

Alan S. Lederman

Shareholder

Fort Lauderdale
alederman@gunster.com
(954) 713-6415



Practice & Industry Areas

- Tax Law
- International

Education

- Harvard Law School, J.D., cum laude, 1975
- Harvard Business School, M.B.A., 1975
- California Institute of Technology, B.S., with honors, 1971

Bar & Court Admissions

- Florida Bar, 1978
 - Board certified, Tax Law, 2010
- New York Bar, 1975
- United States Supreme Court
- United States Tax Court

Overview

Alan Lederman has considerable experience in most aspects of income tax planning and income tax controversies, including those related to international transactions.

His clients range from major multinational corporations to local businesses.

Alan is a nationally known author, and his law review articles have been cited frequently by both government agencies and private practitioners. Alan co-authored an article concerning related party Section 1031 like-kind real estate exchanges that was cited in the Federal Ninth Circuit Court of Appeals' opinion in the leading Teruya Brothers case; an article concerning the ability of individuals working in combat zones to qualify for the Section 911 income exclusion that was cited in an IRS General Counsel's Office memorandum from the IRS associate chief counsel (International) to the IRS large and medium size business deputy commissioner (International); and an article concerning captive insurance companies that was cited by a U.S. Congressional Research Service report prepared for the United States Senate Budget Committee.

He has spoken on the 2018 U.S. international tax law changes at an ABA conference in Seoul, at a South African Institute of Tax Professionals conference in Johannesburg, and at an Indian National Bar Association conference in New Delhi, on the federal international procurement tax at an ABA conference in Tokyo, on the IRS investigations of foreign bank accounts at Panamanian Banker's Association conferences in Panama City, and on FATCA at an ABA conference in Paris.

Honors

- *The Best Lawyers in America*®, Tax Litigation and Controversy “Lawyer of the Year” in Fort Lauderdale, 2017 & 2019, Tax Law “Lawyer of the Year” in Fort Lauderdale, 2016
- *The Best Lawyers in America*®, Tax Law, Tax Litigation and Controversy, 2003-22
- *Chambers & Partners*, “Leaders in Their Field,” Tax, 2003-21
- *Florida Super Lawyers*, 2006-13

Publications & Presentations

PUBLICATIONS

- “The Step Transaction Doctrine Meets Brexit”, *BNA Daily Tax Report*, 2021
- “Infrastructure Plans Build Interest in Low-Interest Government Loans,” *BNA Daily Tax Report*, 2021
- “When Can an Immigrant and Her Claimed Step-Up in Tax Basis Be Separated at the U.S. Border?,” *BNA Daily Tax Report*, 2021
- “Can an Acquired SPAC Avoid Colliding with the ‘Continuity of Business Enterprise’ Doctrine,” *BNA Daily Tax Report*, 2021
- “Tax Deferred Reorganization Acquisitions of U.S. Corporations by Foreign Corporations Under Treas. Reg. Sec. 1.367(a)-3(c),” *Practicing Law Institute – Tax Strategies for Corporate Acquisitions, Dispositions, Spin-Offs, Joint Ventures, Financings, Reorganizations and Restructurings*, 2021
- “Reporting Obligations for Foreign Partnerships,” *Practicing Law Institute – Tax Planning for Domestic and Foreign Partnerships, LLCs, Joint Ventures and Other Strategic Alliances*, 2021
- “Corporate Transparency Act May Obscure Inbound Planning,” *BNA Daily Tax Report*, 2021
- “Cross-Border Stock Swap Acquisitions in Vogue,” *BNA Daily Tax Report*, 2020
- “Mideast Peace Dividend May Be Eligible for GILTI Deduction and Foreign Tax Credit,” *BNA Daily Tax Report*, 2020
- “Can Tangible Property Drive Outside The Opportunity Zone?,” *BNA Daily Tax Report*, 2020

- “Buying Unsold Condominium Inventory In The Opportunity Zone,” *BNA Daily Tax Report*, 2020
- “U.S.-Kenya Trade and Tax Developments,” *BNA Daily Tax Report*, 2020
- “Opportunity Zone Houses Require Substantial Improvement,” *BNA Daily Tax Report*, 2020
- “Eliminating the Inevitability of Farm Debt and Taxes Through Chapter 12 Bankruptcy,” *BNA Daily Tax Report*, 2020
- “Would the IRS Procurement Tax Bring Former WTO-GPA Countries Into Free Trade Agreements?,” *BNA Daily Tax Report*, 2020
- “US Customs and Tax Rules: South African Reverberations,” *78 South African Institute of Tax Professionals TaxTalk* 20, 2019
- “New U.S. Tariffs and BEAT Stir Interest in Tax Code Limitation on Related Party Costs,” *BNA Daily Tax Report*, 2019
- “IRS Relief From Paying High Offshore Taxes Comes With Fine Print,” *BNA Daily Tax Report*, 2019
- “Atacando cuentas ocultas: la experiencia norteamericana”, *Problemas recurrentes de los mercados financieros: Financiación alternativa, gestión de la información y protección del cliente, Capítulo 24, Thomson Reuters Aranzadi*, 2019
- “USMCA Reduces NAFTA’s Panel Reviews of Tax Cases,” *10 BNA Daily Tax Report* 14, 2019
- “General Explanation and Technical Corrections Draft Show QOF Rules Still Uncertain,” *3 BNA Daily Tax Report* 14, 2019
- “ABA Section of Taxation Meeting: Cumulative Losses an Open Issue for O-Zone Program,” *162 Tax Notes*, January 28, 2019
- “Property Contribution and Basic Issues in Pass-Through Opportunity Funds,” *34 BNA Tax Management Real Estate Journal*, 2018
- “What Are the Opportunities in Opportunity Funds?,” *Bloomberg Tax Podcast*, 2018
- “Real Estate Gain Deferral and Exclusion through Investments in Qualified Opportunity Funds,” *181 BNA Daily Tax Report* 8, 2018
- “Rolling Real Estate Gain into a Qualified Opportunity Fund: Comparison with Section 1031,” *34 BNA Tax Management Real Estate Journal* 155, 2018
- “Florida Taxpayers and Businesses May Benefit From Opportunity Zones,” *South Florida Daily Business Review*, May 11, 2018
- “European Union’s U.S. Tax Treaty Benefits Enhance the European Union’s U.S. Reinsurance Accord Benefits,” *46 BNA Tax Management International Journal*, 2017
- “Federal International Procurement Tax Takes Effect,” *46 BNA Tax Management International Journal* 1, 2017
- “Intermediary Installment Sale Transactions,” *32 BNA Tax Management Real Estate Journal* 275, 2016
- “Federal International Procurement Tax Debuts,” *174 BNA Daily Tax Report* J-1, 2016

- “Final Foreign Procurement Regs Clarify Exemptions, Tax Liability,” *2016 Tax Notes Today* 160-2, *2016 Worldwide Tax Daily* 160-3
- “Proposed Regs. Provide Little Relief to Donees and Heirs of Expatriates,” *124 J. Taxation* 60, 2016
- “Don’t Include Tax Benefits in Cuba Deals: ABA,” *33 BNA Daily Tax Report G-4*, 2016
- “A Hot Topic from Cuba Warming: Taxation of Cuban Expropriation Recoveries,” *45 BNA Tax Management International Journal* 12, 2016
- “Procurement Tax Prop. Regs. Streamline Compliance – But Will BRIC Vendors Treaty Shop?,” *123 J. Taxation* 66, 2015
- “Section 1031 Exchanges: Death of a Related-Party Exchange—Did ‘Butler’ Do It?,” *75 BNA Daily Tax Report J-1*, 2015
- “Foreign Procurement Payment Proposed Regs Have Treaty Exclusion,” *2015 Tax Notes Today* 77-1, *2015 Worldwide Tax Daily* 77-1, 2015
- “Will Foreign Tax Credits Be LOST at Sea?,” *43 BNA Tax Management International Journal* 752, 2014
- “Are Related Party Acquisitions in Anticipation of Exchange Technically and Theoretically Valid?” *120 J. Taxation* 52, 2014
- “Las Nuevas Medidas Fiscales Internacionales Adoptadas en España en Relación con la Evasión Fiscal y la Reducción del Déficit Público,” *Thomson Reuters Quincena Fiscal Aranzadi*, Febrero 2014
- “The Uncertain Status of the Federal International Procurement Tax,” *119 J. Taxation* 127, 2013
- “Spain Looks Abroad to Reduce Deficit at Home,” *42 BNA Tax Management International Journal* 467, 2013
- “When Can U.S. Trade Agreements Be Availed of to Compensate for Income Tax Liabilities?” *118 J. Taxation* 69, 2013
- “Nazione Non Più Favorita? Despite MFN Clause, IRS Taxes Salaries of Certain Green Card Holders Working for Italian Consulates,” *41 BNA Tax Management International Journal* 332, 2012
- “Non-simultaneous Foreign Rollovers May Defer U.S. and Foreign Tax Simultaneously,” *116 J. Taxation* 161, 2012
- “Regulations for U.S. Vendor Withholding May Give Clues to Foreign Vendor Withholding,” *41 BNA Tax Management International Journal* 80, 2012
- “Beware of Future Withholding On §1031 Exchanges with Governmental Entities,” *189 BNA Daily Tax Report J-1*, 2011
- “‘Made in the U.S.A.’ Toll Charge Applies to Sales to U.S. Government of Foreign Items,” *114 J. Taxation* 276, 2011
- “The American Assault on Tax Havens – Status Report,” *44 ABA International Lawyer* 1141, 2011
- “Coffee? Tea? Section 863? Tax Court Dispenses Double Taxation in International Airspace,” *40 BNA Tax Management International Journal* 227, 2011

- “Do Serial Exchangers Get Cash, With Extra Time to Boot, Under New Letter Ruling?” *114 J. Taxation* 153, 2011
- “How Powerful Is the Nuclear Reactor Income Tax Credit?” *114 J. Taxation* 100, 2011
- “Das Ist Interessant! IRS Exempts U.S. Earned Salaries of Certain U.S. Citizens Living in the United States,” *39 BNA Tax Management International Journal* 277, 2010
- “Do AmeriCorps Education Awards Pass the Tax Deferral Tests?” *126 Tax Notes* 91, 2010 *Tax Notes Today* 1-15, 2010
- “Related Party Like-Kind Exchanges: Teruya Brothers and Beyond,” *111 J. Taxation* 324, 2009
- “Agribusiness Receives a New Species of Deduction,” *110 J. Taxation* 242, 2009
- “Is IRS Immune From Section 911 Iraqi or Afghan Residency Claims?” *121 Tax Notes* 1387, *2008 Tax Notes Today* 247-36, *2008 World Tax Daily* 249-16, 2008
- “IRS Ramps Up Audit Initiative on Withholding From Foreigners,” *109 J. Taxation* 350, 2008
- “More on the Uncertain Status of Tax Related Patents,” *109 J. Taxation* 379, 2008
- “The Role of State Law in ‘Like-Kind’ Needs to be More Clearly Stated,” *24 BNA Tax Management Real Estate Journal* No. 9, 2008
- “Foreign Investment in U.S. Real Estate-FINSA Issues,” *24 BNA Tax Management Real Estate Journal* No. 8, 2008
- “Does KSR Obviously Make Tax Patents Obvious?” *66 NYU Tax Institute Chapter* 10, 2008
- “IRS Relieves Some of REMIC’s Distress from Relieving Distressed Mortgages,” *24 BNA Tax Management Real Estate Journal*, No. 2, 2008
- “Related Party Like-Kind Exchanges,” *115 Tax Notes* 467, 2007
- “Controversy Continues for Tax Related Patents,” *106 J. Taxation* 255, 2007
- “Active Inducement of Patent Infringement Construed Narrowly,” *106 J. Taxation* 255, 2007
- “Proposed Regulations on the Tax Treatment of Private Annuities Would Generally Make them Unattractive,” *106 J. Taxation* 175, 2007
- “Tax Related Patents: A Novel Incentive or an Obvious Mistake?” *105 J. Taxation* 325, 2006
- “U.S. Sales of Offshore Insurance to Foreigners Streamlined but Issues Remain,” *104 J. Taxation* 171, 2006
- “Indofood for Thought: U.K. Court Disapproves Treaty Shopping Trip,” *35 BNA Tax Management International Journal*, 2006
- “The Service’s Guidelines for Enjoying the Section 965 Foreign Earnings Tax Holiday,” *103 J. Taxation* 208, 2005
- “American Jobs Creation Act Replaces Tax Incentives for Exports with a Domestic Production Tax Break and a One-time Dividends Received Deduction,” *102 J. Taxation* 6, 2005
- “Rev. Proc. 2004-51 and Like-Kind Exchanges: The IRS Strikes Back,” *83 CCH Taxes* 23, 2005

- “Update on Captive Insurance Companies,” *101 J. Taxation* 318, 2004
- “The Service Clarifies the Facts and Circumstances Approach to Captive Insurance Companies,” *100 J. Taxation* 168, 2004
- “Build-to-Suit Ruling Breaks New Ground for Taxpayers Seeking Swap Treatment,” *93 J. Taxation* 22, 2003
- “The Extraterritorial Income Exclusion Enhances the Tax Benefits Once Sought from FSCs,” *94 J. Taxation* 174, 2003
- “International Uses of FASITs Deserve a New Look,” *CCH Taxation of Financial Products*, 2002
- “Will the New Markets Tax Credit Stimulate Low Income Communities?” *AICPA Tax Advisor* 390, 689, 2002
- “Eleventh Circuit Declines to Rewrite 20th Century World History,” *Florida Bar Journal*, 2001
- “Treaty vs. Regulations: Can U.S. Branches Bank on NatWest?” *91 J. Taxation* 287, 1999
- “Final Regs. Revamp Withholding on Foreign Persons: Will the New Burdens Backfire?” *88 J. Taxation*, 1998
- “New Reporting Rules for Departing U.S. Persons and Property After IRS Guidance and TRA’97,” *87 J. Taxation* 149, 1997
- “New Tax Liabilities and Reporting Obligations Imposed on Expatriates,” *85 J. Taxation* 325, 1996
- “6662(e) Regs. Barely Loosen Gordian Knot of Compliance,” *7 J. International Taxation* 196, 1996
- The NAFTA Guide, Harcourt Brace, 1995
- “Prop. Regs. Implement PFIC Exceptions for Foreign Banks and Securities Dealers,” *83 J. Taxation* 38, 1995
- “Conduit Proposed Regulations Are Potent in Effect, but Limited in Scope,” *82 J. Taxation* 116, 1995
- “Final Transfer Pricing Regulations Restate Arm’s Length Principles,” *72 Taxes* 587, 1994
- “Transfer Pricing Penalty Regs. Create Gordian Know of Compliance,” *5 J. International Taxation* 176, 1993
- “CFC Deferral Dwindles, While CFC-PFIC Overlap Increases,” *4 J. International Taxation* 436, 1993
- “U.S.-Mexico Tax Treaty Complements NAFTA,” *79 J. Taxation* 100, 1993
- “Tax Planning for Debt and Preferred Stock Restructurings Outside of Bankruptcy and Insolvency,” *51 NYU Tax Institute*, 1993
- “Temporary Transfer Price Regs. Adopt Best Method Rule,” *72 CCH Taxes* 131, 1993
- “Final Branch Regulations Fail to Clear the Thicket of Complexity,” *78 J. Taxation* 152, 1993
- “U.S. Tax Residency Rules Broadened in Final Regulations,” *77 J. Taxation* 152, 1992
- “The CFC Netting Rule Entangles U.S. Based Multinationals,” *3 J. International Taxation* 69, 1992

- “Classification Issues: Limited Partnerships and Limited Liability Companies,” *50 NYU Tax Institute*, 1992
- “Proposed Section 482 Regs. Adopt Comparable Profit Interval Requirement,” *70 Taxes* 228, 1992
- “Final Regs. Liberalize Caribbean Basin Financing,” *2 J. International Taxation* 350, 1992
- “IRS Uses Expanded Conduit Principle to Limit Treaty Shopping,” *76 J. Taxation* 170, 1992
- “Low Interest Rate Financing for Jets,” *134 Airfinance Journal* 40, 1992
- “Final Regs. Modify Reporting and Recordkeeping Obligations of Foreign Owned Corporations,” *75 J. Taxation* 158, 1991
- “Foreign Owned Corporations Face New Recordkeeping Duties,” *74 J. Taxation* 186, 1991
- “Private Involvement Can Prejudice Tax Exempt Financing,” *8 HealthSpan* 14, 1991
- “Simplified Minimum Participation Prop. Regs. Do Not Resolve All Issues,” *73 J. Taxation* 142, 1990
- “Obtaining Tax Advantaged Financing for Investments in the Caribbean Basin,” *72 J. Taxation* 104, 1990
- “Foreign Plans Benefiting Some Americans May Be Subject to ERISA,” *8 BNA Tax Management International Journal* 476, 1989
- “Miami Device: The Florida Limited Liability Company,” *67 CCH Taxes* 339, 1989
- “Low Income Housing and Rehabilitation Syndications,” *47 NYU Tax Institute*, 1989
- “Many Options Available to Avoid Excess Passive Investment Income Tax and S Termination,” *69 J. Taxation* 4, 1988
- “Condominiums Held for Rental,” *1 NYU Institute on Tax Planning for the Individual* 1, 1983
- “Deducting Construction Period Expenses,” *13 AICPA Tax Advisor* 480, 524, 1982
- “Temp. Regs Restrict Transfer of Benefits from Mass Transit Financing,” *56 J. Taxation* 268, 1982
- “Renovations and Rehabilitations-Tax Aspects,” *39 NYU Tax Institute*, 1981
- “Special Tax Benefits of Magazine Publishing to Enhance its Usefulness as a Tax Shelter,” *55 J. Taxation* 26, 1981
- “Certified Historic Structures,” *BNA Tax Management Portfolio No. 411*, 1980
- “Foreign Investment Companies,” *BNA Tax Management Portfolio No. 405*, 1979
- “The Offshore Finance Subsidiary,” *51 J. Taxation* 86, 1979
- “U.S. Taxation of U.S. Portfolio Investments of Controlled Foreign Corporations,” *31 ABA Tax Lawyer* 399, 1978
- “Recent IRS Attacks on Captive Foreign Insurance Companies,” *4 International Tax J.* 720, 1977

PRESENTATIONS

- “Recent Developments in Like-Kind Exchanges,” ABA Section of the Taxation Meeting, September 2021

- “Africa’s New Era: Investment and Entrepreneurship,” ABA Section of International Law Meeting, September 2021
- “Downsizing Income Taxes While Downsizing the Farm,” ABA Section of Taxation Meeting, January 2021
- “Qualified Opportunity Zone Investments,” Family Office Forum December 2020
- “Qualified Opportunity Funds,” Tulane Tax Institute November 2020
- “Structuring Qualified Opportunity Funds,” ABA Section of Taxation Meeting, Boca Raton, FL, January 2020
- “Qualified Opportunity Funds Update,” Tulane Tax Institute, New Orleans, LA, November 2019
- “Qualified Opportunity Funds, Section 1031 Exchanges, and Installment Sales,” National Conference on Like-Kind Exchanges, Scottsdale, AZ October 2019
- “Where Do We Stand on Qualified Opportunity Funds?,” ABA Section of Taxation Meeting, San Francisco, CA, September 2019
- “US Customs and Tax Rules: African Reverberations,” August 2019 South African Institute of Tax Professionals Tax Indaba, Johannesburg, South Africa
- “Is Now an Opportune Time to Establish Qualified Opportunity Funds,” ABA Section of Taxation Meeting, Washington, D.C., May 2019
- “Where are the Opportunities in Qualified Opportunity Funds,” January 2019 ABA Section of Taxation Meeting, New Orleans, LA
- “U.S. International Tax Changes – Effect on Investments in the U.S. and India,” November 2018, Indian National Bar Association, New Delhi, India
- “How U.S. Tax Changes Will Affect U.S.-Asian Transfers of Investment and Technology,” October 2018, ABA International Law Section, Seoul, Korea
- “Deferring and Reducing Income Taxes through Qualified Opportunity Funds,” October 2018 ABA Section of Taxation Meeting, Atlanta, GA
- “Atacando Cuentas Ocultas: La Experiencia Norteamericana,” October 2017. Congreso Internacional de Derecho Bancario, Universitat de Valencia, Valencia Spain
- “Current Developments in Section 1031 Like-Kind Exchanges,” October 2017, Florida Bar Tax Section, Miami, FL
- “U.S. Tax Structuring For Non-U.S. Investors into the U.S.,” June 2017, Florida Bar International Law Section – Moscow State Institute of International Relations (MGIMO) Conference, Moscow, Russia
- “Hitting the BRICs: The U.S. International Procurement Tax,” October 2016, ABA International Law Section, Tokyo Japan
- “Investigaciones por el Servicio de Rentas Internas y el Departamento de Justicia de los Estados Unidos,” August 2016 *Panama Bankers’ Association Meeting, Panama City, Panama*
- “A Hot Topic: Cuban Claims and Section 1033,” *ABA Section of Taxation Meeting, Washington, DC, May 2016*

- “A Close Examination of the Intermediary Installment Sale Transactions,” January 2016 ABA Section of Taxation Meeting, Los Angeles, CA
- “Rev. Proc. 2015-37: Some Impacts on ‘Intentionally defective grantor trusts’ in U.S. and Foreign Investor Estate Planning,” September 2015 ABA Section of Taxation Meeting, Chicago, IL
- “Use of U.S. Free Trade Agreements and U.S. Investment Treaties in Disputes with Local, State or Federal Governments in the Americas.” June 2015 Globalaw Network Americas Regional Meeting, Montreal, Canada
- “IRS Investigations In Latin America,” August 2015 Panama Bankers Association Convention, Panama
- “Taxation of Franchisors and Franchisees,” May 2015 ABA Section of Taxation Meeting, Washington DC
- “Cross-Border Income Tax Investigations,” March 2015 Florida International Bankers Association Meeting, Miami, FL
- “Regulatory and Policy Focus,” February 2015 Annual Deep Sea Mining Summit, Aberdeen, Scotland
- “‘Over? It’s Not Over Until We Say It’s Over’: Strategies for Extending the 180-day Exchange Deadlines,” September 2014 ABA Section of Taxation Meeting, Denver, CO
- “Rescissions – Where are We Now?,” May 2014 ABA Section of Taxation Meeting, Washington, DC
- “North Central and its Implications for Related Party Exchanges” January 2014 ABA Section of Taxation Meeting, Phoenix, AZ
- “The Very Rare Find: A Section 1031 Collectible Exchange with Definite Answers,” September 2013 ABA Section of Taxation Meeting, San Francisco, CA
- “Hot Topics in Section 1031: Constructive Receipt Issues,” May 2103, ABA Section of Taxation Meeting, Washington, DC
- “Tax Issues Involving Flawed Securitizations,” January 2013, ABA Section of Taxation Meeting, Orlando, FL
- “The Nuclear Reactor Tax Credit, Post-Fukushima,” January 2013, ABA Section of Taxation Meeting, Orlando, FL
- “Issues Surrounding Tax Ownership of U.S. Residential Mortgage Debt,” September 2012, ABA Section of Taxation Meeting, Boston, MA
- “Achieving Simultaneous U.S. and Foreign Tax Deferral on Rollovers of Foreign Assets,” May 2012, ABA Section of Taxation Meeting, Washington, DC
- “Current Developments in Section 1031 and Section 1033 Transactions,” February 2012, ABA Section of Taxation Meeting, Washington, DC
- “Potential Impacts of Fukushima on Nuclear Power Finance,” December 2011, Nuclear Industry Conference, Washington, DC
- “The Nuclear Reactor Income Tax Credit,” October 2011, Nuclear Industry Conference, Charlotte

- “Beware Future Withholding on Section 1031 Exchanges with Governmental Entities,” October 2011, ABA Section of Taxation Meeting, Denver, CO
- “FATCA and Other U.S. Tax Reporting of Panamanian Accounts,” August 2011, Panama Banker’s Association, Panama
- “Section 1031 Developments,” May 2011, ABA Section of Taxation Meeting, Washington, DC
- “The Endangered Species Deduction,” January 2011, ABA Tax Section Meeting, Boca Raton, FL
- “The U.S. Assault on Tax Havens,” December 2010, ABA International Law Section, Paris, France

Professional Associations & Memberships

- ABA Tax Section Committee on Sales Exchanges & Basis
 - Chairman