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CONGRATULATIONS TO BSR&B PARTNERS
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Super Lawyers is a national and independent third-party rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The annual selections are made using a patented multiphase process that includes a statewide survey of lawyers, an independent research evaluation of candidates, and peer reviews by practice area.

FAREWELL TO JUDGE DAVID RITTER
(1934-2017)

The late David Ritter enjoyed a legendary career as a judge and prosecutor, and also served as a mediator and arbitrator. From 1985 through 2011, Mr. Ritter served as a New York State Supreme Court Justice. He also served as both the Administrative Judge of the Ninth Judicial District and as an Orange County Court Judge. Prior to his distinguished judicial career, Judge Ritter worked as an Orange County district attorney.

"Judge Ritter was one of the most esteemed jurists to come out of this area in the last 50 years. It was an honor to work with him."

-BSR&B Managing Partner Michael Blustein

BETTER BUSINESS:
The *Triple* Bottom Line

By Austin F. DuBois, J.D., LL.M.
adubois@mid-hudsonlaw.com

"No man is an island," wrote poet John Donne, and certainly the same is true of any small business.

The beauty of working with people who own and operate a small and/or family-owned business is that those people usually understand how important their surrounding community is to their own prosperity. They consider that community in most business decisions they make, not just the bottom line on their balance sheet.

We call this practice "The Triple Bottom Line," which involves people, place, and profit.

The concept isn't new, although most modern big businesses don't operate that way.

Think about your cell phone or your credit card company; when you call the customer service line, do you really get a sense that the business's employees care about solving your problem? Or are they just reading from a script, or passing you off to another department? The employees' primary motive is money - not you or your time.

Small businesses are usually different. They often value their customers, clients, and contractors as people, regularly going the extra mile, even if it means sacrificing a bit of profit. Every business owner wants to achieve financial stability and prosperity for themselves and their families, but the prosperity of their employees, community at large, and natural environment is also on their radar.

But how can a small business be successful at both?

1. **Allocate some ownership interest to an employee stock option program.** Even though most employees are grateful for the annual bonus they (hopefully) get from a profitable year, a set program for them to enjoy a "piece of the pie" will entice them to work even harder, knowing–not just hoping–that they will share in the upshot.
2. **Institute energy-efficient and environmentally sound business practices.** This can be as simple as encouraging all records to be scanned into the computer system instead of making hard copies, or appointing one employee to see that waste is disposed of as recyclable, compostable (ask if any of your employees garden in their spare time; they may volunteer to take home the compost. I know I would!), and "other," possibly reducing your garbage bill.
3. **Allocate a small percentage of profits to be donated to local charities.** While taking 1%-3% of your gross revenue and donating it may seem like a lot, for many businesses the PR/marketing value of donations will generate several times that in future revenue. Having a stated policy will help to prioritize the charities that are most aligned with you and your business's values, thereby enhancing your relationship with those organizations.
4. **Hire to empower.** In making hiring and promotional decisions, look to candidates who stand to gain the most from being given an opportunity to excel. Hiring a person who perhaps made mistakes in his or her youth and otherwise has difficulty getting a job could mean that person will be willing to learn, and appreciate the opportunity more than most. If security is a concern, then you should ask yourself what you could do better in your policies and practices to be more secure. Security threats can come from anywhere.

The possibilities are limited only by your own creativity or willingness to take that little bit of extra time or thought to implement them. While some business owners are certainly not lazy in their work ethic, they do get lazy in their ideas. They may stay profitable, but I would argue that they are less profitable than they could be. I encourage all of my clients who are not already doing it (many are) to think critically and creatively about their business practices at least once a year. Then, implement new business practices in a way that not only increase the balance sheet bottom line, but also increase the value of the business's community.

ATTORNEY RAYMOND RAICHE PROMOTED TO PARTNER

Attorney Raymond Raiche, who helped found the firm's Family Law and Bankruptcy departments and runs the firm's Poughkeepsie location, has recently been named partner at the Hudson Valley law firm.

As a partner, Ray will continue to handle a diverse caseload that includes personal injury, medical and dental malpractice, bankruptcy, matrimonial, child custody and support, commercial litigation, and trust and estate litigation.

In the notable Bankruptcy Court case of In re Central Park Estates, LLC 485 B.R. 72, 2013, Ray was responsible for establishing a legal precedent on the protection of creditor's rights. Two of his more recent case successes include:

- $250,000 settlement stemming from a dispute over a life insurance policy's designee;
- $80,000 settlement related to a dental malpractice case where a piece of a broken tooth was lodged in the lung of the plaintiff; and
- $30,000 settlement related to a broken ankle.

Ray is a member of the New York, Hudson Valley Bankruptcy, and Dutchess County bar associations, and has been admitted to the New York and New Jersey Bars, and before the U.S. District Court for the Southern District of New York and the District of New Jersey, as well as the Second and Third Circuit Court of Appeals. A Poughkeepsie, N.Y. resident, Ray is a graduate of Marist College and the Seton Hall University School of Law.

Congratulations, Ray!

THE IMPORTANCE OF TITLE:
The Pitfalls of Joint Ownership

By Megan Conroy, Esq.
mconroy@mid-hudsonlaw.com

When people think about estate planning, the last will they executed 20 years ago undoubtedly comes to mind. Most never consider that the way their accounts are owned will have specific, possibly undesirable after-death consequences. In fact, coordinating how you own your assets with your estate planning goals is vital to the success of your plan, and yet this step is often ignored during the planning process.

The types of asset ownership include: sole ownership, joint ownership, and contractual ownership with a beneficiary designation.

Each form of ownership has a different effect on what happens to the asset upon the death of an owner. **Joint ownership** has the potential to be the most problematic form of ownership because people typically use it as a substitute for more well-thought-out planning.

The three types of joint ownership are:

- Joint Tenants With Right Of Survivorship (JTROS),
- Tenants In Common, and
- Tenancy By The Entirety.

An asset held **JTROS** results in the title of the asset passing by operation of law to the surviving owner/s upon the death of one. The "last man standing" ends up with full ownership of the asset and, upon his or her death, the asset will pass according to his or her estate plan. This is also true in **tenancy by the entirety**; however, **tenancy by the entirety can only be formed between spouses.**

Joint ownership is often used for the convenience of giving each joint owner access to a particular asset or account. Others implement JTROS or tenancy by the entirety as part of their estate plans, because it allows the jointly owned asset to pass to the surviving owner without being subject to a court process known as "probate." However, it also passes outside of any estate planning instrument, such as a will or a trust.

In bypassing an established estate plan, which reflects a person's intentions, the ultimate disposition of the asset may be unintended and contradictory to the deceased owner's objectives. For instance, if an elderly parent adds one of his/her adult children to his/her account as a joint owner, then that one child will inherit the entire account upon the death of the parent. Usually, the parent adds the child for convenience, or to help them pay bills—not with the intention of only that child inheriting it. If the parent owner had more than one child, or intended for all of his or her assets to be divided among multiple individuals, then the account passing to the one child co-owner contradicts those goals. In such a case, something as seemingly insignificant as ownership of the account will lead to an unfair result and the possibility of fighting among family members.

Another issue with joint ownership is that a jointly owned asset is subject to the liabilities of each owner. This means that if one of the owners is sued, it could result in the entire account being frozen or lost to a creditor. Likewise, upon the death of an owner, the entire asset becomes an asset of the survivor, with no protection. Thus, if the survivor was to need long-term care or get divorced, the asset could be spent on a nursing home or split in the divorce.

The last form of joint ownership, **tenants in common**, comes with a different set of issues. Upon the death of a tenant-in-common owner, that owner's interest passes through his or her estate and is subject to probate—a court process which is disliked mostly for being time-consuming, expensive, and for its public nature. **The deceased owner's interest will pass to his or her heirs, who will then own the asset jointly, as tenants in common, with the original surviving owner.** Therefore, the ultimate disposition could potentially result in several owners who may or may not get along.

The above examples are just a few ways that joint ownership can lead to unanticipated and often unfavorable results. **With alternatives ranging from simple solutions such as a power of attorney, to more comprehensive solutions such as a living trust, there is no reason to allow jointly held assets to get in the way of your estate planning goals.** Whatever the motivation is for owning an asset jointly, the same goal can often be achieved through a well-drafted estate plan in conjunction with appropriately titled assets—and will likely have a better result.

Title is sometimes the difference between an effective estate plan and a failing one. If you haven't been counseled by an attorney on how your assets should be held, your estate plan might not work. To ensure that your goals are met, please have an experienced estate planning attorney review your plan and how your assets are titled.

NBI NATIONAL BUSINESS INSTITUTE

NATIONAL BUSINESS INSTITUTE SEMINAR:
TRUSTS FROM A TO Z

Thursday, November 30 | 8:30 a.m.-4:40 p.m.

Hampton Inn & Suites
2361 South Rd., Poughkeepsie, NY 12601

Join BSR&B Partner Austin F. DuBois at the National Business Institute's "Trusts From A to Z" seminar, where he will present "What are Trusts? Main Trust Principles" and "Charitable Trusts."

Other topics covered during the seminar include:

- Simple Testamentary Trusts and Revocable Living Trusts
- Tax Reduction with Trusts
- Grantor Trusts
- Marital Trusts in a Nutshell
- Supplemental Needs Trusts (SNTs)
- Legal Ethics

Austin helps clients protect their assets from nursing home and long-term care costs, designs and implements complex and high net worth estate plans, and is general counsel to a select group of businesses.

Who should attend:
Attorneys • Accountants/CPAs • Trust Officers • Enrolled Agents
Tax Preparers • Tax Managers • Wealth Managers

Continuing Education Credits Available

To learn more or to register for the National Business Institute's Seminar "Trusts From A to Z," visit www.nbi-sems.com.

SEMINAR: How Can I Maximize the Impact of my Charitable Giving?

THURSDAY, OCTOBER 26
3 p.m.-5 p.m.

The Community Foundation of Orange and Sullivan
30 Scotts Corners Dr., Montgomery, NY (Larkin Conference Room)

A panel of Hudson Valley professionals will gather to present the tax and legal aspects of philanthropic giving and discuss strategies for making a positive impact within your means.

BSR&B Partner Richard Shapiro and Judelson, Giordano & Siegel Partner/Shareholder Bonnie Orr will speak. Susan Diamond, a financial professional with New York Life Insurance, will lead the presentation.

Tickets are free, but attendees must register in advance by contacting Sarah Pruschki at sarah@cfosny.org. Seating is limited.

For more information, visit www.cfosny.org/event.

Secure Your Legacy:

Estate Planning Workshop for Today's American Family

THURS., OCTOBER 19TH
TUES., NOVEMBER 14TH
THURS., DECEMBER 14TH
3 P.M.-6 P.M.

We'll explain little-known pitfalls and the best methods to protect your loved ones' inheritance after you're gone.

OUR WORKSHOPS ARE FREE, BUT SEATING IS LIMITED.

BSR&B Education Center (1st floor)
10 Matthews St., Goshen, NY
Call 845.291.0011 or email receptionist@mid-hudsonlaw.com to reserve your place.

YOUR FUTURE: BUSINESS SUCCESSION PLANNING

Come explore how your business succession planning affects you, your family, your employees, and your community. Learn about strategies that will maximize your retirement income and minimize your taxes.

NOTE: These FREE informational events are for business owners with revenue greater than $1.5 million.

WEDNESDAY, NOV. 1
6 p.m.-8 p.m.
Hoffman House
94 N. Front St., Kingston

-OR-

WEDNESDAY, NOV. 8
6 p.m.-8 p.m.
Offices of Blustein, Shapiro, Rich & Barone, LLP
10 Matthews St., Goshen

-OR-

TUESDAY, NOV. 14
6 p.m.-8 p.m.
Beahive
291 Main St., Beacon

AGENDA & PRESENTERS:

IMPORTANT OWNER ESTATE PLANNING & ANY OTHER MAJOR TRANSACTIONAL LEGAL ISSUES
PRESENTED BY
AUSTIN DUBOIS, J.D., LL.M.
Partner, Blustein, Shapiro, Rich & Barone, LLP

EXIT TRANSACTIONS & RELATED MAJOR VALUATION/ STRUCTURING ISSUES
PRESENTED BY
CHUCK SLOTKIN, M.B.A.
Merger, Acquisition & Funding Expert; Founder/Managing Member, Nature Equity, LLC

MANAGEMENT, EMPLOYEE/ OTHER ORGANIZATIONAL ISSUES, BROADER COMMUNITY ISSUES
PRESENTED BY
MYRIAM BOUCHARD, M.B.A.
Principal/Co-Founder, Coherence Collaborative

INTRODUCTION & OVERVIEW
PRESENTED BY
AJAX GREENE
Principal/Co-Founder, Coherence Collaborative

Presentations will be followed by a half-hour Q&A session.
Light refreshments will be provided. Please register now as seating is limited.

For more information, please contact 845.489.6518 or email Hello@CoherenceCollaborative.com. You can also register online by visiting coherencecollaborative.com/events.