

1-1-1999

News

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Recommended Citation

Corbin, Lillian (1999) "News," *ADR Bulletin*: Vol. 1: No. 7, Article 4.
Available at: <http://epublications.bond.edu.au/adr/vol1/iss7/4>

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Judges without delay

Lillian Corbin

Private Judges Inc operates out of Florida and offers a full range of dispute resolution options as an alternative to expensive litigation. Its slogan is 'Justice Without Delay'. The organisation states its willingness to tackle almost any matter, and stresses that its specialists in all aspects of ADR are not averse to travel.

Private Judges Inc has a panel of retired judges, together with experienced trial and corporate attorneys.

Through the panel it offers services in mediation, arbitration and private judging in most areas including contract disputes, malpractice, personal injury, intellectual property and patent law, workers compensation, divorce and child support matters, admiralty, corporate disputes, discrimination and labour issues, probate, and appeals, with the exception of criminal matters or those that have already gone to trial where no appeal is pending.

In order to proceed with a private trial, parties must agree to have the case heard by a 'special master' who has been given the authority by the court to try the case. Parties are able to choose a judge skilled in the area of law featured in the dispute. They must agree to pay their share of the fee involved, and agree that no jury is required. A trial date can usually be obtained within one month. Trials are held in private courtrooms.

Another sweetener for the interested consumer:

The actual trial will take less time because your judge will be able to devote more time to your case instead of fitting you in with 1500 other cases.

Another service offered by Private Judges Inc. is a 'Three Judge Trial'. This is equated with giving the parties a 'jury'. ❖

Relevant website:
<http://www.privatejudges.com>

Forthcoming events

MISSION POSSIBLE: Sports Business & the Olympics Preventing and Managing Disputes in the Year 2000

24 March 1999
 La Montage 38 Fraser St
 Leichhardt NSW 2040

A joint initiative of the Law Society of NSW and the University of Western Sydney (Macarthur), Mission Possible is a one day seminar focusing on all areas of possible conflict which may arise as a result of the staging of the Olympic Games, including contractual disputes, personal injury claims, ticketing disputes, land use development and others. Speakers include Sir Laurence Street, Justice Trish Kavanagh and Herb Elliott.

For further information contact Event Management on (02) 9926 0287, or email lgc@lawsocnsw.asn.au.

Test trials

Lillian Corbin

First Court, Inc has offices in Houston, Texas and Bismarck, North Dakota, and has been specialising in private jury trials since 1989. Matters most suited to these test trials are those which ultimately will involve a jury and potentially may attract a large liability payment. These include serious liability disputes, cases with multiple defendants, situations where the litigation team is in disagreement on how the matter should be argued, matters where witness credibility is hotly contested, and cases that involve complicated or technical arguments.

The test trial creates the climate of a normal courtroom but the attorneys are given additional chances to fine tune their case before panels of lay jurors. The test trial allows counsel to experiment by using different strategies with each of the juries so they can determine the best possible course

of action to be taken at the public trial. The test trials are designed to afford counsel the opportunity of evaluating the reactions of jurors to the facts, the witnesses, the law, the lawyers and the arguments. As well as witnessing the reactions of the jury panels during the enactment of the trial, the proceedings are videotaped to allow more detailed analysis. This process also allows witnesses to practise giving evidence in order to increase their confidence and so their credibility.

To obtain as realistic a result as possible, First Court recruit the jurors from the county where the case will be heard, as they recognise that attitudes do change according to location. Prior to the test trial, First Court works with the trial counsel in the preparation of their case. In order to make the proceedings even more authentic other

lawyers from the client's firm are briefed to play the role of the opponent in the proceedings.

First Court needs two weeks to organise a test trial. Because of the amount of preparation the service involves, clients are required to pre-pay a reservation fee which is non-refundable and covers the costs of recruiting, interviewing and paying the jurors and booking charges for conference rooms. This service is purely for the benefit of either the plaintiff or defendant and so the costs are totally borne by just the one party. Therefore, in order for this service to be attractive, the clients need to see it as an economical way to evaluate the strengths and weaknesses of their case and aid them to choose the best trial strategies. First Court offers some guidance in this.

A typical costing ranges between \$9,500 and \$14,500. ❖

Relevant website
<http://www.firstcourt.com>