

AI in review at Dubai Arbitration Week.

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Artificial Intelligence ('AI') has increasingly come to the fore over recent years. This was one of the numerous topics discussed at 2025 Dubai Arbitration Week attended in November by members of 4-5 Gray's Inn Square. Much can be said about this issue. Some of what is discussed will perhaps not come to pass. Other developments with AI will no doubt emerge that are not anticipated as of late 2025, or are little discussed. In this note we consider avoiding the issues arising from what is usually known as an AI hallucination.

To define this term, we rely on an AI generated definition, from Google, of what an Artificial Intelligence hallucination is:-

*'AI hallucination is when an AI model generates false or nonsensical information presented as fact. This occurs because AI models generate responses based on patterns in their training data, which can lead to inaccuracies, factual errors, or creative fabrications, especially when faced with ambiguous or unfamiliar prompts. Large language models (LLMs) work by predicting the most probable next word, rather than retrieving a factual answer. Training data limitations: The AI may be trained on data that contains factual errors, biases, or has gaps in information. The model can misunderstand the context of a prompt or misinterpret the relationships between data points, leading to incorrect outputs. For example, an AI might misinterpret a satirical article as a factual source. When it lacks specific information, the AI may "fill in the blanks" by combining plausible-sounding, but ultimately incorrect, information from different parts of its training data.'*³

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³ [What are AI hallucinations? | Google Cloud](#) (accessed November 25, 2025)

The authors herein are able to review this passage and determine its accuracy relatively quickly. This will not always be the case for those using AI. The volume and/or technical nature of the passage generated by AI may fall outside the knowledge of the user. Statistics show that whilst LLM's are becoming over the last 12-18 months much more accurate that error rates of 10-20% remain⁴. In other words, if you source 20 cases that you then cite in a submission, in the absence of taking any other step you could present the court with 4-5 decisions that just don't exist.

A lay litigant in the Irish case of *Reddan v an Bord Pleanála* [2025] IEHC 172 made a claim, in their submissions, that there had been '*subordination to perjury*.' There is no such idea/ concept in Irish law which is a common law jurisdiction. The Court commented adversely that '*This sounds like something that derived from an artificial intelligence source. It has all the hallmarks of ChatGPT, or some similar AI tool.*'"

Lawyers, who may be thought to know better than litigants in person have also recently also fallen short. Instances where cited cases did not in fact exist include *Mata v. Avianca, Inc.* 22-cv-1461 (PKC) (S.D.N.Y. Jun. 22, 2023) and *Darlene Smith v Matthew Farwell & Ors* 2282CV01197 (Mass. Sup. Ct. Feb. 12, 2024). The lawyers involved were sanctioned by the courts. More recently this issue has been discussed in *Frederick Ayinde -v- The London Borough of Haringey* [2025] EWHC 1040 (Admin).

In *Ayinde* the court warned at paragraphs 24-31 that use of AI may inter alia lead to:

- Contempt of court
 - Referral to a regulator
 - Strike out
 - Wasted cost sanctions
- and
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⁴ [Why language models hallucinate | OpenAI](#) (accessed November 25, 2025)

-Public admonishment.

It went on to say:

'practical and effective measures must now be taken by those within the legal profession with individual leadership responsibilities (such as heads of chambers and managing partners) and by those with the responsibility for regulating the provision of legal services...For the future... the profession can expect the court to inquire whether those leadership responsibilities have been fulfilled⁵.'

By the nature of arbitration this issue will have been ,and will continue, to arise both before judges and arbitrators. The incidences in which it has occurred before courts have just been better publicised. What needs to be done:

Arbitrator's and judges- need to be alive to the fact that incorrect material may be opened before them. Party representative's need to verify that a citation relied upon by their opposite numbers links to an actual real decision. Legal teams need to be sympatico. It will not suffice. as seen in *Darlene Smith v Matthew Farwell & Ors* 2282CV01197 (Mass. Sup. Ct. Feb. 12, 2024, to say some variation of ' I'm not great with technology I didn't realise the junior associate/ barrister used these tools.' It may be thought by those who have been in a case where this has arisen that it all involved in litigation and arbitration fully note the gravamen of this issue. We suggest that this is not yet the position. Further discussion of this matter is necessary. As needed, there should be revisions to guidelines and rules by professional bodies and arbitral institutions. Indeed, the day this note was concluded revised guidance on the use of AI and Chat GPT was issued to members of the Bar of England and Wales⁶.

⁵ [Ayinde -v- London Borough of Haringey, and Al-Haroun -v- Qatar National Bank](#) (accessed November 25, 2025)

⁶ [Considerations when using ChatGPT and Generative AI Software based on large language models – Bar Council - Practice & Ethics](#) (accessed November 25, 2025).

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