicza mediacji w społeczeństwie polskim*, Poznań 2021.

Zemke-Górecka A., Rogula C., *Trzy uwagi związane z mediacją online*, [in:] *Mediacja: w kierunku ugody*, ed. M. Romanowski, Warszawa 2021.

Online sources

Akademickie Centrum Mediacji, https://www.umcs.pl/pl/nasze-cele,23125.htm (access: 20.11.2023).

Centrum Mediacji, http://mediacje.kirp.pl (access: 20.11.2023).

Centrum Mediacji przy Naczelnej Radzie Adwokackiej, http://centrummediacji.nra.pl (access: 20.11.2023).

Ministerstwo Sprawiedliwości, *Mediacja w strukturze Ministerstwa Sprawiedliwości*, https://www.gov.pl/web/sprawiedliwosc/dzialania-ministerstwa-sprawiedliwosci-w-przedmiocie-mediacji (access: 20.11.2023).

Ministerstwo Sprawiedliwości, *Projekt Krajowy Rejestr Mediatorów*, https://www.gov.pl/web/sprawiedliwosc/projekt-krm2 (access: 20.11.2023).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 00:43:12

ABSTRAKT

Zjawisko popularyzacji alternatywnych metod rozwiązywania konfliktów jest powszechne w Polsce na poziomie zarówno rządowym, jak i samorządowym. Łącząc interdyscyplinarny dorobek praktyki i doktryny, powstają liczne projekty oraz programy mające zachęcić strony i profesjonalnych pełnomocników do stosowania mediacji w procesie opanowywania sporów. Bazując jednak na danych statystycznych wykazujących zastosowanie mediacji sądowej na poziomie 1,6% w sprawach, w których mogła być ona podjęta, należy stwierdzić, że droga mediacji do stania się „pełnoprawną" metodą rozwiązywania konfliktów, stanowiącą realną alternatywę dla tradycyjnego adiudykacyjnego sposobu rozwiązywania sporów, jest jeszcze długa. Celem artykułu jest przedstawienie wyników empirycznych badań przeprowadzonych przez autorów w ramach działań naukowych związanych z realizacją założeń Akademickiego Centrum Mediacji funkcjonującego przy Instytucie Nauk Prawnych Uniwersytetu Marii Curie-Skłodowskiej w Lublinie. Artykuł został podzielony na trzy części. W pierwszej zaprezentowano przedmiot, zakres i cele badań oraz hipotezy badawcze, założenia i szczegóły metodologiczne. W drugiej przedstawiono wyniki przeprowadzonych badań empirycznych oraz wnioski cząstkowe. Ostatnia część stanowi zestawienie wniosków z przeprowadzonych badań.

Słowa kluczowe: mediacja; mediacja online; badania społeczne; socjologia prawa; radca prawny; aplikant radcowski