

Resources for MVLS Volunteers: Looking for Pro Bono Cases?



The image shows a screenshot of the Maryland Volunteer Lawyers Service (MVLS) website. The header features the MVLS logo on the left, which includes the text "MARYLAND VOLUNTEER EST. 1961 MVLS ...and Justice for All LAWYERS SERVICE". To the right of the logo is the main title "MARYLAND VOLUNTEER LAWYERS SERVICE" in orange. Below the title is a navigation bar with links: "Who We Are", "What We Do", "Get Legal Help", "Volunteer", "News & Events", and "Donate". A dropdown menu is open under the "Volunteer" link, listing several options: "Ways to Get Involved", "Apply to Be A Volunteer Lawyer", "Attorney Resources", "Pro Bono Portal", "Judicare-Family Law Reduced-Fee Panel", "Forms", and "MVLS CAN (Community Advocacy Network)". The "Pro Bono Portal" option is highlighted with a dark background and a red circle. A teal "DONATE" button is visible on the right side of the page. The background of the website features large, stylized text including "MVLS" and "...and Justice".

MARYLAND VOLUNTEER LAWYERS SERVICE

Who We Are What We Do Get Legal Help Volunteer News & Events Donate

Ways to Get Involved

Apply to Be A Volunteer Lawyer

Attorney Resources

Pro Bono Portal

Judicare-Family Law
Reduced-Fee Panel

Forms

MVLS CAN (Community
Advocacy Network)

DONATE

New Pro Bono Portal

WELCOME TO THE MVLS PRO BONO PORTAL!

Select a case today by reviewing available cases shown below in real time. You can click "Learn More" to express your interest in the case, or click "Share Case" to forward the available case to a colleague.

If you are not currently a MVLS volunteer, please [click here](#) to register.
By taking a case today, you are helping MVLS to ensure Justice For All.

[All](#) [Bankruptcy](#) [Debt Collection](#) [Deed Transfer](#) [Estates](#) [Expungement](#) [Family](#) [Foreclosure/Tax Sale](#) [Landlord-Tenant](#) [Tax](#) [Other Category](#)

Search ... [All Counties](#) ▼

Single Mom Can't Afford A Large Payment

Client is being sued by her former landlord for \$4146.59. She admits she owes some but not all of the debt and is hoping to reduce the amount she has to pay. Court date set for 7/20/18 at 1:30pm.

Location: Baltimore County
Ref. #: 18-0138741
Case Type: Debt Collection

[Share Case](#)

[Learn More](#)

I Admit To The Debt, But Can We Negotiate A Settlement.

Client is being sued for \$933.00 for failing to make payments towards a debt. Client agrees that she owes the debt. There are no judgments entered in the case. Client has paid approximately \$300 toward the debt and would like to work out a settlement for the remaining. Affidavit Judgment Hearing: 7/23/18 at 1:00PM. Trial: 8/3/18 at 9:00AM.

Location: Washington
Ref. #: 18-0138685
Case Type: Debt Collection

[Share Case](#)

[Learn More](#)

You Have Left Me No Other Choice But To File For Rent Escrow.

Client wishes to initiate a rent escrow case after nothing has been done to make repairs. Client has lived in the property since October 2016 and problems in the unit began in December 2017. To date LL, has not tried to resolve the mold issue, flooding, falling attic stairs, and the hole in the ceiling.

Location: Baltimore County
Ref. #: 18-0138671
Case Type: Landlord-Tenant

[Share Case](#)

[Learn More](#)

Landlord Requests The Move, Now Refusing My Security Deposit.

Client filed suit against her previous Landlord for the return of her security deposit and three times the amount. Client only lived in the property for 3

Looking Towards A Fresh Start

Client seeks help with expunging her criminal record.

Here's To New Beginnings!

Client seeks to go over her criminal record with a volunteer and to have the eligible cases expunged from her record.

Follow us on social media!



facebook.com/[MVLSProBono/](https://www.facebook.com/MVLSProBono/)



Maryland Volunteer Lawyers Service



@[MVLSProBono](https://twitter.com/MVLSProBono)

Visit www.mvlslaw.org/events for more info on upcoming training and clinics!

Quantum Law, LLC

We help you settle the past and prepare for the future.



RECONSTRUCTING TAX RECORDS



Presented by:

Shawnielle Predeoux, Esq., CPA
Quantum Law, LLC
Odenton, MD

Reconstructing Tax Records Overview



We will discuss:

- 1. Adequate records**
- 2. IRS position on record reconstruction**
- 3. Reconstructing records.**

Adequate Records

(Publication 583 & Section 274(d))



Income:

- **Cash register tapes**
- **Bank deposit slips**
- **Receipt books**
- **Invoices**
- **Credit card charge slips**
- **Forms 1099-MISC**

Purchases and Expenses:

- **Canceled checks**
- **Cash register receipts**
- **Credit card sales slips**
- **Invoices**
- **274(d) requires that the documents show:**
 - **The amount;**
 - **The time and place (or date); and**
 - **The business purpose.**

IRS Position or Authority for Record Reconstruction



▶ Publication 483

Destroyed records. If you can't produce a receipt because of reasons beyond your control, you can prove a deduction by reconstructing your records or expenses. Reasons beyond your control include fire, flood, and other casualties.

▶ EITC FAQs

✓ **I have a client who is self-employed but has no receipts for income or expenses. Should I refuse to prepare the return?**

Not necessarily. You can take the opportunity to teach your clients about record-keeping requirements. If your client has any records and data on the amount earned and any expenses, you can explain how to reconstruct and/or help make a reasonable estimate of the income earned and expenses. If you choose to help your client reconstruct the records, be sure to document how you computed the income and expenses. Refusing to prepare the return is a decision only you can make.

IRS Position or Authority for Record Reconstruction



- ▶ **Section 274(d) permits taxpayer to substantiate expense “by sufficient evidence corroborating his own statement”**
- ▶ **26 CFR 1.274-5A**
 - **(c)(1) - If record not made at or near time of expenditure, reliable documentary evidence needed to corroborate it.**
 - **(c)5- Reasonable reconstruction permitted when records lost due to circumstances beyond taxpayer’s control**

Process



1. Interview taxpayer (Can use IRS form 11652)
 - ▶ Determine how they receive income.
 - ▶ Determine types of expenses.
 - ▶ Identify documentary evidence that can support expenses.
 - ▶ Identify sources from which duplicate records can be obtained.
2. Obtain income and expense statement
 - ▶ Use form 433-A Collection Information Statement.
3. Obtain copies of available documentary evidence (e.g., bank statements, credit card statements, etc.)

Reconstruction Process



- Earned Income Credit Toolbox Record Reconstruction Training (available at https://www.eitc.irs.gov/eitc/files/downloads/Schedule_C_Training.pdf)

The following is a table of helpful example options and tools to use in reconstructing records:

Example source	How to use to reconstruct records
Appointment books or calendars	<p>An appointment book could be used to develop:</p> <ul style="list-style-type: none"> • Where a taxpayer traveled to provide services, and how many trips • A count of how many people were provided services • A count of how many of each type of service was rendered; for example, how many haircut appointments, how many manicure appointments <p>Using summary counts of the number of each kind of service rendered, the taxpayer could apply an average or standard cost to come up with an estimate of total receipts. The number of trips made and the locations traveled to could be combined with online map tools data to support total business miles driven.</p>
Online map tools	Online map tools can be used to reconstruct mileage calculations.
IRS standard allowances	The IRS provides standard expense allowances including per diem expenses for truck drivers and standard mileage rates.

Checkbook, cancelled checks, bank statements or credit card statements	These documents can be used to gain information about expenses incurred and what types of services were performed for clients. Using summary counts of the number of each kind of service rendered, the taxpayer could apply an average or standard cost to come up with an estimate of total costs and receipts.
List of regular clients	Using a list of regular clients, a taxpayer could reconstruct a reasonable calendar of services. Regular expenses could be extrapolated from that information. The taxpayer could apply an average or standard cost to come up with an estimate of total receipts.
Partial receipts or sales tax records	Partial receipts can lend information regarding what expenses were incurred for services. The taxpayer could apply an average or standard cost to come up with an estimate of total receipts.
Cell phone records and call history or computer logs	Cell phone records and call history can be used to develop a list of clients served during specific timeframes.
Prior year returns	Prior year returns can provide the basis for records if activities are similar from year to year.

IRS Methods for Estimating Income if there are no records



- ❖ Source and Application of Funds Method - analyze cash flows to determine income by amount expenses exceed income.
- ❖ Bank Deposits and Cash Expenditures Method - compute income by showing what happened to a taxpayer's funds.
- ❖ Net Worth Method - Evaluate financial information to obtain increase in net worth, which indicates income for the year.
- ❖ Markup Method - use industry averages to compute income based on activity (Obtain averages from Bureau of Labor Statistics or www.bizstats.com)
- ❖ Unit and Volume Method - Apply the sales price to the volume of business

Tips for Record Reconstruction

Be thorough

- ▶ If substantiation is required, be thorough and recreate records for entire year.
 - Larson v. Commissioner, TCM 2008-187 - mileage deductions permitted because record was detailed.
 - Jarman v. Commissioner, TCM 2010-285 - mileage deductions disallowed because amounts were not corroborated and were estimated (taxpayer rounded up) - use google maps to calculate mileage; mileage can be corroborated by gas and toll charges along route.
 - Viar v. Commissioner, T.C. Summary Opinion 2004-46, Docket No. No. 13785-02S - providing credit card statements alone is not sufficient if other requirements of 274(d) are not met.



Questions?



Contact Us!

Shawnielle Predeoux

(443) 230-3328

www.quantumlawoffice.com

spredeoux@quantumlawoffice.com

**1215 Annapolis Rd, Suite 203,
Odenton, MD 21113**