



# 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
- Circular 230 & In-House Tax Professionals
- Principal Provisions of Circular 230
  - In-House Counsel: Work Product
  - In-House Counsel: Communications with the IRS
  - In-House Counsel: Working with Outside Advisors
  - In-House Counsel: Best Practices and Procedures
- Contact Information
- Resources & Guidance

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## Agenda

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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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