



## **KATHLEEN R. SHERBY**

**Senior Counsel**

**St. Louis**

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## **BIOGRAPHY**

**Kathleen Sherby** is senior counsel in the Private Client Group and a member of the Fiduciary Litigation Team. She specializes in representing private individuals in all aspects of wealth transfer planning, utilizing sophisticated techniques such as grantor retained annuity trusts, family limited partnerships/limited liability companies, charitable remainder trusts, and charitable lead trusts. A key focus of her practice is estate planning for retirement benefits, where she integrates strategies for minimizing transfer and income taxes with the required minimum distribution rules.

Kathleen has extensive experience representing both trustees and beneficiaries in a wide range of fiduciary matters. She regularly advises trustees on their fiduciary duties in trust administration and is actively involved in fiduciary litigation, representing clients in court disputes related to the administration of trusts and estates. Her litigation experience includes representing taxpayers in

estate and gift tax audits, as well as in proceedings before the U.S. District Court, the U.S. Tax Court, and the Missouri Supreme Court.

In addition to her fiduciary work, Kathleen has advised numerous business owners on developing effective business succession plans, including strategies for transitioning the business to the next generation or managing the sale of the business when appropriate. She also provides counsel to trustees on handling and selling businesses and real estate as unique trust assets.

Kathleen's charitable planning experience includes advising nonprofit organizations on gift acceptance policies, the creation of endowment funds, and the establishment of gift annuity programs. She has also assisted estate planning clients in the creation and management of private foundations and charitable remainder trusts.

Kathleen is a nationally recognized lecturer on these topics, regularly speaking at significant national conferences.

She is an active participant in the estate planning bar and is a Fellow of the American College of Trust and Estate Counsel (ACTEC). Kathleen has served as a Past President and Regent Emeritus of the College, chair of the Employee Benefits in Estate Planning Committee, and Missouri State Chair. She has also chaired the Probate and Trust Committee of the Missouri Bar, the Probate Section of the Bar Association of Metropolitan St. Louis, and served as president of the Estate Planning Council of St. Louis.

## CIVIC INVOLVEMENT & HONORS

- ***The St. Louis University School of Law Hall of Fame (Order of Fleur de Lis)- 2019***

### Listed in:

- *High Net Worth 2023: Private Wealth Law*
- *Chambers High Net Worth Guide*
- *The Best Lawyers in America*®, 2024 (St. Louis Lawyer of the Year for Fiduciary Litigation in 2016 and for Trusts and Estates in 2015)
- *Martindale-Hubbell® Bar Register of Preeminent Women Lawyers™*
- *Who's Who Legal: Private Client*
- *Who's Who in American Law*
- *Who's Who of American Women*

- *Who's Who in the Midwest*
- *Madison's Who's Who*
- *Missouri & Kansas Super Lawyers* (top 50 female lawyers in Missouri, top 100 lawyers in Missouri)

### **Civic Involvement:**

- St. Louis Science Center – Board of Trustees, 2000 –2008, and 2010 – Present, Chair of Planned Giving Committee
- Care and Counseling – Board of Directors, 2018 – Present
- American Red Cross St. Louis Chapter – Board of Directors, 2000 – 2006, V.P. Finance, 2004-2006
- Junior League of St. Louis – Board of Directors, 1989 – 1990
- St. Louis University Bequest and Gift Council, 1990 – 2001; Chair, 1997-1998
- St. Louis Forum – President, 1995-1996
- Girl Scout – Council, Development Committee 1986 – 1990
- Alzheimer's Association Planned Giving Council 1994 – 1996
- Children's Hospital Planned Giving Council 1995 – 2005
- Diocesan Investment Trust of Episcopal Diocese of Missouri – Trustee, 1995 – 2001, 2005 – 2011 and 2017 - Present
- Church Of St. Michael And St. George – Church Vestry, 1997 – 1999, Junior Warden, 1998 – 1999; Endowment Fund Trustee, 1997 to Present; Finance Committee, 1997 to Present

### **PROFESSIONAL AFFILIATIONS**

- Accredited Estate Planner® (Distinguished)
- Society of Trust and Estate Practitioners (STEP), Member
- Fellow of the American College of Trust and Estate Counsel - President 2014 - 2015, Board of Regents 1998 - 2004, and 2010 - 2016, Strategic Planning Task Force - Co-Chair 2004 - 2006; Employee Benefits in Estate Planning Committee, Chair 2008 - 2011, and Member 1990 - Present; Task Force 2000 - Member 1999 - 2001, Fiduciary Litigation Committee, 2001- Present,

Missouri State and Midwest Region Chair 2002 - 2007, Membership Selection Committee 2002 - 2010, Chair 2007 - 2008, ACTEC Foundation Board of Directors, 2018 - Present

- Missouri Bar Association - Probate and Trust Committee - Chair, 1992 - 1994, Probate Law Revision Subcommittee - Chair, 1988 - 1992
- Bar Association of Metropolitan St. Louis - Probate and Trust Section Steering Committee, 1982 - 1996, Probate and Trust Section - Chair, 1986 - 1987
- Estate Planning Council of St. Louis - Board Member and Officer, 1982 - 1991, President 1986 - 1987

## THE CORPORATE TRANSPARENCY ACT

### CTA resource page

Use our resource page to keep up to date on FAQs, events, and analysis & insights on the Corporate Transparency Act.

### CTA compliance tool

Many businesses are wondering if they need to comply with the CTA, and if so, whose data they may need to gather and when it should be first submitted and updated. Use our interactive CTA compliance tool to learn more about the nuts and bolts of the CTA.

## ADMISSIONS

- Colorado, 2021
- Missouri, 1976
- United States Court of Appeals for the Eighth Circuit  
United States District Courts for the Eastern and Western Districts of Missouri, and the District of Colorado  
United States Tax Court

## EDUCATION

Saint Louis University, J.D., *magna cum laude*, Order of the Woolsack, 1976

Saint Louis University, A.B., *magna cum laude*, Phi Beta Kappa, 1969

## RELATED CAPABILITIES

- Private Client
- Real Estate Tax
- VAT & Indirect Taxes
- Tax Advice & Controversy
- Tax & Private Client
- Litigation & Dispute Resolution
- Real Estate
- Financial Institutions
- Finance
- Corporate
- Fiduciary Disputes
- Non Profit Organizations

## RESOURCES

### SPEAKING ENGAGEMENTS

- ["What's New in Decanting – Termination of Trusts and Use of Releases,"](#) BCLP Annual Trust and Estates Disputes Symposium, St. Louis, November 15, 2022
- "New Secure Act Regulations," Missouri Bar 2022 Annual Estate, Trust & Elder Law Institute, October 20 - 21, 2022
- "Advanced Estate Planning Update" – ALI-CLE, February, June, 2021
- "Planning After SECURE" – STEP, May 29, 2021
- "Planning for the Difficult Client", Estate Planning Council, February, 2021
- "The Good, the Bad, & the Ugly: Ethical Representation in a Pandemic", Missouri Bar 2020 Annual Estate, Trust & Elder Law Institute, December 10 - 11, 2020
- "SECURE ACT: How it Changes Basic Planning Strategies", Missouri Bar 2020 Annual Estate, Trust & Elder Law Institute, December 10 - 11, 2020
- "Advanced Estate Planning Update", ALI/CLE, February, June and October 2020
- "Advanced Estate Planning Update", ALI-CLE, February, June and October, 2019
- "Tiptoeing Through the Tulips – Challenges in Managing Family and Legacy Assets" – Midwest Trust Company Third Annual Fiduciary Litigation Program, September 25, 2019

- "Shh, It's Confidential, Confidentiality Issues in Estate Planning", Missouri Bar 4<sup>th</sup> Annual Estate, Trust and Elder Law Institute, September 6, 2019
- "Thorny Planning Issues in Light of Tax Reform", ACTEC Heart of America Fellows Institute, November 2018
- "Advanced Estate Planning Update", ALI-CLE, February, June and October 2018
- "Ethical Issues in Representing Fiduciaries", Missouri Bar 3rd Annual Estate, Trust and Elder Law Institute, September 7, 2018
- "Advanced Estate Planning Update", ALI-CLE – February, June and October 2017
- "Ethical Issues in Estate Planning", Missouri Bar 2<sup>nd</sup> Annual Estate, Trust and Elder Law Institute, September 28, 2017
- Hot Topics for Retirement Benefits Planning, Idaho State Bar, September 23, 2017
- "Hot Topics in Estate Planning for Retirement Benefits," Indiana Continuing Legal Education Forum 44th Annual Midwest Estate, Tax and Business Planning Institute, Indianapolis, Indiana, June 9, 2017
- "Pre and Post Sale Planning for You, Your Company, and Your Family," Conference for Business Owners: M&A Solutions for Privately Held Companies, May 18, 2017
- "Hot Topics in Estate Planning for Retirement Benefits," 2017 MOKAN Trust Conference, Kansas City, Missouri, May 12, 2017
- "It's a Whole New Ballgame, Trust Directors with Powers of Direction, But What About Trust Protectors?" Kansas City Estate Planning Symposium, April 2017
- "Advanced Estate Planning Update," ALI-CLE, February, June and October 2017
- "Ethics Update," MOBAR 2016 Annual Estate, Trust and Elder Law Institute, August 2016
- "Advanced Estate Planning Update," ALI-CLE, February, June and September 2016
- "Trust Directors With Powers of Direction and Powers of Protection," ACTEC, June 2016 and Duke University, October 2016
- "Changes to Trusts, Validation, Construction, Reformation, Modification, Deconstruction, Termination," National College of Probate Judges, November 2015
- "Inherited IRAs – Making the Right Choices," ALI-CLE, August 2015

- " "Directed Trust"? Or "Enhanced Trust Flexibility"? – The Use of Trust Advisors As Third Party Decision Makers in Estate Planning for Business Owners," ALI-CLE, July 2015
- "Business Succession Planning and Dealing with Intra-Family Rivalries," ALI-CLE, July 2015
- "Advanced Estate Planning Update," ALI-CLE, February, June and October 2015
- "In Protectors We Trust: The Nature and Effective Use of "Trust Protectors" as Third Party Decision Makers," 49th Annual Heckerling Institute on Estate Planning, January 2015
- "Residence Planning for State Income Taxation of Irrevocable Trusts," The Heart of America Tax Institute, November 2014
- "Advanced Estate Planning Update," ALI-CLE, February, June and October 2014
- "Residence Planning for State Income Taxation of Irrevocable Trusts," U.S. Bank, July 2014
- "Hot Topics in Employee Benefits," American Law Institute-CLE, April 2014
- "Hot Topics in Employee Benefits," American Law Institute-CLE/ACTEC, November 2013
- "Advanced Estate Planning Update," ALI-CLE, February, June and October 2013
- "Trust Protectors: The Role and Characteristics of a Third Party Decision Maker," MOKAN, May 2013
- "You Made It! Now What? Hot Topics in Planning for the Effective Disposition of Qualified Plans and IRAs," Seattle EPC, November 2012
- "Advanced Estate Planning Update," ALI-CLE, February, June and September 2012
- "Trust Protectors: The Role and Characteristics of a Third Party Decision Maker," American Law Institute-CLE, July 2012
- "You Made It! Now What? Hot Topics in Planning for the Effective Disposition of Qualified Plans and IRAs," American Law Institute-CLE, April 2012
- "Advance Estate Planning Update," ALI-ABA, February, June and September 2011
- "Trust Protectors: The Role and Characteristics of a Third Party Decision Maker," Arizona Bar and Missouri Bar, April and June 2011
- "Living With Change: The Future for Estate and Business Planning Practices," ACTEC, May 2011

- "You Made It! Now What? Hot Topics in Planning for the Effective Disposition of Qualified Plans and IRAs," ALI-ABA, May 2011
- "Who Gets What in my House?," Bank of the West, May 2011
- "The Status of the Estate Tax and Planning Opportunities," Klaris, Thomason & Schroeder, Inc., November 2010
- "Looking a Gift Horse in the Mouth - Protecting Inherited IRAs from Creditors," University of Missouri, Kansas City, October 2010
- "To Convert or Not To Convert: The Hows and Whys of Roth Conversions," University of Missouri, Kansas City, October 2010
- "Now That You Have It - What Do You Do With It? Hot Topics in Planning for the Effective Disposition of Qualified Plans and IRAs," Institute of Continuing Legal Education in Georgia and National Business Institute, July 2010
- "A Guide Through the Minefields: Selected Retirement Plan Issues for the Estate Planner," Seattle Estate Planning Council, October 2009
- "Entering the Dragon's Lair – Know Where the Fire is Being Directed (and Avoid it)," American College of Trust and Estate Counsel, June 2008
- "Prohibited Transactions and Self-Directed IRA," ALI-ABA Webcast, May 2008
- "Lifetime Rollover," ALI-ABA Webcast, May 2008
- "Hot Topics for Retirement Benefits," Missouri Kansas Bankers Association, May 2008
- Distribution Planning Webcast, American Law Institute/American Bar Association, May 2008
- "Recent Developments," American Red Cross, April 2008
- "Picking up the Pieces After the Best Laid Plans Fall Short (Construction, Instruction, Reformation and Modification Issues)," Bar Association of Metropolitan St. Louis, February 2008
- "Working with the Estate Planning Team," Estate Planning Council of St. Louis, January 2008
- "Selected Hot Topics in Planning for the Tax Efficient Disposition of Qualified Plans," Seattle Estate Planning Council, October 2007
- "Now That You Have it - What Do You Do With It? Planning for the effective Disposition of Qualified Plans and IRAs", American Law Institute-American Bar Association, June 2006 and



2007

- "Tax and Distribution Issues when Trust is a Beneficiary," University of Missouri – Kansas City, November 2007
- "Handling an Estate Tax Audit," 32nd Annual Notre Dame Tax and Estate Planning Institute, October 2006
- "Bankruptcy Law and Estate Planning," Missouri Bar Association, October 2006
- "Estate Planning for Retirement Benefits: Dotting The I's and Crossing The T's," MOKAN Trust Conference, May 2006, and Illinois Institute of CLE, November 2004
- "Tax Controversy Work – Winning Cases Through Mastering Procedure," University of Miami Heckerling Institute, January 2005, and American College of Trust and Estate Counsel, June 2003
- "The Cinderella Trust Plan – But Will the Shoe Fit in the Morning?" University of Southern California, January 2005 and University of Missouri/Kansas City, May 2005
- "Estate Planning for Retirement Benefits – Dotting the I's and Crossing the T's," Illinois Continuing Legal Education Foundation, June 2005
- "Ten Items to Consider NOW in Drafting Under the New Missouri Uniform Trust Code," University of Missouri/Kansas City, September 2005
- "How to Handle the Estate Tax Audit – A Practitioner's Primer on Dealing with Estate Tax Audits," Southern Federal Tax Institute, September 2005
- "How to Structure the Beneficiary Designation for IRAs and Qualified Plans – How to Name a Trust as Beneficiary," University of Missouri/Kansas City, September 2004 and September 2002
- "Charitable Planning and Charitable Solutions for Wealth Transfer in the New Millennium," Episcopal Diocese of Missouri, March 2003
- "Winter Estate Planning Practice Update Including "What are We Telling Our Clients?" Notice 2002-8 and Proposed Split Dollar Regulations", American Law Institute-American Bar Association, February 2003
- "Summer Estate Planning Practice Update," American Law Institute-American Bar Association, June 2002
- "Recent Developments in Estate, Gift, GST, Minimums Distribution Requirements and Related Income Tax Issues," Bar Association of Missouri Estate Planning Institute, April 2002

- "Ethics for Estate Planning Practice – Panel Discussion," Missouri Bar Association, March 2002
- "Counseling Clients on Personal and Family Issues Related to Wealth," American College of Trust and Estate Counsel, March 2002
- "Ethics in Estate Planning – Panel Discussion," University of Miami Heckerling Institute, January, 2002
- "Advanced Estate Planning for Retirement Plan Distributions (Under 2001 Proposed Minimum Distribution Regulations)", AAA-CPA, November 2001
- "Estate Planning In a Changing Environment – Out With the Old, In With the New, Back With the Old," St. Louis Zoo, September 2001
- "What's New and What's Not Under the 2001 Proposed Minimum Distribution Regulations," University of Missouri/Kansas City, June 2001
- "A Step Through the Looking Glass: A Practical Guide Through the Topsey Turvey Wonderland of Beneficiary Designations," Society of Financial Service Professional, January 2001

## RELATED INSIGHTS

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