

CHAPTER 2

WORKING WITH THE TAX LAW

SOLUTIONS TO PROBLEM MATERIALS

Question/ Problem	Learning Objective	Topic	Status: Present Edition	Q/P in Prior Edition
1	LO 1	Precedents of Courts	Unchanged	1
2	LO 1, 3	Treaties	Unchanged	2
3	LO 1	Joint Conference Committee	Unchanged	3
4	LO 1	Regulations, Revenue Rulings, Revenue Procedures, letter rulings	Unchanged	4
5	LO 1, 2	Authority	Unchanged	5
6	LO 1	Regulations	Unchanged	6
7	LO 1	Citations	Unchanged	7
8	LO 1	Small Cases Division	Unchanged	8
9	LO 1	U.S. District Court	Unchanged	9
10	LO 1, 3	Judicial alternatives: trial courts	Unchanged	10
11	LO 1	Judicial system	Unchanged	11
12	LO 1	Tax Court and appeal process	Unchanged	12
13	LO 1	Trial Courts	Unchanged	13
14	LO 1	Circuit Court of Appeals	Unchanged	14
15	LO 1	Petitioner	Unchanged	15
16	LO 1, 2	Court decision validity	Unchanged	16
17	LO 1	Tax Court Regular and Memorandum Tax decisions	Unchanged	17
18	LO 1	Abbreviations	Unchanged	18
19	LO 2	Citations	Unchanged	19
20	LO 2	Citations	Unchanged	20
21	LO 2	Court of Federal Claims	Unchanged	21
22	LO 2	Cumulative Bulletin	Unchanged	22
23	LO 2	Citations	Unchanged	23
24	LO 2, 4	Tax research	Unchanged	24
25	LO 1, 2	Judicial system	Unchanged	25
26	LO 1	Judicial system	Unchanged	26
27	LO 1, 2	Citations	Unchanged	27
28	LO 1, 2	Tax sources	Unchanged	28
29	LO 1	Subchapters	Unchanged	29
30	LO 1, 2	Location of Revenue Procedures	Unchanged	30

<u>Question/ Problem</u>	<u>Learning Objective</u>	<u>Topic</u>	<u>Status: Present Edition</u>	<u>Q/P in Prior Edition</u>
31	LO 1, 2	Citation	Unchanged	31
32	LO 1	Appeal to U.S. Supreme Court	Unchanged	32
33	LO 2	Ethics problems	Unchanged	33
34	LO 1, 4	Internet activity	Unchanged	34
35	LO 2, 3	Code citations	Unchanged	35

<u>Bridge Discipline Problem</u>	<u>Topic</u>	<u>Status: Present Edition</u>	<u>Q/P in Prior Edition</u>
1	Sources of federal tax law	Unchanged	1
2	Tax legislation	Unchanged	3
3	Regulation of tax profession	Unchanged	4
4	Ethics problem	Unchanged	6

<u>Research Problem</u>	<u>Topic</u>	<u>Status: Present Edition</u>	<u>Q/P in Prior Edition</u>
1	Search for court decision	Unchanged	1
2	Citations	Unchanged	2
3	Citations	Unchanged	3
4	Subchapters	New	
5	Citations	Unchanged	5
6	Tax Court Small Cases Division	New	
7	Tax Court Small Cases Division	Unchanged	7
8	Locating a decision	Unchanged	8
9	Library research	Unchanged	9
10	Internet tax research	New	
11	Internet activity	Unchanged	11
12	Internet tax research	Unchanged	12
13	Internet activity	Unchanged	13

Proposed solutions to the **Research Problems** are found in the Instructor's Guide.

PROBLEMS

1. See Figure 2.3.
 - a. The Tax Court must follow its own cases, the pertinent U.S. Circuit Court of Appeals, and the Supreme Court.
 - b. The Court of Federal Claims must follow its own decisions, the Federal Circuit Court of Appeals, and the Supreme Court.
 - c. The District Court must follow its own decisions, the pertinent U.S. Circuit Court of Appeals, and the Supreme Court.

2.

Smith, Raabe, Maloney, and Young, CPAs
5191 Natorp Boulevard
Mason, OH 45040

March 22, 2014

Mr. Butch Bishop
Tile, Inc.
100 International Drive
Tampa, Florida 33620

Dear Mr. Bishop:

This letter is in response to your request about information concerning a conflict between a U.S. treaty with Spain and a Section of the Internal Revenue Code. The major reason for treaties between the United States and certain foreign countries is to eliminate double taxation and to render mutual assistance in tax enforcement.

Section 7852(d) provides that if a U.S. treaty is in conflict with a provision in the Code, neither will take general precedence. Rather, the more recent of the two will have precedence. In your case, the Spanish treaty takes precedence over the Code Section.

A taxpayer must disclose on the tax return any positions where a treaty overrides a tax law. There is a \$1,000 penalty per failure to disclose for individuals and a \$10,000 penalty per failure for corporations.

Should you need more information, feel free to contact me.

Sincerely,

Alice Hanks, CPA
Tax Partner

3. When the Senate version of a tax bill differs from that passed by the House, the Joint Conference Committee, which includes members of both the House Ways and Means Committee and the Senate Finance Committee, is called upon to resolve these differences. The result, usually a compromise of the two versions, is then voted on by both the House and the Senate.
4. a. Treasury Regulations are issued by the U.S. Treasury Department, while Revenue Rulings are issued by the National Office of the IRS. Both Regulations and Revenue Rulings are designed to provide an interpretation of the tax law. However, Rulings do not have the same legal force and effect as do Regulations. Usually, Rulings deal with more restricted problems. Rulings “are published to provide precedents to be used in the disposition of other cases and may be cited and relied upon for that purpose.” See Rev.Proc. 86-15, 1986-1 CB 544.

- b. Revenue Procedures are issued in the same manner as are Revenue Rulings, but Procedures deal with the internal management practices and requirements of the IRS. Familiarity with these Procedures can increase taxpayer compliance and assist the efficient administration of the tax law by the IRS.
 - c. Letter rulings are issued upon a request. They describe how the IRS will treat a proposed transaction. Unlike Revenue Rulings, letter rulings apply only to the taxpayer who applies for and obtains the ruling, and generally, “may not be used or cited as precedent” [§ 6110(k)(3)]. Letter rulings, used to be “private” (i.e., the content of the ruling was made available only to the taxpayer that requested the ruling). However, Federal legislation and the courts have forced the IRS to modify its position on the confidentiality of letter rulings. Such rulings now are published by a number of commercial tax services.
 - d. Like letter rulings, determination letters are issued at the request of taxpayers. They provide guidance concerning the application of the tax law. They differ from letter rulings in that the issuing source is the taxpayer’s own District Director rather than the National Office of the IRS. In addition, determination letters usually involve completed (as opposed to proposed) transactions. Determination letters are not published, but are made known only to the party making the request.
5. The items would probably be ranked as follows (from lowest to highest):
- (1) Letter ruling (valid only to the taxpayer to whom issued).
 - (2) Proposed Regulation (most courts ignore these).
 - (3) Revenue Ruling.
 - (4) Interpretive Regulation.
 - (5) Legislative Regulation.
 - (6) Internal Revenue Code.
6. Because Regulations interpret the Code, they are arranged in the same sequence as the Code. Regulations are prefixed by a number that designates the type of tax or administrative, procedural, or definitional matter to which they relate. These Regulations would be cited as follows with subparts added for further identification. The subparts have no correlation with the subsections in the Code.
- a. Reg. § 1.152.
 - b. Prop.Reg. § 1.274.
 - c. Temp.Reg. § 1.163.
- 7.
- a. This is a Temporary Regulation; 1 refers to the type of Regulation (i.e., income tax), 956 is the related Code Section number, 2 is the Regulation section number, and T refers to temporary.
 - b. Revenue Ruling number 15, appearing on page 975 of the 23rd weekly issue of the *Internal Revenue Bulletin* for 2012.
 - c. Letter Ruling 51, issued in the 4th week of 2002.

8.
 - a. No. There is no appeal from the Small Cases Division.
 - b. No. Deficiency cannot exceed \$50,000.
 - c. Yes.
 - d. No. However, decisions are now published on the Tax Court's website.
 - e. Yes.
 - f. Yes.
9. The main advantage of the U.S. Court of Federal Claims occurs when a taxpayer's applicable Circuit Court previously rendered an adverse decision. Such a taxpayer may select the U.S. Court of Federal Claims because any appeal will be to the Federal Circuit.

One disadvantage of the U.S. Court of Federal Claims is that the tentative deficiency must be paid before the Court will hear and decide the controversy.

The U.S. Court of Federal Claims is a trial court that usually meets in Washington, D.C. It has jurisdiction for any claim against the United States that is based on the Constitution, any Act of Congress, or any Regulation of an executive department.

10.

Smith, Raabe, Maloney, and Young, CPAs
5191 Natorp Boulevard
Mason, OH 45040

July 8, 2014

Mr. Eddy Falls
200 Mesa Drive
Tucson, AZ 85714

Dear Mr. Falls:

You have three alternatives should you decide to pursue your \$229,030 deficiency in the court system. One alternative is the U.S. Tax Court, the most popular forum. Some people believe that the Tax Court judges have more expertise in tax matters. The main advantage is that the U.S. Tax Court is the only trial court where the tax need not be paid prior to litigating the controversy. However, interest will be due on an unpaid deficiency. The interest rate varies from one quarter to the next as announced by the IRS.

One disadvantage of the U.S. Tax Court is the delay that might result before a case is decided. The length of delay depends on the Court calendar, which includes a schedule of locations where cases will be tried. Another disadvantage is being unable to have the case heard before a jury.

The major advantage of another alternative, the U.S. District Court, is the availability of a trial by jury. One disadvantage of a U.S. District Court is that the tentative tax deficiency must be paid before the Court will hear and decide the controversy.

The Court of Federal Claims, the third alternative, is a trial court that usually meets in Washington, D.C. It has jurisdiction for any claim against the United States that is based on the Constitution, any Act of Congress, or any regulation of an executive department. The main advantage of the U.S. Court of Federal Claims occurs when a taxpayer's applicable Circuit Court previously rendered an adverse decision. Such a taxpayer may select the Court of Federal Claims because any appeal will be to the

Federal Circuit instead. One disadvantage of the Court of Federal Claims is that the tentative deficiency must be paid before the Court will hear and decide the controversy.

I hope this information is helpful, and should you need more help, please contact me.

Sincerely,

Agnes Reynolds, CPA
Tax Partner

11. See Figure 2.3, Figure 2.4, and Concept Summary 2.1.
- There is no appeal by either the taxpayer or the IRS from a decision of the Small Cases Division of the U.S. Tax Court.
 - The first appeal would be to the Sixth Circuit Court of Appeals. Further appeal would be to the U.S. Supreme Court.
 - Same as b. above.
 - The appeal would be to the Federal Circuit Court of Appeals and then to the U.S. Supreme Court.
12. There could be numerous reasons why the IRS may decide not to appeal a case that it loses in the U.S. Tax Court. The failure to appeal, therefore, does not necessarily mean that the IRS agrees with any result that was reached therein.

13. See Concept Summary 2.1.	<u>U.S. Tax Court</u>	<u>U.S. District Court</u>	<u>U.S. Court of Federal Claims</u>
a. Number of regular judges	19	Varies; one judge hears a case	16
b. Jury trial	No	Yes	No
c. Prepayment of deficiency required before trial	No	Yes	Yes

14. See Figure 2.4.
- 10th.
 - 8th.
 - 9th.
 - 5th.
 - 7th.
15. The term *petitioner* is a synonym for plaintiff, which refers to the party requesting action in a court.

16.
 - a. If the taxpayer chooses a U.S. District Court as the trial court for litigation, the U.S. District Court of Wyoming will be the forum to hear the case. Unless the prior decision has been reversed on appeal, one would expect the same court to follow its earlier holding.
 - b. If the taxpayer chooses the U.S. Court of Federal Claims as the trial court for litigation, the decision that was rendered previously by this Court should have a direct bearing on the outcome. If the taxpayer selects a different trial court (i.e., the appropriate U.S. District Court or the U.S. Tax Court), the decision that was rendered by the U.S. Court of Federal Claims will be persuasive, but not controlling. It is, of course, assumed that the result that was reached by the U.S. Court of Federal Claims was not reversed on appeal.
 - c. The decision of a U.S. Circuit Court of Appeals will carry more weight than will one that was rendered by a trial court. Because the taxpayer lives in California, however, any appeal from a U.S. District Court or the U.S. Tax Court will go to the Ninth Circuit Court of Appeals (see Figure 2.3). Although the Ninth Circuit Court of Appeals might be influenced by what the Second Circuit Court of Appeals has decided, it is not compelled to follow such holding. See Figure 2.4.
 - d. Because the U.S. Supreme Court is the highest appellate court, one can place complete reliance upon its decisions. Nevertheless, one should investigate any decision to see whether the Code has been modified with respect to the result that was reached. There also exists the rare possibility that the Court may have changed its position in a later decision. See Figure 2.3.
 - e. When the IRS acquiesces to a decision of the U.S. Tax Court, it agrees with the result that was reached. As long as such acquiescence remains in effect, taxpayers can be assured that this represents the position of the IRS on the issue that was involved. Keep in mind, however, that the IRS can change its mind and can, at any time, withdraw the acquiescence and substitute a nonacquiescence.
 - f. The issuance of a nonacquiescence usually reflects that the IRS does not agree with the result that was reached by the U.S. Tax Court. Consequently, taxpayers are placed on notice that the IRS will continue to challenge the issue that was involved.
17. The differences between a Regular decision, a Memorandum decision, and a Summary Opinion of the U.S. Tax Court are summarized as follows:
 - In terms of substance, Memorandum decisions deal with situations that require only the application of previously established principles of law. Regular decisions involve novel issues that have not been resolved by the Court. In actual practice, however, this distinction is not always observed.
 - Memorandum decisions officially were published until 1999 in mimeograph form only, but Regular decisions are published by the U.S. Government in a series that is designated as the *Tax Court of the United States Reports*. Memorandum decisions are now published on the Tax Court website. Both Regular and Memorandum decisions are published by various commercial tax services (e.g., CCH and RIA).
 - A Summary Opinion is a Small Cases Division case involving amounts of \$50,000 or less. They are not precedents for any other court decisions and are not reviewable by any higher court. Proceedings are timelier and less expensive than a Memorandum or Regular decision. Small cases decisions are published as Summary Opinion, found commercially and on the U.S. Tax Court website.

18. a. CA–2. An abbreviation that designates the U.S. Second Circuit Court of Appeals.
- b. Fed.Cl. An abbreviation for the Federal Claims Reporter published by West Publishing Company. It includes the decisions of the U.S. Court of Federal Claims and begins with Volume 27.
- c. *aff'd*. An abbreviation for “affirmed,” which indicates that a lower court decision was affirmed (approved of) on appeal.
- d. *rev'd*. An abbreviation for “reversed,” which indicates that a lower court decision was reversed (disapproved of) on appeal.
- e. *rem'd*. An abbreviation for “remanded,” which indicates that a lower court decision is being sent back by a higher court for further consideration.
- f. *Cert. denied*. The Writ of Certiorari has been denied by the U.S. Supreme Court. This Writ means that the Court will not accept an appeal from a lower court and, therefore, will not consider the case further.
- g. *acq.* An abbreviation for “acquiescence” (agreement). The IRS follows a policy of either acquiescing or nonacquiescing to certain decisions.
- h. B.T.A. An abbreviation for the Board of Tax Appeals. From 1924 to 1942, the U.S. Tax Court was designated as the Board of Tax Appeals.
- i. USTC. U.S. District Court, U.S. Circuit Court of Appeals, U.S. Court of Federal Claims, and U.S. Supreme Court decisions that address Federal tax matters are reported in the Commerce Clearing House U.S. Tax Cases (USTC) and the RIA (formerly P-H) American Federal Tax Reports (AFTR) series.
- j. AFTR. See the solution to part i. above.
- k. F.3d. All of the decisions (both tax and nontax) of the U.S. Claims Court (before October 1982) and the U.S. Circuit Court of Appeals are published by West Publishing Company in a reporter that is designated as the Federal Reporter, Second Series (F.2d). Volume 999, published in 1993, is the last volume of the Federal Second Series. It is followed by the Federal Third Series (F.3d).
- l. F.Supp. Most Federal District Court decisions, dealing with both tax and nontax issues, are published by West Publishing Company in its Federal Supplement Series (F.Supp.).
- m. USSC. An abbreviation for the U.S. Supreme Court.
- n. S.Ct. West Publishing Company publishes all of the U.S. Supreme Court decisions in its Supreme Court Reporter (S.Ct.).
- o. D.Ct. An abbreviation for a U.S. District Court decision.
19. a. Ninth Circuit Court of Appeals.
- b. U.S. Tax Court.
- c. U.S. Supreme Court.
- d. Bureau of Tax Appeal (old name of U.S. Tax Court).

- e. Tax Court (memorandum decision).
 - f. Court of Claims.
 - g. Not a court decision.
 - h. District Court in New York.
 - i. Not a court decision.
20. See Concept Summary 2.2.
- a. This citation is to a regular decision of the U.S. Tax Court that was issued in 1950. The decision can be found in Volume 14, page 74, of the Tax Court of the United States Report, published by the U.S. Government Printing Office.
 - b. This citation is for a decision of the U.S. Fifth Circuit Court of Appeals that was rendered in 1979. The decision can be found in Volume 592, page 1251, of the Federal Reporter, Second Series (F.2d), published by West Publishing Company.
 - c. This citation is for a decision of the U.S. Sixth Circuit Court of Appeals that was rendered in 1995. The decision can be found in Volume 1 for 1995, paragraph 50,104 of U.S. Tax Cases, published by Commerce Clearing House.
 - d. This citation is for a decision of the U.S. Sixth Circuit Court of Appeals that was rendered in 1995. The decision can be found in Volume 75, page 110, of the Second Series of American Federal Tax Reports, published by RIA.
 - e. This citation is for a decision of the U.S. District Court of Texas that was rendered in 1963. The decision can be found in Volume 223, page 663, of the Federal Supplement Series, published by West Publishing Company.
21. Decisions of the U.S. Court of Federal Claims (formerly named the Claims Court) are published in the USTCs; AFTRs; and the West Publishing Co. reporter called the Federal Reporter, Second Series (F.2d) (before October 1982) and Claims Court Reporter (beginning October 1982 through October 30, 1992). The name of the U.S. Court of Federal Claims was changed from the Claims Court effective October 30, 1992. Currently, this court's decisions are published in the Federal Claims Reporter.
- 22.
- a. Yes.
 - b. No. Not published there.
 - c. No. Published by private publishers.
 - d. Yes.
 - e. Yes.
 - f. No.
 - g. Yes.
 - h. No.

- 23.
- a. The U.S. Tax Court.
 - b. Yes, the appellate court affirmed, or agreed with, the trial court.
 - c. United Draperies, Inc., the taxpayer.
 - d. Yes, in effect, by issuing cert. denied to the appellate court decision (refusing to hear the decision).
24. After understanding the relevant facts:
- Yvonne may begin with the index volumes of the available tax services: RIA, CCH, BNA Portfolios, etc.
 - A key word search on an online service could be helpful—WESTLAW, LEXIS, CCH, and RIA Checkpoint.
 - Yvonne may employ a key word search of a CD-ROM and browse through a tax service, IRS publications, etc. West Publishing, CCH, Kleinrock, and RIA offer CD-ROM products.
 - Yvonne could consult CCH’s Federal Tax Articles to locate current appropriate articles written about child support payments. RIA’s Tax Service also has a topical “Index to Tax Articles” section that is organized using the RIA paragraph index system.
 - Yvonne may consult The Accounting & Tax Index, which is available in three quarterly issues and a cumulative year-end volume covering all four quarters.
 - Up-to-date information may be found on the Web. Various legal, accounting, and financial gateways can be found by clicking on highlighted words or phrases.
- 25.
- a. Tom has some false notions. He must sue in the U.S. District Court of his locality and not in any other U.S. District Court.
 - b. Tom has four choices of courts with respect to his Federal tax question, and a state court is not one of the choices. He may go to the U.S. Tax Court, Small Cases Division of the U.S. Tax Court, U.S. District Court, or U.S. Court of Federal Claims.
 - c. The B.T.A. decision is an old U.S. Tax Court decision that may have little validity today. Even if the decision still is good law, it probably will have little impact upon a U.S. District Court and certainly no impact upon a state court.
 - d. The U.S. Court of Federal Claims is a trial court that usually meets in Washington, D.C., and Tom cannot appeal from a U.S. District Court to the U.S. Court of Federal Claims. Any appeal from his U.S. District Court would be to the Sixth Circuit Court of Appeals (and not to the Second).
 - e. Few tax decisions reach the U.S. Supreme Court. The U.S. Supreme Court must agree to hear a court case.

26. a. T.
b. C (before October 1982) and A.
c. D, C, A, and U.
d. D, C, A, and U.
e. U.
f. C and U.
g. D.
h. D, T, and C.
i. A and U.
j. C.
k. T.
l. T.
27. a. N, a cite for an IRS Revenue Ruling.
b. T, U.S. Tax Court.
c. A, U.S. Circuit Court of Appeals.
d. U, U.S. Supreme Court.
e. T, U.S. Tax Court (previous name of the Tax Court).
f. D, U.S. District Court.
g. T, U.S. Tax Court.
h. N, a cite for a Letter Ruling.
i. T, U.S. Tax Court's Small Cases Division decision.
28. a. P.
b. P.
c. P.
d. S.
e. P.
f. S.
g. P. Valid for 3 years.
h. P.
i. N.
j. P.

29. b.
30. b.
31. The number 66 is the volume number for the U.S. Tax Court, 39 refers to the page number of the 562nd volume of the Federal Second Series, and nonacq. means that the IRS disagreed with the decision. The Tax Court (T.C.) cite is to the trial court.
32. There is no automatic right of appeal to the U.S. Supreme Court. Appeal is by Writ of Certiorari. If the Court agrees to hear the dispute, it will grant the Writ (*Cert. granted*). Most often, the highest court will deny jurisdiction (*Cert. denied*).
33. Tax research serves two major functions: (a) alerting the tax advisor to planning opportunities and documentation requirements that can reduce a taxpayer's liability through alternative means of structuring a transaction; and (b) determining the correct treatment of completed transactions to ensure accurate compliance with U.S. tax laws. A professional approach to client service, therefore, demands thorough tax research as part of the job. Attention to the requirements of our country's tax laws is also mandated by the canons of professional ethics and the regulations applicable to professional tax preparers. Although some clients might prefer a head-in-the-sand approach to tax compliance, the range of potential penalties and interest charges make knowledge of the likely tax treatment of a particular transaction imperative.

The low IRS audit rate, moreover, does not justify playing the "audit lottery." Besides, this low rate masks much higher audit rates for certain categories of taxpayers and certain types of income—including returns prepared by persons known by the IRS to be negligent or unduly aggressive.

34. The Internet Activity research problems require that the student access various sites on the Internet. Thus, each student's solution likely will vary from that of the others.

You should determine the skill and experience levels of the students before making the assignment, coaching them where necessary so as to broaden the scope of the exercise to the entire available electronic world.

Make certain that you encourage students to explore all parts of the World Wide Web in this process, including the key tax sites, but also information found through the websites of newspapers, magazines, businesses, tax professionals, government agencies, political outlets, and so on. They should work with Internet resources other than the Web as well, including newsgroups and other interest-oriented lists.

Build interaction into the exercise wherever possible, asking the student to send and receive e-mail in a professional and responsible manner.

35. a. Section 61(a)(13): Gross income of a taxpayer includes distributive share of partnership gross income.
- b. Section 643(a)(2): Distributable net income of a trust or estate is computed without allowing a deduction for a personal exemption.
- c. Section 2503(g)(2)(A): The term "qualified work of art" means any archaeological, historic, or creative tangible personal property.

BRIDGE DISCIPLINE PROBLEMS

1. a. There is a correspondence between the sources of the Federal tax law and the three branches of the law as described in the U.S. Constitution. Congress is the legislative branch, Treasury and the IRS are the executive branch, and the courts are the judicial branch.

But the IRS likely is more aggressive than most other federal agencies, despite its current “customer service” orientation. And there are few federal courts in which the taxpayer’s chances of prevailing are so low as they are in tax litigation.

And one seldom sees elsewhere the power of the congressional committees assigned to shepherd tax proposals to a vote.

Remembering the quote of von Bismarck, the making of tax law is a creature unto itself, unparalleled elsewhere in the federal system today.

- b. The high costs of tax litigation, and the low probabilities of success once a taxpayer reaches the court, diminish the checks-and-balances feature of the federal tax system. Very few taxpayer pockets are “deep enough” to pursue a regular strategy of litigation to find the correct computation of one’s tax liability. Thus, the government holds an important advantage over the taxpayer in working through the adversarial system that comprises today’s federal tax structure.

At least there are plenty of opportunities for the taxpayer to reach an agreeable settlement with the government. The path through IRS appeals has a number of intermediate stops at which the parties can measure the strength of each other’s position and negotiate a settlement in computing the tax due. Perhaps this is the trade-off at hand: Negotiated settlements save all parties time and money, even though they are not mentioned in the Constitution or the Revenue Code.

2. Solution will vary by student.
3. Solution will vary by student.
4. There is nothing illegal or immoral about minimizing one’s tax liability. A citizen has every legal right to arrange his or her affairs so as to keep the attendant taxes as low as possible. One is required to pay no more taxes than the law demands. There is no ethical difference between a tax advisor’s reduction of a tax expense and a cost accountant’s reduction of a cost of operating a business.

NOTES