

JESSE R. ADAMS, III

Partner | New Orleans

Jay Adams is a partner in the Tax Practice Group and leader of the state and local tax team. Through partnering with his clients, Jay has developed in-depth knowledge of the energy, manufacturing, healthcare, transportation, retail, and other industries, enabling him to provide comprehensive and cost-effective advice.

For more than 25 years, Jay has represented clients in matters involving virtually every type of state and local tax and in numerous jurisdictions. He has successfully represented clients in landmark Louisiana tax cases before the Louisiana Supreme Court and courts of appeal, including the high-profile matters *International Paper Company v. Bridges* and *Tin, Inc v. Washington Parish*. In those cases, the Louisiana Supreme Court issued rulings that have resulted in tax savings and refund opportunities in the tens of millions of dollars for businesses operating in the state.

Over the course of his career, Jay has counseled clients from across the spectrum while also developing particular experience in sectors that are key contributors to the Louisiana economy. He understands the nuances of state and local tax law and how it is applied to industry-specific transactions, investments, agreements, and operations. Among other matters, he has advised manufacturing and chemicals companies on the taxation of raw materials, property taxes relating to brine wells, and issues involving tax credits, incentives, and industrial-development leases; counseled energy companies on a range of property, corporate, income, and franchise tax matters; represented casinos and hospitality companies on sales and use tax matters; and advised hospitals and health systems on issues involving medical devices and equipment, among other areas.

Jay also represents clients before local industrial development boards and economic development entities, helping identify, negotiate, and obtain a wide range of tax credits and incentives.

When disputes arise, Jay provides effective counsel before local and state tax authorities at every level — from parish property tax assessors to the Louisiana Tax Commission — and in trials and appeals. Jay is a skilled negotiator and regularly crafts favorable settlements that enable his clients to achieve their operational and strategic objectives.

Jay speaks frequently to a variety of professional organizations, including the Institute for Professionals in Taxation, the Council on State Taxation, and the Tax Executives Institute. He is also a founder and editor of *Cooking with SALT*, a legal blog committed to providing timely insights on recent legal and practical developments concerning clients in many state and local taxing jurisdictions on matters involving income, franchise, net worth, gross receipts, sales/use, business and occupational license, severance, *ad valorem* property, and other miscellaneous taxes.

Experience

Gaming and Hospitality

- Represented a casino in a property tax dispute regarding its hotel and entertainment facilities before the Louisiana Tax Commission.
- Represented a casino in obtaining a refund of occupancy taxes remitted to third party hotels where the casino bought blocks of rooms to provide as comp rooms to patrons for more than 30 days and thus the rooms were not subject to the occupancy tax.

Manufacturing and Chemicals

- Represented a national chemicals manufacturer in its \$3.5 million property tax dispute with a local parish, winning appeals before the Louisiana Tax Commission and the Louisiana Court of Appeal, First Circuit. Jay successfully argued that, over a six-year period, the parish assessor valued the client's property in a manner that was inconsistent with Commission regulations. The assessor has sought review by the Louisiana Supreme Court and its writ application is pending.
- Advised a foreign lender on issues in relation to the value of certain economic incentives, in conjunction with a borrower's construction of a multibillion-dollar manufacturing facility in Louisiana and its contract with the Louisiana Department of Economic Development for tax incentives such as the Industrial Tax Exemption Program and the Quality Jobs Programs. Taken together, the programs offered the borrower more than \$100 million in tax savings over the life of the incentives. Jay reviewed the applicable contract and program documents and provided guidance regarding the timing of certain funding and the impact of a delay of project completion on the incentives.

Energy

- Represented the owner of a refinery in Louisiana in connection with disputes involving the property tax assessment of the facility by the local parish assessor. Working closely with the client and a team of experts to prepare the matter for trial on the merits, we were subsequently able to resolve the disputes and negotiate a significant reduction of the property tax levied on the facility.
- Represented a midstream pipeline company before the Louisiana Tax Commission in a public-service appeal of the centrally assessed value of its pipeline by the Commission's Public Service Division. To help avoid an additional, multimillion-dollar tax liability. Based on the presentation to the Commission, the liability was significantly reduced for the current and go-forward years.

Media and Entertainment

- Represented a production company (producer of one of the highest-rated and longest-running game shows in the country) in a dispute with the Louisiana Department of Revenue involving due process and personal jurisdiction issues. The Louisiana Court of Appeals, First Circuit, upheld the lower court's decision in favor of the client and agreeing with our contention that broadcast on Louisiana television stations — among other issues — did not constitute sufficient minimum contacts with the state. The decision will likely have a significant impact on numerous other entities facing similar circumstances.

Healthcare

- Represented a hospital in a high-profile, multimillion-dollar sales tax dispute with the Louisiana Department of Revenue. The litigation concerned the application of a state constitutional prohibition relating to the taxability of sales of prescription drugs and medical devices. Jay and his team achieved a complete victory at the appellate court level.

