

# Index

## A

### ADJUSTMENT PETITIONS

Generally, **10:5**

### ADMINISTRATIVE ADJUSTMENT REQUEST

Defined, **10:3**

### ADMINISTRATIVE APPEALS

Collection due process hearings. See index heading **COLLECTION DUE PROCESS**

Prior to deficiency notice, **6:1**

### ADMISSIONS

Discovery, **5:3, 5:5, App. 5D**

Pre-trial motions, **4:4**

### ADMISSION TO PRACTICE

Tax Court, **App. 1B**

### AFFECTED ITEMS

Defined, **10:3**

### AGREED COMPUTATION

Posttrial matters, **8:8**

### ALTERNATIVE DISPUTE RESOLUTION

Arbitration, **6:4, App. 6C**

Mediation, **6:3, App. 6B**

### AMENDED PLEADINGS

Generally, **3:16, 3:17**

### ANSWER

Pleadings, **3:1, 3:10, 3:11, 3:15, App. 3E**

### APPEAL AND REVIEW

Generally, **9:1 to 9:9**

Administrative appeals. See index heading

**ADMINISTRATIVE APPEALS**

Bond to stay assessment and collection of, **9:7**

Costs of, **9:1**

Delaying in payment, **9:1**

Finality of decisions, **9:9**

Form of, **9:6**

Frivolous appeals, **9:1**

Governing law, **9:1**

Government's appeal, **9:2**

Innocent spouse defense, **12:37**

Notice of appeal, **9:3, App. 9A, 9B**

Opinions, **8:6**

Perfection of, **9:2 to 9:8**

Petitioner's appeal, **9:1**

Precedent, **9:2**

### APPEAL AND REVIEW—Cont'd

Small Tax Court cases, **3:15, 12:1**

Standard of review, **9:4**

Time

filing notice of appeal, **9:3**

issuance of decision, **8:7**

payment delay, **9:1**

2013 amendments to Tax Court Rules, **12:49**

U.S. Supreme Court, **9:8**

Venue for, **9:5**

### APPEARANCE

Trial, **7:4**

### ARBITRATION

Pre-trial negotiations, **6:4, App. 6C**

### ATTORNEYS

Admission to practice, **1:5, App. 1B**

Application for admission to practice, **App. 1B**

Client expectations, **1:9**

Clinics, student practice and pro bono programs,

**App. 1C**

Closing statement, **7:11**

Discipline, **1:6**

Etiquette in court, **7:4**

Expenses, **1:8**

Fees, **1:7, 2:14**

Opening statement, **7:7**

### ATTORNEYS' FEES

Generally, **1:7**

Jurisdiction of Tax Court, **2:14**

## B

### BIPARTISAN BUDGET ACT (BBA) AND PARTNERSHIP ACTIONS

Generally, **11:1 to 11:14**

Commencement of partnership action, **11:5**

Decisions, **11:13**

Filing fee, **11:8**

Form and style of papers, **11:4**

Identification of partnership representative, **11:12**

Joinder of issues, **11:10**

Joinder of parties, **11:7**

Jurisdictional requirements, **11:3**

Petition content, **11:6**

Place of trial, **11:9**

Pleadings, generally, **11:5, 11:11**

Removal of partnership representative, **11:12**

Terms, important BBA terms, **11:2**

**BIPARTISAN BUDGET ACT (BBA) AND  
PARTNERSHIP ACTIONS—Cont’d**  
Treasury comment letter on Tax Court rules,  
**11:14**

**BONDS**

Appeal, bond pending, **9:7**  
Jurisdiction of Tax Court, **2:7**

**BRANERTON LETTERS**

Discovery, **5:1, App. 5A**

**BRIEFS**

Posttrial matters, **8:1 to 8:4, App. 8A, 8B**

**BURDEN OF PROOF**

Trial, **7:1**

**C**

**CALENDAR**

Pre-trial motions, **4:6**  
Trial, **7:6**

**CAPTION**

Pleadings, **3:3**

**CHOICE OF FORUM**

Generally, **1:1 to 1:4**  
Clinics, student practice, and pro bono programs,  
**App. 1C**  
Deficiency notice response options, **1:3**  
Distinctions among, **1:4**  
Statutory notice of deficiency, **1:2, 1:3, App. 1A**

**CLINICS**

Generally, **App. 1C**

**CLOSING STATEMENT**

Trial, **7:11**

**COLLECTION DUE PROCESS**

Generally, **12:2 to 12:22**  
Administrative appeals consideration, **12:4**  
Conduct of hearing, **12:11**  
Judicial review of hearing  
generally, **12:14 to 12:22**  
effect of request for judicial review on, **12:20**  
jurisdiction, **12:15**  
new issues, **12:16**  
record, **12:22**  
standard of review, **12:19**  
suspension of statute, **12:18**  
Tax Court rules, **12:21**  
Jurisdiction to review, **12:15**  
Liabilities not subject to deficiency procedures,  
**12:13**  
New issues on review, **12:16**  
Notice  
combined notice, **12:7**

**COLLECTION DUE PROCESS—Cont’d**

Notice—Cont’d  
hearing rights, generally, **12:3, 12:5, 12:6**  
requirements of, **12:9**  
rules, **12:8**  
Recent case law, **12:17**  
Record on review, **12:22**  
Right to hearing, **12:10**  
Scope of hearing, **12:12**  
Standard of review, **12:19**  
Tax Court rules, **12:21**  
Time to request hearing, **12:10**  
Variance rule’s applicability, **12:13**

**COMPROMISE AND SETTLEMENT**

Chief counsel attorney, negotiations with, **6:2**  
Partnerships, **10:7**  
Pre-trial negotiations. See index heading PRE-  
TRIAL NEGOTIATIONS

**COMPUTATIONAL ADJUSTMENT**

Partnerships, **10:3**

**CONFIDENTIAL INFORMATION**

Discovery, **5:4, 5:9**

**CONSOLIDATION**

Pre-trial motions, **4:6, App. 4C**

**CONTINUANCE**

Pre-trial motions, **App. 4D**

**COOPERATIVES**

Jurisdiction of Tax Court, **2:4**

**COSTS AND EXPENSES**

Appeal and review, **9:1**  
Attorneys’, **1:8**  
Jurisdiction of Tax Court, **2:14**

**COURT OF APPEALS**

Appeals to. See index heading APPEAL AND REVIEW

**CROSS-EXAMINATION OF WITNESSES**

Trial, **7:10**

**D**

**DECISIONS OF TAX COURT**

Generally, **8:4, 8:7**  
Bipartisan Budget Act and partnership actions,  
**11:13**  
Date of, **8:9**  
Motion for entry of, **App.10B**  
Redetermination petitions, **App. 12B to 12D**  
Sample, **App. 8C, 10A**

**DECLARATORY RELIEF**

Jurisdiction of Tax Court, **2:3 to 2:9**

## INDEX

### DEFAULT JUDGMENTS

Pre-trial motions, **4:6**

### DEFENSES

Innocent spouse defense. See index heading  
INNOCENT SPOUSE DEFENSE

### DEFICIENCY

Jurisdiction of Tax Court, **2:1**  
Notice of  
    choice of forum, **1:2**  
    options in response to, **1:2, 3:1**  
    petition in response to, **3:1**  
Payment requirements of different courts, **1:4**

### DEFINITIONS

Partnerships, **10:3, 11:2**

### DEPOSITIONS

Discovery, **5:5**  
Trial use, **7:2**

### DISCOVERY

Generally, **5:1 to 5:10**  
Admission requests, **5:3, 5:5, App. 5D**  
Branerton letters, **5:1, App. 5A**  
Confidential information, **5:4, 5:9**  
Depositions, **5:5, 7:2**  
Enforcement of, **5:7**  
Formal discovery, generally, **5:3**  
Informal discovery, **5:1, 5:2**  
Interrogatories, **5:3, 5:5, App. 5B**  
Interviewing witnesses, **5:5**  
Ongoing duty to supplement responses, **5:6**  
Privileged information, **5:4, 5:9**  
Production of documents, **5:3, 5:5, App. 5C**  
Protective orders, **5:7, 5:10**  
Response, generally, **5:8**  
Scope of, **5:4**  
Supplementation of responses, **5:6**  
Timeframe for, **5:2**

### DISMISSAL, DISCONTINUANCE, AND NONSUIT

Pre-trial motions, **4:4, 4:6**

### DIVORCE

Innocent spouse defense, **12:29**

### DOCUMENTARY EVIDENCE

Trial, **7:2, 7:9, App. 7B**

## E

### EMPLOYMENT TAX STATUS

Jurisdiction of Tax Court, **2:11**

### EQUITABLE RELIEF

Innocent spouse defense, **12:31 et seq.**

### ESTATE TAX

Installment payment eligibility, **2:8**

### ETIQUETTE

Trial, **7:4**

### EVIDENCE

Amending pleadings to conform to, **3:17**  
Burden of proof, **7:1**  
Documentary evidence, **7:2, 7:9, App. 7B**  
Expert witnesses, **7:3**  
Stipulation of facts, offering into evidence, **7:8**  
Trial, generally, **7:2, 7:9, 7:10, App. 7D**  
Witnesses. See index heading WITNESSES

### EXAMINATION OF WITNESSES

Trial, **7:9**

### EXPENSES

See index heading COSTS AND EXPENSES

### EXPERTISE OF TAX COURT

Generally, **1:3**

### EXPERT WITNESSES

Trial, **7:3, 7:10, App. 7C**

## F

### FEES

Attorneys' fees. See index heading ATTORNEYS'  
FEES  
Filing fees, **3:8, 3:15, 11:8, App. 3B**  
Jurisdiction of Tax Court, **2:14**

### FINALITY OF DECISIONS

Appeal and review, **9:9**

### FINAL PARTNERSHIP ADMINISTRATIVE ADJUSTMENT

Defined, **10:3, 11:2**

### FOUNDATIONS

Jurisdiction of Tax Court, **2:4**

### FRIVOLOUS APPEALS

Generally, **9:1**

## G

### GIFT VALUATIONS

Jurisdiction of Tax Court, **2:6**

### GOVERNMENT OBLIGATIONS

Jurisdiction of Tax Court, **2:7**

## H

### HUSBAND AND WIFE

Innocent spouse defense. See index heading  
INNOCENT SPOUSE DEFENSE

## I

### IDENTIFICATION OF PARTNERSHIP REPRESENTATIVE

Bipartisan Budget Act and partnership actions, **11:12**

### INDIRECT PARTNERS

Defined, **10:3**

### INNOCENT SPOUSE DEFENSE

Generally, **12:23 et seq., App. 12E**

Challenge by nonelecting spouse, **12:39**

Distinction between should have known and actually knew, **12:38**

Divorced spouses, **12:29**

Ease of relief, **12:24**

Eligibility for equitable relief, **12:33**

Equitable relief under section 6015(f), **12:31 et seq.**

Form 8857, **12:45**

Intervention by nonelecting spouse, **12:40, 12:48**

Knowledge

generally, **12:26**

distinction between should have known and actually knew, **12:38**

omitted income cases, **12:41**

source of an erroneous item, **12:28**

Limitation on equitable relief, **12:35**

Living apart, **12:29**

Marital status, **12:29**

Notice

knowledge of electing spouse. See “Knowledge” under this heading

nonelecting spouse, notice to, **12:48**

putative guilty spouse, notice to, **12:46**

Omitted income cases, **12:41 to 12:44**

Publication 971, **12:45**

Refunds, **12:36**

Separated spouses, **12:29**

Separate liability election, **12:27**

Statutory basis, **12:24, 12:25**

Streamlined determinations, **12:34**

Tax Court review, **12:37**

Time deadline, **12:30**

### INTEREST ON MONEY

Jurisdiction of Tax Court, **2:14**

### INTERROGATORIES

Discovery, **5:3, 5:5, App. 5B**

### INTERVENTION

Innocent spouse defense, **12:40, 12:48**

## J

### JEOPARDY ASSESSMENTS

Jurisdiction of Tax Court, **2:14**

### JOINDER OF ISSUES

Bipartisan Budget Act and partnership actions, **11:10**

Pleadings, **3:19, 11:10**

### JOINT AND SEPARATE TRIALS

Pre-trial motions, **4:6, App. 4C**

### JOINT AND SEVERAL LIABILITY

Jurisdiction of Tax Court, **2:10**

Spousal defense. See index heading INNOCENT SPOUSE DEFENSE

### JUDGMENT ON PLEADINGS

Pre-trial motions, **4:5, App. 4A**

### JURISDICTION OF TAX COURT

Generally, **2:1 to 2:14**

Attorneys’ fees, **2:14**

Collection due process review, **12:15**

Cooperatives, **2:4**

Costs and fees, **2:14**

Declaratory relief, **2:3 to 2:9**

Employment tax status, **2:11**

Estate installment payment eligibility, **2:8**

Foundations, **2:4**

Gift valuations, **2:6**

Government obligations, **2:7**

Interest abatement denials, **2:14**

Jeopardy assessments, **2:14**

Joint and several liability relief, **2:10**

Other actions, **2:14**

Overpayments, **2:13**

Oversheltered returns, **2:9**

Partnerships, **2:9, 2:12, 10:4, 11:3**

Pre-trial motions, **4:3**

Private written determinations, **2:14**

Retirement plan qualification, **2:5**

Rule 240, partnership actions, **2:12**

Section 7428, **2:4**

Tax exempt organizations, **2:4**

### JURY TRIAL

Generally, **1:4**

Tax Court, **1:4**

## L

### LOCATION

See index heading PLACE OR LOCATION

## M

### MAIL

Notice of collection due process hearing rights, **12:8**

Petition filing, **3:7**

## INDEX

### MARITAL STATUS

Innocent spouse defense, **12:29**

### MEDIATION

Pre-trial negotiations, **6:3, App. 6B**

### MOTIONS

Posttrial matters, **8:10, 8:11**

Pre-trial motions. See index heading PRE-TRIAL  
MOTIONS

## N

### NEGOTIATIONS

See index heading PRE-TRIAL NEGOTIATIONS

### NOTICE

Appeal and review, **9:3, App. 9A, 9B**

Collection due process hearings. See index heading COLLECTION DUE PROCESS

Deficiency. See index heading DEFICIENCY

Innocent spouse defense. See index heading INNOCENT SPOUSE DEFENSE

Partnership proceedings, **10:6**

### NOTICE PARTNER

Defined, **10:3**

## O

### OMITTED INCOME CASES

Innocent spouse defense, **12:41 to 12:44**

### OPENING STATEMENT

Trial, **7:7**

### OPINIONS

Appeal and review, **8:6**

Posttrial matters, **8:4, 8:6**

### OVERPAYMENTS

Jurisdiction of Tax Court, **2:13**

### OVERSHELTERED RETURNS

Jurisdiction of Tax Court, **2:9**

## P

### PARTNERSHIPS

Generally, **10:1 to 10:7**

Administrative adjustment request defined, **10:3**

Affected items defined, **10:3**

Bipartisan Budget Act. See index heading BIPARTISAN BUDGET ACT AND PARTNERSHIP ACTIONS

Computational adjustment, **10:3**

Definitions, **10:3, 11:2**

Filing TEFRA action, **10:4 to 10:7**

Final partnership administrative adjustment, **10:3, 11:2**

Indirect partners defined, **10:3**

Jurisdiction of Tax Court, **2:9, 2:12, 10:4, 11:3**

### PARTNERSHIPS—Cont'd

Notice by filing petition, **10:6**

Notice of final partnership adjustment, **11:2, 11:3**

Notice partner defined, **10:3**

Pass-thru partner defined, **10:3**

Petitions, **10:5, 10:6**

Settlements, **10:7**

Small partnership defined, **10:3**

Tax Court proceedings, **10:1 to 10:7**

Tax Equity and Fiscal Responsibility Act (TEFRA), generally, **10:2**

Tax matters partner (TMP), **10:3**

### PASS-THRU PARTNER

Defined, **10:3**

### PETITIONS

See index heading PLEADINGS

### PLACE OR LOCATION

Tax Court, **1:3**

Trial, **11:9, App. 3C**

### PLEADINGS

Generally, **3:1 to 3:19, App. 12A**

Adjustment petitions, **10:5**

Allowed pleadings, **3:1**

Amended pleadings, **3:16, 3:17**

Answer, **3:1, 3:10, 3:11, 3:15, App. 3E**

Bipartisan Budget Act. See index heading BIPARTISAN BUDGET ACT AND PARTNERSHIP ACTIONS

Caption, **3:3**

Contents

answer, **3:11**

petitions, **3:9, 10:5, 11:6**

reply, **3:13**

Evidence, amending pleadings to conform to, **3:17**

Filing fees, **3:8, 3:15, App. 3B**

Form, **3:4**

Joinder of issues, **3:19**

Petitions

generally, **3:1, 3:6 to 3:9, App. 12A**

collection due process hearing appeal, **12:21**

partnership proceedings, **10:5, 10:6**

partnerships, **10:5, 10:6**

samples, **App. 3D, 12A**

Place of trial, **App. 3C**

Pre-trial motions, **4:4**

Privacy protections, **3:1**

Purpose of, **3:2**

Readjustment petitions, **10:5**

Reply, **3:1, 3:12, 3:13**

S case procedures, **App. 3F**

Service of, **3:5, App. 3A**

Signature, **3:3**

Small case procedures, **3:14, 3:15, App. 3F**

## **PLEADINGS—Cont’d**

Style, **3:4**  
 Supplemental pleadings, **3:18**  
 Time for filing  
     amended pleadings, **3:16**  
     answer, **3:10**  
     petition, **3:6**  
     reply, **3:13**

## **POSTTRIAL MATTERS**

Generally, **8:1 to 8:11**  
 Agreed computation, **8:8**  
 Briefs, **8:1 to 8:4, App. 8A, 8B**  
 Decisions. See index heading DECISIONS OF TAX COURT  
 Distinctions among report, opinion and decision, **8:4**  
 Informal briefs, generally, **8:3**  
 Motions, **8:10, 8:11**  
 Opinions, **8:4, 8:6**  
 Petition for redetermination of decision, **App. 12B to 12D**  
 Reconsideration motions, **8:10, App. 8D**  
 Reports, **8:4, 8:5**  
 Revising decision, **8:11**  
 Rule 155 computation, **8:8**  
 Time  
     brief filing, **8:1**  
     decision, **8:9**  
 Transcript, order for, **8:1**  
 Unagreed computation, **8:8**  
 Vacating decision, **8:11**

## **PRECEDENT**

Government’s appeal to seek, **9:2**  
 Tax Court, **1:3**

## **PRE-TRIAL MOTIONS**

Generally, **4:1 to 4:6**  
 Calendared cases, **4:6**  
 Consolidation, **App. 4C**  
 Continuance, **App. 4D**  
 Dispose of case without trial, **4:5**  
 Form, **4:2**  
 In limine motions, **App. 7D**  
 Joint and separate trials, **App. 4C**  
 Judgment on pleadings, **App. 4A**  
 Jurisdictional motions, **4:3**  
 Pleadings, **4:4**  
 Purpose of, **4:1**  
 Response, motion for leave to file, **App. 4E**  
 Style, **4:2**  
 Summary judgment, **App. 4B**

## **PRE-TRIAL NEGOTIATIONS**

Generally, **6:1 to 6:6**

## **PRE-TRIAL NEGOTIATIONS—Cont’d**

Administrative appeals prior to deficiency notice, **6:1**  
 Arbitration, **6:4, App. 6C**  
 Chief counsel attorney, settlement negotiations with, **6:2**  
 Mediation, **6:3, App. 6B**  
 Stipulations, **6:5, 6:6, App. 6A, 6D**

## **PRIVACY PROTECTIONS**

Pleadings, **3:1**

## **PRIVATE WRITTEN DETERMINATIONS**

Jurisdiction of Tax Court, **2:14**

## **PRIVILEGED INFORMATION**

Discovery, **5:4, 5:9**

## **PRO BONO PROGRAMS**

Generally, **App. 1C**

## **PROCESS AND SERVICE OF PROCESS AND PAPERS**

Pleadings, **3:5, App. 3A**

## **PRODUCTION OF DOCUMENTS**

Discovery, **5:3, 5:5, App. 5C**

## **PROTECTIVE ORDERS**

Discovery, **5:7, 5:10**

## **PUBLICATION 971**

Innocent spouse defense, **12:45**

## **R**

## **READJUSTMENT PETITIONS**

Generally, **10:5**

## **RECONSIDERATION MOTIONS**

Posttrial matters, **8:10, App. 8D**

## **RECORDS AND RECORDING**

Collection due process hearing record, **12:22**

## **REFUNDS**

Innocent spouse defense, **12:36**

## **REMOVAL OF PARTNERSHIP REPRESENTATIVE**

Bipartisan Budget Act and partnership actions, **11:12**

## **REPLY**

Pleadings, **3:1, 3:12, 3:13**

## **REPORTS**

Posttrial matters, **8:4, 8:5**

## **RETIREMENT PLAN QUALIFICATION**

Jurisdiction of Tax Court, **2:5**

## **REVIEW**

See index heading APPEAL AND REVIEW



## INDEX

### RULES

Tax Court, **11:14, 12:21**

## S

### SERVICE OF PROCESS

See index heading **PROCESS AND SERVICE OF PROCESS AND PAPERS**

### SETTING ASIDE

Tax Court decision, **8:11**

### SETTLEMENTS

See index heading **COMPROMISE AND SETTLEMENT**

### SIGNATURE

Pleadings, **3:3**

### SMALL CASE PROCEDURES

Appeal and review, **3:15, 12:1**  
Pleadings, **3:14, 3:15, App.3F**

### SMALL PARTNERSHIP

Defined, **10:3**

### SMALL TAX COURT

Procedures, **12:1**

### SPECIAL TRIAL JUDGES

Reports, **8:5**

### SPOUSAL RELIEF

See index heading **INNOCENT SPOUSE DEFENSE**

### STANDARD OF REVIEW

Collection due process review, **12:19**

### STIPULATIONS

Pre-trial motions, **4:5, 4:6**  
Pre-trial negotiations, **6:5, 6:6, App. 6A, 6D**  
Trial, **7:6, 7:8 to 7:10**

### STRIKING PLEADINGS

Pre-trial motions, **4:4**

### STUDENT PRACTICE

Generally, **App. 1C**

### SUMMARY JUDGMENT

Pre-trial motions, **4:5, App. 4B**

### SUPPLEMENTAL PLEADINGS

Generally, **3:18**

### SUPPLEMENTATION

Discovery responses, **5:6**

## T

### TAX EQUITY AND FISCAL

#### RESPONSIBILITY ACT (TEFRA)

Generally, **10:2**  
Bipartisan Budget Act and partnership actions, **11:1**

### TAX EXEMPT ORGANIZATIONS

Jurisdiction of Tax Court, **2:4**

### TAX MATTERS PARTNER (TMP)

Defined, **10:3**

### TIME

Appeal and review. See index heading **APPEAL AND REVIEW**

Brief filing, **8:1**

Collection due process hearings, **12:10**

Decision of Tax Court, **8:9**

Discovery, **5:2**

Innocent spouse defense, **12:30**

Pleadings. See index heading **PLEADINGS**

### TRANSCRIPT

Order for, **8:1**

### TRIAL

Generally, **7:1 to 7:11**

Appearance, **7:4**

Burden of proof, **7:1**

Calendar call, **7:6**

Closing statement, **7:11**

Cross-examination of witnesses, **7:10**

Depositions used at, **7:2**

Documentary evidence, **7:2, 7:9, App. 7B**

Etiquette, **7:4**

Evidence, **7:2, 7:3, 7:8 to 7:10, App. 7D**

Examination of witnesses, **7:9**

Expert witnesses, **7:3, 7:10, App. 7C**

Extension of time to file stipulation and decision documents, **App. 7B**

In limine motion, **App. 7D**

Jury trial, **1:4**

Memorandum, **App. 7A**

Opening statement, **7:7**

Petitioner's case, **7:9**

Place of, **11:9**

Preparing for, **7:5, 7:6**

Pre-trial memoranda, **7:5, App. 7A**

Respondent's case, **7:10**

Stipulations, **7:6, 7:8 to 7:10, App. 7B**

Witnesses, **7:2, 7:3, 7:9, 7:10, App. 7C**

## U

### UNAGREED COMPUTATION

Generally, **8:8**

### U.S. SUPREME COURT

Appeal to, **9:8**

## V

### VACATING OR SETTING ASIDE

Tax Court decision, **8:11**

**VALUE OR VALUATION**

Gift valuations, **2:6**

**VENUE**

Appeal and review, **9:5**

**W**

**WAIVER**

Filing fees, **App. 3B**

**WIFE**

Innocent spouse defense. See index heading

INNOCENT SPOUSE DEFENSE

**WITNESSES**

Discovery, **5:5**

Trial, **7:2, 7:3, 7:9, 7:10, App. 7C**