

Experimenting with Arbitration Variations: Playing with Keys to Winning Performance!

Professor Marjorie Aaron and UC Law hereby invite all attorneys willing to find some truths about arbitration and decision-making to participate in our experiment with arbitration process variations, while earning CLE credit, of course!

On Wednesday, November 11, from 3:00 – 6:15, we seek to conduct a “grand scale” arbitration, in which a single arbitration case presentation will be made to all attendees, sitting in various arbitrator configurations, and with varying arbitrator instructions. While there will be a designated arbitrator to “direct traffic” – rule on objections, take evidentiary submissions, etc. – all participants will render separate decisions and awards, after solo or panel deliberations. We will generate original data as to how panel configurations and variables in arbitrator instructions might impact the likelihood of liability findings and the range of awards.

Once attendees have rendered their decisions, their reward will be presentation and discussion of current research on arbitral decision-making, insight from a similar experiment, the impact of different arbitration organizations and rules, and when litigation or arbitration might better serve your client. The program will conclude with presentation of preliminary analysis and insight from our experiment, based upon your data!

Application is pending for 3:0 CLE hours. We’ve set the fee at \$25 to encourage participation.

Please go to _____ to register.

We do request that you register as soon as possible so that we have a sense of the numbers.

Right now we’ve booked UC Law’s largest room, but our aspiration is to have the problem of finding a larger room on campus.

Refreshments will be served before and after the program!

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Agenda

Refreshments will be on hand for those who come early or stay late!

- 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.