PRESIDING OFFICER'S STATEMENTS - ARBITRATION REVIEW HEARING

PRESIDENT'S OPENING STATEMENT: This review hearing is called to order. In the matter of an arbitration hearing, the parties have the right to request a procedural review by the Association's Board of Directors. In this review hearing we will consider the arguments of the party who filed this request for review. The parties should remember that the statements are limited to those bases set forth in writing in the request for review. This is not an opportunity for the parties to reargue the merits of their dispute and issues and questions that were not raised in the request for review will not be considered during this review hearing.

INTRODUCTIONS: At this time, I would like to introduce the members of this review panel: My name is _____, and I am the Presiding officer. Starting on my far left is _____, a member of the review panel (*presiding officer proceeds to introduce all panel members from left to right*). I now ask that each person introduce yourself starting from my left and indicate your role in today's hearing. (**IF APPLICABLE**: Seated to my (left, right) is _____, the Association's legal counsel. I want to make it clear that the Association's legal counsel is not here to make direct inquiries of the parties and their witnesses and will not participate in any decision of the review panel. However, Association legal counsel is present to advise the review panel on questions that may be raised concerning the procedures used for this hearing or the laws of the State of California. In no event will the Association's legal counsel be considered counsel to the parties.)

CONFIDENTIAL NATURE OF HEARING: Before we continue with this review hearing, all persons present are advised that the proceedings and decisions of this review panel are considered CONFIDENTIAL. All participants in this hearing are admonished that failure to keep these proceedings and the resulting decisions confidential is a violation of your agreement to abide by the Association's rules and procedures and the Code of Ethics. Our decision will be available only to the hearing Panel, the parties and Association legal counsel and staff as required.

AFFIRMATIONS: At this time, I request that all persons present in the room that expect to testify at this hearing stand and make the appropriate affirmation. Raise your right hand and following the question I will pose, answer in the affirmative if you do so affirm ..."Do you affirm that the statements you are about to make at this hearing are the truth, the whole truth, and nothing but the truth given freely and without reservation?"

HEARING PANEL'S PRESIDING OFFICER SUMMARY OF THE CASE: The original hearing panel's presiding officer, or his or her designee, will now summarize the procedures used at the hearing for this case.

QUESTIONS OF HEARING PANEL'S PRESIDING OFFICER: At this time the parties will be given an opportunity to ask the presiding officer questions and offer any corrections or modifications to the presiding officer's summary. This review panel may also have questions for the presiding officer as well. However, I must again remind the parties that they should not attempt to reargue the merits of the dispute as determined by the hearing panel. Also, no new evidence regarding the merits of the case may be presented.

The _____ (name of party requesting review) may now ask questions or offer corrections and modifications.

The _____ (name of other party(ies)) may now ask questions or offer corrections and modifications.

PARTY REQUESTING REVIEW PRESENTATION: The party requesting the review now has the opportunity to argue the stated bases for the review in their written request. Only those bases included in the written request for review may be raised at this hearing. If you feel any portion of the recording of the original hearing is relevant to prove your request, please play only that portion that is appropriate.

RESPONSES: Any other party will have an opportunity to explain why the hearing panel's decision and recommendations should be followed. If you feel any portion of the recording of the original hearing is relevant to prove your request, please play only that portion that is appropriate.

ADJOURNMENT: Panel members and hearing participants, if there is any further information you think this review panel should consider, this is your last opportunity to bring it to our attention. If you have nothing more to add, this review hearing is adjourned.

EXECUTIVE SESSION: (General Guidelines) *After adjournment, the review panel goes into executive session to deliberate the issues raised in the review. Association counsel may remain to advise on procedural issues. The review panel may only (1) affirm the award; or (2) refer back for a new hearing due to a lack of due process in the processing or hearing of the matter. The review panel cannot change the amount of the award or issue a new award.*