



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 Authority for Dispositive Motions in Arbitration <ul style="list-style-type: none">• Arbitration Agreement• Rules Standards for Deciding Motions <ul style="list-style-type: none">• Federal• State• Rule-Based Will an award granting a dispositive motion be confirmed? Managing Dispositive Motions When to File; When not to File	(75 minutes)
2:20 p.m.	Conclusion and Questions	(10 minutes)
2:30 p.m.	Evaluation	(5 minutes)
2:35 p.m.	Adjourn	


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Contact

Phone: (423) 723-0402
Fax: (423) 723-0429

Email: rarrington@wilsonworley.com

vCard: [Download](#)

Practice Areas

Labor & Employment
Litigation/Dispute Resolution

Education

JD, University of North Carolina School of Law, Chapel Hill, 1975
BA in Journalism (Honors in Writing), University of North Carolina, Chapel Hill, 1972

Bar & Court Admissions

Tennessee State Courts, 1975
U.S. District Court for Eastern District of Tennessee, 1976
U.S. Court of Appeals for the Sixth Circuit, 1981



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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 claims).
- 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 Distinguished Neutrals. He is also a member of the [Tennessee 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 Tennesseans for Fair and Impartial Courts (TFIC)

Publications

"Tips for Advocates in Arbitration," TENNESSEE BAR JOURNAL, June 2009
"Employment Dispute Resolution - An Idea Whose Time Has Come?" TENNESSEE BAR JOURNAL, Sept 2001
"A Lawyer's Dream, a Client's Nightmare," TENNESSEE BAR JOURNAL, Nov/Dec 1997
"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
"Unemployment Compensation and Workers' Compensation for Tennessee Employers," TENNESSEE CHAMBER OF COMMERCE AND INDUSTRY, Contributing Editor
"Tennessee Human Resources Manual," TENNESSEE CHAMBER OF COMMERCE AND INDUSTRY, Contributing Editor
"An Arbitrator's Guide to Social Networking Issues in Labor and Employment Cases," DISPUTE RESOLUTION JOURNAL, Jan 2012 (co-author with Aaron Duffy and Elizabeth Rita)

Presentations

Tennessee Bar Association (2009): "Arbitration - ABC's and Hot Issues"
Tennessee Bar Association (2010): "Arbitration Fairness Act" (with Marnie Huff)
Tennessee Bar Association (2010): "Arbitration 101" (webcast with Ken Jackson)
American Arbitration Association (2010): "All-A-Twitter About Social Networking" (webinar and live seminar with David Stacy and Elizabeth Rita)
Tennessee Bar Association Alternative Dispute Resolution Forum (2011): "Arbitration: Significant Issues for the Practitioner" (with Ken Jackson)
American Arbitration Association (2012): "All a Twitter About Social Networking: Impact on Arbitration Practice, Procedure and Cases" (webcast with Loretta T. Attardo)
Kingsport Association for Continued Learning (2012): Origins of the Constitution and the Declaration of Independence

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)
Quebecor Printing Corp. v. L & B Mfg. Co., 209 S.W. 3d. 565 (Tenn. Ct. App. 2006)
First Tennessee Bank National Assoc. v. Bad Toys, Inc., 159 S.W.3d 557 (Tenn. App., 2004)

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

2021 Meadowview Lane
2nd Floor
PO Box 88
Kingsport, TN 37662

Phone: 423-723-0400
Fax (Litigation): 423-723-0429
Fax (Real Estate): 423-723-0430
Email: info@wilsonworley.com

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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

Fed. Arbitration Act, 9 U.S.C.A. § 1 et seq.

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

Revised Uniform Arbitration Act, 15 U.S.C.A. §7001 et seq.

Cases

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)

Schlessinger v. Rosenfeld, Meyer & Susman, 40 Cal. App. 4th 1096 (Cal. Ct. App. 1995)

Sherrock Brothers, Inc. v. Daimler Chrysler Motors Company, LLC, 260 Fed. Appx. 497, 502 (3d Cir. 2008)

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

Secondary Sources

Guidelines for the Arbitrator's Conduct of the Pre-Hearing Phase of Domestic Commercial & International Arbitrations, New York State Bar Association, Dispute Resolution Section, available at https://www.nysba.org/Sections/Dispute_Resolution/Dispute_Resolution_PDFs/Guidelines_for_the_Efficient_Conduct_of_the_Pre-hearing_Phase_of_Domestic_Commercial_Arbitrations_and_International_Arbitrations.html (2010).

"Reflections on the Use of Dispositive Motions in Arbitration", *New York Dispute Resolution Lawyer* (Spring 2011, Vol. 4, No. 1).



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