



BRIER & GANZ LLP

KENNETH P. BRIER

PARTNER

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BIOGRAPHY

Ken is a partner who focuses his practice in the areas of estate, tax, and business planning. With an understanding of big picture issues and an eye for detail, Ken brings more than 35 years of experience in service to clients of all ages including individuals, couples, families, entrepreneurs, executives, and business owners with local, multistate and multinational connections. He has served as a neutral Personal Representative and Trustee for families enmeshed in probate litigation and as an expert witness in trust and estate matters.

Prior to establishing his practice in the Boston suburbs, as Brier & Associates and then Brier & Geurden LLP, Ken was a member of the estate planning groups at Bingham McCutchen LLP and at Holland & Knight LLP in Boston.

MEMBERSHIPS

- Massachusetts Bar, 1980
- U.S. District Court of Massachusetts, 1980
- U.S. Tax Court, 1986
- Also licensed as Certified Public Accountant in Massachusetts, 1981

PROFESSIONAL AFFILIATIONS

- American Bar Association
- Massachusetts Bar Association
- Boston Bar Association
- Boston Estate Planning Council
- Society of Trust and Estate Practitioners
- American College of Trust and Estate Counsel, Fellow
- Massachusetts Society of Certified Public Accountants

EDUCATION

- Columbia University School of Law, J.D., 1979
- Princeton University, A.B., cum laude, 1975

SELECTED WORK EXPERIENCE

- Brier & Ganz LLP (2014-Present)
- Brier & Geurden LLP (2007- 2014)
- Brier & Associates (2003-2007)
- Bingham McCutchen LLP (2000-2003)
- Holland & Knight LLP (1994-2000)

HONORS & AWARDS

- Recognized in The Best Lawyers (Woodward/White)
- Recognized in Super Lawyers
- Accredited Estate Planner®

EXPERIENCE

- Secured a reformation from the Massachusetts Supreme Judicial Court of the funding provisions of a decedent's marital trust.
- Structured pre-IPO installment sale of a high-tech founder's stock to a nontaxable family corporation located offshore, with the price locked in by means of a forward option, avoiding tax on millions of dollars of gain accruing after the IPO.
- Negotiated resolution of a gift tax audit involving the valuation of multiyear gifts of family limited partnership interests, secured a valuation discount of 35% from the IRS Appeals office, resulting in savings of hundreds of thousands of tax dollars.
- Counseled surviving wife on alternatives for distributions from husband's \$4 million profit-sharing plan account, comparing projected income and estate tax consequences of lump-sum distribution, rollover to IRA and rollover to Roth IRA, children's cash needs and family's preferences for ongoing simplicity.
- Structured trust as a vehicle for a large corporation to voluntarily provide benefits to the widow of the deceased executive by transferring company stock to the trust prior to the company's going public.
- "Created" sizeable estate tax deduction in the course of estate administration by structuring a \$2.4 million 10-year loan from decedent's insurance trust to decedent's estate (holding facially illiquid LLC interest) in a manner qualifying for an upfront estate-tax deduction of all future interest payable on the loan.
- Streamlined administration of family trust several years after death of the grantor's surviving wife, where (1) wife as husband's executrix had transferred husband's S corporation shares to a nominee trust upon husband's death 12 years earlier with the estate as the beneficial owner, (2) wife transferred family vacation home to same nominee trust, (3) family trust had never

been appropriately divided into marital and family subtrusts, (4) wife's estate had never been administered, and (5) one child purportedly had executed an ill-advised disclaimer of interest in family trust (which would have triggered a taxable gift); matters attended to included attention to estate and generation-skipping tax issues, probate of wife's estate, division of trust into separate trusts for adult children, appointments of new trustees, and sale of interests in family vacation home among sometimes contentious children.

- Represented a decedent's second wife in the renegotiation of a proposed settlement agreement with the decedent's children, proposing in place of the settlement agreement that the wife execute partial disclaimers of federally-mandated spousal interests in retirement plans and simultaneously purchase the marital home (at no taxable gain) with the remaining plan proceeds, with results consistent with intended prenuptial agreement and superior tax results for all parties, and with this eleventh-hour proposal being accepted by counsel for all parties.
- Handled U.S. aspects of estate planning, in coordination with U.S. and Swiss advisors, for wealthy elderly couple with dual U.S.-Swiss citizenship, dual residences, and extensive corporate and real-property interests in U.S. and Switzerland, seeking to reconcile requirements of inconsistent U.S. and Swiss tax regimes and legal systems while adhering to pre-existing prenuptial agreement.
- Assisted terminally ill client with end-of-life planning, saving about \$300,000 in estate taxes (about 35%) through (1) gifts of fractional interests in waterfront summer house and (2) conversion of land development company from S corporation to limited liability company, coupled with sales and gifting of LLC member interests to children.
- Assisted guardian with estate planning for special needs adult under Massachusetts statute, including preparation of new revocable trust, presentation of estate plan to probate court for approval, and liaison with insurance companies to designate trust as beneficiary of \$4 million of annuity policies funded under structured settlement of worker's compensation claim in New York.