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Herbert R. Fineburg

Principal

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Herbert R. Fineburg is a principal attorney and managing partner of the firm's Philadelphia office. Herb is recognized as one of Philadelphia's most respected business lawyers whose substantial knowledge of tax law provides clients with strategic and cost-saving benefits in connection with commercial transactions, taxation, wills, trusts and estates matters.

Known for his ability to resolve complicated matters effectively, Herb has assisted businesses and individuals with the organization of their finances, business and real estate affairs and the structure of their assets (i.e., in LLCs, partnerships, corporations, trusts, or joint ownership). He has substantial expertise in preparing buy-sell agreements for co-owners who are family members or unrelated business partners and has resolved shareholder and partner disputes and buy-outs.

In addition, to working on bank financings, business contracts and employment matters for his business clients, Herb also provides advice on business acquisitions and sales. Herb, who began his law career as a commercial litigator and bankruptcy lawyer, frequently provides litigation counsel and assistance to a wide range of firm clients. His articles have appeared in the American Bar Association, *Tax Notes Journal*, *Pennsylvania CPA Journal*, the *Journal of S Corporation Taxation* and *The Legal Intelligencer*, among other notable publications. Herb has also lectured to various business groups. He is also a long-standing member of the Board of Directors of The Exit Planning Exchange (XPX), Philadelphia Chapter, an association of professionals dedicated to advising clients on business succession planning and M&A transactions.

Herb is the Philadelphia office's managing shareholder and was a member of the Board of Directors and other management committees at Offit Kurman. A graduate of Washington University in St. Louis with a Bachelor of Science in Business Administration, Herb received his law degree from the University of Missouri – Kansas City, where he was a staff member of *The Urban Lawyer*, the law review journal on local government law published by The American Bar Association, and has a Master of Laws in Taxation (LL.M) from the New York University School of Law, Graduate Division.

Education

Services

- Business Law and Transactions
- Estates and Trusts
- Mergers and Acquisitions
- Tax Law
- Business Advisory and Outside General Counsel

- New York University School of Law (LL.M.)
    - Taxation
- University of Missouri School of Law (J.D.)
- Washington University in St. Louis (B.S.)
    - The Olin School of Business
    - Business Administration

State Bar Admissions

- Pennsylvania
- New Jersey
- District of Columbia
- Missouri

Professional Affiliations

- Philadelphia Bar Association, Member
- Pennsylvania Bar Association, Member
- Washington, D.C. Bar Association, Member
- Missouri Bar Association, Member
- American Bar Association, Taxation and Real Property & Probate Law section, Member
- Exit Planning Exchange (XPX) Philadelphia, Board of Directors

Recognitions

- 14th Annual M&A Advisor Awards, Finalist, September 2015
- Martindale-Hubbell's AV Preeminent Peer Review Rating for the highest level of professional excellence in both *Legal Ability* & *Ethical Standards* 2001-2021

Publications & News

September 30, 2024
Why Trusts Offer Stronger Asset Protection – Trusts vs. Prenups Podcast

June 14, 2024
Danielle Friedman, Herb Fineburg, and Charles "Max" McCauley III Release Podcast Episode 4 of Trust Us: Estate Planning Wisdom

May 17, 2024
Danielle Friedman, Herb Fineburg, and Charles "Max" McCauley III Release Episode 3 of Trust Us: Estate Planning Wisdom

March 20, 2024
Danielle Friedman, Herb Fineburg and Charles "Max" McCauley III Release Episode 2 of Trust Us: Estate Planning Wisdom

March 28, 2023
Herb Fineburg and Danielle Friedman Publish Article in the Pennsylvania CPA Journal

May 13, 2022
Herb Fineberg Published in Pennsylvania CPA Journal for The Pennsylvania Institute of Certified Public Accountants

March 2021
Avoiding an Adverse Tax Impact on Death of an S Corporation Shareholder

Blog Posts

October 14, 2022
Case Study on Estate Tax Reduction Strategies: Business and Investment
In the following case study for business owners, Offit Kurman attorneys Herbert Fineburg and Charles "Max" McCauley illustrate an estate and gift planning strategy for removing your business from your taxable federal estate. This tax planning also works for...

October 10, 2022
Historic Increase to Your Lifetime Exclusion from Federal Estate Taxes for 2023
Ironically, there is good news for some families due to rising inflation for gift and estate planning purposes. As a result of inflation adjustments built into federal estate tax laws, your lifetime exclusion from federal estate taxes is set...

April 1, 2021
Avoiding an Adverse Tax Impact on Death of an S Corporation Shareholder
As Published on American Bar Association – ABA Tax Section I. Introduction One of the main reasons to consider a partnership for owning a business rather than an S Corporation is the adverse impact upon death if the business is...

Featured Works

Publications

- "The Benefits of Revocable Trusts in Estate Planning,"Co-author, Pennsylvania CPA Journal for The Pennsylvania Institute of Certified Public Accountants (PICPA), Spring 2023, Volume 94
- "Solution to the Difficulty of Gift and Estate Planning for Mentally Declining Clients," Co-author, Pennsylvania CPA Journal for The Pennsylvania Institute of Certified Public Accountants (PICPA), Spring 2022

Additional Publications

- "Avoiding an Adverse Tax Impact on Death of an S Corporation Shareholder," Author, The American Bar Association Tax Times, Vol. 40 No. 2 - Winter 2021, Mar. 12, 2021
- "Protecting a Married Child's Inheritance: The Benefits of a Parent Using a Trust," Author, The Legal Intelligencer; Special Section Feb. 2021: Wealth Management Trusts & Estates, Feb. 2021

- "Using an LLC for Ownership of a Vacation Home," Author, Pennsylvania CPA Journal, Volume 90, Number 3- Fall 2019
- "Changes to Uniform LLC Act May Have Unexpected Impact," Author, Pennsylvania CPA Journal, Volume 89, Number 3- Fall 2018
- "How to Make Tax-Efficient Gifts to Children, Grandchildren for Their Education," Author, Legal Intelligencer Wealth Management/Trusts & Estates Supplement, Feb. 12, 2018
- "Take a Multidisciplinary Approach to Exit and Succession Planning," Author, Family Business Magazine, Mar./ Apr. 2017
- "Using Bloodline Multi-Generational Trusts in Estate Planning," Author, Legal Intelligencer Wealth Management/ Trusts & Estates Supplement, Feb. 14, 2017
- "Intentional Use of a Defector Grant Trust in Estate Planning," Author, Pennsylvania CPA Journal, Volume 87, Number 4- Winter 2017
- "Inherited IRAs No Longer Protected Unless You Name a Trust As Beneficiary or a Spousal Rollover is Elected," Author, Offit Kurman Legal Blog 2014
- "Estate Planning for Businesses," Editor, Rabkin & Johnson Current Legal Forms with Tax Analysis, Volume 7A
- "Litigation Support: Limited Privilege Extended to Tax Advisor," Author, Pennsylvania CPA Journal, Winter 1999
- "Signature of the Future: The Eyes May Have It," Author, The Legal Intelligencer, Fall 1999
- "Accountant's Papers Protected by Attorney-Client Privilege," Author, Journal of the Pennsylvania Institute of CPAs, Winter 1998
- "Passive Activity Losses Under the 1986 Act," Author, Pennsylvania CPA Journal, Fall 1987
- "Carryover of Disallowed S Corporation Losses and Deductions," Author, Journal of S Corporation Taxation (Warren, Gorham & Lamont, Winter), 1994
- "Municipal Borrowing After Tax Reform," Co-author, The Winchell Company, October 1986
- "Grasping Pennsylvania's Inheritance and Estate Tax Act," Author, Pennsylvania CPA Journal, Fall 1984

Speaking Engagements

- "Simulated Legal Negotiation," Virtual Panel Presenter, Exit Planning Exchange (XPX) Philadelphia, PA, Jan. 26, 2021
- "A Deal Starts with One: M&A in the Life Sciences Industry," Panel Presenter with Drucker & Scaccetti and Maryland Tech Counsel via Pyramid Club, Philadelphia, PA, Jun. 5, 2019
- "About to be Flush: How to Play a Winning Hand," Presenter with Morgan Stanley via Life Sciences PA, Wayne, PA, May 22, 2019
- "The Owner's Journey," Panel Presenter, Bank of America via The Union League, Philadelphia, PA, Apr. 30, 2019
- "Tax Credit Programs Benefiting Our Region's Businesses: Tax Credit Programs and Changes Impacting Our Region's Businesses," Panel Presenter with Drucker &

Scaccetti via The Chamber of Commerce for Greater Philadelphia, Philadelphia, PA, Sept. 8, 2016

- "What Do You Mean My Sale Isn't 100% Cash & Carry?" Presenter, XPX-Philadelphia via Pyramid Club, Philadelphia, PA, Oct. 21, 2015
- "The 11th Hour Estate Plan," Presenter, XPX-Philadelphia via Pyramid Club, Philadelphia, PA, Sept. 16, 2015
- "Innovative Use of Trusts for State Income Tax, Estate and Asset Protection Planning," Presenter via The Bryn Mawr Trust Company seminar, Haverford, PA, May 13, 2015
- "Business Killers," Presenter, Vistage Group, Villanova, PA, Mar. 10, 2015
- "Is NOW the Time? What is Your Business Actually Worth and How Much Do You Need to Retire?" Panelist along with Howard Ross of LLR Partners, Michael Mufson of Mufson Howe Hunter, Greg Aloia of Abacus Wealth Partners, and moderated by Craig Karasin of VentureScope, LLC, Philadelphia, PA, Febr. 23, 2015
- "The Necessity of Estate Planning- Addressing the Misconception That Trusts are Complicated, at Karr Barth Associates, Inc.," Presenter, Bala Cynwyd, PA, Dec. 5, 2014
- "The Necessity of Estate Planning - Addressing the Misconception That Trusts are Complicated, at Karr Barth Associates, Inc.," Presenter, First CornerStone Bank, King of Prussia, PA, Nov. 5, 2014
- "How to Make the Most Effective Use of Family Limited Partnerships: Strategies and Pitfalls in the Current Environment," Faculty panelist, Pennsylvania Institute of Certified Public Accountants & the Philadelphia Bar Association, 1999
- "How to Make the Most Effective Use of Family Limited Partnerships: Strategies and Pitfalls in the Current Environment," Faculty panelist, Pennsylvania Institute of Certified Public Accountants & the Philadelphia Bar Association (1999).
- "Symposium on Pass-Through Entities: The Legal and Accounting Aspects," Panel moderator, American Association of Attorney-Certified Public Accountants, 1998
- "Estate Planning Update," Presenter, New Jersey Society of Certified Public Accounts, 1994
- "Estate Tax Audits," Presenter, Pennsylvania Institute of CPAs, 1993
- "Multi-Borrower Loan Transactions: Legal Issues and Strategies," Presenter, Pennsylvania Bar Association
- "Federal Estate Tax Planning," Presenter, Mellon Bank, 1992
- "Year End Tax Planning," Presenter, The Wharton School Alumni, University of Pennsylvania, 1989
- "Annual Federal Tax Conference," Presenter, Pennsylvania Institute of CPAs, 1986 and 1987
- "Pension, Retirement and Compensation Planning after the Tax Reform Act of 1986," Presenter, Pennsylvania Institute of CPAs, 1987
- "Municipal Borrowing after the Tax Reform Act of 1986," Presenter, Mellon Bank, 1986

Trust Us: Estate Planning Wisdom

July 14, 2026

Love, Trusts, and Prenups: "Strangers: A Memoir of a Marriage"

Hosts Danielle Friedman and Herb Fineburg dig into the New York Times bestseller Strangers by Belle Burden, using the book's real-life inspired story to unpack how prenuptial agreements and trusts actually work when a marriage ends. The conversation centers...

May 20, 2026

Dealing with Loss: Understanding Your Estate Planning Steps

In this episode of Trust Us: Estate Planning Wisdom, Danielle Friedman, Herb Fineburg, and Charles Max McCauley walk through the essential first steps after the loss of a spouse. From handling funeral arrangements to locating assets, understanding Social Security...

February 24, 2026

How Much Estate Information Should You Share with Your Kids?

In this episode of “Trust Us: Estate Planning Wisdom,” Danielle Friedman, Herb Fineburg, and Max McCauley explore one of the most common client questions: How much should parents tell their children about their estate plan? They break the issue...

November 18, 2025

Balancing Your Estate for Harmony

In this episode of 'Trust Us,' Danielle Friedman, Max McCauley, and Herb Fineburg discuss a complex estate planning scenario from a recent article. A father of three sons, two from his first marriage and one from a later relationship,...

August 29, 2025

The Impact of One Big Beautiful Bill on Estate Planning

In this episode of Trust Us , Danielle Friedman, Max McCauley, and Herb Fineburg discuss the recent changes brought by the One Big Beautiful Bill Act, which raised the estate tax exemption level starting January 1, 2026. Despite the increased exemption, the hosts...

July 14, 2025

Choosing a Trustee: Navigating the Complexities and Key Considerations

In this episode of 'Trust Us,' Danielle Friedman, Max McCauley, and Herb Fineburg discuss the critical aspects of selecting a trustee. They cover common client questions, including who should be named as a trustee, the benefits and drawbacks of...

February 18, 2025

The Risks of Bad Advice

In this episode of Trust Us, Danielle Friedman, Herb Fineburg, and Max McCauley tackle the pitfalls of common estate planning advice, highlighting the risks of adding children to bank accounts or deeds purely for convenience. They discuss the adverse...

December 27, 2024

Federal Estate Tax Exemption

In this episode of Trust Us, Danielle Friedman, Herb Fineburg, and Max McCauley discuss the significant changes anticipated with the sunset of the Federal Estate Tax Exemption. They explain what the exemption is, how it impacts estates, and the...

November 19, 2024

The Rules of Intestacy

In this episode of the Trust Us podcast, hosts Danielle Friedman, Herb Fineburg, and Charles "Max" McCauley III dive into the complex world of intestacy—the laws that govern the distribution of assets when someone passes away without a will....

September 27, 2024
Trusts vs. Prenups – Why Trusts Provide Better Asset Protection with Joseph Armstrong
In this episode of "Trust Us: Estate Planning Wisdom," hosts Danielle Friedman, Herb Feinberg, and Charles Max McCauley, along with special guest Joe Armstrong, delve into the critical comparison between trusts and prenuptial agreements in protecting family assets. The...

June 12, 2024
The Crucial Role of Irrevocable Trusts when Gifting Family Business Interests
In Episode 4, through a compelling case study, hosts Danielle Friedman, Herb Fineburg, and Charles "Max" McCauley III explore the vital role of irrevocable trusts when gifting closely held family business interests for the benefit of children. A client...

May 13, 2024
How Long Should a Trust Last?
In Episode 3: "How Long Should a Trust Last?" hosts Danielle Friedman, Herb Fineburg, and Charles "Max" McCauley III delve into the considerations and implications of establishing trusts, particularly regarding their duration. The discussion revolves around scenarios where trusts...

March 12, 2024
Passing Your Wealth to Your Children - How to Ensure Your Children Benefit from Your Hard Work
In Episode 2, "Passing Your Wealth to Your Children: How to Ensure Your Children Benefit from Your Hard Work," hosts Danielle Friedman, Herb Fineburg, and Charles "Max" McCauley III, the complexities of estate planning through a poignant case study....

February 23, 2024
Preserving Your Trust: How to Preserve Trust Funds for Couples
In Episode 1 of "Trust Us: Estate Planning Wisdom," hosts Danielle Friedman, Herb Fineburg, and Charles “Max” McCauley III focus on preserving trust funds for couples. They explore a case where parents established an irrevocable trust for their son,...

Videos

Meet Herb

Case Study on Estate Tax Reduction

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Income and Estate Tax Planning, Asset Protection Planning and Successor

Planning for Business Owners

Elevator Pitch