INDEX

A
ABA. See American Bar Association (ABA)
ABA Model Code of Professional Responsibility, 24–25
Abusive tax shelters
injunctions, 490
organizing, penalties, 486–487
Academic journals, 215
Accounting principles
AICPA Code of Professional Conduct, 17
Accuracy-related penalty, 472–473
Acquiescences, letter rulings, 152–153, 154
Action on Decision (AOD), 153
Ad hoc, defined, 152
Administration. See Tax practice and administration
Administrative regulations and rulings, 119–148. See also Letter rulings; Regulations; Revenue Procedures; Revenue Rulings discussion questions, 139–142
research cases, 145–148
sources of administrative tax law, 124
tax tutor, 139
Administrative sources, tax research methodology, 53
Ad valorem
defined, 152
penalties, 469
Advertising, Circular 230, 11–12
Advice to taxpayers, form and content of, 22–23
AFTR. See American Federal Tax Reports
AICPA. See AICPA Code of Professional Conduct; American Institute of Certified Public Accountants
AICPA Code of Professional Conduct, 14–19
accounting principles, 17
commissions, 18
compliance with standards, 17
confidential client information, 17
form of organization and name, 18–19
general standards, 16–17
independence, 15, 16
integrity, 16
objectivity, 16
referral fees, 18
All State Tax Guide, 323
Alternative tax rate structures, 416
Amendment of tax law, 94
American Accounting Association, 215
American Bar Association (ABA), 7
American Federal Tax Reports (AFTR), 54, 163, 168
American Institute of Certified Public Accountants (AICPA), 7, 215
See also AICPA Code of Professional Conduct
Division of Professional Ethics, 15
statements on standards for tax services, 19–23
American Taxation Association (ATA), 215
Annotated tax services, 192
Annotations, 192
Announcements and Notices, letter rulings, 135
Annual proceedings, 214–215
AOD. See Action on Decision (AOD)
Appeals process, 456–462
appeals conference, 457
bypassing, 456
decision to litigate, 462
entering judicial system, 461
ninety-day letter, 457–458, 459–461
procedure, 458
statutory notice of deficiency, 457–458, 459–461
victories in litigation, taxpayer and government, 462
Appellant, defined, 152
Armed Forces’ Tax Guide excerpt, 137
Arthur Andersen, 23
Assessment, statutes of limitations, 495
suspension of period of, 498–499
ATX/Kleinrock, 212
Auditing and attestation (AUD)
CPA exam, computerized tax research, 66
Audit process, 446–451
chances of audit, 451
Coordinated Industry Case Program, 450
dealing with auditor, 454
discriminant function formula (DIF), 449
examinations. See Examinations, IRS
future processing system, 448
Information Document Matching Program (IDMP), 447
Mathematical/Clerical Error Program, 447–448
National Research Program (NRP), 449–450
office audits, 453
preliminary review of returns, 447
selection of returns for examination, 448–449
Unallowable Items Program, 448
various audit statistics, 452
Authority, tax research methodology
evaluating, 56
location of, 53–56
Auto-Cite, 281–282
Avoidance of tax. See Tax avoidance

B
Best practices, Circular 230, 12
Bittker, Boris, 253
Bittker & Lokken Service, 253–254
Blended model, international tax services, 351–352
“Blue Book,” 93, 473
BNA. See Bureau of National Affairs (BNA); specific services beginning BNA
BNA International Services (BNA IS), 357–360
advanced search, 359–360
Advanced Search screen, 359
Document, 361
Document List screen, 360
document options, 360
European Tax Service opening screen, 358
table of contents search, 359
BNA State Services, 335–337
Portfolio List, 336
Bona fide, defined, 152
Boolean connectors, 198, 236
Burden of proof, Federal Court system, 151–152
Bureau of Economic Analysis, 331
Bureau of National Affairs (BNA), 234, 254–256, 332
BNA Foreign Income Library, 356–357
BNA International Services (BNA IS), 357–360
BNA State Services, 335–337
Daily Tax Reporter, 254
DTR Real Time, 256
international tax services, 356–360
News Reports, 256
state tax services. See BNA State Services
TaxCore, 256
Tax Management Portfolios, 254–255, 356–357
Weekly Report, 256
Working Paper Legal Certificate, 357
Business Environment and Concepts (BEC)
CPA exam, 67
Business ethics, 28

C
Capital Asset Pricing Model (CAPM), 172–173
Capital export neutral, international tax services, 350
CAPM. See Capital Asset Pricing Model (CAPM)
CCH. See Commerce Clearing House (CCH); specific services beginning CCH
CCH Citator, 292–295
attributes, 292–294
conventions, 294–295
Notice 2007–22, 293
Soliman case, 294, 295
CCH International Tax News, 369
CCH International U.S. Tax Treaties Reporter, 370
CCH NetWork State Service, 327–331

CCH NetWork State Service, 327–331

citation search, 330–331

content search, state tax reporters, 329–330

Current Features and Journals, 327

indexes, 330

keyword search, state tax reporters, 328–329

multistate publications, 330

news services, 327–328

Opening Screen, 328

practice aids, 330

search results, example, 329

State Tax Day, 327

state tax reporters, 328

State Tax Tab, 327–330

topical indexes, 330

CCH Tax Research NetWork, 207–212

citation search, 210

document, 211

history, 208

index, 211–211

keyword search, 209–210

opening screen, 208

organization of, 207–208

Standard Federal Income Tax Reporter (SFITR), 209

Tax Research Consultant (TRC), 209

TOC, 210–211

CCH Tax Treaties Reporter, 362–363

Chief Counsel of IRS, 440

Memoranda, 135

Circuit Courts, jurisdiction, 165

Circular 230, 7–14

advertising, 11–12

best practices, 12

contingent and unconscionable fees, 11

covered opinions, 13

due diligence, 11

e-mail disclaimer, 13–14

limited practice without enrollment, 9

overview, 7

practice before the IRS, 10–11

reproduced, 520–550

solicitation, 11–12

tax return positions, 12–13

tax return preparers, 9–10

who may practice, 7–9

written advice, 14

Citations

CCH NetWork State Service, 330

conventions and observations, 176

LexisNexis Academic, 333

standard tax citations, 516–519

Citation search

CCH Tax Research NetWork, 210

RIA Checkpoint, 205–207

Citator (Commerce Clearing House), 96

Citators, 273–305

CCH Citator, 292–295

changing tax law, 276

cited case, defined, 275

 citing case, defined, 275

commercial citators, 276–277

defined, 274–276

discussion questions, 296–298

Lexis, 281–282

Research Institute of America, generally, 276

RIA Citator 2nd, 287–292

Shepard`s, 277–281

summary, 296

Westlaw, 282–287

Citing articles, 213–214

Civil penalties (taxpayer), 469–479

accuracy-related penalty, 472–473

ad valorem penalties, 469

failure to file tax return, 469–471

failure to make deposits of taxes, 478

failure to make estimated payments, 476–478

failure to pay tax, 471–472

fraud, 469, 475–476

frivolous return, filing, 479

negligence, 469, 473

overstatements of deposits, 478

and reasonable cause, 469

reliance on written advice of IRS, 479

substantial authority, 473

withholding, false information with respect to, 478

Classification of income, avoiding, 423

Client file, 393–396

illustration, 394–395

Client letters, 390–393

less sophisticated client, sample letter, 392

sophisticated client, sample letter, 391

Closed transactions, 5

Closing agreements, 499–500

Code. See Internal Revenue Code

Collateral estoppel

defined, 152

tax research methodology, 51

Collection, statutes of limitations, 496–497

Commerce Clause, 313, 314

Commerce Clearing House (CCH), 96, 102, 103, 125, 159, 161, 212, 217. See also

CCH Tax Research NetWork

CCH International Tax News, 369

CCH International U.S. Tax Treaties Reporter, 370

citators, 276. See also CCH Citator

Federal Tax Articles (FTA), 217–219

Global Transaction Library, 370

international tax services, 369–371

state service. See CCH NetWork State Service

United States Tax Cases, 163

Commissioner of Internal Revenue, 438

Commissions

AICPA Code of Professional Conduct, 18

Committee Report (Congress), 93–94, 95–96

where to find, 96

Communicating recommendations

tax research methodology, 57–58

Communicating research results, 381–409

client file, 393–396

client letters, 390–393

communication process, 383

file memo, 384–388

oral presentations of research results, 396–400

sources of law, evaluating, 388–390

structure of technical tax communication, 384

and tax professional, 382–384

Compare It, 323, 324

Compilations, 192

Compliance

AICPA Code of Professional Conduct, 17

Computerized tax research, 58–70

benefits of using service, 60–61

CPA exam, research, 65–70

database, selection, 63–64

factors in choosing, 61

hypertext, 60

Internet, 58, 59, 64

IRS Web Site connectors, 65

IRS Web Site research, 65, 66

keywords, identification of, 62–63

online tax resources, examples, 59

query, constructing, 63

question, stating issue as, 62

refining search, 64

RIA Checkpoint, 63–64, 96, 172–173

steps in process, overview, 62

use of computer, generally, 61–62

Computing Centers of IRS, 442

Confidentiality

AICPA Code of Professional Conduct, 17

Federal Court system, 152

Congress

Committee Reports, 93–94, 95–96

sessions, 94

Constitution. See U.S. Constitution

Content search

CCH NetWork State Service, 329

RIA Checkpoint, 202–207

RIA State and Local Service, 326–327

Coordinated Industry Case Program, IRS, 450

Correspondence examinations, 451

Court of Federal Claims, 163–165

Court Reporters, 164–165

locating decisions, 164

Court reporters, 54

Courts of Appeals, 165–167

Court Reporters, 166–167

decisions, 167

locating decisions, 166

Covenant, defined, 152

Cox, Herbert E., 202

CPA exam, computerized tax research, 65–70

Auditing and attestation (AUD), 66

Business Environment and Concepts (BEC), 67

Financial Accounting and Reporting (FAR), 67

National Association of State Boards of Accountancy (NASBA), 65

Regulation (REG), 67

research question and memo, 69
Multistate Alternative Dispute Resolution Program, 321
Multistate Corporate Tax Guide, 337
Multistate publications
CCH NetWork State Service, 330
Multistate Tax Commission (MTC), 320–321

N
NAFTA. See North American Free Trade Agreement (NAFTA)
National Association of State Boards of Accountancy (NASBA), 65
National Conference of Commissioners on Uniform State Laws, 320
National Nexus Program, 320–321
National Office of IRS, 439, 440
National Research Program (NRP), 449–450
National Tax Association (NTA), 215
National Tax Journal (NTJ), 215
National Taxpayer Advocate, 440–442
request for service assistance, 444–445
Negligence, civil penalties, 469, 473
Newsletters, 216, 217
state tax services, 337–338
News Reports (BNA), 256
News services
CCH NetWork State Service, 327–328
Ninety-day letter, 457–458, 459–461
Nolo contendere, defined, 153
Nominal average tax rate, 417
Nonacquiescences, letter rulings, 132–133
Non obstante veredicto (n.o.v.), defined, 153
Nonregulatory ethical behavior models, 25–31
business ethics, 28
ethical dilemmas, 25, 30–31
ethical professional behavior, 26–27
ethical reasoning, 25–26
ethics training and education, 31
"Golden Rule," 26
morality, 27
public policy, 29
social responsibility, 28
sources of ethical behavior and impacts, 27
tax planning ethics, 28–29
North American Free Trade Agreement (NAFTA), 91
NRP. See National Research Program (NRP)
Nullity, defined, 153
outlines, 399
public speaking, fear of, 396
rehearsing, 400
slides, 398
visual aids, 397–398
Organization for Economic Co-operation and Development (OECD), 333–355, 371
Overpayments, interest, 492–493
Oversight Board of IRS, 438
Overstatements of deposits, 478

P
Parol evidence, defined, 153
Payment of tax, failure to pay, 471–472
Penalties
civil penalties. See Civil penalties (taxpayer)
criminal penalties. See Criminal penalties (taxpayer)
tax return preparers. See under Tax return preparers
Per curiam, defined, 153
Periodicals. See Tax periodicals
PH Federal Taxes, 200
Plaintiff, defined, 153
Practice and administration. See Tax practice and administration
Preparers, tax returns. See Tax return preparers
Prima facie, defined, 153
Primary authority, 53, 86, 87
tax research methodology, 53
Private letter rulings, 129–130, 135
Privileges and Immunities Clause, 316
Processing Centers of IRS, 442
Professional journals, 215–216
Progressive tax rates, 415
Proportional tax rate system, 415
Proposed regulations, 120
ProQuest, 217
Public inspection of written determinations
letter rulings, 131–132
Public Law 86-272, 314
Public Law 99-514, 94
Public policy and ethics, 29
Public speaking, fear of, 396

R
Reasonable cause and civil penalties, 469
Recommendations, developing
tax research methodology, 56
Reed Elsevier, 237
Referral fees
AICPA Code of Professional Conduct, 18
Refunds
statutes of limitations, 497, 498
Regressive tax rates, 415
Regulation (REG)
CPA exam, computerized tax research, 67
Regulations, 120–124
assessing, 123–124
citing a regulation, 122–123
effective date, 121–122
Table of Contents

- Supreme Court, 168
- Substantial authority, 473
- Streamlined sales tax project, 315
- Statutory authorities, 86
- statutory agreements, 499
- Tax Notes Today, 337–338
- Tax Notes, 242
- Tax Notes International, 363
- Tax Notes Today, 60, 242
- Taxpayer Assistance Orders, 442–443
- Tax periodicals, 213–219
- academic journals, 215
- annual proceedings, 214–215
- citing articles, 213–214
- Commerce Clearing House, 217
- Federal Tax Articles (FTA), 217–219
- locating relevant tax articles, 215
- law reviews, 215
- professional journals, 215–216
- Research Institute of America (RIA), 216
- scholarly reviews, 215
- state tax services, 337–338
- types of, 214–217
- Warren, Gorham & Lamont (WG&L), 219
- Tax planning, 5–6, 411–435
- avoiding tax traps, 427–430
- classification of income, avoiding, 423
- economics of, 412–414
- ethics of, 28–29
- fundamentals, 418–425
- goals of tax planning behavior, 420
- illustrations, 430–431
- income recognition, 420–422
- inconsistencies in statute, exploiting, 425–427
- liability, computation, 414–415
- in perspective, 417–418
- tax rate terminology, 414–417
- typical tax practice, 417
- wealth, maximization, 412
- wealth planning process, 418
- Tax practice and administration, 467–511
- injunctions, 490
- interest, 490–494
- penalties, 469–489
- return preparers, penalties, 482–489
- statutes of limitations, 494–499
- Tax notes, 242
- Tax Planning, 242
- Tax Planning (TRC), 209
- Tax research, 6
- by certified public accountants, 32–34
- computerized. See computerized tax research
- methodology. See Tax research methodology
- Tax Research Consultant (TRC), 209
- Tax research memo sample format, 57
- Tax research methodology, 47–82
- administrative sources, 53
- authority, 53–56
- changing a research conclusion, 56
- collateral estoppel, 51
- communicating recommendations, 57–58
- computerized tax research. See computerized tax research
- conclusions, developing, 56
- interaction among research facts, issues, and solutions, 52
- issues, identification of, 50–53
- iterative process, research as, 52
- judicial sources, 53–54
- law issues, 50
- major tax services, 55
- outline of process, 48–57
- primary authority, 53
- recommendations, developing, 56
- research cases, 78–82
- secondary authorities, 54
- statutory authority, 53
- tax journals, 55
- tax research memo sample format, 57
- tax services, 54, 55
- Tax Research Network. See CCH Tax Research Network
- Tax return positions
- AICPA statements on standards for tax services, 19
- Circular 230, 12–13
- Tax return preparers
- Circular 230, 9–10
- defined, 483
- injunctions, 490
- penalties, 482–489
- refunds, 485
Tax returns
  AICPA statements on standards for tax services, 19–22
  audit process, 447–449
  Circular 230, tax return positions, 12–13
  failure to file, 469–471, 482
  frivolous return, filing, 479
  irregular, statutes of limitations, 495
  preparation, 20, 21–22
  preparers. See Tax return preparers
  time to file, 470
Tax services, 192–212
  annotated tax services, 192
  ATX/Kleinrock, 212
  CCH Tax Research NetWork. See CCH Tax Research NetWork
  compilations, 192
  illustrative research example, 193–195
  overview, 192–193
  RIA Checkpoint. See RIA Checkpoint
  tax research methodology, 54, 55
  topical tax services, 192
Tax shelters, abusive inclusions, 490
  organizing, penalties, 486–487
Tax treaties, 91–93, 354–355
  except, 91
  Internal Revenue Code, 92–93
  treaty override, 92
TDs. See Treasury Decisions (TDs)
  Technical Advice Memorandum, 130
  Technical Memorandum (TM), 135
  Temporary regulations, 121
Territorial model, international tax services, 351
Thirty-day letter, 455
  sample letter, 459–461
Thomson, 237
Time value of money, 513–515
TM. See Technical Memorandum (TM)
TOC. See Table of Contents
Topical tax services, 192
Treasury Decisions (TDs), 120
Treaties. See Tax treaties
TRP. See Tax return preparers

United Kingdom
  tax treaties, 91
United Nations, 371
United States Board of Tax Appeals, 158
United States Code Annotated, 93
United States Code Congressional and Administrative Cumulative Bulletin, 96
United States Supreme Court Reports, 168
United States Tax Cases, 54, 163, 168
United States Tax Reporter (USTR), 195, 198, 201
  history, 200
U.S. Code, 102, 120
U.S. Constitution. See also Fourteenth Amendment; Sixteenth Amendment
  excerpt, 90
  generally, 89
  state and local taxes, 313–316
U.S. Court of Federal Claims. See Court of Federal Claims
U.S. Courts of Appeals. See Courts of Appeals
U.S. District Courts. See District Courts
U.S. Supreme Court. See Supreme Court
USTC. See United States Tax Cases

V
Vacate, defined, 153
Visual aids, oral presentations of research results, 397–398

W
Warren, Gorham & Lamont (WG&L), 195, 217
  Federal Taxation of Income, Estates, and Gifts (B & L), 253–254
  IFTA, 219
  State Taxation treatise, 337
  Ways and Means Committee, 93
  Wealth, maximization, 412
  Wealth planning process, 418
  Weekly Report (BNA), 256
Westlaw, 246–254
  Bittker & Lokken Service, 253–254
  citator, 282–287
  data and access, 246–247
  international tax services, 368–369, 368, 369
  KeyCite, 247, 282–286
  News & Business, 251–252
  ResultsPlus, 287
  searching, 247–251
state tax services. See Westlaw State Services
  Welcome screen, 246
Westlaw State Services, 332–335
  Directory, 333–334
  Find, 333
  KeyCite, 333
  State Databases, 335
  Tax Tab, 334–335
West Publishing, 102, 163, 164, 169
Wetzler, James W., 425
WG&L. See Warren, Gorham & Lamont (WG&L)
Wikipedia, 89
Wildcard (universal) characters, 236
Withholding, false information with respect to, 478
Wolters Kluwer, 237
Working Paper Legal Certificate, BNA, 357
Working with the IRS, 437–466
  appeals process, 456–462
  audit process, 446–451, 452, 454
Chief Counsel, 440
  Commissioner of Internal Revenue, 438
  Computing Centers, 442
  Customer Service Sites, 442
  guiding principles, 439
  IRS National Office, 439, 440
  IRS Oversight Board, 438
  IRS Service Centers, 442
  local taxpayer advocates, 443
  National Taxpayer Advocate, 440–442, 444–445
  operating divisions, 441
  organization of IRS, 438–443
  Processing Centers, 442
  strategic plan goals, 440–442
  Taxpayer Assistance Orders, 442–443
  taxpayer rights, 443446
  tax tutor, 462
WorldCom, 23
World Trade Organization (WTO), 353
Worldwide Tax Daily, 363, 364
Worldwide Tax Rates and Answers: Europe, 370
Written determinations
  locating, 132
  numbering system, 132
WTL. See RIA Worldwide Tax Law (WTL)
WTO. See World Trade Organization (WTO)