

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:
LET'S BE REAL



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.

CIRCUMSPECT ABOUT CIRCUMSTANTIAL HOW AM I GOING TO DEFEAT YOUR ARB.

Whether it is skid marks in the road complimented by an Adjuster Note that yielded the witness 'sounded' untruthful; we know Circumstantial Evidence can take many forms. More importantly; we know it is the 'totality' of Circumstantial proofs that matter in support of an advocates theory. For me; in overcoming your case ... this is something I hope you do not point to; the 'totality' of your submitted Circumstantial Evidence. Since this Evidence is indirect; if you do not piece it together and show how each proof supports the next; this aids my cause. I'll be looking in your Contentions to see if

you have done that. Also, you assist me by not drawing the causal connection ! Overuse of Circumstantial Evidence without 'connecting the dots' can also allow the Arbitrator to draw their own supposition about how the accident happened; perhaps a deduction more in line with my narrative or (maybe) even a conclusion of their own. It is established that some Circumstantial Evidence can be hard to fabricate; partly because it is indirect to begin with. The hope for the advocate is always that the judgment the Arbitrator draws from the skid marks and the Witness' commentary fosters a natural inference based on

their own common sense and real world experiences. The initial inference they attract will then be supported by other Proofs; such as Direct Evidence and Documentary exhibits. Again, the advocate is asking the Arbitrator to come to a 'reasonable' conclusion based on the Circumstantial proofs supported by other Evidence and that the 'chain of connectivity' has not been broken. So please for me ... in defeating your case; do not use words like 'totality'; 'reasonable inference'; or the 'causal connection from all the evidence' ... help me by not being 'Circumspect' with your Circumstantial ~~

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)

