

## **Tips for a Successful Arbitration**

**Bergen County Bar Association**

April 17, 2023

- 1- Adequately draft arbitration clauses
- 2- Recognize that pre-hearing discovery is limited
- 3- Advise whether your client/witness needs an interpreter
- 4- Review your client's calendar with them before preliminary hearing
- 5- Try to resolve discovery disputes with opposing counsel before going to arbitrator
- 6- Timely provide documents or information
- 7- Prepare as you would in court
- 8- Be clear as to the damages and relief requested
- 9- Exchange key exhibits before the hearing (not suddenly "discover" them at hearing)
- 10- Create a joint set of exhibit books
- 11- Understand arbitrator's subpoena power
- 12- Act with civility and professionalism (be respectful!)
- 13- Have all necessary parties testify at evidentiary hearing
- 14- Ask proper questions of witnesses (not testify yourself!)
- 15- Understand the evidentiary rules in arbitration
- 16- Use cross-examination effectively
- 17- Avoid presenting cumulative evidence
- 18- Submit clear, persuasive organized briefs that are easy to follow