

CHARLENE D. LUKE

Professor of Law
University of Florida Levin College of Law
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ACADEMIC EXPERIENCE

University of Florida Levin College of Law

Professor, Aug. 2013–present
Associate Dean for Tax Programs, June 2018–present
Editor-in-Chief, *Florida Tax Review*, July 2016–present
UF Research Foundation Professor, May 2017–May 2020
Associate Professor, Aug. 2010–Aug. 2013
Assistant Professor, May 2008–Aug. 2010

Florida State University College of Law

Assistant Professor, May 2003–May 2008

Visiting Faculty

Boston College Law School, Jan. 2016–May 2016

China University of Finance and Economics, Beijing, China, May–June 2014

University of Navarra, Pamplona, Spain, Jan.–Feb. 2011

University of Utah S.J. Quinney College of Law, Jan.–May 2008

Service

Academic Standards (2013–15); Appointments (2016–17, 2013–15, 2010–11, 2003–04); Curriculum (2004–07); Faculty Enrichment (2004–06); Non-JD Admissions (2018–present, 2012–13 & 2009–10); Non-Tenure Track Appointments, Retention & Promotion (2008–12); Tax Moot Court Coach (spring 2020); University Constitution & Regulations Committee (2019–present)

Courses

Corporate Tax (J.D. & LL.M.), Partnership Tax (J.D. & LL.M.), Individual Income Tax, Tax Policy Seminar, Taxation of Property Transactions (LL.M.)

PUBLICATIONS

Law Review Articles

Captivating Deductions, 46 HOFSTRA L. REV. 855 (2018)

Of More Than Usual Interest: The Taxing Problem of Debt Principal, 39 SEATTLE UNIV. L. REV. 33 (2015)

The Relevance Games: Congress's Choices for Economic Substance Gamemakers, 66 TAX LAW. 551 (2013), updated as Chapter 432, *PLI Corporate Tax Practice Series: Strategies for Corporate Acquisitions, Dispositions, Spin-Offs, Joint Ventures, Reorganizations & Restructurings* (2015–present) & as Chapter 265E, *PLI Partnership Tax Practice Series: Planning for Domestic & Foreign Partnerships, LLCs, Joint Ventures & Other Strategic Alliances* (2015)

Managing the Next Deluge: A Tax Approach to Flood "Insurance," 18 CONN. INS. L.J. 1 (2011) (with Aviva Abramovsky)

What Would Henry Simons Do?: Using an Ideal to Shape and Explain the Economic Substance Doctrine, 11 HOUS. J. BUS & TAX 108 (2011)

Risk, Return, and Objective Economic Substance, 27 VA. TAX. REV. 738 (2008)

Taxing Risk: An Approach to Variable Insurance Reform, 55 BUFF. L. REV. 251 (2007)

Beating the "Wrap": The Agency Effort to Control Wraparound Insurance Tax Shelters, 25 VA. TAX REV. 129 (2005)

Other Publications

FEDERAL INCOME TAXATION OF PARTNERSHIPS AND S CORPORATIONS, 6th ed. (with Martin J. McMahon, Jr., Daniel L. Simmons & Bret Wells) (2020)

Time to Banish Partnership Hybrids from Partnership Taxation?, JOTWELL (Dec. 16, 2019), <https://tax.jotwell.com/time-to-banish-partnership-hybrids-from-partnership-taxation/> (article review)

Response: Continuity as the Key to Reform of Section 355, 69 AM. U. L. REV. (2019) (article review)

CALI Federal Income Taxation Lessons (2018–present), <https://www.cali.org/user/754442>

FEDERAL INCOME TAXATION OF CORPORATIONS, 5th ed. (with Martin J. McMahon, Jr., Daniel L. Simmons & Bret Wells) (2019)

PARTNERSHIP INCOME TAXATION (CONCEPTS AND INSIGHTS), 6th ed. (with William H. Lyons & James R. Repetti) (2018)

Tribute to Professor Martin J. McMahon, Jr., 70 FLA. L. REV. vii (2018)

Natural Disasters: Tax Help for Individuals, 58 BLOOMBERG BNA TAX MGMT. MEMORANDUM 463 (2017)

Crowdfunding: Federal Income Tax Considerations, 58 BLOOMBERG BNA TAX MGMT. MEMORANDUM 331 (2017)

Tax Reform Perspectives: The Case for a Consumption Tax, Law360 (2017), <https://www.law360.com/articles/912518/tax-reform-perspectives-the-case-for-a-consumption-tax>

Repeal or Retain Section 1031?: A Tempest in a \$6 Billion Teapot, 34 ABA TAX SECTION NEWS QUARTERLY 1 (SPRING 2015) (with Bradley T. Borden, Joseph B. Darby III, & Roberta F. Mann)

Illuminating the Dark Matter of Intellectual Capital, 66 FLA. L. REV. FORUM 61 (2015) (article review)

The Role of Developed World Tax Incentives in Microfinance, TAX, LAW AND DEVELOPMENT 241 (Yariv Brauner & Miranda Stewart, eds., 2013) (book chapter).

Three Once & Future Issues, 20 ABA TAX SECTION NEWS QUARTERLY 1 (Fall 2010)

Summary of Tax Shelter Disclosure Regulations, SH036 ALI-ABA 991 (2002) (with Michael Hirschfeld)

The Developmental Progress of Free Exercise, 1999 BYU L. REV. 943 (book review)

SELECTED PRESENTATIONS

Academic

Tax-Driven Intermediaries, Association of Mid-Career Tax Professors, May 2017

U.S. Small Proprietors and the Tax Treatment of Asset Costs, Korea Tax Research Forum and the University of Seoul Law Research Institute, Nov. 2016

The Captive Insurance Conundrum, SEALS Annual Meeting, August 2016 (panelist)

The Captive Insurance Conundrum, Association of Mid-Career Tax Professors, May 2016

The Captive Insurance Conundrum, Boston College Law School Tax Policy Workshop, Mar. 2016

Of More Than Usual Interest: The Taxing Problem of Debt Principal, Association of Mid-Career Tax Professors, June 2015

Of More Than Usual Interest: The Taxing Problem of Debt Principal, Seattle University School of Law, Sept. 2014

Relevance Game: Codification of Economic Substance Doctrine, China University of Political Science and Law, June 2014

Taxes and Federalism, Law & Society Annual Meeting, June 2013 (panelist)

Family, Gender, Sexuality & Taxes, Law & Society Annual Meeting, June 2013 (moderator)

Economic Challenges and Charitable Organizations, SEALS Annual Meeting, August 2012 (panelist)

A Role for Tax in Supporting Microfinance?, Tax Law and Development Conference, June 2011

A Role for Tax in Supporting Microfinance?, Law & Society Annual Meeting, June 2011 (panelist)

International Questions of Equity and Enforcement, Law & Society, Annual Meeting, June 2011 (moderator)

Partnership Tax Restraints on Tax Attribute Markets: Time for an Entity-level Solution?, Univ. of Georgia School of Law, Feb. 2011

The Internal Revenue Code of 2020: What Should It Include?, SEALS Annual Meeting, August 2010 (panelist)

Musings on Partnership Side Agreements, Critical Tax Conference, Apr. 2010 (incubator session)

Professional Organizations and Community

Podcast: Talking Tax Episode 59: *Federal Tax Implications of Crowdfunding*, BNA (Feb. 15, 2018), <https://www.bna.com/talking-tax-episode-m57982088798/>

Capital Gains for Songwriters and Other Creators - at the Austin City Limits and Beyond, Section of Taxation, Sales, Exchanges and Basis Committee, American Bar Association, Sept. 2017

Parameters for Tax Reform in the New Year, Section of Taxation, Tax Policy & Simplification Committee, American Bar Association, Jan. 2017

Tax Basics Through Crowd Funding Transactions, Section of Taxation, Young Lawyers Forum and Diversity Committees, American Bar Association, Jan. 2017

Protecting the Spirit of the Law: Judicial Doctrines and Their Effect on Tax Planning, Florida Tax Institute, April 2015

Repealing Section 1031? A Debate, Section of Taxation, Teaching Taxation Committee, American Bar Association, Jan. 2015

LEGAL PRACTICE EXPERIENCE

Associate, Dechert LLP, Philadelphia, Pennsylvania, 2001–03

Judicial Law Clerk, Judge J. Clifford Wallace, Ninth Circuit Court of Appeals, 2000–01

Law Clerk, Ballard Spahr Andrews & Ingersoll, Salt Lake City, Utah, 1999

EDUCATION

J.D., Brigham Young University, 2000

Awards and Honors

Summa cum laude (first in class)

Order of the Coif

J. Reuben Clark Award, 2000

Activities

Lead Articles Editor, BYU LAW REVIEW

Torts Teaching Assistant, 1998–2000

B.A., Comparative Literature, Brigham Young University, 1995

ACTIVITIES AND AFFILIATIONS

Organizations

Florida Tax Institute (Member of Operating Board)

Tax Section, Florida Bar (Affiliate Member)

Section of Taxation, American Bar Association

John S. Nolan Fellow, 2003–04

Assistant to Vice-Chair of Committee Operations, 2002–04

Bar and Court Admissions

Pennsylvania, 2000 (inactive status)

Eastern District of Pennsylvania, 2002 (inactive status)

United States Tax Court, 2002 (inactive status)