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GRAY MATTERS

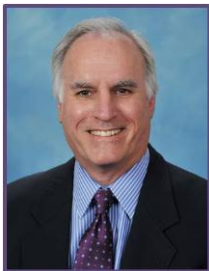
Spring Edition 2012

Welcome to *Gray Matters*, Gray-Duffy, LLP's seasonal newsletter, keeping you up-to-date on legal trends and firm news. If you'd like to be removed from our list, please click the "SafeUnsubscribe" button at the bottom of this email.

Understanding the Borrowed Servant Doctrine

By: [Matthew Shorr](#)

Published: *Crane Hot Line*



Determining whether and with whom a special employment relationship exists can be critical to limiting liability for employers, such as crane and equipment rental companies, that loan out their employees to customers. More important than the employment agreement, is answering the question of who has the right to control an employee's activities.

Under the workers' compensation system, an employee may have two employers, a general employer and a special employer. A general employer is one that "lends" or "hires out" an employee to another entity or person for a period of time, such as when a crane or equipment rental company furnishes an operator to operate the rented equipment to work at the direction and control of the customer. The customer that borrows the employee from the crane or equipment rental company is known as the employee's special employer.

The subcontractor (who supplies the equipment and/or "loans out" an operator to the contractor that hires him or her) may enter into a lease contract which includes an agreement concerning how the operating personnel will be treated for workers' compensation purposes. In the event that an employee of the hiring contractor becomes injured on the job site, the injured worker would potentially be precluded from bringing suit against the "loan-out" employee and the crane or equipment rental company, under the Exclusive Remedy Rule of the workers' compensation system.

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So You Think You Know The Law...

Test your knowledge on issues related to public school tort liability by answering the following questions:

1. A public school is responsible for any injury sustained by a student while on a voluntary school sponsored and supervised field trip. ([True/False](#))
2. A public school is liable for a student's inability to learn or pass an achievement test. ([True/False](#))
3. A public school is not responsible for a student's knee injury sustained during a football

Continue reading [Understanding the Borrowed Servant Doctrine](#).

Clergy Abuse: Mediating an American Tragedy

By: [Rick Williams](#)

Published: *Daily Journal*



With deep-seated roots in contemporary Western civilization and religion, allegations of sexual abuse by Catholic clergy have been in the public consciousness in many Western countries for decades. In 2004, the John Jay Report indicated that between 1950 and 2002, over 4,000 priests (approximately 4 percent of the then active priesthood) were accused of various forms of sexual misconduct and abuse. Because clergy abuse is so abhorrent to our innate moral sense and leaves such permanent and deep scars on its victims, the issues presented by such cases are unique, and potential solutions are sometimes enigmatic.

By the late 20th and early 21st centuries, major lawsuits in California and across the United States had been filed, with claims that priests had sexually abused minors and the hierarchy of the Catholic Church had consciously attempted to conceal this misconduct. In 2002, the California Legislature passed a law that suspended for one year the existing statute of limitations for the filing of clergy abuse actions. Prior to this 12-month window, suits in California had to be filed before the victim turned 26 or within three years after concluding that the abuse caused them to suffer psychological problems. This law and similar ones in other states opened the door for plaintiffs who were in their 30s, 40s, 50s, and older to file actions based on alleged abuse many decades earlier.

Continue reading [Clergy Abuse: Mediating an American Tragedy](#).

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game. ([True/False](#))

4. If a child is hurt due to the negligent or criminal conduct of a teacher, the parent may immediately hire a lawyer and file a lawsuit against the district as the teacher's employer. ([True/False](#))

5. Your wife is seriously injured when she falls on the new handicap ramp at the performing arts center at the local high school. You can sue the school district and the city for your wife's injuries and medical expenses. ([True/False](#))

Please contact [Rick Williams](#) if you have any questions about public school tort liability.

Firm Announcements

Gray-Duffy Welcomes New Associate: Nathan B. Lee

Gray-Duffy, LLP is pleased to announce that [Nathan B. Lee](#) has joined the firm as an Associate.

Mr. Lee has a variety of legal experience serving as corporate counsel for small corporations, including experience in trademark and copyright issues. He also has successfully litigated on behalf of numerous clients in civil, family and criminal proceedings, including at evidentiary hearings and trial.

Gray-Duffy Welcomes New Carrier Client

Gray-Duffy, LLP is honored to

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announce that [Chartis](#), a global leader in commercial and personal insurance solutions, has become a client of the firm. The firm will represent Chartis throughout the entire state of California.

As a helpful reminder to our clients, Gray-Duffy, LLP recommends that business owners have their indemnity agreements regularly evaluated and annually reviewed by their attorney.

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