

#### Practice Areas

- Tax
- Tax Controversy & Litigation

#### Education

- University of Texas at Austin, B.A., 1964
- University of Texas School of Law, J.D., 1966

#### Bar Admissions

- Texas

#### Court Admissions

- U.S. Tax Court
- U.S. Court of Federal Claims
- U.S. District Courts, Southern, Eastern, Western Districts of Texas
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eleventh Circuit

## Linda S. Paine

Shareholder  
Houston

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Linda S. Paine has represented hundreds of clients with tax disputes before the Internal Revenue Service or the Texas Comptroller's Office, amassing a record of considerable success through settlement or litigation. Her experience includes handling disputes in which at issue were amounts ranging from tens of thousands of dollars to tens of millions. Her practice involves a wide range of tax issues, including excise, income and estate and gift tax disputes.

Ms. Paine is a former Senior Tax Attorney and Director of The Tax Legal Group for Tenneco, Inc., where she worked on tax opinions relating to mergers, acquisitions and divestitures; handled all state and federal tax appeals and litigation; and provided opinions on reporting positions and tax planning.

#### Significant Cases

- *Jade Trading, LLC v. United States*, Fed. Cl. No. 03-2164T (whether purchased option and sold option are separate or single and whether penalties might apply)
- *Santa Monica Pictures, LLC v. Commissioner*, T.C.M. 2005-104 (contribution of subsidiary with distressed debt not recognized)
- *Horton Homes, Inc. v. United States*, 357 F.3d 1209 (11th Cir. 2004) (excise tax regulations invalidated)
- *AmSouth Bank v. Commissioner*, (settled valuation issues after trial for refund)
- *CMA Consolidated, Inc. v. Commissioner*, T.C.M. 2000-16 (deductions relating to equipment "lease strip" disallowed for lack of business purpose)
- *Henry Randolph Consulting v. Commissioner*, 133, T.C. 250 (1999)
- *Foretravel, Inc. v. Commissioner*, 70 T.C.M. (CCH) 1007 (1995) (bad debt deduction relating to wholly owned subsidiaries sustained)
- *Central deChihauhua v. Commissioner*, 102 T.C. 515 (1994)
- *Powers v. Commissioner*, 100 T.C. 457 (1993)
- *O'Daniel v. United States*, 6 F.3d 321 (5th Cir. 1993) (transfer of life insurance policies on insurance company forms within three years of death not included in estate because operative date of transfer when life insurance trust created)

## Linda S. Paine, *Continued*

- *H Graphics/Access, Ltd. v. Commissioner*, 63 T.C.M. (CCH) 3148 (1992) (no fraud involved in executing settlement agreement)
- *Metro-National Corp. v. Commissioner*, 52 T.C.M. (CCH) 1440 (1987) (investment credit allowed on moveable partitions and other property)

## Presentations

- *Square Corners and Curves: Throw Your Professional Compass Away. You Need a GPS System to Navigate Now!*  
42nd Annual Southern Federal Tax Institute—October 2007, Atlanta, Georgia  
2007 Chamberlain Hrdlicka Annual Tax Planning Seminar - Houston, Texas  
2008 C.P.E. Tax Expo, TSCPA Foundation - Houston, Texas
- *News from the Front: Taxpayer Wins and Losses in the Privilege Wars.*  
2005 Chamberlain Hrdlicka Annual Tax Planning Seminar - Houston, Texas
- *Estate and Gift Tax Audits: How to Handle Them and How to Avoid Them.*  
2004 Chamberlain Hrdlicka Annual Tax Planning Seminar - Houston, Texas
- *Overview Of The 2004 Filing Season: Protecting Your Clients And Yourself From IRS Penalties*  
Chamberlain Hrdlicka January 2004 Tax Forum - Houston, Texas
- *The Marriage Trap: Escaping Your Spouse's Tax Liability*  
Attorneys in Tax and Probate – January 2004 - Houston, Texas
- *Scams, Shams & Shelters – What's a CPA to Do?*  
C.P.E. Tax Expo, Houston TSCPA Foundation – January 2004, Houston, Texas  
Houston TSCPA Foundation – June 2003 - Houston, Texas  
BKD, LLP – September 2003 - Houston, Texas
- *The Federal Tax Return Preparer's Privilege—Cloak or Fig Leaf?*  
2003 Chamberlain Hrdlicka Annual Tax Planning Seminar - Houston, Texas
- *Hardball! Will Legitimate Tax Planning Be Struck Out?*  
2002 Chamberlain Hrdlicka Annual Tax Planning Seminar - Houston, Texas
- *When Your Client Can't Pay. IRS Collection Alternatives*  
2002 Chamberlain Hrdlicka Annual Tax Planning Seminar – Atlanta, Georgia
- *There's No Education in the Second Kick of a Mule*  
CBIZ 2001 Annual Seminar - Dallas, Texas
- *Abatement of Interest - Fact or Fantasy?*  
2000 Chamberlain Hrdlicka Annual Tax Planning Seminar – Houston, Texas
- *What CPA's Need to Know About Taxation of Intellectual Property Choice of Entity and Acquisition Issues* – 1997 Woodlands Area Tax Forum, Houston, Texas
- *Taxpayers' Bill of Rights II – This Time It's Real* – 1996 Chamberlain Hrdlicka Tax Forum – Houston, Texas
- *Proprietorship, L.L.C., Partnership or Corporation: Choosing the Right Entity in Light of The New "Check-in-the Box" Regulations* – 1996 Chamberlain Hrdlicka Tax Forum – Houston, Texas

## Linda S. Paine, *Continued*

- *Marriage, Divorce and Taxes: Protecting Spouses from the IRS and Each Other* – 1996 Chamberlain Hrdlicka Annual Tax Planning Seminar – Houston, Texas
- *Can a Person Serve Two Masters? Employee Leasing Presents a Devilish Dilemma* – 1995 Houston, Texas
- *Recent Developments in IRS Collection Procedures and Tax Dischargeability in Bankruptcy* – 1995 Chamberlain Hrdlicka Annual Tax Planning Seminar – Houston, Texas
- *Sales & Employment Taxes – A Thorn in the Side of Landscape Contractors* – 1994 - Texas Association of Landscape Contractors – Houston, Texas
- *Negotiating at Appeals: A Fresh Look at Conventional Methods and Wisdom* – 1994 C.P.E. Tax EXPO, TSCPA Foundation – Houston, Texas
- *Traps for the Unwary: Steering Clients Clear of State Tax Pitfalls* – 1994 Chamberlain Hrdlicka Annual Tax Planning Seminar – Houston, Texas – CPA Society, Victoria, Texas
- *The Latest Endangered Species: The Vanishing American Independent Contractor* – 1994 CPA Society, Victoria, Texas
- *On the Front Burner: Hot Issues in State and Local Taxation* – 1993 Chamberlain Hrdlicka Annual Tax Planning Seminar – Houston, Texas
- *IRS Audits of Multinational Activities – A New Breed of International Intrigue* – Presented in Brownsville and McAllen, Texas, 1993
- *Strategies for Settling or Litigating Continuing Issues* – 1993 General Motors Tax Conference
- *On the Front Burner: Hot Issues in State Taxation of Interstate Commerce* – 1992 Chamberlain Hrdlicka Annual Tax Planning Seminar – Houston, Texas
- *Penalties: The Not So Secret Weapon* – 1993 Large Case Audit – Atlanta, Georgia, Houston, Texas
- *Flag on the Play – Taking the Penalty or Demanding Review* – 1993 – Houston, Texas
- *Estate Tax Audits and Litigation: When Your Most Careful Plans Go Awry* – 1993 Wills and Probate Institute – Houston, Texas
- *Large Case Audit and Appeals* – Edison Electric Seminar – 1990 – Denver, Colorado
- *Large Case Initiative: The IRS Takes Aim at the 100 lb. Gorilla* – 1990 – Atlanta, Georgia
- *Doing Business with the New Comptroller—A “Sharp” Look at the New Franchise Tax in Texas* – 1990 – Houston, Texas
- *Penalties: The Impact on Negotiation and Litigation* – 1989 – Houston, Texas

## Articles and Publications

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- “Deadline for IRS Voluntary Compliance Initiative,” “Banking and Finance” column, *Houston Business Journal*, March 7, 2003
- “Bankruptcy: Blessing or Curse,” “Taxing Matters” column, *DBAHouston*, July 1995

## Professional Affiliations

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- American Bar Association, Tax Section
- State Bar of Texas, Tax Section
- Houston Bar Association, Tax Section

**Linda S. Paine,** *Continued*

- Martindale-Hubbell rating - AV

