

# CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:  
HOW ATTACHED ARE  
YOU TO LINKING



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.

## SUDDENLY AND WITHOUT WARNING THE IMPACT YOU'RE MAKING

**IMPACT ?** What kind of statement do the opening lines in your Contentions make ? For certain; is your opening ... 'this accident happened on January 6, 2017 in Akron, Ohio' OR is your opening ... 'our insured Brian Flores was slammed crossing an intersection on his way to work; the direct fault of ABC Insurance's driver who ignored a traffic signal during heavy snowfall. The damages sustained in excess of \$ 7000.' Simply, your opening needs to be the Theme of what created the claim. That the accident occurred in January .... well; is that much of a 'story' ? Did you notice the words I

used to make an impact ? Slammed; fault; ignored; excess ... all to paint a picture right off the bat that this is a wrong that needs to be made right. I also put in the name of my insured as it humanizes our presentation and reminds the Panelist; we have a person here that could have been hurt by this adverse drivers actions. Some say Arbitrators may tend to believe as 'true' that which they hear first (remember our Rolling Hypothesis mantra) and that they are inclined to recall more easily what they hear last. To offer the date, time and direction of travel as your 'opening' simply reiterate

facts that are already present in the Evidence. But, if it was snowing heavily that day ... now that is a FACT to make use of in the opening as it offers a stark impression of ABC's driver ... that they were not cautious with disregard for others in not carefully proceeding through a traffic signal in bad weather. In other words; it helps support our hope that the Arbitrator begins evaluating and deciding who was responsible from the first fact offered ! So ... make an Impact with your Theme ! Suddenly and without warning take your opponent to task ... let them know the D/O/L doesn't really matter -

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)

