For Owners/Executives/HR Professionals: How the Hat You Wear Impacts Your Employment Arbitrations

April 28, 2015 – 2:00 p.m. to 3:30 p.m. ET

PROGRAM SUMMARY

Speakers: Cynthia Remmers and Alisa Cleek

Know your role. Business owners, executives, and/or human resources professionals are often called upon to perform one or more different functions in the employment arbitration process – usually as a client, a witness, an assistant, or representative (advocate). The roles can sometimes be blurred or confusing and can significantly impact the outcome of the arbitration. During this 90-minute webinar, you will gain an advanced understanding of your role(s) in the employment arbitration process, how each role affects the arbitration, potential pitfalls in each of the four roles, the elements critical to successful performance in the role, and additional focus on the challenging representative role.

AGENDA

2:00 p.m. Welcome and Introduction of Speakers (5 minutes)

2:05 p.m. Common Roles In Arbitration
 Expectations in Each Role
 Common Pitfalls in Each Role
 Challenging Role of the Representative in Arbitration (75 minutes)

3:20 p.m. Conclusion and Questions (10 minutes)

3:30 p.m. Evaluation (5 minutes)

3:35 p.m. Adjourn
Alisa Cleek

PARTNER • cleek@elarbeethompson.com • 404.582.8446

Alisa focuses on defending companies in employment-related litigation, such as class and collective actions and wage and hour matters. She also provides proactive counseling to organizations regarding day-to-day employment decisions and compliance in order to avoid litigation. Alisa represents clients in traditional labor matters, including unfair labor practice proceedings, representation cases, arbitrations, and collective bargaining. She works with national companies in a wide variety of industries, including chemicals and mining operations, restaurants and retail.

**REPRESENTATIVE MATTERS**

Created and conducted a nationwide wage and hour audit for a client with operations in over 40 states, included the preparing of a report that addressed both the Fair Labor Standards Act and state wage and hour laws. Also conducted nationwide training of the employer’s managers.

Successfully defended a start-up company against a publicly traded company's attempt to enforce restrictive covenants. Included the negotiation of a $385,000 settlement for attorneys fees for our client as the prevailing party.

Successfully defended a case before a Colorado jury in federal court in which the plaintiff alleged that she was discriminated against because of race.

Created manager and hourly employee handbooks and various other policies to address issues specific to the restaurant industry.

Created an affirmative action plan for a national company, including processing its employment data, preparing preliminary reports and providing instructions for implementing the plan and additional obligations as an affirmative action employer.

Created an arbitration program for a national company which included an arbitration agreement, mediation program, and internal grievance procedure and instructions on how to roll it out to current employees and applicants.

Successfully defended a case before a Texas jury in state court in which the plaintiff alleged that he was retaliated against for being terminated two weeks after filing a worker’s compensation claim.

Successfully defended a case before an Administrative Law Judge in New Mexico in which the plaintiff alleged that she was discriminated against because of her sexuality in violation of the state statute when she was terminated for mishandling company funds.

Obtained a summary judgment for a company who terminated an employee for performance and the employee alleged that he was discriminated against because of a disability in violation of the Americans with Disabilities Act because he suffered from dyslexia.

**EDUCATION**

J.D., College of William & Mary, 1996
B.B.A., magna cum laude, University of Georgia, 1993

**PRACTICE AREAS**

Benefits Litigation
Class & Collective Action
Employment Law
Labor Relations
Unfair Competition
Wage and Hour
Complex Litigation

**ASSOCIATIONS**

Society for Human Resource Management (Atlanta) - Past President
Virginia Society of CPAs
American Arbitration Association (Mediator/Arbitrator)
Georgia Commission on Dispute Resolution (Mediator/Arbitrator)
Academy of Hospitality Industry Attorneys
UGA Terry College of Business Alumni Board (Emeritus)

**AWARDS**

Best Lawyers® in America
Chambers USA Leading American Business Lawyer
Georgia Super Lawyers Top 50 Women Lawyers
Outstanding Young Alumnus Award - UGA Terry College of Business
Atlanta Woman Magazine's Woman on the Way (WOW) Award

**ADMITTED TO PRACTICE**

Georgia • Texas • District of Columbia • New York
Cynthia L. Remmers, Esq.
Remmers Global

**Current Employer-Title**
Remmers Global - Principal, Mediator, Arbitrator, Workplace Fact-Finder (Investigator)

**Profession**
Attorney, Arbitrator, Mediator, Independent Attorney Workplace Fact-Finder (Investigator)

**Work History**

**Experience**
Brings a broad, culturally-sensitive perspective to arbitrations, mediations, and independent fact-finding/workplace investigations gained from almost 30 years of specialization in domestic and international labor and employment litigation, law and policy. Has held leadership roles as a Manager/Partner in a global law firm, as a Senior Manger/In-house attorney in a global Fortune 100 technology company and as a Board/Committee Member in many professional/community associations. Has tried numerous jury and court cases to successful conclusion (predominately defense but also a few plaintiff cases), conducted and/or supervised hundreds of workplace fact-finding investigations, and taught trial practice and many other law-related topics. Has handled a wide array of legal matters, including wage/hour and glass ceiling class actions and disputes involving contracts, mergers and acquisitions, workplace compliance, ethics and fraud, privacy, intellectual property, reductions-in-force, retaliation, discrimination (all types), sexual and other forms of harassment/bullying, physical and emotional injuries, and wrongful termination. Has successfully negotiated union contracts and handled organizing and other union disputes. At various times as an in-house attorney, met and negotiated with foreign government officials in Asia and the Middle East and managed 1) the HR Legal function for the Greater Asia Region; 2) domestic and international investigation teams; 3) HR disputes/litigation in Greater Asia, California and Latin America; 3) the company's Immigration Department; and the 5) merger and acquisition HR team. Has arbitrated and mediated cases in the United States and internationally. Past member of AAA's former Northern California Employment Advisory Council (worked on drafting AAA's rules for the Resolution of Employment Disputes). Past member of Anthony M. Kennedy Inn of Court.

**Alternative Dispute Resolution Experience**
Has arbitrated a full range of employment-related cases as a member of the AAA Commercial panel, including, e.g., class actions and disputes involving wage and hour, discrimination, intellectual property, wrongful termination, and contracts. Has acted as a United States District Court Early Neutral Evaluator. Has been a neutral fact-finder in countless employment matters and, since 2008, as a fully independent,
outside workplace fact-finder. Not only has conducted numerous complex fact-findings personally, but from 2001-2006 managed teams of in-house fact-finders who handled hundreds of cases each year domestically and internationally. In addition to extensive fact-finding experience, has successfully resolved hundreds of cases as a mediator over a period of 15-plus years. Mediation cases include the full range of labor and employment disputes and some commercial contract matters (e.g. subprime mortgage, judicial foreclosure, leases, partnerships, commercial contracts and unlawful detainers.) Employment-related mediations have included complex legal/factual issues, multiple parties, top-level executives, cultural sensitivities, high-stakes damage/costs, and highly emotional allegations. Mediation parties have come from many private industries and government entities, including health care (health and hospital facilities and medical and dental offices), high technology, telecommunications, finance/securities, retail, manufacturing, government contracting, non-profits, education, and food/hospitality. Allegations have included, inter alia, retaliation in violation of various statutes (including whistleblowing and public policy); sexual and other harassment and bullying (including many cases involving concurrent criminal charges); discrimination (race, ethnicity, religion, gender, orientation, pregnancy, disability, age, etc.); wage and hour violations (including improper classification, rest/meal periods, overtime, pay practices); breach of executive and other contracts; wrongful termination; failure to hire/promote (including glass ceiling); misappropriation of trade secrets, covenants not to compete; theft, fraud and other compliance and ethics issues; conflicts of interest; interference with contractual relations; breach of privacy; false imprisonment; infliction of emotional distress and physical injuries.

**Alternative Dispute Resolution Training**

Resolution in Employment Matters, 1999; Faculty, Eastern District Judicial Conference, United States District Court, Eastern District of California, The Psychology of Settlement, including participation in a videotaped mock settlement conference, 1998; Faculty, California Dispute Resolution Council Annual Meeting, Practice ADR - A Focus on Mandatory Arbitration Clauses, 1997; Faculty, Business Development Associates and Corporate Counsel Institutes: National Conference for Women Employment and Labor Law Counsel, How to Make ADR Work, 1997; Faculty, AAA Mediation and Arbitration Day, ADR for Employment Disputes, 1996; Lecturer, Sacramento State University, Use of Arbitration and Other ADR Programs - International Program, 1996; AAA Basic Arbitrator Training, 1995; Lecturer, University of California, Davis, Advanced U.S.A. Law Program (an international program for foreign attorneys), U.S. Labor and Employment Law, including ADR, 1995; various other ADR training.

**Professional Licenses**

Admitted to the Bar: California, 1980; U.S. District Court: Northern, Eastern and Southern Districts of California; U.S. Court of Appeals, Ninth Circuit. Formerly held the Society of Corporate Compliance & Ethics certification, the CCEP (Certified Compliance & Ethics Professional).

**Professional Associations**

The Mediation Society (Board Member/Vice President); Member, Alameda Superior Court ADR Administration Committee; The Association of Workplace Investigators (Founding Board Member and Past Board Vice President); The Congress of Neutrals (Past Board Member); California Bar Association (ADR and Labor and Employment Sections); XBHR (Co-founding Board Member, former Board member of this international organization dedicated to cross-border employment issues): Prevent Child Abuse California (Past President and Board Member); The Workplace Institute (Co-founder and Past Board Member; now merged into The Center for Collaborative Solutions, a nonprofit association dedicated to transforming labor-management workplace relationships from negative to constructive based on interest-based problem resolution); San Francisco Lighthouse for the Blind (Past Board Member).

**Education**

University of California, Davis (AB, Honors-1968; Lifetime Secondary and Elementary Teaching Credentials-1969); University of California, Berkeley, Boalt Hall Law School (JD-1980).

**Publications and Speaking Engagements**


Has given 150+ speeches/presentations on a full range of ADR and labor and

Citizenship
United States of America

Locale
Oakland, California, United States of America

Compensation

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Cancellation Period: 21 Days
Comment:
Daily rate includes 8 hours of hearing/preparation time. Additional hours in a day beyond 8 billed at the hourly rate. Hourly rate applies from appointment through award. No travel time billed regardless of destination, including to some locations outside of California. No expenses billed, except reasonable air fare/lodging to some cities outside of the greater Bay Area. Cancellation: $500.00 due if the arbitration hearing is cancelled less than three weeks before hearing day.
Click here to go to the Commercial Arbitration Rules

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Effective 10/1/13

Click here to go to the Construction Arbitration Rules

Click here to go to the Employment Arbitration Rules

Click here to go to the Labor Arbitration Rules