

# NCSL Executive Committee Task Force on State and Local Taxation

## *Ranking the States: SALT Attorney Fee Provisions*

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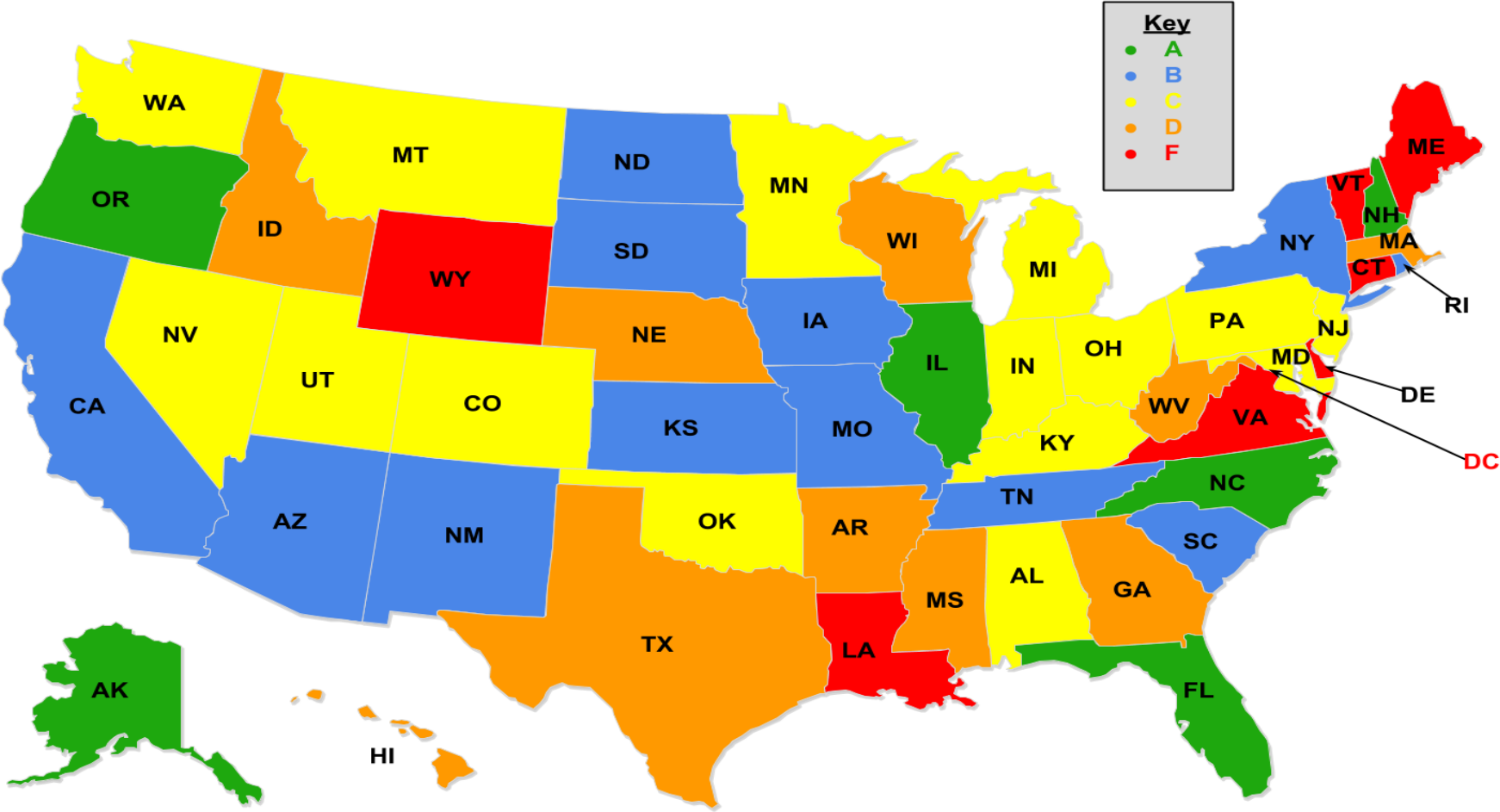
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- Results: 2014 SALT Attorney Fees
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  - By Letter Grade
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# Methodology: How Were States Graded?

- Objective evaluation of statutes, administrative rules, and court procedures governing the ability of taxpayers to recover attorney fees in state tax litigation in the 50 states and DC
  - State tax case law was evaluated for common law theories
- Points were allocated based on:
  1. Availability of fees to taxpayers who protest assessments administratively and through the courts **[6 points]**
  2. Caps imposed on fee recovery **[4 points]**
  3. Standard of proof and presumptions used **[4 points]**
  4. Availability of other court costs **[1 point]**
  5. Common law theories available **[2 points]**
- **17** possible points

# Results: 2014 SALT Attorney Fees



## A

- Oregon (15)
- North Carolina (14.5)
- Alaska (14)
- Florida (14)
- Illinois (14)
- New Hampshire (14)

## B

- California (13)
- Kansas (13)
- South Carolina (13)
- South Dakota (13)
- Tennessee (13)
- Arizona (12.5)
- New Mexico (12.5)
- New York (12)
- North Dakota (11.5)
- Iowa (11)
- Missouri (11)
- Rhode Island (11)

# Results: C States

- Colorado (10)
- Minnesota (10)
- Michigan (10)
- New Jersey (10)
- Washington (10)
- Indiana (9)
- Kentucky (9)
- Montana (9)
- Nevada (9)
- Pennsylvania (9)
- Utah (9)
- Ohio (8.5)
- Alabama (8)
- Maryland (8)
- Oklahoma (8)

## D

- Hawaii (7)
- Idaho (7)
- Massachusetts (7)
- West Virginia (7)
- Wisconsin (7)
- Georgia (6)
- Mississippi (6)
- Nebraska (5)
- Texas (5)
- Arkansas (4)

## F

- Delaware (2)
- Vermont (0)
- Wyoming (0)
- Maine (0)
- Connecticut (-1)
- Louisiana (-1)
- DC (-2)
- Virginia (-3)

- States that simply don't permit prevailing taxpayers to recover fees in any forum
  - Ex. Virginia, Vermont, Wyoming, DC, Connecticut, Maine
- Louisiana permits outside counsel hired by the DOR to impose attorney fees *against* taxpayers, but doesn't extend the same fee recovery to taxpayers if they prevail
- States that limit fees to such a small group of taxpayers that nearly all causes of action are excluded
  - Ex. Texas (excessive appraisal cause of action only), Minnesota (nonprofits, small businesses, and low-income individuals only), Massachusetts (local property tax abatements and fraud only), Georgia (fraud only)



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**Questions?**

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