

## Rising Star: Skadden's Melinda Gammello

By Sanjay Talwani

*Law360 (July 16, 2024, 2:03 PM EDT)* -- Melinda Gammello of Skadden Arps Slate Meagher & Flom LLP has advised numerous clients before the U.S. Tax Court and elsewhere on complex tax matters, including transfer pricing issues and the treatment of financial transactions within a company, earning her a spot among the tax law practitioners under 40 honored by Law360 as Rising Stars.

### Why she's a tax attorney:

That goes back to Gammello's law school days in Melbourne, Australia, when she did a summer internship in a Big Four accounting firm's tax group and "really fell in love with tax." After that, Gammello focused on tax classes and summer programs. While attending the masters program at the University of Virginia, she confirmed it was what she wanted to do.

"Tax law, as you know, is complex and constantly changing, evolving," she said. "And I love figuring out how it works and applies from various angles technically and from a policy perspective to transactions and situations that our clients are facing."

Another aspect of the practice Gammello said she especially loves is not only figuring out the answer to a problem, but also advocating for that right for clients.

"I find that to be really fun and super rewarding," she said.

### The biggest deals of her career:

Gammello has worked on several significant and fascinating cases, she said, but one she would highlight is her ongoing representation of multinational power management company Eaton Corp. in multiple issues before the U.S. Tax Court. Of particular interest, she said, is a transfer pricing dispute that has not been answered in court, on how to properly price financial transactions such as loans and guarantees



**Melinda Gammello**  
Skadden

**Age:** 37  
**Home base:** Washington, D.C.  
**Position:** Partner  
**Law school:** Bachelor of Laws at Melbourne Law School (Australia), Master of Laws at University of Virginia School of Law  
**First job after law school:** Associate at Skadden

between related parts of a company.

The case "is very significant because it's going to be relevant to thousands of multinational corporations," Gammello said.

In another critical transfer pricing matter, Gammello is representing Medtronic in a dispute with the IRS that has billions of dollars at stake. It's the first time a transfer pricing case has been litigated a second time after being remanded by an appeals court, she said. It's also the first time the U.S. Tax Court considered and adopted the "unspecified method," a transfer pricing method not specifically provided for in federal regulations, she said.

The dispute also raises crucial questions about the "comparable uncontrolled transaction" method, and use of a litigation settlement as a CUT. The final decision could bring major repercussions to all U.S.-based multinationals with valuable intangible property developed in the United States.

Gammello also represents the Commonwealth Bank of Australia in the U.S. Court of Federal Claims in a dispute over taxation of the bank's transactions and related foreign exchange consequences.

In particular, she said, the case involves questions of whether the U.S.-Australia Tax Treaty allows transactions between a bank's headquarters and its branches to be regarded and taxed in the United States.

The answer will significantly affect how multinational entities compute and report taxes in the United States, with the outcome of major interest in the tax world.

Throughout her career Gammello said she has represented numerous clients in disputes with the IRS over complicated and unique transactions that have been resolved favorably for the taxpayers.

"It was just very satisfying in each case to reach a result that our team felt was justified, or compelled by the law," she said.

#### **How she thinks the tax practice will change in the next decade:**

Gammello said she foresees a continued uptick in the number and variety of tax disputes that end up in court.

"We are already seeing more and more cases being litigated, and I expect this trend will continue over the next decade given the IRS' recent announcements and initiatives focused on enforcement activities," she said.

The IRS pursuing transfer pricing issues and taxpayers challenging regulations issued under the Tax Cuts and Jobs Act are contributing to the increase in litigation.

On a more global scale, as Pillar Two of the Organisation for Economic Cooperation and Development's Global Tax plan continues to take effect across various jurisdictions, we should expect to see multilateral disputes arise as multinationals face certain unaddressed or unanticipated issues resulting from the complexities surrounding those rules, she said.

For example, taxpayers may experience increased double taxation risk as different jurisdictions attempt to tax the same income under this evolving regime, she said.

**Her proudest moment as a lawyer:**

Gammello said there isn't one particular moment comes to mind, but she points to two things.

"First is that I'm really fortunate to work with some of the most talented tax attorneys in the nation," with each person bringing their role and their unique perspective, Gammello said.

"We truly work together as a team," she said. "And I am really proud of what we've been able to and continue to accomplish together."

Gammello said she also finds a lot of joy and satisfaction in the ability to lead her legal practice and be devoted to her family and raising her two children.

"I had both my kids while at Skadden, and being a working mom and just juggling all that entails is one of the most challenging and rewarding aspects of being an attorney," she said.

She would not have been able to do that without the support system around her, she said.

"I have a deep desire to play a part in making this more possible and a reality for other attorneys," she said, referring to both men and women, at Skadden and beyond.

*--As told to Sanjay Talwani. Editing by Kristen Becker.*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.*