

# IN THE NEWS

## Wage & Hour Defense Institute Gives Employers New Forum for Staying on Top of Hottest Corner of Workplace Disputes

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*Newly formed national network of preeminent management-side employment lawyers helps employers stay current with litigation, legislative and enforcement trends stemming from wage-and-hour claims*

**DETROIT, Mich.** - A group of leading employment and labor attorneys from across the country - including Michigan - have formed the Wage & Hour Defense Institute (WHDI), a unique national legal network and educational platform to help employers contend with pressing areas in wage-and-hour law. Wage-and-hour concerns continue to be a major issue for so many businesses as a result of the surge in class actions under the Fair Labor Standards Act in the past several years, along with a rise in new federal and state legislation penalizing employers for failures in wage-hour compliance. The number of wage and hour cases filed in the courts across the nation now eclipse the number filed on any other employment law topic including employment discrimination.

The Institute is a forum for highly experienced employment counsel to stay at the "cutting edge" in the evolving wage-and-hour landscape throughout the country. In addition to providing legal updates on recent cases and legislative initiatives, the WHDI has an active schedule of conferences for helping employment counsel advance defense strategies. The group also hopes to empower its members in influencing wage-hour laws and public policy.

The WHDI also hosts a blog, with contributions by member lawyers, addressing current cases and related topics. Some recent postings discuss questions of proper classification of employees and independent contractors, as well as employees' claims for wages and overtime pay for alleged "off the clock" work. The WHDI also sponsors various seminars for in-house counsel and senior human resources executives.

The Institute was launched by a group of employment defense attorneys who are also members of the Litigation Counsel of America, the premiere national honorary society for trial lawyers. Current WHDI members include a roster of nearly 20 attorneys from firms across the country, from each of the 12 federal judicial circuits. As a result, members and their clients can access sophisticated wage and hour counsel in virtually any jurisdiction.

Co-founders are Chair Susan Eisenberg of Miami-based Akerman Senterfitt Chair-Elect **Robert Boonin** of Michigan's **Butzel Long** and Vice Chair Jonathan Keselenko of Boston-based Foley Hoag LLP.

Butzel Long's Mr. Boonin expressed that by having this network of leading wage and hour defense attorneys, they are able to identify litigation trends and strategies being employed in this complex and nuanced area from across the nation. "The WHDI is the only organization of its kind and its members are uniquely positioned to provide insight and extraordinary representation to employers as they grapple with wage and hour claims."

"Wage-and-hour disputes have become the most hotly contested segment of employment litigation and a hotbed of regulatory enforcement touching scores of industries," said Ms. Eisenberg. "The growing number of lawsuits and class actions has underscored the need for quality defense strategies, as well as for a national forum to discuss compliance and best practices. We formed the institute as an open exchange for legal practitioners working in this very active area of law."

Mr. Keselenko said, "Enforcement of wage-and-hour laws will likely set the stage for labor litigation in 2010." He has recently written on employee misclassification, and has spoken about wage deferral issues and enforcement priorities of the Obama Administration's Labor Department. "In addition to class actions arising from alleged 'off the clock' work, there is certain to be more litigation based on alleged misclassification of independent contractors, as recently seen with suits filed against major companies such as Comcast."

About the Wage & Hour Defense Institute

The Wage & Hour Defense Institute of the Litigation Counsel of America is comprised of highly talented and experienced wage-and-hour defense attorneys from across the U.S. The WHDI serves as a nationwide network and meeting ground for top-tier practitioners to engage in professional development in what has become a highly nuanced area of the law, and also to become an established resource for employers on wage-and-hour matters. For more information and a member directory, visit [www.wagehourdefense.org](http://www.wagehourdefense.org).

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