

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:
WORDS TO THE WISER
IN ARBITRATION



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.

PERSUASIVELY ABOUT THEM ADDRESSING THE OTHER PARTY'S CASE

Let's be Constructive not Confrontational ... focus on telling me why your side is right and not why the other side is wrong ... can you be an advocate without being abrasive ... tenets of effective advocacy inherent in intercompany arbitration where the majority of cases are offered through written Contentions. But, we know there is a point where every successful arbitration presenter is going to diminish and discount the opposing party's case in the eyes of the Arbitrator. Keeping with our series on 'Words' in arbitration and following up on 'persuasive' language ... what about terms pertaining

to *'them'*; the other party ? Can you say what you want to say without it sounding disparaging to the point that the Arbiter gets 'turned off' ? We know you want to be convincing so here are ways of saying it without 'saying it' ... persuasive words to consider when talking about the adverse: **'Contradicts'** – perhaps a favorite as it often pertains to Evidence and the inconsistency in either their proofs OR the Evidence you have offered that flies against what they portend. Another useful term is **'speculation'** as it connects to assumptions they have made about what their Evidence reveals OR in truth does not support. It's

opinion; it's conjecture ... it's guesswork on their part. How about **'argumentative'** ! Their case is awkward and contrary to what the Evidence truly shows and is more focused on the narrative they are trying very hard to sell to the Arbitrator more than anything else. **'Failed'** can be an effective choice of words especially when you remind yourself that no matter their narrative; no matter their Theory ... does their Evidence support it ? The burden is on them to show the pivotal connection. If they were unsuccessful in doing that; say so ! Be persuasive ... never abrasive in addressing the other side -

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)

