



LABOR ARBITRATION INSTITUTE
Energizing Labor Law Education

Labor Law and Labor Arbitration



Friday
March 12, 2010
Seattle

register online

www.laborarb.com

Labor Law and Labor Arbitration

Before the next personnel issue or case file lands on your desk, how much help can a panel of labor arbitrators and law professors provide?

It could be the difference between winning or losing. Or it could be the kind of help which leads to settling the case or altogether preventing the issue.

Come to Seattle and learn the latest from a faculty of experienced teachers and arbitrators.

More details about the Conference are provided below. But call or e-mail us (customerservice@laborarb.com) with any questions. We want this conference to fulfill your training goals, both for skills and knowledge.

Agenda

7:15-8:00 a.m.

Registration & Continental Breakfast

8:00-8:30 a.m.

■ From Evidence to Advocacy to Winning

Whether you've handled one case in the grievance procedure or presented dozens of cases before an arbitrator, in this session you will gain new insights into the adversary system and the mindset of arbitrators. The closer the case, the more advocacy counts. The speaker is among the top law professors in the country and an authority on advocacy.

Prof. John Sonsteng

8:30-10:00 a.m.

■ Discipline & Discharge: Recent Cases

The faculty discuss workplace threats, harassment & bullying, off-duty misconduct, absenteeism, attention to duty, and conduct-unbecoming. This

session is a highlight of the conference because it covers the arbitral principles and legal issues in the context of actual cases. Plus, you learn which arguments are more persuasive than others.

Panel: Arbs. Michael Beck, Nancy Brown, John Kagel, and Eric Lindauer

10:00-10:15 a.m.

Break

10:15-10:45 a.m.

■ Job Performance

These cases can arise as a discipline or non-discipline matter. And the dispute can involve time studies, quality of work, and progressive counseling, to more ambiguous matters such as job neglect. An explanation of the principles that apply and the most likely resolution.

Arb. Nancy Brown

10:45-11:15 a.m.

■ Serious Offenses

Some arbitrators refer to them as the cardinal offenses because they undermine the employment relationship: theft, gross insubordination, and violence. The parties may add to the list, when it is a matter of workplace security. A review of the cases, when to settle, and what to argue if you have to arbitrate.

Arb. John Kagel

11:15 a.m.-12:00 Noon

■ Ten Attributes of a Good Advocate

There are both philosophical and practical aspects to successfully representing an organization. For example, interviewing a witness with an open mind is basic, but how witnesses detect your philosophy about the process will affect their answers to you, and thus, your case. Or, during settlement talks, do you withhold certain information as a strategy toward winning? Do you make your opening statement after hearing the

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other side's case-in-chief? Which definition of just cause should you adopt in fashioning your argument? The arbitrator-lecturer explains these and six more.

Arb. Eric Lindauer

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

1:00-1:45 p.m.

■ Contract Interpretation: Principles

Contract law includes ancient rules and contemporary notions of how negotiating parties deal with each other. In the labor context, arbitrators also look at past contracts, bargaining notes, and industry standards. And they do this at the same time they are looking at the legal principles.

Advice for the new and experienced advocate.

Arb. Michael Beck

1:45-2:15 p.m.

■ Past Practice

In addition to knowing the elements of a Past Practice, you need to know these other factors that affect the outcome: is the management interest or operational need stronger than the employee benefit or working condition? Is the change major or minor? Is the analysis the same when the Past Practice doctrine is used by management to rebut the union's interpretation of the contract?

Arb. John Kagel

2:15-2:30 p.m. Break

2:30-3:30 p.m.

■ Contract Interpretation & Past Practice

You hear the facts of a case, the arguments that were made, and the decision from four arbitrators, not just the arbitrator in the actual case. Then, you hear the rationale from each of the four arbitrators. This is how law students learn contract law and the past practice doctrine. You learn not just the legal principles, but how they are applied in a range of cases.

Arbs. Lindauer, Kagel, Brown & Beck

3:30-4:30 p.m.

■ Direct & Cross-Examination Techniques

Conventional wisdom is that cases are won or lost on direct examination. And that the purpose of cross-examination is to impeach the other side, when you have good evidence. But there is much more to the art of direct and cross exam. The speaker builds on his earlier lecture and walks us through each of the techniques and the hidden gems.

Prof. John Sonsteng

4:30 p.m.

Adjournment

Registration & Visiting Seattle

The cost is \$295, which covers admission to all sessions, the course book, and all breaks. Take advantage of the early enrollment discount noted on the enclosed registration form, by registering before November 30, 2009.

The conference will be held in downtown Seattle at the Washington State Convention and Trade Center. The WSCTC has all of the accoutrements of a conference center, with an excellent sound system and comfortable setting.

If you come earlier or stay later, Seattle has events and activities for all ages and tastes. Plus, you can conveniently stay at the Seattle Hilton, which is only a block from the site of the conference. Downtown Seattle has first-rate shopping centers, great restaurants, and Pike's Market that are within walking distance of the hotel and the Convention Center.



Registration Options

1. Register online at www.laborarb.com
2. Complete this form and mail to the Labor Arbitration Institute
3. Complete this form and fax to 507-645-2474

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Washington State Convention & Trade Center * • 800 Convention Place, Seattle WA 98101 • www.wsctc.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: \$245.00 per registrant (if registering before November 30, 2009)
\$295.00 per registrant (if registering after November 30, 2009)

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.

HOTEL ACCOMMODATIONS

A block of rooms has been reserved at the Hilton Seattle which is directly connected by an underground concourse to the Washington State Convention & Trade Center, the site of the conference. Call the Hilton Seattle at 1-800-542-7700 (inside Washington State) or 1-800-426-0535 (outside Washington State). The hotel fax number is 206-695-6077. Please indicate that you are attending the Labor Arbitration Institute in order to receive the group rate of \$159 single or double. Reservations must be made by February 19, 2010 and we strongly suggest making them earlier. If you are uncertain of your plans, be sure to ask the Hotel reservations agent about the penalty for canceling a reservation less than 72 hours before arrival or for checking out early.

* The program will be in Ballroom 6A at the Washington State Convention and Trade Center. The facility and the ballroom are equal to four star hotels and their meeting rooms.

MISCELLANEOUS

I am an attorney and request CLE credits for the state of _____.

I would like to subscribe to "Wisdom of the Week", which provides strategies and tips from the best labor arbitrators in the country. Wisdom is a weekly (500-700 word) email on current issues in labor law and labor arbitration. The annual subscription rate is \$95.

I cannot attend, but please send me information on future conferences.

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.