

People



David J. Slenn

Partner, Tax
Trusts and Estates

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David Slenn focuses his practice on tax, estate, and business planning with an emphasis on risk management. His background in federal taxation and creditors' rights enables him to assist high net-worth individuals with the passage and preservation of their wealth. He also serves as independent counsel to review potentially abusive tax transactions, helps to mitigate tax exposure, and assists with the exit of abusive tax transactions.

Dave counsels both creditors and debtors regarding complex issues that arise at the intersection of fraudulent transfer law and the transfer of wealth. This experience includes helping business owners and public figures with liability exposure analysis as well as assisting creditors with transactional matters and litigation strategy. Dave is one of the foremost thought leaders on fraudulent transfer law. He is the author of *The Fraudulent Transfer of Wealth: Unwound and Explained*, published by the American Bar Association (ABA). Dave testified as an expert witness before the Florida Senate on Florida's adoption of the amendments to the Florida Uniform Fraudulent Transfer Act.

Dave routinely counsels clients on utilizing captive insurance companies as a form of risk management. He has helped business owners in various industries understand the benefits and challenges of such programs, and has counseled on a variety of issues including federal tax controversy matters in IRS examination, litigation in U.S. Tax Court, and complex matters related to exiting captive insurance programs. Dave is the editor and a co-author of the *Captive Insurance Deskbook for the Business Lawyer* (ABA).

Dave has also served as counsel for banks, international and domestic trust companies in various contexts, and has advised on complex issues arising from trust owned collateral in large loan transactions as well as the application of Florida statutes dealing with International Trust Company Representative Offices and Qualified Limited Service Affiliates.

Areas of Experience

Tax
Trusts and Estates
Federal Tax Litigation and Controversy
International Tax
Equine Law

Education

LL.M. in Taxation, University of Washington School of Law, 2003
J.D., Capital University Law School, 2002
B.S., The Ohio State University, 1999

Admissions

Bars

Florida

Courts

U.S. Tax Court

Related Content

David Slenn Explains what a Recent U.S. Tax Court Decision Means for the Future of Microcaptive Premium Deductions
February 22, 2024

Akerman Partner David Slenn Sees 'Perfect Storm' for Fraudulent Donations to Charities
December 11, 2023

David Slenn Shares Thoughts on Monetized Real Estate Installment Sales
October 04, 2023

Notable Work

Captive Insurance Programs

Micro-Captive Tax Controversy and IRS Investigations: Assisted numerous taxpayers with IRS audits, including interviews, IRS Appeals, Tax Court litigation, and responses to IRS “soft” letters and “third-party” letters.

Micro-Captive Insurance Tax Settlements: Obtained a settlement with reduced penalties for a national securities consulting firm and high-profile food services company by utilizing the IRS’s Micro-captive Resolution Initiative for taxpayers.

IRS Penalty Abatement: Assisted a surgery center participating in a micro-captive transaction obtain a settlement with no penalties under reasonable cause defense.

Reportable Transaction Compliance: Assist micro-captive owners with identification of micro-captive reportable transactions, including those that may be “substantially similar” to reportable transactions, preparation and review of Form 8886 in response to Notice 2016-66, as well as advice as to Proposed Regulations identifying certain micro-captive transactions as either Listed Transactions or Transactions of Interest.

Independent Captive Review: Reviewed captive programs for a Texas-based commercial transportation dealership to provide independent tax review of transactions.

Independent Captive Review: Assisted a publishing company with independent review of micro-captive programs, and assisted with qualified amended returns that ultimately resulted in no changes and closure of exam upon IRS examination.

Micro-Captive Program Extraction: Assisted taxpayers, including a custom fabricator of architectural metals, medical practices, and others, with the exit of complex micro-captive insurance programs.

Fraudulent Transfer/Risk Management

Fraudulent Transfer Advice: Assisted public figures such as a high profile athlete and attorneys with contemplated actions and advice as to avoidance and ancillary consequences, such as ethical discipline, public perception, and secondary liability under fraudulent transfer common law.

Fraudulent Transfer Litigation: Assisted creditors and debtors as to discovery matters and basis for fraudulent transfer claims under actual and constructive fraud, potential remedies, including under fraudulent transfer common law, attorney-client privilege, bankruptcy implications, and choice-of-law issues.

Trust Company Advisory: Obtained a favorable Declaratory Statement from the Office of Financial Regulation pertaining to permissible activities within the State of Florida by a stand-alone, state-chartered trust company

Affiliations

- Uniform Law Commission, Uniform Voidable Transactions Act (formerly the Uniform Fraudulent Transfer Act), American Bar Association Advisor to Drafting Committee
- Tampa Bay Estate Planning Council, Board of Directors, 2019-2020

- Leadership Tampa Bay, 2018
- American Bar Foundation, Fellow
- American Bar Association, Real Property, Trust and Estate Law Section
 - Continuing Legal Education, eCLE, Vice Chair, 2021-2023
 - Continuing Legal Education Committee, Member, 2019-2020
 - Groups & Substantive Committees, Member, 2019-2020
 - Non-Tax Estate Planning Considerations Group, Chair, 2014-2018; Vice-Chair, 2012-2013
 - Asset Protection Planning Committee, Chair, 2011-2013; Vice-Chair, 2009-2010
- American Bar Association, Business Law Section, Captive Insurance Committee
 - Content Committee, Member, 2018-2019
 - Chair 2014-2017
 - Vice Chair, 2011-2013
- American Bar Association Tax Law Section, Member
- University of South Florida, MUMA College of Business, Cybersecurity for Executives Program, Advisory Committee Member, 2018
- Florida Bar, Business Law Section, Executive Council; Uniform Voidable Transactions Act Subcommittee, Member, 2016-2018
- The Ohio State University Alumni Club of Naples, Florida, Past President, 2008-2010

Published Work and Lectures

Speaking Engagements

- Ave Maria School of Law Tax & Estates Luncheon, Speaker, “The Fraudulent Transfer of Wealth: Unwound and Explained,” January 18, 2023
- World Captive Forum, Speaker, “Federal Tax Controversy and Captive Insurance Companies,” February 24, 2021
- World Captive Forum, Speaker, “US Benefits – It’s a Better Year,” January 31, 2019
- Bond Clinic, P.A., Winter Haven, Florida, Speaker, “Risk Management,” October 17, 2018
- American Bar Association 30th Annual RPTE Spring Symposia, Orlando, Florida, Speaker, “Hot Topics, Current Trends and Uniform Law Potpourri in Non-Tax Estate Planning,” May 10, 2018
- Fifth Annual Great Lakes Asset Protection Institute, Ohio State Bar Association, Columbus, Ohio, Speaker, “Ethics, Civil and Criminal Liability Issues for the Asset Protection Planner,” December 4, 2017
- 36th Annual Tax & Estate Planning Forum, San Diego, California, Speaker, “Third Party Settled Protective Trusts and Creditor’s Rights in State Courts and Bankruptcy,” October 22, 2016
- 2016 Arizona Asset Protection Symposium, State Bar of Arizona, Phoenix, Arizona, Speaker, “Ethical Issues in Asset Protection Planning,” October 21, 2016
- Delaware Bankers Association’s 10th Annual Delaware Trust Conference, Wilmington, Delaware, Speaker, “Domestic Asset Protection Trusts Under Attack,” October 26, 2015
- 48th Annual Heckerling Institute on Estate Planning, Orlando, Florida, Speaker, “‘Residence’ and ‘Domicile’ for State Income and Transfer Tax Purposes: A Closer Look,” January 16, 2014

Published Work

- *ABA Business Law Today*, Author, "Fraudulent Donations to Charity: The Gifts That Keep on Giving," November 8, 2023
- ABA Publishing, Author, "The Fraudulent Transfer of Wealth: Unwound and Explained," September 30, 2022
- *ABA Tax Times*, Author, Vol. 42 No. 1, "The APA and Reportable Transactions: Notice 2017-10 and Green Valley Investors," Fall 2022
- *ABA Business Law Today*, Co-Author, "Implications of the Micro-Captive Soft Letter" May 1, 2020
- *Bloomberg Tax*, Quoted, "IRS Didn't get Timely Penalty Approval in Micro-Captive Case," October 13, 2020
- *Law360 Tax Authority*, Quoted, "Privacy Shields No Deterrent to IRS Pursuit of Microcaptives," July 28, 2020
- *Bloomberg Tax*, Quoted, "Timing of IRS Insurance Tax Shelter Probe Brings Scrutiny," March 31, 2020
- *The New York Times*, Quoted, "Once Scrutinized, an Insurance Product Becomes a Crisis Lifeline," March 20, 2020
- *The New York Times*, Quoted, "IRS Offers Deal to Small Insurance Companies Under Scrutiny," September 20, 2019
- *Captive.com*, Author, "Small Captive Insurance Program Exit Planning," September 4, 2018
- ABA Publishing, Author, "Captive Insurance Deskbook for the Business Lawyer," March 27, 2018
- *Inc.com*, Quoted, "Why 'Captive Insurers' are on the IRS Watch List," October 5, 2016
- *Tax Analysts*, Quoted, "Questions About What's in Trumps Returns Persist," March 15, 2016
- *The New York Times*, Quoted, "Small, Private Insurers Face Increasing Scrutiny on Avoided Taxes," January 16, 2016
- *The New York Times*, Quoted, "IRS Is Looking Into Captive Insurance Shelters," April 10, 2015
- *Pratt's Journal of Bankruptcy Law*, Author, "U.S. Supreme Court Highlights New Concerns in Naming IRA Beneficiary," December 2014
- *Tax Analysts*, Quoted, "Do Asset Protection Schemes Work?" September 24, 2012
- *Probate & Property*, Author, "Has the Warning Bell Sounded for Asset Protection Planners?" March/April 2010