

Paul R. McDaniel, the Emeritus James J. Freeland Eminent Scholar in Taxation and Professor of Law at the College of Law, died at his home in Gainesville on July 16, 2010, after a long illness. "Professor Paul McDaniel, our colleague and dear friend, was a great scholar, but his professional career was devoted to our students. His affection for and commitment to them, both inside and outside the classroom, were extraordinary," said UF Law Dean Robert Jerry. "Our thoughts and prayers go out to Paul's wife Ginny and the entire McDaniel family."

Professor McDaniel joined the faculty of the College of Law in 2004. He had a long and distinguished career as a tax lawyer and professor, and was active as a full-time faculty member, teaching international tax classes and producing tax scholarship, through the Fall term of 2009 before being diagnosed with his final illness around the New Year. He was an exceptional teacher and scholar, and he will be sorely missed by all who have known him as a colleague, teacher and friend.

"We were all very fortunate that Paul chose to spend the last six years with us," said Director of the Graduate Tax Program Mike Friel. "He was a distinguished teacher and scholar of enormous international renown who always had time for his students and his colleagues - time to listen, to care, and to inspire. He leaves behind a graduate tax program and law school community that are much the better for his having been among us, and he will be remembered with great gratitude and affection."

Professor McDaniel was born in Sabetha, Kansas. He was a 1954 graduate of Classen High School, Oklahoma City, and he earned his B.A. degree at the University of Oklahoma. Although he attended OU during the era when Bud Wilkinson's Sooner football teams were undefeatable, he was a pitcher on the OU baseball team rather than a football player.

Following his graduation from Harvard Law School in 1961, he returned to practice tax law in Oklahoma City for several years. Beginning in 1967, Professor McDaniel served as Attorney Advisor in the Office of Tax Legislative Counsel, U.S. Treasury Department, and was later appointed Acting Associate Tax Legislative Counsel for the Treasury Department. The story of how he left that position made front page news in August 1969 when the incoming Nixon administration required every appointee to be approved by the senators from one's home state. Senator Bellman (R., Oklahoma), refused to approve McDaniel's appointment, threatening to vote against the then-pending ABM Treaty if McDaniel did not leave his position in the Treasury Department. Senator Bellman's vote was needed to adopt the Treaty. *The New York Times* headline read "Tax Aide's Ouster Is Called the Price of a Vote for ABM." He subsequently joined Senator Albert Gore, Sr.'s office as an advisor on tax legislation.

Professor McDaniel joined the faculty of Boston College Law School in 1970 and taught there for 17 years before joining the Boston law firm Hill and Barlow as a partner in 1987. He devoted increased attention to international taxation and was an active member of the International Fiscal Association. In 1975 he spent a sabbatical year teaching at University of Rotterdam in The Netherlands, and over the years lectured at many foreign universities. In 1977 Professor McDaniel co-authored *Introduction to United States International Taxation*, a book now in its sixth edition, which is widely used both in the U.S. and other countries. He received an honorary Doctor of Laws from the University of Uppsala (Sweden) in 1995. Throughout his career

Professor McDaniel remained active in the tax legislative process, both at the state and federal level, including as advisor to then-governor Michael Dukakis and Sen. Edward Kennedy. He proudly displayed on his office wall a photograph of him working with Senator Kennedy

After a semester at the University of Florida College of Law as the Visiting Hugh F. Culverhouse Eminent Scholar in Taxation during the Spring term of 1993, that fall Professor McDaniel joined the faculty of NYU School of Law and began developing the LL.M. in International Taxation program that opened in 1996. The program attracted top students from all over the world. He subsequently became director of the entire Graduate Tax Program there. He left the NYU faculty in 2002 to return briefly to teaching at Boston College Law School. In 2004 Professor McDaniel was named the James J. Freeland Eminent Scholar in Taxation and Professor of Law at the University of Florida Levin College of Law. He was instrumental in developing the LL.M. in International Taxation program at the law school, which has proved highly successful in attracting students from Latin America, Europe, and Asia. A key element of the program is the close interaction between international students and U.S. students and faculty.

Professor McDaniel's greatest gift as a teacher and human being was nurturing relationships and he is remembered fondly and with great respect by all his students and colleagues. Professor McDaniel always went out of his way to welcome the international students enrolled in the International Tax Program, hosting a welcoming reception for them and their families at his home each year and, when feasible, before the program grew to its now large size, hosting a Thanksgiving Day dinner at his home for the international students and their families. Over the many years of his teaching career, Professor McDaniel's character and intellect inspired countless students to pursue careers in tax law, a number of whom he also inspired to follow in his footsteps as law school tax professors.

Professor McDaniel was always known for his ability to carefully orchestrate and manage a class while retaining his sense of humor no matter what developed. His long-time friend and colleague, Professor Marty McMahan, who was a student of Professor McDaniel's early in his teaching career at Boston College Law School, still fondly recalls one such incident in a Tax I class in the Spring of 1973. Professor McDaniel propounded a hypothetical and asked the student sitting next to McMahan to analyze the tax consequences under (now former) section 105(d) of the Internal Revenue Code. It being an early afternoon class, that student was multi-tasking and eating lunch at his seat at the time, and he responded, "Professor McDaniel, I'm eating lunch at the moment, can you please get back to me later." After a slight pause, Professor McDaniel responded, "Very well, Mr. Campbell." About forty minutes later, Professor McDaniel propounded another hypothetical and, without pausing after stating the facts, continued "Mr. Campbell, can you answer this question or are you still out to lunch?" Needless to say, the entire class, including Mr. Campbell, roared with laughter.

During his academic career, which spanned four decades, Professor McDaniel authored or co-authored over sixty articles on U.S. and international taxation. He is also the co-author of ten books on U.S. taxation, six of which are actively in use in law schools in the U.S. and abroad. In addition to *Introduction to United States International Taxation*, the list of these books includes *Federal Income Taxation*, *Federal Income Taxation of Business Organizations*, *Federal Income Taxation of Corporations*, *Federal Income Taxation of Partnerships and S Corporations*,

*Federal Wealth Transfer Taxation*. He is recognized as one of the most influential tax scholars of the past fifty years. The groundbreaking work he did with Stanley Surrey in developing the concept of tax expenditures in their important 1985 book, *Tax Expenditures*, remains one of the most significant developments in tax theory and continues to play a significant role in the evolution of tax law. No discussion of the concept of tax expenditures is complete without a discussion of Professor McDaniel's role in leading the way.

Colleagues and students remember him for the extraordinary breadth and depth of his knowledge and insights across the entire spectrum of income taxation and wealth transfer taxation. Few, if any, have ever equaled him in that respect.

While he was thrilled to have moved to Florida and joined the faculty of the College of Law as a key member of the International Tax Program and to have left the snowy New England winters behind, Professor McDaniel remained a passionate fan of both the Boston Red Sox and Boston Celtics, both of whom he followed closely. Those who knew well him suspect that he might well have considered the Red Sox 2004 and 2007 World Series championships and the Boston Celtics 2008 NBA championship to be among the more important events of the later years of his life. Professor McDaniel closely followed the results of every game of the 2010 NBA championship series between the Los Angeles Lakers and his beloved Boston Celtics, even though the games were played and broadcast after he had retired for the evening. Reflecting his sharp wit and keen intellect, when his wife Ginny asked him if he wanted her to record the games so he could watch them the next day he responded, "If you tell me I should watch the recording, I'll know they won, and I won't need to watch it. And if you tell me I don't need to watch the recording, I'll know they lost and I won't want to watch it."

Although he was physically weakened in his final days, Professor McDaniel's keen intellect and dry sense of humor never failed. Shortly before his death, Professor McDaniel's final scholarly work, which fittingly dealt with tax expenditure analysis, was accepted for publication in a book of essays on tax expenditure analysis to be published by the Canadian Tax Foundation. Recognizing that because of the timing he would not be able to participate in the final editing of the manuscript, Professor McDaniel asked his colleague, Marty McMahan, to fill in for him. Demonstrating that he had carefully read and considered the merits of comments by reviewers of his article, he instructed Professor McMahan to change the title from "The Staff of the Joint Committee on Taxation Revision of Tax Expenditure Classification Methodology," to "So What Is to Be Made of a Change That Makes No Changes?", which was a phrase appearing in the text that one of the reviewers thought eloquently captured the essential thesis of the article.

Throughout his life, Professor McDaniel was actively involved as a lay leader in the church. He served as Moderator of the Metropolitan Boston Association of the United Church of Christ in the early 1990s and was highly regarded for his preaching on social issues. His leadership was instrumental within the denomination to welcome gays and lesbians to full participation in the life of the church.

Professor McDaniel is survived by his wife, the Rev. Virginia Ann McDaniel, pastor of First Presbyterian Church of Alachua; a daughter Alysa and her husband Craig Emden and granddaughters Alix and Maia; a son Kyle and his wife Barbara and grandsons Aubyn and

Rowan; a brother Ron (Buzz) and his wife Betty; stepchildren Kate and Andrew Mason; and his former wife Joyce (Kirchner) McDaniel.

In lieu of flowers, the family requests that memorial donations be made to one of the following: The “Paul R. McDaniel International Tax Scholarship” fund for international students and scholars to come participate in the International Tax Program at the University of Florida (University of Florida Law Center Association, Inc., PO Box 14412, Gainesville, FL 32604-4412); the First Presbyterian Church of Alachua (P.O. Box 308, Alachua, FL 32616); or “Food4Kids of Alachua” (c/o First Presbyterian Church of Alachua), the weekend food program Professor McDaniel helped create with his wife.

A memorial service will be held at Westminster Presbyterian Church, Gainesville. A public celebration of Professor McDaniel’s life will take place in the fall at the Baughman Center on the University of Florida campus, on a date to be announced.