



Julian A. Fortuna

Partner

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Julian A. Fortuna is a partner in Greenspoon Marder's Corporate & Business practice group. With over 30 years of legal experience, Mr. Fortuna concentrates his practice on domestic and international tax, business and estate planning, employee benefits, and executive compensation matters. He has substantial experience representing clients in the entertainment, higher education, clean energy, health care, hospitality, non-profit, manufacturing, retail, and real estate industries.

Mr. Fortuna is well-versed in representing business entities, owners and executives, fiduciaries and beneficiaries of trusts and estates, and non-profit entities regarding all types of federal and state income, estate, and gift taxes. As a seasoned attorney in tax controversies, Mr. Fortuna regularly represents taxpayers in civil and criminal tax audits, investigations, and administrative appeals before the Internal Revenue Service (IRS) and various state, local and foreign taxing authorities and in tax litigation before federal and state courts and tax tribunals.

Before joining Greenspoon Marder, Mr. Fortuna was a partner at a midsized business law firm in Atlanta, where he lead the tax practice representing clients in domestic and international tax planning and tax controversy matters. Prior to entering private practice, Mr. Fortuna was vice president and general tax counsel for InterContinental Hotels Group PLC (IHG), where he was responsible for structuring the international, federal, state, and local tax impacts of mergers, acquisitions, dispositions, and other corporate transactions, as well as construction projects, leases, exchanges, and other real and personal property transactions. He also directed tax research and planning for cross-border financing, captive insurance, and the worldwide use of trade names and other intangible assets. In his role, Mr. Fortuna represented IHG before the IRS and various other tax authorities on audits, appeals, and ruling requests and pursued tax regulatory and legislative changes for the benefit of IHG with U.S. Treasury and congressional personnel in Washington. Additionally, Mr. Fortuna spent 11 years in the Tax Department at Deloitte and Touche, where he served a variety of corporate and individual clients, and before that, he served four years in the U.S. Treasury Department at the Office of the Chief Counsel for the IRS, where he was responsible for litigation in the U.S. Tax Court.

Court Admissions

- Georgia Tax Tribunal
- U.S. Tax Court
- U.S. District Court, Northern District of Georgia
- U.S. Court of Appeals, District of Columbia Circuit

Bar Admissions

- Georgia
- New York

Education

- LL.M., Emory University School of Law, 1984
- J.D., Rutgers University School of Law, 1980
- B.A., City University of New York, Accounting, Political Science, 1977

Practice Areas

- Corporate
- Tax
- Entertainment & Sports
- Hospitality, Alcohol & Leisure Industry Group
- Banking & Finance
- Latin America

Professional and Community Involvement

- Georgia Production Partnership, Member

Representative Experience

- Representing business entities in a wide variety of industries on tax matters related to formation, financing, operations, restructuring, and dispositions.
- Advised numerous corporate clients in structuring reorganizations, spin-offs, joint ventures, transfers to controlled corporations, and other tax-deferred transactions in connection with mergers, acquisitions and divestitures and other corporate transactions.
- Advised numerous S Corporations, LLCs and partnerships, and their owners, regarding initial qualification and the taxation of operating and investment income, raising debt and equity capital, executive compensation, and disposition of assets or entities.
- Represented business owners, plan sponsors, trustees, lenders, and related clients in a wide variety of tax issues arising in Employee Stock Ownership Plan ("ESOP") transactions ranging in value from \$10-\$300 million.
- Represented group of investment entities on the tax-deferred sale of large tracts of real estate valued at more than \$500 million. Structured all kinds of tax-free like-kind exchanges of real estate, including forward, reverse, construction and related-party exchanges.
- Represented solar, wind, and biomass renewable energy developers in the structuring of entities to raise equity and debt supported by tax credits and grants.
- Representing large non-profit university with respect to domestic and international tax planning, compliance and controversy matters.
- Representing large, complex group of foreign entities, including a private foundation and its founders in an IRS examination involving classification and taxation of entities with more than \$50 million of tax and penalties at stake.
- Successfully litigated claims that the IRS imposed unconstitutional viewpoint discrimination against 41 non-profit educational and advocacy groups.
- Represented film production companies in the planning, application and defense of film tax credits.
- Represented one of the world's largest religious organization before the Georgia Department of Revenue, which agreed not to impose sales use and lodging taxes on use of lodging facility by church members and related groups.
- IRS agreed owner of Lear Jet entitled to interest, depreciation and operating expense deductions.
- Assisted a fund manager in evaluating, structuring, and executing on three transactions that qualified for the Opportunity Zone Program.

Speaking Engagements

- Speaker, "State Income Taxation of Trusts and Estates and Grantors and Beneficiaries of Trusts: State Law Limitations and Pitfalls to Avoid," Strafford, December 15, 2020

- Speaker, "Employment Litigation and Claim Settlements: Maximizing Tax Benefits and Avoiding Penalties," Strafford, April 28, 2020
- Speaker, "International Law and Tax Law Sections CLE Program," *Atlanta Bar Association*, March 2, 2020
- Speaker, "What Every Practitioner Should Know About the New Tax Laws," State Bar of Georgia, December 5, 2019
- Speaker, "State of the Film & Music Industry," North American Law Summit, November 13-17 2019
- Speaker, "SCOTUS Kaestner Ruling on State Trust Income Taxation: Key Considerations for Trusts and Estates Counsel CLE Webinar," Strafford, October 1, 2019
- Speaker, "The Intersection of Music, Film & TV in Atlanta," Black Entertainment & Sports Lawyers Association, May 29, 2019
- Speaker, "Advanced M&A Issues and Techniques Webinar," Clear Law Institute, May 8, 2019
- Speaker, "Joint Tax Law Section and Real Estate Section CLE Program," Atlanta Bar Association, April 25, 2019
- Speaker, "Step-by-Step Guide to Drafting Wills and Trusts, CLE," National Business Institute, March 11, 2019
- Speaker, "Residential Real Estate Seminar," State Bar of Georgia, January 16, 2019
- Speaker, "What Every General Practitioner Should Know About the New Tax Laws," State Bar of Georgia, December 13, 2018
- Speaker, "Buying and Selling a Business: Start-to-Finish," National Business Institute, November 29 – 30, 2018
- Speaker, "Choice of Entity Tax Considerations for Breweries and Distilleries," National Business Institute, August 10, 2018
- Speaker, "Recipes for Success | Tip Pooling: What Employers Need To Know," An Interactive Hospitality and Retail Law Series, July 24, 2018

Recognitions

- *Martindale-Hubbell® AV® Preeminent*, "Taxation, Resorts and Leisure, and Trusts and Estates," 2010-2021
- *U.S. News & World Report*, "Best Lawyers in America," Litigation and Controversy – Tax. 2011-2023
- *Georgia Super Lawyers*, "Tax," 2012-2022
- *Georgia Trend's Legal Elite*, Taxes/Trusts and Estates, 2011-2021
- *Tax Law Experts*, "Georgia Tax Lawyer of the Year," 2016-2017
- "Five Star Award" for Estate Planning, 2014, 2015
- *Avvo*, "Superb" 10/10 Rating, 2010-2021
- *Super Lawyers, Blue Ribbon Panelist*, 2022

Publications

- Author, "How Should the Seller of an NFT Report It for Tax Purposes?," *Bloomberg Tax*, March 4, 2022
- Co-Author, "Business Organizations with Tax Planning," *LexisNexis*, September 15, 2020
- Co-Author, "Taxation of Settlement Payments," *Georgia Bar Journal*, October 18, 2019
- Co-Author, "Summary of International Tax Provisions in the Tax Cuts and Jobs Act of 2017," *ACC Docket*, June 2018
- Co-Author, "The Formation of a Restaurant as a Legal Entity," *Modern Restaurant Management*, March 6, 2018
- Author, "Tips and Service Charges are Taxed Differently," *FSR Magazine*, July 31, 2017
- Co-Author, "Transfer Pricing Adjustment Challenges Receive Green Light from the Tax Court," *Journal of Taxation*, November 11, 2016
- Author, "Comparing the Tax Reform Proposals of Trump and Clinton," *AccountingWEB*, September 30, 2016

News

- Greenspoon Marder Attorneys Alan Clarke and Julian Fortuna Recognized Among 2023 Super Lawyers in Georgia
- 48 Attorneys At Greenspoon Marder Listed In The Best Lawyers In America© 2023
- Greenspoon Marder Attorneys Alan S. Clarke and Julian A. Fortuna Selected to Serve on Super Lawyers Blue Ribbon Panels
- Greenspoon Marder Launches Latin America Practice Group
- Greenspoon Marder lanza su área de práctica de América Latina

- Greenspoon Marder Expands Corporate & Business Capabilities in Los Angeles and Atlanta with Addition of New Partners John Babala and Julian Fortuna

Videos

- Foreign Investment in U.S. Real Estate