Conference & Webinar Topics

Note: We can take any of our seminar material and tailor it for a conference. We also offer a number of other topics, specifically designed for conferences including:

Tax

Buy-Sell Agreements – Fixing the Value for Estate Tax Purposes

The IRS frequently disputes the value of a closely-held business for estate and gift taxes, and asserts that a tax deficiency and penalties are due. A well-drafted buy-sell agreement may determine or fix the value of an interest in a corporation, LLC, or partnership for federal estate tax purposes. This can be a tremendous benefit by avoiding a valuation dispute with the IRS. Whether the value set by an agreement will be determinative is governed by the rules provided by section 2703 of the Internal Revenue Code. This session will provide an excellent overview of Section 2703, the regulations thereunder, and the relevant case law. Finally, numerous drafting tips will be included.

Charitable Gift Giving – Giving Others a Helping Hand

Many successful individuals are charitably inclined. This session will provide an overview of the various options available for gift giving and charity, including outright gifts, charitable lead and remainder trusts, donor advised funds, and private foundations. An explanation of the tax consequences of giving cash and property, and using each option, will be given. Finally, numerous tips will be provided, and the pitfalls will be noted.

Conservation Easements – Making Money While Doing Something Good

Conservation easements are not just for the wealthy. This session will address what a conservation easement is, the tax benefit of granting a conservation easement, and how a taxpayer can make money while also obtaining a tax deduction. More taxpayers could and would take advantage of the rules, if they only knew about them. The speaker will also provide practical tips and note the pitfalls to avoid.

Creative Tax Planning – The Line between Creativity & Negligence

Many clients urge their tax advisors to get “creative” so the client’s tax liability can be reduced. Being too creative may cross over into negligence or even tax fraud and cause penalties to be asserted against the taxpayer and sometimes the tax advisor. This session will describe a number of “creative tax plans” that have been upheld by the courts. The speaker will explain why and how these plans are beneficial. Numerous hurdles, both statutory and judicial, that a taxpayer must overcome to engage in creative tax planning will be highlighted.

Family Limited Partnerships – Keeping it in the Family & Away from the IRS!

Family limited partnerships have been used for many years for both non-tax and tax benefits. The IRS often attacks FLPs because the valuation discounts used provide significant tax savings. A number of cases involving FLPs and family LLCs will be explored, as well as a summary of how they should be structured and operated to increase the odds of attaining all of the creator's objectives.

FIRPTA – Funny Acronym, Important Topic

FIRPTA stands for the Foreign Investment in Real Property Tax Act. It provides special tax rules for "foreigners" who invest in U.S. real estate. This session will provide an excellent summary of the applicable rules, when they apply, when the exceptions apply, and how to minimize or avoid the impact of FIRPTA.

LLCs & Joint Ventures – Teaming Up with Others to Accomplish a Common Goal

In many cases, one company does not have all of the employees, expertise, property, and money that it needs to exploit a business opportunity. Consequently, it is often advisable to team up, or partner with one or more parties to increase the odds of success. The focus in this session will be on LLCs and joint ventures that are taxed as a partnership. A number of tax issues will be addressed, including special tax rules affecting contributions of property, tax allocations, distributions, and the liquidations of the partnership. Tips to help you avoid the pitfalls inherent in partnership taxation will be included.

Planning for Life Insurance – the Quiet Asset

Many individuals own life insurance policies. The focus of this session will be on the planning opportunities when dealing with a life insurance policy. Addressed will be who should own it, and who should be the named beneficiaries. Also discussed will be whether ownership of the policy should be transferred, and if so, to whom? Income tax, and estate and gift tax consequences should be considered. Effective tax strategies will be summarized as well as the pitfalls to avoid.

Private Foundations – They're Not Just for the Rockefellers

Many individuals want to give to charity but are concerned that their contributed money will be wasted or will not be spent as they wish. A private foundation provides them with more control. This session will explore both the advantages and disadvantages of creating a private foundation, and the rules that must be met.

Related Party Transactions – Too Much Love May Hurt You

Congress and the IRS are concerned that related parties may engage in transactions just to reduce or avoid taxes. This session will explore a variety of rules that limit related parties from saving excessive taxes. Suggestions on how to minimize disputes with the IRS and meet the taxpayer's objectives will be offered.

Restructuring Debt – Avoid Putting Salt on the Wound

Many businesses and property owners are restructuring or modifying the terms of their debt obligations. This can result in the owners recognizing discharge of indebtedness income and incurring an income tax liability. This session will address the tax implications, including when discharge of indebtedness must be recognized and when it can be excluded. The speaker will note the factors that should be explored, and the planning opportunities available.

Review of Recent Tax Cases – Learning from Others

Many courts issue tax opinions that are enlightening and provide guidance as to how transactions should be structured to avoid problems. Numerous recent tax cases will be analyzed and the lessons to be learned from each case will be explored.

Spin-Offs & Split-Ups – Breaking up isn't hard to do & it may even help!

Kraft Foods and ConocoPhilips announced that they would split their businesses. There are many non-tax reasons why one corporation may want to be split into two separate corporations, or spin-off part of its business to its shareholders. This session will explore the tax and non-tax rules that must be met to have a tax-free transaction. The advantages and disadvantages of these transactions, and when they can be used most effectively, will be noted.

Tax Accounting – Congress's Rules, Not FASB's

This unusual session will summarize numerous general rules governing federal tax accounting. A number of exceptions and special rules will be highlighted.

Tax Fraud – Helping Clients Stay Out of Jail

Many taxpayers go beyond aggressive tax planning and engage in tax fraud. Where exactly is the line? The speaker will address this issue, the difference between civil and criminal tax fraud, and the penalties that can be imposed. Finally, a summary will be given of what a taxpayer should do if the IRS asserts fraud penalties.

Tax-Free Reorganizations – The ABCs

Corporations can acquire other corporations using a variety of tax-free reorganizations. Tax-free reorganizations are not just for publicly-traded corporations; they can also be used by closely-held corporations. This session will summarize both the statutory and judicial requirements of an “A”, “B” and “C” reorganization. The advantages and disadvantages of each type of reorganization will also be included. Finally, it will highlight the potential pitfalls to be avoided.

Tax-Free Reorganizations – The Other Letters

Many tax advisors may be familiar with “A”, “B”, and “C” reorganizations. However, many are less familiar with “D”, “E”, “F”, and “G” reorganizations. This session will focus on these other types of reorganizations, and when they can be used effectively.

Tax Penalties – Salt on the Wound, or is there a Defense?

To encourage taxpayers to properly report their income, deductions, and tax credits, the Internal Revenue Code provides for both civil and criminal penalties. Over the years, the number of penalties, and the severity of them, has increased. This session will highlight the more common and most onerous penalties. Defenses that can be asserted to a proposed penalty will also be addressed. Finally, tips will be provided to minimize the odds of a penalty being asserted and to position a taxpayer to rebut it.

Tax Planning for Sophisticated Investments – Maximizing Your After-Tax Return

Most investors focus on their after-tax rate of return, because they know taxes take a portion of their hard-earned gains. Most tax professionals know the rules governing commonly-used or typical investments such as the rules for reporting interest income, dividends, and capital gains. However, not all investments are structured so simply. A variety of tax issues pertaining to the taxation of more unusual or sophisticated investments will be addressed. The tax rules governing straddles, hedging transactions, short sales, options, and futures will be summarized. Section 1256 will also be addressed.

Taxation of Litigation & Settlements – Making the Best of a Bad Situation

In this session the tax consequences of both dispute settlements and lawsuits will be addressed. The issues will be considered from two perspectives: the payer and the recipient. How attorney fees and litigation expenses are taxed will be summarized. Several tax planning opportunities will also be noted.

The Federal Estate Tax – The Unusual Rules

Many tax professionals are knowledgeable about the general rules governing the federal estate tax. However, there are many exceptions to the general rules and there are many other lesser-known rules that are potential traps or pitfalls for the unwary. This session will highlight several of the "unusual rules" and explain the benefits and pitfalls they provide.

The Innocent Spouse – Protecting the One Who's Kept in the Dark

Section 6015 of the Internal Revenue Code provides relief for a spouse who would otherwise be liable for the tax liability of a tax return that was filed jointly. There are three potential routes to relief, but each has different conditions. When, and how, relief for an innocent spouse can be obtained will be examined. A number of cases will be reviewed to demonstrate how a court will analyze a claim for the innocent spouse status. Such review will note the factors that the IRS and courts will consider, before either granting or denying relief. Tips for effectively presenting a claim for relief will be given.

Transferring a Business – Making the Kids the New Boss

Many business owners want to transfer their business on to their children. This session will address the advantages and disadvantages of doing so. Various techniques that could be used, and the pros and cons of each, will be given.

Unrelated Business Taxable Income – Why Tax-Exempt Entities Pay Taxes

To avoid giving tax-exempt entities an advantage over taxable entities, Congress added a tax on a tax-exempt entity's "unrelated business taxable income" or UBTI. Many tax-exempt entities create for-profit entities or engage in joint ventures intending to realize profits that may be used to further its tax-exempt purposes. This session will explore the rules governing the tax on tax-exempt entity's UBTI. Planning opportunities will also be explored to minimize or avoid such tax.

Using Trusts – Paying it forward

Trusts can provide many benefits. Making a lump-sum distribution to a beneficiary can be squandered or lost in a variety of ways. Instead, the use of a trust allows funds to be doled out to a beneficiary in installments over time, especially when they need it. This session will provide an excellent overview of a number of different types of trusts – revocable vs. irrevocable, simple vs. complex, and inter vivo vs. testamentary. The income, estate, and gift tax implications will be summarized. Numerous practical considerations will be noted, including the advantages and disadvantages of using a trust. Finally, several drafting tips will be provided.

Accounting & Auditing

Audit Committees – The Auditor's Auditor

Not every company has an audit committee but many would benefit from having one. This session will focus on what an audit committee is required to do under SAS 99 and what other things it should do. The speaker, who is a lawyer and serves on Boards of Directors and an audit committee, will explain how many audit committees operate. He will also offer numerous suggestions on how an audit committee can be more effective and better manage a company's level of risk.

Reviewing Company Financial Statements – What Are They REALLY Saying?

How is a company really doing? Is it getting better, or worse? This session will focus on how management or a Board of Directors should analyze their company's financial statements. The speaker, who is an attorney, CPA, and CFA, serves on Boards of Directors and an audit committee. He will offer numerous practical tips on how a CFO or controller can improve their presentations of a company's financials to make them more effective. This session can also be tailored for a not-for-profit.

Management & Consulting

Alliances & Joint Ventures – If You Can't Beat 'em, Join 'em

Businesses usually need employees, time, money, and expertise to take advantage of a business opportunity. In many cases, a company does not have all of the required elements. This session will explore the pros and cons of creating an alliance or joint venture to take advantage of an opportunity. In most cases, the upside return is reduced, but the downside risk is also reduced. The speaker will note how to increase the odds of successfully structuring an arrangement that meets the objectives of every participant, and the many pitfalls to avoid.

Business Plans – Taking Control of Your Business' Future

As a practical matter, to obtain a bank loan or venture capital, a written business plan is often needed. This session will address many practical issues including: what is a well written business plan? Who should draft it? What should be included? How long should it be? What are the common mistakes made? The speaker manages a venture capital fund and has reviewed almost 1,000 business plans. He'll share his experience with you, and explain why a written business plan can increase the odds of having a successful business.

Buying or Selling a Business – Doing it at the Right Time, the Right Way

Buying or selling a business is often the largest transaction the business owner will enter into. They get one chance to do it right. The right moves can bring financial success to them and their families. Mistakes can bring disaster. This session will highlight critical issues that should be addressed, both from the buyer's viewpoint and the seller's. Numerous pitfalls will be noted.

Creating Rain-Makers

Every business needs revenue to grow. This session will focus on why some individuals can generate new business, while others cannot. The speaker will explain what great salesmen or rain-makers do to generate business. More importantly, it will explore what we learn from them. This session will be invaluable to everyone who attends.

Financial Reform – Are We Safe Now from Future Meltdowns?

Congress responded to the financial meltdown by enacting the most comprehensive financial reform since the 1930s. This session will recap the new legislation and explore whether the new law will prevent financial meltdowns in the future. The changes that were made, and what proposed changes were not made will be highlighted. Finally, the most likely consequences of the new legislation will be considered.

Franchising Your Business – Want to be the Next McDonalds?

Should an entrepreneur start his/her own business or buy a franchise? The owner of an expanding business can either add its own new locations or it can sell franchises. The advantages and disadvantages of franchising will be explored. The speaker will address the issues from both perspectives: The franchisor's and the franchisee's.

Growing Your Business in a Recession – Getting Ahead Despite the Conditions

The recession has adversely affected many businesses. This session will explore ways any business can increase both its top and bottom lines, despite a recession. The speaker, who manages a venture capital fund, will note the options a company has, the issues that should be addressed, and some pitfalls to avoid. This session will focus on practical solutions, not theory.

Healthcare Reform – Getting Well in America

In March, 2010 sweeping healthcare legislation was enacted. This session will summarize many of the changes made by the new law. It will describe what the problems were before the reform and how the new law addresses them. A prediction of the likely consequences of the new law will be given, and the problems that were not addressed will be summarized.

Increasing Your Global I.Q.

Everyone is affected by what happens throughout the world. Most understand that they would do better in their business and investments if they knew more about the changes going on around them in economics, politics, technology, demographics, and culture. This **new and cutting-edge session** is a potpourri of current mega-trends, issues and developments throughout the world and may include ones that are not even currently contemplated.

Innovators and Inventors – Learning From Those Who Have Made a Difference

To be competitive, businesses must constantly innovate and/or invent to get better. Significant lessons can be learned from those who invented and innovated successfully in the past, like Thomas Edison, Henry Ford, Bill Gates, Sam Walton, and others. What did they do? More importantly, what can we learn from them and apply to our own businesses?

Leadership – Developing the Next Washington or Lincoln

Leadership is important in business, but what is leadership? While some leaders may be born with that talent, other leaders can be developed. Leaders share some of the same characteristics. This session will address what these are, why leadership skills are important for every organization, and how leaders can be developed.

Planning for the Business Owner – Protecting the Family's Jewel

For many business owners, their business is their most valuable asset. However, many do not have MBAs or formal education in business. Many owners are looking for practical advice. They need advice as to whether they should expand or contract their business, how they can realize the value of their business, and how their business fits into their overall personal plan. This session will also address how CPAs can be more effective business advisors.

Raising Capital for a Private Company – Getting the Fuel to Propel a Company

Many private companies need to acquire capital. Some may obtain it from family and friends, some from "angel investors," and some from venture capital funds. This session will provide an excellent overview of the legal, financial, and practical issues that arise when capital is raised from investors. Issues will be addressed from both the company's viewpoint and the investors'. The speaker, who manages a venture capital fund, will explain a number of the best practices and the pitfalls.

Starting a New Business – Getting Off On the Right Foot

With so many employees being laid off, and new jobs so hard to find, many people are starting their own businesses. Unfortunately many, if not most, will ultimately fail for a variety of reasons. This session will highlight numerous pitfalls that new business owners often make. The speaker, who manages a venture capital fund, will offer many suggestions and tips to help get a new business off to a good start.

Succession Planning

Many private business owners have an important question to answer: Should they sell their business to an unrelated party, or should they try to transfer their business on to a family member or to key employees? Succession planning, and the transfer of ownership and management to the next generation, will be the focus. The best practices will be explained, and also the pitfalls to avoid.

The Three Keys to a Successful Business – The Critical Elements

G.E.'s former C.E.O, Jack Welch, has written that business comes down to three key elements: (1) customers; (2) employees; and (3) cash flow. He advises that if you manage these three elements effectively, you can have a successful business. This session will explore each of these three elements. The lessons learned can be applied to any kind of business including an accounting firm or can be used to advise clients.

Turning a Business Around – Like a Baby, It Ain't Gonna Change Itself!

Many businesses are in trouble to some degree. This session will focus on the action that needs to be taken to improve a business, and the obstacles that must be overcome. Presented will be a five step plan, and each step in the process will be explored. The first step is to make an honest assessment of the current condition and trends. Highlights will be on the options a company has, and the focus will be on practical action, not theory.

Financial Planning & Investments

Alternative Investments – The Non-Traditional Way to Make Money

Traditional investments include cash, bonds, and publicly traded stocks. However, when the stock market is down and interest rates are low, many investors look elsewhere for higher returns. Alternative investments include real estate, private equity (which includes LBOs, venture capital, and mezzanine financing), commodities, timber, and collectibles such as coins and art. This session will explore each alternative asset class and note their advantages and disadvantages.

Annuities – Are They an Appropriate Investment or a Scam?

Annuities are the latest "hot product" now, and are sold in many different variations. The instructor will address the variations and the important questions to consider in evaluating an annuity. This session will highlight the pros and cons of buying an annuity, and the advantages and disadvantages of different types of annuities. Finally, the income and estate tax consequences will be explained.

Asset Allocation – Making the Most of What You Have

Asset allocation is a critical decision, because how an investor allocates their investable funds among a variety of different asset classes will play a significant role in determining their overall investment results. This session will address the factors any investor should consider in deciding whether to invest in traditional investments, and/or alternative investments. The focus will be on the factors that should be considered in making an asset allocation, and how it should be monitored and adjusted periodically.

Asset Protection Techniques – Keeping Assets from Creditors

Many individuals may work long and hard to acquire some assets and net worth. Then, one mistake, one lawsuit, one judgment may change their life and future forever. Many people and businesses have been ruined or significantly damaged by one judgment, which sometimes is issued in error. This session will explore what individuals and businesses can do legally to protect their assets. Legal, tax, financial, and practical considerations will be noted.

Economic Indicators – Making Sense of the Statistics and Trends

Every day the media reports various economic statistics but what do they all mean? Highlights of key economic indicators and their implications will be discussed. This session will take an important but dry subject and make it meaningful and practical.

ETFs – The Next Great Thing, or Trouble Waiting to Happen?

Exchange traded funds, commonly referred to as ETFs will be explored in this session. An explanation of what they are, how they are created, and how they can be used, will be given, and perhaps most importantly, the downside to using them. The session will provide a survey of ETFs in the marketplace and explain when they can/should be used. Finally, a comparison of ETFs to mutual funds will be discussed.

International Investing – Looking For Pearls in Oysters around the World

There are many benefits to investing outside of the United States including diversification and increasing the number of potential good investments. However, there are also risks that should be considered. This session will address both the potential advantages and disadvantages of investing outside the United States. Numerous practical tips for doing so will also be provided.

Investing for Not-for-Profits – NFPs Need Good Investment Results Too!

Many not-for-profits have excess funds they can invest. This session will focus on the factors that should be considered before the funds are invested. The options available, and the pros and cons of each will be discussed in this session. The focus will be on what is different about investing in a not-for-profit.

Investing in a Private Company – Finding the Next Google, eBay, or Microsoft

Many people would like to invest in the next Google before it goes public. Large fortunes have been made by many investing in private companies. However, large sums can also be lost. Investing in a private company is different than investing in publicly traded stocks because of the lack of liquidity. The lack of liquidity impacts the company's valuation and the investor's level of risk. This session will focus on the pitfalls an investor should avoid when investing in a private company.

Investing in Precious Metals – Just because it shines, doesn't mean it's good

Find out the numerous ways one can invest in gold, silver, and other precious metals, but more importantly, the advantages and disadvantages of doing so. Explore when someone should invest in gold and when they should avoid it. This will be a balanced, not one-sided, presentation.

Investing Through Your Personal Retirement Plan

Many individuals invest through their individual retirement account. This session will explain various rules pertaining to investments that are allowed to be made thru an IRA, 401(k) plan, or other tax-deferred vehicles. It will highlight the prohibited transaction rules and the penalties that can be imposed. It will explain why certain investments should be made thru an IRA or 401(k) plan, while others should not. Finally, numerous pitfalls will be noted that many individuals fall into.

Mutual Funds and ETFs – Investing for Small Investors

Any individual or entity that has less than $500,000 of liquid investable funds might be considered a "small investor." Some use $1 million as the cut-off point and many professional money managers will not manage a separate account for a small investor. Consequently, most small investors invest in mutual funds and exchange traded funds (ETFs). By doing so, they obtain professional fund management, record keeping, and can obtain the level of diversification they desire. However, many small investors pick the wrong mutual funds and do not know enough about ETFs. This session will provide an excellent overview of the key factors they should consider before investing.

Portfolio Management – How to Put Together a Group of Great Stocks

Many individual investors don't consciously think about structuring a stock portfolio. Instead, they buy a number of stocks or mutual funds that they like and assume that the more they buy, the more diversified they are. This session will focus on the factors savvy investors focus on in structuring a stock portfolio. It will also address the adjustments that should be made along the way, including determining when to sell a stock.

Taking Control of Your Financial Future – Retirement Planning in a Nutshell

Many individuals are not financially prepared for retirement because they do not have a plan. Studies have shown that people usually meet their own expectations. This session will explain how an individual should plan their financial future, and the step-by-step action plan they should follow to implement it. Those without a plan are really rudderless and can't know their destination or have control over it.

Tips for Researching a Company – Doing Your Homework

Many investors don't get good investment results simply because they do not do their homework. Instead, they make quick decisions by relying on "hot tips" from family members, friends, and others. Some investors may go with a "hunch," or they may invest in companies that they think they know or do business with. This session will focus on the due diligence or homework an investor should do before investing in any publicly traded security.

Top 10 Mistakes Individual Investors Make – Stop Shooting Yourself in the Foot!

Most investors, including professional money managers, underperform the market indexes. There are many reasons for this, including the fact that most individuals are ill equipped to invest their own money. This session will focus on the mistakes that are most frequently made. The speaker will also challenge many of the ideas that are considered "conventional wisdom."

Using Puts & Calls in Investing – Magnifying Returns & Reducing Risks

Some investors use options to invest. A "put" option gives the investor the right, but not the obligation, to sell stock at a certain price during a certain period of time. A "call" option gives the investor the right, but not the obligation, to buy stock at a certain price during a certain period of time. The price of a put or call option varies over time in relation to the price of the stock they pertain to. This session will provide an overview of puts and calls, and various strategies that can be used with them. The speaker will also note both the advantages and disadvantages of using such options.

Business Law

Business Bankruptcy – Know When to Hold Them, Know When to Fold Them

This session will provide an overview of the bankruptcy process for a "for-profit" entity. More importantly, it will address both the advantages and disadvantages of filing a bankruptcy petition. The speaker will also explain the pros and cons of filing a "chapter 11 plan of reorganization" and when it should seek a "chapter 7 liquidation." The speaker will provide numerous practical tips.

Business Litigation – Know When to Draw Your Gun & When to Drop it

Every day businesses are filing lawsuits, or are finding themselves being sued for a variety of reasons. This session will address business litigation from both perspectives. Find out what a company should do before filing a lawsuit, and how it should defend itself if it is sued. This session will provide an overview of the business litigation process and its pitfalls. The speaker will offer numerous practical tips, and offer suggestions on how to minimize or avoid the risk of litigation.

Corporate Governance & Risk Management – Minimizing the Odds of a Problem

A company's Board of Directors should oversee management, the company's business strategy, and its operations. Many companies do not realize their potential, because the Board of Directors does not fulfill its obligations. Business is like football; it has both offense and defense. This session will focus on defense and what a company can do to reduce its liability exposure and business risk. This session could also be tailored for a not-for-profit.

Legal Audits & Corporate Compliance – Trying to Avoid Future Problems

A company may incur monetary damages if it violates a law or regulation. It may also suffer damage to its reputation and future prospects. In this session, the focus will be on corporate compliance and risk management. Find out how a company can minimize the likelihood of legal liability. Also, the auditor's duty to uncovering and reporting a client's illegal acts will be addressed.

Negotiating & Documenting Contracts – Getting it in Writing!

This session will address the key points that should be included in a contract or written agreement, and what should be kept out. The speaker, who is a lawyer and venture capitalist, will offer suggestions on how to negotiate any deal, and the "dos and don'ts" of negotiating. He'll explain when you should concede a point and when you should walk away. The focus will be on the completion of deals, while avoiding disputes.

Oppression of Minority Shareholders – When is the Line Crossed?

The general rule is that a majority vote controls the outcome. In some cases, the majority shareholder or LLC member takes advantage of their ownership percentage to the detriment of the minority owners. Learn what action the majority owner can legally take, and when it "crosses the line." Likewise, learn when the minority shareholders have a cause of action against the majority or controlling owners. This session will address the legal and practical issues.

Piercing the Corporate or LLC Veil – Holding the Owners Liable

Many businesses are formed as either a corporation or LLC. In most cases, the primary reason is to obtain a liability shield so that the shareholders or members are not personally liable for the company's debts or liabilities. In some cases, however, the court may allow creditors to pierce the liability shield and hold the shareholders or LLC members personally liable. This session will explore the reasons why the liability shield is pierced in some cases, but not in others.

Recent Significant Business Law Cases – Learn from Other's Mistakes

Most people acknowledge they should learn from their own mistakes. However, that process is often painful and can be expensive. The speaker advocates learning from other's mistakes and in most business litigation cases that is the loser. This session will explore recent business law court decisions that are noteworthy. The speaker will focus on these learning opportunities. Learn what businesses should do to minimize their liability exposure, and what they can do to improve the odds of success if they have to litigate.

Restrictive Covenants – Protecting the Company's Jewels

Many companies do not protect their company's most valuable assets – their employees and its intellectual property including its trade secrets and customer list. This session will explore covenants not to compete, disclose trade secrets or confidential information, or solicit employees or customers. The speaker will explain what a trade secret really is, and how to keep it a secret.

Shareholder and LLC Operating Agreements – The Business Prenuptial

A shareholder or LLC operating agreement is an extremely important document that can benefit both the majority and minority owners. The agreement should include much more than traditional buy-sell provisions. In fact, the agreement, if drafted correctly, can help avoid shareholder or member disputes. This session will address the provisions that should be included, and note many mistakes that are often made in drafting these agreements.

Special Internal Investigations – Determining If the Allegations are true

Many companies face allegations of wrongdoing. This may adversely affect the company's reputation, and perhaps its operations and value. Accordingly, it is important to resolve such allegations promptly. This session will describe the process of conducting a thorough investigation. It will address relevant issues including when a special internal investigation is appropriate, who should be involved in conducting an investigation, what critical questions should be addressed, and the role accountants can play in an investigation.

Structuring Business Deals – There's more than One Way to Skin a Cat!

Many individuals who negotiate and structure business deals focus only on the upside. Savvy people, though, focus on the downside as well. They not only focus on getting into the deal, but also how they can get out of, or exit, the deal when the time is right. This session will highlight the key issues that should be addressed.

Using the Law to both Improve and Defend Your Business – Building a Moat

Well managed companies consider applicable laws and are pro-active. They focus on how they can use the law to protect their business and better position the company if a dispute arises. This session will explore the action executives can take to not only protect their business, but also how they can use the law to add value to their business.

Valuation

Legal Considerations in Valuing a Closely-Held Business

The value of a business is based upon its expected future return and the perceived level of risk. Legal issues pervade business and affect both a company's future returns and its perceived level of risk. This session will address many legal considerations that should be considered when valuing a closely-held business. The issues that will be explored include evaluating a company's intellectual property, contracts, corporate governance, whether formalities are followed, and other factors.

Recent Business Valuation Cases – Learning From the Courts' Guidance

New business valuation cases are published regularly. Each court opinion provides an excellent learning opportunity because the court often explains what the party and their business valuation expert did right and what they did wrong. In effect, the courts are providing clients and their advisors with a roadmap of how to do it right and what the court is looking for. This session will focus on cases that are particularly noteworthy.

Valuation of Other Assets

Most valuation seminars focus on the valuation of a closely-held business. This session is different; it will focus on the valuation of "other assets", such as real estate, paintings, intangible assets, timberland, conservation easements, reversionary interests, litigation claims, and others. The valuation of "other assets" is important for many reasons including estate and gift taxes, divorce, and the sale of assets.