

TAX LITIGATION

Cole Schotz regularly represents individuals and businesses in a variety of tax controversies and tax litigation, civil and criminal. Cole Schotz appears regularly before the Internal Revenue Service, the United States Tax Court, the New Jersey Tax Court, the New York State Division of Tax Appeals and Tax Appeals Tribunal, the United States District Courts and Courts of Appeals, the state courts of New Jersey and New York, and the United States Attorneys' and state prosecutors' offices.

When tax examinations do not conclude with an agreement with tax authorities, we represent clients in administrative appeals and in court in a wide variety of matters involving federal and state taxes. These include individual and corporate income tax, employment taxes, estate and gift taxes, sales and use taxes, real property taxes and tax exemptions.

We regularly represent clients facing the possibility--or reality--of investigation or prosecution for alleged criminal tax offenses, including alleged omission of income, improper deductions, failure to disclose foreign accounts or other alleged improprieties. We counsel clients attempting to minimize or reduce the likelihood of criminal prosecution, whether the client is already the subject of a criminal investigation or is concerned about discovery of tax improprieties due to disclosure by a third party or a civil tax audit. We also guide clients through the process of voluntary disclosure of foreign accounts, omission of income or other tax improprieties. Where a criminal investigation or indictment cannot be avoided, Cole Schotz represents clients with the administrative criminal investigation agencies, the prosecutors' offices and in court.

REPRESENTATIVE MATTERS

- Represented owners of a local manufacturer in a successful challenge to the New Jersey Division of Taxation's refusal to allow their S-corporation to deduct numerous charitable contributions on their New Jersey tax returns.
- Represented a local wholesaler and online retailer in a sales and use tax case in a successful challenge to the New Jersey Division of Taxation's refusal to honor facially valid tax exemption certificates.
- Obtained refunds of sales tax on machinery and equipment used for transmitting television programs for a national provider of cable television services.
- Guided numerous clients with holdings in Swiss banks accounts through the IRS's voluntary disclosure program.
- Counseled clients accused of paying employees "off the books" in reconciling with labor and tax authorities without prosecution.
- Guided local doctor through an IRS criminal investigation into alleged omitted income.
- Represented small business owners in United States District Court accused of failing to report cash income.

TAX LITIGATION (Continued)

- Represented officers of manufacturing concern accused of diverting pension and medical insurance funds for business operations purposes.
- Successfully negotiated a resolution of payroll taxes in federal district court on behalf a medical group, reversing a decision by IRS Appeals at a collection due process hearing.
- Represented clients in the United States Tax Court in a dispute over whether their S-corporation election, which the IRS denied receiving, had been properly made.
- Represented Florida vessel owner in challenge to use tax imposed by New Jersey Division of Taxation
- Defeated municipality's attempt to imposed property taxes on land where client built a low-income housing project, in reliance on a tax exemption agreement.