



Arbitration Hearings
August 19, 2026
11:00 AM-12:00 PM ET

Presented by
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Avoid Problems with Thoughtful Preliminary Hearings

- Preparation for the hearing starts early
- Logistics, deadlines to be dealt with at preliminary hearing
- Final check-in conference call
- Pre-hearing submissions force cooperation (e.g., joint exhibits)

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Logistics Must Be Addressed

- Technology needs
 - computer setups
 - video/telephone testimony
- Court reporter(s) – expensive, usually left up to the parties

Opening and Closing Arguments

- Can be skipped in favor of opening and/or closing briefing
- Adapt to nature of case
- Counsels' agreement

Evidentiary Ground Rules/ Guidelines

- Strict rules per party agreement
- Authenticity vs. relevance of documents
 - documents admitted en masse at start
 - relevance objections must be prompt
- Handling objections to testimony – consistency
 - hearsay
 - leading
- Privilege and confidentiality concerns
- Previews of demonstratives
- Notice of next witness
- Use of sworn affidavits/declarations/witness statements

Flexing Order of Proof

- Accommodating witnesses
- Dealing with interim briefing of issues

Managing Emotions

- Reminder – there is no jury here
- High stakes tension is palpable
- Professional, respectful, not derisive

Creative Expert Testimony

- Reports as direct; only cross-exam
- Document setting forth agreements and disagreements
- “Hot tubbing”

Time Management – A Cost Issue

- Total number of hearing days
- Allocation of hearing time
- Start on time; go longer
- Start and end with “administrative” or housekeeping issues
- End of day preview

Asking Questions/Making Observations

- Clarifying vs. advocating
 - when to do it
 - helping get the evidence
- Summarizing the point made
- Note taking vs. listening

Closing and Reopening the Hearings

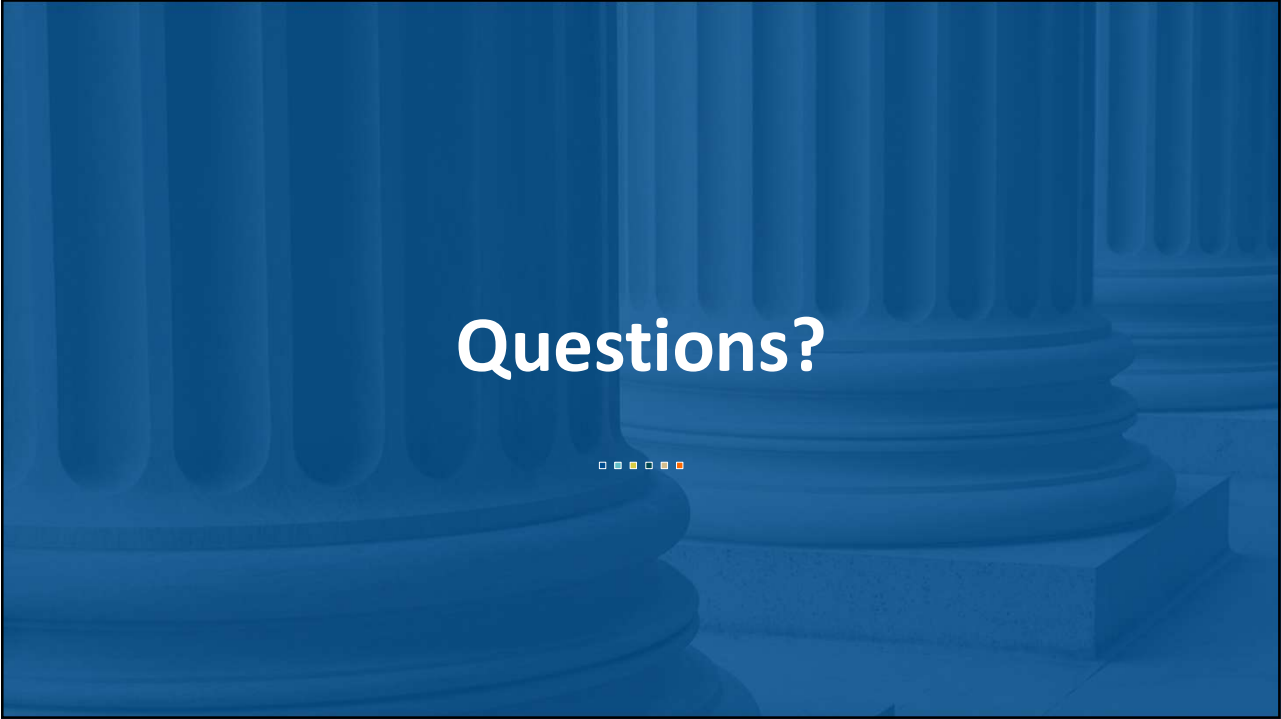
- Closing the evidence vs. closing the hearing
- Preliminary vs. final award
- Attorneys' fees, costs
- Reopening the hearing

Objectives

- Full, complete and fair hearing for both parties and arbitrator

Making merits conclusions along the way

- Keep the claims/contract in mind
- Daily or weekly personal summaries
- Aids award issuance



Questions?





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