

# IMPORTANCE OF DISCOVERY IN ARBITRATION



## LEGAL TIPS

By William P. Brogley, William P. Brogley Law Offices

If you are making a claim, be ready to prove that claim.

In Pennsylvania, if a dispute filed in a Court of Common Pleas is for a dollar value not in excess of fifty-thousand dollars, the lawsuit must first be heard and decided by an arbitration panel. The panel consists of three practicing attorneys, with the attorney longest in the tooth sitting as chairperson.

For the most part, the matter proceeds just like a trial, with the Plaintiff presenting evidence in an attempt to satisfy their burden of proof for the alleged cause of action. Often the defendant presents cross-claims. There is direct examination and cross examination of the witnesses. The panel hears the evidence and renders a decision. Either party can appeal the decision, but that's for another day.

The best thing about arbitration, the one rule of civil procedure that gives the process ninety-nine percent of its value, in

my opinion, is *Pennsylvania Rule of Civil Procedure 1305. Conduct of Hearing. Evidence.* This rule allows, in short, that just about any document relied upon by a party to prove some element of their case is automatically authenticated and admissible so long as counsel provides the opposing party's attorney a copy of the document, and notice of intent to introduce twenty days or more before the arbitration hearing. Billing records. Contracts. Records of business. Expert reports. Medical records. Boom. They are all in.

(Continued on page 49)

## MARATHON CAPITAL ADVISORS MARATHON FRANCHISE ADVISORS MARATHON FINANCING ADVISORS

WE ARE PROFESSIONALS EXPERIENCED IN ALL ASPECTS OF M&A TRANSACTIONS INCLUDING MARKETING, NEGOTIATING, STRUCTURING, FINANCING AND TRANSITION PLANNING.



4 Park Plaza  
Wyomissing, PA 19610  
Phone: 610-898-8086 ■ Fax: 610-898-8090  
VRMARATHON.COM



**VALLEY FORGE**  
TOURISM & CONVENTION BOARD

PLAN YOUR NEXT  
**MEETING**  
WITH US



**REVOLUTIONARYEVENTS**  
VALLEY FORGE & MONTGOMERY COUNTY PA  
FORGE THE EXTRAORDINARY

- **75+** World-Class Hotels
- Unique Team Building Possibilities
- Meeting Planner Financial Rewards & Services
- **1,600** Restaurants • Free Parking

**VISIT US AT**  
**VALLEYFORCE.ORG/MEETINGS**

**CONTACT**  
**MEET@VALLEYFORCE.ORG**  
**TO PLAN YOUR NEXT EVENT**



# CJ's Tire & AUTOMOTIVE



## Commercial Advantage

*Saving you time & money  
is our business!*

We take care of fleets of one to one hundred vehicles.

**Auto and light truck vehicle  
maintenance including:**

- Tires and Tire Services
- PA State Inspections
- Diagnostic Services
- Vehicle Manufacturer Scheduled Maintenance

**Trusted brands Including:**



**We honor National Accounts**

*Customized pricing and employee discounts*

*Locally owned and operated*

15 locations in the tri-county area

More info at [cjtire.com/commercialadvantage](http://cjtire.com/commercialadvantage)

## LEGAL TIPS

(Continued from page 47)

And this matters why? Because as a litigant, you do not need to expend dollars having a witness come to the hearing — if they are even available — and testify to the authenticity of the document. The cost of producing such witnesses may take all the value out of the case and leave no money on the table for a settlement.

But there is a problem. These documents are not always produced, and on the day of arbitration the panel is left wanting for sufficient evidence from either party to prove its case. This is often because the attorney has not done sufficient discovery or — and this is partially on you, business owners — they didn't know your business well enough to know what to discover.

Make sure your attorney knows your business. You are far smarter and more informed about your business than your attorney is. What is as natural as breathing to you is — as one witness said today — as foreign as Mandarin and Greek to everyone else. This rule motivates arbitration. Do not fail to use it to your full advantage.

Feel free to stop in my office at 18 South Charlotte Street, Pottstown, reach me through [www.williambrogley.com](http://www.williambrogley.com), or give me a call at 484.634.5458.



**11 Robinson Street, Suite 100  
Pottstown, PA 19464**

(Note: hours are subject to change)

Hours of Operation — Monday: 8am-8pm

Tuesday-Thursday\*: 8am-7pm

Friday\*: 8am-5pm • Saturday: 8am-3pm

\* Dental only closes at 5:00pm

\*\*Dental only closes at 4:00pm

**700 Heritage Drive, Suite 701**

Hours of Operation — Monday: 8am-5pm

Tuesday-Thursday: 8am-7pm

Friday: 8am-5pm

**Walk-ins are welcome (For existing patients)**

**800 Heritage Drive, Suite 802  
(Dental)**

Hours of Operation —

Monday - Wednesday: 8am-6pm

Thursday: 8am-8pm • Friday: 8am-2pm

**Phone: 610-326-9460**

**Fax: 610-326-2432**

**<http://www.ch-dc.org>**

## DID YOU KNOW CHDC

Provides Pediatric Care, Medical, Dental, OB/GYN and Pre-Natal, Vision and Substance Abuse treatment — with a supportive team to assist.

*Kids visits include:*

Medical/Dental with same day appointments, physicals for school, sports, driving permits. We also offer immunizations for all ages at 11 Robinson Street location, and at 700 Heritage Drive location.

## Bob's Auto 610-326-6040

- Inspections • Emissions • Tires • Batteries
- Air Conditioning • Diagnostics • Wheel Alignments
- Scheduled Maintenance • Brakes • Vehicle Repairs
- Tune-Ups • Oil Changes • Steering • Suspensions



[bobsautopottstown.com](http://bobsautopottstown.com)

335 West High Street - Pottstown, PA 19464

Enter to **WIN A YEAR OF  
FREE OIL CHANGES!**

**[contest.bobsautopottstown.com](http://contest.bobsautopottstown.com)**

see website for contest details and rules



**RE/MAX  
Synergy**

**Douglassville Shopping Center**



**Regina McLaughlin Williams, Broker/Owner**

Cell # 484-686-0307

Office # 610-385-0090

[Mclaughlinregina@aol.com](mailto:Mclaughlinregina@aol.com)