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HERBERT R. FINEBURG

Principal, Shareholder and Philadelphia Office Managing Partner, Philadelphia

PRACTICE AREAS

- Business Law and Transactions
- Estates and Trusts
- Mergers and Acquisitions
- Tax Law

PROFESSIONAL AFFILIATIONS

- Philadelphia Bar Association, Member
- Pennsylvania Bar Association, Member
- Washington, D.C. Bar Association, Member
- Missouri Bar Association, Member
- American Bar Association, Taxation and Real Property & Probate Law section, Member
- Exit Planning Exchange (XPX) Philadelphia, Board of Directors

PRACTICE FOCUS

Herbert R. Fineburg is a Principal, Shareholder and Managing Partner of the firm's Philadelphia office. Herb is recognized as one of Philadelphia's most respected business lawyers whose substantial knowledge of tax law provides clients with strategic and cost-saving benefits in connection with commercial transactions, taxation, wills, trusts and estates matters.

Known for his ability to resolve complicated matters effectively, Herb has assisted businesses and individuals with the organization of their finances, business and real estate affairs and the structure of their assets (i.e., in LLCs, partnerships, corporations, trusts, or joint ownership). He has substantial expertise in preparing buy-sell agreements for co-owners who are family members or unrelated business partners and has resolved shareholder and partner disputes and buy-outs.

In addition, to working on bank financings, business contracts and employment matters for his business clients, Herb also provides advice on business acquisitions and sales. Herb, who began his law career as a commercial litigator and bankruptcy lawyer, frequently provides litigation counsel and assistance to a wide range of firm clients. His articles have appeared in the American Bar Association, *Tax Notes Journal*, *Pennsylvania CPA Journal*, the *Journal of S Corporation Taxation* and *The Legal Intelligencer*, among other notable publications. Herb has also lectured to various business groups. He is also a long-standing member of the Board of Directors of The Exit Planning Exchange (XPX), Philadelphia Chapter, an association of professionals dedicated to advising clients on business succession planning and M&A transactions.

Herb is the Philadelphia office's Managing Shareholder and was a member of the Board of Directors and other management committees at Offit Kurman. A graduate of Washington University in St. Louis with a Bachelor of Science in Business Administration, Herb received his law degree from the University of Missouri – Kansas City, where he was a Staff Member of *The Urban Lawyer*, the law review journal on local government law published by The American Bar Association, and has a Master of Laws in Taxation (LL.M) from the New York University School of Law, Graduate Division.

PUBLICATIONS

- "The Benefits of Revocable Trusts in Estate Planning,"Co-author, Pennsylvania CPA Journal for The Pennsylvania Institute of Certified Public Accountants (PICPA), Spring 2023, Volume 94
- "Solution to the Difficulty of Gift and Estate Planning for Mentally Declining Clients," Co-author, Pennsylvania CPA Journal for The Pennsylvania Institute of Certified Public Accountants (PICPA), Spring 2022

Additional Publications

- "Avoiding an Adverse Tax Impact on Death of an S Corporation Shareholder," Author, The American Bar Association Tax Times, Vol. 40 No. 2 - Winter 2021, Mar. 12, 2021
- "Protecting a Married Child's Inheritance: The Benefits of a Parent Using a Trust," Author, The Legal Intelligencer; Special Section Feb. 2021: Wealth Management Trusts & Estates, Feb. 2021
- "Using an LLC for Ownership of a Vacation Home," Author, Pennsylvania CPA Journal, Volume 90, Number 3- Fall 2019
- "Changes to Uniform LLC Act May Have Unexpected Impact," Author, Pennsylvania CPA Journal, Volume 89, Number 3- Fall 2018
- "How to Make Tax-Efficient Gifts to Children, Grandchildren for Their Education," Author, Legal Intelligencer Wealth Management/Trusts & Estates Supplement, Feb. 12, 2018
- "Take a Multidisciplinary Approach to Exit and Succession Planning," Author, Family Business Magazine, Mar./ Apr. 2017
- "Using Bloodline Multi-Generational Trusts in Estate Planning," Author, Legal Intelligencer Wealth Management/ Trusts & Estates Supplement, Feb. 14, 2017
- "Intentional Use of a Defector Grant Trust in Estate Planning," Author, Pennsylvania CPA Journal, Volume 87, Number 4- Winter 2017
- "Inherited IRAs No Longer Protected Unless You Name a Trust As Beneficiary or a Spousal Rollover is Elected," Author, Offit Kurman Legal Blog 2014
- "Estate Planning for Businesses," Editor, Rabkin & Johnson Current Legal Forms with Tax Analysis, Volume 7A
- "Litigation Support: Limited Privilege Extended to Tax Advisor," Author, Pennsylvania CPA Journal, Winter

1999

- "Signature of the Future: The Eyes May Have It," Author, The Legal Intelligencer, Fall 1999
- "Accountant's Papers Protected by Attorney-Client Privilege," Author, Journal of the Pennsylvania Institute of CPAs, Winter 1998
- "Passive Activity Losses Under the 1986 Act," Author, Pennsylvania CPA Journal, Fall 1987
- "Carryover of Disallowed S Corporation Losses and Deductions," Author, Journal of S Corporation Taxation (Warren, Gorham & Lamont, Winter), 1994
- "Municipal Borrowing After Tax Reform," Co-author, The Winchell Company, October 1986
- "Grasping Pennsylvania's Inheritance and Estate Tax Act," Author, Pennsylvania CPA Journal, Fall 1984

SPEAKING ENGAGEMENTS

- "Simulated Legal Negotiation," Virtual Panel Presenter, Exit Planning Exchange (XPX) Philadelphia, PA, Jan. 26, 2021
- "A Deal Starts with One: M&A in the Life Sciences Industry," Panel Presenter with Drucker & Scaccetti and Maryland Tech Counsel via Pyramid Club, Philadelphia, PA, Jun. 5, 2019
- "About to be Flush: How to Play a Winning Hand," Presenter with Morgan Stanley via Life Sciences PA, Wayne, PA, May 22, 2019
- "The Owner's Journey," Panel Presenter, Bank of America via The Union League, Philadelphia, PA, Apr. 30, 2019
- "Tax Credit Programs Benefiting Our Region's Businesses: Tax Credit Programs and Changes Impacting Our Region's Businesses," Panel Presenter with Drucker & Scaccetti via The Chamber of Commerce for Greater Philadelphia, Philadelphia, PA, Sept. 8, 2016
- "What Do You Mean My Sale Isn't 100% Cash & Carry?" Presenter, XPX-Philadelphia via Pyramid Club, Philadelphia, PA, Oct. 21, 2015
- "The 11th Hour Estate Plan," Presenter, XPX-Philadelphia via Pyramid Club, Philadelphia, PA, Sept. 16, 2015
- "Innovative Use of Trusts for State Income Tax, Estate and Asset Protection Planning," Presenter via The Bryn Mawr Trust Company seminar, Haverford, PA, May 13, 2015
- "Business Killers," Presenter, Vistage Group, Villanova, PA, Mar. 10, 2015
- "Is NOW the Time? What is Your Business Actually Worth and How Much Do You Need to Retire?" Panelist along with Howard Ross of LLR Partners, Michael Mufson of Mufson Howe Hunter, Greg Aloia of Abacus Wealth Partners, and moderated by Craig Karasin of VentureScope, LLC, Philadelphia, PA, Febr. 23, 2015
- "The Necessity of Estate Planning- Addressing the Misconception That Trusts are Complicated, at Karr Barth Associates, Inc.," Presenter, Bala Cynwyd, PA, Dec. 5, 2014
- "The Necessity of Estate Planning - Addressing the Misconception That Trusts are Complicated, at Karr Barth Associates, Inc.," Presenter, First CornerStone Bank, King of Prussia, PA, Nov. 5, 2014
- "How to Make the Most Effective Use of Family Limited Partnerships: Strategies and Pitfalls in the Current Environment," Faculty panelist, Pennsylvania Institute of Certified Public Accountants & the Philadelphia Bar Association, 1999
- "How to Make the Most Effective Use of Family Limited Partnerships: Strategies and Pitfalls in the Current Environment," Faculty panelist, Pennsylvania Institute of Certified Public Accountants & the Philadelphia Bar Association (1999).
- "Symposium on Pass-Through Entities: The Legal and Accounting Aspects," Panel moderator, American Association of Attorney-Certified Public Accountants, 1998
- "Estate Planning Update," Presenter, New Jersey Society of Certified Public Accounts, 1994
- "Estate Tax Audits," Presenter, Pennsylvania Institute of CPAs, 1993
- "Multi-Borrower Loan Transactions: Legal Issues and Strategies," Presenter, Pennsylvania Bar Association
- "Federal Estate Tax Planning," Presenter, Mellon Bank, 1992
- "Year End Tax Planning," Presenter, The Wharton School Alumni, University of Pennsylvania, 1989
- "Annual Federal Tax Conference," Presenter, Pennsylvania Institute of CPAs, 1986 and 1987
- "Pension, Retirement and Compensation Planning after the Tax Reform Act of 1986," Presenter, Pennsylvania Institute of CPAs, 1987
- "Municipal Borrowing after the Tax Reform Act of 1986," Presenter, Mellon Bank, 1986

RECOGNITIONS

- 14th Annual M&A Advisor Awards, Finalist, September 2015
- Martindale-Hubbell's AV Preeminent Peer Review Rating for the highest level of professional excellence in both *Legal Ability* & *Ethical Standards* 2001-2021

EDUCATION

- New York University School of Law, LL.M. in Taxation (1982)

ADMISSIONS

- Pennsylvania
- New Jersey

- University of Missouri School of Law, J.D. (1976)
- Staff Member, The Urban Lawyer, a law review journal on local government law published by The American Bar Association
- Washington University, The Olin School of Business, B.S. in Business Administration (1972)

- District of Columbia
- Missouri