

# CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

WEEK OF SEPT. 18, 2017  
VOLUME 1 ISSUE 261  
NEXT WEEK:  
WITNESS WORDS  
OF AVERSION



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.

## WORDS TO THE WISE PERHAPS NOT FOR YOUR ARBITRATION

If you have followed this Blog for any time you are probably aware our affinity for word choice when it comes to preparing your Contentions. We've discussed **actionable**, **believable** and **persuasive** language as part of this recent series. How about words you should seek to avoid when it comes to presenting your case? One word that is a favorite is advocates who place **'pray'** in their closing. Used for decades in Contentions writing; you really are not 'praying' for success with your argument. Hopefully, you have constructed a well thought out and presented narrative complimented by

your Evidence. Toward that end; how about stating in your conclusion .... 'our Evidence has shown 'x'. Thus reminding the Arbitrator of the importance of your proofs and that they do in fact sustain your Contentions. How about **'hopes'** for a favorable outcome? Is an advocate truly hoping OR have they been dynamic with their Theory and Theme to the point it compels the Panelist to rule in their favor. Another word not to use is **'fair'** as in an advocate seeks a fair decision. A mediator told me a long time ago a 'fair' is where one goes to buy livestock. Arbitrators make firm rulings grounded

in the Evidence. So an advocate seeks the 'correct' ruling based on the proofs and not what is 'fair'. The word **'reasonable'** has appeared in Contentions. This word can depend on how an advocate uses it ... such as they seek a 'reasonable' Award OR it was 'reasonable' to believe the adverse would stop at the four-way intersection since they were to your driver's left who was already at the stop sign. In the latter context; 'reasonable' speaks to the infusion of logic ... a part of any advocates tool bag. So consider how you are using a word. We'll have a few more 'not to use' words next week -

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)

