



AI MEETS ARBITRATION: CIARB ISSUES GUIDELINE ON ETHICAL AND EFFECTIVE AI USE IN DISPUTE RESOLUTION

Introduction

In March 2025, the Chartered Institute of Arbitrators (CI Arb) released its Guideline on the Use of AI in Arbitration- offering structured recommendations for incorporating Artificial Intelligence tools into arbitral proceedings. The Guideline aims to give guidance on the use of AI in a manner that allows dispute resolvers, parties, their representatives, and other participants to take advantage of the benefits of AI, while supporting practical efforts to mitigate some of the risks to the integrity of the process, any party's procedural rights, and the enforceability of any ensuing award or settlement agreement. As AI technologies become more integrated into legal

practice, the Guideline seeks to balance innovation with procedural fairness, transparency, and accountability.

Key features of the CIARB AI Guideline

- 1. Benefits of AI in Arbitration:** The Guideline recognizes that AI tools—ranging from legal research software to generative AI platforms—can enhance the speed, consistency, and cost-efficiency of arbitral processes.
- 2. Scope and Application:** The Guideline applies broadly to all participants in the arbitration



process- arbitrators, parties, counsel, and experts. It does not replace institutional rules or national legislation but acts as a supplemental reference for best practice in an evolving digital environment

3. Procedural Guidance

- **Disclosure Requirements:** Where AI tools may affect the evidence, outcome, or involve delegation of responsibilities, disclosure is recommended to maintain transparency and fairness.
- **Tribunal Powers:** Arbitrators may give directions or issue procedural orders governing AI use and may appoint experts to assess AI-related issues.
- **Party Autonomy:** Parties can agree on the extent and manner of AI use, including permitted tools and safeguards, subject to overriding legal or institutional limits.

4. Use by Arbitrators: Arbitrators are encouraged to exercise discretion in using AI, ensuring they do not delegate decision-making to AI systems. Independent judgment, supervision, and validation of AI-generated content are strongly emphasized.

5. Risks Identified: The Guideline highlights potential risks associated with AI use in arbitration. These include data privacy concerns when using third-party AI platforms, risks of algorithmic bias affecting impartiality, due process issues where AI may impede a party's ability to fully present its case, and the challenge of relying on "black box"

outputs—AI-generated results that lack transparency and verifiability—which may compromise procedural fairness and the integrity of the arbitral process.

Implications for the Arbitration Community

- Institutions and Arbitrators should consider referencing the Guideline when drafting procedural orders, terms of reference, or protocols to ensure clarity on permissible AI use during proceedings.
- Counsel and Parties are encouraged to develop internal policies on AI deployment and engage early in discussions around transparency, disclosure obligations, and tool acceptability.
- Arbitral Awards could face enforceability risks in jurisdictions where undisclosed or improper AI use conflicts with mandatory legal standards or due process requirements.
- Training and Capacity Building will be increasingly important, as stakeholders must keep pace with emerging AI tools and their procedural, legal, and ethical implications.

Looking ahead with SimmonsCooper Partners

As AI tools continue to evolve, their influence on arbitration processes is likely to grow—raising new considerations for fairness, transparency, and procedural integrity. The CIArb AI Guideline is a timely development, offering practical direction for responsible and informed adoption within the arbitration community.

For guidance on arbitration procedure, ethical technology use, or the integration of AI into dispute resolution strategy, contact us at info@scp-law.com or visit www.scp-law.com.