

You will be asked the following questions. Questions 1 through 7 will be worth 3 points each, question 8 will be worth 4 points each. You should expect to answer each question in one page with a maximum of a two page limit per question (Except question 8, which should be 2 to 3 pages in duration). Question responses will be given a grade of 3, if it answers clearly the question asked in the mind of the Professor. Responses that answer a majority of the question will be given a 2, while responses that are poorly authored will receive either a 1 or a 0 for total grade of 25 points. Question 8, will be on a 4, 3, 2, or 1. In each of your responses, identify the question first, before your answer. Failure to do this will result in a 10% penalty in your total grade. Responses will be 12 point font, double spaced. You will likely have to do some outside research to answer these questions (unless you like the score of 1), so please define your sources to answer your questions. You will be required to provide an electronic copy of your exam answers uploaded to the P drive for review and provide a final written copy on the due date of the exam.

1. Of the cases we have arbitrated this semester, which case did you feel was the most difficult to serve as arbitrator and why? Which is the most difficult to serve as Union Advocate and why? Which case you felt is most difficult to serve as Management Advocate and why?
2. Third party dispute resolution includes Arbitration, Mediation, Med/Arb, and Fact-Finding. Describe the 4 dispute resolution processes, discuss the advantages and disadvantages of each and state when each method of dispute resolution should likely be used.
3. Discuss the difference between Voluntary and Compulsory Arbitration the steps used to select an arbitrator, and which process (voluntary or compulsory arbitration) is likely to resolve disputes and why?.
4. There are three types of proof in arbitration cases; preponderance, clear and convincing and beyond a reasonable doubt. Describe, using legal terms, the concepts of each and identify when they are used in arbitration.
5. Describe the process you should use in preparing a witness for arbitration, and then describe the process that should be used in successfully cross examining a witness. I would recommend reading some additional sources on how "top" attorneys prepare for trial.
6. Define what is meant by past-practice and use outside research to support your definition. Discuss further when past-practice is accepted in arbitration and what an employer can do to prevent a successful past-practice argument.
7. Hearsay is a type of evidence. Describe specifically the exception to hearsay evidence in arbitration and define the reasons for this exception in arbitration over regular trial proceedings. (You may want to answer question 8 first)
8. Identify the types of evidence used in arbitration, including direct evidence, circumstantial evidence, relevant/irrelevant, hearsay, opinion and parol. Be clear in your description of each evidence type (4 point question).