

Practices

State and Local Tax Consulting and Controversy

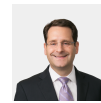
Akerman's State and Local Tax attorneys help clients manage their business and tax challenges amidst a constantly changing landscape of state and local tax laws and business and technological advancements. We are known for our work involving novel and emerging issues, and we also represent clients through routine and complex audits, administrative appeals, trial, mediation, and appellate litigation. We also provide data management, analysis and consulting, and legislative and lobbying support to complement these efforts and provide a full-service solution to a tax department's needs.

Akerman frequently works with clients to balance the need to mitigate future assessments and risk with each client's practical business goals, resources, and limitations. We help companies create tax efficient structures and strategies, use our vast experience in multiple industry sectors to easily identify potential risk and exposure, and achieve greater practical tax management and efficiency across multistate operations.

Our practice is national, and we have experience representing clients in state and local tax controversy matters in nearly every U.S. state, Canada, and Puerto Rico.

Akerman's tax group represents Fortune 500 companies and middle market national companies in key sectors including automotive, data and technology, healthcare, national retail, retail banking

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Our Team

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and finance, and equipment and vehicle finance and leasing. We also represent online retailers and marketplace providers, digital goods creators and sellers, and sharing economy industry participants, whose cutting-edge products and services challenge the traditional applications of state and local tax laws, and national companies that have filed for bankruptcy protection. We also serve as underwriting counsel to multiple insurers in the tax insurance market, assessing risk transfer on state and local tax policies.

“They are incredibly attentive, quick, and proactive in helping to meet our legal needs.”

Legal 500

Our attorneys have represented clients in many precedent-setting SALT cases, particularly in recent years, as state and local taxing entities have adopted more aggressive interpretations of tax regulations in the face of uncertain application of modern business to older statutes and to raise greater revenues. Clients benefit from our deep knowledge, experience, and strategic insight into the innerworkings of multiple state and local taxing authorities, enhancing our ability to resolve disputes without the need for formal litigation.

Our SALT team has earned wide recognition in the legal tax community. We have twice been named “Tax Practice Group of the Year” by *Law360*. *Chambers USA* and *The Legal 500* have recognized our SALT practice and individual attorneys for their work. Our lawyers are sought-after speakers and regularly present at conferences held by leading industry organizations such as the Council on State Taxation (COST) and the Institute for Professionals in Taxation (IPT). We are quoted regularly in publications such as *The Wall Street Journal*,

Law360 Tax Authority, and *Forbes*, and we contribute articles frequently to *Bloomberg Tax* and *Tax Notes*, which features the practice's quarterly "SALT Insights" column.

What We Do

- Apportionment and unitary business considerations
- Audits and administrative appeals
- Bad debt sales tax refund and credit claims
- Bankruptcy tax
- Class action tax litigation defense
- Corporate income tax
- Documentary stamp tax and real estate transfer tax
- Franchise tax
- Gross receipts and business activity taxes
- Legislative and lobbying services
- Nexus inquiries
- Real and personal property tax
- Sales and use tax
- State and local tax litigation in trial, appellate, and supreme courts
- State tax insurance underwriting
- Taxability matrices and other client product tools
- Unclaimed property liabilities
- Voluntary disclosure agreements

Select Experience

- Representing multiple remote retailers in a sales tax case of first impression in a constitutional challenge to the state of Illinois' "Leveling the Playing Field" Law.

- Representing major financial institutions in multiple tax litigation matters across the country (NY, CA, FL, IL, and WA), including a highly contentious case of first impression in the state of Washington over the taxation of Interchange and sourcing of “card-not-present” (eCommerce) transactions.
- Representing a transportation technology company in a dispute with the City of Chicago over a tax assessment related to third-party software apps used to secure parking spaces for individual users.
- Representing a major bank in its property tax appeals across the country, including its significant properties and headquarters location in New York.
- Obtained summary judgment in favor of a major bank on entitlement to approximately \$6 million of refunds of documentary stamp taxes and nonrecurring intangible taxes overpaid by the bank on home equity loan refinancing transactions.
- Secured a \$14 million sales tax refund from the State of California on behalf of a major financial institution, in collaboration with numerous national retailers, related to sales tax paid on sales that resulted in bad debts.
- Represented a Florida-based S corporation before the Massachusetts Supreme Judicial Court in a case that resulted in a landmark and groundbreaking favorable ruling on an issue that has been pending in several states across the country.
- Represented a large national commercial printer in a dispute with the North Carolina Department of Revenue. State trial court ruled in the client’s favor that the sales tax assessment was unconstitutional under the Commerce Clause because the challenged sales transactions took

place outside the state. Akerman's writ of cert to the U.S. Supreme Court was ultimately denied, but the case attracted substantial amicus brief support from prominent organizations and widespread press coverage of the tax nexus issue involved.

- Represented the fuel supplier subsidiary of a major convenience store client in the appeal for overpaid Florida fuel tax. Florida's First District Court of Appeals ordered the State's Department of Revenue to issue a \$3+ million tax refund, reversing the agency's original denial of its refund claim.
- Represented one of the world's top telecommunications companies in its case challenging the Florida Department of Revenue in a precedential outcome affecting any multistate corporate taxpayer that acquires entities with Florida net operating losses (NOL). A circuit court ruled in favor of the client, the case was upheld on appeal, and the client will be entitled to approximately \$11 million in income tax benefits.
- Representing a Fortune 500 entertainment client in multiple tax planning, controversy, and litigation matters across the country, including complex marketplace facilitator sales tax issues.
- Obtained a ruling in Florida state court that a subsidiary that provided services to its parent company in Minnesota isn't liable for more than \$10 million in Florida corporate income taxes.
- For one recent Fortune 500 entertainment client, engaged in aggressive pre-litigation posturing with an Ohio jurisdiction to reduce a proposed 9-figure tax assessment to a nominal amount without the need for years of litigation.
- Advised a leading car manufacturer's finance arm regarding a California consumer class action filed under the state's Unfair Competition Law. The plaintiffs alleged they had been improperly

charged with a sales tax upon returning their leased vehicles. A trial court dismissed the suit and a California appeals court affirmed the decision.

- Served as Florida local counsel for an auto manufacturer's groundbreaking issuance of over \$1 billion in asset-backed securities, which is the largest volume of asset-backed securities the company has ever placed in the market. Handled the motor vehicle regulatory and tax issues surrounding the transaction, such as certificate of titles, lienholder interests, and tax liabilities with respect to Florida-based vehicles in the collateral pool.
- Represented an automotive client in negotiating a Memorandum of Understanding with the Georgia Department of Revenue that allowed it to obtain the benefit of sales tax-advantaged treatment for its subscription fleet.