

# CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:  
PERSUASIVE FROM  
THE OPPOSITE SIDE



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.

## CONVINCING THE ARBITRATOR 'HOW COULD YOU BE SO SURE?'

Anyone who has seen the movie *My Cousin Vinny* will recall the exchange on the witness stand between Joe Pesci and Marisa Tomei when he asks her about the probability of tire marks from the asserted get-away vehicle. She offers 'the defense is wrong' and he asks 'are you sure?' She retorts 'I'm positive' and he reiterates 'How could you be so sure?' And so begins a persuasive exchange that basically ends the case in Attorney Gambini's favor. It's a great give-and-take that instills the power of persuasion. Now that you've been forceful with your 'Actionable' language and

incorporated a tone with 'Believable' words; let's take up Miss Vito's proclamations from the stand and offer some '**persuasive**' language for your Contentions. Words such as '**validates**'; '**certain**' and '**confirms**' resonate assuredness that your Theory is on point and the Evidence supports it. There is no wiggle-room; the insured was '**certain**'. The Witness '**validates**' and (to borrow from Marisa) the skid marks '**confirm**'. Another persuasive word to use is '**compelling**' ... after all your whole effort is one of trying to compel the Arbitrator to rule in your favor (e.g. - the entirety of the Evidence

based on the Preponderance Standard *compels* a finding of 100% liability). '**If not for**' and '**due to**' are two more excellent uses of verbiage. *If not for* the actions of the adverse driver the collision would not have occurred. *Due to* the inattentiveness of ABC's insured; they never saw the vehicle stopped clearly in front of them. Conveying confidence with words like '**sure**' and '**positive**' speak to your narrative as a whole and those individual witness and insured statements. Next week we'll take a look at 'persuasive' words to consider when referencing the adverse party ~~

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](mailto:kpike@claimsresource.com) and has daily tips on arbitration via Twitter: [@Arb2Win](https://twitter.com/Arb2Win)

