The Strong Firm® P.C. Attorneys StrongPoints

Work and Personal Life Balance

A Professional's Guide To Unplugging

By: Bret Strong

It hardly seems a proper subject for a law firm's newsletter since lawyers are notoriously intense workaholics. I tell all of the attorneys at The Strong Firm that being a lawyer is a true "profession" in the sense that client and community needs often do not fit into a nine-to-five work schedule and that you are seen as a "trusted counselor" everywhere you go. Add the fact that in today's world you are never more than an email, text or cell phone call away, and the lines between work and personal life get more and more blurry every day.

I have to admit, I am addicted to my iPhone and instant communication. Because I want to be there for my clients and stay responsive to their needs, I often check my phone and respond at all hours of the day and on weekends. Sometimes this is necessary as business needs can be very time sensitive, but it is interesting how even my 1-year-old son can give a person perspective on instant communications. Before he can even talk, the iPhone gets his attention and instantly distracts him from whatever is at hand. And while it can inform and entertain, my eyes have been opened to how it can also unnecessarily interfere with quality interaction.

In this vein, I feel it is becoming more and more important, if we are to be everything we want and need to be to our clients, family and friends (and ourselves), that professionals of all types find unique ways to ensure they balance their work and professional lives by setting boundaries. This allows time for all the things that are important. First and foremost, a strong spiritual base for life is critical. Finding time to focus beyond our earthly struggle to a merciful God helps ground us. It is hard to find that true connection in an email or on the internet. Secondly, a healthy lifestyle that includes exercise is critical to overall well-being. I have found that when I exercise my thoughts are clearer and my client's problems get solved more easily. Go for a walk, run, swim or bike ride and leave the phone at home. Finally, a mind and body needs rest. The iPhone has a great setting called "Do Not Disturb" that can make sure only certain texts, calls and emails disturb you at certain times of the day or night which are otherwise set aside for recharging. This really helps with the temptations of instant interaction.

Please do not take this article as any indication that you will no longer be getting timely responses and interaction from me. That will not change, as in my world balance often takes place at all hours of the day and night. I just wanted to share some thought-provoking insight on a struggle of mine and of which many I know suffer. Now get back to work!

Bret Strong

__Bret Strong__ is the founder and managing shareholder of The Strong Firm P.C. His areas of practice include oil, gas, and energy; commercial real estate; mergers, acquisitions, and sales; and business law and contracts. He earned a Juris Doctorate, cum laude, from South Texas College of Law, and a B.S. in Business Finance from the University of Colorado at Boulder. He is admitted to practice law before The United States Supreme Court. Bret has achieved the AV® Martindale-Hubbell® Peer Review Ratings™ award and has served as a founding board member of The Woodlands Bar Association.

bstrong@thestrongfirm.com

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The Strong Firm P.C.
10003 Woodloch Forest Dr.
Suite 210
The Woodlands, TX 77380
Phone (281) 367-1222
Fax (281) 210-1361
bstrong@thestrongfirm.com

Visit us at:
www.thestrongfirm.com

Think It's Expensive to Hire an Attorney?
Beware of What It Can Cost You Not to Hire One

Eric R. Thiergood, Sr.

By: Eric R. Thiergood, Sr.

The old adage, "an ounce of prevention is worth a pound of cure," is applicable to businesses facing legal matters. One question we are often asked is how legal self-help websites, offering anything from wills to entity formation documents for a very low fee, affect your business. The answer, quite frankly, is not at all.

If anything, those sites have probably increased the number of new clients who come to us after using their services and ending up with documents they do not understand or, in some extreme cases, are completely wrong for their situation. The clients we typically work with at The Strong Firm understand that while we will put forth every effort and use any technology available to ensure we deliver legal services in a timely and cost-effective manner, quality legal services such as entity formations are most likely going to cost you more than the unreasonably and suspiciously low flat rates advertised by some of the more popular online legal document mills.

As an example, I recently met with a client who came to our firm with a business problem. Our client and a friend started a company in Montgomery County more than seven years ago. Knowing that they should probably have a more formal agreement regarding their business agreement in place, they turned to an internet legal document mill, paid a small fee, answered a few questions, and received an email with a few attached documents formalizing their LLC (limited liability company). The entire process took place without them ever speaking to an actual person, much less sitting down with a licensed attorney who could explain the company documents to them and answer any questions. The client admitted that he "glanced over the documents" but never read through and fully comprehended the documents. He and his partner reasoned that "at some time" they would hire an attorney to review the documents and explain everything to them. The business grew at an incredible rate and the business partners moved from a garage into an industrial space in Montgomery County, began hiring employees, and relatively quickly found themselves owning and operating a very successful business. The business partners began moving in separate directions regarding the growth of the company and a riff ensued. Our client decided it was time to meet with an attorney for counsel on how to proceed.

Upon our review, we quickly ascertained that the documents provided to the client were woefully inadequate and in many parts not even applicable in the state of Texas. While we were fortunately able to partially "unring the bell" in this matter and, with both business partners' consent, amend the company documents and bring a relatively amicable solution to the dispute. The business partners ended up spending substantially more than they would have had they simply come to us in the first place, had us draft the appropriate company documents and agreement, and most importantly, explain to them both what the documents meant and how they function in the management and operation of the company.

This same scenario has been repeated time after time, not only with entity formations but also with matters such as reviewing commercial leases, providing an employment contract or non-compete agreement for a new hire, and reviewing service contracts. In so many of these cases, the initial cost of having an attorney involved at the beginning to make sure you are fully protected is substantially less that the cost you will incur should the matter take a turn for the worse and you find that you are not adequately protected

__Eric R. Thiergood, Sr.__, Senior Associate Attorney, joined The Strong Firm P.C. in 2005 after graduating from South Texas College of Law. He is licensed to practice law in the State of Texas and in the United States Federal District and Bankruptcy Court for the Southern District of Texas. Having lived in Asturias, Oropesa Del Mar and Madrid, Spain, Eric is fluent in Spanish and uses these skills in his work with some of the firm's international Spanish-speaking clients.
ethiergood@thestrongfirm.com

Clerk's Corner: Naming Your Business

Brian Albert

By: Brian Albert

As soon as you decide to start your own business, you will almost instantly begin thinking about the perfect name for your company. You want something catchy and distinctive, and you want people to like it. But can you really call your business anything you want? The answer is simple – no – but figuring out just exactly what you can and cannot use as your company name can be a little more difficult.

The first step in choosing a name is to decide whether or not you plan to form an incorporated entity or act as an unincorporated individual or entity. If you plan to run your business as a sole proprietorship or a general partnership (we wouldn't suggest that), you will have to file an assumed name certificate in each county in which you maintain business premises. If you are going to incorporate, you must decide what type of entity you will create for your company. Will you form a corporation, an LLC, or maybe a type of limited partnership? If you do, you will have to file your company's name with the Secretary of State. This question is also important because different entity types must include certain words or acronyms in their name, also known as organizational identifiers. For instance, an LLC (limited liability company) name must include "Limited Liability Company," "Limited Company," "LLC," "L.L.C.," "LC," or "L.C." Other organizational identifiers are required for corporations, limited partnerships, and professional organizations.

Once you've settled on a name, you have to find out if this name is distinguishable from other businesses in Texas. The main idea here is that you cannot give your

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"Nobody Will Find Out": Famous Last Words Used in Email Communications

Adam Looney

By: Adam Looney

In today's world, more and more of our communication is being conducted electronically. Now, instead of periodic status meetings or conference calls, the communications for an entire project may be entirely contained in a series of email chains.

The added convenience and productivity granted by electronic communication is not without its price, however, as all of a business's ideas, decisions, considerations, and questions are memorialized in written electronic form. And – knock on wood – if a lawsuit should ever arise regarding that subject, you will almost certainly be required to give to the other side every email that is even remotely related.

Experience conditions attorneys to assess every email with the following question in mind: "What would a judge or jury think of this email if it were introduced at trial?" While it would be counterproductive to expect that level of paranoia from people drafting normal business communications, it is certainly advisable, especially anytime there is a potential disagreement, to be appropriately cautious about what you put in writing.

As an example, though in a different context, the accounting firm Ernst & Young developed software designed to ferret out financial fraud by identifying key terms in emails. One of the most common phrases in emails correlated with actual fraud was "nobody will find out." Ironically, in these cases, it was the voicing of the common misconception that words written in private email conversations will remain private that ultimately led to the uncovering of the fraud that the perpetrators assumed they were so cleverly hiding.

To apply that lesson to the issue at hand, in the context of a potential lawsuit it is prudent to be very careful about putting anything in writing that could affect your legal rights or obligations without the benefit of advice from legal counsel simply because you assume that no one but the intended recipient will ever read it. Otherwise, you could find yourself prejudiced in a lawsuit by comments or opinions written in the heat of the moment and without time for thoughtful consideration. Trial lawyers are trained to make the best of whatever evidence the case brings with it, but if the client has already taken a position in an email that would have been strongly advised against, it can be difficult, if not impossible, to undo the damage already done.

In conclusion, the next time you need to discuss what you think your obligations are with respect to a particular agreement or transaction, make a difficult decision regarding how to respond to a potentially controversial problem, or you simply want to vent about a particularly frustrating employee or business partner, it might be a good idea to double check your choice of words before clicking the "send" button. Or, better yet, just pick up the phone instead.

Adam Looney *joined The Strong Firm P.C. as Of Counsel in 2012. He graduated Summa Cum Laude from Pepperdine University School of Law in 2009 and was elected into the Order of the Coif. Adam started his career as a litigation associate at the law firm of Baker Botts L.L.P. During his career, Adam has zealously advocated in the courtroom, through alternative dispute resolution, and before administrative agencies to achieve creative and advantageous solutions to his clients' most complicated legal issues.*
alooney@thestrongfirm.com

The Five Million Dollar Answer: Surviving the Fiscal Cliff and Dying Anyway

Wendy Lambie

By: Wendy Lambie

There is much confusion regarding estate tax laws. The first question one might need an answer to is, "What is an estate tax?" Estate tax is a federal tax on assets someone owns at death and is transferred to that person's heirs. The estate tax was created in 1916 to capture tax on assets that appreciate over time, like a family home that doubled or tripled in value through several generations, but its increase was not taxed because it was never sold.

In the 11th hour on New Year's Eve 2012, congress passed the American Taxpayer Relief Act, which included legislation on the federal estate tax. Essentially, what they did was to keep the current system that had been in place for the last two years and make it more permanent. I say "more permanent" because it will stay as it is until they change their minds…again. As minor a change as this might seem, this was a big deal for those of us practicing estate planning. If congress had done nothing, the tax-free amount you could pass on after death in 2013 would have reverted to the $1 million dollars from a decade ago and the estate tax rate would have risen to 55 percent. That is a pretty hefty chunk of anyone's inheritance. Instead, congress made permanent the previous system and on January 11, 2013, announced that, taking into account current inflation, the exclusion amount for 2013 will be $5.25 million and the estate tax rate is set at 40 percent. Congress left unchanged the unlimited marital deduction and what estate planners and tax geeks call portability. Portability allows the surviving spouse, under certain circumstances, to use their spouse's exclusion as well, thereby greatly increasing the assets sheltered from the 40 percent federal estate tax. Unfortunately, among other complications, portability requires an election at the death of the first spouse and marital deductions will only apply for a U.S. citizen. Perhaps most importantly, these deductions and exclusions will not prevent estate tax from hitting those who inherit after both spouses have passed, such as a child or grandchild. In addition, any substantial gift(s) made during

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CHANGE
How Opportunities Come Along When We Least Expect Them


Renee Glazer

By: Renee Glazer

Change. Sometimes it's a word people fear – but it doesn't have to be. Take me for example. My career path has taken me on a journey, allowing me to learn different types of law, including, litigation, corporate start-ups, franchising, patents, trademarks, estate planning and probate matters. This journey came about by having the courage to make changes.

I began my paralegal career in 1991 with Wolf Ardis, a small family owned law firm in Memphis, Tennessee. Over the next 20 years, change kept happening, allowing me to hold a number of different legal positions with larger firms and corporations. Following Wolf Ardis, I was hired on at The ServiceMaster Companies (Service-Master, Terminix, Merry Maids, TruGreen and American Home Shield), where I continued with litigation, and learned about and specialized in all of their franchising matters. After several years with ServiceMaster, I decided it was time for a bigger change, so I moved to Dallas, Texas, and within weeks of my arrival I got hired on at Tricon Global Restaurants (Pizza Hut, Taco Bell and KFC). While there, I handled their franchise matters and over the next six years I also became proficient in the patent and trademark industry. While in Dallas I met my husband Steve, who eventually took a job in The Woodlands, Texas, as the head gemologist for Donohos Jewellers. Another change.

After moving, I joined Compaq Computer Corporation's trademark department only to realize that their merger with Hewlett Packard would be the end of my stay there. You guessed it, time to make another change. This change led me to Winstead, PC, and while there I learned about corporate start-ups and continued my career handling patents and trademarks, and I eventually ventured into the world of estate planning and probate. This is where I first met Bret Strong. Bret was primarily handling mergers, acquisitions and real estate matters. As you can imagine, our paths happened to cross quite a bit, even though we did not work in the same departments. Sharing the same work ethic and commitment to clients, Bret quickly became someone I admired and wanted to work for.

By now it was 2004 and again time for a change, only this time the change was happening for Bret, as well. Bret left to open his own business firm, The Strong Firm PC, and I was hired on at another local firm in The Woodlands to continue with my estate planning and probate career. Bret and I remained friends and stayed in touch over the next eight years and when the time was right for Bret, he decided to expand and grow The Strong Firm's estate planning and probate practice areas. The time was right for me to make another change. I am now proud to be with The Strong Firm PC working in what I still love to do – estate planning, probate and trademark matters.

One never knows where life's journey will take them. In the words of motivational speaker John Rohn, "Your life does not get better by chance, it gets better by change." Try it; you might find it will land you in that perfect place – just like it did for me.

***Renee Glazer**, Paralegal, Renee joined The Strong Firm, P.C. in 2013. She started her career at the law firm of Wolff Ardis working as a paralegal within the litigation department. Renee has gained experience over the last nine years predominately in the estate planning and probate department. Her areas of expertise include estate planning, probate, trademarks, patents, franchising, litigation, corporations, LLCs and Partnerships.*
rglazer@thestrongfirm.com

Clerks Corner

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company a name that is the same or deceptively similar to an already-existing business. In order to check your name against other registered companies, you will need to contact the Secretary of State or have a professional conduct a search of name availability. It is important to note here that even though a business name may not be filed in Texas, you may still be blocked from using that name because of trademark registrations and other common-law protections. Certain names are so established and well-recognized that using them would likely cause confusion. For example, you would be unable to use "Nike" as the name for your business. The reason for this is the State department does not want to confuse consumers as to what company they are doing business with.

Ultimately, you and your company will be better off using a unique name that allows customers to identify you. The more common your name, the more difficulty you will have getting it registered with the State department. Starting a new business is exciting, but take the time to make sure you end up with a good, acceptable name for your company.

The Five Million Dollar Answer

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someone's lifetime has the potential to reduce their exclusion amount.

Death and taxes may be equally inevitable, but the taxman demands the last word. Death does not excuse a final accounting with the IRS. Regardless of your asset values, everyone has a good reason to do estate planning. If you are so organized as to have yours already completed, congratulations! However, it never hurts to revisit your estate plan after any changes in your finances or personal life.

***Wendy Lambie**, Associate Attorney, joined The Strong Firm, P.C. in 2013 as an experienced associate. Ms. Lambie received her Juris Doctorate from South Texas College of Law and is licensed to practice law in the State of Texas and in the United States Federal District Court for the Southern District of Texas. During her career, she has gained valuable experience with Houston area firms, focusing her practice on estate planning and probate. In addition, she has in depth experience in oil and gas matters; with special emphasis on title issues.*
wlambie@thestrongfirm.com

The Strong Attorneys in the Community

The 2013 Woodlands Marathon

Beth Kovacs, legal assistant, (left) and Laura Junek, paralegal, show their finishing medals at The Woodlands Marathon held March 2.

The Strong Firm P.C. was proud to serve as a sponsor and participate in the annual The Woodlands Marathon. Beth Kovacs, Laura Junek and Bret Strong were successful finishers in the sold out race of 3,800 registered runners.

LMC BridgingApps Golf Tournament

Renee Glazer, paralegal, (2nd from left) at the BridgingApps Golf Tournament.

Renee Glazer, paralegal, participated in the recent golf tournament fundraiser for BridgingApps presented by Leadership Montgomery County and hosted at The Palmer Course at The Woodlands Country Club on Feb. 18. The Strong Firm is a supporting sponsor of the LMC BridgingApps project, which bridges assistive technology for communication and learning for the local special needs community.

The Strong Firm Voted Best in Woodlands

BEST of THE WOODLANDS PRESENTED BY WOODLANDS ONLINE 2013 1st Place Woodlands Online®

The Strong Firm was presented with the first place award in the Best Attorney, Lawyer and Legal Services category in the Woodlands Online "The Best of The Woodlands" competition for the fourth year in a row. This friendly competition between local businesses gives residents the opportunity to vote for their favorite business in various categories.

The Strong Attorneys in Action

February 2013 - **The Strong Firm** provided professional guidance at the closing of a ground lease for a dry cleaning company in The Woodlands.

February 2013 - **The Strong Firm** negotiated a reciprocal easement agreement for White Oak Landing in Conroe.

February 2013 - **The Strong Firm** performed legal assistance to receive a Temporary Restraining Order to protect its client's $6 million interest in 3000 acre oil & gas exploration and production project.

February 2013 - **The Strong Firm** provided legal services in the renewal of a trademark for a local independent school district in Harris County.

January 2013 - **The Strong Firm** served as legal counsel for an executor in the estate sale of 53 acres of land valued at $4.5 million in Tomball.

January 2013 - **The Strong Firm** provided professional guidance in a negotiation of $500,000 listing agreement for a small commercial property located in a highly prized section of Houston.

January 2013 - **The Strong Firm** supported its client with legal direction in the acquisition of an Israel oil & gas company.

January 2013 - **The Strong Firm** represented its client in the development of several multi-million dollar executive office condominium suites in Montgomery and Harris County.

We provide legal services in the all of the following areas:

- Business Law and Contracts
- Financing, Trademarks, and General Corporate
- Corporations, Partnerships, and LLCs
- Real Estate
- Business Disputes
- Wills, Probate, Trusts, and Estates
- Mergers, Sales, and Acquisitions of Businesses
- Oil, Gas, and Energy
- International Business Investment

From left: **Laura Junek**, paralegal; **Melanie Edleston**, office manager; **Wendy Lambie**, associate attorney; **Adam Looney**, associate attorney; **Bret L. Strong**, attorney, founder, and managing shareholder; **Eric R. Thiergood, Sr.**, senior associate attorney; **Renee Glazer**, paralegal; **Brian Albert**, law clerk; **Bethany Kovacs**, legal assistant.