

Arbitration

In the matter of the Arbitration of:

Jerome F. Rock,

Arbitrator

Claimant

vs.

Respondent

Advantages of Narrative Witness Statements

From the Arbitrator's Perspective: The Arbitrator is able to prepare for the formal Hearing with a complete perspective of the anticipated testimony. The Narrative Witness Statements reduce the need for the Arbitrator to take notes during the Hearing, and reduces the distraction associated with extensive note taking. Formal transcripts of the Hearing are often not necessary.

From the Claimant's Perspective: The Narrative Witness Statement can become the work product of your pre-Hearing preparation of your Witness's testimony. Counsel is confident all the material elements of the Witness's testimony will be presented, while reducing the stress on the witness during direct examination at the Hearing. You may present the Witness for Direct Examination at the Hearing, but will be requested to follow the sequence of the Narrative Witness Statement.

From the Respondent's Perspective: The Respondent's cross-examination can be prepared, largely in advance of the Hearing, saving time, and perhaps improving the quality of cross-examination. Respondent is also prepared in advance to present rebuttal witness testimony, as necessary.

Narrative Witness Statement Protocol

The Arbitrator requests that all Witness Testimony presented at the Arbitration Hearing be supported with Narrative Witness Statements, prepared by Counsel in advance of the Hearing, and submitted under Oath or affirmation by the Witness at the Hearing.

The following outlines the Arbitrator's Protocol for the Narrative Witness Statements:

1. The Narrative Witness Statement should be equivalent in content to Direct Examination of the Witness (obviously the Questioning by Counsel is silent and omitted).
2. Number each statement separately to make it convenient for future reference.
3. The Narrative Witness Statements will be submitted to the Arbitrator and Opposing Counsel in advance of the Hearing (the time schedule generally covered in Pre-Hearing Scheduling Orders).
4. At the Hearing, each Witness will be Sworn under Oath, and attest to the accuracy and completeness of the Narrative Witnesses Statement. Counsel may proceed with what would be

considered a standard direct examination, but will be requested to follow the general sequence of the Narrative Witness Statement.

5. When directing a witness to describe or discuss a document presented at the Hearing, counsel should follow the Exhibit Reference numbering system used for the Arbitration Hearing. If the discussion of an Exhibit is anticipated to be extensive, counsel may abbreviate the written detail included in the Narrative Witness Statement, and the Witness will be permitted to provide a more complete discussion on the topic during the Direct Examination of the Witness at the Hearing.
6. Counsel may conduct a Direct Examination of the Witness, but should follow the general organization of the Narrative Witness Statement (note the treatment of reference to Exhibits discussed above).
7. The Narrative Witness Statement may, for good cause, be supplemented at the Hearing. Discuss this with the Arbitrator and opposing counsel prior to the testimony of the Witness.
8. Opposing counsel may cross exam the Witness at the Hearing. The Arbitrator requests that cross-examination refer to each numbered statement to the extent practical.
9. Redirect examination is permitted but limited to new topics raised on cross examination.
10. Respondents are encouraged, but not required to prepare a Narrative Witness Statement of anticipated Rebuttal Witnesses. The Rebuttal Witness Statements will be provided to the Arbitrator prior to the Hearing, but need not be provided to opposing counsel.
11. If either party anticipates the presentation of Expert testimony at the Hearing, the Arbitrator will customize the Narrative Witness Protocol to suit the needs of the case.
12. By stipulation of counsel, a Witness and Narrative Witness Statement, prepared under Oath, may be presented at the Hearing by video conference, with opportunity for cross examination.
13. By stipulation of counsel, a Witness and Narrative Witness Statement, prepared under Oath, with opportunity for cross examination, may be presented in lieu of in person testimony at the Hearing.



Jerome F. Rock, Arbitrator

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