

ADVERTISEMENT Services can be performed by other attorneys

# LEGAL FORUM

This advertising service is intended for information purposes only. Schedule an appointment to discuss your individual needs. Forward questions to be answered in future columns to our legal professional's e-mail addresses.



**WILLIAM J. KISHMAN**  
SENIOR ASSOCIATE

(502) 587-3561  
3500 National City Tower  
101 South Fifth Street  
Louisville, KY 40202  
wkishman@bgdlegal.com



## TOPIC

**As an employer, what do I need to know about the U.S. Department of Labor's new overtime rules?**

## ADVICE

**A**ny day now, the DOL will release a new rule increasing the number of employees entitled to overtime pay. Under this new rule, employers will need to pay employees significantly more in order to treat them as "exempt" from overtime pay requirements. (The rule will set forth the specific new pay level required.) The DOL also will make this new pay level adjust annually, to track inflation.

There are three steps employers can take to prepare. First, they should watch for the new rule and, when it is issued, make sure they understand its requirements. Second, after the DOL issues the new rule, they should audit their pay practices. Third, employers should consider offering employees arbitration agreements with class or collective action waivers, which can "nip in the bud" costly wage and hour lawsuits.



**CHRISTOPHER A. RICHARDSON**  
ATTORNEY

(502) 327-5400, ext. 304  
9300 Shelbyville Road, Suite 110  
Louisville, KY 40222  
crichardson@mmlk.com  
www.mmlk.com



## TOPIC

**I'm a landlord with a rental property business that is a separate legal entity. Can I represent my business in court?**

## ADVICE

**B**usinesses entities are formed as a means of limiting an individual's personal liability, which is generally a wise move in the area of rental properties. One potential downside to this, however, is that landlords and property managers may not, by law, represent their own business interests in court. When a business entity is organized (as in an LLC or LLP) or incorporated (as in a C or S corporation), a separate legal entity is formed. While one may represent oneself in court, one cannot represent another individual or entity unless he or she has a license to practice law.

This prohibition may be easy to forget, especially when dealing with a contentious eviction process or suit by a tenant. This is not to say that some jurisdictions don't overlook this requirement, but the law in Kentucky is clear – separate entities must have separate counsel.