

## **Information for CLE Application**

**Title:** Arbitration Variations in Real Time

### **Course Description:**

Attorney who advise clients on arbitration process choices and the represent clients in the proceeding are well-advised to recognize the upsides and downsides of three member panels vs. solo arbitrators, of bracketed (high low) boundaries, and of different sets of arbitration rules. This program will demonstrate and discuss advocacy choices in arbitration, and how the number of panelists, awareness of brackets, and nature of legal and factual issues impacts the likelihood of liability verdict and the range of awards. The program will generate data as to liability and award amounts, and will present data and insight from arbitral decisions and experienced arbitrators.

**Length of Presentation:** 3:00 – 6:15 PM (Includes one 15 minute break)

**Date: November 11, 2015**

### **Bio of Presenters:**

John Cruze, Jr., Esq. has served as an Alternative Dispute Resolution (ADR) neutral in both the United States District Court for the Southern District of Ohio and county courts in southwest Ohio for many years. He has often chaired arbitration panels for the Hamilton County Common Pleas Court and currently serves as the Supervising Mediator with the Hamilton County Common Pleas Court Mediation Office. Mr. Cruze also arbitrates and mediated private cases in Hamilton and neighboring counties. Mr. Cruze's ADR training includes programs at Harvard and NITA's program at Northwestern University.

Professor Marjorie Corman Aaron, is Professor of Practice and Director, Center for Practice, University of Cincinnati College of Law. Professor Aaron teaches alternative dispute resolution, negotiation, mediation advocacy, interviewing and counseling, and decision analysis at the College of Law and directs the College's Center for Practice. A private arbitrator and mediator in Cincinnati, Professor Aaron is a panelist, academic member and training faculty of the CPR Institute for Dispute Resolution, and an AAA commercial arbitrator. She is the former Executive Director of the Program on Negotiation at Harvard Law School and a former Vice President and Mediator at Endispute, Inc. (now JAMS). Professor Aaron designs and teaches workshops on ADR, negotiation, mediation, and decision analysis for law firms, corporations and governmental organizations. She is the author of numerous articles in her field. A graduate of Princeton University and Harvard Law School, she practiced civil and criminal litigation before entering the field of dispute resolution.

[Note to Cheryl] We may add:  
Stephen Strauss, Esq.? \_\_\_\_\_  
And/or  
John Van Winkle ?

Selected articles, approximately 20 pages. Simulated case documents, approximately 10 pages. Powerpoint handout format, approx 5 pages. \

Anticipated Program Fee: \$25

## **Arbitration Variations in Real Time**

### **Agenda**

- 3:00 – 3:15 Introducing Arbitration Process Variants
- 3:15 – 4:15 Arbitration case presentation before the entire room of program participants sitting in multiple configurations, as solos and three member panels, with and without bracket information. Program faculty will serve as arbitrators at the front of the room, demonstrating the arbitrator practice when ruling on objections, asking questions, and managing the proceedings.
- 4:15 – 4:30 All program participants render arbitration decisions on liability and, if liability is found, determine the amount of their award. Three-member panels confer and vote.
- 4:30 – 4:45 Break
- 4:45– 5:30 Faculty Panel presentation and discussion on advocacy in arbitration, including the impact of the rules chosen (AAA, CPR, or Hamilton County), likely differences in judge, jury, or arbitration decisions as to legal and factual issues; advocacy approaches the arbitrators advise against, and the wisdom or folly of a reasoned opinion.
- 5:30 – 6:00 Presentation and discussion of participants' liability findings, range of awards, and correlation (if any) between process choices and arbitral results. We will compare our results to the conventional wisdom and previous research.
- 6:00 – 6:15 Summary and reflection on arbitration process insights for arbitrators and arbitration advocates.