

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

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NEXT WEEK:
CONTEMPLATING
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.

THE RESPONDENT VIEW SHADOW BOXING THE DEFENSE WITH TEMPLATES

Whether your organization has a dedicated Team to handle Defense arbitrations (a/k/a – Respondent activity) or whether the structure is for the handling liability claims representative to put forth the defense ... Templates can still be useful in your company's efforts. So let's discuss some nuances every 'defender' ought consider. Keep in mind; we are not seeking any dollar recovery; only an effort to limit any payout for the actions of our insured. We talked last issue about laying out storyline and in the case of a defensive Arbitration that still is in play. So toward a 'template' for Respondent efforts; what

boxes need to be checked. An advocate always ... ALWAYS reads the Applicants Contentions first before constructing their Response narrative. If the basic facts of the loss are accurate; no need to address that. Does the Arbitrator really need to know the D/O/L twice. If the Applicant anywhere offers your company or your insured 'admitted' to something ... did you ? Liability positions can change for any number of reasons. Do not gloss over what they say about you or your insured; is it accurate ? Look for the depth to which the Applicant supports their Contentions. Respondents

never want to prove the Applicants case for them. Be careful that Evidence you cite might actually fortify the Applicants case in that they failed to provide details or make the causal connection. Don't do that for them ! See if the Applicant refers to one or two critical pieces of Evidence as support for their Theory. If so; incorporate your specific proofs that paint a conflicting view to that accuracy and state it in your Contentions. Be assertive ! Showcase how the totality of what the Applicant offers does not add up. Templates can work for Respondents; just check off these boxes in shadowing your defense -

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

