

Hearing Cases for Arbitrators

Reminders When Hearing Cases

- The rules state that you may not render default judgments. All cases must be proven at face value with the evidence submitted.
- Prior to rendering a decision, you can adjourn a hearing to request clarification from the appropriate party on facts or evidence submitted.
- Don't be an advocate for any party. The Applicant must prove their case; the Respondent must disprove the Applicant's case.
- Cases are not always 100% or 0%. Apply comparative negligence when applicable.
- Weigh all evidence submitted, apply negligence laws, and **explain your findings**.

Most Common Types of Negligence

- Pure Comparative – Under pure comparative, each party is responsible for its own percentage of negligence; the only bar to recovery is 100% negligence.
- Modified Comparative: Not As Great As – Under this form of modified comparative, a party cannot recover unless its contributory negligence is less than that of the adverse party. This is sometimes referred to as the “50% Bars Recovery Rule.”
- Modified Comparative: Not Greater Than – This form of modified comparative permits recovery if the contributory negligence of a party is not greater than that of the adverse party. This is sometimes referred to as the “51% Bars Recovery Rule.”

Please note that these definitions are not statutory and are displayed as a helpful guide.