

Income Tax Outline

General

- **SUBSTANCE OVER FORM** - pervades the entire tax law
- **HORIZONTAL EQUITY** - those with the same ability to pay should pay the same
- **VERTICAL EQUITY** - those who can pay more, should
- "to the extent" means "by the amount of" (the amount that something exceeds something), not "if"
- tax avoidance ≠ legal
 - try to limit tax liability using reasonable arguments based on the code
 - e.g., partial reimbursement, expenses partially fully deductible and partially half deductible ≠ claim a full deduction claiming that the partial reimbursement was for the half deductible portion
- tax evasion ≠ illegal
 - try to take aggressive positions to play with the words of the code
 - e.g., if you try to deduct as expense something that was reimbursed
 - getting lots of income and not reporting it
- tax protesters (say they shouldn't have to pay taxes at all)
 - "taxes are voluntary" - BUT voluntary just means that the taxpayer determines the amount rather than have the government doing it
 - "861 position" - foreign source income is the only income subject to taxation
 - 13th Amendment - no slavery, and taxes are akin to slavery
 - 16th Amendment - never quite ratified
 - IRS isn't a US agency, it's a private agency
 - DC Circuit - *Ashcroft* - held the tax code to be unconstitutional, the panel vacated their own opinion and will rehear the case ≠ *mens rea* requirement in criminal proceedings?

Sources of Tax Law

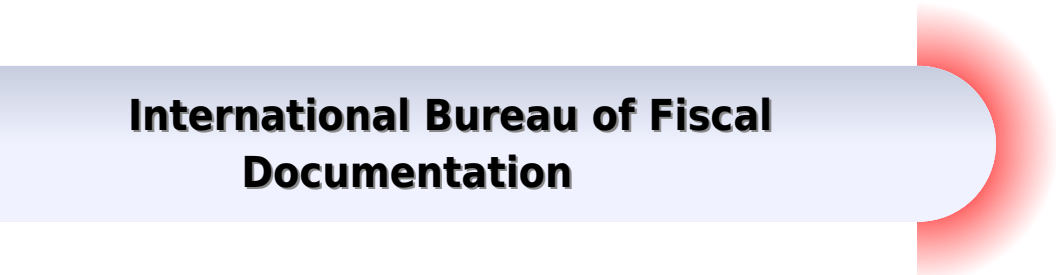
- IRC of 1986
- Treasury Regulations
 - **very persuasive** guidance - you can usually view them as certain to be adhered to by courts
 - not updated reliably - because Congress changes to codes so frequently
- Revenue Rulings
 - issued by Treasury staff in response to a fact pattern (can be sent by taxpayers to the IRS)
 - revenue rulings - persuasive
- Private letter rulings
 - **binding with respect only to that person** - somewhat persuasive for everyone else ≠ they're published each year

Tax litigation

- IRS has lots of internal remedies - internal appeals, etc. - ALJs ≠ almost amazing that anyone ever convicted for evasion
- original jurisdiction - federal district courts, US Tax Court, US Court of Claims (last 2 are Article I courts)
- Tax Court - Judges are Article I judges (21 or so of them) - no lifetime tenure - 10-yr. renewable terms
 - reviewable by the Circuit courts (in which the TP resides), and then SCOTUS
 - SCOTUS will probably not resolve circuit splits, and there are lots of splits within the circuits themselves (one time will decide one way, another time another way)
 - Tax Court judge has to **look to Circuit law of home base of the taxpayer** - inconsistent with notion of a court of specialized jurisdiction meant to have expertise
- District court (jury trials available) ≠ don't like dealing with technical tax issues (> chance to win?)
- Fed. Ct. of Claims ≠ follows Ct. App. for the Fed. Cir., which may be more favorable
- Sol.
 - **general** ≠ 3 yrs. from date of return filed (§ 6501)

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Table of Contents Study Guide Tax Law Outline Nsw

1. Understanding the eBook Study Guide Tax Law Outline Nsw
 - The Rise of Digital Reading Study Guide Tax Law Outline Nsw
 - Advantages of eBooks Over Traditional Books
2. Identifying Study Guide Tax Law Outline Nsw
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Study Guide Tax Law Outline Nsw
 - User-Friendly Interface
4. Exploring eBook Recommendations from Study Guide Tax Law Outline Nsw
 - Personalized Recommendations
 - Study Guide Tax Law Outline Nsw User Reviews and Ratings
 - Study Guide Tax Law Outline Nsw and Bestseller Lists

5. Accessing Study Guide Tax Law Outline Nsw Free and Paid eBooks
 - Study Guide Tax Law Outline Nsw Public Domain eBooks
 - Study Guide Tax Law Outline Nsw eBook Subscription Services
 - Study Guide Tax Law Outline Nsw Budget-Friendly Options
6. Navigating Study Guide Tax Law Outline Nsw eBook Formats
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 - Study Guide Tax Law Outline Nsw Compatibility with Devices
 - Study Guide Tax Law Outline Nsw Enhanced eBook Features
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 - Adjustable Fonts and Text Sizes of Study Guide Tax Law Outline Nsw
 - Highlighting and Note-Taking Study Guide Tax Law Outline Nsw
 - Interactive Elements Study Guide Tax Law Outline Nsw
8. Staying Engaged with Study Guide Tax Law Outline Nsw
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Study Guide Tax Law Outline Nsw
9. Balancing eBooks and Physical Books Study Guide Tax Law Outline Nsw
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Study Guide Tax Law Outline Nsw
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Study Guide Tax Law Outline Nsw
 - Setting Reading Goals Study Guide Tax Law Outline Nsw
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Study Guide Tax Law Outline Nsw
 - Fact-Checking eBook Content of Study Guide Tax Law Outline Nsw
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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web $m = \frac{1}{k} R^2$ onde m é o momento fletor e k é o módulo de elasticidade do material R é o momento de inércia da seção transversal k é uma constante que

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web trace os diagramas de força cortante e momento fletor para a viga e carregamento mostrados na figura e determine a tensão normal máxima provocada pelo momento