

Generative AI and the National Academy of Arbitrators

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Executive Summary

This report examines the current state of generative AI adoption and perceptions through a survey of 219 members of the National Academy of Arbitrators conducted in the Fall and Winter of 2024. Results reveal a profession that remains largely hesitant to integrate AI into neutral work. Across multiple survey questions, the data consistently shows low adoption rates, ethical concerns, and a general lack of familiarity and engagement with AI tools. However, there are signs of emerging interest, particularly for specific use cases like summarization and research, indicating a cautious path forward.

Results indicate limited professional adoption: less than one fifth of respondents reported using Generative AI in their neutral work (see Table 1a and Table 1b). Use and non-use, however, do not fully capture the views and perceptions of Academy members. For example, Academy members hold a range of views regarding the use of Generative AI in their neutral practices ranging from outright rejection (28%), Lack of Knowledge and Trust (17%), to Optimism and Conditional Acceptance (25%) (See Table 2).

Current non-users seem entrenched in their positions (see Table 10). However, barriers or stated objections to adoption are multifaceted (see Table 9): Ethical concerns—such as maintaining confidentiality, avoiding bias, and ensuring accountability—are the most significant influence on choosing not to use Generative AI for neutral work, cited by 59% of respondents. Lack of awareness (41%), skepticism regarding the benefits of AI (36%), and concerns about privacy (31%) further hinder usage (see Table 9). Retirement-related disinterest also features prominently, with 16% citing diminished incentives to adopt new technologies late in their careers (See Table 11).

However, cautious optimism exists even among current non-users of Generative AI (see Table 11). Training preferences emphasize asynchronous methods like online tutorials (61%) and written materials (48%), though in-person workshops (46%) and one-on-one training (25%) remain valued (see Table 3).

For those neutrals who are using Generative AI in their practice, use is notably higher in arbitration than mediation. While 22% of AI users report using AI in mediation 92% of AI users have used it in arbitration (see Table 7a and 7b). Looking ahead, 67% of current AI users report being somewhat or extremely likely to continue using it in their work (see Table 8).

These results are presented as a mere starting point in our understanding of perceptions and adoption of Generative AI within the Academy.

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Findings

Table 1a: Have you used Generative AI tools for any aspect of your neutral work?

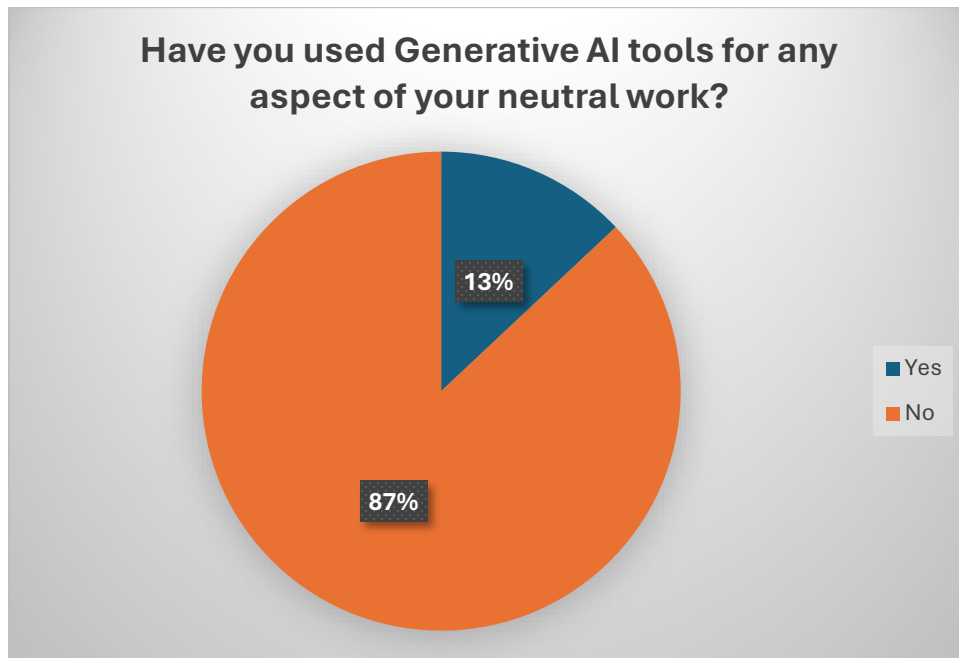


Table 1a includes responses to the questions: “Have you used generative AI tools for any aspect of your neutral work?” We see that the majority of respondents—87%—reported that they have not used generative AI in their capacity as a workplace neutral while 13% of respondents indicated they had.

As the starting point for the investigation into generative AI adoption within the National Academy of Arbitrators, Table 1 highlights a stark truth: contemporary adoption of generative AI is quite low. This may reflect a combination of factors, such as unfamiliarity with the tools, ethical concerns, or a perception that AI is not yet reliable in this context—although this would seem to be a notable finding in its own right. This report will explore the contours of adoption and non-adoption in greater detail below.

Table 1b: Have you used any of the following Generative AI tools for any aspect [of your neutral work/ Outside your neutral work]? (select all that apply)

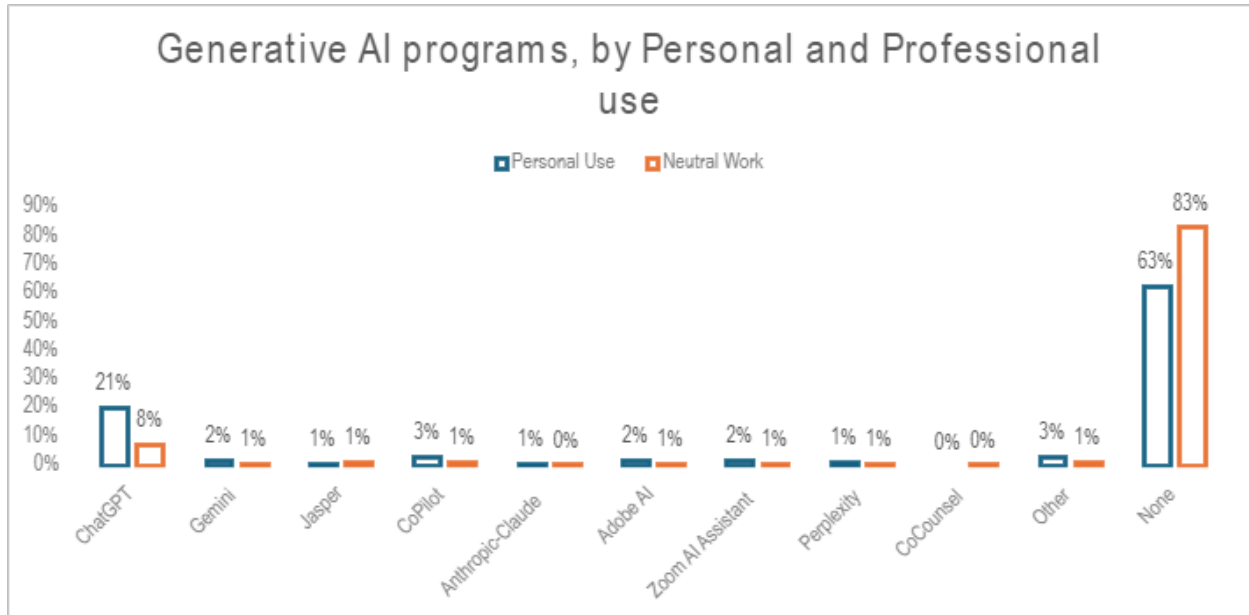


Table 1b examines the use of generative AI programs among neutrals within their personal and professional life. It is notable that 83% of respondents reported not using any generative AI tools in their *neutral work* while 63% of respondents do not use generative AI for *personal use*.¹ The findings are consistent with Table 1a above where use of AI in professional contexts is relatively rare, even as personal experimentation seems slightly higher.

Among specific tools, ChatGPT leads with 21% using it for *personal use* and 8% for *neutral work*. This reflects its accessibility and widespread popularity; other tools, such as CoPilot (3% personal, 1% neutral work) and Adobe AI (2% personal, 1% neutral work), show limited adoption across both domains, with no single program besides ChatGPT showing substantial engagement. A small number of respondents reported using niche programs like Gemini, Jasper, or Zoom AI Assistant, primarily for personal purposes, though the numbers remain minimal at 3% or less.

¹ It should be noted there is a slight discrepancy between the results displayed in Table 1a and Table 1b regarding the percentage of respondents using Generative AI for neutral work. Respondents indicated slightly lower use of generative AI in their neutral work in Table 1a (13%) than in Table 1b (17%). While a relatively small difference, this might be attributable to the order in which questions were asked or the differences in wording between the questions.

These results suggest that while arbitrators are beginning to explore AI in personal contexts, significant barriers—such as ethical concerns, knowledge gaps, impending retirements, and trust issues—remain in adopting these tools for professional arbitration work.

Table 2: In 1-5 sentences, what is your initial reaction to the idea of using Generative AI in your neutral practice?

Category	%	Examples
Rejection	28%	<ul style="list-style-type: none"> • "Refuse to use." • "I would never use it – never. I do my own work." • "It will not happen in my practice. Period." • "Not interested at all, not willing, not going to."
Ethical and Trust Concerns	15%	<ul style="list-style-type: none"> • "It poses an ethical and confidentiality problem." • "It may be OK to summarize the record, but it would be a violation of the Code of Professional Responsibility to decide issues or explain your logic." • "Repugnant. I don't think we should rely on such a system to generate our own work."
Lack of Knowledge or Comfort	17%	<ul style="list-style-type: none"> • "I don't understand how it could help me." • "I need to learn a lot more." • "I am not sufficiently aware of it, how it works, etc."
Retirement and Diminished Incentives	11%	<ul style="list-style-type: none"> • "I doubt it is something I will ever use, given my age and the part-time nature of my practice." • "I'm too old—approaching the century mark—to try new systems with their learning curves." • "At this point in my career, I will not be using it."
Optimism/Conditional Acceptance	25%	<ul style="list-style-type: none"> • "It helps with summarizing briefs and transcribing recordings of hearings." • "Sounds promising." • "I already use it to write small pieces, like describing technical equipment."
Other	4%	<ul style="list-style-type: none"> • "I react with uncertainty." • "I participated in a training and found it helpful." • "It depends on your view of legal research."

Table 2 categorizes qualitative responses to the prompt: “In 1-5 sentences, what is your initial reaction to the idea of using Generative AI in your neutral practice?” The 136 answers reflect a wide spectrum of perspectives rooted in the professional and personal experiences of workplace neutrals but have been categorized under six themes: AI Rejection, Ethical and Trust Concerns, Lack of Knowledge or Comfort, Retirement and

Diminished Incentives, Optimism/Conditional Acceptance, and the catch-all category Other.

Many respondents (28%) are deeply resistant to the notion and categorized under the theme of *AI Rejection*. Statements like "Ain't gonna happen," "I would never use it – never," and "If I need generative AI to write, I should not be working," reflect skepticism and a strong sense of professional identity tied to the independent judgment expected of arbitrators.

Ethical and Trust Concerns—representing 15% of responses—further highlight fears of AI undermining confidentiality, impartiality, and ethical responsibility. Many see AI as a tool that could distort trust in arbitration, with respondents warning of its potential to erode the very essence of human judgment in decision-making.

Lack of Knowledge or Comfort—representing 17% of responses—reveals significant uncertainty, as respondents acknowledge limited familiarity with AI tools. While some are curious or open to learning, others feel overwhelmed by the complexities of the technology, viewing it as a “minefield” requiring further guidance and education.

For those nearing retirement, *Retirement and Diminished Incentives*—representing 11% of responses—underscores a reluctance to invest in new technology, reflecting respondents' contentment with traditional methods as they wind down their practices.

Finally, *Optimism/Conditional Acceptance*—representing 25% of responses—contains responses that are open to adoption and use of generative AI in their practice, but almost always on a conditional basis. While cautious, these respondents see potential for AI in specific tasks such as research, summarizing records, and automating menial administrative functions. The responses acknowledge AI's promise but indicate an awareness that suspect reliability and ethical concerns need to be addressed and/or monitored.

As a whole, these responses depict a profession that is seemingly wrestling with incorporating innovative technology while remaining steadfast in its commitment to integrity and impartiality.

Complete coding of all answers can be found in Appendix 1.

Table 3: What kind of education and training would you need to feel comfortable using AI tools? (Select all that apply)

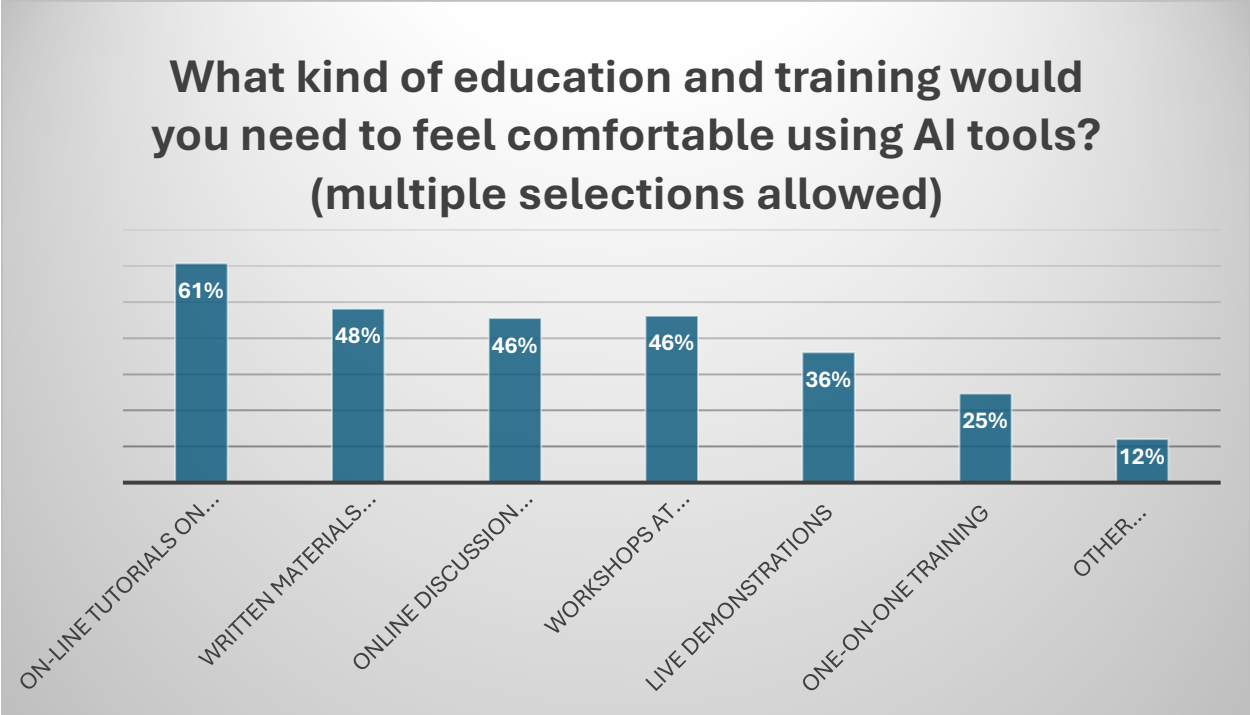


Table 3 highlights the types of education and training respondents feel are necessary to become comfortable incorporating AI tools into their neutral work. It should be noted that respondents could select more than one preference. A clear preference emerges for online tutorials—preferred by 61% of respondents. Similarly, written materials—preferred by 48% of respondents-- and online discussion forums—preferred by 46% of respondents--reflect a strong interest in structured, asynchronous resources that allow professionals to engage with the topic at their own pace.

Notably, workshops at conferences—preferred by 46% of responses— and live demonstrations—preferred by 36% of respondents—indicate not all neutrals want asynchronous training formats and many neutrals value opportunities for direct interaction and real-world examples of AI applications, underscoring the importance of community learning. However, personalized approaches like one-on-one training—preferred by 25% of respondents—still indicate that a sizeable minority would be open to tailored, individual instruction to address their specific AI concerns and training needs.

Together, these responses illustrate a multifaceted demand for resources that skew asynchronous to help neutrals navigate the emerging landscape of AI in their work.

Table 4: What are your primary ethical considerations regarding the use of AI tools in your practice? (Select all that apply)

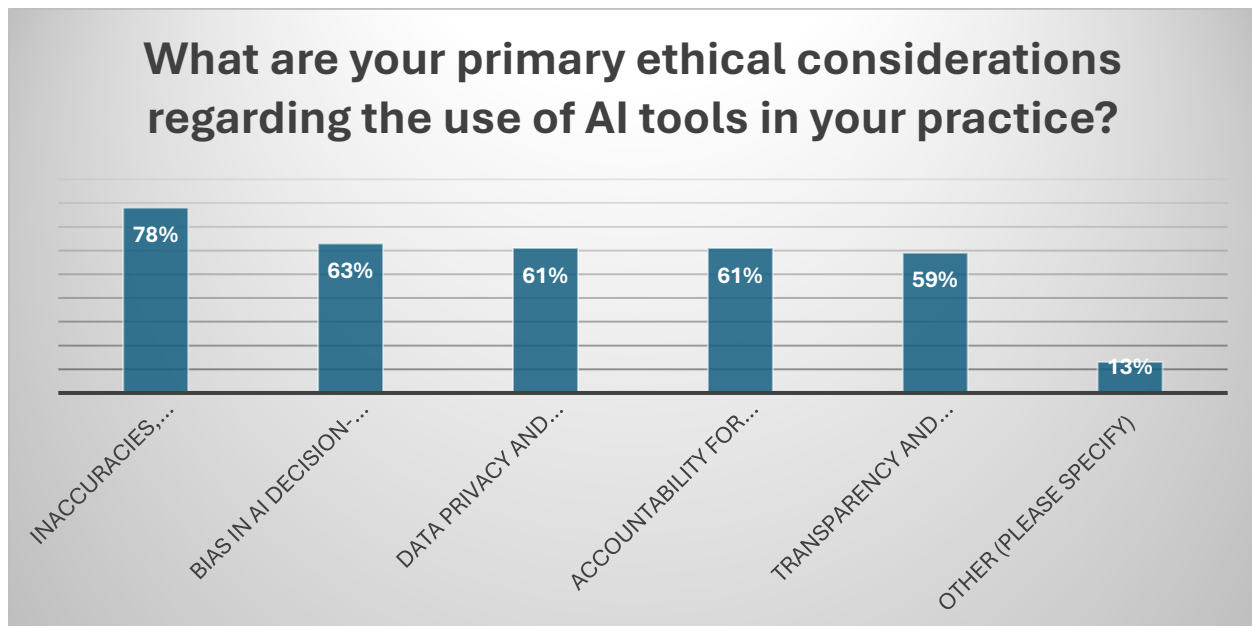


Table 4 explores ethical considerations and barriers to generative AI adoption among members of the Academy. Here again, it should be noted that respondents could select more than one preference.

Table 4 shows that when neutrals consider ethical issues surrounding AI adoption they are most concerned about inaccuracies and AI “hallucinations,” cited by 78% of respondents. Clearly, there are significant concerns about AI generating unreliable or erroneous information. Concerns regarding bias in AI decision-making with 63% of respondents reflecting fears that inherent biases in AI algorithms could compromise fairness. Data privacy and security – noted by 61% of respondents – underscores apprehension relative to confidentiality of sensitive case information processed by AI. Similarly, 61% flagged accountability concerns, questioning who holds responsibility for AI-generated content. Transparency ranked high—noted by 59% of respondents—and 13% mentioned “Other” concerns, including ethical dilemmas specific to arbitration.

These findings underscore the profession's strong commitment to ethical integrity, trust, and accuracy in the dispute resolution process.

Table 5: What barriers do you see in further advancing use of AI tools in your neutral practice?

Category	%	Examples
Ethical and Privacy Concerns	22%	<ul style="list-style-type: none"> • "Ethical and privacy complications, and impairment of the analytical insights one gains through writing." • "Lack of safeguards." • "Concerns over confidentiality and implicit bias."
Lack of Knowledge or Training	19%	<ul style="list-style-type: none"> • "Lack of need, unfamiliarity with Gen AI programs other than ChatGPT and Gemini." • "I do not know enough to respond." • "Unfamiliarity with tools and potential benefits."
Lack of Trust in AI Accuracy	15%	<ul style="list-style-type: none"> • "AI tools are not accurate, don't provide sources, and make things up." • "Errors." • "ChatGPT confidently answers but contains errors."
Control Over Judgment and Decision-Making	13%	<ul style="list-style-type: none"> • "Parties hire me for my own thought process." • "AI writing would rob me of the thought process to reach a conclusion." • "Allowing AI to write decisions undermines arbitration principles."
Concerns About Parties' Perception	9%	<ul style="list-style-type: none"> • "Perception that arbitrators are ceding too much of the analysis and judgment to AI." • "Support for Generative AI depends on acceptability by the parties." • "Parties hire me for their judgment and experience—not AI tools."
Cost and Resource Constraints	13%	<ul style="list-style-type: none"> • "Expense of technology and time to learn." • "High cost of systems that avoid confidentiality risks." • "It's bound to be inefficient at first."
Other	10%	<ul style="list-style-type: none"> • "Already answered." • "I just don't see how it would apply." • "My own internal resistance and lack of interest."

Table 5 offers an even clearer picture of the ethical and practical challenges arbitrators face when considering AI tools within their neutral practice. *Ethical and privacy concerns* – indicated by 22% of respondents– remain at the forefront as respondents express significant unease about confidentiality breaches, implicit bias, and the potential erosion of analytical rigor AI could introduce. The emphasis on *lack of knowledge or training* –

reported by 19% of respondents– demonstrates the widespread need for education and clear guidance to help practitioners understand AI's utility and limitations.

Lack of trust in AI accuracy – indicated by 15% of respondents – underscores skepticism about the reliability of generative AI tools, which, consistent with Table 4, are criticized for fabricating information, failing to cite sources, and producing error-prone outputs. Coupled with *concerns about parties' perception* – indicated by 9% of respondents – and *control over judgment and decision-making* – 13% – reflects arbitrators' commitment to preserving their role as independent decision-makers while foregrounding fears that using AI could undermine confidence in the arbitration process by appearing to replace human judgment.

Interestingly, *cost and resource constraints* were indicated by 13% of respondents, highlighting practical hurdles like the expense of AI systems and the time investment required to learn new tools. Finally, a notable 10% of responses fell into the “Other” category and representing a blend of personal resistance, skepticism, and indifference.

This data reveals a profession at a crossroads, balancing optimism about AI's potential with a firm commitment to maintaining ethical standards, trust, and control over the arbitration process. Education and investment will be critical to resolving these tensions.

Coding of full answers to the question “What barriers do you see in further advancing use of AI tools in your neutral practice?” can be found in Appendix 2.

Table 6: Generative AI and Disputing Parties

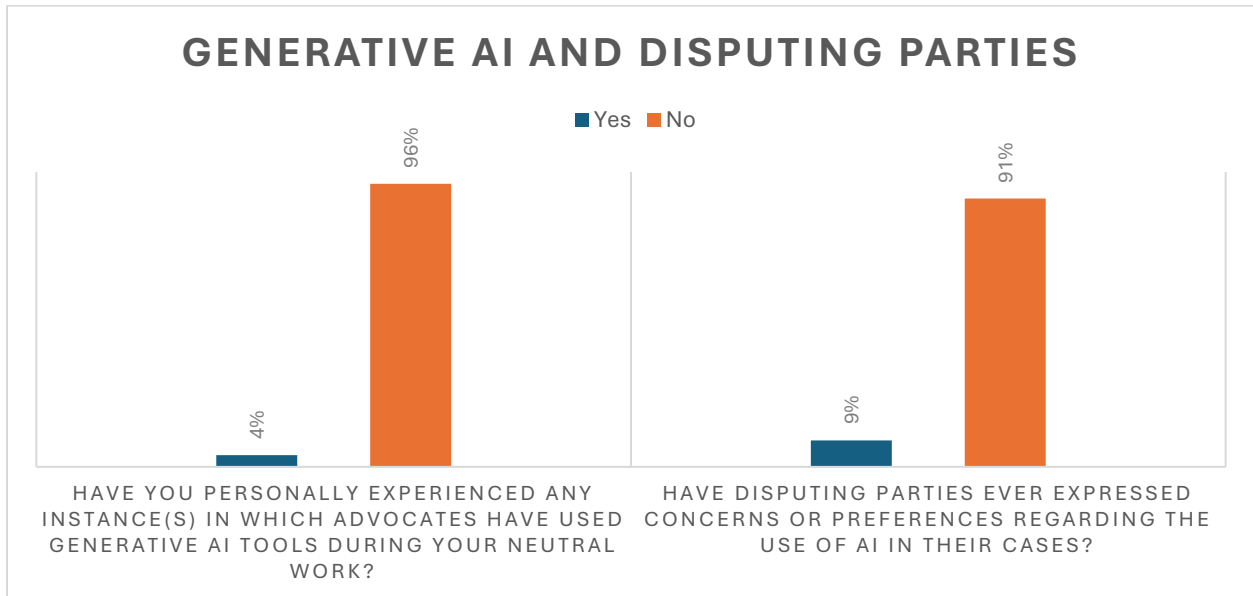


Table 6 examines the relationship between generative AI and its usage or perception by advocates and disputing parties in neutral arbitration work. The left chart shows that 96% of arbitrators have not personally knowingly experienced advocates using generative AI tools during their neutral work, while only 4% have knowingly encountered advocate use of generative AI. The right chart reveals that 91% of arbitrators report parties have never expressed concerns or preferences regarding AI usage in their cases, with just 9% of arbitrators noting parties have expressed concerns or preferences.

The data highlights that the integration of generative AI into arbitration practice remains relatively rare, with limited firsthand exposure among neutrals and minimal feedback (positive, negative, apprehensive or otherwise) voiced by disputing parties. This suggests that while generative AI may be a topic of interest, its practical application in the field of arbitration has not yet become widespread nor has it significantly influenced the parties' expectations or interactions with the arbitration process.

Section II: Generative AI Users

As indicated in Table 1a above, only 13 percent of respondents use generative AI in their professional neutral practices. In this section, we explore the viewpoints and experiences of this subset of neutrals (Non-users are explored in Section III).

How are users of generative AI incorporating these tools in practice? Tables 7a and 7b report responses to the question: “How have you used Generative AI in your mediation work? (select all that apply)” and “How have you used Generative AI in your arbitration work? (select all that apply).” As in previous charts, answers need not sum to 100 as multiple selections were allowed.

Table 7a: “How have you used Generative AI in your mediation work? (select all that apply).”

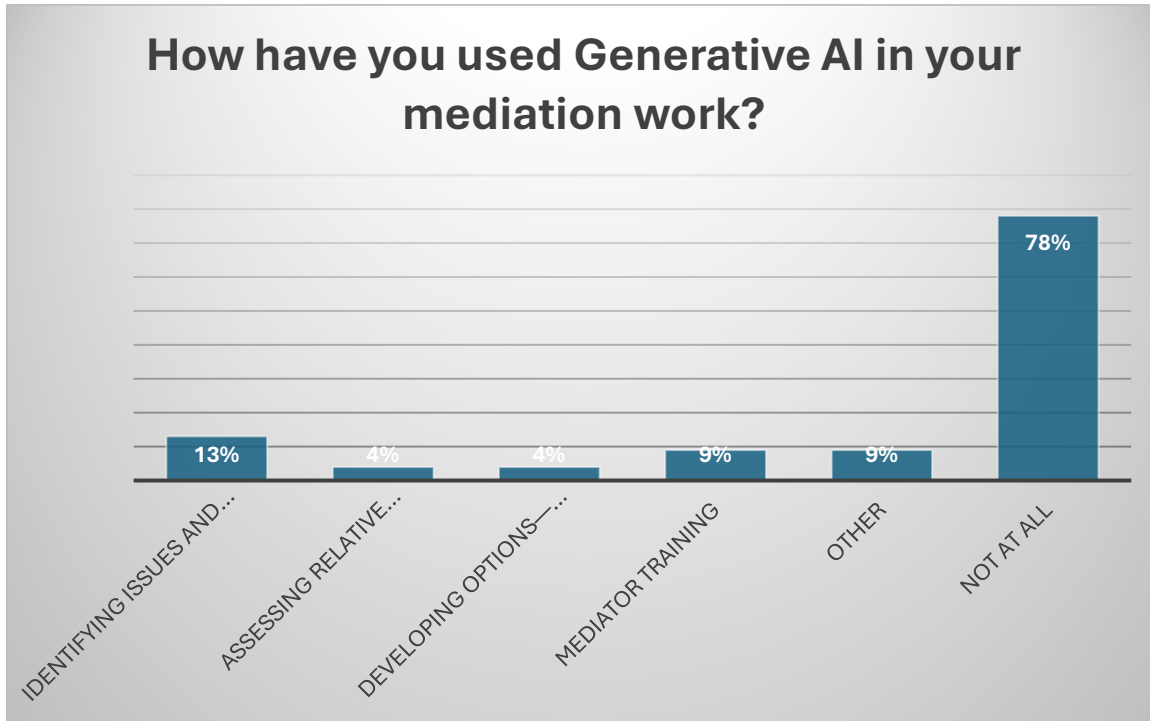
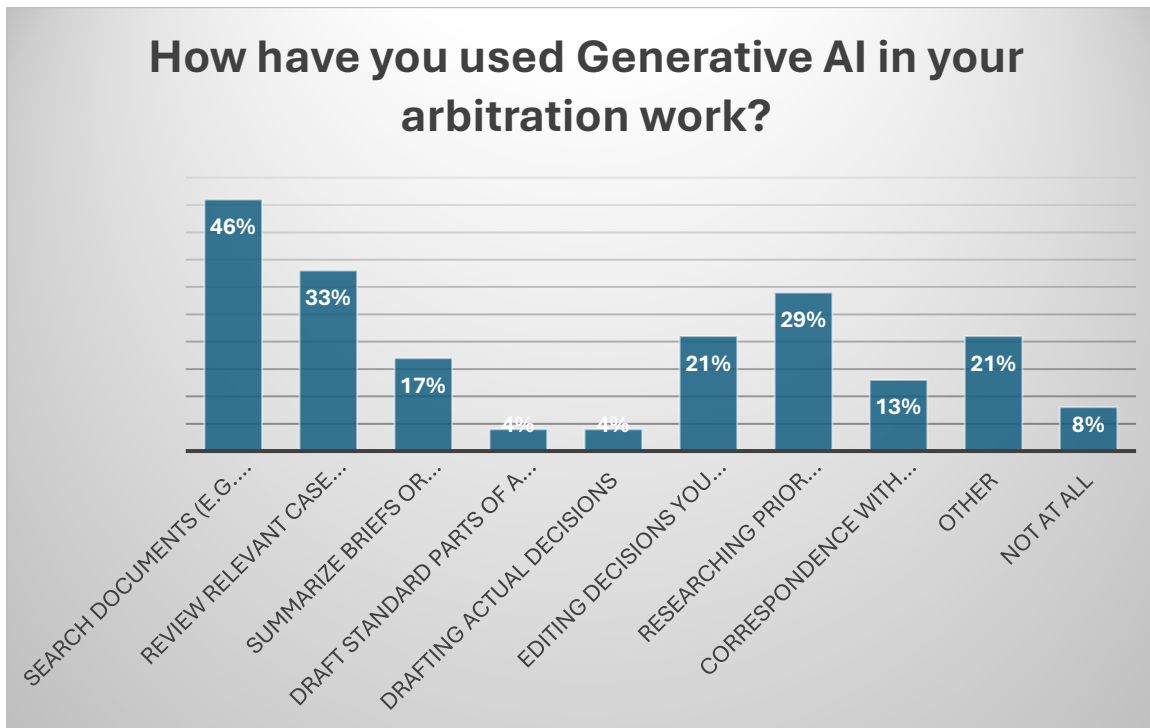


Table 7b: “How have you used Generative AI in your arbitration work? (select all that apply).”



Tables 7a and 7b illustrate how generative AI is used in mediation and arbitration work; in mediation, the vast majority- 78% of respondents - reported *no use of generative AI* in their work. Among those who do utilize AI, 13% of respondents use it for *identifying issues and interests* in disputes, while only 4% of respondents reported using it for *assessing relative strengths* of positions or *developing options*. AI usage for *mediator training* and other tasks each garnered 9% of respondents - suggesting some emerging, albeit limited, applications.

By contrast, Table 7b shows broader AI adoption within arbitration. The leading use of AI in arbitration is for *searching documents, such as transcripts or evidence* - reported by 46% of respondents. This is followed by *summarizing briefs or case law* - 33% of respondents - and *researching prior awards or decisions* - 29% of respondents - indicating that arbitrators recognize AI's value in streamlining administrative and research tasks. However, fewer arbitrators use AI for *editing decisions* - 21% of respondents - or *correspondence* - 21% of respondents - and only 17% of respondents use it for *drafting standard parts of decisions*. Minimal use was reported for *drafting actual decisions* - 4% of respondents - or *reviewing cited cases* - 4% of respondents. Notably, 8% of respondents reported *no use of AI* - much lower than in mediation.

It is worth emphasizing that the data presented in Section II is restricted to only those neutrals who have experience using generative AI for their neutral work and excludes neutrals without experience. Table 7b results suggest that generative AI is more readily integrated into arbitration, perhaps due to the field's need for document-intensive research and analysis, whereas mediation - being more reliant on interpersonal connection and social relationships - has seen less AI adoption to date.

Table 8: What is the likelihood that you will use (or continue to use) Generative AI in your neutral work over the next 12 months?

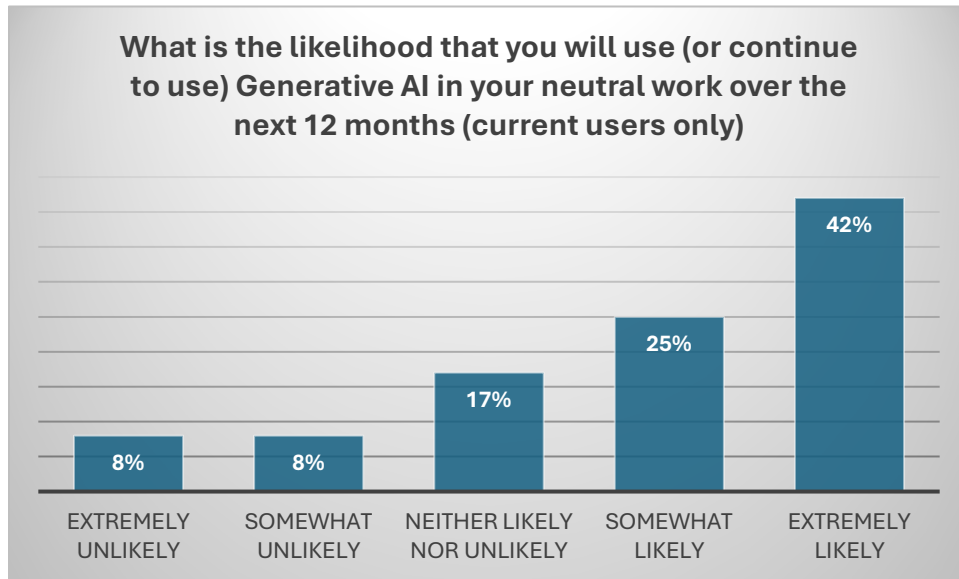


Table 8 shows respondents' likelihood of using or continuing to use generative AI in their neutral work over the next 12 months. Responses are restricted to those who self-reported as current users of Generative AI. Within this subsample, 42% of respondents indicated they are *extremely likely* to continue to use AI, 25% of respondents identified continued use as *somewhat likely*. By contrast, 8% of respondents each stated they are *extremely unlikely* or *somewhat unlikely* to use or continue to use AI, showing a degree of resistance within this population. Meanwhile, 17% of respondents remained neutral, indicating they are *neither likely nor unlikely*. Overall, the data reveals a positive trajectory toward continued AI use.

Section III: Generative AI Non-Users

Tables 1a and 1b demonstrate the majority of NAA members are current non-users of generative AI. This section provides additional insights into the views of these non-users.

Table 9: What factors influence your decision not to use Generative AI tools in your neutral practice? (select all that apply)

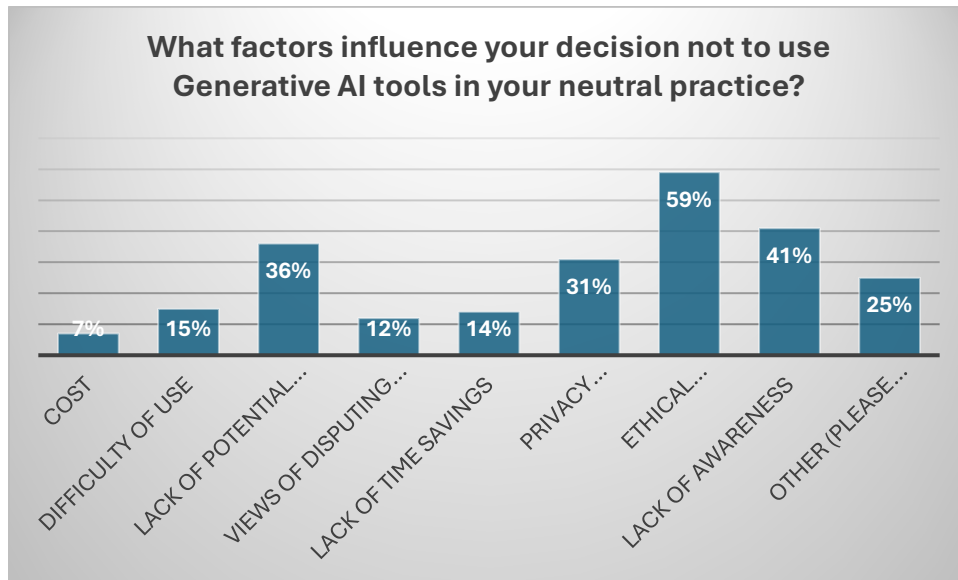


Table 9 highlights the factors influencing 139 respondents' decisions not to use generative AI tools in their neutral practice. *Ethical concerns* are the most significant barrier - cited by 59% of respondents - reflecting apprehension about maintaining professional integrity and upholding confidentiality. *Lack of awareness* about AI tools is the second most noted factor - 41% - indicating a need for education and familiarity. *Privacy issues* - noted by 31% of respondents - underscore fears about data security and potential misuse of sensitive information. *Views of disputing parties* influence 36% of respondents - highlighting the importance of stakeholder perceptions in arbitration and mediation. *Difficulty of use* - 15% - and *lack of time savings* - 14% - suggest practical concerns about AI's usability and efficiency. *Cost* was the least influential factor - cited by just 7% - implying that financial constraints are less critical than ethical and operational issues. Overall, the data reveals a mix of ethical, practical, and perceptual barriers to AI adoption.

Table 10: How likely are you to adopt AI tools in your neutral work in the future? (non-users only)

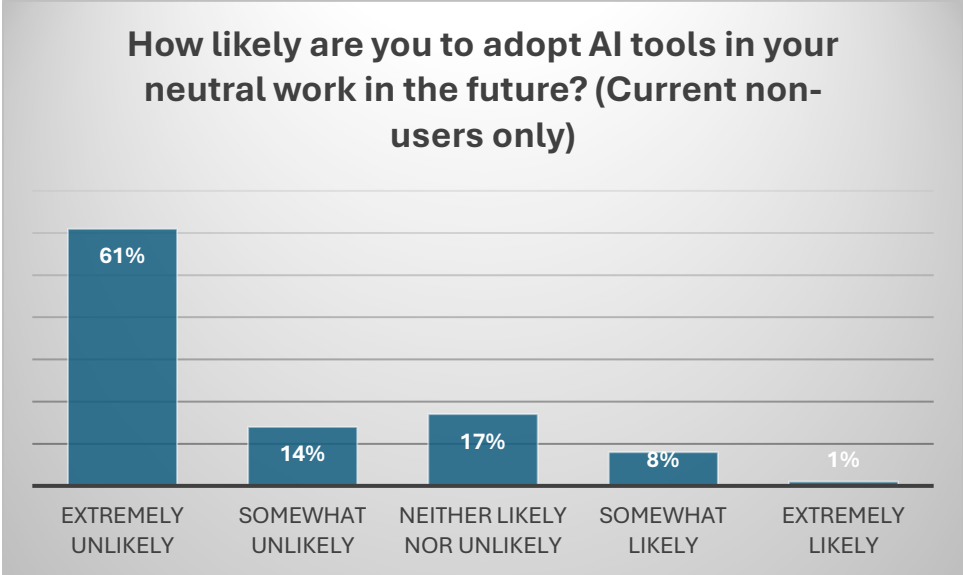


Table 10 displays responses to the questions: “How likely are you to adopt AI tools in your neutral work in the future?” asked to reported non-users of generative AI. The majority—61%--indicated they are "Extremely Unlikely" to adopt AI indicating strong resistance or disinterest toward adoption. 14% stated they are "Somewhat Unlikely," while 17% are neutral, selecting "Neither Likely Nor Unlikely." Only a small percentage of non-users—9% in total— showed openness to adopting generative AI tools in the future, with 8% choosing "Somewhat Likely" and just 1% saying they are "Extremely Likely." These findings illuminate the general reluctance among non-users to integrate AI into their neutral practices, likely driven by variegated concerns which are explored in Table 11 below.

Table 11: Qualitative Responses: Are you likely to adopt AI tools in your neutral work in the future?

Theme	%	Key Points
Rejection	21	"I don't think it's right to use it for the work an arbitrator does." "It's for lazy people." "I don't wish to use it. It is not what the parties bargained for." "AI does not seem like a reliable tool for rendering decisions for arbitration cases."
Ethical and Trust Concerns	23	"It is unethical and does not contribute to my decision-making process." "Concerns as previously stated." "Ethical concerns related to competence, accuracy, and confidentiality." "AI undermines the integrity of the decision-making process."
Lack of Knowledge or Comfort	21	"I do not know enough about AI to say." "I am completely unfamiliar with the use of AI tools." "I don't understand how it could be beneficial." "I need to wait till I become more knowledgeable about the subject."
Impending Retirement	16	"I am winding down my practice and see no need to use AI." "I am reducing my caseload and retiring. It's not a great time to invest in new technologies." "I'm so close to retirement that it seems very unlikely." "Retired – have no practice."
Optimism/Conditional Acceptance	19	"If it could be depended upon not to hallucinate, it might be helpful with research into how other arbitrators have approached a similar issue." "AI could be useful for condensing and understanding large volumes of information." "AI may prove useful in straightforward, clear cases."

Table 11 summarizes arbitrators' qualitative responses to the question, "Are you likely to adopt AI tools in your neutral work in the future?" The responses are categorized into five themes. *Ethical and Trust Concerns* –the largest category representing 23%—reflects significant apprehensions about AI's potential to undermine professional standards. Concerns include issues of competence, confidentiality, hallucinated outputs, and AI's ability to align with ethical guidelines. Many respondents worry that using AI could compromise the perception of impartiality and/or erode trust in neutrals or in alternative dispute resolution.

Rejection captures the 21% of responses strongly opposed to generative AI adoption, citing it as inappropriate, unreliable, or contrary to the role of a workplace neutral. Respondents in this category believe the profession requires independent, human judgment and view AI

as unnecessary or harmful to the process with the ability to provide ersatz justice. *Lack of Knowledge or Comfort* (21%) highlights the challenge of unfamiliarity with AI tools. Many respondents feel unprepared to integrate AI into their work, citing uncertainty about its reliability, benefits, or how to use it effectively. *Impending Retirement* (16%) includes those nearing retirement who see little reason to invest in learning new technologies. These respondents generally feel AI is unnecessary for their work and are content with current practices. Finally, *Optimism/Conditional Acceptance* (19%) captures cautious optimism, with some respondents recognizing AI's potential benefits for specific tasks like data management, research, or administrative support. However, this group emphasizes the need for clear ethical guidelines, reliability, and proper training before adoption.

Complete list of categorized responses are included as Appendix 3.

The responses in Table 11 and Appendix 3 show that the arbitration profession is approaching the potential role of generative AI with careful consideration. Ethical and trust concerns are at the forefront, reflecting fears that AI could undermine impartiality, confidentiality, and professional standards. For AI to be widely adopted, clear ethical guidelines, reliable safeguards, and trustworthy tools will be essential to address these concerns.

Hesitancy also stems from a lack of familiarity with AI tools. Many respondents view AI as unreliable, unnecessary, or difficult to incorporate into their work due to limited understanding of its applications. This brings into sharp relief the potential benefits for education, transparency, and practical demonstrations of AI's value.

Retirement is also clearly on the mind of many neutrals which indicates there is little incentive to learn or adapt to new technologies. Despite this, some respondents expressed cautious optimism about AI's potential, particularly in non-decisional areas such as research, data summarization, and administrative support. This group sees AI as a possible complement to their work, provided it is used with clear boundaries and adequate training.

Overall, the responses suggest that AI holds promise but its adoption in the Academy will require addressing ethical issues, building trust, and proving it is, indeed, safe, reliable, and beneficial.

Conclusion and Discussion

This 2024 survey of 219 National Academy of Arbitrators members provides a comprehensive snapshot of the profession's perceptions, usage, and barriers regarding generative AI tools. While adoption rates are low—less than a fifth of respondents reported professional use²—the findings highlight a cautious curiosity balanced with significant ethical, practical, and philosophical concerns.

Low Adoption and Barriers

Generative AI tools are largely absent from the professional workflows of NAA members. Only 37% of respondents reported personal experimentation with AI, with most usage confined to accessible tools like ChatGPT. For current non-users, less than 10% state they are extremely or somewhat likely to adopt AI tools for neutral work in the future. And specific barriers to adoption appear multifaceted: ethical considerations dominate—59% of respondents expressed concerns about confidentiality, bias, and the erosion of accountability. Similarly, a lack of awareness (41%) and skepticism about the benefit of AI (36%) hinder its integration. For many nearing retirement, investment in learning and adopting new technology appears unnecessary, with 16% citing diminished incentives.

Promise and Applications

Despite widespread hesitancy among non-users, a substantial minority of respondents (19%) recognize AI's potential and can be described as optimistic, particularly for administrative tasks, research, and summarizing data. Arbitrators who use AI report its utility in document searches (46%), reviewing relevant cases cited by parties (33%), and researching prior decisions (29%). However, reliance on AI in judgment-based tasks like drafting decisions remains low.

Key Takeaways and Future Directions

The survey underscores a profession at a crossroads. While the skepticism and ethical reservations articulated by members are significant, opportunities exist to bridge the gap between hesitancy and adoption. Investment in targeted education—such as online tutorials (61%) and workshops (46%)—could help address knowledge gaps and build confidence. Establishing clear ethical guidelines, improving AI reliability, and demonstrating its value in non-decisional tasks are crucial for gaining wider acceptance.

Final Thoughts

²Here again, we wish to acknowledge the discrepancy found between Tables 1a and 1b finding adoption rates of 13% and 17%, respectively.

Generative AI holds potential to complement—not replace—arbitrators’ expertise. As the field evolves, proactive efforts to integrate AI responsibly will ensure that its adoption aligns with the profession’s commitment to integrity, impartiality, and quality. This report is illuminating but presents as many questions as it answers; it is intended to be a first step, not the final step, in understanding the Academy’s perceptions, adoption, and needs regarding Generative AI.

Appendix 1: In 1-5 sentences, what is your initial reaction to the idea of using Generative AI in your neutral practice?

1. Rejection (38 Responses)

- "No intention of ever using it."
- "Ain't gonna happen."
- "NOPE!"
- "I won't use it."
- "Refuse to use."
- "Not interested."
- "I don't need it."
- "So far, no need for it."
- "It will not happen in my practice. Period."
- "Not for me."
- "Never."
- "Absolutely not."
- "No interest whatsoever."
- "Do not want to use it."
- "Not open to it at all."
- "I oppose it."
- "Highly doubtful that I will ever use it."
- "I would not use it."
- "I have no use for it."
- "Simply, as something to be avoided. If I need generative AI to write, I should not be working."
- "I cannot imagine delegating my writing to a computer programmed by others."

- **"I don't think it should be relied on for decisions that involve human understanding of life experiences, particularly with discipline cases and remedies."**
- **"Not necessary and inappropriate."**
- **"I would not use it for drafting decisions and orders."**
- **"It has no appeal but may increase the frequency of miscited cases I receive."**
- **"It is not what arbitration clients expect."**
- **"I don't expect to use it right now."**
- **"I do not intend to use it."**
- **"I'm not interested. AI represents language that is not necessarily consistent with mine and would distort my writing."**
- **"I do not use AI in my neutral practice. AI appears to me to be unnecessary."**
- **"It is not worth the time or effort."**
- **"Not interested at all, not willing, not going to."**
- **"I would never use it – never. I do my own work."**
- **"I don't like the idea at all."**
- **"Bad idea."**
- **"Very negative. I can't imagine ever using it to write decisions."**

2. Ethical and Trust Concerns (20 Responses)

- **"It poses an ethical and confidentiality problem."**
- **"Ethical: Parties, advocates, named people, and witnesses have not consented to their information being entered into an enormous database."**
- **"Confidential: If you feed the info into an AI program, it is now forever in the program, with no recourse for removal."**
- **"It strikes me as dishonest. The parties' expectation is that the neutral will consider the evidence and write an opinion based on their analysis—not that of a computer."**

- **"There is a significant question concerning the ethics of its use by an arbitrator."**
 - **"It may be OK to summarize the record, but it would be entirely inappropriate and indeed a violation of the Code of Professional Responsibility to decide issues or explain your logic."**
 - **"I don't think arbitrators should just write a sentence and ask AI programs to expand on it."**
 - **"We need to learn how to use it responsibly and hold others accountable for doing the same."**
 - **"It may expose implicit biases."**
 - **"It is not their thought processes, even if the arbitrator signs the award."**
 - **"Repugnant. I don't think we should be providing information to a system over which we have no control."**
 - **"I would be cautious about the weight assigned to Generative AI materials."**
 - **"I'm leery of using it to influence my work."**
 - **"I am unsettled by disclaimers on websites warning against reliance on reported cases due to AI use."**
 - **"I would not let it do the 'thinking' or 'deciding' for me."**
 - **"I'm concerned that AI might make me too susceptible to its suggestions and conclusions."**
 - **"It will change our role in the dispute resolution process in undesirable ways."**
 - **"It could compromise confidentiality and ownership of work product."**
 - **"It may undermine trust in arbitration decisions."**
 - **"Generative AI is a start, not an end. It should never replace independent judgment."**
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3. Lack of Knowledge or Comfort (23 Responses)

- **"I do not know much about AI and cannot figure out how it would work."**
- **"I am not sufficiently aware of it, how it works, etc."**

- "I would need to learn more."
- "I haven't given it much thought."
- "Open to the idea of it but not sure if I am ready."
- "I have not really tried it, but from what I know I can't see how it would be helpful."
- "I'm very hesitant to use it with awards."
- "I do not know at this time what to think about it."
- "I do not understand how it could help me."
- "I'm not ready to use AI in my practice."
- "I need training to know how it could be helpful."
- "I know nothing about it."
- "I think I might use it if I knew how."
- "I have not been a fan of 'artificial' intelligence. It seems fake to me."
- "Someone would have to teach me how to use it."
- "I am intrigued but haven't taken the time to learn how."
- "I would be interested in learning how it might expedite my workload."
- "I'm curious but cautious."
- "I feel no urgent need to learn."
- "I think it might be useful, but I'm uncertain how to integrate it into my practice."
- "I have been resistant due to my lack of facility with AI and concerns about its misuse."
- "It's a minefield I am not ready to navigate."
- "I do not understand how it could be useful."

4. Retirement and Diminished Incentives (15 Responses)

- "I'm retired and only responding to help your total figures."
- "I'm too old—approaching the century mark—to try new systems."

- "At this point in my career, I will not be using it."
 - "Not very likely at this stage of my career and computer skills."
 - "I doubt it is something I will ever use, given my age and the part-time nature of my practice."
 - "No preference. Based on my age, I'm fairly comfortable with my knowledge base."
 - "I have adopted a wait-and-see attitude."
 - "At this point, I see little value in using Generative AI."
 - "I will not use it at my age."
 - "If I were not retired, I might use it for research."
 - "I don't need AI in my limited practice."
 - "I don't expect to use it in my practice."
 - "I rarely mediate, so it seems unnecessary."
 - "Happy that I can still type my name on a keypad."
 - "It's not worth it for someone winding down their practice."
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5. Optimism/Conditional Acceptance (34 Responses)

- "It helps with summarizing briefs received, but requires proofing."
- "It might be helpful for boilerplate creation of awards."
- "AI will be very useful in drafting opinions."
- "It could assist in creating timelines and performing tedious prep tasks."
- "I already use it for small pieces, like describing technical equipment."
- "I think it could help in legal research for employment cases."
- "It's useful for administrative work, like scheduling or invoicing."
- "It could integrate documents into an award more efficiently."
- "If used properly, Generative AI will enhance labor arbitration practices."
- "It may be useful in summarizing voluminous transcripts and exhibits."

- **"I see Generative AI as a complement to search engines."**
- **"I would love to use it once I understand it."**
- **"Sounds promising."**
- **"It could help summarize records."**
- **"It might be useful to create repetitive boilerplate paragraphs."**
- **"It would depend on the circumstances."**
- **"It's helpful for proofreading and tightening phrasing."**
- **"Generative AI could address common arbitration principles effectively."**
- **"It may help reduce repetitive tasks."**
- **"Could assist in research, but needs verification."**
- **"It's both intriguing and scary."**
- **"We have no choice; we need to prepare because others will use it."**
- **"I am optimistic but need to see examples to be convinced."**
- **"Cautious."**

6. Other (6 Responses)

- **"Interesting but not used."**
- **"To learn about the use of AI."**
- **"It sounds interesting."**
- **"I react with uncertainty."**
- **"I participated in a training and found it helpful."**
- **"It depends on your view of legal research."**

Appendix 2: What barriers do you see in further advancing use of AI tools in your neutral practice?

Ethical and Privacy Concerns (30 responses, 22%)

1. "Ethical and privacy complications, and impairment of the analytical insights one gains through writing."
2. "A lack of confidence that cloud-based services are truly preserving the confidentiality of information."
3. "Concerns over confidentiality and implicit bias."
4. "Generative AI exposes privacy risks."
5. "I don't believe it is ethical."
6. "There are ethical implications in using resources outside the hearing process."
7. "AI-generated outputs may expose private information to third parties."
8. "Ethical and privacy considerations as well as quality concerns."
9. "Ethics, privacy, effectiveness."
10. "Ethics and confidentiality."
11. "Ethics, understanding how it can be used."
12. "Confidentiality requirements and the exercise of independent judgment."
13. "Ethical issues."
14. "Lack of safeguards."
15. "Concerns over authenticity and accuracy. Fact vs. fiction."
16. "Risk of error."
17. "Confidentiality concerns—unsure of how input data is stored."
18. "The principal barrier I see is ethical considerations."
19. "Ethical considerations - originality and authorship of work for which I am paid."
20. "Generative AI exposes implicit biases and raises ethical challenges."
21. "I see lots of ethical problems, including feeding transcripts and exhibits to the bot."

22. "The Code of Professional Responsibility does not clarify unethical use."
 23. "The parties select me for judgment—not to use AI-generated solutions."
 24. "Security and confidentiality concerns."
 25. "Support for Generative AI in my practice depends on parties accepting it."
 26. "Ethics and privacy concerns outweigh potential benefits."
 27. "Concerns about ensuring AI-generated content remains confidential."
 28. "Generative AI undermines professional ethics and impartial judgment."
 29. "Concerns about unauthorized storage of sensitive case data."
 30. "Generative AI might create trust and bias issues with parties."
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Lack of Knowledge or Training (26 responses, 19%)

1. "Lack of need, unfamiliarity with Gen AI programs other than ChatGPT and Gemini."
2. "I do not know enough to respond."
3. "Unfamiliarity with tools and potential benefits."
4. "I am not sure how much AI could help me in my practice."
5. "I do not know enough to make an informed decision."
6. "I am unaware of how AI works in arbitration."
7. "Lack of understanding of potential value in arbitration."
8. "I haven't seen how it can be helpful."
9. "Time to learn a new skill is a major hurdle."
10. "Training resources are lacking."
11. "Like any new technology, folks don't know how to use it."
12. "Many of us older folks don't know enough about it to be comfortable using it."
13. "Learning how to use it effectively is difficult."
14. "Unfamiliarity with how to leverage AI tools."

15. "Ignorance and expense."
 16. "I need more clarity on AI benefits in arbitration."
 17. "I'm not sufficiently versed in AI to answer."
 18. "It's bound to be inefficient at first; I'd rather wait."
 19. "I lack familiarity with potential tools and their use cases."
 20. "Knowledge, ethics."
 21. "Need great clarity on professional standards and ethics."
 22. "I would need significant training to use AI in my work."
 23. "Lack of familiarity and understanding of AI tools."
 24. "Not sure it is appropriate—needs better explanation."
 25. "Unsure about the learning curve required."
 26. "Just my own education on the matter."
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Lack of Trust in AI Accuracy (21 responses, 15%)

1. "I do not have confidence in AI tools to be accurate."
2. "Errors are a major concern."
3. "ChatGPT confidently answers but contains errors."
4. "Concerns about the accuracy of cited sources."
5. "I doubt the reliability of AI tools."
6. "AI tools often mix fact and fiction in outputs."
7. "AI-generated responses often require significant fact-checking."
8. "AI-generated summaries frequently miss nuances."
9. "AI outputs cannot be trusted without manual verification."
10. "Unreliability is a consistent concern."
11. "AI risks producing inaccurate or misleading content."
12. "Continuing instances of inaccurate results deter usage."

13. "So far, I can't depend on AI to produce reliable outputs."
 14. "The possibility of hallucinated outputs makes AI tools unreliable."
 15. "ChatGPT struggles with nuanced arbitration cases."
 16. "I'm skeptical of its reliability."
 17. "Verifying the accuracy of AI-generated information is time-consuming."
 18. "Concerns about the risk of error in legal documents."
 19. "AI-generated outputs may include false or fabricated cases."
 20. "If a few more district court judges reprimand advocates for AI-related errors, trust will erode further."
 21. "Doubt AI tools can accurately handle arbitration content."
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Control Over Judgment and Decision-Making (18 responses, 13%)

1. "Parties hire me for my own thought process."
2. "AI writing would rob me of the thought process to reach a conclusion."
3. "Allowing AI to write decisions undermines arbitration principles."
4. "AI-generated solutions don't match the expectations of parties."
5. "AI can't replicate the nuanced judgment required in arbitration."
6. "The decision-making process must remain entirely human."
7. "The parties select me for my expertise—not AI tools."
8. "I don't want to lose control over decision-making."
9. "AI cannot account for the human element in arbitration."
10. "AI-generated content might supplant my analytical process."
11. "Delegating decisions to AI tools would betray the trust of parties."
12. "AI is ill-suited to make arbitration decisions."
13. "AI tools do not align with parties' expectations of personal judgment."
14. "AI usage risks ceding control of judgment to software."

15. "Using AI for decision-making detracts from the role of a neutral arbitrator."
 16. "AI does not match the professional accountability required in arbitration."
 17. "Parties expect their arbitrator—not AI—to make decisions."
 18. "Generative AI lacks the ability to make nuanced, case-specific decisions."
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Concerns About Parties' Perception (12 responses, 9%)

1. "Perception that arbitrators are ceding too much of the analysis and judgment to AI."
 2. "Support for Generative AI depends on acceptability by the parties."
 3. "Parties hire me for their judgment and experience—not AI tools."
 4. "Anticipated negative reactions of parties on the losing side."
 5. "Concerns about the optics of using AI-generated decisions."
 6. "Parties may question the integrity of an AI-written award."
 7. "Parties might perceive AI use as undermining the arbitration process."
 8. "AI risks changing the perception of neutrality in arbitration."
 9. "Parties select arbitrators for human insight, not automation."
 10. "AI-generated solutions might create mistrust among parties."
 11. "Optics of AI usage in decision-making are unfavorable."
 12. "AI risks losing the confidence of disputing parties."
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Cost and Resource Constraints (7 responses, 5%)

1. "Expense of technology and time to learn."
2. "High cost of systems that avoid confidentiality risks."
3. "Cost, ethical considerations, and risk/benefit considerations."
4. "The financial burden of training deters adoption."
5. "Costs of high-end tools make adoption impractical."

6. "Resources required for AI adoption outweigh the benefits."
 7. "Cost of reliable AI tools is too high for arbitration."
 8. "Ease of use and reliability are concerns."
 9. "Time commitment to learn a new skill."
 10. "It's bound to be inefficient at first."
 11. "Significant effort is required to become proficient with AI tools."
 12. "Ease of use is a concern—tools need to be simplified."
 13. "Reliability of AI tools remains a barrier."
 14. "Learning how to use AI effectively takes too much time."
 15. "Concerns about the learning curve and its practicality."
 16. "AI tools require too much time to integrate into practice."
 17. "Adoption of AI depends on others demonstrating its usefulness first."
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Other (13 responses, 10%)

1. "Already answered."
2. "I just don't see how it would apply."
3. "My own internal resistance and lack of interest."
4. "It's not clear how AI fits into my practice."
5. "I am on the back nine of my arbitration career and don't see value in AI."
6. "None other than personal preference and ethical considerations."
7. "I don't see a need for it in my current practice."
8. "Time to use AI is not worth the returns."
9. "I prefer traditional methods over AI tools."
10. "AI tools seem irrelevant to my arbitration work."
11. "No compelling reason to adopt AI yet."

12. "I haven't seen any use cases applicable to my work."

13. "Adopting AI tools doesn't align with my professional goals."

Appendix 3: Qualitative Responses to “Are you likely to adopt AI tools in your neutral work in the future?”

1. Rejection

- "I don't think it's right to use it for the work an arbitrator does."
- "It's for lazy people."
- "I don't wish to use it. It is not what the parties bargained for."
- "AI does not seem like a reliable tool for rendering decisions for arbitration cases."
- "I simply have no use for it."
- "I prefer to do my own work and be responsible for that."
- "I do not think I need to use these tools for my work, especially since I enjoy writing decisions, and I am a bit of a Luddite."
- "Not appropriate application."
- "Just do not see how it would be helpful."
- "I don't trust AI."
- "It is not useful."
- "its garbage plagiarism with psychotic features."
- "I will continue to write 100% original opinions."
- "AI is just plain wrong to rely on other folks' opinions to help me make my decisions and to explain my rationale."

2. Ethical and Trust Concerns

- "It is unethical and does not contribute to my decision-making process."
- "Concerns as previously stated."
- "Ethical concerns related to competence, accuracy, and confidentiality."
- "My reservation concerns the parties' perception that the use of Generative AI suggests that the Award does not fully represent the Arbitrator's independent judgment and decision-making."

- "Until I receive a better understanding of the laws governing ethical and privacy concerns, I will be reluctant to use it."
 - "Thinking and analysis is a critical part of our job. I do not intend to abandon either one."
 - "AI undermines the integrity of the decision-making process."
 - "I am deeply troubled by the ethical implications of using them."
 - "No value. Hallucinations. Confidentiality."
 - "I need to know more about whether it aligns with ethical standards."
 - "I don't have trust or faith in the use of AI."
 - "The act of expressing my rationale is a key component in reaching the right decision for the right reason."
 - "AI use clouds the record presented by the parties and breaches foundational ethical requirements."
 - "Lack of knowledge and ethical concerns, accuracy in info generated."
 - "Searching the world for what others have thought or done undermines neutrality."
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3. Lack of Knowledge or Comfort

- "I do not know enough about AI to say."
- "I am completely unfamiliar with the use of AI tools."
- "I don't understand how it could be beneficial."
- "I need to wait till I become more knowledgeable about the subject."
- "I would have to learn a lot more about it before I would trust it."
- "Unaware of how to use them and whether it would be appropriate."
- "I need more information to make an informed answer."
- "I don't know enough to comment."
- "I have no experience or education."
- "I am not familiar with these tools."

- "I don't know enough to even begin to use it."
 - "I see generative AI as a tool to be used by the Parties in a labor dispute. I rarely look at information other than that provided by the Parties."
 - "I am not sufficiently educated about this to answer."
 - "I need to see practical examples before I can evaluate its usefulness."
 - "I have seen some demonstrations – it intrigues me, but it does seem rather time-consuming."
 - "I might try it for generating general language on a general principle of arbitration."
 - "I don't trust AI to come to the correct conclusion."
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4. Retirement

- "I am winding down my practice and see no need to use AI."
 - "I am reducing my caseload and retiring. It's not a great time to invest in new technologies."
 - "I find AI to be the latest 'flavor of the month' and not a good thing."
 - "I'm so close to retirement that it seems very unlikely."
 - "Retired – have no practice."
 - "I am retired."
 - "I am close to retirement, which diminishes any incentive to learn how to use it."
 - "No one has explained any benefit, and I'm too old to listen even if they tried."
 - "I will be retiring soon, so it is unlikely that I will have an opportunity to use it."
 - "Not worth learning it. Nearing retirement from arbitration."
 - "At this point in my career, I see minimal use for it except in select types of special cases."
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5. Optimism/Conditional Acceptance

- "If it could be depended upon not to hallucinate, it might be helpful with research into how other arbitrators have approached a similar issue."
- "AI could be useful for condensing and understanding large volumes of information."
- "I might use it, if I could so program it, with a database consisting only of my past awards."
- "AI may prove useful in straightforward, clear cases."
- "Once it becomes more the norm and I see specific training for neutrals, I can potentially see using it."
- "Depending on the price of the service, it may be worth it."
- "I would like to see evidence and examples of how Generative AI could be useful."
- "Perhaps it might help me in administrative tasks."
- "If it is shown to be genuinely reliable and if I learned to use it effectively."
- "I adopted Zoom quickly during COVID; AI could be another technology to consider."
- "Waiting to see demonstrated benefits."
- "AI could assist with administrative tasks like bookings and invoices."