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AI in Arbitration: Verify Before You Trust

A Practical Guide for Arbitration Practitioners



Years in the Middle East

Christopher Clements – Deloitte – 15 May 2026

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INTRODUCTION

1 AI is in the Room

- AI tools are already being used by counsel, experts, and parties in international arbitration.

2 The Confidentiality Problem

- Arbitration depends on strict confidentiality.

3 The Risk Matrix

- Matching verification to the risk.

4 Building a Firm-Level AI Protocol

- Apply the risk matrix to develop a simple protocol

5 A Practical Practitioner's Standard

- Apply the risk matrix to develop a simple protocol

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1 AI IS ALREADY IN THE ROOM



Rapidly Adopted

AI tools are already being used by counsel, experts, and parties in international arbitration to draft submissions, summarise documents, and model quantum. The pace of adoption is accelerating.



Governance Has Lagged

Most arbitration institutions have not yet issued binding guidance on AI use. Professional duties of care — to verify, disclose, and supervise — still fall entirely on the individual practitioner.

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2 THE CONFIDENTIALITY PROBLEM

Arbitration depends on strict confidentiality. When practitioners upload case documents, pleadings, witness statements, or financial data to a **public-facing AI tool**, that material may be used to train future models or stored on third-party servers — potentially breaching confidentiality obligations and data protection law.



Check the Tool's Privacy Terms

Know whether inputs are used for training, retained by the provider, or subject to a data processing agreement.



Use Enterprise Versions

Enterprise AI licences (e.g. Microsoft Copilot for M365, ChatGPT Enterprise) typically offer no-training, isolated environments.



Obtain Client Consent





Update engagement letters and retainer agreements to address AI tool use, data processing, and confidentiality explicitly.

"Uploading party submissions to a public AI tool without consent is not a minor procedural misstep — it may constitute a breach of the arbitration agreement itself."

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3 RISK MATRIX

Not all AI use requires the same scrutiny. Apply verification effort proportionate to the consequences of an error.

 Low Risk	Formatting, layout, translation of known text, drafting agendas, meeting notes	Spot-check
 Medium Risk	Factual summaries of provided documents, chronologies based on disclosed materials, draft headings for submissions	Verify claims
 High Risk	Legal authorities, expert quantum calculations, valuations, comparable transactions, damages models, discount rates	Primary source only
 Never Delegate	Professional opinions, conclusions, signature of expert declarations, strategic case assessments	Human only

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4 BUILDING A FIRM-LEVEL AI PROTOCOL

1. Approved Tool List



Maintain a list of vetted, privacy-compliant AI tools approved for different task categories. Prohibit use of unapproved consumer tools on client matters.

2. Mandatory Verification Log



Require staff to record what AI was used for, what outputs were generated, and what verification steps were taken before the work was submitted or relied upon.

3. Supervision Structure



Assign a senior reviewer to sign off on any AI-assisted submission, expert section, or financial model before it leaves the firm. AI supervision is no different from supervising a trainee.

4. Disclosure Template



Prepare a standard disclosure clause for use in submissions and expert reports: what tool, for what purpose, and what verification process was followed.

5. Regular Training



AI capabilities change every few months. Brief the team quarterly on new tools, emerging failures, and updated institutional guidance from ICSID, ICC, LCIA, and SCC.

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5 A PRACTICAL PRACTITIONER'S STANDARD

AI is a legitimate and useful tool in arbitration practice. The standard it must meet is simple: everything you submit under your professional name must be **accurate, verifiable, and yours to stand behind**. That has not changed. What has changed is the new ways in which that standard can be breached.



Apply your expertise to every output



Verify from primary sources



Protect client confidentiality



Disclose and document AI use

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QUESTIONS

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Experience

Chris is a partner in Deloitte's Forensic and Financial Crime practice. He has specialised in forensic accounting since 1996 and has a breadth of experience in arbitration, determination, expert witness, fraud and investigation work.

He is a Fellow of the Institute of Chartered Accountants in England and Wales ("ICAEW") and holds a Joint Honours Bachelor of Arts degree from Durham University. He is a Member of The Expert Witness Institute, the Academy of Experts, and the Chartered Institute of Arbitrators. He also is a practicing arbitrator, determiner and mediator.

He has given expert evidence in the UK and overseas on over 35 occasions, including in the High Court, Criminal Court, Arbitrations (domestic and international), Tribunals, and adjudications. He has also led a number of high-profile accounting investigations that have led to him appearing in front of public committees and in court prosecutions.

Arbitration experience

- Chris leads Deloitte's arbitration practice in MENA having previously held the same position in London and has been instructed in many international arbitration matters under a number of different rules, including ICC, LCIA, JCAA, DAI and DIAC and has given expert evidence in international arbitrations a number of times in Canada, Denmark, France, India, Qatar, Switzerland, the United Arab Emirates and the United Kingdom.
- Chris has been included as a leading Expert Witness by the Lexology Index (formerly Who's Who Legal) (guides that are compiled using independent research with clients and peers) for Forensic Accounting and Investigations Forensic Accountants among others. He has also won the Client Choice award for the leading forensic accounting expert in the UAE for 2024, 2025 and 2026.
- He has also addressed the 54th Session of the United Nations Commission on International Trade Law (UNCITRAL) discussing the Colloquium on Possible Future Work on Dispute Settlement.

Education and professional qualifications

- 1991 BA (JtHons), Archaeology and Anthropology, Van Mildert College, Durham University
- 1996 ACA, Institute of Chartered Accountants of England and Wales, Fellow, FCA since 2006
- 2007 Member of the Chartered Institute of Arbitrators

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