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## **AAA® Releases Best Practices for E-discovery in Construction Arbitrations**

*New Guidelines Aim to Enhance Fairness, Efficiency, and Cost-effectiveness in Construction Arbitration Cases*

**NEW YORK (April 23, 2025)**—The [American Arbitration Association](https://www.adr.org/)® (AAA), the global leader in alternative dispute resolution (ADR), in partnership with its National Construction Dispute Resolution Committee (NCDRC), has developed a set of best practices to help parties, counsel, and arbitrators effectively manage the electronic discovery (e-discovery) process in construction arbitrations. These guidelines were created in response to industry concerns about the expanding scope and rising costs of e-discovery.

The newly released document, “American Arbitration Association E-discovery Considerations for Construction Arbitrations,” emphasizes the importance of proactively managing e-discovery for a fair, efficient, and cost-effective arbitration process. Effective management helps avoid unnecessary delays and costs while allowing parties a fair opportunity to present their cases.

“E-discovery in construction arbitrations has grown exponentially, often increasing time and costs,” said Michael Marra, AAA division vice president. “While valuable for obtaining relevant documents, its expanded use isn’t always justified. In partnership with the NCDRC and construction e-discovery consultants, we developed these best practices to help counsel, parties, and arbitrators determine when e-discovery enhances dispute resolution and when its costs outweigh the benefits.”

### **Key Recommendations**

The best practices suggest that arbitrators and parties:

- **Develop clear e-discovery protocols early** in the arbitration process to align with the scope and needs of the case.
- **Keep e-discovery proportional**, avoiding unnecessary costs.
- **Use technology effectively** to refine searches and focus on only relevant information.
- **Preserve arbitration’s key advantage—efficient and cost-effective dispute resolution—by streamlining e-discovery.**

These considerations are not mandatory and may not apply to every case. Instead, they serve as guidelines to help arbitrators and parties make informed decisions about whether the e-discovery process will be best for the dispute.

View the [E-discovery Considerations](#) for more information or to read the entire document.

### **About the American Arbitration Association**

The not-for-profit AAA is the leading ADR service provider. It has administered more than eight million ADR cases since its founding in 1926. With offices throughout the United States and Singapore, the AAA



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