

Presenting Cases at Labour Arbitration

Friday, September 7, 2018

1:30 pm – 4:00 pm (Registration begins at 1:00 pm)

*** Complimentary wine and cheese reception to follow from 4:00 pm – 5:00 pm ***

3rd Floor, Law Society Building, 196-198 Water Street, St. John's, NL

Seminar Overview:

Labour arbitration is a unique and specialized area of law, which involves key elements of civil litigation but also has significant differences. This seminar, which is being presented in collaboration with the NL Labour Management Arbitration Committee (LMAC), will focus on the effective presentation of labour arbitrations, including practical advice, recent trends, and best practices.

The seminar will include the following presentations:

1. Preparing Your Case: Pre-Hearing Preparation and Pre-Hearing Disclosure

In this presentation, practitioners and a labour arbitrator will explain how to develop your theory of the case, gather relevant facts, identify issues, develop your strategy, identify preliminary objections, obtain documents, and prepare for opening arguments.

2. Making Your Case: Witnesses, Evidence, Objections and Final Argument

In this presentation, practitioners and a labour arbitrator will explain how to prepare witnesses for their testimony, present any agreed-upon facts, organize any relevant documentary evidence, present your case, object at arbitration, and prepare for final argument.

3. Winning Your Case: Practical Tips, Suggestions and Best Practices

In this presentation, practitioners and a labour arbitrator will provide practical tips about presenting cases at labour arbitration, suggestions for making your case proceed as efficiently as possible, along with advice about best practices.

Seminar Moderator:

Kyle R. Rees

Kyle is an associate at O'Dea Earle. He completed a Bachelor of Arts (Honours) in Philosophy at Memorial University, and has a law degree from Osgoode Hall Law School. Kyle has a litigation practice that ranges from union-side labour to assisted dying and transgender rights. He was nominated for a NL Human Rights Award, and was the recipient of the Canadian Bar Association's Young Lawyer Pro Bono Award as well as the Osgoode Hall Law School Alumni Gold Key Award in 2017.

Seminar Presenters:

LeeAnn L. Montgomery

LeeAnn is a member of the Law Society of Newfoundland and Labrador, who, upon successful completion of the Arbitrators' Training course, began serving as an arbitrator in the mid 1990's. After taking a break to pursue other endeavours, LeeAnn resumed her practise as an arbitrator in 2015.

Christina R. Kennedy

Christina graduated from Memorial University in 1998 with a Bachelor of Arts (Hons). She attended both the University of New Brunswick and the University of Toronto Faculties of Law, graduating with a Bachelor of Laws in 2004. Ms. Kennedy is called to the Bar in both Ontario and Newfoundland & Labrador and practiced law in Ontario prior to returning to her home province in 2005. Ms. Kennedy has worked at the Newfoundland & Labrador Association of Public and Private Employees (NAPE) since 2006. As Legal Counsel for NAPE, she practices in all aspects of labour law. Ms. Kennedy was appointed to the Labour Relations Board in 2017, and she is also a member of the province's Labour Management Arbitration Committee.

Denis J. Mahoney

Denis is a labour and employment partner at McInnes Cooper in St. John's. Noted for his solid understanding of the current labour and employment issues employers face, Denis has developed a reputation as a trusted advisor and proactive problem solver. Denis has extensive experience advising employers in the oil and gas, mining, transportation, construction and service sectors on a wide range of labour and employment matters. He provides advice on collective bargaining, drug and alcohol testing, cannabis in the workplace, and occupational health and safety matters, and serves as employer-counsel before administrative proceedings, including: arbitrations, labour relations boards, and human rights tribunals.

Denis is Vice-Chair of Memorial University's Board of Regents, a Member of the Advisory Committee for the Centre for Law in the Contemporary Workplace at Queen's University, and Co-Chair of the province's Labour Management Arbitration Committee. He previously served as Chair of the St. John's Board of Trade and as a member of McInnes Cooper's management team.

David G.L. Buffett, QC

David is a partner at Benson Buffett in St. John's. He holds a law degree from Queen's University and has an extensive civil litigation and administrative law practice. He has acted as a labour arbitrator since 1991 and has adjudicated in both grievance/rights arbitrations as well as interest arbitrations.

Ian S. Patey

Ian is a Partner at O'Dea Earle and has been representing employees and unions for seventeen years. Ian acts as counsel to unions representing offshore oil and telecommunications employees, fire fighters, teachers and other public sector workers, as well as non-unionized employees. He provides strategic advice on labour - management relations, individual and policy grievances, and collective agreement negotiations, and appears regularly before arbitrators, administrative tribunals and the courts of the province on judicial review applications and other labour and employment related proceedings.

Michelle A. Willette

Michelle is a partner at Cox & Palmer practicing in the area of Employment & Labour, and Administrative law. Michelle represents private corporations and public institutions, providing advice in all areas of Employment & Labour law including: collective agreement negotiation and interpretation; employment contracts; employee terminations, labour standards; and human rights issues. Michelle has appeared before various administrative tribunals and before all levels of court in the Province. She is a regular presenter on Employment and Labour law.

W. John Clarke

John has been a member of the Law Society of Newfoundland since 1979. He holds a Bachelor of Commerce Degree from Memorial University of Newfoundland and a Juris Doctor Degree from the University of Saskatchewan. He is a member of the panel of arbitrators trained and approved by the provincial Labour Management Arbitration Committee and maintained by the Provincial Department of Labour. He was awarded the designations of Chartered Arbitrator and Chartered Mediator from the ADR Institute of Canada.

John has been active in the practice of law in Newfoundland and Labrador since admission to the bar and, since 1986, has concentrated his efforts in the area of alternative dispute resolution focusing primarily on arbitration, mediation and workplace harassment investigations. In 2006 he was instrumental in establishing the Centre for Innovative Dispute Resolution. He is a former Vice-Chair of the province's Labour Relations Board. He is a member of numerous dispute resolution panels and collective agreements.

Twila E. Reid

Twila has been practicing law at Stewart McKelvey for more than 15 years. As a partner in the labour/employment group, she acts as a trusted advisor and creative problem solver for any issue involving the workplace, including harassment, privacy and discipline.

Twila has appeared before various tribunals and before all levels of court in NL. Twila's expertise is recognized by the frequent requests for her to speak at local and national conferences. Twila is a published author, most recently on the future of judicial review which is being published by the University of New Brunswick Law Journal.

Twila sits on the Board of Directors of the national Canadian Bar Association and the NL Employers' Council. She also is on the federal judicial advisory committee for NL.

Mark D. Murray

Mark has been providing legal advice to trade unions since beginning practice. He has represented clients at arbitration hearings and in matters before the Newfoundland and Labrador Labour Relations Board and the Canada Industrial Relations Board. He has represented union members with respect to employment insurance issues, Workplace Health and Safety Compensation issues and Transportation Appeal Tribunal of Canada matters.

Four ways to register - Registration deadline is September 6, 2018

Please make cheque payable to NL Continuing Legal Education

By Mail:

NL Continuing Legal Education
P.O. Box 1028
St. John's, NL A1C 5M3

By Fax or Telephone

f: (709) 722-8902
t: (709) 758-0817

By E-mail:

cle@lawsociety.nf.ca

REGISTER ONLINE BY CLICKING THE FOLLOWING LINK:

https://zoom.us/webinar/register/WN_1ooEjD5DR72ALzakshxonw

Registration Fee: \$115.00 (\$100.00 + 15% HST)

HST # R108086463

Registration Includes:

1. Seminar attendance
2. Light refreshments (*for in-person attendees*)
3. Wine and cheese reception following seminar

PLEASE NOTE: YOUR SPACE WILL NOT BE CONFIRMED UNTIL PAYMENT IS RECEIVED AND REFUNDS WILL NOT BE ISSUED FOR CANCELLATION AFTER SEPTEMBER 6, 2018.

CLE Credit: 2.5 hours