



SUMMER NEWSLETTER

SUMMER '07



HOGANWILLIG ATTORNEYS AT LAW

In this issue...

Asset Protection Basics - A Must Read!	1-3
Firm News - HW Welcomes John LaFalce!	1
Areas of Law	2
Upcoming Seminars	2
Client Company Profile	3
Will Updating	3
Hogan's Summer Health Tips	4

ASSET PROTECTION BASICS:

An introduction to what you need to know to protect your assets.

Michael Jordan, Wayne Gretzky and Warren Buffett have at least one characteristic in common besides their fame and fortune: All three of these men were among the best in their respective professions at anticipating what was about to happen, rather than reacting to conditions or circumstances. This is the same approach everyone should take when considering the concept of asset protection.

Insurance is a fundamental component of protecting wealth. Many policyholders, especially younger individuals or those who have never suffered a loss, seek the cheapest premiums without considering the consequences. There are plenty of ads touting competitive rates, but most folks do not have a good understanding of an insurance company's reputation for resolving claims. Likewise, the types and amounts of coverage vary widely. A good insurance agent will tailor coverage to the customer's specific needs. Policies should be reviewed and updated periodically, as needs and family circumstances change.

AUTOMOBILE INSURANCE

Many policyholders believe that if their coverage limits tripled or quadrupled, the premiums would increase by the same proportion. The truth of the matter, however, is that the increased premium may only rise a small increment while providing thousands of dollars of extra coverage. This is a topic that is well worth discussing with your insurance agent: you may be pleasantly surprised by what you learn!

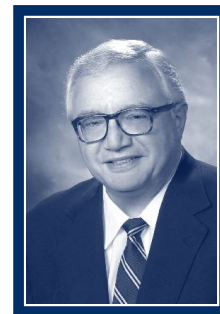
Perhaps the most essential (and least understood) type of coverage is Supplemental Uninsured/Underinsured Motorist ("SUM"), which protects you, family members residing with you and/or occupants of your vehicles in the event another person is deemed negligent in causing an accident who has little or no insurance coverage. SUM coverage under your own policy allows you the flexibility to be compensated for the full value of your loss for pain and suffering, as well as lost wages and expenses (beyond what no-fault would pay), up to the limits of your coverage.

Continued on page 2

FIRM NEWS:

HW Welcomes John LaFalce!

We are pleased that former Congressman John LaFalce has joined HW as Special Counsel. As of May 2007, Rep. LaFalce is maintaining an office at our Amherst location.



A respected figure in the political landscape for over three decades, Rep. John LaFalce served the WNY community in the U.S. Congress for 28 years. His congressional career spans

six United States Presidents, from Presidents Gerald Ford to George W. Bush.

Throughout his career, Rep. LaFalce has been a champion of consumers and small businesses and was instrumental in reforming a troubled financial system. He has won innumerable awards for his victories in legislative battles for union members, consumers and small businesses.

We expect our relationship and combined experience with Rep. LaFalce will be of great benefit to our clients. ■

AREAS OF PRACTICE

- Corporate & Business Law
- Criminal & Traffic Law
- Disability Law
- Elder Law
- Estate Administration & Taxation
- Estate Planning, Wills & Trusts
- Guardianships
- Matrimonial & Family Law
- Medicaid Planning
- Personal Injury
- Professional Malpractice
- Real Estate Law



ASSET PROTECTION BASICS, Cont.

HOMEOWNER'S INSURANCE

Did you know that your homeowner's policy provides you with coverage for more than just theft, storm damage or catastrophic loss? You are typically protected from liability claims such as dog bites or trips or falls over defective property. Additionally, your policy may also cover you against lawsuits in the event that you or a family member cause bodily injury to someone else or damage someone else's property.

If there is a disaster, you want to be able to rebuild your house and replace everything in it. When it comes to replacing the home itself, look for extended or guaranteed-replacement-value coverage, which will cover up to 100% of the value of the home, plus a certain percentage to cover rebuilding the home in today's market. Today, policies in the US are required to cover rebuilding costs 100%. (Policies issued before 1990 were not required to cover 100% of the cost of rebuilding your home.)

For most people, homeowner's insurance is not optional, and it is important that you do not wait until after a disaster to discover your homeowner's insurance coverage doesn't really have you covered.

LIMITED LIABILITY COMPANIES

In addition to traditional liability insurance, the formation of a corporate entity can also be an effective asset protection vehicle for certain people, particularly the self-

employed. For example, a limited liability company (LLC) can be formed even if only one person is involved in the business. An LLC allows a person's individual assets and personal wealth to be protected from claims, so long as some basic "formalities" are observed (e.g., maintaining separate banking records, ensuring that assets are titled properly, etc.). A limited liability company also allows for pass-through tax treatment, meaning there is no income tax imposed at the corporate level – gains or losses are instead reported on the individual's income tax return.

Keep in mind that if you are a professional (such as a physician), the corporate and LLC entities provide the benefit of limited liability except for the professional's negligence. In these circumstances, professional malpractice insurance helps insure protection of personal assets.

ESTATE / TAX PLANNING

In essence, estate planning is about managing and protecting your assets during your lifetime, controlling the distribution at the time of your death, and leaving a legacy behind for your family.

For many of us, estate planning is something we realize we should do but somehow manage to keep postponing. However, in the face of ever-changing tax and Medicaid laws, there is a growing concern about how to best protect assets

and secure them for future generations.

In 2006, the rules concerning Medicaid eligibility and the ability to protect assets from long-term nursing home care costs underwent many changes, the most substantial being the extension of the look-back period from three to five years. The penalty period for gifts of assets during the look-back period now begins to run *after* the person applies for Medicaid, not when the asset was gifted.

UPCOMING SEMINARS

FREE SEMINARS*

*Please RSVP to Jessica @ 636-7600
Look for updates & new postings at:
www.hoganwillig.com/inthenews

WED., JUNE 20 @ 6pm

Estate Planning, Funeral Planning & Senior Living
@ Pine Lawn Cemetery & Chapel
2951 Harlem Rd., Cheek, NY

MON., JULY 16 @ 6pm

Estate Planning, Funeral Planning & Senior Living
@ ElderWood Village at Westwood
480 Orchard Park Rd., W. Seneca, NY

WILLIAMSVILLE COMMUNITY EDUCATION CLASSES**

**Register at 626-8080 after Sept. 4th

THURS., SEPT. 27 @ 6pm

Estate Planning & Asset Protection

THURS., OCT. 4 @ 6pm

Landlord - Tenant Issues

THURS., NOV. 8 @ 6pm

Legal Issues for Small Business Owners

ASSET PROTECTION BASICS, Cont.

In addition to long-term care planning, there are various trusts and estate planning techniques that can potentially shield assets from future liabilities, including federal and state estate taxes.

CLIENT FEEDBACK

We realize that the issues involved in developing a sound asset protection plan are complicated, and this summary is intended to provide general information and to get you thinking about the various issues and options.

Because asset protection is a critical issue and we find that many clients are simply unaware of the impact and availability of good planning devices, we are interested in presenting a free seminar on this topic if there is significant interest in attending expressed by our clients. If you would like to attend such a program, please contact:

Jessica Hulbert
716-688-9543, Ext. 232
jhulbert@hoganandwillig.com ■

Thank you to everyone who joined us in this year's

WALK TO CURE DIABETES

on behalf of the Juvenile Diabetes Research Foundation.

CLIENT COMPANY PROFILE: After 50 News

In each quarterly newsletter, we will highlight a client's local business. If you would like to be featured in an upcoming issue, please contact Jessica at 716-636-7600.

After 50 News
474 Niagara Falls Boulevard, Suite #5
Tonawanda, New York 14223
716-832-9300
www.after50news.com

With over thirty years in the senior newspaper business, After 50 is Western New York's premier senior newspaper. Published at the beginning of every month, the purpose of this newspaper for people 50-plus in Western New York is to inform, entertain and facilitate the flow of information, helping seniors and their caregivers make the most of their lives and their communities.

After 50 is a newspaper for Western New York's active people over 50 that focuses on seniors because they know that they are among the most affluent and under-represented demographic in Western New York today.

In this newspaper you will find a wide range of articles of interest to seniors and their caregivers. Subjects include current issues, health, travel, retirement living and more. Special serialized stories, and a guide to events around town are among the regular features.

As part of their efforts to keep seniors informed, After 50 works with senior societies, organizations and centers to provide coverage of their activities and upcoming events.

Pick-up your free copy of After 50 today in Erie, Niagara and Genesee counties, or visit After 50 On-Line for more information! ■

WILL UPDATING

It is important that you consider reviewing your Will and estate planning documents at least every five years to ensure that they are still a correct reflection of your present wishes and circumstances. Every time there is a significant change in your personal situation, you should review your estate plan and Will to ensure your decisions regarding beneficiaries, distribution of assets, etc. are still true to your current wishes.

At HW, we offer affordable flat rate fees for new Will packages and updates to old documents. For clients who have completed a Will package with our office in the past and stored their documents with us, rest assured that your Will is safe and secure in our convenient fireproof vault. Additionally, we offer past clients a reduced flat rate fee for updates on Wills that are already in our system.

For more information, or to set-up an appointment to review your documents, please contact our estate department at 716.636.7600. ■

HW wishes a special Happy Birthday to

Salustiano Sanchez

who turns 105 this June!

CONTACT INFORMATION

One John James Audubon Parkway
Amherst, New York 14228
Main Office: 716.636.7600 • 800.636.5255 (Toll Free)
Real Estate Office: 716.688.1991 • 866.735.6968 (Toll Free)
Lockport Office: 716.434.7766 • 770 Davison Rd.
Buffalo Office: 716.332.3442 • 155 Summer St.
Office Hours: Mon. - Fri.: 8am - 6pm, Sat. & Evenings by Appt.
Email: questionsfor@hoganwillig.com

www.hoganwillig.com



AMHERST OFFICE
716.636.7600

LOCKPORT OFFICE
716.434.7766

BUFFALO OFFICE
716.332.3442



HOGANWILLIG
ATTORNEYS AT LAW

ONE JOHN JAMES AUDUBON PKWY
AMHERST, NY 14228-1169

PRESORTED
STANDARD
U.S. POSTAGE
PAID
BUFFALO, NY
MAILING
ADVANTAGES

HOGAN'S HEALTH TIPS *Courtesy of Top Health®*

The Healthy Grill

Firing up the grill soon? It can be a healthy way to prepare great-tasting food. But grilling or barbecuing at high temperatures can produce substances that may promote cancer. *Here is a simple three-step approach to minimize your risk and enjoy summer grilling:*

1. Marinate: Antioxidants in teriyaki sauce, garlic and vinegar-based marinades may reduce the formation of possible cancer-causing substances in meats.

2. Trim: Trimming meats of visible fat and using lean cuts can avoid fire flare-ups that can cause charring and produce unhealthy compounds that form on your food.

3. Pre-Cook: For thick cuts of meat and other foods that require long grilling times, try microwaving, boiling or baking first. Then grill them briefly to get that smoky, outdoor flavor. You'll prevent overcooking and charring.



NOTE: As always, should you choose to have your name removed from our mailing list please contact Jessica at 716-636-7600, or email jhulbert@hoganandwillig.com. If you would prefer to receive our quarterly newsletter electronically, please email jhulbert@hoganandwillig.com.