

TAX CONTROVERSY: AUDITS, APPEALS AND LITIGATION



Tax Examination and Audits

- Introduction and Goals of Examination
- Types of Examinations
- Preparing for the Examination
- The Examination – What to Do
- Settlement and Concluding the Examination

Tax Examination and Audits

- Introduction and Goals of Examination
 - Goals in Handling the Examination
 - How are Returns Selected for Examination?

Tax Examination and Audits

- Three Types of Examinations
 - Correspondence Examination
 - Field Examination
 - Office Audits



Tax Examination and Audits

- Preparing for the Examination
 - Prepare Document and Transaction Summaries
 - Research the Law
 - Anticipate the Service's Position
 - Evaluate Client's Position

Tax Examination and Audits

- The Examination
 - Jurisdiction (what type of audit do you prefer)
 - Time and Place
 - Communication with the IRS
 - Taxpayer Participation
 - Legal Opinions from the IRS (Advice, TAM, GLAM)

Tax Examination and Audits

- The Examination (continued)
 - Problems with the Examination and How to Handle
 - Problem Examiners/Auditors and Section 1203

Tax Examination and Audits

- Settlement and Concluding the Examination
 - Types of Conclusions
 - Finality of Settlement
 - Audit Reconsideration



Tax Appeals

- Types of Determinations from which Appeal is Possible
- Strategy for Appeals Conference
- Seek Appeals or Bypass Administrative Review
- Preparing Protest Letter
- Appeals Conference
- Settlement of the Case in Appeals

Tax Appeals

- What can a Taxpayer Appeal?
 - Deficiency Appeals
 - Collection Matters
 - Refund Disallowance
 - Assessable Taxes and Penalties
- What a Taxpayer Cannot Appeal

Tax Appeals

- Strategy for Appeals Conference
 - Addition of Time
 - Requesting Information
 - Burden of Proof
 - Hazards of Litigation (The Key to Appeals)

Tax Appeals

- Seek Appeals or Bypass Appeals
 - Advantages
 - Disadvantages



APPEAL

Tax Appeals

- Preparing the Protest Letter
 - Objective of the Protest Letter
 - Contents of a Written Protest Letter

Tax Appeals

- The Appeals Conference
 - Timing for Appeals
 - Preparing for the Conference
 - Who should Attend the Appeals Conference

Tax Appeals

- Settlement of Case in Appeals
 - Offers and Counter-Offer
 - Qualified Offers and IRC § 7430
 - Basis for Settlement
 - Documenting the Settlement

Tax Litigation

- Choice of Forum and Jurisdiction
- Overview of a Tax Court Case
- Pretrial Procedures and Settlement Negotiations
- Trial Procedures
- Post-trial Procedures
- Appellate Review

Tax Litigation

- Choice of Forum and Jurisdiction
 - Three Places to Litigate Tax Cases
 - Factors to Consider in Making Decision



Tax Litigation

- Overview of a Tax Court Case
 - Pleadings and Additional Documents
 - Settlement and Discovery
 - Notice of Calendared Case and Pretrial Orders
 - Decision and Appeal

Tax Litigation

- Pretrial Procedures and Settlement Negotiations
 - Factors to Consider in Deciding to Settle
 - Appeals Office Consideration Jurisdiction
 - Area Counsel Settlement Jurisdiction
 - Documenting the Settlement
 - Stipulations

THE END