

# TIGHTENING THE BELT: WHERE TO FOCUS YOUR LIMITED LEGAL RESOURCES

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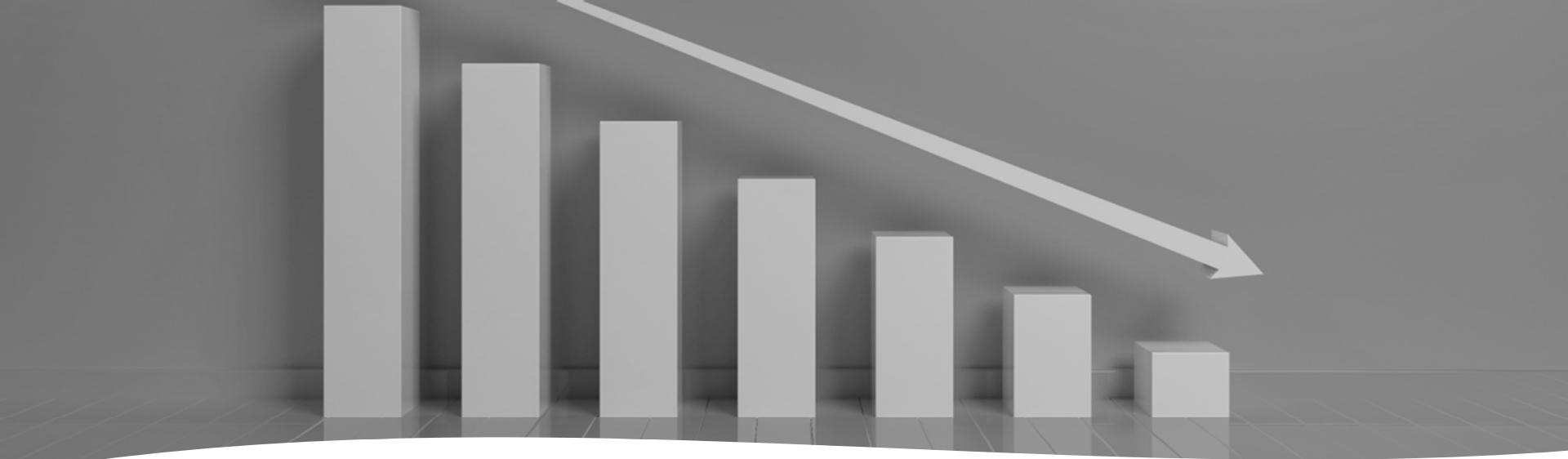
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# AGENDA

1. Effectively managing claims
2. Litigation – venue and forum considerations
3. Proactive measures before litigation arises
4. Best practices for planning your outside budget
5. How to approach layoffs and reductions to your workforce
6. Q&A

# EFFECTIVELY MANAGING CLAIMS



## EFFECTIVELY MANAGING CLAIMS

WHEN THE ECONOMY GOES DOWN,  
THE NUMBER OF CLAIMS GO UP!

# EFFECTIVELY MANAGING CLAIMS – STRATEGIES

## EARLY RESOLUTION

- Identify those claims ripe for early resolution and take prompt action
- Consider taking a more proactive approach towards early settlement
- Most cases settle, it's a question of when, and how much you want to invest your time and resources to get to that resolution

## DIRECT NEGOTIATIONS WITH OPPOSING COUNSEL

# EFFECTIVELY MANAGING CLAIMS – STRATEGIES (CONT'D)

## MEDIATION

- Consider utilizing the free ADR services offered by administrative agencies and courts
- Identify a reputable mediator for your specific type of claims

## ARBITRATION

- Arbitration provisions can limit the amount of discovery, and thereby limit the costs of discovery

## LITIGATION

- The pandemic has delayed everything

# LITIGATION – VENUE AND FORUM CONSIDERATIONS





# LITIGATION – VENUE AND FORUM CONSIDERATIONS

UPDATE ON NEW ENGLAND  
COURTS

COURT DELAYS DUE TO  
PANDEMIC

TRANSITIONING BACK TO IN-  
PERSON COURT BUSINESS

STATE VERSUS FEDERAL

# PROACTIVE MEASURES BEFORE LITIGATION ARISES

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## PROACTIVE MEASURES BEFORE LITIGATION ARISES

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KNOW YOUR BUSINESS AND  
IDENTIFY KEY AREAS FOR  
IMPROVEMENT AND AREAS  
OF HIGH RISK.





## PROACTIVE MEASURES BEFORE LITIGATION ARISES (CONT'D)

### INCORPORATE CONTRACT PROTECTIONS TO FURTHER REDUCE RISK:

- Confidentiality
- Force majeure
- No construction against the drafter
- Termination
- ADR/Arbitration
- Indemnification
- Non-competition
- Non-solicitation

# BEST PRACTICES FOR PLANNING YOUR OUTSIDE BUDGET

# HOW TO APPROACH LAYOFFS AND REDUCTIONS TO YOUR WORKFORCE

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## KEY CONSIDERATIONS

- Identifying how to best serve business needs
- Reducing pay, hours, and/or jobs
- WARN act and mini-WARN act compliance
- OWBPA notice
- Decisional units
- Selection criteria
- Disparate impact analysis
- Offering severance in exchange for a general release





QUESTIONS?

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