

Issue 31 - October 2022



OVB LAW & CONSULTING, S.C.

NEWSLETTER

Monthly Newsletter - Your Legal Nook!



Firm Update:

The United States Court of Appeals for the 7th Circuit affirmed a lower court's decision resulting in a "win" for our clients.

The issues on appeal centered on: the timeliness of removal to federal court, waiver, and the preemptive effects of the Federal Arbitration Act.



Case: Rock Hemp Corp. v Dunn, et al. (Case No, 22-1171, 7th Cir.)

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Emil has been elected as a fellow into both The Wisconsin Law Foundation and The American Bar Foundation. Pictured on the left are the awards he has received.

All of these are a result of his outstanding contribution to the legal profession, and to his community.



DO I NEED TO WORRY ABOUT THE EASEMENT ON MY PROPERTY?

If you're not familiar with the term Easement, keep reading! In real estate an easement is a legal instrument that will grant access over or through real property for the benefit of another who otherwise has no interest in that real property.

One common example is a utility easement. It allows utility workers to come onto the property to access things like cables, electrical grids, or pipes whether above or below ground or without seeking the property owner's approval each and every time access to the land is needed. Another common example is a shared driveway, where two homes share a driveway that gives them access to a roadway. Easements impart a property interest in the land of another that is protected as a property right. Therefore, when purchasing property with an easement running through it, it is important to know the terms (such as duration and purpose) of that easement because your rights to the land subject to the easement will be restricted.

While most easements are granted by an easement instrument that is recorded with the Register of Deeds for the county where the property lies, not all easements are recorded as such. Easements can also be acquired by a person through open and notorious use of land owned by someone else, which use is adverse to that person's rights. These are known as prescriptive easements and are similar in nature to another property term that often gets thrown around "adverse possession." Prescriptive easements often occur when property lines aren't followed by landowners, or there are access impediments to land that require access over or through another's land.

Land disputes often arise because there is some ambiguity in the way an easement instrument was drafted or how the underlying land was used by the parties. Whether you need an easement instrument drafted or are involved in a dispute regarding an easement, our real estate attorneys will be able to advise you on the best actions to take to ensure your property interests are protected.



HOW TO PREPARE TO SPEAK WITH AN ATTORNEY

Are you thinking of reaching out to an employment, business, or civil attorney? We would love to hear from you. But before reaching out to an attorney or law firm, here is a quick guide on what to expect and what you can do to prepare.

Tip number one: Spend some time before the consultation to prepare for the initial meeting with the attorney and have the following information ready and available when you speak with someone:

1. Know your facts. The who, what, when, where, why, and how relating to your potential claim or legal issue. The attorney, or their support staff, will need this information early on to be able to analyze your potential claims. Leaving a consultation with missing or incomplete information does not help either party. Yes, the initial consultation at OVB Law & Consulting, S.C. is free, but these only last one hour at most. Concise bullet points ensure the conversation does not wander off path or circle around previously stated information.

2. Have documentation ready to produce and discuss. Your claim likely involves documentation that supports your allegations, including but not limited to, all invoices, emails, letters, and employment records. These documents will give the attorney a better sense of your claims and help the attorney determine if your case is something they can assist you with. These documents also provide vital information including dates, witnesses, and times which further assists with that analysis.

Tip number two: Act fast and contact an attorney as soon as you think you might have a claim, and to know all relevant dates that might apply to your claims. There are statutes of limitations that need to be adhered to, which affects the time you have to file a claim. Further, the longer you wait, the more likely it is that documentation vital to the claims is deleted, erased, or lost.

Tip number three: Do some research on your attorney to discern what types of matters that attorney handles. This way you will not be disappointed when the attorney cannot take on your case because it is outside of their practice area, and you will not waste time giving facts about your case to an attorney that is unable to help.

Finally, tip number four: Ensure that you feel comfortable with your attorney. The attorney-client relationship is a personal relationship first and foremost, and you must trust your attorney and feel comfortable with disclosing personal information to them in order for the attorney to effectively represent your interests. Always be as honest and as candid as possible. The more information they know, the better they can serve you.

At OVB Law & Consulting, S.C. we are a team of seasoned minds committed to going the extra mile for our clients and protecting their legal interests. If you feel you need legal assistance, do not hesitate to reach out to see what our team can do for you!



"WHEN FILING THROUGH THE EEOC, THE COMPLAINTS MUST BE MADE WITHIN 180 DAYS"

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

WHAT CONSTITUTES SEXUAL HARASSMENT?

Sexual harassment can take many forms and is experienced by both men and women in the workplace. It is unlawful to harass an employee or coworker based on their sex. This can be through unwanted sexual advances, requests for sexual favors, and verbal or physical harassment in a sexual nature. However, harassment does not need to be sexual in nature in order to constitute sexual harassment; it can include offensive remarks about a person's sex.

While the law prohibits an employer from fostering a hostile work environment, off-hand comments or isolated incidents that are not serious in nature usually do not constitute illegal behavior subjecting employers to liability. However, if you are subjected to an adverse employment decision because you complained about harassment you have experienced, there may be a claim. In any event, if you have been or believe you are being sexually harassed at work, you should tell the harasser to stop. Although confrontation may be difficult, it may be the most effective way to stop the harassment. If the harassment continues, tell a supervisor or HR. Your employee handbook should have a complaint policy to follow.

If you believe you have a claim, you should talk with an attorney as soon as possible because the statute of limitations for these types of instances typically require filing a complaint in under a year of when the events occurred. When filing through the Equal Employment Opportunity Commission, the complaints must be made within 180 days of the incident, or in some circumstances 300 days, if you live in a state that enforces a similar law. Claims cannot proceed if filed after the statute of limitations. If an act of hostility is committed within the time frame, the harassment claim may be considered when determining the possibility of liability.

At OVB Law & Consulting, S.C. we specialize in employment discrimination. We feel strongly that discrimination disadvantages an individual through marginalization which further disadvantages a work environment by depriving it of the best qualified candidates. Please call our office if you are a victim of sexual harassment in the workplace.

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