

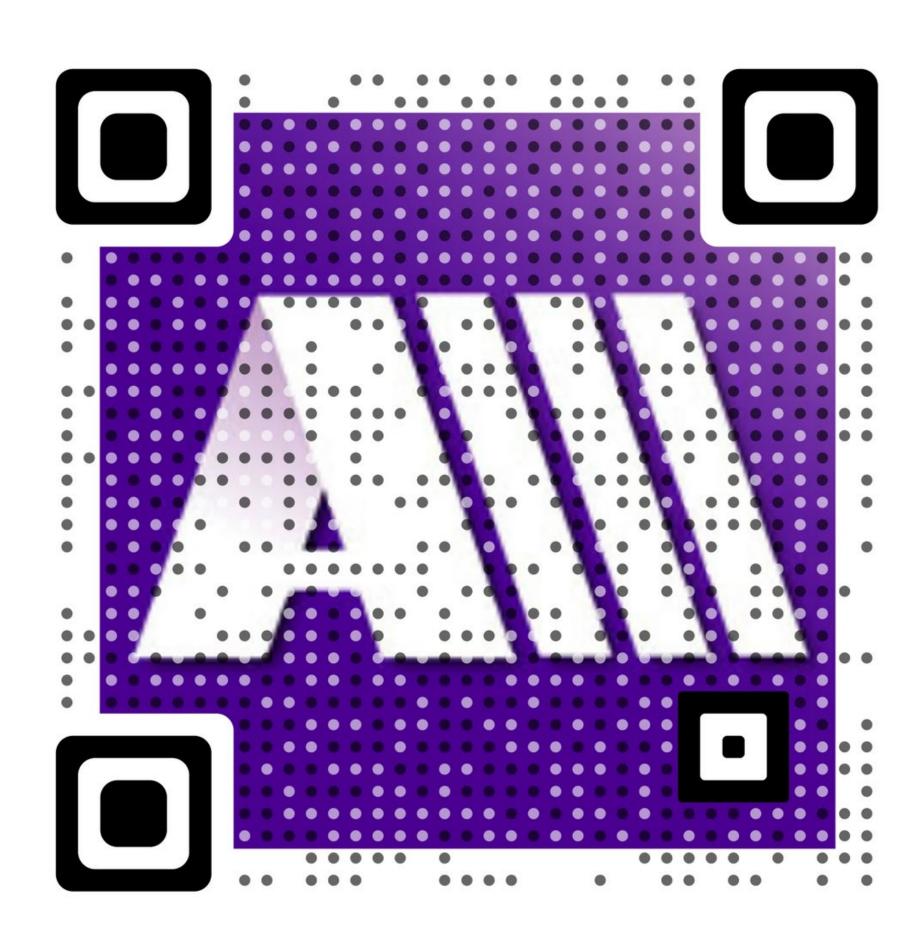
LEVERAGING AI IN ADR:

PRACTICAL TOOLS & STRATEGIES FOR TODAY'S PRACTITIONER

with Susan Guthrie



American Academy of ADR Attorneys October 3, 2025



GET THE MATERIALS

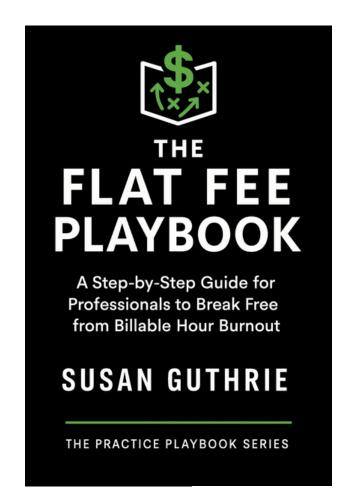
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SUSAN GUTHRIE

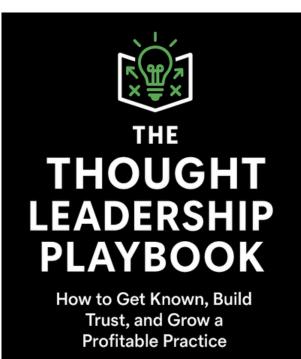
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SUSAN GUTHRIE

THE PRACTICE PLAYBOOK SERIES







01. WHO IS USING AI EVERY DAY?

- WHO IS DABBLING BUT ISNAT USING IT MUCH PROFESSIONALLY?
- 03. WHO IS STILL WONDERING WHERE TO START?

AUDIENCE POLL



Drop a 1, 2, or 3 in the chat!

NOVEMBER 30, 2022

WHERE ARE WE TODAY? OCTOBER 3, 2025

HOW MANY AI CLE/CME PROGRAMS HAVE YOU ATTENDED?

Ad mÚlkrj bolsk leb Úe ^q

HOW MANY OF THOSE PROGRAMS HAD YOU GET HANDS ON?

Ad mÚltrj bolfklæbÚe^q



WHERE ARE WE TODAY?

Three Guiding Questions:

What is working?
What is failing?
How can we best harness the power?

PART 1: RESETTING THE BASICS

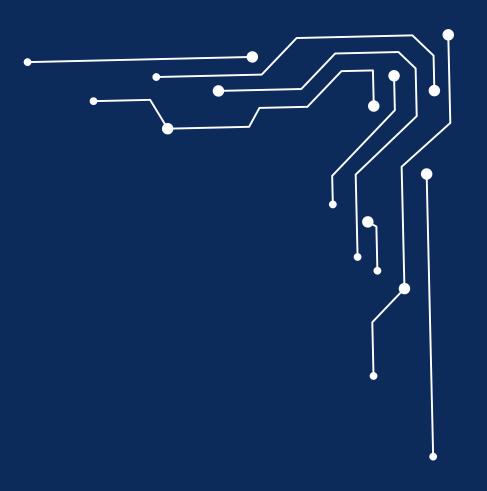
• Rebuilding the foundation of how we work with AI tools

PART 2: FIXING WHAT'S FAILING

• Anonymization, bias mitigation, and human review in action

PART 3: WHAT IS WORKING

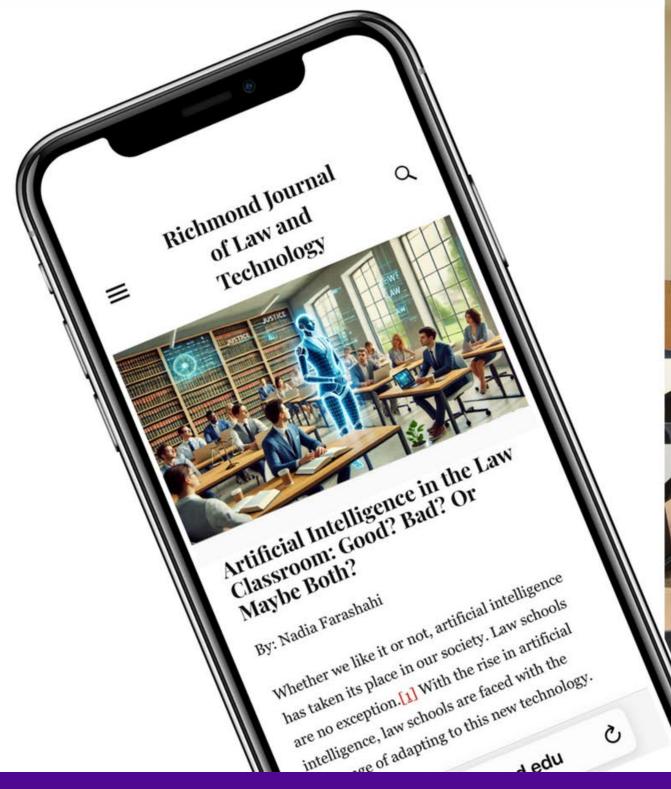
• Practice management, Preparation, In the room and Post-Mediation.



TODAYS PROGRAM

WHAT'S WORKING AND FAILING?

HOW WE ARE LEARNING TO USE THESE TOOLS

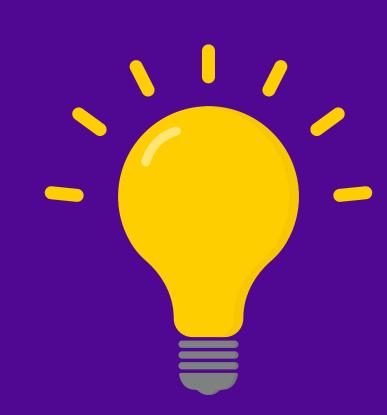








CTRL+
ALT+
DEL



RESETTING THE BASICS

Qe b Ú fka pb q Ú e fcq Ú ka Ú Mblj mqfk d Ú Bppbk qf^ip



The Retriever vs. The Owl







Mol j mq/läAo/cqÚý baf/qflkÚi/rpb-lã



Prompt: "I'm drafting a contract for a family owned business and want to include a mediation clause that fosters collaboration and preserves relationships. Can you help me craft language that reflects that intention, and explain why each part is important?"

The Keys to Shifting the Mindset



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General Search

Mediation is a collaborative process in which a neutral third party, called the mediator, helps individuals or groups in conflict work toward a unitually acceptable resolution. Unlike a judge or arbitrator, the mediator does not impose a deciion but instead facilitates communication, identifies underlying interests, and guides the parties in exploring options. Mediation is often chosen because it is confidential, cost-effective, and tailored to the needs of the participants. By fostering dialogue and cooperation, mediation not only resolves disputes but can also preserve relationships

With Additional Context

Mediation in personal injury cases is a process where both the injured person and the party alleged to be responsible, along with their representatives, meet with a neutral mediator to explore resolution options outside of court. The reoliator's role is not to decide who is right or wrong but to guide discussions so both sides can share their perspectives, clarify concerns, and consider consible solutions. This approach can save time, reduce costs, and allow the people directly involved to have more control over the outcome, often resulting in agreements that feel fair and practical for everyone.

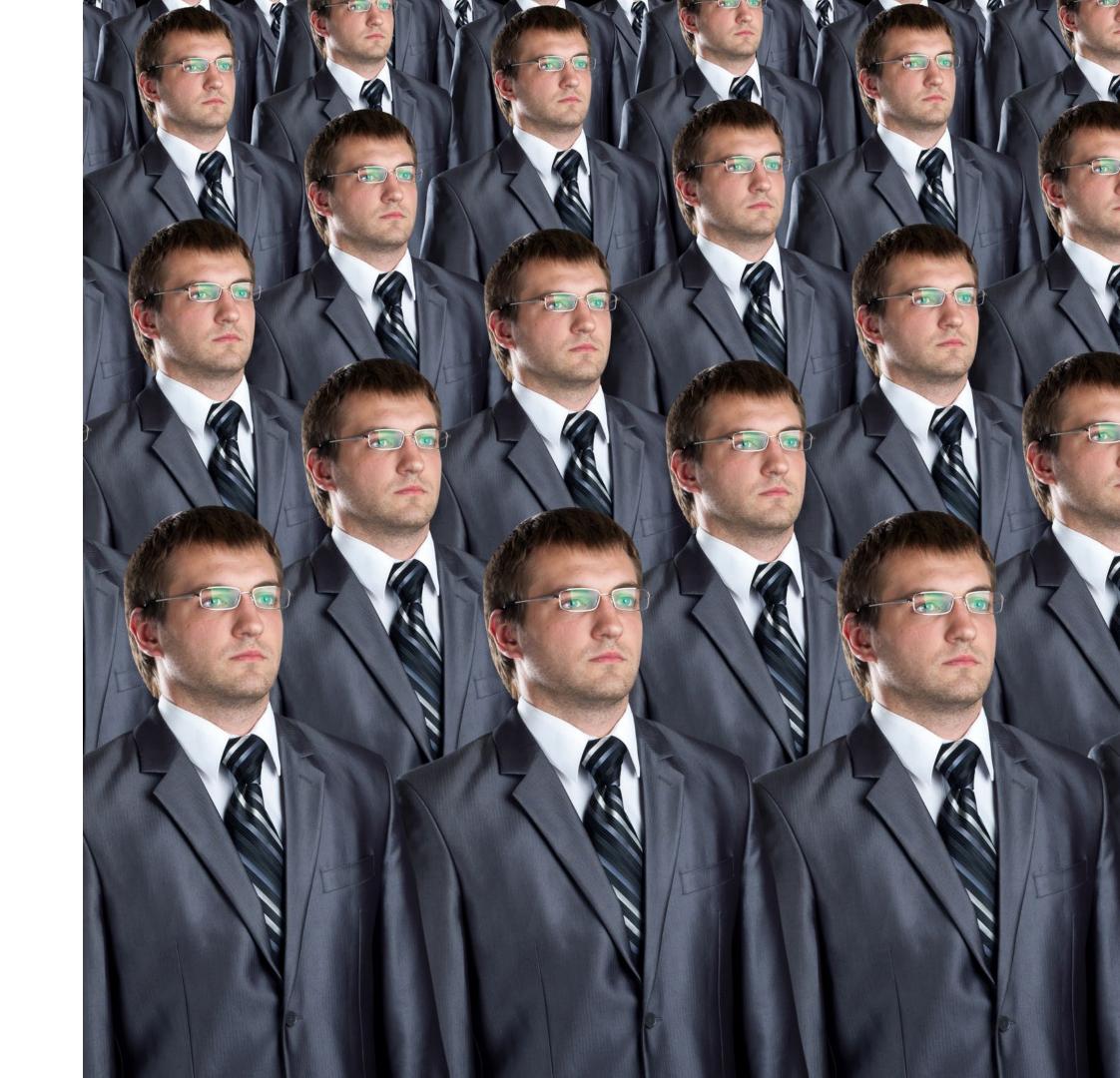
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BIG PICTURE

Core Concept: AI
Feels Repetitive
When You Sound
Like Everyone
Else

3 Ways to Avoid Generic AI Outputs



Use Your Own Voice in Prompts

AI Tools mirror your tone, language, and style. If your prompts are formal, generic, or lifeless, the responses will be too.

Best Practices:

- Prompt like you talk (use dictation!)
- Inject personality, context, emotion, even humor
- Give examples in your voice



Take a little time and customize your GPT to how you communicate so that it is prepopulated with -your voice or use a custom prompt.



For Other LLMs - Create a Personalization Prompt

Each personalization prompt has 5 core elements:

- 1. Who you are
- 2. Who you serve
- 3. How you speak (your voice + tone)
- 4. What you value
- 5. What you want ChatGPT to avoid or emphasize

You can start with a sentence for each, then combine into one compact paragraph.

Template for Your Personalization Prompt

>`qÚpý vứ ofqtk d Úka Ýpqo^qb d v Úpppfpq^kq ÚÝ ¼ Xơl ib Zứ e l ứ l ohpứ fọc ÚX r a fb k`b ZHÚ v Úql k b Úp ÚXql k b Ú qo^fqp ZÚ k a ÚH nofl ofqt wb ÚXs^ir b p ZHÍ \circ s l fa ÚXr k a b p fo^_ ib Ú qo^fqp Ú oÚ r qmr qp ZHÍ ph Ú i^ofcv fk d Úi r b p qfl k p Útcú l r Sơb Ú r k pr ob Ú b cl ob Úð p pml k a fk d +



It Starts and Ends with the Prompt

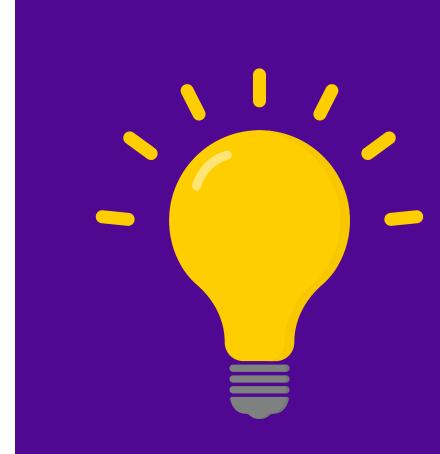
 The better your prompt(s), the better your results. It's your power tool.

There's No "Right Way"

• Everyone uses Al differently - and that is a strength. Personalization makes it YOUR tool.

Make It Yours

 Personalize how the tool responds. Train it to reflect your voice, values, and workflow.



Accuracy and Hallucinations







Accuracy and Hallucinations - STILL HAPPENING

- kÚ-/1*/-/2)úl1`rj bkqbaÚ^pbpÚklt Úkrj _boÚ/6Úlil_^iivÚkaÚmmb^oÚ bsbovúl^v+
- Efde Únol Jib Úkpq^k`bp7Ű v ÚMfiil t Úqqlokbvp)Ú lod^k Ü lod^k)Úka Ú lob+
- ÚQt l ÚC babo^iÚgrad bpÚd o`baÚgl Úr fopeao^t Úl mfkfl kpÚdrbÚgl Údc^hbÚn r l oppãÚ kaÚ äj ^qbof^iÚgk^``ro^`fbp-tã
- P^k`qflkpÚobÚofpfkd+ÚúcoljÚ2)---ÚtkÚsf^k`^Ú^pbÚolÚv.2)---ÚkaÚjlob+

Accuracy and Hallucinations - WHY?

- Pmb`f`ifwba Úbd^iÚ→ Hógl lipÚj ^ohbqba ÚpÚe^iir`fk^qfl k*cobb ÚpqfiiÚmolar`bÚfk`loob`qÚtkcloj ^qfl kÚ4*01" Ú cÚqe bÚqfj b+
- Qfi b tímob ppr ob tík a Ú fiifk d tík `bk qfs b p Ú ob ^qb tá ^k d b ol r p típe l oq`r qp +t́Qe b Ú l ob Ú fipr b) Ú`` `l oa fk d típl tíb d ^i tíb u mb oqp) típ Úpil mmv tír v b ofk d +
- ÚBar`^qflk^iÚl^mpÚnbopfpqÚ`ol ppÚqebÚnol obppflk+Ú/t Úp`ellipÚe^sbÚ_bbkÚpilt ÚqlÚk`lomlo^qbÚ>HÓqo^fkfkdÚabpmfqbÚ46" Ú cÚ\t ÚJoj pÚklt ÚpfkdÚ>HÓ%mÚolj Ú6" ÚfkÚ-/0&
- > Hé ^ iir `fk ^ qfl kp Ú ``r olár b Úgl Úr ka ^ j b kq ^ i Ú o`e fqb `qr o ^ i Úfj fq ^ qfl kp Úfk Úe l t Ú i ^ od b Ú ^ kd r ^ d b Új l a b i p Út l oh + ÚÚQe b v Úe ^ s b Úk l Úfke b ob k qÚ l k`b m qÚt c Úgor qe Út o Úc ^ i p fqv +

Dealing with Hallucinations & Misinformation in AI Tools

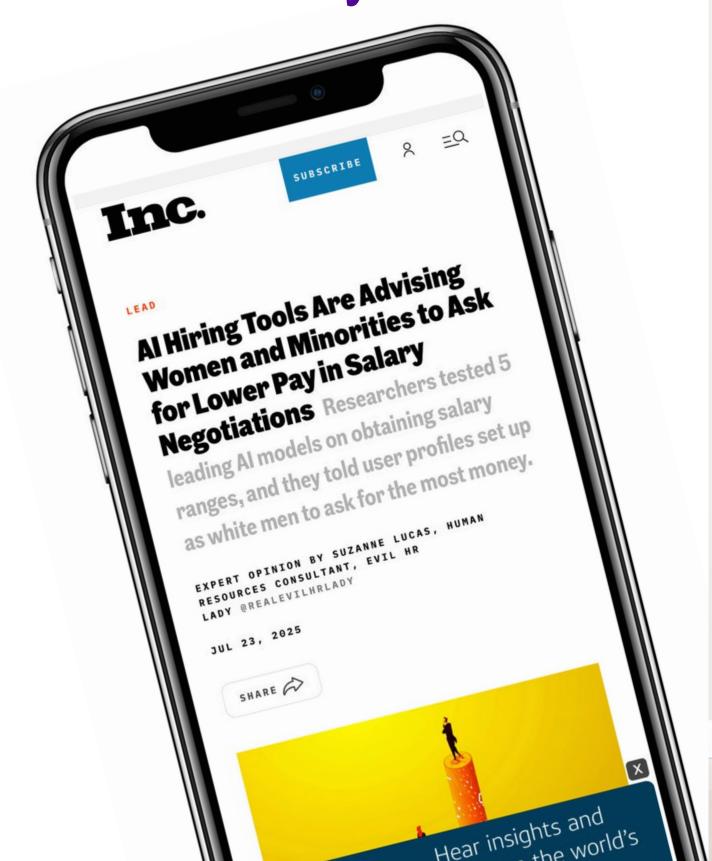
- Q ÚT c pgdw Ct c pwr f gl e
 - > it $^{\circ}$ vp \mathring{U}° q* e b $^{\circ}$ h \mathring{U}° pb \mathring{U}° t) \mathring{U} pq $^{\circ}$ qfpqf p) \mathring{U} d \mathring{p} l r o $^{\circ}$ bp

- Avoid Over Reliance
 - Use AI for idea generation or structure, not legal conclusions
 - Don't copy/paste without understanding the content

- 🖋 🖒 qc Dmjjmu +SnqU gqcjw
 - @i^ofcvÚl kcr pfkdÚoŚd^dr bÚ l r qmr q
 - $> ph \acute{td} o \acute{tm} \acute{th} \acute$

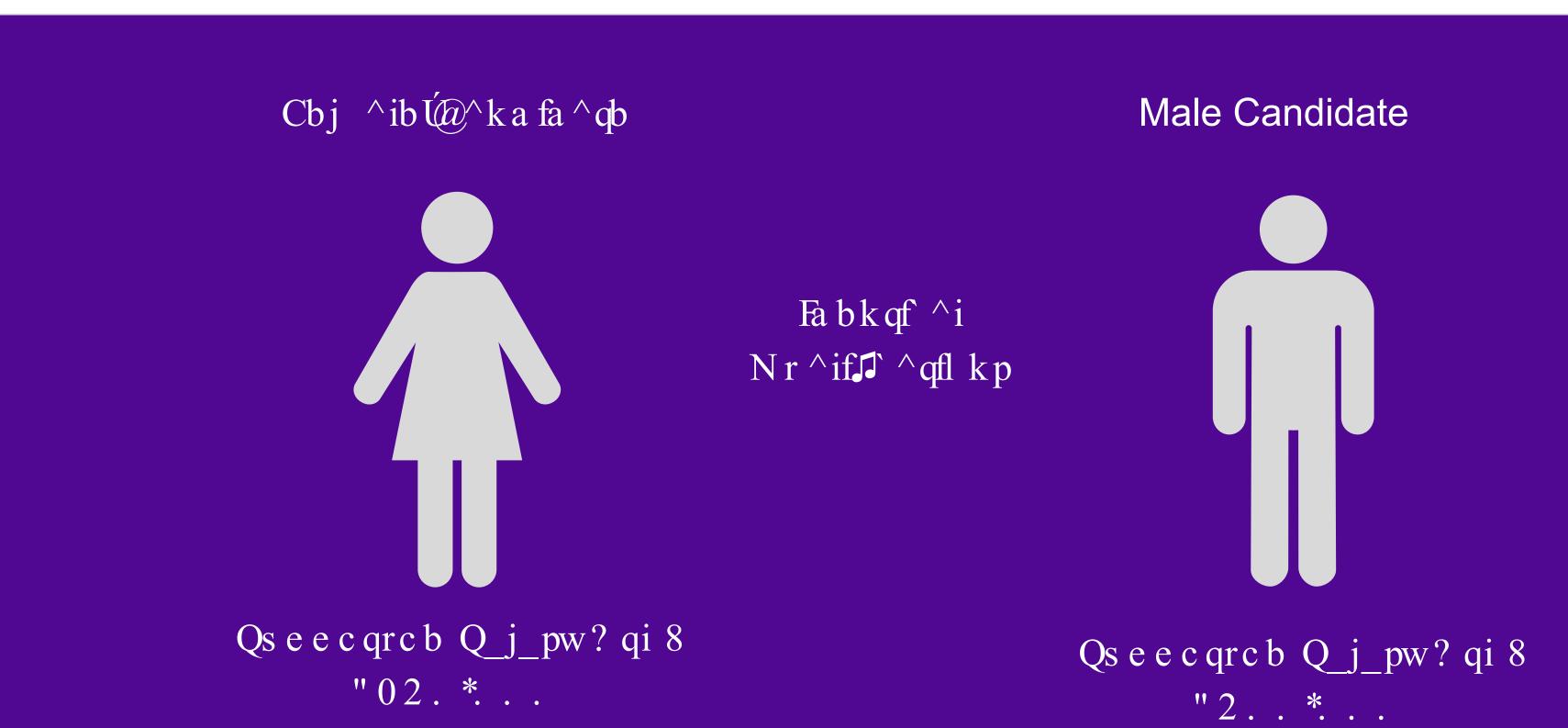
ÚB ml är? qi? Grm? ar Jgic _ B c a gqgml +K _i c p > s l fa Úhol j mqp Úfhb 7 äT e l âp Úh de q Úk Úþe fp Úd fpmr qb <ãÚ oÚ äT e ^ qâp Úþe b Ú⁄ foÚ r q`l j b Úþ b ob <ã</p>

Bias is Sneaky





Bias - BUT IT'S THERE



Bias - Implications for Mediators

- J mmi q d_gp*`s r gql är ΰ*Ú Hý ^v ψbbj Úk br qo^i) Úb qÚ f^pÚ ^k ψbe ^mb ψbrj j ^ofb pÚ oÚ e f e Ú mqfl k pÚ fqúfp qp Úpopq+
 - Qfm7\(\delta\) it ^vp\(\delta\)bs fbt \(\delta\) r qmr qp\(\delta\) o\(\delta\) ^i^k\\ b+
- Ep_bcqbg_cpclrjwbb fúlria bbslowslowenth for the book of the book of the book of the bbshowship for below of the bbshowship for the bbsh
- Slcos_j_btgacŰÜkŰkbÚdppq)Ú Hód ia ŰÜácbj ^ibãÚmboplk^Úd ÚphÚd oÚ/1-HÚkaŰÜj ^ibãÚmboplk^Úd oÚ1--HÚ fọe Útabk qf ^iÚ obabk qf ^ipŰÜkbr qo^ifwbÚdkmr qp+
 - o Qfm7(@lj m^ob Ú Hýrddbpqflkp Új Ú _ gb`qfsb Ú/`qpÚka Ú ^q`e Ú lroÚkmrqp+
- A_ppgcq`g_qdmpu_pb*ÚMboplk^ifwbalújllipÚ^klúbmb^qÚm^pqÚ_f^pÚ foelrqÚtlrÚtlqflkd+

 Qfm7Ú0bpbqÚ oÚra fqÚjllipÚbdri^oiv+

How to Minimize Biased Outputs It all starts with the PROMPT!

Use neutral framing (Party A and Party B not Mother and Father)

Avoid assumptions and focus on goals not stereotypes

Tell the AI to be inclusive in it's output

How to Check for Biased Output

Bias Check Techniques:

Ask the AI to reflect on its assumptions:

"What assumptions did you make in this response about gender, roles, or priorities?"

Request a bias-aware revision:

"Revise this response to remove any unintended bias and reflect inclusive, neutral language."

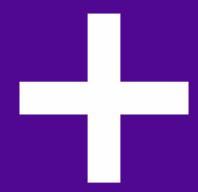
Use prompts with inclusive framing:

"Create an equitable, inclusive summary that avoids assumptions and reflects all parties' perspectives fairly."

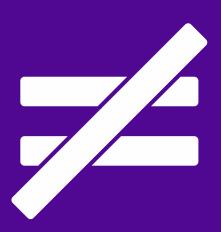
Security - Confidentiality & Privacy





















AI Platform Comparison for Confidentiality & Pricing (2025)

Plan Type	ChatGPT	Gemini	Microsoft Copilot
Consumer	Free or Plus \$20/mo	Free or Advanced \$20/mo	Bing Copilot Free
	X Not safe for client	X Not safe for client	X Not safe for client
Business/Team	1 Team \$25–30/user/mo	Workspace \$20–30/user/mg	M365 Copilot \$30/user/mo
	✓ Safer, no training	✓ Safer, no training	✓ Data stays in tenant
Enterprise	Custom \$60+/user/mo	Enterprise \$30+/user/mo	M365 E3/E5 + \$30/user/mo
	✓✓ SOC 2, contracts	√√ Compliance-grade	✓✓ SOC 2, HIPAA-ready

Legend: X Not safe for confidentiality | ✓ Safer (with limits) | ✓ ✓ Safest, enterprise-grade

SOLUTION

Security - Confidentiality & Privacy



 $ibd^{i} \rightarrow fof^{i} + 1j$

ib d^i ⇒ fof \ Úp Ú ψb \ r ob Úni \ qcl oj Ú qe ^qúbqpúbd ^itimol cbppfl k ^ipÚ %k`ir a fkd Ý ba f^ql op&p^cbiv Ý pb Ú ql l ip Úffhb Úðe ^qD MQ) ÚD bj fk f) Ú (a)i^r a b)Úka Ú 1 ob)ÚiiÚkÚkbÚ mi^`b-Egâplá bpfdkba lømb`fJ`^iivÚ cl dibd it pb) the face the folked the ap U mol qb`qflk)Úr a fqÚqo^fip)Úka Ú b qe f ^ilp/cbdr ^ap+

Dealing with Hallucinations & Misinformation in Al Tools

QÚ+L M NG

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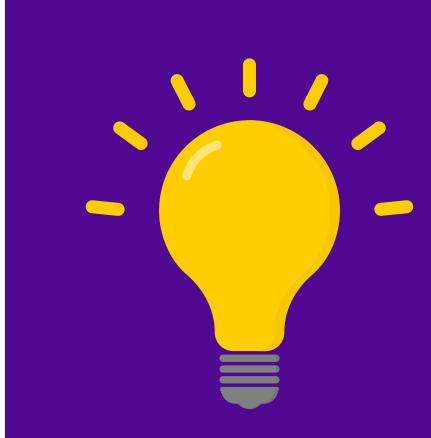
? JU ? WQ ? L ML WK CXC

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4. Structure, Don't Store

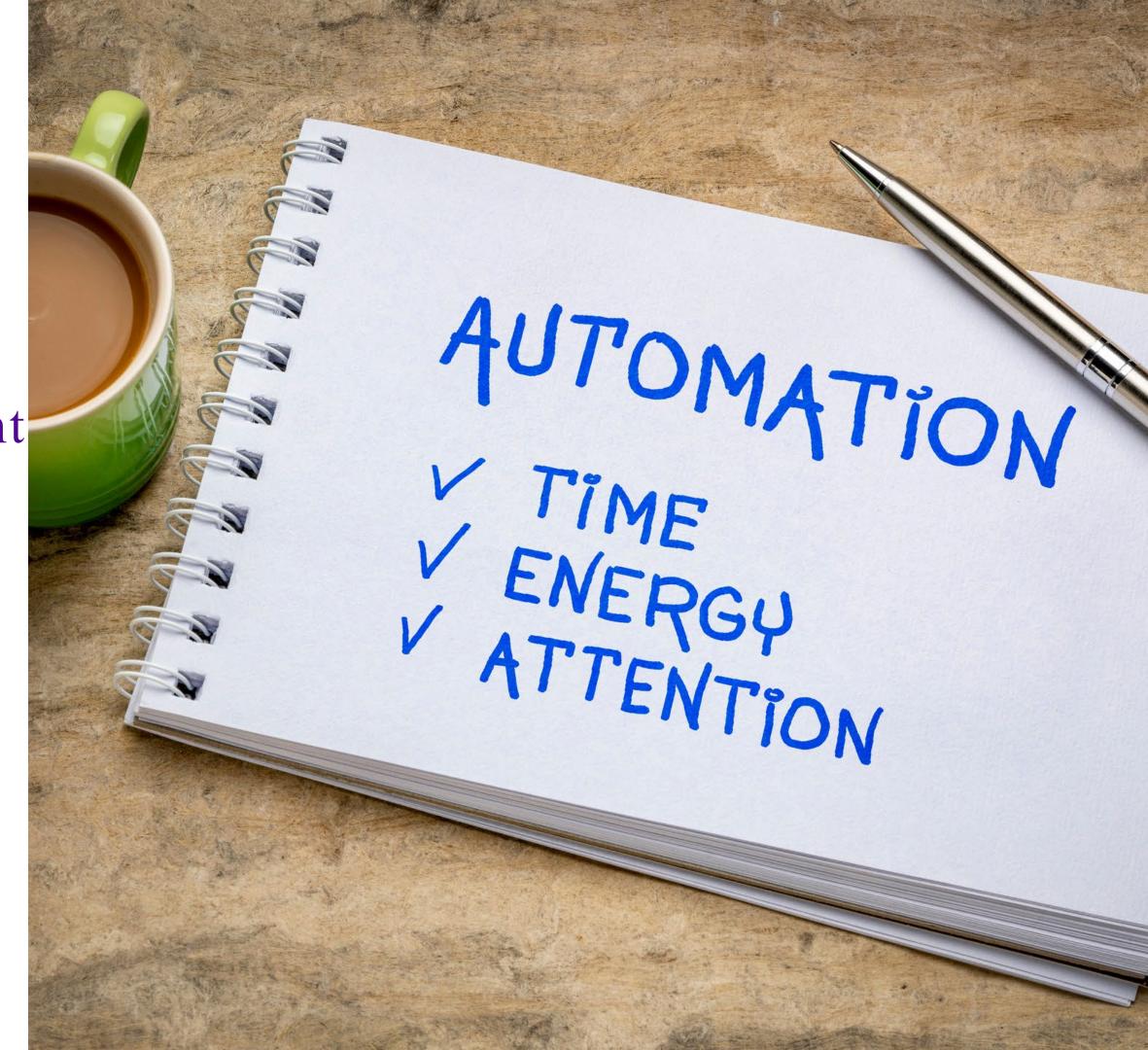
Use AI to design processes and explore ideas — not to retain confidential info.



WHATS WORKING FOR MEDIATORS

AUTOMATION in Practice Management

- Calendar and Scheduling Management
- Case Management and Workflow Automation
- Client Intake and Screening
- Document Generation and Templates
- Billing and Financial Management



EFFICIENCY in Preparation and Process

- Legal Research
- Pre-MediationPrep
- Document and Note Management
- Drafting and Follow-Up



SUPPORT In-Session

- Option Generation and Analysis
- Note Taking and Summarization
- Risk Analysis
- Decision Trees
- Visual Aid Prep



WRAP-UP Post-Mediation

- Drafting Memoranda
 of Understanding
 (MOUs) and
 Settlement
 Agreements
- Generating Session
 Summaries and
 Recap Notes
- Organizing and Archiving Case Materials





4 THINGS TO DO NOW

Make verification non-negotiable

• No cite, no use. Every AI output gets source-checked. HUMAN REVIEWED EVERY TIME

Install bias guardrails

• Anonymize prompts (Party A/B), run quick swap tests, disable memory/personalization for casework, and add a 60-second ¬bias scan \[\] to every key deliverable.

Train by doing, not by talking

• Develop AI literacy with HANDS-ON USE.

Go secure-by-default

• Adopt an enterprise AI policy (allowed/prohibited uses, consent/disclosure language), use zero-retention tools with DLP and audit trails, and ban consumer chatbots for confidential facts.





Homework Lab: Put the Four Big Moves Into Practice (90 minutes)

Why this matters

You'll leave the program with *concepts*. This lab turns them into **repeatable workflows** you can use tomorrow: verify outputs, guard against bias, train by doing, and work in a secure-by-default setup.

What you need to do this homework (pick one secure option)

- Enterprise/privileged environment (recommended): Microsoft Copilot (M365 E5/Purview), Lexis+ AI, Westlaw's AI tools, Casetext CoCounsel, or your firm's approved platform.
- If you only have a consumer tool (think ChatGPT or Gemini): Use synthetic facts only (no client identifiers). Turn off history/memory. Do not paste confidential information.

The Practice Scenario (Made-Up Facts for Hands-On Practice)

You're mediating a **business contract dispute** between Party A (supplier) and Party B (retailer) over late deliveries and withheld payments (\$180,000 at issue). Parties want speed, face concerns about cash flow, reputation, and ongoing business.

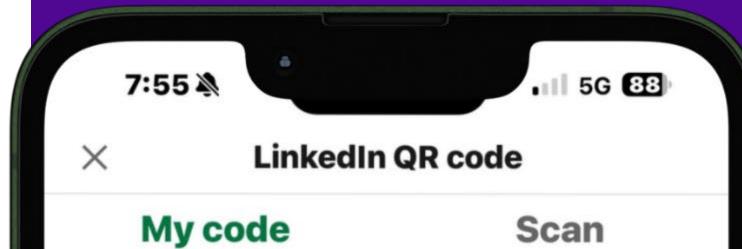
Exercise 1 — Make Verification Non-Negotiable (≈25 min)

Goal (the "why")

Experience the full verify loop so "no cite, no use" becomes muscle memory.

Tas





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LET'S CONNECT