

# Legal Connections



LEGAL EXPERTISE FOR THE BUSINESS COMMUNITY

JULY 29 - AUGUST 4, 2022

Need a background check?  
The Columbus Bar provides BCI  
Background Checks at a convenient  
downtown location. Schedule an  
appointment Monday through Friday:  
[www.cbalaw.org](http://www.cbalaw.org)

**Jill Snitcher, Esq.**  
Executive Director  
[jill@cbalaw.org](mailto:jill@cbalaw.org)



## THE RESURGENCE OF UNION WORKFORCES

Unions are making a comeback. While unionization efforts at Starbucks have garnered most of the media's attention, union election petitions (the first step for unions to represent employees) are up nearly 60% from last year. Retail, health care, manufacturing and technology sectors have seen the most activity.



**MATT AUSTIN, ESQ.,**  
Austin Legal, LLC

years ago. Less than 7% of private-sector workers are now in unions compared to 35% in 1953.

Factors contributing to the recent rise in union campaigns include: unions changing their organizing strategies; younger workers viewing unions more favorably; and the federal government's efforts to increase unionization.

Unions used to balk at organizing small workplaces. Unions are a business that receives revenue from dues-paying members. They used to prefer to organize large workplaces with thousands of employees. But this strategy has failed for a long time. Now, some unions believe it is better to obtain thousands of dues-paying members 10, 25 or 50 members at a time.

Unions used this tactic to organize hundreds of Starbucks stores. Per union organizers, the more Starbucks stores that are represented by a union should

result in more employees at similar companies like Wendy's, Chipotle, White Castle and Charley's Philly Steaks desiring union representation as well. This strategy is too nascent to be ruled a success or failure yet.

A Gallop poll in September 2021 showed 68% of Americans approve of labor unions – the highest rate since 71% in 1965. But notably, 77% of workers between 18 and 34 favor unions. Most of these workers believe that labor unions have a positive effect on the country. Recent union victories at Starbucks, Amazon and Apple were all led by young workers.

Lastly, President Biden vowed to be "the most pro-union president ever." He, as well as the National Labor Relations Board – the federal agency tasked with protecting workers' ability to join unions – have also taken several steps to make union organizing easier.

This resurgence of unions is not likely to wane anytime soon. Unions are committed to organizing smaller workplaces and have found success

in doing so. Worker sentiments towards unions are at a near all-time high. Employees across the country are following Starbucks's success and seeking union representation at their own workplaces. While unions have suffered some setbacks and have lost elections, the trend of increased unionization will continue. ■

In December 2021, zero Starbucks stores had unions. Now, over 165 stores are union. Employees at roughly 130 stores have not yet voted whether they want union representation. Employees at 25 stores voted against being union. Unions have withdrawn election petitions at 21 locations – usually a sign the union knew it would lose the election. Similar activity is happening at Amazon warehouses, Apple stores and elsewhere.

These trends appear to reverse a year-over-year decline in union workforces. According to the U.S. Bureau of Labor Statistics, union membership is down significantly from its highest point 70

## EDUCATION & EVENTS

■ Thursday, August 4 • 12 – 2 p.m.  
**Great Lawyers are Great Writers: Legal Writing from the Court's Perspective**  
2.0 CLE credits

■ Thursday, August 11 • 12 – 1:30 p.m.  
**Eunice Hunton Carter: A Lifelong Fight for Social Justice**  
1.5 CLE Credits

All classes listed are offered by the Columbus Bar Association through Zoom. To register, call 614-221-4112 or enroll online at [www.cbalaw.org](http://www.cbalaw.org).

JOIN US ON AUGUST 18 FOR A CLE ALL ABOUT AUTONOMOUS VEHICLES. REGISTER NOW ON [CBALAW.ORG](http://CBALAW.ORG)

## THREE COMMON ESTATE PLAN MISTAKES AND HOW TO AVOID THEM

### Update or Change Beneficiary Designations

The most common issues that arise are changes to beneficiary designations and titling of various assets, including IRA/employer retirement plans, life insurance, brokerage accounts, vehicles, etc. For example, we typically see life insurance and annuity beneficiary designations that name a spouse as the primary beneficiary and children as contingent beneficiaries. However, suppose you establish a trust to hold assets upon death for the benefit of a spouse and/or children. In that case, the beneficiary designation must be changed to the trust. Otherwise, the proceeds of that insurance policy or annuity pass directly to the individuals, and the benefits of asset management and protection under the trust are lost.

We also find unintended issues when clients name a spouse as the primary



**MISTY ALDRICH, ESQ.,**  
Carlile Patchen & Murphy

beneficiary and children as contingent beneficiaries for their IRA/retirement. This is also true for individuals who name only a primary but not a contingent beneficiary. The failure to integrate the beneficiary designations within the estate plan can create unintended consequences and less favorable tax consequences for the beneficiaries when they receive the benefits.

### Use Payable on Death and Transfer on Death Designations

For bank accounts (including Certificates of Deposit), broker accounts, vehicles and even real estate, Payable on Death and Transfer on Death beneficiary designations are excellent tools used to transfer assets efficiently to beneficiaries, including trusts. Also, to properly implement some estate plans, jointly held financial accounts sometimes need to be re-titled to only one of those joint owners. Conversely,

some individually controlled accounts need to be re-titled as jointly held.

All financial institutions have specific forms and processes for naming beneficiaries and account owner changes.

Estate planning is an ongoing process. Many clients make all the necessary changes when their plan is initially established, but "life" happens. Clients may change banks, acquire new insurance policies, purchase new vehicles, etc. Still, the appropriate beneficiary designations are not carried over. This is why it's critical to review and update estate plans. It allows attorneys to check to ensure beneficiary designations and titling of all assets are still appropriate for the plan.

### Make it Easy to Access Digital Assets

One other aspect of estate planning that goes beyond the documents is rooted in the world of technology in which we live. Since many aspects of our lives are electronic, including our finances, those

responsible for handling the estate (or trust) upon death must have, or know how to access, all email accounts, passwords, usernames, security questions, etc. Many clients like to keep an updated list of their estate planning documents. The inability to access a decedent's electronic accounts and records is a growing problem that creates many issues and additional estate administration costs.

Too often, carefully thought-out plans fail to deliver the desired result when death occurs. While a lot of the follow-up work falls on you as their trusted advisor, many of these follow-up tasks must be taken on by the client. Consider this a guide to ensuring both you and your client are completing the necessary follow-up steps that will mitigate as much stress as possible during an already stressful time. ■