

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

WEEK OF MAY 22, 2017
VOLUME 1 ISSUE 245

NEXT WEEK:
DID WE WIN ??



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.

GETTING REAL WITH EVIDENCE HOW AM I GOING TO DEFEAT YOUR ARB.

To finish off our series; let's get Real ... real about **Real Evidence** you might submit in support of your case. It is recognized that Real or 'physical' Evidence (as another term) is the least submitted of the kinds of proof seen in intercompany arbitration cases. Keep in mind that Real Evidence is defined as any material tangible object that played some role in the dispute that led to an arbitration filing. Real Evidence is utilized to prove a fact that exists within the evidence itself. Black boxes from a vehicle; a video recording from an intersection where the accident occurred or an

anode rod from a broken Water Heater are all salable examples. In my effort to overcome your use of this type of Evidence before the Arbitrator here are a couple of things I hope you will not do. Though you've presented the Anode Rod (i.e.); my prospects to prevail are enhanced if you do not offer any Experts report or analysis that can validate the reliability of the Rod submitted and offer its significance to the Theory of your case. I am also helped if through your presentation you do not show this part as 'authentic' where plausible to do so. For example, showing the parts Model or Serial

number coincides with that from the loss. By plausible ... we mean a party would not place into Evidence the entire Water Heater but just the part. How do you know if the manner in which you are using an object should be construed as **Real evidence** or a **Documentary exhibit** (like the video recording) ? Think of it this way ... if you changed the actual physical object; would it alter the information you are trying to show the Arbitrator ? If the answer is 'yes' the object is Real Evidence. If 'no'; then you have Documentary proof. So ... Real Evidence while not commonplace; does require your real support -

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)

