

Moodys Gartner Tax Law Isn't Afraid of Taxing Problems

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Greg Gartner



Roy Berg



Kim Moody

Words have the power to evoke powerful emotions, but few words strike fear in the heart of a person like the phrases: tax law, IRS and CRA. Yet, while any quake at the thought of tax legalese, long phone calls with tax agents, and mountains of confusing paperwork, there is a small yet stalwart group that welcomes the challenges of tax law with open arms. They are Moodys Gartner, and their slogan, “tax well solved™,” summarizes their approach to business. They solve tax problems – and they do it on both sides of the border.

Moodys Gartner Tax Law is a firm with branches in Edmonton, Calgary, Vancouver and New York State. The roots of the firm go back six years with Kim Moody, Greg Gartner, Roy Berg and Dale Franko as its founders. The niche firm specializes in Canadian and American (cross-border) tax law, and largely serves private clients.

Moody, a chartered accountant and director of Canadian tax advisory, works from the Calgary office. “There is a big, big, need in the marketplace for what we do,” he states about the reason for existence of the firm. “There is a huge need and it was underserved.”

Greg Gartner is both a chartered accountant and a lawyer and acts as the director of Canadian tax law for the firm, working from the Edmonton office. His reasons for entering the profession came about in a slightly different way. “When I was going through business and law school, I spent some summers working on the rigs up north. My dad put his foot down and said ‘it never hurts to learn something about accounting.’ So, I started working for an Edmonton accounting firm while going through law school to pay my way. I got interested in it from there.” But, he admits with a laugh, “some days I still miss the rigs!”

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~ Roy Berg

However, whatever thrill is missing from navigating a big rig on a northern road is recaptured in the specialized services offered by Moodys Gartner, as Roy Berg, director of U.S. tax law, is happy to point out. “What makes us unique is that we have U.S. professionals and Canadian professionals and those professionals are both accountants and lawyers,” says Berg. “It is a very unique mix of professionals. The reason for that is if you need tax advice, you can either go to a lawyer or you can go to an accountant. The advice you get from a lawyer is understandable for other lawyers. The advice you get from an accountant is understood by another accountant. By having both accountants and lawyers working together under the one roof of a tax law firm, we produce a work product that is understandable and actionable by both professions, which is most beneficial to the client. Our U.S. tax lawyers are typically U.S. born,” Berg continues, “They all (myself included)

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In addition to providing expert tax law services, Moody, Gartner and Berg are always happy to provide education about the profession through volunteer speaking, mentoring, legal education programs and more.

were educated in the U.S., have graduate degrees in U.S. taxation from U.S. institutions and have practiced in the U.S. There are only a handful of firms based in Canada that have this type of expertise.”

Gartner, who advises on purchases, sales of businesses and corporate reorganizations, says his job entails a 50 per cent cross-border element in the U.S., Europe and South America. To demonstrate the need for cross-border tax specialist advice, he points out, “The Income Tax Act alone is over 2,000 pages. In the last five years in my practice I’ve seen more changes than I had in the previous 15!”

When it comes to taxes, there are many things the average Canadian fails to consider. In addition to making sure your reporting has been completed and filed correctly, one must also think about tax planning. According to Gartner, if you are proactive in terms of your future transactions and how you structure them, you can minimize your tax burden. In Canadian tax law, it is perfectly legal to structure your affairs to pay the least amount of tax as long as you remain in accordance with the rules.

While Canadians are warming up to the idea of seeking advice to utilize these tax laws, they are still shy about dipping their toes into the murky waters of planning around U.S. tax laws. “Expanding into the U.S., that is where taxpayers get either overwhelmed by the complexity or ignore the issues because they perceive the tax laws are the same as Canada’s,” says Gartner. He is, however, happy to point out, “That is changing very quickly. Our firm cements this practice by having services for those people.”

While not an exceptionally large firm, Moody's Gartner proves their strength lies in their expertise. Currently there are 20 employees in Calgary, eight in Edmonton, two in Vancouver and 13 in New York State. “Those are not huge numbers, but we are only a tax shop. To have 40 professionals doing just tax – only a handful of international law firms will have that large of a tax department. So if you took

the entire tax department of one of the biggest law firms in Canada, we stack right up with them in terms of the quantity and definitely the experience of the biggest and best,” says Berg with pride.

Their newest location, Vancouver, houses a senior dispute resolution tax litigator (and interestingly enough, former professional baseball player), Tim Clarke. “He is the cornerstone of that office,” says Berg of the man hired to head up their newest service offering. While Moody's Gartner has assisted clients with dispute resolution in the past, addressing it in this targeted way is a new venture for the firm. Clarke will handle CRA dispute matters and if the firm’s past track record is any indication, this will be yet another area of great success.

In addition to providing expert tax law services, Moody, Gartner and Berg are always happy to provide education about the profession through volunteer speaking, mentoring, legal education programs and more. Moody is a former chairman of the Canadian Tax Foundation, which he served without compensation, as well as the former chairman of The Society of Trust and Estate Practitioners for Canada (STEP). Berg sits on the advisory board of the New York School of Law’s international tax program and sits on board of STEP’s Edmonton chapter. “The bottom line is, we are not shy about volunteering for the benefit of our profession,” says Moody.

The way to succeed is to work hard in the areas you excel, and trust the experts in the areas you are unfamiliar with. Just like a bride would likely not sew her own gown, make her own cake, provide the DJ services and officiate the wedding, neither should a person unfamiliar with tax law try to navigate the many rules, changes and procedures on their own. Moody's Gartner Tax Law, a firm founded by and staffed with a wonderful group of people whose careers are dedicated to the tax profession, are the professionals to trust for sound, expert and timely tax law advice. **BIC**