

AAA-ICDR® Guidance on Arbitrators' Use of AI Tools – January 2026

AI technology powers useful tools for lawyers and arbitrators. AI tools can summarize and draft documents, check facts, and verify citations, enabling arbitrators to focus on delivering fair and informed decisions.

The AAA-ICDR encourages arbitrators to adopt this technology while upholding their professional obligations under the **Code of Ethics for Arbitrators in Commercial Disputes** and the **Code of Professional Responsibility for Arbitrators of Labor-Management Disputes**, to ensure fairness, integrity, and confidentiality. This guidance supplements the Codes by providing practical recommendations for disclosure, confidentiality, and responsible use of AI tools, including generative tools and verified legal-assistance software such as Clearbrief.

Considerations when Using AI Tools

1. Accuracy and Reliability of Information:

- AI tools provide valuable assistance but occasionally generate incomplete or inaccurate information. Arbitrators should apply their expertise to critically evaluate and verify outputs, ensuring that the information aligns with the standards of accuracy and reliability required in arbitration.
- When using AI tools, arbitrators should cross-reference outputs against primary sources to ensure accuracy and reliability.
- Arbitrators should document key verification steps when relying on AI-assisted summaries or citations. Maintaining a brief record of human review enhances transparency and supports the integrity of the award.

2. Maintaining Fairness and Due Process:

- Canon I of the Code of Ethics¹ requires that arbitrators ensure their use of AI tools enhances the arbitration process while maintaining the principles of fairness and due process. The thoughtful use of many tools can streamline workflows without compromising fairness.

¹ The cited canons are from the Code of Ethics for Arbitrators in Commercial Disputes. The Code of Professional Responsibility for Arbitrators of Labor-Management has similar provisions.

- Discussions regarding expectations on the use of AI should take place during the preliminary hearing. Arbitrators may subsequently consider issuing a procedural order to clarify expectations regarding the use of AI by parties and the arbitrator, ensuring an equal understanding and consistent treatment.
- By understanding the utility and limitations of AI tools, arbitrators can make informed decisions about how best to incorporate them into their practice.

3. Independent Decision-Making:

- Canon V requires arbitrators to retain complete control over the decision-making process. Arbitrators should utilize AI tools that support—not replace—their judgment and expertise.
- When using AI tools for legal research or evidence analysis, arbitrators should ensure their decisions reflect their independent evaluation and reasoning.
- AI-generated outputs must never substitute for the arbitrator's independent legal and factual analysis. Arbitrators cannot delegate their duty of reasoned judgment.

4. Transparency and Disclosure on Use of AI Tools:

- Arbitrators should disclose their use of generative AI tools when such use materially impacts the arbitration process or the reasoning underlying their decisions.
- When to Disclose: Disclosure is appropriate when AI outputs inform or influence substantive reasoning, award language, or analysis of evidence.
- How to Disclose: Disclosure should be made as soon as practicable, such as in a preliminary order, procedural order, or communications to the parties. Sample Language:

Procedural Order: "The Arbitrator may utilize secure technology and AI-assisted tools to support administrative or drafting efficiency, provided such tools do not compromise confidentiality, fairness, or independent judgment. The Arbitrator will disclose any substantive use of AI tools that materially informs its reasoning or findings."

- If a party inquires whether AI tools were used, arbitrators should respond transparently and within the boundaries of confidentiality and procedural fairness.
- Disclosure is not required for administrative or clerical uses, such as grammar checking or formatting, or AI tools embedded within the AAA-ICDR's case administration platform.

Confidentiality and Data Protection

1. Safeguarding Confidential Information:

- Arbitrators must ensure their use of AI tools complies with their confidentiality obligations under Canon VI and applicable arbitration rules. Arbitrators should always use secure tools and platforms to handle sensitive case information.
- Arbitrators must not upload any confidential or identifying case materials into publicly available AI systems that do not provide contractual assurances against data reuse, model training, or third-party access.

2. Selecting the Right AI Tools:

- By selecting AI tools that incorporate robust data security and confidentiality measures, arbitrators can integrate these technologies effectively into their workflows.
- Evaluating Default Settings and Data Controls: Arbitrators should periodically review the default settings of AI tools they use, including data-sharing, retention, memory, or history features, recognizing that such settings and defaults may change over time. Tools should be configured in a manner consistent with the arbitrator's confidentiality obligations.
- Use of Verified Legal Tools (e.g., Clearbrief): Tools such as Clearbrief can improve transparency by linking arguments to evidence in the record. When using such platforms:
 - ✓ Ensure case data remains within secure, access-controlled environments.
 - ✓ Independently verify every automatically generated citation link.

3. Understanding AI Platform Settings:

- Arbitrators are responsible for understanding and appropriately configuring the privacy, data retention, and security settings of any AI tools they use. This includes awareness of whether information entered into an AI system may be retained, reused, or made discoverable, and taking reasonable steps to prevent the disclosure or retention of confidential or identifying case information.

Competence and Professionalism

The AAA-ICDR expects arbitrators to maintain their technological competence and stay informed about AI advancements and their practical applications. Many AI tools are intuitive and accessible, making them easy to incorporate into a practice. Developing proficiency with AI tools reflects an arbitrator's commitment to professionalism and continuous improvement. The AAA-ICDR provides panelists with periodic training and resources to support ongoing AI education. Technological competence includes familiarity with common AI tool features such as data controls, retention settings, and memory or personalization functions. Arbitrators are expected to take reasonable steps to stay informed about how these features operate and how changes to such settings may affect confidentiality and discoverability.

Conclusion

AI tools can empower arbitrators to work more efficiently and effectively, allowing them to focus on delivering fair and well-reasoned decisions. No technology can replace an arbitrator's expertise; it may, however, be an enhancement, enabling greater precision and efficiency. By integrating AI tools thoughtfully and carefully, arbitrators can harness the full potential of these tools while maintaining the highest standards of professionalism and ethics. Thoughtful integration of AI tools includes not only understanding their capabilities and limitations, but also ensuring that account settings and configurations are aligned with ethical, confidentiality, and due process obligations.