

## ATCL Conferencing Initiative Update

In May of 2017, the IRS Independent Office of Appeals began an initiative in which some Appeals Team Case Leaders (ATCLs) invite IRS Compliance to participate in the non-settlement portion of the Appeals conferences for the largest, most complex, cases in Appeals. Under the initiative, both parties are present at the conference while each presents its position regarding the issues in dispute. Consistent with the quasi-judicial role of Appeals in resolving tax disputes, this initiative relies on Compliance and the taxpayer and the taxpayer's representative to participate in focused discussions so that Appeals can identify, narrow and resolve factual or legal differences. After the conference, settlement discussions are held between Appeals and the taxpayer and/or their representative, without Compliance present. This initiative is limited to the largest and most complex business tax disputes handled by Appeals; the initiative does not apply to the vast majority of cases heard by Appeals.

Appeals' overall aim regarding this initiative is to conduct conferences in a manner that furthers the interest of good tax administration. The Appeals mission is to resolve tax controversies, without litigation, on a basis which is fair and impartial to both the government and the taxpayer and in a manner that will enhance voluntary compliance and public confidence in the integrity and efficiency of the Service. The insight that Appeals gains from an open discussion of positions in these largest and most complex cases could help to facilitate case resolution.

Over the past two years, Appeals has listened closely to comments from both external and internal stakeholders and, where appropriate, adjusted how we conduct conferences under the initiative. For example, early during the initiative there was confusion as to what portion of Appeals conferences Compliance would attend. We subsequently made clear that settlement discussions for cases in this initiative would be held between the ATCL and the taxpayer and their representative, without Compliance present. We also clarified that, while mediation is available, it may only be utilized if both parties agree to mediate. This initiative was never intended to change the traditional Appeals session into a required mediation session. For additional questions and answers about the initiative, see [ATCL Conferencing Initiative FAQs](#).

Appeals has decided to continue the initiative for another year, through May 1, 2020, and to conduct a formal survey of participants in cases worked and closed within the initiative. The taxpayer survey, conducted by an independent, third-party survey organization, will begin in Fall 2019 for cases closed by that time, and will continue through the end of the initiative so that all cases closed during the initiative are included in the survey. In addition, an internal survey will be administered to Compliance and Appeals personnel that participated in the initiative.

Some stakeholders have suggested that conferences under the initiative would progress most efficiently if taxpayers, representatives, and Compliance personnel all have a consistent understanding of the roles and responsibilities of the parties and the

sequence of events during a conference. In response to this suggestion, Appeals is including here as exhibits guidelines used by ATCLs to conduct conferences under this initiative. Appeals invites comments from the public about these guidelines, and whether they help to facilitate an orderly and productive appeals conference.

Comments about the guidelines will be accepted through November 8, 2019 and should be sent to:

Internal Revenue Service  
Appeals HQ NC Room 717  
1111 Constitution Ave NW  
Washington, DC 20224

[Exhibit 1: Process and Procedures \(PDF\)](#)

[Exhibit 2: Sample Agenda for Expectations Call \(PDF\)](#)

[Exhibit 3: Expectations Letter to Taxpayer and/or their Representative \(PDF\)](#)