

Practice Areas

- Tax Controversy & Litigation
- Tax Planning

Education

- University of Florida, LL.M.T. (graduate tax scholar)
- University of Chile, LL.M. (highest distinction)
- University of Kansas, J.D.
- University of Kansas, M.A. (honors)
- University of Kansas, B.S. (distinction)

Honors

- Listed, Chambers USA: America's Leading Lawyers for Business (2009, 2010)
- Janice Dawson Quinn Tax Scholarship
- Harry S. Truman Foundation Scholarship
- Tinker Foundation Scholarship
- National Security Education Program Fellowship
- Senator James B. Pearson International Fellowship

Hale E. Sheppard

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Practice Areas

Mr. Sheppard represents clients during tax audits, tax appeals, tax litigation, tax collection procedures, and criminal tax investigations. He also handles international tax compliance and controversies.

- Tax Audits and Tax Appeals. Mr. Sheppard regularly handles tax disputes before the IRS and state revenue agencies. Typical cases involve audit representation, refund claims, abatement requests, private letter rulings, and formal protests before the IRS Appeals Office.
- Tax Litigation. If a tax dispute cannot be settled administratively, litigation often ensues. Mr. Sheppard has participated in cases before the U.S. Tax Court, Court of Federal Claims, various U.S. District Courts, and the Office of State Administrative Hearings.
- Tax Collection Defense. Mr. Sheppard has negotiated collection freezes, installment agreements, offers-in-compromise, and tax lien releases. In resolving tax payment issues, Mr. Sheppard has participated in numerous collection due process hearings, equivalent hearings, and the collection appeals program.
- International Tax Compliance and Controversies. Mr. Sheppard regularly counsels clients on tax issues related to foreign financial accounts, domestic entities operating abroad, foreign entities doing business in the United States, and expatriates. Mr. Sheppard has negotiated multiple tax settlements with the IRS under the Offshore Voluntary Compliance Initiative, Last Chance Compliance Initiative, and the Voluntary Disclosure Program.

Recent Reported Cases and Ruling

- *Virginia Historic Tax Credit Fund v. Commissioner*, T.C. Memo 2009-295 (case concerning the proper federal tax treatment of state tax credit partnerships and their investors)
- *Heartland Automotive Enterprises, Inc. v. United States*, 10 AFTR 2d 2009-2406 (M.D. Ga) (motion for summary judgment regarding employment taxes and use of electronic federal tax payment system)

Bar Admissions

- Georgia Bar
- Florida Bar
- Texas Bar
- Washington, D.C. Bar

Court Admissions

- U.S. Tax Court
- U.S. Court of Federal Claims
- U.S. Court of International Trade
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, 11th Circuit
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Northern District of Georgia

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- *LVI Investors, LLC v. Commissioner*, T.C. Memo 2009-254 (decision analyzing the statute of limitations on assessment in specialized partnership proceedings)
- *Tiger's Eye Trading, LLC v. Commissioner*, T.C. Memo 2009-121 (ruling on the validity of certain tax regulations and the ability to raise penalty defenses during TEFRA partnership proceedings)
- *IRS Private Letter Ruling 201002030* (administrative ruling authorizing taxpayer to make multi-year election to resolve international tax issues on a penalty-free basis)
- *Topping v. Commissioner*, T.C. Memo 2007-92 (2007) (significant hobby loss case in which the Tax Court ruled in favor of the taxpayer on all major issues)
- *Vines v. Commissioner*, 126 T.C. 279 (2006) (case of first impression involving use of the mark-to-market accounting method by securities traders and the legal standards for granting extensions to file regulatory elections)
- *IRS Private Letter Ruling 200751012* (administrative ruling granting taxpayer relief from potential back taxes, interest and penalties resulting from a failure to properly report foreign retirement accounts)

Citations

In addition to publishing numerous articles, Mr. Sheppard has been cited as a legal authority in many prestigious journals, such as:

Harvard Law Review, Yale Law Journal, Columbia Law Review, Georgetown International Environmental Law Review, NYU Law Review, Virginia Tax Review, Florida Tax Review, The Tax Lawyer, Michigan Journal of International Law, George Washington International Law Review, Fordham Urban Law Journal, UCLA Law Review, Northwestern Journal of Criminal Law and Criminology, Boston College Law Review, California Western International Law Journal, Washington University Global Studies Law Review, Pittsburgh Journal of Law and Commerce, Wisconsin International Law Journal, DePaul Law Review, Worldwide Tax Daily, Georgetown Law and Policy in International Business, Texas Law Review, Suffolk Law Review, Thomas M. Cooley Law Review, South Texas International Trade Law Journal, Columbia Journal of Transnational Law, BNA Daily Tax Report, Air Force Law Review, San Diego International Law Journal, Southwestern University Journal of Law and Trade in the Americas, Florida Journal of International Law, Loyola International and Comparative Law Review, Colorado Journal of International Environmental Law and Policy, University of Denver Transportation Law Journal, American University International Law Review, UCLA Journal of Environmental Law and Policy, North Carolina Journal of International Law and Commercial Regulation, University of California-Davis Law Review, University of California-Hastings Law

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Journal, Wake Forest Law Review, Southern Methodist University Law Review, New Mexico Law Review, Case Western Reserve Canada-United States Law Journal, Washington Pacific Rim Law and Policy Journal, York University Osgoode Hall Law Journal, Texas Tech Journal of Administrative Law, Fordham International Law Journal, Minnesota Law Review, Northwestern Journal of International Law and Business, University of California-Davis Journal of International Law and Policy, Tulsa Journal of Comparative and International Law, New York International Law Review, Southern Methodist University Law and Business Review of the Americas, University of the Pacific Transnational Lawyer, Widener University Law Review, Singapore Journal of Legal Studies, Revista Juridica de Puerto Rico, Brooklyn Journal of International Law, Tulane Journal of International and Comparative Law, Australian Yearbook of International Law, University of Cincinnati Immigration and Nationality Law Review, Florida State Journal of Transnational Law and Policy, American Journal of International Law, Boston College International and Comparative Law Review, Syracuse Law and Technology Journal, International Business Lawyer, Georgia Law Review, Journal of International Economic Law, Ohio State Law Journal, Catholic University Law Review, Pace University International Law Review, Texas International Law Journal, and Columbia Business Law Review.

News

- Chambers USA Once Again Ranks Chamberlain Hrdlicka Among Top Ten National Firms in Tax Litigation
- Chambers USA 2009 Rankings Again Place Chamberlain Hrdlicka Among Top Ten National Firms in Tax Litigation
- Chambers USA Names Nine Chamberlain Hrdlicka Lawyers as Leaders in their Field
- Chamberlain Attorney Cited As Authority on International Tax Enforcement and FBAR Issues

Articles and Publications

Mr. Sheppard is among the most prolific tax writers in the country. He has published over 60 articles in some of the nation's top trade journals and law reviews, including:

- 1 No Returns, No Problem: Tax Court Rules in Case of First Impression that IRS Must Consider "Economic Hardship" in Pre-Levy CDP Cases. 12(1) Journal of Tax Practice & Procedure 27 (2010).
- 2 As the World Turns: Court Rebuffs Novel Spin on International Tax Filing Rules, 36(2) International Tax Journal 45 (2010).
- 3 Strike Three for the IRS in Passive Activity Loss Cases: Courts United in Rejecting Outdated Limited Partnership Theories, 12(5) Journal of Passthrough Entities 59 (2009).
- 4 Exploring the Limits of State Law in Resolving Federal Tax Disputes: Tax Court Denies "Back Door" Approach by IRS in Alimony Case, 87(8) TAXES – The Tax Magazine (2009).
- 5 Two More Blows to Non-Compliant Foreign Account Holders: Tax Court Lacks FBAR Jurisdiction and Bankruptcy Offers No Relief from FBAR Penalties, 11(1) Journal of Tax Practice & Procedure 27-34 (2009).
- 6 How Much Must One Pay to Play? Recent Case Clarifies Jurisdictional Deposit Requirement in TEFRA Litigation, 11(5) Journal of Passthrough Entities 45-52 (2008).
- 7 It's in the Mail, Right? Recent Decision Emphasizes Limitations on the Mailbox Rule, The Practical Tax Lawyer 15-18 (Summer 2008).

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- 8 Make a Decision Already! Recent Case Highlights How IRS Inaction Can Stymie Taxpayers Requesting Abatement, The Tax Adviser 256-258 (April 2008).
- 9 From the Cradle to the Grave: What Remains of Interest Suspension under Section 6404(g)? 10(1) Journal of Tax Practice & Procedure 41-50 (2008); selected for republication in 58(10) The Monthly Digest of Tax Articles 51-63 (2008).
- 10 There Are Some "Guaranties" in Life, But Do You Want to Be the One Making Them? Analyzing the Unique Tax Rules for Bad Debt Losses, 10(5) Corporate Business Taxation 29-34 (2009)
- 11 When Bygones Aren't Bygones: Exploring Solutions for U.S. Persons with Undeclared Canadian Retirement Plans and Accounts, 34(4) International Tax Journal 35-43 (2008).
- 12 Beware of the Two-Hatted Tax Matters Partner: Analyzing How Dual Roles Can Impact TEFRA Litigation, 10(6) Journal of Passthrough Entities 31-40 (2007).
- 13 Where There's a Will, There's a Delay: Do Recent Legislative Changes to the CDP Rules Solve the Perceived Problems? 85(11) TAXES – The Tax Magazine 39-44 (2007); selected for republication in 9(5) Journal of Tax Practice & Procedure 41-46 (2007).
- 14 Seeking Cost Reimbursement in Cases of First Impression: Zealous Advocacy or Pushing Your Luck? 21(3) The Practical Tax Lawyer 15-22 (2007).
- 15 Applying Old Theories in New Contexts: Interest Suspension Upheld Where Government Failed to Prove Fraud, 9(3) Journal of Tax Practice & Procedure 15-18, 47-48 (2007).
- 16 The Document Locator Number: Little-Known IRS Notation May Establish Tax Return Filing Date, 78(1) Practical Tax Strategies 4-11 (2007).
- 17 New Penalties for Undisclosed Foreign Accounts: Putting the Cart before the Horse? 8(3) Journal of Tax Practice & Procedure 29-36 (2006).
- 18 Evolution of the FBAR: Where We Were, Where We Are, and Why It Matters. 7(1) University of Houston Business & Tax Law Journal 1-41 (2006); selected for republication in 57(12) The Monthly Digest of Tax Articles 21-41 (2007).
- 19 Repatriating Subpart F Income: A Fresh Look at Electing to be Taxed as a Corporation, 38(2) Tax Notes International 173-178 (2005), 2005 Worldwide Tax Daily 70-21 (2005).
- 20 The Evolving Treatment of Qualified Foreign Dividends: Where Do We Stand Now? 16 Journal of International Taxation 28 (2005).
- 21 You Can Catch More Flies with Honey: Debunking the Theory in the Context of International Tax Enforcement, 83(2) TAXES – The Tax Magazine 29 (2005).
- 22 Only Time Will Tell: The Growing Importance of the Statute of Limitations in an Era of Sophisticated International Tax Structuring, 30(2) Brooklyn Journal of International Law 453-484 (2005); selected for republication in 57(6) The Monthly Digest of Tax Articles 1-15 (2007).
- 23 Tax Treatment of Foreign Dividends Under the JGTRRA: Further Ambiguities and Opportunities, 15(10) Journal of International Taxation 20-27 (2004).
- 24 Regulating Foreign Disregarded Entities with Proposed Form 8858: Try, Try Again, 33(7) Tax Management International Journal 412-425 (2004).

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- 25 The Impact of Recent Events on Section 911: Rocking the Boat or Capsizing the Vessel? 34 Tax Notes International 285 (2004), 2004 Worldwide Tax Daily 75-12 (2004).
- 26 The Foreign Earned Income Exclusion: U.S. International Tax Policy, Political Reality, and the Need to Understand How the Two Intertwine, 37(3) Vanderbilt Journal of Transnational Law 727 (2004).
- 27 Florida Forecast: More Rain on the Offshore Parade, 15(3) Lawyer 36-37 (2004).
- 28 Reduced Tax Rates on Foreign Dividends Under the Jobs and Growth Relief Reconciliation Act: Ambiguities and Opportunities, 15(7) Journal of International Taxation 14-27 (2004).
- 29 The New Federal-State Tax Enforcement Alliance: Carrots, Sticks and Implications for Taxpayers, 13(10) Journal of Multistate taxation and incentives 14-23, 46 (2004).
- 30 Fight or Flight of U.S.-Based Multinational Businesses: Analyzing the Causes for, Effects of, and Solutions to the Corporate Inversion Trend, 23(3) Northwestern University Journal of International Law and Business 551-588 (2003).
- 31 Rethinking Tax-Based Export Incentives: Converting Repeated Defeats Before the WTO Into Positive Tax Policy, 39(1) University of Texas International Law Journal 111-142 (2003).
- 32 The Andean Trade Preference Act: Past Accomplishments and Present Circumstances Warrant Its Immediate Renewal and Expansion, 34(4) George Washington University International Law Review 743-788 (2003).
- 33 Privilege, Work-Product Doctrine, and Other Discovery Defenses in IRS's International Tax Enforcement, 32(4) Tax Notes International 377-396 (2003), 2003 Worldwide Tax Daily 207-14 (2003).
- 34 Reduced Tax on Foreign Dividends: A Dose of Holiday Cheer for U.S. Investors, 14(4) Lawyer 34 (2003).
- 35 Revamping the Export-Import Bank in 2002: The Impact of this Interim Solution on the United States and Latin America, 6(1) New York University Journal of Legislation and Public Policy 89-130 (2002).
- 36 The NAFTA Trucking Dispute: Pretexts for Noncompliance and Policy Justifications for U.S. Facilitation of Cross-Border Services, 11 University of Minnesota Journal of Global Trade 235-275 (2002).
- 37 Partial Revocation of the Caribbean Basin Trade Partnership Act: An Analysis of Hemispheric Injuries and Domestic Benefits, 28 university of north Carolina Journal of International Law and Commercial Regulation 101-143 (2002).
- 38 Salvaging Trade, Economic and Political Relations with Mexico in the Aftermath of the Terrorist Attacks: A Call for a Reevaluation of U.S. Policy, 20(1) Boston University International Law Journal 33-72 (2002).
- 39 Reauthorizing the Export-Import Bank Affects Trade in the Americas, 9(8) Inter-American Trade Report 1, 4-9 (2002).
- 40 The Continued Dumping and Subsidy Offset Act (Byrd Amendment): A Defeat Before the WTO May Constitute an Overall Victory for U.S. Trade, 10 Tulane university Journal of International and Comparative Law 121-155 (2002).
- 41 Trade Promotion Authority: Current Status and Potential Effects on U.S.-Latin America Trade, 9(4) Inter-American Trade Report 1-11 (2002).
- 42 U.S. Action to Freeze Assets of Terrorism: Manifest and Latent Implications for Latin America, 17(3) American University International Law Review 625-639 (2001).

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- 43 The International Monetary Stability Act: Recognizing the Ripeness of this Economic Legislation to Render Benefits for the United States and Mexico, 32(3) University of Miami Inter-American Law Review 375-435 (2001).
- 44 Cross-Border Financing: The Impact of Recent Legislation on NAFTA Signatories, 15(2) Texas Transnational Law Quarterly 6-13 (2001).
- 45 Overcoming Apathetic Internationalism to Generate Hemispheric Benefits: An Analysis of and Arguments for Recent Secured Transactions Law in Mexico, 10(2) Florida State University Journal of Transnational Law & Policy 133-181 (2001).
- 46 U.S. Export Control Changes Concerning Cuba – Potential Gains for U.S. Agriculture, 8(15) Inter-American Trade Report 2139-2147 (2001).
- 47 Introduction of U.S. Currency in Ecuador: Arguments for External Participation, 16(2) Florida International Law Quarterly 12-18 (2001).
- 48 The New Mexican Insolvency Law: Imperative Judicial Modernization and Policy Justifications for U.S. Assistance, 6(1) UCLA Journal of International Law and Foreign Affairs 45-87 (2001).
- 49 Pensions in Brazil: Time for the Harvest, 3(1) Latin Insurance, 22-24 (2001).
- 50 Dollarization of Ecuador: Sound Policy Dictates U.S. Assistance to This Economic Guinea Pig of Latin America, 11(1) Indiana University International and Comparative Law Review 79-114 (2000).
- 51 Reinsurance in Brazil: The Rough Road to Privatization, 7(2) Journal of Reinsurance 1-12 (2000).
- 52 Transformation of the Costa Rican Insurance Market: Losing the Battle, Winning the War, 9(4) Global Reinsurance, 50-52 (2000).
- 53 Healthcare in Brazil: Bring Your Own Aspirin, 48(3) Health Insurance Underwriter 35-40 (2000).
- 54 Legalities vs. Realities: Privatization of the Nicaraguan Telecommunications Industry Gives New Meaning to the Phrase Caveat Emptor, 15(1) Texas Transnational Law Quarterly 7-11 (2000).
- 55 One Step Closer to Privatization? Legal Horizons (2000).
- 56 La internacionalidad de los mercados, la responsabilidad objetiva y la comercialización de productos defectuosos provenientes de Chile, 206 Universidad de Concepción (Chile) Revista de Derecho 43-73 (1999).
- 57 MERCOSUR and the Insurance Sector: At the Integration Crossroads, 2(3) Latin Insurance 24-27 (1999).
- 58 Native Forest Protection in Chile: The Inadequacies of the Recent Environmental Framework Law, 14(1) University of Oregon Journal of Environmental Law and Litigation 225-299 (1999).
- 59 El trabajo infantil en América Latina y Perú: un programa para su reducción, 29 Debate Agrario (Peru): Análisis y Alternativos 81-112 (1999).
- 60 Certificación forestal: una opción medioambiental de vanguardia para Chile, XV(4) Ambiente y Desarrollo 54-57 (1999).
- 61 Pension Reforms in Latin America, Legal Horizons 22-24 (1999).
- 62 Timber Certification: An Alternative to the Destruction of the Chilean Forests, 14(2) University of Oregon Journal of Environmental Law and Litigation 301-350 (1999).
- 63 The Lome Convention in the Next Millennium: Modification of the Trade/Aid Package, 7(3) University of Kansas Journal of Law & Public Policy 83-104 (1998).

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Professional Affiliations

- Journal of Taxation, Editorial Board member and tax columnist
- Journal of Tax Practice & Procedure, Editorial Board member
- John Marshall Law School, former adjunct professor of taxation
- Georgia Bar Tax Section, Officer and Executive Committee member
- Washington, D.C. Bar, Tax Audits and Litigation Committee
- IRS-Practitioner Liaison Committee, state bar representative
- GSU Low-Income Taxpayer Clinic, Advisory Committee member
- American Bar Association, Tax Section, Penalty Committee
- American Bar Association, Family Law Section, Tax Committee
- Florida Tax Review, former graduate editor
- Kansas Journal of Law & Public Policy, former member
- Georgia Bar Journal, Editorial Board member

