

## **Conducting an Arbitration Hearing: Arbitrator's Opening Statement**

### **Introduction**

The opening statement by an arbitrator sets the tone for the entire arbitration hearing. It establishes authority, outlines procedures, and ensures that all parties understand the process. A clear and professional opening promotes fairness, efficiency, and confidence in the proceedings.

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### **Objectives of the Opening Statement**

The arbitrator's opening statement should:

- Introduce the arbitrator(s)
  - Confirm the identities of the parties and their representatives
  - Explain the purpose and nature of the arbitration
  - Outline the procedures to be followed
  - Establish expectations for conduct and decorum
  - Address any preliminary matters
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### **Key Elements of the Opening Statement**

#### **1. Welcome and Introduction**

- Welcome all participants
- Introduce yourself and any co-arbitrators
- State your role as a neutral decision-maker

#### **Example:**

"Good morning. My name is [Name], and I have been appointed as the arbitrator in this matter. I will serve as a neutral and impartial decision-maker throughout these proceedings."

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#### **2. Identification of Parties**

- Ask parties to identify themselves and their representatives for the record

**Example:**

"Before we begin, I would like each party to introduce themselves and any representatives present today for the record."

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**3. Purpose of the Hearing**

- Briefly describe the dispute
- Clarify that the purpose is to hear evidence and arguments

**Example:**

"This hearing concerns the dispute between [Party A] and [Party B]. The purpose of today's proceeding is to hear evidence and arguments so that I may render a fair and informed decision."

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**4. Oath or Affirmation**

- Explain that witnesses will be sworn in

**Example:**

"All witnesses who testify will be required to take an oath or affirmation to tell the truth."

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**5. Hearing Procedures**

- Outline the order of proceedings:
  - Opening statements (if applicable)
  - Presentation of evidence
  - Witness testimony and cross-examination
  - Closing arguments

**Example:**

"We will begin with opening statements, followed by the presentation of evidence. Each party will have the opportunity to call witnesses and conduct cross-examination. After all evidence is presented, we will proceed to closing arguments."

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**6. Rules and Expectations**

- Emphasize professionalism and respect
- Explain rules on objections, interruptions, and communication

**Example:**

"All participants are expected to conduct themselves respectfully. Please avoid interrupting others while they are speaking. Any objections should be raised promptly and succinctly."

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**7. Confidentiality (if applicable)**

- Remind parties of confidentiality obligations

**Example:**

"I remind all parties that these proceedings are confidential, and information disclosed here should not be shared outside this forum unless permitted."

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**8. Administrative Matters**

- Confirm time schedules, breaks, and logistics
- Address any preliminary issues

**Example:**

"We will take short breaks as needed. If there are any preliminary matters to address before we begin, please raise them now."

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**Sample Full Opening Statement**

"Good morning. My name is [Arbitrator's Name], and I have been appointed as the arbitrator in this matter. I will act as a neutral and impartial decision-maker throughout these proceedings.

Before we begin, I would like each party to identify themselves and their representatives for the record.

This arbitration concerns the dispute between [Party A] and [Party B]. The purpose of today's hearing is to allow each party to present evidence and arguments so that I may reach a fair and informed decision.

All witnesses will be required to take an oath or affirmation before testifying.

The hearing will proceed as follows: we will begin with opening statements, followed by the presentation of evidence and witness testimony. Each party will have the opportunity for cross-examination. After all evidence has been presented, we will move to closing arguments.

I ask that all participants conduct themselves professionally and respectfully. Please do not interrupt while others are speaking. If there are objections, please raise them clearly and briefly.

These proceedings are confidential, and all information shared here should remain within this process unless otherwise agreed.

We will take breaks as needed throughout the day. If there are any preliminary matters, please raise them now.

If there are no preliminary issues, we will proceed with the claimant's opening statement."

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### **Best Practices for Arbitrators**

- Speak clearly and confidently
- Maintain neutrality at all times
- Be concise but thorough
- Ensure all parties understand the process
- Adapt tone based on formality of proceedings

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### **Conclusion**

A well-structured opening statement helps ensure that arbitration hearings proceed smoothly and fairly. It provides clarity, builds trust in the process, and minimizes procedural confusion.