

Western State University College of Law
at Westcliff University
Federal Income Taxation
Spring 2022
Syllabus & Policies

E-mail: Star.Lopez.Esq@gmail.com

Class Time: Tuesdays 11:00 am to 2:10 pm

Office Hours: Subsequent to Class Session *by appointment only*

Course Objectives:

1. Introduce students to substantive areas of federal income tax law
2. Acquaint students with the IRC, Treasury Regulations, and Revenue Rulings
3. Prepare students to identify and anticipate tax issues in diverse transactions
4. Equip students to analyze, articulate, and defend divergent party positions

Required Casebook & Resources:

Fundamentals of Federal Income Taxation by James J. Freeland, Daniel J. Lathrope, Stephen A. Lind & Richard B. Stephens

Digital – Associated Learning Library

NOTE: For 15% off print or e-books at westacademic.com, use discount code WAWESTERNST

Materials:

Computer with Webcam and Internet Capability (Required)
Notability or Other Digital Notetaking Application (Optional)
Stylus or Electronic Pencil for Screen Sharing (Optional)
Whiteboard & Eraseable Markers (Optional)

Methodology:

Using visual, auditory, and kinetic methods, this course will instruct students on the concepts underlying Federal Income Tax Law. The course will be broken down into three components: (i) reading assignments, (ii) lecture and quizzes, and (iii) projects and final exam:

1. Reading Assignments: Students will carefully review and analyze the text to master the information. While reading, students should diagram significant concepts within the reading, outline all cases, and draft answers to questions within the text. In addition, students should proactively research relevant sections of the IRC, Treasury Regulations, IRS Publications, and Revenue Rulings. Outside the required casebook and associated

learning library, reference material should be available to students online or via legal research databases, such as Westlaw and LexisNexis.

2. Lecture and quizzes: Time designated for lectures will afford students an active learning environment through group engagement and collaboration. Students must attend all classes ready to engage on topics taken from reading assignments. Through interactive simulations, students will present cases from the assigned reading, as well as arguments on behalf of the taxpayer and government.

To the extent lectures are delivered in an online format, students should anticipate the use of breakout rooms and be prepared to use the “Share Screen” function of Zoom to supplement discussion of cases and other legal materials. Students should listen and respond to comments made by fellow students and / or the professor. Students should regularly engage the class with their own observations and questions.

During lecture, students will take quizzes to test their comprehension and attentiveness. Quizzes will be administered via the West Academic digital Learning Library associated with the designated Casebook. To prepare for said quizzes, students should use the practice quizzes available in the digital Learning Library.

3. Projects and final exam: At the end of the semester, students will complete an open-book final exam to demonstrate their knowledge and comprehension of the subject. In addition to the final exam, students will have two opportunities to apply their knowledge of the material, including (i) analysis of federal income tax law concepts peppered in mainstream media, such as a film or book, and (ii) presentation and analysis of a designated federal income tax policy concern.
 - a. Mainstream Media Project: This project will give students an opportunity to recognize how federal income tax law concepts pervade mainstream media. In addition to identifying a movie, television series, or book that incorporates federal income tax law concepts, students will watch or read the selected media and identify a real tax case that addresses the same issue to which the chosen media alludes. Either in a group or individually, students will (i) present the tax concepts found within the chosen media, (ii) outline the issues associated with the selected tax case, (iii) explain the relationship between the law and / or fact patterns of the selected media and identified case, and (iv) discuss the implications of current tax law on the fact patterns within the chosen media and tax case.
 - b. Tax Policy Project: After an introduction to tax policy, students will select a policy issue. Either in a group or individually, students will prepare a presentation on the historical and modern-day challenges of the policy concern. The presentation should incorporate suggestions on how tax reform might address this issue.

- c. Final Exam: The final exam will be an open-book and open-note exam, consisting of multiple choice questions. While taking the exam, students may reference the book and / or notes. The exam will include Subject Area Review Questions and Black Letter Law Questions. Prior to taking the exam, students are highly encouraged to prepare by using the practice quizzes available on the digital Learning Library.

Class Participation:

Class participation is required of all students. Participation requires both (i) preparation and (ii) engagement. Preparation includes review of the assigned reading, mastery of the concepts, visual case briefs, and well-considered responses to questions within the text. Students should expect use of the Socratic method and should be well prepared to respond to potential questions.

Students are encouraged to volunteer responses and thoughtful commentary on legal concepts relevant to the discussion at hand. If a student does not volunteer contributions or only offers irrelevant / superficial comments, the professor may call upon the student to address specific questions. In the event a student fails to productively engage with the class, the professor may weigh this lack of participation in the student's overall grade.

Students will maintain professional composure during lectures. No derogatory language will be used. Moreover, students should not exhibit disrespectful body language, including facial and hand gestures.

Reading Assignments & Case Briefs:

Below, you will find the agenda for reading assignments. When completing the reading assignments, students should diagram foundational concepts, brief the cases, and answer questions associated with the relevant chapter. For the purpose of outside preparation, students should expect to dedicate two to three hours for every one hour of class.

Note the casebook cites Internal Revenue Code, Treasury Regulations, Revenue Rulings, and IRS Private Letter Rulings. Each student should look up, review, and analyze the cited sources. Most of these resources can be found via online databases, Westlaw, or LexisNexis. If you require assistance locating these databases, please contact the Law Library Director, John O'Donnell.

Please complete the assigned reading and prepare to brief and argue cases in advance of the specified class date:

Date	Assigned Reading
January 18, 2022	<p>Ch. 1: Orientation <i>Mayo Foundation for Medical Education and Research v. United States</i></p> <p>Ch. 2: Gross Income: The Scope of Section 61 <i>Cesarini v. United</i> <i>Old Colony Trust Co. v. Commissioner</i> <i>Commissioner v. Glenshaw Glass Co.</i> <i>Charley v. Commissioner</i> <i>Helvering v. Independent Life Ins. Co.</i> <i>Revenue Ruling 79-24</i> <i>Dean v. Commissioner</i></p> <p>Ch. 3: The Exclusion of Gifts & Inheritances <i>Lyeth v. Hoey</i> <i>Wolder v. Commissioner</i></p> <p>Ch. 4: Employee Benefits <i>Hatt v. Commissioner</i></p>
January 25, 2022	<p>Ch. 5: Section 61(a)(1) Compensation <i>McDonell v. Commissioner</i></p> <p>Ch. 6: Section 61 Residual Gross Income <i>International Freighting Corporation, Inc. v. Commissioner</i> <i>Crane v. Commissioner</i> <i>Commissioner v. Tufts</i></p> <p>Quiz 1: Chapters 2-4</p>
February 1, 2022	<p>Ch. 7: Life Insurance Proceeds and Annuities</p> <p>Ch. 8: Discharge of Indebtedness <i>United States v. Kirby Lumber Co.</i> <i>Zarin v. Commissioner</i> <i>Revenue Ruling 2008-34</i></p> <p>Ch. 9: Damages and Related Receipts <i>Raytheon Production Corporation v. Commissioner</i> <i>Revenue Ruling 79-313</i></p> <p>Quiz 2: Chapters 5-6</p>

<p>February 8, 2022</p>	<p>Ch. 10: Separation and Divorce <i>Young v. Commissioner</i></p> <p>Ch. 11: Other Exclusions from Gross Income</p> <p>Ch. 12: Assignment of Income <i>Lucas v. Earl</i> <i>Commissioner v. Giannini</i> <i>Revenue Ruling 66-167</i> <i>Revenue Ruling 74-581</i> <i>Helvering v. Horst</i> <i>Blair v. Commissioner</i> <i>Estate of Stranahan v. Commissioner</i> <i>Salvatore v. Commissioner</i> <i>Revenue Ruling 69-102</i></p> <p>Quiz 3: Chapters 7-9</p>
<p>February 15, 2022</p>	<p>Ch. 13: Income Producing Entities <i>Commissioner v. Culbertson</i> <i>Overton v. Commissioner</i> <i>Borge v. Commissioner</i> <i>Corliss v. Bowers</i> <i>Helvering v. Clifford</i></p> <p>Ch. 14: Business Deductions</p> <p>Ch. 15: Deductions for Profit-Making Nonbusiness Activities <i>Higgins v. Commissioner</i> <i>Bowers v. Lumpkin</i> <i>Surasky v. United States</i> <i>Revenue Ruling 64-236</i> <i>Fleischman v. Commissioner</i> <i>Hormann v. Commissioner</i> <i>Lowry v. United States</i></p> <p>Quiz 4: Chapters 10-12</p>
<p>March 1, 2022</p>	<p>Ch. 16: Deductions Not Limited to Business or Profit-Seeking Activities <i>Revenue Ruling 69-188</i> <i>Dean v. Commissioner</i> <i>Cramer v. Commissioner</i></p> <p>Ch. 17: Restrictions on Deductions <i>Engdahl v. Commissioner</i> <i>Commissioner v. Tellier</i></p>

	<p>Ch. 18: Deductions for Individuals Only <i>Gerard v. Commissioner</i> <i>Revenue Ruling 2002-19</i> <i>Commissioner v. Banks</i></p> <p>Ch. 19: Fundamental Timing Principles</p> <p>Ch. 20: How Ineluctable is the Integrity of the Taxable Year <i>United States v. Lewis</i> <i>Van Cleave v. United States</i> <i>Alice Phelan Sullivan Corp. v. United States</i></p> <p>Quiz 5: Chapters 13-15</p>
<p>March 8, 2022</p>	<p>Ch. 21: Capital Gains and Losses <i>Kenan v. Commissioner</i> <i>Hudson v. Commissioner</i> <i>Revenue Ruling 66-7</i> <i>Revenue Ruling 66-97</i></p> <p>Ch. 22: Characterization on the Sale of Depreciable Property <i>United States v. Parker</i> <i>Revenue Ruling 69-487</i></p> <p>Quiz 6: Chapters 16-20</p>
<p>March 22, 2021</p>	<p>Ch. 23: Deductions Affected by Characterization Principles <i>Bugbee v. Commissioner</i> <i>Haslam v. Commissioner</i> <i>Revenue Ruling 83-104</i> <i>Revenue Ruling 67-246</i></p> <p>Ch. 24: The Interrelationship of Timing and Characterization</p> <p>Ch. 25: Disallowance of Losses <i>McWilliams v. Commissioner</i></p> <p>Ch. 26: Nonrecognition Provisions <i>Revenue Ruling 76-319</i> <i>Revenue Ruling 67-254</i> <i>Clifton Inv. Co. v. Commissioner</i> <i>Revenue Ruling 71-41</i></p> <p>Quiz 7: Chapters 21-22</p>

March 29, 2021	Ch. 27: Computations Ch. 28: Federal Tax Procedure Tax Movie & Case Project – Preparation Period Quiz 8: Chapters 23-26
April 5, 2021	Tax Movie & Case Project – Presentation
April 12, 2021	Ch. 29: Professional Responsibility Issues Ch. 30: Tax Policy Considerations Quiz 9: Chapters 27-28
April 19, 2021	Final Review – Cumulative Assessment Questions Tax Policy Project – Preparation Period Quiz 10: Chapters 29-30
April 26, 2021	Tax Policy Project - Presentation
May 3, 2021	Final Review – Black Letter Law Questions

NOTE: The professor reserves the right to alter the proposed schedule during the course of the semester. The professor may choose to remove reading assignments or reschedule group project dates as needed.

Office Hours:

I will hold office hours subsequent to class *by appointment only*. Please note appointment times are limited to 15 minute periods per person. Therefore, please come prepared with an agenda.

NOTE: I will hold **NO** office hours or appointments after the last day of classes. All outstanding questions should be addressed either in office hours prior to or on the last day of class. This practice aims to encourage advance study and engagement with the material, minimizing the stress associated with procrastination.

Attendance:

Attendance is required for all classes. Any student with more than two (2) absences will be academically disenrolled from the course and will receive a grade of “W” or “F” on their transcript as provided under the applicable attendance policies. Absences will not be waived. The policy is strictly enforced.

When a student is tardy, the student elects to be called upon for presentation and analysis of the day’s assigned cases and underlying code or regulatory sources. However, habitual tardiness will be treated as an absence.

Zoom Session Requirements:

Due to COVID Protocols, part of this course will be presented in a virtual learning format. Students will use the Zoom platform to participate in class. As such, students must adhere to the following requirements during Zoom Sessions:

1. Set-Up and Settings:
 - a. Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
 - b. Arrive to class early and dressed as you would to attend an in-person class.
 - c. Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.
 - d. Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
 - e. Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.

- f. If you are using your computer to take notes and/or using an e-casebook, remember that you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. Figure out how you will resolve that technological issue before your first class session and consider possible modifications to your normal note taking style (e.g., handwritten notes) or using a two-screen set-up.

2. Class Participation

- a. Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- b. Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- c. Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will help you stay engaged and optimize online learning.

3. Attendance & Connectivity Concerns

- a. If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- b. If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.

4. Recordings and Screenshots

- a. Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.

5. Zoom Fluency & Functions

- a. Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by the professor. Your professor will inform you about the ways in which you should use these tools in the class setting.
- b. Professors may use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms, as well as asking you to share

your screen. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, share your screen as requested, etc.

Examinations & Grading:

There will be no mid-term exam. Student grades will depend upon class preparation and participation, weekly quizzes, individual and group projects, as well as the final exam. The percentage breakdown is as follows:

Class Participation	30%
Quizzes	40%
Tax in Mainstream Media Project	10%
Tax Policy Presentation	10%
Final Exam	10%

Group Peer Evaluation

For the purpose of group projects, each group member must complete an online group peer evaluation after the assignment is submitted. The survey will be taken during a class session subsequent to submission of the assignment. Group members will individually rate each member's participation effort from 0% - 100%. For example, assume a group earns 100 points. On average, group members rate Student A's effort at 80% and Student B's effort at 70%. The equivalent of such a rating would be assigning Student A 80 points for the project and Student B 70 points for the project. Note the combined peer rating of a group member's participation effort will be taken into account for the member's individual grade.

Honor Code

At the top of each submitted assignments, each student must affirm compliance with the Western State College of Law Honor Code and equitable participation in the project. Please ensure the following is included on the title page of each course assignment:

I, [Student Name], affirm that I have not violated the Western State College of Law Honor Code during this assignment. To the extent this assignment is a group submission, I affirm I participated in all the discussions leading to this write-up and/or presentation.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services suite #111. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

ABA Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.

(b) A “credit hour” is an amount of work that reasonably approximates:

(1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

Interpretation 310-1

For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An “hour” for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination.

Interpretation 310-2

A school may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work specified in Standard 310(b).

This Standard requires for every one hour in the classroom, you must spend at least two (2) hours of out of classroom preparation. For a three (3) unit course, you should expect to spend six (6) hours per week at a minimum preparing for class. This preparation includes reading and briefing cases, preparing written answers to problems, preparation for class presentations, and time spent on group work. Please note you do not need to spend all six (6) hours all at once. The six (6) hours is an average of time spent per week over the span of the course. The amount of time may be unevenly distributed between weeks. However, the out-of-classroom preparation time must average six (6) hours for a three (3) unit course.

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) **Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) **Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.