



Course ACCT 6356.501, Tax Research
Professor John Gamino
Term Fall 2015
Meetings Thursdays, 7–9:45 p.m., JSOM 2.717

Professor's Contact Information

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Office Hours T & Th, 4–5:00 p.m.; Wed., 3-6:30 p.m.; or by appointment.

General Course Information

Pre-requisites, Co-requisites ACCT 3350 or 6350 (or equivalent).

Course Description Identification and evaluation of legal authorities applicable to tax issues for individual and business taxpayers. Application of research in tax planning and administrative procedures in tax practice, emphasizing the structure of the Internal Revenue Service and its impact on practitioners.

The fundamental purpose of this course is to supplement each student's mastery of substantive tax principles as developed elsewhere with a corresponding grasp of tax research sources and techniques. Skills in issue identification, in factual due diligence, and in analytical reasoning will be developed.

Learning Outcomes Students will become familiar with the hierarchy of tax authorities and will practice discernment with respect to various regulatory, administrative, and judicial sources. In addition, students will learn the role and proper use of secondary-source materials. Students will learn and practice the skill of locating tax authorities using online resources including, but not limited to, commercial tax research databases.

Finally, students will practice the written articulation of their researched conclusions with full regard to ethical parameters, the section 7525 privilege, and other aspects of professional responsibility in tax practice.

Sawyers, Raabe, et al., *Federal Tax Research* (Cengage, 10th Ed.)

Required Texts & Materials AICPA, *Statements on Standards for Tax Services* (available online)

Treasury Department Circular 230 (Rev. 6-2014) (available online)

I will distribute or post additional required reading.

Course Overview

Each student should understand that this is a time-intensive course. Self-study accompanied by actual research and writing practice are the critical learning mechanisms. By contrast, classroom time is to provide direction and support, to clarify the results of independent work, and to refine and sharpen understanding through the testing and exchange of ideas.

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|-------------------|---|
| Session 1 | Course Overview |
| Session 2 | Tax Practice and Ethics
<u>Reading:</u> Chapter 1 |
| Session 3 | Tax Research Methodology; Using Checkpoint
<u>Reading:</u> Chapters 2, 6 |
| Session 4 | Constitutional and Legislative Sources
<u>Reading:</u> Chapter 3 |
| Session 5 | Administrative Regulations and Rulings
<u>Reading:</u> Chapter 4 |
| Session 6 | Judicial Interpretations
<u>Reading:</u> Chapter 5 |
| Session 7 | Tax Opinion Due (No class) |
| Session 8 | Other Tax Services and Tax Periodicals
<u>Reading:</u> Chapter 8 |
| Session 9 | Communicating Research Results
<u>Reading:</u> Chapter 11 |
| Session 10 | Tax Planning
<u>Reading:</u> Chapter 12 |
| Session 11 | File Memorandum Due (No Class) |
| Session 12 | Working with the IRS
<u>Reading:</u> Chapter 13 |
| Session 13 | Tax Practice and Administration
<u>Reading:</u> Chapter 14 |
| Session 14 | Final Exam |

Research Projects

I. WEEKLY ASSIGNMENTS

There will be ten (10) weekly research assignments in this course, generally progressing through the semester from easier to more challenging. Each assignment will consist of ten (10) items to be researched, the answers generally to be in the form of either (i) a citation to the correct tax authority plus a very brief verbal response or (ii) just such a citation to the correct authority.

For example:

Item: Does the Internal Revenue Code include a general definition of “gross income”?

Answer: Yes; IRC § 61(a).

Item: In what case did the United States Supreme Court explain how to distinguish between (i) a tax-free “gift” within the meaning of § 102(a) and (ii) a gratuitous transfer resembling a gift but which is taxable to the recipient?

Answer: *Commissioner v. Duberstein*, 363 U.S. 278 (1960).

Many such assigned items will relate to material commonly covered in ACCT 6350 Fundamentals of Taxation I, ACCT 6353 Fundamentals of Taxation II, or equivalent courses taken at the undergraduate level or elsewhere. Other assignments will relate to the procedural or ethical aspects of representing taxpayers before the IRS.

Weekly assignments will be scored on the basis of the number of correct responses, as follows:

- 10 correct responses = 5 points
- 9 correct responses = 5 points
- 8 correct responses = 4 points
- 7 correct responses = 3 points
- 6 correct responses = 2 points
- 5 correct responses = 1 point

Less than five correct responses will result in no (zero) points earned. A “correct response” is one that is both (i) substantively correct and (ii) correct as a matter of citation form or format.

In the aggregate, weekly assignments will be worth a maximum of 50 points (50% of final grade). Weekly assignments must be turned in at the beginning of the class period or by e-mail by 7:00 p.m. regardless of whether the student attends that class session or does not.

II. RESEARCH PROJECTS

The first research project is a **tax opinion**, a formal letter or memorandum that in practice generally would be provided to and at the request of a client in a planning (rather than audit) context. Depending on the circumstances, tax opinions may or may not be privileged – i.e., protected from discovery by the IRS. A tax opinion may advocate a particular viewpoint or may analyze optional scenarios or outcomes. The level of technicality in a tax opinion generally varies with the relative sophistication of the particular client. The tax opinion will be worth 10 points (10% of final grade).

The second research project is a **file memorandum**, a means of memorializing the results of tax research for the tax advisor's own files. File memoranda generally are not intended for or provided to clients. A file memorandum generally is written objectively—that is, it is not intended as a persuasion or advocacy piece, but rather as an even-handed assessment of the relative weight of available authority relevant to a particular issue whether favoring the taxpayer-client or the IRS. A file memorandum essentially amounts to work-product documentation of the process by which a CPA firm arrives at its ultimate conclusions or recommendations regarding clients' tax issues. The file memorandum will be worth 15 points (15% of final grade).

These written assignments must be submitted via e-mail at or before the specified deadline.

Course Policies

<p>Grading</p>	<p>Each student will earn a final letter grade for the course based on the aggregate of (i) weekly assignment scores (up to 50 points), (ii) research project scores (up to 25 points), and (iii) the final exam score (up to 25 points). The highest achievable score for the course is 100.</p> <p><u>All weekly assignments and both research projects must be completed individually.</u> There are <u>no</u> group or team projects in this course. All submitted work must include an affirmation that the assignment or project was done by that student alone and without consulting with any other person (student or not).</p> <p>The <u>Final Exam</u> in this course generally (but not necessarily) will be multiple-choice. There will be 25 questions worth one (1) point each.</p> <p><u>Curve, Rounding</u> In the event that the highest numeric score achieved by any student in the class is less than 100, all final scores will be curved against that highest score in order to determine each student's final score on a percentage basis. Example: your final numeric score = 88; class high score = 98; $88/98 = 89.8$, rounded to 90 (.50 or higher rounded up to the next whole point, .4999 or lower rounded down). Note: This curve will not involve a denominator of less than 95 regardless of what the class-high score may be.</p> <p><u>Final Grades</u> Each student's final letter grade for the course, based on her or his final (curved) numeric score, will be determined using the following scale:</p> <table data-bbox="740 1436 1110 1751"> <tr> <th>Score</th><th>Grade</th></tr> <tr> <td>93-100</td><td>A</td></tr> <tr> <td>90-92</td><td>A-</td></tr> <tr> <td>87-89</td><td>B+</td></tr> <tr> <td>83-86</td><td>B</td></tr> <tr> <td>80-82</td><td>B-</td></tr> <tr> <td>77-79</td><td>C+</td></tr> <tr> <td>70-76</td><td>C</td></tr> <tr> <td>Less than 70</td><td>F</td></tr> </table>	Score	Grade	93-100	A	90-92	A-	87-89	B+	83-86	B	80-82	B-	77-79	C+	70-76	C	Less than 70	F
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77-79	C+																		
70-76	C																		
Less than 70	F																		
<p>Make-up Exam</p>	<p>(Only in very rare circumstances and in the Professor's sole discretion.)</p>																		

Extra Credit	<u>No</u> “extra credit” opportunities will be available.
Class Attendance	Attendance as such is neither recorded nor rewarded. Lack of attendance, however, predictably will have a seriously adverse impact on a student’s final grade for the course.
Classroom Citizenship	Classroom sessions are conducted as business meetings.
UT Dallas Syllabus Policies and Procedures	<i>The information contained in the following link constitutes the University’s policies and procedures segment of the course syllabus. Please go to http://go.utdallas.edu/syllabus-policies for these policies.</i>

The descriptions and timelines contained in this syllabus are subject to change.

Appendix: Selected Online Resources

Federal

Internal Revenue Code	:	http://uscode.house.gov [Title 26]
Federal Tax Regulations	:	www.ecfr.gov [Title 26]
Internal Revenue Service	:	www.irs.gov
House Ways & Means Comm.	:	http://waysandmeans.house.gov
Senate Finance Comm.	:	www.finance.senate.gov
Joint Committee on Taxation	:	www.jct.gov
Library of Congress	:	www.congress.gov
United States Supreme Court	:	www.supremecourt.gov
United States Tax Court	:	http://ustaxcourt.gov
TIGTA (Treasury Inspector General for Tax Administration)	:	www.treasury.gov/tigta
GAO (Government Account- ability Office)	:	www.gao.gov

State (Texas)

Comptroller of Public Accounts	:	www.window.state.tx.us
STAR (State Tax Automated Research System)	:	http://cpastar2.cpa.state.tx.us
Texas Constitution and Statutes	:	www.statutes.legis.state.tx.us
Texas Legislature	:	www.capitol.state.tx.us

Professional & Trade Associations, NGOs, Blogs, etc.

AICPA Tax Section	:	www.aicpa.org/InterestAreas/Tax
Cato Institute	:	www.cato.org/research/tax-budget-policy
Citizens for Tax Justice	:	www.ctj.org
Council of State Governments	:	www.csg.org
Council on State Taxation	:	www.cost.org

Federation of Tax Administrators : www.taxadmin.org/fta/default.html

Institute for Professionals in
Taxation : www.ipt.org

Mercatus Center : www.mercatus.org/research/tax-policy-0

Multistate Tax Commission : www.mtc.gov

National Conference of State
Legislatures : www.ncsl.org

National League of Cities : www.nlc.org

The Oyez Project : www.oyez.org

Pew Center on the States : <http://stateline.org>

SCOTUSblog (Supreme Court of
the United States Blog) : www.scotusblog.com

Tax Executives Institute : www.tei.org

Tax Foundation : <http://taxfoundation.org>

Tax Policy Center : www.taxpolicycenter.org

TaxProf Blog : www.taxprof.typepad.com

Tax Resources on the Web : <http://taxtopics.net>

Texas Society of CPAs : www.tscpa.org

Texas State & Local Tax Law Blog : www.txsaltlaw.com

TTARA (Texas Taxpayers and
Research Association) : www.ttara.org

U.S. Chamber of Commerce : www.uschamber.com/taxes