von Briesen
von Briesen & Roper, s.c. | Attorneys at Law

Peter J. Walsh
Attorney

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Peter Walsh is an attorney with twenty years of experience in estate and asset protection planning and inheritance litigation. Peter assists clients with preserving family wealth through estate and asset protection planning. For example, he utilizes various estate planning techniques to minimize taxes and administrative expenses upon the death or incapacity of a family member. Such planning may include a revocable trust to avoid the cost of court involvement upon the death or incapacity of the client or an irrevocable trust for efficient wealth transfers and creditor protection. Peter's admission to the state bars of Wisconsin, Illinois and Florida allows him to provide estate planning to clients with interests in any one or more of these states.

Similarly, Peter assists clients with planning for the high costs of caring for elderly or disabled family members at home or in a skilled nursing facility. This planning may involve incorporating private life or long-term care insurance into an estate plan to help recoup the costs of such care or restructuring ownership of family assets to allow for eligibility for public benefits, such as Medicaid, without the expenditure of all family assets.

Peter helps individuals with inheritance litigation, tax and creditor disputes. With respect to inheritance litigation, Peter has successfully litigated will and trust contests, as well as claims for breach of fiduciary duty, intentional interference with inheritance and undue influence. He also defends claims filed against estates and trusts.

Peter has broad experience with federal and state tax disputes. He has successfully resolved challenges to positions taken on client's income tax, gift tax and estate tax returns, and has successfully challenged state property valuations related to real property taxes.

Peter assists clients with:

- Estate planning: Preparing and implementing estate plan documents, including revocable living trusts, marital property agreements, pour-over wills, living wills, medical powers of attorney, and durable powers of attorney.
- Elder law, Medicaid, Medicare: Planning for eligibility for Title XIX, Medicaid, family care and supplemental security income, preserving assets for disabled individuals through special needs trusts, and petitioning for guardianships.
- Tax and succession planning: Structuring multigenerational asset and business transfers for affluent individuals and business owners to minimize estate and gift taxation and to maximize creditor protection.
- Probate and trust administration: Administering estates and trusts, including representation in probate proceedings, preparation of estate tax returns and fiduciary income tax returns for estates and trusts and disputing creditor claims.
- Inheritance litigation: Defending and prosecuting will and trust contests, intentional interference with inheritance, undue influence and breach of fiduciary duty claims.
- Tax controversies: Defending taxpayers' rights and positions in tax audits, litigation and collections actions involving state and federal taxing authorities.
- Business matters: Organizing business entities, such as corporations, partnerships and limited liability companies, and advising them as to tax and non-tax related legal issues.
- Tax-exempt organizations: Organizing and representing tax exempt organizations, including applying for tax-exempt status and complying with ongoing federal and state requirements.

Resources:

- Ten Essential Legal Documents (PDF)
- Estate Planning Questionnaire for Unmarried Persons - electronic submission
- Estate Planning Questionnaire for Unmarried Persons - fillable PDF form
- Estate Planning Questionnaire for Married Persons - electronic submission
- Estate Planning Questionnaire for Married Persons - fillable PDF form

Long-Term Care Planning Resources

- "Long-Term Care Asset Protection Planning"
- "The Basics of Wisconsin Medicaid Planning & Long-Term Care Asset Protection Planning" (PPT)
- "The Basics of Wisconsin Medicaid Eligibility Planning"

- "Long-Term Care Planning Terms"

"Long-Term Care Asset Protection Planning" five-part video series:

1. Part 1 - Introduction to Long-Term Care Planning
2. Part 2 - Basics of Medicare, Long-Term Care Insurance and Medicaid
3. Part 3 - Medicaid Financial Eligibility and Spousal Impoverishment Protections
4. Part 4 - Medicaid Divestments, Estate Recovery and Eligibility Planning
5. Part 5 - Medicaid Eligibility Planning with Trusts, Exempt Assets, and Annuities

- Parts 1-5 (Combined)

Areas of Practice

- Estate and Trust Administration
- Estate Planning
- Fiduciary Litigation and Inheritance Disputes
- Elder and Special Needs Law
- Tax
- Trusts and Estates

Education

- University of Florida, LL.M. Taxation
- DePaul University, J.D.
- Marquette University B.A.

Bar Admissions

- Wisconsin
- Illinois
- Florida
- U.S. District Court, Eastern District of Wisconsin, District of Massachusetts
- U.S. Court of Appeals, 7th Circuit

Representative Matters

- Prepared and implemented more than 600 estate plans for clients with interests in Wisconsin, Illinois and Florida.
- Successfully resolved Medicaid and Medicare eligibility issues permitting the qualification of clients for needed government medical assistance.
- Successfully represented taxpayers in multimillion-dollar income, estate and gift tax audits at the federal and state levels involving various legal issues and valuation disputes.
- Successfully represented parties in will and trust contests, a wrongful death action, and actions for intentional interference with inheritance, breach of fiduciary duty and undue influence.

Professional and Civic Associations

- State Bar of Wisconsin (Elder Law Section, Former Chair)

Honors and Accomplishments

- *The Best Lawyers in America*®, Elder Law (2018-2026), Trusts and Estates Law (2020-2026)
- AV Preeminent® Peer Review Rated by *Martindale-Hubbell*®