



R. Scott Fitzke Becomes Shareholder

On October 1, 2008, the firm congratulated Ronald Scott Fitzke as he stepped into his new position as a shareholder in the firm. On the same day, the name of the firm officially changed from Stewart, Shortridge & Rothman, P.C., to **Stewart, Shortridge & Fitzke, P.C.**



Scott Fitzke joined the firm as Special Counsel in 2003. He received his undergraduate degree in 1978 from the University of Nebraska, and received his J.D. in 1981 from the University of Denver, College of Law.

Scott's areas of practice include civil litigation (trials and appeals),

defense litigation, real property, foreclosures, landlord-tenant law, HOAs, professional liability and malpractice, entertainment law, business law and business associations, wills, trusts and probate.

Scott and his wife, Tracy, are the parents of two talented and active teenagers; a son, Taylor, and a daughter, Morgan. In spite of their busy professional and academic schedules, the family has always made time for regular activities together including travel, scouting, church events and music.

Scott, an avid music lover and a blues guitarist, is on the Board of Swallow Hill Music Association, a member of the Colorado Music Association and is Vice President of the Colorado Blues Society. This avocation has been passed to his son, a talented and emerging young musician, and the family now enjoys attending the performances of Taylor's rock band at local clubs and gatherings. Scott's daughter, Morgan, is also an entertainer who performs with a recognized local dance troupe and is an accomplished hip hop and jazz dancer.

If you haven't met Scott before now, we hope you'll drop in soon and get acquainted. If you do, you'll discover for yourself that only the firm's name has changed; Scott Fitzke is the kind of professional you've always trusted in our office. Stewart, Shortridge & Fitzke, P.C. continues a commitment spanning more than 21 years to provide exceptional service to our clients as a full service commercial law firm.

This publication provides general information and should not be used or taken as legal advice for specific situations which depend on the evaluation of precise factual circumstances. Use of any information herein does not create an attorney-client relationship. The law is constantly changing and there are exceptions to almost every rule of law. You should not rely on the information provided in this newsletter without seeking legal counsel.

MAY THE ROAD RISE UP...

Like many, we've never been big fans of goodbyes. However, in this age, friends hardly ever move farther away than air mileage points can carry us, so saying farewell to one following his heart carries less of a sting. On September 30, 2008, our long time friend and colleague, Barry Rothman, left the firm and moved to sunny and temperate San Diego, California.

Some say that Barry "has retired from the practice of law in Colorado," and, they are correct. The poetic might say, "he has gone in pursuit of dreams so often elusive for lack of imagination or opportunity or courage or determination." Ok, so we should skip poetry and stick to law, but for whatever adventure lies ahead, we certainly wish Barry all health, happiness and good fortune.

Barry William Rothman joined the firm in its infancy, in 1987, as an associate. Later, he became a shareholder in 1999. His approach to the practice of law was personal and friendly and his clients appreciated his down to earth style, his desire to educate and assist, and his dry, keen wit. Once, when asked, "Why did you become a lawyer?" Barry quipped, "Because I cannot play the flute." A joke, yes, but Barry does love the fine arts.

Barry has pursued most of the arts avocationally — music, acting, dance, writing — and has even performed a bit professionally. He was a member of the Screen Actor's Guild for three years, and actually appeared in a Perry Mason made-for-television movie, "The Case of the Scandalous Scoundrel". He also acted in some local commercials, did some print ad model work, and even performed in a local production of "The Nutcracker," which was no small feat for someone who claimed to have "two left feet."

For his many skills, talents and gifts, for all the humor and color he added to firm life, Barry is missed. So, we say:

"May the road rise up to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
The rain fall soft upon your fields,
And until we meet again,
May God hold you in the palm of His hand."
Farewell, Barry, thanks for the memories!



stewart
shortridge
& fitzke, p.c.
Attorneys at Law

4 INVERNESS COURT EAST
SUITE 100
ENGLEWOOD, CO 80112

The Costly Consequences of Poor Planning are Recession-Proof

Incessant headlines pronouncing doom over our struggling economy has wearied even the most optimistic in our society and almost everyone has a story to tell about how the current crisis is challenging us. As a result, most are at least thinking about how to make our lives “recession-proof” in order to weather this storm. Mainstream advice tell us to shore up our portfolios, maintain a savings reserve, reduce our debt, and refinance our homes when we have a lower interest rate in sight. While we prioritize where the tightening resources of our families and businesses should be spent, now more than ever, it is critical that we adhere to the fundamentals of sound estate and business planning. Failing to plan now, while trying to save money, can magnify the ill effects of the current financial crisis.

As we weigh the importance of proper planning in the scheme of these competing priorities, the consequences of poor planning are not always the most palpable because they usually follow some unforeseeable event, such as someone’s death or disability. However, in addition to the obvious emotional toll, the lack of proper planning could be financially devastating to those left to shoulder the burden created by such an unexpected event.

For instance, an inadequate or non-existent estate plan could have several unintended and catastrophically expensive consequences:

- Inadequate wills and/or asset structures could result in an unnecessary estate tax, diverting money from your family to the government. Under current law, this windfall to the government at the expense of your family could be up to \$900,000 in 2008, and up to \$1,575,000 in 2009.
- In the event you are unable to communicate and you are suffering from a terminal illness, the absence of a living will could result in your being kept alive by artificial means indefinitely, despite your intent to the contrary, at the cost of several thousand dollars every day.
- In the event of your mental incapacity, the absence of a power of attorney could necessitate potentially expensive court proceedings to appoint a conservator to act on your behalf.

(continued from above)

In considering business planning, the absence of a comprehensive succession plan could drain precious dollars from your business – and ultimately from your family – as your associates scramble to keep the business afloat in your absence. For example, without an appropriate buy-sell agreement and proper funding vehicles in place, the death or disability of a key person in your business would likely significantly (and possibly fatally) disrupt the business by creating an unfunded void in the company’s management and operations, thereby imposing the financial and physical burden of continuing the business on the remaining stakeholders, and if there are none, potentially on the family of the deceased or disabled person. If business owners were asked whether their business could survive such an unanticipated and sudden attack in the absence of proper planning, and whether their family could sustain the efforts needed to make the business profitable, most would have to answer “no.”

We are all looking for the least expensive alternative, and ensuring the proper estate plan or business plan is in place is perhaps the cheapest insurance you can find. We encourage you to contact us to be certain your plan will in fact protect you and your family when you would need it the most. If it will not, we will work with you to ensure that a difficult time will not separate you or your family from one dollar more than necessary.

About the authors: **Bob Stewart** is a Shareholder in the firm and specializes in estate planning, trusts and probate as well as business law and taxation. He is a frequent guest lecturer among industry, professional and civic groups. **Brent Hultquist** is an Associate with the firm and his practice areas include wills; trusts and estates; probate; asset protection; tax law; business law; corporate law; partnership law; insurance; intellectual property, and real estate law.