

Insights

BCLP ARBITRATION SURVEY 2023

AI IN IA: THE RISE OF MACHINE LEARNING

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For over ten years, BCLP's International Arbitration Group has conducted surveys on issues affecting the arbitration process including cyber-security in arbitration proceedings (2019), rights of appeal (2020), party-appointed experts (2021) and the reform of the Arbitration Act 1996 (2022).

The topic for our 2023 survey is the use of AI in international arbitration.

AI is a hot topic but, while there has been plenty of research on the uses and implications of AI in other sectors, there has been little in-depth analysis on the ways in which AI is impacting the arbitration world.

We wanted to find out whether respondents are using AI tools to carry out tasks in arbitration, what tasks AI tools may be used for in the future; and where people would draw the line on the use of AI tools to perform tasks in arbitration.

We canvassed views on a range of issues including: the perceived benefits and the perceived risks of using AI tools; the need for disclosure of the use of AI tools; the impact of AI tools on the integrity of evidence; and whether there is a need for regulation.

WE HAD 221 RESPONSES TO THE SURVEY

- **54%** were lawyers in law firms; **33%** arbitrators; and **12%** in-house counsel.
- **57%** were from a common law background and **23%** were from a common and civil law background.
- Respondents work in Central and South America, North Africa, Western Europe, East and South East Asia, Australasia, the Middle East, Latin America and the Caribbean, Eastern Europe (including Russia and CIS), West and East Africa, and North America.
- They are involved in disputes across a wide range of sectors, including construction and engineering (62%), energy and natural resources (53%), international trade and commodities

(28%), technology (38%).

Among the survey results:

- **90%** of respondents were aware that AI tools existed that could perform a range of tasks in international arbitration.
- **37%** had used AI tools for the translation of documents; **30%** for document review and production; **30%** for text formatting and editing; and **24%** for document analysis (extracting and organising data from documents).
- **53%** thought AI tools should not be used for the generation of text for use in legal argument/legal submissions.
- **85%** of respondents ranked saving time as the most or the second most important benefit of using AI tools.
- **88%** of respondents were very concerned or somewhat concerned about AI Hallucination – the risk of the AI tool conjuring up fictitious information.
- **60%** agreed or strongly agreed that there is a need for greater transparency over the use of AI tools by parties in arbitration.
- **74%** agreed or strongly agreed that arbitrators should not use AI tools to formulate or draft adjudicatory elements of an award.
- **63%** of respondents were in favour of the regulation of the use of AI tools in arbitration.

[Read the full survey report >](#)

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