

LIDW

Main Panel on Access to Justice

Tradition Trust and Transformation in international dispute resolution

Access to Justice Internationally – Tradition and Transformation

Concluding Remarks

Sir Geoffrey Vos, Master of the Rolls

Introduction

1. The tectonic plates of international dispute resolution have remained much the same for many years. The same big players: the Commercial Court in London, soon to be the jewel in the Crown of the new Business and Property Division; the Southern District of New York, the Singapore International Commercial Court, the LCIA, the AAA and the ICDR, SIAC, the ICC, HKIAC and some others, of course. The same increasingly high costs. The same lengthy process.
2. But things are now changing rapidly and we, the legal community of lawyers, judges and arbitrators must adapt or die.
3. What are the changes that I am talking about? In a nutshell, there are, perhaps, seven as follows:
 - (1) The advent in November 2022 of highly capable large language models, first in the shape of GPT3. These AI tools are now available to every person and every professional in the developed world and many beyond it (**ever-more capable AI**).

- (2) The facts that every individual, business and consumer now receives quite passable legal advice from a variety of AI tools before going anywhere near a lawyer, and that lawyers are now asked to confirm the legal advice of Harvey or Legora for a fraction of the fee they could previously have charged. (**AI as a one-stop shop for legal advice**).
- (3) The fact that social media has changed the expectations and values of our developing professionals and the society they will serve. There are shorter attention spans and perhaps a lower level of automatic respect for or acceptance of old-world values. (**Social media and short-attention spans**).
- (4) The polarisation of politics towards greater populism, nationalism and perhaps intolerance and away from internationalism and the *entente cordiale*. (**Political polarisation**).
- (5) The fact that legal solutions are now being sought and obtained for the major environmental issues affecting our planet, including greenhouse gas emissions, renewable energy sources, rising sea-levels and massive population displacements in the Global South. (**Environmental claims**).
- (6) The fact that digital trading using digital assets is now legally and practically available to every international industrial, trading, transportation, financial and consumer market, and yet remains largely unadopted by mainstream parties and their banks. (**Digital trading**).
- (7) The importance of the private law foundation to large language models that are being created all over the world. Plainly, the LLMs that dominate the landscape come from the US and China and pose digital sovereignty risks for other countries. But they also pose risks to the future of private law legal systems of those countries. In other words, the fight for **digital**

sovereignty is actually also a fight for private laws, like English law, French law, German law and Singapore law that have dominated conventional industries and finance for centuries. (**The private law foundation for LLMs**).

4. And there are more changes to come that may have even more fundamental effects including quantum computing, and significant unemployment caused by the adoption, and perhaps even just the fear or, ever-more capable AI tools.
5. How should the global legal community respond to these challenges?
6. In my view, it should understand that none of these changes is likely to be reversible. The world will not go backwards. Instead, these changes will accelerate and the legal community needs to find ways to make itself relevant in the new world order - to adapt and change.
7. In the very limited time available, I have the following suggestions.
8. So far as international dispute resolution is concerned, the international legal community needs to embrace AI and both the reduction in costs and the increase in speed of dispute resolution that it can bring about.
9. So far as dispute resolution bodies, like commercial courts and arbitral institutions, are concerned, rules need to be simplified and streamlined for the new world order. Dispute resolution is all about trust. Trust in the lawyers, trust in the judges and arbitrators and trust in the technological systems they use. None of these groups will retain the trust of the new generation of business owners and financial markets if the necessary adaptations are not made to realise the available savings in time and money that technology allows. Over complication of dispute resolution serves the legal community badly. Technology allows for economy and simplification; these too are opportunities that should be embraced.

10. So far as digital trading is concerned, both private law foundations and regulatory mechanisms need to be aligned across jurisdictions, something that the International Jurisdiction Taskforce is urgently addressing.
11. So far as the reducing respect for old-world values – some might even say reducing understanding of and respect for the rule of law and the fundamental underpinnings of democracy – is concerned, the international legal community needs to burnish its credentials. Law is and will remain a crucial enabling mechanism for international trade and international markets. It will also underpin the ability of the world to respond effectively to the environmental issues I mentioned before. And yet, lawyers generally and even lawyers operating internationally, seem to close their eyes to the need to explain and justify the importance of what they do. Without hyperbole, law provides the foundation for civilised society, so we need to make our case for the importance of our legal systems to the new world order.
12. So far as the private law foundation for LLMs are concerned, the problem is, I think, more existential. A number of nations outside China and the US are attempting to preserve their digital and linguistic independence by creating LLMs of their own. But they face an uphill task in terms of money and reach. For my part, I think that some countries may be addressing the wrong problem. Digital sovereignty is one thing, but it is not an end in itself. The private law jurisdictional foundation for new technologies in general and AI in particular would protect the rule of law and the democratic foundations of our societies.
13. All these issues are about access to justice. Trusted international dispute resolution underpins international trade and the ability of nations to trade with confidence. As lawyers, judges and arbitrators, we need to think long and hard about dispute resolution in the new era. It will not, as I have intimated look anything like the dispute resolution that we have been used to in the past 50 years.

14. I was asked to provide some personal reflections as I approach my retirement as Master of the Rolls.
15. I have gone from foolscap paper, manual typewriters and tippex in 1977 to being paper free for the last 7 years.
16. I have always embraced change, and I think we should all continue to do so. Humans adapt to change far better than their stubborn adherence to the status quo would have you believe. But change takes time, and AI has come upon us very quickly.
17. I am convinced that lawyers, judges and arbitrators will learn to use AI effectively and efficiently. It will not, as some have suggested, lead to the end of the legal profession, because new human activities will emerge as a result of it. AIs take a split second to decide an issue, but human take days, months or years to come to terms with it. Lawyers will be needed to explain and explore the ways forward for their clients.