

Taxation: LEX 7816

Introductory Material

Purpose and Content:

This 4-credit course is designed to provide students with an understanding of the fundamentals of the taxation of personal income in the United States. An understanding of those fundamentals is essential for students who hope to practice tax law or to pursue areas of the law where an understanding of taxation is important. The U.S. tax laws attempt to give specific answers to a substantial percentage of the tax questions generated by a complex and diversified economy. These answers are found in the Internal Revenue Code, in the Treasury regulations, in the various administrative determinations, and in the vast case law which has been generated since 1913. The answers to many of the questions that arise in the practice of law cannot be found in the existing tax laws. Those answers must be worked out by applying various principles of taxation drawn from existing law and from tax theory.

The decision by Congress to raise substantial revenues from the personal income tax suggests a commitment to mitigate the social consequences of an economic system which tends to reward people on the basis of their output rather than their needs. It also suggests a willingness to judge a person's taxable capacity on the basis of his current increases in economic resources, rather than on his lifetime consumption or his wealth. A major function of this course will be to show how these and other general policy goals are reflected in the tax code and how those policy goals affect the interpretation of that Code.

Required Texts:

Newman, Joel S., *Federal Income Taxation: Cases, Problems, and Materials*, 4th edition ("Casebook") West Publishing Co. (2009). ISBN-13: 9780314185129.

Bank and Stark's Federal Income Tax Code and Regulations: Selected Sections (Steven A. Bank and Kirk J. Stark, eds.), Foundation Press, 2009-10 Edition. ISBN-13: 9781599416991.

Student Reference Guides (NOT Required):

Chirelstein, Martin. *Federal Income Taxation: A Student's Guide to the Leading Cases and Concepts*, 11th edition, Foundation Press (2009). ISBN-13: 9781599414034.

Joseph Bankman, Thomas D. Griffith, & Katherine Pratt, *Federal Income Tax: Examples & Explanations*, Aspen Publishers, 5th Edition (2008). ISBN-13: 9780735565333.

Kahn and Kahn's Federal Income Taxation: A Student's Guide to the Internal Revenue Code, 5th Edition, Foundation Press (2005). ISBN-13: 9781587788871.

Class Attendance and Participation:

Regular attendance and class participation are expected and required. Grades may be adjusted up or down one notch for particularly good class participation or for failure to make a good faith effort at class participation.

Final Examination:

An *open book* examination of four (4) hours will be given at the end of the course. A portion of the exam will be multiple choice and will not be returned. Students may take with them into the examination any books, outlines or notes they have used during the semester. Looseleaf commercial tax services (i.e. the multi-volume CCH tax service) are not permitted. The exam is tentatively scheduled for Thursday, December 17, 2009, at 6:15 p.m.

The use of laptops for the exam is permitted.

Office Hours:

My office is located in the new law school building, Room 3235. I usually can be reached there at the following times, but you can guarantee my availability by making an appointment with me or through my secretary, Olive Hyman (7-0088).

Monday	10:30 a.m. to 12:30 p.m.
Tuesday	2:00 p.m. to 4:00 p.m.
Wednesday	(by appointment)
Thursday	2:30 p.m. to 3:30 p.m.
Friday	none

Schedule:

This course meets on Tuesdays and Thursdays at 6:10 p.m. to 8:10 p.m. in Room 1525.

Web Site:

I maintain a web site with information about this course and others that I teach at:
<http://www/law.wayne.edu/mcintyre>

Assignment for Class #1

Casebook : Ch 1