

# Successfully Trying & Negotiating Employment Cases

*Strategies and pitfalls for planning and presenting your case in court, at arbitration, and in mediation*

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. Kappelman, Esq., *Seyfarth Shaw LLP, Boston*

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



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## Dates & Location

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

### LIVE WEBCAST

Wednesday, June 5, 2024

9:30 am–11:30 am

Program # 2240174WBC

### REBROADCAST

Thursday, June 20, 2024

2:00 pm–4:00 pm

Program # 2240174RB1

### REBROADCAST

Friday, June 28, 2024

12:00 pm–2:00 pm

Program # 2240174RB2

### ON DEMAND WEBCAST

View after Friday, June 28, 2024

Program # 2240174WBA

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## Materials

*Massachusetts Courtroom Advocacy* ebook, plus speaker materials

- E-materials link emailed upon registration
- Transcript & videorecording emailed 2 weeks post-program

## CLE Credits

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