

## Smith's Background

Attorney, Schoeman Updike  
Kaufman & Scharf

Obama-Biden Transition Team for  
the U.S. Department of Justice

Senior Litigation Counsel, Tyco  
International

Associate Counsel to the  
President, White House Counsel's  
Office

Trial Attorney, Civil Division, U.S.  
Department of Justice

Attorney, Ross & Hardies

Clerk, U.S. Court of Appeals for  
the 11th Circuit

### EDUCATION

B.S., Loyola University

J.D., University of Chicago School  
of Law



## this issue:

Mary L. Smith, Assistant Attorney  
General for the Tax Division

## Who is Mary L. Smith? No relevant tax experience...

On April 20, 2009 President Obama nominated Mary L. Smith to be the Assistant Attorney General for the Tax Division of the U.S.

Department of Justice.

On December 24, 2009 her nomination was returned to the President. She was re-nominated for the same position on January 20, 2010.

Smith's nomination has run into serious opposition because she has no relevant experience for the job. The only apparent qualification that she has

leading to her nomination is her work on the Obama Transition Team for the Justice Department. Transition jobs are typically a foot in the door for gaining a nomination.

The following questions for the record and Smith's answers are particularly enlightening

on her lack of experience. These questions were asked as follow up from Smith's hearing in the Senate Committee on the Judiciary.

**"Smith's complete lack of experience for the position to which she has been nominated is stunning. We need qualified people in these positions, not someone who hasn't written, spoken, or apparently even read much about the subject matter area."**

*-Don Todd, Director of Research,  
Americans for Limited Government*

### Questions for the Record from Senator Sessions

Question. Please list any advanced degrees you have pursued in tax law.

Answer. *I have not pursued any advanced degrees in tax law.*

Question. Please list all Continuing Legal Education credits you

have taken related to tax law.

Answer. *At present, I do not have any Continuing Legal Education credits relating to tax law. I plan to do so on a going-forward basis.*

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# What you really need to know about Mary L. Smith

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Question. Please list any speeches or presentations you have given or articles you have written on tax law issues.

Answer. *I have not given any speeches or presentations or written any articles on tax law issues.*

Question. Please list any awards you have received specifically for your work on tax law.

Answer. *I have not received any awards specifically related to tax law.* Fn.1.

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## Questions for the Record from Senator Grassley

Question. Have you ever worked on cases with the Tax Division of the Justice Department?

Answer. *I have not worked on cases with the Tax Division of the Justice Department.*

Question. Have you ever worked on cases with or before the Internal Revenue Service?

Answer. *I have not worked on cases with or before the Internal Revenue Service.* *Id.*

Smith's primary claim to competency for the job is her litigation background. As such consider the following questions and answers.

## Questions for the Record from Senator Coburn

Question. How many cases have you tried to judgment as either first chair or the sole litigating attorney?

Answer. *I have tried three cases to judgment as the sole and principal attorney.*

Question. Of those cases, how many involved complex tax issues, tax policy or related to the internal revenue code?

Answer. *None of these cases involved tax issues.* *Id.*

## Source for further reading:

**Fn.1.** Questions for the Record from Members of the Senate Committee on the Judiciary. Available online at: <http://judiciary.senate.gov/nominations/111thCongressExecutiveNominations/upload/Smith-QFRs.pdf>. (Accessed February 8, 2010.)

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