

10 Summer Book Recommendations For Tax Attorneys

By Amy Lee Rosen

Law360 (August 2, 2019, 12:20 PM EDT) -- As heat waves spread across the country, tax lawyers' thoughts may wander from opportunity zones and global intangible low-taxed income regulations to relaxing by the pool with an entertaining book in hand.

Here are 10 books tax practitioners should read.

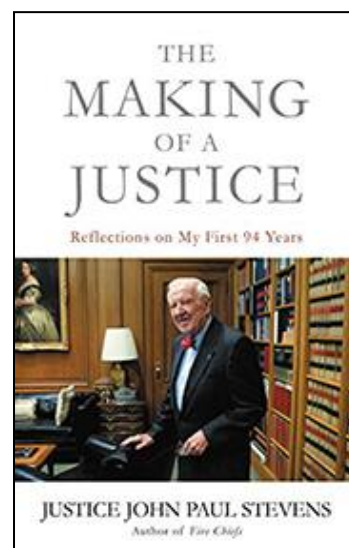
'The Making of a Justice: Reflections on My First 94 Years' by John Paul Stevens

Retired Justice John Paul Stevens recently died at the age of 99, and his memoir offers an in-depth look into his 34 years on the bench.

Justice Stevens' book explores his childhood in Chicago, his service in the Navy at Pearl Harbor during World War II and confirmation to the U.S. Supreme Court as well as his crucial insights on the U.S. Constitution.

Appointed to the Supreme Court in 1975 by President Gerald Ford, Justice Stevens was known for protecting the rights of the accused, and his colleagues remembered him for his kindness, humility and wisdom.

For additional observation of Justice Stevens that extends beyond his memoir, Law360 also recently examined five significant majority opinions or dissents penned by Justice Stevens that affected tax law and policy.



'First: Sandra Day O'Connor' by Evan Thomas

When Sandra Day O'Connor, the first woman appointed to the U.S. Supreme Court, graduated from law school in 1952, no law firm would even give her an interview, according to the biography "First: Sandra Day O'Connor."

Justice O'Connor was appointed to the court in 1981 by President Ronald Reagan and spent almost 25 years serving on the bench. The book looks at Justice O'Connor's life growing up on a cattle ranch in Arizona, her time as the nation's first female majority leader of a state senate and her experience as a woman in a male-dominated profession.

Kat Saunders Gregor, a tax partner at Ropes & Gray LLP and co-founder of the firm's tax controversy group, told Law360 the arc of Justice O'Connor's career and analysis of her opinions show how important it is to think about the practicality of jurisprudence and reform of tax laws.

"Her focus on how businesses and the world would be able to implement decisions and laws, and whether local municipalities equally would be able to comply, is a fantastic reminder that whether advising on policy, arguing cases, writing laws or deciding cases, we, as tax lawyers, cannot lose sight of whether taxpayers can actually implement and follow laws as on the books," Gregor said.



'The Pioneers: The Heroic Story of the Settlers Who Brought the American Ideal West' by David McCullough

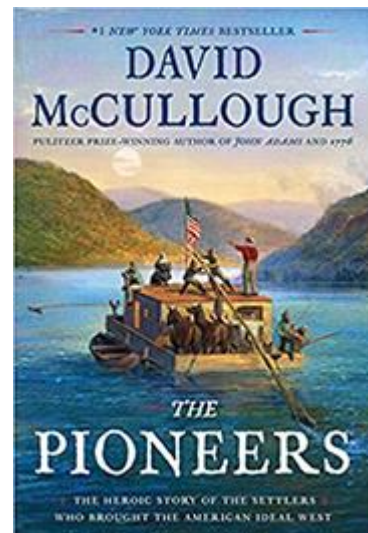
Set in the aftermath of the Treaty of Paris, "The Pioneers" follows a group of settlers who leave New England to stake a claim in the American Midwest in 1788.

This book not only chronicles New England migrants who settle in Ohio but shows how law and legal institutions are crucial, especially in the decision to prohibit slavery, according to Edward Zelinsky, a tax law professor at Yeshiva University's Benjamin N. Cardozo School of Law.

"We are all brought up to understand that Congress in the Northwest Ordinances eliminated slavery from the federal territories. But the historical narrative is more complex," he said. "There was, despite the federal legislation, an effort to have Ohio's constitution approve slavery."

The effort to allow slavery was narrowly defeated, and it is interesting to speculate on the history of the Union if Ohio had permitted it, Zelinsky said.

"American history would have been quite different had Ohio not been a free state in 1861," he said.



'A Lawyer's Life: Deep in the Heart of Taxes' by Edwin S. Cohen

U.S. Department of the Treasury official Edwin S. Cohen penned "A Lawyer's Life" in 1994, and his autobiography offers a fascinating discussion of his role in the tax programs under President Richard Nixon.

Cohen, who died at the age of 91 in 2006, was appointed as assistant Treasury secretary for tax policy in 1969 and later became undersecretary before leaving the government in 1972. He taught at his alma mater, the University of Virginia, for many years after. He played an instrumental role in passage of the Tax Reform Act of 1969, which ushered in sweeping changes to the Internal Revenue Code.

Cohen was "the only person who ever became [Treasury] deputy secretary for tax policy," Mary B. Hevener, a partner at Morgan Lewis & Bockius LLP, said. "He was a great lawyer, a terrific professor, and a fine writer."

'Tax Credits for the Working Poor' by Michelle Lyon Drumbl

The earned income tax credit, introduced in 1975, acts as a social safety net for working families but also has shortcomings, according to Drumbl, who authored "Tax Credits for the Working Poor" and is director of the Tax Clinic and clinical professor of law at Washington and Lee University School of Law.

"As an advocate for low-income taxpayers, I see these shortcomings firsthand, and it inspired me to think about possibilities for reform," she said. "This book looks elsewhere — to programs abroad — to reimagine possibilities in this country and add to a conversation among policymakers, economists, lawyers, and sociologists about how to improve the administration of the earned income tax credit and bolster its effectiveness."

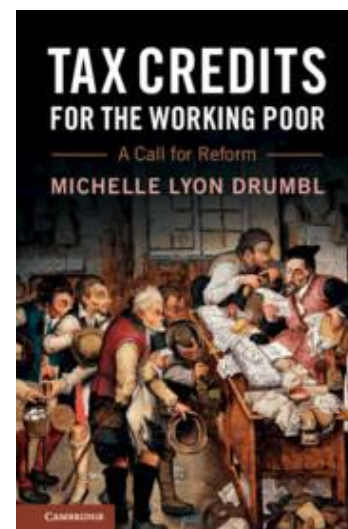
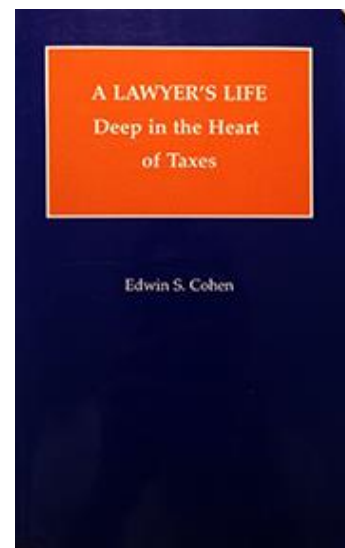
In July, National Taxpayer Advocate Nina Olson released a report that said the earned income tax credit should be replaced with a refundable credit based on earned income and a refundable credit for the costs of caring for a child.

Olson, who has advocated for taxpayer rights for more than 18 years, retired on Wednesday, so the book is timely because it shows Olson's efforts to get academics and policymakers to think about tax policy as a fundamental human rights issue have started to pay off, according to Ted Afield, director of the Philip C. Cook Low-Income Taxpayer Clinic at Georgia State University College of Law.

"[This] book is equally important given that, in U.S. tax policy, human rights issues surrounding combating poverty have their most visible intersection with tax policy in the earned income tax credit," Afield said. "Drumbl is a seasoned scholar and academic clinician who is one of the foremost experts on the EITC in the country, and her systematic examination of the subject and ideas for reform will certainly be required reading for anyone who cares about understanding and improving the most effective federal antipoverty program that exists."

'The British Are Coming: The War for America, Lexington to Princeton, 1775-1777' by Rick Atkinson

The first 21 months of the American Revolution, which saw battles at Lexington and Concord and combat in Princeton and Trenton, are examined in "The British Are Coming," which recounts the battles from both the American and British perspectives.



The book is important to read because U.S. citizens should know where they have come from as a nation and because it is a well-written account of the beginning of the American Revolution, according to Terence Floyd Cuff, a partner at Loeb & Loeb LLP.

“Mr. Atkinson does a good job of recounting where we are from [and] writes more in the style of a journalist than a historian. He endeavors to entertain his reader and not to bog down in historical detail,” he said. “This is a good book for those who otherwise might find history bottom-numbingly boring.”

‘For Good and Evil: The Impact Of Taxes On The Course Of Civilization’ by Charles Adams

If one is interested in the history of taxation and how taxation affected civilizations, then look to "For Good and Evil" for an examination of how taxes affected Egypt, Greece and the Roman Empire, helped Queen Elizabeth in England and influenced the recent collapse of the Japanese economy.

In the second edition of this book, Adams looks at how tax shaped civilizations, both in their creation and destruction, and explores the long-standing tension between the tax-oppressed and the tax-privileged.

Steve Phillips, senior partner and chief financial officer at Phillips Golden LLP, told Law360 the book is a wonderful journal through the entire history of taxation.

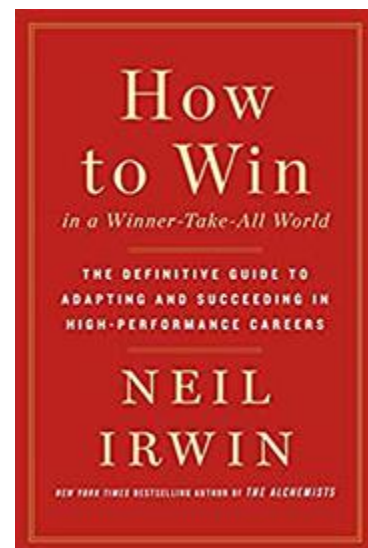
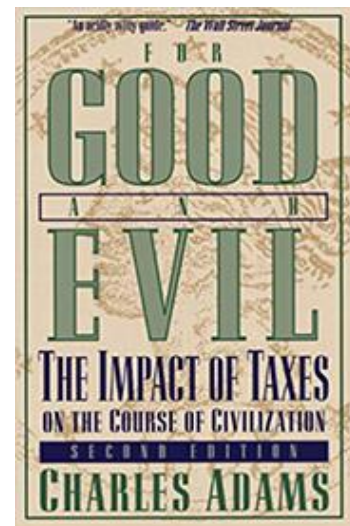
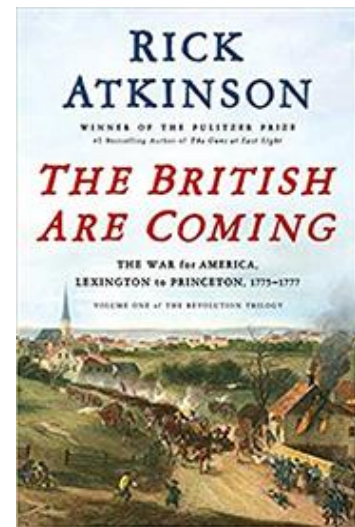
“I am inclined to pick it back up and start reading it again,” Phillips said.

‘How to Win in a Winner-Take-All World: The Definitive Guide to Adapting and Succeeding in High-Performance Careers’ by Neil Irwin

A senior economic correspondent at the New York Times explores the economic landscape in the 21st century and how technology plays a role in the global economy in "How to Win."

Gregor told Law360 the book is fascinating because it helps people understand how globalized businesses need individuals at the helm who can pull from varied experiences and views. It also can help specialists such as tax lawyers look beyond their own narrow focus to better understand the broader trends that affect clients and their businesses.

“For example, think about how the public view of acceptability of tax optimization by large companies has shifted in the last 15-20 years,” she said. “For those of us, and it was many of us, who did not see this trend and its effects on our clients ran the risk of not altering our advice to take into account shifts in public perception. Irwin’s book is a helpful discussion of how large corporations have evolved and how all of our careers should also evolve to have a multidisciplinary overlay to our advice and views.”



‘The Global Economy as You've Never Seen It: 99 Ingenious Infographics That Put It All Together’ by Thomas Ramage, Jan Schwochow and Adrian Garcia-Landa

Illustrating principles of economics through infographics, "The Global Economy" uses simplified imagery to illuminate topics such as monopolies and trade agreements to show how economics connect the world.

The book sheds light on not only finance and business, but consumer choices and how things are made.

Kelly L. Frey, a partner at Nelson Mullins Riley & Scarborough LLP, said the book is especially helpful during a time when people are deluged with information and must choose how to focus on what is important and ignore what is not.

"Think of it as the graphic novel of business and economics for the tax professional — a short, fun way to look at the world as you may have never done before," Frey said.



‘Plain English for Lawyers’ by Richard Wydick

Originally a California Law Review article from 1978, "Plain English for Lawyers" is in its fifth edition and serves as a tutorial for improving the writing of law students and lawyers through the adoption of a clear and plain style of writing.

"We lawyers cannot write plain English. We use eight words to say what could be said in two," author Richard Wydick said. "The result is a writing style that has, according to one critic, four outstanding characteristics. It is '(1) wordy, (2) unclear, (3) pompous, and (4) dull.'"

Wydick, who taught at the University of California, Davis, for 32 years and retired in 2003, received the Golden Pen Award from the Legal Writing Institute for the book in January 2005.

Marc Levey, a partner at Baker McKenzie, told Law360 he always gives young lawyers this book.

"[It's] never too late to hone your writing skills," he said.

--Editing by Tim Ruel and Vincent Sherry.

