

## GUIDELINES FOR REVIEW OF ANNUAL REPORTS

Mark-up Due Date: **March 24, 2008**

**NOTE: BEGINNING WITH THE ANNUAL REPORT ON IMPORTANT DEVELOPMENTS FOR THE CALENDAR YEAR 2005, THE TAX SECTION DISCONTINUED PUBLICATION OF THE ANNUAL REPORT IN THE SUMMER PRINT EDITION OF THE TAX LAWYER; HOWEVER, THE REPORTS CONTINUE TO BE A USEFUL AND REQUIRED COMMITTEE WORK PRODUCT AND THEY ARE PUBLISHED AS AN EXCLUSIVE MEMBER BENEFIT ON THE TAX SECTION WEBSITE, VIA AN ONLINE IMPORTANT DEVELOPMENTS DATABASE FEATURING BOTH THE ANNUAL REPORTS AND THE CURRENT DEVELOPMENTS REPORTS PRESENTED AT SECTION MEETINGS. PLEASE READ THESE GUIDELINES CAREFULLY BECAUSE THEY HAVE CHANGED SIGNIFICANTLY FROM PREVIOUS EDITIONS OF THE GUIDELINES.**

### I. Background

Each substantive committee of the Tax Section is responsible for preparing an annual report on important developments for electronic publication on the Tax Section's web site at <http://www.abanet.org/tax/developments>. See the *Guide to Committee Operations (Greenbook)* sec. 6.3. (You can find the *Greenbook* on the Tax Section's website at <http://www.abanet.org/tax/pubs/greenbook/>.)

Each Committee's report must cover important developments affecting the Internal Revenue Code sections for which the Committee is responsible. The Tax Section maintains a list of Internal Revenue Code Sections for which substantive Committees have primary and secondary responsibility. You will find a current Internal Revenue Code Section Committee Responsibility List at: <http://www.abanet.org/tax/leadership/>.

Each Committee's annual report consists of summaries of those important developments the Committee deems significant in its substantive area. They appear in four categories: (i) legislative changes, (ii) regulations, (iii) cases and rulings, and (optional) (iv) forecast of upcoming important developments. The third category presents cases first in order of precedential value, followed by published rulings (including revenue procedures), private letter rulings, and technical advice memoranda and other administrative materials.

The Tax Section does not attempt to provide formal guidance as to what qualifies as an important development, leaving that decision to the Committees and to the editors who review the Committee reports. The Tax Section discourages inclusion of fact-dependent cases that do not add to the status of the law, and private letter rulings that do not signal a change in ruling policy, or significantly clarify or distinguish a prior published position of the Service.

The review function should ensure uniformity of style, adequacy of content, and clarity of expression.

Taken together, the reports provide an annual summary of significant developments in federal and state tax law. The reports represent those items which specialists in the several areas covered deem to be of particular significance.

### II. Content, Format and Style

Readers of the annual reports ordinarily scan the reports to identify items that warrant further inquiry. To facilitate that kind of use, the reports appear as a series of abstracts of significant items written in a spare and succinct fashion, and presented in a standardized format useful to readers in a hurry. The reports are not intended to be an exhaustive survey of a particular substantive area.

Page limits are set for each Committee to encourage each Committee to focus on the most important developments of the year. When the reports appeared in *THE TAX LAWYER*, the page limitations also served the important purpose of controlling publication costs. However, with the advent of electronic publication, the page limitations have been expanded to allow more flexibility for the Committees. The page limits appear at the end of this memorandum.

Each item should contain a brief explanation of why it is important, unless its significance is self-evident. The style and format of the annual reports differ from those used for articles and notes. For example, the reports do not include summary or introductory paragraphs, or any overall commentary on discerned trends. In general, topical subheadings may be used to group items within the three main categories noted above, and paragraph headings can be used for additional identification if appropriate. (Take a look at <http://www.abanet.org/tax/developments> to see how the reports are set up.)

Each report should include (i) a chronological list of each cited statute, regulation, and administrative ruling or other pronouncement and (ii) an alphabetical list of all cited cases. The lists are necessary to allow the editors to identify items that appear in more than one report in order to ensure uniformity of treatment among reports. If the report you receive does not include one or both of these items, contact the author immediately and request the missing item.

### III. Editorial Review

The readers of the annual reports are entitled to a high-quality work product. Each report should be original, accurate, concise, and technically correct.

In the past, the quality of the reports has varied from quite awful to quite good. To some extent that is a product of how seriously the substantive Committee views the task, the ability of the author, and the time he or she has devoted to compiling the report. It is a not unknown phenomenon, for example, for the designated author to delegate the job to a junior associate at the last minute. The result is a poor product that may be no more than a cut-and-paste job of material lifted from CCH commentary or case headnotes. Part of your function is to improve the product, where necessary.

Aside from the matters generally referred to in this memorandum, there are no specific criteria for review. Unlike a watchmaker who crafts a complex device to fit in a small space, your task as a reviewer is more like a watch repair technician who adjusts the existing device to make it work effectively.

As reviewer, you should focus on the accuracy and clarity of the report. If you delete or add an item, or make a material change in an existing one, please try to discuss the item with the Committee person responsible for the report (whose name and telephone number should accompany the copy of the report you receive). Bear in mind that your change ends up being attributed to the author when the report shows up in print. Beginning with the 2007 Reports, the source and cite checking services provided by the Georgetown law students who work on *The Tax Lawyer* have been eliminated, and this is now the responsibility of the committees.

#### IV. Logistics

Andrea Amato of the ABA Tax Section office in Washington, DC will send you a copy of the report assigned to you in electronic form as an attachment to an e-mail message. **Because email messages with attachments may be intercepted by anti-junk mail software, please check your junk mail folders carefully during the period when Ms. Amato will be sending the reports.**

Please make the changes on the electronic copy of the report using "redline" and "strikeout" markings and send your finished edit electronically Andrea Amato at [amatoa@staff.abanet.org](mailto:amatoa@staff.abanet.org) with a copy to Professor Stephen T. Black at [sblack@piercelaw.edu](mailto:sblack@piercelaw.edu) .

**Ms. Amato MUST RECEIVE YOUR EDITED REPORT NO LATER THAN MARCH 24, 2008.** The Tax Section plans to make the important developments reports available on the Section's web site as soon as the editorial process of each report is finished. Late submission of your editorial work product will delay that report's appearance on the web site and diminish the report's value to readers.

Your contribution of time and talent to the production of the annual reports will be acknowledged in the specific report you edit, if you care to have that done. When you send me the copy of your edited report, please include a note as to whether or not you would like to have that specific acknowledgment.

#### V. Other

The Tax Section continues to be interested in determining whether we can improve the way we deliver the information included in the reports. Accordingly, after you have sent in your edited reports, please provide me with your thoughts on improvements that we might make in the annual report process.

Send any comments or questions to me at [sblack@piercelaw.edu](mailto:sblack@piercelaw.edu) .

If you want to contact me by telephone, facsimile, or letter please use the following information.

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**COMMITTEE MANUSCRIPT PAGE LIMITS  
2007 Important Developments Reports\***

**DUE FEBRUARY 1, 2008**

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\*All manuscript page limits are set based on use of 8 1/2" x 11" paper, double-spacing, and "Times New Roman" typeface with the font style set at "regular" and size set at "12."

\*\* Page limits above do not include the optional forecast of upcoming important developments. The forecast section must not exceed two manuscript pages.