



Editor: Diane Slomowitz

2025: ADAPTING TO CHANGE

Every new presidential administration makes its own economic policy decisions that bring changes from the prior administration.

Many such decisions and changes impact businesses, and 2025 has been no different.

FOS guided clients through the uncharted waters of gauging the impact of tariffs, to the federal government's flip-flopping position towards the enforceability of employee noncompete agreements, to the delayed implementation and ultimate paring down of the Corporate Transparency Act's requirements.

We here at FOS have worked

with our clients to understand the practical impacts of these decisions on their particular individual and business needs.

It was a busy year!

And, as our clients know, even when times are uncertain, day-to-day business does not – and cannot – stop.

We navigated these changes all while working hand-in-hand with clients through business purchases and sales, company organizations and successions, drafting employment and corporate contracts and policies, real estate leases and transfers, and estate plan creations and updates.

Plus civil lawsuits, criminal investigations, and adminis-

trative proceedings.

In the midst of all this action, it can be easy to lose sight of accomplishments. FOS's attorneys received several honors this year.

Of particular note, shareholder **Lauren Maddente** was named one of the *Wisconsin Law Journal's* "Women in the Law."

Lauren was also elected President of the Association for Women Lawyers.

And somehow found time to have her second baby.

FOS shareholders **Matt O'Neill, Jacob Manian, Mike Koutnik, Mark Andres** and of-counsel **Ken Barczak** were named to the

list of 2025 Super Lawyers.

Lauren Maddente and associate **Olivia Hansen** were named to the list of 2025 Super Lawyers Rising Stars.

We also congratulated FOS shareholders **Matt O'Neill, Laurna Kinnel, Mike Koutnik, Jacob Manian, Mark Andres**, and of-counsel **Ken Barczak** being selected for inclusion in the 32nd edition of *The Best Lawyers in America*®.

FOS itself was named one of 2025's "Best Law Firms" in multiple practice areas by the 15th edition of *Best Law Firms*®.

While we appreciate these
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FOS WELCOMES JEREMY DELONG



Fox, O'Neill, & Shannon is proud to welcome **Jeremy DeLong** as an associate attorney in the firm's business and transactional practice group.

Jeremy, a Wisconsin native, honed his experience of the legal system and the intricacies of business law through

two particularly well-regarded positions.

He most recently served as law clerk to the chief judge of Nevada's Eighth Judicial District Court in Las Vegas.

Jeremy also served as a judicial extern for Nevada's Business Courts.

Jeremy had another unique legal experience when he worked as a legal and regulatory affairs intern for the UI-

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MADDENTE HONORED AS LEGAL ALL STAR



FOS shareholder **Lauren Maddente** has been named a "Woman in the Law" as part of the *Wisconsin Law Journal's* Legal All Stars Awards.

Lauren received her award at the Legal All Stars awards ceremony on November 21, 2025.

Lauren practices in FOS's civil and criminal litigation groups.

As part of her practice, Lauren works closely with FOS's business, transactional, and estate planning groups, as well.

Lauren is currently President of the Association for Women Lawyers and was previously named a *Wisconsin Law Journal* "Up and Coming Lawyer."

Congratulations, Lauren!



NEW YEAR'S RESOLUTIONS FOR EFFECTIVE BUSINESS OPERATIONS



By Jeremy DeLong

2026 will be here soon, along with those barely kept New Year's resolutions.

While individuals may resolve to hit the gym, read more, or drink or eat less, businesses need their own New Year's resolutions too.

Consider the following double resolutions.

Set the foundation for a smooth and profitable year:

I-9 Compliance. Especially in the current immigration environment, employers should confirm that for every new hire, a properly com-

pleted I-9 form is obtained and appropriate records are kept.

Employees must provide certain identified documents to employers to prove their eligibility to work in the U.S.

A proper I-9 can help protect employers from liability for hiring ineligible individuals.

The latest I-9 form is at <https://www.uscis.gov/i-9>.

Overtime Compliance. Generally, "non-exempt" employees who are paid up to a certain amount are entitled to overtime pay for hours worked over 40 per week.

Non-exempt employees

usually include hourly employees and some salaried employees, like those in service, clerical, or manual labor positions.

Exempt employees customarily include executive, administrative, or professional employees who perform specific job duties at certain salary thresholds.

An annual review of employees' duties and compensation, to confirm their proper classification for overtime purposes, can avoid potential regulatory enforcement problems.

Employment Handbook Review. Many companies have employee handbooks, which contain employment policies and regulations.

These documents can constitute contracts between employers and employees.

However, company policies, not to mention employment-related laws, frequently change.

The pressure of business may prevent companies from updating handbooks to incorporate necessary revisions.

An annual review can keep these handbooks current and prevent legal disputes.

Restrictive Covenants. Laurna Kinnel's article, "*FTC TAKES STEPS TO VACATE NONCOMPETE BAN*," addresses the current landscape of restrictive covenants in employment, includ-

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awards, our purpose is to serve our clients and the legal and lay community, making us all the more proud of our firm's efforts to give back and invest in local groups doing good work in the Milwaukee area.

As just one example, **O'Neill** was part of a panel presentation at the Wisconsin State Bar Annual Meeting on handling complex civil and commercial cases.

O'Neill also presented a CLE on lost profits as part of a Trending Topics in Business Litigation seminar.

O'Neill even presented the

annual "Terry Evans Humor in the Law Award" at the annual meeting of the Eastern District Bar Association while dressed as the Skipper from Gilligan's Island.

Manian, for his part, presented to the Waukesha Litigation Bar Association on potential defenses in white-collar criminal cases.

2025 continued to be an active year for FOS Client Alerts, substantive newsletter articles, and topical social media posts.

This allowed FOS to bring "real time," real-world advice to our clients.

FOS's engagement in community activities continued

throughout 2025.

Highlights include a food drive to benefit Feeding America and the firm's gathering to make 200 sandwiches for the Guest House of Milwaukee.

In addition, FOS's attorneys and staff volunteered for the City of Milwaukee Citizen Advisory Committee on the Naming of Public Buildings, Streets, and Facilities, the board of the Down Syndrome Association of Wisconsin, the Catholic Community Foundation, and as a school board trustee.

Once again, in memory of the late, great FOS shareholder **Bruce O'Neill**, **Bruce's son Matt**

O'Neill held the annual fundraising movie night at The Wicked Hop, "the bar that Bruce O'Neill built." Proceeds benefitted the ALS Foundation.

As always, we end 2025 grateful for your trust in FOS, our attorneys, and staff. We look forward to continuing our partnership with you in 2026.

FOS's motto remains: "Our clients come first." All clients, and all matters, big and small.

Call, Zoom, email, or write us. Check out our website at www.foslaw.com.

We're here for you.



FTC SHIFTS FROM NONCOMPETE RULE-MAKING TO ENFORCEMENT



By Laurina Kinmel

FOS has been monitoring the impact of the Federal Trade Commission’s (FTC) rule banning most employment noncompete agreements (the Rule), including its recent vote to formally withdraw the Rule. <https://foslaw.com/ftc-takes-steps-to-vacate-noncompete-ban/>.

The FTC has changed its focus from the Rule to challenging agreements it contends violate federal antitrust laws.

The agency opened a public inquiry regarding noncompetes, whose comment period has ended, to “gather information to inform” possi-

ble future action.

It also announced an enforcement action against the country’s largest pet cremation business for blanket noncompetes signed by most of its almost 1800 employees.

The FTC issued warning letters to several large healthcare and staffing firms urging them to review their noncompete and similar agreements, with actions against unreasonable restraints a “top priority.”

While current actions are against large companies, a company’s size may not be determinative.

All employers should review their employment noncompete agreements to ensure they are tailored to protect

legitimate business needs, including customer relationships.

Even though noncompete agreements are not widely prohibited – as the Rule would do – a one-size-fits-all approach should be avoided.

Employers should consider avoiding restrictions for low-wage or nonexecutive employees without a clear business justification; restricting employees from working in entire industries or geographic areas; and restrictions that do not consider employees’ duties and access to customer, financial, or other sensitive information.

Employers should also remember that many states have their own laws that

apply to employment non-compete agreements.

Wisconsin employers are governed by Wis. Stat. § 103.465, which generally requires noncompete agreements to be reasonable in time, duration, and territory.

Employers with operations in more than one state should be particularly careful.

Some states (California, Minnesota, and Oklahoma) ban employment noncompete agreements outright.

Others impose income thresholds, notice requirements, or industry-specific bans.

FOS can help guide you through a review of your existing noncompete agreement and/or the changing legal landscape.

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ing the Federal Trade Commission’s move from rule-making to enforcement.

Employers should review their noncompete covenants to ensure they are narrowly tailored and reasonable as to time, scope, and geography.

Protection of Confidential Information. Many employers have agreements protecting their companies’ confidential information and trade secrets.

Like covenants not to compete, these provisions should be reviewed to ensure they are tailored to protect specific financial and other confidential information against

their potential adverse use.

Internal Cybersecurity Measures. With increasing cyber threats, businesses should review their data protection policies, incident response plans, and cyberfraud insurance coverage. Ongoing, up-to-date training, using real-world examples, can reduce exposure to data breaches and related liabilities.

A proactive approach to business compliance and protection can prevent later financial and related difficulties.

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imate Fighting Championship (UFC). At the UFC, Jeremy drafted many contracts and similar documents related to the organization’s well-known athletes.

Before becoming an attorney, Jeremy worked with his family’s agricultural services company, The DeLong Co., Inc., in Clinton, Wisconsin.

There, Jeremy was involved with the National Grain and Feed Association (NGFA), including apprenticing on the NGFA Trade Rules Committee.

Please join us in welcoming Jeremy DeLong to FOS!

MANIAN PRESENTS



FOS shareholder **Jacob Manian** recently spoke to students regarding legal careers at Lakeside Lutheran High School’s 2025 Career Day.

Jake reported that the students were curious and engaged, asking Jake many questions regarding his criminal defense practice.

Hopefully, some of these students may decide to make the law a part of their future career plans!



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DON'T LET AN OWI BE THE COAL IN YOUR CHRISTMAS STOCKING



By Jacob Manian

We wait all year for the holidays.

Family, friends, parties, and good cheer.

Too much cheer, however, from alcohol or other intoxicating substance, could put a quick end to your holiday spirit (despite the spirits you've imbibed).

Especially if you're operating a motor vehicle.

Wisconsin law prohibits operating a motor vehicle on a public highway with a breath or blood alcohol content

(BAC) of .08 g/210L or higher (OWI).

It also prohibits operating while under the influence of alcohol or a drug that renders you incapable of driving safely or operating with any detectable amount of a restricted controlled substance in your blood.

The penalties for an OWI depend on the driver's history of OWI-related convictions.

A first offense is a non-criminal traffic violation (unless there was a minor passenger in the vehicle or another person was injured).

Possible penalties include fines, driver's license revocation and, depending on the BAC level, an order for an ignition interlock device.

Second and third offenses are criminal misdemeanors.

They carry stiff penalties including mandatory jail time, fines, license revocation and an ignition interlock device.

A fourth, and all subsequent OWI offenses, are felonies.

These felonies carry mandatory jail or prison time, in addition to extremely high fines, lengthy license revocation, in some cases lifetime revocation, and other potential penalties.

These are serious penalties that can severely affect one's personal and professional life.

More importantly, driving while intoxicated can cause serious harm or, in the worst circumstances, death to yourself and/or others.

So, enjoy the holidays.

Reconnect and celebrate with family and friends.

But if you partake in those liquid holiday spirits, plan ahead, don't drive, and save yourself and others from harm.

While FOS's attorneys can guide you through the legal process for driving violations, including OWI issues, especially for the holidays, we'd rather you just take an Uber.

These are serious penalties that can severely affect one's personal and professional life.

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