

Justin V. Niedzialek

Description

Biography

Justin has extensive experience in drafting employment policies, employee handbooks, and employment agreements that define the duties and responsibilities of employees and promote compliance with applicable law. He also counsels employers in regard to the best employment practices in areas such as employee discipline, employee classification, internal investigations, and wage and hour issues. Justin has substantial knowledge of restrictive covenants such as non-compete, anti-solicitation, and anti-piracy covenants. He uses this knowledge to draft and enforce restrictive covenants that protect his clientsâ?? legitimate business interests.

Justin has also endeavored to help provide clarification and guidance in terms of classifying individuals as employees or independent contractors, having assisted the National Federation of Independent Business in drafting and lobbying H.B. 2114 during the 2016 Arizona legislative session. The bill was designed to provide guidance with respect to the independent contractor relationship and encourage appropriate classification. Justin worked with the NFIB and stakeholders to draft, revise, and defend the bill before committees in the Arizona House and Senate. H.B. 2114 was signed into law on May 12, 2016 and established Arizonaâ??s Declaration of Independent Business Status (A.R.S. Â§Â§ 23-1601 and -1602). This experience gives Justin particular expertise with respect to defending matters where employee classification is at issue and advising his clients regarding correct classification.

Justin also defends employers in various employment-related disputes and employment litigation. For instance, Justin has successfully defended multiple employers against uninsured employer workersâ?? compensation actions brought by the Industrial Commission of Arizona. Justin also represents employers in state and federal investigations by agencies such as the Equal Employment Opportunity Commission and the Department of Labor. While Justinâ??s practice consists primarily of representing employers, he has also represented employees in wage, discrimination, and retaliation matters.

In addition to labor and employment law, Justin has extensive experience in business and commercial litigation, creditorsâ?? rights, judgment enforcement, and bankruptcy law. To that end, Justin has obtained an order awarding a non-debtor co-owner his pro rata share of sale proceeds from a bankruptcy sale over the objections of creditors and the bankruptcy trustee and has obtained relief from the bankruptcy automatic stay on numerous occasions. He further has successfully defended appellate proceedings before the Arizona Court of Appeals and the Bankruptcy Appellate Panel for the Ninth Circuit.

Justin has prepared and conducted numerous seminars and presentations for both attorneys and clients covering areas such as legal ethics, judgment enforcement, federal loan servicing regulations, debt collection practices, and provisional remedies.

Admissions

- All Courts of the State of Arizona

Education

- University of Arizona, James E. Rogers College of Law, Juris Doctorate, 2007
- University of San Diego, B.A., Psychology, Minors in Business Administration and Communication Studies, Cum Laude, 2004

Presentations and Publications

- Post-Judgment Collection Efforts, in-house CLE, 2012
- Civility and the Practice of Law, CLE, State Bar of Arizona Annual Convention, 2012
- Consumer Finance Protection Bureau Regulations, client seminar, 2014
- Fair Debt Collection Practices Act, client seminar, 2014
- Bankruptcy Developments and Best Practices, CLE, State Bar of Arizona Annual Convention, 2017
- Beyond Judgment: Liens, Garnishments, and Collections, State Bar of Arizona CLE, 2018, 2020
- Protecting Your Rights: The Practical Implications of Litigation in the Construction Industry, Arizona Roofing Contractors Association, 2020
- The Construction Junction podcast, guest, 2021

Memberships and Activities

- The State Bar of Arizona
- Esperanca, Board of Directors (former member)

- St. Thomas More Society (Phoenix, Arizona), Executive Board (former member)
- Phoenix Torero Club (University of San Diego Alumni Association), Committee Member

Professional Recognition and Awards

- Super Lawyers Magazine Rising Star, 2014-2019
- Graduate of the Arizona College of Trial Advocacy, 2013