

TAX RESEARCH MEMO TEMPLATE

Quite Tax Firm
Cypress Texas
05/11/2024

Relevant Facts

Robert Jones recently provided his expertise as an expert witness in a case that was heard by the U.S. Tax Court. The taxpayer involved in the case is now seeking reimbursement for both Jones' fees and the expenses incurred by her attorney during the presentation of the case. Jones' billing rate for this engagement is \$500 per hour, which is considered the prevailing market rate for similar services in his city. Additionally, the taxpayer is eligible for reimbursement of out-of-pocket expenses, such as auto mileage and computer charges. The question at hand is the extent to which the taxpayer will be able to recover Jones' fee.

Specific Issues

What portion of the taxpayer's money will be reimbursed in relation to Jones' fee?

Conclusions

The Internal Revenue Code §7430 (c) grants the IRS and federal courts the power to award court cost recovery to taxpayers who successfully prevail against the United States. Attorney's fees and taxpayer expert witness fees can be reimbursed under certain circumstances. The requirements for the 7430 are outlined as follows: the taxpayer must not have unreasonably prolonged the litigation, must have pursued the case through the IRS administrative appeals, must have substantially prevailed in Tax Court, and must have a net worth that does not exceed two million. To qualify for fee recovery, the IRS must fail to demonstrate that its position was substantially justified, and the taxpayer must meet requirements such as not unduly prolonging litigation and having a net worth not exceeding two million dollars. The taxpayer must formally request reimbursement within 30 days or at the conclusion of the proceedings. If all requirements are met, the taxpayer can recover reasonable fee costs, typically capped at \$125 per hour for court-related services according to §7430(c)(1)(B)(iii).

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