Ray McCabe

He | Him | His

Partner

Buffalo

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Education

- University at Buffalo School of Law, JD
- State University of New York at Fredonia, BA

Practices & Industries

- Employee Benefits
- Corporate

Admitted to Practice

- New York

Court Admissions

- US Court of Appeals for the Fifth Circuit
- US District Court for the Northern District of New York
- US District Court for the Western District of New York
- US Tax Court

Biography

A former attorney with the Internal Revenue Service Office of Chief Counsel, Ray primarily concentrates his practice on employee-benefits law, not-for-profit corporation law, and federal, state, and international taxation. He counsels large and small businesses, not-for-profit corporations, and municipal governments on ERISA and tax matters and he has substantial experience handling corporate transactions, including reorganizations, mergers, and affiliations of both for-profit and not-for-profit entities.

Ray additionally serves as benefits counsel to for-profit and charitable organizations and as corporate-governance counsel to not-for-profit corporations and foundations.

Bar Associations

- American Bar Association
- New York State Bar Association

Representative Experience

- Represented an independent, not-for-profit research institute in its gift to a state university of approximately $40 million in endowed funds, tangible assets, and real estate to effectuate a combination between the research institute and university.
- Represented a community hospital in the negotiation of affiliation with a large, regional medical system.
- Negotiated a settlement with the US Department of Labor and Internal Revenue Service, restoring benefits to participants in a not-for-profit human resource agency's pension plan and preserving tax-qualified status.

- Preserved the tax qualification of an employee-stock-ownership plan that did not have proper plan documentation by negotiating the closing agreement with the IRS.
- Facilitated a medical center's RFP process to secure a strategic partner to ensure the long-term economic viability of the programs at the center. Negotiated and closed an acquisition agreement with a strategic partner at the university medical center. Obtained required approvals from the Department of Health and NY Attorney General.
- Coordinated and obtained judicial approval of the transfer of a medical facility with the continuation of the transferor's corporate enterprise and pension plan.
- Negotiated a tax-liability settlement with the IRS of a not-for-profit corporation in connection with the acquisition by another not-for-profit entity.
- Negotiated a settlement of ERISA issues with the USDOL of a not-for-profit corporation in connection with the takeover of programming by a successor charity.
- Counseled charitable foundations regarding the use of restricted and unrestricted gifts and the disposition of assets upon dissolution.
- Representing nationwide hospital and health care provider and its entities in suit brought by former nurses and doctors regarding retirement and agreed-upon pension.
- Representing a not-for-profit rural health care enterprise in restructuring and corporate governance matters.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- Saperston & Day, P.C., Partner

Selected Community Activities

- Erie County Veterans Post Revitalization Post, Advisory Board Member
- United Methodist Volunteers in Mission, Disaster Relief Team Leader

Selected Honors

- *The Best Lawyers in America*®: Corporate Law, 2025–2027; Employee Benefits (ERISA) Law, 2023–2027; Tax Law, 2023–2027
- Bar Association of Erie County, Rev. A. Joseph Bissonette Pro Bono Award, 2023
- Martindale-Hubbell AV Preeminent Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability, 2013–2019
- New York State Bar Association, President's Pro Bono Service Award for the Eighth Judicial District, 2016

Selected Speaking Engagements

- The Law Society of Upper Canada Estate and Trusts Summit, "US/Canada Cross-Border Issues"
- Goodwill Industries Board Retreat, "Executive Compensation After the New York Nonprofit Revitalization Act of 2013"
- Buffalo Tax Institute, "The Affordable Care Act: The Employer Mandate and Other Considerations"
- New York State Bar Association, "Dealing With Your Client's Retirement Assets" CLE

Selected Alerts & Blog Posts

- One Big Beautiful Bill Act Changes Tax Incentives for Charitable Giving
- Supreme Court Broadens Scope of Religious Exemption From State Regulation
- Not-for-Profits Face New Threats to Tax-Exempt Status
- ERISA Forfeiture Lawsuits: Navigating the Emerging Legal Landscape
- NYS Executive Order 38 Sunset: NYS Agencies Begin to Repeal Regulations Governing Limits on Administrative Expenses and Executive Compensation