

FIRM NEWS



LDEM is proud to announce the newest members of our firm

Amy Miller is the newest member of our Family Law Department, having been admitted to practice law in New Jersey and New York in 2006. Prior to achieving her current position as Associate, Amy was a law clerk in our firm, where she had the opportunity to develop the research and writing skills she now brings to her practice. She is a former legal intern for the Administration for Children's Services and a former judicial intern for Justice Ruth C. Balkin of the Nassau County Supreme Court. While in law school, Amy was a clinician for the Domestic Violence Litigation Clinic and an External Advocate for the Frank S. Polestino Trial Advocacy Institute.

Amy holds a J.D. from St. John's University School of Law and a B.S.B.A. from University of Maryland.

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HOW TO ASSURE THAT YOUR ESTATE PLANNING WILL BE RESPECTED

By: Robert F. Muñoz, Esq.

When we inquire into the motives of clients concerning their estate plan, the clients typically tell us that they want to provide security for their heirs. The clients then work with their attorney and financial advisors to structure a plan to achieve both tax savings and security. However, the clients fail to keep the plan current and accurate or fail to anticipate how the heirs will respond to the structure of the plan at the time of the client's death.

There are basically three steps in preparing an estate plan, the planning stage, the execution stage and the post-execution implementation. Usually the planning and the execution stages are managed with the planning professionals. During planning, issues can arise because the client is unaware of potential pitfalls. This is the first installment in a series of articles on estate planning and issues to be considered in preparing and implementing an estate plan.

Unequal Gifting

Among the issues we raise with our clients is giving careful consideration when making unequal distributions to equally associated loved ones. Often times, the unequal approach can cause irrational behavior in a family. Moreover, your estate plan is your last expression to your loved ones even though the plan may have been executed many years prior to death. The result of unequal gifting may be resentment felt by a beneficiary. This can lead to strained family relations and litigation.

Litigation is a consequence that the testator might not anticipate yet it happens frequently. The result is that the favored beneficiaries find themselves locked in lengthy litigation which depletes the estate notwithstanding the best intentions of the testator and the lack of merit of the claim. A potential challenge may be avoided by making lifetime gifts or designating nonprobate assets (property passing outside the will) to favored beneficiaries. Another technique may be to express in the will the reason for the disparity.

Although there are no guarantees that a will cannot be challenged, proper planning at the outset of the estate planning process may minimize the possibility of a challenge. When deciding to give unequal gifts, one must measure the consequence of that action compared to the difference in the gifts.

cont...FIRM NEWS

Blake R. Laurence
Tax and Estate Planning



Blake Laurence joins our Tax and Estate Planning Department. Mr. Laurence earned his LL.M. in Taxation from Villanova University School of Law in 2006 and was admitted to practice in New Jersey and Pennsylvania in 2005. Prior to joining Lomurro, Davison, Eastman & Muñoz, Mr. Laurence was a law clerk for the Disciplinary Board of the Supreme Court of Pennsylvania where he conducted legal research, prepared stipulations and exhibits for trial, and drafted memoranda and briefs relating to violations of the Pennsylvania Rules of Professional Conduct.

Blake holds his J.D. from Widener University School of Law and a B.S.B.A in Finance from American University.

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Edward Eastman, Esq. was selected to receive the **Annual Legislative Recognition Award** from the New Jersey State Bar Association for his extraordinary efforts, unselfish service and countless hours to the Association on legislation.

Congratulations Judy!!!!

Judy Frusciano was elected President of the New Jersey Association of Legal Secretaries for a second term.

Discrimination Lawsuits are Costly: Discrimination Verdict in Excess of \$9 Million Dollars

By: Tracy Armstrong, Esq.

The plaintiff, Joyce Quinlan sued Curtiss-Wright Corp. for gender discrimination. The plaintiff was the top Human Resource executive at Curtiss-Wright Corp. She alleged she was denied a promotion because of her gender and thereafter, she was fired when she took legal action. The lawsuit claimed that the Chairman and CEO of Curtiss-Wright Corp. had a tradition of keeping women out of top executive positions. In fact, in November 2003 when the lawsuit was filed, the plaintiff, Joyce Quinlan was the only female reporting to the CEO. The plaintiff alleged that the CEO excluded her from social events afforded to male executives and hired a male with fewer qualifications and

THE STRANGE WORLD OF RIPARIAN CLAIMS

By: Michael J. Fasano, Esq.

Dating back to the time of the Magna Carta, lands flowed by the tides were the property of the sovereign, that is, the property of the King. When the United States declared independence from Great Britain, we no longer had to follow the dictates of the King, but the new State of New Jersey carried over the idea that the sovereign (now the State) owned all lands flowed by the tides.

However, in New Jersey over the past two hundred plus years, many developers were not aware of that law. They filled in tidally flowed marshlands and then subdivided the lots and sold the homes built on those lots. The filling-in of such property, however, did not destroy the State's rights. In fact, the new homeowners often found themselves – and still find themselves – getting letters from the State of New Jersey informing them of the State's claim to the land that the homeowners thought they owned!

Nowadays - before homes are purchased - competent title searchers will look for the State's claim to such lands. Those State claims – by law – must be recorded in the county in which the property is located. Potential buyers of property finding such claims can often back out of contracts to purchase based upon the existence of the claim or agree to buy the property at a reduced price. Additionally, as to the unfortunate owner who discovers a claim like this to his or her property - if their title insurance policy did not contain an exception - the title company is liable to pay off the State's claim and thus obtain clear title to their property.

But title searchers can make mistakes and title insurance is like any other kind of insurance. It only covers you up to the amount of the policy limits. Title insurance, in fact, is generally set to equal the purchase price of the property when it is bought. If you bought your property many years ago, your coverage might be minimal compared to the present fair market value of a State claim against formerly tideflowed lands. Accordingly, claims based on the State ownership of such lands continue to trouble homeowners to this day.

This is called the law of riparian claims. It is a highly technical area of law. Before buying land subject to such claims or if you already own land subject to these issues, one is well advised to seek the legal advice of attorneys familiar with this highly specialized area of law.

Golf Outing

*LDEM is proud to announce that we have formed a nonprofit organization called **The Charitable Fund of Lomurro, Davison, Eastman & Muñoz, Inc.** The mission of the Charitable Fund is to make a difference in the lives of people by encouraging the contribution of financial and personal resources to assist those in need.*

The Charitable Fund of
LDEM

Our first fundraiser will be a charity golf outing on June 7, 2007 at Battleground Country Club located in Manalapan, New Jersey. All proceeds to Directly Benefit Local Families in Need and organizations like The Frances Foundation.

For More information please contact Eva at 732-410-2348

Discrimination Lawsuits are... continued from page 2

less experience when a decision was made to centralize Human Resource functions.

The defendant argued that the plaintiff was denied the top job in the consolidated Human Resources Department because her experience was largely limited to benefits. The defendant further argued that the plaintiff was not fired because of her lawsuit but because she copied 1,830 company documents and turned them over to her attorney in preparation for the lawsuit. The defendant alleged that many of the documents contained confidential personal information that should have not have left the company. The plaintiff was therefore terminated.

The trial was three weeks long. The jury awarded the plaintiff 4.56 million dollars in compensatory damages and 4.56 million dollars in punitive damages. Interest and attorneys' fees will be added to that amount and the total will come to well over 10 million dollars.

The decision of the jury is currently being appealed by the defendant, yes, costing more attorneys' fees.



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SAVE THE DATE!

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Certified by the Supreme Court of N.J. as a:

- Civil Trial Attorney
- Criminal Trial Attorney
- ✧ Matrimonial Law Attorney

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