



Pat Smith Quoted in Tax Notes on Cert Petition in CIC Services Case

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IPB attorney Pat Smith was quoted in a *Tax Notes* article on the cert petition that was filed last Friday in the Sixth Circuit *CIC Services* case, which held that the Anti-Injunction Act barred the plaintiff's challenge to the failure to use notice-and-comment rulemaking procedures in issuing a notice that classified certain micro-captive insurance arrangements as transactions of interest. *Supreme Court Called on to Decide Scope of Anti-Injunction Act*.

CIC Services' appeal "has the potential to be an extremely significant case in terms of the interpretation of the Anti-Injunction Act," Patrick J. Smith of Ivins, Phillips & Barker Chtd. told *Tax Notes*.

According to Smith, the sharp divide among the Sixth Circuit judges and Sutton's suggestion that the dispute can be authoritatively resolved only by the Supreme Court "provide substantial grounds to be optimistic that the Court will agree to hear the case."

Smith said that CIC Services' petition makes a strong argument that the *Florida Bankers* case was wrongly decided because it conflicts with *Direct Marketing*, and thus that the Sixth Circuit's majority opinion is likewise incorrect.

"As the petition clearly explains, this is an extremely important issue because the position taken in *Florida Bankers* means that parties adversely affected by tax regulations are in many cases effectively barred from obtaining meaningful judicial review of these tax regulations, in contrast to parties that are adversely affected by regulations issued in any other area than tax," Smith said.