

2007 NASBTS Conference
By Richard C. Litwin

The National Association of State Bar Tax Sections (“NASBTS”) held its 26th Annual Conference at the offices of the Multistate Tax Commission in Washington, D.C. on October 26 and 27, 2007. The 40 attendees represented state bar tax sections from across the country.

The conference featured several presentations by speakers on timely topics. It also provided a forum for tax section leaders to talk about bar activities and legislative developments in their respective states.

NASBTS Executive Committee member and former Chair of the State Bar of Georgia Tax Section John Coalson moderated a session on the ethical and malpractice dilemmas that can arise in representing taxpayers in other states. The multijurisdictional practice topic included several hypotheticals and commentary by William Freivogel, a malpractice attorney from Chicago, who maintains a web site that may be useful to attorneys whose practices take them to other states. The web site is located at www.freivogelonconflicts.com.

Dennis Drapkin, the past chair of the ABA Tax Section and the current Chair of the ABA Tax Strategy Patents Task Force, chronicled the surge in tax strategy patent applications over the past few years. He discussed the legal and ethical issues surrounding tax patents, and he presented arguments on both sides of the debate. Mr. Drapkin also examined the policy perspectives underlying the effort (both legislative and judicial) to ban tax patents.

Michael Chesman, Director of the IRS Office of Professional Responsibility, discussed recent developments at OPR. He noted the recent Internal Revenue Notice 2007-39, 2007-201 R.B. ____ (5/14/07), which provides guidance on Circular 230 penalties that can be imposed by OPR.

Other presentation topics included the impact of FIN 48 on state tax planning, a discussion on states’ jurisdiction to tax, state combined reporting, efforts to modernize certain sections of UDITPA (Uniform Division of Income for Tax Purposes), due to the fifty-year-old UDITPA’s limited application to manufacturing and not services. The conference ended with Peter Faber’s insight on hot state tax topics.

The NASBTS conference offered the attendees the opportunity to learn about activities of state bar tax sections throughout the country. Mary Benton and Richard Litwin gave the Georgia report, which highlighted the State Bar of Georgia Tax Section’s involvement in the effort to create a Georgia state tax court. In sum, attending the conference helped the Georgia State Bar Tax Section’s leadership develop new ideas for providing useful services to tax section members.

Any member who would like more information on the NASBTS conference can email Richard Litwin, at rlitwin@litwinlaw.net.