



JOIN US FOR THE
10TH ANNUAL
Chili
COOK ~ OFF

Young Lawyers

The popular event returns February 24th!

The Young Lawyers Committee is proud to host the 10th annual Chili Cook-off for a Cause! The popular chili and cornbread cook-off competition is scheduled for Saturday, February 24, 2023 at the American Legion Post 371, 41 N. Lakeview Drive in Gibbsboro, NJ. Proceeds from the event benefit **New Jersey Veterans Haven of Camden County**. Enjoy hours of tasting (chili, cornbread, sides, desserts & more), beer, wine, and soft drinks, DJ, raffles, and prizes for just \$45 per person!

Sponsorship opportunities are available! Business and organizations can lend their support by sponsoring the event or donating items for the raffle to take place that evening, in recognition of your support.

Showcase your skills against some of South Jersey's "Top" lawyer chefs in any or all of our categories to help support the event.

To sponsor and/or compete, contact **Marian McBeth** at mmb@camdencountybar.org. To register, please contact **856-482-0620** or register online at www.camdencountybar.org.

Invite your family and friends, and any veterans you know.

All are welcome!

For The 10th year, The Camden County Bar Foundation's Young Lawyers Committee Will Host A **CHILI COOK-OFF COMPETITION ONLY**
No Prizes For Cornbread, Sides Or Desserts
Proceeds Benefiting Veterans Haven South

ENJOY MUSIC, UNLIMITED TASTINGS, BEER, WINE & RAFFLES
INVITE FRIENDS, FAMILY AND ALL THE VETERANS YOU KNOW!

YOU BE THE JUDGE!



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and Greater Productivity**

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**Camden County Bar Foundation
Presents:**

BINGO NIGHT

**JOIN US FOR A
NIGHT OF GAMES
AND LAUGHS
TICKETS:
\$45 each
HURRY TICKETS
SELLING FAST!**

WHERE:
St. Joachim Parish
601 W. Browning Road,
Bellmawr

**Must be 18 years or
older to participate**

**JAN
18TH**

6PM
Doors open at 5:30 PM

**10 Games of Bingo
Games 1-9 = \$200 Prize
Game 10 = \$500 Prize
Plus Raffle Baskets, 50/50
& option to purchase
additional game sheets.
Each sheet contains 3
boards per game.**

**BYOB & BYOF
Light food &
refreshments will
be provided**

**If gambling is a problem for you
or someone in your family,
Dial 1-800-GAMBLER**

In the event of a tie, the prize will
be divided equally

SANDWICH MAKING EVENT

Please join members of the CCBA/CCBF in making sandwiches for the Cathedral Kitchen.

Date: January 23, 2024

Time: 6:30pm

Where: CCBA's new Headquarters

What to bring: Bread, lunchmeat and cheese.

A loaf of bread, a pound of lunchmeat (ham, turkey or bologna) and half pound of cheese yields about 10 sandwiches.

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THE DOCKET

JAN 2024

Jan 1

Happy New Year

Bar Headquarters CLOSED

Jan 8

Expungement Clinic Training

5PM to 7PM - Virtual

Jan 10

Young Lawyers' Committee Meeting

4:30PM - via Zoom

Jan 14

Young Lawyers Brunch/Aquarium Event

Time: TBD

Jan 15

Expungement Clinic

MLK Day of Service - Camden County College,

Camden City Campus - 10AM to 3PM

Bar Headquarters CLOSED

Jan 17

Wellness Seminar

2PM to 4:15PM - Hall of Justice

Jan 18

BINGO! Night (UPDATED LOCATION)

5:30PM to 9:30PM

Saint Joachim/Annunciation Parish, Bellmawr, NJ

Jan 23

CCBA/CCBF Sandwich Making Event

6:30PM - New Bar Headquarters

Jan 24

General Membership Meeting - Bylaws Vote

4:30PM (immediately preceding CCBA Board Meeting)

CCBA Board of Trustees Meeting

4:30PM to 5:30PM - Virtual

15

Tentative Agenda for
January 24th Board Meeting

A tentative agenda for this month's regular Board of Trustees meeting is as follows. The meeting will begin at 5:00 p.m. at Bar Headquarters and via Zoom. All meeting are open to the membership. Anyone interested in participating should notify and confirm their attendance by calling Bar Headquarters at 856.482.0620.

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

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THE BARRISTER

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To secure your space, contact Marian McBeth at 856-482-0620 ext. 110 or email mmb@comadencountybar.org.

Your Partner for Greater Purpose
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Dues renewal notices for the 2023-24 Bar year were payable by June 1. Second notices were mailed in August to anyone whose dues are outstanding. To ensure you remain in good standing in the Camden County Bar Association - South Jersey's premier Bar Association - please make sure your dues are paid in full as soon as possible.

Our member-focused, attentive staff is available to help you with everything from registering for seminars and events to building your book of business, so you can focus on the day-to-day demands of your job.

Don't miss out - renew today!

**Be an active participant in YOUR
professional organization.**

**ATTEND MEETINGS
AND FUNCTIONS!**

PRESIDENT'S PERSPECTIVE

NEW YEAR'S RESOLUTION FOR EVERYONE

By Craig D. Becker

Welcome to the new year, 2024! After the new Year we all think of New Year's Resolutions. Many of us make them, and fewer of us follow them. I'd like to challenge all lawyers to a New Year's Resolution from the Bar. Take a moment once a week to be proud of what you have accomplished. Being a lawyer, it's very easy to get caught up in deadlines and projects. We are constantly compared to others and often asked to perform miracles for our clients. Most people aren't happy to see us, but they all need us. No one ever wakes up and says, "I can't wait to meet with that lawyer today!" After practicing law for 20 years, and being around lawyers during that time, including the many years I've spent in the Bar Association, I am concerned that lawyers often forget the amazing responsibility and opportunity we have. The law is a key part of our society. Upholding the law justly is hard work. Whether you are in criminal or civil law, lawyers work tirelessly to try to make

the law works correctly. The law is shifting – to master it requires constant study and continual education. Lawyers accomplish a lot for the community and should be proud of what we do and who we are. This year I challenge the South Jersey Legal Community to hold their heads high, proud of who they are and what they accomplish. If you are not feeling fulfilled in your work, or feel you could accomplish more, our Association has a vast network of attorneys in every area of law, many of whom would be happy to speak to you about how to adjust your career and feel fulfilled as a lawyer. Although there will definitely be stressful and trying days in your career, practicing law should be enjoyable and fulfilling, and the Bar Association is here to help you with that goal.

Thank you everyone in the South Jersey Legal Community for the tireless work you do to maintain the excellent community we have.

FOUNDATION UPDATE

CCBF: A Successful 2023, A Promising 2024 Ahead!

By Dawnn E. Briddell

Happy New Year!!! I hope everyone had an enjoyable holiday season, a Happy Hanukkah, a Merry Christmas, a Happy Kwanzaa—whatever your "Happy Merry" was!! The holiday was indeed the time for joy, for renewal, for coming together with family and friends, and for rest and relaxation

in anticipation of picking up the pace once again in 2024. As we launch into a New Year, I am confident that our shared values and sense of communal reliance have never been stronger. I am excited about 2024!!!!

To briefly recap our Foundation events from the end of 2023, the Foundation raised over \$12,000 at the Autumn Scramble held at the **Deerwood Country Club** in Westhampton, NJ! Kudos to the committee that organized, the over 100 golfers who participated, and everyone who supported this event. The **Fall Frolic 2023** was held at a new location for the Foundation, **Brio Italian Grille** in Cherry Hill, NJ. The Foundation raised over \$1,500. A good time was had by all. The **14th Annual Lobster Bake Fundraiser** to benefit **The Larc School** was held at another new venue for the Foundation, **The Blue Monkey Tavern** in Merchantville, NJ. If you have never been, get there as soon as you can! The food was phenomenal. The Foundation raised over \$5,800 for the Larc School. **The Annual Children's Christmas Party** took place at **Boys and Girls Club** in Camden, NJ. The CCBF hosted approximately 130 children, ages ranging from 0-17, from the Boys and Girls Club, Anna Mae Sample Shelter, Better Tomorrows, and Holy Name. We also provided 60 gifts to Hispanic Family Day Care. Each child enjoyed a Chick-fil-a breakfast, received an age-appropriate gift and stocking stuffers, a balloon animal, and all were treated to a Magic show!!! Although we had a lot of our regular volunteers, we also had many new volunteers and their family members join us. Santa did an excellent job and we were able to provide

each child with a photo with Santa. After coming out of the pandemic, many people felt that this was one of the best years. It was an exciting thing to see!!!

The CCBF is also hard at work planning additional annual favorites for 2024! We are excited about our first **Bingo Night**, scheduled for Thursday, January 18, 2024 at **St. Joachim Parish** located at 601 W. Browning Road, Bellmawr, NJ. Doors open at 5:30 p.m. This promises to be a barn burner!!! See the flyer in this edition of *The Barrister* for more details. **The Foundation proudly announces the 2024 Spring Fundraiser LAWYERS GOT TALENT2!!!!!!** We are planning this as an April 2024 event. See the flyer in this edition of *The Barrister* for more details. In the interest of full disclosure, we are gauging interest in our membership to hold this fun-filled evening of entertainment. We depend and rely on the deep bench of talent we know are in the ranks of our Membership. You know who you are!!!! If you are talented, or think you're talented, and want to put your talent on display, let us know by **January 31, 2024**. More information about auditions and event location will be provided.

And last, but by no means least, we will hold our **10th Annual Chili Cook-Off For a Cause** to benefit the **Camden County Veterans' Haven** February 24, 2024 from 5-8 p.m. We will be returning to the American Legion Post 371 located at 41 N. Lakeview Drive in Gibbsboro, NJ. See the flyer in this edition of *The Barrister* for more details. As always, this is a worthy fundraiser, but also a culinary competition!

We hope you will find something to inspire you to join us, participate in our events, and contribute to our fundraisers with your time, talent, or treasure.

"Thoughts become words. Words become actions. We should create value with our thoughts and actions for the highest good of all concerned."

VERDICTS IN THE COURT — NOVEMBER 2023

SUPERIOR COURT OF NEW JERSEY

VERDICT: NO CAUSE

Case Type: AUTO NEG-TORT
Judge: JOHN S. KENNEDY, J.S.C.
Plaintiff's Atty: EVAN S. GARBER, ESQ. & JOEL W. GARBER, ESQ.
Defendant's Atty: CORY BONK, ESQ.
L 3655-20 JURY

VERDICT: NO CAUSE

Case Type: MEDICAL MALPRACTICE
Judge: MICHAEL J. KASSEL, J.S.C.
Plaintiff's Atty: JAMES RONCA, ESQ. & MEGHAN MILLS, ESQ.
Defendant's Atty: TERESA FINNEGAN, ESQ. & DANIEL R. ESPOSITO, ESQ.
L 2496-17 JURY

HOLIDAY PARTY



Judge Smith and Erin Deitz



Judge Joyce and Tim Farrow



Kevin Costello and Marty Abo



Matt Rooney, Judge Famular and Erin Gallagher



Paige Joffe and Michelle Altieri



Rachael Brekke
and Nancianne Aydelotte



Derek De Cosmo and Vita Iannacone



Karen Berger and Mike Berger



Joe Fabian, Jennifer McPeak and Salvatore Siciliano



Kevin Haverty and Judge Millenky



Stephanie Zane, Michele Badolato and Carly Fowler



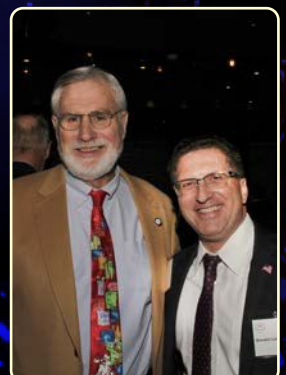
Jim Hamilton and Chuck Resnick



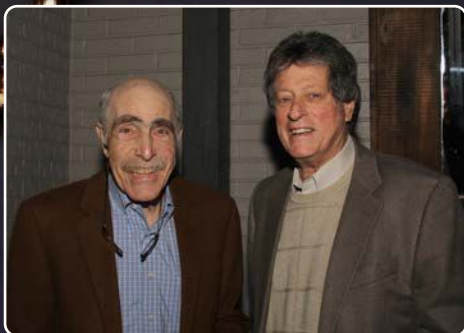
Matt Rooney and Craig Becker



Jim Herman and William Hanifen



Joe McCormick and Ron Lieberman



Sam Asbell and Judge Rand



Judge Rand, Donald Cofsky, Sam Asbell and Judge Joyce



Maise Chin Smith, Jen Fowler and Michele Badolato



Kathy Kane and Rachael Brekke



Joe McCormick and Brenda Eutsler



Mike Dennin, Carly Fowler and Nancianne Aydelotte



Matt Rooney, Jackie Rooney and Rick DeMichele



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Andrew Duclair and Marty Abo



What Family Law Attorneys need to know about selecting the Trustee of a Special Needs Trust

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

In a Family Law setting, a Special Needs Trust for a spouse with disabilities receiving alimony or equitable distribution is advantageous. In other situations where a child with disabilities is receiving child support, the value of a Special Needs Trust can be significant. Once the decision to use the Special Needs Trust is made, the question arises as to who should serve as trustee. Choices are usually a family member or a professional trustee. The family's instinct is always to choose a family member, because they feel they have greater control of the money and they will save the expense of professional administration. This is usually not the best choice.

Alimony and Child Support

Most professional trustees have a minimum account size. Certain non-profit disability organizations have a minimum as low as \$25,000. Some large corporate trustees have minimums of up to \$5,000,000. Where the only source of funding for the trust is alimony or child support, there is never much money in the trust, so a family member is the only choice.

Equitable Distribution

In cases involving an equitable distribution, the asset size may be significant enough to warrant engaging the services of a professional trustee. Here are ten reasons to employ professional trustees:

1. *Avoiding the Target on the Individual Trustee's Back.* Few people – including those named as trustees – understand that a trustee of a Special Needs Trust has serious responsibilities in the administration of that trust. The trust administration process is rife with opportunities to make innocent mistakes. And when something does go wrong, the trustee can be held personally liable to the trust and its beneficiaries. For example, a trustee might:
 - make an improper distribution,
 - pay unnecessary taxes,
 - cause a beneficiary to lose public benefits,
 - fail to comply with the instructions given by the grantor, or
 - invest trust assets poorly.

In each of these scenarios, the trustee can be held personally responsible. Since individual trustees lack expertise in this area, it is important they understand that by accepting an appointment, the named trustee may be exposed to significant liability and will be operating with a target on their back. Notably, liability will often extend to a trustee's personal funds.

2. *Knowledge of the Law.* While people commonly name friends and family as trustees, this is not always a good idea because these individuals lack the professional knowledge necessary to effectively administer the trust. Trustees must command more than a working knowledge of the following areas:
 - **Tax Law.** A trustee must have a knowledge of income, gift, estate, generation-skipping taxes, and capital gains taxes.
 - **Accounting.** Trustees must make accountings to beneficiaries, courts and, possibly, public benefit agencies.
 - **Changes in the Law.** Laws change frequently, particularly tax laws and public benefits laws.

3. *Access to Investment Expertise.* Good professional trustees have investment expertise, which is usually far superior to that of the proposed friend or family member trustee.
4. *Prevention of Family Friction.* One of the reasons that parents establish trusts for their children is to protect the children from themselves. If a brother is named as trustee for his sister's trust and the sister wants money, the brother's job is to say no if the request is inappropriate. This naturally causes friction among family members. Most parents want their children to live harmoniously, and appointment of a family member as trustee for another family member is an almost certain recipe to engender family discord.
5. *Avoiding Familial Pressure and Other Difficult Situations.* There are many situations in which a trust beneficiary wants money, but the proper answer is no. It is difficult for the family member serving as trustee to tell the beneficiary no and still maintain a good relationship between the two.
6. *Escaping Potential Conflicts of Interest.* Frequently, the family member selected to be the trustee of the Special Needs Trust is also a remainder beneficiary. The more the trustee distributes to the beneficiary, the less will remain to be distributed to the trustee on the beneficiary's death. This can create a conflict of interest that may result in the trustee failing to make appropriate distributions to preserve the value of the trust. A professional trustee is duty-bound to make distributions according to the terms of the trust and will not stand to benefit from any unspent funds.
7. *The Timely Administration of Trust Assets.* Even well-intentioned family members can end up delaying the trust administration process. In many cases, it takes many hours for trustees to familiarize themselves with their responsibilities. Family members often are busy in their own lives and do not have the time to study the trust document, understand the trust goals, understand all of the family dynamics, and fully understand the duties of the trustee. This can seriously delay distribution requests and may ultimately hold up trust assets if the trust falls out of compliance. Corporate trustees are much more likely to administer the terms in the trust in a timely manner.
8. *Advance Knowledge of Public Benefits Laws and the Disability System.* One purpose of a trust is to preserve public benefits eligibility. Common benefits for trust beneficiaries include:
 - Supplemental Security Income (SSI)
 - Medicaid
 - Medicaid Waivers
 - Supplemental Nutrition Assistance Benefits (SNAP)
 - Federally Assisted Housing
 - Veteran's benefits

A professional trustee will have in-depth knowledge of public benefits laws and will keep abreast of important changes. Professional trustees are also able to navigate the disability system to the advantage of the trust beneficiary.

9. *Trust Protectors Can Provide Additional Assurances to Concerned Grantors.* One reason many families are reluctant to appoint a corporate trustee is that they are not familiar with the personnel in the corporation's trust department or how the trust works. A trust protector, usually a family member, can be appointed in the trust document. A trust protector is given the power to remove and replace

Continued on Page 7

What Family Law Attorneys need to know about selecting the Trustee of a Special Needs Trust

Continued from Page 6)

the trustee with another corporate trustee. Naming a trust protector may give the grantor enough confidence to consent to the appointment of a corporate trustee.

10. *Trust Administration Fees are Worth the Expense.* Many families are reluctant to appoint a corporate trustee for fear of the professional trustee's fees. As a general rule, most corporate trustees charge between 1 percent and 2.5 percent of the trust assets as a minimum fee. Of course, for smaller trusts, the minimum fees often are a reason not to use a corporate trustee, as there is often much less work involved in their administration. However, naming a family member as trustee does not necessarily avoid this problem, as a family member can also charge trustee fees.

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YOUNG LAWYER CHAIR

YOUNG LAWYER HAPPENINGS

*Empowering Growth:**Embrace 2024 with Resolutions and Opportunities*

By Erin Gallagher



Happy New Year, Young Lawyers!

I do not know about you, but I am excited for 2024! I love the start of a new year because it's full of so many new opportunities and ways to grow. With the new year comes new resolutions and this year can be a great time to start implementing changes to better both yourself and your law practice. As young lawyers, now is the best time to make meaningful changes to our lives and practice of law early in our careers. Implementing positive changes now can make for a more satisfying and healthy life in the future.

Here are changes and resolutions that I have implemented in the past few years. Some were inspired by mentors and young lawyers or inspired by friends of mine.

Network more: Ugh, the two dreaded words I always hated to hear. For those of you who do not know, I recently moved to New Jersey after being a lifelong Pennsylvania resident. One of the biggest challenges I have faced, no matter how many people I already knew, is that moving to a new area means needing to expand your circle of friends and support. I am very grateful for my involvement in the Camden County Bar Association as it has given me the opportunity to meet and connect with new people in the area as well as participate in volunteer activities that benefit the community I not only practice law in, but now live in as well. Implementing more "networking" gets tricky though. This year, I am pushing myself to engage in at least one networking type activity after work every week.

Exercise more: Now, for those who do not know me well, exercising is one of my favorite pastimes. At any given time, I can talk your ear off about which long distance race I am training for and what current races I am planning to participate in. However, as I have learned, focusing on one single type of exercise is never good as it leaves us prone to injury and overuse of muscles. It's always good to expand your horizon and try a new routine. Additionally, exercising is always a great way to expand your social circle and meet new people. One of my favorite ways to pass the lunch hour is by walking with friends at work. Not only does it help break up the day, but it's also good to talk out that problem you have been struggling with and to hear a fresh perspective.

Eat better: While exercising and eating well always go hand in hand, it's always so easy to fall into the trap of skipping a healthy lunch and just grabbing something to go because it's quick and easy. When I was in law school, I started meal prepping every Sunday morning. It's actually easier and less time-consuming than you think. When you have meals prepped for the week, it's far easier to simply pop something healthy in the microwave for a minute and eat than to go out and buy something at Wawa. Additionally, you end up spending less money meal prepping than going out to buy food every day.

Save more money: Tailgating off my previous resolution, making small changes to your spending habits can add up big at the end of the month. Even something as small as making more food at home can have a substantial impact on your budget at the end of the month.

Try new things: In my previous career, I worked with someone whose response to even the tiniest change was always "I don't like it." It used to bother me, until I looked at her one day and realized she simply hated change. While change can be scary and anxiety producing, it can also lead to really amazing things that allow us to grow in ways we never dreamed of. When I suggest to try something new, I am not suggesting that you rock your whole world by going off the rails and do something crazy, but try and shake up your routine a little. While we all love our creature comforts after the end of a long, hard day, there's always something little we can do to challenge ourselves. For instance, if every day you turn left on your daily walk, try turning right. Or challenge yourself to talk to someone new or someone you do not know very well at work. It can lead you to a whole new experience you never imagined!

These are just a few ideas that I am trying to implement this new year. If you have any ideas or want to talk about trying something different, I am always available and I love new ideas. After all, new ideas lead to trying new things, which can help expand our lives!

Important Young Lawyer Dates:

January 10: Young Lawyer Committee Meeting (via zoom)

January 14: Young lawyer Brunch and Aquarium visit

February 7: Young Lawyer Committee Meeting (in person)

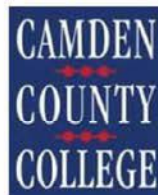
February 24: Chili Cook Off

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SANTA'S HELPERS!



CHILDREN'S CHRISTMAS PARTY - 2023



Gary the Elf (Gary Boguski)



Hon. Kathleen M. Delaney



Alan the Elf (Alan Schwalbe)



Santa's Helpers serving breakfast!



Jennifer Fowler



Erin Gallagher and Erin Deitz



Dyan Daversa and Ronald Lieberman



Alan the Elf and Gary the Elf



Alyssa Lott and Jessica O'Hearn



Hon. Francine I. Axelrad, Matt McCormick, Steph Kozic, Jessica O'Hearn, and Alyssa Lott



Gary the Elf and Izzy Boguski



Magician Mike with audience member



Magician Mike with audience member



Santa!



Santa with his helpers, Erin Deitz, Craig Becker and Erin Gallagher



Santa and Terri Hanni

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Law Practice Succession Planning

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

Depending on when you read this issue of The Barrister, you may be able to attend and hear Abo's participation in the seminar presented in cooperation with the NJ State Bar Association's Solo and Small Firm Practice Section on January 10, 2024 entitled "Maintaining and Extracting The Value of Your Law Practice"... If you couldn't or can't make it, the recording and comprehensive materials should be available from the NJSBA (or take Marty to lunch). The NJSBA brought back Abo's law office valuation presentations well attended in 2018 and updated in 2019. This is not simply a business valuation seminar customized for law practice. Never was. However, this time we provide substantially more content to assist attorneys not only with discerning what their law office might be worth in the event of sale or merger but even just the portability of a single partner's clientele in a lateral transfer or a small group's merger with a larger law office. Marty also arranged for a no-cost 60+-page e-book "*Successful Succession Planning for Lawyers*" by a consulting colleague, Roy Ginsburg, Esq.

Some additional Abo comments to consider....

Practice Succession Planning should be a multidisciplinary process to help the client (duh, that's you) the practice owner/partner, develop a comprehensive and strategic approach to guiding the transition of ownership for the practice. Said another way, "...Ensuring the enterprise continues even when you don't". You as an owner/partner (and your TEAM) need to consider:

- Death
- Disability

- Termination of employment
- Dispute among owners
- Retirement
- Transfer to 3rd party
- Preserving wealth & minimizing taxes.
- Integrating lifetime exit objectives with an estate plan.
- Estate planning becomes part of business planning.

There are but seven (7) places the lawyer/owner/partner's money can go:

1. Your lifestyle
2. Your family
3. Someone else you select.
4. Charity
5. Your creditors
6. The IRS
7. The State

The effective succession or exit plan contemplates:

- A logical transfer method (i.e. to family if a licensed attorney, partners, employees, outside third parties, etc.)
- An established timeline for moving towards and ultimate implementation
- Effectively communicating a game plan to stakeholders with stated roles and responsibilities; permits resolution for issues prior to transfer; aids in ensuring lawyer/owner/partner's wishes are adhered to in case of illness or death

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Law Practice Succession Planning

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For this group of seasoned professionals, we should start with some preliminary observations of a Succession Plan (or as my son, Benjamin Abo, likes to tell me; "Thank You Captain Obvious")

You can never start too early.

- It is to be a dynamic process and changes constantly.
- It should be a guide to manage the multi levels and facets of transition.
- It allows you and other practice owners to anticipate and manage change.
- It should be coordinated with your estate plan and financial planning.
- It is certainly unique to each individual.
- It should prepare you for when you will retire.
- It should contemplate all scenarios, including illness or death.
- It can ensure survival of the practice through ownership transition (kept/sold)
- It should focus on maximizing the ROI for you, the retiring owner, or your estate.
- It should minimize tax burden at transfer (as Abo tells you, don't let the tax tail wag the dog)
- It generally embodies 9 somewhat overlapping steps:
 - Establishing Goals and Objectives
 - Family Involvement in the Process
 - Identifying Successors
 - Estate Planning
 - Contingency Planning
 - Entity Structure, Transfer Methods, Taxes
 - Business Valuation
 - Exit Strategy

- Implement, Monitor & Follow-Up

If the Succession Plan is **NOT** properly addressed, you, as practice owner, risks:

- Financial loss due to increased but possibly avoidable income/estate/gift/ taxes
- Possible gaps in wealth from lack of valuation/estate/financial planning
- Jeopardizing the continuation of the practice
- Inability to proactively identify & secure new lawyer/owners versus in a reactive manner
- Inability to consider the orderly departure of partners from a practice
- Inability to strategize regarding the ownership transfer for unplanned events (i.e., disagreements with other partners, sickness, death, other catastrophes, etc.)

Other Abo observations:

- A substantial portion of the practice owner's net worth is often effectively tied up in the practice (and illiquid, at that)
- Most practitioners are not serial entrepreneurs and will look to retire when they "exit the practice of law."
- They often just don't get that "second chance" to sell what may be their "golden goose" and often a significant asset.
- Most practitioners would prefer identifying the next partner/owner on their own.

A driving force is the fear they will not have sufficient money to properly fund their desired lifestyle in retirement (that's where your CPA and other financial planners come in)

- Most effective "teams" often include the attorney (*not you silly*), financial planner, accountant, possibly an intermediary and a financial partner such as a bank.

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Law Practice Succession Planning

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- Practitioners can typically exit in seven (7) ways by:
 - Sale or gift to family members who may be licensed lawyers.
 - Sale to other insiders such as key employees or other partners
 - Sale to a licensed third party
 - Liquidation
 - Recapitalization/merger
 - Dying "...in the saddle"
- General preferences of the attorney practitioner are:
 - Shift wealth to children.
 - Provide charitable gifts or transfers.
 - Reward employees.
 - Receive full value for the practice.
 - Take practice to the next level.
 - Improve financial performance.
 - Reduce income taxes upon transfer of practice.
 - Retain and motivate key employees.
 - Build a successful management team and groom successor.
 - Protect assets from potential business and personal creditors.
 - Plan to make it through successor/buyer due diligence on sale or other transfer.
 - Retain and incentivize key employees (i.e. actual ownership; phantom ownership; qualified plans; non-qualified deferred compensation; specially tailored incentives using firm/team/individual based or combination)
- Practice can use this "succession planning process" to explore strategies to maximize value of their firm such as by:
 - By straightening up and improving financial records and systems
 - Establishing clear ownership and control of intellectual and tangible property
 - Evolution into attorney/owner not being the key employee.
 - Establishing succession plan for key management positions
 - Seeing that a policy manual exists and is updated regularly.
 - Client concentration issues addressed.
 - The offices, forms, procedures and operation are clean and orderly.
 - There is minimal overlap between the lawyer/owner's personal and business expenses.

Key Benefits of Ownership Transfer to Third Parties

- Cash often paid at closing.
- No family succession issues.
- Speed of exit.

Ownership Transfer to Insiders

- Practicing attorney/owner should understand need to minimize income tax consequences to buyer and seller by minimizing value of practice.
- Generally, use discounted value since it is more tax efficient for seller to receive minimum value for stock plus additional cash in the form of compensation or non-qualified deferred compensation.
- Transactions can be structured to take advantage of minority discounts (need to see how IRS changes to section 2704 proves out)

- Transactions can be gifts or sales of "pieces" of ownership over time.
- Insiders often do not have the cash to buy the practice outright as third parties often do. As such, most of the cash comes from the practice. *(This can result in double taxation without proper planning)*

Summary of the Components of the Succession Plan

- Establishing Goals and Objectives (includes tax considerations)
- Family Involvement in the Process
- Identifying Successors
- Estate Planning
- Contingency Planning
- Transfer Methods
- Valuation of practice
- Exit Strategy
- Implement & Update (including buy-sell arrangements)

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WINE & FOOD

By Jim Hamilton

I hope November's interview with **Devon Perry** and her colleagues from the **Garden State Wine Growers Association (GSWGA)** provided helpful information and insight on the current standing of our state's wine industry and culture. Not unlike the practice of law, because the wine universe is continually expanding and evolving, even the most dedicated students of wine will find there is always something to learn. I certainly gained a better perspective of New Jersey wines from the exchange with Devon, and since there is so much more to know about what is happening in the world of New Jersey wine than we initially could cover, let's continue our exploration by asking a few more questions.

Q. Some of the most famous wine regions in the world are closely associated with specific grape varieties. Examples might include Napa Valley in California with Cabernet Sauvignon, France's Burgundy region with Chardonnay and Pinot Noir, and New Zealand with Sauvignon Blanc. Does New Jersey, or any of its AVAs, have a signature grape variety, or do differing terroirs, or perhaps traditions, mandate varietal diversity?

The different regions of New Jersey grow over 80 grape varieties such as Cabernet Franc, which grows exceptionally well in our state. However, it would be difficult to say it is a signature variety since so many other varieties thrive, including Cabernet Sauvignon, Pinot Noir, Riesling, Sangiovese, Alberino, Chardonnay, Merlot, and Petit Verdot. In addition, French American hybrids such as Vidal Blanc and Chambourcin also grow particularly well in New Jersey.

Q. It is interesting that you mention Alberino, since it is a varietal that has gained considerable attention of late, particularly those made in the Rias Baixas region of Spain. Is it the grape's growing popularity, and thus increasing familiarity, that has encouraged wineries to make and sell Alberino or is a matter of growing grapes that are suitable to our state's climate and conditions?

For a "behind the vines" look at Alberino in New Jersey, the Garden State Wine Growers Association reached out to Cedar Rose Winery's Dustin Tarpine. He shared that the owners "...originally chose to plant Albarino because it seemed a suitable cultivar for the region. There were a few other vineyards successfully growing Albarino at the time and the known viticultural characteristics such as cold tolerance and ripening requirements matched those present in our area." Additionally, Dustin shared that the owners also love the wine as well. He continued "(a)t the time of planting it was a sort of 'off-the-beaten-path' variety that we thought might make a unique addition to our fine white wine portfolio, but over time it has grown to become one of our most complex and expressive wines."

Q. In his excellent book, *Crushed: How a Changing Climate is Altering the Way We Drink*, Brian Freedman offers real life examples of how winemakers, and wine regions, are working to adapt to conditions that are caused or worsened by climate change. Has this been an issue that New Jersey wineries have had to confront, and if so, in what ways?

Certain varieties of grapes grow much better in New Jersey today than they did 40+ years ago, but nevertheless, the wine industry has had to find ways to manage the challenging weather systems of recent years. The Garden State Winegrowers Association Research Committee received a grant to study vine health. Now in year two of this project, the winegrowers leading this effort have connected with national and international experts and groups studying growing conditions to learn more about how to combat weather



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WINE & FOOD

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changes. GSWG also is a part of the international nonprofit Porto Protocol which connects wine regions across the globe to encourage information sharing on this topic, among others.

Q. Have initiatives such as Regional Wine Trails and the New Jersey Wine Passport program favorably impacted the growth of New Jersey's wine industry?

The GSWG passport program continues to be very popular. For the first time in its history, in 2022, rather than awarding the winner of the New Jersey Grand Prize for the Passport Program a trip that either was out of state or sometimes out of the country, the prize was a New Jersey VIP experience. Recently, the GSWG changed from using a printed passport to one in digital format.

As for regional trails, what they have proven to accomplish is to create what is called a cluster effect, where groups of regional wineries are able to attract visitors to spend extended time at one destination. We have seen growth across the state with trail partnerships being developed and formed that allow wineries and other businesses in the tourism industry to cooperate in creating visitor experiences that benefit all who are involved.

Q. What would be at the top of your "to do" list for further advancing the New Jersey wine industry?

Certainly, one focus of the GSWG will be on getting out the message to the public of how vibrant and successful our wineries are and how much they have to offer. By the public, I mean not only New Jersey residents, but also those who travel to our state for vacation, work, or hopefully to hop on one of our wine trails and enjoy a great time at the winery tasting rooms. We can and should aspire to achieve the type of success enjoyed by other wine destinations such as California's Napa Valley or, increasingly, Oregon's Willamette Valley.

Marketing the accomplishments of our wineries will be another objective that should be a goal of not only our organization, but also individual wineries. It is important when a winery receives awards that highlight how well they can compete not only with other New Jersey wineries, but also on the national and international stage. If one of our member wineries stands out and people know of that accomplishment, it reflects well on and brings attention to their colleagues in the Garden State wine community. This not only serves to increase interest in our state's wineries, but also acts as an incentive to other wineries to up their game. However, while wine competitions are nice, and

winning medals at them even nicer, there is much more to promote our success than receiving awards. While we have moved away from large scale wine festivals, we replaced them with smaller quality-oriented tasting events. One example of this approach is the partnership we have undertaken with Exit Zero Ferry Park in Cape May. A series of fine wine and dine dinners called Uncork & Unwind began earlier this year that will bring several area wineries to the Lookout at Ferry Park for lovely meals in an even lovelier setting at the very southern tip of our state. This venue makes it easy not only for southern New Jersey residents to attend, but also residents of Delaware who can come over on ferry excursions specifically planned and scheduled so they can participate.

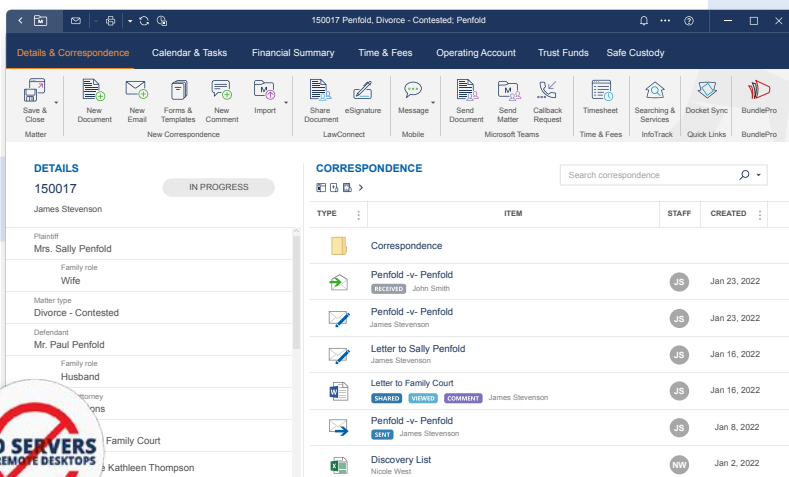
In addition to the celebrity chef inspired Dinner in the Dark outings I mentioned previously, the idea of getting New Jersey wines on the table also requires getting them into the hands of diners at licensed or unlicensed restaurants that carry one or more Garden State wines, or by finding more ways to encourage wine shops to expand their section devoted to New Jersey wines.

Ultimately, the best way to accomplish all that the GSWG and its members want to achieve going forward can best be done by the continued improvement by grape growers and winemakers of what they are able

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to grow, bottle, and sell. New wineries can and should learn from those who are established and aspire to join those who are winning awards and earning consumer trust so that the industry as a whole can continue to capture the attention of wine drinkers, critics, and potential partners who together can make the spotlight shine even brighter each and every day on what has become an essential and increasingly successful part of our Garden State's farming history.

Allow me once again to thank Devon and her colleagues for taking the time to offer a detailed, candid, and enlightening account of the New Jersey wine industry. Clearly, Garden State wines have come a long way in a relatively short period of time. Considering the talent and resources of dedicated winemakers and grape growers, as fostered by government and by private organizations such as the GSWG, the future for New Jersey wines appears to be very promising.

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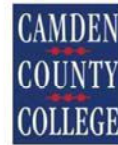
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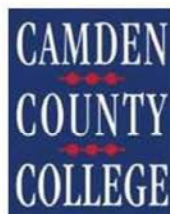
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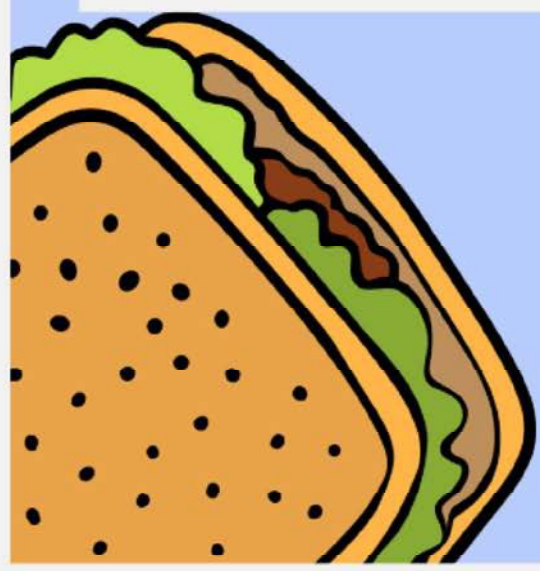
Where: CCBA's new Headquarters

What to bring: Bread, lunchmeat and cheese.

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