



MAKING THE ARBITRATION DECISION



Facts

Credibility

Industry Principles

Logic

Law

Fairness



= Decision

BUT WHAT IF?



A SCIENTIFIC FACT



UNCONSCIOUS PERSUADERS

- Hindsight Bias
- Confirmation Bias
- Self-serving Bias
- The Rung Bell Effect

****IT HAPPENED (“HINDSIGHT BIAS”)**



NEGLIGENT CLAIM HANDLING?



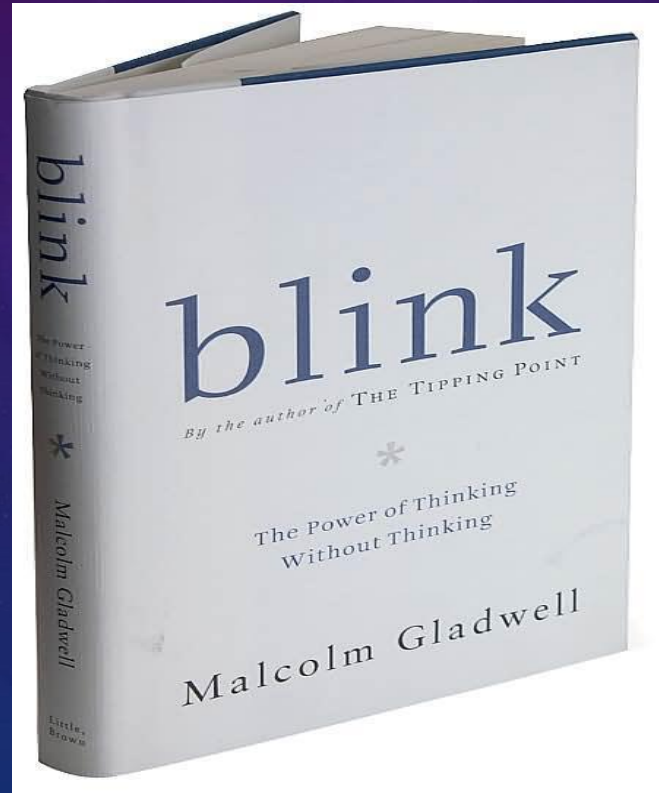
NO HINDSIGHT

24%

HINDSIGHT

57%

INITIAL IMPRESSIONS ("CONFIRMATION BIAS")





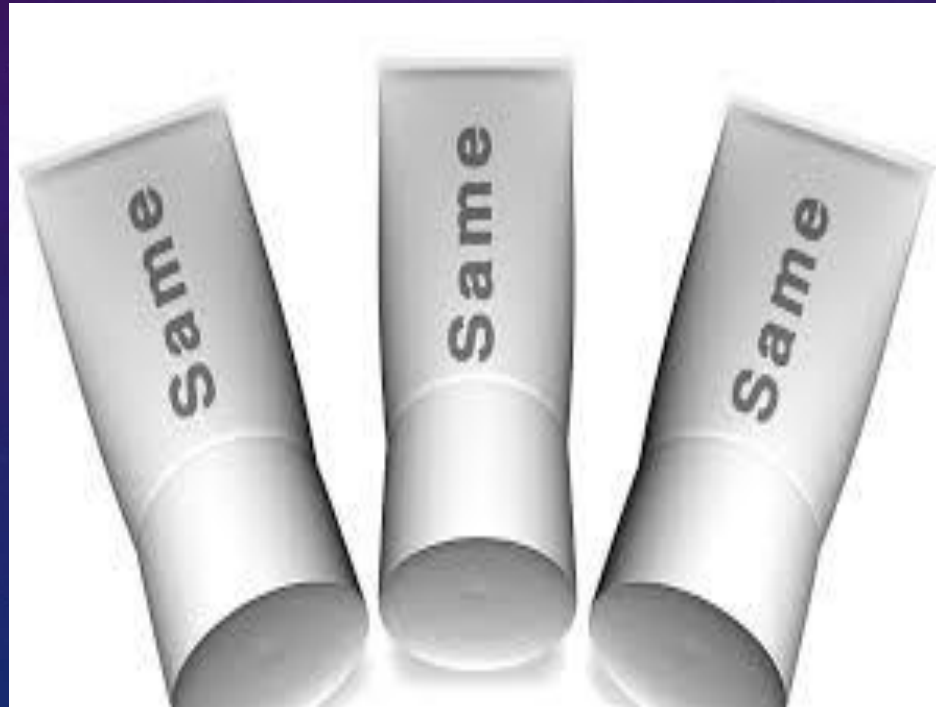
DID HE DO IT?



HOLD ON A MINUTE!



MADE NO DIFFERENCE



CONFIDENCE IN OUR JUDGMENT ("SELF-SERVING BIAS")



WHO IS REVERSED THE LEAST?



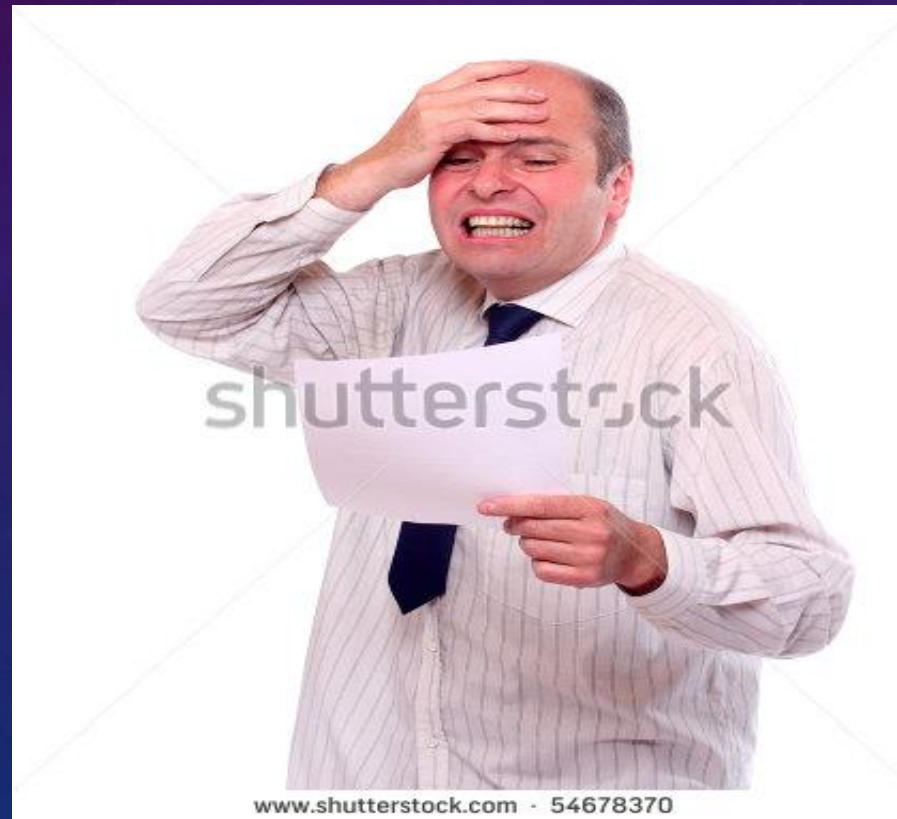
HOW MANY IN THE “BEST” 25%?



“RUNG BELL” EFFECT



BAD DOCUMENT FOR PLAINTIFF



IT'S INADMISSIBLE



JUDGE SAW THE DOCUMENT



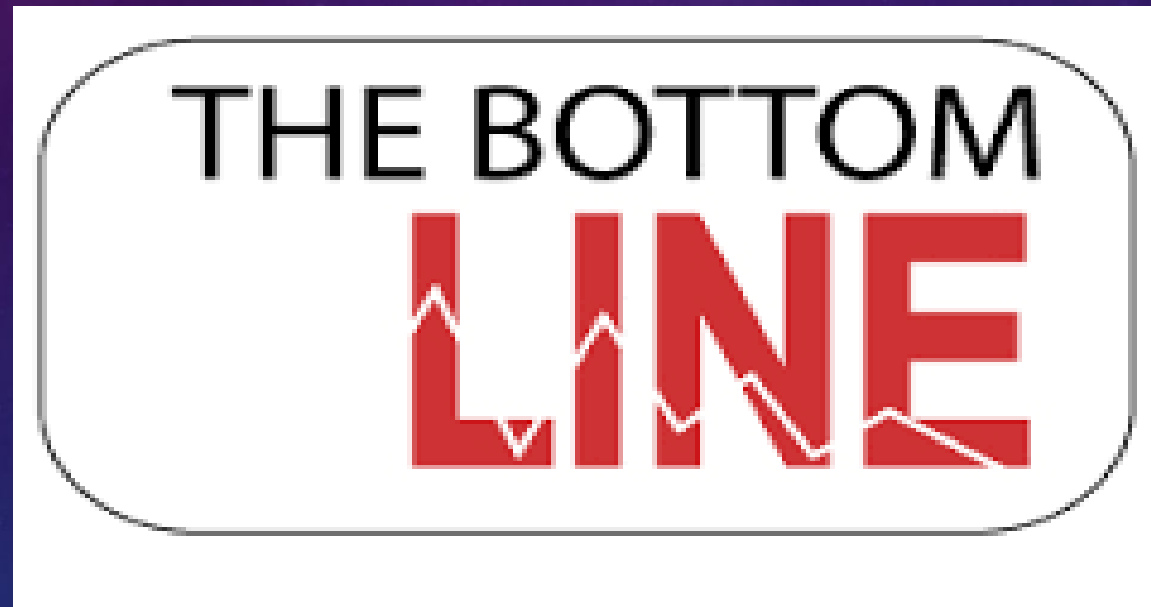
71%

DID *NOT* SEE THE DOCUMENT



55%

WHAT IS . . .



RECOGNIZE UNCONSCIOUS INFLUENCERS



CONTROL UNCONSCIOUS INFLUENCERS

