

FAMILY WEALTH AND ESTATE PLANNING

Practice

PRIMARY CONTACTS

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Our attorneys counsel individuals, entrepreneurs, family businesses, and families of substantial wealth regarding estate planning and wealth preservation, as well as business succession issues. We facilitate our clients' comprehensive planning goals, which may include:

- Minimization of taxes
- Charitable giving
- Retirement planning
- Asset protection
- Marital property planning
- International tax issues
- Negotiating and structuring business transactions (non-family and family)

The net worth of our clients varies from modest to substantial, and many of our most enduring relationships extend through multiple generations. We are experienced with the complex laws affecting the transfer of our clients' property, but we are also sensitive to the family and personal issues that are important to our clients.

Our practice is solely client-focused. We never package or promote tax vehicles or products which might influence our planning.

We often work closely with our clients' employees and other outside advisors, including accountants and financial and investment advisors.

Basic Estate Planning

Our first concern is to ensure that our clients' basic estate planning documents properly reflect their desires for disposition of their assets at death and provide for management of their property in the event of disability. These documents normally include:

- Will and/or a living trust
- Financial durable power of attorney
- Medical power of attorney
- Directive to physicians or "living will"
- Declaration of guardian for children
- HIPAA authorization
- Self-declaration of guardian

Transfer Tax Planning

Families with substantial wealth generally often need more sophisticated planning; such families face federal estate tax and state inheritance taxes (and, in many cases, generation-skipping transfer tax) of up to 45 percent or more of their wealth. We assist clients with various arrangements to reduce transfer taxes (gift, estate, and generation-skipping) as property is passed from one generation to the next. We seek the most efficient use of applicable exclusions and deductions, including the annual gift tax exclusions; gift, estate, and generation-skipping transfer tax exemptions; and marital and charitable deductions. Our planning may include a variety of sophisticated techniques to “freeze” the value of assets includible in the client’s estate, and passing the appreciation to future generations, including recapitalizations, split interest gifts, sales, and split interest trusts.

Estate Liquidity

We often focus on the need for sufficient liquidity to support a surviving spouse, other family members, family businesses, or to pay transfer taxes. Such planning also includes deferring the payment of tax through installment payments (for example, where an estate consists largely of closely-held business interests). We also advise our clients regarding certain life insurance transactions, including life insurance trusts which provide liquidity while not increasing the client’s estate and the use of life insurance to enable a closely-held business to hire successor executives in the event of the death of a key person.

Business Succession Planning

We help our clients anticipate issues that may arise as business interests are transferred to future generations or third parties, including tax, marital property, and liquidity issues, as well as family dynamics and diverse personalities and talents. We are experienced in establishing family business entities, including limited partnerships and limited liability companies. We utilize buy-sell agreements, right of first refusal agreements, and various employment arrangements to meet our clients’ needs. We also coordinate support with the other practice groups in our firm to offer our clients comprehensive guidance, including Tax and Business Planning, Corporate, Securities, Labor & Employment, and Executive Compensation.

Wealth Preservation/Asset Protection

In the design of a comprehensive estate plan, we can implement transactions or strategies to maximize the protection of family assets from third parties. This is often an important consideration for entrepreneurs, professionals, investment managers, and executives of public companies. Our planning includes protection of family assets that have been (or will be) transferred to children and future generations.

Marital Planning

We counsel clients on delicate family issues related to marriage, including the preservation of assets in the event of a divorce, through the effective use of prenuptial and postnuptial agreements; separate and community property issues; and transfers of property to children of prior marriages.

Retirement Planning

We advise our clients with substantial balances in 401(k)s and IRAs so that they can take full advantage of tax deferral opportunities associated with these plans - both during life, after death, and for the benefit of successive generations. We also counsel clients regarding their qualified and nonqualified employee benefit plans (including stock options, restricted stock, deferred compensation, and life insurance arrangements).

Charitable Planning

We help our clients meet their charitable planning objectives with advanced techniques, leveraging and maximizing the tax benefits of such planning. These techniques include:

- Outright contributions
- Donor-advised funds
- Charitable remainder trusts, charitable lead trusts, and charitable gift annuities
- Private Foundations

Our Tax-Exempt Organizations and Private Foundations practice focuses on some of these techniques.

International Practice

Our group assists U.S. residents who are not citizens and non-citizen nonresidents with international property, tax, and employment issues. Recently, we have worked with clients who live in, or are citizens of, the following countries: Canada, Mexico, Argentina, Brazil, Switzerland, the United Kingdom, the Netherlands, Belgium, France, Germany, Israel, South Korea, Hong Kong, China, New Zealand, Australia, Taiwan, Sweden and India.

We work with international law specialists in our firm and counsel in other countries (often utilizing our membership in an international co-operative law group known as the World Services Group) to resolve and coordinate all of the relevant legal, tax, financial, and personal issues for our international clients, including sophisticated income and transfer tax analysis. Frequently, our transnational clients ask for our advice as to which of several countries may be preferable for tax purposes - income, property, and transfer tax.