

# GLOSSARY

The following definitions pertain specifically to the manner in which the identified terms are used in a tax research context. Other uses for such terms are not examined.

## A

### ABA

The professional organization for practicing attorneys in the United States, namely, the American Bar Association.

### Academic journals

Scholarly publications of law schools, business schools, and academic organizations. These publications are edited either by faculty members or by graduate students under the guidance of the school's faculty. The articles appearing in these publications are usually written by tax practitioners, academics, graduate students, or other noted commentators.

### Accuracy-related penalty

Civil tax penalty assessed where the taxpayer has been negligent in completing the return or is found to have acted with a disregard of Internal Revenue Service rules and regulations, a substantial understatement of the income tax, a substantial valuation or pension liability overstatement, or a substantial transfer tax valuation understatement. A 20 percent penalty usually applies to the pertinent understatement, and related interest accrues from the due date of the return, rather than the date on which the penalty was assessed.

### Acquiescence

A pronouncement by the Internal Revenue Service that it will follow the decision of a court case to the extent that it was held for the taxpayer. Announced in the Internal Revenue Bulletin. Modifies the citation for the identified case.

### Action on Decision

A memorandum prepared when the Internal Revenue Service (IRS) loses a case in a court that recommends the action, if any, that the IRS should take in response to the adverse decision. See also acquiescence, nonacquiescence.

### Administrative proceeding

A hearing between the taxpayer and an administrative agency of the government, typically the Internal Revenue Service, in an audit or appeal setting.

### Administrative sources

Federal tax law that is created by the appropriate use of power that is granted to the Treasury Department by Congress. These sources of the law have a presumption of the authority of the statute, but they are subject to taxpayer challenge. Such sources include Regulations, rulings, revenue procedures, and other opinions that are used by the Treasury Department or the Internal Revenue Service.

### AFTR

The citation abbreviation for the tax case reporter, American Federal Tax Reports. The first series of the reporter includes cases concerning pre-1954 Code litigation, and the second and third series include cases that address issues relative to the 1954 and 1986

Codes, respectively. Includes most tax case opinions issued by federal courts other than the Tax Court.

### AICPA

The professional organization of practicing Certified Public Accountants (CPAs) in the United States, namely, the American Institute of CPAs.

### All State Tax Guide

A concise state-by-state analysis of all major taxes, with citations to state materials, published by Research Institute of America.

### Annotated tax service

A commercial tax research reference collection, that is, a secondary source of Federal tax law. Includes Code, Regulation and ruling analysis, judicial case notes, and other indexes and finding lists, organized by Code section number. The two most important annotated services are published by Commerce Clearing House and Research Institute of America.

### Annotation

An entry in (especially) an annotated tax service, indicating a summary of a primary source of the Federal tax law that is pertinent to one's research, for example, a court case opinion digest or a reference to a controlling Regulation.

### Announcements and Notices

The Internal Revenue Service issues Announcements and Notices concerning items of general importance to taxpayers.

### Annual Proceedings

A collection of papers presented at a yearly meeting of tax professionals.

### Appeals Office

The internal group of the Internal Revenue Service (IRS) that has the greatest authority to come to a compromise solution with a taxpayer concerning a disputed tax liability. Can consider the "hazards of litigation" in its deliberations. Failure to reach an agreement at this level of the IRS's organization means that the only subsequent appeal by either party to the dispute must be before a court of law.

### Assessment

The process of the Internal Revenue Service (IRS) fixing the amount of one's tax liability. Although the U.S. tax system exhibits some degree of self-assessment, the IRS has the ultimate authority to assess the liability of every taxpayer.

### Auto-Cite

A citator in Lexis, the primary objective of Auto-Cite is to provide accurate citations as soon as possible, within twenty-four hours of receipt of each case. Auto-Cite can also be used to determine whether cases, Revenue Rulings, and Revenue Procedures are still good law.

**Average tax rate**

The percentage of a taxpayer's income that is paid in taxes (i.e., computed by dividing the current-year tax liability by the taxpayer's income). The average tax rate is computed as a percentage of total taxable income (this generates the taxpayer's average nominal tax rate) or as a percentage of the taxpayer's total economic income (this generates the taxpayer's average effective tax rate).

**B****Bittker & Lokken Federal Taxation of Income, Estates, and Gifts**

A topical tax service published by Warren, Gorham & Lamont in five volumes, dedicated to Federal income and transfer taxation. Supplemented annually, the service includes a topical index and Code section, Regulation, case name, and Revenue Ruling finding lists.

**Blended Model**

A structure of international taxation under which the profits of a business are taxed partly under the full inclusion model, and partly under the territorial model. In the United States, for instance, U.S. taxpayers are subject to the full inclusion model, and non-U.S. taxpayers are subject to the territorial model.

**BNA Daily Tax Report**

A daily collection of the latest Regulations, rulings, case opinions, and other tax law revisions, as well as news reports, press releases, congressional studies and schedules, interviews, and other items of interest to the tax practitioner. Available through the mail and on various electronic tax services. One of the most important tax newsletters published because of its breadth of topics and its quality of analysis. In addition, the newsletter provides interviews with government officials, articles reviewing the day's events, and the full text of key documents discussed in the newsletter.

**BNA Foreign Income Library**

Approximately ninety Tax Management Portfolios written by experts in international taxation and business. The topics covered run the gamut from the foreign tax credit, to international aspects of social security taxes and foreign estates, to nontax issues such as the Regulation of foreign investments and currency exchange controls.

**BNA International Service**

A detailed analysis of worldwide taxation, and a source of international news updates, complementing the BNA Foreign Income Library.

**BNA Tax Management Portfolios**

A topical tax service published by the Bureau of National Affairs in a collection of more than 400 magazine-size portfolios, dedicated to U.S. income, foreign income, and estate and gift taxation. Prepared by an identified expert in the field, each portfolio includes a detailed analysis of the topic, working papers with which to implement planning suggestions, and a bibliography of related literature. Supplemented by a biweekly newsletter, the portfolio series includes a topical index and case name and Code section finding lists.

**Board of Tax Appeals**

An earlier name for the U.S. Tax Court, which did not have full judicial status. Opinions are recorded in the Board of Tax Appeals reporter, the citation abbreviation for which is BTA.

**Boolean**

A deductive logic search that allows for the intersection of terms by using connectors such as "or," "and," or "within # number of words."

**Bureau of National Affairs (BNA)**

A subsidiary of Tax Management. It offers a wide range of products covering all areas of Federal taxes. It is best known as the publisher of the BNA Tax Management Portfolios (BNA Portfolios). BNA Tax Management also offers electronic tax services, including the Tax Practice Library, and TaxCore.

**C****Case brief**

A concise summary of the facts, issues, holdings, and analyses of a court case. Used in a tax research context to allow subsequent review of the case by its author or another party. Includes complete citations of the briefed case, and other items addressed in the brief, to facilitate additional review when necessary.

**CCH Citor**

A citator published by Commerce Clearing House that is part of the Federal Tax Reporter. The volumes of this loose-leaf service are labeled A to L and M to Z with a Finding List for Rulings in the back of the M to Z volume. This service covers the Federal income tax decisions that have been issued since 1913.

**CCH Federal Tax Articles**

A loose-leaf and bound index to Federal tax articles published by Commerce Clearing House. This index provides concise abstracts for each article cited in the index. The framework for organizing these abstracts is the Code section. More than 250 journals, law reviews, papers, and proceedings are included in the index.

**CCH Federal Tax Service**

The topical tax service of Commerce Clearing House. Explanatory text, called the analysis, is divided into sixteen major topic areas, designated A through P. The editors' comments and evaluations of the law are the basis of the main text, with footnotes used to direct researchers to primary sources.

**CCH International Tax News**

Created in conjunction with Horwath International, a newsletter included with subscriptions to any of the Commerce Clearing House international tax services.

**CCH Standard Federal Tax Reporter**

The annotated service of Commerce Clearing House dedicated to Federal income, estate, and gift taxation. Includes a weekly newsletter, topical index, tax calendar, rate tables and schedules, practitioner checklists, and case name, Code section, Regulation, and Revenue Ruling finding lists. In addition, it provides a two-volume Internal Revenue Code and a Citor.

**CCH Tax Research Consultant**

The topical service of Commerce Clearing House, similar to the Research Institute of America Federal Tax Coordinator.

**CCH Tax Research NetWork**

The Internet tax service provided by Commerce Clearing House (CCH). It can include all of the tax services available from CCH if the practitioner purchases these services.

**CD-ROM system**

West, Commerce Clearing House, Research Institute of America, and several other vendors have made available a collection of tax statutes, Regulations, rulings, cases, and other primary-source materials readable by a computer in a CD-ROM format. The related software allows the researcher to conduct an electronic search of the pertinent materials without incurring online charges. Subscribers receive a series of compact disks containing the source materials, and the software instructs the user that disks to insert into the CD-ROM reader at appropriate times.

**Chief Counsel**

The chief legal officer of the Internal Revenue Service. Responsible for making litigation and acquiesce/nonacquiesce decisions, and for developing interpretive material of the agency, including rulings and memoranda.

**Circular 230**

A tax Regulation detailing the requirements and responsibilities of those who prepare Federal tax returns for compensation. Includes educational, ethical, and procedural guidelines.

**Citation**

A means of conveying the location of a document. Appendix B of this text offers a standard format for citations used by tax researchers.

**Citator**

A research resource that presents the judicial history of a court case and traces the subsequent references to the case. When these references include the citing case's evaluations of the cited case's precedents, the research can obtain some measure of the efficacy and reliability of the original holding.

**Citator 2nd Series**

Published by Research Institute of America. The Citator 2nd Series is composed of three bound volumes plus paperback supplements, which cover from 1954 to the present. This citator series includes the history of cases that have been decided since 1954 and updates for cited cases appearing in the previous series. Within each volume, the cases are arranged in alphabetical order.

**Cite**

When one case refers to another case, it cites the latter case.

**Cited case**

With respect to a citator, the original case, whose facts or holding are referred to in the opinion of the citing case.

**Citing case**

With respect to a citator, the subsequent case, which includes a reference to the original (cited) case.

**Citing Reference**

In the Westlaw citator, a listing of all cases that refer to the cited case.

**Civil penalty**

In a tax practice context, a fine or other judgment that is brought against a taxpayer or preparer for a failure to comply with one or more of the elements of the Federal tax law. Examples include penalties for failure to file a return or pay a tax in a timely fashion.

**Client letter**

A primary means by which to communicate one's research results to the client. Includes, among other features, a summary of the controlling fact situation and attendant assumptions, a summary of the

critical sources of the tax law that led to the researcher's conclusions, specific implications of the results of the project, and recommendations for client action.

**Closed transaction**

A tax research situation is closed when all of the pertinent transactions have been completed by the taxpayer and other parties, such that the research issues may be limited to the proper nature and amount of disclosure to the government on the tax return or other document, and to preparation activities relative to subsequent government review.

**Closing agreement**

A form with which the taxpayer and the Internal Revenue Service finalize their computations of a disputed tax liability.

**Collateral estoppel**

The legal principle that limits one's judicial exposure relative to a disputed item to one series of court hearings. In a tax environment, the principle can present hardships for the taxpayer who wishes to raise additional issues during the course of a judicial proceeding.

**Collection**

The process by which the Internal Revenue Service extracts an assessed tax liability from a taxpayer. Usually takes the form of the receipt of a check or other draft from the taxpayer, but can include liens or other garnishments of taxpayer assets.

**Commerce Clause**

The clause of the U.S. Constitution indicating that Congress has the power to regulate commerce with foreign nations, among states, and with Native American tribes. It grants powers to Congress and places constraints on the states' ability to tax interstate trade.

**Commerce Clearing House (CCH)**

A major commercial source of text and online information concerning domestic and international tax law.

**Commissioner of Internal Revenue**

The chief operating and chief executive officer of the Internal Revenue Service (IRS). Holds the ultimate responsibility for overall planning and for directing, coordinating, and controlling the policies and programs of the IRS.

**Committee Report**

A summary of the issues that were considered by the House Ways and Means Committee, Senate Finance Committee, or Joint Conference Committee, here relative to proposed or adopted changes in the language of the Internal Revenue Code. Useful in tax research as an aid to understanding unclear statutory language and legislative history or intent. Published in the Internal Revenue Bulletin.

**Compilation**

Broadly, a collection of primary sources, editorial comments, and annotations in a tax service (i.e., its collection of volumes).

**Computing Centers**

Internal Revenue Service service centers that manipulate data collected from tax returns.

**Connectors**

In using an online database or CD-ROM service, connectors are employed to link various parts of a search command using Boolean logic. For instance, "or," "and," and "within" are used as connectors in various research services.

**Contingent fees**

The practice under which a professional bases his or her fee for services upon the results thereof. The American Institute of Certified Public Accountants has held that the performance of services for a contingent fee can be unethical; one exception is available, though, where (as in tax practice) the results are subject to third-party actions (here the government, in an audit setting). Several states are relaxing this restriction, allowing certified public accountants to mix the form of their compensation between fixed and contingent fees.

**Correspondence examination**

An audit of one's tax return that is conducted largely by telephone or mail. Usually involves a request for substantiation or explanation of one or more items on a tax return, such as filing status, exemptions, and itemized deductions for medical expenses, interest, taxes paid, charitable contributions, or miscellaneous deductions.

**Court of Appeals**

A Federal appellate court that hears appeals from the Tax Court, Court of Federal Claims, or District Courts within its geographical boundaries. Organized into geographical circuits, although there are additional circuits for Washington, D.C., and for cases appealed from the Court of Federal Claims. Opinions are recorded in the Federal Reporter, various series, and in the American Federal Tax Reports and United States Tax Cases reporter series.

**Court of Federal Claims**

A trial-level court in which the taxpayer typically sues the government for a refund of overpaid tax liability. Hears nontax matters as well in Washington, D.C., or in other major cities. Opinions are reported in the Court of Federal Claims reporter and in the American Federal Tax Reports and United States Tax Cases case reporter series.

**CPA Exam**

A test by which the American Institute of Certified Public Accountants and the state boards of accountancy regulate admission to the Certified Public Accountants (CPA) profession and maintenance of CPA licenses. Part of the CPA exam requires that the candidate perform some tax research and writing tasks.

**Criminal penalty**

A severe infraction of the elements of the Federal tax law by a taxpayer or preparer. Felony or misdemeanor status for tax crimes can be accompanied by substantial fines or jail terms. Examples of tax crimes include tax evasion and other willful failures to comply with the Internal Revenue Code.

**Cumulative Bulletin**

An official publication of the Internal Revenue Service (IRS), consolidating the material that first was published in the Internal Revenue Bulletin in a (usually semiannual) hardbound volume. Publication alters the proper citation for the contents thereof.

**Customer Service Sites**

Internal Revenue Service service centers that deal with telephone and electronic contacts from taxpayers, in working with electronic filing of returns, and in answering telephone and online taxpayer inquiries.

**D****Daily Tax Report**

Available from Tax Analysts, a daily summary of tax developments, cases, rulings, and other information of interest to the tax professional.

**Deduction Apportionment**

In international taxation, deductions, expenses, and losses are assigned by allocation and apportionment to various income sources.

**Determination Letter**

An Internal Revenue Service (IRS) pronouncement issued by the local IRS office, relative to the agency's position concerning a straightforward issue of tax law in the context of a completed transaction.

**Direct History**

In the Westlaw citator, a listing of the citations to hearings of the cited case by lower level courts.

**Discriminant function formula**

A means by which, on the basis of probable return to the IRS in terms of collected delinquent tax liabilities, the Service selects tax returns for examination.

**District Court**

A trial-level court that hears tax and nontax cases. Organized according to geographical regions. Jury trials are available. Opinions are reported in the Federal Supplement Series and in the American Federal Tax Reports and United States Tax Cases reporter series.

**Due Process Clause**

Found in the Fourteenth Amendment to the U.S. Constitution, the clause (among other things) limits the territorial scope of a state's taxing authority, particularly in regard to interstate commerce.

**E****Effective average tax rate**

The proportion of a taxpayer's economic income that was paid to the government as a tax liability (i.e., it is computed by dividing the tax liability by the taxpayer's economic income for the year). Economic income includes nontaxable sources of income, such as gifts and inheritances, and tax-exempt interest.

**En banc**

When more than one Tax Court judge hears a case, the court is said to be sitting "en banc."

**Enrolled agent**

One who is qualified to practice before the Internal Revenue Service by means other than becoming an attorney or certified public accountant. Typically, one must pass a qualifying examination and meet other requirements to become an Enrolled Agent.

**Equal Protection Clause**

Found in the Fourteenth Amendment to the U.S. Constitution, the clause requires (among other things) that similarly situated persons or property be treated in a similar manner by the law. Although the Equal Protection clause does not reference taxation specifically, it has been relied upon to determine whether tax provisions treat different taxpayers equally.

**Ethical standards**

Boundaries of social or professional behavior, derived by the culture or its institutions. Tax ethics are described in various documents of governmental agencies or professional organizations.

## F

### Fact issue

A tax research issue in which the practitioner must determine whether a pertinent question of fact was satisfied by the taxpayer; for example, was an election filed with the government in a timely manner? What was the taxpayer's motivation underlying the redemption of some corporate stock?

### Federal Research Library

The collection of primary and secondary tax source documents made available by Tax Analysts. Organized as a grouping of databases of documents.

### Federal Tax Explanations

Analysis of tax laws covering individuals, businesses, trusts, and estates. Included in the Tax Analysts tax service.

### Federal Tax Library

The searchable database of federal tax materials made available by Tax Analysts. Available in Basic and Complete versions.

### Federal Taxation of Income, Estates, and Gifts

An authoritative tax treatise available on Westlaw and the Research Institute of America tax service, often cited as a leading secondary source of tax law.

### Field audit

The review of a corporation or business tax return by an Internal Revenue Service agent. Typically involves more complex issues of law and/or fact than are the subject of a correspondence or office audit. Open ended in nature. The agent who conducts a field examination reviews all of the taxpayer's business and financial operations, accounting methods, and means of internal control.

### File memorandum

A primary means by which to communicate the results of a research project to oneself, one's supervisor, and/or one's successor. Includes, among other features, a statement of the pertinent facts and assumptions, a detailed outline (and citations of) controlling tax law, a summary of the researcher's conclusions, and a listing of action recommendations for the client to consider.

### Finding list

An index to primary tax law sources, such as court cases or Revenue Rulings, typically arranged alphabetically, and referring to paragraph or division citations in the tax service's compilations.

### Fraud

In a tax practice context, a taxpayer action to evade the assessment of a tax. Criminal fraud requires a willful intent by the taxpayer. The Internal Revenue Service bears the burden of proof relative to fraud allegations.

### Freedom of Information Act

Federal law that requires the Treasury (and other federal agencies) to release redacted documents to the public. In the tax research context, this allows for the publication of letter rulings and other Internal Revenue Service written determinations, and their use by the tax professional in the research process.

### Full Inclusion Model

A structure of international taxation under which the profits of a business are taxed by the country in which the business is based, regardless of where the income is earned. A synonym is "worldwide taxation."

### Full-Text Document

In the Westlaw citator, a tool that displays the full text and all versions of the citation for a case, a summary of the proceeding, headnotes, and key numbers.

### Full-text search

A computerized version of a published index. A full-text search locates every occurrence of a word or phrase in every document available for the search.

## G

### General Counsel's Memorandum

A memoranda generated upon the request of the Internal Revenue Service, typically as a means to assist in the preparation of Revenue Rulings and Private Letter Rulings.

### General Regulation

A Regulation issued under the general authority granted to the Internal Revenue Service to interpret the language of the Code, usually under a specific Code directive of Congress, and with specific congressional authority.

### Golsen rule

Tax Court decisions are appealed to the Court of Appeals for the taxpayer's place of work or residence. The decisions of the Courts of Appeal are not always consistent. Thus, when a taxpayer whose circuit has ruled on a given issue brings a case that includes that issue before the Tax Court, the Tax Court follows the holding of the pertinent circuit, even if the Tax Court disagrees with the holding, or if another circuit has issued a contrary holding. This can lead to contradictory Tax Court rulings, based solely upon the state of the taxpayer's residence.

## H

### Headnote

Numbered paragraphs in which the editors of the court reporter summarize the court's holdings on each issue. These paragraphs appear in the court reporters before the text of the actual court case.

### Hypertext (Hyperlinked)

A means of moving around within the documents of an electronic database by clicking on a mouse or keyboard where a special text color or character indicates that a related document is available. For instance, in reading a court case, the user might move to the opinion issued in another case cited in a footnote, or to a controlling Code section or Regulation that is cited in the document.

## I

### Independence

The American Institute of Certified Public Accountants requires the certified public accountant (CPA) who renders an opinion relative to a client's financial statements to be (and to appear to be) independent from the client. This principle entails restrictions as to the CPA's direct and indirect financial dealings with the client, and its simultaneous role as financial auditor.

### Indirect History

In the Westlaw citator, a listing of the citations to those case opinions that refer to the cited case. The citator indicates whether the

citing cases positively or negatively affect the precedential value of the cited case.

### InfoTax

Provider of a CD-ROM tax research service, including Code and Regulations, court cases, and administrative pronouncements.

### Injunction

The action by which the Internal Revenue Service or a court prevents (enjoins) a taxpayer, preparer, or tax shelter distributor from undertaking a specified action (e.g., preparing tax returns for compensation or offering a tax shelter for sale).

### Internal Revenue Bulletin

An official weekly publication of the Internal Revenue Service that includes Announcements, Treasury Decisions, Revenue Rulings, Revenue Procedures, and other information of interest to the tax researcher.

### Internal Revenue Code

The primary statutory source of the Federal tax law, a collection of laws that have been passed by Congress and incorporated in Title 26 of the U.S. Code. The Code was last reorganized in 1954. It presently is known as the Internal Revenue Code of 1986. The chief subdivision of the Code is the section.

### Internal Revenue Service

A division of the Department of the Treasury, the Federal agency that is charged with the collection of Federal taxes and the implementation of other responsibilities that are conveyed by the Internal Revenue Code.

### Internal Revenue Service Centers

Locations at which the Internal Revenue Service receives and processes tax returns, distributes tax forms, and performs other specified functional activities in the administration of the Federal tax laws.

### Internet

A means by which millions of remote computer stations are connected and can be used by individuals at any such station. Search engines assist in finding pertinent materials, and download features allow users to view and obtain files from the remote locations. The Internet is organized chiefly using the World Wide Web, bulletin board and newsgroup systems, and file transfer protocols. The Internet is useful to the tax researcher as a means of finding primary and secondary source documents in a timely fashion, sharing tax newsletters and spreadsheets, and transferring data to and from taxing jurisdictions.

### IRS Oversight Board

A group of at least nine individuals that acts as the board of directors of the Internal Revenue Service. Responsible for overseeing the agency's operational and internal control functions, approving mission plans and strategies, reviewing the agency's budget, and ensuring the proper treatment of taxpayers.

## J

### Joint Audit Program

Allows the Multistate Tax Commission to perform a comprehensive audit of a business's taxes simultaneously for several states.

### Judicial sources

Certain federal court decisions that have the force of the statute in constructing the Federal tax law. The magnitude of this authority

depends upon the level and location of the courts that issued the opinions.

## K

### KeyCite (KC)

A Westlaw citator that furnishes a comprehensive direct and indirect history for court cases. The indirect history includes secondary materials that have the cited case in their text. KeyCite allows the researcher to select a full history, negative history, or omit minor cases. This option is not available with the other citators.

### KeySearch

A search aid employing the West numbering system of the key issues in court cases. When a researcher identifies the legal topic applicable to the search, this search aid formulates a query based on the underlying terms for the topic based on the key numbers system.

### Kleinrock's TaxExpert

A CD-ROM and Internet tax research service provided by Kleinrock. It includes primary tax law sources plus an explanation of the law.

### KWIC

Key word in context, a means by which to display electronic search results.

## L

### Law issue

A tax research question in which one must determine which provision of the Federal tax law applies to the client's fact situation. This entails the evaluation of various statutory, administrative, and judicial provisions with respect to the client's circumstances; for example, is the client's charitable contribution subject to the 30 percent of adjusted gross income limitation?

### Law reviews

Scholarly publications of law schools. These publications are edited either by faculty members or by graduate students under the guidance of the school's faculty. Most law reviews also use an outside advisory board comprised of practicing attorneys and law professors at other universities to aid in selecting and reviewing articles. The articles appearing in these publications usually are written by tax practitioners, academics, graduate students, or other noted commentators.

### Legislative Regulation

A Regulation by which the Internal Revenue Service is directed by Congress to fulfill a law-making function and to specify the substantive requirements of a tax provision.

### LEXCITE

A citator service of Lexis. For the case citation entered, it ascertains parallel citations and then searches for all of the cites in the case law documents. It will find embedded references to a variety of documents such as cases, law reviews, journals, Federal Register, and Revenue Rulings.

### Lexis

An Internet service for legal (tax) sources started in 1973 by LexisNexis.

**LexisNexis**

One of the largest legal and news services available on the Internet. An online database resource that allows the researcher to access a database consisting of the text of court cases, administrative rulings, and selected law review articles and to search these files for tax (and other) law sources that may be relevant to the research problem.

**LexisNexis Academic**

A version of the LEXIS and NEXIS database services designed for use at public libraries, universities, and law schools.

**LexisNexis Tax Center**

The home-base interface used by the researcher in the LexisNexis service.

**Linking**

A method of moving among the documents of an electronic database, as indicated by the controlling software. See hypertext.

**Local citation**

A citation that directs the researcher to the exact page where the cited case is mentioned in the citing case.

**M****Marginal tax rate**

The proportion of the next dollar of gross income (or other increase in the tax base) that the taxpayer must pay to the government as a tax. Thus, the marginal tax rate conveys the proportionate value of an additional deduction, or the cost of an increase to the tax base. Tax-effective decisions must take into account the marginal (and not the average or nominal) tax rate.

**Memorandum decision**

A decision of the Tax Court that, in the opinion of the chief judge, does not address any new issue of tax law. Accordingly, the government does not publish the opinion. Commerce Clearing House and Research Institute of America each publish annual collections of these Tax Court Memorandum decisions.

**Mertens Law of Federal Income Taxation**

A topical tax service designed chiefly by and for attorneys.

**More Likely Than Not**

The standard that a tax position must meet if a tax preparer penalty is to be avoided. An undisclosed tax position can be taken penalty-free if a tax professional believes that there is a greater than 50 percent chance that the position will be upheld by the highest court of review.

**Multistate Alternative Dispute Resolution Program**

Developed by the Multistate Tax Commission. It affords taxpayers the opportunity to resolve common tax issues with several states at once. The program also assists taxpayers in negotiating and drafting settlement agreements to be submitted to participating states.

**Multistate Corporate Tax Guide**

A two-volume treatise with responses by the states to questionnaires concerning income and sales/use tax issues.

**Multistate Tax Commission (MTC)**

Created in 1967 by the Multistate Tax Compact. The MTC adopted the Uniform Division of Income for Tax Purposes Act

(UDITPA) as part of its Articles, issued Regulations interpreting the UDITPA and continues to issue apportionment rules. As of early 2008, there are forty-seven states participants in MTC.

**Multistate Tax Compact**

An organization of state governments that created the Multistate Tax Commission in 1967.

**N****National Conference of Commissioners on****Uniform State Laws**

In 1957, it drafted the Uniform Division of Income for Tax Purposes Act to create a greater uniformity and consistency in the measurements of business income.

**National Nexus Program**

Developed by the Multistate Tax Commission. Its function is to facilitate information sharing among participating states.

**National Research Program**

A means by which the IRS develops its discriminant function formulae. The taxpayer's return is selected randomly for an extensive review, during which every item of income, credit, deduction, and exclusion is challenged by the government. The results of such reviews are used (other than to adjust the examined taxpayer's liability) to delineate criteria by which other taxpayers' returns are selected for examination.

**National Taxpayer Advocate**

Empowered to achieve a temporary delay in the normal enforcement procedures of the Internal Revenue Service, as specified in a Taxpayer Assistance Order.

**Natural language**

A search where a tax question is entered in standard English (natural language) words, phrases (entered within quotation marks), or sentences. The program determines the key terms for searching and relationships among the words (i.e., connectors to apply). This type of search is useful when the researcher is unsure as to which connectors and keywords would be the most effective.

**Negligence**

In a Federal tax context, a (nonwillful) failure to exercise one's duty with respect to the Internal Revenue Code or to use a reasonable degree of expected or professional care. Examples include the unacceptable failure to attempt to follow the IRS's rules and Regulations in the preparation of a tax return for compensation.

**Nexis**

An Internet service for news, financial, and business information, started in 1979 by LexisNexis.

**Nexus**

A sufficient business connection with a locality that gives taxing authority to the locality over the business.

**Ninety-day letter**

A statutory notice from the Internal Revenue Service (IRS) that the taxpayer has failed to pay an assessed tax. An issuance of such a letter usually indicates that the taxpayer has exhausted all of his or her appeal rights within the IRS and that the next forum for review will be a trial-level court. Strictly, the taxpayer has ninety days to petition

the Tax Court to be relieved of the deficiency assessment. If no such petition is filed, the IRS is empowered to collect the assessed tax.

### **Nominal average tax rate**

Determined by an inspection of the applicable rate schedule. The average nominal rate at which the taxpayer's total taxable income is taxed is computed by dividing the taxpayer's total tax liability by his or her taxable income. Tax-exempt income is not included in the denominator of this fraction.

### **Nonacquiescence**

An announcement by the Internal Revenue Service (IRS) that it will not follow the decision of a court in a tax decision that was adverse to the agency. Notation is included in the proper citation of the disputed case. Announced in the Internal Revenue Bulletin.

## **O**

### **Offer in compromise**

The means by which the government offers to reduce the amount of an assessed tax, usually because of some doubt as to the "litigation-proof" magnitude or collectibility of the tax. A legally enforceable promise that cannot be rescinded, an offer in compromise relates to the entire liability of the taxpayer, and it conclusively settles all of the issues for which an agreement can be made.

### **Office audit**

The audit of a nonbusiness tax return that is conducted at an Internal Revenue Service (IRS) district office. Usually requires some analysis and the exercise of the IRS personnel's judgment, rather than a mere inquiry or substantiation verification. Typically involves tip, rent, or royalty income, travel and entertainment deductions, and income from partnerships or other conduit entities.

### **OneDisc Premium**

A Tax Analyst's single disc tax product, useful when the tax professional needs portability of documents. It contains an extensive list of primary sources and the commentary of Federal Tax Explanations.

### **Online system**

In a tax research context, a collection of the text of court case opinions, statutes, administrative rulings, and selected law review articles. These text files can be searched by the practitioner using an Internet connection in an extremely fast and efficient manner, to assist him or her in locating tax law sources that may be relevant to the disputed tax issue.

### **Open transaction**

A tax research issue is open when not all of the pertinent transactions have been completed by the taxpayer or other parties, such that the researcher can suggest to the client several alternative courses of action that generate differing tax consequences.

### **Oral presentation**

A primary means of communicating the results of a research project to others by way of a telephone conversation or a more formal presentation system.

### **Organization for Economic Co-operation and Development (OECD)**

An important international association of countries that believe in democratic governments and market economies. The goals of the OECD are to assist developing countries, support sustainable economic growth, boost employment, raise living standards, maintain financial stability, and generally contribute to world trade. Through

its monitoring of world economics, the OECD has become known as one of the most reliable and prolific publishers of economic and social data and statistics.

## **P**

### **Permanent citation**

A Tax Court citation issued to a Tax Court decision containing the case name, volume number, reporter page number, and the year of the decision.

### **PH Citator**

The first series of citators, formerly published by Prentice-Hall and now published by Research Institute of America. The first series consists of three bound volumes that cover all of the Federal tax cases dated between 1863 and 1953.

### **Practice before the IRS**

The privilege to sign tax returns as preparer for compensation and to represent others before the Internal Revenue Service (IRS) or in court in an audit or appeal proceeding. This privilege is granted by the IRS and controlled under Circular 230.

### **Practitioner journal**

Journals published by professional organizations and commercial companies. The objective of these journals is to keep tax practitioners abreast of the current changes and trends in the tax law.

### **Preparer penalties**

A series of fines and other levies by which the Internal Revenue Service (IRS) encourages taxpayers and preparers to fulfill their responsibilities under the Internal Revenue Code. Examples include penalties for failure to sign returns, keep or furnish copies of returns, and provide required information to Federal agencies.

### **Primary authority**

An element of the Federal tax law that was issued by Congress, the Treasury or Internal Revenue Service, or a Federal court, and thus carries greater precedential weight than elements of the tax law issued by other parties.

### **Private letter ruling**

A written determination published by the Internal Revenue Service relative to its position concerning the tax treatment of a prospective transaction. Strictly, it cannot be applied to any taxpayer other than the one who requested the ruling. Text or summaries thereof are included in various commercial tax services.

### **Privileges and Immunities Clause**

Grants citizens of each state all privileges and immunities of citizens in every other state. Note that the clause applies only to "citizens" of states. Since a corporation is considered a "person" but not a "citizen" under the law, corporations for the most part are not protected by the Privileges and Immunities clause.

### **Problem Resolution Program**

An organizational means by which the Internal Revenue Service (IRS) attempts to satisfy taxpayer complaints, inquiries, and disagreements, short of the appeals process or litigation. The taxpayer can employ the Problem Resolution Program when the usual agency channels do not produce the desired results. Typically, the program is used to resolve billing, procedural, computer-generated, and other

problems that the taxpayer has not resolved after one or more contacts with the appropriate IRS office.

**Proceedings**

The published versions of conference presentations. These proceedings are distributed to the participants at the conference and later to the general public in the form of a collection of articles.

**Processing Centers**

Internal Revenue Service centers that process Federal tax returns.

**Professional journals**

Synonym for practitioner journal.

**Progressive tax rate**

If the marginal rates of a tax rate schedule increase as the magnitude of the tax base increases, the schedule includes progressive tax rates.

**Proportional tax rate**

If the marginal rates of a tax rate schedule remain constant as the magnitude of the tax base increases, the schedule includes proportional tax rates.

**Proposed Regulation**

An interpretation or clarification of the provisions of a portion of the Internal Revenue Code, issued by the Treasury and available for comment (and possible revision) in a public hearing.

**Public Purpose**

Most state constitutions require that tax revenues be imposed only for public purposes. Public purpose rarely is defined in a constitution, however.

## Q

**Query**

A means of searching an electronic database. Includes a definition of the scope of the search and a specification of the targeted terms in which the researcher is interested, often employing connectors in the grammar of the query.

## R

**Realistic possibility**

The realistic possibility standard is met if analysis of the tax return position by a reasonable and well-informed person knowledgeable in the tax law(s) would lead such person to conclude that the position has approximately a one in three (or greater) likelihood of being sustained on its merits. Formerly the standard by which a tax preparer conduct penalty was applied.

**Reasonable basis**

The reasonable basis standard is met if analysis of the tax return position by a reasonable and well-informed person knowledgeable in the tax law(s) would lead such person to conclude that the position has approximately a one in four (or greater) likelihood of being sustained on its merits. A preparer penalty is avoided if there is a reasonable basis for a disputed tax position, and the position is disclosed on the return.

**Reasonable cause**

A means by which a taxpayer or preparer can be excused from an applicable penalty or other sanction. For instance, if the taxpayer failed

to file a tax return on a timely basis because of illness or if the underlying records were destroyed by natural cause, the taxpayer likely would be excused from the penalty (but not from the tax or any related interest) because of this reasonable cause.

**Regressive tax rate**

If the marginal rates of a tax rate schedule decrease as the magnitude of the tax base increases, the schedule includes regressive tax rates.

**Regular decision**

A decision issued by the Tax Court that generally involves a new or unusual point of law, as determined by the Chief Judge of the court.

**Regulation**

An interpretation or clarification of the provisions of a portion of the Internal Revenue Code, issued by the Treasury under authority granted by Congress. Legislative Regulations directly create the details of a tax law. Both general and legislative Regulations carry the force of the statute, unless they are held to be invalid in a judicial hearing.

**Research Institute of America (RIA)**

A major commercial source of text and online information concerning domestic and international tax law.

**Return preparer**

Any person who prepares for compensation, or employs one or more persons to prepare for compensation, all or a substantial portion of a tax return or claim for income tax refund.

**Revenue Agent's Report**

Prepared upon the completion of the examination of a tax return to explain to the taxpayer the sources of any adjustments to the reported tax liability. If the taxpayer agrees to this recomputation, the associated tax, penalty, and interest become due. Lacking such agreement, other aspects of the appeals process are undertaken.

**Revenue Procedure**

A pronouncement of the Internal Revenue Service concerning the implementation details of a specific Code provision. Published in the Internal Revenue Bulletin.

**Revenue Ruling**

A pronouncement of the Internal Revenue Service concerning its interpretation of the application of the Code (typically) to a specific taxpayer-submitted fact situation. Published in the Internal Revenue Bulletin. Can be relied upon as precedent by other taxpayers who encounter similar fact patterns.

**RIA Checkpoint**

The Internet tax service provided by Research Institute of America. This is one of the most authoritative and well-known Internet tax services available. All services available from Research Institute of America may be accessed by subscription through Checkpoint.

**RIA Checkpoint State & Local Tax (SALT)**

Comprehensive tax service providing analysis of state and local taxes for all fifty states and the District of Columbia. All taxes imposed by states and most enacted by localities are covered by the service. Editorial explanations and annotations are included in the service.

**RIA Citators**

The citator service published by Research Institute of America. It includes two series of citators, the PH Citator and the Citator 2nd Series.

**RIA Compare It**

A feature of the state and local service, the user can compare the tax treatment of an item in one state to the treatment in another state or with the Federal treatment.

**RIA Federal Tax Coordinator**

Comprehensive topical tax service published by Research Institute of America. The editors' comments and evaluations of the law are the basis of the main text with footnotes used to direct researchers to primary sources. One of its strong points is its general background discussions summarizing the major issues.

**RIA International Create-a-Chart**

A feature offered by Research Institute of America with its international tax materials. It facilitates the creation of comparison charts for global tax laws. This feature enables the practitioner to summarize pertinent international tax information in a chart that can be exported to a word processing document.

**RIA International Taxes Weekly**

A weekly e-newsletter covering current developments and emerging issues related to international taxation.

**RIA OnPoint**

CD resource that allows the researcher to access a database consisting of the text of court cases, administrative rulings, and selected tax treatises and analytical articles and to search these files for tax law sources that may be relevant to the research problem.

**RIA State and Local Create-a-Chart**

A feature offered by Research Institute of America with its state and local tax service. It facilitates the creation of comparison charts from various state tax materials. This feature enables the practitioner to summarize pertinent multistate tax information in a chart that can be exported to a word processing document.

**RIA Tax Advisors Planning System**

A series of portfolios written by expert practitioners currently in practice. These portfolios, updated monthly, focus on specific issues relevant to taxpayers in the international economy, among other topical areas. Each portfolio includes commentary, advice supported by detailed explanations, integrated planning ideas, and current tax rules with citations to the controlling authorities.

**RIA United States Tax Reporter**

The annotated service of Research Institute of America dedicated to Federal income, estate, and gift taxation. Includes a weekly newsletter, topical index, tax calendar, rate tables and schedules, practitioner checklists, case name, Code section, Regulation, and Revenue Ruling finding lists. This tax service has a unique and functional paragraph numbering system. All paragraphs pertaining to a particular Code section incorporate that section number into the paragraph number. A single digit is added to the end of the Code section number, indicating the nature of the material contained in the paragraph.

**S****Scholarly Review**

Tax periodical that is directed at an academic audience, and wherein articles are written by those working at universities and law schools.

**Seamless**

Ability to perform a multi-step function with little or no effort. For example, the ability to retrieve references full-text through the computer by double clicking on the reference's title.

**Secondary authority**

An element of the Federal tax law that was issued by a scholarly or professional writer for example, in a textbook, journal article, or treatise, and thus carries less precedential weight than elements of the tax law issued by primary sources.

**Shepardizing**

Slang used in the legal profession used to describe the process of using a Shepard's citator.

**Shepard's Citations**

The full coverage of Shepard's citators available through Westlaw.

**Shepard's Citator**

The only major tax citator that is organized by case reporter series.

**Shepard's Federal Tax Citator**

A citator available through Westlaw and Lexis, organized by reference to the case reporter and volume number in which the case is found. Thus, to use the citator, the practitioner must know the court reporter citation for the case of interest.

**Small Cases Division**

The Tax Court allows taxpayers whose disputed tax liability does not exceed \$50,000 to try the case before the court's Small Cases Division. Procedural rules of the division are somewhat relaxed, and taxpayers often represent themselves. The Small Cases Division decisions are not published, nor can either party appeal the holdings thereof.

**Source Determination**

In international tax law, different rules apply depending on where the income and deductions are "sourced."

**State Research Library**

The searchable database of state and local tax materials made available by Tax Analysts.

**State Tax Reporters**

A Commerce Clearing House state tax service that combines detailed explanations, primary source materials, and practical compliance guidance. All of the major taxes imposed by states and localities are covered by the service. Explanations are organized by tax type with links to related primary sources.

**State Taxation**

A treatise on state and local taxation, published by Warren, Gorham & Lamont.

**StateNet**

A Research Institute of America database consisting of all proposed and current enacted state legislation in full text. Proposed legislation's current status can be tracked on this database.

**Statute of limitations**

Provides the maximum amount of time within which one or both parties in the taxing process must perform an act, such as file a return, pay a tax, or examine a return. Various time limits apply relative to the Internal Revenue Code, although both parties can, by mutual agreement, extend one or more of these time limitations, if desired.

**Statutory notice of deficiency**

Synonym for a ninety-day letter.

**Statutory sources**

The Constitution, tax treaties, and the Internal Revenue Code are the statutory sources of the Federal tax law. They have the presumption of correctness, unless a court modifies or overturns a provision in response to a taxpayer challenge. In this regard, legislative intent and history can be important in supporting the taxpayer's case.

**Substantial authority**

A taxpayer penalty may be incurred if a tax return position is taken and not disclosed to the Internal Revenue Service where no substantial authority (generally, statute, Regulation, court decision, or written determination) supports the position.

**Supremacy Clause**

The clause in the U.S. Constitution that confers superiority to Federal laws over state laws. That is, Federal laws are “the supreme law of the land” and trump state laws. If a state law or constitutional provision is in conflict with a Federal law, the state provision is invalid.

**Supreme Court**

The highest Federal appellate court. Hears very few tax cases. Approves a writ of certiorari for the cases that it hears. Opinions are reported in the U.S. Supreme Court Reports (citation abbreviation, US); the Supreme Court Reporter (SCt); the United States Reports, Lawyer's Edition (LEd); the American Federal Tax Reports and United States Tax Cases reporter series; and various on-line services.

**T****Table of Authorities**

A service available through Westlaw and Lexis that lists cases that are cited within a case of interest.

**Tax Analysts**

A nonprofit entity organized to provide literary forums for the discussion of taxation. It disseminates timely and comprehensive state, Federal, and international tax information through their daily, weekly, and monthly print publications, scholarly books, and electronic database services.

**Tax Analysts Worldwide Tax Daily**

An international news daily with news updates from around the world, available on LexisNexis and elsewhere. It includes full-text PDF files of international tax documents and treaties discussed in its articles. The information is organized by countries and international organizations.

**Tax Analysts Worldwide Tax Treaties**

A tax service available on LexisNexis and elsewhere to compare income tax treaties. Side-by-side tables compare the tax rates on various types of income and withholding rates among over 170 worldwide taxing jurisdictions. Original, in-force, pending, terminated, and unperfected treaties can be viewed.

**Tax and Accounting Sites Directory**

Internet site linking to various government, publisher, and academic web pages of interest to the accounting or tax professional. Often called “Tax Sites.”

**Tax authority**

Any source of the Federal tax law; in common usage, this term is used to refer to government agencies.

**Tax avoidance**

The legal structuring of one's financial affairs so as to optimize the related tax liability. Synonym for tax planning.

**Tax awareness**

The first requirement for effective tax planning on the part of decision makers. It requires decision makers to be alert for tax-optimizing alternatives.

**Tax compliance**

An element of modern tax practice in which a practitioner works with a client to file appropriate tax returns in a timely manner and represents the client in administrative proceedings.

**Tax Court**

A trial-level court that hears only cases involving tax issues. Issues regular and memorandum decisions. Meets in Washington, D.C., and in other major cities. Formerly called the Board of Tax Appeals. Regular opinions are reported in the U.S. Tax Court Reports. Memorandum opinions are published only by commercial tax services.

**Tax ethics**

The application of ethical standards to the tax practice.

**Tax evasion**

The reduction of one's tax liability by illegal means.

**Tax Freedom Day**

The Tax Foundation uses this device to measure the impact of tax liabilities on citizens' budgets. Expressed in terms of days of work, rather than percentages of a total income amount. The measure computes the day of the year when taxpayers have earned enough money to pay for all of their taxes.

**Tax haven**

A location that imposes one or more of its taxes at a lower rate than the jurisdiction to which it is being compared. These beneficial (or no) tax rate areas encourage wealthy individuals and businesses to establish residency or a presence within the tax haven's boundaries. Besides a low tax rate, tax havens generally are viewed as intentionally creating a tax structure that deliberately exploits the worldwide desire to engage in tax avoidance.

**Tax journal**

A periodic publication that addresses legal, factual, and procedural issues encountered in a modern tax practice. As a secondary source of Federal tax law, analyses in tax journals can be used in support of a taxpayer's case before a government agency or, especially, before a court.

**Tax litigation**

An element of modern tax practice in which a practitioner represents the client against the government in a judicial hearing.

**Tax Management Portfolios**

See BNA Tax Management Portfolios

**Tax newsletter**

A weekly, biweekly, or monthly publication or electronic document, often furnished as part of a subscription to a commercial tax service.

Typically provides digest-style summaries of current court case rulings, administrative pronouncements, and pending or approved tax legislation cross-referenced to the organization system of the tax service. Helps the practitioner to keep current relative to the breaking developments in the tax community.

### **Tax Notes**

A weekly collection of the latest Regulations, written determinations, case opinions, congressional studies, policy analyses, and other items of interest to the tax practitioner. Available through the mail and on various electronic tax services.

### **Tax Notes Today**

Version of the Tax Notes publication that discusses the latest developments in tax rulings, cases, transcripts, studies, and other documents of interest to the tax professional.

### **Tax planning**

Synonym for tax avoidance.

### **Tax practice**

Meeting the tax research, litigation, planning, and compliance needs of a client by a recognized tax professional.

### **Tax Practice Library**

A basic electronic tax service of Bureau of National Affairs (BNA) furnishing access to primary sources, practice tools, and limited news sources. Rather than relying on the BNA Portfolio Series, Tax Practice Library has developed its own explanatory analysis. Other than offering fewer databases (no BNA Portfolio or journals), this service is almost identical to Portfolio Plus in its searching methods.

### **Tax research**

An examination of pertinent sources of the state, local, and Federal tax law in light of all relevant circumstances relative to a client's tax problem. Entails the use of professional judgment to draw an appropriate conclusion and the communication of such conclusions or alternatives at a proper level to the client.

### **Tax service**

A commercial tax reference including statutory, administrative, and judicial sources of Federal tax law. Structured to maximize the practitioner's ease of use via a variety of indexes and finding lists. Often includes the text of the pertinent tax authorities and relevant scholarly or professional commentary.

### **Tax treaty**

An act of Congress that addresses the application of certain Internal Revenue Code provisions to a taxpayer whose tax base falls under the taxing statutes of more than one country. Published, among other places, in the Internal Revenue Bulletin. Generally, treaties are negotiated to prevent double taxation by providing reduced tax rates, or exempting certain types of income from taxation. The income receiving reduced rates, and tax holidays and exemptions, vary among countries.

### **TaxCore**

BNA's web-based source of primary tax resources. Subscribers to several of Bureau of National Affairs' news services receive this service. It provides the hyperlinked primary sources and tax-related documents discussed and cited in the news reports.

### **Taxpayer Assistance Order**

The taxpayer uses this request to engage an Internal Revenue Service Taxpayer Advocate to delay the implementation of an IRS

action, such as a collection or seizure activity, where it appears that the taxpayer has received less than fair treatment through the administrative procedures of the agency.

### **Technical Advice Memorandum**

A pronouncement of the National Office of the Internal Revenue Service stating the agency's position relative to the tax treatment of a taxpayer whose return is under audit. Text or discussion thereof may be included in the body of a commercial tax service.

### **Technical Memorandum**

A document prepared in the production of a Proposed Regulation.

### **Temporary citation**

A Tax Court citation issued to a Tax Court decision containing the case name, volume number, reporter, the case number, and the year of the decision. The page number is not included because the opinion has not yet been published.

### **Temporary Regulation**

An administrative pronouncement of the Internal Revenue Service, typically concerning the application of a recently enacted or detailed provision of the tax law, especially where there is insufficient time to carry out the public-hearings process that usually accompanies the Regulations process. Temporary Regulations carry the force of law, although citations differ from those for permanent Regulations with regard to the prefix.

### **Terms and Connectors**

The LexisNexis form of a Boolean search.

### **Territorial Model**

A structure of international taxation under which the profits of a business are taxed by the country in which the business is earned.

### **Thirty-day letter**

A notice from the Internal Revenue Service formally notifying the taxpayer of the results of an examination of the return and requesting that the taxpayer agree to the proposed modifications to the tax liability. A taxpayer's failure to respond to the letter triggers the statutory notice of a tax deficiency, that is, the ninety-day letter demanding the payment of the tax or a petition to the tax court.

### **Topical tax service**

A professional tax research reference collection, that is, a secondary source of Federal tax law. Includes Code, Regulation, and ruling analysis; judicial case notes; and other indexes and finding lists organized by general topic. The most important topical tax services are published by the Research Institute of America and the Bureau of National Affairs.

### **Treasury Decision**

A Regulation that has not yet been formally integrated into the published tax Regulation collection. Often issued in the Internal Revenue Bulletin.

### **Treasury Department**

The cabinet-level government agency that is responsible for administering and enforcing laws that affect the currency. The Treasury has assigned its responsibilities relative to the Internal Revenue Code to the Internal Revenue Service.

## U

### **Unauthorized practice of law**

A prohibited aspect of modern tax practice by nonattorneys, entailing, for example, the issuance of a legal opinion or the drafting of a legal document for the client, for which the practitioner could be subject to legal or professional penalties.

### **Uniform Division of Income for Tax Purposes Act (UDITPA)**

Drafted in 1957 by the National Conference of Commissioners on Uniform State Laws, to create a greater uniformity and consistency in the measurements of business income.

### **Uniformity Clause**

Closely related to the Equal Protection concept. This clause, found in many state constitutions, requires (among other things) that similarly situated persons or property be treated in a similar manner, including the taxation of property or person.

### **Universal characters**

Symbols that are holders for zero or more characters in searches. See Connectors.

### **U.S. Constitution**

Ultimate source of the Federal tax law.

### **USTC**

The citation abbreviation for the Commerce Clearing House reporter, United States Tax Cases. Includes most of the tax decisions of the Federal courts other than the Tax Court.

## W

### **Warren, Gorham & Lamont's Index to Federal Tax Articles**

An index to tax journal articles published by Warren, Gorham & Lamont. It provides citations and occasionally summaries for articles covering Federal income, gift, and estate taxation or tax policy that appear in over 350 periodicals. This index has permanent cumulative

indexes provided in paper-bound volumes and is updated quarterly by paperback cumulative supplements. Both the topic and the author indexes contain full article citations.

### **Weekly Report**

A tax newsletter published by BNA, expanding upon and summarizing materials that were included in the Daily Tax Report.

### **West Key Number System**

A means used by the publisher to organize important topics in the tax law. Used as a reference by the tax services and citators published by West.

### **Westlaw**

An online database resource provided by the West Group. Allows the researcher to access a database consisting of the text of court cases, administrative rulings, and selected law review articles and to search these files for tax (and other) law sources that may be relevant to the research problem.

### **Wildcard characters**

See universal characters.

### **World Wide Web**

A popular means by which to organize and present one's data to the Internet community. The IRS, various tax research services, and numerous law libraries offer home pages on the Web, such that tax professionals can search through the documents available on the computers of those hosting the Internet site.

### **Writ of certiorari**

Document issued by the Supreme Court indicating the Court will hear the petitioned case. If the case will not be heard, certiorari is said to be denied.

### **Written determination**

General description of Internal Revenue Service or Treasury pronouncements, including Revenue Rulings, Revenue Procedures, Private Letter Rulings, Technical Advice Memoranda, and Determination Letters.