

# CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:  
ARBITRATION  
DOTTING AMERICA



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 OTHER KIND OF LINKING ADVOCATING FOR THE ARBITRATOR

A + B = C ... simple sound reasoning that we probably got introduced to in 2<sup>nd</sup> grade. Over many years; conversation of 'Linking' has always been a major point of discussion in presenting arbitration cases (especially those in subrogation arbitration) which for the most part are done by Brief. Simply, you say the Officer saw the driver run the red light; where is her affidavit or Police Report that supports that? But what if 'linking' had another meaning to your Arbitration case presentation. Another view of 'Linking' has a bit to do with Arbitrator decision-making and their own innate desire to reach

their conclusion in a case. One long-standing tenet is that Arbitrators always strive to feel that they got it 'right'! So ... what does that have to do with you as a presenter? Purely this ... we know that Arbitrators make inferences from the Evidence presented and use deductive reasoning to reach decisions. We also know intuitively that they do not so much want to be told 'how to rule' but to reach their own analysis and conclusion. Occasionally, parties can push the throttle too far with assertive presentation by introducing and including Evidence from an outside source (i.e. – an Arbitration provider) that seems to insist

the Panelist must rule a certain way on an element or issue in the case. My initial reaction is always the same ... are parties aware that Arbitrators really don't like to be pushed and prodded as to how they must Rule? Absolutely, you seek for the Arbitrator to reach the right conclusion and you want to direct or orchestrate them in that way. However, the best advocates want them to come to that supposition on their own. You want it to be their idea, their application of their knowledge and them putting the pieces together. How can you help that along without any ... 'resistance'? We'll 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 [kpika@claimsresource.com](mailto:kpika@claimsresource.com) and has daily tips on arbitration via Twitter: [@Arb2Win](https://twitter.com/Arb2Win)

