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Damages in Employment Discrimination in Retaliation Cases

Time & Location

Monday, January 12, 2009
4:00 p.m. - 7:00 p.m.

Boston Bar Association
16 Beacon Street
Boston, MA 02108

Questions and Directions:
(617) 778-2020
cle@bostonbar.org

Important Information:

CLE Credit

Boston Bar Association Continuing Legal Education courses are *approved for credit* in California, Maine, New Hampshire, New York, Rhode Island & Vermont.

Can't attend?

If you have *pre-registered* for a program and *cannot attend*, the BBA will forward all seminar materials to you at the address indicated on your registration form.

Refunds and Cancellations

Refunds will be allowed for cancellation notices received at least **24 hours before** the program.

Special Needs

Please contact the BBA in advance of the program for any special needs.

Tuition Assistance

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For more information regarding refunds, complaints, cancellation policies and tuition assistance, please contact our office at cle@bostonbar.org or (617) 778-2020.

Damages in Employment Discrimination and Retaliation Cases

Monday, January 12, 2009
4:00 p.m. - 7:00 p.m.

Damages considerations are critical at the very first stages of an unlawful discrimination or retaliation dispute and become only more important if the matter is not resolved and goes to trial. How employment attorneys prove or defend against the award of damages has continued to evolve, as courts have weighed in on critical issues over the past few years. Counsel continue to argue over the application of the Supreme Judicial Court's decision in Stonehill College to proof of emotional distress damages. Attorneys must consider what implications, if any, there are to the U.S. Supreme Court's 2008 Exxon Valdez decision on punitive damages in the employment law context. They must also consider front pay damages or the mitigation of damages in the context of a flagging economy, with layoffs in just about every economic sector.

This program will explore how to prove and defend against the award of damages in employment discrimination and retaliation cases. It will offer legal insight into the guidance offered—and questions raised—by recent case law. It will also provide practical tips related to the analysis and presentation of damages at each stage in a dispute. Panelists will present from a wide range of perspectives and include experienced litigators and mediators, a federal district court judge, and a state superior court judge.

Panelists

The Honorable Nancy Gertner

U.S. District Court, District of Massachusetts

The Honorable Ralph D. Gants

Superior Court of Massachusetts

Eugenia M. Guastaferri, Esq.

General Counsel & Senior Hearing Officer

Mass. Commission Against

Discrimination

Maria C. Walsh, Esq.

Mediator/Arbitrator

JAMS - The Resolution Experts

Bret A. Cohen, Esq.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

Program Co-chair

Ellen J. Zucker, Esq.

Burns & Levinson LLP

Program Co-chair

Specific Topics

- Emotions distress damages (particularly in light of the *Stonehill College* case)
- Front Pay
- Mitigation Issues
- Lost wages
- Punitive damages

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