

# CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

WEEK OF APRIL 10, 2017  
VOLUME 1 ISSUE 239  
NEXT WEEK:  
EXPERTS AND  
ACCEPTANCE



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.

## SCOPING OUT YOUR EXPERT HOW AM I GOING TO DEFEAT YOUR ARB.

Having read in your Contentions and seen on your list of Declared Evidence the use of an Experts Report ... I immediately start thinking about 'Standards' and things I hope you have not done. To be certain our analogy here is talking about the use of 'true' Experts as opposed to other forms of Opinion Evidence such as a Police narrative; a witness or Consultant. Fundamental Arbitration practice teaches us that Experts opinions are admissible. But here are two questions I really hope you have not answered ....  
1.) have you displayed to the Arbitrator that the Expert

has sufficient scientific, technical or other specialized knowledge ? Now, in the intercompany arbitration world that can be challenging based on the lack of discovery BUT I can look to see if you have said anything about this Experts qualifications in your Contentions or if you have included their Vitae or Profile as Evidence. If not, trust me ... I am bringing this issue forward in my Contentions to the Arbitrator. 2.) is the scope of the Opinion offered by the Expert helpful to our decision-maker ? To the point; while your Expert may be elaborating on malfunction of a defective product leading

to the loss; once he/she crosses the threshold to diatribe on negligence; do his/her conclusions go beyond their scope of expertise ? Lastly, I am truly hoping your Experts final conclusion/opinion comes at the tail-end of your Contentions or their Report after so much foundation has been explained to the Arbitrator. The benefit of expedited processes like Arbitration is allowing advocates to move forward with Opinion and THEN follow that with the necessary facts and data. This is what is known as a bit of foreshadowing and of course; for me ... something I hope you have not done -

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 [kpike@claimsresource.com](mailto:kpike@claimsresource.com) and has daily tips on arbitration via Twitter: [@Arb2Win](https://twitter.com/Arb2Win)

