

News & Insights

Bernadette Sargeant, Emily Monroe Discuss #MeToo Bill in *Attorney at Law* Article

In the News

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Partner [Bernadette Sargeant](#) and attorney Emily Monroe discuss the #MeToo bill, which is soon to be federal law, with *Attorney at Law Magazine*. The February 22 article addresses likely scenarios that attorneys and employers should consider in regards to the arbitration ban.

“You have been drafting mandatory arbitration clauses into agreements for several years, particularly employment agreements and customer agreements. They have worked well for addressing complaints,” said Sargeant and Monroe. “What will this new law mean for your clients?”

Scenario: You are an employment attorney with three mandatory arbitrations of employee claims scheduled in the upcoming months. Two of them involve sexual harassment claims. Will the employees’ counsel move to have those scheduled arbitration proceedings dismissed if the law goes into effect before they begin?

Answer: “For the upcoming arbitration involving the claim other than sexual harassment, the arbitration agreement would still be valid and enforceable, unchanged by the new federal law,” said Sargeant and Monroe. “For the two involving sexual harassment claims, employees’ counsel may move to dismiss them in favor of litigation. Still, you should plan to oppose those motions if the claims themselves arose *before the law was actually enacted*. Based on the wording of the pending bills, the law will impact claims that arise from the date of the law’s enactment.”

Similar attorney, employer and client-based scenarios were posed and answered in the article, providing guidance on matters such as contracts containing mandatory arbitration provisions, scheduled arbitration proceedings involving sexual harassment claims, discrimination, and harassment allegations.

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Sargeant has extensive trial experience and experience conducting sensitive internal investigations. Her employment and white-collar litigation experience, as well as her time as counsel to several government agencies, including the Department of Justice's Office of Professional Responsibility and the Ethics Committee of the U.S. House of Representatives, combine to make her an ideal workplace investigator, sensitive to the myriad issues that arise in internal and government investigations and ongoing operations under consent decrees. Sargeant provides practical, efficient and insightful counseling and advice to clients needing to address workplace situations in real time.

Monroe has substantial experience in adversary matters, as she frequently helps employers defend against all manner of employment claims, both in agency proceedings and in civil lawsuits. She previously worked as a criminal defense attorney and prosecutor where she developed and heightened her skills regarding investigations, addressing issues of jury appeal, handling intense negotiations and resolving questions of fairness and equity. She has tried over 50 jury trials, as well as several bench trials and contested hearings.

[Read](#) the full article.

CONTACT

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