

University of Illinois Chicago School of Law



**Arbitration Advocacy: Practical Skills and Training
TADR 421 Arbitration (43770)**

2023 Fall Course Syllabus (Subject to change)

Mondays 6:00-8:00pm

On Campus

Professor: Thomas Gauza

tgauza@uic.edu

Appointment by Email

Credit hours: 2

This class is scheduled as an “ONCAM” (On-Campus) class. In-person attendance at on-campus meetings is required unless alternative arrangements have been approved in writing by the Dean. Exceeding the maximum permitted number of absences for this class will result in a grade of WF. The Law School’s Common Syllabus Provisions, available at <https://go.uic.edu/lawcsp>, are incorporated by reference.

Prerequisites: [JD 401](#) and [JD 405](#) and [JD 406](#) and [JD 407](#) and [JD 411](#) and [JD 414](#) and [JD 415](#) and [JD 416](#); and [LAW 402](#) or [LAW 403](#) or [LAW 404](#); and [LAW 412](#) or [LAW 413](#).

Recommended Texts: Principles of Alternative Dispute Resolution
4th Edition Stephen J. Ware

ISBN: 9781684677276 Fourth Edition

ISBN: 9781634595742 Third Edition

Trial Techniques, Thomas A Mauet, Eleventh Edition (any edition/available online)

ISBN- 10: 1454822333

ISBN- 13: 9781455822332

Course Description: The objective of this course is to familiarize students with the arbitration process and practical procedural aspects. This course is designed to guide students through current and established arbitration procedures, practices, arbitration clauses, powers and responsibilities of the arbitrator, and the roles of arbitrating parties. The class involves interactive exercises and mock arbitration proceedings. This class is 100% on campus. The final exam is a mock arbitration which will be conducted in groups of 4 date/time TBA. I will make every effort to accommodate each group.

Communication: I will be communicating with you through Blackboard Announcements. This is where I will send out the assignments and any information you will need. Please check your Announcements regularly. I also strongly encourage communication. I will respond to your email promptly. In case of emergency, please call me at (847) 971-7961. Please let me know if at any time you need to speak with me regarding any issue. We can schedule to meet before or after class. If for any reason, you will be missing a class or you will be late, please send me a courtesy email. It is your responsibility to request any material or information that you missed. Please note that because there are often in class activity or discussion, it is difficult to make up a class. Attendance is highly encouraged.

GRADES

The final grade will be determined as follows:

Class Participation	20%	
Midterm	30%	Final 50%

ABSENCES

The maximum absences that students are permitted are 2 absences and 2 absences for religious observance. A student who exceeds two absences will not be permitted to sit for the final exam. If you miss a significant portion of the class, it may be counted as an absence. If you are absent, please send me a courtesy email prior to class. If you are absent on a day which we have an in-class activity, you are still required to work with your group outside of class so that your group is prepared on the day of the exercise. **Attendance means that you are punctual**

and stay for the duration of the class. If you are going to be late or absent, please notify me via email me prior to class.

Midterm: There will be a written midterm assignment, which will be due on the date listed below in the schedule. I will give you plenty of time to complete it and we will discuss it in class. Each day it is late will drop your grade one third of a letter grade. (ex. B+ will become a B). **There are no exceptions.** This will count for 30% of your final grade. Written Midterm will consist of writing 2 opening statements for a mock arbitration; one for the petitioner and one for the respondent based on case facts, which I will supply to you. The midterm will be required to be emailed to me by 11:59pm on the announced due date (Tentatively March 11, 2024).

Final Examination Arbitration: The final exam is an arbitration. You will be given the pleadings and pertaining paperwork. You will be in groups and be expected to divide the job duties amongst yourself. A scoring rubric will be posted. You will be divided into groups of 4 with 2 students representing the petitioner and 2 representing the respondent. You will put on an entire arbitration from opening statement to closing argument. Your group will play the respective witnesses and lawyers. Even though you will be litigating with your group, you will receive an individual grade that reflects **your** work and **your** performance. This will count for 50% of your final grade. The final exam will be held on the last day of class pursuant to the UIC academic calendar. You only need to attend your final date and time, not the other groups. **Tentatively to be completed by April 22, 2024.**

Spring 2024 Schedule: (subject to change)

A. Introduction

General Description of Arbitration in Alternative Dispute Resolution (“ADR”) context.

Overview of process

- Differences between Arbitration and Mediation
- Advantages and Disadvantages of Arbitration, Mediation and Court Adjudication
- Mandatory v. Voluntary Arbitration

- Initiating the process/ drafting Arbitration Clause
Preliminary Pre-Arbitration Considerations
Stages of Arbitration Process

B. Arbitrator ethics

- Neutrality
 - Canons
 - Appointing an Arbitrator v. pre-selected
2. Lawyer duties to other counsel
 - Conduct in hearing
 - Duties to Arbitrator

C. Preparation and Organization for the Arbitration hearing

1. Preparing for Hearing
 - Organization of files
 - Hearing chart
2. Discovery
 - Risks of Discovery
 - Document requests/ production
 - Dispositive Motions
 - Attacks on awards for refusal of discovery
 - Other forms of discovery
 - Expert discovery
3. Theme/Theory of case
 - Trial Story
 - Preparing Client
4. Preparation

- Preparing Witnesses
- Expert witnesses

D. Opening Statements for an Arbitration Hearing

1. Content (differentiating between bench/jury trial)
 - Evidence
 - Arguing
 - Stating Personal opinions
 - Discussing the law
 - Anticipating Defendant's case
2. Effectiveness
 - Brief statement of case
 - Themes
 - Theory
 - Labeling

Opening Statements for an Arbitration Hearing (continue)

Storytelling

Evidence

Theme

E. Preparing for Direct

- Designing a persuasive trial story
 - Preparing Client
 - Preparing Witnesses
 - Preparing Exhibits
2. Chronological
 - Scene
 - Background
 - Pace
 - Exhibits
 - Ending
 - Anticipate defenses
 3. Adverse witness

4. Hostile witness
5. Expert witness
6. Laying a Foundation through a witness
 - Exhibits
 - Conversations
 - Business records
 - Refreshing memory
7. Hearsay

F. Cross Examination in Arbitration Hearing

1. Purpose and structure
 - When to cross
 - Elicit favorable testimony
 - Destructive cross
2. Planning and preparing a cross
 - Tone and attitude
 - Pace
 - Questioning style
 - Foreshadowing in opening
 - Making/responding to objections

Cross Examination in Arbitration Hearing (continue)

3. Impeachment
 - Exhibits
 - Deposition transcripts
 - Discrediting direct testimony
 - Expert testimony
 - How to rehabilitate if your client was impeached
4. Re-cross
5. 10 commandments of cross

G. Closing arguments for Arbitration Hearing

1. Elements (differentiating between bench/jury trial)
 - Exhibits

- Themes
 - Rhetorical questions
 - Analogies and stories
2. Argue your strengths
 3. Improper closing argument
 4. Rebuttal
 5. Multiple parties/counterclaims
 6. Common Problems
 7. Length of Close

H. Objections in Arbitration Hearing

1. Evidentiary objections
2. When/ How to make an objection
3. Objections
 - a. Answers
 - b. Exhibits
4. Objections
 - a. Answers
 - b. Exhibits
5. Hearsay

FINAL Examination-Mock Arbitration

*You will only attend your group's designated date/time

