

CASE PRESENTATION 101

THE WEEKLY BLOG FOR THE ARBITRATION ADVOCATE

WEEK OF NOV. 27, 2017
VOLUME 1 ISSUE 269
NEXT WEEK:
I SAY FOUR ...
YOU SAY TWO



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.

MAKE IT AN ISSUE FOR THE ARBITRATOR FOUR-WAY; TWO-WAY OR ONE WAY

The opportunity to do Case Audits on Arbitration cases both internally and externally occasionally offers up scenarios that just shout ... 'Blog Material' ! And so on a recent case reviewed we saw an excellent example of where the duty is on the parties to showcase exactly the Issue the Arbitrator need rule on. And in this example we are not talking about Duty Owed. Rather, the obligation of the parties to cut through the narrative and Evidence and offer ... 'here is a key thing you (the Arbitrator) are going to need to decide'. It may not totally resolve the case but it WILL be a key component leading to your

decision. Our example ~ Applicant says there was a 4-way intersection and Respondent failed to keep proper lookout; failed to yield and speeding before hitting them. Respondent says this was an intersection with only 2 stop signs and they were travelling on the main thoroughfare with the right of way (no stop sign). So ... what is a core Issue the Arbitrator needs to decide ? It may not determine the whole case but will go a long way toward the Arbitrator having fully considered a core discrepancy between the parties; how the accident might have happened and who was fault. By now

you've guessed it correctly ... was the area controlled by four stop signs or two ? While both parties made note of the stop signs neither party specifically said ... 'a key issue or turning point for the Arbitrator in this case is to determine (by the Evidence) whether this intersection was controlled as a four-way stop or a two-way stop'. Essential Arbitration advocacy ! You make it easy on the Arbitrator by flushing out the core area of disagreement between the parties (there may be more than one) which helps them evaluate the case. And you put this in your Contentions ! Is there only one way to prove this ? Next "issue" ~~

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)

