

Press Coverage | July 2023

International Arbitration Experts Discuss the Impact of Artificial Intelligence on International Arbitration

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[Albert Bates, Jr.](#) | [R. Zachary Torres-Fowler](#)

Albert Bates and Zachary Torres-Fowler were quoted in a Q&A for *Mealey's International Arbitration Report* titled, "International Arbitration Experts Discuss the Impact of Artificial Intelligence on International Arbitration."

Bates and Torres-Fowler: The rapid expansion of AI technology may be among the most consequential developments facing not only the international arbitral community, but the legal industry as whole. Indeed, most law firms, in-house legal departments, and arbitrators around the globe are actively investigating how AI technology can be effectively and ethically used in connection with day-to-day legal practice. In fact, many suggest that the failure of individuals and companies within the legal community to fully consider and investigate the ethical use of AI risk losing competitive advantage and undermining their ability to retain talent.

While the use of AI technology within the legal industry, much less the international arbitration sector, remains quite novel, the theoretical advantages of AI should be fully considered and vetted. The potential cost savings generated by using AI to automate certain tasks which traditionally took substantial time and effort to complete are palpable. For example, AI is poised to assist counsel to identify potentially relevant and material documentary evidence, assist with document disclosure tasks, conduct legal research, analyze transcripts, and other activities that previously took countless hours to complete in a matter of minutes. In doing so, AI technology may reduce the costs associated with certain tasks attendant to conducting complex international arbitrations and, in doing so, may potentially reduce barriers to entry.

Notwithstanding these potential advantages, counsel and arbitrators must recognize that this technology is in its infancy. Indeed, while AI is a promising tool, it is currently imperfect by almost any measure. Press reports have already identified examples of court papers prepared exclusively by AI technology that misrepresented the law based upon fictitious cases and some courts in the United States have implemented rules that require counsel to disclose the use of AI to draft legal filings. The same risks would be true in international arbitration matters. Even more, counsel and arbitrators both must be keen to use AI with an eye towards confidentiality—a natural hallmark of international arbitration proceedings—to ensure confidential information is does not become available to other AI

users.

The legal industry and international arbitration community are presently at the forefront of rapid shift that will affect practice of law around the world. While much more is still to come, AI technology is undoubtedly here to stay and will very likely affect the customs and mores of international arbitration.

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