

FIRM NEWS

WE ARE PLEASED TO ANNOUNCE THE NEWEST MEMBERS OF OUR FIRM:

Christina D. Hardman earned her B.A. from The College of New Jersey in 1993 and her juris doctor from Rutgers School of Law in 1998, where she also received the Jennifer Smalldone Award for Outstanding Work in the Field of Disability Law. Ms. Hardman is admitted to practice law in the State of New Jersey, New York and the United States



District Court for the District of New Jersey. She served as law clerk to the Honorable Donald S. Goldman in the Superior Court of New Jersey, Family and Criminal Divisions, Essex County and as an intern for the Honorable William H. Walls in the U.S. District Court, Newark. Ms. Hardman will be working in our **Wills, Trusts and Estates Department**. She is experienced in all aspects of estate planning, administration and taxation as well as zoning and land use, business organization formations, dissolutions, mergers, and franchising.

Andrew T. McDonald earned his B.A. from Mary Washington College in 1995 and his juris doctor from Seton Hall University School of Law in 1999. He served as law clerk to the Honorable Lawrence M. Lawson in the Superior Court of New Jersey, Monmouth County. He is an experienced trial attorney in our **Community Association and Municipal Law Departments**. Mr.



McDonald also brings to the firm his experience in contract dispute, premises liability, products liability, personal injury, consumer fraud and employment disputes. Mr. McDonald is a member of the New Jersey Chapter of the Community Associations Institute, the New Jersey State Bar Association and the Monmouth Bar Association.

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BUSINESS SUCCESSION PLANNING

By: **Christina D. Hardman, Esq.**

Those who fail to plan...plan to fail. This axiom couldn't be more applicable to business succession planning. Family businesses come in all shapes and sizes and involve real estate, equipment, client lists, product lines and services. No matter what type of business you're involved with, the facts are clear: Fewer than 30% of businesses make it to the second generation, and fewer than 13% are around for the third generation to enjoy. The two leading causes of succession failure are:

1. inadequate estate planning; and,
2. the failure to prepare the next generation for their roles.

Succession from one generation to the other does not happen by accident. Planning and execution of the plan are critical. If selling your business in pursuit of retirement is your goal, then that, too, must be planned in order to maximize proceeds, and the plan must be executed. Our firm can provide a foundation for your business, which will assist you in successfully transitioning either through sale or to your next generation.

Here's some guidance on how:

Explore tools of the succession trade with the professionals at LDEM.

Your business is not only important to you and your family, but it is important to our community. Closely held and family businesses account for over 50% of the U.S. Gross Domestic Product and more than 65% of all wages. Planning takes time, but without good planning, more than half of your hard-earned wealth could be paid out in taxes to the United States, the State of New Jersey and possibly other states. Taxes such as death, inheritance, income and capital gains are just some of the taxes you may face. These taxes come at a heavy price and can cripple your business and your family. Tools such as wills, powers of attorney, health care directives, gifting plans, family limited liability companies and partnerships, life insurance, shareholder and operating agreements, buy/sell agreements, trusts, "1031 exchanges" and other succession tools and documents will be instrumental and could save you thousands in taxes and legal fees. We can help you through the process of picking the right tools for your needs. You're only a phone call or an e-mail away from getting started.

Take time to make the tough decisions.

Succession either through sale or to the next generation is a process that takes time and is generally modified along the way. Transitioning involves difficult decisions. Additionally, dealing with your own

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LDEM is pleased to congratulate:



Peter H. Lederman, Esq. (left) on being recognized as Municipal Court Practitioner-of-the-Year by the Middlesex County Bar Association for his outstanding contributions to

the legal profession and **Thomas M. Comer, Esq.** on being appointed as Parliamentarian of the New Jersey Chapter of the Association of Trial Lawyers of America (ATLA).

TAKE YOUR CHILD TO WORK DAY



LDEM participated in its third Take Your Child To Work Day. The children participated in a mock trial and learned the importance of being a good witness and the effect witnesses have on a trial. They also were able to see firsthand the responsibilities their parents have and how a law firm runs.

Our Firm's Family Continues to Grow

○ **Loren Rosenberg Lightman, Esq.**

Had a baby girl. Congratulations to the proud parents, Loren and David!!!

Did You Know???

By: Jonathan H. Lomurro, Esq.

Ignorance of the law is not an excuse. Here are some municipal/traffic offenses you may not have known about.

1. You can be guilty of drunk driving without driving.

- If you let your friend drive a car in your control because they had less alcohol than you, and they are under the influence of alcohol, marijuana or non-prescription drugs, you are guilty of drunk driving. N.J.S.A. 39:4-50

2. You must wear a helmet when riding a bike if you are under the age of 17.
 - As of March 1, 2006, anyone under the age of 17 must wear a helmet when operating a bike, roller skates, or a skateboard. N.J.S.A. 39:4-10.1
 - The current definition of "rollerskates" is "a pair of devices worn on the feet with a set of wheels which are attached, regardless of the number or placement of those wheels, and used to glide or propel the user over the ground."
 - Therefore, it appears that the new shoes with the wheel in the back are covered by this statute. (Ex. Heelys, ProNova, etc.)
3. It's an offense to flick the ashes from a cigarette out your car window.
 - There is actually a fine of \$200 to \$1,000 for each offense. This includes cigarette, cigar, match, ashes, or any substance or thing likely to cause or fuel a fire. N.J.S.A. 39:4-64
 - Also, the driver is presumed to be the person responsible for any violation of the section.
4. You must travel less than 4 m.p.h. when driving across a sidewalk.
 - If you cross a sidewalk when leaving a parking lot, house, or other venue, you must stop, yield to pedestrians, and cross the sidewalk at a speed not to exceed 4 m.p.h. N.J.S.A. 39:4-100
 - This includes riding a horse in excess of 4 m.p.h. over the sidewalk.
5. You cannot just stick the parking tickets in your glove compartment and forget about them.
 - The municipal judge can suspend your license (or issue a bench warrant for your arrest.) N.J.S.A. 39:4-139.1
 - If the judge suspends your license and you drive, it is possible to receive a ticket for operating while suspended. You can be fined an additional \$500, and if you get into an accident while suspended or revoked, and there is any bodily injury to any other person, you will receive a mandatory minimum of 45 days in jail. N.J.S.A. 39:3-40
6. You can receive a ticket for having a license plate frame.
 - You cannot have a license plate frame that covers any part of any marking imprinted on the license plate, i.e. covering the words State of New Jersey, the state slogan, any imprint, basically any of the plate itself. N.J.S.A. 39:3-33. Many car dealerships place their companies' frames on purchaser's cars and are placing their customers at risk.
 - In addition, a violation of this section can occur if grease, dust, dirt, or blurring material covers any of the markings on the license plate.
7. You must give way to a passing vehicle and cannot increase the speed of your vehicle.
 - The driver of a vehicle on a highway, about to be overtaken and passed by another approaching vehicle from the rear, shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. N.J.S.A. 39:4-87
8. You must park parallel to the edge of the roadway facing the direction of traffic.
 - You must be six inches from the edge of the roadway and facing the direction the traffic is headed. This can be changed by local ordinances so check with your town. N.J.S.A. 39:4-135
9. You must stop driving for a police officer who blows a whistle.
 - A driver shall, upon one blast of a police whistle given by a police officer with a hand raised, bring the vehicle to a full stop, and shall not proceed again until he receives a signal to do so from the officer.
 - Three or more blasts of the whistle means that there is an approaching fire engine or some other danger. N.J.S.A. 39:4-122

WATCH FOR OUR UPCOMING SEMINAR ON CORPORATE AND BUSINESS PLANNING!!!!

THE LAW:

THE PREVENTION OF DOMESTIC VIOLENCE ACT

The Prevention of Domestic Violence Act applies to a person 18 years of age or older or to a person who is an emancipated minor* who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. A “victim of domestic violence” also includes any person with whom the victim has a child or with whom the victim anticipates having a child, if one of the parties is pregnant. “Victim of domestic violence” also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

This means you are a victim of domestic violence if you or the abuser are the parents of any children, whether or not you have ever lived together; you are pregnant with the abuser’s child; you and the abuser now live together or have lived together in the past; or you and the abuser now have or did have, at one time, a dating relationship.

You and the abuser do not have to be married or be girlfriend/boyfriend. He or she can be a family member, your domestic partner, your roommate, your caretaker, or any other adult who lives with you now or has lived with you.

* *Emancipated minor is a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.*

How do I know if I am a victim of domestic violence under this law?

You are a victim of domestic violence if you have experienced any of the following from a person who is over the age of 18 or an emancipated minor:

1. Beatings or physical attacks such as kicking, slapping, punching, pushing, hair pulling, or any other physical attack in any other way that causes you harm or fear of harm;
2. Threats that make you fear serious injury to yourself or your children (example: “When I come home, I’m going to kick you, punch the kids, hurt you”);
3. Threats that make you fear for your life (example: “If you don’t do what I tell you to do, I’m going to kill you”);
4. Imprisonment within your own home or at another location (example: A person locks you in your home, in a room, in a closet, in an automobile, for any period of time);
5. Kidnapping (example: You are taken against your will from your home, place of business, or anywhere else and not permitted to leave);
6. Sexually assaulted where you are forced to have sexual contact or raped under threats of harm to yourself or someone else. This can also include unwanted sexual touching or if the perpetrator exposes himself/herself;
7. Damage to your personal property;
8. Forced entry into your home, with or without a weapon;
9. Theft of your personal belongings;
10. Threats against you with a weapon such as a gun, knife, machete, baseball bat, or any other object that you feel can harm you;
11. Repeated verbal humiliation and attacks (example: A person calls you obscene names, or calls you stupid, ignorant, dumb, ugly, or other disrespectful names);
12. Stalking you by actions done more than one time that include maintaining you in his or her sight, repeatedly being in physical proximity to you, repeatedly conveying verbal or written threats or threats implied by their actions, or all of these actions, and these actions cause you to fear bodily injury to you or a member of your family or to fear the death of you or a member of your family.

** *If the person who has committed the above acts against you is a minor and not emancipated, his or her actions should be reported to the police and a criminal complaint filed.*

Should I call the police?

YES! Domestic violence is a serious crime, and the police must respond to your calls – **no matter how many times you call them.** Under the Prevention of Domestic Violence Act, it is the primary duty of the police officer who responds to a domestic violence call to enforce the law and to protect the victim. The law requires that all law enforcement officers and judicial personnel receive training in domestic violence. The police are required by law to help you and to give you information about your rights. Among other things, the police must write a report. **Be sure to tell the officer all the details. Read the report carefully and correct any mistakes. Be sure to get the officer’s name and badge number.**

Contact our Family Law Department at 732-462-7170 for more information.

The articles in THE COUNSELLOR provide general information only and are not intended to be used or taken as legal advice for specific situations, which depend on an evaluation of the surrounding facts and the applicable law.

**Lomurro
Davison
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and
Muñoz
P.A.**

ATTORNEYS AT LAW
"AV" Rated*

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aging, mortality, control, and power can be overwhelming. Unfortunately, procrastination doesn't make a problem go away. Decisions about the equitable treatment of non-working family members, transitioning control to the best person and conflicts between family members must be addressed sooner rather than later. Too often the psychological and emotional difficulties associated with sale or succession prevent our clients from doing what is necessary to prepare a plan. Keep in mind that the time you invest now will pay off in the long run. Make an appointment with us to explore the possibilities and then move forward in making the tough decisions.

Prepare, prepare, prepare.

Take control of your destiny and the future of your business by preparing today. Some questions to consider:

1. Do I want to sell my business or transition it to my children and grandchildren?
2. Do I have all of my paperwork in a place where it can be easily found, including, but not limited to, formation or incorporation certificates, corporate book, operating or shareholder agreements, tax returns, annual report filings, banking information, wills and powers of attorney?
3. Do I have enough life insurance to cover any death taxes and prevent a forced sale of my assets?
4. Are all of my real estate documents in order including any deeds, leases and expense records?
5. Is my business prepared to continue operating if something should happen to me tomorrow?
6. Have I been training my next generation to succeed?
7. Do I know the true value of my business?
8. Have I had a recent appraisal and have I looked into valuation discounts that will lower my taxes?

Succession can be complicated and emotionally draining. However, establishing a smooth transition plan can give you confidence and peace of mind. During the next two decades, an estimated \$7 trillion dollars will move from one American generation to the next. Chances are your business will account for part of this wealth transfer. The actions you take today regarding business, family and tax planning will greatly affect which portion of that \$7 trillion goes to support your retirement and your family's future versus those monies that will be lost forever to taxes or to the "failed business statistics." Will you be ready?

Contact Christina D. Hardman, Esq. (chardman@lomurrolaw.com) (732-410-2357) or Robert F. Muñoz, Esq. (rmunoz@lomurrolaw.com) (732-410-2361) for more information.

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