

Will Hal Take Over ADR?: ADR Neutral Use of Generative AI

by David Racine

Generative AI and ADR: What Clients Should Know

Dorsey Associate David Racine, who represents clients in complex commercial and construction disputes, co-authored an article on the use of generative AI in alternative dispute resolution (ADR), published in the *Journal of the American College of Construction Lawyers*.

The article examines how generative AI tools are beginning to influence mediation and arbitration, particularly in complex construction disputes.

How AI Is Being Used in Disputes

Using a detailed case study involving a delayed stadium construction project, the authors explore how tools like ChatGPT and legal-focused platforms such as Lexis+AI can assist ADR neutrals.

In the case study, these tools were used to:

- Organize large volumes of information efficiently
- Identify key legal and factual issues
- Develop structured proposals to support settlement discussions

Key Considerations and Risks

While AI can improve efficiency, the article highlights important limitations. AI-generated outputs should be carefully reviewed and not relied on as a substitute for legal judgment.

The authors point out key considerations:

- **Accuracy:** AI may produce incorrect or incomplete information
- **Bias:** Outputs may reflect underlying data biases
- **Context:** Tools may not fully capture project realities or business dynamics
- **Confidentiality:** Care is required when sharing sensitive information

General vs. Legal-Specific AI Tools

The authors also note differences between general-purpose AI and legal-specific platforms.

- General-purpose tools (e.g., ChatGPT): May produce more detailed and highly structured outputs.
- Legal-focused systems (e.g., Lexis+AI): Designed to align more closely with legal standards, including confidentiality and reliability considerations.

Each type may be useful depending on how and when it is used in the dispute resolution process.

Related People

- David Racine

Related Capabilities

- Artificial Intelligence
- Construction Litigation
- Commercial Litigation

What This Means for Clients

AI tools can be a useful resource in complex disputes, particularly for organizing information and evaluating potential outcomes. However, they are best used as a supplement to experienced counsel and mediators, not a replacement.

Even with these tools, successful dispute resolution still depends on legal professionals who can:

- Apply strategic judgment
- Manage risk
- Navigate the practical and relational dynamics of a dispute

While these tools can improve efficiency, successful ADR remains grounded in human expertise.

As the authors conclude: “In the end, the most effective mediations and arbitrations may combine the best of both worlds: the precision of AI and the wisdom of humanity. Together, we can redefine how disputes are resolved and pave the way for a future where technology enhances, rather than overshadows, the art of alternative dispute resolution.”

Connect with David Racine to learn more.

The full article is available to Westlaw subscribers: *Will Hal Take Over ADR?: ADR Neutral Use Of Generative AI*, 19 Journal of the American College of Construction Lawyers 3 (2025).