

THE AMERICAN ARBITRATION ASSOCIATION’S AI INTEGRATION EFFORTS FOR
ALTERNATIVE DISPUTE RESOLUTION

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The American Arbitration Association (“AAA”) has joined a long line of various organizations that are looking to make use of, and integrate artificial intelligence (“AI”) into their processes.¹ The AAA has launched innovation programs that are lending support to the idea of AI integration into arbitration, mediation, and other Alternative Dispute Resolution (“ADR”) methods.² These programs are looking at creating the right structure and guidelines for AI usages.³ This is two-fold: on the one hand, the AAA has been building its own solutions; on the other, there is an increasing awareness on developing the framework for external AI tools.

Under the leadership of AAA’s CEO and President, Bridget McCormack, AI tools have been taking flight at the American headquarters for ADR.⁴ In December of 2023, the AAA, alongside the International Centre for Dispute Resolution, launched the AAAi Lab, which contains AI education resources for arbitrators and other legal professionals.⁵ The AAAi Lab will provide guidance on AI and ADR, and will give periodic updates to legal professionals about the status of AAA’s AI products.⁶

Last year the AAA implemented the BrightIdea platform, which is a pipeline initiative among employees, clients, and other interested parties to collect data on what type of innovation

¹ Kendal Enz, *Pioneering a Transformative Approach to Dispute Resolution at the American Arbitration Association*, *MEDIATE* (Jan. 17, 2024), <https://mediate.com/pioneering-a-transformative-approach-to-dispute-resolution-at-the-american-arbitration-association/> [https://perma.cc/6VQV-X7VR].

² *Id.*

³ *Id.*

⁴ Rhys Dipshan, *The American Arbitration Association Launches New AI Resource AAAi Lab*, *LAW.COM* (Dec. 6, 2023, 9:30 AM), <https://www.law.com/legaltechnews/2023/12/06/the-american-arbitration-association-launches-new-ai-resource-aaai-lab/> [https://perma.cc/FKR7-2CMD].

⁵ *Id.*

⁶ *Id.*

the AAA should be focused on.⁷ “Three AI projects currently under production have emerged from BrightIdea: ClauseBuilder® AI, which will assist with writing clear and effective arbitration and mediation agreements; a chatbot for filing cases; and automated scheduling orders.”⁸

Currently, there is a forward-looking culture at the AAA. The AAA is trying to reap the benefits of AI for the promotion of ADR against traditional litigation.⁹ The integration of AI will increase efficiency and help retain the advantage that ADR has over litigation. Moreover, the push for automation and AI aid will also help address access to justice within ADR.¹⁰ For instance, the potential of an effective chatbot that can help file, is always available, and provides guidance throughout the process saves key costs for those that want to participate.¹¹

Dispute resolution institutions like the International Chamber of Commerce (“ICC”) have already prepared for increasing accessibility now that automation and AI tools are becoming more widespread. For example, the ICC has seen record numbers of arbitrations being registered,¹² and the ICC has changed its rules to allow for small (claim) cases.¹³ Large changes for remote hearings were already prompted by the COVID-19 pandemic, “[The] new [ICC] Article 26(1) provides that an arbitral tribunal may, after consultation with the parties, decide to hold hearings remotely by videoconference, telephone conference or other appropriate means of communication.”¹⁴ Similarly, Article 19.2 of the 2020 LCIA Rules introduced a similar

⁷ Enz, *supra* note 1.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Neil Hodge, *Arbitration Increasingly on the Table for In-House Teams*, INT’L BAR ASS’N (June 15, 2022), <https://www.ibanet.org/arbitration-increasingly-on-the-table-for-in-house-teams> [<https://perma.cc/D29E-P6SK>].

¹³ *Newly Revised ICC Arbitration Rules*, SHEARMAN & STERLING (Nov. 12, 2020), <https://www.shearman.com/ja-jp/perspectives/2020/11/newly-revised-icc-arbitration-rules> [<https://perma.cc/R4CX-SYCD>].

¹⁴ *Id.*

provision; “allowing hearings to take place ‘in person, or virtually by conference call, videoconference or using other communications technology with participants in one or more geographical places.’”¹⁵

Concretely, the AAA, has changed guidelines and rules relating to e-filing of documents;¹⁶ it launched CaseShield, which protects arbitrators and mediators and allows for them to communicate confidentially through cloud-based technologies;¹⁷ created a tool to build bespoke and specific arbitration, arbitration-mediation, and mediation clauses for various types of industries;¹⁸ introduced bots to help with case management automation and handle most administrative tasks;¹⁹ and, lastly, there are various tools which allows for secure uploading, accessing, and downloading of case files and case data.²⁰

In conclusion, in times of rapid change and the AI-boom underway, it seems like the AAA, under the leadership of McCormack, is well positioned to take on the challenges of reaping the benefits of AI and automation products for the advantage of its ADR products.

¹⁵ *Id.*

¹⁶ *INNOVATION*, AM. ARB. ASS'N, <https://go.adr.org/innovation.html> [<https://perma.cc/6AAS-CRB9>] (last visited Feb. 18, 2024).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*