



# 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

<b>2:00 p.m.</b>	<b>Welcome and Introduction of Speakers</b>	(5 minutes)
<b>2:05 p.m.</b>	<b>Common Roles In Arbitration Expectations in Each Role Common Pitfalls in Each Role Challenging Role of the Representative in Arbitration</b>	(75 minutes)
<b>3:20 p.m.</b>	<b>Conclusion and Questions</b>	(10 minutes)
<b>3:30 p.m.</b>	<b>Evaluation</b>	(5 minutes)
<b>3:35 p.m.</b>	<b>Adjourn</b>	



## Alisa Cleek

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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.

### 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)  
Contributing Editor, *How Arbitration  
Works*, 6<sup>th</sup> Ed., 2008

### 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

## 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.



Cynthia L. Remmers, Esq.  
Remmers Global

<b>Current Employer-Title</b>	Remmers Global - Principal, Mediator, Arbitrator, Workplace Fact-Finder (Investigator)
<b>Profession</b>	Attorney, Arbitrator, Mediator, Independent Attorney Workplace Fact-Finder (Investigator)
<b>Work History</b>	Principal, Mediator, Arbitrator, Workplace Fact-Finder/Investigator, Remmers Global, 2008-present; HR Manager, Mergers & Acquisitions/Greater Asia Region HR Legal Manager/Senior HR Attorney, Intel Corporation, 2000-2007; Partner/Associate, Orrick, Herrington & Sutcliffe, 1981-2000; Law Clerk, Honorable Thomas Tang, U.S. Court of Appeals for the Ninth Circuit, 1980-1981; Extern, Justice Mathew O. Tobriner, Supreme Court of California, 1979.
<b>Experience</b>	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.
<b>Alternative Dispute Resolution Experience</b>	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 meditations 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**

AAA Principled Deliberations: Decision-Making Skills for Arbitrators 2014; Annually participates in many ADR-related MCLE courses; AAA Advanced Mediator Training, 2011; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2011; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2011; AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2011; Faculty, American Bar Association Annual Mid-Winter Meeting of the Employee Rights and Responsibilities Committee, A Look at Corporate ADR, 2010; Faculty, The Bay Area Ethics and Compliance Association, Workplace Investigations/Fact-Finding: Highlights from the HR Legal World, 2010; Guest Lecturer, JFK University Law School, Corporate ADR and Workplace Fact-finding, 2009; Congress of Neutrals 40 Hour ADR Training, Mediation, Arbitration and Negotiation for Lawyers, Mediators and Arbitrators, 2009; Alameda County Bar Association Programs, New ADR Procedures/Resolving Litigation without Motions/Mindfulness & Mediation/The Four Essentials to a High Quality Mediation, 2009; Faculty, Intel Corporation, various classes, including Mediation Skills Training and Faculty/Designer of a year-long Fact-finding/Investigation Training Course, 2000-2007; Faculty, American Bar Association Annual Meeting, Employment Perspectives on Litigation and Resolving Employment Disputes in Asia, including ADR, 2006; Faculty, AAA National Employment Conclave, State of Arbitration Law - Present and Future and Arbitration is Not Litigation: Successful Arbitration Advocacy Techniques, 1999; Faculty, Federal Bar Association, The Psychology of Settlement, 1999; Faculty, Business Development Associates Sixth National Conference for Women Employment and Legal Counsel, Alternative Dispute

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**

Authored or co-authored numerous articles, including "Discrimination Claims," Chapter 2, WRONGFUL EMPLOYMENT TERMINATION PRACTICE, CEB, 1997; "Employment Dispute Management," COMSTOCK'S, Nov. 1991; "Pregnancy Discrimination and Parental Leave," 11 IND. REL. L.J. 377, 1989; "Drugs and Alcohol in the Workplace: Technology, Law and Policy," 2 SANTA CLARA COMPUTER & HIGH-TECH L.J. 305, 1986; "Nonjudicial Developments in Comparable Worth," 10 EMP. REL. L.J. 222, 1984; "Wage Discrimination and Comparable Worth Issues and Remedies in the Aftermath of AFSCME v. State of Washington," 10 EMP. REL. L.J. 6, 1984; "Employment Protection and Gender Dysphoria: Legal Definitions Of Unequal Treatment On The Basis Of Sex And Disability," 30 HASTINGS LAW JOURNAL 1075, 1979.

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

employment law topics. Has been an Adjunct Trial Practice Professor at the University of California, Davis, School of Law. Has appeared on TV (KCRA, Channel 3 - The Willie Brown Television Show, Corporate Downsizing) and in videos (e.g. Preventing Sexual Harassment: What Works, What doesn't, ABA-CLE 1997.) [See ADR Training Section for a partial list of ADR-related speeches.] A partial list of non-ADR speeches includes: "Comparative Models for Addressing Workplace Discrimination: How the Laws in the United States and Select Countries in Europe and Asia Deal with Implicit Bias in the Workplace," The State Bar of California Annual Labor and Employment Section Meeting, 2009; "Advising the International Employer: Codes of Conduct; Global Employment Policies; Privacy Issues Around the World; Discrimination Claims Against the Global Employer," The American Employment Law Council, Florida 2006; "Globalization Issues in Europe and Asia," San Francisco Bar Association, Labor and Employment Law Section, 2006; Program Chair, XBHR Annual Meeting, Hong Kong, 2006; "Best Practices: Responding to and Investigating Complaints of Corporate Fraud, Abuse, Corruption, Bribe, Scandal and Mismanagement," International Bar Association Annual Meeting, New Zealand, 2004; "SARS: Corporate Compliance, Risk Assessment and Employment Law," Hong Kong Chamber of Commerce Forum, Hong Kong, 2003; "Think Globally / Act Globally or Think Globally / Act Locally?: Structuring HR Management Policies and Programs in Multinational Organizations," XBHR Annual Meeting, England, 2003.

**Citizenship**

United States of America

**Locale**

Oakland, California, United States of America

**Compensation**

Hearing:	\$4000.00/Day
Study:	\$500.00/Hr
Travel:	\$0.00/Hr
Cancellation:	\$500.00/Day
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.



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