

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

WEEK OF AUG. 28, 2017
VOLUME 1 ISSUE 258
NEXT WEEK:
THE COURAGE OF
YOUR CONVINCING



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 FAITH TO BELIEVE ADVOCATING FOR THE 'TRUTH'

One item all advocates in Arbitration cases can agree on is if the Arbitrator does not trust your storyline; does not have confidence in your Evidence and (in totality) finds the Theory you've presented untenable ... it is not likely you will prevail. Now what that means for Applicants and Respondents can be different. Since we know the Burden of the Prima Facie case is on the Applicant ... that believability factors early in the review of the scenario by the Panelist. Does the Arbitrator have confidence in the narrative you are portraying and does the Evidence back it up! For Respondents ... dissuading

the Panelist can take on a different tone as they dispel the Contentions of the Applicant while conceivably offering a differing Theory of the loss. It is often said and taught that Arbitrators apply a 'Ring of Truth' philosophy when weighing parties competing arguments in Arbitration. In its basic sense ... Ring of Truth simply meaning a written statement or narrative striking the reader as 'true'. So what language can aid an advocate when it comes to conveying 'believability' to the reader ... your Arbitrator! How about words such as **credible** and **reliable**; these can be attached to an insured

or witness' statement. Then you have **accepted** and **understood** which can help communicate basic things like a Duty to stop at a four-way stop sign. You also have **sincere**, **realistic** and **genuine** which helps convey an honesty, a trustworthiness and moral tone toward a witness or your overall narrative. **Corroborates**; **Reinforces** and **Supports** are three words that assist advocates in expressing to the Arbitrator how one piece of Evidence supports parts of their Theory or the totality of all the Proofs when taken together. So give the Arbitrator the wording he/she needs; the faith to **believe** -

Case Presentation 101 is produced by Claims Resource Services; one of the nation's 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)

