

MGT 547 – TAX RESEARCH

Fall Semester 2015
ASM Room 2141

Thursday, 3:00 p.m. to 5:30 p.m.

Instructor: James R. Hamill, CPA, Ph.D.
Director of Tax Practice
Reynolds Hix & Co.
505-828-2900
jimhamill@rhcocpa.com

Office Hours: By appointment, and immediately before and after class. I want you to seek help whenever you are struggling with the class so I will make myself available for that purpose. I also respond quickly by e mail.

Course Overview:

This course deals with tax research but also with professional practice issues in taxation. We will learn how to define a tax research problem, which authorities are relevant in addressing the issues, how to evaluate authorities, and how to communicate the results of your research. Practitioners are not in full agreement about these issues. I will distinguish between generally accepted approaches to research as well as my personal preferences. We will also study what professional standards have to say about conducting and communicating the results of tax research.

There are several “landmark” tax cases that you should know as a tax practitioner. These cases will be assigned to read, you will have to prepare a brief of the case, and to then discuss why this case is relevant to current day tax practice. These briefs will be part of the weekly “practice set” assignments discussed below.

There are also several sources of professional standards that apply to tax practice. These will be covered early in the class, will be part of your practice set assignments, and will form a basis for discussions and applications throughout the course.

There is no textbook for the course. You will need to be able to use both primary and secondary tax authorities. All course assignments, including both practice sets and research papers, will need to cite primary tax authorities in support of your answers or arguments. While your opinions are valued and appreciated as part of class discussions, professional tax communication is a more formal process and you need to cite primary authorities, and on rare occasions, secondary authorities, to support your discussions and conclusions.

This is a writing intensive course. For this reason the course will not meet every week but you are expected to work on the class every week. Weeks that we do not meet will require you to work on outside written assignments. During those times I will always be available by e mail, and generally also be available to meet with you if needed.

Grading:

Grades will be a function of research papers and practice sets. What I call practice sets are assignments to be turned in and discussed during weeks that we meet, and they are intended to give me some assurance that you have adequately prepared for class. This is a graduate seminar course, and you are expected to actively participate in class discussions. To do so you need to prepare for class. I will try to not be overly harsh in grading practice sets as they are intended to determine to what extent you have prepared for class. The grades will be based on a total of 500 points as follows:

(4) Research Papers	400 points
(5) Practice Sets	100 points

There is no final exam. However, there will be a class meeting finals week.

Assignments: Research papers will be written based on a specific fact pattern, and will use a format appropriate to a client tax memorandum. You may select a topic of interest to you and may also develop your own fact pattern. I recommend that you let me review the fact pattern to make sure it is appropriate. If you have an area of interest, but do not have a fact pattern, I can help you to develop one. If you cannot develop either an area or a fact pattern I can help you with both. There is no set length for a research memo. It should be as long as is needed to answer the issues that are raised by the fact pattern. The intent is to help you develop the skills that you will use as a tax practitioner. Research papers must be submitted in a hard copy form. If a paper is submitted late it cannot receive full credit. You should not submit your first draft of a research paper. Simple issues such as organization and grammar will not be of the quality expected for a client memo if you submit your first draft. Class meetings in which a research paper is due will be devoted to discuss the papers.

Practice sets, in those weeks where they are used, will be assigned before each class meeting. They will require you to apply the tax authorities that we will be discussing in class the next class meeting. They will be graded based on your efforts to do a reasonable analysis of the question and the applicable law. You do not need to get the correct answer to get all points possible, but you will need to show a reasonable attempt to answer the questions. We will work through the questions in class, including in groups. Part of the assignment will be working through class discussions, and for this reason you cannot receive full credit if you do not attend class, even if the practice set is submitted before the class meeting and even if the answers are entirely correct. Part of the assignment is discussing it with fellow class members similar to what you would do in a client meeting. If you miss class you cannot fully satisfy the requirements of the assignment. No practice sets are assigned for the meetings where we turn in and discuss research papers.

Students with Disabilities:

If you have any disability that you believe could adversely affect your performance in this class please let me know by the end of the January 26th class. UNM has an office that handles student disabilities and I rely upon their guidance and expertise in structuring an appropriate response to your individual situation. Please let me know of any special accommodations that you may require so I can work with the university authorities.

Use of Computers:

You are welcome to use a computer to take notes. Unless we are accessing an internet-based tax research source, you should not be on the internet during class.

Use of cell phones:

Be professional. Phones, if on, should be set on vibrate, and you should not be texting or checking text messages during class. Treat the class as if you are in a client meeting.

Class Schedule:

I will be out of town on the first day of class, August 20. Because this is a more self-directed class than a typical graduate tax course we will easily be able to make up that week. As noted above, we will not meet every week as you will have a more intensive writing schedule than would be the case in a typical class. For this reason there will be weeks where your responsibilities are to independently work on writing assignments.

<u>Class Meeting</u>	<u>Topics Covered</u>
Thursday 8-27	Circular 230
Thursday 9-03	Continue with Circular 230 and related professional responsibilities
Thursday 9-10	Discuss written tax communications
Thursday 9-17	Research Paper 1 Due Peer assessment of papers
Thursday 9-24	Discuss Research Paper 1 – Issues and suggestions
Thursday 10-01	Research paper 2 Due (re-work of Research paper 1)
Thursday 10-08	UNM Fall Break – No class

Thursday 10-15	Landmark court cases 1
Thursday 10-22	Research paper 3 Due Peer assessments of research paper 3
Thursday 10-29	Discuss issues still remaining after research paper 3
Thursday 11-05	Landmark court cases 2
Thursday 11-12	Individual meetings – prepare for research paper 4
Thursday 11-19	TBA
Thursday 11-26	Thanksgiving – No class meeting
Thursday 12-03	Research paper 4 Due