



ALI-ABA Publishes Al Martin on Buy-Sell Agreements, Employer-Owned Life Insurance

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The esteemed legal education organization ALI-ABA (American Law Institute-American Bar Association) has released its 2010 edition of the Practical Tax Lawyer, and it features two analytical pieces from Lathrop Gage attorney Alson R. Martin (Corporate and General Business - Overland Park). In the first, "Buy-Sell Agreements And Section 409A" illustrates complexities of deferred compensation are among the many issues one must consider in buy-sell transactions. In the second, "How To Avoid Taxation Of Employer-Owned Life Insurance Under Section 101(j)," Mr. Martin looks at how congressional attempts to deter abuses of employer-owned insurance on employees have made legitimate employee insurance structures more difficult to implement.

"It is common for severance compensation to be used as a component of an owner's buy-out from a business," Mr. Martin writes in the Buy-Sell Agreements piece. He then goes into detail on deferred compensation and its tax implications in an article that is based on a paper he presented at a August 2009 Section of Taxation event at the ABA Annual Meeting. Mr. Martin has been a *Best Lawyers in America* honoree since the publication's inception.

"The general rule for life insurance benefits is that such payments are treated as excludible life insurance proceeds paid because of death," writes Mr. Martin, who has been a Fellow of both the American College of Tax Counsel and the American College of Employee Benefits Counsel. "The exclusion for life insurance proceeds paid due to the death of the insured applies to amounts received under a life insurance contract. Internal Revenue Code ("Code") §101(a)(1)."

ALI-ABA has been the recognized leader in continuing professional education in the United States for over 60 years. Today, ALI-ABA offers a national curriculum of continuing legal education featuring a wide variety of publications and customized solutions for lawyers, bar associations and law schools. The organization invites esteemed members of the bar to present on matters in their specialty for books, CLE courses, and litigation and transactional skills programs.

Mr. Martin is a recognized national authority in the fields of business law, taxation, health care, and retirement plans. He serves as general counsel for over 300 privately owned businesses. Mr. Martin has represented numerous purchasers and sellers of businesses in negotiating, structuring and closing



numerous transactions, including management investors involved in taking companies private; the sale of stock, assets, mergers, acquisitions, spin-offs and split-ups and; multiple joint ventures, creation and representation of ambulatory surgery centers, specialty hospitals, and other health care entities.

About Lathrop Gage:

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