James B. Davis

Shareholder

Fort Lauderdale
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Practice & Industry Areas

- Tax Law
- Executive Compensation
- Tax-Exempt Organizations
- Corporate Law
- Health Care
- Private Wealth Services
- Family Office

Education

- Southern Methodist University, J.D., 1975
- University of Arkansas, M.B.A., 1972
- University of Arkansas, B.S., 1971

Bar & Court Admissions

- Florida Bar, 1975
- Texas Bar, 1975

Overview

James B. Davis co-leads Gunster's Tax practice and serves in the firm's Office of General Counsel for ERISA. He has been practicing law since 1975. His experience includes ERISA and employee benefits law, estate planning, transactional business tax law, corporate and business law, and health care related counsel. He also counsels for profit and tax-exempt clients in areas of taxation, executive and deferred compensation such as 403(b) and 457(b) & (f) plans, defined contribution and defined benefit pension plans, stock option and phantom stock plans, welfare benefit plans, executive compensation, 409A nonqualified deferred compensation, as well as ESOP operations and feasibility. Jim is a trustee of the Gunster 401K and cash balance plans.

Jim's experience includes estate, wealth and sophisticated tax and asset protection planning. He also provides counsel as to the tax consequences of an array of business transactions including business succession.

In the area of health care law, practical know-how is often the key factor to achieving a desired outcome. With a focus on the client's often specific objectives, Jim advises them on health care related governance documents and negotiations, including shareholder, operating and employment agreements for multi-owner entities including affiliated service and controlled groups.

A frequent lecturer, expert witness and author, Jim currently serves as an adjunct professor at the University of Miami School of Law in the Heckerling Graduate Program in Estate Planning (LLM) where he teaches Partnership and Subchapter S Corporation Taxation.

Honors

- Preeminent AV Rated as independently determined by Martindale-Hubbell
- *The Best Lawyers in America®*, Employee Benefits (ERISA) Law, Tax Law, Trusts & Estates, 1989-2023
- *The Best Lawyers in America® Employment Law Issue*, Employee Benefits (ERISA) Law, 2021
- Florida *Super Lawyers*, 2006-09, 2011-22
- *Florida Trend*, "Legal Elite," 2011, 2014, 2016
- *Chambers & Partners*, "Leaders in Their Field," Employee Benefits & Executive Compensation, 2009-22
- *Fort Lauderdale Magazine*, "Top Lawyers," Employee Benefits Law, Tax Law, 2021
- *South Florida Legal Guide*, "Top Attorney," 2014
- Leading Florida Attorneys: Taxation and Trusts & Estates, 2014
- Miami area "Employee Benefits Lawyer of the Year," *Best Lawyers*, 2011-12
- *Who's Who Legal*, Employee Benefits, 2008
- CPA examination (1971)
- Order of the Coif, SMU
- Research assistantship, SMU School of Law
- Blue Key, University of Arkansas
- Graduate Assistantship Accounting Department, University of Arkansas

Publications & Presentations

- "The Best of Heckerling 2020 Panel," Professional Advisors Council Meeting, Community Foundation of Broward, February 4, 2020
- "A Better Mousetrap for Retirement Readiness," Nova Southeastern University, 2013
- "Non-Qualified Deferred Compensation Agreements under §409," Strafford Webinars, 2013

- “Drafting Advance Directives, Ethical Considerations,” Planned Giving Council of Broward, 2013
- “Making Sausage: Analyzing Clauses of an Irrevocable Trust,” Probate and Pumpernickel Seminar, 2011
- “Plan Your Exit from Business Ownership: An exclusive seminar for business owners and their advisors,” Boca Raton, October. 14, 2010
- “Estate Planning for the Closely Held Business,” SunTrust Roundtable, 2010
- “The Twin Tax Payment Procrastinators: Sections 6166 and 6161,” SunTrust Roundtable, 2006
- “Use of Trusts as an IRA Beneficiary Designation a/k/a ‘The Distrust,’” SunTrust Roundtable, 2006
- “IRAs and Charitable Giving ‘What You Don’t Know May Hurt You,’” Planned Giving Council of Broward County, 2006
- “The Pension Plan Crisis: Municipalities and Private Companies Share Woes,” *Compensation and Benefits Review*, July/August 2006
- “The Funding Crisis in Municipal Pensions,” *Contingencies*, May/June 2006
- “Physician, Fund Thyself,” *Florida Medical Business*, August 2005
- “Employee Benefits for Dummies,” Fiduciary Forum USI Securities, 2005
- “IRA and Qualified Plan Beneficiary Designations,” Planned Giving Council of Broward, 2005
- “What You Need to Know About Deferred Compensation in a Nutshell,” Greater Fort Lauderdale Tax Council, 2004
- “Non-Qualified Deferred Compensation under 409A,” Greater Fort Lauderdale Tax Council, 2004
- “The Legal Environment,” Fiduciary Forum – Florida Atlantic University, 2002
- “Retirement Planning for Lawyers: It’s All About You,” Florida Bar, 2000
- “Structuring Agreements Among Lawyers in Florida Law Firms,” Florida Bar, 2000
- “The Incredible Shrinking Estate,” Florida Bar CLE Tax Section, program Chair and moderator, 1996
- “Income Shifting and Wealth Transfer Using Discounts and Family Limited Partnerships,” Florida Bar, 1994
- “Designation of IRA and Qualified Plan Beneficiaries in Estate Planning,” Florida Bar, 1994
- “Tax Aspects in Retirement Plans Including IRAs, Qualified Plans and Other Retirement Arrangements,” Florida Bar, 1989
- “Employee Fringe Benefits,” Florida Bar, 1986
- “Section 414(m)(n)(o) – Affiliated Service Groups: Leasing Arrangements & Management Organization,” Florida Bar, 1984
- “Parity and Disparity Provisions Under TEFRA,” Florida Bar, 1983
- “The Pension Plan Crisis: Municipalities and Private Companies Share Woes,” *Compensation and Benefits Review*, July/August 2006
- “The Funding Crisis in Municipal Pensions,” *Contingencies*, May/June 2006

- “Physician, Fund Thyself,” *Florida Medical Business*, August 2005

Professional Associations & Memberships

- Adjunct professor, University of Miami, School of Law, LLM Curriculum, Partnership and Subchapter S Corporation Taxation, Fall 2013-present
- Florida Bar, 1975
  - Board certified in tax law, 1983
  - Board of Legal Specialization and Education,1996-02, chair, 2001-02
  - Educational Programs, Section of Taxation, director, 1999-01
  - Section of Taxation, treasurer, 2001-02
  - Tax Certification Committee,1993-96
  - Young Lawyers Section, board of governors, 1977-83
  - Young Lawyers Section, board of governors, secretary, 1980
- Broward County Bar Association
  - Section of Taxation, chair, 1991-97
  - Young Lawyers Section, president, 1980-81
- American Bar Association
  - Committee on Employee Benefits
  - Committee on Professional Service Corporations
  - Section of Taxation

Civic & Community Service

- Community Foundation of Broward
  - Board of directors, 2015 – 2020
  - Professional Advisors Council, 2013-present
- Planned Giving Council of Broward,
  - President, 2015-16
  - Board of directors, 2013-present
- Annual Joint Tax & Estate Planning Seminar – Jewish Federation, United Way and Community Foundation of Broward: Steering Committee, 2012-present; seminar co-chair and community foundation representative for 2014 annual seminar
- Greater Fort Lauderdale Area Tax Council, President, 1985-86
  - Board of advisors, 1986-present
- Broward County Estate Planning Council, president, 1998-99