



Pat Smith Quoted in Law 360 on Likelihood of Supreme Court Review of Altera Case

PRACTICE AREAS

Tax

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IPB attorney Pat Smith was quoted in a *Law 360* article on the likelihood that the Supreme Court might agree to review the Ninth Circuit decision in *Altera*, reversing the Tax Court's decision holding that the provision in the section 482 regulations requiring companies to share the costs of stock-based compensation violated the Administrative Procedure Act's arbitrary and capricious standard, now that the Ninth Circuit has denied Altera's petition for *en banc* review of the panel decision. *Admin. Law Could Pave Way For High Court Tax Regs Fight*.

Patrick J. Smith, a partner with Ivins Phillips & Barker Chtd., said a potential Supreme Court petition from Altera should focus on the administrative law element of the case.

The panel "decided the case based on a rationale that was not relied on by the Treasury at the time these regulations were issued," he said. "That's a fundamental violation of basic administrative law principles."