WWW.CAMDENCOUNTYBAR.ORG

PUBLISHED BY THE CAMDEN COUNTY BAR ASSOCIATION

**VOL. 73, NO. 6 • FEBRUARY 2025** 





# **INSIDE:**

The Docket	
CCBF Bingo Night raises money for Community Service Projects4	
Estate Planning involving Grandchildren	
Hey, Do You Have Clients That Own a Business that holds	
Life Insurance Policies On The Owner? If So, Read On	
Wine & Food	

# NOMINATING COMMITTEE SEEKS NOMINATIONS FOR **ASSOCIATION OFFICERS AND TRUSTEES**

The Camden County Bar Association's Nominating Committee is seeking nominations for the offices of President-Elect, Vice President, Treasurer and Secretary, and for six Board of Trustees openings. There are 5 trustee seats available for a term of three years beginning on June 1, 2025 and ending in May 2028, and one seat available for a term of one year beginning on June 1, 2025 and ending in May 2026.

Members wishing to be considered for any of the available positions are expected to have the time and means to attend and participate in the monthly Board meetings, attend and participate in Association and Foundation events and programs throughout the year, and perform other duties that may be assigned by the president.

If you have the desire to help shape the future of your Association, and can meet the responsibilities outlined above, please send a letter of interest, along with a resume no later than February 1st to Matthew Rooney, Esq., Chair, Nominating Committee c/o 1939 Marlton Pike East, Suite 120, Cherry Hill, NJ 08003 or via email to Kara Edens Graser at kara@camdencountybar.org. Current Trustees whose terms expire at the end of this Bar year must

also send a letter of interest by February 1st to be considered for reappointment.

# FOUNDATION BOARD OF TRUSTEES SEEKS NOMINATIONS FOR OFFICERS AND TRUSTEES

The Camden County Bar Foundation is seeking nominations for its Board of Trustees for the office of President, Vice President, Treasurer and Secretary and for 5 trustee openings. The trustee seats are for a term of three years beginning on June 1, 2025 and expiring in May 2028. The offices of President, Vice President, Treasurer and Secretary are one-year terms and are renewable each year.

Members wishing to be considered for any of the available openings are expected to have the time and means to attend and participate in the monthly Board meetings, attend and participate in Association and Foundation events and programs throughout the year, and perform other duties that may be assigned by the President.

If you have the desire to help shape the future of your Foundation, make a meaningful impact on our local community, and can meet the responsibilities outlined above, please send a letter of interest along with a resume no later than February 1st to Rachael Brekke, CCBF President, at rbrekke@mcdowelllegal.com.

Current Trustees and Officers whose terms expire at the end of this Bar year must also send a letter of interest by February 1st to be considered for reappointment.

# Law Offices of Andrew Ballerini



Accepting Referrals of Serious and Catastrophic Injury Cases Including: **Nursing Home**, Medical Malpractice, Product Liability, Premises Liability, Truck & Automobile Injuries







Andrew A. Ballerini, Esq.

www.ballerinilaw.com

Richard J. Talbot, Esq.

535 Route 38 · Suite 32 Therry Hill, NJ 08002 FEBRUARY 2025

# THE DOCKET FEB 2025

# Monday, February 10

**CCBF Board of Trustees Meeting** 4 p.m.-Bar Headquarters/Zoom

# Tuesday, February 11

Sandwich-Making Event 6:30 p.m.-Bar Headquarters

# **Wednesday, February 12**

YLC Meeting 5:30 p.m.—Bar Headquarters

# Monday, February 17

President's Day **Bar Headquarters Closed** 

# Tuesday, February 18

Legal Professional Network Happy Hour 5:30 p.m.-Katz JCC

# Wednesday, February 19

Virtual Golf 6 p.m.-DogLeg Golf

# Thursday, February 20

**CCBA Board of Trustees Meeting** 4:30 p.m.-Bar Headquarters/Zoom

# Tentative Agenda for February 20 Board Meeting

A tentative agenda for this month's regular Board of Trustees meeting follows. The meeting will begin at 4:30 p.m. at Bar Headquarters and via Zoom. All meetings are open to the membership. Anyone interested in attending should notify and confirm their attendance by calling Bar Headquarters at 856.482.0620.

- I. Call to Order
- II. Approval of Minutes from Meeting
- III. Treasurer's Report
- IV. President's Report
- V. Executive Director's Report
- VI. Committee Reports
  - a. Membership Committee
  - b. Young Lawyers Committee
  - c. Standing Committee Reports
- VII. Foundation Update
- VIII. NJSBA Update
- Old Business (if any)
- New Business (if any)
- XI. Adjournment

# **Please Support our Advertisers**



# **GOT NEWS?**

Do you have news you want to share with the CCBA membership? Submit your newsworthy items for publication in The Barrister to Kara Graser at kara@camdencountybar.org! We are happy to publish news of board appointments, participation in charitable organizations, awards and honors, joining a new firm, and more! We want to hear from you and help celebrate our members' accomplishments.

Send your news today!

# <u>attention legal professionals seeking a refined setting for client meetings and depositions</u>

Looking for a Conference Room to Meet with your Clients or a Deposition in Cherry Hill?

Then Look No Further! The Camden County Bar Association is offering an Impeccable Conference Space, Conveniently Located at:

1939 Route 70 East — Suite 120, Cherry Hill, NJ.

RATES DESIGNED TO ACCOMMODATE YOUR PREFERENCES:

FOR OUR ESTEEMED CCBA MEMBERS:

• HALF DAY: \$100 • FULL DAY: \$250

FOR OUR RESPECTED NON-MEMBERS:

• HALF DAY: \$150 • FULL DAY: \$300



# THE BARRISTER

Published monthly, except July and August, by the Camden County Bar Association.

# President

Matthew T. Rooney 123 Dune Dr. #11, Avalon, NJ 08202

### President-elect

Thomas A. Hagner 51 Kresson Road Cherry Hill, NJ 0803

# Vice President

Jeanette Kwon 2222 Market Street Philadelphia, PA 19103

### Treasurer

Timothy S. Farrow 601 NJ-73 Suite 105 Marlton, NJ 080533

# Secretary

Carly K. Fowler 1702 Haddonfield Berlin Road Cherry Hill, NJ 08034

### **Executive Director**

Kara Graser 1939 Route 70 East, Suite 120 Cherry Hill, NJ 08003

### **Board of Trustees**

Kevin M. Costello Erin S. Deitz **Edward Epstein** Christopher Keating Michael J. Ward IV

Michelle Altieri Derek DeCosmo Joseph A. Connell Lvnda Hinkle Paige Joffe

Nancianne Aydelotte Timothy Dalton, Jr. Stephen M. DiStefano Erin P. Gallagher Abraham Tran

Young Lawyer Trustee Adam L. Cohler

Immediate Past President Rachael B. Brekke

Editorial Board John C. Connell V. Richard Ferreri William Groble Peter M. Halden James D. Hamilton, Jr. John J. Levy Rachael B. Brekke (ex-officio)

New Jersey State Bar Trustee Iose A. Calves

# Editorial Offices

1939 Route 70 East, Suite 120 Cherry Hill, NJ 08003

Advertising: Kara Graser

856.482.0620 kara@camdencountybar.org

Views and opinions in editorials and articles are not to be taken as official expressions of the Association's policies unless so stated, and publication of contributed articles does not necessarily imply endorsement in any way of the views expressed.

Periodicals postage paid at Cherry Hill, NJ and additional offices (USPS 712 - 480)

Classified Advertising rates \$30 per insertion **Annual Subscription Rate** \$40

Be an active participant in YOUR professional organization.

> ATTEND MEETINGS **AND FUNCTIONS!**

To secure your Rental Space / Conference Room, contact Nicholas DeMarco at 856-482-0620 ext. 110 or email ndemarco@camdencountybar.org

# BINGO NIGHT RAISES OVER \$12,000 FOR FOUNDATION'S COMMUNITY SERVICE PROJECTS!

Bingo Night on January 24, 2025, was a fantastic evening of games, friendship, and fundraising for the Camden County Bar Foundation. The sold-out event featured a delicious spread of pizza, hoagies, salad, Chick-fil-A, chips, and cookies, with guests bringing their own

refreshments as well. Exciting raffle baskets were up for grabs, and one lucky winner took home over \$700 in the 50/50! While no photos were taken in the midst of all the fun, trust us—it was a great time for a great cause!



# HALL SPONSORS

Archer & Greiner, P.C.
Brenda Lee Eutsler & Associates, P.A.
Fowler Law, LLC
Keating Law Firm, LLC
Kulzer & DiPadova, P.A.

# BASKET SPONSORS

Maisie Chin Smith Matthew V. Portella Thomas A. Hagner Jeanette Kwon Carly K. Fowler Ferrara & Gable Brenda Lee Eutsler MacKenzie's Martial Arts Michael DeSimone Abe Tran
Michelle Altieri
Steven Salinger
Amir Goodarzi Panah
Lynn Cravero
Simon Rossetter
Sage Kinney
Andrew Parsinitz

# REFRESHMENT SPONSORS

Eric Foley, Esq. South Jersey Paralegal Association Tate & Tate Court Reporting

# **GAME SPONSORS**

Game 1 Sponsor Hagner & Zohlman

G a G

Game 2 Sponsor

Simon Rossetter

Game 3 Sponsor Costello Mains & Silverman

Game 4 Sponsor

James D. Hamilton, Jr.

Game 5 Sponsor

Michael J. Dennin, Esq.

Game 6 Sponsor

Ogletree Deakins

Game 7 Sponsor

Famular Mediation

Game 8 Sponsor DeCosmo Law

Game 9 Sponsor

Aydelotte Law, LLC

Game 10 "Cover All" Sponsor

Law Office of Maisie Chin Smith

# **ATTENTION ATTORNEYS**



The South Jersey Legal Services Private Attorney Involvement Program needs volunteers for our event on Thursday, March 13th. You will get a detailed, 2 hour training via Zoom on Thursday, March 6th and then attend a 2-hour time slot at The Salvation Army Kroc Center - Camden on March 13th to help someone file for an expungement to get a better job or housing. We are working with the Rutgers Law School in Camden Expungement Law Project now to screen potential clients now for you to meet with on the 13th. Many people need help - sign up today!

# **REGISTER HERE:**

https://bit.ly/42sKW4X



# REE



We Have The Evidence r Competi

RANTEE poena Service, I

1-800-PROCESS WEUSE BODY CAMS Reasonably Priced Where Available



(FAX) 800.236.2092 - info@served.com - www.served.com



# Estate Planning involving Grandchildren

by Thomas D. Begley, Jr., Esquire, CELA

Grandparents often have a special relationship with their grandchildren. However, sometimes parents just say, "I'll will my money to my children, they will take care of the grandchildren." After considering the issue

more carefully, most grandparents decide to leave something directly to the grandchildren. Even if the money is not significant, the grandchildren are usually very appreciative because of the special relationship they had with their grandparents. Usually, money is not left to the grandchildren until the death of both spouses.

# What Concerns Might Grandparents Have Pertaining to Their Grandchildren?

- Pocket Money. In some situations, the grandparents would simply like the grandchildren to have some pocket money. Grandparents don't care whether the money is spent wisely or not. They just want to leave their grandchildren something to make them happy.
- College. They want their grandchildren to receive a college education without incurring enormous student loan debt.
- ➤ *Automobiles.* They want each grandchild to be able to own a car.
- Home Ownership. They want each grandchild to be able to buy a home.
- Business. They want each grandchild to be able to start a business, if appropriate.
- Problem Grandchildren. Grandparents often want to assist grandchildren, even when they have problems such as drug/alcohol addiction or a history of criminal behavior.



Grandchildren Who Need Incentives. Grandparents are often interested in helping to motivate grandchildren who otherwise lack drive and self-discipline.

### What Tool are Available?

- ➤ Gifting. A grandparent can gift each of his or her grandchildren up to \$19,000 a year in 2025 by taking advantage of the annual exclusion gifts under the federal gift tax law. Gifts for college expenses are exempt, regardless of amount, as long as payments are made directly to the educational institution. Gifts for medical care are also exempt as long as payment is made directly to the provider.
- > Specific Bequests in a Will or Trust. A will or trust can provide that each grandchild will receive a fixed amount. That amount may be \$1,000 or \$50,000, depending on the size of the grandparent's estate and the number of grandchildren. Also, each grandparent can leave a bequest at his or her death, or the bequest can be deferred until the death of the surviving grandparent.
- ➤ Incentives. Wills and trusts can be used to help motivate grandchildren who otherwise lack direction. For example, the distribution under the will or trust may be conditioned upon a grandchild graduating from college or obtaining a job that pays a certain basic annual salary.
- Percentage Share of Estate. A grandparent's will or trust can provide that the grandchildren receive a percentage share of the total estate outright or in trust. If held in trust, the document could

Continued on Page 6



Join us for a private class at Y6 Marlton Friday, March 7th 6pm \$10 per guest

Call us to book at 856 281 9450 or scan the QR code



YOGASIX MARLTON

930 W Rte 70, #3, Marlton, NJ 08053 856.281.9450 yogasix.com/location/marlton

# Estate Planning involving Grandchildren

 $Continued \, from \, Page \, 5$ 

provide that the trustee is authorized to use the money for the grandchild's health, education, maintenance, support, or to assist the grandchild in purchasing a home or starting a business. The trustee of the grandchild's trust may be the grandchild's parents or an independent trustee. A variation on this strategy is to establish one trust with funds to be divided equally among all grandchildren.

- ➤ 529 Plans. These plans offer an excellent way to save for college education expenses. A grandparent may establish a 529 Plan for the benefit of a grandchild or contribute to one already established.
- Coverdell Education Savings Accounts (ESAs). A grandparent can establish or contribute to an ESA.

### What Should Grandparents Know About College Savings Alternatives?

➤ The 529 Plan. Created under Section 529 of the Internal Revenue Code, 529 plans are designed to help families save for their children's and grandchildren's education. Anyone, including grandparents, may establish these plans and/or make annual, nondeductible contributions to them. Qualified state tuition plans are maintained by each state or a state agency. A resident of one state may open a 529 plan in another state. Funds may be withdrawn for qualified higher education expenses at any qualifying college, university, or graduate school, and at most community colleges and vocational/technical schools. A 529 Plan can play expenses up to \$10,000 per year for tuition for K-12 schools and up to \$10,000 lifetime for student loan repayments.

# Important considerations regarding 529 Plans include:

- Estate Tax. Funds in 529 plans generally are not includable in the estate of either the contributor or the beneficiary.
- Annual Exclusion Gifts. Gifts to a 529 Plan qualify as annual exclusion gifts. In fact, it is possible to "bunch" five years of gifts into one year, as long as no contributions are made in the succeeding four years. Consequently, gifting funds to a 529 Plan is a very effective way to remove large sums of money from the contributor's estate. The ability to frontload the plan can maximize tax free income to the beneficiary.
- Income Tax. The principal tax advantage of a 529 Plan is that the investment income earned in the account escapes federal income taxation and, in many states, state income taxation, provided that the funds are used exclusively for qualified higher education expenses. The longer the 529 Plan is in effect, the more tax-free income is accumulated. Funds not used for college education expenses are taxed as ordinary income to the distributee, plus a 10% penalty imposed on the amount withdrawn.
- <u>Contribution Limits.</u> The lifetime amount that can be contributed to a 529 plan varies by state. There is a maximum account size in New Jersey of \$305,000.
- · Cash. Investments must be made in cash.
- Qualified Higher Education Expenses. 529 plan funds can be used for tuition, fees, books, supplies, and equipment, as well as for room and board when the beneficiary attends school at least half time. Higher education expenses include tuition and fees, books and supplies, room and board, transportation and travel costs, health insurance, and college application and testing fees.

- Change in Beneficiaries. Beneficiaries can be changed at any
  time as long as the new beneficiary is a member of the family.
  If a particular grandchild decides not to attend college, or if
  funds remain in the account after the grandchild graduates
  from college, another grandchild can be designated as
  beneficiary.
- <u>Financial Aid.</u> Funds in a 529 plan are not counted for purposes of calculating financial aid eligibility.
- ➤ Coverdell Education Savings Accounts (ESAs). A qualified Coverdell Education Savings Account (ESA) is an account dedicated to higher education expenses. Contributions are made with after tax dollars, so there is no income tax deduction to the contributor. The grandchild can withdraw funds tax free for qualified higher education expenses. There is a 10% penalty on withdrawals not used for education.

### Important considerations regarding an ESA include:

- ESA Funds. ESA funds can also be used for qualified higher education expenses, including tuition, fees, books, supplies, and equipment, at eligible educational institutions. Room and board is considered a qualified expense provided that the recipient attends school at least half time.
- Rollover. The responsible individual (account owner) can change the beneficiary at any time to another qualifying "family member" who is under age 30. The term "family member" is broadly interpreted.
- Transfer From an ESA to a 529 Plan. Funds in an ESA can be transferred to a 529 Plan.
- Age Limitation. Funds must be withdrawn fully by the time
  the beneficiary reaches age 30, or the remaining account will
  be paid out within 30 days, subject to tax on the earnings
  and an additional 10% penalty. The penalty does not apply to
  withdrawals made due to the beneficiary's death or disability,
  or to the extent the beneficiary receives a tax-free scholarship.
- Gift Tax. The contribution to an ESA is treated as a gift under the annual gift tax exclusion.
- Income Limitation. There are income limitations for contributors to Coverdell Education Savings Accounts. In 2025, contributors must have modified adjusted gross income of \$190,000 to \$220,000 (\$95,000 to \$110,000 for single filers) in order to qualify for a full \$2,000 contribution.
- Contribution Limitation. The contribution limit per contributor is \$2,000 per child. This relatively low contribution limit means that the small annual maintenance fee charged by the financial institution can significantly affect the overall investment return.

Begley Law Group, P.C. has served the Southern New Jersey and Philadelphia area as a life-planning firm for over 85 years. Our attorneys have expertise in the areas of Personal Injury Settlement Consulting, Special Needs Planning, Medicaid Planning, Estate Planning, Estate & Trust Administration, Guardianship, and Estate & Trust Litigation. Contact us today to begin the conversation.



WORKPLACE DISCRIMINATION? WAGE THEFT? WORKPLACE RETALIATION? SCHOOL DISCIMINATION OR BULLYING? CIVIL RIGHTS VIOLATIONS?

No need to worry about the complexities of such matters... refer them to Costello, Mains & Silverman, LLC!



Kevin Costello, Esq. is Certified by the Supreme Court as a Civil Trial Attorney since 2002. The firm remits Referral Fees pursuant to Court Rules on *all* successful matters.

856-727-9700

referrals@costellomains.com

# Premier Legal Marketing provides digital marketing solutions and public relations to lawyers.



Entrusting us with your Internet market success, you will receive the personal attention you will not get from larger marketing firms.

Our products and services include:

- Attorney Niche Marketing
- Legal Web Design
- Search Engine Optimization (SEO)
- Google Ads (Pay-Per-Click)
- Content Writing
- Social Media Marketing

- Press Conferences
- Reputation Management
- Newsjacking (showcasing firm as legal analyst)
- Marketing Collateral
- Newsletters
- Public Relations and More!

PREMIER LEGAL MARKETING

856-320-2016

www.premierlegalmarketing.com

### **FINANCIAL FORENSICS**



# Hey, Do You Have Clients That Own a Business That Holds Life Insurance Policies on the Owner? If So, Read on...

by Martin H. Abo, CPA/ABV/CVA/CFF

Estate and succession planning for individuals owning interests in privately held companies involves strategizing the transfer of those interests both before and after death. In cases where other shareholders wish to acquire the decedent's interest

but lack sufficient capital, a common solution we've seen is to acquire a life insurance policy on the owners with the company listed as the beneficiary. Typically, in these situations, the company is contractually obligated to acquire the decedent's interest using a predetermined valuation method.

Historically, some business valuation colleagues of Abo Cipolla Financial Forensics practitioners have recorded a redemption liability to offset life insurance proceeds in estate tax valuations. The argument posits that while the company's value increases due to life insurance proceeds, this is offset by the obligation to pay out those funds to acquire the decedent's interest. While this argument can be true, focusing solely on the subject company's value rather than the subject interest's value can lead to inaccurate valuations.

This argument was recently examined by the Supreme Court in *Connelly v. United States*, where the treatment of a redemption liability associated with a company's contractual obligation to acquire a decedent's shares was at issue.

# What Happened in Connelly v. United States?

Michael and Thomas Connelly were brothers and the sole shareholders of Crown C Supply ("Crown"), with Michael holding a 77.18% interest at the time of his death. The brothers formalized an agreement that stipulated if one passed away, the surviving brother would have the option to purchase the deceased brother's shares. If the surviving brother declined, Crown would be obligated to acquire the shares. To ensure Crown's ability to fulfill this obligation, the company purchased life insurance policies on both brothers.

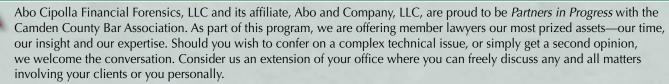
After Michael's passing, Thomas declined to purchase Michael's interest, triggering Crown's obligation to acquire it. Following discussions between Thomas, who was the executor of Michael's estate, and Michael's son, a beneficiary of the estate, they agreed to value Michael's interest at \$3 million. Using the life insurance proceeds it received, Crown then paid \$3 million to Michael's estate and acquired the estate's interest in Crown. Thomas then filed an estate tax return reflecting this valuation

However, the IRS audited the return. Michael's estate then obtained a valuation from a third-party accounting firm (whew, not Abo Ci[polla Financial Forensics), which valued the entire company at approximately \$3.86 million, including a \$3 million redemption liability. The IRS disagreed, asserting that Crown's value was \$6.86 million. This did not include the \$3 million redemption liability.

Continued on Page 9

# Abo and Company, LLC • Abo Cipolla Financial Forensics, LLC

**Certified Public Accountants / Litigation & Forensic Consultants** 



# Remember! It doesn't cost you anything to call us on a matter. It may cost you *dearly* by *not* calling us on that matter. We can help, so why not give us a call!

We strive to successfully meet the needs of a very diverse client base. We have carefully focused and developed our practice to specialize in the complexities of tax planning and compliance; financial consulting; accounting and review services; estate planning and compliance. We are here to assist our judiciary and legal colleagues in any and all accounting, tax, valuation, investigative or litigation support project where our team may be of benefit. We offer consultations in many areas, including the following:

- Contract disputes
- Shareholder disputes & partnership dissolutions
- Lost profit claims & damage measurement
- Business interruption claims
- Business valuations
- Critique of other expert reports and Interrogatory assistance
- Matrimonial litigation
- Document requests & productions
- Fraud investigations
- Arbitration and Mediation
- Tax related valuations
- Lost earnings from wrongful death, termination or personal injury claims

# South Jersey Office

307 Fellowship Road, Ste 202 Mount Laurel, NJ 08054 (856) 222-4723

# Philadelphia Suburb Office

449 N. Pennsylvania Avenue Morrisville, PA 19067 (215) 736-3156

www.aboandcompany.com

North Jersey Office 851 Franklin Lake Road Franklin Lakes, NJ 07417 (201) 490-1117

# **FINANCIAL FORENSICS**

Hey, Do You Have Clients That Own a Business That Holds Life Insurance Policies On The Owner? If So, Read On...

# Points of Agreement and Disagreement

Agreed Upon:

Valuation Basis: The decedent's shares in a closely held corporation should reflect the corporation's fair market value when calculating federal estate tax

Life Insurance Proceeds: Life insurance proceeds payable to a corporation increase the corporation's fair market value.

### Disagreed Upon:

Redemption Obligation as Liability: Whether the company's obligation to redeem the decedent's shares constitutes a liability that reduces the value of the decedent's interest.

# Shareholder Buyback and Treasury Stock

The acquisition of treasury stock affects the company's overall value and the per-share value differently. In this case, Crown's purchase of Michael's shares from his estate retired the shares, meaning they were no longer outstanding after the transaction. This process is commonly referred to as a shareholder buyback and is often considered a return of capital comparable to dividends.

Example 1: Consider the company, Tax E. Vader Inc., with equity worth \$1 million and 10,000 shares outstanding, valuing each share at \$100.

Before The Buyback:

- 1. Total Equity \$1,000,000
- 2. Shares Outstanding 10,000
- 3. Value per Share: \$100

The company decides to buy back 5,000 shares for \$500,000.

After The Buyback:

- 1. Total Equity \$500,000 (\$1,000,000 \$500,000)
- 2. Shares Outstanding 5,000
- 3. Value per Share: \$100 (\$500,000 / 5,000 shares)

While Tax E. Vader, Inc.'s total equity decreases, the value per share remains the same because both the equity and the number of shares outstanding decrease proportionally.

# Important Nuance: Value of the Company vs. Value of the Interest

The crux of the *Connelly* case revolves around valuing the 77.18% interest in Crown owned by the decedent at the time of death. Connelly argued that the redemption agreement reduced Crown's overall value due to the redemption liability. While it's true that the company's total equity value decreases when it acquires treasury stock (as the numerator gets smaller), the per-share value remains unchanged because the number of shares outstanding (the denominator) also decreases.

# Where the Money Goes Matters

In situations where a corporation is contractually required to pay proceeds to another party upon the decedent's death-unrelated to a shareholder buyback-the number of shares remains unchanged. Consequently, the value of the decedent's interest would decline due to the financial obligation, as the company's liabilities increase without a corresponding decrease in shares outstanding.



# Moving Forward after Connelly v. United States

There is never a bad time to review a clients' buy-sell agreements and other documents that govern processes and ownership transactions after a shareholder passes away. Actually, take a look at item #21 in Abo Cipolla Financial Forensics 129 point checklist on Buy-sell agreements where we even asked "Does the agreement properly address how key man life insurance is to be valued when death occurs (i.e. should the estate of the deceased shareholder/partner be entitled to a pro-rata share of the life insurance proceeds or should such proceeds, intended to fund the buyout, be excluded in the valuation)?

Post-Connelly v. United States, consider the possibility of using a cross-purchase agreement to negate the impact of life insurance proceeds increasing the value of your clients' companies in estate tax calculations. By having the owners as the beneficiaries of life insurance policies, the proceeds do not increase the value of the company. Additionally, the owner acquiring the other's ownership interest with life insurance proceeds receives an increased basis in their total ownership position in the company post-transaction. If you have clients that are better positioned to utilize life insurance where the company is the beneficiary, ensure that the estate is properly positioned to pay estate taxes on life insurance proceeds to be received by the company.

Outside of the impacts of *Connelly*, you as Counsel along with the insurance and valuation/CPA professionals should really analyze certain valuation provisions in the clients' buy-sell agreements to determine if they are likely to withstand IRS scrutiny and to assess the reliability of a buy-sell agreement in a gift or estate tax valuation. It's a good idea to verify whether provisions in a buy-sell agreement have been followed in the sale of company stock. If there have been transactions of company stock that did not abide by the active buy-sell agreement, it may not hold up in tax court and can be seen as a method to only decrease gift and estate taxes.

### **Conclusion**

The Supreme Court's decision in *Connelly v. United States* provides clear guidance on the treatment of redemption liabilities and life insurance proceeds in estate tax valuations. Ultimately, the ruling clarifies that appraisers should focus on the value of the decedent's interest rather than adjustments to the company's overall value. The key takeaway is that where the money goes-and how it affects the number of shares outstanding-matters significantly in determining the accurate valuation of the subject interest in succession planning.

Clear as mud, eh?

Martin H. Abo, CPA/ABV/CVA/CFF is a principle of Abo and Company, LLC and its affiliate, Abo Cipolla Financial Forensics, LLC, Certified Public Accountants – Litigation and Forensic Accountants. The firm is a Partner in Progress of the Camden County Bar Association. With offices in Mount Laurel, NJ, Morrisville, PA and Franklin Lakes, NJ. Marty can be reached at marty@aboandcompany.com or by calling 856-222-4723 ext. 104.

Page 10 THE BARRISTER FEBRUARY 2025



# LARGEMOOR FILM & DIGITAL SERVICES

# Providing Expert Legal Photographic Services Since 1946

- Video Tape Depositions Day in the Life
- Accident Scene Photography
- Slip & Fall Personal Injury Photography
- Courtroom Exhibits & Displays
- Prints from X-Rays
- On-Site Executive Portraits
- Prints from all Digital Media
- Free Local Pick-Up & Delivery

856.963.3264 FAX 856.963.2486

email:largemoor@aol.com www.largemoor.com

LARGEMOOR



FILM & DIGITAL SERVICES



# Don't Miss Out on Your Membership Benefits!

As a reminder, under the Association's dues policy, any member whose dues remain unpaid as of September 1 will lose access to all membership benefits. This means unpaid members won't be able to attend members-only events, will have to pay non-member tuition rates for Association-sponsored CLE seminars and events, and won't be eligible to serve on committees. Plus, you'll miss out on the discounts and services offered by our Association Partners in Progress. But don't worry—once your dues are paid in full, all benefits will be restored.

Paying your dues on time not only keeps your membership active, but it also supports the Association in continuing to offer its valuable programs and services to you and the community. Our easy-to-use member portal allows you to securely pay online, and you can even opt-in for automatic annual renewals to ensure you never miss out on your benefits.

Consider all the great perks of membership: discounted tuition for informative seminars (including New Jersey and Pennsylvania CLE credit), the monthly publication The Barrister, opportunities to shape the future of your Association through committees, exclusive professional and social networking events, and discounts on legal products and services, just to name a few.

Have questions or prefer to pay by credit card? Give us a call at (856) 482-0620.



Last month, we explored some of the many questions I posed to Jimmy Quaile after I read his justifiably popular book, *Tales from the Wine Floor* – 100 Questions asked of a Sommelier. I hope you found the insights Jimmy provided informative and that you were left wondering whether there may be other questions still to be asked and answered. Well, since the book packs in an awful lot of information into its just over 200 pages of easy and entertaining reading, the answer, of course, is yes, so here are a few more.

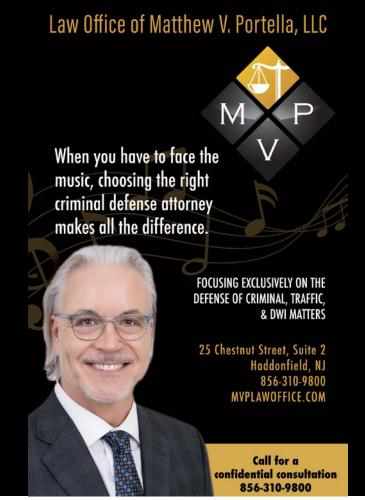
Q. You explain how drinking a wine can involve both nature and nurture, with the former involving the person's impressions formed by using their taste buds and olfactory senses, and the latter from drawing on their wine experiences. Assuming the wine is not being served blind, would the person's expectations also contribute to their impression of the wine? Larry Turley of his eponymous winery impishly called his first Cabernet Sauvignon release "The Label" because, as he noted, many consumers buy the label.



- A. As a society, branding matters, no matter what the product. People most certainly buy the label. I bet some wineries spend more time on their label than making the wine that goes in the bottle! I imagine focus groups and marketing people all getting together to decide on the color. I'm guilty myself. I can't think of Prosecco without thinking of that pale blue color used for LaMarca. I prefer tasting the wine blind. It does make a difference when you're assessing the quality. On the other hand, you lose the anticipation of opening a rare bottle that deserves your respect and attention if it was in a brown paper bag. I have a bottle at home that has no label. I'll open it and let you know how much it matters. Sounds fun.
- Q. One of the many important topics you discuss is sulfites, and how their presence in wine is misunderstood, a result the required warning label certainly helps foster. Many people think sulfites cause headaches, and since their existence in wine is a byproduct of the yeast required to achieve fermentation, they often avoid drinking wine. Other than having the concerned wine drinker pass your dried apricot test, how may this confusion be resolved?
- A. I don't think it will be resolved, in this generation anyway. It's too ingrained in people's minds. I addressed that exact thing in my book. It's one of my favorite answers because it took so damn long to research and write. I had no idea, going in, that it had its origin from the salad bar and Senator Strom Thurmond's "War on Drugs"! You'll have to read that. It'll make you shake your head. As I explain in greater detail in the book, only 0.4% of the population suffer an allergic reaction to sulfites, and if someone gets a headache from drinking wine (typically red wine), it may be due to histamines. As you mention, a simple way to test this is to eat some dried apricots, which are high in sulfites. If this does not induce a headache, then sulfites aren't the culprit and the solution may simply be to take an antihistamine an hour before drinking wine.
- Q. While you are a Certified Sommelier with a chapter on how you achieved that significant credential, you are in the retail rather than restaurant business. In the store setting, wine distributors compete for shelf space and often come armed with "shelf talkers" to entice customers with favorable critic scores. How influential are they in selling those favorably reviewed wines, and do you ever resist using one that is from a critic whose generous score may be more about self-promotion than what you believe the wine actually merits?
- A. Shelf talkers, with or without scores, sell wine. That's just a fact. I do make sure salespeople understand that I will take down shelf talkers if they are too hard to read, have insane descriptions, or have a score by the people who made the wine! I sometimes make my own shelf talker. I might not love the wine, but if the wine is "varietally correct" and is a decent price for that quality level, I'll put my cheesy tag on it. But I don't put a score with my initials. That's too pretentious.



- Q. On the matter of collecting wine, you cover such topics as how and where to buy, how to properly cellar, and how to grow a collection. You suggest there are two reasons people collect wine either for convenience or for investment, and I wondered whether there isn't a third reason. Many who collect wine enjoy the hunt, seeking out hard to get wines that often will benefit from cellaring and opened years later to share with like-minded friends who will appreciate the effort. However, they eventually realize that far too many bottles have been accumulated for far too few special occasions. While not originally intended, wines that were meant for deferred enjoyment appreciated in value and become an accidental investment. You relate that by buying and holding, one is gambling the immediate joys of today for the possible joys of tomorrow, a very well-expressed sentiment. Since more than 90% of wines made are meant to be consumed on release, a percentage that likely is increasing annually, do you advise those who simply have a collector mentality to curb their enthusiasm?
- A. That's a good way of saying it, yes. My point was that far too many people are saving wine for no real reason. Some wine collectors have NO intention of drinking that expensive bottle. I get asked all the time about the drinking window of a specific wine. With a very few exceptions, I usually respond by saying that you should drink the wine today! I am positive that those same collectors will leave wines to their relatives who don't have the same appreciation or passion for it. An even worse-case scenario is waiting and waiting for the optimal time only to find when finally opened it was too late. What a shame. What a waste!
- Q. You view Spain, a country that leads all others in exporting wines that come from its 70 regions, as offering the most "bang for the buck." Among the real values you mention is Cava, a sparkling wine that, unlike its bubbly competitor Prosecco, is made using the same method as much costlier Champagne. You indicate that Champagne is your favorite wine to give, but are there any Cavas you might suggest for those who may not have a Champagne budget?
- A. I was very careful not to recommend certain producers in my book. I thought it would date the book and be frustrating to the reader who will be looking to find that exact bottle and vintage, which may no longer be available. So, I would suggest you try ANY Cava. The biggest selling producers are Cordorniu and Segura Viudas. They can easily be found. Start there.
- Q. In your "Lightning Round," you state that one grape deserving greater popularity is Chenin Blanc. Since Vouvray can command respectable shelf space and we seem to be seeing more wines from South Africa, where Chenin Blanc is the most widely planted varietal, perhaps that may change. Do you think the lack of appreciation or availability will change?
- A. I love Chenin, but having such a range of sweetness makes it problematic to a buyer. It's hard to know from the label. I also think that the lack of respect for Chenin Blanc stems from jug wines. Chablis and Burgundy shared the same fate. My longest conversations on the wine floor come after a customer asks for those three wines. I then have to figure out whether they mean the grape or the jug wine with those names. But there are so many grapes that should also be more well known, appreciated and available. Gruner Veltliner is first on that list, followed by Falanghina and Garganega. I could go on and on. Whether any of them will become more popular in the future is anybody's guess. I sure hope so. The last thing wine should be is boring.





# WELCOME NEW MEMBERS

APPROVED BY CCBA BOARD

# Active (4)

Amy R. Brandt, Esq.

Weir LLP

20 Brace Road, Suite 201 Cherry Hill, NJ 08034

Melissa L. Medoway, Esq.

Address private

# Dash Radosti, Esq.

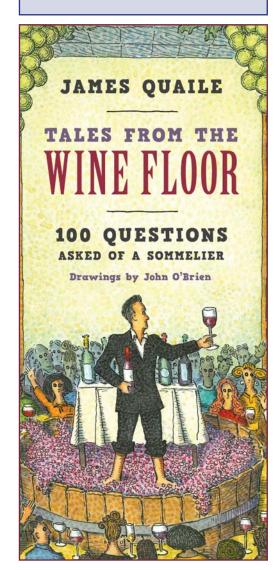
Equal Justice Solutions 1950 Butler Pike Conshohocken, PA 19428

### Shintia Zaman Riva, Esq.

Law Offices of Spadea & Associates, LLC 600 White Horse Pike Audubon, NJ 08106

# Limited Student (1)

**Tristan Anderson** 





- Q. I bought my wine funnel many years ago at a very nice wine store in Andorra, and I was surprised to learn from you that it leads the world in per capita wine consumption, while our nation, although the largest consumer in volume, is only 55th. While this rank could improve based on declines in traditional wine drinking countries like Italy and France, given the increasing popularity of craft beers, spritzers, hard seltzers, THC-infused beverages, and fancy cocktails that younger consumers may prefer, how do you view the future of the wine industry, both here and abroad?
- A. When the TV show Madmen was all the rage, classic cocktails became popular. Before that, wine coolers were the thing. So, while there is definitely something to be said for beverage choices changing with each new generation, weed is going to alter the entire industry. It's still the Wild West as rules are changed, added to and revised, but it is here to stay. It's not a fad. There is also a sizable group that drink RTDs (Ready to Drink) cocktails. That may take a bigger bite out of the beer industry than wine. Another change that you didn't mention is the demonization of alcohol in general. You used to see an article here and there extolling the virtues and health benefits of drinking one glass of red wine a day. Now I get pitched low alcohol and no alcohol wines weekly. Taken in total, it doesn't bode well for the wine industry both here and abroad.
- Q. People can be intimidated when ordering wines in restaurants, particularly if there is a sommelier. They may think the sommelier is going to recommend a wine that exceeds what they want to spend, or they may want to ask about a wine on the list but fear they will mispronounce it. Obviously, a good sommelier will try to avoid embarrassing the customer, and you write that many like to recommend under-the-radar wines as a way not only to suit the person's budget but also to expand his or her wine horizons. Do you have any recommendations for comfortably negotiating a wine list and communicating with a sommelier at a restaurant?
- A. I love this question since what I strive for the most when I talk to customers is to make them feel comfortable. It's one of the longer answers in my book and it took the longest amount of time for me to write, so I hope your readers give it a look. But to sum it up: the Somm really doesn't care what you drink. They only want to help you find a bottle that you will enjoy. Honest! Just tell him or her what you've tried and liked (or didn't) and have a fun conversation about wine. Be candid about what you'd like to spend it's your money. And give it your best shot at the pronunciation. You can even ask how to pronounce it! Believe me, Somms love teaching. If I was the sommelier at your meal, you'd have to tell me, "OK. OK. Enough already!"
- Q. With Valentine's Day approaching chocolate is a popular sweet treat. Banyuls and Port (red more than tawny or white) often are viewed as appropriate wine accompaniments. What are your thoughts?
- A. I absolutely love both of those choices. I'd add Brachetto to the mix. The grape from Piedmont is sweet without being cloying, it's "fizzante", which cuts the richness of chocolate, and it's a real value in dessert wine

I want to thank Jimmy for taking the time to provide us with additional insights into the world of wine he knows so well and has so concisely and yet comprehensively shared in a book I hope you have the chance to read.



# Law Offices of Andrew Ballerini



As Certified Civil Trial Attorneys, we have and will pay one third referral fees to those attorneys who give us the opportunity to serve their clients.

Accepting Referrals of Serious and Catastrophic Injury Cases *Including*:

Nursing Home,
Medical Malpractice, Product Liability,
Premises Liability, Truck &
Automobile Injuries



Richard J. Talbot, Esq.

Certified by the Supreme Court of NJ as a Civil Trial Attorney
Million Dollar Advocates Forum Member
N.J.A.J. Board of Governors Member
Nursing Home Neglect and Serious Injury Matters

Andrew A. Ballerini, Esq.
Certified by the Supreme Court of NJ as a Civil Trial Attorney
Million Dollar Advocates Forum Member

BRAIN ANEURYSM HIP SPINE ANKLE ELBOW PRESSURE ULCER

Regard of the second of the secon

See other exhibits @ www.ballerinilaw.com

We **RELENTLESSLY** represent our clients using our valuable resources to help prove the significance of **OUR CLIENTS' INJURIES!** 

# Some case results include:

- \$1.8 Million Drowning Death
- \$990K Nursing Home & Assisted Living Facility Neglect Multiple Pressure Ulcers
- \$950K Nursing Home Neglect/Violations of Rights Hypoglycemia
- \$400K Recovery Pain & Suffering for Fatal Fire (Verdict of \$375K plus \$25K Settlement)
- \$500K Jury Verdict Excess Over Remainder of \$100K CSL Policy Against Allstate Insureds with Offer of Judgment for Policy Herniated Discs
- \$500K Nursing Home/Hospital Neglect Pressure Ulcers
- \$750K Nursing Home Neglect During Rehab Admission-Infected Pressure Ulcer Surgery
- \$950K Nursing Home Neglect Failure to Recognize and Act Upon Signs of Stroke
- \$400K Nursing Home Neglect Pressure Ulcer Developed on Cancer Patient During Rehab Admission
- \$400K Hospital and Nursing Home Neglect Pressure Ulcers
- \$550K Nursing Home Neglect/Violations of Rights Fractured Hip During Transfer Pressure Ulcers
- \$850K Nursing Home Neglect/Violations of Rights Bed Sores
- \$1 Million Nursing Home Neglect/Violations of Rights Pressure Ulcer and Fracture
- \$350K Judgment After Jury Verdict Nursing Home Hyperglycemia No Permanency
- \$400K Plus Judgment After Jury Verdict Nursing Home Violations of Rights and Negligence Proven

535 Route 38 · Suite 328 · Cherry Hill, NJ o8002 856.665.7140

# Join Us for a Sandwich-Making Event!



The Camden County Bar Association (CCBA) invites you to join us in making sandwiches for **Cathedral Kitchen**, a local organization dedicated to helping those in need. This is a great opportunity to give back to the community while connecting with fellow CCBA members.

Date: Tuesday, February 11, 2025

**Time:** 6:30 PM

• Location: CCBA Headquarters

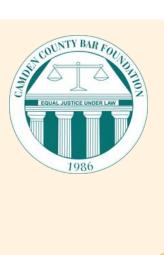
# What to Bring:

- A loaf of bread
- A pound of lunchmeat (turkey or bologna preferred)
  - A half-pound of cheese

A single set of these ingredients makes approximately 10 sandwiches!

If you'd like to participate, please contact **Nick DeMarco** at **ndemarco@camdencountybar.org**.

Thank you for your generosity and support—we look forward to making a difference together!



CAMDEN COUNTY BAR FOUNDATION'S

# GOLF

ALL SKILL LEVELS WELCOME

Enjoy virtual golf and catering by Cathedral Kitchen. BYOB.

Admission \$50

FEB. 19 6 - 8 PM

**DOGLEG GOLF** 

155 Rt 130, Suite C Cinnaminson, NJ 08077

Sponsorships available! Call 856.482.0620

<u>Virtual Golf Registration Form – Submit by Monday, February 17</u>

Make checks payable/return to CCBF - c/o 1939 Marlton Pike East, Suite 120, Cherry Hill, NJ 08003

Name(s)				Payment:
Firm Name				☐ Check enclosed☐ AMEX☐ Discover
Address	City/State,	/Zip		☐ Visa/Masterca
Phone	Email			
Credit Card #	Exp.	CVV	Signature (credit card only)	







# SPONSORSHIPS AVAILABLE!

**CATERING SPONSOR** - \$500 - 2 available

 Catering sponsors receive 4 tickets to event, named sponsorship on future fliers, large display sign at event, mention on social media and in The Barrister

BAY SPONSOR - \$250 - 3 available

 Bay sponsors receive 2 tickets to event, signage at event, mention on social media and in The Barrister

To arrange your sponsorship, contact Nick DeMarco at <a href="mailto:ndemarco@camdencountybar.org">ndemarco@camdencountybar.org</a> or submit the below form

Virtual Golf Sponsorship Form

Make checks payable/return to CCBF - c/o 1939 Marlton Pike East, Suite 120, Cherry Hill, NJ 08003

Contact Name				<u>Payment:</u>
oontaat Hame				Check enclosed
				☐ AMEX
Firm/Company Name				Discover
				☐ Visa/Mastercard
Address	City/State/Zip			
Phone	Email			
Credit Card #	Exp.	CVV	Signature (credit card only)	



Join us for a battle of wits benefiting Veterans Haven South!

March 6, 2025

6 pm to 8:30 pm \$40 per person

5 rounds of trivia - teams of up to 5 people
Winner of each round = \$200 prize
Winner at end of 5 rounds = \$500 prize
\*in event of a tie, prize will be divided equally



Light food included 2 hour open bar (beer & house wine)

PJ Whelihan's Cherry Hill



# **Young Lawyers Committee presents**





**Evil Genius Sponsor** (aka Hall Sponsor) - \$500 - 2 available - includes 4 tickets to event, two raffle basket auction sheets

Baby Einstein Sponsor (aka Food Sponsor) - \$300 - 3 available - includes 2 tickets to event, one raffle basket auction sheet

Round Sponsors - includes 2 tickets to event

Round 1 Sponsor - \$200 Round 2 Sponsor - \$200

Round 3 Sponsor - \$200 Round 4 Sponsor - \$200

Round 5 Sponsor - \$200

<u>Winner Sponsor</u> (sponsor winning team prize after 5 rounds) - \$500 - includes 4 tickets to event, two raffle basket auction sheets

To reserve your sponsorship, please call Nicholas DeMarco at 856.482.0620 or via email ndemarco@camdencountybar.org.

# Presented by CCBA's

Women in the Profession Committee in honor of Women's History Month

# Cocktails & Ninner

Join us for an evening of empowerment and inspiration. Our dynamic, honorable women of the profession will share interesting stories of their careers. This event offers 1.2 NJ MCLE credits.

Sponsorships available. Inquire at kara@camdencountybar.org.

# Honorable Presenters

Hon. Karen M. Williams, U.S.D.J. US District Court for the District of New Jersey

Janice G. Dubler, Esq., Shareholder Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Additional speakers to be announced

# Moderator

Rachael B. Brekke, Esq. McDowell Law, PC

\$65 per person

**12** 

6-8 PM

# Amici Restaurant - 312 Kresson Road, Cherry Hill, NJ

Women in Profession Event	- Return by March 10			
Make checks payable/retu	<u>rn to CCBA</u> – c/o 1939 Mai	rlton Pike Ea	st, Suite 120, Cherry Hill, NJ 08003	Payment:
				Check enclosed
Name(s)				☐ AMEX
				Discover
Address		City/Stat	e/Zip	☐ Visa/Mastercard
Phone		Email		COUNTY BAP 75
Credit Card #	Exp. Date	CVV	Signature (credit card only)	3. 1881 . 1





# Presented by the CCBA's Continuing Legal Education Committee

# "MY CLIENT HAD AN ACCIDENT" - BASICS YOU NEED TO DO A GOOD REFERRAL IF PERSONAL INJURY ISN'T YOUR THING

# **Topics:**

- Motor Vehicle Crashes
  - o Commercial vs. Private Passenger Vehicle
  - Uber
- Premises Liability
  - Commercial vs. Private Property
- Products Liability
- Matters Against State Entities Tort Claims

ch 25

**(L)** 4 p.m. - 6:15 p.m.



# COST:

CCBA Members: \$40 (w/PA Credit: \$46) CLE Key: \$0 (w/PA Credit: \$6) Non-Members: \$60 (w/PA Credit: \$66) Paralegals/Legal Secretaries: \$20 Law Students: FREE

# REGISTRATION

Or register online: www.camdencountybar.org

Check Credit Card

Name

Address

Phone

Email

Credit Card #

Exp. CVV

Signature

# **SPEAKERS**



Domenic B. Sanginiti, Jr., Esq. Stark & Stark - Attorneys at Law, Hamilton



Chinsu Shajan, Esq. Stark & Stark - Attorneys at Law,

A link and any materials will be emailed the morning of the program.

# **CREDITS:**

This program is approved by the NJ CLE Board of the Supreme Court of New Jersey for 2.4 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and 0.0 qualify as hours of credit for diversity, inclusion & elimination of hise

PA CLE Board: Includes 2 hours of Substantive credit, and 0 hours of credit for ethics/professionalism. The CCBA charges an additional fee for PA credits. Actual credits earned may be less if seminar is less than 120 minutes.

Need PA Credits? PA ID# \_\_\_\_\_

CANCELLATION POLICY: Full refunds will be given to registrants whose cancellations are received at Bar Headquarters at least 48 hours prior to the event. Refunds WILL NOT BE GRANTED THEREAFTER. Substitute attendees, however, are welcome. This policy also applies to pay-at-the-door registrants who will be invoiced if proper cancellation is not provided.

# **EXPUNGEMENT EVENT**

# **Attention Attorneys - Earn Madden Credits!**

Help someone expunge their record in order to get a better job or housing.

You are required to help at least one client file on the day of the event and keep the case after the event until conclusion.

**Step 1:** Register online for your 2-hour time slot https://bit.ly/42sKW4X

Step 2: <u>Attend</u> FREE Expungement <u>Training</u> via Zoom on Thursday, March 6th 4:00 pm to 5:55 pm\*

**Step 3:** <u>Attend</u> Expungement <u>Event</u> the following week during your time slot!

When: Thursday, March 13th

Where: The Salvation Army Kroc Center 1865 Harrison Ave., Camden, NJ

\*Attorneys will receive 2.0 NJ CLE credits once they are assigned cases

Questions? Contact SJLS Director of Pro Bono Services Michelle T. Nuciglio, Esq. at 856-403-8620 or at MNuciglio@lsnj.org.













Tutti Toscani 1491 Brace Road Cherry Hill, NJ \$75 PER PERSON

<u>Devine Award Reception – Return by April 2</u> <u>Make checks payable/return to CCBA</u> – c/o 1939 Marlton Pike East, Suite 120, Cherry Hill, NJ 08003

AL			
Name(s)			
Address		City/State	/Zip
Phone		Email	
Credit Card #	Exp. Date	CVV	Signature (credit card only)

Payment

Check enclosed

☐ AMEX

Discover

□ Visa/Mastercard

