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JANUARY 21-27, 2022

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ESTATE PLANNING FOR YOUNG ADULTS

If we've learned anything these past few years, it's that life is short and can take an unexpected turn quickly. Many middle-aged individuals have seen this life lesson in action and have taken the time to confirm that their estate plans are in order. Questions such as "Who is my health care power of attorney? Who will take custody of my minor children if something happens to me? What will happen to my house and personal belongings when I die?" have likely passed through their mind. However, young adults should be asking these same questions.

Although some young adults may not have any children or real estate to think about yet, all young adults need to think about who they want to designate as decision-makers if something happens



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to them or they cannot make decisions for themselves. While estate plans are tailored to an individual's circumstances, all young adults 18 years or older should strongly consider having the following documents in place.

A Health Care Power of Attorney allows a person to designate who they want to be making health-related decisions on their behalf in

the chance that the individual signing the document cannot, for some reason, make those decisions for themselves. When an individual turns 18 and attains the age of majority, their parents are no longer entitled to any of their medical information just because of their parent-child relationship. Thus, it is important to execute a Health Care Power of Attorney to make sure that only those you want

to be making decisions on your behalf can access such protected information and make those decisions in unfortunate circumstances.

A Durable General Power of Attorney, or Financial Power of Attorney, allows a person to designate who they want to make financial decisions on their behalf. One key difference between this document and the Health Care Power of Attorney discussed above is the fact that this document usually takes effect immediately upon signing (but this can be changed). Therefore, whoever the signer designates as the person to have this Power of Attorney will usually have power right away to manage the signer's finances.

No estate plan is truly complete without reviewing and, if necessary, updating Beneficiary Designations to confirm who an individual's preferred beneficiaries are with respect to their various

assets, including investment accounts, retirement accounts and bank accounts. Ensuring all beneficiary designations are updated and complete will help allow a person to ensure that their family members will avoid the costly and time-consuming probate process.

Lastly, a Will is a document that allows a person to designate who will take title to their probate assets (those which have no beneficiary designated) and who will serve as their executor to settle their estate upon the individual's death. It doesn't matter how many possessions an individual has – everyone should have a Will in order to avoid leaving assets to the "default" beneficiaries imposed by state law, who may or may not be whom the individual would designate – and also to avoid any potential conflicts over who would serve as executor.

There are certainly other documents that can play a part in someone's estate plan, but enacting the above-mentioned documents will allow unexpected or inconvenient circumstances to be less burdensome and uncertain. ■

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SOCIAL MEDIA: BE CAREFUL WHAT YOU POST

Social media revolutionized the way we communicate. Approximately 70 percent of adults are active on social media, and that percentage is rising each year. Social media allows us to share our thoughts with people all over the world. It has also become a tool employers can use to monitor employees or investigate applicants. While it has often been said we should "dance like no one's watching," everyone should post on social media like their boss is reading – because they probably are. Thus, employees should consider how social media activity may impact their employment. But, there are limits on when disciplinary action can happen in response to an employee's social media activity.

Ohio is an "employment at will" state, which generally means that, absent an agreement stating otherwise, an



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employer may terminate an employee at any time, for any reason. As such, an employer may terminate an employee for their speech or conduct outside of work.

But there are some exceptions. The law protects employees from adverse employment action if it results from an employee's disability, membership in a protected class, or attempts to

unionize. If an employer would be prohibited from penalizing or terminating an employee for a circumstance in the workplace, those prohibitions extend to social media activity. For example, Title VII of the Civil Rights Act prohibits discrimination based on race, color, religion, sex, national origin, disability, or sexual orientation. Thus, an employer may not terminate an employee for posting religious views on social media. Similarly, Section 7 of the National Labor Relations Act guarantees employees the right to self-organize, form a union, and bargain collectively. Thus, terminating an employee for attempting to organize is prohibited, even if the attempt occurs on social media.

The rules are a bit more complicated with government employees, who have an added measure of protection from their employers—the First Amendment of the U.S. Constitution, which does not

limit how private employers respond to otherwise unprotected social media activity by employees. The First Amendment's protection applies to posts on social media by government employees. But the U.S. Supreme Court has determined this protection applies only when public employees are speaking as a private citizen. Generally, a public employee speaks as a private citizen when posting on a private social media account. But even then, Constitutional protection applies only to statements related to a matter of public concern or a political issue.

Because of the prevalence of social media, employers and employees should consider the possible effects of social media on their employment relationships. This article provides an overview of a nuanced area of law. You should contact an attorney with specific questions. ■



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