

ARBITRATION AGREEMENTS

1. If depositions are taken, they will be limited to 3 per side and to 3 hours each. At depositions, all objections to relevance, lack of foundation, non-responsiveness, speculation or to the form of the question will be reserved until trial, so there will be no reason for the defending lawyer to say anything other than to advise the client to assert a privilege or to adjourn the deposition because the questioner is improperly harassing the witness. All deposition exhibits will be numbered sequentially (X-1, X-2, etc.), regardless of the identity of the deponent or the side introducing the exhibit, and the same numbers will be used in any briefing and during the arbitration.
2. We will exchange expert witness reports that provide the disclosures required by the Federal Rules.
 - a. Neither side will be entitled to discovery of communications between counsel and expert witnesses or to drafts of experts' reports.
 - b. There will be no depositions of experts.
3. If documents are to be produced, they shall be limited to: _____. They will be exchanged by _____. The production of a privileged document does not waive the privilege as to other privileged documents. Documents that the other side claims are privileged can be snapped back as soon as it is discovered they were produced without any need to show the production was inadvertent.

4. Realistic witness lists will be exchanged on _____. The parties shall notify opposing parties of the order in which they plan to call witnesses each Friday by 5pm for the following week. The parties shall further notify opposing parties 36 hours before any particular witness is called
5. The length of the hearing (excluding openings and closings) will be ___ days and that time will be split equally. It will start on ___ and end on _____. Each party will get ___ to open and ___ to close.
6. The Rule of exclusion will be invoked except as to expert witnesses.
7. We will exchange lists of exhibits on ___ that will be limited to exhibits we in good faith intend to show to the arbitrator during the hearing. Demonstratives created by counsel need not be listed on the parties exhibit lists.
8. The parties will split the expense of real-time reporting.
9. The parties will share any audio-visual equipment and will provide each other electronic versions of whatever they display immediately after the display.
10. There will be no post-hearing submissions, absent agreement to the contrary.
11. There will be no pre-hearing motions.
12. The arbitrator will render a reasoned award within ___ days of the end of the hearing.

13. The issue of the award of fees to the prevailing party will be determined on submission of written fee and expense applications after the award on the merits. Those applications will be filed within 15 days of the merits award and the fee award, if any, will be made within 15 days of the written submission.