

UNIVERSITY OF BRITISH COLUMBIA

Faculty of Law

TOPICS IN CORPORATE AND TAX LAW--TAX POLICY

INSTRUCTOR: Claire F.L. Young

OFFICE: Allard Hall, Room 348

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OFFICE HOURS: Tuesday 9am to noon or just email me and we can set up a date/time.

COURSE DESCRIPTION:

This course takes a critical approach to selected tax policy issues. An understanding of the basic rules respecting income tax is required but the focus is on a theoretical analysis of tax policy underlying selected tax measures and issues. Consequently we shall take a critical approach to the criteria by which tax provisions are evaluated and the materials include writings on several of these approaches, including tax expenditure analysis. The aim of the seminar is not to analyse the technical rules but to explore the policy underlying those rules.

Active seminar participation and reporting on the readings is expected of students each week, as well as the research paper which is the focal point of the course.

BOOKS FOR PURCHASE: Materials for sale at the UBC Bookstore under the course name (Law 411D, Tax Policy)

Other readings may be placed on reserve in the library and some readings may, if required, be altered after term begins.

WEB PAGE

I have a link on my web page to the materials relating to the course, and will add material during the term. The web page is <http://faculty.law.ubc.ca/young/index.htm> and the link is on the left hand side of the page.

EVALUATION:

Research Paper Proposal (10%)

A 2-3 pages (typed) proposal, including an explanation of your topic and methodology, a tentative outline, and a list of 10 sources.

Due October 10th, 2011.

Class presentation (10%)

A 25 minute class presentation of your research paper as work in progress, before completion of the research paper.

Class Participation (15%)

Class participation encompasses regular attendance at class, doing the readings in preparation for class and participating in the class discussion. In order to help me evaluate your performance on the last two issues I would like you to hand in to me by **noon each Thursday** before class a short up to five line comment on the readings. This comment can be of any nature, for example something you did not understand in the readings, a comment about something you disagree with, a question you would like to see raised in class and so on. The purpose of the exercise is primarily to allow me to see what interests you in the readings and what does not. This will allow me to focus in class on some of the issues you are interested in. Please note, this is not meant to be an onerous exercise and I emphasize that your comment need be no more than a few lines. Please email the comment to me at young@law.ubc.ca.

Research Paper (65%)

25-30 typed pages (6250-7500 words) plus footnotes and bibliography. Suggestions for research paper subjects will be handed out, but you may choose other topics. All topics chosen should be discussed with me early in the term and before submission of your research paper proposal.

Due December 20th, 2011. PLEASE NOTE THAT YOU ARE ENCOURAGED TO HAND IN YOUR PAPER EARLIER THAN THIS DATE IF POSSIBLE

INSTRUCTIONAL OFFENCES

Assignments must be original. You should be aware that plagiarism is an academic offence at UBC. See the University Calendar online at

<http://www.students.ubc.ca/calendar/index.cfm?tree=3,54,111,959>

Prior approval of the instructor must be obtained if it is intended to submit any part of work previously or concurrently submitted for credit in this or another course.

SUBMISSION OF ASSIGNMENTS

All work is to be typed and double spaced. You may email a copy of your paper to me at young@law.ubc.ca. I do not require a hard copy but you must use the "receipt" function of your email system to ensure that you receive a receipt acknowledging that the email was received at my email address. You are welcome to hand in a hard copy if you prefer. Deadlines for assignments will be strictly enforced, in the absence of compelling health or personal reasons. **Late assignments will be marked down 5% for each day that they are late.**

RESEARCH PAPER MARKING GUIDE

All research papers will be graded in light of the following criteria. If you would like additional clarification, see me for further explanation of your mark.

A

The 'A' paper has a perceptive and incisive thesis, richly developed, and an organization to match. Many sources are employed in developing the key argument and the views of several major authors are compared and contrasted. 'A' papers usually reflect an original synthesis of the best literature on the subject and often reflect the writer's ability to think critically beyond the existing categories of debate. A much deeper, more nuanced understanding of the subject matter is in evidence throughout the paper. Stylistically there are very few, in any, errors in grammar or punctuation. The writing style is individualized and interesting but without being intrusive. The writing is characterized by skillful transitions between paragraphs and arguments, and by well-chosen vocabulary and variety in sentence structure. Technical terminology is used appropriately, not ostentatiously. In format (citations and bibliography) the paper is virtually flawless.

B

The 'B' paper has a clearly presented and conceptually defensible argument. In comparison with 'A' papers, while the bibliography is well-developed, the writing does not reflect as well-developed an ability to compare and contrast intellectual approaches, or to deepen or broaden an existing analytic method as it has been applied to a specific research problem in the relevant academic literature. 'B' papers reflect a generally accurate understanding of most of the relevant points in a given academic debate, but do not go beyond depiction of the debate towards new, critical insights. The body of the essay is well organized and provides adequate support for the elaboration of the argument. There may be problems with minor elements of grammar, punctuation and composition. The style is somewhat individualized. The paper is coherent, with appropriate diction and some variety in sentence construction. The format, although not flawless, is superior.

C

In the 'C' paper, the thesis is correct and adequately expressed, while the development of the argument and presentation of evidence is sufficient to support the claims being made. The paper reflects a clear effort of having read much of the relevant academic literature on a given topic or problem, but may suffer from notable gaps in research or comprehension of issues. 'C' papers often reflect only a single intellectual approach or perspective on the issue under review. Problems with grammar, mechanics, and composition are apparent but do not interfere with the presentation of the argument unduly. The style is not individualized, yet the direction is generally suitable and sentence patterns are usually correct. Citation style and bibliographic format are reasonably accurate.

D

Usually reflects an inadequate level of research, weak comprehension of issues and little intellectual effort by the student. The work is replete with problems and errors in grammar, spelling, punctuation and format, but either (a) the ideas and concepts presented and analyzed are strong enough to salvage the paper from the 'F' category, and/ or (b) the paper represents a qualitative improvement over earlier and failing work, which the instructor wishes to recognize.

F below 50

The 'F' paper either has no thesis or a thesis which is insupportably vague, broad or inaccurate. The topic chosen by the writer is often either (a) superficial and analytically inconsequential, or (b) far too broad and ambitious to be handled in a term research paper. Bibliographic research is woefully inadequate. Understanding of key issues is poor to non-existent. Development of the argument is poor; the evidence in support of the major theme is unreliable, unconvincing or inaccurate. In grammar, mechanics and composition errors abound. Essay organization is confused or illogical. Inappropriate diction and frequent sentence errors characterize the writing style.

SEMINAR TOPICS

1. **September 12th , 2011**
Introduction: Issues, topics and participants
Handout of syllabus
2. **September 19 , 2011**
Introduction to basic issues in Canadian Tax Policy
READINGS: pages 1-46 of the Materials
3. **September 26th , 2011**
Tax Expenditure Analysis
READINGS: pages 47-83 of the Materials
4. **October 3rd , 2011**
The Appropriate Tax Unit
READINGS: pages 84-150 of the Materials
5. **October 10th, 2011**
Tax Cuts and Flat Taxes--The Debate
READINGS: pages 151-236 of the Materials
6. **October 17th , 2011**
Politics of Tax Reform and the Budget
READINGS: pages 237-282 of the Materials
7. **October 24th, 2011**
A Balancing Act
READINGS: pages 283-352 of the Materials
8. **October 31st**
CLASS CANCELLED

November 7th, 14th, 21st and 28th in-class student presentations.

Please note that there may be some shifting of the dates and topics. If so I will give you plenty of advance warning.

PAPER TOPICS

The following is a list of possible broad topics for your tax policy papers. The list is not exhaustive and I encourage you to think of other issues of interest and to discuss the possibilities with me. Please note that each of these topics is extremely broad and when picking a topic you should consider an approach that will enable you to narrow the scope.

1. Capital Gains, their preferential treatment
2. Wealth taxes
3. Consumption taxes

4. The Charter and the tax system
5. Tax Simplification
6. Taxation of small business
7. Women and taxation
8. The appropriate tax unit
9. Tax Issues affecting First Nations
10. The budget process
11. Tax preferences for home-owners
12. The underground economy (tax evasion)
13. Deductibility of interest
14. Tax preferences for retirement saving
15. Tax cuts
16. Flat taxes
17. Funding social programs through the tax system, pros and cons
18. Taxes and E Commerce