Hearing Efficiency

Standard hearing protocols can oftentimes be somewhat tedious and time-consuming. However, there are shortcuts that can be used effectively, shortening hearing time without compromising due process or the right of both parties to be fully heard. These shortcuts can not only reduce the time spent in hearing but also the time it takes the arbitrator to write the final decision. Here are a few of those shortcuts:

1. The parties can submit a joint evidentiary stipulation to the arbitrator. In many hearings there is a substantial amount of factual information that is both relevant and material to the case but which is not in dispute. Using the formal modes of introducing evidence would be time-consuming. The portion of the evidence that is not contested can be submitted through stipulation by mutual agreement. All the parties have to do is simply summarize the content on a written document, indicate that these facts are being submitted by mutual stipulation and present it to the arbitrator.

2. Oftentimes one or both of the parties are intending to introduce a series of witnesses, each of whom will testify to essentially the same set of facts. Opposing council or representatives may be willing to stipulate, after the first or second witness, that the remaining witnesses will testify to essentially the same set of facts. This stipulation can substantially reduce hearing time.

3. A shortcut frequently used by advocates when they are introducing a substantial number of written documents is to create a list of those documents prior to the hearing. If the parties will place an identifying number on each document and then make a list of those numbers along with a title for each document, the arbitrator will not have to create that list on hearing time.

4. Frequently, one or both parties will want to introduce evidence by way of the telephone or some other form of technology. Efficiency during the hearing is ensured if the parties have taken adequate time prior to the hearing to ensure the easy availability of an appropriate telephone or whatever other form of technology is being used. Not only does the technology need to be present, it must be in good working order. It is both embarrassing and a waste of hearing time to have to troubleshoot a technological problem during the hearing.

5. Where one of the parties knows that it will have a significant objection to a major piece of evidence that the other party will attempt to introduce and where it is appropriate to do so, raising the objection prior to the hearing can be very expeditious. There are times when a ruling by the arbitrator prior to the hearing may make it easier for both parties to streamline their

cases. Additionally, having the arbitrator rule on the objection may move the parties closer to settling the dispute without the need for arbitration.