

TAX RESEARCH MEMO TEMPLATE

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Relevant Facts

Robert Jones recently provided his expertise as an expert witness in a case that was heard by the U.S. Tax Court. The taxpayer involved in the case is now seeking reimbursement for both Jones' fees and the expenses incurred by her attorney during the presentation of the case. Jones' billing rate for this engagement is \$500 per hour, which is considered the prevailing market rate for similar services in his city. Additionally, the taxpayer is eligible for reimbursement of out-of-pocket expenses, such as auto mileage and computer charges. The question at hand is the extent to which the taxpayer will be able to recover Jones' fee.

Specific Issues

What portion of the taxpayer's money will be reimbursed in relation to Jones' fee?

Conclusions

The Internal Revenue Code §7430 (c) grants the IRS and federal courts the power to award court cost recovery to taxpayers who successfully prevail against the United States. Attorney's fees and taxpayer expert witness fees can be reimbursed under certain circumstances. The requirements for the 7430 are outlined as follows: the taxpayer must not have unreasonably prolonged the litigation, must have pursued the case through the IRS administrative appeals, must have substantially prevailed in Tax Court, and must have a net worth that does not exceed two million. To qualify for fee recovery, the IRS must fail to demonstrate that its position was substantially justified, and the taxpayer must meet requirements such as not unduly prolonging litigation and having a net worth not exceeding two million dollars. The taxpayer must formally request reimbursement within 30 days or at the conclusion of the proceedings. If all requirements are met, the taxpayer can recover reasonable fee costs, typically capped at \$125 per hour for court-related services according to §7430(c)(1)(B)(iii).

Support

Tax Research

Margaret Anne Lamb



Tax Research:

Federal Tax Research Joni Larson, Dan Sheaffer, Catherine J. McCollum, 2021 The book addresses various areas in which a researcher may be immersed everything from the legislative history of a statute to underlying regulations to interpretive case law Along the way the book considers various types of tax related court opinions a myriad of government generated documents and law review articles and journals Considerable attention is given to both the authoritative weight of each document and how it can be located Research in international tax a complex and dynamic area is discussed in great detail Finally the book provides strategies for organizing information into a written document such as a response to an information document request or a brief to be filed with the Tax Court Throughout the pages of Federal Tax Research examples of real life situations practice notes research tips and snippets of court opinions add breadth and life to the technical information

Federal Tax Research Gail Levin Richmond, 2010 The Eighth Edition features expanded coverage of electronic sources both subscription based such as Westlaw LexisNexis Checkpoint CCH IntelliConnect and HeinOnline and those available without charge particularly those provided by the government It discusses factors to be considered in deciding between print and online research chapters discussing primary sources illustrate several online sources for finding these materials This book devotes considerable space to publicly available IRS documents and legislative history materials The introductory materials illustrate solving a research problem and there are problems for students to solve throughout the text The Eighth Edition expands the number of illustrations that complement its textual discussions

Federal Tax Research William A. Raabe, Gerald E. Whittenburg, Debra Sanders, 2009-08-26 With FEDERAL TAX RESEARCH 8e International Edition you will come to understand the latest techniques in tax research and the way this relates to the CPA exam The eighth edition offers a new chapter on international tax research an expanded review of tax ethics and real life cases to help you see the big picture of federal tax law No other text can better prepare you on tax research procedures and multiple hands on applications

West's Federal Tax Research William A. Raabe, Gerald E Whittenburg, Bill Raabe, Debra L Sanders, 2003-04-01 This best selling research text takes a practical hands on approach that goes beyond a random sampling of tax research sources Fully updated Federal Tax Research extensively covers computer oriented research tools including CD ROMs the Internet and computerized databases

Tax Research Techniques Robert Lynn Gardner, Dave N. Stewart, Ronald G. Worsham, 2000 The book employs a systematic approach to tax problems based on four steps namely the critical role of facts the elusive nature of tax questions locating and assessing appropriate authority and communicating the findings Included are specific examples explaining in detail the four steps employed by successful tax advisers Preface

Federal Tax Research Joni Larson, Dan Sheaffer, 2007 This book addresses the various forums in which the researcher may be immersed from the legislative history of a statute to determining how to ask the government for documents not yet made available to the public Along the way the authors discuss the various types of tax related court opinions government documents and law review and

journal articles Considerable attention is given to both the authoritative weight of each document and how it can be found Research in the international tax area a complex and dynamic area of tax is discussed in great detail Finally the authors provide strategies for organizing the information into a written document whether it is a response to an information document request or a brief to be filed in Tax Court Throughout the pages of Federal Tax Research examples of real life situations practice notes research tips and snippets of actual court opinions add breadth and life to the technical information These illustrations of the practical application of the rules allow the researcher to become a more effective researcher bridging the gap between research and the practice of law

Tax Research Barbara H. Karlin, 2003 For undergraduate and graduate courses in Tax Research Written from the perspective of an experienced tax practitioner this user friendly text provides students with practical steps and suggestions for Tax Research

Federal Tax Research (Paperback) Joni Larson, Dan Sheaffer, 2011 This is the 2020 paperback printing of the 2011 hardback edition This book s 2015 update is available by clicking here The book addresses various areas in which a researcher may be immersed everything from the legislative history of a statute to underlying regulations to interpretive case law Along the way the book considers various types of tax related court opinions a myriad of government generated documents and law review articles and journals Considerable attention is given to both the authoritative weight of each document and how it can be located Research in international tax a complex and dynamic area is discussed in great detail Finally the book provides strategies for organizing information into a written document such as a response to an information document request or a brief to be filed with the Tax Court Throughout the pages of Federal Tax Research examples of real life situations practice notes research tips and snippets of court opinions add breadth and life to the technical information

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A Guide to Tax Research Methodologies, 1991 *Report of the Department of Tax Research* North Carolina. Department of Tax Research, 1944 *Treasury and Post Office Departments Appropriation Bill, 1948, Hearings Before the Subcommittee of ... , 80-1 on H.R. 2436* United States. Congress. Senate. Appropriations Committee, 1947

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