STEVE SLAWINSKI PUBLISHED IN STATE BAR'S CONSTRUCTION BLOG

Construction lien waivers are an indispensable part of the traditional construction payment process, allowing parties to waive their right to file a lien in exchange for payment. Among these waivers, conditional lien waivers represent a specific type that becomes effective only once payment has been received or certain conditions have been met. However, depending on the circumstances, the risks associated with conditional lien waivers may outweigh any potential benefit. To help navigate this process, Steve Slawinski recently authored an article entitled "Conditional Lien Waivers Under Wisconsin Law – Proceed with Caution," which appeared in the State Bar of Wisconsin's Construction Blog.

Read the full article here.

For more information on this topic contact Steve Slawinski at 414-276-5000 or steve.slawinski@wilaw.com.

2025 IRS TAX ADJUSTMENTS: WHAT YOU NEED TO KNOW

The IRS has released inflation adjustments for the 2025 tax year, bringing changes to tax brackets, deductions, and credits that may affect taxpayers across income levels. Here's a quick overview of the updates:

Income Tax Brackets

Tax brackets will shift higher to accommodate inflation, helping prevent "bracket creep." For example, the 37% top rate now applies to incomes over $626,350 for individuals and $751,600 for married couples filing jointly. Other rates are as follows:

- 10% for incomes up to $11,925 ($23,850 for married couples)
- 12% for incomes over $11,925 ($23,850 for married couples)
- 22% for incomes over $48,475 ($96,950 for married couples)
- 24% for incomes over $103,350 ($206,700 for married couples)
- 32% for incomes over $197,300 ($394,600 for married couples)
- 35% for incomes over $250,525 ($501,050 for married couples)

Standard Deduction Increases

For 2025, the standard deduction increases to $15,000 for single filers and married individuals filing separately, $30,000 for married couples filing jointly, and $22,500 for heads of households. This adjustment provides taxpayers with additional income shielded from taxation.

Alternative Minimum Tax (AMT) Exemption Amounts

The AMT exemption for unmarried individuals rises to $88,100, phasing out at $626,350. For married couples filing jointly, the exemption is $137,000, with the phaseout beginning at $1,252,700.

Earned Income Tax Credits (EITC)

The maximum EITC for taxpayers with three or more qualifying children is $8,046, up from $7,830 in 2024. Adjustments for income thresholds and phaseouts are also in place for other qualifying taxpayer categories.

Qualified Transportation and Health Benefits

Qualified Transportation Fringe Benefit: The monthly limit for qualified transportation and parking expenses increases to $325.

Health Flexible Spending Arrangements (FSAs): The maximum contribution rises to $3,300, with a maximum carryover of $660.

Medical Savings Accounts (MSAs)

For individuals with self-only coverage, the minimum annual deductible increases to $2,850, with a maximum of $4,300. Out-of-pocket expenses for these plans rise to $5,700. For family coverage, the deductible range is $5,700 to $8,550, and the out-of-pocket maximum is $10,500.

Foreign Earned Income Exclusion

The foreign earned income exclusion will increase to $130,000 for tax year 2025, up from $126,500 in 2024.

Estate and Gift Tax Exemptions

Estate Tax: The estate tax exemption increases to $13,990,000 for decedents passing in 2025, up from $13,610,000 in 2024.

Gift Tax: The annual gift exclusion rises to $19,000 in 2025.

Adoption Credit

The adoption credit for a child with special needs increases to $17,280, reflecting higher allowable adoption expenses.

These adjustments aim to help taxpayers manage inflationary effects and offer greater tax savings for 2025. As always, consult our O'Neil Cannon Tax Team for advice on how these changes may impact your specific financial situation.

THE WILAW QUARTERLY NEWSLETTER – OCTOBER 2024

Newsletter Article Highlights:

- A Beginner's Guide to Trademarks: Part Two—USPTO Trademark Application Requirements
- What is the Difference Between a Private Foundation and a Donor-Advised Fund?
- FTC Non-Compete Ban Enjoined Nationwide
- Navigating Trust Litigation: Insights from the Tony Bennett Case

Firm News:

- Attorneys Maura Falk and Jacob Lloyd Have Joined O'Neil Cannon
- Erica Reib Named One of Wisconsin Law Journal's Power 30 Employment Lawyers
- Kelly Spott Elected Practice Group Leader for the Trust, Estates and Succession Planning Group
- Wittenberg Wins Judge Terence T. Evans Humor and Creativity in Law Competition, Again!
- 20 O'Neil Cannon Lawyers Selected as 2025 Best Lawyers; Another 5 Named Best Lawyers: Ones to Watch

Click the image below to read more.



STEVE SLAWINSKI AND JOHN GEHRINGER RECOGNIZED IN WISCONSIN LAW JOURNAL'S POWER LIST

Recently, attorneys Steve Slawinski and John Gehringer were named in the Wisconsin Law Journal's Power List for Real Estate and Construction Law Attorneys. See their recognition below.

STEVE SLAWINSKI

O'Neil, Cannon, Hollman, DeJong & Laing S.C.



Steve Slawinski has represented clients in complex construction, business and real estate litigation for more than three decades.

"As a construction litigator, I strive to provide comprehensive, strategic legal representation tailored to the unique challenges of each case," he said.

Most recently, he's worked on complex multi-million-dollar lawsuits arising from failed commercial construction projects located in Charlotte, North Carolina, and in Kansas City, Missouri. He has also litigated cases arising from both public and private construction projects.

"I especially enjoy the investigative aspect of my work, where I get to dive deep into the facts and evidence and see the story develop through the discovery process," he said. "Piecing together the details and building a strong case is both challenging and rewarding."

JOHN GEHRINGER

O'Neil, Cannon, Hollman, DeJong & Laing S.C.



Construction real estate law is John Gehringer's specialty at O'Neil, Cannon, Hollman, DeJong & Laing – namely, construction and commercial financing, commercial leasing, condominium development and association management issues, planning and zoning and land use. He also has significant experience in environmental matters and brownfields redevelopment.

Gehringer has had many prominent wins throughout the course of his legal career. Two of the most notable are serving as local counsel for an international construction and engineering firm for the development of a $2.2 billion power plant and representing a commercial bank on the syndication, acquisition and closing of a $71 million construction loan for a 17-story Class A office building.

NATIONAL ESTATE PLANNING AWARENESS WEEK

October 21-27, 2024, is National Estate Planning Awareness Week—a timely reminder to think about your estate plan. If you haven't yet created an estate plan, we have a handy guide to help you understand the basics. You can check it out here: **Estate Planning Guide**.

If you already have an estate plan in place, now is a great time to review it to make sure it still aligns with your needs and goals. Changes in your personal circumstances, finances, or family dynamics can significantly impact your estate plan. Additionally, don't forget to check your beneficiary designations, as those play a crucial role in ensuring that your assets are distributed according to your plan.

As always, our **Estate and Business Succession Planning** team at O'Neil Cannon is here to assist you with any questions or concerns you may have. We can guide you through the process of creating an initial plan or help you review and update your current plan. Let's make sure your estate plan is not just a document in a drawer, but a reflection of your current intentions to preserve your legacy.

ATTORNEY MAURA FALK HAS JOINED O'NEIL CANNON

Attorney Maura Falk, a graduate of the University of Wisconsin Law School, has joined O'Neil Cannon's Family Law Practice Group. Falk focuses on helping her clients navigate the complexities of divorce, custody disputes, and other family-related legal issues. With prior experience in criminal defense, civil litigation, and a judicial internship at the Wisconsin Supreme Court, Falk offers a well-rounded approach to family law. We are pleased to have her join the firm.

O'Neil Cannon, founded in Milwaukee in 1973, is a full-service law firm that focuses on meeting the many needs of businesses and their owners. Our experienced attorneys work with businesses and their owners at all stages of the business life cycle, helping them start,

grow, and transition their businesses. We also assist business owners with their personal legal needs, including tax and estate planning and family law. For more information about the services we provide, please visit our website.

WHAT IS THE DIFFERENCE BETWEEN A PRIVATE FOUNDATION AND A DONOR-ADVISED FUND?

When high-net-worth individuals and families incorporate charitable giving into their estate planning, they often consider donor-advised funds and private foundations as vehicles for managing their philanthropy. Both options have unique advantages, and the choice depends on the donor's goals, level of control, and financial considerations.

Donor-advised funds are like charitable savings accounts. Donors contribute to a DAF through a sponsoring organization, receiving an immediate tax deduction, while funds can be invested or disbursed over time. DAFs are easy to set up and manage, but donors only recommend grants, with the sponsoring organization having final approval.

Private foundations, on the other hand, offer complete control. Donors can manage the foundation's investments, grant-making, and governance. Private foundations, which are legal entities, come with higher setup and ongoing costs but provide the flexibility to donate to a broader range of causes, including international organizations and scholarships.

Key differences include the level of control, setup costs, privacy, and the types of assets each can handle. DAFs are more private and simpler to maintain, while private foundations offer more control and flexibility. Both offer tax benefits, though private foundations are subject to an excise tax on investment income and must distribute 5% annually.

Choosing between DAFs and private foundations depends on the donor's needs, but some may find a combination of both to be the best fit for their philanthropic goals.

GREG LYONS HONORED FOR SAVING LIFE

Attorney Greg Lyons was recently honored, along with others, for his heroic actions in saving

the life of West Bend Alderman Mark Allen who suffered a cardiac arrest. Without hesitation, Lyons stepped in and performed CPR, stabilizing the situation until paramedics arrived. As the leader of the firm's safety response team, Lyons actively promotes CPR training within the organization, resulting in many employees taking part in the life-saving training. Reflecting on the incident, Lyons humbly remarked, "I was just in the right place at the right time. Adrenaline kicked in, and that took over." His quick thinking and preparedness highlights the importance of CPR training in emergency situations.

Read the full story here.

A BEGINNER'S GUIDE TO TRADEMARKS: PART TWO—USPTO TRADEMARK APPLICATION REQUIREMENTS

Submitting a valid trademark application to the United States Patent and Trademark Office is a straightforward process with the right assistance. In general, submitting a successful application to the USPTO to register your trademark requires three central components.

Central Components of Trademark Applications

First, a trademark application requires a detailed description of the trademark. If the trademark is your business or product's name in standard characters, comprised only of text not in a specific font nor stylized in any form (a "standard character mark"), you must describe the spelling, punctuation, and capitalization of the text constituting the name. All other types of trademarks must be described in additional detail. For example, if the trademark is your business or product's logo, then your logo's words, colors, symbols, and the orientation of all elements constituting your logo must be described in as much detail as possible. Except for standard character marks, the description for any other type of trademark also requires a corresponding image sample.

Second, a trademark application requires the identification of a specific goods or services class. In total, there are 45 USPTO trademark classes of goods and services determined by international agreement organized into broad categories. Each class has various respective descriptions that explain why an applicant's goods or services qualify for a specific class. A single USPTO trademark application can have multiple descriptions, but it can only identify a single corresponding class. For example, if you operate an apparel company that sells shirts, but your company also offers a custom t-shirt printing service, then you could apply to register your trademark (e.g., your company's name or logo) under a goods class for your

shirt products, and you could also apply separately to register the same trademark in a different class for your t-shirt printing service.

Last, a trademark application requires identifying a "specimen." A specimen is an example of a trademark used in interstate commerce that represents evidence of the trademark's real-life use. Specimens are what consumers see in the marketplace when they consider whether to purchase your goods or services. For instance, a specimen could be a picture of your product's packaging displaying your trademark. Common trademark specimens for services include advertisements and other types of promotional materials displaying your trademark in connection with your services. Websites promoting your goods or services in connection with your trademark are also valid specimens that can be included in your trademark applications. Successful trademark applications tend to include a variety of specimens.

How Long Is The Trademark Application Process And What Does It Cost?

Completing a trademark application does not often require considerable time or effort. But, due to the high number of trademark applications that the USPTO receives, the overall application process timeline can vary and, in some cases, it may take the USPTO over a year to complete.

A USPTO trademark application does not cost more than $350. The bulk of the costs in the application process arises from attorneys' fees for assisting clients with identifying and gathering the relevant information for their applications or addressing later issues the USPTO flags in submitted applications. Collaborating with an experienced attorney to identify the required information and materials for your USPTO trademark application in advance of starting the application can minimize the total cost of the application process and increase the likelihood of your trademark's registration via the USPTO.

WITTENBERG WINS JUDGE TERENCE T. EVANS HUMOR AND CREATIVITY IN LAW COMPETITION, AGAIN!

O'Neil Cannon attorney Christa Wittenberg was recently announced the winner of the 2024 Judge Terence T. Evans Humor and Creativity in Law Competition, sponsored by the Eastern District of Wisconsin Bar Association. The award is given each year to one attorney whose original creative law-related writing piece is selected by the review committee. Wittenberg is honored to be the first repeat winner of the award, having previously won in 2019. The competition honors the memory of the Honorable Terence T. Evans, former judge of the U.S.

District Court, Eastern District of Wisconsin, and U.S. Court of Appeals for the Seventh Circuit, who was known for his wit and creativity throughout his life and his work. At the EDWBA Annual Meeting in May, Wittenberg happily accepted the traveling trophy and brought it back to her office to display for another year. Her winning article is below.

A Point Worth Exclaiming

I have a secret love, hardly befitting a self-anointed top-notch legal writer: I love the exclamation point! There are few greater joys in life than the jovial enthusiasm conjured by that expressive mark. No wonder legal writers scoff—joviality and enthusiasm have no place in legal prose.

My closet adoration isn't all my fault. As with most of my flaws, I can blame my parents. My father has seldom written a text message or email that was not overflowing with exclamation points. In fact, when his stepmother passed away some years ago, he announced it to my sister and me with the following text message:

> *Girls, I have news!! Grandma Beverly passed this morning!*
>
> *So sad, but we're glad she's no longer in pain! I love you both!!*

That is six too many exclamation points to use to announce someone's death! Yet, outside of death announcements, I also default to the exclamation point in casual writing.

Despite my genetic predisposition toward the exclamation point, I meekly allowed law school and lawyering to beat that penchant out of me. Like one with Stockholm syndrome, I became a militant eradicator of all frivolous punctuation in legal writing. In one of my very first assignments as a young lawyer, fresh out of my federal clerkship and eager to show my legal writing chops, I was asked by a shareholder at my firm to edit a draft brief. I was horrified to see an offending exclamation point in the conclusion of the brief: "The petition must be denied!" I promptly deleted that slender eyesore and put in a modest period. Crisis averted. My colleague narrowly avoided the embarrassment of showing weakness through emphatic punctuation.

Similarly, in professional emails, my legal training and desire to be taken seriously compelled me to banish that beloved bang. Sure, I might want to wish my client a wonderful day, but I sure as hell wouldn't finish it off with such childish punctuation. So, I would sometimes type this: "Have a nice day." And then I would promptly delete it because that period changes everything.

"Have a nice day!" says I sincerely hope your day is happy. In contrast, "Have a nice day."

says one of two things: (1) You are my opposing counsel and I know you are going to be filing a copy of this email with the court, so I'd better say something that seems cordial; or (2) I'm a serial killer and you're my next mark. Either way, it's not the message I want to send in most of my emails.

I started to wonder about the source of this shared understanding that exclamation points in legal writing are unprofessional. Was it in a footnote in our legal writing textbooks, amidst the lesson on how not to be funny?[1] Is there really any legitimate authority for this ban anyway? Actually, yes, as it turns out. In a leading legal style manual, The Redbook, the esteemed Bryan Garner decrees, "An exclamation mark is rarely justified in legal writing except in a direct quotation."[2] Well, quote this, Mr. Garner: Nobody asked you![3]

After more than a decade of living a double life—exclamation-point-teetotaling by day and exclamation-point-binging by night—I recently took a bold step: I now sometimes use exclamation points in professional emails with people who I know well enough and who have first used an exclamation point in their own emails to me. No doubt, my nomination for the Ruth La Fave Trailblazer Award is forthcoming.

Will I be using an exclamation point in my next brief? Of course not! I'm not a lunatic. But if Judge Easterbrook can whip out an interrobang in a court decision,[4] maybe one day I will find a legal point worth exclaiming.

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[1] Perhaps that footnote said, "Above all, do not use exclamation points!"
[2] Bryan A. Garner, The Redbook: A Manual on Legal Style § 1.76 (3d ed. 2013).
[3] If ever Bryan Garner stumbles upon this piece of writing, this footnote is for him: I'm actually a huge fan and I generally follow all of your advice. I trust you recognize and appreciate humor when you see it.
[4] Elevated in status by Judge Easterbrook's nonchalant use in the decision in Robert F. Booth Tr. v. Crowley, 687 F.3d 314, 319 (7th Cir. 2012), the interrobang is a nonstandard punctuation mark that overlays an exclamation point and a question mark when just one won't do. See https://en.wikipedia.org/wiki/Interrobang. But don't check Westlaw to see it—the version online swaps in a "!?" instead of a proper interrobang. Isn't that ridiculous?

Read Wittenberg's previous award-winning article from 2019 **here**.