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International Arbitration Experts Discuss The Efficiency Of Artificial Intelligence Tools In International Arbitration

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Commentary

International Arbitration Experts Discuss The Efficiency Of Artificial Intelligence Tools In International Arbitration

Mealey's International Arbitration Report recently asked industry experts and leaders for their thoughts on the use of artificial intelligence tools in international arbitration. We would like to thank the following individuals for sharing their thoughts on this important issue.

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Mealey's: Have AI tools contributed to efficiency in international arbitration, such as organization of discovery materials, review of expert witness reports or summaries of awards?

Younger: AI is starting to gain traction as an efficient and effective way to organize and summarize litigation materials. According to a recent survey, half of all lawyers are using AI in their daily practice, which definitely includes arbitration lawyers. Arbitration lawyers are using AI in large numbers.

There are a wide range of ways that AI can be used to make the jobs of arbitration lawyers more efficient. This includes using AI to conduct routine legal research. AI is also being used to summarize, synthesize and compile collections of factual documents. AI tools can compile such summaries far faster than lawyers can. Moreover, AI is being used to draft legal documents, review form documents, and review documents that are produced in discovery.

In connection with a recent arbitration, our firm used AI to summarize and index a 300-page arbitration award. It would have taken the better part of a day and a half just to read the award, so the AI summary proved quite useful.

In a new case, we used AI to summarize a large record of source documents. The AI summary was prepared quickly and made the review by lawyers much easier.

We are currently testing different AI tools to see which are best for our practice. We expect that the field will evolve rapidly in the next couple of years, so we are trying to stay open to use different AI models.

In short, AI is proving to be a quite useful tool for arbitration lawyers and its utility will only increase over time.

Sandford: Have AI tools contributed to efficiency in international arbitration? My assessment is no. I polled Foley Hoag colleagues and put the question to a Paris Arbitration Week (PAW) panel. The anecdotal evidence, like my own experience, was mixed. But overall, AI is not driving efficiency. Real efficiency requires *trust* and a fog of distrust envelopes AI.

AI is certainly being *used* in arbitrations. Typical law firm AI tools are proving useful for various tasks (research, extracting points from documents, transcription). It's also good for brainstorming. For this work, AI is like a great intern. Used well, AI yields *productivity* gains in the same way that hiring a talented graduate generates useful intermediate work products.

But according to a PAW panelist, we are "in an age of dumb agents", meaning that, to use AI effectively, users must recognize incorrect answers to their questions. AI always seems self-assured. However, colleagues point out that it "hallucinates with confidence," "can't tell the difference between a submission and an arbitrator's reasoning" and has been trained to "please the user" — for instance rarely highlighting that a question rests on a bogus premise. Problems arise when users cannot distinguish good outputs from bad. Even when used properly, AI's proclivity to confidently present incorrect information rightly makes arbitration professionals wary. This unreliability undermines utility.

A more serious aspect of the trust deficit arises because anecdotal evidence abounds that AI is used actively by parties and arbitrators — sometimes for preparing material provided as evidence, often without disclosure. Development of *smart* AI agents, expected to become widely available this year, increases the chances of AI being deployed for decision-making by counsel, experts and arbitrators alike. The threat to trust in the arbitration process itself also undermines efficiency, including by creating a risk that awards involving delegation of substantive decisions could be set aside.

What can be done? Institutions such as CIArb have issued guidelines usefully underscoring key points like "Arbitrators should not relinquish their decision-making powers" to AI.

Basic ethical requirements of competence and diligence mean the same principle should guide counsel. Practitioners also agree that "transparency is important," particularly to ensure that evidence is real and decision making not delegated.

Adherence to guidelines, transparency and improvement of the technology itself will all be important if the productivity potential of AI is to realize actual efficiency gains in arbitration.

Cwik: Recent advances in AI, including generative AI, have the potential to revolutionize the practice of law, including the ways in which our courts and dispute resolution systems function. Although the adoption of AI tools is in its early stages, court systems across the world are beginning to use AI in various ways. For example, courts in Brazil are using AI with certain administrative tasks, such as sorting and classifying cases.

In international arbitrations, current AI tools can enhance productivity by speeding up traditionally time-consuming tasks, including summarizing long deposition transcripts, expert reports, and technical and scientific articles. AI tools can assist arbitrators in quickly extracting key insights from expert reports, summarizing complex data and identifying inconsistencies or patterns. AI tools also can be beneficial in other areas, such as quickly translating documents, generating hearing transcripts, assessing the authenticity of evidence and creating hyperlinked timelines. Participants in international arbitrations should use AI tools thoughtfully and responsibly, and these tools should have appropriate safeguards regarding risks involving security and privacy. Counsel and arbitrators should always independently verify the accuracy of information obtained using AI tools and consider if there are any potential issues as to the enforceability of arbitral awards because of AI use.

Because of the rapid speed of development of AI tools, counsel and arbitrators need to stay up to date regarding these tools and related risks. The Silicon Valley Arbitration and Mediation Center published guidelines in 2024 for the use of AI in arbitration proceedings. The guidelines cover topics such as understanding the use and limitations of AI tools, the duty of competence or diligence, confidentiality, disclosing the use of AI tools, non-delegation of decision-making and respect for due process. Similarly, the Chartered Institute of Arbitrators recently released AI guidelines, including general recommendations for the use of

AI in arbitrations. The Arbitration Institute of the Stockholm Chamber of Commerce has also issued AI guidelines, which discuss confidentiality, the quality of AI tools, the integrity of arbitration proceedings and nondelegation of the tribunal's decision-making mandate. Although these guidelines are not legally binding, they can help to inform international arbitrators of best practices.

The increasing number of AI tools provides arbitrators and counsel with opportunities to use AI responsibly to increase productivity and efficiency, but human judgment must continue to play a pivotal role in key aspects of international arbitrations, such as making arbitral decisions.

Rogers and Mosquera: International arbitration has become markedly more complex in recent years. Factual records are increasingly detailed, the evidentiary burden heavier, and legal questions often span multiple jurisdictions and systems of law. Motivated by pragmatism and the urging of clients, practitioners have begun to integrate artificial intelligence (AI) tools into their work — not as a substitute for legal judgment or expertise, but as a means of navigating the procedural demands of modern arbitration with greater efficiency. Used carefully and with appropriate oversight, these tools can assist in managing large volumes of material and streamlining repetitive or administrative tasks. From recent experience, it is clear that when deployed thoughtfully, AI can support the role of counsel, enabling teams to devote more of their time to substantive legal analysis and case strategy.

In large-scale commercial and treaty-based arbitrations, the document review process is often a time-intensive exercise to work through early on in the dispute. Platforms like Relativity and Reveal/Brainspace have been useful in narrowing large document sets through predictive coding and technology assisted review tools, prioritizing review based on relevance. These tools, when used carefully, reduce duplication, flag key provisions, and provide clear results through the often-overwhelming volume of technical and contractual material. Relativity touts that it "makes connections among concepts and decisions to serve up relevant documents to reviewers as early as possible." (For the litigators among us, it moves the likeliest potential 'hot docs' in the case to the top of the pile. Fantastic!) We've used the feature successfully to unearth compelling evidence among millions of documents from a company server.

AI has also become increasingly valuable in reviewing and synthesizing lengthy arbitral awards. In the past, distilling a 250- or 300-page decision could take the better part of a day. Using tools like Jus AI and ChatGPT to synthesize publicly available awards, our team has been able to generate accurate working summaries within minutes — particularly helpful when an award requires immediate internal analysis or client reporting. These summaries are, of course, then reviewed and refined by counsel, but they provide a head start that significantly compresses timelines and facilitates prompt communication with clients.

More recently, we've explored the use of generative tools such as Harvey to assist with early-stage drafting, like internal memoranda, client briefings, or outlines of procedural submissions. While human input remains indispensable and irreplaceable, these tools offer a **preliminary** structure and language that can be shaped and improved by counsel. We've also found AI-powered translation helpful in cross-border disputes, allowing us to assess foreign-language documents quickly and to determine where deeper analysis is needed.

At Reed Smith, the use of AI is subject to careful oversight. When applied responsibly, these tools can help counsel devote more time to core aspects of their work, like developing arguments, advising clients, and preparing the case for hearing on the merits. That said, the use of AI must never take the place of human judgment. It is a resource, not a replacement.

Cain and Spence: As with every tool, AI has applications where it excels and also those where its limitations become very apparent.

The most established and successful use case (at least for now) is in document review, where tools on platforms like Disco and Relativity can train on a review corpus and a human reviewer's decisions. The resulting custom model is then used to prioritise, showing the documents which are the most likely to be disclosable to a human reviewer for them to confirm the model's results. This can greatly cut down the documents which are subject to human review (and therefore on both time and costs) in a manner which is defensible to, and normally accepted by, tribunals.

A developing field, where we have found increasing utility, is in running natural queries over large sets of documents. Uploading submissions, exhibits (and potentially disclosure) to a platform such as Harvey allows lawyers to make natural language queries which return more relevant extracts than traditional search tools would. Internally we have been fairly impressed by this functionality — although the outcome will depend on whether the questions are asked in a way that is understood by the platform and the results, as always, need to be double checked by a human lawyer!

By contrast, one area where the reality of AI is not living up to the hype (and much of the advertising from vendors!) is in legal research and the drafting of submissions. Large-language models can generate fluent prose, but they very frequently "hallucinate" sources — citing cases, statutes or procedural rules that do not exist. A growing number of judgments from around the world (although predominantly in the United States) have highlighted the issues that arise when lawyers fail to verify these citations. It seems likely that this practice is also found in international arbitration but shielded from view due to the confidentiality of the proceedings. To address this, guidelines on the use of AI in arbitration are being issued, including those by the American Arbitration Association and the Chartered Institute of Arbitrators.

Equally, when asked to reason, the model often defaults to arguments rooted in abstract notions of fairness or commercial common sense. While such considerations may resonate, they are rarely sufficient (at least in English-law governed proceedings, which still principally depend on precedent, statute and orthodox interpretative principles).

Bates and Torres-Fowler: The rapid and widespread use of AI has been extraordinary, and its adoption in the practice of international arbitration holds great promise. As discussed in the most recent 2025 Queen Mary University of London International Arbitration Survey ("QMUL Survey"), the use of AI in connection with international arbitration is expected to grow significantly over the next five years, and the majority of international arbitration practitioners view AI as a tool to save time and costs, and overall promote efficiency. Most commonly, AI is being used for data analytics and document review. However, respondents to the QMUL Survey discussed the expected growth in the use of AI for a wide variety of other tasks, including conducting factual and legal research, drafting correspondence and legal submissions, and even evaluating legal arguments. Consequently, at present, the widespread and effective utilization of AI tools in international arbitration remains in its infancy and the promise of wholesale gains in efficiency and time savings achieved through the use of AI have yet to be fully realized for a variety of reasons.

The widespread adoption of AI across international arbitration has been slowed, rightfully so, out of caution over the risks of overuse and reliability. As noted by the QMUL Survey, junior counsel and institutional staff appear to be far more inclined to use AI for first drafts of legal documents, whereas more seasoned counsel and arbitrators were more resistant, citing quality control, reputational risk or even a wholesale rejection of delegating tasks requiring human judgment to AI tools. Indeed, from the perspective of arbitrators, AI tools, while powerful, must be used with caution. The use of AI by arbitrators may be perceived as inadvertently depriving a party of the opportunity to present its case fully, as reliance on generative AI might overshadow nuanced human judgment and advocacy. Furthermore, AI algorithms may inadvertently inject bias into arbitrator decision-making, especially if the data used to train these systems reflects existing prejudices or lacks diversity. Other risks such as legal or factual errors and confidentially have also — for good reason — slowed the adoption of AI to international arbitration by counsel.

In our experience, views on the manner in which AI should be integrated into the practice of law also vary widely among law firms and even among practitioners within the same law firm. Nevertheless, based on the recent QMUL Survey, while the majority of respondents expressed general reluctance towards the use of AI in connection with more nuanced elements of practice (e.g., drafting legal submissions, assessing the merits of cases), a very similar number of respondents indicated that they expected their initial hesitancy to change over the course of the next five years. Thus, notwithstanding the present perceived risks of AI, the trend towards a far greater adoption of AI in international arbitration is rapidly moving forward.

Er: Artificial intelligence first crept into arbitration as a back-office helper, mainly to sort disclosure

dumps. Even at that entry level, the upside was obvious: Relevant material surfaced faster, multilingual sets stopped overwhelming trainees, and reviewers no longer drowned in duplicates.

Fast-forward a few years, and the toolkit looks very different. We now lean on AI for predictive tagging, semantic search, and contextual cross-referencing. These systems don't just locate a keyword; they spot patterns, link a stray email to a buried contract clause, and flag inconsistencies a tired associate would miss at 2 a.m.

At my firm, we run a proprietary engine — MRfee — to tame sprawling arbitration files. It learns from prior matters, remembers tribunal preferences, and keeps submissions aligned so nothing falls through the cracks. The result isn't automation for its own sake; it's more time for strategy and cross-examination prep.

The leap is even clearer with expert evidence. Industry platforms such as Iqidis can do far more than redline comparisons. They test underlying assumptions, spotlight methodological gaps, and chart precisely where two experts diverge. In technical disputes involving — for example — construction, energy, or financial products, that context turns a scattershot cross-examination into a surgical one.

AI is also reshaping award analytics. Trained models now digest hundreds of decisions, classify holdings, and map reasoning trends across institutions. Counsel juggling parallel disputes — or investment claims with echoing fact patterns — can build sharper strategy in days instead of weeks.

None of this replaces judgment. What it does is collapse the grunt-work timeline, cut error rates, and let practitioners focus on advocacy rather than admin. As AI tools and solutions mature, we'll talk less about "AI in arbitration" and more about winning arguments with workflows that quietly depend on it.

In short, AI has shifted from peripheral convenience to embedded advantage. The firms that embrace it early will spend less time chasing documents and more time shaping outcomes.

Lukacs, Donnelly and Rutledge: Artificial Intelligence (AI) tools offer new efficiencies at nearly every stage of the international arbitration process. One particularly promising area is AI's ability to resolve procedural gaps in the parties' arbitration agreement, such as choice of law, arbitrator selection, and discovery.

Procedural gaps are common in international arbitration due to the different legal systems often involved. These gaps can lead to intense disputes between the parties regarding the intended or optimal structure for conducting arbitral proceedings. Resolving these debates may require significant resources and can have massive implications for the parties. Indeed, the arbitral panel composition, applicable law, and scope of discovery mechanisms available to the parties could very well determine the outcome of the case. Moreover, comparing legal regimes and conducting conflicts-of-law analyses can be time-consuming tasks. Language barriers can create additional hurdles and possibly reduce the availability of certain resources. Finally, inherent risks like personal bias, human error, and lack of experience remain a constant threat to the accuracy of any gap-filler decisions. Given the breadth and complexity of these issues, a single or three-person arbitral panel may lack the tools to resolve them effectively *and* efficiently.

AI tools, by contrast, excel at aggregating and processing large volumes of data. Practitioners and neutrals can now (or in the near future will be able to) harness these features to more efficiently and reliably solve gaps in the parties' arbitration provision. At a case's outset, for example, AI could assist practitioners by aggregating data to perform a cost-benefit analysis of the case or to predict the likelihood of success on the merits of potential claims. During panel selection, AI could quickly analyze potential arbitrators' qualifications, publications, and award histories. These same tools could then be used to create predictive models as to how a panel might rule on a particular issue or question of law. Finally, AI tools could be used to automate processes like comparing cases, legislative histories, and other legal sources to enable arbitrators to make more efficient and informed gap-filling decisions.

Although the use of AI tools in arbitration remains in its infancy, the potential synergies are promising and stand to make international arbitration not only more efficient but more predictable, cost-effective, and reliable as well. Undoubtedly, such benefits will continue to evolve and improve and others still remain to be seen. ■

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