



Paul Rogerson
Tuesday's
London
International
Disputes Week

conference kicked off with a stark warning from keynote speaker Sean West (pictured), co-founder of a geopolitical artificial intelligence company and author of *Unruly: Fighting Back when Politics, AI, and Law Upend the Rules of Business*.

'Generative AI makes legal action effectively free,' West told hundreds of disputes lawyers gathered at Westminster's QE2 centre. 'More and more citizens are going to be able to take their disputes directly to businesses with this technology. We're going to see a huge amount of "legal spam" of cases that are basically phishing, filing hundreds of thousands of claims against corporations to see what can actually penetrate them, much like cyber risk. Only one email needs to get through for it to be valuable.'

In fact, there is evidence that this is already happening – and some in-house lawyers are reeling. The conference heard that one general counsel at a large corporation reported that the number of employment claims the business is facing has leapt from 1,000 to 10,000 in a single year.

Coping with the seeming democratisation of litigation by AI – and its potential abuses – was a core theme of the first panel event. Yet AI can itself be used to 'control the avalanche', declared former lord chief justice Lord Thomas of Cwmgiedd at a session titled 'AI, authenticity and the future of evidence'.

Thomas, now president of the Qatar International Court, was asked how the profession and institutions can prevent AI-generated claims and disclosure materials from overwhelming and degrading the legal system.

'One has to look at cooperation between the judiciaries,' he said. 'The Standing International Forum of Commercial Courts [which Thomas founded] is about to embark on trying to bring together the views of



Photo: LIDW/Tritium Media/Fraser Allan

Spam a lot – the AI 'avalanche'

Artificial intelligence is a boon to access to justice, but how can the courts cope – and tackle its abuses? Here are the edited highlights from London International Disputes Week

commercial courts across the world, from India, China, across the common law world, France, Germany, to learn from each other. Because just as law firms have become transnational, the tricks that are used in one place need to be identified before they arrive at some other place.

'One cannot rest on one's own capabilities. We need to pool knowledge, and develop, as best we can, rules, procedures and intelligence to deal with any abuse of AI. And abuse can occur anywhere.'

While acknowledging the benefits of AI as an access-to-justice tool, the session also reflected on the fact that the technology has decoupled the cost of filing a claim from a claim's merits. 'You need to distinguish clearly between claims that are put through law firms and claims by people who act without law firms,' said Thomas. 'It's easier in the modern world to deal

with law firms because of the ethical standards that can be enforced against them. So if we get unmeritorious large-scale litigation, that's something that can be tackled – provided the courts and the regulators are prepared to be tough.

'More difficult is the position of litigants in person, because for them this will be cost-free. And I think there are two things we have to look at. One is the way in which you charge for access to courts, or the use of arbitrators, if that is what is in the contract. Second, I think you have an advantage in countries that have a flexible common law system, because on the whole, the judiciary is much more responsive and far quicker at dealing with things than legislatures, who can be mired down in lobbying and in political manoeuvring.'

Thomas stressed that similar fears were aired about the profession 'drowning in

material' at the turn of the century when email was introduced. The problem proved to be surmountable.

'We managed to solve that by innovation and change,' he said. 'I've got no doubt we will have to do the same this time. We mustn't go overboard, but I'm sure that AI can be used successfully to control the avalanche.'

And what of the plight of England and Wales, a world leader in handling complex disputes? Thomas stressed that London is in a position to be fleet-footed relative to rival jurisdictions by changing procedural rules: 'The Criminal Procedure Rule Committee and no doubt the Civil Procedure Rule Committee will... modernise the rules about the admissibility of evidence to make certain that the accuracy of what is being put before a court is properly authenticated, and courts have got to be very tough in requiring companies to disgorge all the material they've viewed to create documentation, create expert reports. You cannot, if you're to rely on something in a court of justice, say, "well, I've got to the proprietary software, I can't go any further".'

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Lord Thomas of Cwmgiedd

Rival lobbies clash on mass claims

Eduardo Reyes

The causes, purpose and impact of the growth in 'mass claims' were hotly contested at the main conference of London International Disputes Week.

Seema Kennedy, executive director of Fair Civil Justice, a lobby group funded by the US Chamber of Commerce, criticised 'predatory litigation' by 'assertive, aggressive law firms... and CMCs [claims management companies]'. The UK jurisdiction, she said, has become 'fertile for intermediaries'.

Panel members at a morning session on the rise of mass claims were unable even to agree on the data. Kennedy claimed the 'boundary fares' claim at the Competition Appeal Tribunal (CAT) had delivered £216,000 to consumers against £20m in legal costs. Not so, Matrix Chambers barrister Nicholas Gibson KC countered – claiming a figure of '£5.5m-£6m' on fees.

Gibson noted that consumer redress was not the sole aim of group claims being taken to the CAT. 'Disgorgement of profits by wrongdoers' was an equally important public policy goal.

Kennedy criticised the growth in 'private enforcement' through litigation in industries that are closely regulated. But Mishcon de Reya partner Shazia Yamin retorted: 'It shouldn't be a choice between courts and regulators...



Nicholas Gibson KC: 'Disgorgement of profits by wrongdoers' a key public policy goal'

Regulators are underfunded... the courts fill in where "accountability" is otherwise lacking.'

The impact on business confidence and investment of a growth in mass claims was also disputed. Sophie Thomson, BT's head of competition and regulatory law, said the company spent £26m defending a claim that was dismissed. That equated to a figure of 100,000 homes receiving fast broadband services through new fibre optic cables.

Shell USA's executive vice president, legal policy and advocacy, Kimberley Phillips, told the conference that climate change challenges demanded 'legislative policy change', rather than the 'piecemeal litigation' faced by companies like Shell.

On the question of whether a growth in mass claims has a 'chilling effect' on business innovation, Yamin said: 'The question is, chilling what? Innovation that depends on a lack of accountability is not innovation [worth having].'

Don't ditch diversity focus – client warning to law firms

Eduardo Reyes

Clients deciding which law firms to instruct should demand a demonstrable commitment to diversity and pro bono, a senior and respected general counsel told the London International Disputes Week conference.

Clare Wardle, former general counsel for Coca-Cola Europacific Partners, said firms' 'great competence' needed to be a given, but in addition, she looked for 'people with the right qualities and values'. Therefore, to be considered, firms had to be able to say 'how [they are] doing on diversity and pro bono' initiatives.

Two years ago, Wardle's declared focus on diversity would have been unexceptional. But in 2025, under the direction of president Donald Trump's White House, the US Equal Employment Opportunity Commission wrote to 20 international law firms demanding information about their DEI policies.

The letters were based on the premise that treatment of underrepresented groups that appeared preferential to that group in policy or practice was unequal treatment for other groups, and therefore discriminatory.

But diversity is a key concern, Wardle said. A firm with a good record has an answer to her question, she said: 'Will this person bring the right people into the room?'

A well-developed pro bono programme, she added, signals that junior people had a wider experience of legal matters and had shouldered responsibilities earlier in their career. Crucially, that experience hones skills such as 'listening'.

Legal threats grow to free navigation of seas

Eduardo Reyes

Steps taken by the US government last year to allow commercial exploitation of the minerals and rare metals of the deep seabed risk a knock-on effect for laws governing free navigation of the seas, the conference heard.

President Donald Trump's executive order 'Unleashing America's offshore critical minerals and resources', issued in April 2025, was a departure from US policy that respected

the UN Convention on the Law of the Sea (UNCLOS) as established international law, although the US was never a signatory.

To date, 'there hasn't yet been an exploitation of the seabed', noted Matrix Chambers barrister Toby Fisher. Under part XI of UNCLOS, minerals may only be exploited with permission from the International Seabed Authority (ISBA), headquartered in Jamaica. ISBA superintends

the seabed for 'the common heritage of humankind'.

If US projects go ahead, Fisher warned, and exploitation is 'commercially successful', then 'part XI collapses' and the convention 'starts to unravel'. Extractive businesses would have an alternative licensing route to ISBA permission.

The resulting damage to UNCLOS' authority would have implications for the convention's role in superintending 'freedom of navigation', he added.