DAVID E. SLOAN

Attorney / Partner | Salt Lake City Licensure: UT

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Biography

David E. Sloan is a shareholder with the law firm of Fabian VanCott. After spending twenty-four years with the law firm of Van Cott, Bagley, Cornwall & McCarthy, he and his brother Stephen started the law firm of Sloan & Sloan in 2015, which then merged into Fabian VanCott in 2019.

David's practice focuses on sophisticated estate planning, including gift tax, estate tax, and generation-skipping transfer tax issues; required minimum distribution planning for qualified plans and IRAs; trust and estate administration, including probate; guardianships and conservatorships; complex tax litigation and representation before the IRS; trust and estate litigation; charitable planning and work with tax-exempt organizations; and general tax and business planning related to partnerships, limited liability companies, S Corporations, and C Corporations. He has represented many clients in tax and other matters in State District Court, the Utah Supreme Court, Federal District Court for the State of Utah, the U.S. Tax Court, the Tenth Circuit Court of Appeals, and the United States Supreme Court, and has also represented clients many times in mediation and before the IRS.

Practice Areas

- TAX AND ESTATE PLANNING
- TRUST AND ESTATE ADMINISTRATION/PROBATE
- TRUST AND ESTATE LITIGATION
- TAX LITIGATION AND REPRESENTATION BEFORE THE IRS
- PLANNING FOR RETIREMENT BENEFIT DISTRIBUTIONS
- CHARITABLE PLANNING AND TAX-EXEMPT ORGANIZATIONS
- NON-QUALIFIED DEFERRED COMPENSATION (SECTION 457(F) PLANS, SPLIT DOLLAR LIFE INSURANCE AGREEMENTS)
- TAX-FREE EXCHANGES
- BUSINESS ENTITIES

Professional History

- Member, Utah State Bar
- Law Clerk for the Honorable I. Daniel Stewart, former Associate Chief Justice of the Utah Supreme Court (1990–1991)
- Attorney and Shareholder, Van Cott Bagley (1991-2015)
- Chair, Van Cott Bagley Tax, Estate and Benefit Planning Practice Group (1999-2015)

CONTACT

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Education

J.D., S.J. Quinney College of Law, University of Utah (1990) (Order of the Coif)

Member, Utah Law Review (1988-1990)

M.B.A., University of Utah (1990)

B.A., Accounting, cum laude, University of Utah (1987)

Professional History (con't)

- Chair, Utah State Bar Estate Planning Section (2008-2009)
- Co-Chair, Fabian VanCott Estate Planning Group (2020--present)
- AV Preeminent rating from Martindale-Hubbell Peer Review
- Recognized for many years in The Best Lawyers in America in the areas of Trusts and Estates, Tax Law, and Litigation–Trusts and Estates
- Recognized by Best Lawyers as Lawyer of the Year for Salt Lake City in the categories of Litigation-Trusts and Estates (2013, 2017, 2019, and 2021) and Trusts and Estates (2016)
- Recognized for many years in Mountain States Super Lawyers and Utah Business Magazine's "Legal Elite"
- Ranked in Chambers High Net Worth 2018-2022
- Fellow, American College of Trust and Estate Counsel ("ACTEC") (2006 to present)
- Member, ACTEC Tax Policy Study Committee (formerly, the Transfer Tax Study Committee) (2011 to present)
  - Chair, Proposed IRC Section 6166A Drafting Subcommittee (2012 – 2017)
  - Chair, IRC Section 6166 Revision Subcommittee (2017 – 2021)
  - (Proposed Section 6166A and Revised Section 6166 both submitted to Congress in 2021)
  - Member, Wealth Tax Subcommittee (2020 – 2022)
  - Member, Personal Liability and Tax Lien Subcommittee (2021 – 2022)

Peer Recognition

- Utah Legal Elite
- Best Lawyers in America (2006 – 2022)
- Mountain States Super Lawyers (2007 – 2022)
- Chambers High Net Worth (2018 – 2022)

Community Service

- Past Advisory Committee Member, Suzuki String Institute, Utah Chapter
- United Way of Utah

Publications and Presentations

David has presented on tax and estate planning topics on many occasions, both locally and nationally, including the following:

- Estate Planning Section of the Utah State Bar, "Estate Planning in Light of the 2001 Tax Act and Potential Estate Tax Repeal," September 10, 2002
- Salt Lake Estate Planning Council, "Estate Planning in Light of the 2001 Tax Act and Potential Estate Tax Repeal," January 19, 2005
- Estate Planning Section of the Utah State Bar, "The Current State of the Estate Tax," May 13, 2008
- Southern Utah Bar Association, "The Current State of the Estate Tax," December 5, 2008
- Salt Lake Estate Planning Council, "Portability and Clawbacks: Tale of Two Code Sections," May 16, 2012
- ACTEC Tax Policy Study Committee, Presentation of proposed Official Report on IRC Section 6166A (relating to GST Tax), March 9, 2017 (Scottsdale, Arizona)

Publications and Presentations (con't)

- ACTEC Estate and Gift Tax Committee, "When the Government Actually Wants to Collect the Tax. Yikes" – "Highlights of U.S.A. v. Johnson," March 9, 2017 (Scottsdale, Arizona)
- Estate Planning Section of the Utah State Bar, "Using Retirement Benefits for Charitable Contributions and Bequests," March 17, 2017
- ACTEC Tax Policy Study Committee, presentation on final IRC Section 6166A Report, June 15, 2017 (Seattle, Washington)
- ACTEC Estate and Gift Tax Committee, "Update on U.S.A. v. Johnson," March 8, 2018 (San Antonio, Texas)
- ACTEC Business Planning Committee, presentation of IRC Section 6166 Revision Report, March 3, 2021 (Virtual Meeting)
- ACTEC Tax Policy Study Committee, presentation of Report on Revised IRC Section 6166 and Proposed Section 6166A, March 4, 2021 (Virtual Meeting)
- Practical Tax Strategies magazine (Thomson Reuters Checkpoint), "Section 6166: After 40 Years in the Wilderness, is it Finally Ready to Enter the Promised Land?" June 2021
- Estate Planning magazine (Thomson Reuters Checkpoint), "Section 6166: After 40 Years in the Wilderness, is it Finally Ready to Ender the Promised Land?" July 2021
- ACTEC Podcast, "Modernizing Section 6166," August 3, 2021
- ACTEC Podcast, "Closely Held Business, Tiered Entities and Proposed Revisions to Section 6166," October 26, 2021
- ACTEC Tax Policy Study Committee, presentation on proposed legislation for new Billionaires Tax, March 9, 2022 (San Diego, California)
- ACTEC Tax Policy Study Committee, presentation on IRC Section 6324(a)(2) Personal Liability, June 24, 2022 (Banff, Canada)
- Philanthropies Gift Planning Council Newsletter (The Church of Jesus Christ of Latter-day Saints), "The Big Bad Clawback—Does it Have any Teeth?" Fall 2022