

OPENING STATEMENT

The Opening Statement is of critical importance because it gives the arbitrator the first impression of the case. It is not evidence of any sort, nor should it consist of testimony nor incorporate the offering of any exhibits. It is simply an account of what the case is all about as you see it. The opening statement can be expected to allege that a certain event occurred and, depending upon your position, to provide criteria for supporting, modifying or reversing the outcome and remedy requested. It should be brief and to the point, but not so brief that it does not give the arbitrator a clear picture of the testimony and evidence you will present.

The opening statement should include: What the employer allegedly did to cause the grievance, including enough detail to give the arbitrator a "feel" for the case; the pertinent sections(s) of the contract alleged to have been violated; a brief listing of the main arguments; what issue you are asking the arbitrator to decide, and what remedy you want the arbitrator to apply.

Remember that your opening statement is argument, not evidence; what you claim in the statement has to be proved through witnesses and/or evidence. Do not make assertions in your opening statement that you either cannot or may neglect to prove. (If you can do all this in 250 words, you have done a good job.)