

SOME SUGGESTIONS TO INCREASE EFFICIENCY IN ARBITRATIONS WITHOUT INCREASING COSTS

The bane of any commercial arbitration is the amount of paper that it generates. Apart from the necessary pleadings there is, inevitably, the flood of paper occasioned by the production of relevant documentation.

The traditional method of presenting these documents (whether pleadings or discovered documents) is to copy them on A4 paper, one side only. The papers thus produced are housed in lever arch files measuring 28cm x 32cm. The files are, in turn, housed in cardboard storage boxes generally large enough for 5 files each.

This form of copying, presentation and storage is cumbersome, costly and inefficient.

It is cumbersome because of the size of the files; the volume and weight of paper, and the form of storage.

It is costly because the paper is not fully utilised – one side only – and apart from the copying cost there is the cost of the files and the cost of the storage boxes. Where the parties or the arbitrators have to travel, the cost is increased by the necessary airfreight and transport charges.

The process is inefficient for a number of reasons. The size of the files clutters the work space available making it inconvenient to read the file and to take notes while presenting or listening to the evidence. There is a continual interruption in the flow of the evidence as a particular file has to be extracted from the storage box; opened and read, and then returned to its place, whilst another file is located. Where documents in more than one file need to be considered simultaneously, the process becomes even more awkward.

It may be, that in the future, we will see paperless arbitrations. Meanwhile there is a much better way of proceeding, than the traditional way.

In recent AFSA arbitrations, parties have adopted a new form for the presentation of documents. They use A5 paper (14.8cm x 21cm) , roughly half the size of an A4 page. Both sides of the page are used and the print font on the page is reduced to about 10/11. The resultant volume is bound by way of a plastic spine binder, the product of a Plastic Comb Binding Machine (Plastic Metal Wire). These volumes are lightweight, easily read and easy to store. For example, a plastic box measuring 24cm x 35cm will hold something like 15 files.

The result is that the parties and the arbitrators can confine the space, size and weight needed for documents in even the most complex arbitrations to 1 or 2 plastic boxes, easily transported and stored. The reduced size also leads to a marked improvement in the way documents are presented during the arbitration and the way they can be read and considered in the course of the evidence.

At the moment the AFSA Rules do not prescribe the form of presentation of documents but in the light of the substantial advantage of using this form of reduced size documentation we would expect the AFSA Secretariat both to encourage the immediate and increased use of this presentation system and, in due course, to introduce new Rules making such use mandatory.