

Dan Ruben

Equal Justice America

August 16, 2010

Dear Mr. Ruben,

For my Equal Justice America Summer Fellowship I worked at the University of the District of Columbia David A. Clarke School of Law's (UDC-DCSL) Low Income Taxpayer Clinic (LITC/Clinic). It was a wonderful experience and I am grateful that I was able to assist so many low-income individuals and families with their tax matters.

Many clients who seek assistance from the Clinic are living their lives with so many other obstacles that it would seem their tax issues would be the least of their concerns. However, these individuals either genuinely care about rectifying their tax issues or, as is the case with some of our clients, fear that the taxing authorities, whether federal or local, will take whatever assets they do have. Working in the tax field would seem more removed and less emotional than in other areas of practice and while that may be true, it is not a completely sterile environment either. Perhaps it is because I was working with low-income taxpayers that their issues weighed more heavily on them than they would on others with more means. Whatever the reason, there were many times when the injustice my clients were facing was evident.

One client who was employed as a nurse and for some reason fell on hard times now owes the Internal Revenue Service approximately \$14,000.00. This woman is a single mother with six children currently living with her. One of her daughters has cancer and must receive chemotherapy three days a week. Her other children are now experiencing health problems, probably due to the mold infested apartment they were living in. This is a woman who definitely has more important things to worry about in her life, but she truly wants to take care of her tax issue. When I met with this woman and informed her that the Clinic would take her as a client, I could see the relief in her face. For as hard as this woman's life is, we, those dedicated to public interest work, have the ability to make at least a small part of her life better.

I had several clients who were victims of identity theft. These are people who would not have problems with the taxing authorities were it not for others creating problems for them. Once a person is a victim of identity theft, it is a difficult process to prove to the taxing authorities that such a crime took place. Several people I spoke to at the Internal Revenue Service on behalf of my clients would comment that they believe my client, but there just is not enough evidence. At one point, I was working with an Internal Revenue Service agent in the Appeals division to attempt to settle the case before it reached trial. This agent had asked for more information and we were going to fax it to him, but then we received a phone call from him stating that he was sending the case to counsel to prepare for trial because it had just come to light that there was a vehicle registered in my client's name in a different state. Times like that were very frustrating because it is not surprising that there was a vehicle registered in my client's name in a different state, that is what identity thieves do, they steal people's identity and use that identity to do everything from getting a job to registering vehicles to opening bank accounts and credit card accounts.

I had two clients whose employers were withholding taxes, but not remitting them to the taxing authorities. One client had a local issue and we were able to resolve that for her. Even though it was her employer who acted wrongly, my client was required to go and speak to someone in the criminal investigation unit. My client was very grateful that I was able to go to that meeting with her, as she was afraid she was the one in trouble and not her employer. This woman did not receive the tax refund that was due to her for several months. Even after the situation was supposedly rectified, it still took my going to the taxing authority in person and demanding that her refund be released before the taxing authority did what it told my client and me that it would do. My other client's tax issue is with the federal taxing authority and her case was not so easily resolved. My client's former employer would pay my client bi-weekly with a paycheck that showed taxes were being withheld. However, at the end of the year, the employer did not issue my client a W-2, but a 1099, treating her as an independent contractor and not an employee. The Internal Revenue Service wants my client to produce paystubs from the year in question, but because it was so long ago, my client no longer has these. When I finished my time at the Clinic, this client's tax matter was not yet resolved.

Some of the Clinic's clients were HIV positive. Having this diagnosis is supposed to afford the taxpayer some privileges such as being able to enter into Currently Not Collectible status and having the 10% penalty waived for early withdrawal of an IRA. However, these processes are not always as easy as they should be and these people come to the Clinic for assistance in gathering the proper documents and to more efficiently deal with the taxing authorities.

I was able to work with two clients who work for their country's embassy in the United States. There is currently an Internal Revenue Code section, which states that such a person's income is tax exempt. However, the Internal Revenue Service is asserting that both clients' income is taxable. Unfortunately, I was not able to see how those two cases would be resolved.

Another of my clients owed approximately \$750.00 to the local taxing authority. Approximately \$500.00 of that \$750.00 was interest and penalties. By speaking with my client and coming to understand how he got in the situation he was in, I was able to write an abatement letter to the local taxing authority and was able to get the approximately \$500.00 in interest and penalties removed. While that may seem like a small amount of money, I know that it was truly helpful to my client. Being able to accomplish small tasks such as that for my clients made this fellowship placement extremely rewarding.

Working in the Low Income Taxpayer Clinic was a great learning experience. I had many client meetings and spent a significant amount of time talking to and negotiating with employees at the federal and local taxing authorities. Again, I am grateful that I was given this opportunity.

Thank you,

*Michelle Rifici*

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Class of 2011