Jon McSherry

Partner

Syracuse
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Education

- University of San Diego School of Law, JD
- Syracuse University, *Summa Cum Laude*, BS

Practices & Industries

- Tax
- Corporate
- Trusts & Estates

Admitted to Practice

- New York

Biography

Jon is an experienced attorney and certified public accountant who primarily concentrates his practice on estate and Medicaid planning, trusts and estates administration, business succession planning, and tax law. He assists his clients through all phases of trusts and estates, including planning, document drafting and execution, trust funding, administration, accounting and settlement, and Surrogate's Court litigation.

Jon also assists clients with business planning, including entity formation, drafting and reviewing corporate documents, succession planning, and business sales. He additionally has experience helping individual and business clients resolve NYS and federal tax liabilities.

Bar Associations

- New York State Bar Association, Trusts and Estates Law and Elder Law and Special Needs Sections Member
- Onondaga County Bar Association

Selected Memberships & Affiliations

- Estate Planning Council of Central New York

Representative Experience

- Successfully proved objections to accounting for an inter vivos trust, resulting in surcharges against the trustee.
- Successfully defended the contest of the appointment of a nominated executor.
- Successfully obtained dismissal of a petition seeking the construction of a last will and testament.

- Obtained ancillary probate in New York State for a non-domiciliary decedent's last will and testament.
- Successfully challenged a Medicaid denial resulting from uncompensated transfers.
- Successfully petitioned for the appointment of a guardian for an incapacitated individual under Article 81 of the NYS Mental Hygiene Law.
- Successfully petitioned for the appointment of a guardian of the property for an infant and transfer of the infant's share under a trust into a custodial 529 plan account.
- Represented a client in the sale of an auto repair business, including redemption of his stock and LLC membership units and sale of his tenant-in-common real estate interests with a personal goodwill assignment and covenant not to compete as well as employment and deferred compensation agreements.
- Represented a client in purchasing assets of an auto parts store.
- Successfully obtained an abatement of penalties for failing to file partnership tax returns.
- Successfully obtained dismissal of income tax deficiencies assessed by the IRS relating to adoption credits.
- Successfully obtained IRS consent regarding the non-taxability of settlement amounts reported as wages on a W-2 and non-employee compensation on a 1099-MISC under theory that payments were made for claims stemming from physical injuries.
- Reinstated tax-exempt status for a charitable trust.

Prior Experience

- Costello, Cooney & Fearon, PLLC, Special Counsel
- DeLaney & O'Connor, LLP, Associate
- DeLaney & O'Connor, LLP, Law Clerk
- PricewaterhouseCoopers, LLP, Audit Associate

Selected Community Activities

- Girls on the Run Upstate New York, Inc., Former Board of Directors Vice Chair, Secretary, and Member
- Camillus Youth Basketball Association, Assistant Coach

Selected Honors

- *Best Lawyers: Ones to Watch in America*®: Corporate Law, 2024–2025; Tax Law, 2024–2025
- University of San Diego School of Law, Irvin J. Kahn Award for Excellence in Real Property Courses, 2007
- Volunteer Income Tax Assistance, IRS Outstanding Public Service Certificate, 2006
- Syracuse University, Management Scholar, 2001
- Syracuse University, Accounting Department Academic Excellence Award, 2001

Selected Speaking Engagements

- New York State Bar Association Trusts and Estates Law Section Annual Fall Meeting, "Qualified Personal Residence Trusts"
- Estate Planning Council of Central New York, "Retirement Accounts, Trusts, and Disabled Beneficiaries"

Selected Media

- *New York State Bar Association Journal*, "Retirement Accounts and Special Needs Planning"
- New York State Bar Association *Trusts & Estates Law Section Newsletter* and *The Senior Lawyer*, "Revoking a Prior Power of Attorney Using the New York Statutory Short Form"
- New York State Bar Association *Estate Planning and Willing Drafting in New York*, "Marital Deduction and Credit Shelter Planning" Chapter
- *New York State Bar Association Journal*, "Proper Use of the Estate Tax Marital Deduction"

Selected Alerts & Blog Posts

- Saving the Basis Step-Up When Planning to Reduce Estate Taxes
- Using Charitable Planning to Get a Stretch Payout After the SECURE Act