

People

Stephen A. Josey

Partner, Tax

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vCard

” Stephen has an encyclopedic knowledge of the facts of the case and never loses sight of how those fit into the issues and strategy.

- *Chambers High Net Worth*

Stephen Josey helps high-net-worth individuals, executives, family offices, fiduciaries, and businesses resolve their most sensitive and consequential tax disputes with the IRS and the U.S. Department of Justice. A *Chambers*-ranked private client tax controversy lawyer, Stephen represents clients in examinations, administrative appeals, government investigations, and litigation — often where substantial financial exposure, reputational sensitivity, or allegations of fraud raise the stakes. He also counsels clients on return positions and audit readiness following liquidity events and other wealth-generating transactions.

Stephen brings a litigator's mindset to tax disputes. He is willing to test the government's factual and legal positions, asserted burdens, and compliance with statutory and administrative requirements. His recent work has focused on taxpayer confidentiality, unauthorized disclosures of return information, penalty-imposition procedures, and agency compliance with the Administrative Procedure Act — areas where the outcome can turn as much on the government's adherence to its own procedures as on the transaction or reporting position under scrutiny. His litigation experience spans the U.S. Tax Court, federal district courts, the U.S. Court of Federal Claims, and federal courts of appeals.

Areas of Experience

Tax

Federal Tax Litigation and Controversy

Family Office

White Collar Crime and Government Investigations

Education

J.D., Vanderbilt University Law School, 2012,
Vanderbilt Journal of Entertainment and Technology Law, Managing Editor

B.A., University of Michigan, Economics and Organizational Studies, 2009, with high distinction

Admissions

Bars

New York

District of Columbia

Tennessee

Courts

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. Tax Court

U.S. Court of Federal Claims

U.S. Court of International Trade

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, Western District of Tennessee

Stephen built his private practice within several of the nation's leading tax controversy teams. Earlier in his career, he served as a trial attorney in the DOJ's Tax Division, which he joined through the Attorney General's Honors Program and where he received the Outstanding Attorney Award, and later in the Civil Division's Commercial Litigation Branch. He draws on that experience to anticipate how the government builds and evaluates cases and to identify where its positions are vulnerable. Immediately after law school, he clerked for the Hon. J. Daniel Breen of the U.S. District Court for the Western District of Tennessee.

Notable Work

Civil Trial and Appellate Work:

- Obtained a favorable settlement for a finance executive in a U.S. Court of Federal Claims refund suit involving foreign tax credits, treaty-resourcing issues, and dual U.S. and UK taxation of income.
- Represented an estate executor in the U.S. District Court for the Southern District of New York in a DOJ Tax Division action to reduce estate taxes to judgment and to impose personal liability on the executor under the Federal Priority Statute, obtaining a settlement.
- Represented a client in a series of matters arising from alleged promotion of so-called "monetized installment sales," including parallel efforts to protect the client's return information from public disclosure; a suit against the United States seeking damages for unauthorized disclosure of return information; two Ninth Circuit appeals from Tax Court collateral orders concerning the sealing of filings containing that information; the defense of a DOJ promoter injunction action brought under IRC §§ 7402 and 7408 in the U.S. District Court for the District of Idaho; and the client's related income tax deficiency case in the U.S. Tax Court.
- Represented high-net-worth taxpayers in a summons enforcement dispute at the district court and appellate levels, addressing the standards that govern IRS third-party summonses issued in connection with information requests from foreign tax authorities.

High-Net-Worth Tax Examinations and Administrative Proceedings:

- Guides high-net-worth clients through the IRS voluntary disclosure process and related examinations, resolving prior noncompliance discreetly while managing civil and criminal exposure.
- Represents individuals facing substantial foreign information return penalties, working to resolve those liabilities without litigation.
- Handles administrative appeals before federal and state tax authorities, including obtaining full innocent spouse relief for a client at a New York state conciliation conference.

Tax Return Positions and Audit Preparedness:

- Advises executives, founders, and investors on substantiating return positions following windfall and liquidity events, including positions relating to qualified small business stock (QSBS) exclusions, contingent earnouts, and qualified opportunity zone (QOZ) fund investments.

- Led a matter analyzing the tax consequences of a founder-executive's sale of founder shares in a medical technology company to a private equity firm, including contingent earnout consideration tied to future sales performance.
- Led a representation of a group of investors and former executives of a biotechnology company on tax-reporting strategy for a \$250+ million M&A transaction, including installment-sale treatment of earnouts, QSBS exclusion eligibility, and income tax reporting implications of grantor and nongrantor trust estate planning.

Amicus Advocacy:

- Develops and executes amicus brief strategies in precedential tax matters, preparing and filing briefs on behalf of high-net-worth clients, trade organizations, and professional organizations — including the American College of Tax Counsel — in the U.S. Tax Court, the U.S. Courts of Appeals for the Fifth, Tenth, and Eleventh Circuits, and in matters before the U.S. Supreme Court. Topics have included the proper application of the substantial variance doctrine in federal tax refund suits; when the economic substance doctrine under IRC § 7701(o) is “relevant” to a transaction and how courts should make that relevancy determination; and the timeliness of supervisory approval of penalties under IRC § 6751(b).

Large Corporate and Business Controversies:

- Conducted pre-litigation analysis for a large corporation regarding a potential multibillion-dollar excise tax refund claim.
- Represented a large company in an IRS examination of multibillion-dollar partnership basis items involving novel questions under the Bipartisan Budget Act centralized partnership audit regime.
- Represented a large company in litigation before the U.S. Court of Federal Claims concerning an interest-netting claim.

Criminal Tax and Grand Jury Investigations:

- Represented a high-net-worth individual in a grand jury investigation into alleged tax offenses arising from an “exit tax” return following expatriation. Coordinated a large-scale privilege review, directed fact development, and co-led a strategy to assert privilege over “dual-purpose” documents that culminated in the U.S. Supreme Court granting certiorari in *In re Grand Jury*, No. 21-1397.
- Represented an alleged promoter of syndicated conservation easements during a grand jury investigation.

Related Professional Experience

- U.S. Department of Justice, Civil Division, Commercial Litigation Branch, International Trade Field Office, Trial Attorney, 2016–2018
- U.S. Department of Justice, Tax Division, Trial Attorney (Attorney General's Honors Program), 2013–2016
- Law Clerk to the Honorable J. Daniel Breen, U.S. District Court, Western District of Tennessee, 2012–2013

Published Work and Lectures

Published Work

- *Bloomberg Tax*, Co-Author, “IRS Fast Track Settlement Program Guidance a Boon for Taxpayers,” July 20, 2026
- *TAXES – The Tax Magazine*, Co-Author, “You Suspect Your Client Committed Tax Fraud: Now What?,” May 12, 2026
- *Bloomberg Tax*, Co-Author, “Congress Should Make the IRS Treat Taxpayer Privacy as Mandatory,” March 18, 2026
- *Bloomberg Tax*, Co-Author, “IRS Update to Fast Track Settlement Program a Welcome First Step,” November 26, 2025
- *TAXES – The Tax Magazine*, Co-Author, “Whose Fraud Is It Anyway? The Expanding Reach of the Fraud Exception to the Statute of Limitations on Tax Assessment,” November 19, 2025
- *TAXES – The Tax Magazine*, Co-Author, “Civil Tax Fraud: Should 75 Percent Appear Too Small, Be Thankful the IRS Doesn’t Take It All,” August 7, 2025
- *Bloomberg Tax*, Co-Author, “IRS Corporate Group Mailbox Has Upsides but Requires Forethought,” October 7, 2024
- *Bloomberg Tax*, Author, “IRS’s Alternative Dispute Resolution Has Room for Improvement,” April 11, 2024
- *Tax Notes*, Co-Author, “Diversity in the Tax Bar – Reflections on Lessons Learned and the Path Forward,” September 4, 2023
- *CPA Journal*, Author, “An Inconvenient Truth About Remote Work: Connecticut’s Income-Sourcing Statute Needs Fixing,” July 18, 2023
- *Law360 Tax Authority*, Author, “Tips on Qualified Small Business Stock Exclusions,” July 27, 2022
- *CPA Journal*, Author, “Accounting for Sales with Contingent Obligations: Methods and Considerations,” May 2020
- *Journal of Tax Practice and Procedure*, Co-Author, “This is Privileged, Right? Attorney-Client Communications in the Tax Return Preparation Context,” October–November 2019
- *Journal of Tax Practice and Procedure*, Co-Author, “To Amend or Not to Amend: Correcting Non-compliance on Past Returns,” February–March 2019

Speaking Engagements

- NYU School of Professional Studies, 18th Annual Tax Controversy Forum, Speaker, “Learning from Learning Resources: Update on Tariff Enforcement and Refunds,” June 26, 2026
- American Bar Association, Tax Section, 2026 May Tax Meeting, Speaker, “The Year in Review: Legislative, Judicial, and Enforcement Developments in Civil and Criminal Tax Penalties,” May 9, 2026
- Practising Law Institute, Tax Controversy 2026: Navigating the New Enforcement Landscape, Speaker, “Tax Refund Claims and Litigation,” March 23, 2026
- NYU School of Professional Studies, 17th Annual Tax Controversy Forum, Moderator, “Cross Border Information Gathering and Discovery,” June 26, 2025
- Tax Executives Institute (Webinar), Speaker, “What Every Tax Department Needs to Know About Tariffs,” April 15, 2025
- American Bar Association, Tax Section, 2024 Virtual Fall Meeting, Speaker, “Hot Off the Bench: What Recent Supreme Court Decisions Mean to Tax Controversy Professionals and Their Clients,” September 26, 2024
- New York County Lawyers Association, Speaker, “Criminal Tax Investigations and Procedures: What Practitioners Need to Know,”

November 1, 2023

- IRS Representation Conference, Speaker, “Give Me Back My Money: The Life of a Refund Suit,” November 21, 2019

Affiliations

- American Bar Association, Tax Section
 - Civil and Criminal Tax Penalties Committee: Co-Chair, Civil Updates Subcommittee, 2026
 - Membership Committee, Member, 2024–2025
- New York City Bar Association, Personal Income Taxation Committee, Former Co-Chair

Honors and Distinctions

- *Chambers High Net Worth*, 2025–2026, Ranked USA – Nationwide for Tax: Private Client
- *Best Lawyers*, 2022–2025, Listed as in New York for Litigation and Controversy – Tax as “One to Watch;” 2021–2025, Listed in New York for Commercial Litigation as “One to Watch”
- U.S. Department of Justice, 2016, Tax Division Outstanding Attorney Award