

Detroit Legal News.

News you cannot get anywhere else.

www.legalnews.com

Vol. CXXX, No. 125

Tuesday, June 24, 2025

75 Cents

DAILY BRIEFS

Public defender discusses 'Unseeing the Prosecution's Case' July 10

The National Association for Public Defense (NAPD) will present a webinar on "Unseeing the Prosecution's Case" Thursday, July 10, from 2 to 3 p.m.

This presentation will discuss the way to approach developing a defense from the beginning of a representation of a client. Attendees will learn how to move past the discovery and expand the information to lay the groundwork to developing a proper theory of defense. The program will also explore strategies to control the evidence which is presented to the jury so the facts of the case are those which best support a theory of defense.

Speaking at the webinar will be Andre Vitale who has served as a public defense lawyer for more than 25 years as a trial lawyer, training director, educator, and mentor. He currently works as the First Assistant Deputy Public Defender with the Essex Trial Region of the New Jersey Office of the Public Defender. He has developed an expertise in defending homicide and sex cases, with a proficiency in contesting forensic and other technical evidence, including DNA, fingerprints, CSAAS, and eyewitness identification.

Cost for the webinar is \$50.

To register, visit <https://publicdefenders.us/event/unseeing-the-prosecutions-case>.

Lunch & Learn discussion to focus on victim rights

The Prosecuting Attorneys Association of Michigan's Victim Services Training Unit will host an online lunch-time discussion between and among victim advocates. The Victim Advocates Lunch & Learn "Lettuce Talk" will take place online Thursday, July 17, from noon to 1 p.m. via Zoom.

PAAM VSTU plans to offer victim rights related topics to prompt discussion. It also looks to this opportunity as a way to maintain community among victim advocates across Michigan. This meeting is for AG advocates and prosecutor-based victim advocates only.

To register for the online discussion, visit <https://michiganprosecutor.org> and click on "Training Calendar." After registration is approved, participants will receive a confirmation email with the Zoom access link.

Anyone with questions may contact Alex McGowan at McGowanA1@michigan.gov, Bill Dailey at DaileyB2@michigan.gov, or Jeannie Wernet at WernetJ@michigan.gov.

This training is supported by a Crime Victim Rights Award. This award was made to the Prosecuting Attorneys Association of Michigan by the Michigan Department of Health and Human Services, Division of Victim Services.



Find us on:
facebook

LegalNews.com

INSIDE DLN

Business News	2
City Council Minutes (10-24-23)	6
City Request for Bids	14
Classified Ads	4
Court Digest	4
Court News	3
Legal Notices	15
National News	19
Public Hearing Notices	14



6 56525 10151 9

Annual Dinner



Photo by John Meiu

The Eastern District of Michigan Bar Association conducted its Annual Dinner on Thursday, June 5, at the Westin Book Cadillac in Detroit. During the event, the 2025 Julian Abele Cook Jr. - Bernard A. Friedman Civility Award was presented to Gerald Gleeson of Miller Canfield. The Annual Dinner also featured recognition and thank yous to the members of the federal bench, election of chapter officers, and social time with friends and colleagues. Among those attending the event were (l-r) U.S. District Court Magistrate Judge Anthony Patti, Robin Wagner, U.S. District Court Judge Laurie Michelson, U.S. District Court Judge Robert White, U.S. District Court Judge Susan DeClercq, U.S. District Court Chief Judge Sean Cox, Rosemary Gleeson, U.S. Bankruptcy Court Judge Paul Hage, Gerald Gleeson, Madeline Gleeson, Andrew Lievense, U.S. District Court Magistrate Judge Elizabeth Stafford, U.S. District Court Judge Matthew Leitman, Lauren Mandel, U.S. District Court Judge Paul Borman, Charissa Potts, George Donnini, and Matt Allen. The association was also delighted that U.S. District Court Judge Gershwin Drain (not pictured) attended the Annual Dinner.

DOMESTIC ARBITRATION

Motions in Arbitration: Dispositive and Procedural Motion Practice

By HARSHITHA RAM



This is the seventh article in a 12-part series on domestic arbitration, providing a comprehensive guide through each stage of the process. In this installment, we

take an in-depth look at *Motions in Arbitration: Dispositive and Procedural Motion Practice*. Stay tuned for Part 8: "Preparing for the Arbitration Hearing: Evidence and Witnesses" coming next month.

Arbitration is often lauded for its streamlined process and efficiency when compared to traditional litigation. However, as arbitration becomes more complex—especially in high-stakes commercial disputes—the procedural mechanisms increasingly resemble courtroom practice. One key area where this convergence is evident is in the use of motions, both dispositive and procedural.

Understanding Motions in Arbitration

In litigation, motions serve as formal requests to the court to rule on specific issues before trial or even to resolve the case outright. Similarly, in arbitration, parties may submit motions to arbitrators for decisions on discrete procedural or substantive matters. Yet, because arbitration is a creature of contract, the authority of arbitrators to entertain motions—and the standards by which they rule—often vary depending on the arbitration agreement, institutional rules, and the arbitrator's discretion. Broadly, motions in arbitration fall into two categories: procedural motions and dispositive motions. Understanding the nature, purpose, and strategic use of

these motions is essential to effective advocacy in arbitration proceedings.

Procedural Motions: Managing the Arbitration Process

Procedural motions in arbitration are typically used to regulate the flow and conduct of the proceedings. One common example is a request for an extension of deadlines, often filed to accommodate scheduling conflicts, unexpected developments, or other practical challenges. Parties may also file motions to compel or limit discovery—the former to secure access to essential documents or testimony, and the latter to curb overly broad or burdensome discovery demands that could undermine arbitration's efficiency.

In some cases, a party may seek a motion to bifurcate the proceedings, such as separating liability from damages, to streamline the process and potentially facilitate early resolution of threshold issues. Another frequent filing is a motion for a protective order, typically aimed at safeguarding confidential information or shielding a party from discovery that is unduly invasive or harassing in nature. Counsel may also file motions to strike or exclude evidence, challenging the relevance, admissibility, or appropriateness of certain documents, expert reports, or witness testimony. Lastly, motions to amend pleadings or submissions are occasionally necessary when a party needs to clarify legal claims, add new allegations, or correct procedural deficiencies that arise during the course of arbitration.

These motions serve a critical function in shaping the path of the arbitration and preserving procedural fairness. For instance, a motion to limit discovery in a narrowly scoped commercial contract dispute may prevent unnecessary costs and delays, aligning with arbitration's goal of efficiency. Procedural motions are generally welcomed by arbitrators when they serve to clarify timelines, resolve disputes between

counsel, or promote the orderly conduct of proceedings. That said, unlike in litigation, arbitrators typically frown upon excessive procedural wrangling. The American Arbitration Association (AAA) and JAMS rules, among others, urge arbitrators to minimize procedural skirmishes that can derail the streamlined nature of arbitration.

Dispositive Motions: The Controversial Cousin

Dispositive motions—particularly motions to dismiss and motions for summary judgment—are more controversial in arbitration practice. These motions seek to resolve part or all of the dispute without a hearing on the merits. Motion to Dismiss: Challenges the sufficiency of a claim as a matter of law. It may allege, for instance, that the claim is barred by the statute of limitations or that the claimant lacks standing. Motion for Summary Disposition (akin to Summary Judgment): Argues that there are no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law.

Because arbitration is intended to be quicker and more informal than court proceedings, many arbitrators approach dispositive motions with caution. There is often no automatic right to file such motions unless the arbitration agreement or rules explicitly permit them. Even then, arbitrators may only allow them after finding that the motion has a reasonable chance of success and will meaningfully narrow the issues or resolve the case entirely.

Best Practices for Motion Practice in Arbitration

- Be Strategic: Filing motions in arbitration is not routine—it must be purposeful. Procedural motions should be geared toward improving efficiency, and dispositive motions should be reserved for strong legal arguments with factual clarity.

See **MOTIONS**, Page 5

Is ranked choice voting the next step in pro-voter reform? Rank MI Vote petitioners say yes

Michigan voters may see a proposal on 2026 ballots to move the state to ranked choice voting and institute several other election changes – including moving state primary elections up to June from August.

The advocacy group Rank MI Vote believes this is the natural progression of reforms made via petition initiative in 2018 and 2022.

"It's likely that the next governor could win the race with less than 45 or 40 percent of the vote, and we think that Michigan voters deserve better. They deserve candidates who've won with over 50 percent of Michiganans' support if they're going to represent Michiganans," Rank MI Vote Executive Director Pat Zabawa said. "And that's what ranked choice voting ensures."

Ranked choice voting, or RCV, has grown in popularity alongside the increasing phenomenon of candidates winning elections without winning a majority of voters in those jurisdictions. RCV proponents argue the method ensures elected officials are more connected to and responsible for the communities they represent when they've been elected by a majority of voters.

Zabawa cited bipartisan examples of candidates winning Michigan elections without a majority of the voters' support in recent years, including U.S. Rep. Shri Thanedar (D-Detroit), who won his seat in the 13th U.S. House District with only 28 percent of the vote in 2022, and Tudor Dixon's victory in the Republican gubernatorial primary that same year with less than 40 percent of the vote.

Under a ranked choice system like the one being put forth as a ballot petition initiative by Rank MI Vote, voters would rank all the candidates on the ballot in both primary and general elections, at the state and federal, and some local levels. If a candidate does not receive over 50

See **REFORM**, Page 5

Official Newspaper: City of Detroit • Wayne Circuit Court • U.S. District Court • U.S. Bankruptcy Court

■ Money Matters

How artificial intelligence controls your health insurance coverage

Page 2

■ Consider This

U.S. and Iran have a long and complicated history spanning decades

Page 3

■ Legal Affairs

Supreme Court decision could have profound impacts on Trump agenda

Back Page

IRAN:*U.S. bombed 3 nuclear sites*

From Page 3

2002: Iran's nuclear program raises alarm

In August 2002, an exiled rebel group announced that Iran had been secretly working on nuclear weapons at two installations that had not previously been publicly revealed.

That was a violation of the terms of the Nuclear Nonproliferation Treaty, which Iran had signed, requiring countries to disclose their nuclear-related facilities to international inspectors.

One of those formerly secret locations, Natanz, housed centrifuges for enriching uranium, which could be used in civilian nuclear reactors or enriched further for weapons.

Starting in roughly 2005, U.S. and Israeli government cyberattackers together reportedly targeted the Natanz centrifuges with a custom-made piece of malicious software that became known as Stuxnet.

That effort, which slowed down Iran's nuclear program was one of many U.S. and international attempts — mostly unsuccessful — to curtail Iran's progress toward building a nuclear bomb.

2003: Iran writes to Bush administration

In May 2003, senior Iranian officials quietly contacted the State Department through the Swiss embassy in Iran, seeking "a dialogue 'in mutual respect,'" addressing four big issues: nuclear weapons, terrorism, Palestinian resistance and stability in Iraq.

Hardliners in the Bush administration weren't interested in any major reconciliation, though Secretary of State Colin Powell favored dialogue and other officials had met with Iran about al-Qaida.

When Iranian hardliner Mahmoud Ahmadinejad was elected president of Iran in 2005, the opportunity died. The following year, Ahmadinejad made his own overture to Washington in an 18-page letter to President Bush. The letter was widely dismissed; a senior State Department official told me in profane terms that it amounted to nothing.

2015: Iran nuclear deal signed

After a decade of unsuccessful attempts to rein in Iran's nuclear ambitions, the Obama administration undertook a direct diplomatic approach beginning in 2013.

Two years of secret, direct negotiations initially bilaterally between the U.S. and Iran and later with other nuclear powers culminated in the Joint Comprehensive Plan of Action, often called the Iran

nuclear deal.

Iran, the U.S., China, France, Germany, Russia and the United Kingdom signed the deal in 2015. It severely limited Iran's capacity to enrich uranium and mandated that international inspectors monitor and enforce Iran's compliance with the agreement.

In return, Iran was granted relief from international and U.S. economic sanctions. Though the inspectors regularly certified that Iran was abiding by the agreement's terms, President Donald Trump withdrew from the agreement in May 2018.

2020: US drones kill Iranian Maj. Gen. Qassem Soleimani

On Jan. 3, 2020, an American drone fired a missile that killed Maj. Gen. Qassem Soleimani, the leader of Iran's elite Quds Force. Analysts considered Soleimani the second most powerful man in Iran, after Supreme Leader Ayatollah Khamenei.

At the time, the Trump administration asserted that Soleimani was directing an imminent attack against U.S. assets in the region, but officials have not provided clear evidence to support that claim.

Iran responded by launching ballistic missiles that hit two American bases in Iraq.

2023: The Oct. 7 attacks on Israel

Hamas' brazen attack on Israel on Oct. 7, 2023, provoked a fear-some militarized response from Israel that continues today and served to severely weaken Iran's proxies in the region, especially Hamas — the perpetrator of the attacks — and Hezbollah in Lebanon.

2025: Trump 2.0 and Iran

Trump saw an opportunity to forge a new nuclear deal with Iran and to pursue other business deals with Tehran. Once inaugurated for his second term, Trump appointed Steve Witkoff, a real estate investor who is the president's friend, to serve as special envoy for the Middle East and to lead negotiations.

Negotiations for a nuclear deal between Washington and Tehran began in April, but the countries did not reach a deal. They were planning a new round of talks when Israel struck Iran with a series of airstrikes on June 13, forcing the White House to reconsider its position.

On June 22, in the early morning hours, the U.S. chose to act decisively in an attempt to cripple Iran's nuclear capacity, bombing three nuclear sites and causing what Pentagon officials called "severe damage." Iran vowed to retaliate.

the dispute. The arbitrator ultimately granted partial summary disposition on the liability cap, cutting the client's potential recovery by more than 95%. The matter settled soon after, as full hearing no longer made economic sense. This case illustrates how dispositive motions, when used strategically, can sharpen the focus of arbitration rather than disrupt it.

While arbitration remains a more flexible and informal process than court litigation, the growing complexity of disputes makes motion practice—both procedural and dispositive—an important part of the arbitration toolkit. When used thoughtfully and sparingly, motions can help parties focus the issues, eliminate wasteful processes, and even bring the arbitration to a timely resolution. Still, motion practice must be approached with a keen awareness of the arbitration agreement, the rules in play, and the arbitrator's preferences. In arbitration, procedural prudence often trumps procedural aggressiveness. Advocates who understand this balance can turn motion practice into a powerful strategic advantage.

Harshitha Ram is an international disputes attorney, arbitrator, mediator, lecturer in law, and the president of the Global Arbitration Mediation Academy (GAMA). She serves as the chair of the ADR Section of the Detroit Bar Association. To learn more or to connect with her, visit: www.harshitharam.com www.adracademy.us

Political Scene**WASHINGTON****GOP tax bill would ease regulations on gun silencers and some rifles and shotguns***Advances longtime priority of the gun industry*By MARY CLARE JALONICK
Associated Press

WASHINGTON (AP) — The massive tax and spending cuts package that President Donald Trump wants on his desk by July 4 would loosen regulations on gun silencers and certain types of rifles and shotguns, advancing a longtime priority of the gun industry as Republican leaders in the House and Senate try to win enough votes to pass the bill.

The guns provision was first requested in the House by Georgia Rep. Andrew Clyde, a Republican gun store owner who had initially opposed the larger tax package. The House bill would remove silencers — called "suppressors" by the gun industry — from a 1930s law that regulates firearms that are considered the most dangerous, eliminating a \$200 tax while removing a layer of background checks.

The Senate kept the provision on silencers in its version of the bill and expanded upon it, adding short-barreled, or sawed-off, rifles and shotguns.

Republicans who have long supported the changes, along with the gun industry, say the tax infringes on Second Amendment rights. They say silencers are mostly used by hunters and target shooters for sport.

"Burdensome regulations and unconstitutional taxes shouldn't stand in the way of protecting

American gun owners' hearing," said Clyde, who owns two gun stores in Georgia and often wears a pin shaped like an assault rifle on his suit lapel.

Democrats are fighting to stop the provision, which was unveiled days after two Minnesota state legislators were shot in their homes, as the bill speeds through the Senate. They argue that loosening regulations on silencers could make it easier for criminals and active shooters to conceal their weapons.

"Parents don't want silencers on their streets, police don't want silencers on their streets," said Senate Democratic leader Chuck Schumer, D-N.Y.

The gun language has broad support among Republicans and has received little attention as House Speaker Mike Johnson, R-La., and Senate Majority Leader John Thune, R-S.D., work to settle differences within the party on cuts to Medicaid and energy tax credits, among other issues. But it is just one of hundreds of policy and spending items included to entice members to vote for the legislation that could have broad implications if the bill is enacted within weeks, as Trump wants.

Inclusion of the provision is also a sharp turn from the climate in Washington just three years ago when Democrats, like Republicans now, controlled Congress and the White House and pushed through bipartisan gun legislation. The bill increased background checks for some buyers under the age of 21, made it easier to take firearms from potentially dangerous people and sent millions of dollars to mental health services in schools.

Passed in the summer of 2022, just weeks after the shooting of

19 children and two adults at a school in Uvalde, Texas, it was the most significant legislative response to gun violence in decades.

Three years later, as they try to take advantage of their consolidated power in Washington, Republicans are packing as many of their longtime priorities as possible, including the gun legislation, into the massive, wide-ranging bill that Trump has called "beautiful."

"I'm glad the Senate is joining the House to stand up for the Second Amendment and our Constitution, and I will continue to fight for these priorities as the Senate works to pass President Trump's One Big Beautiful Bill," said Texas Sen. John Cornyn, who was one of the lead negotiators on the bipartisan gun bill in 2022 but is now facing a primary challenge from the right in his bid for reelection next year.

If the gun provisions remain in the larger legislation and it is passed, silencers and the short-barrel rifles and shotguns would lose an extra layer of regulation that they are subject to under the National Firearms Act, passed in the 1930s in response to concerns about mafia violence. They would still be subject to the same regulations that apply to most other guns — and that includes possible loopholes that allow some gun buyers to avoid background checks when guns are sold privately or online.

Larry Keane of the National Shooting Sports Foundation, who supports the legislation, says changes are aimed at helping target shooters and hunters protect their hearing. He argues that the use of silencers in violent crimes is rare. "All it's ever intended to do is to reduce the report of the

firearm to hearing safe levels," Keane says.

Speaking on the floor before the bill passed the House, Rep. Clyde said the bill restores Second Amendment rights from "over 90 years of draconian taxes." Clyde said Johnson included his legislation in the larger bill "with the purest of motive."

"Who asked for it? I asked," said Clyde, who ultimately voted for the bill after the gun silencer provision was added.

Clyde was responding to Rep. Maxwell Frost, a 28-year-old Florida Democrat, who went to the floor and demanded to know who was responsible for the gun provision. Frost, who was a gun-control activist before being elected to Congress, called himself a member of the "mass shooting generation" and said the bill would help "gun manufacturers make more money off the death of children and our people."

Among other concerns, control advocates say less regulation for silencers could make it harder for law enforcement to stop an active shooter.

"There's a reason silencers have been regulated for nearly a century: They make it much harder for law enforcement and bystanders to react quickly to gunshots," said John Feinblatt, president of Everytown for Gun Safety.

Schumer and other Democrats are trying to convince the Senate parliamentarian to drop the language as she reviews the bill for policy provisions that aren't budget-related.

"Senate Democrats will fight this provision at the parliamentary level and every other level with everything we've got," Schumer said earlier this month.

REFORM:*Rank MI Vote aiming to increase voters' agency over process*

From Page 1

percent of the vote in the initial balloting, an automatic runoff occurs to determine a winner.

On ballots with more than two candidates, the petition provides that if no candidate hits 50 percent, the candidate with the fewest votes is eliminated and another round of counting is triggered with voters' next-ranked candidate until a winner is determined.

As of April 2025, 63 jurisdictions across 24 U.S. states use some form of ranked choice voting, including the entire states of Alaska and Maine. New York City's mayoral primary elections are currently making national headlines as Democratic candidates cross-endorse one another and encourage voters to rank within their coalitions.

"It's used by over 13 million, almost 14 million voters in the United States. To them, voting is ranking in some way," Zabawa said. "We think (more positive campaigning is) a great benefit of ranked choice voting, creating those coalitional campaigns, and not only coalitional campaigns and positive campaigns, but also results for voters in which, when those candidates are guaranteed to be elected by over 50 percent of voters in that jurisdiction, wherever their jurisdiction is, they'll be sure to work on policies positively for those voters, rather than running not only oppositional campaign, but oppositional governance in which they're just trying to block policies. This way, RCV also incentivizes them to run positive campaigns and enact policies that benefit voters."

Confusion is a potential obstacle for Rank MI Vote if its petition makes it onto 2026 ballots — changing the way people vote is a tall order, especially via ballot proposal, which many voters find hard to understand.

Secretary of State Jocelyn Ben-

son, when asked by Gongwer News Service if she'd favor a ranked choice voting amendment, declined to take a stance on the issue itself but said the success of RCV, if enacted, will likely depend on the public's awareness and understanding of how it works.

"It's important for citizens to take this period, if it does make it on the ballot, and educate themselves about it. Because if it were to come to fruition in the state, its success would depend on how informed voters were about the process, how to use it, and then how our clerks are also able to adjust and educate voters appropriately," Benson said. "So, the next step, if citizens want to move in that direction, is the ballot initiative process, and we'll see how that plays out in the coming months."

Zabawa noted that in the two areas where RCV is used, despite having very different demographics, most voters found it simple and easy to understand. In New York City, 95 percent of voters found RCV to be simple after using it for the first time, and in Alaska, 85 percent had the same view when surveyed.

Any change to election laws, he said, requires both local and state-driven public awareness work to make sure both voters and election administrators adhere to the regulations.

Some opponents of RCV have claimed it goes against the "one person, one vote" doctrine under which U.S. elections operate. Rep. Bryan Posthumus (R-Rockford), who is also at the helm of an election-related petition initiative for 2026, said he believes it conflicts with the ethos of majority rule.

"I'm a firm believer in the one person, one vote concept," Posthumus said. "Why should somebody whose candidate loses get more votes?"

Zabawa rejected the idea that

RCV doesn't adhere to the one person, one vote rule.

"RCV is an instant runoff method. It does preserve the one person, one vote methodology, and courts have confirmed that," he said. "What ranked choice voting is, it's an instant runoff. If the first rankings result in a winner with over 50 percent of the vote, then they're declared the winner. It's similar to a situation in which you run a primary to winnow down the candidate that a party wants for the general election. It just happens at one time, on one ballot as an instant runoff. It does preserve one person, one vote. It's merely a ranking method."

Posthumus's group, the Committee to Protect Voters' Rights, is one of two seeking to put proposed constitutional amendments requiring proof of U.S. citizenship to vote on the 2026 ballot. When asked if he's concerned about the possibility of three election-related proposals on the ballot next year becoming confusing for voters or leading to lowered participation in the proposal section of the ballot, Posthumus referenced a Gallup poll from last year in which roughly 83 percent of respondents around the country said they favored requiring proof of citizenship when registering to vote for the first time.

"I think the message will carry the day," Posthumus said of his group's proposal. "A majority of Michiganders believe that we should prevent noncitizens from voting, and I think that will carry us through."

Also included in Rank MI Vote's petition language are a handful of other voting reforms. Zabawa said these are the next steps after sweeping changes made to Michigan election law in 2018 and 2022, including a requirement of 140 days between a primary and a general election, assurances that those in line to vote when a polling place closes

will still be able to cast a ballot, a paper ballot requirement in all elections and provisions about timely notice of any changes to polling places or voting procedures.

Zabawa said Michigan has an irregularly late state primary and requiring it to take place earlier in the year would ensure voters have enough time to become properly informed about the slate of candidates before them and could see increased voter turnout during a time when people aren't away or unplugged on summer vacation.

As for the other reforms included in the petition, he said Rank MI Vote is aiming to increase voters' agency over the elections process.

"All of these are important voting rights that we think are also an add on to the voting rights that were added to the Michigan Constitution by voters in 2018 and 2022. We want to make sure that that voters do have the right to wait in line, that they are able to receive notification of election changes, especially since we've seen there's been a lot of litigation that can create issues that voters aren't aware of that we want to make sure they are definitely aware of," Zabawa said. "Their power as voters also comes from being able to be notified of how to vote, like the amendment says, changes to in regards to how they vote that they might not be aware of, and make sure that they feel that they can vote if they if the polling place closes and they're still waiting in line and ensure that they can feel secure in their vote by having a verifiable paper record."

The Rank MI Vote petition will be before the Board of State Canvassers next week at its June meeting for approval of a 100-word summary, after which the group will be able to begin gathering signatures to make the ballot.

MOTIONS:*Motions can help parties focus*

From Page 1

- Know the Rules: Different arbitral institutions have different rules about whether, when, and how motions can be filed. Familiarity with those rules is essential to avoid missteps.

- Get the Arbitrator's Buy-in: Many arbitrators require parties to seek leave before filing dispositive motions. Pre-motion letters or preliminary conferences can be used to gauge the arbitrator's receptiveness.

- Efficiency Over Formalism: Keep motion briefs focused and avoid excessive procedural formalities. Arbitrators value directness and practicality over prolixity.

- Use Procedural Orders: Encourage arbitrators to issue procedural orders setting clear timelines for motion practice. This creates structure while preserving flexibility.

Case Study: A Dispositive Motion that Turned the Tide

In a breach-of-contract arbitration between a software vendor and a Fortune 500 client, the client sought over \$10 million in damages, alleging defective software. The vendor filed a motion for summary disposition, supported by evidence showing the client's IT team failed to follow contractually required implementation protocols. The contract also contained a liability cap of \$500,000. After a case management conference, the arbitrator agreed to hear the motion, recognizing its potential to narrow