Jerald David August

Partner

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Fox Rothschild LLP
ATTORNEYS AT LAW

Co-chair of the firm's Taxation & Wealth Planning Practice, Jerry practices out of the Philadelphia and West Palm Beach offices. His nationally recognized taxation experience includes:

- federal tax matters, including corporate and partnership taxation
- federal transfer taxation
- tax litigation and tax controversy, including trials before the United States Tax Court and appeals before the Eleventh Circuit Court of Appeals
- corporate and partnership taxation
- international taxation (inbound and outbound)
- estate planning for owners of closely-held businesses

For four consecutive years, Jerry has been named as one of the leading tax attorneys in Florida by *Chambers USA.*

Beyond Fox Rothschild

Jerry represented the Tax Section of the Florida Bar Association before the U.S. Supreme Court in Estate of Hubert v. Commissioner. He also has served as adjunct professor, University of Miami Law School, and as visiting professor, University of Pittsburgh School of Law and the Graduate Tax Program, University of Florida School of Law. Jerry maintains his full-time residence in Jupiter, Florida, and a part-time residence in Haverford, Pennsylvania.

Client Resources

Federal Taxation Developments Blog

Join nationally recognized tax attorney Jerald David August as he discusses recent tax legislation, regulations, rulings and case law developments have resulted in a significant amount of new information that can substantially impact taxpayers.
View Blog

Law in the Sunshine State

Florida's business-friendly climate, concentration of corporate and financial resources and proximity to Latin-America attracts many individuals and businesses. Follow our attorneys as they navigate Florida's unique business and legal environment – discussing matters related to real estate, business and international tax, trust and estate law and administration, immigration and more – helping clients live, grow and thrive in the Sunshine State.
View Blog

Professional Accomplishments

Jerry has published extensively on federal taxation and lectured at leading tax institutes. For a list of such articles, presentations and other professional accomplishments, go to www.fedtaxlaw.com.

Honors and Awards

- Named one of "Pennsylvania's Top Rated Lawyers" in Business and Commercial, Taxation and Trusts and Estates through AV Preeminent ratings by Lexis Nexis, Martindale-Hubbell (2013)
- Honored as a "Lawyer of the Year" by *Best Lawyers* (2013)
- Selected as a "Top Lawyer" by South Florida Legal Guide (2013)
- Listed in Philadelphia's "Top Rated Lawyers" in Estate Planning, Taxation and Trusts & Estates, in a special supplement to *The Wall Street Journal*, *Philadelphia Inquirer* and *The Legal Intelligencer* (2012)
- Included in a list of "Top Lawyers" by the South Florida Legal Guide (2012)

Practice Areas

- Taxation and Wealth Planning
- Business and International Taxation
- Tax Controversy and Litigation
- Probate and Trust Law Litigation
- Tech & Venture Finance
- Government Relations
- White Collar Compliance & Defense
- Executive Compensation

Bar Admissions

- Florida
- Pennsylvania
- New York

Education

- LL.M., Taxation, New York University School of Law, 1980
- J.D., University of Pittsburgh School of Law, 1977
- B.S., University of Pennsylvania, Wharton School of Business
- B.A., University of Pennsylvania, College of Arts and Sciences

Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. Supreme Court
- U.S. Tax Court

Memberships

- American Bar Association, Section of Taxation, Vice-Chair/Publications, 2004-2006
- American Bar Association, Business Law Section, Mergers & Acquisitions Committee
- American Bar Association, Business Law Section, International Mergers & Acquisitions Subcommittee
- American College of Tax Counsel
- American College of Trusts and Estates Counsel
- American Law Institute
- American Tax Policy Institute
- Pennsylvania Bar Association
- Philadelphia Bar Association

Board of Directors

- New York University Institute on Federal Taxation Advisory Board
- New York University School of Law Graduate Tax Program
- New York University School of Law, Wallace-Lyon National Tax Law Workshop
- Wallace-Lyon National Tax Law Workshop, Program Chair, 2005

- For more than 20 years, included in the list of "The Best Lawyers in America" for Tax Law and Trusts & Estates
- Named "West Palm Beach Tax Lawyer of the Year," by *Best Lawyers* (2011 through 2013)
- Named as one of the leading tax attorneys in Florida, Chambers USA (2008 through 2013)
- Included in the list of "Super Lawyers" in the field of Tax by Super Lawyers Magazine (Corporate Counsel Edition) (2009)
- Included in the list of "Super Lawyers" by Law & Politics Magazine (2009 - 2012)
- Rated AV® Preeminent™ by Martindale-Hubbell in Pennsylvania and Florida
- Included in the list of "Super Lawyers," as well as a "Top 100 Florida Lawyers," by Law & Politics Magazine (2007)

News

Quoted : "*Camp's Unified Passthrough Regime Raises Questions*," Tax Notes Today (March 18, 2013)

"*Fox Bolsters Number of Attorneys Noted as Leaders in Their Fields by Chambers USA and Chambers Global*," (March 2013)

Featured : "*India to Foreign Firms: Pay More Taxes*," The Wall Street Journal (February 26, 2013)

Featured: "*Jerald David August To Chair Seminar at 71st NYU Institute on Federal Taxation* ," (October 1, 2012)

"*Jerald David August of Fox Rothschild Chairs Tax Seminar for NYU Summer Institute in Taxation*," (August 16, 2012)

Featured : "*The Facebook IPO – Tax Loopholes, Class Action Complaints and a Slipping Stock Price:LXBN Roundtable*," The Lexblog Network (May 30, 2012)

Featured: "*Fox Rothschild Significantly Increases Its Ranks of Attorneys Noted as Leaders in Their Fields by Chambers USA and Chambers Global*," (February 28, 2012)

"*Fox Rothschild Tax Attorneys To Present Free Seminar at PGA National Resort and Spa on Developments in Taxation and Wealth Planning*," (January 25, 2012)

Mentioned: "*People in the News*," The Legal Intelligencer (December 22, 2011)

Featured: "*Jerald David August of Fox Rothschild to Present ALI-ABA Course on Partnerships, LLCs and LLPs* ," (December 20, 2011)

Featured: "*Jerald David August of Fox Rothschild Serves as Co-Chair of 70th NYU Institute on Federal Taxation*," (October 25, 2011)

Featured: " *Fox Rothschild's Jerald David August and Guy Maxfield Present at Annual New York University Summer Institute in Taxation*," (July 2011)

Jerald David August: Mentioned: "*Fox Rothschild's August Presents At Tax Law Symposium*," The Philadelphia Daily Record (May 17, 2011)

Featured: "*Jerald David August of Fox Rothschild Presents at Federal Tax Law Symposium*," (May 16, 2011)

Mentioned: "*News and Notes*," The Florida Bar News (April 30, 2011)

Featured: "*Jerald David August of Fox Rothschild Presents ALI-ABA Webcast on Important Developments in Federal Income Tax Compliance* ," (March 21, 2011)

"*Fox Rothschild Increases Its Ranks of Attorneys Noted as Leaders in Their Fields by Chambers USA and Chambers Global*," (March 17, 2011)

Mentioned: "*Jerald David August of Fox Rothschild Leads ALI-ABA Tax Seminar*," Philadelphia Daily Record (January 13, 2011)

Featured: "*Jerald David August of Fox Rothschild Serves as Planning Chair and Co-Presenter of ALI-ABA Tax Seminar*," (January 11, 2011)

Featured: "*Local Business People To Watch*," The Palm Beach Post (December 20, 2010)

Quoted: "*Tax Changes Prompt Professionals to Examine Businesses*," Dow Jones Newswires (November 22, 2010)

Featured: "*Jerald David August of Fox Rothschild Served as Chair and Presenter at 69th New York University Institute on Federal Taxation* ," (October 26, 2010)

Mentioned: "*News and Notes* ," Florida Bar News (October 15, 2010)

Featured: "*Jerald David August of Fox Rothschild Gives Update on Offshore Tax Evasion and Bank Secrecy at ALI-ABA Webinar*," (September 13, 2010)

Quoted: "*Getting Personal: 'Sweeping Out' S Corps For A Tax Advantage*," Dow Jones Newswires (August 2, 2010)

Quoted: "*Small Businesses Must Grow To Avoid Tax*," Dow Jones Newswires (June 4, 2010)

Featured: "*Prominent Fox Rothschild Tax and Estates Attorneys Participate in PBI Program on "The Estate Planning Quagmire of 2010"*," (April 5, 2010)

Quoted: "*A Brave New World of Strict-Liability Penalties Under Codified Economic-Substance Doctrine*," CHH -- Tax Shelter Alert, Vol VII NO. 4 (April 2010)

Quoted: "*IRS Pushed Forward on Disclosure Regime for Uncertain Tax Positions*," CCH – Tax Shelter Alert, Vol VII NO. 4 (April 2010)

Mentioned: "*Frommer Lawrence, Fox Rothschild Add Darby Attys*," Law360 (March 26, 2010)

"*Fox Rothschild Attorneys Awarded Distinguished Chambers USA and Chambers Global "Leaders in Law" Rankings*," (March 19, 2010)

Quoted: "*How To Handle Unromantic IRS When Your Spouse Fouls Up Income Taxes*," Palm Beach Daily News (February 13, 2010)

Mentioned: "*Estate Tax Repeal: In-Depth Analysis of Impact on Estate & Small Business Planning Live Video Webcast for Estate Planners & Tax Lawyers*," ALI-ABA (January 28, 2010)

Featured: "*Jerald David August of Fox Rothschild Is Keynote Speaker at Alumni Event in Philadelphia for University of Pittsburgh Business and Law Schools*," (October 19, 2009)

Featured: "*Jerald David August of Fox Rothschild To Present at 68th NYU Institute on Federal Taxation*," (October 13, 2009)

Featured: "*Jerald David August of Fox Rothschild Is Planning Chair, Moderator and Speaker for ALI-ABA Webinar on Offshore and International Tax Evasion*," (October 5, 2009)

"*Jerald David August of Fox Rothschild LLP Speaks at ABA Tax Section's Annual Meeting*," (June 1, 2009)

Presenter: "*Jerald David August of Fox Rothschild LLP Speaks at Estate Planning Council*," (April 28, 2009)

"*Fox Rothschild Grows Number of Attorneys Who Have Achieved the Distinguished Chambers USA "Leaders in Law" Ranking*," (March 16, 2009)

Profiled: "*Tax Lawyer Jerald David August Handles Tax and Estates Matters from Miami to New York*," Forbes Magazine (May 2007)

Publications

"*Congress and President Obama Sign Into Law the American Taxpayer Relief Act of 2012: Added Impact of the New Medicare Contribution Tax*,"
Taxation and Wealth Planning Alert (January 2013)

By : "*Advising US Clients on the Tax Impacts to Expanding Business Operations Overseas* ,"
Navigating Tax Issues in International Business Transactions: Leading Lawyers on Handling Cross-Border Tax Regulations (Inside the Minds) (November 2012)

"*Case Summary:1982 East, LLC v. Commissioner of Internal Revenue*,"
In the Zone (January 2012)

Co-author: "*Foreigners Rush To Invest in U.S. Real Property, But What Are the Tax Issues?* ,"
In the Zone (December 2011)

Co-author: "*Inside Section 897: Investments and Dispositions of U.S. Real Property Interests by Nonresidents*,"
Business Entities (WG&L) (December 2011)

Co-author: "*IRS Issues Fact Sheet Providing Information on Federal Income Tax Return and Foreign Bank Filing Requirements*,"
Taxation and Wealth Planning Department Alert (December 2011)

Author: "*Tax Court Renders Favorable Decision on Rehabilitation Credits* ,"
In the Zone (May 2011)

Co-Author: "*Tax Implications of U.S. Persons Engaging In Business Operations in Brazil*,"
ALI-ABA's The Practical Tax Lawyer (April 25, 2011)

Co-author: "*Time Is Running Out to Take Advantage of Extended Net Operating Loss Carryback Benefits Under the Worker, Homeownership and Business Assistance Act of 2009*,"
Tax & Estates Department (September 2010)

Author: "*The Discovery Status of Tax Accrual Workpapers After Textron*,"
TEXTRON – BUSINESS ENTITIES/ RIA FEDERAL TAXES WEEKLY ALERT (April 29, 2010)

Author: "*The Discovery Status of Tax Accrual Workpapers After Textron*,"
Business Entities (April 29, 2010)

"*Recent Revisions to the Tax Return Preparer Rules, Circular 230 and Survey of the Attorney-Client Privilege and Work Product Doctrine in Tax Controversies and Litigation*,"
67th New York University Annual Institute on Federal Taxation (May 2009)

Co-author: "*Reporting Madoff Investor Losses*,"
Journal of Business Entities (March / April 2009)

"*Jo Ann Engelhardt Interviewed by Jerald David August*,"
Business Entities (January / February 2009)

Author: "*Attorney-Client Privilege and Work-Product Doctrine in Federal Tax Matters*,"
Business Entities (WG&L) (July/August 2008: Volume 10, Number 04)

Author: "*Income Tax Aspects of Forming, Operating and Exiting FLPs*,"
Estate Planning (April 2007)

Author: "*Mergers and Acquisitions Involving S Corporations*,"
65th New York University Annual Institute (November 2006)

Co-author: "*Hedge Funds – Structure, Regulation, and Tax Implications: Part 2*,"
Business Entities (September / October 2006)

Co-author: "*Hedge Funds – Structure, Regulation, and Tax Implications: Part I*,"
Business Entities (July / August 2006)

Co-author: "*The IRS Continues its Section 2036 Assault on Family Limited Partnerships: Part 3*,"
Business Entities (May/June 2006)

Co-author: "*The IRS Continues its Section 2036 Assault on Family Limited Partnerships: Part 2*,"
Business Entities (January / February 2006)

Author: "*The Impact of Circular 230 and Tax Shelter Reporting and Disclosure Rules on Privately-Held Companies and Their Tax Advisors*,"
64th New York University Annual Institute on Federal Taxation (November 2005)

Author: "*Carol Kulish Harvey Interviewed by Jerald David August*,"
Business Entities (September/October 2005)

Author: "*The Regulations of Tax Professionals by the Internal Revenue Service In a Post-Enron World*,"
The Practical Tax Lawyer (Fall 2005)

Author: "*Impact of Circular 230 Regulations on Estate Practitioners*,"
Estate Planning Review (June 21, 2005)

Author: "*Avoiding Tax Malpractice In Advising Owners of Closely-Held Business*,"
63rd New York University Annual Institute of Federal Taxation (November 01, 2004)

Author: "*Reform or Replace Subchapter S*,"
Business Entities (July 2004)

Author: "*Valuation of Interests "In Transit" in Family Limited Partnerships: Part III*,"
Business Entities (January 2004)

Speaking Engagements/Events

(Speaker)
Presented by: Pennsylvania Bar Institute
Philadelphia, PA
April 26, 2013

(Speaker)
Presented by: New York University
March 7, 2013

What You Need to Know for Tax Planning and Compliance Under the New Law
(Speaker)
Presented by: Fox Rothschild
Palm Beach Gardens, FL
March 5, 2013

(Planning Chair and Faculty Member)
Washington, DC
February 8, 2013

Attorney-Client Privilege and Work Product Doctrine in Tax Controversies
(Speaker)
Presented by: ALI-CLE
Webcast
October 31, 2012

71st Institute on Federal Taxation
(Chair)
Presented by: New York University
New York, NY - Coronado, CA
October 21-26, November 11-16

Recent Developments in Off-Shore Tax Compliance
(Speaker)
Presented by: ALI-ABA
Webcast
September 19, 2012

Attorney-Client Privilege and Work Product Doctrine in Tax Controversies
(Speaker)
Presented by: ALI-ABA
Webcast
September 5, 2012

Wealth Planning for High Net-Worth Individuals and Owners of Closely-Held Companies
(Presenter)
Presented by: NYU Summer Institute of Taxation
New York, NY
July 25-27, 2012

Mergers & Acquisitions of S Corporations: How to Structure the Deal
(Planner/Speaker)
Presented by: ALI-ABA
Webinar
June 18, 2012

Recent Developments in Taxation and Wealth Planning for Delaware Valley Professionals
(Speaker)
Presented by: Fox Rothschild LLP
Lafayette Hill, PA
May 3, 2012

Cost-Sharing Agreements: New Treasury Regulations
(Planning Chair)
Presented by: ALI - ABA
Live Webcast
March 12, 2012

Recent Developments in Taxation and Wealth Planning for Florida Professionals
(Speaker)
Presented by: Fox Rothschild's Taxation and Wealth Planning Department
Palm Beach Gardens, FL
February 8, 2012

Partnerships, LLCs, and LLPs
(Planning Chair)
Presented by: ALI - ABA
San Diego, CA
January 12-13, 2012

Mergers & Acquisitions of S Corporations: How to Structure the Deal
(Planning Chair and Speaker)
Presented by: ALI-ABA
Webcast
December 13, 2011

Mergers & Acquisitions Involving Closely Held Corporations and Their Shareholders
(Co-chair and Presenter)
Presented by: New York University School of Continuing and Professional Studies 70th Institute on Federal Taxation
New York, NY and San Francisco, CA
October 26 and November 16

Mergers & Acquisitions Involving Closely Held Corporations and Their Shareholders
(Speaker)
Presented by: Business Disposition and Succession Tax Strategies: Live Long & Prosper...But Just In Case
Kissimmee, FL
October 14, 2011

Structuring International Joint Ventures
(Planning Chair and Speaker)
Presented by: ALI-ABA Fall International Tax Update
September 27, 2011

Standards of Tax Practice and Tax and Financial Transparency in the Global Economy
(Speaker)
Presented by: 2011 Leonard M. Goldberg Federal Tax Law Symposium
Edison, NJ
May 13, 2011

Reasonable Cause
(Panelist)
Presented by: Philadelphia Bar Institute: Tax Return Preparer and PTIN Rules
Philadelphia, PA
March 24, 2011

Reasonable Cause
(Planning Chair and Moderator)
Presented by: ALI ABA: Federal Income Tax Compliance - Important Developments
Webcast
March 14, 2011

Closely-Held Businesses: Tax Planning With Qualified Subchapter S Subsidiaries and Single Member Limited Liability Companies
(Chair and Presenter)
Presented by: New York University School Of Continuing And Professional Studies: 69th Institute On Federal Taxation
New York, NY and San Diego, CA
October 18 and November 15, 2010

Organization, Operation and Possible Liquidation of Family Limited Partnerships
Presented by: Knowledge Congress
Webcast
October 6, 2010

Offshore Tax Evasion & Bank Secrecy Update
(Speaker)
Presented by: ALI-ABA
Live Telephone Seminar/Live Audio Webcast
September 13, 2010

Institute on Federal Wealth Taxation
Presented by: New York University
New York
July 22-23, 2010

Estate Tax Repeal: The Impact on Estate & Small Business Planning
Presented by: ALI-ABA
New York, NY 10036
April 19, 2010

Estate Tax Repeal: In-Depth Analysis of Impact on Estate & Small Business Planning
Presented by: Estate Tax Repeal: In-Depth Analysis of Impact on Estate & Small Business Planning
Webcast
February 16, 2010

Estate Tax Repeal: Congress' New Year's Surprise and Planning With Family Limited Partnerships In Light of Tax Uncertainty — CLE Course
(Speaker)
Presented by: Fox Rothschild
Philadelphia, PA
February 2, 2010

Offshore and International Tax Evasion: What is Going on in Washington and How it Impacts Business and Legal Professionals
(Speaker)
Philadelphia, PA
October 26, 2009

S Corporations Engaged in International Business Operations: A Good Choice?
(Speaker and Advisory Board Member)
Presented by: New York University School of Continuing and Professional Studies 68th Institute on Federal Taxation
New York, NY and San Francisco, CA
October 22 and November 19, 2009

A Medley of Topics of Current Interest to Estate Planners, Fiduciaries, and Tax Professionals
(Presenter)
Presented by: Annual Joint Meeting of the Bucks County Estate Planning Council and Montgomery County Estate Planning Council
Doylestown, PA
April 28, 2009

Privileges and Client Confidentiality in Tax Practice
Presented by: Standards of Tax Practice Committee, ABA Section of Taxation, Midyear Meeting
Washington, DC
May 9, 2009

Survey of the Attorney-Client Privilege and Work Product Doctrine in Tax Controversies and Litigation
Presented by: ABA Tax Section's Committee on Standards of Tax Practice
Washington, D.C.
May 2009

The State of the Federal Estate, Gift and Generation-Skipping Taxes
Presented by: Bucks County Estate Planning Council
Doylestown, PA
April 28, 2009

New Tax Return Preparer Standards: December 2008 Final Regulations Including Impact on Circular 230 Standards
Presented by: ALI-ABA CLE Telephone Seminar/Audio Webcast
Philadelphia, PA
February 18, 2009

Ethics in Federal Tax Practice: Tax Planning Scenarios
Presented by: University of Pennsylvania Law School, Ethics and Advocacy: From the Boardroom to the Courtroom
Philadelphia, PA
February 18, 2009

Tax Consequences to Transfers of Closely-Held Business Interests Incident to a Divorce
Presented by: ABA Section of Taxation 2009 Midyear Meeting
New Orleans, LA
January 9, 2009

Latest Developments in FLPs and Valuation Discount Planning
Presented by: Pennsylvania Bar Institute, 15th Annual Estate Law Institute
Philadelphia, PA
December 10, 2008

Circular 230 and the Tax Preparer Regulations
(Co-presenter)
Presented by: CPEs for CPAs - Pennsylvania
Lafayette Hill, PA
December 4, 2008

Circular 230 and the Tax Preparer Regulations
(Co-presenter)
Presented by: CPEs for CPAs - New Jersey
Lawrenceville, NJ
December 3, 2008

Standards of Tax Practice in Advising Closely-Held Business Entities
Presented by: NYU 67th Institute on Federal Wealth Taxation, Closely-Held Businesses Session
New York, NY and San Diego, CA
October 22 & November 12, 2008

The New Tax Return Preparer Penalties: Impacts on Lawyers, CPAs and Professional Service Organizations
(Co-presenter)
Presented by: Hot Topics in Federal Taxation
West Palm Beach, FL
October 2, 2008

New Tax Preparer Penalties Enhanced Circular 230 Enforcement
Presented by: ALI-ABA
July 11, 2008

Outbound International Tax Planning
(Speaker)
Presented by: Palm Beach and Boca Raton Tax Institutes
Governor's Club, West Palm Beach, FL
April 23, 2008

Lee Sheppard on Current Tax Topics: Live Video Webcast Interview
January 23, 2008

Fin 48, Circular 230, and New Preparer Penalty Standards
Presented by: CPEs for CPAs
Lafayette Hill, PA
November 1, 2007

Pennsylvania Bar Institute's Impact of FIN 48 on Publicly & Privately Owned Businesses
(Speaker)
Presented by: PBI Accounting Rules Seminar
September 24, 2007

New York University's Summer Institute in Taxation
July 26 - 27, 2007

Second Annual NYU Institute on Federal Wealth Taxation Conference
(Presenter)
Presented by: New York University Institute on Federal Taxation
New York, NY
June 22, 2007

Practical Estate Planning Opportunities Using FLPs
April 4, 2007

Mergers and Acquisitions Involving S Corporations
(Author)

November 2006