



## Jasper L. (Jack) Cummings, Jr.

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### *Related Services*

Tax ■ Federal & International Tax ■ International ■ Tax Policy & Regulation ■ Transactional Tax Insurance

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*Jack has more than 30 years of experience finding solutions for his clients in the realms of federal, international, and state tax. He has argued a case before the Supreme Court and served as IRS associate chief counsel. An industry thought leader, Jack has written several books and publications on a variety of tax-related topics.*

Jack Cummings is counsel in Alston & Bird's Federal Tax Group in Raleigh and Washington, D.C. He served as IRS associate chief counsel (corporate) and chair of the Corporate Tax Committee of the ABA Section of Taxation. His books include *The American Jobs Creation Act of 2004* (with Robert Hanson); *The Supreme Court's Federal Tax Jurisprudence*, published by the American Bar Association in 2010, second edition in 2016; and *The Supreme Court, Federal Taxation and the Constitution*, published by the American Bar Association in 2013. In addition, he regularly authors a column in *Tax Notes* ("What Were They Thinking?"). During 2018 and 2019, Jack published 12 in-depth articles in *Tax Notes* explaining all the major international provisions of the Tax Cuts and Jobs Act of 2017. He is currently revising the *BNA Portfolio on Lobbying and Political Expenditures*. Jack is a graduate of Duke University, summa cum laude, Yale Law School, and the Graduate Tax Program of NYU Law School. He has also successfully argued a state tax case in the U.S. Supreme Court, *Fulton Corp. v. Faulkner*, 516 U.S. 325 (1996). *Chambers USA* recognized him as a senior statesperson in Tax Law in North Carolina. In 2019, *The Best Lawyers in America* recognized Jack as the "Lawyer of the Year" in Litigation and Controversy – Tax, in addition to being annually recognized in Tax Law.

### *Representative Experience*

- Advised on several spin-off transactions, both from the viewpoint of the corporations involved and of corporations considering acquisitions of recently spun corporations.
- Advised on potential court challenges to regulations issued to carry out international changes adopted in 2017.
- Advising on issues surrounding deference to federal regulations.
- Advised on several restructurings of multinationals in response to the Tax Cuts and Jobs Act of 2017.

### *Publications & Presentations*

#### **Publications**

- "At Risk? Who Cares?" *Tax Notes Federal*, January 3, 2022.
- "Mark-to-Market: Tax Shelter Tool," *Tax Notes Federal*, December 20, 2021.
- "The Supreme Court and American Indian Taxation," *Tax Notes Federal*, December 6, 2021.
- "Asset Selectivity in Reorganizations," *Tax Notes Federal*, November 22, 2021.

- “Turning Off Relatedness,” *Tax Notes Federal*, November 8, 2021.
- “Circularity Versus Allocations of Income,” *Tax Notes Federal*, October 25, 2021.
- “Economic Performance Accelerated?” *Tax Notes Federal*, October 11, 2021.
- “Intercompany Transactions Revisited,” *Tax Notes Federal*, September 27, 2021.
- “A Profile in IRS Courage,” *Tax Notes Federal*, September 13, 2021.
- “Who Sold What? (The Basic Problem),” *Tax Notes Federal*, August 30, 2021.
- “The Supreme Court’s 2020 Term in Tax,” *Tax Notes Federal*, August 16, 2021.
- “Why Taxes Almost Always Have Been Constitutional,” *Tax Notes Federal*, August 2, 2021.
- “Who Has Discretion in Tax Opinions?” *Tax Notes Federal*, July 19, 2021.
- “Debt Assumptions in Reorganizations,” *Tax Notes Federal*, July 5, 2021.
- “The Meaning of ‘Tax-Exempt Income,’” *Tax Notes Federal*, June 21, 2021.
- “Buying and Spinning Subsidiaries,” *Tax Notes Federal*, June 7, 2021.
- “Foreclosures and Short Sales,” *Tax Notes Federal*, May 24, 2021.
- “Notes from Secretary Surray to Secretary Batchelder,” *Tax Notes Federal*, May 10, 2021.
- “Foreign M&A: The Taxable Deals,” *Tax Notes Federal*, April 26, 2021.
- “The Supreme Court’s 2019 Term in Tax,” *Tax Notes*, September 18, 2020.
- *Tax-Exempt Organizations – Lobbying and Political Expenditures (Portfolio 453)*, Bloomberg BNA, 2020.
- “Who Watches the Watchers?,” 150 *Tax Notes* 549, Feb. 1, 2016.
- “Using Luxembourg Preferred Equity Certificates,” 150 *Tax Notes* 323, Jan. 18, 2016.
- “Is Trickle-Down Pejorative?,” 150 *Tax Notes* 87, Jan. 4, 2016.
- “The Paranoid Style in Spin Off Administration,” Dec. 20, 2015.
- “The Supreme Court’s Economic Substance Doctrine Opinion,” 149 *Tax Notes* 1295, Dec. 7, 2015.
- “LB&I International Practice Units,” 149 *Tax Notes* 1077, Nov. 23, 2015.
- “Friends Don’t Let Corporations Pay Tax,” 149 *Tax Notes* 827, Nov. 9, 2015.
- “Holding Treasury to Its Word: Altera and Capricious Regulations,” 149 *Tax Notes* 519, Oct. 26, 2015.
- “When Is Property Placed in Service?,” 149 *Tax Notes* 409, Oct. 19, 2015.
- “Investor Control of Life Insurance,” 148 *Tax Notes* 1539, Sept. 28, 2015.
- “Liberty Global and Liberty Media Manage the Tax Cost Center,” 148 *Tax Notes* 1259, Sept. 14, 2015.
- “The Supreme Court’s 2014 Term in Tax,” 148 *Tax Notes* 1005, Aug. 31, 2015.
- “Avoiding Linked Events: How Long Must We Wait?,” 148 *Tax Notes* 781, Aug. 17, 2015.
- “When Can General Partners Exclude Partnership COD Income?,” 148 *Tax Notes* 561, Aug. 3, 2015.
- “Corporate Steps Toward Form,” 148 *Tax Notes* 331, July 20, 2015.

- "IRS Brings Spinoffs Back to the Spotlight," *Law360*, July 7, 2015.
- "Internal Consistency and the Federal Income Tax," 148 *Tax Notes* 99, July 6, 2015.
- "Why Does Rand Paul Dislike the Thought of Class Tax Warfare?," 147 *Tax Notes* 1455, June 22, 2015.
- "Let Us Demystify Hook Stock," 147 *Tax Notes* 1155, June 8, 2015.
- "DOJ Loses Transferee Liability Case When Proof Fails," 147 *Tax Notes* 949, May 25, 2015.
- "Finding Corporate Tax Law," 147 *Tax Notes* 667, May 11, 2015.
- "Active Trade or Business in Spinoffs," 147 *Tax Notes* 427, Apr. 27, 2015.
- "Planning for Foreign E&P," 147 *Tax Notes* 191, Apr. 3, 2015.
- "When A Simple Spinoff Is Not Simple," *Law360*, Apr. 2, 2015.
- "Choosing Outbound Liquidations Over Splitting Up," 146 *Tax Notes* 1665, Mar. 30, 2015.
- "Reexamining Capital Gains for Real Estate," 146 *Tax Notes* 1409, Mar. 16, 2015.
- "Citizens United Spurs Social Welfare," 146 *Tax Notes* 1141, Mar. 2, 2015.
- "Searching for Indebtedness," 146 *Tax Notes* 899, Feb. 16, 2015.
- "Voting for Consolidation," 146 *Tax Notes* 653, Feb. 2, 2015.
- "Spinoffs North and South," 146 *Tax Notes* 417, Jan. 19, 2015.
- "The Last Spin Ruling?," 146 *Tax Notes* 131, Jan. 5, 2015.
- "The Sham Transaction Doctrine," 145 *Tax Notes* 1239, Dec. 15, 2014.
- "Tax Opinion Practice Today," 145 *Tax Notes* 1049, Dec. 1, 2014.
- "The Fifth Circuit and Tax Shelters: Chemtech," 145 *Tax Notes* 835, Nov. 17, 2014.
- "A Lack Of Insight Into IRS Economic Substance Doctrine," *Law360*, Nov. 6, 2014.
- "Hobby Lobby and Federal Taxes," 145 *Tax Notes* 519, Nov. 3, 2014.
- "Backdating Documents: Wrong or Just Dumb?," 145 *Tax Notes* 333, Oct. 20, 2014.
- "The Supreme Court's 2013 Term in Tax," 145 *Tax Notes* 65, Oct. 6, 2014.
- "Tax Sharing Agreements and Related Contracts," 144 *Tax Notes* 1411, Sept. 22, 2014.
- "A Chamber of Commerce Victory," 144 *Tax Notes* 1201, Sept. 8, 2014.
- "Using Intercompany Debts as Assets," 144 *Tax Notes* 979, Aug. 25, 2014.
- "Summons Enforcement and the Supreme Court," 144 *Tax Notes* 835, Aug. 18, 2014.
- "Transferring Business Opportunities," 144 *Tax Notes* 611, Aug. 4, 2014.
- "Managing Foreign E&P," 144 *Tax Notes* 337, July 21, 2014.
- "The Great American Tax Reformer," 144 *Tax Notes* 79, July 7, 2014.
- "Journal Entries," 143 *Tax Notes* 1435, June 23, 2014.
- "What Were They Thinking," *Tax Notes* June 23, 2014

- “What Were They Thinking,” *Tax Notes*, June 23, 2014
- “Ability to Pay Taxation,” 143 *Tax Notes* 1195, June 9, 2014.
- “Negative Implications and Code Interpretation,” 143 *Tax Notes* 931, May 26, 2014.
- “Another Kimbell-Diamond Article,” 143 *Tax Notes* 717, May 12, 2014.
- “Paying for Assumption,” 143 *Tax Notes* 487, Apr. 28, 2014.
- “Substance or Law?,” 143 *Tax Notes* 257, Apr. 14, 2014.
- “Ruling by No Rule,” 142 *Tax Notes* 1485, Mar. 31, 2014.
- “Shay, Peroni, and Fleming,” 142 *Tax Notes* 1263, Mar. 17, 2014.

## ***Presentations***

- “What Is Anti-Deference Really About?,” Multistate Tax Commission 52nd Annual Meeting, Boise, ID, August 5-8, 2019.

## ***Education***

- New York University (LL.M. Taxation, 1987)
- Yale University (J.D., 1971)
- Duke University (A.B., 1968)

## ***Admitted to Practice***

- District of Columbia
- North Carolina