

Conservation Easement

Polsinelli's Conservation Easement practice includes government investigations, tax, environmental litigation, and business insurance attorneys who advise professional firms, professionals, and individual investors in all facets related to the government's aggressive pursuit of Syndicated Conservation Easements and similar transactions. We defend our clients against criminal and civil investigations, allegations and government audits bringing big-firm talent and strategic insight.

Our team combines unique investigation skills and experience with substantive tax knowledge. We are client-focused problem solvers with a deep understanding of the criminal and tax law, gained from our experience working in the government. We evaluate every case carefully, distilling complex facts into clear and compelling narratives and defenses.

Syndicated Conservation Easements (SCEs)

Syndicated Conservation Easements (SCEs) are a type of tax-deductible donation that has been under intense scrutiny by the IRS, DOJ, and Congress in recent years. SCEs are on the IRS's "Dirty Dozen" list of abusive tax schemes, and they have been the subject of numerous criminal, civil, and administrative proceedings as well as class actions and other litigation.

Professionals and investors should take the government's coordinated investigation and prosecution of SCEs seriously. Recent convictions (including professionals), looming indictments, and an aggressive civil and audit strategy all indicate that the government is even more determined to relentlessly identify, audit, investigate and potentially prosecute syndicated conservation easements as alleged abusive tax shelter schemes going after their promoters, appraisers and professionals involved in the deals.

The 2022 Inflation Reduction Act significantly increased the IRS and DOJ's enforcement budget and the IRS has announced that virtually 100% of SCE investments, and therefore investors, will be audited. The increased funding and the IRS's decision to audit all SCEs substantially increases the risk for professionals and investors alike.

Polsinelli represents professionals, professional firms and investors. Anyone who receives a grand jury subpoena or civil subpoena should reach out to counsel prior to speaking with a federal agent or turning over documents. In addition, individuals, partnerships and corporations who are interested in conservation easements, fee simple donations, or any other tax strategy with high ratios should contact legal counsel prior to entering into the transaction. We are available to help.

Publications

November 14, 2024

Conservation Easement Cases Weave Web Of Uncertainty

Co-Author, Law360

August 15, 2024

Real or Ruse? IRS's New Settlement Initiative for Syndicated Conservation Easements

May 21, 2024

Tax Court Strikes out Smoltz and Klesko's Big K SCE, but Provides Relief for Those Facing Fraud Allegations

April 15, 2024

Easement Fund Victory on Perpetuity Will Result in More Attention on Valuation

March 6, 2024

Bare Knuckle Conservation Easement Brawl Leaves Participants in Limbo

January 18, 2024

CPA gets 25 years for Promoting Conservation Easement Deductions

January 9, 2024

Georgia men sentenced in landmark tax dodge case

Atlanta Journal-Constitution

October 31, 2023

1st Tax Easement Convictions Will Likely Embolden DOJ, IRS

Co-Author, Law 360

September 27, 2023

Conservation Easements: Palpable Fraud or Honest Mistakes? A Federal Jury Returns a Split Verdict

July 25, 2023

Slogans and Insults: Fisher Defendants Respond to the Government's Novel Conservation Easement Case

July 20, 2023

Government Asserts the Defendants Lied and Cheated the IRS out of over \$1.3 Billion: The Government's Opening Statement of the United States v. Fisher

July 18, 2023

First Criminal Syndicated Conservation Easement Trial Begins this Week

May 25, 2023

Appraiser Pleads Guilty to Fraud in Syndicated Conservation Easement Case

January 11, 2023

\$1.7 Trillion Spending Bill Drops the Hammer on Conservation Easements

December 20, 2022

The IRS is Not Backing Down: Proposed Regulations Issued Regarding Abusive Tax Shelters Including Certain Syndicated Conservation Easement Transactions

November 16, 2022

Big Win for Investors Facing Listed Transaction Penalties for Conservation Easements

November 10, 2022

SCOTUS Could Vacate Conservation Easement Regulations

September 27, 2022

New York Alleges Trump Procured Inflated Appraisals for Conservation Easements

September 22, 2022

The DOJ and IRS Focus Enforcement on Syndicated Conservation Easements