

Principal, Albany

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Practices

- Corporate Governance and Investigations
- Employee Benefits
- Financial Services
- Healthcare

Education

- Albany Law School, J.D. 1989
- State University of New York at Albany, B.A. 1986

Admitted to Practice

- U.S. Tax Court 1999
- New York – N.D. N.Y. 1991
- Massachusetts 1989
- New York 1990

Brian Goldstein focuses his practice in the areas of executive compensation, employee benefits, and ERISA fiduciary counseling. He is a founding member of the firm's ESOP class action practice.

For over 30 years, Brian has assisted clients with the design and implementation of all types of pension, profit sharing, 401(k), employee stock ownership, stock-based compensation, nonqualified deferred compensation and tax-sheltered annuity plans. His practice has a particular concentration on ESOPs, structuring ESOP transactions by public and private companies, representing clients who are buying or selling ESOP companies, and representing institutional and other ESOP fiduciaries in transactions and related compliance matters and controversies. He also regularly represents clients before the IRS in connection with resolving defects with their qualified plans, and in IRS audits, DOL investigations and PBGC matters.

In the securities area, Brian has been involved in registered offerings and private placements. He has also represented registered investment advisors, broker/dealers and salespersons in a variety of capacities. Brian has limited his practice in the securities area to the ERISA and executive compensation side of securities matters.

Brian's client base varies widely, and includes large public companies, institutional plan and other fiduciaries, professional practices and small businesses. He serves as counsel to a number of bank trust departments across the nation, advising them on their ERISA fiduciary responsibilities and on qualified and nonqualified plan issues (including document preparation and administrative issues). He has been active in many transactions throughout the nation involving conversions of savings banks from mutual to stock form, and the offering of their stock to the public.

Brian has a forte in complex qualified retirement plan testing, including testing of qualified retirement plans in large controlled groups. As a side business to his law practice, he previously owned a retirement plan record-keeping firm which focused on testing matters that he sold over ten years ago.

Brian is a frequent author and lecturer on the laws applicable to ESOPs, ESOP transactions, qualified and nonqualified retirement plans, cash- and equity-based compensation plans and on ERISA fiduciary responsibilities.

Honors and Recognitions

- *The Best Lawyers in America*®, "Employee Benefits (ERISA) Law" (1997-present), "Employment Law – Management" (2019-present) and "Litigation – Labor and Employment" (2025)
- *Martindale-Hubbell*®, "Distinguished® – Peer Rated for High Professional Achievement" (1999-present)