

**JOSEPH R. GANLEY JOINS
THE BOARD OF DIRECTORS FOR THE NON-PROFIT
GREEN OUR PLANET ORGANIZATION**

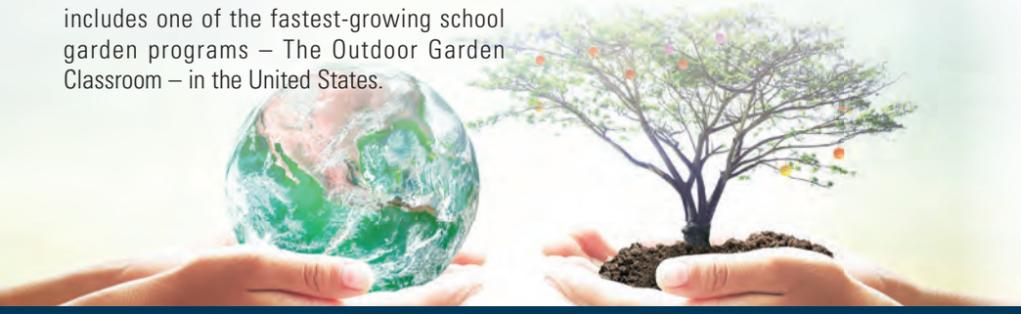


Joseph R. Ganley

Hutchison & Steffen's Senior Litigation Partner, Joseph R. Ganley, recently joined the Board of Directors for the non-profit Green Our Planet organization.

As a member of the Board, Ganley will be involved in all aspects of advancing Green Our Planet's school garden programs. "Green Our Planet is doing tremendous work in Clark County schools all over the valley, implementing its garden programs and enhancing each school's STEM curriculum," said Ganley. "I am honored and excited to be a member of the Green Our Planet Board, with all of its creative and dynamic members. They are a great group, led by Ciara Byrne and Kim MacQuarrie." ■

Green Our Planet is a creative, entrepreneurial, conservation organization that operates a free crowdfunding platform, offering a unique funding and educational model to help individuals and organizations reach their mission and goals, while supporting innovative education and conservation efforts. This includes one of the fastest-growing school garden programs – The Outdoor Garden Classroom – in the United States.



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Federal Contractors Must Provide Paid Sick Leave

Starting in 2017, companies that have federal contracts must allow employees to earn up to seven paid sick days per year, under an executive order signed by President Obama.

Sick leave can be taken for an employee's own illness, or to take care of a sick family member. It can also be used to deal with domestic violence, stalking or assault. Companies cannot discriminate against a worker who takes sick leave, and cannot make sick leave dependent on the employee's finding a replacement worker. Also, companies cannot demand a doctor's note unless the leave lasts three or more consecutive days. ■

Employees can earn one sick day for each 30 hours worked, up to seven days per year. These days carry over from one year to the next, although an employee who quits or is fired without using them doesn't have to be compensated for them.



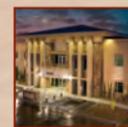
Actual resolution of legal issues depends upon many factors, including variations of fact and state laws. This newsletter is not intended to provide legal advice on specific subjects, but rather to provide insight into legal developments and issues. The reader should always consult with legal counsel before taking any action on matters covered by this newsletter. Nothing herein should be construed to create or offer the existence of an attorney-client relationship.

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The Firm is Proud to Welcome Seven Attorneys



Business Gets Salary Back from "Disloyal Employee"



Federal Contractors Must Provide Paid Sick Leave

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Legal Matters
FALL 2016

**CLICKING
OR
E-MAILING
CAN CREATE A
BINDING CONTRACT**

A New York company ran a loan-application website. As part of the application process, users had to click a box to get from one screen to the next. Above the box it said, "Clicking the box below constitutes your acceptance of ... the borrower registration agreement."

The borrower registration agreement wasn't on the page, but the words "borrower registration agreement" were a hyperlink to another page that included the complete contract. In fine print, the contract said that disappointed bor-

rowers couldn't sue in court and had to take all claims to arbitration.

Was this binding? Yes, said a federal court. Even though the agreement wasn't visible and could be accessed only via a hyperlink, it was still a valid contract, and clicking on the box meant that borrowers gave up their right to sue.

In another case in Indiana, an LLC filed an insurance claim for storm damage, and the insurance company denied it, saying the damage occurred outside the policy period. After some e-mail negotiations, the LLC and the insurer agreed on settlement terms. An official of the LLC sent an e-mail saying, "Agreed. Go ahead and draft the paperwork."

A short time later, the LLC changed its mind and reneged on the deal. But a federal judge said the e-mail agreement was valid and could be enforced by the insurance company, since the two sides had agreed to all the terms. ■



"Clicking the box below constitutes your acceptance of ... the borrower registration agreement."

THE FIRM IS PROUD TO

WELCOME

SEVEN ATTORNEYS TO ITS LAS VEGAS OFFICE



Paul M. Haire is Of Counsel with Hutchison & Steffen and is an AV-Preeminent peer-rated attorney by Martindale-Hubbell®. Paul's practice emphasizes alternative dispute and conflict resolution, serving as a mediator and arbitrator in tort, business, and domestic matters. Paul also maintains a litigation practice handling personal injury, commercial, insurance, banking, construction, and general business matters. In his career as both a plaintiff and defense practitioner in two states, Paul has litigated, arbitrated, and taken to trial various types of cases. He also serves as a pro tempore judge in Nevada's Eighth Judicial District Court and as an arbitrator in the court-annexed arbitration program. A regular speaker at continuing legal education training programs for lawyers, Paul lectures in the areas of alternative dispute resolution, ethics, personal injury litigation, and general litigation. He has also served as an adjunct professor teaching MBA courses in negotiation, decision-making, business law, political and ethical dimensions of business, and managing organizational change. Prior to his legal career, Paul worked in the asset-based lending group of a large New York-based financial institution and as a credit manager for a multi-national consumer electronics manufacturer. ■



Dustin E. Call is an associate of the Firm, practicing primarily in the areas of insurance defense and commercial litigation.

Dustin earned his law degree from the William S. Boyd School of Law. In law school, he was invited to join the Boyd School of Law Society of Advocates, competed in the Wagner Labor Law Moot Court Competition in New York City, externed for Judge Lloyd D. George of the United States District Court for the District of Nevada, and participated in the Federalist Society.

When not working, Dustin enjoys spending time with his wife and son, volunteering in local youth organizations, and competing in Ironman distance triathlons. ■



Sean L. Africk is an associate of the Firm, practicing primarily in the areas of corporate and commercial law, real estate law, and intellectual property. He is admitted to practice in both Federal and State courts in Nevada, and is also admitted to practice before the United States Patent Office (USPTO).

Though originally from Denver, Colorado, Sean is long-time resident of Las Vegas, having lived in the Valley since 1977. Sean attended the University of Nevada, Las Vegas for both his undergraduate degree and law degree. In 2014, he graduated magna cum laude from the William S. Boyd School of Law. During his law school career, he earned a full tuition scholarship for his academic performance, and received CALI awards in Contracts II, Professional Responsibility, Property I, and Wills, Trusts, and Estates, for earning the highest grade in the class. Sean externed for the Honorable Judge Gloria M. Navarro of the United States District Court for the District of Nevada, and was

a staff member for the Nevada Law Journal, where he published a law review article on the law of induced infringement in patent litigation.

Since graduating from law school, Sean has represented clients in both a transactional and litigation capacity in a number of areas of law, including real estate, consumer bankruptcy, small business formation and litigation, copyright litigation, trademark registration, patent prosecution, employment law, and medical malpractice.

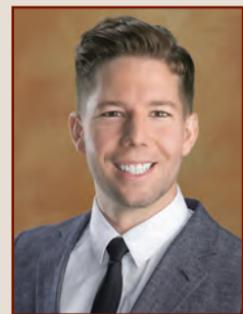
While not working, Sean enjoys spending time with his wife and two children, traveling, participating in and watching sports, enjoying the outdoors, and reading. ■



Bradley G. Sims is an associate of the Firm, practicing primarily in real estate, bankruptcy and civil litigation.

Originally from Bakersfield, California, Brad graduated from Brigham Young University with a degree in Political Science and received his Juris Doctorate from the William S. Boyd School of Law at the University of Nevada, Las Vegas in 2009. While in law school, Brad completed a judicial externship with the Honorable Judge Kenneth C. Cory in the Eighth Judicial District Court of Clark County, Nevada.

When not at the office, Brad enjoys running and traveling. ■



Bud R. Hafer is an associate with the Firm, practicing in insurance litigation and premises liability.

Bud is a native of Idaho and is licensed to practice in that state. He graduated from Brigham Young University with his Bachelor of Science degree in business in 2007. Bud earned his Juris Doctor Degree in 2013 from Charleston School of Law.

After law school, he took a position as law clerk for the Honorable Jerome Tao. Prior to joining the firm, Bud practiced with a prominent insurance defense firm in Las Vegas, primarily handling auto accident cases.

When not working, Bud spends his time mountain biking, backpacking, and playing sports. ■



Maria E. Quiroga joined Hutchison & Steffen in August 2016, practicing primarily in the area of commercial litigation. Born and raised in Bogota, Colombia, Maria immigrated to the United States with her parents in 1999 in pursuit of the American dream.

Maria overcame the language and culture barriers and graduated with honors from the University of California, Los Angeles with a Political Science degree in 2011. She then obtained a juris doctor degree from Loyola Law School, Los Angeles in 2014.

During law school, Maria externed at the United States Bankruptcy Court in Los Angeles with the Honorable Julia Brand. She also participated in the Juvenile Innocence and Fair Sentencing Clinic where she assisted in the representation of persons who have been wrongfully convicted and youth who are sentenced to unjustly disproportionate adult prison sentences.

Prior to joining the firm, Maria was the judicial law clerk to the Honorable Adriana Escobar in Department 14 of the Eighth Judicial District Court in Las Vegas, Nevada, from 2014-2016. During

the two years of her judicial clerkship, Judge Escobar had a full civil docket, a criminal docket, and the Specialty Courts (Mental Health, Drug Court, Felony DUI, Veterans Court and O.P.E.N.). Maria is currently a member of the Latino Bar Association and the Howard D. McKibben American Inns of Court. Maria is also founder and United States representative of the FILA Foundation in Bogota, Colombia. Its main goal is to increase the quality of education in Latin American countries by promoting lifelong learning and the internationalization of higher education. ■



Angela K. Wall joined Hutchison & Steffen in September 2016, practicing in general civil litigation, insurance defense, commercial litigation, and appellate law.

Angela received her B.A. degrees from the University of Utah, majoring in both History and English Literature with a creative writing emphasis. She graduated summa cum laude and valedictorian of both classes. After working for two years as a paralegal with Hutchison & Steffen, Angela earned her Juris Doctorate from the S.J. Quinney College of Law, University of Utah (top 20% of the class). While in law school,

Angela completed a judicial internship with Justice Jill N. Parrish of the Utah Supreme Court. She also worked with Professor Paul Cassell in preparing and filing a brief for the United States Supreme Court. Prior to joining the firm, Angela was the judicial law clerk for Judge Valerie Adair in Department 21 of the Eighth Judicial District Court.

Angela enjoys reading and creative writing, as well as opera, fine dining, and theater. ■

BUSINESS GETS SALARY BACK FROM "DISLOYAL" EMPLOYEE

Did you know that executives and other employees may have a legal obligation to be "loyal" to their companies? This means that they have to act in the company's interest, and not deliberately harm the company or take advantage of it for their own interest.



This came up in a recent New Jersey case where a timeshare company hired a COO who made \$500,000 a year.

The company eventually fired the COO, claiming that he had exposed the company to potential liability by forging timeshare owners' signatures on legal documents, misrepresenting the status of independent contractors, and sexually harassing two women.

The company then went further and sued the COO, demanding that he repay his salary. A judge initially ruled for the COO. The judge said that repaying his salary was inappropriate because, while the COO may have exposed the company to a number of potential losses, the company didn't actually suffer any direct economic harm.

But the New Jersey Supreme Court disagreed, and said that repayment of salary might be appropriate anyway. It said that even if a company doesn't actually suffer any economic loss, the salary that employees receive during a time when they are disloyal doesn't really belong to them, because they didn't earn it. ■