



Corporate Client e-Newsletter

September 2015

Welcome to the September edition of the Primerus Xpress. The articles in this e-newsletter were authored by Primerus members and provide you with relevant information regarding legal developments, best practices, and trends from around the world. If you are seeking a specific article or legal development and don't find it in this e-newsletter, please feel free to contact me at L.Dingman-Nowicki@primerus.com.

Best Regards,
Lisa N. Dingman-Nowicki, Esq.
General Counsel
International Society of Primerus Law Firms

In this Issue...

Articles:

[Arbitration](#)

[Family and Matrimonial](#)

[Insurance](#)

[Intellectual Property & Technology](#)

[Labor and Employment](#)

[Privacy](#)

[Real Estate](#)

[Sports](#)

Arbitration

NETHERLANDS

7 things you should know about arbitration

By: [Reinier W.L. Russell, Esq.](#)

Russell Advocaten B.V.

Amsterdam, Netherlands

Arbitration is a less well-known but effective way of dispute resolution. In the following we will therefore list 7 things you should know about arbitration.

[Full Article](#)

Family and Matrimonial

AUSTRALIA

What is a Child Support Agreement?

HHG Legal Group

West Perth, Australia

As most separated or divorced parents would know, child support is managed through the Child Support Agency of the Department for Human Services.

Full Article

AUSTRALIA

Does Equal Shared Parental Responsibility Mean Equal Time?

HHG Legal Group

West Perth, Australia

The concept of equal shared parental responsibility is a cornerstone of Family Law child related matters but what does equal shared parental responsibility actually mean?

Full Article

AUSTRALIA

High Conflict Separation - the very pointy end of family law

HHG Legal Group

West Perth, Australia

While it might seem obvious to some, "high conflict" is not easily defined. Some people presume that high conflict applies to marriages or relationships that have had, or continue to have, an element of family violence. Others assume that it refers to unresolvable issues in settling property matters that have brought the parties to a point where they can no longer speak to each other. It is helpful, therefore, to attempt to define different categories of "high conflict" - you may find that your separation fits into one of these categories and that you are in fact in a high conflict situation without necessarily realising it.

Full Article

Insurance

AUSTRALIA

On the ball or out of touch? A tale of two surgeons

By: Cameron Seymour, Esq. & Daniel Sullivan, Esq.

Mullins Lawyers

Brisbane, Australia

When Courts are called upon to decide personal injury claims they are often faced with conflicting evidence given by the Plaintiff's medical expert on the one hand, and the Defendant's medical expert on the other. In this situation, each party will strive to ensure that its expert is accepted by the Court. One way of doing this is to discredit the expert evidence of its opponent.

Full Article

HONG KONG

Victim of Food Contamination - Know Your Legal Rights and Protection

ONC Lawyers

Hong Kong, Hong Kong (SAR)

Some Hong Kong people have recently fallen ill after the consumption of contaminated sandwiches from Taiwanese brand Horng Ryen Jen. This incident raised concerns over food safety and protection of consumers. This article will explore the potential liability of different parties to the victims in a normal food-poisoning incident.

Full Article

Intellectual Property & Technology

AUSTRALIA

Intellectual Property: Dallas Buyers Club

By: Andrew Nicholson, Esq.

Mullins Lawyers

Brisbane, Australia

The decisions handed down in Dallas Buyers Club v iiNet in April and again last week have a number of take

home messages, both for those who hold IP rights and for those who engage in copying or infringement of those rights.

[Full Article](#)

Labor and Employment

AUSTRALIA

Razor Gang Diplomacy - Redundancy Tips For Employers

HHG Legal Group

West Perth, Australia

Cutting down the size of your workforce is not usually a happy time - but it can be painless.

An excellent redundancy strategy will not focus solely on who needs to go, but also on those who will stay. The atmosphere created in the wake of any cull needn't be unsettled or sombre. It is possible to have mass departures without hard feelings - and if that is achieved you will not only ensure efficiency and continuity but you will send a positive message to the market - your clients, customers and competitors.

[Full Article](#)

AUSTRALIA

Failure to Maintain Worker's Compensation Insurance

HHG Legal Group

West Perth, Australia

There has been a marked increase in WA in the number of criminal prosecutions of employers without worker's compensation insurance. Administrative oversight is more often than not the reason - but that reason is no excuse. Employers face receiving a criminal record and very large fines.

[Full Article](#)

UNITED STATES

Are You Sure Your Independent Contractor Isn't an Employee?

By: Jake Curtis, Esq.

Burch & Cracchiolo, P.A.

Phoenix, Arizona

The difference between an independent contractor and an employee is not always obvious. There are some real benefits to hiring independent contractors to handle some aspects of your business, but there are pitfalls if it is later determined that the independent contractor is really an employee.

[Full Article](#)

UNITED STATES

Misconduct: Are You Your Employee's Keeper?

By: Melissa Iyer Julian, Esq.

Burch & Cracchiolo, P.A.

Phoenix, Arizona

Employees are the lifeblood of your business. They provide the necessary work to produce the products and services that keep the lights on and your investors happy. You expect them to act ethically and assume they're doing their best until misconduct occurs leaving you wondering if you have to be your employee's keeper.

[Full Article](#)

UNITED STATES

D.C. Circuit Court of Appeals Rejects NLRB's Lack Of Common Sense And Holds That Employer Is Entitled To Ban Employees From Wearing Unprofessional T-Shirt on House Calls

The Bennett Law Firm, P.A.

Portland, Maine

For one union in Connecticut, their use of creative t-shirts as a weapon against AT&T Connecticut (AT&T) has finally gone too far. In the past, employees had been permitted to wear union apparel at work, including shirts that read, "If I want your opinion...I'll take the tape off your mouth" and "I'm not drunk. I'm just a race fan." However, when employees were given shirts that read "Inmate #" with a black box beneath the lettering on the front and "Prisoner of AT&T" on the back, the company objected more strongly.

[Full Article](#)

UNITED STATES

Are You a Joint Employer of Your Subcontractor's Employees?

By: David Wise, Esq.

Iseman, Cunningham, Riester & Hyde LLP

Albany/Poughkeepsie, New York

On August 27, the National Labor Relations Board ("the Board") overturned 30 years of precedent when it ruled that a contractor can be deemed a joint employer of a subcontractor's employees for purposes of the National Labor Relations Act ("the Act") merely because the contractor reserved the authority to exercise control over certain terms and conditions of those employees' employment. The impact of this decision is significant because joint-employer status can be conferred on a contractor even if it does not exercise the reserved authority. As a joint employer under the Act, the contractor becomes obligated to collectively bargain with the subcontractor's union employees, and may also be exposed to liability for unfair labor practices committed by the subcontractor.

[Full Article](#)

Privacy

UNITED STATES

Improving Cybersecurity Standards for Health Records on Mobile Devices

By: John F. Queenan, Esq.

Iseman, Cunningham, Riester & Hyde LLP

Albany/Poughkeepsie, New York

The National Cybersecurity Center of Excellence (NCCoE) has released the first guide in a new series of publications for businesses and other organizations on how to improve cybersecurity using commercially available or open-source tools. The draft guide is a model to help health care organizations implement relevant standards and best practices in maintaining HIPAA compliance, and NCCoE is seeking comment on its content.

[Full Article](#)

Real Estate

AUSTRALIA

Foreign Purchaser Additional Duty Purchases of Victorian Land by Trusts

By: Selwyn Black, Esq. & Nicholas Huang

Carroll & O'Dea

Sydney, Australia

Changes to the Duties Act 2000 (Vic) (Duties Act) with effect from 1 July 2015 mean that a foreign purchaser of Victorian land used or intended to be used as residential property may be charged with an additional 3% in duty. The wide definition of the term "foreign purchaser" means that even trusts domiciled in Australia with predominantly Australian beneficiaries may be caught by these changes.

[Full Article](#)

UNITED STATES

Planning Important for Community Associations in Natural Disasters

By: Frank P. Izzo, Esq.

Iseman, Cunningham, Riester & Hyde LLP

Albany/Poughkeepsie, New York

When a natural disaster strikes and a region is declared a disaster area, the Federal Emergency Management Agency (FEMA) comes in to provide assistance, often including cleanup and financial aid to eligible individuals and communities. However, until April 2015, when the FEMA Disaster Assistance Reform Act of 2015 was amended, FEMA policy did not allow for federal assistance in cleanup of debris from community association roads. Community associations are now allowed access to these federal benefits. FEMA will provide technical assistance to homeowners' associations in obtaining federal help with debris removal, and it will help develop policy solutions for condo and co-op owners to enable them to gain assistance for repairs to storm-damaged common areas.

[Full Article](#)

Sports

AUSTRALIA

What is so natural about natural justice?

By: John Mullins, Esq.

Mullins Lawyers

Brisbane, Australia

Whether it is football, AFL, Rugby, Rugby League, Tennis, Athletics or any competitive sport there is a disciplinary regime. We hear expressions such as red cards, yellow cards, suspended sentences, points carryover and loading, suspensions and disqualifications. Around the time of football finals, the eligibility of key players or the ineligibility of key players due to suspension can have a massive effect on the outcome for the team.

Full Article

Resources

A Survey of the Law of Legal Malpractice -Â Professional Liability Practice Group Compendium - September 2015 **NEW!**

A Survey of The Law of Non-Contractual Indemnity and Contribution - Products Liability Practice Group Compendium - April 2015

About Primerus

Compendiums

Contact Us

Find a Primerus Law Firm

Legal Articles

Paradigm Magazine - Fall 2015 **NEW!**

Primerus Membership Directory - Spring 2015

Primerus Law Institutes

Primerus Law Practice Groups

Primerus Video Gallery

Primerus XPRESS Archives

Video: Why hire a Primerus lawyer?

Webinar Library

About Primerus

Primerus is a society of the world's finest independent, boutique law firms. With nearly 200 member firms in more than 40 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.

International Society of Primerus Law Firms
171 Monroe N.W., Suite 750
Grand Rapids, Michigan 49503
Toll Free: 800.968.2211 Local: 616.454.9939
www.primerus.com

Legal Disclaimer: The general information contained in this e-Newsletter is intended for informational purposes only. It is not intended to be legal advice, and should not be construed as legal advice or legal opinion on any specific facts or circumstances. You should consult legal counsel regarding your individual circumstance.