

The Table of Contents to Bundles of Authorities

Two additions worth making to the table of contents of bundles of authorities are:

- Stating the paragraph number of the judgment relied on; and
- Stating the relevance of the authority to the argument made.

Both additions will help judges digest the authorities in the bundle.

Both the specific paragraph number referred to and the reason for adducing the authority would (undoubtedly) have been mentioned in the submissions. But restating them in the table of contents makes the bundle of authorities a self-contained document.

This is because it helps judges understand the relevance of the authorities with less flipping (or scrolling) back-and-forth between the submissions and the bundle. The judge need only glance at the table of contents to find out:

- The portion of the authority relied on; and
- The argument molded from the authority.

The judge is saved the hassle of trawling through the entire submissions to find these out.

It is of course less hassle for judges to understand the context of authorities, if the authorities are hyperlinked to the submissions. Indeed, some [jurisdictions](#) require them hyperlinked in this way.

But even then,

- I don't see judges reading the authorities concurrently with the submissions, at least not on their first reading of the submissions. It is more likely for judges to first (attempt to) understand the arguments before checking if the authorities back them up.

To oscillate between the submissions and the authorities at the first reading will likely cause judges to lose their train of thought. Thus it would be helpful to have a table of contents pinpointing the exact paragraph referred to and explaining the relevance of the authorities vis-à-vis the submissions.

- Directions to hyperlink submissions are not routinely given in the Malaysian courts. Thus most submissions and bundles of authorities are

e-filed separately with the authorities (at times) not explaining how they relate to the argument.

The table looks like this:

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Tab Nos.	Authorities	Page Numbers
1.	Section 75 of the Contracts Act 1950.	1 to 4
	Relevance: The statutory provision relied on for the Plaintiff's claim for demurrage. Read with Clause 3.6 of the Charterparty, this section allows the Plaintiff to claim damages for the Defendant's failure to discharge the cargo on time (See para 36 of the Plaintiff's Submissions).	
2.	Spiliada Maritime Corp v. Cansulex Ltd [1987] AC 460, p. 476 – 478 (UKHL).	5 to 23.
	Relevance: Sets out the basic principle that a stay will only be granted on the ground of <i>forum non conveniens</i> when the court is satisfied that there is some other available forum, which is the appropriate forum for the trial of the action (See para 45 of the Plaintiff's Submissions).	

3.	<p>Globus Shipping & Trading Co (Pte) Ltd v Taiping Textiles Berhad [1976] 2 MLJ 154, p. 155 - 156 (Federal Court).</p>	24 to 35
	<p>Relevance:</p> <p>Applying <i>Eleftheria</i> in two regards: (i) where there is an express agreement to a foreign tribunal, a strong cause is required to satisfy the court that the agreement should be overridden; (ii) '<i>connecting factors</i>' that the court will have regard to in exercising its discretion (See para 48 of the Plaintiff's Submissions).</p>	