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International Arbitration and Artificial Intelligence: Ideas to Improve the Written Phase of Arbitral Proceedings

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This article tracks a speech the author gave in May 2023 at the 38th Annual ICC SIA QMUL Joint Symposium of Arbitrators, which focused on ideas to improve the international arbitration process. Arbitrators frequently complain about written submissions. Their most common complaint is that they are too long. They frequently have a hard time motivating to read them when they come in, if at all. While there is little prospect of written submissions becoming materially shorter, artificial intelligence (AI) may soon revolutionize the speed with which parties can produce them, resulting in proceedings becoming frontloaded. It may also help arbitrators isolate the material legal and factual issues and expedite the preparation of awards. AI is not a substitute for human expertise and judgment, but rather a tool that promises to augment human abilities and allow legal teams and arbitrators to work more efficiently and effectively. If you have yet to familiarize yourself with ChatGPT and the like, you would be well advised to do so sooner rather than later.

I began practicing in international arbitration in 1998. During all these years, I can't remember a time when arbitrators were not complaining about written submissions. I've heard tales of some alleged golden age that existed before photocopying and word processing and email and PDFs when written submissions and their supporting evidence were mercifully brief. Whether we would actually find that period so golden if we teleported there today, I have my doubts. (1) But it hardly matters because we need to deal with the world as we find it now.

Arbitrators' main complaint about written submissions is that they are too long. (2) Many
P 658 arbitrators have a hard time motivating themselves to read them, ● much less the witness statements and hundreds of exhibits they often convey. (3) This is a real pity – and somewhat ironic – given how much money parties pay their lawyers to produce them. (4)

To combat this problem, Lucy Reed has proposed the Reed Retreat where the arbitrators gather in advance of the hearing to discuss the issues they'd like the parties to address. (5) The Retreat serves to prod the arbitrator's conscience and encourages every member of the tribunal to read the written submissions in anticipation of the conversation with the other members of the tribunal. (6) That Lucy felt the need to develop such a thing confirms the existence of the problem it addresses – namely, that many arbitrators do
P 659 not read the written submissions in the case when they come in, if ever. (7) ●

This is really not good, for a wide variety of reasons. Perhaps most obviously, the tribunal usually has to take numerous decisions along the course of the case – including decisions on document disclosure and a wide variety of interim applications – that should be informed by an understanding of the issues at stake. How the tribunal is able to do this competently, if it's not staying on top of the written submissions from beginning to end, is unclear. (8)

In my view, a lot of the complaints about written submissions are – at bottom – really complaints about the nature of an arbitrator's work. Working as an international arbitrator has many advantages, but it also often requires considering – in detail and very carefully – numerous contested issues, none of which will ever serve as the basis for a Dan Brown novel. They're frequently tedious – sometimes even mind-numbingly so. And it often takes a great many pages and pieces of documentary evidence for counsel to address them diligently. (9)

Arbitrators keep hoping, however, that there are ways to reduce the quantity of pages they need to read. This is a noble goal – and one that I support – even though I think any gains to be made in this area may be marginal for the time being. My own view is that lengthy written submissions and large volumes of evidence are now in the nature of the beast that is international arbitration, at least in high-value, complex cases. I say 'for the time being' because artificial intelligence (or AI) may provide opportunities for material changes in this area. We're not there yet, but 'yet' is probably the operative word.

If you have not already played around with ChatGPT (10) or the like, I encourage you to get
P 660 a sense of this technology sooner rather than later. (11) I am ● no expert in this area but you don't need to be Elon Musk to get some idea of where we may be heading.

This technology has the ability to take massive amounts of information – including evidence and legal precedents – and use it to tell stories and build arguments in a matter of seconds. (12) It can do this from any requested viewpoint, in a wide variety of languages and – if you wish – in iambic pentameter. Today, the things it says are not always accurate (13) – in fact, they are often inaccurate (14) – but it's improving itself

constantly. (15) AI never sleeps. As *The Economist* has reported, 'Now barely a day goes by without some mind-blowing advance in this area'. (16)

In international arbitration, the parties usually know what their dispute is about and have the vast bulk of the relevant evidence before the Request for Arbitration is filed. They also usually know the place of arbitration and the law that governs the contract. (17) While ChatGPT is generally not privy to this information – and it's therefore not part of the information on which it has been trained (18) – it's not a stretch to imagine proprietary versions of such technology that would allow law firms to feed in the relevant information
P 661 and ● produce written submissions and other documents in a flash. (19) This may herald a sea change in our field.

Using AI, claimant's counsel may well soon be able to generate a Statement of Claim and a mock Statement of Defence before filing for arbitration. This would allow the claimant to better consider whether to bring the case at all or whether it might be preferable to reach an amicable settlement before going down that road. This may lead to fewer arbitrations being brought. Those are written submissions that none of us will ever have to read. I'm not sure this would count as an improvement from the arbitrator's standpoint, but it would certainly be an improvement from the parties' perspective. (20)

Perhaps, however, arbitrators should not despair because AI might well cut the other way. *The Economist* hypothesizes that '[i]n an AI-heavy world lawyers will multiply'. (21) In the context of deal making, it quotes a lawyer from Brown Rudnick who says, 'In the 1970s you could do a multi-million-dollar deal on 15 pages because retyping was a pain in the ass', but 'AI will allow us to cover the 1,000 most likely edge cases in the first draft and then the parties will argue over it for weeks'. (22)

In US litigation, there is currently a rule of thumb that there is no point in suing for damages unless you hope to recover at least USD 250,000, since you need to spend that much just to get to court. (23) Now, however, *The Economist* foresees that the 'costs of litigation could fall to close to zero', resulting in parties filing more cases than ever. (24) It is imaginable that AI will soon be used to prepare first drafts of pleadings, motions and other legal documents that can then be refined by lawyers, who will be able to focus
P 662 more on strategy and less on the rote aspects of the drafting process. (25) ●

The implications of this for arbitration might well be felt from the very outset of the case. Instead of filing a relatively modest Request and Answer, cases may become front-loaded, with parties filing full-fledged Statements of Claim and Statements of Defence at the beginning of the proceedings before the tribunal is even constituted. This would, in my view, count as an improvement, as it would effectively eliminate the Request/Answer phase and materially accelerate the typical first round of submissions. (26) This would allow the tribunal to get into the merits of the case in a meaningful way from the get-go and structure the proceedings accordingly. (27)

As we all know, there is often a document disclosure phase that follows the first exchange of written submissions. (28) Using AI, the parties could then prepare the typical second round of written submissions far more quickly than is now often the case. This again strikes me as an improvement because it should allow the case to get to hearing far sooner. The same would apply for any post-hearing submissions the tribunal might allow. Once the hearing transcripts were input, the parties could generate their post-hearing briefs in a fraction of the time it takes today.

But it's also imaginable that, instead of – or perhaps in addition to – post-hearing briefs, the parties might generate post-hearing draft awards. In the same way that parties in US litigation often prepare a draft of the order they would like the judge to issue, each side might prepare a draft of the award it would like the tribunal to render. Whether this
P 663 would be an improvement or not, I'm not entirely sure. ●

While such draft awards could help to expedite the tribunal's deliberations and preparation of its own award, they could also tempt arbitrators to shirk their responsibility to analyse and determine the case for themselves. This would be problematic. As Maxi Scherer has explained, AI is not (at present) a substitute for human expertise and judgment. (29) It is rather a tool that promises to augment human abilities and allow legal teams and arbitrators to work more efficiently and effectively. (30) In all events, however, I suspect that many arbitrators might find such draft awards at least as interesting as the post-hearing briefs they receive today. (31)

And given the push to publish awards, (32) it may be that parties will soon be able to expose ChatGPT to enough of them that these draft awards could even be prepared in the style and voice of the president of the tribunal or sole arbitrator. Indeed, ChatGPT can already ghostwrite for Fyodor Dostoevsky, Ernest Hemingway, J.K. Rowling and many other well-known authors. In fact, it's easy to train it to write in the style of any person. It took me only a minute to train it to write like me based on a sample from one of my past articles. (33)

All of the possibilities I've imagined thus far go to how AI might affect the preparation of written submissions. There is still, however, the issue of reading them. Are there ways in which ChatGPT and the like might make submissions easier to read? Here, I regret that my imagination is more limited. It's not immediately obvious to me how AI could make submissions as quick to read as to write. And the increased ease with which the parties

may be able to generate written submissions could lead them to want to produce even
P 664 more of them. It's hard to see how that would count as an improvement.

I note, however, that during the written-submission phase, certain issues generally come to the fore, while others drop away – either because they are in fact undisputed or end up abandoned due to a lack of legal or evidentiary support. With each exchange of written submissions, the parties may soon be able to use AI to generate for the tribunal a consolidated list of the material issues in dispute with references to the relevant authorities and evidence of each side. Such a consolidated list might be similar to those arbitrators often have experts prepare to highlight points of agreement and disagreement in advance of the hearing. In my view, this would not obviate the need to read the submissions, but it would help the tribunal to focus its attention on the points most in need of consideration. This should save time and cost and therefore constitute an improvement.

A similar device known as a Scott Schedule is actually already in use. The Scott Schedule was originally developed by the Official Referee George Alexander Scott (1862–1933) for use in construction disputes, but it is now used in a wide variety of other cases. (34) It is essentially a table – like a Redfern Schedule – with inputs from both sides, and can be especially useful in cases that concern a large number of piddly claims. (35)

The claimant files the first draft of the Scott Schedule with its Statement of Claim and sets out in tabular form each claimed item and the amount – for example, each disputed invoice or each alleged defect – with references to the relevant evidence in support of the claimant's position. The respondent then updates the Schedule with its position on each item when filing its Statement of Defence. The parties update their respective columns with each exchange of written submissions with a column of the Schedule left open for the tribunal's decision. It's foreseeable that such Schedules will soon likewise be generated in a flash using ChatGPT or the like – along with an AI-generated, comprehensive overview of the main points of contention and the relative strengths and weaknesses of the parties' arguments – allowing the arbitrators to focus their attention directly on the most pivotal aspects of the case. (36)

Such an approach is not altogether dissimilar to the method used in the German courts (and German domestic arbitration) to focus a dispute on the dispositive legal and factual issues, the so-called *Relationstechnik*. (37) Working iteratively with the parties, German
P 665 judges isolate the material legal issues, then the facts material to the resolution of those issues. To the extent a legally relevant fact is undisputed, no evidence is necessary. As to legally relevant facts that are disputed, the judge typically folds a sheet of A4 paper in half vertically – creating two columns – and sets out with respect to each disputed fact the claimant's narrative on the left and the respondent's counternarrative on the right, both with references to the supporting evidence that has been offered. In this way, the judge has a quick overview of the key disputed facts and can focus the hearing on those. (38)

AI could also be particularly helpful in creating chronologies. Many arbitrators (rightly) insist on having a chronology of the documents and events at issue in the case. Depending on the volume of the evidence – and the level of detail the arbitrators want reflected – these can be time-consuming for the parties or the arbitrators to create and update as the case moves along. It is foreseeable that ChatGPT and similar technologies will soon materially simplify and expedite this process.

This could be especially helpful in cases that involve a series a distinct claims, each of which has its own story and could benefit from its own distinct chronology. This is not uncommon in construction cases where there may be, for example, a claim related to Section A of a power plant, another related to section B of the power plant and yet another related to a service road that connects the power plant to the nearest highway. Each of these claims may revolve around a distinct sub-set of facts and evidence that could be helpfully set out in a chronology to aid the tribunal in considering the circumstances of each claim in a targeted way. As ChatGPT and the like bring down the time and cost associated with their creation, such chronologies should allow the tribunal to isolate and understand the facts material to each claim more quickly, expediting their analysis and resolution of the case as a whole.

Now, to the extent anyone has been listening to me go on about ChatGPT and thinking that all of this sounds far-fetched, please know that I have actually created written submissions using ChatGPT. And I did it in the manner I've imagined here. I took the factual background from a mock ICDR arbitration seated in New York and copied it into ChatGPT. One of the issues in the mock case concerns whether the tribunal has jurisdiction over one of the parties – a man named Benjamin Lee from Ruritania – who is not a named party in the contract containing the arbitration clause.

I asked ChatGPT to prepare a legal submission arguing that the tribunal had jurisdiction
P 666 over Benjamin Lee. Then I asked it to prepare one arguing that the tribunal did *not* have jurisdiction over Benjamin Lee. And then I asked it to revise the latter submission and present it to me as a poem in iambic pentameter. It did all these things in a matter of seconds. I confess that I found the poem most persuasive:

In the realm of law, where rules abide,

We raise a plea, a claim to confide.

Benjamin Lee, a man distinct and true,

Bears not the burden of this feud anew.

Privity of contract, the steadfast guide,

Restrains the tribunal's reach so wide.

No signature of Lee on parchment's face, No mention within this Agreement's embrace.

'The Parties', it states, with words precise,

Doth signify the signatories' device.

Lee stands apart, a stranger to their pact,

With no intent to join their legal act.

In New York's realm, where arbitration's sought,

Lee finds no connection, no tether he ought.

A foreign land, Ruritania's his abode,

P 666 To its courts, jurisdiction's bestowed.

References

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1) Barack Obama, *Keynote S peech at the Goalkeepers 2017 Conference Held by the Bill and Melinda Gates Foundation in New York* (20 Sep. 2017) ('If you had to choose one moment in history in which to be born, and you didn't know in advance whether you were going to be male or female, which country you were going to be from, what your status was, you'd choose right now').

2) Lucy Reed, *Tribunal Decision-Making: Art, Science, Sport,* Kaplan Lecture (2012) (noting that there is a need for 'counsel in international arbitration to focus not so much on what may *go on* in an arbitrator's head but more on how much *can fit* in an arbitrator's head') (emphasis original), https://cdn.arbitration-icca.org/s3fs-public/document/media_document/reed_tribunal_decision-making.pdf; Neil Kaplan, *If It Ain't Broke, Don't Change It*, 12 Ger. Arb. J. 278–279 (2014), (bemoaning how the tribunal is often 'drowning' in written submissions and supporting materials by the time of the hearing, with the arbitrators having received 'hundreds and sometimes a thousand or more pages of submissions alone'); Neil Kaplan, *Winter of Discontent*, 34 J. Int'l Arb. 373, 378 (2017), doi: 10.54648/JOIA2017019 ('For those of you who have never been a judge or arbitrator, you have never felt the sickening and depressing feeling that comes when you open an email and find it attaches an 800-page Statement of Case or a 350-page Rebuttal or an Opening submission of 500 pages, let alone a Closing submission of 300 pages'); Jörg Risse, *An Inconvenient Truth: The Complexity Problem and Limits to Justice*, 35 Arb. Int'l 292–293 (2019), doi: 10.1093/arbint/aiz017, (discussing that it was, as a practical matter, impossible for an arbitral tribunal to get its arms properly around an offshore-windfarm case where the 'parties handed in submissions of more than 10,000 pages without (!) counting hundreds of exhibits with multiple thousands of additional pages').

3) Jean-Claude Najar, *Inside Out: A User's Perspective on Challenges in International Arbitration*, 25 Arb. Int'l 515, 523 (2009), doi: 10.1093/arbitration/25.4.515 ('Arbitrators should learn their cases early' and 'figure out what is needed to decide a case and then control the proceedings to get there'); Elliott Geisinger, *President's Message: A 'Clarion Call' Seconded*, 33 ASA Bull. 731, 735–737 (2015), doi: 10.54648/ASAB2015057 (advocating the use of periodic case management conferences to try to 'force the arbitral tribunal to delve into the details of the case at an early stage and to keep abreast of the case as it unfolds'); Kaplan, *supra* n. 2, at 381 (advocating the use of early oral statements from the parties to help 'ensure that all three members of the tribunal are on top of the issues').

4) John Bolton, *Managing the Arbitration*, 60 Int'l J. Arb. Mediation & Disp. Mgmt. 258, 259–260 (1994) (advocating that the arbitrators 'guillotine' written submissions to save time and cost); Jörg Risse, *Ten Drastic Proposals for Saving Time and Costs in Arbitral Proceedings*, 29 Arb. Int'l 453, 456 (2013), doi: 10.1093/arbitration/29.3.453 (advocating a rule that the 'parties' submissions, in their entirety, must not exceed a limit of a total of 100 pages for each party'); Arthur L. Marriott, *Less Is More: Directing Arbitration Procedures*, 16 Arb. Int'l 353, 354 (2000), doi: 10.1023/A:1008907605771 (advocating that the tribunal save time and cost by forbidding parties from submitting 'memoranda and documents of seemingly interminable length and questionable relevance').

5) David W. Rivkin & Samantha J. Rowe, *The Role of the Tribunal in Controlling Arbitral Costs*, 81 Int'l J. Arb. Mediation & Disp. Mgmt. 116, 128 (2015) (describing the usefulness of the Reed Retreat).
6) David W. Rivkin, *Keynote Address: A New Contract between Arbitrators and Parties*, 18 Asian Disp. Rev. 4, 10 (2016) ('pre-hearing deliberations can only help to focus the hearing, but also (without being unduly sceptical) simply make sure that each arbitrator has fully read and absorbed the submissions').
7) Bart Legum, *The Ten Commandments of Written Advocacy in International Arbitration*, 29 Arb. Int'l 1 (2013), doi: 10.1093/arbint/29.1.1 (noting that some arbitrators 'read a pleading carefully only in the week or two immediately before the hearing'); Risse, *supra* n. 4, at 453, 462 ('oral statements provide an introduction for the arbitral tribunal, especially for the (unfortunately not unlikely) eventuality that the arbitrators have not read and understood every page of the written submissions'); Geisinger, *supra* n. 3, at 731, 732 ('At the hearing itself, arbitrators' failure to grasp the facts and issues of the case all too often results in a series of patently irrelevant questions that arbitrators would never ask if they had done their homework properly'); Rivkin, *supra* n. 6, at 4, 6 ('Even at hearings, arbitrators often appear insufficiently knowledgeable about the record', which often 'prevents tribunals from exercising control over the hearing by excluding irrelevant evidence or telling counsel when they know that factual or legal assertions are not accurate'); Risse, *supra* n. 2, at 295 ('Some arbitrators say – although only at a late hour and in a confidential setting – that they have mastered the art of scanning the submissions with an X-ray eye to what is relevant and what is not').
8) Rivkin & Rowe, *supra* n. 5, at 116, 127 ('A proactive tribunal that is on top of the issues raised in the parties' submissions can better restrict requests to produce documents to those that are, in the words of the IBA Guidelines, 'relevant to the case and material to its outcome'); Geisinger, *supra* n. 3, at 731 (bemoaning 'arbitrators who wait too long before delving into the facts and issues of the case (before, during and after the hearings) and who thus lack the confidence needed to sort the wheat from the chaff'); Rivkin, *supra* n. 6, at 4, 6 ('Parties too often feel that arbitrators have not demonstrated sufficient knowledge of the case when they are called upon to make decisions on procedural issues, such as document production, bifurcation or hearing a preliminary issue').
9) Jennifer Kirby, *What Is an Award, Anyway?*, 31 J. Int'l Arb. 475, 483 (2014), doi: 10.54648/JOIA2014021 ('international arbitrators are not the rock stars of the legal world' but rather 'fifth century monastic scribe[s] labouring over illuminated manuscripts').
10) To access ChatGPT, https://chat.openai.com.
11) For a two-minute video tutorial on ChatGPT, go to the AI Advantage, *How to Use ChatGPT by Open AI for Beginners* at, www.youtube.com/watch?v=AXn2XVLf7d0.
12) Kevin Roose, *The Brilliance and Weirdness of ChatGPT*, NY Times (5 Dec. 2022) (GPT stands for 'generative pre-trained transformer'); Noam Chomsky, Ian Roberts & Jeffrey Watumull, *Noam Chomsky: The False Promise of ChatGPT*, NY Times (8 Mar. 2023) ('The human mind is not, like ChatGPT and its ilk, a lumbering statistical engine for pattern matching, gorging on hundreds of terabytes of data and extrapolating the most likely conversational response or most probable answer to a scientific question', but rather 'a surprisingly efficient and even elegant system that operates with small amounts of information; it seeks not to infer brute correlations among data points but to create explanations'); Kevin Roose, *How Does ChatGPT Really Work?*, NY Times (4 Apr. 2023) (explaining how a 'large language model' operates).
13) Roose, *supra* n. 12 (explaining that 'ChatGPT isn't perfect, by any means' because the 'way it generates responses – in extremely oversimplified terms, by making probabilistic guesses about which bits of text belong together in a sequence, based on a statistical model trained on billions of examples of text pulled from all over the internet – makes it prone to giving wrong answers, even on seemingly simple math problems'); Cade Metz, *What Makes A.I. Chatbots Go Wrong?*, NY Times (4 Apr. 2023) (explaining why ChatGPT is prone to 'hallucination' and often creates 'convincing language that is flat-out wrong').
14) Benjamin Weiser, *Here's What Happens When Your Lawyer Uses ChatGPT*, NY Times (27 May 2023) ('A lawyer representing a man who sued an airline relied on artificial intelligence to help prepare a court filing' –'[i]t did not go well'); Benjamin Weiser & Nate Schweber, *The ChatGPT Lawyer Explains Himself*, NY Times (8 Jun. 2023) ('In a cringe-inducing court hearing', a lawyer who relied on ChatGPT to craft a 'motion full of made-up case law' said he 'did not comprehend that ChatGPT could fabricate cases').
15) Cade Metz & Keith Collins, *10 Ways GPT-4 Is Impressive But Still Flawed*, NY Times (14 Mar. 2023) (noting that ChatGPT is becoming more accurate but 'still makes things up').
16) The Economist, *Your Job Is (Probably) Safe from Artificial Intelligence* (7 May 2023).
17) Looking at cases registered with the ICC in 2020, the parties included a choice of law clause in the contract giving rise to the dispute in 95% of cases and agreed the place of arbitration in 90% of cases. ICC Dispute Resolution 2020 Statistics, at 16–17.
18) Roose, *supra* n. 12 ('Unlike Google, ChatGPT doesn't crawl the web for information on current events, and its knowledge is restricted to things it learned before 2021').

19) Indeed, Casetext is developing a software called CoCounsel that is designed to go in this direction. Steve Lohr, *A.I. Is Coming for the Lawyers, Again*, NY Times (10 Apr. 2023) (describing how a plaintiffs' lawyer loaded more than 400 pages of documents into CoCounsel and the 'software quickly reviewed them and wrote a summary that pointed him to an important gap in the defense's case', doing 'in a few minutes what would have taken him several hours'); The Economist, *Generative AI Could Radically Alter the Practice of Law* (6 Jun. 2023) (explaining that CoCounsel improves legal research and document review by removing the 'tyranny of the keyword') (internal quotation marks omitted).
20) The Economist, *supra* n. 19 (reporting the observation of Richard Susskind, technology adviser to the Lord Chief Justice of England, that '[p]eople who go to lawyers don't want lawyers: they want resolutions to their problems or the avoidance of problems altogether').
21) The Economist, *supra* n. 16; Steve Lohr, *A.I. Is Coming for Lawyers, Again*, NY Times (10 Apr. 2023). *But see* The Economist, *supra* n. 19 (reporting that Lawrence Lessig of Harvard Law School says that AI will 'dramatically reduce the number of lawyers the world needs').
22) The Economist, *supra* n. 16.
23) *Ibid.*
24) *Ibid.*
25) Lohr, *supra* n. 19 (foreseeing that the work of lawyers 'will increasingly be to focus on developing industry expertise, exercising judgment in complex legal matters, and offering strategic guidance and building trusted relationships with clients').
26) Certain arbitral rules already contemplate the possibility of collapsing the Request and Statement of Claim into a single submission. *See* e.g., ICC Rules of Arbitration (effective 1 Jan. 2021), Art. 4(3) ('The claimant may submit such other documents or information with the Request as it considers appropriate or as may contribute to the efficient resolution of the dispute'); LCIA Arbitration Rules (effective 1 Oct. 2020), Art. 15(2) ('Within 28 days of receipt of the Registrar's written notification of the Arbitral Tribunal's formation, the Claimant shall deliver to the Arbitral Tribunal and all other parties either: (i) its written election to have its Request treated as its Statement of Case complying with this Article 15.2; or (ii) its written Statement of Case setting out in sufficient detail the relevant facts and legal submissions on which it relies, together with the relief claimed against all other parties, and all documents relied upon'); SIAC Rules (effective 1 Aug. 2016), Art. 3.2 ('The Notice of Arbitration may also include the Statement of Claim referred to in Rule 20.2').
27) ICC Commission Report, *Controlling Time and Costs in Arbitration* (2018), para. 43 ('If the parties set out their cases in full early in the proceedings, the parties and the arbitral tribunal will be better able to understand the key issues at an early stage', which will 'help ensure that the procedure defined at the case management conference is efficient and that time and money are not wasted on matters that turn out to be of no direct relevance to the issues to be determined'); Rivkin & Rowe, *supra* n. 5, at 116, 124–125 (explaining how a tribunal that is up-to-speed on the file at the outset can craft procedures that materially reduce the time and cost of the proceedings).
28) Machine learning already plays a major role in document review, greatly reducing the number of pages attorneys have to read. Glenn Hopper, *Artificial Intelligence and Analytics in Document Review*, AI J. (21 Sep. 2022) ('With the explosion of data over the last 20 years, the task of document review has grown much more challenging, which has required significant change in the balance between humans and machines in the work of reviewing these documents').
29) Maxi Scherer, *Artificial Intelligence and Legal Decision-Making: The Wide Open?*, 36 J. Int'l Arb. 539 (2019), doi: 10.54648/JOIA2019028 (explaining why AI is unlikely to replace arbitrators as decision-makers any time soon).
30) The Economist, *supra* n. 19 (explaining that AI is 'neither a fad nor an apocalypse, but a tool in its infancy – and one that could radically change how lawyers work').
31) Rivkin, *supra* n. 6, at 4, 7 (complaining that when arbitrators 'have not prepared for the hearing, and they have not asked the right questions of the parties and of the witnesses during the hearing', they nevertheless 'ask parties at that stage to write complete post-hearing briefs on all of the issues in the case, which can cost hundreds of thousands of dollars' in order to have the parties 'do the tribunal's job: pulling together the relevant evidence in a form that can simply be plugged into the award').
32) Joshua Karton, *A Conflict of Interests: Seeing a Way Forward on Publication of International Arbitral Awards*, 28 Arb. Int'l 447 (2012), doi: 10.1093/arbitration/28.3.447; Elina Zlatanska, *To Publish, or Not to Publish Arbitral Awards: That Is the Question*, 81 Int'l J. Arb., Mediation & Disp. Mgmt. 25 (2015); Paul Comrie-Thomson, *A Statement of Arbitral Jurisprudence: The Case for a National Law Obligation to Publish International Commercial Arbitral Awards*, 34 J. Int'l Arb. 275 (2017), doi: 10.54648/JOIA2017015; Philip Wimalasena, *The Publication of Arbitral Awards as a Contribution to Legal Development – A Plea for More Transparency*, 37 ASA Bull. 279 (2019), doi: 10.54648/ASAB2019027; ICC Note to Parties and Arbitral Tribunals on the Conduct of the Arbitration under the ICC Rules of Arbitration, 1 Jan. 2021, paras 56–64 (on the publication of awards, procedural orders and dissenting / concurring opinions).

33) The prompt I used to get ChatGPT to do this was the following: 'Analyze the following text for style and tone of voice. Apply that exact style and tone of voice to all your future responses [cut and paste a sample of my writing]'.
34) Kaplan, *supra* n. 2, at 278.
35) Neil Wittmann, *Using a 'Scott Schedule' in Arbitration*, ADR Perspectives, https://adric.ca/using-a-scott-schedule-in-arbitration/; ICC Commission on Arbitration and ADR Report, *Construction Industry Arbitrations – Recommended Tools and Techniques for Effective Management* (2019), paras 11.3–11.11 and Annex – Extracts from Typical Schedules.
36) *See supra* n. 19.
37) Jan K. Schäfer, *Focusing a Dispute on the Dispositive Legal and Factual Issues, or How German Arbitrators Think – An Introduction to a Traditional German Method*, 2 b-Arbitra 333 (2013).
38) *Ibid.*, paras 3.3.2–3.3.4. *See also Hermann Bietz, On the State and Efficiency of International Arbitration – Could the German 'Relevance Method' Be Useful or Not?*, 12 Ger. Arb. J. 121 (2014) (explaining that the German 'Relevance Method' might be used in international arbitration to save time and cost and avoid the unnecessary taking of evidence).