

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:
**GETTING THE ARBITER
TO BELIEVE**



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.

REINFORCING YOUR THEME ARE YOU CALLING THE ARBITRATOR TO ACTION ?

As an advocate in arbitration your duty is to put forth an assertive dynamic narrative (through your Contentions and as supported by the Evidence) that engages the Arbitrator and persuades them to your Theory. We've talked before in this Blog about Themes and how they need to traverse the entirety of your storyline. We've also discussed that your Theme is beyond 'this loss happened on ... '. Your Theme makes a powerful statement about what happened that grabs the Arbitrator's interest. All in all, we know whether Applicant or Respondent the words you choose matter. The forcefulness of the

narrative you paint compels the Arbitrator to action and (hopefully) a ruling in your favor. So we have three (3) groupings of words that can be helpful in subrogation arbitration cases presented predominately via written Contentions. Those are **Actionable, Believable and Persuasive**. This Blog let's discuss 'Actionable'. Did you know a synonym for Actionable is tortious ... which in Civil Law is an act that brings harm to someone. Not far off from what you'll be asserting in your case. That said; Actionable language in Arbitration that you can use to illuminate your Contentions includes words like suddenly,

aggressively, hitting, striking, abruptly, without warning, impacting, destructively, violently, forcefully, smashed and shattered. Certainly, not an all-encompassing list BUT if you've painted your vibrant Theme in the Arbitrator's mind; then these assertive words set the stage for the continuing storyline. Far better than offering in your case ... 'ran into'; 'bumped' or 'the vehicles collided'. So ... the next docket you prepare; take **Action** as in Actionable verbiage that enhances your Theme and captures the Arbitrator's attention. Once you've done that ... making that decision-maker 'believe' is 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)

