

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:
THE LIABILITY SIDE
OF TEMPLATES



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.

DRAWING BACK ON PREDESIGN SHORTCHANGING YOUR STORYLINE

Interact with those who've been presenting subrogation claims in Arbitration over the years and many will tell you of their affinity for taking pieces of the puzzle (the claim) and placing them into the best possible alignment to persuade the Arbitrator for their company's position. A glimpse into the *downside* with use of Templates to write Contentions; what are a few things advocates should be wary of? One of the challenges is that utilizing a predesigned format can actually lead to your case narrative being too short. You've filled in the blanks with requisite information but perhaps shortchanged your

storyline such as not fully developing the issues in the case; the application of the Evidence and how it all ties together. It can also lead to your misidentifying a core element of the dispute; such as 'why' the adverse party is not paying your full damages. Yes, they are not paying your total request but WHY and have you fully addressed that in your case. The opportunity to inadvertently label a party or an insured incorrectly is elevated with Template use as Writers become so accustomed to what the format says; often their proof-reading is a quick scan. I've even seen cases where an advocate had a totally

incorrect claim amount (clearly from another docket). Not knowing the parties in the case is one thing; asking the Arbitrator for an incorrect \$\$ amount ... not good form. Perhaps hampering your case the most with use of Templates? An advocate diminishing their Evidence. The haste to get the case filed leads to inclusion of the Proofs with the Evidence package but scarce explanation for what they mean. A party will tell the Arbiter their Witness supports their Theory but not say 'how'. Templates have their place but the depth to which you use them ... not at the expense of your argument ~

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)

