

# HOSPITALITY



## Hospitality Overview

Unlike every industry, the world of hospitality changes endlessly. As global commerce and new technologies make travel and leisure more accessible to people around the world, the industry is growing and expanding in new ways. Forward-thinking hospitality industry companies should always be aware of the leading industry legal trends, risks and opportunities so they can ensure their own businesses stay competitive and relevant. Befitting its client base in the heart of one of the most frequented tourist destinations in the world, Jimerson Birr has extensive experience representing companies of the region's hospitality industry, including prominent hotels and resorts, bed and breakfasts, timeshares and vacation clubs, country clubs, bars, restaurants, catering companies, movie theaters, gambling and gaming sector companies, health clubs, major event hosting and production companies, agencies and tour operators, and a variety of entertainment venues.

Jimerson Birr's Hospitality Industry Team provides advocacy, information, resources, and education for operators and professionals in nearly every type of hospitality industry business on a nationwide basis. Our team considers your business needs, wants and goals, then outlines our strategy to support those goals. The results-oriented solutions are tailored to the hospitality industry, your particular sector, your company, and you as an individual client point of contact. When Jimerson Birr provides answers to a problem, it comes from a legal knowledge base spanning many legal disciplines and many business trades. Our relationship with your company will endure throughout the business life cycle. We help startups get organized and funded, and grow with your company as it manages, transacts or faces a legal dispute. Our service style and offerings are scalable, end-to-end legal solutions that other options can't match.

## Business Operations and Systems

Jimerson Birr's attorneys act as business advisors and general counsel to assist hospitality clients with day-to-day operations and decisions. We have experience advising hotels, resorts, casinos, restaurateurs and other hospitality businesses on management and employee contracts, vendor and supplier negotiations and agreements, branding and intellectual property matters, rewards and loyalty programs and revenue growth strategies.

## Construction and Real Estate

For projects of any economic, geographic or complexity magnitude, Jimerson Birr's Hospitality Industry Team serves clients throughout the entire real estate cycle from debt and equity financing and refinancing to entitling, acquiring and selling, developing, operating/managing, and leasing.

## Employment Management and Immigration

In this litigious world we live in, employee management programs need to be settled, lawful, and defensible. Every year at industry conferences, executive management personnel recognize employment and employee benefits issues among their top anxieties in risk management and liability exposure. Beyond pecuniary exposure, failure to identify and treat employee management issues can cause cultural disruption and resource abuse. Jimerson Birr attorneys work concertedly with hospitality industry companies to spot problems, solve problems and prevent problems.

We counsel hospitality industry companies as they create, implement, monitor and improve human resources game plans in an industry comprised of increasing pressures and regulations. Our team is well equipped to advise management and human resources professionals on personnel related decisions, deliver applied management training, and support the implementation of employee handbooks, other policies and procedures, and affirmative action and EEO plans. Our lawyers regularly defend wrongful and retaliatory discharge claims and race, age, gender, and disability discrimination claims at the administrative level and in state and federal courts. We assist employers with OSHA investigations and citations, Department of Labor audits, and wage claims under state and federal wage and hour laws. Without understanding how to legally acquire, compensate, manage and retain talent, top-line hospitality industry strategies to expand or focus products and services become bottom-line plans of mere survival.

## Business Reorganization and Financial Restructuring

When financial or operational challenges arise, the negotiating skills and creative problem-solving talents of Jimerson Birr attorneys can often alleviate or eliminate difficulties for imperiled or undercapitalized hospitality industry clients. We advise clients on debt restructuring alternatives in a variety of credit structures, including secured and unsecured loan facilities, letter of credit facilities, privately placed notes, and lease financing facilities. Our lawyers will always look for an out-of-court restructure or liquidation opportunity that has the potential of achieving higher returns at a lower cost for all stakeholders. If a bankruptcy filing is in play, we have the experience required to help our clients successfully see the process through, whether they are debtors or creditors. Our extensive trial experience and willingness to litigate enhances our ability to negotiate effective solutions. We are experienced in all aspects of bankruptcy litigation and have successfully litigated, among other matters, contested confirmation hearings, discharge

contests, validation disputes, fraudulent or preferential transfer proceedings, claims objections, stay relief hearings, and involuntary bankruptcies.

## Dispute Prevention and Dispute Resolution

Jimerson Birr's attorneys are driven by the viewpoint that helping hospitality industry clients structure their operations to avoid disputes is the best way to help their business keep running well and profitably. But, even a great plan can result in inevitable business disputes. When such disputes arise, we seek to bring about swift and favorable resolution for our clients. Jimerson Birr has participated in hospitality industry related litigation at the local, state and federal levels. We also encourage the use of alternative dispute resolution techniques, such as mediation and arbitration, when they are appropriate to our clients' interests and may result in a more timely and economical disposition.

Ultimately, no matter what service we are providing to our hospitality industry clients, we have the same lodestar: to free our valued clients from their legal concerns, risks and drudgeries, so they can focus on service to their customers. Their next customer will always be their biggest opportunity, and nothing is more expensive than a missed opportunity.

## WHO WE SERVE

- › Food and Beverage
- › Hotels, Resorts and Club Properties
- › Recreation and Entertainment Companies
- › Health and Sports Sector Companies
- › Travel and Tourism
- › Events & Event Production Companies
- › Casinos and Gaming Companies

## WHAT WE DO FOR THE HOSPITALITY INDUSTRY

Jimerson Birr recognizes that companies in the risky, complex, and fast-paced hospitality sector depend on sound counsel for mission-critical operational, legal and regulatory issues. We are committed to the goal of helping hospitality executives mitigate risk and prevent problems before they arise or escalate.

- › We stay fully apprised of changes to hospitality laws and industry trends in order to proactively keep our clients informed through our educational efforts and industry wide training initiatives.
- › We draft and prepare contract documents in a manner that will make the language more understandable, address the primary risks of your particular business, and bring the documents into compliance with changes in law or trends in the industry.
- › Our dedication to efficient and cost-conscious practice of law, in conjunction with innovative and flexible compensation terms, enable us to help hospitality executives effectively plan and maintain their budgets without surprise.
- › We have the resources and bandwidth to address legal issues which may occur in the everyday management and operation of the business.

Our Hospitality Industry Attorneys cover all aspects of a company's legal needs, with specialty service offerings centered around:

- › Alcohol and Beverage Law
- › Franchising
- › Gaming Law
- › Private and For-Profit Golf and Country Club Formation, Operation, Acquisition and Disposition
- › Timeshares, Vacation Clubs and Fractional Property Investments
- › ADA Compliance and Defense
- › Mixed-Use Real Estate Developments
- › Hospitality Worker Wage Disputes
- › Sports and Entertainment Law
- › Advertising and Promotions
- › Coach and Athlete Representation
- › Anti-Money Laundering Compliance
- › Event Production and Venue Agreements
- › Master Licenses, Product Licensing and Merchandising

More than just Hospitality Industry Law specialists, Jimerson Birr has a team of attorneys with experience and expertise in every legal issue you may encounter, including:

- › Accounts Receivable and Judgment Collections
- › Appeals
- › Administrative Law and Licensing
- › Arbitration & Mediation
- › Asset Protection Law
- › Bet The Company Litigation
- › Bankruptcy and Restructuring
- › Borrower Representation
- › Business Litigation
- › Business Process Consulting
- › Corporate and Board of Directors Governance and Operations Counsel
- › Corporate Formation, Transactions and Dissolution
- › Class Action Litigation Defense
- › Data Privacy and Cybersecurity
- › Disaster and Crisis Preparation and Response
- › Economic Development and Government Incentives
- › Eminent Domain Law
- › Employment Law
- › Environmental Diligence, Compliance, Permitting and Mitigation
- › Executive Coaching
- › Fair Credit Reporting Act Defense
- › Fair Debt Collection Practices Act Defense
- › General Counsel for Small Businesses or Start Up Companies
- › Government Procurement and Bid Protests
- › Governmental Relations and Advocacy
- › Immigration Law for Businesses
- › Insurance Procurement and Coverage
- › Intellectual Property Protection
- › Landlord/Tenant Leasing (Commercial)
- › Land Use and Zoning
- › Legal Opinions

- > Opportunity Zone Investing
- > Public-Private Partnerships
- > Premises Liability
- > Property Insurance Claims
- > Property Tax Disputes
- > Real Estate Transactions & Disputes
- > Receiverships
- > Records Management and Document Retention
- > Registered Agent Services
- > Shareholder Disputes and Derivative Litigation
- > Subpoena Response
- > Telephone Consumer Protection Act Defense
- > Trade Secret Protection
- > Vendor Contracting
- > Workplace Safety, OSHA and CDC Compliance

## Attorneys

