

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:
EXPERTS DATA AND
ASSUMPTIONS



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.

THE STATE OF OPINION HOW AM I GOING TO DEFEAT YOUR ARB.

Appropriate credentialing of your Expert is critical if you are going to establish a foundation with the Arbiter for acceptance of his/her subsequent Opinion Evidence. As mentioned last week; my hope is you have not gone with the 'Opinion First' mantra and gone into excruciating details for the Arbiter to follow. On the other hand; for my Expert and their Report ... here is what I am going to do to defeat yours ! One) I am going to qualify my Expert. Two) I am presenting in my Contentions the theory on which their conclusion is based (ex. – the product failed due to the improper

installation the Homeowner undertook which led to the rupture under extreme conditions). Keep in mind my Experts Report theory offers the connection between their conclusion and the data that supports it. Three) I am then writing three distinct things in my Contentions ... 1) my Experts opinion is ? 2) here are those principles that support their Opinion (with reference or 'linking' to the specific pages in the Report submitted in my Declared Evidence). 3) here is what my Expert did to reach their final conclusion (again; where will the Arbitrator find those things in the Report; I tell them see pg. 4; paragraph 2).

Why I am so focused on these three things; because I know Arbitrators want roadmaps. Guidance for where the parties are taking them. Remember, our Rolling Theory hypothesis; I want to be the party that guides them. Keep it succinct; on-point and with the 'Opinion First' refrain as everything follows. All this said ... we know the Arbitrator cannot take mine or your Contentions or the Experts at their word; so we have Data; Assumptions and Theory differentiation (also known as dueling Experts). Let's talk about that next week ... my Experts Opinion is more reliable; here's why -

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

