

News

PARTNER AUTHORS ARTICLE IN 'GAR' ON CHALLENGES FACING ARBITRATORS IN THE DIGITAL AGE

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BCLP Partner Claire Morel de Westgaver authored an article published Jan. 18 by [Global Arbitration Review](#) exploring the challenges facing arbitrators in the digital age following an ICC survey which revealed that technological competence is an important consideration in the selection of arbitrators.

“As technology develops and its use in international arbitration continues to expand, arbitration practices evolve and expectations for arbitration practitioners are raising. Arbitration users expect counsel to use state-of-the art technology tools to increase efficiency, gather evidence, effectively present their case and ultimately maximise the prospect of a positive outcome at a lower cost. In the same vein, knowledge and experience of technology has grown as a selection factor when parties in a dispute are looking to select an arbitrator, as the survey, led by the ICC Commission on Arbitration and ADR and published last year, shows. Arbitrators are expected to be able to use the relevant technology tools adopted in a given arbitration. They are also expected to handle procedural issues arising from the digitalisation of arbitration and more generally the digital transformation of the business world including modern means of communications.”

“Looking ahead, given the speed with which technology and arbitration practices develop, arbitrators will undoubtedly require more advanced training and assistance with respect to technology and cybersecurity. Arbitral institutions seem to be well placed to assist arbitrators, as – unlike tribunals – they are permanent and can introduce information technology capabilities in their secretariat. They can also amend their arbitration rules and policies, which not only offers the benefit of consistency (across their caseload) and certainty but also the potential of contributing to the development of arbitration practices in the long term and ultimately the provision of better service for arbitration users.”

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