



**BUSINESS PRACTICE GROUP**

# **New Venture Startups In the United States**

2012

**Bierce & Kenerson, P.C.**  
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# 1. Executive Summary

The United States has long been the land of opportunity for startup ventures and foreign direct investment in the U.S. stock markets, in new privately owned ventures and U.S. real estate. Under U.S. federal laws and WTO agreements on trade in goods, services, intellectual property and investment measures, foreign entrepreneurs can enjoy the same opportunities as Americans, except for work permits that can be obtained for “treaty investors,” “treaty traders,” “intercompany transferees” and others.

Startups and subsidiaries may adopt one of several juridical forms.

- Limited liability company
- Stock corporation (“C” or “S” corporation, depending on tax classification)
- Limited partnership
- General partnership
- Mutual fund
- Real estate investment trust.

Single-owner entities owned by U.S. tax residents can be established without requiring separate income tax returns.

Startups are no picnic. Success in a new business requires careful planning and methodologies for management of risks to operations, security, customer relations, legal and regulatory compliance and ultimately brand value. Established in 1990, Bierce & Kenerson, P.C. has been advisor to new ventures and globalizing enterprises involving many countries. Our focus is in using legal compliance and operating structures (“infrastructures”) as tools for strategic growth. We seek to develop durable business transactions and shareholder value.

We believe that our key differentiators are:

- personal attention of senior lawyers;
- an appreciation of the globalization process, which affects all enterprise from startup to multinational;
- a holistic perspective based on extensive experience across many industries;
- relatively modest cost structure and networking with foreign law firms, accountants and other professionals;
- a focus on mid-market clientele that understands value in legal services; and
- recognition in the industry as business-savvy lawyers.<sup>1</sup>

This document offers several graphical appendices.

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<sup>1</sup> This brochure constitutes “attorney advertising.” This brochure is not intended to constitute legal advice and cannot be relied on as legal advice or tax advice. Each business situation is unique. Please consult a lawyer on your particular needs. Bierce & Kenerson, P.C. is a New York law firm.

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