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# LAWLINE

August 2014

## FMG Lawyers Once Again Headed to US Supreme Court

By: **Philip W. Savrin**



FMG's appellate group is headed to the United States Supreme Court for the third time defending a local government for alleged constitutional violations. FMG's team of Phil Savrin, Dana Maine and Bill Buechner will represent the Town of Gilbert, Arizona in the appeal of a Ninth Circuit decision that upheld the constitutionality of a local ordinance regulating the size and duration of signs directing the public to events. Mr. Savrin will make the oral argument to the Court.

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## Courts Continue to Question Protections Afforded By Iconic Business Judgment Rule - Georgia Joins the Trend

By: **Michael Wolak, III**

The business judgment rule is an iconic fixture in American corporate jurisprudence reflecting a strong judicial reluctance to question the business judgments of directors and officers. In its classic form, the business judgment rule insulates a company's directors and officers from liability for negligence in the discharge of their fiduciary duties for mistakes in the exercise of honest business judgment. The rule's underlying rationale is that it is not the function of courts to second guess the business decisions of those who are entrusted with management of the affairs of the corporation, if they arrive at a decision for which there is a reasonable basis, they act in good faith and exercise independent judgment, and are uninfluenced by any consideration other than what they honestly believe is in the best interests of the corporation.



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## EEOC's New Enforcement Guidance On Pregnancy Expands Interpretation of Existing Law

By: **Amanda McCallum Cash**



After a 3-2 vote, on July 14, 2014, the EEOC issued its first Enforcement Guidance on pregnancy in over 30 years. While the new guidelines cover a number of pregnancy-related topics that all employers should consider, two hot topics in the recent Guidance are (1) light duty for pregnant employees and (2) health insurance coverage for contraception.

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