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Keneally Nomination as DOJ Tax Head Praised by Practitioners

by [Matthew Dalton](#)

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President Obama's nomination of Kathryn Keneally to be assistant attorney general of the Justice Department's Tax Division was widely praised by practitioners September 8.

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President Obama's nomination of Kathryn Keneally to be assistant attorney general of the Justice Department's Tax Division was widely praised by practitioners September 8.

"She's exceptionally well qualified. She's worked on all aspects of tax controversy matters," said Bryan C. Skarlatos of Kostelanetz & Fink LLP, where Keneally was formerly a partner.

Keneally, a partner at Fulbright & Jaworski LLP in New York, is a veteran tax lawyer with over 25 years of experience. She is currently vice chair for committee operations for the American Bar Association Section of Taxation, co-chair of the ABA National Institutes on Criminal Tax Fraud and Tax Controversy, and a fellow of the American College of Tax Counsel.

Keneally graduated from Fordham University School of Law in 1982 and clerked for Edward R. Neaher, U.S. District Judge for the Eastern District of New York. She received an LLM in taxation from New York University School of Law in 1993.

Keneally's experience in both civil and criminal tax controversy was cited by practitioners as a key qualification for the assistant attorney general position.

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Keneally's nomination comes after the president's first nominee, Mary L. Smith, was not confirmed following two attempts, in large part because she was perceived as lacking tax experience. In contrast, Keneally has made her career in tax controversy. "She knows the area inside and out," said Charles Egerton, who worked with Keneally while he was chair of the ABA Section of Taxation. (For the White House announcement, see *Doc 2011-18973*  or *2011 TNT 174-32* .)

Practitioners said Keneally's private sector experience would be valuable to the Tax Division. Keneally "fully appreciates the need for strong tax enforcement policies" along with the "balancing of such policies within a voluntary compliance system," said Charles Rettig, a partner at Hochman, Salkin, Rettig, Toscher & Perez, P.C.

The Tax Division has been without a politically appointed leader since Nathan Hochman left at the end of the previous administration in 2009. The division has been under the leadership of John A. DiCicco since that time. DiCicco, a career DOJ lawyer, was acting attorney general until March 3, when he had to step down because of limits on how long acting officials can serve in a presidential-appointee post. Since then he has overseen the division as the principal attorney. Practitioners have said that a political appointee is necessary as an advocate for the Tax Division at DOJ. (For prior coverage, see *Doc 2011-4324*  or *2011 TNT 41-1* .)

Keneally's term may be relatively brief, depending on the outcome of the 2012 election. Hochman, who was AAG for under a year, said that having a short term can be an advantage, because "you can't waste time." He said he thought Keneally would have a positive impact regardless of the length of her term.

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