

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

WEEK OF MARCH 27, 2017
VOLUME 1 ISSUE 237
NEXT WEEK:
I HAVE AN
OPINION TOO



This blog is dedicated in the belief that those participating in arbitration empower themselves for success through education. As a 30-year trainer in the arbitration field; the information presented is designed to expand knowledge and skills.

QUESTIONING THAT HEARSAY HOW AM I GOING TO DEFEAT YOUR ARB.

Based on our example in last week's issue ... what's the one question I am betting you are really hoping I did not ask my insured in taking their Statement? But of course I asked her ... 'are you aware the Police Report states you nodded in agreement that you didn't see the stop sign'? Her answer (you can imagine) ... 'I never said that'. The Report shows you nodded in agreement when asked ... 'I did not' she offers. And from there ... I begin to discount the Hearsay Evidence you have placed into Arbitration to bolster your case. One thing on the table is clearly the Credibility of my insured

... did she or did not she not nod in the affirmative that she hadn't seen the stop sign. What if she didn't even understand the question being asked? If Hearsay is offered into Evidence as proof that what has been stated is true; then the converse (my position) is ... what Evidence do I have that proves the (same) very Statement offered into Evidence is NOT true. I'll start by highlighting the Statement given to me by my insured contesting that she ever nodded in agreement or for that matter even recalls the question. I'll also take into account the lack of any corroborating proof offered by

you that can validate she was not aware of the stop sign. Also, can I find even one other inaccuracy in the Police Report (such as with the scene diagram or clear misinformation in the narrative portion)? Next I turn to consistency of the storyline from my insured for what occurred with her First Notice of Loss comments about stopping at the intersection to the pictures of the damage to her vehicle clearly showing the damage more conducive to a 5-10 mph collision than someone flying through an intersection. I'll make sure my Contentions have the Arbiter 'hearing' my narrative and not 'hearsay' ~

Case Presentation 101 is produced by Claims Resource Services; one of the nations top arbitration and subrogation services firms. The writer Kevin Pike can be reached at kpika@claimsresource.com and has daily tips on arbitration via Twitter: [@Arb2Win](https://twitter.com/Arb2Win)

