

# Leading LAWYERS

## Ten of the D.C. Area's Top Tax Attorneys

### Robert Wellen

Ivins, Phillips & Barker

As an undergraduate English major years ago, Robert Wellen took great satisfaction in closely reading the poetry of Shakespeare, Donne, and Milton. Deciphering the Internal Revenue Code, says the 58-year-old Ivins, Phillips & Barker partner, isn't so different.

"It may seem surprising to compare the tax code to great poetry, but the process of penetrating it is the same," he explains, noting that the key is "trying to understand the subtleties."

Wellen's command of the nuances of the code has made him one of the top corporate tax lawyers in Washington, D.C.

"When it absolutely, positively has to be the right answer, Bob's your guy," says Gary McKenzie, vice president of tax for the Northrop Grumman Corp.

According to McKenzie, Northrop Grumman has turned to Wellen for more than 10 years for advice on complex tax issues involving mergers and acquisitions, dispositions, and spinoffs.

Another big client is the Visa International Service Association. Wellen and Ivins, Phillips colleague Alan Granwell handled tax issues when the organization incorporated its European division as a separate entity in 2004.

The transaction was "very complex," says Wellen, since Visa, which is owned by 21,000 banks and financial organizations worldwide, "doesn't quite fit the usual mold" of a corporation.

Four divisions of the Internal Revenue Service's chief counsel's office were involved in reviewing the transaction, Wellen recalls, "each with their own part of the elephant to massage. . . It took real orchestration to get it done."

In another complex transaction, Wellen represented the Union Pacific Corp. when it divested trucking subsidiary Overnite Corp. via an initial public offering in late 2003. What made the transaction unusual, says Wellen, was that it was structured to save the new company taxes by giving it a full cost basis in its assets rather than a historic cost basis.

In 2002, Wellen handled tax issues for the HJ Heinz Co. when it spun off its shares of SKF Foods, a subsidiary with brands such as StarKist tuna and 9Lives cat food. The Del Monte Corp. acquired the businesses for \$2.3 billion. The transaction was tax-free for Heinz and its shareholders.

"Every major spinoff is a tax lawyer's playground for technical issues," Wellen says. "It really is a lot of fun."

John Crowe, vice president of taxes at Heinz, praises Wellen for his ability to combine "really unsurpassed technical skills with very good business judgment. Lots of people have technical skills, but many fewer have the ability to be practical and find solutions that make sense in a business context."

Adds Crowe: "What you want in an outside lawyer is wise counsel, and that's what I always think I have from Bob."

Wellen's interest in tax law goes back to childhood. His father was an accountant and a lawyer with his own firm. "I worked for my dad's firm for a few summers in high school and college—enough time to know that I wasn't a numbers guy," Wellen remembers.

But the tax courses he took at Yale Law School were another story. "I found the tax stuff fit with the way my mind works—it just did," he says.

After receiving his law degree in 1971, Wellen served for three years in the Judge Advocate General's Corps of the U.S. Naval Reserve. He was stationed in Washington, D.C.,

and handled a variety of work, ranging from criminal defense to writing wills. At night, he attended Georgetown University Law Center, earning an LL.M. in taxation in 1975.

When Wellen's stint in the Navy was over, he signed on with the D.C. office of Fulbright & Jaworski, lured in part by Georgetown professor Peter Weidenbruch, who was of counsel at the firm. Wellen made partner in 1979. In 1993, he moved to D.C.-based tax boutique Ivins, Phillips.

With just 35 lawyers, Wellen says, firm bureaucracy is kept to a minimum, but "we are able to practice at a high level with sophisticated clients and work."

"Clients use us for a reason," he continues. "They know that within our area, we can really get the job done efficiently."



ROBERT WELLEN  
IVINS, PHILLIPS &  
BARKER

JAY MALLIN

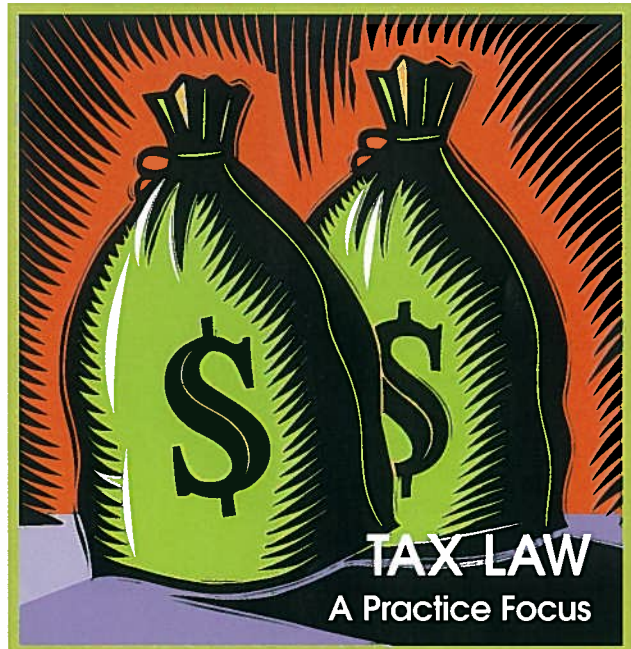
# Identifying **10** Leading Tax Lawyers

In tax law, it really is all about the money. And these 10 D.C. attorneys rank among the best at convincing the Internal Revenue Service—or Congress or a jury—that their clients' tax burden should be a little smaller.

Some of them are generalists who handle anything involving the Internal Revenue Code. But more and more, the practice is tilting toward specialists. Blame it on an increasingly complex tax code and competition from the accountants. So *Legal Times'* list also names the go-to attorneys in several [insert impossibly arcane issues here].

For their esoteric expertise, these top tax lawyers bill as much as \$850 an hour.

How did *Legal Times* pick them? We solicited suggestions from our readers and reporters. Then, freelance journalist Jenna Greene (formerly an editor at *Legal Times*) interviewed dozens of experts to narrow down the list to 10 names.



You can learn more about the Leading Lawyers series, including how to nominate attorneys, at [www.legaltimes.com](http://www.legaltimes.com). The final report of 2005 will be "Food & Drug Law" (Sept. 19).