

Tuesday, Aug. 19, 2008 - From the EXCEL CONFERENCE FLOOR

### **Why Can't Every Case Settle?**

Capital University Law School Professor Floyd Weatherspoon gave an enlightening seminar on "Why Can't Every Case Settle?" He identified common obstacles to mediating cases and provided solutions to help cases settle. After his seminar, Professor Weatherspoon shared some thoughts on why he enjoys coming to EXCEL year after year. He does a lot of training nationwide, but particularly enjoys EXCEL because federal employees seem very interested in mediation, and seek to improve the process at their agencies. Though he leads training sessions, Weatherspoon also does some learning himself by listening to mediation experts from the EEOC and other agencies. It seems that the sharing of knowledge and experiences benefits all who attended. Now that's what we call cooperation.

### **An EEO Counselor's Role in a Class Complaint**

Donna Rodwell, an Acting Hearings Coordinator, discussed the counselor's role in class action complaints. Donna emphasized that the EEO counselor plays a key role in class action complaints in that they are the first person of contact. She reminded participants that there are two key differences between a class complaint and an individual complaint: The parties can move for class certification at any time in the process, and that there is no agency investigation in a class complaint. Specifically, it goes to counseling within 30 days, then to EEOC and assigned to a judge to determine class certification. The workshop was beneficial to both new EEO Counselors and experienced counselors.