

# O'NEIL CANNON RANKED IN 2019 "BEST LAW FIRMS"

O'Neil Cannon has been ranked in the 2019 U.S. News - Best Lawyers® "Best Law Firms" list in 15 practice areas.

- Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
- Commercial Litigation
- Construction Law
- Corporate Law
- Family Law
- Litigation - Bankruptcy
- Litigation - Labor and Employment
- Mergers and Acquisitions Law
- Municipal Law
- Personal Injury Litigation - Plaintiffs
- Product Liability Litigation - Defendants
- Real Estate Law
- Securities / Capital Markets Law
- Tax Law
- Trusts and Estates Law

Firms included in the 2019 "Best Law Firms" list are recognized for professional excellence with persistently impressive ratings from clients and peers. Achieving a tiered ranking signals a unique combination of quality law practice and breadth of legal expertise.

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## THE WILAW QUARTERLY NEWSLETTER

### Newsletter Article Highlights:

- Family Secures Large Settlement in Contentious Inheritance Dispute
- OCHDL Proudly Sponsors Annual Archbishop's CRS Reception
- Six Questions Every Family Business Owner Should Be Asking
- Wage and Hour Liability-The Hidden Danger in Asset Acquisitions
- How to Make Spendthrift Trusts Work for You

### Pleased to Announce:

- OCHDL Welcomes New Attorney [Jessica K. Haskell](#)

- Dean P. Laing Named 2019 Best Lawyers “Lawyer of the Year®” for Product Liability Litigation
- Congratulations to Our 20 Attorneys Listed in *The Best Lawyers in America®* 2019

Click the image below to read more.



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## OCHDL PROUDLY SPONSORS ANNUAL MILWAUKEE ARCHBISHOP'S CRS RECEPTION

Earlier this month, for the third consecutive year, O'Neil, Cannon, Hollman, DeJong and Laing S.C. proudly sponsored the Catholic Relief Services (CRS) reception at the Wisconsin Club, downtown Milwaukee. Attendance was the highest it has been in years, making the event one of the most successful that CRS has ever held in Milwaukee.

Catholic Relief Services is one of the largest international aid organizations in the world. It is also one of the most efficient and effective, with 97% of its expenditures going directly to programs that benefit individuals overseas. CRS works to alleviate suffering and provide assistance to more than 100 million people in need who live in some of the most impoverished places in over 100 countries.

O'Neil Cannon is honored to have been a part of such a meaningful event.

[Read more about CRS >>](#)

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## DEAN P. LAING NAMED 2019 BEST LAWYERS “LAWYER OF THE YEAR®”

O'Neil Cannon is pleased to announce that Attorney Dean Laing was recently selected as the 2019 “Lawyer of the Year” for Product Liability Litigation–Defendants in the Milwaukee area. This is the third time that *Best Lawyers* has recognized Dean as the “Lawyer of the Year.” In 2016 he was selected for the honor in Product Liability Litigation–Defendants, and in 2012 he was selected for the honor in Personal Injury Litigation. Dean is believed to be the only attorney in Wisconsin to receive “Lawyer of the Year” as both a plaintiff’s attorney and a defense attorney.

Only a single lawyer in each practice area and designated metropolitan area is honored as the “Lawyer of the Year,” making this accolade particularly significant. These lawyers are selected based on particularly impressive voting averages received during the peer-review assessments.

Receiving this designation reflects the high level of respect a lawyer has earned among other leading lawyers in the same communities and the same practice areas for their abilities, their professionalism, and their integrity.

In addition to the Lawyer of the Year award, Attorney Laing was also listed in the 2019 Edition of *The Best Lawyers in America* in three categories: Commercial Litigation, Personal Injury Litigation–Plaintiffs, and Product Liability Litigation–Defendants.

Since the list was first published in 1983, *Best Lawyers* has become universally regarded as the definitive guide to legal excellence.

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## **OCHDL IS PLEASED TO ANNOUNCE THAT ATTORNEY JESSICA K. HASKELL HAS JOINED THE FIRM**

Attorney Jessica K. Haskell, a graduate of the University of Wisconsin Law School, has joined the Milwaukee law firm O’Neil Cannon. Jessica will join the firm’s Banking and Creditors’ Rights Practice Group. Jessica comes to us after clerking for the Honorable G. Michael Halfenger of the U.S. Bankruptcy Court for the Eastern District of Wisconsin. Her experience is a welcomed addition to the firm’s Banking and Creditors’ Rights Practice Group, which provides legal services for court-appointed receivers, secured and unsecured creditors, financial institutions, and corporations in a wide range of state and federal court matters. We are very pleased to have Jessica join OCHDL.

O’Neil Cannon, founded in Milwaukee in 1973, is a full-service legal practice that primarily focuses on providing business law and civil litigation services to closely-held businesses and their owners. The firm represents corporations, institutions, and partnerships at all stages of the business life cycle, helping them start, grow and transition from one generation to the next. We also assist business owners with their personal legal needs including tax and estate planning, family law and litigation—including personal injury litigation.

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# 20 OCHDL ATTORNEYS NAMED 2019 BEST LAWYERS IN AMERICA

O'Neil Cannon is pleased to announce that 20 lawyers have been named to the 2019 Edition of *Best Lawyers*, the oldest and most respected peer-review publication in the legal profession.

Best Lawyers has published their list for over three decades, earning the respect of the profession, the media, and the public as the most reliable, unbiased source of legal referrals. Its first international list was published in 2006 and since then has grown to provide lists in over 75 countries.

"For more than a third of the century," says CEO Steven Naifeh, "Best Lawyers has been the gold standard of excellence in the legal profession." President Phil Greer adds, "We are extremely proud of that record and equally proud to acknowledge the accomplishments of these exceptional legal professionals."

Lawyers on *The Best Lawyers in America* list are divided by geographic region and practice areas. They are reviewed by their peers on the basis of professional expertise, and undergo an authentication process to make sure they are in current practice and in good standing.

O'Neil Cannon would like to congratulate the following attorneys named to the 2019 *Best Lawyers in America* list:

- Douglas P. Dehler - Litigation - Insurance
- James G. DeJong - Mergers and Acquisitions Law, Corporate Law, Securities / Capital Markets Law
- Seth E. Dizard - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Litigation - Bankruptcy
- Peter J. Faust - Mergers and Acquisitions Law, Corporate Law
- Robert R. Gagan - Municipal Law
- John G. Gehringer - Real Estate Law, Construction Law, Commercial Litigation, Corporate Law
- Joseph E. Gumina - Litigation - Labor and Employment
- Dennis W. Hollman - Trusts and Estates, Corporate Law
- Grant C. Killoran - Litigation - Health Care
- Dean P. Laing - Commercial Litigation, Personal Injury Litigation - Plaintiffs, Product Liability Litigation - Defendants
- Gregory W. Lyons - Commercial Litigation, Litigation - Insurance
- Gregory S. Mager - Family Law
- Patrick G. McBride - Commercial Litigation

- Thomas A. Merkle – Family Law
- Chad J. Richter – Business Organizations (including LLCs and Partnerships)
- Steven J. Slawinski – Construction Law
- John Schreiber – Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, Litigation – Bankruptcy

Additionally, Attorney Dean P. Laing has been named the 2019 Milwaukee Lawyer of the Year in Product Liability Litigation–Defendants.

Since it was first published in 1983, *Best Lawyers* has become universally regarded as the definitive guide to legal excellence. *Best Lawyers* is based on an exhaustive peer-review survey. Over 54,000 leading attorneys cast more than 7.3 million votes on the legal abilities of other lawyers in their practice areas. Lawyers are not required or allowed to pay a fee to be listed; therefore inclusion in *Best Lawyers* is considered a singular honor. *Corporate Counsel* magazine has called *Best Lawyers* “the most respected referral list of attorneys in practice.”

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## SIX QUESTIONS EVERY FAMILY BUSINESS OWNER SHOULD BE ASKING

If you own a family business, you should be thinking about your succession plan, whether you plan to sell the business to fund your own retirement or pass it on to your descendants or other key employees. To get you started, below are six questions to ask yourself. We answer each in our book, *The Art, Science and Law of Business Succession Planning*.

1. Am I prepared to consider transferring ownership of my business during my lifetime? If you ever plan to retire—if you don’t intend to die at your desk—you should already be thinking about this. Will you retain ownership in the business, draw retirement or hand it over completely?
2. Am I prepared to consider transferring control of my business during my lifetime? Ownership and control are different things. Do you have mechanisms in place so the business can run effectively in your absence?
3. Have I made sure that the transition of my business will be orderly? If the answer is currently “no,” expect chaos during the transition, unless you make a plan.
4. Is there a logical successor to me in the management of the business? Who among your family members or employees has the qualifications to lead the business when you leave it?

If no one comes to mind, whom could you groom to take over?

5. Are my key employees comfortable with my plans for business continuation, and will they stay with my firm rather than seeking more secure employment? If you don't want your best employees working for your competitors—or becoming your competitors—down the road, you need to take appropriate steps to answer this question in the affirmative.

6. Is my estate sufficiently diversified so that children who are not active in the business may be treated fairly alongside those receiving an interest in the business? Not all your children will want a role in your company, but you want all of them to benefit from your wealth. How will you structure your estate to accomplish this goal?

Click [here](#) to get a free copy of *The Art, Science and Law of Business Succession Planning* mailed to you. You can also buy a copy of our book on [Amazon](#), both in print and through the Kindle e-book service.

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## THE WILAW QUARTERLY NEWSLETTER

### Newsletter Article Highlights:

- A Must-Read Book for Family Business Owners
- Trends in Arbitration in the United States
- Sales Tax Collection in Wisconsin Starts October 1st—Are You Ready?
- Supreme Court Decides Class-Action Waivers Are Enforceable for Employees

### Pleased to Announce:

- State Bar of Wisconsin Taxation Law Section Board Adds New Director, Attorney [Samantha M. Amore](#)
- O'Neil, Cannon, Hollman, DeJong and Laing S.C. is Proud to Celebrate 45 Years!

Click the image below to read more.



# EMPLOYMENT LAWSCENE ALERT: SHOULD I USE E-VERIFY OR NOT?

E-Verify is an internet-based system that is operated by the Department of Homeland Security (DHS) in conjunction with the Social Security Administration (SSA). In theory, the program simplifies the process of ensuring new employees have the appropriate work authorization. After registration, employers enter sections 1 and 2 of the new employee's I-9 Employment Eligibility Verification Form into the system, allowing the system to cross-reference the employee's information with information stored by the SSA. After entering the information, employers would receive either an initial confirmation or a "tentative non confirmation" in seconds. The program sounds like an easy way to navigate the dark waters of unintentional unauthorized employment; however, the program, with many advantages and disadvantages is not for everyone.

## The question then becomes—should I use E-Verify or not?

In some cases, the answer is simple. All federal contractors are required to use the program. Similarly, Arizona and Mississippi have passed laws requiring all employers to use the program while South Carolina "encourages" but does not mandate its use. Colorado, Georgia, Missouri, Nebraska, Rhode Island, and Utah have passed legislation that required the use of E-Verify for all public contractors and state agencies while Idaho, Minnesota, and North Carolina require state agencies to use the program.

If your company falls into one of these categories, you must use the program, regardless of the well-documented downfalls. If, however, you live in any other state or are not otherwise required to use E-Verify, each employer must balance the pros and cons of the program before deciding whether to enroll.

## Benefits of E-Verify

Simply put, E-Verify is a quick way of receiving an initial determination of a new employee's authorization to work. By entering information from the employee's I-9, the employer receives an automatic reference which provides the employer protection against inadvertently hiring an individual without work authorization. Although the program does not provide complete immunity, it does create a rebuttable presumption that the employer has not violated INA section 274A(a)(1)(A) ("Unlawful Employment of Aliens").

Moreover, if an employer hires a foreign national who recently received a degree in science, technology, engineering, or mathematics (i.e., the STEM fields), voluntary usage of the E-Verify program may make those new employees eligible to work an additional 17 months before the employer is required to file an H1-B petition on their behalf.

Finally, there have been efforts on the federal level to make E-Verify mandatory nationwide. Should these proposed bills turn into law, those employers who have already been using E-Verify will already be familiar with the program. If E-Verify becomes mandated nationally, the program would likely experience technical issues and the error-rate would likely expand. Being familiar with the program would thus be an advantage.

## Downfalls of E-Verify

DHS claims that E-Verify is free to use; however, there are some built in costs to consider. First, E-Verify is an “all-or-nothing” program. In other words, employers may not use the program intermittently. Rather, signing up for E-Verify represents an organizational shift that may require extra time, money, and effort to train and supervise staff on how to properly use the system. Depending on the size of the company, this shift may involve significant costs.

Importantly, e-Verify is far from perfect. There have been many reports of e-Verify providing tentative or final non confirmation notices to employees who have proper work authorization—even to U.S. Citizens. Moreover, the issuance of a tentative non confirmation notice requires the employer to provide adequate notice to the new employee, allowing them the opportunity to challenge the determination. Failure to provide adequate and timely notice may open the employer up to legal action by the new employee. Additionally, the system can be cumbersome and difficult to manage, particularly for smaller businesses. For example, with E-Verify, employers may only accept an I-9 List B document if it bears a photograph and employees must possess a social security number. Neither of these requirements is needed to prepare an I-9 outside of the E-Verify program.

Moreover, the government is able to use E-Verify to ensure that employers are timely filing I-9s on behalf of new employees and to correct any errors in a timely fashion. E-Verify provides the government with a swath of information about employers and employees and allows the government to mine this information for employer violations. Voluntarily entering information into this database, in other words, increases the risk that the employer may be investigated and fined for intentional or unintentional violations.

Finally, many immigration reform advocates criticize the program as a means of shifting the burden of immigration enforcement from the government to private employers. Immigration enforcement has always been the responsibility of the federal government. As with the debate behind the implementation of 287(g) agreements by some local law enforcement agencies, critics of the program argue that E-Verify shifts one aspect of enforcement from the government onto private businesses.

In conclusion, employers should weigh the benefits and disadvantages of enrolling in E-Verify before doing so. What may seem like an easy way to ensure the proper work authorization of employees may actually create significant human and financial costs.

For more information on the E-Verify program and to discuss whether enrollment is right for your business, please contact us.

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## **GRANT KILLORAN RE-ELECTED TO THE AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES**

The law firm of O'Neil, Cannon, Hollman, DeJong and Laing S.C. is pleased to announce that Attorney [Grant C. Killoran](#) recently was re-elected by the State Bar of Wisconsin Board of Governors to serve another two-year term as one of the State Bar of Wisconsin's five Delegates to the American Bar Association House of Delegates.

The House of Delegates is the policy-making body of the ABA. Control and administration of the ABA is vested in the House of Delegates. Established in 1936, the House of Delegates has over 500 members and its actions become the official policy of the ABA, the nation's largest lawyer association.

Mr. Killoran previously has served as a Delegate to the ABA House of Delegates from 1997-1999, 2003-2009 and 2014 to present.

Mr. Killoran is a shareholder with and the Chair of O'Neil, Cannon, Hollman, DeJong and Laing's Litigation Practice Group. He has diverse trial experience, focusing on complex business and healthcare disputes.