

# Successfully Trying Employment Cases in Court, at Arbitration & in Mediation

*Best practices for and pitfalls to avoid when planning and presenting your case in each of these venues*

The fight is on! Learn tactics to give your clients their best shot at prevailing in an employment case. Whether your employment case is “tried” before a judge, jury, or arbitrator, or is brought to mediation—there are basic “dos and don’ts” for advocates resolving a dispute.

With the increasing prevalence of forced arbitration clauses, employment cases are often tried by an arbitrator, while other cases proceed to traditional jury trials. As the majority of employment cases settle short of trial, however, most never see a courtroom jury or arbitration hearing—but instead are negotiated or mediated.

How do you prepare a case in the early stages to best mobilize for court or arbitration? How do you determine if a case is primed for settlement? If given the choice, would it be better to have a jury trial or arbitrate before a neutral? What are the similarities and differences in strategies and approaches between trying a case in court versus arbitration?

Hear from seasoned litigators providing both plaintiff’s-side and management-side perspectives, as well as an experienced Superior Court judge turned mediator and arbitrator. The panel shares best practices in how to plan and present your case and provides practical tips on avoiding common pitfalls in each of these venues.

## Agenda

- **Preparing for Mediation:** Timing and logistics; Selecting a good neutral; Tips on the mediation memo and how to present your case to a mediator to obtain the best settlement for your client
- **Pros and Cons of Arbitration:** Cost-benefit of less delay versus potentially lower damages; Selecting a good arbitrator; Tips for presenting your case at a hearing without a jury and through proposed fact findings and conclusions of law
- **Preparing for Trial:** Courtroom logistics and getting to know the judge; Preparing your client’s story for a jury; Use of witnesses and experts; Use of chalks and other visuals; Arguing legal issues through motions in limine, trial memos, and jury instructions
- **Top Ten Dos and Don’ts for Mediation, Arbitration, and Trial**
- “Ask the Experts” Q&A Session

## Faculty

David E. Belfort, Esq., *Bennett & Belfort, PC, Cambridge, Cochair*

Monica R. Shah, Esq., *Zalkind Duncan & Bernstein LLP, Boston, Cochair*

Lynn A. Kappelmann, Esq., *Seyfarth Shaw LLP, Boston*

Hon. Bonnie H. MacLeod, *JAMS, Boston; Superior Court, Commonwealth of Massachusetts (Ret.)*



## Subscribe to the MCLE OnlinePass®

for instant access to this program and everything else MCLE offers online.  
Learn more at [www.mcle.org](http://www.mcle.org)

## Dates & Location

Register at [www.mcle.org](http://www.mcle.org)

### LIVE WEBCAST

Thursday, May 18, 2023

9:30 am–11:30 am

Program Number: 2230124WBC

### REBROADCAST

Friday, June 2, 2023

12:00 noon–2:00 pm

Program Number: 2230124RBC

### REBROADCAST

Monday, June 12, 2023

3:00 pm–5:00 pm

Program Number: 2230124RB1

### ON DEMAND WEBCAST

View after Monday, June 12, 2023

Program Number: 2230124WBA

## Tuition *(includes written materials)*

- \$145
- \$130.50 MCLE Sponsor Members
- \$72.50 New Lawyers admitted to law practice within 5 years, Pending Admittees, Law Students, and Paralegals
- **FREE** for MCLE OnlinePass Subscribers

To apply for a need-based scholarship, email [scholarships@mcle.org](mailto:scholarships@mcle.org).

## Materials

The materials for this program include *Massachusetts Courtroom Advocacy*, which, along with any other materials, 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 and audio and videorecordings of this program.

## CLE Credits

Earn up to 2 CLE credits