

**Contact****Houston**

1200 Smith Street, Suite 1400  
Houston, Texas 77002-4310  
Tel: 713.658.1818  
Fax: 713.658.2553

**Atlanta**

191 Peachtree Street, N.E.,  
Forty-Sixth Floor  
Atlanta, Georgia 30303  
Tel: 404.659.1410  
Fax: 404.659.1852

**Philadelphia**

50 South 16th Street, Suite  
1700  
Philadelphia, PA 19102  
Tel: 610.772.2300  
Fax: 610.772.2305

**San Antonio**

112 East Pecan Street, Suite  
1450  
San Antonio, Texas 78205  
Tel: 210.253.8383  
Fax: 210.253.8384

## How Vulnerable Is Your State to Post-‘Wayfair’ Lawsuits?

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In an article published on September 4, 2018 in Bloomberg BNA, Jennifer Weidler Karpchuk discusses how states could be opening themselves up to further lawsuits if they do not follow the new suggestions given by Justice Kennedy after the landmark Wayfair ruling in June. Karpchuk explains, “*Wayfair* was decided based upon the specific facts of that case – large online retailers with substantial presence in a state that was a member of the Streamlined Sales and Use Tax Agreement, and a statute that provided for minimum thresholds and explicitly stated non-retroactive application of the law.”

The article highlights which states are the most vulnerable and need to proceed with caution moving forward. Karpchuk also adds that the most important suggestion for small online businesses is SSUTA membership. “There is no doubt that the companies most affected by the decision in *Wayfair* were not the “Wayfairs” of the world, but the small mom-and-pop online retailers. A state’s membership in SSUTA guarantees those small businesses some help and relief; namely simplification of the vast and varied states’ sales and use tax administration systems and free software to aid with compliance.”