



AI and International Arbitration - Will Counsel and Arbitrators Become Superfluous?

Kyiv Arbitration Days 2024

Sebastian Briceno

December 20, 2024

Roadmap

- 1 | Where are We?
- 2 | AI, Prediction and Adjudication
- 3 | Problems and Limitations

Where are We?

AI Chatbots and Data Analysis

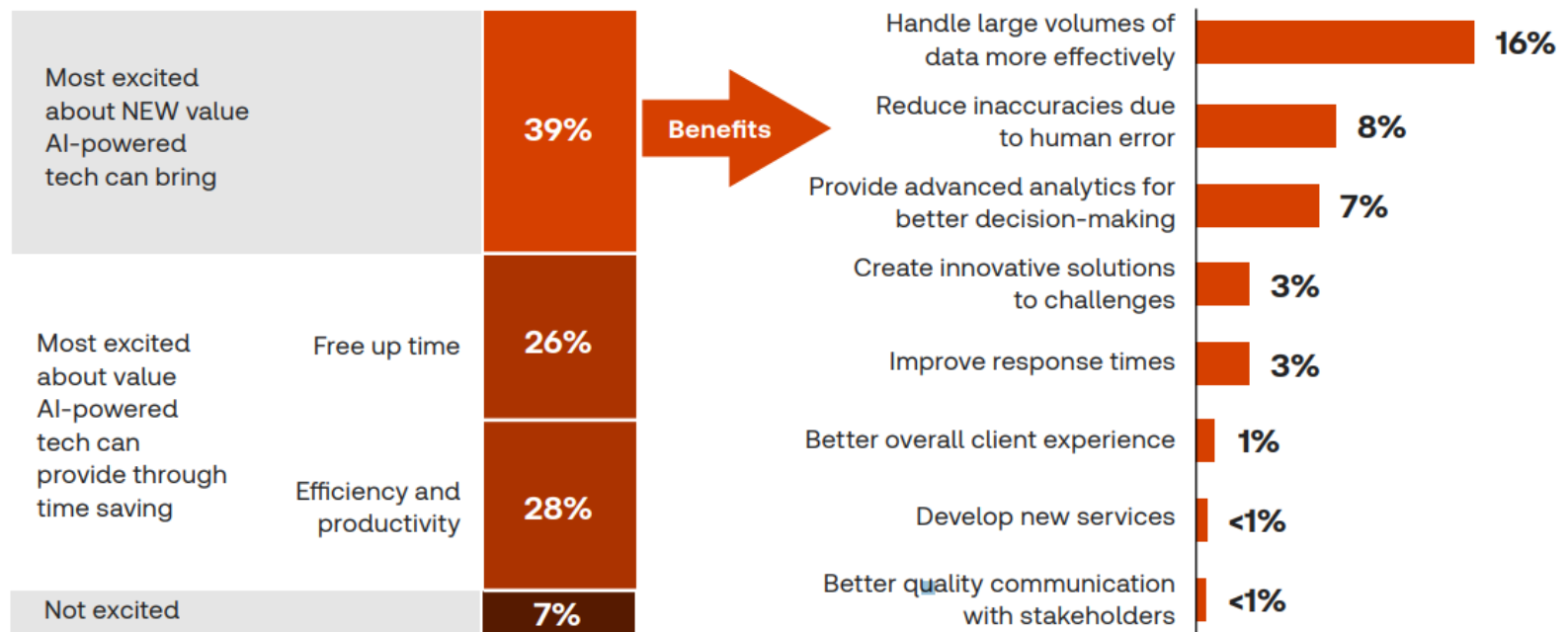


Harvey.

Where Are We?

Excitement About AI and New Services

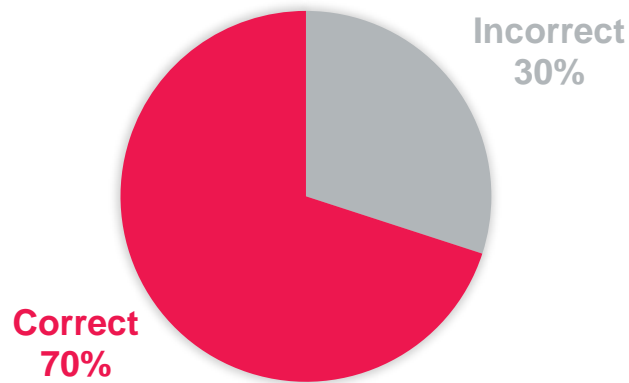
Which potential benefits of AI-powered technologies do you feel most excited about?



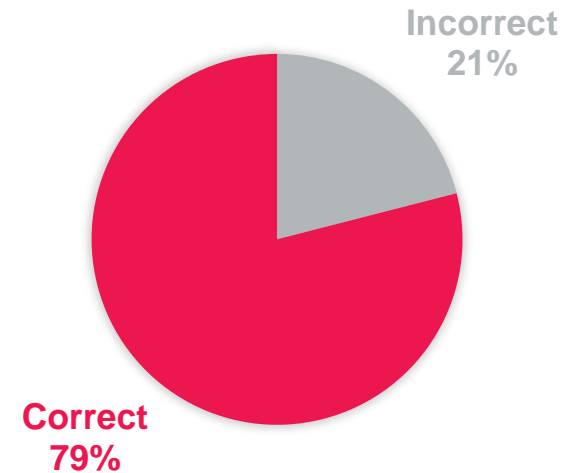
Source: Thomson Reuters 2024

AI, Prediction and Adjudication

SCOTUS



ECTHR



AI, Prediction and Adjudication

Could AI be Arbitrator Hercules?

“Hercules is a lawyer of superhuman skill, learning, patience, and acumen, and he accepts law as integrity.”

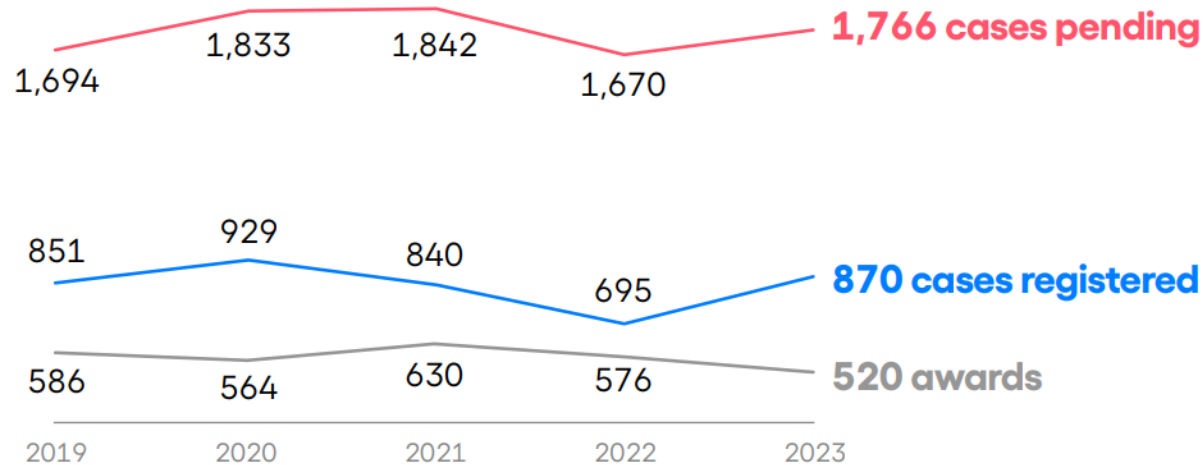
R. Dworkin, Law’s Empire



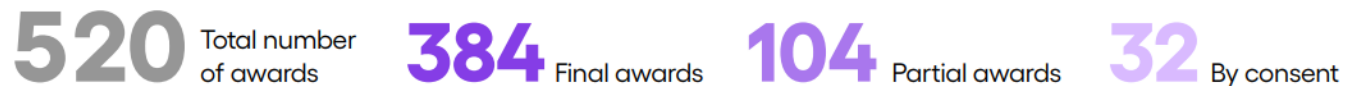
Problems and Limitations

First Problem: Data

**Awards and cases registered or pending
2019-2023**



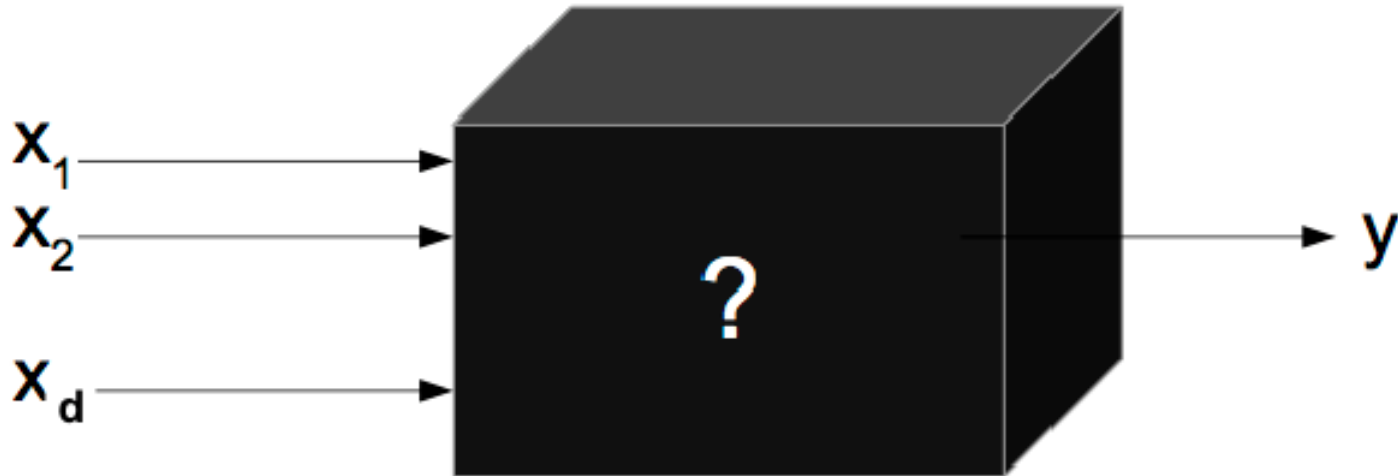
Types of Awards



Source: International Chamber of Commerce (ICC) - Dispute Resolution 2023 Statistics

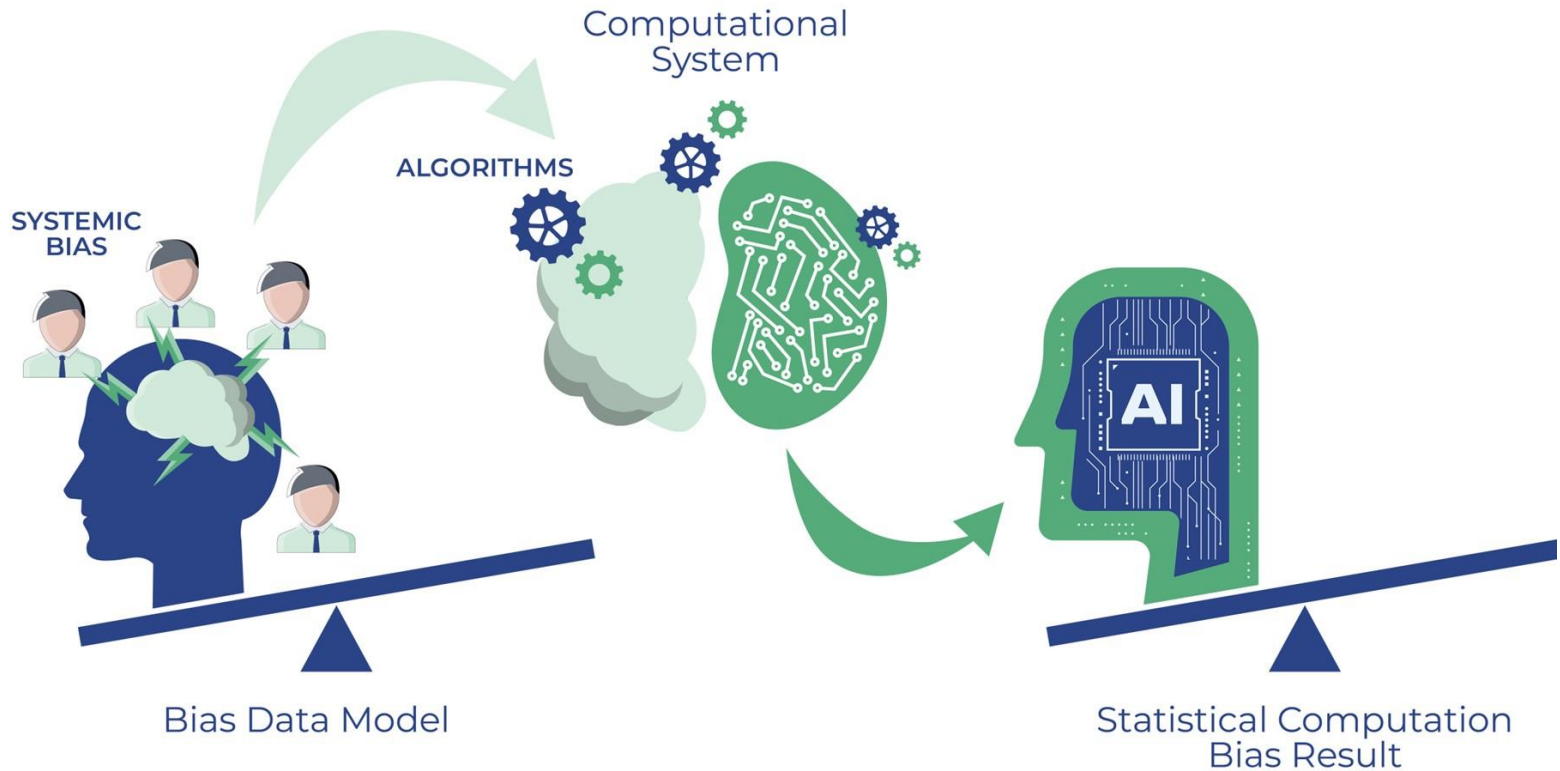
Problems and Limitations

Second Problem: "Black Box"



Problems and Limitations

Third Problem: Bias



Problems and Limitations

The Core Issue: Intelligence or Syllogism?



L. F. H. NEER AND PAULINE NEER (U.S.A.) *v.* UNITED MEXICAN STATES.

(October 15, 1926, concurring opinion by American Commissioner, undated. Pages 71-80.)

ARRET N° 8

AFFAIRE RELATIVE A L'USINE
DE CHORZÓW
(DEMANDE EN INDEMNITÉ)
(COMPÉTENCE)

SALINI COSTRUTTORI S.P.A.
AND
ITALSTRADE S.P.A.
Claimants

v.

KINGDOM OF MOROCCO
Respondent

Claimant

and

THE UNITED MEXICAN STATES
Respondent

Thank You



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