



CLIENT SPOTLIGHT: JASON THOMAS FLOORING



So, what is a photo of the 2010 NCAA® Final Four® basketball court, with Michigan State and Butler basketball players, doing in the FOS Newsletter?

It turns out that Jason Thomas Flooring, an FOS Milwaukee-based client, was awarded, by Connor Sports Flooring, the official surfacer of the NCAA® Final Four®, the contract to finish and install the floor for what many believe was the greatest Final Four® ever. Every bit of the floor shown in the above photograph is the handiwork of Jason Thomas Flooring.

Jason Heiman, Jason Thomas Flooring President, invited FOS attorneys to the company's workshop in March to view—and gingerly walk on—the floor before it was disassembled and shipped to Indianapolis. A time-delayed video of the technicians at Jason Thomas Flooring preparing

the floor is on the company website, at www.jt-flooring.com.

This is the 2nd year that Jason Thomas Flooring was chosen to finish flooring for NCAA tournament site courts. The company has also finished and installed floors at many other sites, including the 2010 Milwaukee Regional at the Bradley Center, the Kohl Center in Madison, UW Green Bay, and the UW-Milwaukee Klotsche Center. Jason Thomas Flooring is also scheduled to resurface the Field House floor at UW-Whitewater in 2010.

In addition to its athletic flooring expertise, including sports court and gymnasium installations, sanding, painting and finishing, Jason Thomas Flooring also specializes in residential hardwood and commercial flooring. The company is located at 255 South Water Street in Milwaukee.

MODIFYING CUSTODY FOR DIFFERENT SCHOOL DISTRICTS

As the school year ends and summer begins, the last thing a parent wants to think about is the *next* school year.

For divorced or separated parents living in different school districts, however, *now* is the time to determine which school district will be best for your child, and what steps you need to take for your child before those short summer months end.

Divorced or separated parents often live in separate school districts. A parent naturally wants his child to attend the district with the best school. Whether a child can do so depends on two basic things: the language of any formal custody/placement order, and the preferred school district's attendance policy.

If the custody/placement order provides both parents with approximately equal physical custody of a child, the child can likely attend school in either district. Then, the parents can send the child to the district with the best school, without any need to change the custody/placement order.

If, on the other hand, one parent has primary physical custody, with the other par-

ent having placement for a limited period (frequently one night midweek and alternate weekends), a child probably won't be eligible under the order to attend school in the noncustodial parent's district. If that is the case, a formal change in custody/placement will be needed.

If both parents agree, a stipulation can be prepared changing custody and indicating the approved school district. The court will likely approve the stipulation and sign a corresponding order.

Once the parties provide the new school district with a certified copy of the order, the child will be allowed to register in the new school district for the upcoming school year.

If the parents don't agree, the process is more difficult and problematic. The parent wanting to send the child to school in the new district will have to bring a motion before the court asking to modify custody/placement. That parent will have to prove that a substantial change in circumstances has occurred and that a change in custody/placement is in the child's

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MONITORING EMPLOYEE EMAILS AND INTERNET USE



By Diane
Slomowitz

Passing an employee's desk, you see him typing an obviously personal email. You see another employee reading and posting to a non-work-related internet blog. You know that these personal activities hurt the company's bottom line. No employer wants company time and resources spent on non-business pursuits.

Can you, as employer, legally monitor your employees' email and internet use? Yes, if you properly balance your company's business needs with your employees' privacy rights, and if you establish and implement an effective written policy.

The monitoring of employees must occur without violating employees' privacy rights or certain statutes. For example, at least one federal statute contains exceptions for monitoring with employee consent and for ordinary business purposes.

To help protect an employer, any monitoring policy should be in writing, and be agreed to in writing by all employees. The policy should state that the computer and email systems are the employer's property, to be used only for business purposes, and that nothing should be entered into the system without a legitimate business reason. The policy should specify that the employer reserves the

right to monitor the system, including email and internet usage, to ensure that it is being used only for business purposes.

The policy should also acknowledge that employees have no personal privacy rights to any matter created, received, or sent from the employer's computer and email systems. It should state the employee's consent to the monitoring of his/her use of the system, including email and internet use.

It is critical that monitoring occur only for the employer's legitimate business-related reasons, such as productivity, unauthorized equipment use, quality control and legal compliance.

Once the policy is in place, all employees should be trained as to the policy's purpose, meaning and impact. Managers should be trained to protect employee privacy rights and to only use approved procedures when investigating policy violations. They should also be advised of the need to uniformly ap-

ply and enforce the policy.

While a policy regarding employee monitoring can be helpful to an employer, two caveats exist. First, a monitoring policy will be useless, and could subject an employer to liability, if the employees charged with its implementation ignore it, follow it inconsistently, or go beyond its limited scope.

Second, having a policy may obligate the employer not only to follow it but to take action, depending on what facts are discovered (or, arguably, should be discovered) as a result of it. For example, an employer would have a duty to redress unlawful employment discrimination or harassment discovered in employee emails, and its inaction could subject it to liability to the wronged employee.

A professional employment law attorney can help you decide whether a policy is appropriate for you, and if it is, how best to implement it.

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best interests.

As in any family court matter, the parents will be required to mediate the dispute to see if they can reach an agreement. If mediation is unsuccessful, a hearing will occur and the court will decide the issue. If the court approves the change in custody/placement, the new school district will require a certified copy of the court's order and proof of the child's changed residency.

Custody/placement changes can have unintended effects, beyond a change in the child's residence. They may change one parent's child support obligations or create new child support obligations on the part of a parent who was not previously paying support.

These are complicated issues. A family law attorney can help navigate any hidden minefields so you can provide the best education for your child.

CHILD OFF TO COLLEGE? GET A POWER OF ATTORNEY

Do you have a son or daughter age 18 years or older? If so, and especially if he or she will be away at college next fall, consider getting a power of attorney.

While your child is a minor, you are able to act on his or her behalf, but once your child attains age 18, he/she is

an adult in the eyes of the law. As a result, you will not be able to act on your child's behalf with respect to financial or health care matters.

A power of attorney is especially important for health care matters. Once your child has reached 18, his or

her doctors are prohibited from talking with you about your child's condition unless you have this document.

Before your child goes to school this fall, arrange for a power of attorney. Both of you will sleep better.

SENSIBLE PREPARATIONS FOR DEATH



By Eric
Pagels

When a family member is very ill, and death seems close, the real world seem far away. All we want to do is be with and comfort our loved one. We don't want to think about some of the very real issues that arise from this situation, like how to find your loved one's will, how to access the bank accounts or who has the insurance policies. A little planning now can be very helpful later, when your emotions are particularly raw.

It is critical for someone, possibly you or another trusted family member, to know where your loved one's estate planning documents are. These documents should include a will, trust documents, health-care powers of attorney, a living will, etc.

If these documents are kept in a bank safety deposit box, the box should not be solely in the name of the loved one, or you will not be able to access it immediately after his/her death. This could cause problems if a formal probate proceeding is required, because probate is not usually started until the will is filed.

The trusted family member, the loved one's personal representative, or the loved one's attorney should be authorized to have access to the safety deposit box. Alternatively, the will and other documents could be taken out of the safety deposit box and moved to a secure location, such as the attor-

ney's office, for safekeeping.

If your loved one has executed more than one will, it is important to confirm where the most recent executed will is located and to have access to it. Serious complications can arise if a version of the will that is no longer in effect is used to begin formal probate proceedings.

Not having the most recent copy of your loved one's will means his or her wishes may not be followed. Once the correct copy is located, the probate proceedings may need to effectively begin all over again.

Distributions that have already been made per the incorrect will might have to be returned, making the process longer and more painful than necessary. To avoid these problems with the will, each succeeding version should clearly indicate that it has been superseded by a new document, with the new will's date listed.

It is also important for the trusted family member to know how financial accounts are titled, as that will be important in determining whether family members can access those accounts after death, but before an estate is opened. Joint accounts or POD (payable on death) accounts, for example, should be accessible upon death. Accounts titled in the decedent's sole name may not be, at least not without a power of attorney.

Many people have a power of attorney, which designates an individual to handle the person's financial and other affairs if he or she cannot do so. While the loved one is alive, the trusted family member should learn whether he or she has designated a power of attorney. That designation and their contact information should be confirmed, so the agent can help with bank and other related transactions, as well as pre-death planning.

Your loved one's accountant and insurance agents should also be identified. They will have information regarding your loved one's finances and insurance policies.

In addition to identifying the loved one's attorney and power of attorney, accountant, insurance agent and insurance policies, you should also confirm his/her pensions, IRAs, bank accounts, investment accounts, real estate records, automobile titles, personal vital records, burial plot information, and any funeral planning arrangements. Documentation of this information should be kept where it is easily accessible.

Everyone, sick or well, should have all of this information, though many do not. Facing a loved one's death is hard enough without having to deal with unnecessary and preventable administrative frustrations. A few steps now will allow you to do the only really important thing—be with and care for your loved one. An estate planning attorney can help greatly.

FOS POSTER COLLECTION EXPANDS



FOS clients and visitors have long been greeted by the colorful circus posters adorning the walls throughout our office. These posters, original advertisements for circuses in the United States, England and Poland, are from the extensive personal collection of FOS senior partner William Fox.

In conjunction with FOS' recent expansion to our building's sixth floor, Fox generously loaned the firm several additional posters, which are now on display. The new poster additions range from the whimsical Polish "CYRK" (the Polish word for circus) posters to more traditional and historical ones from the United States and England.

The next time you're at FOS, take a look, and see if you can spot the new additions.



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A DISASTER TO AVOID



*By Bill
Soderstrom*

When I was an undergraduate at the University of Illinois, the one common condition my friends and I shared was that we had no money. Except, that is, for one friend, who had a lot of money. He had a car (a new Mustang); he had a great stereo; he had the best tickets to every concert; he had a wonderful apartment -- he seemed to have everything. Except, as it turned out, parents.

My friend's parents died in a car accident when he was in high school. When they

died, they left no will, so he and his sister inherited everything on their 18th birthdays - - my friend turned 18 while he was still in high school. While we were sorry about his tragedy, we loved being around a friend who not only had what seemed like endless amounts of money, but who couldn't seem to spend it, on himself and on us, fast enough.

I don't know what happened to him -- he dropped out during our sophomore year and I lost track of him. However, I often thought of him, and all that money and how he spent it. When I got older and had kids of my own, I knew that the last thing I wanted if something happened to my

wife and me was for my children to inherit a lot of money when they were 18 year old high school students.

Even the best and most wonderful 18 years olds are in no position to handle even modest, much less large, sums of money. Chances are better than not, with such an early inheritance, that most of the money would be lost before it could be turned to productive use. Having that kind of money would most likely get in the way of young adults doing the things necessary for a productive life, like going to school, working hard at it, and dealing with the difficulties of learning and succeeding at jobs in the adult world.

The laws today are the same as they were when I was in college -- children inherit, at age 18, the estate of parents who die intestate (without wills).

This risk, however, can be easily avoided. A simple will, with a trust allowing for payments for a child's health, education and welfare, but prohibiting large distributions to them before a more mature age, can be easily set up.

If you have a loved one who does not have those documents in place, do them and their children a big favor by having them see an estate planning attorney. A little effort could make a big difference.