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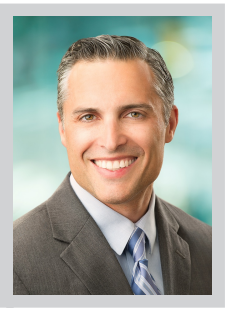

Joseph M. Hayes

Shareholder

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Joseph M. Hayes is a member of Flaster Greenberg's Taxation, Business & Corporate, Trusts & Estates, and Healthcare Groups. Recognized as a rising star in the legal community by *Super Lawyers* magazine, Mr. Hayes has developed a multifaceted domestic and foreign tax, business and personal transaction practice guided by meeting client goals and needs, and dealing with the "silent partner" – the applicable taxing authorities.

In connection with his business transactional practice, Mr. Hayes has extensive experience and regularly advises both domestic and foreign clients on simple and complex business and transaction matters. These matters include, but are not limited to, the following:

- Business formation (including the drafting of simple and complex formation documents and buy/sell agreements) – with a particular emphasis on pass-through entity (partnership and S-corporation tax and business planning and design)
- Business succession planning
- Compensation planning (including but not limited to non-qualified deferred compensation plan, stock and stock option plans, phantom stock plans, profits and equity interest grants)
- Merger, acquisitions and reorganization
- Captive insurance planning
- IC-DISCs
- Debt and equity financings
- Real estate acquisitions and sales

Along with providing clients with business and transactional needs, Mr. Hayes also advises clients using his experience in estate and asset protection planning. His goal is to integrate comprehensive business planning with estate and asset protection planning utilizing sophisticated estate and asset planning methods. He has substantial experience with trusts and estate planning tools and the use of asset protection trusts.

Practice Areas

Business and Corporate Law

Healthcare Law

Tax Law

Trusts and Estates Law

Admissions

Pennsylvania

New Jersey

U.S. District Court of New Jersey

U.S. District Court, Eastern District of Pennsylvania

U.S. Tax Court

Education

Rutgers University School of Law- Camden, J.D. with honors

New York University School of Law, LL.M.

Bryant University, B.S. Business Management, *magna cum laude*

Experienced in answering and resolving tough tax questions and issues, Mr. Hayes is frequently engaged to solve complex tax problems for clients – whether they be state and local tax issues or from a federal perspective. He regularly practices in front of the IRS and New Jersey and Pennsylvania tax authorities. This includes federal and state tax controversy litigation and offshore account and asset disclosures.

REPRESENTATIVE MATTERS

- Successfully argued a Federal Tax case in the United States District Court for the District of New Jersey, reversing a longstanding IRS provision and saving the client more than $450,000 in estate tax penalties.
- Part of a team of multidisciplinary attorneys in the representation of a provider of Medicare benefit solutions in connection with its recapitalization project with a private equity firm. The complex transaction entailed significant M&A, asset protection, estate and income tax planning.
- Represented the seller of a leading Philadelphia-based distributor and building systems integrator of commercial HVAC mechanical systems and related equipment to the world's leading manufacturer of indoor HVAC systems. The transaction included the sale of the entirety of the client's assets and the transfer of all its property leases. There was state income tax planning as well as the charitable donation aspect. A portion of the interest in the company was transferred to a Donor Advised Fund.
- Served as tax counsel in the sale of an in-home personal care, skilled nursing, and behavioral services company to a leading provider of care and support solutions. The transaction was structured to minimize Philadelphia tax, as well as state income tax while providing sophisticated tax planning for the owners to accomplish their overall objectives and meet their needs.

HONORS & AWARDS

- Top Attorney List - Taxation, *SJ Magazine*, 2022
- Named a Pennsylvania "Rising Star," 2012, 2014 – 2018, by Thomson Reuters, publishers of *Pennsylvania Super Lawyers* magazine

A description of the standard or methodology on which the accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

PROFESSIONAL AFFILIATIONS

Philadelphia Bar Association

Pennsylvania Bar Association

American Bar Association

COMMUNITY ACTIVITIES

Checking for Charity, Board Member

ARTICLES & ALERTS

NJ Passes New Workaround Rule for SALT Deductions
Legal Alert (January 29, 2020)