

Two years in Switzerland helped Tulsa attorney professionally

By Ralph Schaefer For the Tulsa Business & Legal News

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James Scears, GableGotwals associate attorney, worked for a multinational law firm and private wealth management firm in Switzerland. Part of his work involved helping U.S. citizens pay taxes even though they lived in another country.
Ralph Schaefer/For TBLN

The Internal Revenue Service can come knocking on doors of U.S. citizens living in many foreign countries to collect taxes.

Caught off guard with this unexpected obligation, many who don't know they are U.S. citizens seek legal help. James Scears, now a GableGotwals associate attorney, handled those situations while part of a multinational law firm and private wealth management group in Switzerland.

The 2012 University of Oklahoma College of Law Graduate who earned his LLM from New York University in 2013 worked in Switzerland for about two years and experienced paying taxes in his host country and the U.S. He admitted to having a “rude awakening” when he joined the Zurich firm.

“It was my first private practice experience,” he said. “Not only was I learning the work, I learned about language barriers.”

Almost everyone spoke English in Switzerland, but occasionally documents written in French or Italian were received and had to be translated before Scears could advise clients.

Then there were the emails. He had to sometimes refrain from using big words since English often was a second, third or fourth language for people.

While overseas, he dealt with “new, twisted and complex issues” daily, learning to digest information quickly about legal issues. The local practice at GableGotwals is different only in that he is not dealing with international tax issues, he said.

Yet the work must be digested quickly and new laws understood so clients can receive good legal advice.

“We do sophisticated work here at GableGotwals,” Scears said, “even though the substances are different, it keeps you on your toes.”

One area he dealt with is the Foreign Account Tax Compliance Act, which required financial institutions to report account owners’ holdings to their respective home countries. It focused on the possibility of anyone hiding money.

The long arm of the U.S. law reached across borders, and foreign bankers were prosecuted if they did not make the required reports, Scears said. Some bankers found themselves in U.S. prisons because they failed to comply with international law.

A major component of Scears’ work in Switzerland was to help clients seeking relief from FATCA.

“Accidental citizens,” as they are referred to in the tax code, are most often caught off guard since they were born in the U.S. when their parents were here for work or school. They never intended to become U.S. citizens and returned to their parents’ native land without realizing their citizenship status.

Scears and other attorneys can help the client rectify the situation, which could include renouncing their U.S. citizenship if they have no real connection to the U.S. FATCA came about because people may or may not have been intentionally hiding money from the IRS, he said. Foreign financial institutions are required to report account owners and bankers faced serious consequences for failure to comply with the international agreement.

Corporations also are required to meet tax obligations if they had connections to the U.S., Scears said. Corporate taxes can be deferred by keeping money overseas, and only money brought back to the U.S. is taxable.

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