Dispositive Motions in Arbitration
Best Practices for Advocates & Arbitrators

February 16, 2016 – 1:00 p.m. to 2:30 p.m. ET

PROGRAM SUMMARY

Speakers: Robert L. Arrington and Steven C. Huret

Dispositive motions in arbitration are growing in number. Are they allowed at all? By what authority? Must the arbitrator entertain them? When? What are the standards for determination? What should advocates consider in deciding whether to file such a motion? These questions will be answered in this 90-minute webinar.

AGENDA

1:00 p.m. Welcome and Introduction of Speakers (5 minutes)

1:05 p.m. Dispositive Motions (75 minutes)

Authority for Dispositive Motions in Arbitration
- Arbitration Agreement
- Rules

Standards for Deciding Motions
- Federal
- State
- Rule-Based

Will an award granting a dispositive motion be confirmed?

Managing Dispositive Motions

When to File; When not to File

2:20 p.m. Conclusion and Questions (10 minutes)

2:30 p.m. Evaluation (5 minutes)

2:35 p.m. Adjourn
Robert L Arrington
President/Chairman of Executive Committee

Bob Arrington's practice includes:

- Employment law and litigation (analysis and advice, training, employment discrimination claims, labor-management grievances, and unfair competition and non-compete clauses).
- Commercial litigation (construction, breach of contract, special asset cases, and creditor bankruptcy practice).
- Probate (will and trust) litigation.
- Arbitration
- Mediation

Arrington is a member of the American Arbitration Association's Rosters of Neutrals for arbitration and mediation of commercial, employment, and class action disputes and for non binding arbitration. He has been named as a panel member of the Banking, Accounting and Financial Services, Employment and Tennessee Distinguished Panels of Neutrals with the International Institute for Conflict Prevention & Resolution (CPR). He has been approved as a Financial Industry Regulatory Authority (FINRA) Dispute Resolution Arbitrator. He is listed with the Tennessee Supreme Court's Commission on Alternative Dispute Resolution as a Rule 31 General Civil Mediator. He is also a member of the panel of court approved arbitrators and mediators for the United States District Court for the Eastern District of Tennessee. Mr. Arrington is AV-rated in Martindale-Hubbell, the highest rating awarded by this most widely-used directory of lawyers. He chairs the firm's section on alternative dispute resolution and is a member of the employment and commercial litigation practice groups. He attended advanced mediation training from the National Academy of Mediators and Arbitrators.

Professional Activities & Honors

- Kingsport Area Chamber of Commerce (past president)
- Rotary Club of Kingsport (Downtown) (past president)
- Kingsport Jaycees (past president)
- Kingsport Center of Opportunity, Inc. (past president)
- Past Member of the Board of Directors of the Kingsport Chamber Foundation, Inc.
- Columnist for Kingsport Times-News
- Chair of the Executive Council of the Tennessee Bar Association Section on Alternative Dispute Resolution
- Member of the Board of Directors of Tennesseeans for Fair and Impartial Courts (TFIC)

Publications

- "Employment Dispute Resolution - An Idea Whose Time Has Come?" TENNESSEE BAR JOURNAL, Sept 2001
- "I Admit Your Former Testimony is Admissible - As an Admission," TENNESSEE BAR JOURNAL, Sept/Oct 1994
- "CLE at the Office," TENNESSEE BAR JOURNAL, Aug/Sept 1993

Presentations

- Tennessee Bar Association (2010): "Arbitration Fairness Act" (with Marnie Huff)
- Tennessee Bar Association (2010): "Arbitration 101" (webcast with Ken Jackson)
Tennessee Bar Association's Court Square Seminar (2012): Mediation and Arbitration
Tennessee Bar Association: "Saving Time and Money in Arbitration and Mediation" (webcast with Wearen Hughes December 17, 2012)
Tennessee Bar Association (2013): "How to Initiate an Arbitration Proceeding" (part of the Section of Dispute Resolution Annual ADR Seminar)

Reported Cases
Weaver v. Hamrick, 907 S.W. 2d. 385 (Tenn. 1995)
Cassel Bros., Inc. v. Crump Assoc. 14 Bankruptcy (West), 698 (Bankr. E.D. Tenn. 1981)

Professional Affiliations
American Bar Association, member (sections on Business, Litigation, Labor and Employment and Alternative Dispute Resolution)
Tennessee Bar Association, member (sections on Bankruptcy, Dispute Resolution, Litigation and Employment)
Kingsport Bar Association, member (past president)
Federal Bar Association
Phi Beta Kappa
Delta Theta Phi Law Fraternity

Tennessee Academy of Mediators and Arbitrators
Biography for Steven C. Huret

Steven C. Huret is a shareholder with the law firm of Wilson Worley PC in Kingsport, Tennessee where he is admitted to practice before all Tennessee state courts, the U.S. District Court for the Eastern District of Tennessee, and the Sixth Circuit Court of Appeals. He practices in the areas of personal injury litigation, commercial litigation, creditors’ rights, special assets collection including foreclosures and workouts, and landlord/tenant rights that involve residential and commercial property. Mr. Huret primarily defends individuals and insurance companies in automobile accident litigation, but he occasionally represents injured parties. He also represents and litigates on behalf of various financial institutions in state, federal district court, and bankruptcy court. He is a member of the American Bar Association’s Litigation Section and a past member of the Tort, Trial, and Insurance Practice Section. He is also a past member of the executive committee of the Tennessee Bar Association’s Litigation Section and a current member of the Alternative Dispute Resolution Section. He is a neutral for the American Arbitration Association handling expedited commercial matters. He is also a past president of the Kingsport Bar Association. While in law school, he received an honorable mention for the best first year appellate brief. He was a finalist in Cumberland’s negotiation competition and competed regionally as a member of Cumberland’s ABA national negotiation team. He earned his B.A. degree *cum laude* from Hampden-Sydney College and his J.D. degree from Cumberland School of Law at Samford University, where he was named to the dean’s list for several semesters. Mr. Huret also served for two years as the president of the Tennessee Student Bar Association at Cumberland.
BIBLIOGRAPHY

Statutes

**FED. R. CIV. P. 12(b)-(c), (f)**

**FED. R. CIV. P. 56**


Uniform Arbitration Act, TENN. CODE ANN. § 29-5-301 et seq.


Cases


*Webb v. Nashville Habitat for Humanity, Inc.*, 346 S.W.3d 422 (Tenn. 2011)

Secondary Sources

