

Lean Arbitration Framework

Case Design Template 4

Process Steps (Cost and Time Drivers)

Process Step	Option Description	Estimated Duration of each Option	NET IMPACT ON ESTIMATED TOTAL TIME TO END OF PROCEDURE: total net weeks reduced or lengthened , or simply impact ↑↓, relative to the first line option per step or per first line of step subsection	Estimated Cost of each Option	NET IMPACT ON ESTIMATED TOTAL ARBITRATION FULL COST: total net Cost Savings or Increase, or simply impact ↑ ↓, relative to the first line option per step or per first line of step subsection	Comments / Rationale
1. Arbitrator Selection	Institution-appointed or ranked list					
	<i>or</i> Party-appointed arbitrators					
2. Initial CMC(s)	Single CMC / PO1					
	<i>or</i> CMC1/ PO1 + CMC2/ PO2					
3. Terms of Reference	No TOR					
	<i>or</i> TOR prepared and used					
4. Written Submissions	a)FORMAT					
	Full memorial style					
	<i>or</i> Iterative pleadings					
	b)PAGE LIMITS					
	none					
	<i>or</i> Page limits on claim/response, reply/rejoinder					
	<i>or</i> Page limits only on					

Process Step	Options	Duration	Net Time Impact	Cost	Net Cost Impact	Comments
	reply/rejoinder					
	c) TIMING					
	i) Simultaneous claim/response, <i>or</i>					
	Sequential claim then response, <i>or</i>					
	ii) Simultaneous reply/rejoinder, <i>or</i>					
	Sequential reply/rejoinder					
5. Early Issue Determination / Bifurcation	No early issue nor bifurcation					
	Bifurcation, early issue decision					
6. Witnesses	<i>or</i> No witnesses					
	Witnesses					
7. Experts	a)No experts, <i>or</i>					
	b) EXPERTS					
	i) APPOINTMENT					
	Party-appointed experts					
	<i>or</i> Tribunal-appointed expert (plus private expert)					
	ii) INSPECTION					
	No inspection, <i>or</i>					
	Inspection					
	iii) EXPERT REPORTS					
	Individual reports sent to Tribunal					
	<i>or</i> Only joint report sent to tribunal					
8. Document Production Requests	a) No document production, <i>or</i>					
	b) LIMITED DOCUMENT					

Process Step	Options	Duration	Net Time Impact	Cost	Net Cost Impact	Comments
	PRODUCTION					
	Specifically identified documents only					
	or Scope limits of strict materiality, such as necessity/projected use at hearing (See Guide for examples)					
	or Quantity limits such as number of requests or number of documents to search (see Guide for examples)					
	c) Search Protocol (See Guide for examples)					
	Search Protocol: Key Custodian Simple Search					
	or Search Protocol: E-discovery of key custodians in relation to identified issues					
	a) FACT WITNESSES					
	Cross/redirect only					
	or direct/cross/redirect					
	b) EXPERT WITNESSES					
	Direct/cross					
	Direct/cross plus hot-tubbing					
	or hot-tubbing in lieu of direct/cross					
10. Mediation/Settlement Discussions	No pause pre-scheduled					
	Pause scheduled in PO1/PO2					
11. Pre-hearing Briefs	Not allowed					
	Allowed					

Process Step	Options	Duration	Net Time Impact	Cost	Net Cost Impact	Comments
12. Pre-hearing Conference	Tribunal to indicate issues to focus on at hearing					
	No input from tribunal on issues					
13. Post-hearing Briefs	Not allowed					
	<i>or</i> Allowed only if arbitrator request to clarify specific questions					
	<i>or</i> Limited to discussion of witness testimony at hearing if in response to arbitrator questions					
	<i>or</i> Limited to discussion of witness testimony at hearing					
	<i>or</i> Allowed, content decided by counsel					