

Stim & Warmuth, P.C.

It has been a busy time for us - new clients, new cases, new challenges. We have also expanded. **Glenn P. Warmuth, Esq.** passed the bar examination last summer and was admitted to the New York State Bar on December 15, 1999. Glenn is now an associate with **Stim & Warmuth, P.C.** We congratulate Glenn on his accomplishments.

Joseph D. Stim
Paula J. Warmuth



What is a P.C.?

The name of our firm is **Stim & Warmuth, P.C.** Many of you have asked what the "P.C." stands for. P.C. is an abbreviation for "professional corporation." The New York Business Corporation Law allows professionals, such as attorneys and physicians, to incorporate as a professional service corporation¹. The sole purpose of the corporation must be to render professional services. No professional service corporation is allowed to engage in any business other than the rendering of the professional services for which it was incorporated. Like a regular corporation, there is a certificate of incorporation, officers and shares of stock. A professional service corporation must file corporate income tax returns and shareholders are taxed twice - both at the corporate level and the personal level. The

rules applicable to regular corporations are generally applicable to professional corporations. However, unlike regular corporations, a shareholder or employee of a professional service corporation is personally liable and accountable for any negligent acts committed by him while rendering professional services on behalf of the corporation. This is different from normal corporations where the shareholders ordinarily have limited liability.

Limited Liability Company

Another abbreviation which you may have seen recently is L.L.C. or LLC. This stands for limited liability company. Available since 1994 in New York², this business entity has become very popular. It is a hybrid between a partnership and a corporation and shares attributes of both. It is formed with the filing of articles of organization. It is managed by its members unless management is vested in a manager. You may have only one member. Like a corporation, the members are not liable for any debts, obligations or liabilities of the limited liability company. However, the members are taxed directly like a partnership - no double taxation like a corporation. We can form a limited liability company for you if needed.

Administrative Proceedings

Not all of our work is done in the Courts. In the last year, we handled many administrative proceedings. We successfully resolved two matters with the School Construction Authority. After an administrative appeal to

the NYS Office of Children and Family Services in Albany, we were able to get a report of child abuse amended to show that it was unfounded. We also were able to get a favorable determination from HUD regarding a claim of housing discrimination. This was after an appeal to the Second Circuit Court of Appeals regarding the propriety of an administrative subpoena issued in the administrative investigation.

Networking

If you have a type of case which we do not handle, we can refer you to an attorney with special knowledge in that area. During law school and during the course of our professional careers, we have made many contacts in the legal profession. For example, any questions regarding immigration law we refer to **Linda G. Nanos, Esq.** Linda and Paula were classmates at St. John's University School of Law and both studied immigration law under His Eminence Anthony Cardinal Bevilacqua, now Archbishop of Philadelphia. Linda has a bi-lingual storefront law office located in Hempstead to serve the immigrant community.

The Minor Respondent

Linda also is a published author. Her book entitled "The Minor Respondent" is about a child's attempts to obtain political asylum. Although written before the Elián Gonzalez saga, it helps the reader understand some of the intricacies of that case. Linda also peppers her book with explanations of the origins of common expressions such as "going whole hog." The story is

placed on Long Island and is very well written. If you would like a copy of Linda's book, let us know.

Martindale-Hubbell

Another resource for locating an attorney is Martindale-Hubbell. Martindale-Hubbell has developed and published a database which rates attorneys for both their legal ability and ethical standards. **Stim & Warmuth, P.C.** has an AV rating which is "very high to preeminent" with respect to legal ability and "very high" with respect to ethical standards. The Martindale-Hubbell ratings are found in your public library in bound volumes and on the Internet at <http://www.martindale.com>.

Court Appearances On The Net

Also available on the Internet is any future court appearances scheduled for our firm. The site is officially called the New York State Unified Court System Future Court Appearance System. The address is <http://e.courts.state.ny.us/>. Once there, click on future court appearance system. You can then put in our name, your name, your adversary's name or your index number. You will find out details about your case such as the assigned Justice and the date and reason for the next Court appearance.

IOLA

Another question which many of you have asked is regarding whether interest is paid on funds which we hold in our escrow account. The answer is yes but we don't get to keep the interest. Our escrow account is an IOLA account which stands for "interest

on lawyer account." Each month, the bank deducts the interest and sends it to the IOLA fund which is a fund created under the State Finance Law³. No less than 75% of this fund is to be allocated for the purpose of delivering civil legal services to the poor and the remainder is to be allocated for purposes related to the administration of justice, including, but not limited to, the provision of legal services to the elderly and disabled.

PARIS TRIP



Glenn and Paula attended the Paris trip sponsored by the NYS Bar Association Real Property Law Section. The conference covered various aspects of real estate law including litigation - one of our areas of practice.

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¹Business Corporation Law, Article 15, Professional Service Corporations.

²Limited Liability Company Law.

³State Finance Law, Section 97-v.