

# Can ChatGPT-like AI Function as ODR Fourth Party for Handling School-Related Disputes in China?

Fang Xuhui & Deng Yu\*

## Abstract

*ChatGPT-like AI is a powerful large language model (LLM) for generating human-like text but cannot replace the third party of online dispute resolution (ODR). A Colombian judge used ChatGPT as an 'assistant' to help in making a court decision, proving that it cannot play the role of the independent third party. However, ChatGPT-like AI can work as the fourth party and is suitable for preventing and resolving school-related disputes in China. The tests of Open AI ChatGPT, ChatSonic and the Chinese version of ChatGPT prove ChatGPT-like AI has the potential to play the role of the fourth party. It is feasible to customize ChatGPT-like AI as the fourth party to handle school-related disputes in China, thereby exploring the new frontier of ODR. In a word, ChatGPT-like AI enhances the role of the fourth party.*

**Keywords:** ChatGPT, ODR, fourth party, school-related dispute.

## 1 Introduction

ChatGPT has become one of the most popular buzzwords in the Internet world since it was launched by OpenAI in November 2022. It is the hottest topic nowadays in China. ChatGPT distinguishes itself from other chatbots through the acronym GPT (Generative Pretrained Transformer). The term 'Generative' means that unlike a traditional chatbot, which just gives 'yes/no' answers or makes simple sentences, ChatGPT generates human-like text that is coherent and fluent. The term 'pretrained' means that it is a pretrained model that has been trained on a massive data set of raw text in a self-supervised fashion. The term 'transformer' means that it is a machine learning (ML) or deep learning model that can process not only the sequential input data, such as natural language, but also the entire input all at once. Simply put, the transformer can understand the given text. In a word, ChatGPT is a powerful large language model (LLM) for understanding and

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generating human-like text. This article discusses whether ChatGPT-like AI can function as the ODR fourth party handling school-related disputes in China. The article is divided into the following three sections: (I. Can ChatGPT-like AI act as the third party of ODR to handle school-related disputes in China? (II.) As the fourth party of ODR, is ChatGPT-like AI suitable for handling school-related disputes in China? (III.) How and why is ChatGPT-like AI used as the fourth party of ODR to handle school-related disputes in China?

## 2 Can ChatGPT-like AI Act as the Third Party of ODR to Handle School-Related Disputes in China?

ChatGPT has a wide range of applications. It can pass exams for law school courses, MBA courses and medical licences.<sup>1</sup> If a Columbian judge used ChatGPT in making a court decision,<sup>2</sup> can ChatGPT replace attorney, mediator, arbitrator and judge? According to the research, a list of jobs that are most likely replaced by ChatGPT includes tech jobs (e.g. data analysts), media jobs (e.g. content creation), legal industry jobs (e.g. paralegals, legal assistants).<sup>3</sup> The list of jobs does not mention attorney, mediator, arbitrator and judge. From the perspective of online dispute resolution (ODR), ChatGPT cannot replace the human being as the third party to resolve the disputes of two parties. Therefore, the application of ChatGPT to dispute resolution cannot change the internationally recognized definition of ODR. According to the UNCITRAL Technical Notes on Online Dispute Resolution, ODR is a 'mechanism for resolving disputes through the use of electronic communications and other information and communication technology'.<sup>4</sup> The definition implies that information and communication technology (ICT) is playing the ODR fourth party, which is 'used' by the human being as the third party to prevent and resolve the disputes of two parties. The term 'fourth party' was coined by Ethan Katsh, the father of ODR,<sup>5</sup> about two decades ago, but is it still working now? Does ChatGPT-like AI change the meaning of the fourth party? Is it possible for ChatGPT to play the role of third party for handling school-related disputes in

- 1 Samantha Murphy Kelly, *ChatGPT Passes Exams From Law and Business Schools*, 26 January 2023, [www.cnn.com/2023/01/26/tech/chatgpt-passes-exams/index.html](http://www.cnn.com/2023/01/26/tech/chatgpt-passes-exams/index.html); See also Kathryn Mannie, *ChatGPT Passes Exams for MBA Courses and Medical Licences — And It's Only Getting Started*, 24 January 2023, <https://globalnews.ca/news/9432503/chatgpt-exams-passing-mba-medical-licence-bar/>.
- 2 Deena Theresa, *Columbian Judge Uses ChatGPT in Ruling, Makes Humane Decision*, 3 February 2023, <https://interestingengineering.com/innovation/chatgpt-makes-humane-decision-columbia>.
- 3 Aar on Mok and Jacob Zinkula, *ChatGPT May Be Coming for Our Jobs. Here Are the 10 Roles that AI Is Most Likely to Replace*, 2 February 2023, [www.businessinsider.com/chatgpt-jobs-at-risk-replacement-artificial-intelligence-ai-labor-trends-2023-02](http://www.businessinsider.com/chatgpt-jobs-at-risk-replacement-artificial-intelligence-ai-labor-trends-2023-02).
- 4 UNCITRAL Technical Notes on Online Dispute Resolution, [https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/v1700382\\_english\\_technical\\_notes\\_on\\_odr.pdf](https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/v1700382_english_technical_notes_on_odr.pdf).
- 5 Ethan Katsh and Janet Rifkin, *Online Dispute Resolution, Resolving Conflicts in Cyberspace* (San Francisco: Jossey-Bass, A Wiley Company, 2001), p. 226.

China? This question could be answered with the following example: 'Judge says he used ChatGPT in court ruling',<sup>6</sup> which is the headline in the news.

The use of ChatGPT in court rulings has been covered by many reporters. The question is, 'can judges use ChatGPT in ruling?' ChatGPT has answered the question as follows:<sup>7</sup>

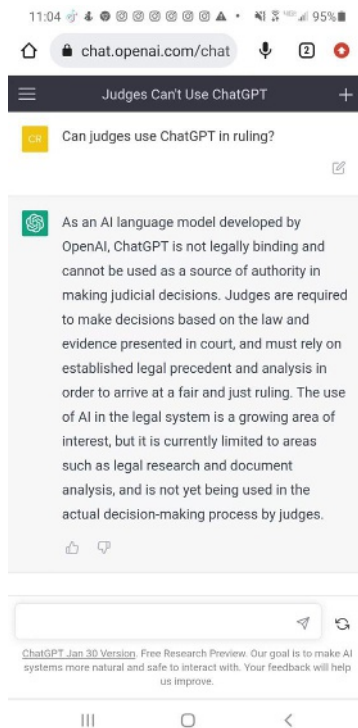
As an AI language model developed by OpenAI, ChatGPT is not legally binding and cannot be used as a source of authority in making judicial decisions. Judges are required to make decisions based on the law and evidence presented in court, and must rely on established legal precedent and analysis in order to arrive at a fair and just ruling. The use of AI in the legal system is a growing area of interest, but it is currently limited to areas such as legal research and document analysis, and is not yet being used in the actual decision-making process by judges.

ChatGPT also provides the instruction: 'ChatGPT 30 January Version. Free Research Preview. Our goal is to make AI systems more natural and safe to interact with. Your feedback will help us improve.' The following is the original screenshot:

6 Emily Hinkley, *Judge Says He Used ChatGPT in Court Ruling*, 7 February 2023, [www.legalcheek.com/2023/02/judge-says-he-used-chatgpt-in-court-ruling/#:~:text=What%20is%20thought%20to%20be,guardian%20of%20an%20autistic%20child](http://www.legalcheek.com/2023/02/judge-says-he-used-chatgpt-in-court-ruling/#:~:text=What%20is%20thought%20to%20be,guardian%20of%20an%20autistic%20child).

7 The screenshots are provided by Mr Ma Lizhi, my ex-classmate at Peking University, who helped me in forwarding my question to ChatGPT on 8 February 2023 and 9 February 2023 in the USA.

Fang Xuhui & Deng Yu

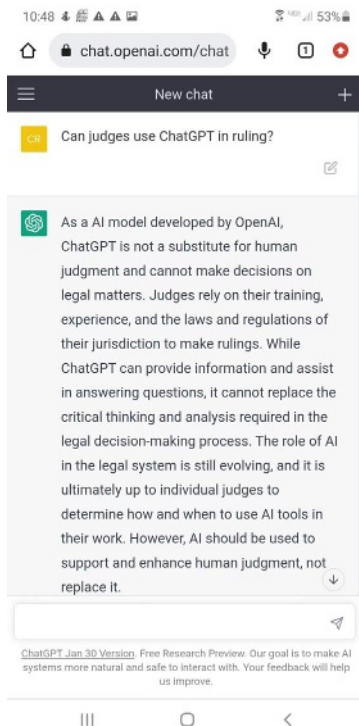


ChatGPT answered the same question asked by the same person the following day in the same jurisdiction. The question ‘can judges use ChatGPT in ruling?’ was directed to ChatGPT, and it answered it as follows:

As a AI model developed by OpenAI, ChatGPT is not a substitute for human judgment and cannot make decisions on legal matters. Judges rely on their training, experience, and the laws and regulations of their jurisdiction to make rulings. While ChatGPT can provide information and assist in answering questions, it cannot replace the critical thinking and analysis required in the legal decision-making process. The role of AI in the legal system is still evolving, and it is ultimately up to individual judges to determine how and when to use AI tools in their work. However, AI should be used to support and enhance human judgment, not replace it.

ChatGPT answered the question with the same version: ‘30 January Version’. The screenshot is as follows:

## Can ChatGPT-like AI Function as ODR Fourth Party for Handling School-Related Disputes in China?



Actually, what the judge did for using ChatGPT to decide a case is consistent with the answer given by ChatGPT. First, according to the ChatGPT's answer shown on the second screenshot, '[j]udges rely on...the laws and regulations of their jurisdiction to make rulings.'<sup>8</sup> Correspondingly, the jurisdiction where the judge used ChatGPT in ruling is Colombia. The incorporation of AI in judicial proceedings is allowed under Colombian law. Colombia was a pioneer in implementing AI in judicial proceedings. Under Article 95 of Law 270 of 1996, it was established that courts should make efforts to incorporate new technological advances in justice administration services. This regulation was extended by the Colombian Procedural Code (CPC), enacted in 2012, which allowed judicial service of process by electronic means. Since 2018, the Superintendence of Companies has implemented the first assistant robot in Latin America, called SIARELIS, which contributes to exploring solutions (both for the judge and for the parties) based on the different characteristics of each judicial process.

Second, according to the ChatGPT's answer shown in the first screenshot,

[a]s an AI language model developed by OpenAI, ChatGPT is not legally binding and cannot be used as a source of authority in making judicial decisions. Judges

8 Irma Isabel Rivera, *The Implementation of New Technologies Under Colombian Law and Incorporation of Artificial Intelligence in Judicial Proceedings*, [www.ibanet.org/article/14AF564F-080C-4CA2-8DDB-7FA909E5C1F4](http://www.ibanet.org/article/14AF564F-080C-4CA2-8DDB-7FA909E5C1F4).

are required to make decisions based on the law and evidence presented in court, and must rely on *established legal precedent* and analysis in order to arrive at a fair and just ruling. (emphasis added)

Correspondingly, the Colombian judge did ‘us[e] *precedent* from previous rulings to confirm his decision’ (emphasis added). Third, according to the ChatGPT’s answer, shown on the second screenshot,

As a AI model developed by OpenAI, ChatGPT is not a *substitute* for human judgment... While ChatGPT can provide information and assist in answering questions, it *cannot replace* the critical thinking and analysis required in the legal decision-making process... However, AI should be used to support and enhance human judgment, *not replace* it. (emphasis added)

Correspondingly, the Colombian judge had sought advice from ChatGPT that is helpful to ‘facilitate the drafting of texts’ but ‘not to replace’ judges. The Colombian judge asked the ChatGPT: ‘Is autistic minor exonerated from paying fees for their therapies?’ It answered: ‘Yes, this is correct. According to the regulations in Colombia, minors diagnosed with autism are exempt from paying fees for their therapies.’ By asking questions, the judge did ‘not stop being judges, thinking beings’. The foregoing example illustrated that ChatGPT still plays the role of the fourth party instead of the third party, human being.

If the Colombian judge has used ChatGPT as the fourth party in a medical rights case, then ChatGPT should play the same role in handling school-related disputes in China. The Chinese version of news that the judge used ChatGPT in his ruling has spread fast online and received attention from the Chinese courts. ‘As the leader in legal technology’,<sup>9</sup> China will take advantage of ChatGPT to resolve disputes. The Chinese intelligent courts have resolved different kinds of disputes. For example, as one of the four internet courts in China, the Beijing Internet Court handles a variety of disputes, including minors protection lawsuits. It is predictable that ODR in China will handle disputes in a variety of fields, from e-commerce to school-related issues. Consequently, ChatGPT can handle school-related disputes in China but only play the role of the fourth party, as it did in the medical rights case in Colombia. As Zhou Qiang, president of the Supreme Court, said, ‘Artificial intelligence cannot replace judges. With the help of artificial intelligence, judges will better exert their wisdom, use judicial experience, and effectively carry out judicial activities’.<sup>10</sup>

9 Richard Susskind, *Online Courts and the Future of Justice* (Oxford: Oxford University Press, 2020), pp. 170-172.

10 Ning Jie, *Zhou Qiang Gave a Speech at the Third World Internet Conference for Smart Court and Internet Governance*, 18 November 2016, [www.cac.gov.cn/2016-11/18/c\\_1119937773.htm](http://www.cac.gov.cn/2016-11/18/c_1119937773.htm).

### 3 As the Fourth Party of ODR, Is ChatGPT-Like AI Suitable for Handling School-Related Disputes in China?

ODR includes online dispute prevention (ODP), which is 'becoming a central arena for addressing conflict' and an essential component of digital justice.<sup>11</sup> ChatGPT-like AI as the fourth party of ODR is suitable for handling school-related disputes in China. For example, Chinese students should have opportunities to talk about their mental problems with ChatGPT-like AI, thereby preventing suicides from happening. People are using ChatGPT for psychotherapy, whether it is ready for it or not. In January it was announced on Twitter that Koko, an online mental health service, had 'provided mental health support to about 4,000 people—using GPT-3'.<sup>12</sup> Hence, ChatGPT-like AI is suitable for use in China to help students with mental problems. People in China need to pay attention to psychological issues. According to the *South China Morning Post*,

Teen suicide and psychological issues in general are not widely discussed topics in China but some media outlets have started to focus attention on whether there is a tendency to dismiss such problems as merely 'puberty' or 'unhappiness'.<sup>13</sup>

This comment comes from the news about the Hu Xinyu incident, a high-profile case in China.

The Hu Xinyu incident can be used as an example of a school-related dispute related to mental illness. The incident has attracted keen attention across China. The news covering the incident has been translated into multiple languages, including English, French, German and Spanish.<sup>14</sup> The mysterious disappearance of the middle school student was among the most discussed topics on the Chinese social media. Why and how could Hu vanish from a private boarding school, which had installed 119 surveillance cameras and was surrounded by high walls? Why could not the extensive searches find the missing student? Why could not 105 days

- 11 Ethan Katsh and Orna Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes* (Oxford: Oxford University Press, 2017), pp. 46, 51-54.
- 12 Ryan Broderick, *People Are Using AI for Therapy, Whether the Tech Is Ready for It or Not*, 21 January 2023, [www.fastcompany.com/90836906/ai-therapy-koko-chatgpt](http://www.fastcompany.com/90836906/ai-therapy-koko-chatgpt).
- 13 Phoebe Zhang, *Chinese Police Conclude Missing Teen Hu Xinyu Took His Own Life*, 2 February 2023 [www.scmp.com/news/china/politics/article/3208900/chinese-police-conclude-missing-teen-hu-xinyu-took-his-own-life](http://www.scmp.com/news/china/politics/article/3208900/chinese-police-conclude-missing-teen-hu-xinyu-took-his-own-life).
- 14 Cui Jia, *Missing Teen Committed Suicide, Police Say*, 2 February 2023, [www.chinadaily.com.cn/a/202302/02/WS63db1a82a31057c47ebac814.html](http://www.chinadaily.com.cn/a/202302/02/WS63db1a82a31057c47ebac814.html); Suivez, *La mort de Hu Xinyu confirmée comme un suicide par pendaison*, Mis à jour le 2 February 2023, [http://french.china.org.cn/china/txt/2023-02/02/content\\_85085592.htm](http://french.china.org.cn/china/txt/2023-02/02/content_85085592.htm); Vermisster Schüler: Tot aufgefundener 15-jähriger beging Selbstmord, 03.02.2023, [http://german.china.org.cn/txt/2023-02/03/content\\_85087914.htm](http://german.china.org.cn/txt/2023-02/03/content_85087914.htm); Nectar Gan, *La desaparición de un adolescente conmocionó a China. El hallazgo de su cuerpo generó más interrogantes*, 30 Enero, 2023, [https://cnnespanol.cnn.com/2023/01/30/china-desaparicion-adolescente-hu-xinyu-trax/#:~:text=El%20hallazgo%20de%20su%20cuerpo%20gener%C3%B3%20m%C3%A1s%20interrogantes,-Por%20Nectar%20Gan&text=\(CNN\)%20%2D%2D%20Durante%20tres%20meses,discutidos%20en%20Internet%20en%20China](https://cnnespanol.cnn.com/2023/01/30/china-desaparicion-adolescente-hu-xinyu-trax/#:~:text=El%20hallazgo%20de%20su%20cuerpo%20gener%C3%B3%20m%C3%A1s%20interrogantes,-Por%20Nectar%20Gan&text=(CNN)%20%2D%2D%20Durante%20tres%20meses,discutidos%20en%20Internet%20en%20China).



of searches find him? The questions raised on social media made readers suspicious of school personnel who committed the crime. Hu's family was also suspicious of school personnel. On 1 January 2023, local policemen and Hu's relatives met and talked about the issue of the updated investigation. As for the family's questioning that some of the school's surveillance video footage was deleted, the policemen said that the technical staff of the manufacturer of the surveillance equipment had verified that the video had not been deleted. In response to the many speculations circulating on the internet, such as the guess that Hu's disappearance was related to the schoolteacher and that Hu was taken out of the school by someone with a vehicle, the policemen said that they had carried out investigations and found no valuable clues. The policemen told the family members that the child might have been tired of studying and had run away and ruled out the possibility of crimes committed by school personnel. However, Hu's family said it was difficult to recognize and accept their answers.<sup>15</sup>

About 106 days after the student was reported missing, local people found Hu's body hanging from a tree 400 metres away from his dorm. According to the police report, Hu committed suicide, leaving thoughts of ending his life on a pen-shaped voice recorder before hanging himself. According to the analysis of some psychological experts, Hu was introverted, lonely and oversensitive; he seldom communicated with others, lacked emotional support and was unable to channel his emotions. He habitually recorded his emotions and thoughts in books anytime, anywhere. Since he began studying at the middle school in September 2022, his poor academic performance, personality disorder and adolescent impulsivity had caused Hu to suffer from mental illness: a serious sleep disorder, eating disorder, poor concentration, memory loss, strong feelings of powerlessness, hopelessness, helplessness and worthlessness, and suicidal thoughts.<sup>16</sup>

According to the recording on his voice recording pen, Hu attempted to commit suicide twice. At 17:40 on 14 October, Hu stood on the balcony of the 5th floor of the dormitory building, from where he tried to jump off, and the recording showed that Hu said:

I really stand here, but I am a little nervous, and my heart is beating wildly. To be honest, there is no reason, I just think [life is] meaningless, what will happen if [I] really jump off? No one will find out [me] if [I] jump down, at least not now ... I do not jump just now, alas, I really want to jump ... No, I probably don't want to.

The recording at 23:08 shows that Hu once again expressed his intention to commit suicide:

15 Baidu Encyclopedia, *Hu Xinyu*, <https://baike.baidu.com/item/%E8%83%A1%E9%91%AB%E5%AE%87/62314282>.

16 *Id.*



It's all meaningless, it's almost midnight, [I] just wait a little longer, just go to death, it's okay, because my mind has become clouded today, and now I really want to go to death. [I]feel [life] is meaningless.<sup>17</sup>

To analyse the Hu Xinyu incident, *Health Times* and, *People's Daily Online* published a study of Shaanxi Provincial Health Commission regarding the issue of the campus psychological room. It highlights three problems. First, schools attach different levels of attention to psychological counselling, as a result of which some schools' psychological counselling rooms or offices are not useful. 'Although the decoration of psychological counselling rooms in some schools is exquisite, it was found during the inspection that they have not been put into use.' Secondly, there are also certain differences in the professional level of psychological counselling teachers in various schools. Schools in rich areas generally have relatively good teams of psychological counselling teachers, but many such teachers in schools in remote areas work only part time, and there is still a big difference in professionalism. Thirdly, the psychological counsellors have office hours during the daytime, leaving students with no opportunity to seek help from them after office hours.<sup>18</sup>

ChatGPT is helpful to resolve the problems of the campus psychological room. It has the advantages of the fourth party of ODR. First, the fourth party can break the geographical boundaries, and, therefore, regardless of rich or remote areas, all students can access ChatGPT. This could have helped Hu, a student in a remote area. Second, the fourth party can work 24 hours a day, seven days a week, thereby giving students the opportunity to access ChatGPT after the office hours of psychological counselling teachers. Unfortunately, Hu recorded his suicidal thoughts in his recording pen twice, early in the evening and before midnight. Even if his boarding school had a campus psychological room, Hu could not have accessed it.

As previously noted, people in the USA are using ChatGPT for therapy. Can Chat GPT-like AI answer psychological questions in Chinese? The answer is yes. Chat GPT-like AI answered my two questions in Chinese. The first question was directed to ChatGPT. I told him all the mental problems Hu had, and ChatGPT used 'self-harm risk analysis' to answer the question:

According to the description, the individual suffered from multiple psychological stressors and health problems, which could all contribute to

- 17 According to the report, in view of the fact that Hu committed suicide, his family members have been solicited for their opinions on whether the two original audios should be disclosed in accordance with relevant regulations. The family members made it clear that the records can be made available to the public in due course. '[Author]respect the wishes of the family members, but in order to protect the privacy of minors, the audio content is an excerpt.' Yu Yijing, *The Part of the Content of Hu Xinyu's Voice Recordings Was Made Public: He Tried to Jump Off a Building But Hesitated, Saying '[Life Is] Meaningless'*, 2 February 2023, [www.sohu.com/a/636458926\\_161795](http://www.sohu.com/a/636458926_161795); See also *People's Daily, The Police Discloses the Partial Content of Hu Xinyu's Two Voice Recordings*, 2 February 2023, <https://m.gmw.cn/baijia/2023-02/02/1303270444.htm>.
- 18 Shaanxi Provincial Health Commission, *After the Hu Xinyu Incident, Experts Appealed: The Campus Psychological Room Should Not Be a 'Decoration'!* 2 February 2023, <https://baijiahao.baidu.com/s?id=1757146026546655088&wfr=spider&for=pc>.

suicide risk. This risk is even higher if the person has a clear tendency to commit suicide. Therefore, it is recommended to seek professional mental health support and help immediately.<sup>19</sup>

This answer implies that ChatGPT could become the ODR fourth party who can make suggestions and that a psychologist could become the third party, from whom a student can seek help. My second question was directed to Chat GPT-like AI—ChatSonic. My question was the following: ‘[s]ince I went to a boarding school last year, I suffered from insomnia, difficulty concentrating, poor memory, and anorexia due to poor academic performance. What should I do?’ ChatSonic answered as follows: ‘For your symptoms, there are several suggestions that can help you improve your symptoms: 1. Develop good sleep habits. 2. Try to employ the correct memory technique; 3. Eat more nutritious foods; 4. Participate in sports.’ In each category it provides an explanation; for example, in category ‘2. Try to employ the correct memory technique’, ChatSonic gives examples of memory technique, such as ‘list memory, associative memory, picture memory’. Additionally, it suggests: ‘[a]ccording to your own characteristics, you can combine various memory skills to strengthen your memory.’<sup>20</sup> It seems that other ChatGPT-like AI such as ChatSonic can also talk about psychological issues with Chinese students and thus have the potential to play the role of a fourth party. ChatSonic is built on the GPT-3.5 architecture and trained and powered by Google Search to chat with people on current events and trending topics in real time. The users of ChatSonic can customize and use ‘personality avatars/A personal assistant’ (PA) to solve a math problem, prepare for an interview, resolve relationship problems or help users stay fit.<sup>21</sup>

In sum, ChatGPT-like AI has the potential to become the fourth party of ODR to handle school-related disputes in China. Preventing a dispute from happening is the best way to handle a dispute. As the old saying goes, ‘A stitch in time saves nine.’ If Hu, the Chinese student, had had timely help, he would not have committed suicide, and a high-profile case in China would not have happened. Unfortunately, he developed the habit of recording his emotions and thoughts in books and talking to his voice recording pen. If Hu had had a chance to chat with ChatGPT-like AI, the AI would have given him suggestions and asked him to seek help from a psychologist. ChatGPT-like AI itself cannot automatically become the fourth party. The ODR provider could make the psychologist and ChatGPT-like AI become the third party and the fourth party of ODR, respectively. The fourth party is not isolated: making friends with the fourth party is an appropriate way to integrate ICT into dispute resolution practice.<sup>22</sup>

19 Mr Ma Lizhi, my ex-classmate at Peking University, helped me forward my question to ChatGPT on 10 February 2023 in the USA.

20 The screenshots are provided by Ms Chen Yuxiang, my ex-classmate at Peking University, who helped me in asking ChatSonic the question on 10 February 2023 in the USA.

21 Writesonic, Inc., <https://writesonic.com/chat>.

22 Daniel Rainey, *Integrating Technology into Your Dispute Resolution Practice: Making Friends with the Fourth Party* (Eleven International Publishing, 8 September 2022).

#### 4 How and Why Is ChatGPT-like AI Used as ODR Fourth Party to Handle School-Related Disputes in China?

ChatGPT-like AI itself cannot become the fourth party. Whether the AI works as the fourth party depends on how it is used. Customized ChatGPT-like AI will provide an opportunity for ODR providers to make it the fourth party. Customized ChatGPT-like AI is particularly useful for handling such disputes as school-related disputes in China, to which law and psychology should be applied. Necessity is the mother of invention. ChatGPT-like AI can be customized to apply law and psychology to handle school-related disputes. (1) It is feasible to customize ChatGPT-like AI for special purposes such as handling school-related disputes in China; (2) It is necessary to train ChatGPT-like AI on law and psychology for handling school-related disputes in China.

##### 4.1 *It Is Feasible to Customize ChatGPT-Like AI for Special Purposes Such as Handling School-Related Disputes in China*

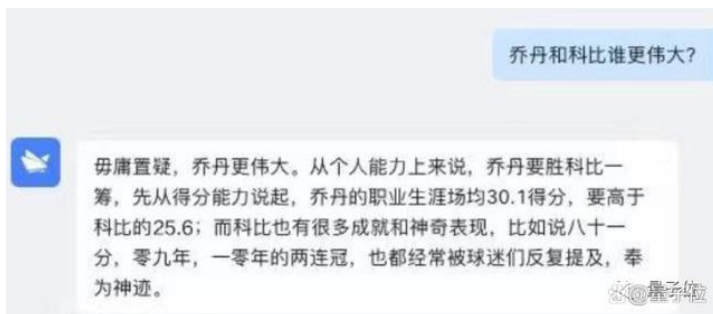
Microsoft plans to release technology for companies, schools and governments to create their own chatbots or refine their existing ones with the OpenAI ChatGPT technology. Microsoft also plans to let customers upload their own data, refine the voice of their bots and replace OpenAI branding.<sup>23</sup> However, it is difficult for people in China to customize OpenAI ChatGPT nowadays. Normally, they are unable to create OpenAI accounts to access it owing to restrictions, but some people use VPN and foreign phone numbers to bypass the restrictions. Fortunately, residents in China will have an opportunity to customize ChatGPT-like chatbots, which has been launched by Zhongchao Inc<sup>24</sup> and will be launched by Baidu, Alibaba, Tencent (BAT) and other major Chinese tech companies.<sup>25</sup> For example, Alibaba Dharma Institute has been developing the Ali version of ChatGPT, which was recently opened to the company's employees for testing. The first question posed to the Ali version of Chat GPT was the following: 'Who is the greatest player in the NBA?' It answered: 'There are many great players in the history of the NBA, such as Michael Jordan, Kareem Abdul-Jabbar, Kobe Bryant, Larry Bird...'<sup>26</sup> To the second question, 'Who is greater, Jordan or Kobe?' its answer was:

- 23 Jordan Novet, *Microsoft Will Let Companies Create Their Own Custom Versions of ChatGPT*, 7 February 2023, [www.cnn.com/2023/02/07/microsoft-will-offer-chatgpt-tech-for-companies-to-customize-source.html](http://www.cnn.com/2023/02/07/microsoft-will-offer-chatgpt-tech-for-companies-to-customize-source.html).
- 24 Zhongchao Inc., *Zhongchao Inc. Announces the Application of ChatGPT for Its MDMOOC Platform to Assist Physicians in Clinic Decision Making and Improve Treatment Efficiency*, 13 February 2023, [www.prnewswire.com/news-releases/zhongchao-inc-announces-the-application-of-chatgpt-for-its-mdmoooc-platform-to-assist-physicians-in-clinic-decision-making-and-improve-treatment-efficiency-301744641.html](http://www.prnewswire.com/news-releases/zhongchao-inc-announces-the-application-of-chatgpt-for-its-mdmoooc-platform-to-assist-physicians-in-clinic-decision-making-and-improve-treatment-efficiency-301744641.html).
- 25 Cissy Zhou, *Alibaba, Tencent and Baidu Join the ChatGPT Rush*, 10 February 2023, <https://asia.nikkei.com/Business/China-tech/Alibaba-Tencent-and-Baidu-join-the-ChatGPT-rush>.
- 26 Wang Binbin, *Ali Dharma Academy ChatGPT Robot Has Entered the Internal Testing Stage—Ali's Speech and Semantic AI Has the Largest Market Share for Three Consecutive Years, and It Cannot Do Without This Research Institute*, 10 February 2023, [https://mdaily.hangzhou.com.cn/mrsb/2023/02/10/article\\_detail\\_3\\_20230210A123.html](https://mdaily.hangzhou.com.cn/mrsb/2023/02/10/article_detail_3_20230210A123.html).

Fang Xuhui & Deng Yu

There is no doubt that Jordan is greater. In terms of personal ability, Jordan is better than Kobe. Let's start with scoring ability. Jordan's career average of 30.1 points per game is higher than Kobe's 25.6. Kobe also has many achievements and magical performances, such as 81 points. The two consecutive championships in 2009 and 2010 are often mentioned repeatedly by fans and regarded as miracles.

The following is a screenshot of the conversation:<sup>27</sup>



The Ali chatbot was asked a third question: 'Draw a picture: country scene, little girl, dog, field, mist, morning.' It answered, 'Immediately, I will look for paint first~,' and then generated the painting. The following is a screenshot of the conversation and painting:



27 Xiaoxiao, *Ali Version ChatGPT Has Entered the Test! Screenshots of Chinese Chat Exposed*, Produced by Bodhidharma Academy, 9 February 2023, <https://baijiahao.baidu.com/s?id=1757313867042825596&wfr=spider&for=pc>.

According to reports, the functions that can be realized by the new product include knowledge quiz, AI painting, code generation and novel/article/poetry writing. In a word, not only can the ability of ChatGPT be realized, but also the function of Open AI's DALL-E is added.

The headquarters of BAT are located in Beijing, Hangzhou and Shenzhen, respectively, where ODR has been applied very well. The first Internet court was born in Hangzhou, the second in Beijing and the third in Guangzhou, which is about a half-hour away from Shenzhen by high-speed train. It is worth mentioning that Tencent's new campus and WeChat's headquarters are located in Guangzhou. Where there is a will there is a way. In the foreseeable future, ChatGPT-like AI developed by BAT will be customized for ODR purposes such as handling school-related disputes in China.

#### 4.2 *It Is Necessary to Customize ChatGPT-Like AI and Train It in Law and Psychology for Handling School-Related Disputes in China*

The reasons are that ChatGPT-like AI cannot always answer a question satisfactorily and is not particularly designed for ODR purposes. SWOT analysis can be applied to Open AI. Although ChatGPT has 'strengths' and provides good 'opportunities' for developing ODR, it also has 'weaknesses' and potential 'threats'. Although ChatGPT is fine-tuned from GPT-3.5, a language model trained on vast amounts of data from the Internet, it is not connected to the Internet and, with its limited knowledge of events after 2021, may also occasionally produce incorrect answers; harmful instructions; biased content; and inaccurate, untruthful or misleading outputs.<sup>28</sup> One of the Chinese users pointed out that 'ChatGPT is an AI created by foreigners' and is good at processing English data but not Chinese data. He provided the following examples: when ChatGPT answered Chinese judicial examination questions, it gave a wrong problem-solving process and did not apply Chinese law and regulations. Similarly, when ChatGPT answered the civil service examination questions, it gave correct answers but a wrong analysis.

Anyway, Open AI's ChatGPT is not the only choice for Chinese ODR providers to customize the chatbot. There is a Chinese version of ChatGPT – Baidu's chatbot. It is 'highly unlikely' that Baidu's chatbot will 'be trained on the same data OpenAI's ChatGPT was trained on'.<sup>29</sup> Baidu will complete internal testing of a ChatGPT-style project called 'Ernie bot' in English or 'Wenxin Yiyan' in Chinese this March. Ernie stands for 'Enhanced Representation through kNowledge IntEgration'. Baidu said: 'What distinguishes ERNIE from other language models is its integration of extensive knowledge with massive data, resulting in exceptional understanding and generation capabilities.'<sup>30</sup> In addition, one report states that 'Chinese search giant Baidu has beaten Microsoft and Google in an ongoing natural language

28 Natalie Avatar, *ChatGPT General FAQ—Commonly Asked Questions About ChatGPT*, <https://help.openai.com/en/articles/6783457-chatgpt-general-faq>.

29 Victor Tangermann, *Chinese Company Gearing Up to Release Powerful ChatGPT Competitor*, 1 February 2023, <https://futurism.com/chinese-company-powerful-chatgpt-competitor>.

30 Evelyn Cheng, *Baidu Leaps to 11-Month High as It Reveals Plan to Launch ChatGPT-Style 'Ernie Bot'*, 6 February 2023, [www.cnn.com/2023/02/07/baidu-shares-leaps-as-it-reveals-plan-for-chatgpt-style-ernie-bot.html](http://www.cnn.com/2023/02/07/baidu-shares-leaps-as-it-reveals-plan-for-chatgpt-style-ernie-bot.html).

processing competition, thanks to the linguistic differences between Chinese and English'.<sup>31</sup> In sum, it seems that the Chinese version of ChatGPT will handle Chinese data better than ChatGPT.<sup>32</sup> It will probably provide a good opportunity for Chinese ODR providers to customize chatbot.

It is necessary to train ChatGPT-like AI in law and psychology to handle school-related disputes in China. There are four reasons for this: first, there is currently a strong demand for the interdisciplinary application of law and psychology to school-related disputes. Although Chinese law schools have begun offering joint degrees or programmes in law and psychology,<sup>33</sup> the supply of graduates cannot meet the demand. Moreover, education is costly and time-consuming.

Secondly, the interdisciplinary application of law and psychology is necessary to prevent school-related disputes. For example, in 2020, Xiaojiang Middle School, in Xinfeng County, Jiangxi Province, offered online psychological counselling services and conflict mediation to alleviate psychological problems that may be caused by the epidemic for all teachers, students and parents and to investigate and mediate conflicts and disputes involving students.<sup>34</sup> I believe that ODR should be provided to schools. Whereas the online service hours are scheduled during the daytime, ODR fourth party can work 24 hours a day and chat with students any time. Moreover, wherever there is a fourth party there should be a third party. The certified teacher could become the third party. The school requires that the certified teachers provide online psychological counselling and abide strictly by the principle of confidentiality, except for issues involving life risks and disease transmission. This requirement is consistent with ODR standards.<sup>35</sup> If the certified teachers can meet the school's requirements, then they can abide by ODR standards. However, the certified teacher's expertise is in psychology, not in law; therefore, the chatbot trained in both law and psychology should be used as the fourth party to assist them and make them become a qualified third party to prevent school-related disputes.

Third, the interdisciplinary application of law and psychology is necessary to resolve school-related disputes. The reason can be explained with an 'integrative

31 Tracy Qu, *Baidu Tops Microsoft and Google in Teaching AI to Understand Human Language, Thanks to Differences Between Chinese and English*, 30 December 2019, [www.scmp.com/tech/big-tech/article/3043895/baidu-tops-microsoft-and-google-teaching-ai-understand-human-language](http://www.scmp.com/tech/big-tech/article/3043895/baidu-tops-microsoft-and-google-teaching-ai-understand-human-language).

32 E-Commerce Expert (Pen Name), *ChatGPT Is Not That Smart Either! As to Chinese NLP, You Should Pay Attention to Baidu's Chatbot Named 'Wenxinyiyan'*, 11 February, <https://baijiahao.baidu.com/s?id=1757544294482631247&wfr=spider&for=pc>; Beijing Times Flying Eagle Company, *Chinese Version of ChatGPT: Bringing More Efficient Natural Language Processing*, 9 February 2023, [www.cww.net.cn/article?id=574359](http://www.cww.net.cn/article?id=574359).

33 East China Normal University School of Law, *The Lecture of 'Career Navigation— Intersection of Law and Psychology: History and Future' Was Successfully Held*, 16 March 2021, [www.law.ecnu.edu.cn/academic-research/xueshudongtai/191636.html](http://www.law.ecnu.edu.cn/academic-research/xueshudongtai/191636.html).

34 Xiaojiang Middle School of Xinfeng County, *Fighting the Epidemic with 'Heart' and Letting Love Act, Xiaojiang Middle School Provided the Dual Mode of 'Dispute Mediation + Psychological Counseling'*, 28 March 2020, [www.meipian.cn/2u43uxwy](http://www.meipian.cn/2u43uxwy).

35 ICODR, *ODR Standard*, <https://icodr.org/standards/>.



mediation' or co-mediation, in which legal and mental health professionals work as a team to assist parties in resolving their disputes.<sup>36</sup>

For example, in 2022, the People's Court of Zhanyi District, Qujing City, heard a dispute caused by school bullying. Through co-mediation, the two parties finally reached an agreement.<sup>37</sup> Zeng (the victim), Zhao and Ding (bullies) were all classmates in a middle school. Zhao and Ding often bullied Zeng and warned him not to give a complaint. The most serious case was that Zhao blatantly beat Zeng in the classroom, causing him mental and physical injury. As a result, Zeng became tired of studying and even had suicidal thoughts, so Zeng and his legal representative sued the school, Zhao and Ding, demanding compensation for various losses and mental damage. After the case was accepted, the judge started the mediation process and invited psychological counsellors to provide psychological counselling. The psychological counsellor provided counselling to the students involved and found that the three children had different degrees of psychological problems. After the counsellor gave psychological evaluation, the school and the parents of both parties had a deeper understanding of the problem. Based on the evaluation and law, an agreement was reached.

The preceding case is just one example of co-mediation in Chinese courts. Also, the Ministry of Justice promotes integrating psychological counselling services to legal aid service in China.<sup>38</sup> The fourth party of ODR can merge the two heads into one, thereby combining two sources of wisdom without stepping on each other's toes. Therefore, it is necessary for ChatGPT-like AI to combine law and psychology to resolve school-related disputes.

In sum, it is feasible for ChatGPT-like AI to be customized as the fourth party of ODR. Meanwhile, ChatGPT-like AI should be trained in law and psychology for handling school-related disputes in China.

## 5 Conclusion

ChatGPT-like AI such as Open AI Chat GPT and ChatSonic cannot change the meaning of the fourth party. The example of the Colombian judge using ChatGPT in a court ruling illustrates that it cannot play the role of a third party. However, as the fourth party of ODR, ChatGPT-like AI is suitable for handling school-related disputes in China. Preventing disputes is the best way to handle a dispute. Whereas people in the USA are using Chat GPT for psychological therapy, people in China should use ChatGPT-like AI to help students with mental problems, thereby preventing school-related disputes. However, ChatGPT-like AI has weaknesses and is not particularly designed for practising ODR. Fortunately, it is feasible to

36 Kristin Stewart, *Integrative Mediation: When Are Two Heads Better Than One?* 1 April 2016. <https://marinbar.org/news/article/?type=news&id=32>.

37 People's Court of Zhanyi District, Qujing City, *Court + Counselor Consultation— Say 'No' to School Bullying!* 20 September 2022, [https://m.thepaper.cn/baijiahao\\_19988061](https://m.thepaper.cn/baijiahao_19988061).

38 Ji Hongli, *Practice and Thoughts of Integrating Psychological Counseling Services to Legal Aid Service*, 25 June 2019, [www.moj.gov.cn/pub/sfbgw/jgsz/jgszsdw/zsdwflyzxx/flyzxxcxcx/zcxcxlyj/201906/t20190625\\_189014.html](http://www.moj.gov.cn/pub/sfbgw/jgsz/jgszsdw/zsdwflyzxx/flyzxxcxcx/zcxcxlyj/201906/t20190625_189014.html).



Fang Xuhui & Deng Yu

customize ChatGPT-like AI as the fourth party. In order for this fourth party to handle school-related disputes in China, it should be trained in law and psychology. In a word, ChatGPT-like AI can function as the ODR fourth party, which is able to handle school-related disputes in China.