

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:
AN EXPERT UNLIKE
ANY OTHER ?



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.

UNDULY INFLUENCED HOW AM I GOING TO DEFEAT YOUR ARB.

Clearly, my recent Final Four bracket showed I had an Opinion but was not an *Expert*. We know that Opinion Evidence can have a profound impact on Arbitrator decision-making. Part of that reasoning is that it is deemed Arbitrators have the technical expertise to not be unduly influenced by the Experts opinion while applying their own background and subject matter experience to the dispute itself. In fact, having Evidence from someone viewed with specialization in the area of the dispute could be construed as beneficial. So whether an Experts Report; a Consultants analysis (and let's remember

Experts and Consultants are two distinguishable qualifiers); narrative from a Police Report or that Witness that saw the accident ... I need to strategize for how to overcome any Opinion Evidence you offer against my Theory. Again, we are working within the dynamics of intercompany arbitration; so it is likely there has been no exchange of this actual Evidence (read: Experts Report). I need then to rely on reading your Contentions; looking at your list of Declared Evidence and assembling an intuitive best-case approach for dealing with this 'Opinion'. Now, we know where Witnesses are

concerned we have techniques we can apply to diminish what they saw, heard or felt (those have been written about in past Blogs). Same for Police Reports (we just covered that in issue # 233). So where Experts and/or Consultants are involved; here are some things I am looking for:
a.) in your Contentions ... did you specifically state the conclusions that were made or drawn by this individual ?
b.) did you copy and paste or quote explicit commentary from your Expert into the body of the narrative ?
What about 'why' they are an Expert and how they reached their result ? Have that next -

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)

