

The International Society of Primerus Law Firms

**XPRESS e-Newsletter**

March 2019

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## Real Estate

### **UNITED STATES**

**Early Navigation of Opportunity Zone Waters Leave Many Open Questions**

[Douglas "Doug" L. Wood & Jennifer R. Delgado](#)

[Burch & Cracchiolo, P.A.](#)

Phoenix, Arizona

While I.R.C. §1031 like-kind exchanges now only permit delaying capital gains recognition for real estate investments,[1] the 2017 Tax Cuts and Jobs Act created a new program that permits temporary and sometimes permanent deferral of capital gains for certain private investments in businesses and property in low income areas for the purposes of economic revitalization and community development.

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## Intellectual Property

### **NETHERLANDS**

**Domain Name Hijacked - What do you do?**

[Russell Advocaten B.V.](#)

Amsterdam, Netherlands

Registration and use of a domain name is easy and a smart move in the present time. What

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## Criminal Litigation

### HONG KONG

#### **Navigating the Money Laundering Minefield - The Court of Appeal Dismissed the Constitutional Challenge Against the "No Consent" Regime**

[ONC Lawyers](#)

Hong Kong, Hong Kong

On 1 November 2013, the Commercial Crime Bureau of the Police ("CCB"), Hang Seng Bank ("HSB"), and the Bank of East Asia ("BEA") were alerted by the newspaper coverage in relation to an alleged pyramid scheme promoted by a company.

[Full Article](#)

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## Family Law

### AUSTRALIA

#### **Splitting School Fees for Separated Parents**

[Emma Catterall](#)

[HHG Legal Group](#)

West Perth, Australia

With the upcoming return to school, many separated parents remain unsure of who is responsible for payment of school fees. This can become a particularly contentious issue when children attend private schools, where fees are typically significantly higher than those of public schools.

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## Labor & Employment

### UNITED STATES

#### **NLRB Changes the Definition of the Independent Contractor**

[The Bennett Law Firm, P.A.](#)

New Hampshire

On January 25, 2019, the National Labor Relations Board (NLRB) overruled an Obama-era NLRB decision on determining when workers would be classified as independent contractors rather than employees and restored entrepreneurship as a key element in the test. In this new decision, the NLRB ruled that shuttle-van-driver franchisees of SuperShuttle at Dallas-Fort Worth Airport are not statutory employees under the National Labor Relations Act, but rather independent contractors excluded from the NLRA's coverage.

[Full Article](#)

UNITED STATES

## **The Salary is Set - Department of Labor Issues New Salary Rule for "White Collar" Overtime Exemptions**

[David Walston](#)

[Christian & Small LLP](#)

Birmingham, Alabama

You will recall from past updates, the Department of Labor under the Obama Administration announced the implementation of a rule that would increase the salary threshold for the "executive" and "administrative" exemptions from \$23,660 per year to \$47,476 per year.

[Full Article](#)

### **UNITED STATES**

#### **The Family-Medical Leave Act - You May Have More Eligible Employees Than You Think**

[David Walston](#)

[Christian & Small LLP](#)

Birmingham, Alabama

The FMLA affords eligible employees with up to 12 weeks of unpaid leave for certain qualifying reasons, the primary being a serious health condition of the employee, or if the employee is needed for the care of a serious health condition of a spouse, son, daughter or parent.

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## Business

### **NETHERLANDS**

#### **Contracting Under Conditions**

[Russell Advocaten B.V.](#)

Amsterdam, Netherlands

In the Netherlands, parties have great freedom of contract. Thus, the parties can also contract under (suspensive or resolutive) conditions. What does this mean and what do you have to look out for?

[Full Article](#)

### **UNITED STATES**

#### **Key Components of a Good Subcontract**

[James "Chip" Atkinson Bruorton, IV](#)

[Rosen Hagood](#)

Charleston, South Carolina

You are awarded a contract with an owner, and you have your subcontractors all lined up. This article examines some of those necessary contract requirements in detail.

[Full Article](#)

### **UNITED STATES**

#### **Could an Acquisition Help Your Business Grow in 2019?**

[Stephenson Fournier](#)

Houston, Texas

2018 was a great year for businesses in Texas. The 12th annual CNBC America's Top States for Business ranked the state as top in the nation, an honor the state has earned three times in the past.

[Full Article](#)

## **SWITZERLAND**

### **FinSA and FinIA - A Paradigm Shift in Financial Market Law**

**Bettina Rudin, Urs Suter, Joana M. Meier-Pinheiro, Romaine Robbiani**

**Suter Howald Rechtsanwälte**

Zurich, Switzerland

The Federal Act on Financial Services (FinSA) and the Federal Act on Financial Institutions (FinIA) are expected to take effect on 1 January 2020. These two laws will radically transform the current financial market structure. Below is a brief overview of the major changes that FinSA will bring.

**[Full Article](#)**

## **UNITED KINGDOM**

### **Are Your Contracts "Investment/Acquisition Ready"?**

**Chris Mooney**

**Marriott Harrison LLP**

London, United Kingdom

Whether you are looking to sell your business or take on investment, you should consider if your contracts are "investment/acquisition ready". A business's contracts are part of its foundations and will often determine whether an investor/buyer is willing to proceed with their investment/acquisition, and the price they are willing to pay.

**[Full Article](#)**

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## Paradigm Magazine



The **2018 Fall Paradigm Magazine** delivers articles regarding developments and trends in legal issues relevant to corporate clients around the world, while showcasing Primerus members as leaders with the expertise to assist clients with any legal needs they may have. It is published twice a year and mailed to Primerus members as well as clients around the world.

If you would like to be added to our hard copy mailing list please include your mailing address in a brief email to Derek Mallekoote at **[dmallekoote@primerus.com](mailto:dmallekoote@primerus.com)**.

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## The Primerus Client Resource Institute

The Primerus Client Resource Institute (PCRI) is the client section of the Primerus membership intended for in-house counsel, risk managers, claims managers, and corporate executives who are responsible for the legal affairs of their companies. Given the challenges of doing business in today's fast-paced, global economy, it has never been more important

for companies around the world to develop trusted relationships with law firms that offer high quality legal services at reasonable fees. Primerus seeks out, screens and audits our firms to make sure we have only the finest, so companies in need of legal services can call upon any Primerus lawyer with complete confidence that he or she is reasonably priced, highly competent, and worthy of your trust.



The PCRI was created with the help of some long-standing Primerus corporate clients, and offers in-house counsel and corporate executives an opportunity to connect with not only great law firms and lawyers, but also with other similarly situated in-house and corporate professionals.

### **Membership Benefits:**

- There is no cost to join
- Free 30-minute legal consultation phone call with any Primerus member, anywhere in the world
- Assistance in finding the right Primerus lawyer(s) to meet your needs
- Access to free Primerus educational webinars
- Access to the PCRI Listserv to communicate with other PCRI members
- On-site education programs can be arranged that are customized to your industry and business

### **It's Easy to Join the PCRI**

Click below to complete a brief online application. Once submitted, membership applications are reviewed and approved by the Primerus Client Resource Institute Executive Committee. Apply today, and you will hear from us soon.

**JOIN THE PCRI TODAY**

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## Resources

### Legal Articles

#### **Compendiums:**

- [\*\*A Survey of the Law of Dram Shop and Alcohol Liability\*\*](#)
- [\*\*A Survey of the Law of Legal Malpractice - A Professional Liability Practice Group Compendium - September 2015\*\*](#)
- [\*\*A Survey of The Law of Non-Contractual Indemnity and Contribution - Products Liability Practice Group Compendium - April 2015\*\*](#)
- [\*\*Compendium of Principles of Law Regarding Bad Faith in the Fifty States and D.C. - 2013 Edition\*\*](#)
- [\*\*A State by State Update of Tort Reform - 2013 Edition\*\*](#)
- [\*\*Principles of Law Regarding Establishment and Operation of a Business in Various Countries Compendium - International Transactional Services Practice Group - March 2012\*\*](#)

- [Doing Business in the Asia Pacific Region](#)

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Primerus is a society of the world's finest independent, boutique law firms. With nearly 200 member firms in 50 countries, Primerus provides clients easy access to the right lawyer, with the right skills, in the right location, and at the right cost. We seek out, accept and retain only the best firms for membership. Each firm is screened to ensure its commitment to excellence as embodied in the Six Pillars: Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, Civility and Community Service. After more than 20 years, in which Primerus has experienced tremendous growth in membership and expansion of services, we have never wavered from this commitment, and we never will. [Click Here](#) to visit our website and learn more.

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