

Issue 30 - September 2022



OVB LAW & CONSULTING NEWSLETTER



Monthly Newsletter - Your Legal Nook!

Firm Updates:

What's in this Issue?

Page 1
Firm Update

Page 2
Withholding an employee's paycheck: When is it lawful?

Page 3
How will notarization change because of the SECURE Notarization Act of 2022?

Page 4
Using technology to increase productivity



Atty. Samantha Huddleston Baker spoke on a panel at Marquette Law School about her role as partner at a small law firm and discussed opportunities available to new lawyers at small firms!

Tune in to the second and third installment of "Bottom Up", a WisLawNOW Podcast. Along with a few special guests, co-hosts Emil Ovbiagele and Kristen Hardy explore topics of mentorship within the legal profession and try to define what true "work-life balance" looks like.





WITHHOLDING AN EMPLOYEE'S PAYCHECK: WHEN IS IT LAWFUL?

Many employers have encountered a situation where an employee quits, keeps company property, and refuses to give it back or returns it damaged. While a disgruntled employee may hold these items of value from an employer, legally the employer may not withhold amounts for that employee's paycheck without (1) that employee's written consent after the loss occurred and before the deduction has taken place; or (2) a court order finding the employee guilty for the amount of the stolen or damaged property. In other words, if an employer wants to withhold funds from an employee's paycheck for faulty workmanship, loss, theft, or damage, the employer must follow specific laws before making such withholdings.

Unless an employee is legally classified as an independent contractor, they are protected under the Wisconsin Statute § 103.455, also known as the "Faulty Workmanship Law". This statute also states the employee must be found guilty or be held liable in court of competent jurisdiction by reason of negligence, carelessness, or willful and intentional conduct if the employee doesn't agree in writing to have amounts deducted from their wages.

If an employer does not act in accordance with this statute, they could be held liable for twice the amount of the deduction or credit taken in a civil action brought by the employee. Any agreement that was entered into between an employer and employee will be considered void if it contradicts this statute.

At OVB Law & Consulting, S.C. we have years of experience defending the employer, and fighting for the employee's rights. Our skilled team of business litigators will fight for any damage brought upon to company property, or any wages being wrongfully withheld.

.....



HOW WILL NOTARIZATION CHANGE BECAUSE OF THE SECURE NOTARIZATION ACT OF 2022?

Notaries all over the country fully support the Secure Notarization act of 2022. Passed by the House of Representatives, it allows notaries to operate remotely by allowing clients to get a document signed, verified, and sealed without leaving their homes or office. Although Wisconsin already permits remote notarization, nationwide application will make it easier to ensure consistency across state lines, especially when dealing with multiple states in one matter. Remote online notarization (RON) was unanimously voted in favor by the House Committee on Energy and Commerce. Bipartisan support was indicated to be high as well. The Senate is considering the legislation for remote individuals- or even individuals located outside of the United States, subject to certain requirements. This act will cover all 50 states, the District of Columbia, and U.S. territories.

Once the SECURE Notarization Act of 2022 passes, the federal government will create standards to comply with and enhance consumer protection. Our legislatures will then create a federal statute to arrange interstate recognition of these notarial acts based on current state statutes, case law, and the U.S. Constitution. Although only 41 states have accepted a remote notary law that meets federal standards, most of the states without similar rules have adopted similar legislation.

When using RON, electronic signatures must be used to seal and execute these documents while taking multiple identity proofing measures. One example would be recording live video sessions showing the signature being signed. Before the new age of RON, mobile notaries would travel to clients to provide these traditional services in person. This option was most desired by the client because the notary will finalize these timely documents without the hassle of traveling far. RON allows notaries to be more time effective.

At OVB Law & Consulting, S.C. all staff is equipped with their notary license as well as having a remote notary authority to better serve our clients. Until then, our firm is well equipped to provide additional resources when remote notarization is needed. We believe remote online notarization is crucial to our success in litigation and transaction matters as it puts less pressure on our clients when a notarized signature is required. We look forward to future technology that will work towards advancing legal processes like this.



"2.5 QUINTILLION BYTES OF DATA ARE
CREATED EVERY DAY"

SG ANALYTICS



USING TECHNOLOGY TO INCREASE PRODUCTIVITY

Discovery is a legal process designed to be fair to all parties involved in a lawsuit. Without specialized technology put in place, discovery can become daunting for lawyers and clients alike. In some instances, in litigation, third parties are brought in to find information stored in different apps and the cloud.

The more information the better? According to financesonline.com "2.5 quintillion bytes of data are created every day." The cloud has become the forefront of data management. A cloud entity can store all types of information, share files, and back up data that previously would not have been. With the cloud storing every ounce of information we generate; thousands and thousands of documents stay maintained and protected through litigation.

Once a party is asked to turn over years of evidence that they intend to use at trial, they may need an entire team of legal professionals to look over their documents. Obtaining client information and flipping it to become easily digestible can speed up time spent while looking through the discovery. Today, over 90% of documents are generated electronically. This pushes law firms and organizations alike to embrace the new way discovery is foraged, processed, and stored.

Discovery is due anywhere from 20 to 30 days after first presented to the client. Thus, having the means to gather all that is needed or go through all of what has been collected has now become a greater task than ever. Attorneys and paralegals often use tools to carefully expedite the discovery process, including using Optimal Character Recognition to find specific key words. Collaboration is optimized especially when discovery is provided virtually, as documents are easy to electronically highlight, share notes, and collaborate on.

Through Continuing Legal Education courses, OVB Law & Consulting, S.C. has stayed updated and informed with the best practices in protecting, retrieving, and gathering discoverable data. Although something may be "deleted", cloud-based storage systems harness files many years old. Always remember that nothing is ever truly "deleted" in modern day technology.

Subscribe

Past Issues

Translate ▼

This email was sent to <<Email Address>>

[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)

OVB Law & Consulting, S.C. · 839 N Jefferson Street · Suite 502 · Milwaukee, Wisconsin 53202 · USA