**Justice Marie L. Garibaldi American Inn of Court for ADR**

Considerations in Making Domestic Arbitrations More Economical and Efficient

November 10, 2022

**POLLING RESULTS**

**PROPOSITION 1:** *“Hot Tubbing” of expert witness technical opinion testimony is a useful and adaptable procedure in commercial arbitrations*

*Before the debate*

1. Have experts testified using “hot-tubbing” (concurrent expert evidence) in a case (arbitration or litigation), in which you have participated as judge, arbitrator, advocate, or otherwise?

* Yes 42%
* No 38%
* N/A 19%

*2. “Hot Tubbing” of expert witness technical opinion testimony is a useful and adaptable procedure in commercial arbitrations.*

* Yes 62%
* No 4%
* I do not know 35%

*After the debate*

*3. “Hot Tubbing” of expert witness technical opinion testimony is a useful and adaptable procedure in commercial arbitrations.*

* Yes 83%
* No 14%
* I do not know 3%

4. Did you change your view of the proposition based on the debate?

* Yes 21%
* No 79%

**PROPOSITION II:** *Redfern schedules are not only for discovery disputes and construction cases.*

*Before the debate*

5. Have you used Redfern schedules in any case (arbitration or litigation), in which you have participated as judge, arbitrator, advocate, or otherwise?

* Yes 19%
* No 69%
* N/A 13%

*6. Redfern schedules are not only for discovery disputes and construction cases.*

* Yes 25%
* No 0%
* I do not know 75%

*After the debate*

*7. Redfern schedules are not only for discovery disputes and construction cases.*

* Yes 70%
* No 13%
* I do not know 17%

 8. Did you change your view of the proposition based on the debate?

* Yes 53%
* No 47%

**PROPOSITION III:** *New Jersey arbitrators should be able to permit small commercial entities, such as partnerships and LLCs, to present their cases by non-lawyers, such as partners, experts, or managers.*

*Before the debate*

9. Have entity parties (corporation, LLC, etc.) been represented by non-lawyers in an arbitration in which you have participated as arbitrator or advocate?

* Yes 20%
* No 52%
* N/A 28%

10. Have entity parties (corporation, LLC, etc.) been precluded from being represented by non-lawyers in an arbitration in which you have participated as arbitrator or advocate?

* Yes 8%
* No 48%
* N/A 44%

*11. New Jersey arbitrators should be able to permit small commercial entities, such as partnerships and LLCs, to present their cases by non-lawyers, such as partners, experts, or managers.*

* Yes 76%
* No 20%
* I do not know 4%

 *After the debate*

*12.  New Jersey arbitrators should be able to permit small commercial entities, such as partnerships and LLCs, to present their cases by non-lawyers, such as partners, experts, or managers.*

* Yes 46%
* No 50%
* I do not know 4%

 13. Did you change your view of the proposition based on the debate?

* Yes 31%
* No 69%