

TRAINING FOR ARBITRATION ADVOCATES



National President John Hegarty flanked by the NPMHU Arbitration Training staff makes his opening remarks kicking off the training session. (l-r) Northeast Vice President and Local 300 President Paul Hogrogian, Eastern Region Vice President and National Trainer Sam D'Ambrosio, Local 301 President Tim Dwyer, National President John Hegarty, Former Local 304 President James Bell, General Counsel Bruce Lerner

Almost one hundred mail handlers from Local Unions across the country gathered in Washington, DC on December 10 and 11 for comprehensive Arbitration Advocacy Training conducted by the National Office of the NPMHU.

The training was organized and conducted by a panel of experienced NPMHU advocates, who shared their advice during the training, and also produced a comprehensive set of materials that are available to all advocates on the MAIIS system. The officers, stewards, and advocates who were able to attend the training sessions also heard from Arbitrator Lawrence Holden, who has served on postal arbitration panels for many years, and therefore could give thoughtful and useful advice about how to be an effective advocate when presenting cases in regional postal arbitrations.

The training focused on issues that typically arise in both contract interpretation and disciplinary arbitration hearings at the Regional level under Article 15 of the National Agreement, with an emphasis on the practical aspects of being an effective advocate. Before the trainers turned to covering the comprehensive list of topics in detail, participants were given valuable general advice, including the importance of finding your own style in presenting a case; the fact that there is no right or wrong way to do most things and every advocate may do things somewhat differently (for example, some advocates give an opening statement orally, while others write it out and both read it and give it to the Arbitrator); the importance of researching the arbitrator who will be hearing the case, both by reading relevant decisions previously issued by that arbitrator and by talk-

ing to other Union advocates who have participated in hearings with that arbitrator to find out how the arbitrator runs a hearing; the value added by researching the Postal Service representatives, including trying to talk with other advocates who know them to find out how they act in a hearing and whether there are issues the representatives always try to raise; and understanding the procedures used in your own District. The participants also were cautioned about making promises or creating false expectations in their dealings with grievants, as every advocate loses some cases that the Union should win, and wins some that the Union should lose.

The trainers then provided information and guidance on virtually every aspect of an arbitration hearing, in order to help participants be as prepared as possible in representing our members and enforcing our

contract. The most important message that could be taken from all of the presentations was that, at every stage of the arbitration process, there is no substitute for preparation. PREPARE, PREPARE, PREPARE!

Among the topics covered were the language of Article 15; how to put a case together; how to frame issues; how to organize arguments and select and prepare witnesses; how to meet the burden of proving appropriate remedies; settlements, stipulations, site visits, and sequestration of witnesses. The trainers also discussed important procedural issues such as arbitrability, bifurcation, which side bears the burden of proof, and the circumstances under which new arguments and new evidence can (or cannot) be presented.

In addition, the training covered the nuts and bolts of the skills essential to presentation of a case, including how to make effective opening and



NPMHU local leaders participating in the Arbitration Advocacy training.