

Western State University College of Law
at Westcliff University
Federal Income Taxation
Spring 2021
Syllabus & Policies

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

Office Hours: In-person – Subsequent to Class Session *by appointment only*
Teleconference / Webinar – *by appointment only*
Schedule Appointment *via email*

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:

U.S. Federal Income Taxation of Individuals 2021 by Deborah A. Geier
(available at <https://www.cali.org/books/us-federal-income-taxation-individuals>)

Materials:

Computer with Webcam and Internet Capability (Required)
Scanner, Phone with Scanning Application, or Other Scanning Device (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 through. The course will be broken down into three components: (1) reading assignments, (ii) lecture and quizzes, and (iii) projects:

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. The text selected for the course will be available to students at no additional cost. All other reference material should be available to students online or via legal research databases, such as Westlaw and LexisNexis.

2. Lecture and quizzes: Students must attend all classes ready to engage on topics taken from reading assignments. Students will present cases from the assigned reading and should use the visual case briefs prepared prior to lecture to supplement the discussion. In the course of the lectures, students will use the “Share Screen” function of Zoom to supplement the discussion of cases and other legal materials. Students should listen and respond to comments made by fellow students or the professor. Students should regularly engage the class with their own observations and questions. During and after lecture, students will take quizzes to test their acuity and attentiveness.
3. Projects: Instead of a traditional mid-term and final exam, students will have four opportunities to apply the material, including (i) analysis of tax law concepts peppered in mainstream media, such as a film or book, (ii) a tax policy project, (iii) preparation of a mock U.S. Tax Court brief, and (iv) mock oral arguments.
 - a. Movie Project: This project will give students an opportunity to recognize how tax law concepts pervade mainstream media. In addition to identifying a movie or book that incorporates tax law concepts, students will watch the movie or read the book and identify a real tax case that addresses the tax law issue to which the movie or book alludes. Students will present what concepts the movie or book include, explain the relationship between the movie and the identified tax case, and discuss the implications of current tax law in both the movie and real life.
 - b. Tax Policy Project: After an introduction to tax policy, students will individually select a policy issue. 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 the issue.
 - c. Brief & Oral Argument: The final two projects will draw upon the adversarial nature of the legal system and provide students the opportunity to analyze a proposed fact pattern and build an argument on behalf of their assigned client. Through the brief, students will exercise their skill in written advocacy and learn about the guidelines for U.S. Tax Court Briefs. The final project will allow students to exhibit their capacity for oral advocacy. As students will sit both as judges and advocates for the purpose of the mock oral arguments, the final project will require continual participation of all parties.

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 school librarian, Sarah Eggleston.

In addition to completing the assigned reading, students will prepare and submit *visual case briefs*. Briefs must be submitted no later than 24 hours before the scheduled lecture. Briefs should be short and incorporate diagrams and/or illustrations. Students will use these diagrams and illustrations when briefing or discussing cases in class. The objective of the case brief will be to ensure students are prepared to productively discuss the material and have a medium by which to illustrate concepts discussed. Students have extensive latitude when preparing the visual case brief and may use a variety of methods, such as PowerPoint Slides, Keynote Slides, hand-written illustrations, etc.

Please complete the assigned reading and submit the associated case briefs in advance of the specified class date:

Date	Assigned Reading
January 19, 2020	Introduction (Skim) Ch. 1: The Essential Structure of the Income Tax Ch. 2: Consumption Taxation and Our Hybrid Income/Consumption Tax Ch. 3: Ethical Debates, Economic Theories, & Real-World Impacts Ch. 4: The Contours of Capital Expenditure v. Expense *** No case briefs due***
January 26, 2020	Ch. 5: Section 61(a)(1) Compensation Ch. 6: Section 61 Residual Gross Income
February 2, 2020	Tax Movie & Case Study Briefing

February 9, 2020	Ch. 7: Gifts & Bequests Ch. 8: Income Shifting in the Happy and Fractured Family
February 23, 2020	Ch. 9: Borrowing and Lending Ch. 10: The Bad-Debt Deduction & Debt-Discharge Income Ch. 11: Debt & Property
March 2, 2020	Tax Policy Project
March 9, 2020	Ch. 12: Properly Accounting for, and the Nonrecognition of, Section 1001 Realized Gain or Loss Ch. 13: Depreciation and in a Realization Income Tax and the Business Interest Deduction
March 23, 2020	Ch. 14: Capital Gains & Losses Chapter 15: Tax Shelters
March 30, 2020	Ch. 16: On Human Capital Ch. 17: Homes, Health, Charity and More
April 6, 2020	Group Briefs
April 13, 2020	Ch. 18: Gambling and Hobby Losses Ch. 19: Allocating Costs Between Income Production and Personal Consumption
April 20, 2020	Ch. 20: The Taxable Year Ch. 21: Methods of Accounting
April 27, 2020	Oral Arguments
May 4, 2020	Review

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 *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:

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 or final exam. Rather, student grades will depend upon class preparation, participation, weekly quizzes, as well as individual and group projects. The percentage breakdown is as follows:

Class Participation	20%
Visual Case Briefs	15%
Quizzes	10%
Tax in Mainstream Media Project	10%
Tax Policy Presentation	15%
U.S. Tax Court Brief	15%
Oral Arguments	15%

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 aesley@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.