Labor Law & Labor Arbitration

Thursday

October 19, 2017

Boston

A Distinguished Faculty

The instructors are current and past presidents of the National Academy of Arbitrators. See inside for details.
Labor Law and Labor Arbitration

The place to learn is where the teachers are in the top tier, the materials tackle the tough issues, your questions are answered, and the instruction is practical so you can put the training to use.

Come to Boston this fall, and learn the latest developments in labor law and labor arbitration.

Still another reason to attend is the faculty. They are the current and former presidents of the National Academy of Arbitrators, recognized by their peers for their work.

The agenda below gives more detail about what you will learn. There is also information about staying overnight, tuition, continuing education credits, and more. Please call or email us (customerservice@laborarb.com) with any question.

We welcome you to Boston to learn with the best.

Agenda

7:15-8:00 a.m.
Registration & Continental Breakfast

8:00-8:30 a.m.
- Rules of Evidence
  Arbitrators do not strictly apply the rules, but they follow them if there is an objection. And they will always entertain an objection, because the rules are not just about admissibility, but also the weight to give the evidence. Learn more about the rules on: relevance, hearsay, expert testimony, and circumstantial evidence.
  Arb. John Kagel

8:30-9:30 a.m.
- Case Studies in Evidence
  These cases largely turned on the issues of relevance, hearsay, the business records exception to hearsay, and medical records. The panel also debates the outcome in a circumstantial evidence case.
  Panel: Arbs. Shyam Das, Roberta Golick, John Kagel, Kathleen Miller & Ted St. Antoine

9:30-10:00 a.m.
- Effective Advocacy Techniques
  A new presentation on what arbitrators expect of advocates in the presentation of a case. For example, you don't promise more in the opening statement than you can deliver. And you don't use the closing argument to introduce new evidence. But there are other more subtle points to make. For example, cross-examination should not look anything like direct examination; you can prepare your witness, without putting words in their mouth; don't ask compound questions, and much more. Hear from a distinguished labor arbitrator who has heard thousands of cases and watched effective and ineffective advocacy techniques.
  Arb. Kathleen Miller

10:00-10:15 a.m. Break

10:15-11:30 a.m.
- Discipline & Discharge: Cases from 2017
  We present recent cases to the arbitrators who individually give a bench decision. The learning part is in hearing their rationale. The cases are drawn from these areas: job performance, insubordination, medical marijuana, harassment, threats, and safety rules. These are close cases so the discussion illuminates the issues and likely resolution. A dynamic discussion of the arbitral principles, statutory law, and strategies.
  Panel: Arbs. St. Antoine, Miller, Kagel, Golick & Das

11:30 a.m.-12:00 Noon
- Defenses
  The union bears the burden when it raises these defenses: lax enforcement, disparate treatment, and inadequate investigation. Learn the key components and how each defense plays out, by analyzing actual cases.
  Arb. Shyam Das

12:00-1:00 p.m. Lunch (on your own)

1:00-2:00 p.m
- Contract Interpretation
  In other cities, conference attendees have given this lecture the highest rating. Both novice and experienced advocates have remarked on the insights into contract law and arbitral principles. The lecture is also the right mix of theory and practical application. Includes instruction on the past practice doctrine.
  Arb. Ted St. Antoine

2:00-3:15 p.m.
- Contract Interpretation: Applying the Rules
  The panelists discuss actual cases from the past year. The cases are factually straightforward. But both sides have good arguments about bargaining history, contract law maxims, and the hotly contested past practice doctrine. The arbitrators also rule on each
case and this gives another insight into whether you should settle or take your case to arbitration. 

**Panel: Arbs. Golick, Kagel, St. Antoine, Das & Miller**

**3:15-3:30 p.m. Break**

**3:30-4:00 p.m.**

**■ Off-Duty Misconduct**

The legal test is whether management can prove nexus or connection to the workplace. But after understanding what that means, you have to consider the complicating factors. These factors affect where the line is drawn between the employer’s interest and the employee’s right to a private life. Many cases come out of the public sector, but there are illustrative cases coming out of the private sector. A short lecture followed by fascinating cases.

**Arb. Roberta Golick**

**4:00-4:30 p.m.**

**■ Labor-Management Relationship**

Arbitration is an adversarial proceeding, but the relationship continues after the hearing. This is not true in most other civil disputes. This obvious fact has several consequences.

**Arb. John Kagel**

**4:30 p.m. Adjournment**

**Faculty**

All faculty members are current or former presidents of the National Academy of Arbitrators. In alphabetical order: Shyam Das is a former law professor and a long-time umpire under several major agreements. John Kagel has also been among the longest-serving arbitrators under many national and regional agreements. Roberta Golick is a four-time appointee by Presidents Bill Clinton and Barack Obama to presidential emergency boards which settle disputes in the transportation industry. Kathleen Miller is the current Academy president and serves on numerous panels in the public and private sector. Ted St. Antoine is former dean of the University of Michigan Law School and a distinguished labor arbitrator. He is also editor of *Common Law of the Workplace*, a leading reference work with contributions from many arbitrators, including those on this faculty.

**Continuing Education Credits**

The number of credits for attorneys depends on the state. (Most often, it is 7.0 CLE credits.) Please let us know on the registration form where you hold a license.

This program is valid for 7.0 PDCs for the SHRM-CP™ or SHRM-SCP™. For more information about certification or recertification, please visit www.shrmcertification.org

This program has also been approved for 7 recertification credit hours through the HR Certification Institute. For more information about certification or recertification, please visit the HR Certification Institute homepage at www.hrci.org.

The use of this seal is not an endorsement by HR Certification Institute of the quality of the program. It means that this program has met HR Certification Institute’s criteria to be pre-approved for recertification credit.

**Registration, Location & Visiting Boston**

The conference will be held at the Hynes Convention Center, 900 Boylston Street, Boston (www.massconvention.com). The Hynes (and our Meeting Room 304) has all of the accoutrements of a conference center, with an excellent sound system and comfortable setting.

Parking facilities are listed on the Hynes Convention Center website (www.massconvention.com); plus there are several hotel parking garages within 1-3 blocks of the Hynes Convention Center.

For overnight accommodations, we recommend contacting your travel agent or in-house travel bureau. Because the Fall is a peak time to be in Boston, please make your hotel reservations as soon as possible.

Boston has events and activities for all ages and tastes. Check out the website, www.bostonusa.com for an easy-to-use listing of hotels, restaurants, shopping and tourist sites — all within walking distance of the conference location.

The conference tuition of $400 includes admission to all sessions, course materials, and all breaks. You can save $75 if you register before June 15. See the registration form or visit us online at www.laborarb.com.
**Registration Options**

1. Register Online at [www.laborarb.com](http://www.laborarb.com)
2. Complete this form and scan/email to: registrar@laborarb.com
3. Complete this form and fax to **507-645-2474** (or mail to address below)

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**Labor Law & Labor Arbitration**  
**Thursday, October 19, 2017**  
**John B. Hynes Veterans Convention Center (Room 304)**  
**900 Boylston Street • Boston, MA 02115 • [www.massconvention.com](http://www.massconvention.com)**

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**PRIVACY POLICY:** The email address you provide is only used by the Labor Arbitration Institute (LAI). LAI does not sell or share its email lists, or any customer lists.

**TUITION:**  
- $400.00 per registrant (if registering after June 15, 2017)  
- $325.00 per registrant (if registered before June 15, 2017)

**PAYMENT**

- [ ] Check Enclosed $________________
- [ ] Credit Card Payment $________________
  
  Card Number (VISA, MasterCard or American Express) ____________ ____________ ____________ ____________
  Exp. Date:____________________; Cardholder Signature __________________________________________________

Payment must accompany registration, unless other arrangements are made ahead. Please call the conference registrar at 507-663-1220 for details. Checks may be made payable to Labor Arbitration Institute.

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**HOTEL ACCOMMODATIONS**

The Hynes Convention Center is within walking distance of several hotels. Check the website [www.bostonusa.com](http://www.bostonusa.com), for a list of hotels. Choose Where to Stay and click into the neighborhood called Boston - Back Bay. This will take you to all of the hotels which are connected and close to the Hynes Convention Center. Early reservations are strongly recommended.

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**MISCELLANEOUS**

- [ ] I am an attorney and request information on CLE credits for the state of _______________________________.
- [ ] I cannot attend, but please send me information on future conferences.

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**MAIL TO:** Labor Arbitration Institute, 205 South Water Street, Northfield, MN 55057

*For more information, call 507-663-1220 or FAX number 507-645-2474.*