SpencerFane

Kelly Mooney

Of Counsel

Contact

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Overview

Kelly Mooney provides clients with focused counsel on all matters related to federal taxation with an understanding that tax issues impact virtually every aspect of business, investment, and personal wealth management. She works collaboratively with attorneys in other practice groups to structure transactions that comply with federal tax law, offer tax relief when applicable, and provide tax-efficient results for her clients.

With a full working knowledge of complex areas of federal tax law, Kelly effectively communicates the issues to her clients related to tax planning and analysis for partnerships, LLCs, and corporations; and tax planning, structuring, and documentation for real estate joint ventures organized as LLCs and general and limited partnerships, including joint ventures with international investors. She also conducts tax planning and analysis for individuals and planning for the taxation of amounts paid or received in litigation businesses and individuals.

Kelly is a highly successful advocate when representing clients before the Internal Revenue Service and other taxing authorities. This includes experience with ruling requests, civil controversy cases, and collection matters. She has successfully negotiated the settlement of several complex and multiyear IRS examinations, cases involving the imposition of trust fund penalties, and contested claims for refund. She also regularly prepares and submits ruling requests to verify the tax treatment of complex transactions.

In her practice, Kelly has developed substantial experience on handling the tax issues of tax-exempt and other nonprofit organizations. This includes handling work for public charities and private foundations, and she regularly assists clients in filing for and obtaining tax-exempt status, deals with private inurement and prohibited transaction issues, and conducts nonprofit governance evaluations.

Education

- University of San Diego, 2005 (LLM)
- University of Arizona James E. Rogers College of Law, 2002 (J.D.), *summa cum laude*
- University of Arizona, 1998 (B.A.), *summa cum laude*

Bar Admissions

- Arizona, 2002

Court Admissions

- U.S. District Court for the District of Arizona, 2002
- U.S. Tax Court, 2006

Community Involvement

- Valley of the Sun United Way, Million Minutes Reading Challenge, Team Right to Read Volunteer, 2013-2014

Distinctions

- *Best Lawyers in America,* Tax Law, 2018-2024
- Outstanding Tax Clinic Intern Award, 2005
- Dean's Achievement Award, 2002

Memberships

- American College of Tax Counsel, Fellow, 2019
- Phoenix Tax Workshop, Advisory Board Member, 2012-2017
- University Club Tax Study Group
- State Bar of Arizona
  - Board of Legal Specialization, Tax Law Advisory Commission Member, 2012-2017
  - Tax Law Section, Chair, 2014-2015
  - Tax Law Section, Officer, 2011-2013
  - Tax Law Section, Executive Council Member at Large, 2009-2010
  - 2009 Convention, Tax Section, Seminar Chair

Presentations and Publications

- "The Corporate Transparency Act: Preparing for the Creation of a Federal Database of Entity Beneficial Ownership Information," Association of Corporate Counsel (ACC), Arizona Chapter Meeting, November 29, 2022
- "Qualified Opportunity Zones," Bayntree Wealth Advisors, January 22, 2020
- "Tax Reform and Federal Hot Topics – Qualified Opportunity Zones (NM)," Santa Fe Home Builders Association, June 12, 2019
- "The Taxation of Settlements and Damage Awards – Focus on Personal Injury Awards," Phoenix Tax Workshop, November 18, 2017
- "Partnership Liability Allocation and Disguised-Sales, the New Partnership Audit Regime, and Other Topical Developments," Arizona Bar Convention, June 15, 2017
- "Can we Have a Do-Over?: Rescinding Transactions for Federal Tax Purposes," Phoenix Tax Workshop, January 2017
- "Unreimbursed Partner Expenses," Phoenix Tax Workshop, January 2016
- "Key Tax Issues Facing Non-Profit Organizations in 2016," CBIZ NFP Seminar Series, November 2015
- "Update on Circular 230," Phoenix Tax Workshop, November 2014

- “S-Corporations Revisited? Choice of Entity in Light of the 2013 Medicare Surtaxes,” *The Arizona Business Lawyer,* May 1, 2014
- “2013 Federal Tax Highlights,” Accounting & Financial Women’s Alliance, Phoenix Chapter, January 2014
- “Five Things Every Plaintiff’s Attorney Should Know About the Taxation of Damage Awards,” *Trial Practice,* State Bar of Arizona, July 15, 2013
- “Identity Theft and Tax Refund Fraud,” Phoenix Tax Workshop, April 2013
- “Taxation of Damage Award and Settlements,” *Facts and Findings,* March 1, 2013
- “Federal Payroll Taxes in 2013,” Arizona Rock Products Association, February 2013
- “2012 Federal Tax Highlights,” Arizona Society of Women Accountants, January 2013
- “Subchapter S Corporations: Common Pitfalls and How to Avoid Them,” Prescott Estate Planning Council, June 2012
- “The Taxation of Damage Awards,” State Bar of Arizona Tax Section, April 2013, State Bar of Arizona Young Lawyers Division, May 2013, Arizona Paralegal Association, May 2012
- “Tax Considerations Associated with Foreclosures and The Cancellation of Indebtedness,” Arizona Society of CPAs, September 2011
- “Tax Aspects and Reporting of Foreclosures, Short Sales, and Cancellation of Debt Income,” Entrepreneurial CPAs Network, July 2011
- “Cancellation of Debt – Did You Do It Right Last Tax Season?,” Phoenix Tax Workshop, May 2011
- “A Primer on Cancellation of Indebtedness Income: Recognition, Exclusion, and Deferral,” Arizona Trustees Association, September 2010
- It Saves to be Green – Tax Incentives for Green Construction Projects,” *Arizona Commercial Real Estate Magazine,* July 15, 2010
- “C.C.M./P.M.T.A. 2009-35 and the Taxation of Damage Awards,” Arizona Forum for Improvement of Taxation, January 2010
- “Treatment of Cancellation of Indebtedness Income Under the ARRA,” Phoenix Tax Workshop, October 2009
- “Small Business Breaks: Recovery Act Provides New Tax Benefits for Small Businesses,” *AZ Business Magazine,* October 1, 2009
- “A Primer on Cancellation of Indebtedness Income: Recognition, Exclusion, and Deferral,” Prescott Estate Planning Council, September 2009
- “Tax Considerations Associated with Mortgage Foreclosures and the Cancellation of Indebtedness,” More Ins and Outs of Foreclosure Seminar, CLE By the Sea, July 2009 and July 2010
- “Honey I Lost the Home!: The Federal Income Tax Treatment of Cancelled Debt, Foreclosure and Repossession,” State Bar of Arizona Annual Convention, June 2009
- “Confidentiality Provisions in Settlement Agreements: A Tax Trap for the Unwary?,” *Tax Law News,* June 1, 2009
- “Can We Have a Do-Over? Rescinding Transactions for Federal Tax Purposes,” *Tax News,* State Bar of Arizona, October 1, 2008
- “What Every Attorney Should Know About the Taxation of Damage Awards,” Maricopa County Bar Association, October 2008
- “Tax Considerations Associated with Mortgage Foreclosures and the Cancellation of Indebtedness,” More Ins and Outs of Foreclosure Seminar, June 2008
- “Section 104(a)(2): Settlement Agreements, Confidentiality Provisions, and Special Issues Associated with the Taxation of Personal Injury Damage Awards,” Phoenix Tax Workshop, April 2008
- “Tax Planning Opportunities for Creators of Medical Technology,” *Round-Up,* September 1, 2007