



AMERICAN **BAR** ASSOCIATION

International Law Section



Program

**NEW YORK
LAW SCHOOL**

An ABA Program
Credentialed by the New York Law School



TechCred Program 2025

Sessions I & II

A Professional Competency Guide for Digital Arbitration and
Technology Governance

American Bar Association – International Law Section (ILS)
New York Law School

October 15, 2025

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Law Section and the New York Law School, Center for International
Law

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Program Overview

TechCred is a professional credentialing initiative designed to certify technology competence for arbitrators, mediators, and disputes counsel in the digital age.

Delivered jointly by the ABA International Law Section and New York Law School, the program fuses cutting-edge technological insight with arbitral practice — equipping legal professionals to manage disputes involving cybersecurity, AI-generated evidence, blockchain integrity, and digital privacy frameworks.

Participants who complete both sessions earn a TechCred Certificate of Competence in Digital Arbitration Practice, recognized by the ABA International Law Section and the Center for International Law at NYLS.

LEARNING OBJECTIVES

By the end of the TechCred Program, participants will be able to:

- Identify and apply global privacy and cybersecurity frameworks (GDPR, CCPA, LGPD, POPIA).
- Evaluate and authenticate AI-generated and digital evidence.
- Draft procedural orders for cybersecurity, data protection, and AI evidence integrity.
- Understand blockchain, cryptography, and quantum risk in cross-border arbitration.
- Analyze the legal status of Decentralized Autonomous Organizations (DAOs).
- Balance technological innovation with procedural fairness and due process.



Program Structure

SESSION I — October 16, 2025

Time: 11:00 AM – 3:00 PM

The Digital Playing Field and the World of Data

Faculty: Prof. Barry Appleton & Dr. Dmytro Chumachenko

Part 1: The Digital Playing Field

Dr. Dmytro Chumachenko

Core Topics:

- Cryptography and Digital Trust: Encryption as legal infrastructure; confidentiality vs. discovery tension.
- Blockchain Integrity: Immutable ledgers as evidentiary tools — proof, not purpose.
- Quantum Risk: How quantum computing could render today's encryption obsolete.

Key Takeaway:

Every arbitrator is now a data steward.

Understanding encryption, blockchain, and data flows is no longer optional. It is the foundation of procedural fairness in digital arbitration.

Part 2: The International Data Protection Landscape

Prof. Barry Appleton

Focus Areas:

- The Global Patchwork: GDPR, CCPA, LGPD, POPIA, and jurisdictional fragmentation.
- Controllers & Processors: Who governs arbitral data — tribunals, counsel, or platforms?
- Lex Arbitri as Data Seat: How the seat anchors data governance obligations.
- Ethical Duties: Professional responsibility in handling digital evidence.
- Smart Contracts & Automation: When self-executing code collides with human intent.

Applied Learning:

Students analyze the tension between privacy and confidentiality, then test how procedural orders allocate responsibility in cross-border digital environments.

Part 3: Applied Privacy & Cybersecurity Workshop**Appleton & Kathleen Paisley (Ambos Law, Brussels)**

Panel Theme: Privacy vs. Confidentiality in Arbitration

- Distinguishing legal (privacy) vs. contractual (confidentiality) duties.
- Identifying controllers, processors, and recipients in arbitral workflows.
- Data breach management: notification, containment, liability.
- Procedural order drafting for cyber incident response.

Case Study 1: The Multi-Layered Security Breach

A simulated data compromise across cloud storage, phishing, and vendor systems tests students' capacity to:

- Design incident response protocols.
- Draft a Cybersecurity Procedural Order.
- Align procedural fairness with ISO 27001 and institutional cybersecurity standards.

Assignment:

Draft a Cybersecurity Procedural Order section addressing encryption, authentication, and breach notification.

**SESSION II — October 17, 2025,
Time: 11:00 AM – 3:00 PM**

Artificial Intelligence, Evidence, and the Digital Tribunal

Faculty: Prof. Barry Appleton & Dr. Dmytro Chumachenko, joined by Prof. Maura Grossman, Daniel Garrie, and Ben Malek.

Part 1: AI, Legal Autonomy, and DAO Realities

Dr. Chumachenko:

- Defines AI, Machine Learning, and Large Language Models (LLMs).
- Explains algorithmic transparency, bias, and fairness.
- Examines due process implications of opaque or unexplainable AI systems.

Prof. Appleton:

- Introduces AI in Commerce and Governance.
- Analyzes Decentralized Autonomous Organizations (DAOs) — borderless entities without legal personality.
- Discusses jurisdiction, enforcement, and accountability when code acts as a party.

Takeaway:

AI enhances speed; the human element preserves justice.

The tribunal must remain the guardian of fairness — ensuring that autonomy in code does not override accountability in law.

Part 2: Evidence in the AI Era — Authenticity, Integrity, and Fairness

Panel: Prof. Appleton (Moderator), Prof. Maura Grossman, Daniel Garrie, Ben Malek

Key Segments:

1. Authenticating AI Evidence (Grossman):
— Provenance, integrity, replication, bias, disclosure — the new five-step test for AI evidence.
2. Digital Forensics & Chain of Custody (Garrie):
— Hash validation, metadata logging, and replication protocols.
3. Managing Disclosure (Malek):
— Balancing proprietary secrecy with procedural transparency.
4. Global Variations:
— Harmonizing evidentiary standards across common law and civil law systems.
5. Interactive Case Study:
The Deepfake Contract — applying forensic and procedural reasoning to a disputed AI-generated translation and video deposition.

Closing Reflection:

Replication is the new cross-examination.

If you can reproduce the AI's result under identical conditions, you've proven authenticity.

Assignment:

Develop a Tribunal Technology Readiness Checklist identifying procedural standards for AI evidence authentication, expert engagement, and digital security.

REMINDER – Session III – November 6, 2025

CERTIFICATION REQUIREMENTS

To receive the TechCred Certificate of Competence:

1. Attend all sessions in full.
2. Participate in breakout case studies.
3. Submit both take-home assignments:
 - Cybersecurity Procedural Order (Session I)
 - AI Evidence Reliability Dossier (Session II)
4. Demonstrate understanding of the course materials in the final exam

Graduates are entitled to use the TechCred Credential for 2025-26, and will be maintained in the TechCred Competency Registry, jointly recognized by the New York Law School. Because of the rate of change in this area, annual TechCred program updates will be necessary to update the credential.

PROGRAM PEDAGOGY

TechCred follows the “Learn → Apply → Draft → Reflect” methodology:

1. Learn: Understand digital law and technology fundamentals.
2. Apply: Engage in live problem-solving case studies.
3. Draft: Create tribunal-ready procedural tools.
4. Reflect: Consolidate competence through written assignments and debriefs.

CONTACTS

Program Director:

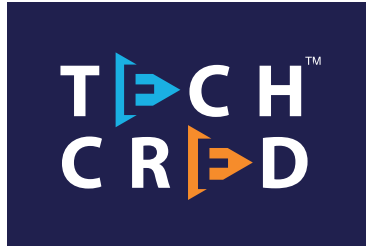
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TechCred Faculty

The TechCred Faculty is an elite group of globally recognized experts at the intersection of international arbitration, law, and emerging technology. Each faculty member brings a distinguished track record in cross-border dispute resolution, innovation policy, and legal technology, making this one of the most qualified bodies assembled to address the challenges and opportunities of technology in international arbitration.

NEW YORK LAW SCHOOL

The school is a hub for thought leadership and innovation in international law, dispute resolution, and digital economy policy. The New York Law School is pleased to support the American Bar Association's TechCred program's curriculum and credentialing. TechCred is supported through the New York Law School's Center for International Law.



TechCred Faculty Members



• **Prof. Barry Appleton**

Director, TechCred Faculty Co-Director, Center for International Law, New York Law School & Fellow at Balsillie School of International Affairs, International Arbitration Counsel. A pre-eminent practitioner and scholar on international arbitration, global business, and regulation of the digital economy, Prof. Appleton has acted in landmark disputes and authored leading publications on NAFTA, investment arbitration, and multilateral trade law. His practice focuses on the impact of the emerging digital economy on international arbitration and international economic law.



• **Dr. Dmytro Chumachenko**

Associate Professor, Department of Mathematical Modelling and Artificial Intelligence of National Aerospace University “Kharkiv Aviation Institute” (Ukraine), Scholar, Balsillie School of International Affairs, Research Associate at the Massachusetts Institute of Technology (USA), Research Affiliate at the University of Waterloo (Canada), Visiting Researcher at the Max Planck Institute for Demographic Research (Germany), and Invited Lecturer at the Wildau Technical University of Applied Sciences (Germany). A scholar specializing in cybersecurity, AI governance, and international institutions, Dr. Chumachenko provides thought leadership on the regulatory frameworks needed for fair and secure arbitration in a digital age. He is Chair of the Education and Science subcommittee of the Expert Committee on Artificial Intelligence Development under the Ministry of Digital Transformation of Ukraine and Chair of the Board of the Ukrainian Scientific and Educational IT Society.



• **Daniel Garrie**

Neutral, JAMS; Executive Managing Partner, Law & Forensics. Daniel Garrie is a JAMS Neutral, Executive Managing Partner at Law & Forensics, and adjunct faculty at Harvard. An experienced international arbitrator, he is recognized for resolving complex disputes involving artificial intelligence, digital forensics, cybersecurity, and e-discovery. Combining deep legal and technical expertise, Mr. Garrie has worked with courts and arbitral tribunals, bringing clarity to cross-border disputes at the forefront of the digital economy.



• **Prof. Maura R. Grossman**

University of Waterloo and Osgoode Hall Law School - A senior computer scientist and law professor, Prof. Grossman is a groundbreaking expert in technology-assisted review (TAR) and e-discovery. Professor Grossman's scholarship is internationally cited in leading arbitral and judicial decisions regarding legal technology and digital evidence. Her work is considered the gold standard on evaluating e-evidence.



• **Annie Lespérance**

Head of North America for Jus Mundi - Ms. Lespérance is an arbitrator and a rising figure in technology-informed dispute resolution. She is recognized for her efforts in promoting digital literacy in arbitration and for bridging the common and civil law approaches to tech disputes.



• **Dana MacGrath**

Arbitrator, MacGrath Arbitration, past president, ArbitralWomen, Ms. MacGrath is deeply engaged in thought leadership around the modernization of arbitral practice. She frequently lectures on environmentally friendly arbitration procedures and the integration of technology in arbitrations. A highly respected international arbitrator with over two decades of experience, she is a recognized leader in the field of international commercial arbitration, with expertise in complex cross-border disputes involving energy, finance, and emerging technologies. Her practical insights, academic rigor, and advocacy for innovation make her a vital member of the TechCred Faculty.



• **Benjamin Malek**

T.H.E. Chambers, Founder, LexArb. Board Member and Former Chair of the Silicon Valley Arbitration and Mediation Center (SVAMC) AI Task Force. Mr. Malek initiated the SVAMC AI task force, which led to the development of one of the world's first Guidelines on AI in Arbitration. He continues to demonstrate this thought leadership at LexArb, a tech company specializing in AI-driven arbitration solutions. Mr. Malek focuses on digital evidence, digital asset litigation, smart contracts, and blockchain-based arbitration disputes, making him a key figure in cutting-edge commercial arbitration involving decentralized technologies.



Rebeca Mosquera

Senior Counsel, Saudi Aramco, President, ArbitralWomen. Rebeca Mosquera is a global leader in international arbitration, with a practice spanning Latin America, Europe, and the United States. Deeply committed to AI in arbitration. As the President of Global Women, and with her distinguished disputes practice, she brings a strong focus on digital innovation, inclusion, ethics, and modern arbitral practice.



Kathleen Paisley

Principal, AMBOS Lawyers (Brussels/Miami), -Arbitrator and Digital Law authority. One of the rare arbitration practitioners dually qualified in law and finance, Ms. Paisley brings unmatched expertise in data protection, cross-border finance, and international commercial arbitration, with particular insight into GDPR and tech-regulated markets.



Sarah Reynolds

Arbitrator and Board Member, Silicon Valley Arbitration & Mediation Center (SVAMC). Ms. Reynolds is one of the leading arbitration counsel in the technology sector, with a focus on high-stakes commercial disputes involving digital platforms, algorithms, and AI-related claims.



A Faculty of Global Leaders in Tech-Driven Arbitration

Collectively, the TechCred Faculty represents:

- ▶ Leadership roles in arbitration bodies
- ▶ Faculty appointments at top global institutions, including New York Law School, Harvard, MIT, University of Waterloo, Osgoode Hall, Max Planck Institute for Demographic Research, and Balsillie School of International Affairs
- ▶ Direct experience with ICC, JAMS, ICDR, VIAC, UNCITRAL, ICSID, SVAMC, and ad hoc arbitral tribunals
- ▶ Pioneering expertise in AI, e-discovery, digital forensics, quantum computing, blockchain, and cybersecurity law

This faculty's combined experience and credentials position TechCred at the forefront of shaping how international arbitration adapts to, and leads, the digital transformation of legal practice.



Ambassadors



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