

Proving Employment Discrimination & Retaliation: Issue-Spotting & Tracking Evidence

Learn how to identify and gather circumstantial evidence, and devise strategies of proof or defense

Direct evidence of discrimination or retaliation in employment cases is relatively rare in the modern workplace. Consequently, employment law practitioners must understand how to prove their cases through circumstantial evidence—which includes evidence that an employer’s purported business reasons for an adverse employment action was not justified or valid, and therefore raises an inference of discriminatory or retaliatory animus.

Hear from both plaintiff-side and management-side counsel about the key aspects of discrimination and retaliation law under Title VII and G.L. c. 151B and the types of pretext evidence to be on the lookout for. The faculty teach you strategies to approach proving your claims or defenses—both at the agency level at the Massachusetts Commission Against Discrimination (MCAD) and the U.S. Equal Employment Opportunity Commission (EEOC), and in court. You also learn how to preserve, collect, and organize evidence of discrimination—particularly electronic evidence, at all stages of a case.

Agenda

- Elements of Discrimination and Retaliation Law Under State and Federal Law
- Choosing Your Forum for Plaintiffs and Defendants
- Issue-Spotting Tips from Plaintiff and Management Counsel’s Perspectives
- Approaches to Proof of Claims and Defenses at the Agency Level v. Court
- Collecting Evidence at the Earliest Stages of Cases, Including Electronic Communications, Social Media, Personnel Records, and Witness Statements
- Keeping Track of Witnesses, Including Former Employees
- Guidance on Preservation Requests and Litigation Holds
- Best Practices for Organizing Evidence for Use in Discovery, Summary Judgment, and Trial
- “Ask the Experts” Q&A Session

Faculty

Lucia A. Passanisi, Esq., *Todd & Weld LLP, Boston*

Catherine M. Scott, Esq., *Morgan, Brown & Joy LLP, Boston*



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Dates & Location

Register at www.mcle.org

LIVE WEBCAST

Tuesday, October 22, 2024
12:00 pm–2:00 pm
Program # 2250024WBC

REBROADCAST

Wednesday, November 6, 2024
9:00 am–11:00 am
Program # 2250024RB1

REBROADCAST

Thursday, November 14, 2024
2:00 pm–4:00 pm
Program # 2250024RB2

ON DEMAND WEBCAST

View after Thursday, November 14, 2024
Program # 2250024WBA

Tuition *(includes written materials)*

- \$175
- \$157.50 MCLE Members
- \$87.50 New Lawyers admitted to law practice within 5 years, Pending Admittees, Law Students, and Paralegals
- **FREE** for MCLE OnlinePass Subscribers

To apply for a need-based scholarship, email scholarships@mcle.org.

Materials

Employment Discrimination in Massachusetts ebook, plus speaker materials

- E-materials link emailed upon registration
- Transcript & videorecording emailed 2 weeks post-program

CLE Credits

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