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BRIAN P. TSU

HFM Trusts & Estates Partner Brian Tsu is a Fellow of the American College of Trust and Estate Counsel and dual California Certified Legal Specialist.

Mr. Tsu represents high-net-worth individuals in the areas of domestic and international estate planning, related areas of taxation and closely-held family business planning. He also advises fiduciaries in complex trust and estate administrations, particularly when tax or cross-border issues are present. His work includes:

International Estate Planning

Mr. Tsu advises individuals on the succession and tax aspects of planning for multinational families and their property interests. In particular, he counsels U.S. clients regarding the disposition of foreign property, with a particular emphasis on business holdings; in conjunction with local counsel, through integrated U.S. and foreign based estate plans. Such plans consider and navigate the differences in marital, property, succession laws applicable to the client's multinational family and property interests. His international estate planning practice also provides succession and U.S. tax planning advice to non-U.S. clients with respect to their U.S. investments and wealth transfers to U.S. beneficiaries. He also counsels clients on the repatriation of foreign trusts, foreign trust reporting, and estate/gift tax treaty analysis.

Taxation

Mr. Tsu also advises on all aspects of federal wealth transfer and fiduciary income taxation, as well as the wealth transfer aspects of California real property taxation. This includes the design and implementation of advanced wealth transfer techniques such as intentionally defective grantor trusts, intra-family installment sales, grantor retained annuity trusts, irrevocable life insurance trusts, qualified personal residence trusts and family limited partnerships/limited liability companies. In addition to federal wealth transfer tax advice, he advises fiduciaries on California fiduciary income taxation and tax compliance. He regularly prepares and reviews gift and estate tax returns and has successfully resolved estate and gift tax audits and appeals.

PRACTICE AREAS
- Nonprofit Organizations
- Tax
- Trusts & Estates

EDUCATION
- LL.M., Taxation, Northwestern University School of Law (2009)
- J.D., University of Dayton School of Law (2004)
- M.S., Professional Accounting, Seton Hall University (2002)
- B.S., Accounting, Boston College (2000)

ADMITTED TO PRACTICE
- California
- Illinois
- U.S. Tax Court

CERTIFICATIONS
- Certified Specialist, Taxation Law, State Bar of California Board of Legal Specialization
- Certified Specialist, Estate Planning, Trust & Probate Law, State Bar of California Board of Legal Specialization
- Registered Certified Public Accountant (Illinois)

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He also has significant experience advising on the wealth transfer and income tax consequences of trust decantings, modifications, reformations, terminations, trust-to-trust transfers and beneficiary/fiduciary settlements. In addition to high-net-worth clients and fiduciaries, he has also advised certified public accountants, trust and estate litigators, and family law attorneys on tax matters related to trust and estate planning.

Closely-Held Family Business Planning

Mr. Tsu regularly advises clients on the organization, administration and succession of closely-held family businesses. His advice includes tax-efficient transfers of such business interests to the succeeding generation and planning for related considerations such as family dynamics, estate liquidity, sufficient cash flow, family business management structures, buy-sell agreements, and the mitigation of valuation risk through formula gift planning.

LEADERSHIP

Mr. Tsu is a Fellow of the American College of Trust and Estate Counsel ("ACTEC") and is a Certified Specialist in both (1) Estate Planning, Trust & Probate Law and (2) Taxation Law, each by the State Bar of California, Board of Legal Specialization. He has also been selected by his peers for inclusion in The Best Lawyers in America® in the area of Trusts and Estates since 2016 and Tax Law since 2021.

Mr. Tsu serves as Chair of the Estate and Gift Taxes Committee of the American Bar Association Section of Taxation and on the Taxation Executive Committee of California Lawyers Association. He is a member of the YMCA of San Diego County Gift Planning Advisors' Council, the Executive Board of the Society of Trust and Estate Practitioners ("STEP") San Diego, and of the San Diego chapters of the Boston College and University of Dayton Alumni Associations.

Mr. Tsu is a regular speaker and contributing member of the American Bar Association, Tax and Real Property, Trust & Estate Sections; STEP; the State Bar of California, Taxation and Trusts & Estate Sections; the California Society of CPAs; and the San Diego County Bar Association, Estate Planning, Trust & Probate Section.

SPEAKING ENGAGEMENTS

- **Planning for the Real Estate Investor**, *American Bar Association, Tax Section – Estate & Gift Taxes Committee, May Meeting*, May 3, 2024 (Co-Presenter)

- **Proposed Guidance Regarding the Treatment of Encumbered Assets in Late Allocation of GST Exemption and Qualified Severances Under IRC §§ 2631(a) and 2642(a)(3), (b)**, *California Lawyers Association, Taxation Section D.C. Delegation*, May 16-17, 2023 (Co-Presenter)

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- **Planning for the Real Estate Investor**, *American Bar Association – Real Property, Trust and Estate Law Section's 35th Annual National CLE Conference*, May 12, 2023 (Co-Presenter)

- **Planning with Our Neighbors: U.S.-Mexico-Canada a Multinational Case Study**, *California Lawyers Association, Taxation Section Annual Meeting of the Tax Bar and Tax Policy Conference*, November 4, 2022 (Co-Presenter)

- **Drafting Tips for International Clients and Cross-Border Trusts**, *ALI-CLE, International Trust and Estate Planning*, December 2, 2021 (Co-Presenter)

- **The Tax Implication of Trust Decanting and Other Trust Modifications**, *Bar Association of San Francisco*, December 1, 2021 (Presenter)

- **Charitable Lead Annuity Trusts**, *Rancho Santa Fe Foundation – Wine, Wealth and Wisdom*, July 27, 2020 (Presenter)

- **Qualified Severances – New GSTT Solutions in an Old Wineskin,** *American Bar Association – Section of Taxation's Virtual 2020 May Tax Meeting*, July 9, 2020 (Presenter)

- **Tax Planning Matters, Tax Procedure and Tax Returns I**, *Continue Education and the Bar – Estate Planning Intensive Course ("EPIC")*, June 24, 2019 (Presenter)

- **U.S. Income Taxation of Foreign Trusts**, *California Lawyers Association – Taxation and Trusts & Estates Sections*, February 26, 2019 (Co-Presenter)

- **Foreign Trusts, the CFC Rules and the New GILTI Tax**, *Society of Trust and Estate Practitioners – San Diego*, February 19, 2019 (Co-Presenter)

- **Dual National Beneficiaries of Foreign Trusts: UNI, PFICs and GILTI Tax – Treasury Regulations Run Amok**, *University of San Diego School of Law Procopio International Tax Institute*, November 2, 2018 (Co-Presenter)

- **California in the Lurch – Impact of TCJA on Individuals, Trusts & Estates**, *California Lawyers Association, Annual Meeting*, September 15, 2018 (Presenter)

- **Things Every Domestic Estate Planner Should Know About International Law**, *TexasBar CLE, Advanced Estate Planning & Probate*, June 15, 2018 (Presenter)

- **Current Developments in Federal Transfer Taxes**, *American Bar Association, Tax Section – Estate & Gift Taxes Committee, May Meeting*, May 11, 2018 (Co-Presenter)

- **Things Every Domestic Estate Planner Should Know About International Law**, *American Bar Association, Tax Section – Estate & Gift Taxes Committee, Midyear Meeting*, February 9, 2018

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(Co-Presenter)

- **Current Developments in Federal Transfer Taxes**, *American Bar Association, Tax Section – Estate & Gift Taxes Committee, Midyear Meeting*, February 9, 2018 (Co-Presenter)

- **Estate and Gift Taxation of Nonresident Aliens**, *ALI-CLE, International Trust and Estate Planning*, November 10, 2017 (Presenter)

- **Foreign Trusts: Beware of Tax and Divorce Consequences**, *State Bar of California Tax Section, Annual Meeting*, November 3, 2017 (Co-Presenter)

- **Select Estate Administration Topics for Foreign Decedents and Foreign Beneficiaries**, *Probate Attorneys of San Diego*, May 17, 2017 (Presenter)

- **Current Developments in Federal Transfer Taxes**, *American Bar Association, Tax Section – Estate & Gift Taxes Committee, May Meeting*, May 12, 2017 (Co-Presenter)

- **Things Every Domestic Estate Planner Should Know About International Estate Planning**, *Dallas Estate Planning Council*, March 2, 2017 (Co-Presenter)

- **Current Developments in Federal Transfer Taxes**, *American Bar Association, Tax Section – Estate & Gift Taxes Committee*, Midyear Meeting, January 20, 2017 (Co-Presenter)

- **Planning for Foreign Investment in Real Property and FIRPTA for Trustees**, *American Bar Association, Real Property, Trust and Estate Section*, May 12, 2016 (Co-Presenter)

- **Wealth Transfer Tax Planning for Nonresidents**, *Society of Trust and Estate Practitioners – Los Angeles, International Tax and Estate Planning Forum (Pre-Conference)*, May 4, 2016 (Co-Presenter)

- **Things Every Domestic Estate Planner Should Know About International Estate Planning**, *North County Estate Planning Council*, February 2, 2016 (Co-Presenter)

- **Unanswered Questions in the Fiduciary Tax World**, *California CPA Society, Advanced Estate Planning Institute*, January 28, 2016 (Co-Presenter)

AFFILIATIONS

- American College of Trust and Estate Counsel, Fellow
- American Bar Association, Section of Taxation, Estate & Gift Taxes Committee -Chair (2022-present), Vice Chair (2018-2022)

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- State Bar of California, Trusts & Estate Section
- San Diego County Bar Association, Estate Planning, Trust & Probate Section
- State Bar of California, Taxation Section, Executive Committee Member (2018-2022)
- American Bar Association, Section of Real Property, Trust & Estate Law
- STEP San Diego, Executive Board (2017-present)
- California Society of CPAs
- YMCA of San Diego County Gift Planning Advisors' Council (2015-2019)

AWARDS & HONORS

- Recognized by Best Lawyers in America © (Trusts and Estates, 2016-2026) (Tax Law, 2021-2025)(Closely Held Companies and Family Business Tax Law, 2023-2025)
- San Diego Super Lawyers® (2022-2026)
- San Diego Business Journal, Top 100 Leaders in Law, 2022 Honoree
- San Diego Business Journal, SD 500- The Most Influential People in San Diego (2022)

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