



Principles Supporting the Use of AI in Alternative Dispute Resolution

The American Arbitration Association®-International Centre for Dispute Resolution® (AAA-ICDR®) is committed to pioneering the thoughtful integration of artificial intelligence (AI) in alternative dispute resolution (ADR). We aim to enhance ADR practices through AI, balancing innovation with our enduring commitment to legal integrity and service excellence.

At its core, AI analyzes information. The recent evolution of more efficacious generative AI systems has made AI more relevant to legal and dispute resolution processes. The analytic function is central to ADR, as is the efficiency associated with automation. Recognizing AI's role in ADR requires consideration of the many use cases presented by this technology.

The following principles guide the AAA's approach and empower the use of AI in alternative dispute resolution—both at the AAAi Lab and throughout the ADR ecosystem. When integrating AI into dispute resolution frameworks, we believe in adherence to these principles. This list is not exhaustive, but each principle is fundamental to ADR AI:

PRINCIPLES

- I. COMPETENCE
- II. CONFIDENTIALITY
- III. ADVOCACY
- IV. IMPARTIALITY
- V. INDEPENDENCE
- VI. PROCESS IMPROVEMENT

COMMENTARY

Application of AAA Principles in ADR Practice

The principles above are familiar in legal process, including ADR, and are guided by foundational responsibilities. No technology changes these commitments. No nominal AI “agent” or “advisor,” and no resort to technology, removes any human from any existing duty. Assuming the opposite—that a technology obviates professional obligations—is a pitfall that can prevent the beneficial uses of AI in ADR.

Some principles may limit the uses of third-party AI tools. But, competence and other duties may equally require using AI and empirical frameworks. The risks and benefits flow both ways. The AAA Principles help navigate the gap successfully. Below are definitions and some examples:

I. Competence. Competence in integrating AI into ADR frameworks requires legal professionals, arbitrators, and mediators to ensure they are proficient with AI technologies and understand the risks, benefits, usages, and ethical considerations. Avoiding shortcuts that compromise quality and continuously testing and updating one's knowledge is critical as AI technologies evolve rapidly.

II. Confidentiality. Safeguarding sensitive data is critical in ADR, as in business and the law. The integration of AI should not compromise this principle. Preventing unauthorized access, leakage, or misuse of confidential data is essential. Special care is needed with large datasets, opaque machine learning models, and uncertain data protocols.

III. Advocacy. When using AI tools, an advocate should promote accuracy, expedience, and candor; align AI applications with the best interests of clients and the justice system's integrity; and champion responsible AI use as an essential component of advocacy.

IV. Impartiality. ADR neutrals must scrutinize AI data impartially, avoiding over-reliance on technology or outputs provided by one party or one vendor.

V. Independence. While AI can provide valuable insights, ADR professionals must exercise independent judgment. ADR professionals should not unthinkingly rely on AI outputs, but evaluate all critically based on expertise, experience, and judgment. Professionals remain solely responsible for their work product.

VI. Process Improvement. Embrace AI as a tool for enhancing the accessibility, efficiency, and fairness of ADR. Continuously seek to improve ADR administration, services, and related legal frameworks through innovative applications of AI.

OUR COMMITMENTS

We lead by example at the AAA-ICDR. We are actively investigating AI tools that may improve the process for all participants in a dispute.

In exploring AI, we aim to:

- Prioritize the parties, advocates, and organizations that use our services
- Implement frequent updates in the beta and production stages
- Apply diligence and testing before any product release
- Adopt sound, flexible methodologies responsive to feedback and evolving standards
- Use AI in a manner consistent with the AAA-ICDR's mission, vision, and values

We believe AI has boundless potential to transform alternative dispute resolution positively. We are committed to harnessing our rich, nearly 100-year legacy to design processes and solutions to uphold principles of justice, fairness, and equity central to ADR.

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