Forbes



Robert W. Wood THE TAX LAWYER

Sep. 11 2012 – 11:04 am

UBS' Bradley Birkenfeld Gets \$104 Million, Blows Doors Off IRS Whistleblower Program

Now, many who have submitted claims are likely walking with a lighter step, and many more are lining up to file new claims. Why? The IRS just awarded former UBS banker <u>Bradley Birkenfeld</u> a whopping \$104 million! See <u>UBS</u> <u>Whistle-Blower Birkenfeld Secures</u> <u>IRS Award, Lawyers Say</u>.



A OBS branch is pictured in central London, on September 15, 2011. (Image credit: AFP/Getty Images via @daylife)

Sure, he was the key informant about the massive UBS offshore account promotion that ended up bringing in so many dollars. Sure, his treasure trove of dirt was the domino that caused many others to fall. Sure, it brought banks and U.S. taxpayers to their knees before the IRS and Justice Department.

But recall that after Mr. Birkenfeld came forward with all his data about UBS's account dealing, he went to jail. In 2008, he was charged with withholding information about his role and relationship with a wealthy California developer. He plead guilty to one count of conspiracy, and was recently released to a halfway house after serving part of his 40-month sentence.

But in 2009, Mr. Birkenfeld filed a claim with the IRS and stood to get up to 30% of revenue recovered with his information. His lawyers have said his actions may have brought in more than \$5 billion. Tallies vary, and much can probably be debated.

Still, if you're tallying numbers, recall that in 2009, UBS paid \$780 million to resolve a pending criminal case and agreed to turn over information on U.S. account holders. This became the Rosetta Stone about one-time vaunted <u>Swiss bank secrecy</u>. The rest, as they say, is history.

And while you might be thinking, gee, \$104 million isn't 30%, this is an astounding recovery and great sign for the <u>IRS program</u>. As for the IRS, I'll bet the phone at the <u>IRS whistleblower office</u> is ringing off the hook right now.

Robert W. Wood practices law with <u>Wood LLP</u>, in San Francisco. The author of more than 30 books, including Taxation of Damage Awards & Settlement Payments (4th Ed. 2009 with 2012 Supplement, <u>Tax</u> <u>Institute</u>), he can be reached at <u>Wood@WoodLLP.com</u>. This discussion is not intended as legal advice, and cannot be relied upon for any purpose without the services of a qualified professional.