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Nassau County Bar Association Alternative Dispute Resolution Program

New “Documents Only” Arbitration Procedure Overview

To better serve the Long Island business community, the Advisory Council that supervises the Association’s ADR Program has created new “supplemental” rules for an expedited “documents only” arbitration procedure.

The “documents only” procedure is designed for **business-to-business** disputes, and more specifically, for cases that can and should be resolved **quickly** and **inexpensively**.

The ADR Program’s **Supplemental Rules and Procedures for Expedited Arbitration Based on Document Submissions** may be found on the NCBA website at <https://www.nassaubar.org/alternative-dispute-resolution>.

The new rules are designed for smaller, simpler commercial cases:

- There is a lower Administrative Fee: **\$350** (the standard fee is \$500).
- There is a lower Arbitrator’s Fee: **\$650** flat rate (the standard fee is \$300/hour).
- Cases are limited to a **maximum of three parties**.
- Cases are limited to **maximum aggregate of \$75,000** in claims and counterclaims.
- The Association appoints the arbitrator (parties have the opportunity to object).
- Parties can agree on an arbitrator (subject to the arbitrator’s availability).

The process is **expedited**. Absent “good cause” to alter the procedures, there is:

- **No** discovery
- **No** pre-hearing motion practice
- **Limited** briefing
- **No** evidentiary hearing—the award is based solely on the **documentary evidence** submitted by the parties.

The entire process from start-to-finish can be measured in weeks, **not** months or years.

An arbitrator **may** order a more complex case to proceed by the Association’s plenary arbitration rules (which may be found at <https://www.nassaubar.org/alternative-dispute-resolution>) **if** the case is unsuitable for the expedited “documents only” procedures.