



## Alan F. Kornstein

**Partner | Newark | 973.639.6984**  
akornstein@mccarter.com

Tax & Employee Benefits | Impact Investing | Cannabis

**Alan Kornstein helps business owners, in-house counsel, accountants and others take advantage of tax opportunities and avoid common tax traps.**

Alan concentrates his practice in tax planning and tax disputes involving complex commercial and personal transactions. He regularly advises clients on the organization and operation of business and investment entities, mergers and acquisitions, business restructurings, tax-free reorganizations, real estate transactions and insolvency situations. He also represents individuals, partnerships and corporations involved in tax disputes with the Internal Revenue Service and the New Jersey Division of Taxation.

Alan has extensive experience in tax planning for a wide range of business and investment transactions involving partnerships, LLCs and closely-held corporations, including the structuring, negotiation and drafting of partnership agreements, LLC operating agreements, equity-raising transactions, buy/sell agreements, and other exit strategies. He also advises clients on tax-efficient settlement alternatives for commercial and personal disputes, including business divorces and matrimonial situations.

Alan is well-versed in issues related to the Tax Cuts and Jobs Act. In particular, he is a go-to resource for developers, investors, and property owners on tax incentives and deal structure considerations related to the federal Qualified Opportunity Zone (QOZ) program.

Alan is a frequent speaker at seminars and conferences on tax-related topics. He is an adjunct professor at Rutgers Business School, teaching "Corporate Income Tax Basics" to MBA candidates in the business school's Professional Accounting Program.

---

### Education

New York University School of Law, LLM, 1984

University of Pennsylvania, JD, 1978

The Wharton School, The University of Pennsylvania, MBA, 1978

Yale University, BA, *cum laude*, 1974

### Bar Admissions

New Jersey

New York

### Court Admissions

U.S. District Court, District of New Jersey

U.S. Tax Court,

## Memberships & Certifications

### **American College of Tax Counsel**

Fellow, 2020–present

### **Essex County Bar Association**

Tax, Trusts & Estates Committee, Chair, 1996–2004

### **New Jersey State Bar Association**

Taxation Law Section, Chair, 2005–2006

### **New Jersey State Bar Association**

Taxation Law Section, Executive Committee, Member, 1999–present

### **New Jersey State Bar Association**

Partnership Taxation Committee, Chair, 1999–2002

## Recognitions

*The Best Lawyers in America*, Tax Law, New Jersey, 2004–2022

*New Jersey Super Lawyer*, 2005–2021

*Chambers USA*, Tax, New Jersey, 2021

*Lawyer of the Year*, Tax Law, New Jersey, 2012, 2018, and 2021

Award for Outstanding Contribution to the Taxation Law Section, New Jersey State Bar Association, 2019

Martindale-Hubbell AV Preeminent Rated

"Alan has one of those rare minds that can draw upon an encyclopedic knowledge of the law in his field and his vast experience, then stitch them together in alternative creative solutions to a complex problem. His ability to communicate and enable understanding in this complex area of law is unique among his peers." "Alan is a consummate professional. He possesses high intelligence and has the ability to rapidly grasp complex transactions and understand the tax implications. His knowledge of tax law is quite extraordinary." —*Chambers USA*

Ranking Disclaimers: No aspect of this advertisement has been approved by the Supreme Court of New Jersey. For *The Best Lawyers in America* methodology, see <https://www.bestlawyers.com/methodology>. For *Chambers* methodology, see <https://chambers.com/about-us/methodology>. For *Martindale-Hubbell* methodology, see <https://www.martindale.com/ratings-and-reviews>. For *SuperLawyers* methodology, see [https://www.superlawyers.com/about/selection\\_process.html](https://www.superlawyers.com/about/selection_process.html).

## Alerts

Taxpayers That Paid the Net Investment Income Tax or the Additional Medicare Tax Should Consider Filing Protective Claims for Refund, *Westlaw Journal/Tax & Benefits Alert*, 7.9.2020

IRS Issues Guidance on Key Business Tax Provisions of CARES Act, *Coronavirus Legal Advisory*, 4.21.2020

IRS Extends More Tax Deadlines in Notice 2020-23, *Coronavirus Legal Advisory*, 4.15.2020

CARES Act Implements Changes to the Tax Code; Provides Economic Relief in the War against COVID-19, *Coronavirus Legal Advisory*, 3.30.2020

IRS's Relief to Taxpayers Affected by COVID-19 Presents Rare Opportunities for Taxpayers with Unresolved Tax Issues, *Coronavirus Legal Advisory*, 3.30.2020

IRS Issues New Proposed Regulations on Qualified Opportunity Zones, Impact Investing Alert, 5.15.2019

IRS Issues Highly-Anticipated Guidance on Qualified Opportunity Zones, Impact Investing Alert, 11.5.2018

Coal Plant Shutdowns: March 21 Deadline Looms for Qualified Opportunity Zone Designation, Environment & Energy Alert, 2.14.2018

New Tax Law Provisions Encourage Investments in Low-Income Communities, Impact Investing Alert, 2.6.2018

Tax Alert: Qualified Small Business Stock Tax Incentives Made Permanent, Tax & Employee Benefits Alert, 12.22.2015

New Pennsylvania Law to Simplify Entity Transactions, Corporate, Securities and Business Transactions Alert, 7.14.2015

Employers: Properly Administer Nonqualified Deferred Compensation Plans, or You May Be Held Liable to Participants for Adverse Tax Consequences, Tax & Benefits Alert, 2.20.2015

QSBS Tax Incentives Extended...For Now, Venture Capital & Emerging Growth Companies Alert, 12.24.2014

## Speaking Engagements

Alternative and Combined Planning Strategies for Like-Kind Exchanges & Qualified Opportunity Zones, Middlesex County Bar Association, 11.26.2019

Making the Most of Tax Incentives, Bloomberg Tax Leadership Forum, 11.19.2019

Recent Events Affecting Qualified Opportunity Zones and Section 1031 Like-Kind Exchange Strategies, Bryn Mawr Trust Breakfast Seminar, 9.11.2019

4th Annual Opportunity Zones Conference, Mid Atlantic Real Estate Journal, 5.31.2019

Qualified Opportunity Zones, 11th Annual Federal Tax Law Symposium (NJICLE), 5.3.2019

Qualified Opportunity Zones, Rutgers Annual Tax Alumni Event, 11.9.2018

Impact Investing – Benefiting Communities and Your Bottom Line, 11.8.2018

Tax Issues in M&A, New Jersey M&A Conference, 9.28.2018

The New Tax Act: The 20 Percent Deduction for Pass-Through Entities under the New IRC Section 199A, 79th Semi-Annual Tax and Estate Planning Forum (NJICLE), 5.13.2018

The Definitive Tax Cuts & Jobs Act Seminar, New Jersey Chapter of the National Association of Tax Professionals (NATP), 5.17.2018

Key Provisions of the 2017 Federal Tax Reform Legislation, 10th Annual Federal Tax Law Symposium, 5.4.2018

ACTEC Workshop, New Jersey Fellows of the American College of Trusts and Estates Counsel (ACTEC), 2.6.2018

Tax Cuts and Jobs Act of 2017 – How the New Tax Bill will Affect You, Your Clients and Your Practice, NJICLE, 1.31.2018

President Trump's Tax Reform Law (What It Means to You and Your Business), Commerce and Industry Association of New Jersey (CIANJ), 1.30.2018

Tax Cuts and Jobs Act of 2017 – How the New Tax Bill will Affect You, Your Clients and Your Practice, NJICLE, 1.29.2018

Common Tax Traps Involving Partnerships and LLCs, NJICLE 9th Annual Federal Tax Law Symposium, 5.5.2017

New Partnership Tax Audit Rules, Tax, Trusts & Estates Committee of the Essex County Bar Association, 4.19.2017

New Partnership Audit Rules, NJICLE 2017 Business Law Symposium, 4.7.2017

New Partnership Audit Rules: What Accountants Need to Know, The CPA Club of Bergen County, 12.15.2016

New Partnership Audit Rules: What Accountants Need to Know, Annual Tax Seminar of the Morris/Sussex Chapter of the New Jersey Society of Certified Public Accountants, 12.1.2016

New Partnership Tax Audit Rules, ICLE 8th Annual Federal Tax Law Symposium, 4.28.2016

Understanding Allocation Provisions in LLC Operating Agreements-Primer for Business Lawyers, Business Law Symposium (NJSBA/NJICLE), 4.8.2016

Capital Gain Exclusion for Qualified Small Business Stock: What You Need to Know, Annual Tax Seminar of the Morris/Sussex Chapter of the New Jersey Society of Certified Public Accountants, 12.3.2015

Transactional Planning, Tax Executives Institute, Inc. (TEI), 9.25.2015

Tax Traps Involving Partnerships & LLCs: What In-House Counsel Need to Know, Association of Corporate Counsel New Jersey Chapter's (ACCNJ) All Day Annual CLE Conference, 9.18.2015

Drafting Strategies for Partnership Allocation Provisions, Bergen Tax Study Group, 9.16.2015

Drafting Strategies for Partnership Allocation Provisions, Middlesex County Bar Association Tax Committee CLE Seminar, 5.23.2015

Capital Gain Exclusion for Qualified Small Business Stock: What You Need to Know (Even if You Never Represent C Corporations), NJICLE 2015 Federal Tax Law Symposium, 4.30.2015

Allocation Provisions in LLC Operating Agreements—What Business Lawyers Need to Know, New Jersey Institute for Continuing Legal Education in cooperation with the NJSBA Business Law Section, 4.17.2015

Tax Traps Involving Partnerships and LLCs, Annual Tax Seminar of the Morris/Sussex Chapter of the New Jersey Society of Certified Public Accountants, 12.5.2014

Tax Traps Involving Partnerships and S Corporations, CPA Club of Northern NJ, 11.20.2014

Much Ado About Nothing: Tax Planning for Disregarded Entities, 2014 Federal Tax Law Symposium, 5.2.2014

Hot Tips in Taxation 2014, New Jersey Institute for Continuing Legal Education, 1.29.2014