

CPR Employment Arbitrator Pathways Training Program

October 26, 2020

10 am to 5 pm

Platform: Zoom

DRAFT PROGRAM OUTLINE

1. **Opening** [10:00 – 10:05]
2. **Characteristics of Arbitration** [10:05 – 11:05]
 - a) Faster, cheaper, adaptable
 - b) Consensual process
 - c) Arbitrators, arbitration clauses and party autonomy
 - d) Demand vs submission of dispute
 - e) Private resolution, not a court, powers limited
 - f) Federal Arbitration Act and state procedural laws
 - g) Arbitrability and separability
 - h) Substantive law and mandatory law
 - i) Confirmation and vacation of award (more detail later)
3. Ethical considerations, arbitrator disclosure and cybersecurity [11:05 – 11:55]
(with ethics problems for discussion in breakout rooms)
- BREAK** [11:55 – 12:10]
4. **Typical types of claims this panel will face** [12:10 – 1:00]
 - a) Federal and state civil rights, harassment and discrimination
 - b) Wage and Hour (e.g., US Fair Labor Standards Act, state Labor Law)
 - c) Classification – Employee or Contractor
 - d) Pre-emption and mandatory class action waivers
 - e) Contractual (e.g., executive compensation)
- LUNCH** [1:00 – 1:40]
5. **Process Management** [1:40 – 2:10]
 - a) CPR Non-Administered Rules Overview
 - b) Arbitrator standards of fairness
 - c) Conducting a Management Conference [2:10 - 2:55]
(with mock conference)
 - d) Discovery
 - e) Use and issuance of subpoenas [2:55 – 3:10]
- BREAK** [3:10 – 3:25]
6. **Awards** [3:25 – 4:30]
 - a) Drafting a reasoned award
 - b) Costs, attorney fees
 - c) Grounds for vacating awards
- QUESTIONS AND CLOSING** [4:30 – 5:00]