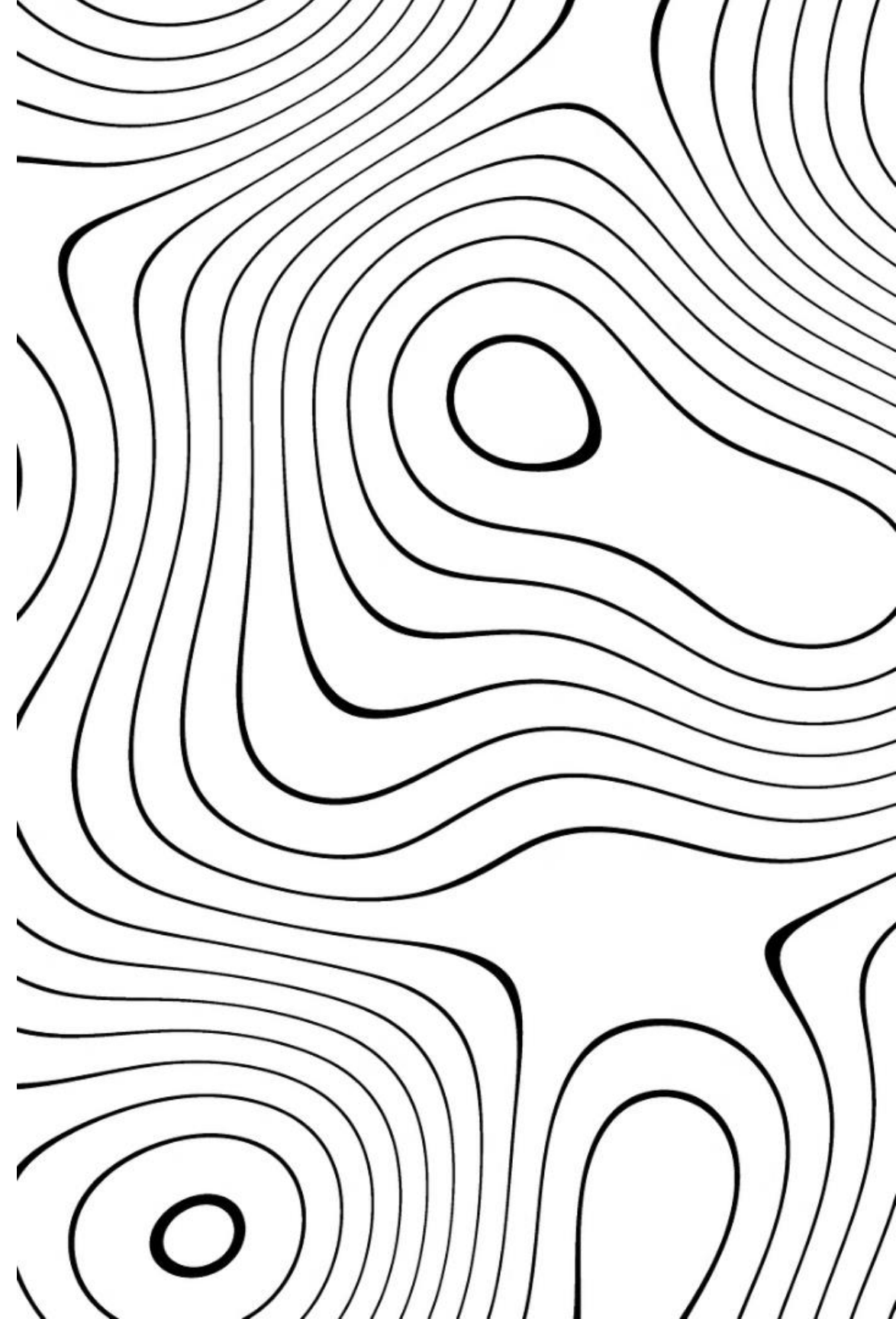


**Get Over It: Understanding
the Impact of Emotional
Distress in Employment
Resolution**



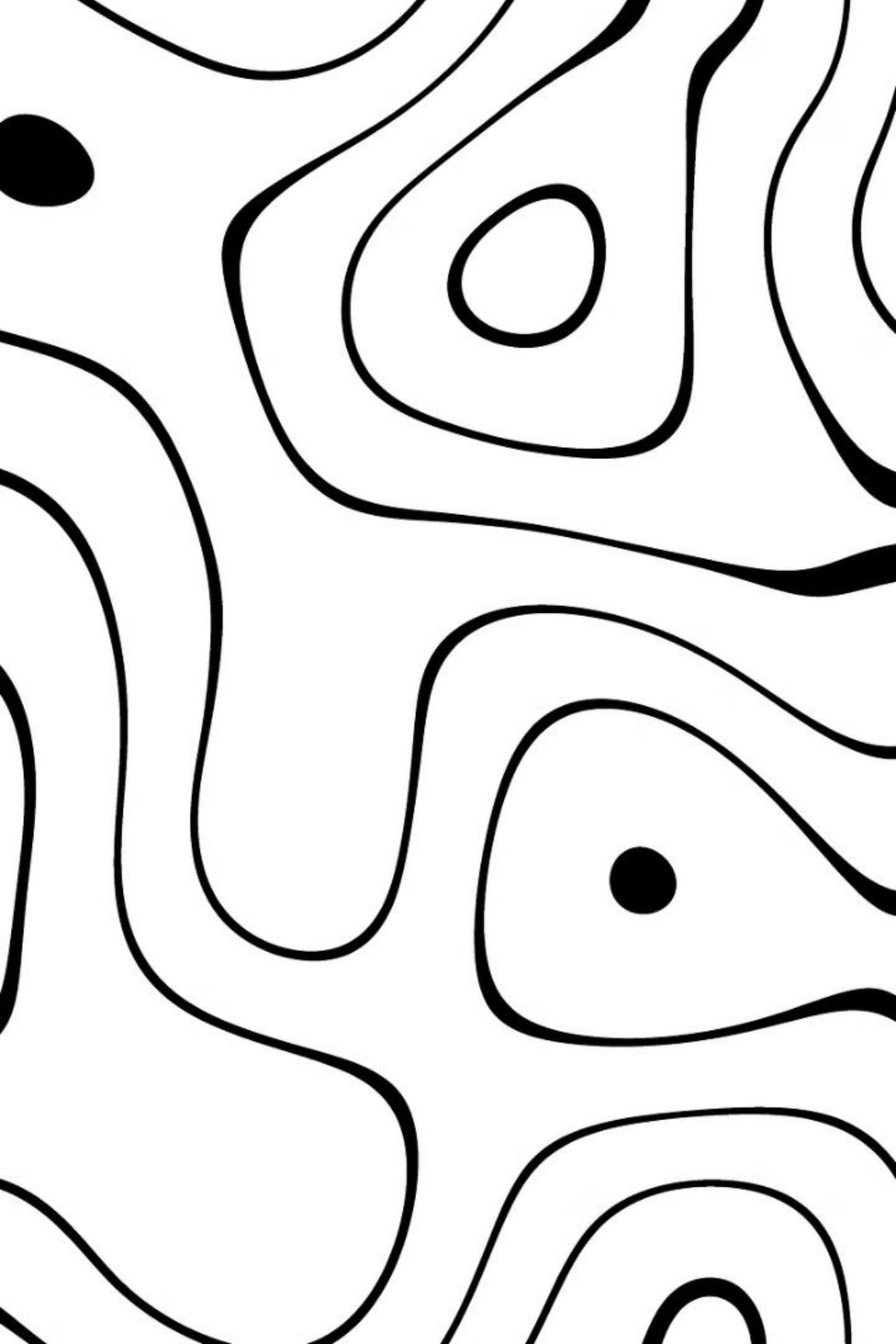


Jonathan D. Andrews

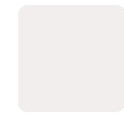
Signature Resolution

Jonathan D. Andrews is an employment mediator who emphasizes customized, empathetic, and people-focused mediation strategies to achieve win-win outcomes. As a strong advocate with an authentic presence, Mr. Andrews provides value for all sides with his experience, creativity, compassion, and tenacity.

jandrews@signatureresolution.com

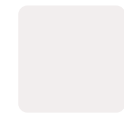


Trends in Mental Health



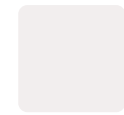
Post-COVID feelings about mental health

Post-COVID feelings about mental health



Voluntary waiver of economic damages

Voluntary waiver of economic damages



Access to mental health

Access to mental health

Understanding Emotional Distress Damages



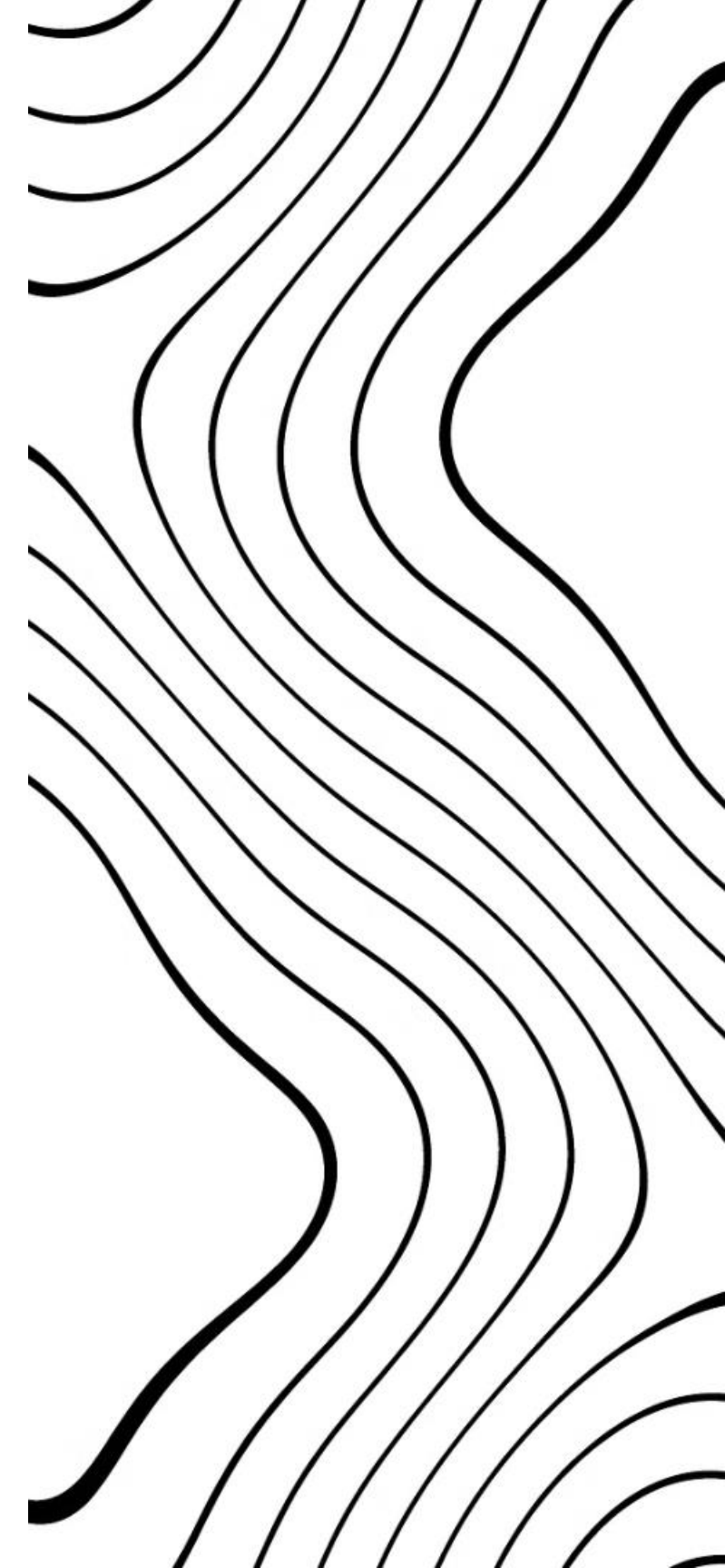
Legal Definition and Parameters

- Pain and suffering
- Fright, nervousness, grief, anxiety, worry
- Mortification, shock, humiliation, indignity
- Embarrassment, apprehension, terror, or ordeal
- Invasion of a person's bodily integrity



Emotional Distress Components

Emotional distress damages encompass a wide range of psychological and emotional impacts, including pain and suffering, anxiety, humiliation, and the impaired enjoyment of life.



Factors Influencing the Valuation of Emotional Distress Damages

- The severity of emotional distress is a key factor in valuing damages.
- Intensity, frequency and impact.
- Medical and financial records provide evidence for emotional distress claims.
- Previous emotional distress awards in similar cases can influence valuation when judges review awards.

Common Mistakes in Assessing Emotional Distress

Tying emotional distress to economic loss

This is a common error when evaluating emotional distress damages. It's important to recognize that emotional distress can exist independently of financial impact.

Cultural, cost, and community considerations

Failing to account for these factors can lead to inaccurate assessments. Different cultural backgrounds, financial situations, and community support systems can greatly influence emotional distress.

Focusing on lack of treatment

It is a mistake to assume that absence of professional treatment indicates lack of emotional distress. Many individuals may not seek help due to various reasons, including stigma or financial constraints.

Late analysis

Delaying the assessment of emotional distress can lead to inaccurate evaluations. Timely analysis is crucial for capturing the full extent and progression of emotional distress.

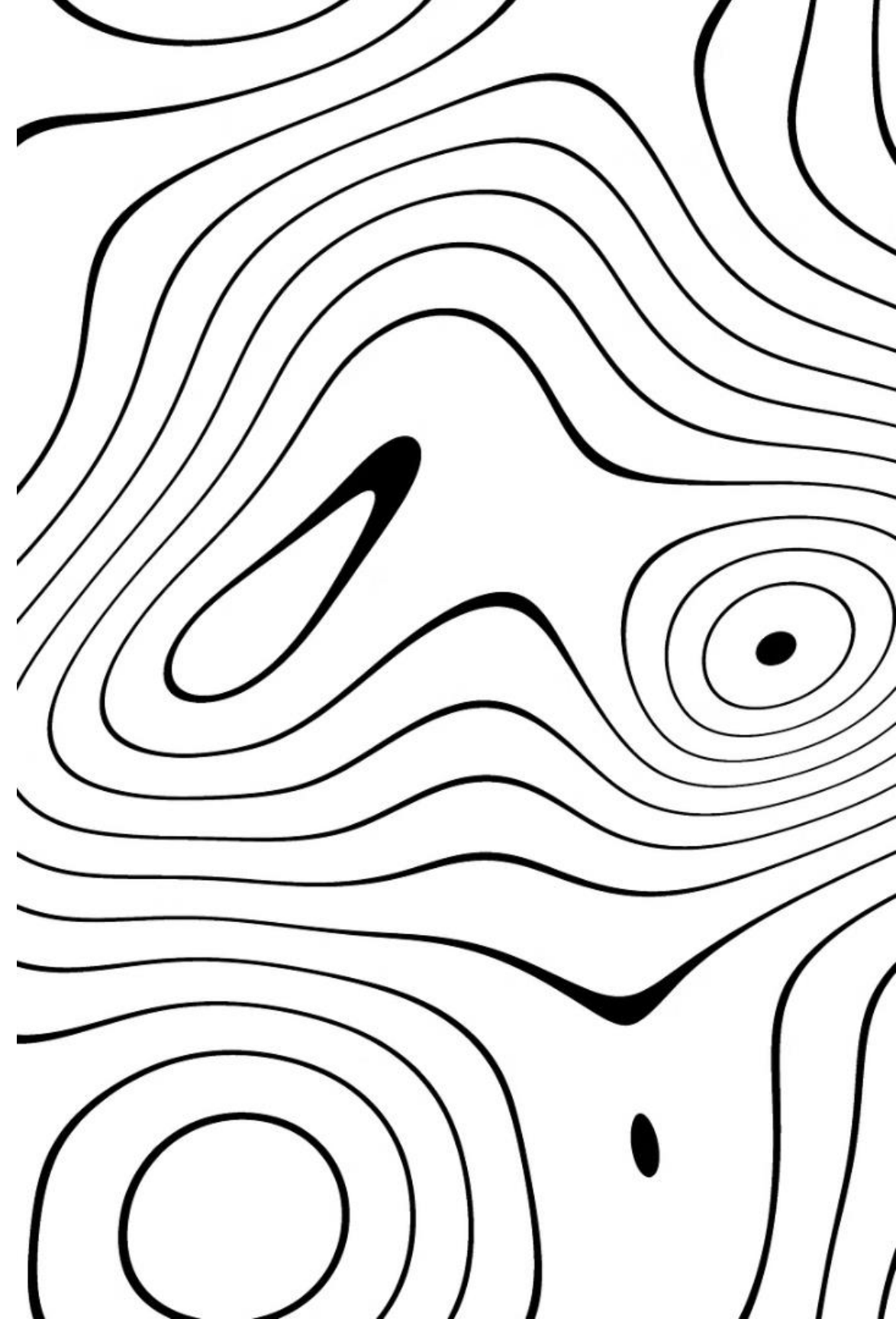
Recent Verdicts Overview

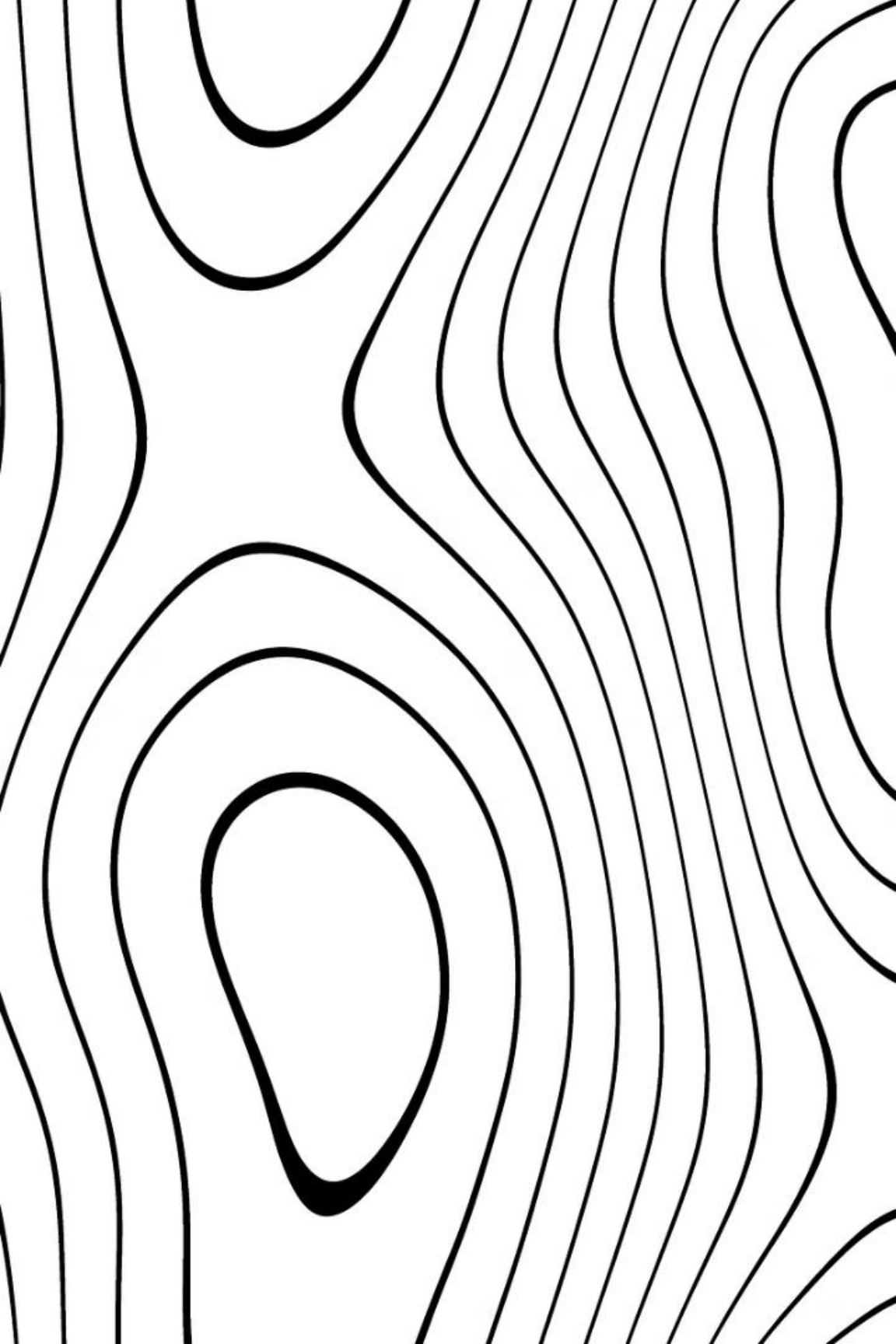
High-profile cases

High-profile cases involving significant awards of emotional distress damages

Court focus

What courts focus on when reviewing awards





Overall Strategies

Employer Strategies

Plaintiff's Testimony

Carefully examine the plaintiff's testimony to assess the credibility and extent of emotional distress claims.

Treatment Options

Employers should thoroughly evaluate available treatment options to determine if the plaintiff has pursued appropriate care for their emotional distress.

Medical Records

A critical component of defendant strategies involves scrutinizing medical records to verify the plaintiff's claims and identify any pre-existing conditions or alternative causes.

Other Considerations

Unusually Susceptible CACI 3928

You take your plaintiff as you find them.

Alternative Stressors

While relevant, carefully examine the pros and cons of emphasizing alternative stressors in the overall narrative.

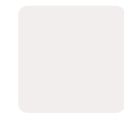
Correlation With Punitive Damages

The facts underlying a strong emotional damages case often correlate with a potentially persuasive punitive damages presentation.

Lean In At Mediation

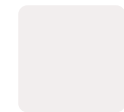
Although it may be tempting to stay away from emotional distress arguments in negotiation, leaning it to them is often a catalyst for resolution.

Expert Involvement



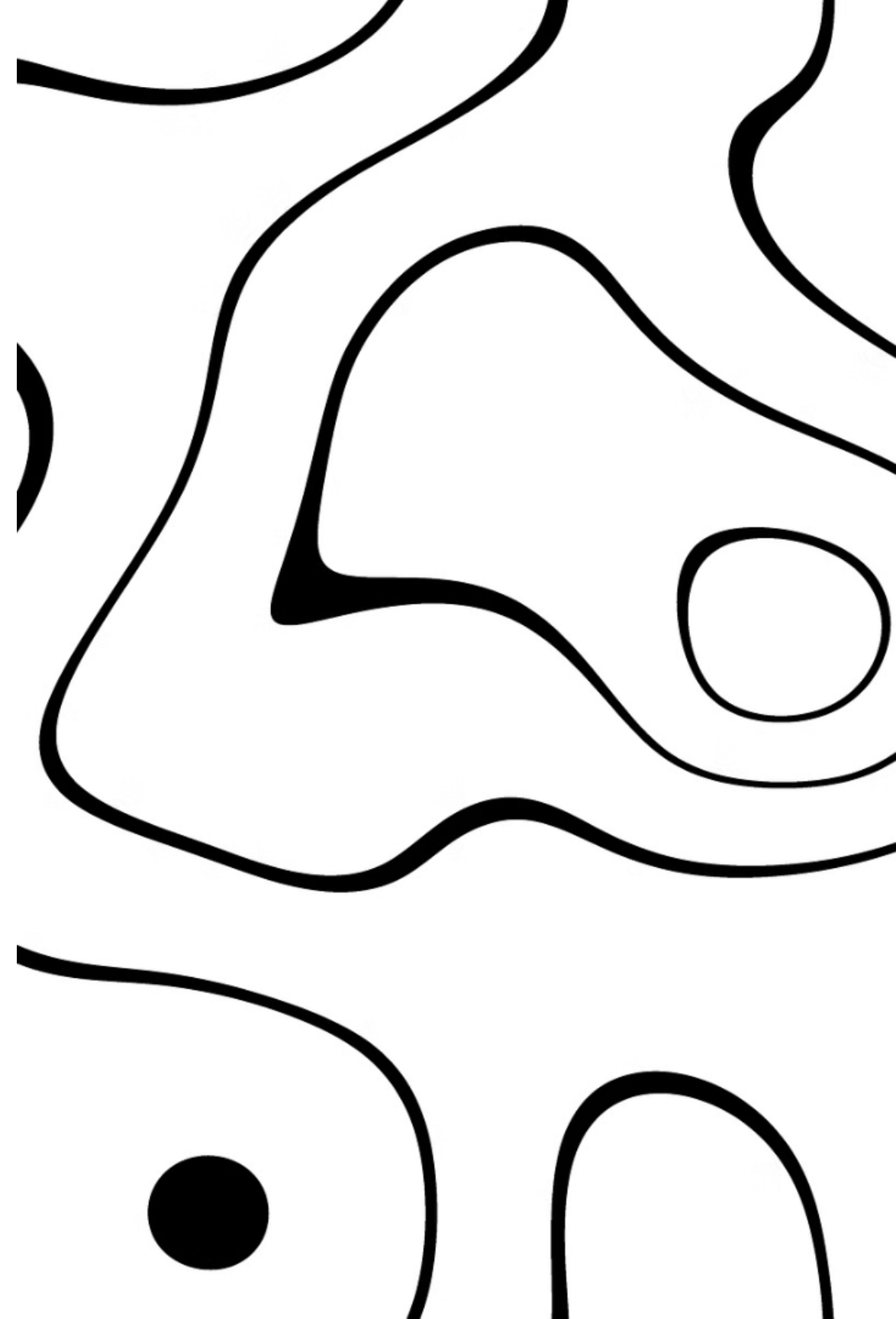
Independent Medical Exam

Independent Medical Exam



Treating Medical Providers

Treating medical providers



Mediation Issues



Timing

Timing is a crucial factor in mediation.



Exchange of information

Proper exchange of information is essential for successful mediation.



Choosing the right mediator

Selecting an appropriate mediator is key to the process.



The right audience

Having the correct audience present can significantly impact mediation outcomes.



Prepare the client

Ensuring the client is well-prepared is crucial for effective mediation.



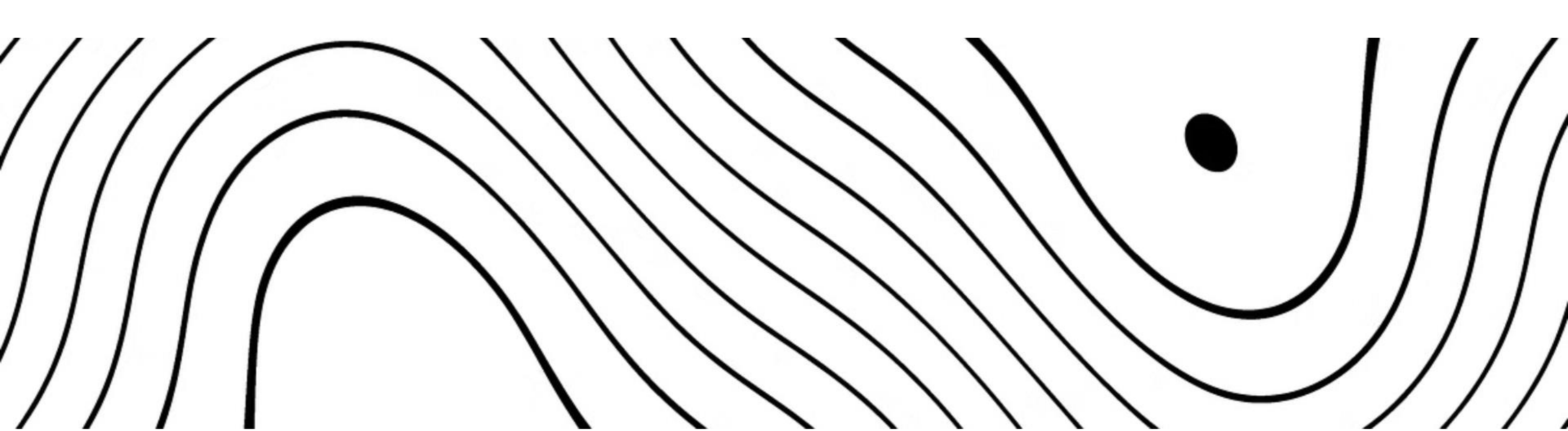
Prepare the mediator

Properly briefing the mediator contributes to a smoother process.



Recognize risk

Acknowledging and understanding potential risks is an important aspect of mediation.



Questions?