

Monday(DAY 1)

INDUCTION TO THE COURSE

- Introduction of arbitrators & students
- Course objectives
- Materials & teaching methods
- Schedule and assignments for the week
- Time management for the week
- Apportionment of students into small groups for training on Monday, Tuesday & Wednesday

SELECTING THE ARBITRATOR, ARRANGING THE HEARING & HEARING PROCEDURES

- Forms of arbitration tribunals
- Methods of selecting arbitrators
- Arbitration agency procedures
- Statutory arbitration procedures
- Aids in selecting arbitrators
- Pre-hearing communications with the arbitrator
- Arranging dates and locations for the arbitration
- Using court reporters
- Sequence of the hearing

PREPARING THE CASE FOR ARBITRATION

- Determining Arbitrability
- Review and study of the union's grievance documents
- Review and study of employer's responses
- Interviewing witnesses
- Obtaining documents & other evidence
- Determining theory of the case
- Preparing proposed issues
- Determining evidence & witnesses to use
- Witness preparation & problem witnesses

- Order of proofs
- Joint exhibits
- Preparing stipulations
- Preparing the Trial Notebook

EVIDENCE IN ARBITRATION PROCEEDINGS

- Types of evidence: testimony, real & demonstrative
- Relevancy, materiality & competency of evidence
- Foundations for admission of certain types of evidence
- How to introduce evidence
- Direct evidence
- Circumstantial evidence
- Affidavits and depositions
- Inspections and views
- Admissions against interest
- Offers of compromise
- Evidence obtained in violation of law
- Violations of statutes
- Hearsay evidence
- Public documents & records
- Demonstrative exhibits
- Telephone testimony
- Obtaining evidence on cross examination

INDIVIDUAL PREPARATION FOR OPENING STATEMENT &

DIRECT EXAMINATION EXERCISES FOR DAY 2

- Students prepare opening statements and direct examination.
- Arbitrators are available for individualized assistance.

TUESDAY (DAY 2) - OBJECTIONS

- Purpose of objections
- How to make objections
- When to make objections
- Objections to leading questions

Objections to argumentative questions
Objections to confusing questions
Objections to unintelligible questions
Objections to assuming facts not in evidence
Objections to previously asked & answered questions
Objections to beyond the scope questions
Objections to impeaching one's own witness
Objections to hearsay questions
Objections to relevancy & materiality
Objections based on best evidence rule
Objections to questions seeking conclusions
Objections to documents
Objections to qualifications of the witness
Objections to expert witness testimony
Objections to lay opinion testimony
Objections to non-responsive answers
Objections to prejudicial questions
Objections to improper conduct of witnesses, opposing advocate or arbitrator

OPENING STATEMENT EXERCISES

- Instructor presentation on purposes and techniques of opening statements.
- Each student presents an opening statement & is
- individually critiqued by an instructor

DIRECT EXAMINATION EXERCISES

- Instructor presentation on purposes and techniques of direct examination.
- Each student conducts a direct examination of a witness and is individually critiqued by an instructor. (Professional witnesses are provided)

THE "JUST CAUSE" CONCEPT AND THE "DOUGLAS STANDARDS"

- Instructor presentation on the "Just Cause" concept and the "Douglas Standards" as they are applied to discipline & discharge cases.

- Students learn how to advocate these concepts in cases

INDIVIDUAL PREPARATION FOR CROSS-EXAMINATION AND FINAL ARGUMENT EXERCISES FOR DAY 3

- Students prepare for cross-examination and final argument.
- Arbitrators are available for individualized instruction.

WEDNESDAY (DAY 3)

CROSS-EXAMINATION EXERCISES

- Instructor presentation on purposes and techniques of cross-examination
- Each student conducts a cross-examination of a witness and is individually critiqued by an instructor. (Professional witnesses are provided)

FINAL ARGUMENT EXERCISES

- Instructor presentation on purposes and techniques of final argument.
- Each student presents a final argument and is individually critiqued by an instructor.

GENERAL SESSION

- All students and arbitrators meet in joint session to facilitate preparations for actual arbitration case on Thursday (day 4).

ARBITRATION CASE PREPARATION TIME

- Students prepare a complete arbitration case for presentation to a labor arbitrator on Thursday (day 4).
- Arbitrators are available to provide individualized instruction and assistance as needed

THURSDAY (DAY 4)

ARBITRATION PRESENTATIONS

- Students present arbitration cases to labor arbitrators
- Arbitrators follow actual case procedures.
- Student presentations are monitored by arbitrators.

- Students continue presentations of cases to labor arbitrators.
- Arbitrators continue to follow actual case procedures.
- Students presentations are monitored by arbitrators.

RECEPTION FOR STUDENTS, ARBITRATORS & INSTRUCTORS

- Students meet with instructors and arbitrators in a social gathering.

FRIDAY (DAY 5) - GENERAL SESSION

- Students meet with arbitrators for a general session.

ARBITRATOR CRITIQUES AND AWARDS

- Students are individually critiqued by the arbitrators before whom they appeared as advocates.
- Arbitrators will provide insight about the advocate's demonstrated skills, strengths, and ways to improve their presentations.
- Arbitrators provide an oral award in each of the cases presented to them and give the reasons for their awards
- Students are able to ask in depth questions of the arbitrators concerning their individual presentations.

HOW ARBITRATORS MAKE DECISIONS

- Panel discussion by arbitrators where they share their perspectives on how they resolve issues of disputed facts, determined credibility, review discipline, interpret contracts and determine remedies.
- Question and answer session by students.

COURSE CONCLUDES AT NOON