

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

ARBITRATION HEARING FORMAT

W.D. Mich. LCivR 16.6 authorizes the arbitrator to make reasonable rules and issue orders necessary for the fair and efficient conduct of the hearings.

The suggested arbitration hearing format is as follows:

1. At least seven (7) calendar days prior to the hearing, each party will submit a summary or brief of factual and legal positions, together with copies of documents on questions of liability, damages and exhibits. W.D. Mich. LCivR 16.6(e)(iii).
2. All named parties must be present at the hearings. W.D. Mich LCivR 16.6((e)(vii).
3. Conduct of Hearing:

Each party shall be allowed 2½ hours to present their case. Each party will be afforded a 10 minute opening statement and a 15 minute closing statement with plaintiff having the option to reserve a portion of his/her 15 minutes for rebuttal.
4. Where the credibility of a party or a witness is critical to the outcome of the case, salient portions of their testimony should be presented live.
5. There will not be a review of depositions by the arbitrator merely to get a feel for the case. It would be appreciated if excerpts of the deposition transcript be provided with the summaries or briefs.
6. The Federal Rules of Evidence will apply, except that foundational requirements will be waived.
7. If the case has been settled, or any other changes occur prior to the hearing date, **PARTIES MUST NOTIFY THE ARBITRATOR AND THE ADR ADMINISTRATOR.**
8. The arbitrator will base the decision upon what he/she believes a judge or jury will decide based upon the evidence.
9. The arbitrator may also discuss with the parties the possibility of a settlement after rendering a decision strictly on the merits of the case.
10. In all other respects the provisions of W.D. Mich. LCivR 16.6 shall apply.