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AI in Construction: Legal Challenges and Opportunities in the Digital Age

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Why AI Matters in Construction

- Introduction
- AI’s Impact on the life cycle of a Construction project
  - ✓ Bidding work
  - ✓ Performing the work
  - ✓ Changes, claims and disputes
- Best practices

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Why AI Matters in Construction

- Paradigm shift
- Benefits
- Risks
- Speed of technological advancement

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Why AI Matters in Construction – Audience Survey

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Who is in the audience?

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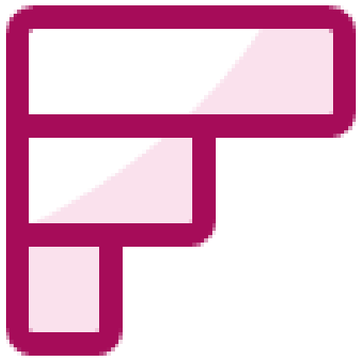

On a scale of 1-5 (with 5 being the highest), how often are you using AI tools (ChatGPT, Grok, etc.) in your construction practice?

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In your organization or your client’s organization, what percentage of people do you think are using AI to help them perform daily construction jobs?

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Follow-up question: For those organizations, are policies and safeguards in place to address that use of AI?

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Key Terms in AI

- Digital twin?
- Hallucinations?
- Discriminative AI vs. Generative AI
- Analytical AI vs. Operational AI

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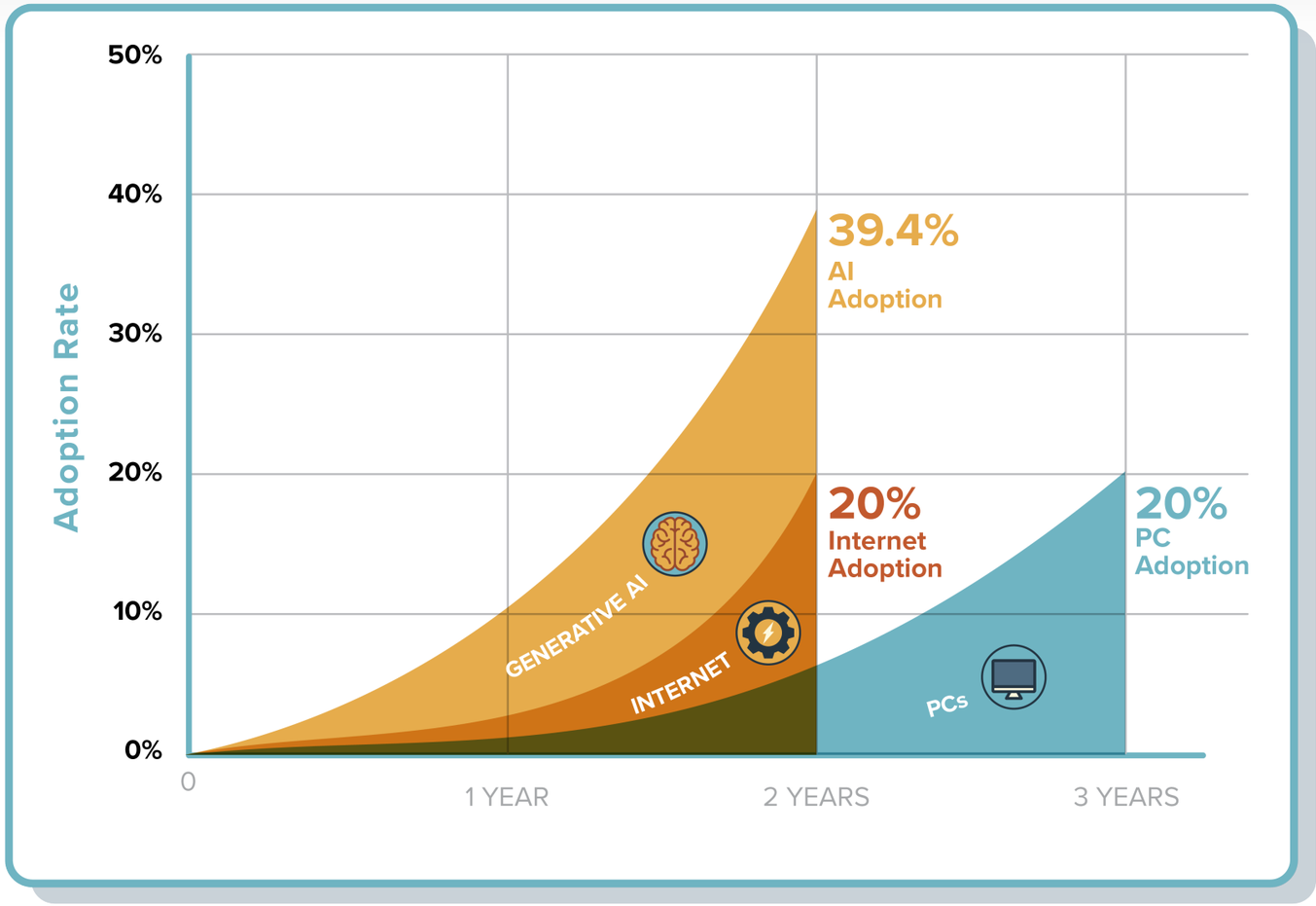
Adoption of Generative AI

"Just two years after the public release of ChatGPT, **39.4%** of Americans aged 18-64 reported using generative AI, with 28% using it at work. To put that in perspective, it took two years for the internet to hit a **20%** adoption rate and three years for PCs."



Source: Michael Nunez, "Generative AI adoption surpasses early PC and internet usage, study finds," VentureBeat, September 24, 2024

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Bidding the Work

- AI tools for contract bid review
- Human oversight
- Legal and commercial risks
- Best practices
- Data privacy and cybersecurity

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Chasing and Bidding the Work – Audience Survey

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Have you used AI to review contract terms?

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Have you used (or does your client use) AI in bidding or design phases? Yes/No.

If yes, in one word or two, what was the biggest win or headache?

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Do you ever see a time when you will be comfortable enough to have AI perform a contract review with minimal oversight?

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Does your company use AI to do do takeoffs?

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Does your company use AI to review designs for scoping and pricing the work?

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Bidding the Work

- Best practices
  - In-house
  - Outside counsel
  - ESI collection
- Legal and commercial risks

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Performing the Work

- Predictive scheduling
- AI as a “health check”
- KPI dashboard
- Drafting notice and other contract documents

Source: Aryansh Gupta, “Challenges in Integrating Artificial Intelligence with Building Information Modeling in Construction Management: A Comprehensive Analysis,” *International Journal of Building Information Modeling Applications in Construction*, May 15, 2025

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Performing the Work – Audience Survey

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How often does your company (or clients) use AI for real-time performance tracking, like drone scans or sensor data for schedule updates?

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If AI could auto-generate contract notices for delays (e.g., via integrated ERP systems), would you mandate its use to avoid waiver risks in disputes?

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Performing the Work

- Best practices
  - In-house
  - Outside counsel
  - ESI collection
- Legal and commercial risks

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Handling Changes, Claims, Disputes

- Notices of claims
- Change order processing
- Document review
- Dispute Resolution

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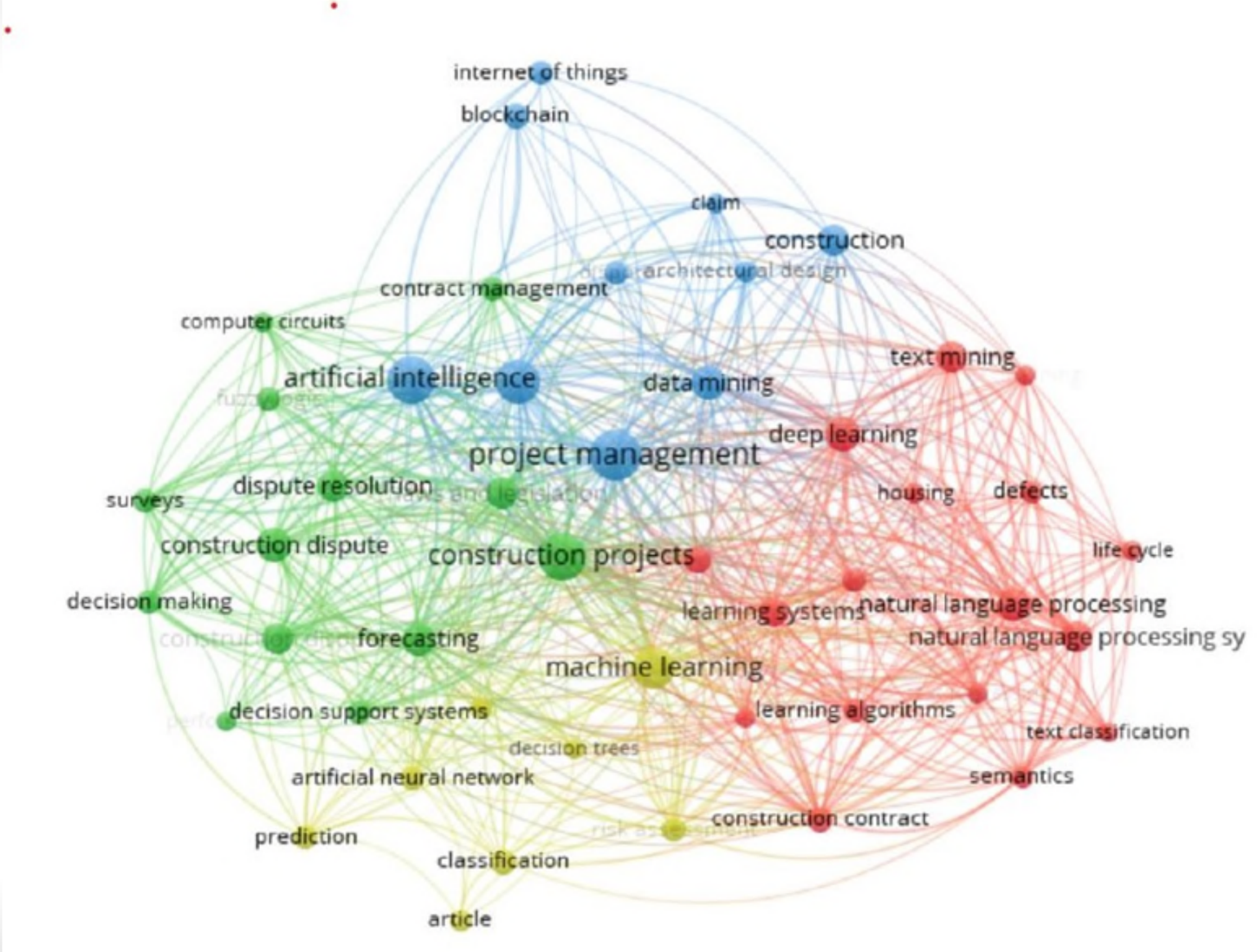
Keywords for Dispute Management in Construction Sector



Source: Prashnna Ghimire, Kyungki Kim, and Manoj Acharya, "Opportunities and Challenges of Generative AI in Construction Industry: Focusing on Adoption of Text-Based Models," *Buildings*, January 14, 2024

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Handling Changes, Claims, Disputes – Audience Survey

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Have you seen AI used for creating a change order or claim?

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Are you using AI for electronically stored information (ESI) in construction claims or disputes?

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Do you have language in your engagement letters with counsel/clients regarding the use of AI?

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For all the arbitrators in the room, how familiar are you with the use of AI?

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For all the litigators in the room, how familiar are you with the use of AI?

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Do you envision a future where AI is used to resolve construction disputes?

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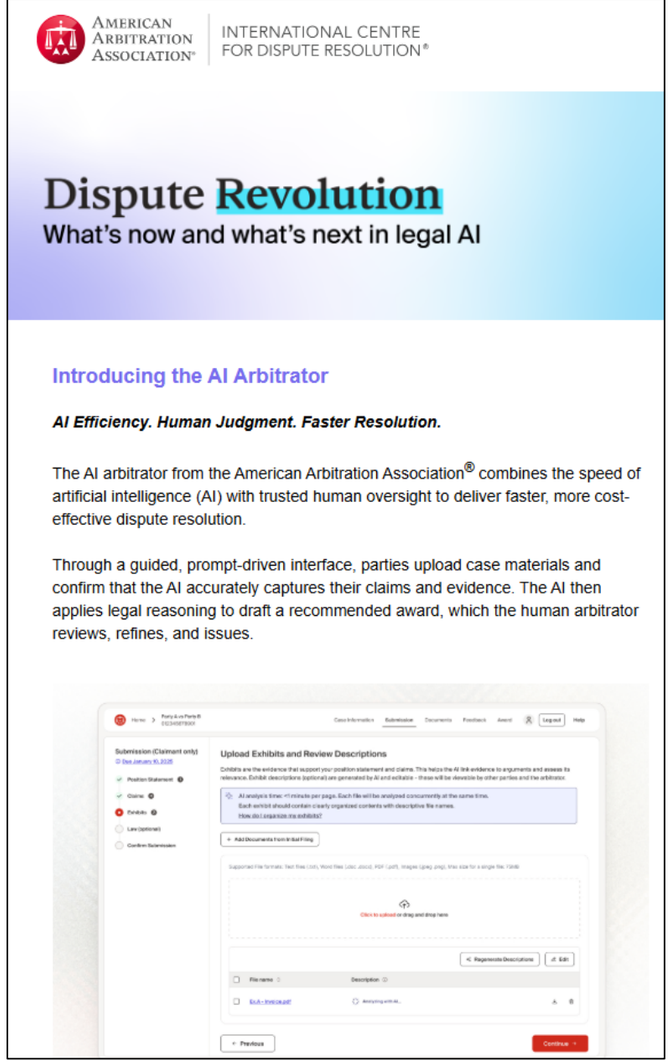
AAA’s New “AI Arbitrator”

- Construction Disputes
- 35% cost savings and 20%+ time reductions
- leveraging AAA's 99 years of expertise
- Ethical safeguards



American Arbitration Association® | International Centre for Dispute Resolution®

Dispute Revolution

What’s now and what’s next in legal AI

Introducing the AI Arbitrator

AI Efficiency. Human Judgment. Faster Resolution.

The AI arbitrator from the American Arbitration Association® combines the speed of artificial intelligence (AI) with trusted human oversight to deliver faster, more cost-effective dispute resolution.

Through a guided, prompt-driven interface, parties upload case materials and confirm that the AI accurately captures their claims and evidence. The AI then applies legal reasoning to draft a recommended award, which the human arbitrator reviews, refines, and issues.

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AAA's New "AI Arbitrator"

How the AI Arbitrator Works:

- Parties submit their claims and evidence.
- Parties validate their submissions are accurately summarized by the AI arbitrator.
- The AI arbitrator parses claims, analyzes evidence, applies law, and drafts a proposed award.
- An AAA-trained human arbitrator reviews, revises as needed, finalizes, and issues the award.

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AAA's New "AI Arbitrator"

- Overseen by human arbitrator
- Trained based on 99 years of similar, smaller (not complex) Awards
- Parties have the opportunity to review and confirm that the AI correctly summarized their claims and submissions before their information is submitted to the human arbitrator
- Complex cases? "Not yet." Currently "document-only" construction disputes
- Award remains the human arbitrator's award, not the AI's.

Artificial Intelligence – Audience Survey

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In-house counsel, would you trust AI to resolve smaller disputes?

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Do you use AI to synthesize evidence and create deposition outlines?

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In less than three words, what do you see as the primary risk when advising on AI use in change order or claims processing with project team?

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The Road Ahead

- Risk Management
- Best Practices
- Privilege risks
- Ethical safeguards

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The Road Ahead – Audience Survey

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What’s the most impactful AI takeaway you’re leaving with today for your construction law practice?

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Do you believe AI will fundamentally transform construction disputes in the next decade?

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What’s the biggest AI-related challenge you’ll tackle first after this conference?

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Questions & Answers

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