



David S. Griffel
Partner

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Concentrates on tax issues related to the formation and operation of onshore and offshore investment funds and their investment managers, as well as tax issues prospective investors face with such investments; tax considerations related to employee and executive compensation, including deferred compensation programs; and partnership taxation.

Recognized by *The Legal 500 US* as a leading tax lawyer, David has spoken on tax issues related to running investment management firms and their funds, as well as hedge fund tax considerations and compensation structures.

He is a co-author of *Hedge Funds: Formation, Operation and Regulation* (Full Court Press) and contributed to "Hedge Fund Employee Compensation," published by *Practical Law*.

David has presented on the topic of “Hedge Funds” at PLI’s Tax Planning for Domestic & Foreign Partnerships, LLCs, Joint Ventures & Other Strategic Alliances Conference for several years.

He is a member of the American Bar Association and the New York State Bar Association.

Practices

CREDIT AND DIRECT LENDING FUNDS

TAX

UPPER TIER STRATEGIC ADVISORY AND COMPENSATION STRATEGIES

Bar Admissions

New York

Education

New York University School of Law, LL.M.

New York University School of Law, J.D.

- *magna cum laude*
- Order of the Coif
- Florence Allen Scholar
- Executive Editor, *Environmental Law Journal*

Harvard University, A.B.

- *cum laude*
- John Harvard Scholarship
- Harvard College Scholarship
- Sports Editor, *The Harvard Crimson*

Publications

- “IRS Wins Round One Over Meaning of “Limited Partner” for Self-Employment Income Purposes,” *Hedge Fund Law Report*, February 2024, co-author
- “Recent Tax Court Opinion May Alter Limited Partners’ Self-Employment Tax Liability,” *Schulte Alert*, Nov. 30, 2023
- “New Proposed Regulations Would Affect the Taxation of Foreign Investors in U.S. Real Estate,” *Schulte Alert*, Jan. 6, 2023
- “Tax Update: IRS and New York State Delay April 15 Income Tax Return Filing and Tax Payment (Uncapped) Deadlines Until July 15 (COVID-19),” *Schulte Alert*, April 3, 2020
- “Hedge Fund Employee Compensation,” *Practical Law*, February 2019, co-author
- *Hedge Funds: Formation, Operation and Regulation*, ALM Law Journal Press) 2018, contributor; Full Court Press, 2022, contributor
- “Twilight of the Deferred Fees: Planning for 2017,” *Schulte Alert*, Dec. 19, 2016, co-author; republished in *The Hedge Fund Journal*, January 2017
- “Year-End FATCA Action Items for Investment Funds That Are Sponsored Entities or Have Investors That Are Sponsored Entities,” *Schulte Alert*, Dec. 9, 2016, co-author
- “Hedge Fund Employee Compensation,” *Practical Law*, September 2016, contributor)
- “Recent Developments in Executive Compensation,” *Schulte Alert*, Aug. 19, 2016, co-author
- “FATCA Registration and Compliance Requirements for Hedge Funds,” *Schulte Alert*, April 8, 2014, co-author
- “Tax Legislation Limits Future Deferrals, Penalizes Future Side Pocket Incentive Fees from Offshore Funds,” *Schulte Alert*, Oct. 7, 2008, co-author

Speaking Engagements

- “Tax Considerations 2024,” 33rd Annual Schulte Private Capital Forum, January 2024
- “Tax Planning for Hedge Funds,” PLI’s Tax Planning for Domestic & Foreign Partnerships, LLCs, Joint Ventures & Other Strategic Alliances 2023 Chicago, April 2023
- “Tax Update,” Schulte 32nd Annual Private Investment Funds Seminar, January 2023
- “Tax,” Schulte 31st Annual Private Investment Funds Seminar, January 2022
- “Tax,” Schulte 30th Annual Private Investment Funds Seminar, January 2021
- “Tax,” Schulte 29th Annual Private Investment Funds Seminar, New York, January 2020
- “Secondary Transactions: Tender Offers, Side Pocket Clearing and Residual Assets” and “Tax Considerations for 2019,” Schulte 28th Annual Private Investment Funds Seminar, New York, January 2019
- “Partner vs. Employee – Compensation Considerations for Investment Managers,” NYSSCPA Taxation of Financial Instruments and Transactions Committee Meeting, December 2018
- Schulte Luncheon for Investment Manager Tax Professionals, December 2018
- “FAQ – US Tax Considerations,” Schulte London Investment Management Hot Topics, July 2018
- “Hedge Funds,” PLI Tax Planning for Domestic & Foreign Partnerships, LLCs, Joint Ventures & Other Strategic Alliances 2018: Current Perspectives, New York, May 2018
- “Reform School: Tax Lessons for 2018,” Credit Suisse 2018 Prime Services Leadership Conference, Palm Beach, March 2018

- “Permanent Capital Investment Vehicles” and “Tax Considerations for 2018,” Schulte 27th Annual Private Investment Funds Seminar, New York, January 2018
- “Tax Reform: Impact on Private Fund Managers,” Schulte Webinar, New York, December 2017
- “Challenges Terminating Old Funds and Launching New Ones” and “Tax Considerations for 2017,” Schulte 26th Annual Private Investment Funds Seminar, January 2017
- “Tax Update: New Guidance for U.S. Withholding Tax on Deemed Dividends,” Schulte Webinar, December 2016
- “Hedge Funds,” Tax Planning for Domestic & Foreign Partnerships, LLCs, Joint Ventures & Other Strategic Alliances 2016, Practising Law Institute, June 2016
- “Deferred Fees – 2017 Is Coming!,” NYSSCPA Taxation of Financial Instruments Conference, January 2016
- “Tax Considerations for 2016,” Schulte 25th Annual Private Investment Funds Seminar, January 2016
- Twin Cities Alternative Investment Tax Roundtable, May 2015
- “409A + 457A = ? No Easy Answers for Nonqualified Deferred Compensation for Fund Managers,” NYSSCPA Taxation of Financial Instruments and Transactions Committee Meeting, October 2014
- Bank of America Merrill Lynch Active Management of Alternative Strategies for Family Offices Seminar, May 2014
- “Tax Considerations for 2014,” Schulte 23rd Annual Private Investment Funds Seminar, January 2014
- “Structuring and Restructuring Your Management Company,” Schulte 20th Annual Private Investment Funds Seminar, January 2011
- “Tax and ERISA Planning: U.K. and U.S. Perspectives,” Schulte 17th Annual Private Investment Funds Seminar, January 2008
- “The New Deferred Compensation Proposed Regulations: What You Need to Know,” New York City Bar Center for CLE, October 2005

Memberships

- American Bar Association
- New York State Bar Association

Distinctions

- *The Legal 500 US*