

HARMON SIEFF

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1. Tribal Law

Although Native American reservations exercise limited sovereignty, they are subject to federal labor laws allowing union activity.

2. Defibrillators

After a boxing club member died of a heart attack, his family sued the club's landlord for failure to maintain an onsite defibrillator. The family lost because the law applicable to health clubs does not control their landlords.

3. Truants

It is a crime to resist a peace officer discharging his duties, but the state cannot arrest and jail a truant who cannot be guilty of resisting an unlawful arrest.

4. Harassment

A jury awarded a victim \$250,000 because her boss propositioned and tried to kiss her during a company retreat, and another \$2 million in punitive damages because the employer fired her as retaliation for her reporting the incident.

5. Lunch Hours

A bakery contracted with a staffing agency whose workers were instructed to notify the agency if they missed lawfully required meal breaks. A worker sued for untaken lunch times, but lost, because she had not submitted a notice and employers are not required to "police" breaks.

6. Trail Liability

In a closed public park, a man tripped and rolled down over a trail and beyond, crashing onto rocks. He sued the City for having no guardrail, but lost, because the City was immune under

"trail immunity" -- if "excessive" safety measures are required, parks might close.

7. Electric Nuisance

A homeowner sued an adjacent power station for a "private nuisance" because "stray voltage" penetrated her home, "forcing" her to move and lose her property to foreclosure. She lost because "mere apprehension" of injury is a nuisance only when the seriousness of the harm outweighs its social utility.

8. Current Cases

This month we are, among other things, defending an employer in a labor claim, a corporation from a securities claim, and a manager from an embezzlement claim; prosecuting breach of contract and personal injury claims; and advising clients regarding selling a business, personnel disputes, real estate, contracts, and regulatory matters.

This office serves as a "lawyer of first resort" counseling and advocating for small businesses and individuals with disputes and transactions, including accident victims by referral only. We specialize in personalized client service. If we can be of any assistance with your legal issues, consider contacting us as soon as a question is identified. Your recent referrals have been greatly appreciated.

Remember: Preventative lawyering is the most effective kind.

Sincerely,

HARMON SIEFF