

BASIC COURSE CONTENT AND CLASS SCHEDULE

MONDAY (DAY 1)

INTRODUCTION 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

- 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

EVENING WORK - 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.

EVENING WORK - 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.

SOCIAL GATHERING FOR STUDENTS, ARBITRATORS & FACULTY

- Students meet with arbitrators and Faculty 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