



Primerus
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Corporate Client e-Newsletter Summer 2013

Greetings, and welcome to the Summer 2013 edition of the *Primerus Corporate Client e-Newsletter*! The following articles were written by Primerus lawyers about current developments in the law, best practices, and legal trends around the world, and we hope you will find them to be informative and helpful.

We also invite you to explore the many resources that are available to you on the Primerus website, simply by clicking on the links provided throughout the e-Newsletter, for your convenience.

Please feel free to forward this e-Newsletter to your colleagues! If you would like to see specific legal topics covered in future issues, please let us know. For your convenience, please submit suggested topics to us, by email, by clicking on the "Contact Us" link located at the right side of this e-Newsletter under "Resources."

The International Society of Primerus Law Firms brings together the world's finest law firms that share a commitment to providing quality service for reasonable fees. With local counsel and independent law firms in 125 cities and over 40 countries around the world, Primerus is sure to have an attorney who can assist you with most any legal matter. For more information about Primerus, or to find a Primerus lawyer in a particular jurisdiction, please don't hesitate to contact me or go to www.Primerus.com.

Nick G. Kacher, Esq.
Sr. Vice President and General Counsel
International Society of Primerus Law Firms

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Alternative Dispute Resolution

USA

S.C. Supreme Court Rules on the Scope of an Arbitration Clause

By: [Peter Dworjanyn, Esq.](#)

Collins and Lacy, PC

Columbia, South Carolina

Insurers and insureds have occasion to dispute whether lawsuits between them are subject to arbitration clauses in insurance policies. While *Landers v. FDIC* did not involve an insurance policy, the South Carolina Supreme Court's holding that an employee's breach of contract claim and related tort claims were all within the scope of an arbitration clause in his employment contract and thus subject to arbitration, could apply in insurer/insured litigation.

[Full Article](#)

Business

USA

In the Court of Public Opinion: Top Tips for Managing It Successfully

By: [Andrew Apfelberg, Esq.](#)

Greenberg Glusker

Los Angeles, California

Today's ubiquitous social media and 24-hour news cycles create a constant court of public opinion for businesses and corporations.

How a company manages the public's verdict can lead to either derailment or opportunity.

[Full Article](#)

Upcoming Events

2013

Primerus Business Law Institute Symposium

Primerus is co-sponsoring this event with the Association of Corporate Counsel-Georgia Chapter.

**June 19-20
Georgia Aquarium
Atlanta, Georgia**

For more information, contact:

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Employment and Labor

USA

New Form I-9 - Mandatory for Employers

By: [Charles Appleby, Esq.](#)

Collins and Lacy, PC

Columbia, South Carolina

As you may remember from prior immigration articles, employers are required to complete a Form I-9 to verify the identity and employment authorization of each employee hired in the United States. Businesses are required to keep the form for as long as an individual works for the company and for the required amount of time after termination, either three years after the date of hire or one year after the date employment ended, whichever is later.

[Full Article](#)

"Love Contracts" and Fraternization Policies - Navigating the Minefield of Office Romance

By: [Kristain Cross, Esq.](#)

Collins and Lacy, PC

Columbia, South Carolina

Valentine's Day may have come and gone this year, but office romances brew all year long. One of the worst things an employer can do is pretend an office romance will never happen, or that if it does, it won't affect his or her business.

[Full Article](#)

Employee Benefit Plans - The Importance of Classifying Individuals Properly

By: [Bernard R. Peter, Esq.](#)

Kubasiak, Fylstra, Thorpe & Rotunno, P.C.

Chicago, Illinois

Whether an individual is properly classified as an employee or independent contractor can have a very significant impact on the employee benefits plans that an employer sponsors. Employers often believe that they do not have to provide employee benefits to casual, part-time, seasonal or temporary employees or employees who are rehired after retiring.

[Full Article](#)

What to Expect When Your Employee is Expecting

By: [Casey M. Rocha, Esq.](#)

Neil, Dymott, Frank, McFall & Trexler APLC

San Diego, California

Federal and state lawmakers have kept employers on their toes lately. Issues affecting the U.S. workforce have taken center stage at the Capitol, sparking rumors of significant legislative overhaul in the employment arena. However, unbeknownst to many, while the debate on employment law reform gained traction, the California Supreme Court was positioning itself for a more subtle, but equally significant, strike on Fair Employment and Housing Act ("FEHA")

2013 Association of Corporate Counsel

Annual Meeting

Primerus is a corporate sponsor at this event.

**October 27-30, 2013
Los Angeles
Convention Center
Los Angeles, California**

2013 PLUS Annual International Conference

Primerus is a corporate sponsor at this event.

**November 4-6, 2013
Orlando, Florida**

employment discrimination lawsuits.

[Full Article](#)

Insurance

USA

Best Strategies in Defending Professional Negligence Actions Against Insurance Agents and Brokers in New Jersey

By: [Thomas Paschos, Esq.](#)

Thomas Paschos & Associates, P.C.

Haddonfield, New Jersey

New Jersey insurance policies are sold either directly by insurance companies or through insurance "producers." Both insurance agents and brokers fall within the definition of an insurance producer. At common law both agents and brokers, when acting on behalf of an insured, owe the insured a duty of due care. In New Jersey, claims against insurance producers are based in tort. Therefore, claimants must establish breach of a duty, proximate causation and damages.

[Full Article](#)

Low Liability vs. High Demand: Overcoming the Aggressive Plaintiff Attorney's Delusions of Grandeur for Policy Limits

By: [Joshua Golembe, Esq.](#)

Nicklaus & Associates, P.A.

Coral Gables, Florida

Today many Claimants hire aggressive attorneys who make unreasonably high demands for big dollars in cases that have low, to no, liability. In turn, insurance providers are forced to spend a lot of time and money defending these low exposure claims.

[Full article](#)

S.C. Supreme Court Holds Limit of Liability Provision Is Neither Unconscionable nor Against Public Policy

By: [Logan Wells, Esq.](#)

Collins and Lacy, PC

Columbia, South Carolina

Contractual limitation of a home inspector's liability does not violate South Carolina public policy and, as a matter of law, is not unconscionable, according to a March 2013 opinion of the S.C. Supreme Court. Finding such limit of liability clauses are enforceable, the court specifically noted the lack of a requirement that home inspectors carry E&O insurance as evidence of South Carolina's public policy.

[Full Article](#)

International Business

England

Common Sense and Contracts

[Marriott Harrison LLP](#)

London, United Kingdom

A decision of the Supreme Court will have broad application for the future interpretation of commercial contracts, it having unanimously held that where the Court is asked to construe an ambiguous provision in a contract, that meaning which is most consistent with commercial common sense will be preferred.

[Full Article](#)

Earn-Outs On Trial

[Marriott Harrison LLP](#)

London, United Kingdom

The decision in *Porton Capital Technology Funds and others v 3M UK Holdings Limited and another* [2011] EWHC 2895 (Comm)) demonstrates how having an earn out as part of the purchase price calculation can go wrong.

[Full Article](#)

Germany

German Business Law News

[WINHELLER](#)

Frankfurt, Germany

Spring 2013 Newsletter

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Mexico

CCN Mexico Report

[Cacheaux Cavazos & Newton](#)

Mexico City, Mexico

May 2013 Newsletter

[Full Article](#)

Switzerland

Federal Supreme Court Establishes Liability of Blog Platform Providers for Third Party Content

By: [Dr. Andreas Glarner, LL.M.](#)

MME Partners

Zurich, Switzerland

In a recent decision, the Swiss Federal Supreme Court established for the first time that blog platform providers may be held liable for third party content violating personal rights.

[Full Article](#)

USA

Stewart and Stewart Attorney Analyzes Export Restrictions on Natural Gas; Finds DOE Policy Could be Challenged

By: [Alan Dunn, Esq.](#)
Stewart and Stewart
Washington, D.C.

Some of the export restrictions on natural gas being contemplated by the U.S. Department of Energy would violate binding U.S. commitments under international trade agreements, including the WTO, says a former assistant commerce secretary who served as one of the lead U.S. trade negotiators in the GATT negotiations that established the WTO.

[Full Article](#)

Paradigm Magazine

To View the Latest Issue of the Paradigm Magazine, [click here.](#)



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The International Society of Primerus Law Firms (Primerus) is a society of top-rated, independent, boutique law firms that have earned the right to display the Primerus seal of quality. Primerus has over **190 member firms** in **125 cities** located in nearly **40 countries**. **High quality legal services at reasonable fees - that's how Primerus can work for you.** With over 2,800 lawyers in the society, Primerus members, collectively, offer the breadth of expertise and jurisdictional coverage that only the world's largest law firms can offer to their clients, but at more reasonable rates. For more information, please call 800-968-2211 or visit primerus.com.

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