



Privileged Communications: Ethical Challenges and Best Practices for Tax Practitioners with Organizational Clients

First Friday Ethics
Higher Education Taxation Institute

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Circular 230 & the IRS Office of Professional Responsibility



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Overview of Circular 230

- Circular 230 is a set of interrelated provisions intended to ensure that “practitioners” are “fit to practice” before the Treasury Department by having the requisite character, reputation, qualifications, and competency.
 - Enabling statute: 31 USC §330.
 - Circular 230 is a compendium of practice regulations contained in 31 CFR, Subtitle A, Part 10.
- The IRS Office of Professional Responsibility (OPR) is charged with enforcing Circular 230.
- The OPR also has authority under Delegation Orders 25-16 and 25-19 and Revenue Procedure 2014-42.

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Circular 230 – Statutory Authority

- Section 330 of Title 31 of the U.S. Code authorizes —
 - Regulation of the practice of representatives of persons before the Treasury Department (including the IRS) and determinations of practitioner “fitness” to practice. 31 USC §330(a)
 - Types of disciplinary action, including monetary penalties. 31 USC §330(c)
 - Regulation of specific appraisers. 31 USC §330(d)
 - Standards for certain written advice. 31 USC §330(e)

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