

THE THURSDAY REPORT

Thursday, August 26th, 2021

Issue 310

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IN LOVING MEMORY OF CHARLIE WATTS

A Tribute



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Charles Robert Watts (June 2, 1941 – August 24, 2021) was an English musician who was the drummer for the rock band the Rolling Stones from 1963 until his death in 2021.

Originally trained as a graphic artist, Watts developed an interest in jazz at a young age and joined the band Blues Incorporated. He also started playing drums in London's rhythm and blues clubs, where he met future bandmates Jagger, Richards, and Brian Jones. In January 1963, he left Blues Incorporated and joined the Rolling Stones as a drummer, while doubling as designer of their record sleeves and tour stages. Watts' first public appearance as a permanent member was in February 1963, and he remained with the group until his death 58 years later.

From Wikipedia, the free encyclopedia

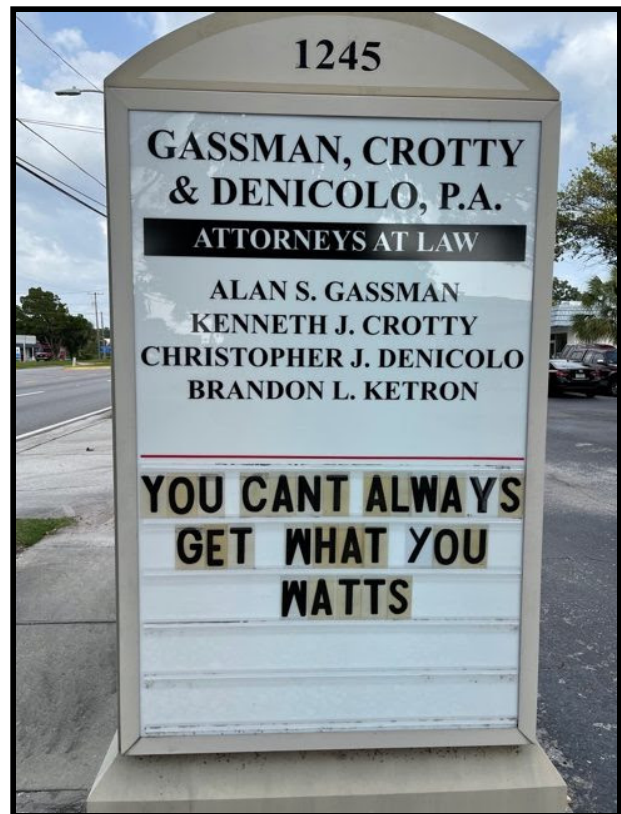


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This week we salute Leimberg Information Services for two fantastic articles that are very pertinent for professionals and also those of us who work with Joint Revocable Trusts. Thanks to Steve Leimberg, James Magner, and the whole Leimberg team, not to mention Michael Geeraert and Juan Antunez, who are excellent lawyers, authors, and professionals.

You can get a free trial subscription to this amazing system by going to
<https://new.leimbergservices.com/>.

Article 1

Think Before You Respond to Negative Online Reviews



By: Michael Geeraerts & Jim Wagner

Steve Leimberg's Estate Planning Email Newsletter - Archive Message #2901

Date: 18-Aug-21

From: Steve Leimberg's Estate Planning Newsletter Opinion 496

ABA Formal Opinion 496 speaks to a lawyer's ethical responsibilities when dealing with negative online reviews by clients or former clients. The primary takeaway is that lawyers who choose to respond online to a negative review must not disclose information that relates to the client matter or that could reasonably lead to the discovery of confidential information. That said, the ABA's opinion is advisory, and the rules and precedent of each individual jurisdiction are controlling.

Michael Geeraerts and Jim Wagner provide members with commentary that examines a lawyer's ethical responsibilities when dealing with negative online reviews by clients or former clients.

Michael Geeraerts, CPA, JD, CGMA®, CLU® is an advanced planning consultant at The Guardian Life Insurance Company of America®. Prior to joining Guardian, Michael was a manager at PricewaterhouseCoopers LLP and a tax consultant at KPMG LLP. Michael has written articles for numerous national publications and has delivered continuing education courses to CPAs and attorneys on a variety of estate, business, and income tax planning strategies.

Jim Wagner is an advanced planning attorney at The Guardian Life Insurance Company of America®. Jim previously worked as an Attorney-Advisor in the IRS's Office of Chief Counsel in Washington, DC where he wrote private and public rulings on estate, gift, GST, and charitable remainder trust issues.[i]

Here is their commentary:

EXECUTIVE SUMMARY:

ABA Formal Opinion 496 speaks to a lawyer's ethical responsibilities when dealing with negative online reviews by clients or former clients. Lawyers who choose to respond online to a negative review must not disclose information that relates to the client matter or that could reasonably lead to the discovery of confidential information. That said, the ABA's opinion is advisory, and the rules and precedent of each individual jurisdiction are controlling.

FACTS:

Clients, opposing parties, and others are increasingly taking to the internet to express their opinions of lawyers they have encountered. As a result, lawyers are frequently left in a difficult position of determining whether and how they ethically may respond when the opinions posted are unflattering, and the facts presented are inaccurate or even completely untrue.

American Bar Association Opinion 496 was issued earlier this year and addresses a lawyer's ethical obligations in responding to negative online reviews. While the ABA's opinion is advisory, the rules and precedent of each individual jurisdiction are controlling.

In this regard, there have been a surprisingly large number of state ethics opinions on this topic.[ii] The majority reached the conclusion that, even if the online posting was made by a client, the posting of criticism does not rise to the level of a controversy that would allow a lawyer to disclose confidential information in responding.

Opinion 496 offers a number of best practices to lawyers who are the subject of negative online reviews:

- A lawyer may request that the host of the website or search engine remove the post, which may be particularly effective if the post was made by someone other than a client.
- If the post was made by someone pretending to be a client, but who is not, the lawyer may inform the host of the website or search engine of that fact.
- In making a request to remove the post, unless the client consents to disclosure, the lawyer may not disclose any information that relates to a client's representation or that could reasonably lead to the discovery of confidential information by another but may state that the post is not accurate or that the lawyer has not represented the poster if that is the case.
- Lawyers should give serious consideration to not responding to negative online reviews in all situations. Any response frequently will engender further responses from the original poster. Frequently, the more activity any individual post receives, the higher the post appears in search results online. As a practical matter, no response may cause the post to move down in search result rankings and eventually disappear into the ether. Further exchanges between the lawyer and the original poster could have the opposite effect.
- Lawyers may respond with a request to take the conversation offline and to attempt to satisfy the person, if applicable. For example, a lawyer might post in response to a former client (or individual posting on behalf of a former client), Please contact me by telephone so that we can discuss your concerns.
- A lawyer whose unhappy former client accepts such a request may offer to refund or reduce the lawyer's fees in the matter. As a practical matter, this approach is not effective unless the lawyer has the intent and ability to try to satisfy the person's concerns. A lawyer who makes such a post but does nothing to attempt to assuage the person's concerns risks additional negative posts.
- If the poster is not a client or former client, the lawyer may respond simply by stating that the person posting is not a client or former client, as the lawyer owes no ethical duties to the person posting in that circumstance. However, a lawyer must use caution in responding to posts from nonclients.
- If the negative commentary is by a former opposing party or opposing counsel, or a former client's friend or family member, and relates to an actual representation, the lawyer may not disclose any information relating to the client or former client's representation without the client or former client's informed consent. Even a general disclaimer that the events are not accurately portrayed may reveal that the lawyer was involved in the events mentioned, which could disclose confidential client information.
- The lawyer is free to seek the informed consent of the client or former client to respond, particularly where responding might be in the client or former client's best interests. In doing so, it would be prudent to discuss the proposed content of the response with the client or former client.
- If the criticism is by a client or former client, the lawyer may, but is not required to, respond directly to the client or former client. The lawyer may wish to consult with counsel before responding. The lawyer may not respond online.
- An additional permissible response, including to a negative post by a client or former client, would be to acknowledge that the lawyer's professional obligations do not permit the lawyer to respond. A sample response is: Professional obligations do not allow me to respond as I would wish.

COMMENT:

ABA Model Rule of Professional Conduct 1.6(a) prohibits lawyers from disclosing information relating to any client's representation or information that could reasonably lead to the discovery of confidential information by another. Opinion 496 makes it clear that a negative online review, alone, does not meet the requirements for permissible disclosure under Model Rule 1.6(b)(5) and, even if it did, an online response would exceed any disclosure permitted under the Rule.

HOPE THIS HELPS YOU HELP OTHERS MAKE A POSITIVE DIFFERENCE!

Michael Geeraerts

Jim Wagner

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Article 2

Do Transfers of Tenants by the Entirety Property to Joint Revocable Trusts Result in a Forfeiture of Creditor Protection



By: Juan C. Antunez

Steve Leimberg's Asset Protection Planning Email Newsletter - Archive Message #418

Date: 16-Aug-21

From: Steve Leimberg's Asset Protection Planning Newsletter

If a married couple transfers their tenants by the entireties (TBE) property to a joint revocable trust, have they forfeited its creditor protection shield? That's the question at the heart of two recent Florida bankruptcy court rulings that came to opposite conclusions!

Juan Antúnez provides members with his analysis of *In re Givans* and *In re Romagnoli*. Juan is a partner with Stokes McMillan Antúnez Martínez-Lejarza P.A., a boutique trusts and estates law firm located in Miami, Florida. Trusts and estates litigation, probate administration, and estate planning are all he does as a lawyer.

Here is his commentary:

COMMENT:

If a married couple transfers their tenants by the entireties (TBE) property to a joint revocable trust, have they forfeited its creditor protection shield? That's the question at the heart of two recent Florida bankruptcy court rulings that came to opposite conclusions!

In re Givans, the court concluded that TBE property's creditor protection shield is lost when it's transferred to a joint trust. And in In re Romagnoli the court came to the opposite conclusion, ruling that TBE property's creditor protection shield is not lost when it's transferred to a joint trust. But don't try looking for direct legal conflicts between these two rulings, the judges essentially talk past each other which got me thinking about the power of framing.

Frame or be Framed:

If you think cases are decided solely on the basis of cold hard logic, you're kidding yourself. Unconscious biases drive much of our decision-making (which I've reported on as applied to sentencing patterns, bench trials, and settlement negotiations). These biases can play a dominant role in how even the most abstract and non-emotional issues are decided (including how bankruptcy judges should apply Florida's confoundingly amorphous TBE law).

In my opinion, how the Givans and Romagnoli cases were decided is largely attributable to a single variable: the framing effect, a cognitive bias that leads people (including judges) to react to the same choice in different ways depending on how it's presented. Framing can be an incredibly powerful advocacy tool (see [here](#), [here](#), [here](#)).

In re Givans, 623 B.R. 635 (Bankr. M.D. Fla. Sept. 30, 2020):

In this case, the court framed the question as to whether the debtor and his wife could have it both ways.

Frame #1: Should debtors be allowed to have it both ways?

In other words, could this couple retain the creditor-protection benefits of TBE property while also reaping the estate planning benefits of putting their property in trust? Well, there's a reason why we usually say you can't have it both ways: it strikes most of us as somehow unfair. Not surprisingly, when framed this way the court concluded no, the debtor can't have it both ways.

Property held by spouses as TBE possesses six characteristics: (1) unity of possession (joint ownership and control); (2) unity of interest (the interests in the account must be identical); (3) unity of title (the interests must have originated in the same instrument); (4) unity of time (the interests must have commenced simultaneously); (5) survivorship; and (6) unity of marriage (the parties must be married at the time the property became titled in their joint names).

The court concluded the debtor and his wife forfeited the creditor-protection benefits of their TBE property when they transferred this property to their joint trust because a trust can't be married, so the unity of marriage was lost, which means the property stopped being TBE once it hit the trust.

The Trustee Deed provides the Debtor and [his wife] as Trustee of the Trust owns the Property, not as husband and wife. Under trust law, a trustee holds only legal title to trust property while equitable title rests with the beneficiary. Once the Debtor and [his wife] transferred the Property to the Trust, they no longer owned the Property in their individual capacity. They held the bare legal title as Trustee for the Trust. Because a trust is not a married individual, the Trust cannot own the Property as tenants by the entirety. The unity of marriage does not exist as to the Trust.

In other words, the debtor and his wife can't have it both ways.

By transferring the Property to the Trust, the Debtor and [his wife] gave up certain legal rights in exchange for others. They lost the benefits tenants by entirety ownership afforded, such as protection of the Property from certain creditors. In exchange, they gained other benefits provided by the Trust, such as circumventing probate proceedings. They could directly transfer the Property to their children without the expense of going through probate. And because of the Trust, their children now have a present equitable interest in the Property as beneficiaries.

Debtor and [his wife] cannot have it both ways. The Property cannot be held by the Trust, subject to the terms of the Trust (which creates interest for their children), and also be held as tenants by the entirety, subject to common law and protected from creditors claims. In 2014, they created the Trust and transferred the property to the Trust. By doing so, they lost ownership status as tenants by the entirety.

In re Romagnoli, B.R., 2021 WL 2762812 (Bankr. S.D. Fla. June 30, 2021)

In this case, the court sidestepped the whole can-you-hold-TBE-property-in-trust controversy and instead focused on the one question that really matters in a bankruptcy proceeding: is the property exempt from the claims of creditors? If the answer is no, you're done, no need to get tangled up in esoteric property law questions.

Frame #2: Is TBE property in a joint revocable trust subject to creditor claims, regardless of whether a trust can hold TBE property?

Framed this way, the debtor won. And this time around it was the bankruptcy trustee who got lectured by the judge, not the debtor.

The Trustee expressed frustration that the Debtor has exempt assets worth collectively over \$1.4 million that are exempt from the Debtor's creditors. But those exemptions are statutory and if the Trustee wants to reach these assets, she must reach out to the Florida legislature.

What happened?

If you're a trust law geek (and who isn't!), how the court worked through the interplay between federal bankruptcy law and state trust/property law is way more interesting than the ultimate conclusion. So here goes.

We start from the premise that bankruptcy creditors are only entitled to whatever property rights debtors have no more or less. The same goes for whatever interests a debtor has in trust.

Where the debtor's interest is in a trust, the trustee acquires only those interests that the debtor had in the trust. See *In re Raborn*, 470 F.3d 1319, 1323 (11th Cir. 2006) ([T]he [bankruptcy] trustee succeeds only to the title and rights in the property that the debtor possessed.)

In this case, the debtor had only three possible interests in the trust: as co-settlor, as co-trustee, or as beneficiary.

As a co-settlor of a joint revocable trust, under F.S. 736.0602 the debtor could only remove those assets of the trust he had individually contributed. Since the TBE property was owned jointly by the debtor and his wife (and thus jointly contributed to the trust), the debtor couldn't pull this asset out unilaterally, which means his creditors couldn't unilaterally do so either.

To the extent that the [TBE property] is, in fact, held in the [Joint] Trust, because it was contributed as TBE and not community property, the Debtor and his Wife could only jointly remove the stock from the [Joint] Trust.

Result: Creditors stepping into the shoes of the debtor as a co-settlor of the joint revocable trust can't unilaterally extract jointly contributed property, such as TBE property, to satisfy their claims. Strike one for creditors.

As a co-trustee, under the terms of the trust agreement, the debtor could only sell or otherwise dispose of trust property, including the TBE property, with the consent of the other co-trustee, i.e., the debtor's wife (the trust agreement in *Givans* had an identical provision). This means the debtor's creditors, stepping into his shoes as a co-trustee, could also only sell or otherwise dispose of this property with the wife's consent as a co-trustee.

Thus, even if the Trustee could exercise the power of a co-trustee under the [Joint] Trust, the Trustee has not cited to any case that suggests that 11 U.S.C. § 363(f) gives the Trustee, acting with the authority of a co-trustee of a trust, the authority to bypass the provisions of the [Joint] Trust Agreement in seeking to sell property in the [Joint] Trust.

Result: Creditors stepping into the shoes of the debtor as a co-trustee can't unilaterally sell or otherwise dispose of TBE property from the debtor's joint revocable trust if the trust agreement requires the other co-trustees consent. Strike two for creditors.

As a beneficiary of a revocable trust, the debtor's property interests in the trust are subject to creditor claims to the same extent they would have been if not in the trust. If the TBE property was creditor protected before it went into the trust, it stays creditor protected after it went into the trust. Here's how the court explained this final nail in the coffin for the creditor's claim against the TBE property:

[A]s the Trustee acknowledged in her objection, the ability of the Trustee to reach the Debtor's beneficial interest is limited by applicable nonbankruptcy law. Fla. Stat. § 736.0505 states that (1) whether or not the terms of a trust contain a spendthrift provision, the following rules apply: (a) The property of a revocable trust is subject to the claims of the settlor's creditors during the settlor's lifetime to the extent the property would not otherwise be exempt by law if owned directly by the settlor.

Assuming the [TBE property] is in the [Joint] Trust, if not in the [Joint] Trust it would be TBE property not subject to the claims of the Debtor's creditors unless the creditors were joint creditors.

In sum, there is no theory under which the Trustee can reach the assets of the [Joint] Trust.

Result: Creditors stepping into the shoes of the debtor as a beneficiary of his joint revocable trust can't assert claims against trust property if this same property would have been shielded if owned by the debtor directly, as is the case for TBE property when both spouses aren't joint debtors. Strike three for creditors, debtor wins!

So what's the takeaway?

First, no estate planning client wants to be a test case. No matter what your personal opinion may be on the pros and cons of joint trusts (and there are really smart people who think these trusts are a good idea), if you're working with a married couple you need to think long and hard before advising them to transfer their TBE property to one of these trusts in light of the conflicting messages coming out of the Givans and Romagnoli cases. Some states have eliminated this uncertainty by statute. See, e.g., MO Rev Stat § 456.950 and 765 ILCS 1005/1c. Florida hasn't gone that route. In the absence of that kind of legislation, why risk it?

Second, like trusts and estates litigators we view the world through the lens of Florida property law. Framing a TBE-in-joint-trust case in those terms proved fatal for the debtor's exemption argument in the Givans case. By contrast, one would expect most bankruptcy judges to view the world through the lens of the U.S. Bankruptcy Code. Framing a TBE-in-joint-trust case in those terms was a winning strategy for the debtor's exemption argument in the Romagnoli case. Two cases same operative facts opposite results. Behold the power of framing!

HOPE THIS HELPS YOU HELP OTHERS MAKE A POSITIVE DIFFERENCE!

Juan C. Antúnez

TECHNICAL EDITOR: DUNCAN OSBORNE

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Article 3

3rd DCA Piercing The Corporate Veil



By: Alan Gassman

In the 2021 3rd District Court of Appeals case of Segal v. Forastero, Inc., an investor who bought and sold real estate used an LLC he had to enter into a purchase agreement.

The LLC had bought and sold real estate in the past, and had had a bank account, and had filed tax returns, but had no bank account or other assets or activities at the time it entered into the Acquisition Agreement, although the Acquisition Agreement itself was an asset.

At the time that the Acquisition Agreement was entered into, the purchaser was told that the owner of the company had significant assets, and seemed to have believed that these assets were under the company or would be contributed to the company.

The purchase agreement required the LLC, as purchaser, to make a \$500,000 escrow account deposit within 3 days of signing the Agreement, but the owner of the LLC, Segal, later testified that he decided not to do so because his physical inspection of the property revealed that it would need significant work and was therefore not a viable candidate for him.

According to the 3rd District Court of Appeals opinion, the trial court that entered a judgment against the LLC for breach of contract found in a Proceedings Supplementary to enforce the judgment that the individual shareholder was responsible for the judgment, thus piercing the veil.

The 3rd District Court of Appeal disagreed, finding that none of the three elements needed to show that the company was an alter ego of Segal or could be pierced were satisfied.

In particular, the 3rd District Court of Appeal found as follows:

1. The LLC was not a mere instrumentality without substance. Even though it had no assets or activities other than the subject contract at the time that it was entered into, the LLC had a past history.

2. The LLC was not used to defraud any creditor. There was never any overt communication that specifically indicated that the company had significant assets or which promised that the assets of the individual defendant were being contributed to the company.
3. There was no evidence to show that the injury to the Seller was caused because of the LLC's failure to pay.

This case points out that when a company is used to shield an individual from liability, it should probably at least have a bank account or other legitimate assets and indicia of existence in order to avoid being used as a mere instrumentality. This also shows that judges who preside over trials or issue summary judgments will often be biased towards enforcing a judgment and finding that a "voidable transfer" or alter ego/veil piercing situation exists in order to satisfy the judge's opinion of what will bring justice to a particular situation.

If Mr. Segal had opened a bank account in the name of the company and had made it more clear and had actually put money in the account that could have been used to pay legal defense costs, then the judge's opinion in the trial court may have been different, saving Segal time and money needed for appeal. This is a reminder that advisors need to base their advice not only on the law but also on how judges may apply it.

Article 4

Court Drowns Floating Spouse



By: Edwin Morrow III

Wealth Strategist at Huntington National Bank

One of the more interesting terms we run into in the estate planning world is the term "floating spouse", used to refer to naming a "spouse" as a beneficiary in a trust document, rather than the spouse's name specifically. The implication (and often hope) is that if the first spouse dies or divorces and the other party remarries, the new "spouse" would become a beneficiary in place of the old spouse.

In [Ochse v. Ochse](#), a settlor established a trust for "her son, her son's descendants, and her son's spouse" as beneficiaries. The son had lifetime and testamentary powers to appoint to spouse or descendants as well. After 30 years of marriage, the son and his wife divorced and the son remarried.

Which "spouse" was now the beneficiary and potential appointee?

In some portions of the trust the first spouse was mentioned by name, and in other portions not. There was no clear definition of "son's spouse" in the document. Naturally, litigation ensued, with the children from the son's first marriage and his first spouse on one side, and the son and his new spouse on the other. The trial court decision and the appeals court ultimately affirmed that the settlor's intent was to only benefit the "spouse" of her son at the time of executing the trust and not some future spouse of her son.

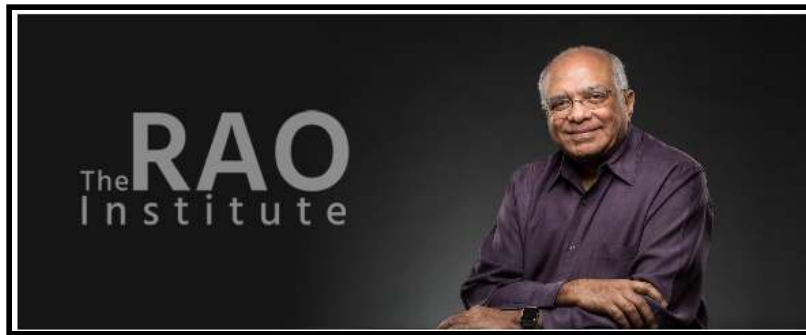
This case could have easily gone the other way with slightly different facts or in a different state court. One or two simple clarifying sentences in the trust could have saved thousands of dollars of legal costs and years of litigation. So, make sure the settlor defines what they mean when they use the term "spouse" in the event of divorce, death, or remarriage.

Edwin Morrow III

Wealth Strategist at Huntington National Bank

Article 5

Who Are You Being?



The Rao Institute, [25 Shirley Ct, Commack, NY 11725, US](#)

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**It matters what you do.
It matters much more who you are being as you do it!**

We wake up every morning and go to work. Or to whatever we do.

And, each day, we have a choice.

We can break rocks. Or we can help build a cathedral.

I cannot define for you the cathedral you can build or are building. Only you can do that.

But I can tell you that, unless you define that cathedral, you will eke out a mediocre existence punctuated with flashes of pleasure.

That is just the way it is.

It was an exclusive girl's school and all three felt somewhat ill at ease when they arrived. Possibly it was this sense of being out of place that drew them together, or perhaps it was recognition that they shared exceptional intelligence or the fact that they were the only ones who were not already friends with someone else.

Whatever, they clustered together and became best friends.

After graduation, they scattered to their respective countries, but they kept in touch. In those days, it was not common for women to leave the house and almost unheard of for them to work. Teaching was quasi-respectable and all three became kindergarten teachers.

Once in a great while, they would somehow arrange to be in the same place at the same time and there was joy in these meetings and much reminiscing. There was also an undercurrent of sorrow and longing as they realized that life was not unfolding for any of them in the way they thought it would. Each coped with this in her own way.

Mary saw herself as the temporary custodian of the children of wealthy, uncaring parents and resented having to wipe noses or help them pull on galoshes or make sure they ate their lunch and snacks. The children sensed her dislike and resisted learning. So, they did poorly on tests and her principal spoke to her about lack of performance and this infuriated her even more.

She was bitter when she retired and went to her grave soon after. Not a single student or parent attended her funeral.

Joan saw herself as teaching reading, 'riting and 'rithmetic to young children and keeping order. Some of her kids were bright and some were dullards and she did what she could with each. She was a trifle sorry to retire but not altogether unhappy because she could no longer keep up with the unlimited energy of her young charges.

When she passed on, some of her one-time students, who lived close by, came to say goodbye and one of them delivered a fine eulogy. They then went about their business.

Early on Eleanor, like Mary, disliked what she felt she was being forced to do. Then she saw what her attitude was doing to her. She was resentful each day and snapped querulously at her own daughter and was withdrawn from her husband. And she was tired, always tired.

She determined to love each child who was entrusted to her. They were the clay, and she was the potter and each of her pots would be a work of art.

She saw they were enthralled by stories, and she told them tales of great heroes and how they overcame insurmountable odds and accomplished incredible feats of service. She encouraged them to dream great dreams and also to start laying foundations for the castles they built in the air.

Her eyes twinkled and her steps were light and when she reached mandatory retirement age the school board voted twice to give her an extension and then simply made her the honorary chairperson of some committee they created especially to give her a legitimate reason to keep coming back.

When she moved on persons came from all over the country to bid her adieu. The Prime Minister made a special visit because he was one of her former students and remembered that his first desire to enter public service arose when she challenged him to set right something that he was complaining about. There were newspaper editorials and there was mourning on blogs and a Twitter-facilitated minute of silence that thousands observed.

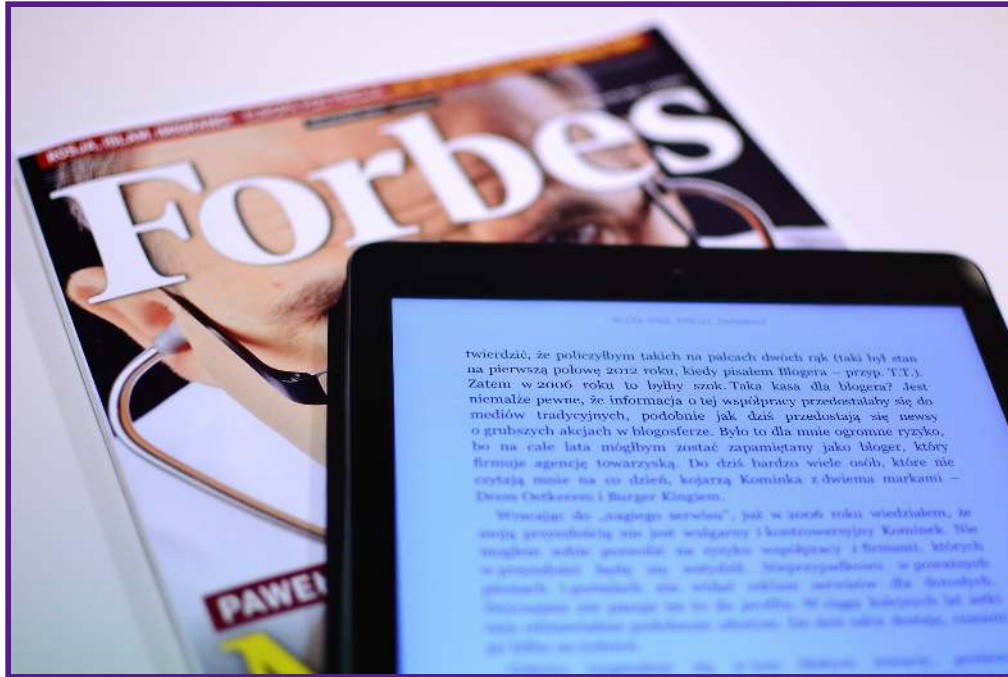
And many a mother wished her son would have a teacher like Eleanor.

Here is my question to you: When you go to work tomorrow, will you be like Mary? Or Joan? Or will you decide to do what it takes to be Eleanor?

Peace!

For more information on Srikumar Rao visit: <https://theraoinstitute.com/about-srikumar/>.

Forbes' Corner



How To Be Part Of The \$5.8 Billion Of Automatic Federal Student Loan Forgiveness For The Disabled

Aug 19, 2021

By: Alan Gassman

Financial advisors and borrowers will have to get busy if they wish to take advantage of the most recent automatic student loan forgiveness initiative for individuals receiving Social Security disability payments ... [Continue Reading on Forbes](#)

New ERC Rules Beyond Family Ownership Issues, And What To Do If You Got The Credit And The Owner Has A Relative

Aug 7, 2021

By: Alan Gassman

Employers, accountants, and financial advisors recently received new guidance from the IRS on the extremely important and somewhat complicated Employee Retention Credit ("ERC") which was passed as part of the Cares Act in February of 2020, and become available retroactively and going ... [Continue Reading on Forbes](#)

For Finkel's Followers

5 Job Perks You Should Provide in a Post-Pandemic Climate



By: David Finkel

Finding and retaining good talent is a lot of work. And in this post-pandemic climate, there are a lot of new things to consider. One of which is the job perks that you offer your employees. Gone are the days of unlimited kombucha, bring your dog to work days and casual Fridays. Today's job force is looking for stability and these are the top five job perks that will help you find and retain the best talent.

1. Trust

This past year was a stressful one for leaders and employees, and the one thing that most workers seek right now is a transparent and trustworthy leadership team. How and how often you communicate makes a huge difference in their comfort level, and will allow your team to do their best work. This is especially important when working with a remote team. Focus on being transparent about the health of your business and if necessary any challenges or hurdles.

2. Connection

Working remotely can be a challenge for many employees, and they may struggle to feel connected to their co-workers and the team as a whole. Try to get creative by giving them unstructured options to socialize with one another. Virtual pizza parties and scavenger hunts have all been used by business owners to help their team feel more connected during these strange times.

3. A Better Work From Home Experience

The sudden shift to remote work last year left many workers struggling to find a place to call their own. They may be writing reports from the kitchen table, handling client calls from the garage, and taking Zoom meetings from their bedroom. Their technology may be outdated and they may struggle to do their best work. One of the best perks you can give your team right is an upgraded comfortable workspace. Subsidize their equipment. Upgrade their computers. Help them purchase ergonomic furniture. All of these things can help make their day more pleasant and make them feel appreciated.

4. Healthcare

This is a big perk right now. The pandemic brought healthcare to the forefront and many employees found themselves with subpar or no coverage. Having a comprehensive employer-provided health care plan is at the top of the list for many job seekers right now.

5. Wellness

Wellness goes a lot further than just employer-provided healthcare. It encompasses mental and emotional health and for many even financial health. Consider offering therapy benefits and

meditation or yoga memberships as a good start. Another perk would be to help your employees with financial wellness. Have a financial planner do a series of webinars for your team members offering guidance on how to manage their money, save for retirement, or create a budget. Have a tax expert help your team choose the right deductions now that they are working from home.

These 5 job perks will go a long way to helping your team feel appreciated and taken care of. While they aren't as flashy as unlimited Kombucha, the well-being of your team and the culture that you create surrounding that value are worth so much more in the long run.



Featured Events

**Structuring Medical Practices
Under Stark And After
Recent CMS Opinion**

A Special Broadcast

Wednesday, August 25, 2021
12:30 PM EDT
and
5:30 PM EDT

Presented by:
Alan S. Gassman and Lester J. Perling
agassman@gassmanpa.com
Lester.Perling@nelsonmullins.com



This week Alan Gassman and Lester Perling did a review of the recent Centers for Medicare & Medicaid Services ("CMS") statement on Stark Law.

If you do not have time to watch Alan and Lester's webinar on Structuring Medical Practices Under Stark and After Recent CMS Opinion with respect to Stark Law, at least watch the attached video clip where Lester explains the importance of complying.

[CLICK HERE TO VIEW THE VIDEO CLIP \(3:16\)](#)

CLICK HERE TO VIEW THE FULL-LENGTH RECORDING:
<https://youtu.be/UC14Jgm2V88> (46:18)

PPT SLIDES: **<https://gassmanlaw.com/wp-content/uploads/2021/08/ppt.1q.pdf>**

A SPECIAL UPCOMING BROADCAST



A Leimberg Information Services Webinar Presentation

REPRESENTING THE DISTRESSED BUSINESS

WHAT THE SOPHISTICATED ADVISOR NEEDS TO KNOW

**August 2021
(90 minutes)**



Alan Gassman
agassman@gassmanpa.com



Kenneth DeGraw
kdegrow@withum.com



Christopher Lucas
chris.lucas@lvg-llc.com



Elizabeth Woodward
ewoodward@deandorton.com

Friday, August 27th, 2021

1:00 PM to 2:30 PM EDT (90 minutes)

Presented by:

Alan S. Gassman, Kenneth DeGraw, Christopher Lucas, and Elizabeth Woodward

CLICK THE LINK BELOW TO REGISTER FOR THE WEBINAR

<https://leimbergservices.com/wdev/register.cfm?id=1325>

After registering, you will receive a confirmation email containing information about joining the webinar.

A FREE LIVE WEBINAR FROM OUR FIRM

FAMILY INSTALLMENT SALE PLANNING FROM A TO Z

Saturday, August 28th, 2021

11:00 AM to 12:00 PM EDT

(60 minutes)

Presented by:

Alan Gassman

agassman@gassmanpa.com



1245 Court Street, Clearwater, FL 33756

Saturday, August 28th, 2021

11:00 AM to 12:00 PM EDT (60 minutes)

Presented by:

Alan S. Gassman

CLICK THE LINK BELOW TO REGISTER FOR THIS FREE WEBINAR

<https://attendee.gotowebinar.com/register/7977742327433214477>

After registering, you will receive a confirmation email containing information about joining the webinar.

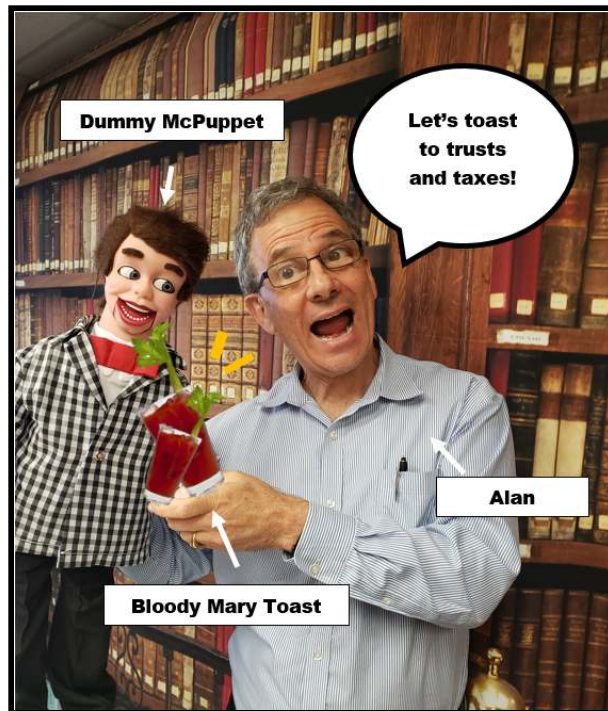
This webinar does not qualify for CLE Credit.

LEARN MORE ABOUT ALAN GASSMAN'S SATURDAY MORNING ESTATE
PLANNING SERIES

"Toast, Trusts, and Taxes with Alan Gassman and Friends"

Please consider your Saturday mornings booked for the foreseeable future...

Join Alan and his guests for these Saturday morning conversations featuring live attendee interaction for Q and A!



The video recording will be emailed to all registrants approximately 1 hour after the program concludes.

This series does not qualify for CLE Credit.

Email topic suggestions to Alan Gassman at agassman@gassmanpa.com Subject line: "Saturday Series Topic".

Event details are listed in the table below. Register for free today!

Click to Register for all Upcoming Saturday Morning Webinars

Saturday, June 26th	Free webinar from our firm	Asset Protection Meets Estate Tax Planning 11:00 AM EDT	Play Recording
Saturday, July 3rd	Free webinar from our firm	Special Update on Recent Developments and Hot Topics 11:00 AM EDT	Play Recording
Saturday, July 10th	Free webinar from our firm	More Mathematics Of Estate Tax Planning 11:00 AM EDT	Play Recording
Saturday, July 17th	Free webinar from our firm	Hard Questions and Interesting Answers for Estate Planners 11:00 AM EDT	Play Recording

Saturday, July 24th	Free webinar from our firm	Estate Planning for Business Owners 11:00 AM EDT	Play Recording
Saturday, August 7th	Free webinar from our firm	The SCGRAT, the JEST, and the E Street Shuffle 11:00 AM EDT	Play Recording
Saturday, August 14th	Free webinar from our firm	Greatest Hits - A Review Also Known As More Of The Same 11:00 AM EDT	Play Recording
Saturday, August 21st	Free webinar from our firm	Spousal Limited Access Trusts from A to Z SLATTERY WILL GET YOU EVERYWHERE 11:00 AM EDT	Play Recording
Saturday, August 28th	Free webinar from our firm	Family Installment Sale Planning from A to Z 11:00 AM EDT	Register Here
Saturday, September 4th	Free webinar from our firm	Estate Tax Planning, Community Property Trusts, And Other Topics 11:00 AM EDT	Register Here
Saturday, September 11th	Free webinar from our firm	Greatest Hits - A Review (Part 2) What You Have Already Seen and More 11:00 AM EDT	Register Here

A Tasting Menu of the Upcoming 46th Annual Notre Dame Tax & Estate Planning Institute

August 31, 2021

4:00 PM EDT

CLICK THIS LINK TO REGISTER FOR FREE!

<https://register.gotowebinar.com/register/3902875269454959119>



FREE WEBINAR!

Estate and Related Planning Today:

A Tasting Menu of the Upcoming 46th Annual Notre Dame Tax & Estate Planning Institute



Date and Time: August 31, 2021, 4 pm – 5 pm EST.

Course Description: This will be a fast-paced review of a wide range of practical planning ideas including Freeze planning for GST exposed trust and QTIP trusts; Installment sales to non-grantor trusts; Mathematics of charitable planning; Creative planning considering the changing political landscape; Beneficial interests in trusts and dissolution of marriage; Strategies to avoid ethical issues in estate planning; Diversity equity, and inclusion- practical tips; SLAT tips; ERC and PPP; Agreements that protect clients and advisors: inheritance agreements, siblings agreements, and agreements with caretakers; and more!! The Notre Dame Tax & Estate Planning Institute will be broadcast virtually in October. This webinar will give practitioners a preview of some of the many topics to be addressed at this year's Institute.

Now in its 47th year, the Notre Dame Tax & Estate Planning Institute virtually brings together 38 speakers from around the US to present on cutting-edge income and transfer tax issues, fiduciary accounting, diversity and inclusion, family law, and more. The Institute's blend of sophisticated income tax planning with estate planning concepts and techniques will add value to your practice.

Speakers: Jerome Hesch, Esq, Jonathan Blattmachr, Esq. Alan Gassman, Esq., Sandra Glazier, Esq., Christopher Denicolo, Esq., Todd Angkatavanich, Esq., Martin Shenkman, Esq. and perhaps others.

Sponsor: Interactive Legal

There are no professional advancement credits (CPE, CLE, etc.) offered for viewing this webinar (but there are for attending the Institute).

*This may constitute attorney advertising.

Featured Charity – American Cancer Society

Registration URL: <https://attendee.gotowebinar.com/register/3902875269454959119>

After registering, you will receive a confirmation email containing information about joining the webinar.

Certificates and Follow Up Emails to Absentees

A recording and all materials will be posted to www.shenkmanlaw.com/webinars. There is a growing library of 100+ webinars you can access at any time. Also, see www.laweasy.com for a library of 150+ 10 minute planning videos.

The Follow-Up email will include a link to the digital certificate. You can simply click the My Certificate URL to have the certificate open in a new browser window. Note that first and last names with over 50 characters each will be cropped. We cannot reprint or modify certificates.

The handout will be available during the webinar on the webinar side panel. Just download it!

If you would like to download the materials in advance go to www.shenkmanlaw.com blog post on the home page.

A recording of the webinar will be posted with materials to www.shenkmanlaw.com/webinars within a week following the program.

UPCOMING NATIONAL EVENT

Notre Dame Tax And Estate Planning Institute

October 20th - 22nd, 2021

Virtual Presentation

[CLICK HERE FOR REGISTRATION INFORMATION](#)



We are writing to share the good news that the 47th Annual Notre Dame Tax & Estate Planning Institute will take place in virtual form on October 21 and 22, 2021. We have lined up an impressive panel of speakers who will as always, address a broad range of topics (including current developments arising from possible legislative developments) that will be of use to you and your clients.

Given the ongoing uncertainty regarding COVID-19, we will not be meeting in person in South Bend this year. Instead, we plan to deliver the Institute to you in a virtual format with live, online presentations (including our popular dual-track approach) throughout the day on Thursday, October 21, and Friday, October 22, along with a bonus session on the afternoon of Wednesday, October 20.

This virtual format, which proved to be very popular last year, will allow you to participate online in real-time with the speakers, including opportunities for Q&A, and will be structured to qualify for continuing education credit to the extent allowed by the respective accrediting agencies for which there is significant attendee demand. As an added bonus, we plan to record videos of all the sessions and your registration fee will include online access to these recordings for later viewing at your convenience.

While we will, again, miss seeing you in person and facilitating the camaraderie that is associated with the Institute, we are pleased to be able to provide you with the information and knowledge that so many of you have come to rely on. We also hope that this virtual format will enable many estate planning professionals, who might not otherwise have had the chance to attend the Institute in person, to engage with and benefit from the Institute this year.

Online registration is now available. Please visit the following web address to register:

<https://law.nd.edu/for-alumni/alumni-resources/tax-and-estate-planning-institute/>

We greatly appreciate your past participation in the Notre Dame Tax & Estate Planning Institute, and we look forward to seeing you (virtually) on October 21 and 22, 2021.

Jerome M. Hesch Director

More Upcoming Events

Register for all future free webinars from Gassman, Crotty & Denicolo, P.A. using this [link](#)

Tuesday, August 31, 2021	Interactive Legal	Jerome Hesch, Esq, Jonathan Blattmachr, Esq. Alan Gassman, Esq., Sandra Glazier, Esq., Christopher Denicolo, Esq., Todd Angkatavanich, Esq., and Martin Shenkman, Esq. present: A Tasting Menu of the Upcoming 46th Annual Notre Dame Tax & Estate Planning Institute 4:00 PM to 5:00 PM EDT (60 minutes)	Register Here
Wednesday, September 22, 2021	Chattanooga Tax Practitioner Presentation	Alan Gassman and Brandon Ketron present: A Presentation on PPP/ERC 12:00 PM to 1:00 PM EDT (60 minutes)	Coming Soon
Friday,	Ave Maria School	Alan S. Gassman, J.D., LL.M.'s	Coming Soon

October 8, 2021	of Law St. Thomas More Commons	Professional Acceleration Workshop 12:30 PM to 5:30 PM EDT 1025 Commons Circle , Vineyards Campus, Naples, FL 34119 (In-Person Seminar)	
Wednesday, October 20, 2021	Notre Dame Tax and Estate Planning (Virtual Conference)	Christopher Denicolo and Brandon Ketron present: SLATs: How to Keep your SLAT from Going Kersplat! from 3:00 PM to 5:00 PM EDT (120 minutes)	Coming Soon
Friday, October 22, 2021	Notre Dame Tax and Estate Planning (Virtual Conference)	Alan Gassman and Jonathan Blattmachr present: Tools and Strategies to Avoid Ethical Issues in Estate Planning from 1:30 to 2:30 PM EDT (60 minutes)	Coming Soon
Thursday, November 4, 2021	Estate Planning Council of Birmingham	Alan Gassman presents: Hot Topics In Estate Tax And Creditor Protection from 8:00 AM to 10:00 AM CT (120 minutes)	Coming soon
Thursday, February 10, 2022	John Hopkins All Children's Hospital	We are proud sponsors of this event. 24th Annual Estate, Tax, Legal and Financial Planning Seminar Please Reserve the Whole Day	Coming Soon



NAEPC

NATIONAL ASSOCIATION OF ESTATE PLANNERS & COUNCILS



58th Annual NAEPC Advanced Estate Planning Strategies Virtual Conference

November 2 - 4, 2021

General Information

REGISTRATION

The registration fee provides an "all access pass" so you can come and go as you please during the event and for 30 days following, choosing sessions that are most meaningful to you and your practice and visiting with sponsors and exhibitors at a time that is convenient for your schedule.

AEP® Designee or EPLS Certificat	Complimentary
Member / Member of Council	\$95
Non-Member / Guest	\$250

REGISTER HERE

CONTINUING EDUCATION CREDIT

Continuing education credit will be requested for Certified Financial Planner™ (CFP®) and Certified Trust and Fiduciary Advisor (CTFA) designees and will be available for Accredited Estate Planner® (AEP®) designees. Credit and certificates of completion will be available only to those who attend the LIVE VIRTUAL conference general sessions and complete attendance verification requests if prompted. In addition, a certificate of completion will be available for those who are able to self-file, attend the LIVE program, and complete attendance verification requests if prompted. Approval status will be communicated at www.naepc.org/conference approximately one month prior to the conference.

See www.naepc.org/conference for more details, including continuing education credit and refunds.



Tuesday, November 2nd

11:00 am	Doors Open
11:00 am-12:00 pm	Networking & Exhibit Hall
11:30 am-12:00 pm	Exclusive Sponsor Bonus Session: Life Settlements & Policy Valuations Jamie L. Mendelsohn & Jon B. Mendelsohn Ashar Group, LLC
12:10 pm-12:20 pm	Welcome
12:20 pm-12:40 pm	NAEPC Annual Meeting, Election & Presentation of Hartman Axley Lifetime Service Award to Natalie B. Choate, Esq., AEP® (Distinguished)
12:50 pm-1:50 pm	Recent Developments in Estate Planning (CE) Samuel A. Donaldson, JD, LL.M., AEP® (Distinguished)
1:50 pm-2:20 pm	Networking & Exhibit Hall
2:20 pm-3:20 pm	The 203 Best & Worst Planning Ideas for Your Client's Retirement Benefits (CE) Natalie B. Choate, Esq., AEP® (Distinguished)
3:20 pm-3:50 pm	Networking & Exhibit Hall
3:50 pm-4:50 pm	Just Like Starting Over – Decanting and Trust Modification (CE) Amy K. Kanyuk, JD
5:00 pm-5:05 pm	Closing Remarks
5:15 pm-5:45 pm	Concurrent Sponsor Bonus Sessions
5:15 pm-6:00 pm	Networking & Exhibit Hall
6:00 pm	Doors & Exhibitors Close Tentative Sponsored Social

Wednesday, November 3rd

11:00 am	Doors Open
11:00 am-12:00 pm	Networking & Exhibit Hall
11:30 am-12:00 pm	Concurrent Sponsor Bonus Sessions
12:10 pm-12:20 pm	Welcome
12:20 pm-12:40 pm	AEP® Designation from A - Z
12:50 pm-1:50 pm	Income Tax Reform Including the Impact on Estate Planning (CE) Robert S. Keebler, CPA/PFS, MST, AEP® (Distinguished), CGMA®
1:50 pm-2:20 pm	Networking & Exhibit Hall
2:20 pm-3:20 pm	The Thief in your Family - Forensic Accounting (CE) Tiffany R. Couch, CPA/CFF, CFE
3:20 pm-3:50 pm	Networking & Exhibit Hall
3:50 pm-4:50 pm	The New Normal for Charitable Tax Planning (CE) Justin T. Miller, JD, LL.M. (taxation), CFP®, AEP®
5:00 pm-5:05 pm	Closing Remarks
5:15 pm-5:45 pm	Exclusive Sponsor Bonus Session
5:15 pm-6:00 pm	Networking & Exhibit Hall
6:00 pm	Doors & Exhibitors Close Tentative Sponsored Social

We are grateful for the support of our sponsors:



Thursday, November 4th

11:00 am	Doors Open
11:00 am-12:00 pm	Networking & Exhibit Hall
11:30 am-12:00 pm	Concurrent Sponsor Bonus Sessions
12:10 pm-12:20 pm	Welcome
12:20 pm-12:40 pm	NAEPC Estate Planning Hall of Fame® Induction
12:40 pm-1:40 pm	Possible Estate and Income Tax Changes Affecting Estate Planning (CE) Jonathan G. Blattmachr, Esq., AEP® (Distinguished)
1:40 pm-2:10 pm	Networking & Exhibit Hall
2:10 pm-3:10 pm	Review of the Past Year's Significant, Curious, or Downright Fascinating Fiduciary Cases (CE) Dana G. Fitzsimons, Jr., JD
3:10 pm-3:40 pm	Networking & Exhibit Hall
3:40 pm-4:40 pm	Psychological Implications of Business Succession Planning (CE) Stephan R. Leimberg, JD, AEP® (Distinguished)
4:50 pm-4:55 pm	Closing Remarks
4:55 pm-5:30 pm	Networking & Exhibit Hall
5:30 pm	Doors & Exhibitors Close



58th Annual NAEPC Advanced Estate Planning Strategies Virtual Conference

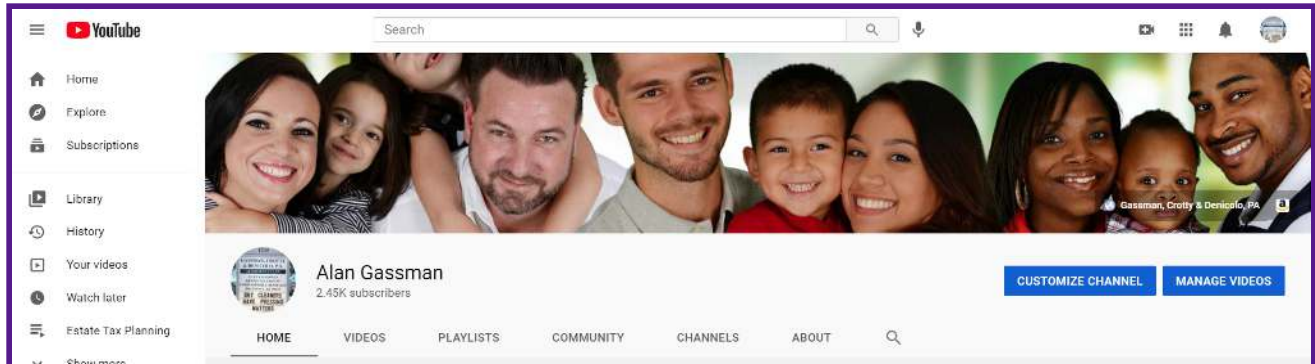
November 2-4, 2021

11:00 AM

Continuing education credit will be available only to those who attend the LIVE virtual general sessions.

To attend this event, please click on this link to register: <https://www.accelevents.com/e/58th-annual-naepc-advanced-estate-planning-strategies-virtual-conference0>.

Alan Gassman's YouTube Channel



Visit Alan Gassman's **YouTube Channel** for featured webinars and more.

Did you miss a past webinar event?

Don't worry!

Watch the webinar recordings on Alan Gassman's YouTube Library for free.

One of our most recent popular recordings on YouTube -

"PPP and Employee Retention Credit (ERC) Update" has gotten a lot of attention recently.

Click this link to access the recording: https://youtu.be/EUK5PhOV_20.

PPP and Employee Retention Credit (ERC) Update

Saturday, August 7th, 2021
10:00 AM to 10:30 AM EDT
(30 minutes)

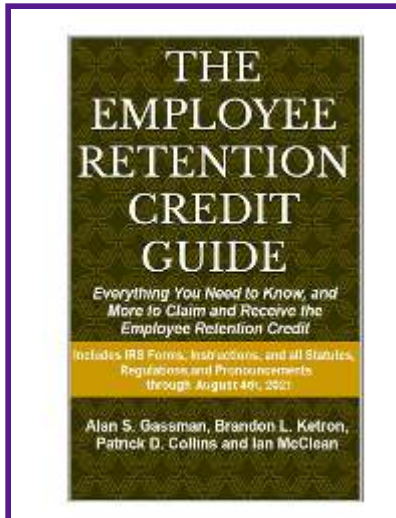
Presented by:

Alan Gassman
agassman@gassmanpa.com

Brandon Ketron
Brandon@gassmanpa.com



GASSMAN CROTTY DENICOLA PA
ATTORNEYS AT LAW
1245 Court Street, Clearwater, FL 33756



[Click Here for Instant Access](#)

2021 Edition

By Alan S. Gassman, Brandon L. Ketron, Patrick D. Collins and Ian McClean

e-Book PDF

Everything You Need to Know to Claim and Receive the Employee Retention Credit

UPDATED - NOW Includes IRS Forms, Instructions, and all Statutes, Regulations, and Pronouncements through August 4, 2021

Already purchased this eBook?

You can download the updated copy using the support tab on the [LISI Upcoming Webinars Page](#) or download again using the same link you were sent with your initial order. The link address is the same and now delivers the updated eBook PDF.

The Employee Retention Credit Guide:

The rules of the Employee Retention Credit are admittedly complicated, but they're understandable with the **step-by-step methodology and explanation found in this new book, the only one of its kind on the market today!** It was written to explain the program in easy-to-understand terms, while delving into the more niche areas of the law, and discussing questions that remain unanswered. **Best of all, the book includes IRS Forms, Instructions, and all Statutes, Regulations, and Pronouncements through August 4th, 2021! -**

The Employee Retention Credit ("ERC") was established under the March 27th, 2020 CARES Act as a dollar-for-dollar credit against employment taxes available to certain employers as reimbursement for "qualified wages" paid to employees during periods of economic hardship or when a business is closed in 2020, and now 2021. As with the Paycheck Protection Program ("PPP"), the intent behind the ERC is to incentivize employers to avoid laying employees off and to maintain their workforce at normal pre-pandemic levels.

The ERC was set to expire on January 1st, 2021, but it was given a second life following the passage of the Economic Aid Act on December 27th, 2020. Now that eligibility for the Credit has been expanded, not is the appropriate time to review the rules governing it.

Questions? Please email: webinaradmin@leimbergservices.com

Humor

THE NEW SPACE RACE

Poem by: Ron Ross



Who knew, that for centuries, billionaires were lusting,
For the flame of rocket fuel that would send them thrusting?

The super-rich competed to see who's more nimble,
Who would be the next most famous symbol?

And where the rich will go, who's next on the journey?
Well, no billionaire is safe without his attorney.

The next great battle will take place in space courts,
Not fighting with lightsabers, but subpoenas, liens, and torts.

Who will be your champion when gravity is zero?
Only your attorney can be a space law hero.

One small step for man can become a slip and fall,
So many problems, only lawyers can solve them all.

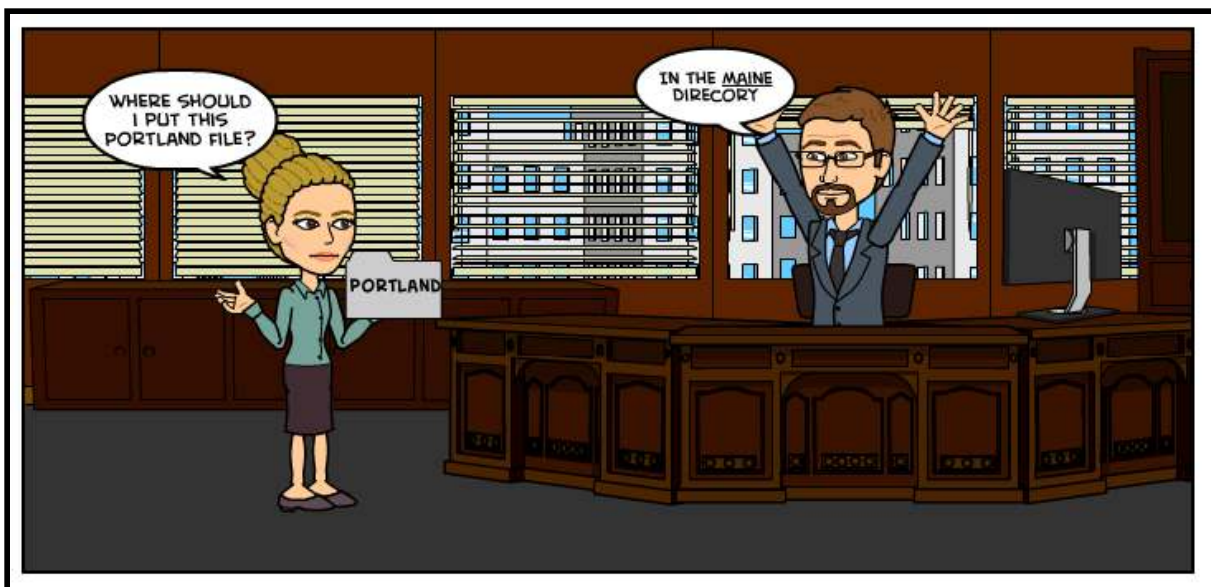
Can you put ads on the moon with a laser beam?
How can you testify when no one can hear you scream?

There's no up or down in space, it's all helter-skelter,
Is Pluto a planet, or just a tax shelter?

Now we have reached the law's final frontier,
The age of discovery and billable hours are here.

This is the time for humanity's greatest race,
Who will be the first law firm in space?







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