

Negotiating & Drafting Severance Agreements

Master the art of codifying closure of the employment relationship

Effective representation of clients in developing and negotiating severance agreements is essential to every employment lawyer's practice, whether representing employers or employees. This webcast reviews the process and substance of developing and negotiating severance agreements, from initial client consultations through execution. In addition to identifying common severance agreement provisions, the faculty discuss what questions you should ask your client and what documents you should review in order to advise the client and negotiate a severance agreement that best serves your client's interests.

Agenda

- **Common Severance Clauses:** Advising clients on and drafting common severance clauses—such as the release of claims; non-disparagement and references; confidentiality of the agreement; severance amount (guaranteed or contingent); form of severance (lump sum or installment payments); bonuses and commissions; COBRA payments; non-hire restrictions; characterization of the termination (termination, resignation or mutual agreement); and future cooperation with the employer
- **Addressing Special Circumstances:** Including requirements for agreements in group layoffs; adding or modifying non-competition and other restrictive covenants; and preserving and enhancing equity entitlements
- **Tax Considerations:** Allocation of severance payments between W-2 and 1099 income; and COBRA tax issues, including direct payments to insurance company or equivalent cash payments, and self-insured v. insured health insurance plans

Speakers



ROBERT M. HALE is a partner in and chair of the Employment Practice of Goodwin Procter LLP in Boston. He represents employers in a wide variety of both employment litigation and counseling matters. He was elected as a fellow of the College of Labor and Employment Lawyers in 2007, has been repeatedly selected for inclusion in *Chambers USA: America's Leading Lawyers for Business*, *Chambers Global*, *The Best Lawyers in America* and *Super Lawyers* magazine, and has been recognized by *Benchmark Litigation* as a Litigation Star in Massachusetts for his work in Labor & Employment. He received his J.D. from Boston University School of Law in 1983 (magna cum laude) and a B.S. from Cornell University in 1980.



SHAREN LITWIN is a partner at Kotin, Crabtree & Strong, LLP in Boston and she represents employees and employers on a broad range of employment issues including wrongful termination, employment discrimination and harassment, wage violations, and non-competition and other restrictive covenants. She also negotiates severance and employment agreements for executive-level employees. Ms. Litwin has participated in many continuing education programs on employment law topics for the BBA, MCLE and other organizations. Ms. Litwin has been recognized for multiple years by *Chambers USA*, *Best Lawyers in America* and *Super Lawyers*. She received a B.A. (magna cum laude) from Yeshiva University, a M.A. from Columbia University and a

J.D. from Boston University.



Subscribe to the MCLE OnlinePass®

for instant access to this program and everything else MCLE offers online.

Learn more at www.mcle.org

Dates & Location

LIVE WEBCAST

Monday, November 8, 2021
1:00 pm–2:00 pm

Register at www.mcle.org
Program Number: 2220035WBC

REBROADCAST CC

Tuesday, November 23, 2021
9:30 am–10:30 am

Register at www.mcle.org
Program Number: 2220035RBC

REBROADCAST CC

Wednesday, December 1, 2021
3:00 pm–4:00 pm

Register at www.mcle.org
Program Number: 2220035RB1

ON DEMAND WEBCAST CC

View after Wednesday, December 1, 2021

Register at www.mcle.org
Program Number: 2220035WBA

Tuition (includes written materials)

- \$145
- \$130.50 MCLE Sponsor Members
- \$108.75 New Lawyers admitted to law practice after 2018, Pending Admittees, Law Students, and Paralegals

To apply for a need-based scholarship, email scholarships@mcle.org.

Materials

The materials for this program are available *online only* and can be downloaded via the link emailed to you upon registration.

Also, there is no need to take extensive notes. Two weeks after the live webcast, all registrants receive a link to a verbatim transcript of this program.

CLE Credits

Earn up to 1 CLE credit

About MCLE

Massachusetts Continuing Legal Education, Inc. (MCLE | New England™) has been the Massachusetts legal community's premier provider of hands-on programs, practical reference materials, and online resources for over 50 years.

MCLE is a self-supporting, independent, not-for-profit educational institution. We depend solely upon sponsor membership dues, program registration fees, publications sales, online subscriptions, and charitable contributions to finance our instructional activities and to sustain growth and innovation in our programs, publications, and online products and services.

Board of Trustees

Eric P. Hayes, *President*
Brendan T. St. Amant, *First Vice President*
Michael P. Sams, *Second Vice President*
Katherine A. Hesse, *Treasurer*
Kendi E. Ozmon, *Secretary*
Heidi S. Alexander
Christa A. Arcos
Kendra L. Berardi
Joshua M. Bowman
Gabriel Cheong
Kara M. DelTufo
Prasant D. Desai
Jonathan Mannina
Martha A. Mazzone
Peter M. Moldave
Mary Ann Neary
Terrence L. Parker
C. Max Perlman
Rebecca G. Pontikes
Ingrid C. Schroffner
Sunila Thomas-George
Richard C. Van Nostrand
Joseph P.J. Vrabel
Richard S. Milstein, *Founding Director*
John M. (Jack) Reilly, *Executive Director*
Salvatore Ricciardone, *Director of Philanthropy & Special Projects*

Policies and Information

Register early!

For course agendas, hours, fees, and discounts, please refer to the respective seminar pages. The fee includes program instruction and all electronic written materials unless otherwise noted.

To gain early access to online materials, please register in advance of the program.


Upon registration, MCLE will e-mail a confirmation.

Day-of-the-program registrations are welcome, with the exception of limited enrollment programs, or as otherwise noted.

We accept cash, checks, MasterCard, Visa, American Express, and Discover.

Need special assistance?

If you are a person with a disability or special needs, please let us know in advance so that we can make your experience as convenient and comfortable as possible. Call Customer Service at 800-966-6253 to make arrangements.

For your convenience, MCLE also offers closed captioning  and verbatim transcripts of all recorded webcast programs, available to you online two weeks after the original program date.

Mandatory CLE credits

Individual attorneys are responsible for checking with their particular state CLE accreditation authority about whether and how much credit will be granted. Although MCLE does not pursue state-based credit, MCLE programs are regularly approved in many jurisdictions. It is the responsibility of the individual attorney to submit the information and certifications required under the respective state rule to the appropriate authorities in the jurisdictions in which they seek credit.

Depending on the jurisdiction, lawyers can satisfy their mandatory CLE requirements online with MCLE's webcasts, which feature periodic attendance prompts, electronic written materials, and the opportunity to receive a certificate of attendance.

If your plans change

If you're unable to participate in a program on the date for which you registered, you will receive an email about how to access the program on demand via webcast and/or downloadable mp3 file, including the written materials in electronic form, in full satisfaction of the tuition paid. If you prefer a refund, let us know by the end of the business day prior to the program and we'll refund your tuition after deducting a \$35 processing fee. Note that limited enrollment programs are an exception, cancellation of which require two weeks notice and are subject to a \$55 processing fee.

New lawyer discounts—always the lowest price

For the first three years of practice, MCLE offers new lawyers a 25% discount on all of its products, including programs, books, audio CDs and mp3 recordings. If you were admitted to the bar after 2018, take advantage of the new lawyer prices listed throughout the catalog.

Pending admittees, law students and paralegals are also eligible for a 25% discount on most MCLE programs.

Attorney scholarships

Attorneys with financial need who certify that they are unable to attend a program without financial aid may request a partial tuition scholarship in confidence by writing or emailing scholarships@mcle.org at least two weeks in advance of the program.

Save all year long—become an MCLE Sponsor Member!

Become a Sponsor Member and receive:

- **Public recognition** on our website;
- Significant savings on a **subscription to MCLE's OnlinePass®**;
- **10% discount** on all programs, books, audio CDs, and mp3 recordings;
- Weekly **e-mail updates and advance notice** of sales and new product releases; and
- The **highest level of service** offered by your own Sponsor Account Specialist.

MCLE Sponsorship runs for 12 months beginning September 1. The fee for firm,

corporate law department, or agency membership is calculated based on the number of Massachusetts admittees within the organization. Benefits of membership extend to all lawyers and non-lawyer professionals associated with the organization.

- Solo Practitioners \$95
- Firms by number of Massachusetts attorneys:
 - 2-5 \$ 150
 - 6-10 250
 - 11-25... 500
 - 26-75... 1,000
 - 76-150 ... \$ 2,500
 - 151-250 .. 3,500
 - 251+ 4,500

Order Form Fall 2021

REFERENCE # 22-020

Choose from 4 easy ways to order!

- ▶ **ONLINE** enter your credit card order at www.mcle.org.
- ▶ **MAIL** this order form with payment to MCLE, Inc., Ten Winter Place, Boston, MA 02108-4751.
- ▶ **FAX** your credit card order 24 hours a day to 617-482-9498.
- ▶ **CALL IN** your credit card order to (800) 966-6253, Monday – Friday, 8:30 am–5:00 pm

1 CUSTOMER INFORMATION

Year Admitted to MA Bar _____ Title (if any) _____ BBO # _____
Last Name _____ First Name _____ Middle Initial _____
Firm/Agency _____
Street Address _____ Suite/Floor _____
City _____ State _____ ZIP+4 _____
Telephone _____ Fax _____
Order confirmation? Enter your email address: _____

2 ORDER DETAILS

Not an MCLE Sponsor Member? Become one today and receive the MCLE Sponsor Member discounted prices on this order! (see fee chart on previous page)

PROGRAMS





Product No.	Title	Automatic book update	Cost
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
PROGRAMS SUBTOTAL			<input type="text" value="\$"/>

BOOKS & AUDIO CDs (For eBook options, visit www.mcle.org)

Product No.	Title	Automatic book update	Cost
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
Shipping & handling			\$ 8.50
BOOKS & AUDIO CDs SUBTOTAL			<input type="text" value="\$"/>

3 PAYMENT METHOD

GRAND TOTAL

Check payable to MCLE enclosed    

Card number _____ Expiration date _____ CVC _____
Cardholder's name _____ Cardholder's signature _____

MCLE
NEW ENGLAND
Keep raising the bar.®

Massachusetts Continuing Legal Education, Inc.

Ten Winter Place, Boston, MA 02108-4751 | 617-482-2205 | MA toll free 800-966-6253 | FAX 617-482-9498 | www.mcle.org