

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.



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1:00 pm–2:00 pm

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REBROADCAST CC

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

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Wednesday, December 1, 2021
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