MurphyAustin
ATTORNEYS

Tax and Estate Planning

Murphy Austin's Tax and Estate Planning Team offers a full range of services in tax and estate planning matters. Our tax attorneys work directly with our clients, accountants and other attorneys to assist in identifying and addressing potential tax problems. The areas of tax and estate planning law in which we have particular skill and experience include the following:

Elder Law

As the population of America ages, we have seen a growing need for advice to elders and their family members as to the many issues particularly relevant to elders. We address these issues, which include entitlement to government benefits such as Social Security, Medicare, Supplemental Security Income and Medi-Cal. Other issues relate to the need for family members or interested parties to be able to assist in the property management and health care decision-making for elders.

Estate Planning

We prepare estate plans of all kinds and complexity, and for all sizes of estates. We incorporate into the planning considerations of our clients' estates income tax, estate and gift tax, generation-skipping transfer tax, charitable trusts, life insurance, pension law, property tax, and the potential future need for long-term nursing or custodial care. Particular emphasis is given to tax planning for family wealth transfers, including the creation of intra-family gift programs involving outright gifts, gifts of stock in family corporations, the creation and implementation of family partnerships and grantor annuity and income trusts.

Estate Tax Returns

We represent personal representatives, trustees, beneficiaries and heirs in audits by the Internal Revenue Service or Franchise Tax Board regarding estate tax returns. We assist accountants in the preparation of federal and California estate tax returns, fiduciary tax returns and final federal income tax returns of the decedent.

Charitable Gift Planning

We design and prepare planned giving programs, and advise charities and donors regarding the tax and other benefits of such programs. Particular emphasis is given to advising clients regarding the income tax aspects of charitable contributions as well as the creation and implementation of charitable remainder trusts and pooled income funds. We also assist clients regarding valuation issues and the implementation of private foundations as a vehicle for effecting charitable gifts.

Employee Benefits

We represent employers and employees in tax planning for employee benefit plans, and in dealing with governmental agencies and benefit providers.

Tax Controversies

We represent clients in tax controversies with the Internal Revenue Service at all levels, including conferences with Internal Revenue Service Agents, hearings before the Internal Revenue Service Appellate Division, and representation of clients before the U.S. Tax Court and U.S. District Courts. We represent clients before the State of California Franchise Tax Board, Board of Equalization, California Employment Development Department and other governmental taxing agencies and authorities.

Federal and State Taxation

Advise clients in all areas of federal and state taxation, including the areas of income tax planning, compliance and controversy. Extensive experience with mergers, business acquisitions and corporate reorganizations.

Sales, Use and Property Taxes

We have extensive experience advising clients with respect to California sales and use taxes, and real and personal property taxation, and representing clients in matters involving such taxes before the California State Board of Equalization, local assessment boards and courts.

Trust Administration

In addition to estate planning activities in drafting a trust instrument, we also represent trustees and beneficiaries in administration of trusts. Our practice includes petitioning for transfer of assets into the trust after the death of the trustor in the event title was incorrectly cleared, petitioning for instructions regarding the interpretation or modification of trusts, monitoring the creditors' claim process, petitioning for instructions regarding actions to be taken by the trustee, petitioning for termination of trusts, and petitioning for resignation of trustees and for the appointment of successor trustees. We also advise trustees regarding their fiduciary duties, the sale or distribution of trust assets, and the preparation of accountings and reports.