

Employment Law Institute West

Pittsburgh Marriott City Center
November 13, 2018



Continuing Legal Education Arm
of the Pennsylvania Bar Association



Situational Awareness in Trial Advocacy in Employment Litigation

Faculty



Hon. Arthur J. Schwab

United States District Judge
for the Western District of Pennsylvania

Colleen Ramage Johnston, Esq.

JOHNSTON ▶ LYKOS
Where Employment Meets the Law

Marie Milie Jones, Esq.

 **JonesPassodelis** PLLC

Situational Awareness



- Identify, process and comprehend the circumstances
- Every encounter is critical

Situational Awareness



- Impressions are formed from the first encounter with the Court
- “You never get a second chance to make a first impression.”

Initial Filings



- **Develop strategy for your case before you file**
- **Maintain consistent positions**

Initial Case Management Conference



- **Show respect to the Court**
- **Know your case and details about your client**

Motions to Dismiss



- Only file a Motion to Dismiss if it has merit
- Make things easy; use clearest manner to cite to the record
- Don't fight over every detail

Communications with the Court



- **Treat staff with respect**
- **Call law clerk yourself**
- **Feel free to ask questions about procedures**

Summary Judgment



- **Focus on Joint Concise Statement of Material Facts**
- **Do not stretch the truth**
- **Do not endlessly argue in the alternative**

Credibility/Believability Issues



- Consider what the particular judge will expect, or want, to see in submissions, appearances
- Preparedness= readiness for any judge

Trial



- **Work closely with counsel and Court to prepare case for trial**
- **Non-verbal behavior of attorney and client must be managed**
- **Understand how to use courtroom technology**