

Conducting an Arbitration Hearing

Opening Statement of Counsel for the Plaintiff

I. Introduction

An arbitration hearing is a formal dispute resolution process in which parties present their case before a neutral arbitrator or panel. The opening statement is a critical component of the hearing, as it provides counsel for the plaintiff (or claimant) with the first opportunity to present a clear, persuasive narrative of the case.

The purpose of the opening statement is not to argue the case, but to outline the facts, identify the issues, and explain what the evidence will show.

II. Objectives of the Opening Statement

Counsel for the plaintiff should aim to:

- Present a clear and concise overview of the dispute
 - Establish credibility and professionalism
 - Introduce the key facts and timeline
 - Identify the legal issues to be decided
 - Preview the evidence and witnesses
 - Frame the case theory in a persuasive manner
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III. Structure of the Opening Statement

1. Formal Introduction

Begin by addressing the arbitrator respectfully:

"Good morning/afternoon, [Arbitrator's name]. My name is [Counsel's name], and I represent the claimant/plaintiff in this matter."

Briefly introduce your client and the nature of the dispute.

2. Case Overview

Provide a succinct summary of the case:

- Who the parties are
- What the dispute is about
- What relief the plaintiff is seeking

Example:

"This case concerns a breach of contract arising from the respondent's failure to deliver goods as agreed, resulting in significant financial losses to the claimant."

3. Factual Background

Present the key facts in a logical, chronological order:

- Formation of the agreement
- Key events leading to the dispute
- Actions or omissions by the respondent
- Impact on the plaintiff

Keep the narrative simple, neutral in tone, and easy to follow.

4. Legal Framework

Briefly outline the applicable legal principles or contractual provisions:

- Relevant clauses in the contract
- Governing law (if applicable)
- Elements required to prove the claim

Avoid detailed legal argument at this stage.

5. Evidence and Witnesses

Preview the evidence that will be presented:

- Documents (contracts, emails, invoices)

- Witness testimony
- Expert evidence (if any)

Example:

"You will hear testimony from the claimant's operations manager, who will explain how the respondent's failure disrupted business operations."

6. Damages and Relief Sought

Clearly state the remedy being requested:

- Monetary damages
- Specific performance
- Interest and costs

Provide a general explanation of how damages will be established.

7. Conclusion

End with a concise summary reinforcing your case theory:

"At the conclusion of this hearing, the evidence will show that the respondent breached its obligations and that the claimant is entitled to full compensation for its losses."

IV. Style and Delivery Tips

- Be clear, organized, and confident
 - Avoid argument and exaggeration
 - Use plain language
 - n- Maintain eye contact and appropriate pacing
 - Stick to a logical structure
 - Be respectful and professional at all times
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V. Sample Opening Statement (Plaintiff)

"Good morning, Arbitrator. My name is Sarah Johnson, and I represent the claimant, ABC Corporation.

This case arises from a contractual agreement between ABC Corporation and the respondent, XYZ Ltd., under which XYZ Ltd. agreed to supply specialized equipment by March 1, 2025. Despite repeated assurances, the respondent failed to deliver the equipment on time, causing significant disruption to ABC Corporation's operations.

The evidence will show that the parties entered into a valid and binding contract, that the respondent was aware of the delivery deadlines, and that its failure to perform constituted a clear breach of its obligations.

You will see contemporaneous emails confirming the agreed timeline, as well as internal reports demonstrating the financial losses suffered by the claimant. You will also hear from ABC Corporation's project manager, who will explain the operational impact of the delay.

As a result of the respondent's breach, the claimant incurred substantial losses, which we will quantify through documentary and testimonial evidence. Accordingly, the claimant seeks damages in the amount of \$500,000, together with interest and costs.

At the conclusion of this hearing, we are confident that the evidence will establish the respondent's liability and the claimant's entitlement to relief.

Thank you."

VI. Conclusion

The opening statement sets the tone for the entire arbitration hearing. A well-structured and persuasive opening helps the arbitrator understand the case, follow the evidence, and appreciate the plaintiff's position from the outset. Careful preparation and clear delivery are essential to achieving these objectives.