

## Kendall L. Houghton

Partner

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***Kendall has been at the forefront of both the state and local tax and unclaimed property fields. She designs and delivers solutions for clients seeking risk management strategies, audit defense, and litigation counsel. Kendall's technical credentials span industries and issues, enabling her to efficiently advise a diverse client base.***

Kendall Houghton focuses her practice on state and local tax planning, tax controversies, and unclaimed property/escheat matters. She leads Alston & Bird's tax area and served as chair on the firm's Partners Committee. Kendall has represented clients on a multijurisdictional basis in significant tax disputes, negotiated favorable settlements with state and local jurisdictions, developed and advocated state tax policy and legislative positions that benefited client interests, and collaborated with clients to design transactional and organizational structures that have optimized direct and indirect tax burdens. Kendall also advises clients on unclaimed property/escheat compliance, voluntary disclosure initiatives, planning opportunities, single- and multistate audit defense, and litigation of state unclaimed property assessments. She previously served as general counsel to the Council On State Taxation (COST), where she filed U.S. Supreme Court briefs in over a dozen cases impacting state taxation of multistate commerce. In recognition of her contributions to the field of state taxation, COST granted Kendall the 2021 Paul Frankel Excellence in State Taxation Award.

Kendall is co-author of *Bloomberg BNA's Multistate Tax Management* portfolios "Unclaimed Property" and "Drop Shipment Transactions," as well as dozens of articles on current unclaimed property and tax topics. She is a guest lecturer on unclaimed property and state tax topics for the L.L.M. in taxation program at Georgetown University and a featured speaker at national state tax conferences and schools.

### ***Representative Experience***

- Representing many of the largest financial sector companies (introducing and clearing broker-dealers, mutual fund complexes, banks, etc.) as well as insurance companies defending against industry-focused multistate unclaimed property examinations conducted by contract audit firms including Kroll and Kelmar.
- Represented retail and oil and gas sector defendants in Delaware False Claims Act litigation concerning the unclaimed property treatment of unredeemed gift cards.
- Assisted numerous clients with the defense of multistate unclaimed property audits conducted by third-party audit firms, and negotiated settlements with audit-participating states.
- Co-authored an amicus brief filed with the U.S. Supreme Court that suggested grounds upon which the Court eventually disposed of a state tax discrimination challenge.
- Obtained a favorable settlement for a client in litigation with the District of Columbia Office of Tax and Revenue over the proper apportionment methodology for a media/broadcasting company.

### ***Publications & Presentations***

#### ***Publications***

- "Justices Poised to Reject Narrowing Unclaimed Property Law," *Law360*, October 31, 2022.
- "Why Unclaimed Property Risk Management Is on the Menu in 2022," *Tax Executive*, February 1, 2022.

- “Litigation: Another Arrow in the Unclaimed Property Settlement Quiver,” *Tax Notes State*, Vol. 103, No. 5, January 31, 2022.
- “Unclaimed Property Risk Management Challenges,” *Risk Management Magazine*, August 2, 2021.
- “2021 Unclaimed Property Landscape for the Life Insurance Industry,” *Unclaimed Property Newsletter*, Vol. 19, No. 1, Spring 2021.
- “Top Unclaimed Property Regulatory and Enforcement Challenges in 2021,” *Bloomberg Tax*, February 26, 2021.
- “FAQs on Unclaimed Property Aspects of Retirement Assets,” *Bloomberg Tax*, January 25, 2021.
- “What’s on the Horizon for Unclaimed Property in 2021,” *Law360*, January 15, 2021.
- “Challenges with Escheatment of Tax-Deferred Retirement Assets, Part 2,” *Tax Notes*, July 6, 2020.
- “Special Challenges with Escheating Tax-Deferred Retirement Assets,” *Tax Notes State*, Vol. 96, No. 4, April 27, 2020
- “Cryptocurrencies and Unclaimed Property—Into the ‘Virtual’ Unknown,” *Bloomberg BNA Daily Tax Report: State*, February 8, 2019.
- “Unclaimed Property Challenges in the Health Care Industry,” *AHLA Connections*, December 2018.
- “What Is the Future State of Unclaimed Property?” Duff & Phelps, October 30, 2018.
- “Portfolio 1340-2nd: Sales and Use Taxes: Drop Shipment Transactions,” *Bloomberg BNA*, July 2018.
- “Sales Taxes in a Post-Wayfair, Post-Kennedy World,” *Tax Notes*, July 16, 2018.
- “At Wayfair Args, Justices Seem Hesitant to Overturn Quill,” *Law360*, April 18, 2018.
- “Ask the Experts: Questions Mortgage Servicers Should Be Asking About Unclaimed Property,” *MBA Insights*, Mortgage Bankers Association, August 23, 2017.
- “Much Ado About Nothing? State Adoption of the Federal Debt-Equity Regs,” *State Tax Notes*, Vol. 85, No. 7, August 14, 2017.
- “Mortgage Servicers Should Review Escheat Compliance,” *Law360*, July 13, 2017.
- “A New Focus on Unclaimed Property in Health Care,” *Law360*, February 3, 2017.
- “Quill or Be Quilled: A Review of 2016 and Predictions for 2017,” *State Tax Notes*, January 2, 2017.
- “The Proliferation of Abandoned Property Litigation,” *New York University Institute on State and Local Taxation*, 2016.
- “No Taxation Without Nondiscrimination: A Survey of Recent Cases,” *State Tax Notes*, July 11, 2016.
- “Financial Advisors Are Key to Preventing State Escheatment of Assets,” *WealthManagement.com*, May 16, 2016.
- “Knee-Deep in Escheat? How to Protect Your Bottom Line,” *CFO.com*, February 1, 2016.
- “The Compliance ABCs of State Unclaimed Property Law Are No Longer Elementary,” *U.S. News – Best Lawyers*® Best Law Firms, November 2015.
- “Bloomberg BNA Q&A with the Authors of the New Third Edition of Bloomberg BNA’s Portfolio 1600 – Unclaimed Property,” *Bloomberg BNA*, August 7, 2015.
- “Data Collection Rule Repeal Will Help NJ Businesses,” *Law360*, February 25, 2015.

- “Update on the Uniform Law Commission’s Drafting Committee to Rewrite the 1995 Uniform Unclaimed Property Act,” *Bloomberg BNA*, November 14, 2014.
- “Houghton Offers Predictions for Unclaimed Property in 2014,” *State Tax Notes*, January 20, 2014.
- “Five Unclaimed Property Issues That Resist Easy Answers,” *Tax Report*, Institute for Professionals in Taxation, November 2013.
- “*Qui Tam* Lawsuits: Recommendations for Meaningful Reform,” Parts 1 and 2, *State Tax Notes*, February 25 and May 6, 2013.
- “Spotlight on Delaware Unclaimed Property Law,” *Law 360*, March 14, 2013.

## **Presentations**

- “New Twist on the Basics: Rewards Programs and Other Sales Price Adjustments,” 2019 IPT Sales Tax Symposium, Orlando, FL, September 22-25, 2019.
- “State Taxation of Pass-Through Entities,” 42nd Annual Advanced State and Local Tax Institute, Washington, D.C., May 15-16, 2019.
- “Interplay of Property Values and Characterizations between Income, Sales, and Property Taxes,” Council on State Taxation (COST) 49th Annual Meeting, Phoenix, AZ, October 23-26, 2018.
- “Add-Backs and Transfer Pricing – A Case Study,” 25th Annual Paul J. Hartman State and Local Tax Forum, Nashville, TN, October 17, 2018.

## **Professional & Community Engagement**

- Georgetown University Law Center, unclaimed property adjunct professor/lecturer (2005-present)
- Bloomberg BNA Multistate Tax Advisory, board
- Unclaimed Property Professionals Organization, Government Relations and Advocacy Committee, former chair; President’s Award for Exemplary Service to the Organization (2013 and 2016); Uniform Law Commission for RUUPA, official representative; UPPO Super Nova Award (2016)
- Georgetown Law Advanced State and Local Tax Institute, co-chair (2019-2020)
- Paul J. Hartman State Tax Forum, trustees board
- *CCH Journal of State Taxation*, advisory board
- *The Best Lawyers in America*® since 2011
- American Bar Association, Tax Section, State and Local Tax Committee
- D.C. Bar Association
- California Bar Association
- Council On State Taxation (COST) Paul Frankel Excellence in State Taxation Award, 2021

## **Education**

- Emory University (LL.M., 1994)
- New York University (J.D., 1989)
- Harvard College (A.B., 1986)

## *Admitted to Practice*

- District of Columbia
- California
- Georgia (Inactive)

## *Related Services*

Unclaimed Property | State & Local Tax | Tax | Tax Controversy | Transfer Pricing | Tax Policy & Regulation | Retail | Hospitality | Blockchain & Digital Assets