



COHEN GARELICK & GLAZIER

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Visit the Cohen Garelick & Glazier website at www.cgglawfirm.com for a variety of articles and the latest law news wire!



Our website at www.cgglawfirm.com hosts daily feeds and updates on legal news in a variety of practice areas. In addition, CGG features specialty articles of interest including:

“Like-Kind Exchanges” – an overview of how CGG can help clients defer income taxes on gains from the sale of real estate and other types of business property.

“Outlaw vs. Rule of Law” – a perfect article for history buffs! Read how notorious outlaw Jesse James faced charges in civil as well as criminal court.

“Lawyer’s Approval for Acceptance Offer” – provides a case study on how your attorney can actively play a role in real estate deals to guarantee profitability.

“Home Improvement Scams” – provides seven key tips to avoiding home improvement scams.



COHEN GARELICK & GLAZIER

A Professional Corporation of Attorneys at Law

Expanded Practice Areas for Our Clients

For more than a century, Cohen Garelick & Glazier (CGG) has provided comprehensive legal representation throughout Indiana. The firm continues a tradition of providing effective solutions for clients by expanding areas of practice and service.

“Our growth came naturally as our clients’ needs grew,” explains Chuck Cohen, Senior Managing Partner. “All our areas of practice are strategic and practical responses by our firm and allow us to provide individualized service to meet the demands our clients’ personal and professional lives.”

Decades ago, when clients came to the firm seeking business planning advice, the company’s expansion called for tax planning as well as employment law advice. While CGG was poised and ready to meet the client’s expectations for the growing business, the firm was also ready to address personal needs of the company’s CEO. Attorneys were proactive and on hand to offer him estate planning services.

With a family of 14 attorneys, Cohen Garelick & Glazier brings strong experience and sound legal advice in the following areas:

- Business and tax planning
- Taxation
- Litigation
- Family law and divorce
- Adoption
- Real estate
- Personal injury
- Estate planning
- Probate and trust administration and litigation
- Arbitration and mediation
- Construction
- Criminal defense
- Employee benefits
- Employment law
- Medical malpractice

“Each practice area compliments another and allows us to focus on the high-level of individualized service we provide for each and every client who walks through our doors,” Chuck Cohen emphasizes.



Pictured: The family of CGG attorneys. For complete biographies on each attorney go to www.cgglawfirm.com.

Pro Bono Work Pays off for Entire Community

As gas prices soar, commuters are turning to alternative transportation options. IndyGo, Indianapolis' public transportation system responded by launching IndyGo Commuter Express (ICE) services to outlying Indianapolis suburbs. Mark Chase worked downtown and was excited to take advantage of ICE when it came to his Fishers community. Mark lives with multiple sclerosis (MS) and realized that ICE not only saves on gas, but also could help ease fatigue often associated with MS.



Steven Crell (above) helps the Fishers community.

Steven Crell, Partner at CGG, received a phone call from Mark in conjunction with the ICE service and parking availability at the pick-up location in Fishers. In its early

stages, all riders were required to park their cars far from the ICE bus, as the pick-up location did not provide adequate accessible parking for handicapped individuals. Steven saw the impact on Mark as well as the Fishers community as a whole and chose to take on Mark's case pro bono.

Steven worked closely with IndyGo and the pick-up location for ICE riders. He reviewed legal obligations in conjunction with the American with Disabilities Act (ADA) and assisted IndyGo to enhance the ICE experience for all handicapped riders. Steve was pleased to find IndyGo enthusiastic about making the necessary changes by adding handicap accessible parking spaces close to the bus for ease of use.

Steven Crell's work on behalf of one client will benefit Fishers residents for years to come.

Providing Flood Disaster Relief

While summer often conjures cheerful memories of fun in the sun, thousands of Indiana families were faced with tragic challenges in the summer of 2008. Tornadoes and flooding brought devastation to several communities in central Indiana, forcing many families from their homes. The American Red Cross of Greater Indianapolis was on hand to provide disaster relief and assistance to those in need.



Bob Garelick (above) aids flood victims.

Bob Garelick, Senior Partner at CGG and Secretary of the Board of Directors for the American Red

Cross of Greater Indianapolis, played a vital role in raising dollars for flood victims in Central Indiana. On Friday, June 13, 2008, Bob helped lead the charge for a fund drive in the firm's office building at 8888 Keystone Crossing in Indianapolis. With little notice, Bob and a team of American Red Cross volunteers raised over \$4,400 in just 6 hours! The dollars raised were immediately put to use to create a semblance of everyday life for those evacuated from their homes and in dire need.

The June fund drive is only one example of a long history Bob shares with the American Red Cross of Greater Indianapolis. He continues to serve the organization and has been recognized for his over 25 years of dedication and volunteerism to the organization.

Employment Law Feature: Employer Forced to Pay Unapproved Overtime

An enforcement action by the U.S. Department of Labor resulted in a ruling that nurses were employees, not independent contractors, of a staffing agency that provided them on a temporary basis to hospitals. After this ruling, the agency took action to attempt to deter unauthorized overtime by the nurses and to avoid having to pay time and a half for such hours. It adopted a policy, printed on all of the nurses' time sheets, stating that the nurses had to notify the agency in advance of any hours exceeding 40 hours a week. If they did not, the notice stated that the nurses would be paid for such time only at their regular rate.

When nurses who had worked overtime hours at hospitals without notifying the agency ahead of time sought to recover pay at the overtime rate, they prevailed despite not having followed the employer's policy. A federal court ruled that the agency had not done enough to meet its duty under the federal Fair Labor Standards Act to "make every effort" to prevent performance of unauthorized overtime work of which it had knowledge. The agency's knowledge was present, albeit after the fact, as was evidenced by the nurses' time sheets showing the unauthorized overtime that was worked.

Suggestions from the Court

The ironic lesson from the decision is that employers desiring to prevent unauthorized overtime by their employees must do so by essentially "getting tough" with the employees through enforcement of sufficiently strong disciplinary policies, and not simply by declining to pay for the unauthorized overtime hours. Although the agency suffered a defeat in the litigation, the court's opinion offered suggestions for alternative approaches that it or other similarly situated employers can take in the future to deter unauthorized overtime while complying with federal law. For example, an employer could keep a daily, unverified tally of its employees' hours and



reassign shifts later in the week that would otherwise result in overtime, or it could refuse to assign any shifts to employees who habitually disregard an overtime rule. Whereas the agency had admitted that a nurse who disregarded its preapproval rule faced no adverse consequences beyond getting only straighttime wages for the ensuing overtime, if it were serious about preventing unauthorized overtime, said the court, the agency would discipline nurses who violate the rule.

According to the court, an employer could even entirely disavow overtime hours, announcing a policy that it will not, under any circumstances, employ an individual for more than 40 hours in a week. Under such a policy, any hours over the limit would not be compensated for the employee.

Consult Cohen Garelick & Glazier's employment law attorneys on questions about overtime pay, employment policies, employee benefits, wrongful terminations, wage claims, employment discrimination and review of severance packages. CGG can also assist in drafting employment agreements, non-competition agreements and confidentiality agreements.

