

Representative Legal Matters

George M. Clarke

- Representing Sunoco, Inc. in a suit challenging the offset of the ethanol fuel credit to cost of goods sold.
- Represented several Category 2, Category 3, and non-participating banks with respect to the DOJ non-prosecution agreement program including advising on foreign law deductibility of payments made.
- Representing an individual in a major securities fraud investigation.
- Lead counsel in a case to compel the President of the United States to comply with Federal record-keeping laws.
- Representing a major pharmaceutical company in a transfer pricing dispute with the IRS.
- Represented the former General Counsel of the Navy in amicus briefs in the Supreme Court and the Fourth Circuit setting out the policy and ethical justifications barring the use of torture.
- Defended Shell Oil Company in a period of limitations case in the Federal Circuit.
- Tried Tax Equity and Fiscal Responsibility Act (TEFRA), period of limitations, and economic substance issues before the United States Tax Court for former partners of BCP Trading & Investments, LLC.
- Represented a key witness in a major tax evasion investigation by DOJ.
- Represented Guardian Industries Corporation in a successful motion for summary judgment, affirmed on appeal, regarding foreign tax credit and technical taxpayer issues.
- Part of a team which successfully negotiated a multi-million settlement in a transfer pricing case involving a buy-in valuation issue at Internal Revenue Service (IRS) Appeals.
- Obtained a complete victory for America Online, Inc., in its suit for a refund of federal excise tax.
- Negotiated a non-prosecution agreement for a foreign banker in a major criminal tax prosecution.
- Tried and argued war on terror and military law issues for a prisoner held in Guantanamo.
- Successfully obtained a pre-trial settlement regarding economic substance, S corporation and employee stock ownership issues for the Estate of James B. Rehrig and Mary Y. Rehrig, et. al.

Baker McKenzie.

- Tried penalty and economic substance issues before the United States Tax Court for a high net worth individual resulting in the exclusion of a serial government expert witness and a decision exonerating the client for USD 16 million in penalty liability.
- Acted as lead counsel in a suit challenging the application of the misrepresentation and tax exceptions of the Federal Torts Claims Act to government misconduct.
- Represented two key witnesses in the trial of Swiss banker Stefan Buck.
- Acted as lead counsel in the only case brought to challenge the IRS's voluntary disclosure practices with respect to offshore accounts.
- Represented two major trade and policy associates in a Supreme Court amicus brief challenging the application of the Anti-Injunction Act to the tax regulatory process.
- Represented the key witness in one of the largest offshore tax evasion schemes prosecuted by DOJ.
- Advised a coalition of domestic and foreign companies with respect to the deductibility of a major health-related government settlement.
- Achieved a 90 percent reduction in FBAR penalty by opting out of the voluntary disclosure penalty framework in the context of an offshore bank account case.
- Defended a multinational company in a foreign criminal tax investigation and advised the company on US issues with respect to the investigation, including extradition, foreign evidence gathering, and FIN 48.