



Brian L. Anderson

Attorney / Employee Benefits Practice Group Chair

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Madison

Brian is a versatile attorney, practicing in multiple areas of the law. The more arcane, detailed and complex the law, the more he enjoys it. One of his primary areas of practice is the Employee Retirement Income Security Act (ERISA), which was famously described by the U.S. Supreme Court as a “comprehensive and reticulated statute.” Another primary area of practice is tax law. Can the Internal Revenue Code be described as arcane, detailed, and complex?

He advises businesses and individuals in a variety of complex legal and tax transactions. In particular, Brian works extensively with qualified and non-qualified retirement plans and health/welfare plans. That work takes him into such complex matters as 401(k) plans, employee stock ownership plans (ESOPs), 403(b) tax-sheltered annuities, pension plans, phantom stock plans, section 125 cafeteria plans, the health-plan nondiscrimination and privacy rules under the Health Insurance Portability and Accountability Act (HIPAA), and federal health-care reform. He establishes nonprofit organizations and navigates them through the tax-exemption process. He advises individuals on trust and estate matters, especially involving retirement accounts, charitable giving, or business succession planning.

He recently served for four years on the Board of Governors for the State Bar of Wisconsin.

Brian also enjoys working on international client matters. He represents the firm on the governing board of Lexwork International, a network of law firms in 28 countries. Although Brian speaks German fluently, he admits he could use more practice.

Notable Representations

- The tax consequences of anti-dilution provisions of an LLC operating agreement

- Reorganization of a cooperative and its affiliated charitable trust to preserve tax exemption
- Acquisition of a \$750,000 commercial real-estate building in a tax-free like-kind exchange
- Purchase of a closely-held business with former owners agreeing to provide consulting services
- Preparation of computer software development and licensing agreements
- Service as independent trustee of a retirement plan being terminated as a result of employer bankruptcy
- Preparation of a revocable living trust and related estate-planning documents for a husband and wife with stock options worth \$1 million
- Establishment of an employee stock ownership plan for a number of organizations, including a health-care organization

Articles & Presentations

- “Benefit Corporations and B Corps: Socially Responsible For-Profit Companies,” Business Law Articles, with Danielle M. Johnson
- “A Guide for Wisconsin Nonprofit Organizations” (chapter on employee benefits)
- “The Wisconsin Business Advisor Series” (chapter on employee benefits)
- Seminar on new reporting rules for tax-exempt organizations
- Seminars on how federal health care reform affects employers
- Seminars on sales of corporations to ESOPs
- State Bar employee benefits update seminars

Awards & Recognitions

- *Best Lawyers in America*® – Employee Benefits, Tax Law, Trusts and Estates – Since 2005
- “Top Lawyers” – *Madison Magazine*
- Wisconsin “Super Lawyer” designation by *Law & Politics* magazine
- *Best Lawyers* “Lawyer of the Year 2017 – Tax Law – Madison”
- *Best Lawyers* “Lawyer of the Year 2016 – Employee Benefits – Madison”
- *Best Lawyers*® “Lawyer of the Year 2013 – Tax Law – Madison”
- *Best Lawyers*® “Lawyer of the Year 2011 – Trust and Estates – Madison”
- One of 6 lawyers originally appointed by the IRS as a retirement-plan member of its Advisory Committee for TE/GE

Expertise

- Business
- Benefit Corporations and B Corps
- Mergers & Acquisitions
- Nonprofit & Tax Exempt Organizations
- Employee Benefits
- Employee Stock Ownership Plans
- Intellectual Property
- Information Technology Software
- International Law
- Lexwork
- Tax & Tax Advocacy
- Transportation & Logistics Industry
- Trusts & Estates
- Estate Planning
- Probate
- Trust Administration

Education

- Master of Laws (taxation), New York University School of Law
- J.D., University of Wisconsin Law School
- B.A., (English and German) University of Illinois

Admissions

- Minnesota
- Seventh Circuit Court of Appeals
- State Bar of Wisconsin
- U.S. District Courts for the Eastern and Western Districts of Wisconsin
- U.S. Supreme Court
- U.S. Tax Court

Affiliations

- American Bar Association

- American Society of Pension Professionals & Actuaries
- Dane County Bar Association
- Greater Madison Area Society for Human Resource Management, Inc.
- IRS Great Lakes TE/GE Council
- Madison Benefits Council
- Madison Estate Council
- Minnesota Society of Certified Public Accountants
- National Council for Employee Ownership
- Wisconsin Chapter of the ESOP Association
- Wisconsin Institute of Certified Public Accountants
- Wisconsin Planned Giving Council
- Wisconsin Retirement Plan Professionals

Languages

- English
- German