Fall Course Syllabus for Tax Clinic I and Tax Clinic II

Instructors: Professor Ted Afield, Clinic Director; Professor Tameka Lester, Associate Clinic Director; Mr. Willard Timm, Associate Clinic Director; and Ms. Bonnie Rich, Assistant Clinic Director

Class in Room 344 for Clinic I, in Room 347 for Clinic II
Orientation Session: Friday August 11, 10:00 AM-3:00 PM, Room 147
Class times: Clinic I—Mondays, 4:10-5:50; Clinic II Mondays 1:00-2:40 P.M.
Clinic offices: Lower Level (Work Rooms 006 -010)
Clinic Office hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.
Office phone: 404-413-9230
Website: www gsulitc org
E-mail: taxclinic@gwu.edu

Course Learning Objectives: Through the clinic, you will accomplish the following learning objectives:

- Enhancement of professional judgment
- Recognition and resolution of ethical dilemmas
- Techniques for conducting factual investigation
- Development of client relationship techniques
- Increased ability in persuasive brief writing, problem solving, legal analysis, and legal research
- Acquire proficiency in practice and time management of an individual case load

Assigned Reading: The Clinic website is the electronic textbook for this course. The website contains guidance as to most aspects of your activities in the Clinic, including summaries of the procedural and substantive tax law that you will be dealing with in the Clinic. You should familiarize yourself with the website and refer to it throughout the term. In addition, you should read the pertinent sections of the website for each substantive topic that is covered in class and that you encounter in one of your cases. For topics that are not covered in class, you should nevertheless read the entries on the website in order to familiarize yourself with them so that you are prepared to handle them should they arise unexpectedly in a case and to spot issues in new cases that come into the clinic. Finally, in the Blackboard modules, specific portions of the website and other sources will be assigned as reading.

Attendance, Class Participation, Assignments and Makeup Classes: Attendance is required. Excessive absences may result in exclusion from the class and/or a failing grade, at the discretion
of the instructor. Absence from more than 4 hours of class will be considered excessive. In addition, you are expected to complete 150 “billable hours,” which are hours spent directly working on client files. Time spent in class, preparing for class, updating your files in Amicus, maintaining the paperwork in your files, and doing assigned reading is not applied toward that time commitment and should not be recorded in the case management software, although time in your weekly meetings with your supervising attorney and group meetings discussing your cases and all work that you directly perform on a case should be recorded in case management software as billable time. Seven of those hours each week must take place in the Clinic offices during normal business hours. During the first couple of weeks of the term, you will probably have to work more than the average number of hours in order to familiarize yourself with your cases, but you can apply those excess hours to the total number of hours required during the term. In addition, you are expected to complete the Assigned Reading and the Blackboard Modules assigned to you for the semester.

**Case Calendars:** The Tax Court will be in Atlanta for three trial calendars during the term. The Clinic appears at all three calendars in order to provide free consultations to unrepresented taxpayers. You are welcome to attend all three calendars, but, absent an irreconcilable scheduling conflict that exists for all three calendars, you must attend at least one of these calendars along with the clinic attorneys. The calendar dates are September 25, October 23, and November 13, and you should expect to meet at the clinic at around 8:00 AM and return by lunch. If you have a class or work conflict that prevents you from attending any of the calendars, please see Professor Afield to discuss an alternative method of satisfying this course requirement.

**Grading Rubric:** You will be evaluated along the following grading rubric:

<table>
<thead>
<tr>
<th>Professionalism, which includes your interaction with your clients, IRS personnel, fellow students and clinic staff, appropriate class participation, and appropriate dress when necessary</th>
<th>Exemplary (4)</th>
<th>Proficient (3)</th>
<th>Developing (2)</th>
<th>Unsatisfactory (1)</th>
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</thead>
<tbody>
<tr>
<td>Is prepared, communicates in a timely manner, &amp; uses appropriate professional tone and respectful manner in <strong>ALL or MOST</strong> circumstances</td>
<td>Is prepared, communicates in a timely manner, &amp; uses appropriate professional tone and respectful manner in <strong>MOST new circumstances with</strong></td>
<td>Is prepared, communicates in a timely manner, &amp; uses appropriate professional tone and respectful manner in <strong>SOME new circumstances with</strong></td>
<td>IS NOT prepared, communicating in a timely manner, or using an appropriate, professional tone and respectful manner in <strong>MOST</strong></td>
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<td>15% of grade</td>
<td>on own initiative.</td>
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<td>15% of grade</td>
<td>Adheres to Clinic administrative and other procedures, attends and is prepared for weekly meetings with supervisor in ALL or MOST circumstances on own initiative.</td>
<td>Adheres to Clinic administrative and other procedures, attends and is prepared for weekly meetings with supervisor in MOST new circumstances with appropriate coaching.</td>
<td>Adheres to Clinic administrative and other procedures, attends and is prepared for weekly meetings with supervisor in SOME new circumstances with appropriate coaching.</td>
<td>DOES NOT adhere to Clinic administrative and other procedures, attend and is NOT prepared for weekly meetings with supervisor in MOST circumstances with coaching.</td>
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<tr>
<td>10% of grade</td>
<td>Quality of service you render to your clients as determined in part by the evaluations you will receive from your clients at the end of the semester</td>
<td>Keeps client informed, understands and inquires about client objectives, utilizes appropriate tone and deals with difficult circumstances in ALL OR MOST new circumstances with appropriate coaching.</td>
<td>Keeps client informed, understands and inquires about client objectives, utilizes appropriate tone and deals with difficult circumstances in MOST new circumstances with appropriate coaching.</td>
<td>DOES NOT keep client informed, understand and inquire about client objectives, utilize appropriate tone and deals with difficult circumstances in MOST circumstances with appropriate coaching.</td>
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<td>20% of grade</td>
<td>Written work product, including the accuracy and thoroughness of written documents and memoranda</td>
<td>Produces accurate, thoughtful, well-researched and developed, structure, and clear written work-product in ALL OR MOST new circumstances with</td>
<td>Produces accurate, thoughtful, well-researched and developed, structure, and clear written work-product in MOST new circumstances with</td>
<td>DOES NOT produce accurate, thoughtful, well-researched and developed, structure, and clear written work-product in MOST circumstances with</td>
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that failure to comply with a statutory or administrative deadline may result in failure of the course, particularly for a statutory notice of deficiency

5% of grade unless significant deadline miss, which is an automatic failure

deadlines in ALL OR MOST new circumstances with appropriate coaching.
deadlines in MOST new circumstances with appropriate coaching.
deadlines in SOME new circumstances with appropriate coaching.
deadlines in MOST circumstances with appropriate coaching.

**Clinic II only (in addition to above criteria):**

**Mentoring of Clinic I students**

including proactively offering assistance to Clinic I students and being available to answer questions as appropriate

Bonus up to 5% of grade.

<table>
<thead>
<tr>
<th>Clinic II only (in addition to above criteria): Mentoring of Clinic I students including proactively offering assistance to Clinic I students and being available to answer questions as appropriate</th>
<th>Has provided mentoring and proactively offered assistance to Clinic I students in ALL OR MOST new circumstances with appropriate coaching.</th>
<th>Has provided mentoring and proactively offered assistance to Clinic I students in MOST new circumstances with appropriate coaching.</th>
<th>Has provided mentoring and proactively offered assistance to Clinic I students in SOME new circumstances with appropriate coaching.</th>
<th>Has NOT provided mentoring and proactively offered assistance to Clinic I students in MOST circumstances with appropriate coaching.</th>
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If you have any questions or concerns relating to your progress during the term you should discuss them with one of your instructors as soon as your questions or concerns arise.

**Prerequisites:**

Clinic I: In order to handle the issues commonly encountered in the Clinic, students must have successfully completed or be currently enrolled in Basic Federal Taxation (Law 7095) and must have a cumulative GPA of at least a C+. Students must have also completed all of their first-year courses.
Clinic II: In order to handle the issues commonly encountered in the Clinic, students must have successfully completed Basic Federal Taxation (Law 7095), Tax Clinic I (7600), and must have a cumulative GPA of at least a C+.

Goals and Approach: The Clinic will provide you with a closely supervised environment in which you will learn to exercise professional judgment and develop skills critical to the effective practice of law. These skills include interviewing clients, gathering and verifying facts, and preparing documents that will be filed in court or administrative agencies. Considerable time will be spent drafting memoranda that are designed to improve your legal writing. Although students in the Clinic work on tax matters, the practice skills that are developed are applicable to all areas of the law.

Extra Material: There are several books designed to help understand I.R.S. procedure. Among them are Saltzman, IRS Practice and Procedure, published by Warren, Gorham & Lamont and Effectively Representing Your Client Before the IRS. This is a product of the American Bar Association Section of Taxation Low-Income Taxpayers and Pro Bono Committees. You should consult these books frequently throughout the semester for additional information on the topics that apply to your cases.

**CLINIC CLASSES AND ASSIGNMENT SCHEDULE**

<table>
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<tr>
<th>Class</th>
<th>Date/Instructor</th>
<th>Topic</th>
<th>Assignment</th>
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</table>
| 1     | August 11 (Afield, Timm, Rich) | Clinic I:  
Missions: education and service  
Education component  
• Professional judgment  
• Brief writing  
• Other lawyering skills  
Background of Tax Clinic  
• Formation  
• Advisory committee  
• Funding  
• Graduates  
• Employment  
Staff and their functions  
• Professor Afield  
• Professor Timm  
• Professor Lester  
• Ms. Rich  
• GRA’s  
Clinic I: Blackboard modules:  
IRS: The Administrative Agency  
• Structure of the IRS  
• Practicing Before The IRS/Circular 230  
Reading: Professional Letter Writing Tips  
Reading: How to Create Emphatic Sentences  
Introduction to the Taxpayer Advocate Service  
Anatomy of a Tax Controversy and |
<p>| Client confidentiality/privileged communication  | Introduction to the Flowchart  |
| Client conversations                           | Introduction to Amicus        |
| Client files and Tax Clinic offices            | Introduction to Tax Research  |
| Use of Tax Clinic offices and equipment        | Clinic II:                   |
| Access to offices                              | No assignment                |
| Use of equipment                               |                             |
| Guests                                         |                             |
| Performance evaluation                         |                             |
| Grading criteria                               |                             |
| Weekly meetings                                |                             |
| Mid-term reviews                               |                             |
| Benchmarks: hours, writings, etc….             |                             |
| Difference with other law school courses:      |                             |
| Confidentiality                                |                             |
| Responsibility to clients                      |                             |
| Responsibility to system of justice            |                             |
| Ingenuity/assignments                          |                             |
| Web site                                       |                             |
| Recordkeeping                                  |                             |
| Collegiality                                   |                             |
| Getting started                                |                             |
| Powers of attorney                             |                             |
| Your first week                                |                             |
| Client Interviewing                            |                             |
| Understanding Basics of Tax                    |                             |
| Transcripts and Other Fact                     |                             |
| Gathering Resources                            |                             |
| Introduction to Form 433                       |                             |
| Introduction to Case Management Software,      |                             |
| Accurint, and Pacer                            |                             |</p>
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<tr>
<th>Date</th>
<th>Clinic I:</th>
<th>Clinic II:</th>
<th>Clinic I Blackboard modules:</th>
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<tbody>
<tr>
<td><strong>August 14</strong></td>
<td>Clinic I: Collection alternatives exercises (using Forms 9465; 433-F; and 656-B and preparing supporting memoranda)</td>
<td>Clinic II: Case rounds</td>
<td>Clinic I Blackboard modules: Offers in Compromise Installment Agreements Currently Not Collectible Status Audit Reconsideration Statute of Limitations for Collection Clinic II: Prepare to present cases</td>
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<tr>
<td><strong>August 21</strong></td>
<td>Clinic I: Exercises on Earned Income Tax Credit, Dependency Exemption, and Filing Status</td>
<td>Clinic II: Case rounds</td>
<td>Clinic I Blackboard modules: Earned Income Tax Credit Dependency Exemption Filing Status Clinic II: Prepare to present cases</td>
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<tr>
<td><strong>August 28</strong></td>
<td>Clinic I: Exam/Appeals Notebook review and exercise</td>
<td>Clinic II: Case Rounds</td>
<td>Clinic I Blackboard modules: Selecting Returns for Exam Statute of Limitations for Additional Assessment</td>
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<td>Week</td>
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<td>Clinic I:</td>
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<td>September 11</td>
<td>Clinic I: U.S. Tax Court petition packet exercise.</td>
<td>Clinic II: Case rounds</td>
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<td>September 18</td>
<td>Clinic I: Injured spouse/Innocent Spouse Exercise</td>
<td>Clinic II: Case rounds</td>
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<td>September 25</td>
<td>Clinic I and Clinic II: Regular Case Calendar in lieu of class and in lieu of small groups</td>
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<td>(Afield, Lester, Timm)</td>
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<td>Mid-term evaluations in weekly meetings</td>
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<td>October 2</td>
<td>Clinic I: Mock Collection Due Process Hearing Exercise</td>
<td>Clinic II: Case rounds</td>
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<td>Clinic I:</td>
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<td>October 9</td>
<td>Clinic I: Case rounds in small groups in lieu of class</td>
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<td>10</td>
<td>October 16</td>
<td>Clinic I: Case rounds in small groups in lieu of class</td>
<td>Clinic I and Clinic II: Prepare to present cases</td>
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<td>October 23</td>
<td>Clinic I and Clinic II: Small Calendar in lieu of class and in lieu of small groups</td>
<td>Clinic I and Clinic II: Attend small calendar</td>
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<td>12</td>
<td>October 30</td>
<td>Clinic I: Case rounds in small groups in lieu of class</td>
<td>Clinic I and Clinic II: Prepare to present cases</td>
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<td>13</td>
<td>November 6</td>
<td>Clinic I and II: Case transitioning</td>
<td>Clinic I and Clinic II: Prepare transition reports by the end of the semester</td>
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<td>14</td>
<td>November 13</td>
<td>Regular case calendar in lieu of class and in lieu of small groups</td>
<td>Attend regular case calendar</td>
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<td>15</td>
<td>November 20</td>
<td>Clinic I: Case rounds in small groups in lieu of class</td>
<td>Clinic I and Clinic II: Case rounds</td>
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<td></td>
<td>Clinic I: (small group—no regular class session)</td>
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<td></td>
<td>Clinic II: (Lester, Rich)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>November 27</td>
<td>Clinic I and Clinic II: No class</td>
<td>Clinic I and Clinic II: Begin finalizing work on cases</td>
</tr>
<tr>
<td>17</td>
<td>December 20</td>
<td>Clinic I and Clinic II: Last day in which hours can be billed for semester</td>
<td>Clinic I and Clinic II: Complete all case work for the semester</td>
</tr>
</tbody>
</table>