

SECTION OF TAXATION 2018 MIDYEAR MEETING

FEBRUARY 8-10, 2018

HILTON BAYFRONT SAN DIEGO • SAN DIEGO, CA



FINAL PROGRAM

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2018 MIDYEAR MEETING

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FUTURE MEETINGS / CLE CALENDAR



Section of Taxation CLE Calendar

DATE	PROGRAM	CONTACT INFO
March 19-23, 2018	2018 ABA/IPT Advanced Tax Seminars New Orleans, LA	Tax Section www.americanbar.org/tax 202.662.8670
April 11-13, 2018	18th Annual Tax Planning Strategies – U.S. and Europe Amsterdam, The Netherlands	Tax Section www.americanbar.org/tax 202.662.8670
June 13-15, 2018	11th Annual U.S.-Latin America Tax Planning Strategies Miami, FL	Tax Section www.americanbar.org/tax 202.662.8670
October 29-30, 2018	29th Annual Philadelphia Tax Conference Philadelphia, PA	Tax Section www.americanbar.org/tax 202.662.8670

Section of Taxation Meeting Calendar

DATE	PROGRAM	LOCATION
May 10-12, 2018	MAY MEETING	Grand Hyatt – Washington, DC
October 4-6, 2018	JOINT FALL CLE MEETING	Hyatt Regency, Atlanta, GA
January 17-19, 2019	MIDYEAR MEETING	Hyatt New Orleans, New Orleans, LA
May 9-11, 2019	MAY MEETING	Grand Hyatt – Washington, DC
September 19-21, 2019	JOINT FALL CLE MEETING	Hyatt Regency – San Francisco, CA
January 30–February 1, 2020	MIDYEAR MEETING	Boca Raton Resort. Boca Raton, FL
April 30–May 2, 2020	MAY MEETING	Marriott Marquis – Washington, DC
September 24-26, 2020	JOINT FALL CLE MEETING	NY Marriott Marquis, New York, NY

WELCOME

KAREN L. HAWKINS

SECTION CHAIR



The Section of Taxation welcomes you to the **2018 Midyear Meeting** in San Diego, CA. We are pleased that you have decided to join us and we hope you take advantage of the opportunity to participate in high-level discussions and CLE programs on the latest developments in tax law.

Please note the following meeting highlights:

- **PLENARY SESSION & SECTION LUNCHEON** on Saturday with Keynote Speaker, Professor Edward Kleinbard, the Robert C. Packard Trustee Chair in Law at the USC Gould School of Law.
12:00PM – 1:30PM in Salon A, Sapphire Level.
- **SECTION PROGRAMS** Saturday afternoon on a broad range of hot topics.

Stay connected with our **MOBILE MEETING APPLICATION**



Download the app by using your device to scan the QR code or visit <http://ambar.org/taxapps>

Use the app to view the program, create a personalized agenda, access the latest meeting materials, find speakers and fellow attendees, receive updates throughout the meeting and more!

TWITTER: JOIN THE CONVERSATION. Follow us [@ABATAXSECTION](https://twitter.com/ABATAXSECTION) and use [#TAXMIDYEAR](https://twitter.com/TAXMIDYEAR) to stay connected during the meeting.

WIRELESS INTERNET is available for attendees throughout the meeting space.

Network Name: ABA Midyear18

Password: abatax18

We hope you enjoy the meeting and we welcome your comments.

HIGHLIGHTS



SECTION LUNCHEON & PLENARY SESSION *(Ticketed Event)*

The Section is pleased to announce that Professor Edward Kleinbard, the Robert C. Packard Trustee Chair in Law at the USC Gould School of Law, will address attendees of the **2018 Midyear Meeting** at the Section Luncheon on Saturday, February 10 from 12:00pm-1:30pm in Salon AB, Sapphire Level. Attendees must purchase a ticket to attend the Luncheon.

TAX BRIDGE ON THE ROAD

Organized by the Tax Section's Young Lawyers Forum and Diversity Committees, this program is designed to provide an introduction to tax practice. If you are a law student, young lawyer, new bar admittee or practitioner transitioning to tax, then this program is for you. More information is available on page 19.

SECTION EXHIBITORS

Section Exhibitors will be open on Thursday from 5:00pm to 7:30pm, Friday from 7:00am to 5:00pm and on Saturday from 7:00am to 2:00pm in Sapphire Foyer, Sapphire Level. The following organizations will have exhibit booths:

Bloomberg Tax

IFAUSA

ModioLegal

Northwestern Pritzker School of Law Tax Program

Section of Taxation Publications

Section of Taxation Pro Bono/TAPS

REGISTRATION

Registration will be available in Sapphire Foyer, Sapphire Level. All individuals attending any part of the 2018 Midyear Meeting, including speakers, must register and pay the registration fee. Shared registrations are not permitted. Companions are defined as non-Section members not attending substantive meetings. Any companion attending substantive programs must register and pay either the Section member or non-Section member registration fee, whichever is applicable.

The registration fee includes exclusive access to the meeting materials website, mobile meeting application, and permits registrants to attend all meetings, sessions and programs; however, it does not include meal functions and social events listed as "Ticketed Event." All ticketed events are sold on a first-come, first-served basis.



HIGHLIGHTS

ON-SITE REGISTRATION AND TICKET PURCHASE HOURS

The Registration Desk, located in Sapphire Foyer, Sapphire Level, will be open during the following hours:

Thursday: 12:00pm – 7:30pm

Friday: 6:30am – 6:30pm

Saturday: 6:30am – 2:00pm

BADGE IDENTIFICATION

RED Bar Section Officers, Council Members, Committee Chairs, Task Force Chairs, Past Section Chairs

GREEN Bar Government Officials/Guests

BLUE Bar Member

GRAY Bar Law Students and LLM Candidates

BLUE Text Companions

PURPLE Bar First-time Attendees

YELLOW Badge Press

ORANGE Bar Young Lawyers

LAVENDER Badge Exhibitor

BLACK Bar Staff

HOSPITALITY CENTER

Complimentary Continental Breakfast and Afternoon Snacks will be available to all Attendees and Companions with a name badge.

Location: Sapphire Foyer, Sapphire Level & Aqua Foyer, Aqua Level

Time: Friday: AM Break 7:00am - 11:00am / PM Break 1:30pm - 4:00pm

Saturday: AM Break 7:00am - 11:00am / PM Break 1:30pm - 4:00pm (Sapphire Level Only)

PROGRAM GUIDE



HOW TO USE THIS PROGRAM

The program book is divided into three primary sections: Schedule at-a-Glance, Program Schedule and Alpha Index. The following is a description of each of these sections:

SCHEDULE AT-A-GLANCE (p. 7)

Lists all programs chronologically by start time, then alphabetically by committee name. Subcommittee meetings are listed under their committee. Use this guide to find programs beginning at a specific time.

Example: To find programs starting on Friday at 8:30am, go to the Schedule at-a-Glance section and locate the “Friday 8:30AM” programs. Here you can view the committees meeting at that time, the location, topic and the page number for the full program description in the Program Schedule.





PROGRAM SCHEDULE (p. 19)

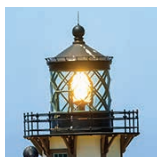
Lists all programs chronologically by the start time, then alphabetically by committee names. Subcommittee meetings are listed under their committees. This section includes full program descriptions, speakers, locations and start and end times. The Schedule at-a-Glance and the Alpha Index will help you locate specific programs in this section.

ALPHA INDEX (p. 68)

Lists all committee programs alphabetically by committee name. Use this section to locate all programs hosted by a specific committee.

Example: To find all programs hosted by the Administrative Practice committee, go to the Alpha Index and locate “Administrative Practice.” You will find a listing of all meetings and events hosted by the Administrative Practice committee. Go to the corresponding page number for more information.

-  = The Program Is Recorded
-  = The Program Will Appeal to Young Lawyers or Non-specialists
-  = Ethics Credits Has Been Requested
-  = No CLE Credit is Available














SCHEDULE AT-A-GLANCE

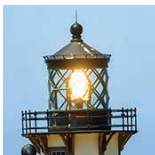
= Taped
 ★ = Young Lawyers Program
 ⚖️ = Ethics Credits Requested
 = No CLE Credit

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
THURSDAY 8:30AM			
Section of Taxation Officers & Council Meeting (Executive Session)	Salon C, Sapphire Level	8:30AM – 2:30PM	19
THURSDAY 12:00 PM			
Tax Bridge on the Road ★	Salon M, Sapphire Level	12:00PM – 5:00PM 12:00p – A Conversation with Kathy Keneally 12:45p – Choice of Forum in Tax Litigation 1:45p – Nuts and Bolts of Master Limited Partnerships (MLPs) and the Up-C Structure 2:45p – Break 3:00p – Breaking State Tax News 4:00p – International Tax Reform	19
THURSDAY 6:00PM			
Welcome Reception ★ (Complimentary)	Salon A, Sapphire Level	6:00PM – 7:00PM	20
THURSDAY 6:30PM			
Partnerships & LLCs, Real Estate, and S Corporations Committees Dinner (Reservation; Advanced Payment Required)	Osetra Seafood and Steaks, 904 5th Avenue	6:30PM – 9:30PM	20
THURSDAY 7:00PM			
Administrative Practice Dinner (Invitation Only)	Edgewater Grill, 861 West Harbor Drive	7:00PM – 9:30PM	20
Careers in Tax Dinner (Invitation Only)	Room 400, Sapphire Level	7:00PM – 9:00PM	20
FRIDAY 7:30AM			
ACTC Board of Regents Meeting (Executive Session)	Room 500, Cobalt Level	7:30AM – 9:00AM	21
Exempt Organizations Subcommittee on Health Care Organizations	Room 305, Aqua Level	7:30AM – 8:30AM Roundtable Discussion of Current Developments	21
Exempt Organizations Subcommittees on Political & Lobbying Organizations	Room 307, Aqua Level	7:30AM – 8:30AM Roundtable Discussion of Current Developments	21
Exempt Organizations Subcommittees on Private Foundations, Unrelated Business Income, and International Philanthropy	Room 303, Aqua Level	7:30AM – 8:30AM Roundtable Discussion of Current Developments	21











SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 7:30AM (Continued)			
Exempt Organizations Subcommittee on Religious Organizations 	Room 309, Aqua Level	7:30AM – 8:30AM Roundtable Discussion of Current Developments 	21
FRIDAY 8:00AM			
Capital Recovery & Leasing 	Salon I, Sapphire Level	8:00AM – 10:00AM 8:00a – Current Developments Report and Update on Pending Guidance 8:30a – Tax Reform and its Implications 9:30a – ASC 730 – R&D LB&I Directive	21
Employee Benefits Subcommittee on Defined Contribution Plans	Room 313, Aqua Level	8:00AM – 9:30AM Employee Benefits Defined Contribution Plans Update	22
Employee Benefits Subcommittees on Executive Compensation and Fringe Benefits and Federal Securities Law	Room 314, Aqua Level	8:00AM – 9:30AM Employee Benefits Executive Compensation, Fringe Benefits and Federal Securities Law Update	22
FRIDAY 8:15AM			
Administrative Practice 	Salon P, Sapphire Level	8:15AM – 11:30AM 8:15a – Important Developments 9:15a – Acknowledging the Process: A Discussion of the “Acknowledgement of Facts” IDR 10:15a – Break 	23
Affiliated & Related Corporations 	Salon A, Indigo Level	8:15AM – 11:30AM 8:15a – Current Developments 9:30a – Break 	24
Banking & Savings Institutions 	Room 300, Aqua Level	8:15AM – 11:30AM 8:15a – Equity-Based Mortgages – Debt/Equity/Derivatives or a Combination Thereof? 9:15a – Tax Treatment of Cash Advance Transactions 10:15a – Break 	24
Closely Held Businesses 	Salon F, Aqua Level	8:15AM – 11:30AM 8:15a – Worker Classification – the IRS, the DOL and the State of California 9:15a – Break 	25
		9:30a – 280E Current Law and Analysis 10:30a – C Corporation or Pass Through? Analyzing the Decision in the Wake of the 2017 Tax Act	










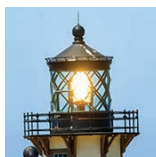
SCHEDULE AT-A-GLANCE

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FRIDAY 8:15AM (Continued)			
Estate & Gift Taxes 	Salon D, Indigo Level	8:15AM – 11:30AM 8:15a – Current Developments 9:00a – Issue Spotting and Drafting for Flexibility in Estate Planning – Both Domestic and International 9:45a – Break  10:00a – Planning for Unmarried Couples 10:45a – Buy-Sell Agreements for Closely Held and Family Controlled Business Entities	26
Individual & Family Taxation 	Salon E, Aqua Level	8:15AM – 11:30AM 8:15a – Easy Money? Crowdfunding and Its Tax Considerations 9:15a – Tips and Best Practices on How Taxpayers May Obtain Relief from Penalties 10:15a – Break  10:30a – Section 104(a)(2) and the Taxation of Damages Received Pursuant to a Settlement Agreement	27
Investment Management 	Room 310, Aqua Level	8:15AM – 11:30AM 8:15a – Bearer Notes and Bearer Bonds 9:15a – Disruptive Technologies Impacting Investment Management Professionals 10:15a – Break  10:30a – The 2017 Tax Act: Impact on the Investment Management Industry	28
Partnerships & LLCs 	Salon B, Indigo Level	8:15AM – 11:30AM 8:15a – Hot Topics 9:15a – Tax Distributions 9:55a – Break  10:10a – Your Allocations and Capital Accounts are Screwed Up! – What's a Partner(ship)/Tax Advisor/Return Preparer To Do? Part 2 10:50a – Transaction Costs	28
Transfer Pricing 	Room 410, Sapphire Level	8:15AM – 10:30AM 8:15a – Transfer Pricing in the Digital Age: Economic Considerations and Implications 9:30a – The Future State of Transfer Pricing Compliance and Controversy: The Interaction Between US Tax Reform and the Adoption of BEPS-related Measures in Other Jurisdictions	29
FRIDAY 8:30AM			
Foreign Activities of US Taxpayers 	Salon A, Sapphire Level	8:30AM – 10:30AM 8:30a – Tax Reform – Outbound Issues and Implications	30

SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 8:45AM			
Exempt Organizations 	Salon C, Aqua Level	8:45AM – 4:30PM 8:45a – Committee Business  9:00a – News from the IRS and Treasury 10:00a – Tax Simplification 11:00a – Break  11:15a – When Private Foundation Grantees Fail 12:30p – Exempt Organizations Committee Luncheon  2:00p – Recent Developments in Hospital Audits 3:00p – Advocacy Outside the United States 4:00p – Cash Bar 	31
FRIDAY 9:00AM			
2017-2018 Law Student Tax Challenge  ★	Room 502 & 520, Cobalt Level	9:00AM – 12:00PM Semi-Final Rounds (<i>Open to the Public</i>)	32
FRIDAY 9:30AM			
Employee Benefits Subcommittee on Administrative Practices	Room 307, Aqua Level	9:30AM – 11:00AM Employee Benefits Administrative Practices Update	32
Employee Benefits Subcommittee on Employee Benefits Legislation & Litigation	Room 309, Aqua Level	9:30AM – 10:30AM Employee Benefits Legislation & Litigation Update	32
Employee Benefits Subcommittee on Multinational Employee Benefits & Compensation Issues	Room 305, Aqua Level	9:30AM – 10:45AM Employee Benefits Multinational Employee Benefits & Compensation Issues Update	33
Tax Policy & Simplification 	Room 400B, Sapphire Level	9:30AM – 11:30AM 9:30a – Taxing R2-D2: How Should We Think About the Taxation of Robots and AI? 10:30a – Perspectives on the Federal Income Tax SALT (State and Local Taxes) Deduction	33
FRIDAY 9:45AM			
Employee Benefits Subcommittees on Multiple Employers, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups	Room 303, Aqua Level	9:45AM – 10:45AM Employee Benefits Multiple Employers, PEOs and Controlled Groups Update	34
FRIDAY 10:00AM			
Employee Benefits Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues	Room 313, Aqua Level	10:00AM – 12:00PM Employee Benefits Welfare Plans, Cafeteria Plans and Reimbursement Accounts, and EEOC Issues Update	34



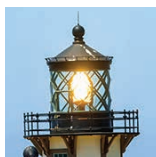
SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 10:30AM			
Energy & Environmental Taxes 	Room 400A, Sapphire Level	10:30AM – 12:00PM 10:30a – Energy Tax Roundtable	35
US Activities of Foreigners & Tax Treaties 	Salon A, Sapphire Level	10:30AM – 12:30PM 10:30a – Inbound Tax Planning After the 2017 Tax Act (or What the H Happened?)	35
FRIDAY 11:00AM			
Distinguished Service Award  (Executive Session) CANCELLED		11:00AM – 12:00PM	35
Employee Benefits Subcommittee on Distributions and Defined Benefit Plans	Room 311, Aqua Level	11:00AM – 12:45PM Employee Benefits Defined Benefit Plans and Distributions Update	35
Employee Benefits Subcommittee on Exempt Organization and Governmental Plans	Room 303, Aqua Level	11:00AM – 12:00PM Employee Benefits Exempt Organization and Governmental Plans Update	36
Employee Benefits Subcommittee on Fiduciary Responsibility/Plan Investments	Room 305, Aqua Level	11:00AM – 12:00PM Employee Benefits Fiduciary Responsibilities/Plan Investments Update	37
Employee Benefits New Employee Benefits Attorneys Forum 	Room 314, Aqua Level	11:00AM – 11:30AM Employee Benefits New Employee Benefits Attorneys Forum 	37
FRIDAY 11:30AM			
Appointments to the Tax Court  (Executive Session)	Room 501C, Cobalt Level	11:30AM – 12:30PM	37
Court Procedure & Practice Roundtable 	Room 410, Sapphire Level	11:30AM – 12:30PM 11:30a – Appealing a Tax Case: The Important Distinctions Between Trial & Appellate Strategies	37
FRIDAY 12:00PM			
Corporate Tax and Affiliated & Related Corporations Luncheon  (Ticketed Event)	Salon E, Indigo Level	12:00PM – 1:30PM	38
Diversity Luncheon  (Ticketed Event)	Room 411, Sapphire Level	12:00PM – 12:30PM	38
Employee Benefits Corporate Counsel Forum 	Salon C, Sapphire Level	12:00PM – 1:15PM 12:00p – Ethical Dilemmas for In-House Practitioners 	39
Employee Benefits Subcommittee on ESOPs	Room 314, Aqua Level	12:00PM – 1:00PM Employee Benefits ESOP Update	39

SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 12:00PM (Continued)			
Nominating Committee (Executive Session)	Room 500, Cobalt Level	12:00PM – 2:30PM	39
State & Local Taxes Luncheon (Ticketed Event)	Salon M, Sapphire Level	12:00PM – 12:30PM	38
FRIDAY 12:30PM			
Administrative Practice and Court Procedure & Practice Luncheon (Ticketed Event)	Salon L, Sapphire Level	12:30PM – 1:30PM	38
Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing Luncheon (Ticketed Event)	Room 300, Aqua Level	12:30PM – 1:30PM	38
Civil & Criminal Tax Penalties Luncheon (Ticketed Event)	Salon H, Sapphire Level	12:30PM – 1:30PM	38
Diversity	Room 411, Sapphire Level	12:30PM – 1:30PM 12:30p – Tax Effects of the DACA Repeal on Immigrant Families	40
Estate & Gift Taxes and Fiduciary Income Tax Luncheon (Ticketed Event)	Salon H, Indigo Level	12:30PM – 1:30PM Speaker: Robert Suiter, Winston Art Group, Los Angeles, CA	38
Exempt Organizations Luncheon (Ticketed Event)	Salon E, Aqua Level	12:30PM – 1:30PM Speaker: Richard Kipperman, Corporate Management Inc., La Mesa, CA	38
Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing and US Activities of Foreigners & Tax Treaties Luncheon (Ticketed Event)	Salon E, Sapphire Level	12:30PM – 1:00PM	38
Real Estate and Partnerships & LLCs Luncheon (Ticketed Event)	Salon C, Indigo Level	12:30PM – 1:30PM Speaker: Dana Trier, Deputy Assistant Secretary for Tax Policy, Department of Treasury, Washington, DC	38
State & Local Taxes	Salon M, Sapphire Level	12:30PM – 1:30PM 12:30p – Developments in California Tax Administration	40
2017-2018 Law Student Tax Challenge Final Rounds ★	Room 502 & 520, Cobalt Level	12:30PM – 3:30PM Final Rounds (Open to the Public)	40















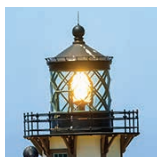
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COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 12:45PM			
Employee Benefits Subcommittee on Mergers & Acquisitions	Room 313, Aqua Level	12:45PM – 1:45PM Employee Benefits Mergers & Acquisitions Update	40
FRIDAY 1:00PM			
Joint Session of Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing and US Activities of Foreigners & Tax Treaties	Salon E, Sapphire Level	1:00PM – 2:30PM 1:00p – Government Officials Panel	41
FRIDAY 1:30PM			
Employment Taxes	Room 410, Sapphire Level	1:30PM – 4:45PM 1:30p – IRS Employment Tax Update 2:30p – Tax Reform 3:30p – Break 3:45p – Employment Tax Issues in Deals	41
Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee	Salon D, Indigo Level	1:30PM – 2:30PM 1:30p – Roundtable Discussion	42
Section CLE	CANCELLED		42
Standards of Tax Practice	Salon P, Sapphire Level	1:30PM – 4:00PM 1:30p – Ethical Issues in Federal Tax Practice – The Government Perspective 2:00p – Recent Updates Regarding Attorney Solicitation and Advertising 3:00p – A Comparison of the California Rules of Professional Conduct and the ABA Model Rules of Professional Conduct	42
FRIDAY 2:00PM			
Employee Benefits	Salon C, Sapphire Level	2:00PM – 6:00PM 2:00p – Who's Controlling our Plan Data? 3:00p – Break 3:15p – Proposed Statement on Auditing Standards for Employee Benefit Plan Audits 4:15p – Department of the Treasury/Internal Revenue Service Hot Topics 5:15p – Treasury / IRS Fireside Chat 6:00p – Networking Reception	43
State & Local Taxes	Salon I, Sapphire Level	2:00PM – 5:15PM 2:00p – Market-Based Sourcing 3:00p – Real Estate Transfer Taxes and Changes in Entity Ownership – Avoiding Pitfalls 4:00p – Break 4:15p – SALT Impact of Federal Tax Reform	44
The Tax Lawyer (Executive Session)	Room 400A, Sapphire Level	2:00PM – 3:00PM The Tax Lawyer – Transition Planning Meeting (Executive Session)	44












SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 2:30PM			
Closely Held Businesses 	Salon F, Aqua Level	2:30PM – 5:45PM 2:30p – Employee Tax Audit Considerations 3:30p – Break  3:45p – Nuts and Bolts of Estate Audits 4:45p – Collection Issues Affecting Estates, Donors, and Donees	44
Court Procedure & Practice 	Salon L, Sapphire Level	2:30PM – 5:45PM 2:30p – Current Developments 3:00p – Navigating IRS Challenges to Micro Captive Insurers 3:50p – Break  4:05p – The Roundabout: Summons Enforcement, Privilege and Tax Court Discovery 4:55p – Litigating Tax Issues in Bankruptcy: Possibilities and Pitfalls	45
Financial Transactions 	Room 310, Aqua Level	2:30PM – 5:45PM 2:30p – Issues Involving Equity-Linked and Other Complex Debt 3:25p – “Currency” in the Digital Age: Cryptocurrency, ICOs and the Future of Commerce 4:20p – Break  4:35p – Tax Reform and Implications for Financial Transactions	46
Foreign Lawyers Forum 	Salon A, Sapphire Level	2:30PM – 4:30PM 2:30p – BEPS Matters – Selected Country Updates	47
Insurance Companies 	Room 311, Aqua Level	2:30PM – 5:45PM 2:30p – Tax Reform: Impact of Insurance Specific Provisions 3:30p – Tax Reform: Impact of International Provisions on Insurance Companies 4:30p – Break  4:45p – Captive Insurance Companies after <i>Avrahami</i> : What Happens Next?	47
Public Service Fellowship  <i>(Executive Session)</i>	Room 501C, Cobalt Level	2:30PM – 6:00PM	48
Real Estate 	Salon B, Indigo Level	2:30PM – 5:45PM 2:30p – Regulatory and Legislative Update 3:15p – Preferred Equity Real Estate Investments 4:00p – Break  4:15p – Owning and Investing in California Real Estate 5:00p – Qualified Foreign Pension Fund REIT Investment Issues	48



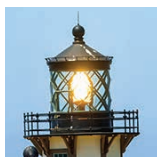
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S Corporations 	Salon A, Indigo Level	2:30PM – 5:15PM 2:30p – Important Developments in the Federal Income Taxation of S Corporations 4:15p – Accumulated Adjustment Account, Distributions and Beyond	49
Tax Accounting 	Salon H, Sapphire Level	2:30PM – 5:45PM 2:30p – Current Developments 3:15p – Comparison of Revenue Recognition Methods Between ASC 606 and Section 451 3:50p – Break  4:05p – Current Inventory Issues 4:45p – Tax Reform	49
FRIDAY 3:00PM			
Diversity 	Room 411, Sapphire Level	3:00PM – 5:00PM 3:00p – To the Shores of Tripoli: A Military Tax Overview 4:00p – Estate Planning, Medical Expense Deductions, and Other Tax Considerations for LGBTQ+ Individuals and Families	50
Sponsorships 	CANCELLED		51
Tax Collection, Bankruptcy and Workouts 	Salon E, Aqua Level	3:00PM – 5:45PM 3:00p – How to Read IRS Transcripts and Navigate Statutes of Limitations 3:55p – Recent Developments 4:50p – Break  5:05p – Debt-Equity Considerations for Partnerships and in Bankruptcy	51
Teaching Taxation 	Room 400B, Sapphire Level	3:00PM – 4:30PM 3:00p – Evolving Constraints on Tax Administration	52
FRIDAY 4:00PM			
Young Lawyers Forum  ★	Room 303, Aqua Level	4:00PM – 5:30PM 4:00p – Treasury's Regulatory Authority After Nullification of the Temporary Anti- Inversion Regulations ★	52
FRIDAY 4:30PM			
Publications 	Room 500, Cobalt Level	4:30PM – 5:30PM	53
FRIDAY 5:00PM			
Foreign Lawyers Forum Business Meeting 	Room 314, Aqua Level	5:00PM – 6:00PM	53

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Transfer Pricing Business Meeting	Room 313, Aqua Level	5:30PM – 6:30PM	53
FRIDAY 5:45PM			
US Activities of Foreigners & Tax Treaties Business Meeting	Room 500, Cobalt Level	5:45PM – 6:30PM	53
FRIDAY 6:30PM			
Section Reception (Hosted by the Diversity Committee and Young Lawyers Forum) <i>(Ticketed Event)</i>	Salon C, Indigo Level	6:30PM – 8:00PM	53
FRIDAY 8:00PM			
International Committees Dinner ★ <i>(Reservations Required)</i>		8:00PM – 10:00PM	53
SATURDAY 7:15AM			
Real Estate, Partnerships & LLCs and S Corporations "Shop Talking" Breakfast <i>(Ticketed Event)</i>	Salon E, Sapphire Level	7:15AM – 8:30AM	54
SATURDAY 7:30AM			
Tax Implications for California Wildfire Survivors ★	Salon I, Sapphire Level	7:30AM – 8:30AM 7:30a – Tax Implications for California Wildfire Survivors	54
Tax Practice Management	Room 400, Sapphire Level	7:30AM – 8:30AM 7:30a – Ethics for Tax Lawyers	54
SATURDAY 7:45AM			
Court Procedure & Practice Committee Breakfast <i>(Ticketed Event)</i>	Salon E, Aqua Level	7:45AM – 9:00AM	54
SATURDAY 8:30AM			
Civil & Criminal Tax Penalties	Salon P, Sapphire Level	8:30AM – 11:45AM 8:30a – Reports of Subcommittees on Important Developments 9:00a – The New Wave of Fraud Referrals – IRS Collections 9:55a – Break 10:10a – Skills Workshop: Preparing Witnesses to Testify 10:55a – Inter-Agency Investigations with IRS-CI: Are Taxes Really the Driving Force in Your Case?	54



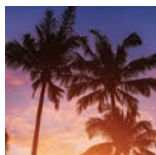
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COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
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Corporate Tax ☞☞	Salon C, Sapphire Level	8:30AM – 11:45AM 8:30a – Current Developments in Corporate Tax 10:00a – Break ☞☞ 10:15a – Cross-Border Transactions Under Sections 351, 355, and 368 – A Roadmap for the Casual Tourist	56
Employee Benefits ☞☞	Salon M, Sapphire Level	8:30AM – 11:45AM 8:30a – Foreign Plans and Section 402(b) – What's an Employer to Do? 9:30a – Break ☞☞ 9:45a – Impact of Tax Reform on Executive Compensation and Employee Benefits 10:45a – Misclassified Employees	56
Fiduciary Income Tax ☞☞	Salon L, Sapphire Level	8:30AM – 11:45AM 8:30a – Current Developments 8:45a – “ING” Trusts: Legal and Practical Issues 9:45a – Break ☞☞ 10:00a – Foreign Trusts: What You Don't Know Can Hurt You 11:00a – Back to Basics: The Anatomy of a Life Insurance Trust	57
LLCs and LLPs Subcommittee of Partnerships & LLCs ☞☞	Room 410, Sapphire Level	8:30AM – 10:30AM 8:30a – Roundtable Discussion: Partnership Audit Rules – Partnership Representative and Tiered Partnerships ☞☞ 9:30a – Roundtable Discussion: New Federal Partnership Audit Regime – Making it Work at the State & Local Level ☞☞	58
Pro Bono & Tax Clinics ☞☞	Salon I, Sapphire Level	8:30AM – 11:45AM 8:30a – National Taxpayer Advocate's Annual Report to Congress 9:30a – Break ☞☞ 9:45a – Legal Issues for Military Families and Survivors 10:45a – ITIN Renewal: Due Process and Language Issues	58
Sales, Exchanges & Basis ☞☞ ★	Salon H, Sapphire Level	8:30AM – 11:45AM 8:30a – Current Developments Relating to Sales, Exchanges & Basis ★ 9:10a – The Golden State of Section 1031 Exchanges 10:00a – Break ☞☞ 10:15a – Working with Islamic Finance 11:00a – It's My (Related) Party and I'll Cry if I Want To	59
State & Local Taxes Practitioners Roundtable ☞☞ (Executive Session)	Salon C, Aqua Level	8:30AM – 10:30AM	60

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COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
SATURDAY 10:30AM			
State & Local Taxes: Publication Subcommittees 	Salon C, Aqua Level	10:30AM – 11:00AM	60
SATURDAY 11:00AM			
State and Local Taxes Vice-Chairs' Planning Meeting  (Executive Session)	Salon C, Aqua Level	11:00AM – 12:00PM	60
SATURDAY 12:00PM			
Section Luncheon/Plenary Session  ★ (Ticketed Event)	Salon A, Sapphire Level	12:00PM – 1:30PM <i>Speaker:</i> Professor Edward Kleinbard, the Robert C. Packard Trustee Chair in Law at the USC Gould School of Law	61
SATURDAY 2:00PM			
Section Program Presented by Administrative Practice and State & Local Taxes 	Salon C, Sapphire Level	2:00PM – 5:15PM 2:00p – Earthquake-Quality Seismic Shift in California State Tax Appeals 3:30p – Break  3:45p – The Good, the Bad, the Ugly – Comparing the Administrative Appeals Practices of the States	61
Section Program Presented by Teaching Taxation 	Salon M, Sapphire Level	2:00PM – 5:15PM Current Developments in Individual, Corporate, Partnership, and Estate & Gift Taxation	62



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THURSDAY, FEBRUARY 8

8:30AM – 2:30PM

Section of Taxation Officers & Council Meeting (Executive Session)

Salon C, Sapphire Level

12:00PM – 5:00PM

Tax Bridge on the Road ★

Salon M, Sapphire Level

Sponsored by: Young Lawyers Forum and Diversity.

Program Co-Chairs: Kelley C. Miller, Reed Smith LLP, Washington, DC; Cathy Fung, Office of Chief Counsel (Large Business & International), IRS, Washington, DC

12:00pm A Conversation with Kathy Keneally. In this installment of “A Conversation with...” we are honored to welcome Kathy Keneally, currently a Partner at Jones Day in New York, New York, and a former Assistant Attorney General of the US Department of Justice (DOJ) Tax Division. In addition to her more than 30 years of experience representing large corporations, financial institutions, closely held businesses, and high net worth individuals in civil and criminal tax controversy matters and in non-tax criminal defense, Ms. Keneally served as a vice chair of the American Bar Association Section of Taxation and chaired the Committees on the Standards of Tax Practice and Civil and Criminal Tax Penalties.

12:45pm Choice of Forum in Tax Litigation. This panel will address an age-old (but always current and important) topic in tax litigation: choice of forum. It will discuss the practical nuances between Federal District Courts, the Court of Federal Claims, and the US Tax Court. It will also use recent cases to highlight topics like the US Tax Court's Golsen rule in the context of circuit splits or potential circuit splits, the increasing use of the Administrative Procedure Act in certain tax challenges, and the US Tax Court's expanding jurisdiction over various tax issues (whistleblower actions, passport-related actions, etc.).

Panelists: Michael D. Kummer, Morgan Lewis & Bockius LLP, Washington, DC; Kelley C. Miller, Reed Smith LLP, Washington, DC; Evan J. Davis, Hochman Salkin Rettig Toscher & Perez, Beverly Hills, CA

1:45pm Nuts and Bolts of Master Limited Partnerships (MLPs) and the Up-C Structure.

This panel will provide an introduction to two innovative partnership structures: the master limited partnership and the Up-C. The discussion will not only focus on the basic tax aspects of each structure, but also on the industrial application of each and the associated business and legal considerations.

Panelists: Brooke Childers, KPMG, Houston, TX; Bruce DeMyer, KPMG, Houston, TX; Hasnain Valika, EY, Houston, TX; Adrienne Mikolashek, Attorney, Office of Associate Chief Counsel (Passthroughs and Special Industries), Washington, DC; Hasnain Valika, EY, Houston, TX; Adrienne Mikolashek, Attorney, Office of Associate Chief Counsel (Passthroughs and Special Industries), Washington, DC

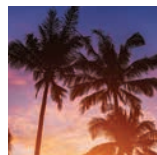
2:45pm Break.

3:00pm Breaking State Tax News: United States Supreme Court to Hear *South Dakota v. Wayfair*... Is it the End of the (Nexus) World as We Know It?

The United States Supreme Court recently granted cert in *South Dakota v. Wayfair*, et al., the lead case challenging the Court's “physical presence” nexus rule announced in *National Bellas Hess v. Illinois* and reaffirmed in *Quill Corp. v. North Dakota*. While the question immediately before the Court is whether the motion for summary judgment was properly granted and affirmed by South Dakota state courts, what remains unknown

PROGRAM SCHEDULE

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is whether the Court will take this case as an opportunity to revisit Quill's physical presence rule. This panel will offer a primer the issues before the Court in *Wayfair* as well as what implications a decision may have for states and taxpayers.

Panelists: Trever Asam, Cades Schutte LLP, Honolulu, HI; Bruce Johnson, Taxometry, Salt Lake City, UT; Brian Marcus, Illinois Department of Revenue, Chicago, IL; Kelley Miller, Reed Smith LLP, Washington, DC; Lucy Wang, California Department of Justice, San Francisco, CA

4:00pm International Tax Reform. The landscape of international tax under US law has changed drastically with meaningful consequences to taxpayers. Newly passed changes in US tax law champion unique and robust provisions to tackle effectively base erosion and tax abuse. Additionally, taxpayers will face new limitations on deductions of business interest expense, with domestic corporate members of worldwide groups facing additional limitations on deductible interest expense generally. The new law changes the landscape of international tax under domestic law, and some of these provisions potentially cause treaty override issues that run the risk of unilaterally altering current bilateral tax treaty obligations and negatively effecting relationships with treaty partners. This panel will provide an overview of the international aspects of newly passed tax reform provisions and discuss some of the unique issues the changed laws bring to international tax practice.

Panelists: Kat Gregor, Ropes & Gray, Boston, MA; Dianne C. Mehany, Caplin & Drysdale, Washington, DC; Amit M. Sachdeva, EY, Houston, TX

6:00PM – 7:00PM

Salon A, Sapphire Level

Welcome Reception 🍷 (Complimentary)

Sponsored by: The Law Offices of Michael J. Desmond, Perkins Coie LLP, Pillsbury Winthrop Shaw Pittman LLP, Bahar Schippel and Snell & Wilmer

6:30PM – 9:30PM

Osetra Seafood and Steaks, 904 5th Avenue

Partnerships & LLCs, Real Estate, and S Corporations Committees Dinner 🍷 (Reservation Required)

Members of the Real Estate, Partnerships & LLCs, and S Corporations Committees will meet for cocktails and dinner at Osetra Seafood and Steaks, 904 5th Avenue. Cocktails (cash bar) will begin at 6:30pm, followed by dinner at 7:30pm. Reservations and advance payment will be required. For details, please visit the Partnerships & LLCs, Real Estate, or S Corporations Committee Pages.

7:00PM – 9:30PM

Edgewater Grill, 861 West Harbor Drive

Administrative Practice Dinner 🍷 (Invitation Only)

7:00PM – 9:00PM

Room 400, Sapphire Level

Careers in Tax Dinner 🍷 (Invitation Only)



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FRIDAY, FEBRUARY 9

7:30AM – 9:00AM

Room 500, Cobalt Level

ACTC Board of Regents Meeting (Executive Session)

7:30AM – 8:30AM

Room 305, Aqua Level

Exempt Organizations Subcommittee on Health-Care Organizations

Chairs: T.J. Sullivan, Drinker Biddle & Reath LLP, Washington, DC; Robert W. Friz, PwC, Philadelphia, PA

7:30am **Roundtable Discussion of Current Developments**

7:30AM – 8:30AM

Room 307, Aqua Level

Exempt Organizations Subcommittee on Political and Lobbying Organizations

Chairs: Elizabeth J. Kingsley, Harmon Curran Spielberg + Eisenberg LLP, Washington, DC; Richard F. Riley, Foley + Lardner LLP, Washington, DC

7:30am **Roundtable Discussion of Current Developments**

7:30AM – 8:30AM

Room 303, Aqua Level

Exempt Organizations Subcommittee on Private Foundations, Unrelated Business Income and International Philanthropy

Chairs: LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA; Robin Krause, Patterson Belknap Webb & Tyler LLP, New York, NY; Alexander L. Reid, Morgan Lewis & Bockius LLP, Washington, DC; Tamara Watts, Bill & Melinda Gates Foundation, Seattle, WA; Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA; James P. Joseph, Arnold & Porter LLP, Washington, DC

7:30am **Roundtable Discussion of Current Developments**

7:30AM – 8:30AM

Room 309, Aqua Level

Exempt Organizations Subcommittee on Religious Organizations

Chairs: Michael E. Durham, Kirtan McConkie PC, Salt Lake City, UT; Thomas E. Wetmore, General Conference of Seventh-Day Adventists, Silver Spring, MD

7:30am **Roundtable Discussion of Current Developments**

8:00AM – 10:00AM

Salon I, Sapphire Level

Capital Recovery & Leasing

Chair: Christian Wood, RSM US LLP, Washington, DC

8:00am **Current Developments Report and Update on Pending Guidance.** This panel will cover the important recent developments in the areas of capital recovery and leasing.
Moderator: Tracy Watkins, Grant Thornton, Washington, DC

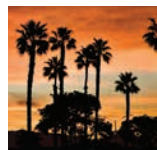
Panelists: Scott Dinwiddie, Associate Chief Counsel, IRS – Income Tax & Accounting, Washington, DC; John Moriarty, Deputy Associate Chief Counsel, IRS – Income Tax & Accounting, Washington, DC; Kathleen Reed, Branch Chief, IRS – Income Tax & Accounting, Branch 7 Washington, DC; Christopher Call, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

8:30am **Tax Reform and Its Implications.** This panel will discuss the various tax issues related to tax reform and how it will impact taxpayer requirements for capital recovery.

Moderator: Grant Anderson, Deloitte, Washington, DC (Invited)

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Panelists: Scott MacKay, EY, Washington, DC; Tracy Watkins, Grant Thornton, Washington DC; Scott Dinwiddie, Associate Chief Counsel, IRS – Income Tax & Accounting, Washington, DC; John Moriarty, Deputy Associate Chief Counsel, IRS – Income Tax & Accounting, Washington, DC; Kathleen Reed, Branch Chief, IRS – Income Tax & Accounting, Branch 7 Washington, DC; Christopher Call, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

9:30am ASC 730 – R&D LB&I Directive. This panel will discuss the recent LB&I Directive regarding qualified research expenditures and ASC 730 – Research and Development. We will discuss the background of the directive and highlight the similarities and differences between IRC section 41 and AC 730, while also addressing the directive's applicability to all LB&I taxpayers.

Moderator: Ryan Corcoran, RSM, Madison, WI

Panelists: Javier Heurtas, Grant Thornton, Seattle, WA; Christopher Call, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

8:00AM – 9:30AM

Room 313, Aqua Level

Employee Benefits Defined Contribution Plans Update

Presented by the Subcommittee on Defined Contribution Plans

Chairs: Matthew Eickman, Qualified Plan Advisors, Omaha, NE; Puneet K. Arora, Willis Towers Watson, Arlington, VA; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL

Vice-Chairs: Hallie Goodman, Gray Plant Moody, Minneapolis, MN; Julia Kovacs, DLA Piper LLP, Washington, DC

This meeting will examine recent and pending regulatory and enforcement activity relating to section 401(k) plans and other defined contribution plans. It will also include a discussion of issues relating to missing participants, uncashed checks, and required minimum distributions. Finally, it will talk about recent litigation relating to and impacting defined contribution plans, as well as emerging issues.

Panelists: Kyle Brown, Division Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Stephanie Cibinic, Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Matthew Eickman, Qualified Plan Advisors, Omaha, NE; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); James Goldstein, Senior Investigator, Office of Enforcement, Los Angeles Regional Office, Employee Benefits Security Administration, Department of Labor, Pasadena, CA (Invited); Julia Kovacs, DLA Piper LLP, Washington, DC; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL

8:00AM – 9:30AM

Room 314, Aqua Level

Employee Benefits Executive Compensation, Fringe Benefits and Federal Securities Law Update

Presented by the Subcommittees on Employee Benefits Executive Compensation and Fringe Benefits and Federal Securities Law

Chair: Sandy Shurin, Deloitte Tax LLP, Houston, TX

Vice-Chairs: Curtis Fisher, Bass Berry & Sims PLC, Nashville, TN; Ali Fawaz, Proskauer, New York, NY

Assistant Vice-Chairs: Nicole Hanna, ONEOK Inc., Tulsa, OK; Rita Patel, DLA Piper LLP, Washington, DC



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This meeting will discuss the recently-passed tax reform legislation, specifically focusing on the changes affecting nonqualified deferred compensation, equity-based arrangements and other provisions having an impact on executive compensation. The discussion also will address the impact of the legislation on existing programs, how companies and executives might respond, and identify potential changes in executive compensation arrangements.

Panelists: Stephen Harris, Paul Hastings LLP, Los Angeles, CA; Mark Wincek, Kilpatrick Townsend, Washington, DC

8:15AM – 11:30AM

Salon P, Sapphire Level

Administrative Practice

Chair: Jennifer Breen, Morgan Lewis & Bockius, Washington, DC

8:15am Important Developments. This panel will discuss current developments and topics of immediate interest in tax administrative practice. Panel will focus on recent Treasury and IRS guidance, court decisions, ongoing litigation and other items germane to tax administration.

Moderator: Shamik Trivedi, Grant Thornton LLP, Washington, DC

Panelists: Rochelle Hodes, Associate Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Hap Trice, Deputy Associate Chief Counsel (Procedure and Administration), Washington, DC; Jim Gadwood, Miller & Chevalier Chartered, Washington, DC

9:15am Acknowledging the Process: A Discussion of the “Acknowledgement of Facts” IDR. This panel will discuss the “acknowledgement of facts” information document request (IDR) used by IRS Large Business & International examiners. Government panelist will provide insight into the procedures applicable to this IDR and frame the purpose of the IDR in the larger context of the LB&I Examination Process (IRS Pub. 5125). Taxpayer representatives will comment on their experience with the acknowledgement of facts IDR process and offer strategies for responding to these IDRs, including when there is the possibility of a protest to the Office of Appeals or future litigation.

Moderator: Liz Askey, Grant Thornton, Washington, DC

Panelists: Tom Kane, Acting Deputy Commissioner, LB&I, Washington, DC; Matthew Cooper, EY, Washington, DC; Thomas Cullinan, Eversheds Sutherland, Atlanta, GA

10:15am Break. 

10:30am Dawn of a New Era Part II – The Next Round of the New Partnership Audit Rules Are Now Upon Us. The next round of Proposed Regulations were released in December and the prior Proposed Regulations have now been finalized. This panel on the new partnership audit rules will build upon the panel presented in Austin last fall. It will discuss the next round of rules and procedures with a focus on how partnerships can prepare themselves to effectively manage the audit under these procedures.

Moderator: Lee Meyercord, Thompson & Knight, Dallas, TX

Panelists: Rochelle Hodes, Associate Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Jennifer M. Black, Attorney, Office of Associate Chief Counsel (Procedure & Administration), Washington, DC; Sheri Dillon, Morgan Lewis & Bockius, Washington, DC

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8:15AM – 11:30AM

Salon A, Indigo Level

Affiliated & Related Corporations

Chair: Donald Bakke, EY, Washington, DC

8:15am Current Developments. This panel will discuss current developments for consolidated groups, reviewing private letter rulings and other authorities, including IRS views on worthless securities deductions with respect to stock of members of a consolidated group.

Moderator: Bryan Collins, Deloitte Tax, Washington, DC

Panelists: Michelle Albert, EY, Los Angeles, CA; Russell G. Jones, IRS Office of Associate Chief Counsel (Corporate), Washington, DC; Michael J. Wilder, McDermott Will & Emery, Washington, DC

9:30am Break. 

9:45am What Tax Reform Means for Affiliated and Related Corporations. This panel will consider the effect of tax reform legislation, with a primary focus on consolidated return groups, including groups with foreign affiliates. The panel will consider a wide range of topics, including consolidated aspects of interest deduction limitations, NOL carryovers, and new Subpart F inclusions (GILTI).

Moderator: Wade Sutton, PwC, Washington, DC

Panelists: Julie Divola, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA; Professor Victor Fleischer, University of San Diego, San Diego, CA; Brett York, Office of Tax Policy, Department of Treasury, Washington, DC

8:15AM – 11:30AM

Room 300, Aqua Level

Banking & Savings Institutions

Chair: Mark H. Price, KPMG LLP, Washington, DC

8:15am Equity-Based Mortgages – Debt/Equity/Derivatives or a Combination Thereof? A growing number of lenders offer mortgages that are designed to share the risk and reward of depreciation/appreciation in real estate values between the lender and borrower. For the borrower to deduct payments as mortgage interest, the instrument must be a debt instrument secured by real estate. Similarly, for the instrument to be treated as “interest in real property” (so that it can be held in a REMIC or REIT), the instrument must constitute debt. Nevertheless, the equity-based products generally comprise of: (1) traditional debt with low fixed interest, (2) contingent interest, and (3) total return swap. This panel will discuss the issues surrounding these three components; whether the products should be bifurcated or integrated, and how each of the borrower and lender should treat them.

Panelists: Yoram Keinan, Smith Gambrell & Russell LLP, New York, NY; Fran Mordi, Mortgage Bankers Association, Washington, DC; Stow Lovejoy, Kostelanetz & Fink LLP, New York, NY

9:15am Tax Treatment of Cash Advance Transactions. There are a variety of “cash advance” transactions in which a funding party will provide cash to an operating business in exchange for a fixed dollar amount of “future receivables” at a discount. The funding party will then receive a portion of payments owed to the operating business from its customers until the funding party collects the face amount of the purchased receivables. For non-tax purposes, these advances are typically styled as non-debt transactions. This panel will analyze the potential federal income tax treatment of



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cash advance transactions from the perspective of both the funding party and the seller of the future receivables, including the characterization of the transaction, tax reporting by each of the parties, and cross-border considerations.

Panelists: James Combs, Honigsmann, Detroit, MI; Brian Harris, Ropes & Gray, New York, NY; James Clegg, Ropes & Gray, New York, NY

10:15am **Break.** ☕

10:30am **Current Developments.** This panel will discuss some of the recent developments relevant to the banking industry. The panelists will consider the scope of new section 451(b) and its impact on the taxation of certain income streams to banks. Other topics of discussion may include the application of section 199A to banking and related services, select issues with the BEAT, and new issues with bad debts.

Panelists: Mark Price, KPMG LLP, Washington, DC; John Taylor, EY, Phoenix, AZ; Lena Hines, EY, Los Angeles, CA

8:15AM – 11:30AM

Salon F, Aqua Level

Closely Held Businesses ☎

Chair: Shawn McIntire, Ballard Spahr LLP, Denver, CO

8:15am **Worker Classification – the IRS, the DOL and the State of California.** As worker classification continues to evolve, this panel will compare the IRS' and Department of Labor's classification tests and discuss both Section 530 relief and the Voluntary Classification Settlement Program. This panel will also highlight current worker classification issues in the State of California.

Panelists: Betty J. Williams, Law Office of Williams & Associates PC, Sacramento, CA; Robb A. Longman, Longman & VanGrack LLC, Bethesda, MD; William P. Prescott, Wickens Herzer Panza Cook & Batista Co., Avon, OH; Additional Panelist TBD

9:15am **Break.** ☕

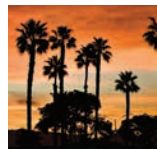
9:30am **280E Current Law and Analysis.** This panel will discuss the history of IRC section 280E as it pertains to the growing cannabis industry and a summary of the seminal Tax Court cases which define how companies navigate within the rules of 280E. The panel will discuss the C.H.A.M.P. and Olive cases along with trends in the industry. The panel will also highlight some practical considerations when applying these rules including approaching IRS audits of 280E, the importance of analyzing 280E when conducting tax due diligence and structuring deals, and the impact of tax reform on the cannabis industry.

Panelists: Adam Abrahams, Meyers Hurvitz Abrahams LLC, Rockville, MD; Shawn McIntire, Ballard Spahr LLP, Denver, CO; Marc Claybon, Crowe Horwath, Denver, CO; Guinevere Moore, Johnson Moore, Chicago, IL

10:30am **C Corporation or Pass Through? Analyzing the Decision in the Wake of the 2017 Tax Act.** Just in time before the March 15 deadline to retroactively elect for 2018 C corporation status for S corporations and other pass-through entities, and vice versa, this panel will address, through various scenarios, the income tax considerations of conducting business as a C corporation as opposed to as an S corporation or other

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pass-through entity. In addition to the obvious federal income tax considerations, the panel will consider the potential application of the personal holding company and accumulated earnings taxes as well as state and local income taxes.

Panelists: Jessica N. Cory, Chamberlain Hrdlicka, Houston, TX; Stuart I. Odell, Wilson Sonsini Goodrich & Rosati PC, New York, NY; Elizabeth F. Stieff, Venable LLP, Baltimore, MD; Mark E. Wilensky, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY

8:15AM – 11:30AM

Salon D, Indigo Level

Estate & Gift Taxes

Chair: Benjamin G. Carter, Texas Capital Bank, Dallas, TX

8:15am Current Developments. This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since January 2017.

Panelists: Brian P. Tsu, Henderson Caverly Pum & Charney LLP, San Diego, CA; Helen E. Rogers, Holland & Hart, Denver, CO; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC

9:00am Issue Spotting and Drafting for Flexibility in Estate Planning – Both Domestic and International. This presentation will feature a dialogue between a domestic estate planning and an international tax and estate planner. The goal of this presentation is to enable practitioners to spot succession, property, tax and other planning issues in the context of domestic estate planning, provide the basic underpinnings behind them and, most importantly, to offer suggestions for addressing international issues without spending many (likely unbillable) hours researching the issues.

Panelists: Brian P. Tsu, Henderson Caverly Pum & Charney LLP, San Diego, CA; Nancy Henderson, Caverly Pum & Charney LLP, San Diego, CA

9:45am Break. 

10:00am Planning for Unmarried Couples. A growing number of Americans are choosing not to marry. Older adults who have been widowed or previously divorced are deciding to cohabitate instead of marrying. Even same sex couples that can legally marry may decide it's just not for them. It is important that our cohabiting clients know what rights they are giving up when choosing not to marry. These rights include Social Security, immigration status, the right to decline to testify against a spouse, joint bankruptcy filing and protection of spousal obligations, surviving spouse benefits, benefits under victim's compensation funds (e.g., 9/11 victims funds), hospital visitation, and, of course, inheritance benefits including the marital deduction. Without intentional planning, if one person dies, the survivor is not entitled to any benefits, notice in a probate proceeding or continuing support that is afforded to legally married spouses. This presentation will examine these issues, with a focus on federal tax, and how we can help our clients plan around them, to protect themselves, their loved ones and their estates.

Panelist: Wendy S. Goffe, Stoel Rives LLP, Seattle, WA

10:45am Buy-Sell Agreements for Closely Held and Family Controlled Business Entities.

The presentation will cover both tax and nontax considerations when drafting buy-sell agreements. It will also cover the impact of section 2703 on the ability to establish the value of an interest in a business entity for gift and estate tax purposes.

Panelist: Louis A. Mezzullo, Withers Bergman LLP, Rancho Santa Fe, CA



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8:15AM – 11:30AM

Salon E, Aqua Level

Individual & Family Taxation

Chair: James Creech, Law Offices of James Creech, San Francisco, CA

8:15am Easy Money? Crowdfunding and Its Tax Considerations. Technology can bring parties together to buy and sell goods and services, loan money, gamble online, offer advertising, and raise funds from strangers. Crowdfunding opportunities are widespread and individuals and businesses can obtain money for medical needs, education, product design, company launches and more. This program explains the crowdfunding model(s) and addresses the tax considerations and issues at the international, federal, state and local levels.

Panelists: Carolyn Lee, Morgan Lewis & Bockius, San Francisco, CA; Professor Annette Nellen, San Jose State University, San Jose, CA; Dawn Rhea, Moss Adams, Los Angeles, CA

9:15am Tips and Best Practices on How Taxpayers May Obtain Relief from Penalties. This panel will discuss a number of penalties that the IRS has the authority to impose on taxpayers. Further, it will consider what type of relief from these penalties is available to taxpayers, such as reasonable cause abatement or first time abatement, and if penalties truly achieve the ultimate goal of promoting voluntary compliance with the nation's tax laws.

Moderator: Joshua R. Beck, Senior Advisor to the Executive Director of Systemic Advocacy, IRS Taxpayer Advocate Service, Des Moines, IA

Panelists: Nina E. Olson, National Taxpayer Advocate, Washington, DC; The Honorable Peter J. Panuthos, Special Trial Judge, US Tax Court, Washington, DC; Robert Horwitz, Hochman Salkin Rettig Toscher & Perez PC, Los Angeles, CA

10:15am Break. 

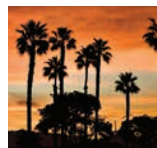
10:30am Section 104(a)(2) and the Taxation of Damages Received Pursuant to a Settlement Agreement. Damages awarded in a lawsuit are generally included in gross income under section 61(a). However, taxpayers may be able to exclude damages received on account of personal physical injuries and physical sickness from gross income under section 104(a)(2). Whether the taxpayer can avail himself or herself of the exclusion depends in large part on the underlying nature of the harm alleged in the lawsuit. This panel will provide an overview of the exclusion under section 104(a)(2) and discuss the limitations on a taxpayer's ability to exclude damages received pursuant to settlement agreements.

Moderator: Patrick Thomas, University of Notre Dame Law School Tax Clinic, South Bend, IN

Panelists: The Honorable Diana L. Leyden, US Tax Court, Washington, DC; Angella L. Warren, IRS Office of Chief Counsel (Income Tax & Accounting), Washington, DC; Jonathan Strouse, Harrison & Held LLP, Chicago, IL; Michael J. Desmond, The Law Offices of Michael J. Desmond APC, Santa Barbara, CA (Invited)

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8:15AM – 11:30AM

Room 310, Aqua Level

Investment Management

Chair: Roger S. Wise, Willkie Farr & Gallagher LLP, Washington, DC

- 8:15am Bearer Notes and Bearer Bonds.** This panel will discuss the September 2017 proposed regulations providing guidance on the definitions of “registered-required obligation” and “registered form.” These regulations address changes in market practices and the repeal of the exception to the registered form requirement for foreign-targeted bearer obligations.

Moderator: Joe Riley, Dechert LLP, New York, NY

Panelists: Spence Hanemann, Office of Associate Chief Counsel (Financial Institutions & Products), IRS, Washington, DC

- 9:15am Disruptive Technologies Impacting Investment Management Professionals.**

The pace of change is incessant and the opportunities and challenges seem to be continuously shifting. The panel will provide an overview of the evolving technology landscape for investment management, including a presentation of the blockchain platform, FundsDLT, on which a first transaction was successfully completed for distribution of fund shares. We will then explore how the evolution of technology is impacting and will continue to impact the tax function in a highly dynamic product, services, and data-driven environment. Finally, we will consider the implications for legal practitioners, with a particular focus on corporate and tax aspects.

Moderator: Deanna Flores, KPMG LLP, San Diego, CA

Panelists: Julien Ganter, KPMG, Luxembourg; Sarah-Jane Morin, Morgan Lewis & Bockius LLP, San Francisco, CA

- 10:15am Break.** 

- 10:30am The 2017 Tax Act: Impact on the Investment Management Industry.** This panel will discuss the impacts of the tax bill on funds, investors and managers. Panelists will address the new rules and issues for which technical corrections and/or regulatory guidance is needed.

Moderator: Karen Gibian, Investment Company Institute, Washington, DC

Panelists: Rebecca Lee, PwC, San Francisco, CA; Amy B. Snyder, The Vanguard Group Inc., Malvern, PA

8:15AM – 11:30AM

Salon B, Indigo Level

Partnerships & LLCs

Chair: Professor Noel P. Brock, Eastern Michigan University, Ann Arbor, MI

- 8:15am Hot Topics.** This panel will discuss the impact of tax reform on partnerships and recent guidance on the BBA rules.

Moderator: Beverly Katz, KPMG LLP, Washington, DC

Panelists: Adam M. Cohen, Holland & Hart LLP, Denver, CO; Jason Smyczek, Senior Technical Reviewer, Office of Associate Chief Counsel (International), IRS, Washington, DC; Bryan Rimmke, Attorney Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC



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9:15am Tax Distributions. This panel will discuss various issues to address in drafting tax distributions and the pitfalls of failing to account for certain key considerations.
Moderator: Steven R. Schneider, Baker & McKenzie LLP, Washington, DC
Panelists: Bahar A. Schippel, Snell & Wilmer, Phoenix, AZ; Bryan Rimmke, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC

9:55am Break. ☕

10:10am Your Allocations and Capital Accounts are Screwed Up! – What's a Partner(ship)/Tax Advisor/Return Preparer To Do? Part 2. If (absent an IRS audit) a partnership's allocations are discovered to have been misallocated among the partners in one or more prior years, and/or capital accounts have not been properly maintained, can the partnership not file amended returns but correct things prospectively? If so, when and how? What are the consequences if not all partners would agree with the changes? This panel will also analyze the partnership's tax advisors and return preparers' potential professional and ethical responsibilities, obligations under Circular 230 and risks of penalty. *(Continued from Part 1 at the September, 2017 meeting in Austin.)*
Moderator: Jeff Erickson, EY, Washington, DC
Panelists: Nancy Langdon, PwC, Washington, DC; Jose Carrasco, Grant Thornton LLP, Washington, DC

10:50am Transaction Costs. The BBA rules, which generally are effective for partnership taxable years beginning after December 31, 2017, are expected to be finalized shortly. When the final regulations are published, it is expected that there will be an uptick in IRS examinations involving partnerships. As a result, it is anticipated that the treatment of transaction costs incurred in partnership transactions may be one issue that will receive enhanced IRS Exam scrutiny. This panel will discuss and consider a range of issues that arise regarding the proper treatment of transaction costs associated with a partnership transaction, including which entity (target or acquirer) may take costs into account; the scope of syndication costs; and the application of the covered transaction rules in a partnership transaction.
Moderator: Annette M. Ahlers, Pepper Hamilton LLP, Los Angeles, CA
Panelists: Vish Amin, KPMG, Washington, DC; Thomas D. Moffitt, Deputy Associate Chief Counsel, Passthroughs and Special Industries, IRS, Washington, DC

8:15AM – 10:30AM

Room 410, Sapphire Level

Transfer Pricing 🎧

Chair: John M. Breen, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

8:15am Transfer Pricing in the Digital Age: Economic Considerations and Implications. This panel will discuss transfer pricing considerations that arise with respect to the rapidly growing digital economy. Specifically, the panelists will address challenges that practitioners face in connection with valuing infrastructure hardware given the rapid rate at which technology is replaced; the impact of "big data" and considerations regarding the underlying value of such data; the role of analytical software and artificial intelligence; key considerations regarding the US cost-sharing regulations; and how tax authorities may approach controversy in this environment. The panel will also consider the potential impact of digitalization on transfer pricing compliance, including the emerging use by tax administrations of artificial intelligence as an audit screening tool.

Moderator: Professor Lorraine Eden, Texas A&M University, College Station, TX

🎧 = Taped

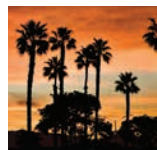
★ = Young Lawyers Program

🕒 = Ethics Credits Requested

☕ = No CLE Credit

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Panelists: Joseph P. Dewald, Senior Technical Reviewer, Branch 6, IRS Office of Associate Chief Counsel (International), Washington, DC; Matt Jennings, EY, Dallas, TX; Bernhard van Thaden, KPMG LLP, Los Angeles, CA; Niraja Srinivasan, Dell, Austin, TX; Eileen Wang, Expedia, Seattle, WA

- 9:30am The Future State of Transfer Pricing Compliance and Controversy: The Interaction Between US Tax Reform and the Adoption of BEPS-related Measures in Other Jurisdictions.** In 2018, OECD member countries and a host of non-OECD member countries will begin exchanging country-by-country (CBC) reports, and in many cases they will implement revised transfer pricing documentation requirements, requiring Master File reporting. In addition, countries will start implementing DEMPE requirements to analyze profits attributable to IP holding companies. Moreover, current tax proposals, if enacted, may impose current US tax on the accumulated E&P of many US-based multinationals and make additional changes that may foster additional tax controversies. This panel will explore whether the implementation of the BEPS transfer pricing related Action Items and re-structuring as a result of US tax changes will lead to more U.S. and non-US transfer pricing controversies for US based multinationals. The discussion will focus on US-based multinationals that have IP migration structures in place. Further, the panel will consider whether the expected increased risk of double taxation can be moderated by means of: US foreign tax credits; Increased use of multi-country mutual agreement procedures (MAP), including multi-country arbitration; Multi-country APAs and joint audits; Increased litigation within or outside the United States; Other remedies.

Moderator: Michael Patton, DLA Piper LLP, Los Angeles, CA

Panelists: Joseph P. Dewald, Senior Technical Reviewer, Branch 6, IRS Office of Associate Chief Counsel (International), Washington, DC; Jennifer L. Best, Senior Advisor, IRS, Deputy Commissioner, Large Business & International Division, Washington, DC; Brian Jenn, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; Kathryn Keneally, Jones Day, New York, NY; Steven Wrappe, KPMG LLP, Washington, DC

8:30AM – 10:30AM

Salon A, Sapphire Level

Foreign Activities of US Taxpayers

Chair: Kimberly J. Majure, KPMG, Washington, DC

- 8:30am Tax Reform – Outbound Issues and Implications.** US corporate Tax Reform is in like a lion but is highly unlikely to go out like a lamb, and the cross-border aspects of the Tax Reform legislation are as complicated as they are significant. This panel will walk through the outbound provisions of the legislation and other related guidance, and discuss important nuances and open questions posed by the new rules.

Moderator: Paul Schmidt, Baker & Hostetler LLP, Washington, DC

Panelists: Joshua Odintz, Baker & McKenzie LLP, Washington, DC; Danielle Rolfes, KPMG, Washington, DC; John Hinding, Director, Cross Border Activities, IRS - LB&I, Washington, DC; Brenda Zent, Special Advisor on International Taxation, Office of International Tax Counsel, Department of Treasury, Washington, DC; Jason Yen, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC



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8:45AM – 4:30PM

Salon C, Aqua Level

Exempt Organizations

Chair: Lisa L. Johnsen, Bill & Melinda Gates Foundation, Seattle, WA

8:45am Committee Business. 

9:00am News from the IRS and Treasury. Representatives from the IRS and Treasury Department will discuss topics of current interest to exempt organizations practitioners.

Moderator: LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA

Panelists: Victoria A. Judson, Associate Chief Counsel, IRS Office of Associate Chief Counsel (TEGE), Washington, DC (Invited); Janine Cook, Deputy Associate Chief Counsel, IRS Office of Associate Chief Counsel (TEGE), Washington, DC (Invited); Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

10:00am Tax Simplification. This panel will discuss the impact of tax reform legislation, as well as suggestions for revising regulations to reduce burden and provide more useful, simplified tax guidance in the EO area.

Moderator: Ruth Madrigal, Steptoe & Johnson LLP, Washington, DC

Panelists: Alexander Reid, Morgan Lewis & Bockius LLP, Washington, DC; Michael Durham, Kirtan McConkie PC, Salt Lake City, UT; Jean Torn, Davis Wright Tremaine LLP, San Francisco, CA

11:00am Break. 

11:15am When Private Foundation Grantees Fail. This panel will discuss steps private foundations can take to protect their "investments" in grantees—whether public charities or for-profit companies subject to expenditure responsibility—in the event of the grantee's possible bankruptcy or reorganization. What can be done at the time of the grant? What can be done later?

Moderator: Edna Garrett, Bill & Melinda Gates Foundation, Seattle, WA

Panelists: Paul J. Dostart, Dostart Hannink & Coveney LLP, La Jolla, CA; Lawrence P. Katzenstein, Thompson Coburn LLP, St. Louis, MO; The Honorable Margaret M. Mann, US Bankruptcy Court for the Southern District of California, San Diego, CA

12:30pm Exempt Organizations Committee Luncheon  (Ticketed Event)

Nonprofit Bankruptcy: A View from the Receiver

Speaker: Richard Kipperman, Corporate Management Inc., La Mesa, CA

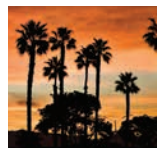
2:00pm Recent Developments in Hospital Audits. This panel will discuss key issues arising or that may arise in hospital audits, including 501(r), executive compensation, and UBIT (including JVs).

Moderator: Robert W. Friz, PwC, Washington, DC

Panelists: Ralph E. DeJong, McDermott Will & Emery, Chicago, IL; Gil Ghatan, Ropes & Gray LLP, Washington, DC; Additional Panelist TBD

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3:00pm Advocacy Outside the United States. This panel will discuss the application of US law to US public charities and private foundations that engage in or fund advocacy activities in foreign jurisdictions; what can “lobbying” mean outside the US; what should organizations know before engaging in or funding advocacy outside the US; and what surprises local law might offer.

Moderator: Kristy Tsadick, William and Flora Hewlett Foundation, Menlo Park, CA

Panelists: Doug Varley, Caplin & Drysdale, Washington, DC; Martha Lackritz-Peltier, TechSoup Global, San Francisco, CA; Robert B. Hayhoe, Miller Thomson LLP, Toronto, Canada

4:00pm Cash Bar 🍸

9:00AM – 12:00PM

Room 502 & 520, Cobalt Level

2017-2018 Law Student Tax Challenge Semi-Final Rounds

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9:30AM – 11:00AM

Room 307, Aqua Level

Employee Benefits Administrative Practices Update

Presented by the Subcommittee on Administrative Practices

Chairs: Rhonda Migdail, Mercer, Washington, DC; Thomas R. Pevarnik, Deloitte Tax LLP, Washington, DC

Vice-Chairs: Vanessa Blanco, Boutwell Fay LLP, Irvine, CA; Jewelie A. Grape, Conner & Winters LLP, St. Paul, MN

Assistant Vice-Chairs: Chad R. DeGroot, Laner Muchin, Chicago, IL; Serena Simons, The Segal Company, Washington, DC; Judy Hensley, Roberts & Holland LLP, New York, NY

The subcommittee will be discussing various recent developments affecting the administration of qualified plans. Topics to be discussed at the meeting include recent IRS guidance on compliance with qualified plan minimum distribution requirements and related Department of Labor activity, IRS updates on the determination letter program including a review of the recently issued required amendments and operational compliance lists, IRS updates on EPCRS, including a discussion of recently revised EPCRS application forms, and a discussion of final guidance on the PBGC's missing participant program. The meeting will also include an open forum to discuss topics of interest to the community.

Panelists: Kyle Brown, Division Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Pamela Kinard, Senior Technician Reviewer, Office of Chief Counsel (TEGE), IRS, Washington, DC (Invited); Rhonda Migdail, Mercer, Washington, DC; Thomas R. Pevarnik, Deloitte Tax LLP, Washington, DC

9:30AM – 10:30AM

Room 309, Aqua Level

Employee Benefits Legislation & Litigation Update

Presented by Subcommittee on Employee Benefits Legislation & Litigation

Chairs: Michael Bartolic, Roberts Bartolic, LLP, Chicago, IL; Lisa Bleier, SIFMA, Washington, DC

Vice-Chairs: Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; Michael Kreps, Groom Law Group Chartered, Washington, DC

This panel will consider the employee benefits provisions in the 2017 Tax Act. We will also cover recent PBGC litigation and other relevant litigation.

Panelists: Lisa Bleier, SIFMA, Washington, DC; Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; John Menke, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited)



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FRIDAY, FEBRUARY 9

9:30AM – 10:45AM

Room 305, Aqua Level

Employee Benefits Multinational Employee Benefits & Compensation Issues Update

Presented by the Subcommittee on Multinational Employee Benefits & Compensation Issues

Chairs: Rob Fowler, Baker Botts LLP, Houston, TX; David W. Powell, Groom Law Group Chartered, Washington, DC

Vice-Chair: Karen D. Youngstrom, Thompson Hine LLP, Cleveland, OH

The subcommittee will have a roundtable discussion on the following issues: the impact of potential US tax reform on cross-border executive compensation; cross-border pension funds – developments in the European Union; implications for US plans of European Union data privacy rules; and public pension plan investment as possible state aid in anti-dumping cases.

Panelists: David Powell, Groom Law Group Chartered, Washington, DC; Rob Fowler, Baker Botts LLP, Houston, TX; Karen Youngstrom, Thompson Hine LLP, Cleveland, OH; Stephanie Jeane, Baker Botts LLP, Washington, DC; Mark Jones, Pillsbury Winthrop Shaw Pittman, Los Angeles, CA

9:30AM – 11:30AM

Room 400B, Sapphire Level

Tax Policy & Simplification

Chair: Roger Royse, Royse Law Firm, Menlo Park, CA

9:30am Taxing R2-D2: How Should We Think About the Taxation of Robots and AI?

The future is coming, with increased automation and artificial intelligence affecting many industry sectors, from transportation to medicine to legal services. While it is possible that these developments will result in enhanced productivity, they may also lead to fewer jobs for humans and decreasing reliance on human labor. It is a tax policy maxim that it is inefficient for taxation to interfere with business decisions. But what are the implications of automation for a tax system that primarily relies on labor taxation and is increasingly reducing the taxation of capital? Jurisdictions in the United States and around the world are considering proposals to tax robots in order to slow the advance of automation while providing funds for displaced workers. Should robots and machines be taxed, in order to preserve human jobs? If so, how should such taxes be designed, and what problems might they create? This panel addresses these timely questions.

Moderator: Professor Leandra Lederman, Indiana University Maurer School of Law, Bloomington, IN

Panelists: Robert J. Kovacev, Steptoe & Johnson LLP, Washington, DC; Professor Roberta Mann, University of Oregon School of Law, Eugene, OR; Professor Shu-Yi Oei, Boston College Law School, Newton, MA

10:30am Perspectives on the Federal Income Tax SALT (State and Local Taxes) Deduction.

This panel will explore the policy concerns arising out of the SALT deduction for individual taxpayers. The panel will address the perspectives of taxpayers, state and local governments impacted industries and the administration and structure of the federal income tax. The speakers will also discuss any changes in the SALT deduction resulting from the 2017 Tax Act.

Moderator: Professor Michael B. Lang, Chapman University Dale E. Fowler School of Law, Orange, CA

Panelists: Nikki E. Dobay, Council on State Taxation, Portland, OR; Julianne Surane, Chapman University Dale E. Fowler School of Law, Orange, CA; Professor Adam Thimmesch, Nebraska College of Law, Lincoln, NE

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9:45AM – 10:45AM

Room 303, Aqua Level

Employee Benefits Multiple Employers, PEOs and Controlled & Affiliated Service Groups Update

Presented by the Subcommittee on Multiple Employers, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups

Chair: Devin M. Karas, The Hartford, Hartford, CT

Vice-Chair: Stefan P. Smith, Locke Lord LLP, Dallas, TX

Assistant Vice-Chairs: Brandon Long, McAfee & Taft PC, Oklahoma City, OK; Robert J. Toth Jr., Law Office of Robert J. Toth Jr. LLC, Fort Wayne, IN

The subcommittee has invited speakers who have been involved in the state plan initiatives to provide an update regarding the implementation of the Oregon Saves state sponsored Multiple Employer Plan Program, along with an update regarding the progress of other state related initiatives. The Committee will further discuss the section 414(m) regulation project, and has invited Pam Kinard, from the IRS Office of Associate Chief Counsel, to provide an update and discuss matters related to the drafting of the new regulations. The subcommittee will also discuss the handling of multiple employer plans on audit by the DOL, and has invited James Goldstein, Senior Investigator from the EBSA Los Angeles Regional Office, to discuss the office's activities related to handling multiple employer plan audits. Due to the January release by the DOL of the proposed regulations on association health plans, we will discuss those proposals.

Panelists: Farrah Fielder, National Association of Professional Employer Organizations, Alexandria, VA; James Goldstein, Senior Investigator, Office of Enforcement, Los Angeles Regional Office, Employee Benefit Security Administration, Department of Labor, Pasadena, CA (Invited); Pamela Kinard, Senior Technician Reviewer, Office of Chief Associate Counsel (TEGE), IRS, Washington, DC (Invited); Stefan P. Smith, Locke Lord LLP, Dallas, TX; Robert J. Toth Jr., Law Office of Robert J. Toth Jr. LLC, Fort Wayne, IN

10:00AM – 12:00PM

Room 313, Aqua Level

Employee Benefits Welfare Plans and EEOC, FMLA and Leaves Issues Update

Presented by the Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues

Co-Chairs: Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Gabriel S. Marinaro, Katten Muchin Rosenman LLP, Chicago, IL

Vice-Chairs: Jaquelyn Meng Abbott, ExxonMobil, The Woodlands, TX; Elena Kaplan, Jones Day, Atlanta, GA; Rachel Levy, Groom Law Group Chartered, Washington, DC

Assistant Vice-Chairs: Robyn Crosson, ADP, Indianapolis, IN; Gary Chase, Willis Towers Watson, New York, NY; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH

This meeting will discuss the potential impact of the 2017 Tax Act on employer sponsored welfare benefit plans; recent regulatory developments, including the delay of the disability claims procedure regulations; guidance on QSEHRA arrangements and expansion of the contraceptive coverage exception; latest trends in cost-containment and spending management in employer plans and plan sponsors' role in battling opioid addiction; and other developments in the area of parental leave mandates and assessable payments under the Affordable Care Act and cross-plan offsets.

Panelists: Jacquelyn Meng Abbott, ExxonMobil, The Woodlands, TX; Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky and Popeo PC, Boston, MA; Robyn Crosson, ADP, Indianapolis, IN; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Rachel Levy, Groom Law Group Chartered, Washington, DC; Gabriel S. Marinaro, Katten Muchin Rosenman LLP, Chicago, IL; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH; Stephen Tackney, Deputy Associate Chief Counsel, (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited)



PROGRAM SCHEDULE FRIDAY, FEBRUARY 9

10:30AM – 12:00PM

Room 400A, Sapphire Level

Energy & Environmental Taxes

Chair: Amish Shah, Eversheds Sutherland, Washington, DC

10:30am Energy Tax Roundtable. The session will address the impact of tax reform on the energy sector and will provide a forum for discussion of current energy industry tax hot topics impacting the oil and gas, renewable energy and alternative fuel industries, including a discussion of judicial and regulatory developments.

Moderators: Amish Shah, Eversheds Sutherland, Washington, DC; Courtney Sandifer, Deloitte, Washington, DC

Panelists: Jennifer Bernardini, Attorney, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC; Hannah Hawkins, Attorney Adviser, Department of Treasury, Office of Tax Policy, Washington, DC; Lorenzo Bivans, Exelon Corporation, Washington DC; Taylor Cortright, KMPG, Washington, DC; Jaime Park, KMPG, Washington, DC; Brad Seltzer, Eversheds Sutherland, Washington, DC

10:30AM – 12:30PM

Salon A, Sapphire Level

US Activities of Foreigners & Tax Treaties

Chair: Jason S. Bazar, Mayer Brown LLP, New York, NY

10:30am Inbound Tax Planning After the 2017 Tax Act (or What the H Happened?) This panel will focus on how relevant provisions enacted under the 2017 Tax Act will affect structuring by foreign-headed groups, private equity and other foreign investors investing in the United States. The topics addressed are expected to include dealing with provisions targeting deductible payments made to related foreign affiliates, limitations on deductibility of net interest expense, and the effect of new regimes on sandwich structures, decontrolled structures, acquisition and disposition planning, and group restructuring. Interaction with EU and other non-US tax regimes as well as with US treaty obligations will be considered.

Moderators: Peter Blessing, KPMG, New York, NY; Jeffrey L. Rubinger, Bilzin Sumberg Baena Price & Axelrod LLP, Miami, FL

Panelists: Natalia Vélez, MGO, Los Angeles, CA; Pedro E. Corona de la Fuente, Procopio Cory Hargreaves & Savitch LLP, San Diego, CA; Stephen E. Shay, Harvard Law School, Boston, MA; Dan McCall, Acting Deputy Associate Chief Counsel (International Technical), IRS Office of Associate Chief Counsel (International), Washington, DC; Brian Jenn, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC

11:00AM – 12:00PM

Distinguished Service Award (Executive Session)

CANCELLED

11:00AM – 12:45PM

Room 311, Aqua Level

Employee Benefits Defined Benefit Plans and Distributions Update

Presented by the Subcommittees on Distributions and Defined Benefit Plans

Chairs: Anne M. Meyer, Snell & Wilmer LLP, Phoenix, AZ; Sarah Fry, The North American Coal Corporation, Plano, TX; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH

Vice-Chairs: J. Rose Zaklad, Groom Law Group Chartered, Washington, DC; Rosina Barker, Morgan Lewis & Bockius LLP, Washington, DC; Allison Hoots, Keightley & Ashner LLP, Washington, DC; Meredith VanderWilt, Polsinelli PC, Dallas, TX

Assistant Vice-Chair: Laura M. Nolen, Marathon Oil Corporation, Houston, TX

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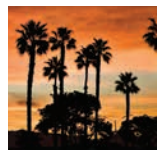
★ = Young Lawyers Program

⚖️ = Ethics Credits Requested

 = No CLE Credit

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



The subcommittees will discuss recent issues of interest affecting plan distributions and defined benefit plans, including current developments from the IRS/Treasury and PBGC and panel discussions regarding tax reform, disaster area relief and DOL audit initiatives regarding recoupment of plan forfeitures of lost participant accounts and searches for lost participants and beneficiaries and related issues under the PBGC missing participant regulations.

Panelists: Harold J. Ashner, Keightley & Ashner LLP, Washington, DC; Stephanie Cibinic, Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, Washington, DC (Invited); John Menke, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); William Evans, Attorney-Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Sarah Fry, The North American Coal Corporation, Plano, TX; James Goldstein, Senior Investigator, Office of Enforcement, Los Angeles Regional Office, Employee Benefits Security Administration, Department of Labor, Pasadena, CA (Invited); Linda Marshall, Senior Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Anne M. Meyer, Snell & Wilmer LLP, Phoenix, AZ; Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC (Invited); John H. Wendeln, Thompson Hine LLP, Cincinnati, OH; J. Rose Zaklad, Groom Law Group Chartered, Washington, DC

11:00AM – 12:00PM

Room 303, Aqua Level

Employee Benefits Exempt Organization and Governmental Plans Update

Presented by the Subcommittee on Exempt Organization and Governmental Plans

Chairs: Blake C. McKay, Alston & Bird, Atlanta, GA; Don Wellington, Steptoe & Johnson LLP, Washington, DC

Vice-Chair: Robert Johnson, Kaufman & Canoles PC, Newport News, VA

Assistant Vice-Chairs: Bryanne Kelleher, Voya, Windsor, CT; Jenni Kregel, Steptoe & Johnson LLP, Los Angeles, CA

The panel will discuss current issues impacting governmental, tax-exempt, and church plans, including questions and issues relating to section 457 plans, and a review of applicable legislative provisions.

Panelists: Robert Johnson, Kaufman & Canoles PC, Newport News, VA; Pamela Kinard, Senior Technician Reviewer, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Jenni Kregel, Steptoe & Johnson LLP, Los Angeles, CA; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits) (TEGE), Office of Associate Chief Counsel, IRS, Washington, DC (Invited); Carol Weiser, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Don Wellington, Steptoe & Johnson LLP, Washington, DC



PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9

11:00AM – 12:00PM

Room 305, Aqua Level

Employee Benefits Fiduciary Responsibility/Plan Investments Update

Presented by the Subcommittee on Fiduciary Responsibility/Plan Investments

Chairs: David A. Cohen, Newport Trust Company, Washington, DC; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN

Vice-Chairs: Jeffrey Lieberman, Skadden Law Firm, New York, NY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL

Assistant Vice-Chairs: Yongo Ding, Miler & Chevalier Chartered, Washington, DC; Kyla Smith, Newport Trust Company, New York, NY

This panel will discuss recent guidance and other issues addressing ERISA fiduciary responsibilities, including the Department of Labor's conflict of interest rule and the associated class exemptions.

Panelists: David A. Cohen, Newport Trust Company, Washington, DC; Yongo Ding, Miller & Chevalier Chartered, Washington, DC; Jeffrey Lieberman, Skadden Arps, New York, NY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

11:00AM – 11:30AM

Room 314, Aqua Level

Employee Benefits New Employee Benefits Attorneys Forum

Chair: Laura R. Westfall, King & Spalding, New York, NY

Informal meeting for new members of the Employee Benefits Committee.

11:30AM – 12:30PM

Room 501C, Cobalt Level

Appointments to the Tax Court (Executive Session)

11:30AM – 12:30PM

Room 410, Sapphire Level

Court Procedure & Practice Roundtable Discussion

Chair: Joshua Odintz, Baker McKenzie, Washington, DC

11:30am Appealing a Tax Case: The Important Distinctions Between Trial & Appellate

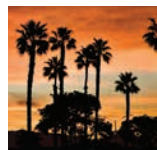
Strategies. This panel will focus on how to review the trial record, including all pre-trial motions and proceedings, to create a strategy on what issues to appeal and how to present those issues to an appellate court. The presentation will also address how the appellate courts approach tax cases versus other types of cases they may receive.

Moderator: Chuck Hodges, Jones Day, Atlanta, GA

Panelists: Erica Reilly, Jones Day, Los Angeles, CA; Adam H. Charnes, Kilpatrick Townsend & Stockton, Dallas, TX

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



COMMITTEE LUNCHEONS

12:00PM – 1:30PM

Salon E, Indigo Level

Corporate Tax and Affiliated & Related Corporations 🍷 (Ticketed Event)

Sponsored by: Ernst & Young LLP

12:00PM – 12:30PM

Room 411, Sapphire Level

Diversity 🍷 (Ticketed Event)

12:00PM – 12:30PM

Salon M, Sapphire Level

State & Local Taxes 🍷 (Ticketed Event)

12:30PM – 1:30PM

Salon L, Sapphire Level

Administrative Practice and Court Procedure & Practice 🍷 (Ticketed Event)

Sponsored by: Caplin & Drysdale, Kostelanetz & Fink, LLP, Miller & Chevalier Chartered, Thompson Hine LLP and Thompson & Knight LLP

12:30PM – 1:30PM

Room 300, Aqua Level

Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing 🍷 (Ticketed Event)

Sponsored by: Morgan Lewis

12:30PM – 1:30PM

Salon H, Sapphire Level

Civil & Criminal Tax Penalties 🍷 (Ticketed Event)

Sponsored by: Hochman, Salkin, Rettig, Toscher & Perez, P.C. and Kostelanetz & Fink, LLP

12:30PM – 1:30PM

Salon H, Indigo Level

Estate & Gift Taxes and Fiduciary Income Tax 🍷 (Ticketed Event)

Wine and Art in 2017 - How Mother Nature Affected Collections. Hurricane Harvey hit Houston. Hurricane Irma hit nearly the entire state of Florida. Wildfires affected both Northern and Southern California. This presentation will delve into what can be learned from the claims process and the role of attorneys in risk management for wine and art collections damaged during natural disasters. Focusing on the wine industry, the presentation will also discuss what effect the California wildfires may have on wine aging and future production.

Speaker: Robert Suiter, Winston Art Group, Los Angeles, CA

12:30PM – 1:30PM

Salon E, Aqua Level

Exempt Organizations 🍷 (Ticketed Event)

Speaker: Richard Kipperman, Corporate Management Inc., La Mesa, CA

12:30PM – 1:00PM

Salon E, Sapphire Level

FAUST, Foreign Lawyers Forum, Transfer Pricing and USAFTT 🍷 (Ticketed Event)

Sponsored by: Morgan Lewis

12:30PM – 1:30PM

Salon C, Indigo Level

Real Estate and Partnerships & LLCs 🍷 (Ticketed Event)

Topic: Administering Guidance after Tax Reform. Deputy Assistant Secretary for Tax Policy, Dana Trier, will give his views on how he envisions the regulation process developing and what projects may take priority if (and when) tax reform passes.

Speaker: Dana Trier, Deputy Assistant Secretary for Tax Policy, Department of Treasury, Washington, DC



PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9

12:00PM – 1:15PM

Salon C, Sapphire Level

Employee Benefits Corporate Counsel Forum

Presented by the Employee Benefits Corporate Counsel Forum

Chair: Jacquelyn M. Abbott, Exxon Mobil Corporation, Houston, TX

Vice-Chair: Christina M. Crockett, Fifth Third Bank, Cincinnati, OH

Join the corporate counsel forum as our speaker discusses ethical dilemmas for in-house tax counsel. Mr. Myszka will cover the interaction of Circular 230, the ABA Model Rules and the AICPA Rule of Professional Conduct. He also will discuss rules unique to the employee benefits practice, such as the fiduciary exception to the attorney-client privilege. Mr. Myszka has a strong background in tax controversy, and he has handled numerous representations involving corporate, international, and criminal tax matters. He is particularly experienced with the application and defense of the attorney-client and attorney work product privileges.

Panelist: Joseph Myszka, Baker & McKenzie LLP, Washington, DC

12:00PM – 1:00PM

Room 314, Aqua Level

Employee Benefits ESOP Update

Presented by the Subcommittee on ESOPs

Chair: David A. Whaley, Thompson Hine LLP, Cincinnati, OH

Assistant Vice-Chairs: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton & Williams LLP, Washington, DC

This meeting will include a discussion of the steps that employers and fiduciary committees should take when an appointed fiduciary for a retirement plan (a Trustee, and Investment Manager or an Independent Fiduciary) is sold either in a stock sale or an asset sale. This will include a discussion of the considerations of needing to evaluate and potentially complete a request for proposal for that appointment. In addition, the meeting will then review some new thoughts in the stock drop case arena – including the recent filing in the 5th Circuit of *In Schweitzer v. Inv. Cmte. of the Phillips 66 Savings Plan* (No S.D. Tex., No. 4:17-cv-03013). This will include a review of the current status of litigation involving privately held ESOP owned corporations. The discussion will cover whether the inclusion of arbitration or other claims limiting language within an ESOP can be protective of the trustees against claims by private plaintiffs. We will also spend time discussing the Department of Labor's enforcement activity and the most recent settlement agreements reached with various trustees of employer stock funds within retirement plan. Finally, we will review the recently issued Internal Revenue Service Memorandum from the Office of Chief Counsel discussing the request for advice on plan language designed to prevent the occurrence of a nonallocation year under Code section 409(p). (I.R.S. Gen. Couns. Mem. 201747007, Nov. 24, 2017).

Panelists: David A. Whaley, Thompson Hine LLP, Cincinnati, OH; Allison Wilkerson, McDermott Will & Emery, Dallas, TX; David Cohen, Newport Trust Company, Washington, DC; Michelle Lewis, Hunton & Williams LLP, Washington, DC; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY

12:00PM – 2:30PM

Room 500, Cobalt Level

Nominating (Executive Session)

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



12:30PM – 1:30PM

Room 411, Sapphire Level

Diversity

Chair: Jairo Cano, E-Trade Financial, Jersey City, NJ

12:30pm Tax Effects of the DACA Repeal on Immigrant Families. On Tuesday, September 5, 2017, the administration announced the phase out of the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary deferral from deportation and work authorization for eligible young immigrants in the United States. This panel will explore the intersection of DACA and taxes. The panelists will discuss the tax consequences of the phase out, including loss of individual and household eligibility for the earned income credit and filing tax returns with expired social security numbers. The panel will also discuss the tax reform provisions that will impact immigrant families and children.

Moderator: Patrick Thomas, University of Notre Dame Law School Tax Clinic, South Bend, IN

Panelists: Victoria J. Driscoll, IRS Office of Chief Counsel (Income Tax & Accounting), Washington, DC; Professor Francine J. Lipman, University of Nevada William S. Boyd School of Law, Las Vegas, NV; Professor Jennifer J. Lee, Temple University Beasley School of Law, Philadelphia, PA

12:30PM – 1:30PM

Salon M, Sapphire Level

State & Local Taxes

Chair: Edward J. Bernert, BakerHostetler, Columbus, OH

12:30pm Developments in California Tax Administration. Randy Ferris, former Chief Counsel of the California Board of Equalization, will update us on significant developments in California tax administration.

Moderator: Leah S. Robinson, Mayer Brown LLP, New York, NY

Panelist: Randy Ferris, EY, Sacramento, CA

12:30PM – 3:30PM

Room 502 & 520, Cobalt Level

2017-2018 Law Student Tax Challenge Final Rounds

12:45PM – 1:45PM

Room 313, Aqua Level

Employee Benefits Mergers & Acquisitions Update

Presented by the Subcommittee on Mergers & Acquisitions

Chair: Laura R. Westfall, King & Spalding LLP, New York, NY

Vice-Chair: Stephanie Jeane, Baker Botts LLP, Washington, DC

Assistant Vice-Chairs: Jessica Agostinho, Hunton & Williams LLP, Washington, DC; Ryan Montgomery, Morgan Lewis & Bockius, Boston, MA

This panel will discuss a variety of PBGC-related issues of interest to M&A practitioners, including PBGC reporting requirements, plan terminations and related liabilities, Early Warning Program negotiations and settlements, PBGC's Mediation Pilot Program, and the role of the Participant and Plan Sponsor Advocate at PBGC. The panel will also discuss recent case law and regulatory developments on M&A topics impacting benefits practitioners.

Panelists: Laura R. Westfall, King & Spalding LLP, New York, NY; Constance Donovan, Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Camille Castro, Associate Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Harold J. Ashner, Keightley & Ashner LLP, Washington, DC; Linda E. Rosenzweig, Keightley & Ashner LLP, Washington, DC





PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9

1:00PM – 2:30PM

Salon E, Sapphire Level

Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing, and US Activities of Foreigners and Tax Treaties 

1:00pm Government Officials Panel.  This panel will discuss the latest international tax developments.

Panelists: Dan McCall, Acting Deputy Associate Chief Counsel (International Technical), IRS Office of Associate Chief Counsel (International), Washington, DC; John Hinding, Director, Cross Border Activities, IRS - LB&I, Washington, DC; Brenda Zent, Special Advisor on International Taxation, Office of International Tax Counsel, Department of Treasury, Washington, DC; Jason Yen, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; Brian Jenn, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC

1:30PM – 4:45PM

Room 410, Sapphire Level

Employment Taxes 

Chair: Megan E. Marlin, PwC, Washington, DC

1:30pm IRS Employment Tax Update. This panel will provide a federal employment tax update. The panel will discuss new administrative, regulatory, legislative developments and case law relevant to employment tax withholding and reporting.

Moderator: Dan Boeskin, PwC, Washington, DC

Panelist: Janine Cook, Deputy Associate Chief Counsel (TE/GE), Office of Chief Counsel, IRS, Washington, DC

2:30pm Tax Reform. This panel will discuss the impact of Tax Reform on employee compensation and payroll taxes, including employee benefits.

Moderator: Will McNally, Law Clerk, Office of Chief Counsel (TE/GE), IRS, Washington, DC

Panelists: Alan Tawshunsky, Tawshunsky Law Firm PLLC, Washington, DC; Deborah Walker, Cherry Bekaert, Tysons Corner, VA; Crescent Moran Chasteen, Nutter McClennen & Fish LLP, Boston, MA

3:30pm Break. 

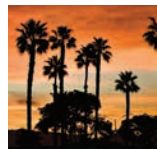
3:45pm Employment Tax Issues in Deals. During due diligence and post-transaction integration, payroll tax considerations are often overlooked. The panel will explore common compliance concerns identified in due diligence, including employee benefits and worker classification. The discussion will also include post-deal integration considerations involved with asset acquisitions, stock acquisition, and the comparison to statutory merger or consolidations.

Moderator: Kandyce Korotky, Covington & Burling LLP, Washington, DC

Panelists: Jason Russell, Deloitte Tax LLP, San Francisco, CA; Tim Ellenwood, RSM US LLP, McLean, VA; Ryan Montgomery, Ropes & Gray, Boston, MA

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



1:30PM – 2:30PM

Salon D, Indigo Level

Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee 🗣️

Chairs: Benjamin G. Carter, Texas Capital Bank, Dallas, TX; Stacey Delich-Gould, Capital Group Private Client Services, New York, NY

1:30pm Roundtable Discussion. 🗣️ The Estate and Gift Tax Committee leadership will facilitate an informal discussion about how to communicate with clients regarding the significant changes from the recently adopted 2017 Tax Act. This discussion will be geared to lawyers of all experience levels.

1:30PM – 2:30PM

Section CLE 🗣️ **CANCELLED**

1:30PM – 4:00PM

Salon P, Sapphire Level

Standards of Tax Practice 🗣️

Chair: Rachel L. Partain, Caplin & Drysdale Chartered, New York, NY

1:30pm Ethical Issues in Federal Tax Practice – The Government Perspective. 🗣️ This panel will provide an update on recent guidance from the IRS and Department of Treasury, discuss issues of concern and areas of focus for the IRS Office of Professional Responsibility and Office of Chief Counsel, and give an update on pending cases that relate to tax practice standards. The panel will also expand the discussion to include recent standards-related developments affecting tax practitioners more generally.

Moderator: Geoffrey M. Davis, Jenner & Block LLP, Chicago, IL

Panelists: Stephen Whitlock, Director, IRS Office of Professional Responsibility, Washington, DC; Emily M. Lesniak, Special Counsel, IRS Office of Associate Chief Counsel (Procedure & Administration), Washington, DC

2:00pm Recent Updates Regarding Attorney Solicitation and Advertising. 🗣️ This panel will discuss ABA Model Rules on attorney solicitation and advertising. The discussion will also include recent state bar developments, including rule amendments and the release of guidebooks to address the unique ethical issues presented by social media and developing technology.

Moderator: Cory Stigile, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA

Panelists: Chad Nardiello, Nardiello Law Firm PLC, Century City, CA; Rachel Partain, Caplin & Drysdale Chartered, New York, NY

3:00pm A Comparison of the California Rules of Professional Conduct and the ABA Model Rules of Professional Conduct. 🗣️ You always hear that the rules of professional conduct are different in California. This panel will explore precisely how California has modified the ABA Model Rules. This panel will also discuss recent ethics updates in California.

Moderator: Gail H. Morse, Jenner & Block LLP, Chicago, IL

Panelists: Michael J. Desmond, Law Offices of Michael J. Desmond APC, Santa Barbara, CA; Daniel Eaton, Seltzer Caplan McMahon Vitek, San Diego, CA



PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9

2:00PM – 6:00PM

Salon C, Sapphire Level

Employee Benefits

Chair: Professor Kathryn J. Kennedy, The John Marshall Law School, Chicago, IL

2:00pm Who's Controlling our Plan Data? Cybersecurity is a key topic of growing concern for benefit plans, as evidenced by increased attention from the ERISA Advisory Council. This panel will discuss what benefit plan fiduciaries need to know about cybersecurity in order to protect the plan, protect plan participants, and satisfy their fiduciary duties. Topics will include prioritizing and protecting sensitive data, necessary safeguards for hiring vendors with access to participant data, legal developments to watch, litigation risks and lessons learned.

Moderator: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

Panelists: John C. Eustice, Miller & Chevalier Chartered, Washington, DC; Karen Prange, Lockton Retirement, Kansas City, MO; Pamela C. Williams, Anthem, Inc., Indianapolis, IN

3:00pm Break. 

3:15pm Proposed Statement on Auditing Standards for Employee Benefit Plan Audits. In April 2017 the AICPA Auditing Standards Board released an Exposure Draft Proposed Statement on Auditing Standards entitled Forming an Opinion and Reporting on Financial Statements of Plans Subject to ERISA. This panel will review and discuss Exposure Draft Proposed Statement on Auditing Standards and its impact on employee benefit plan audits.

Moderator: Bret Hamlin, Hill Ward Henderson, Tampa, FL

Panelists: Anita Baker, CliftonLarsonAllen, Phoenix, AZ; Will Hansen, ERIC, Washington, DC; Howard B. Levy, Piercy Bowler Taylor & Kern, Las Vegas, NV

4:15pm Department of the Treasury/Internal Revenue Service Hot Topics. Representatives from the Department of Treasury and IRS will provide updates on the latest guidance and developments affecting employee plans.

Moderator: W. Waldan Lloyd, Durham Jones & Pinegar, Salt Lake City, UT

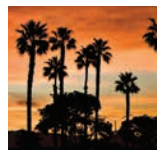
Panelists: Kyle Brown, Division Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Robert Neis, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Victoria Judson, Associate Chief Counsel, (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel, (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited)

5:15pm Treasury / IRS Fireside Chat.  Informal "town hall" discussion with Department of Treasury and IRS representatives on topics of interest to attendees.

6:00pm Networking Reception. 

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



2:00PM – 5:15PM

Salon I, Sapphire Level

State & Local Taxes

Chair: Edward J. Bernert, BakerHostetler, Columbus, OH

2:00pm Market-Based Sourcing. The panelists will explore market-based sourcing concepts that have worked and not worked for state governments and taxpayers over the past decade, along with ambiguities that have arisen and how they have been resolved. The panelists will also discuss lessons learned that could be considered by taxpayers or states applying existing market-based sourcing statutes and rules, and by states implementing new market-based sourcing statutes or rules.

Moderator: Steve Young, Holland & Hart LLP, Salt Lake City, UT

Panelists: Melissa Williams, California Franchise Tax Board, Sacramento, CA; Scott Edwards, Lane Powell PC, Seattle, WA

3:00pm Real Estate Transfer Taxes and Changes in Entity Ownership – Avoiding Pitfalls.

In recent years, a number of states and localities have expanded their real estate transfer tax laws to apply to the sale of a controlling interest in an entity that owns real estate located in the state or locality. This panel will explore recent developments in non-deed transfers across the United States. The panel will also cover other legal entity transfer tax issues, such as whether a series of sales should be aggregated to produce a taxable transaction.

Moderator: Debra S. Herman, Hodgson Russ LLP, New York, NY

Panelists: Justin Hepworth, Sheppard Mullin Richter & Hampton LLP, Costa Mesa, CA; Joseph Lipari, Roberts & Holland LLP, New York, NY

4:00pm Break. 

4:15pm SALT Impact of Federal Tax Reform. This session will discuss the state tax implications of key provisions within the sweeping federal tax reform legislation. These include expensing, limitations on net interest deductions, pass through entity tax reductions, the elimination of most state and local tax deductions, and the international tax reform and base erosion provisions. The session will also discuss expected trends in state conformity (and non-conformity), anticipated complexities in state tax compliance, and the likely state fiscal impact.

Moderator: Mark F. Sommer, Frost Brown Todd LLC, Louisville, KY

Panelists: Karl A. Frieden, Council on State Taxation, Washington, DC; Bruce Fort, Multistate Tax Commission, Washington, DC

2:00PM – 3:00PM

Room 400A, Sapphire Level

The Tax Lawyer – Transition Planning Meeting (Executive Session)

2:30PM – 5:45PM

Salon F, Aqua Level

Closely Held Businesses

Chair: Shawn McIntire, Ballard Spahr LLP, Denver, CO



PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9

- 2:30pm Employee Tax Audit Considerations.** The panelists will discuss what issues can cause an employee tax audit to occur, defenses of the audit and resolutions to the audits when there is a liability.
Moderator: Jonathan Kalinski, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA
Panelists: Sabrina Strand, Law Offices of Joseph H. Thibodeau PC, Denver, CO; Robb Longman, Longman & Van Grack LLC, Bethesda, MD
- 3:30pm Break.** ☕
- 3:45pm Nuts and Bolts of Estate Audits.** This panel will provide a practical guide to estate tax audits, including audit triggers, how to reduce the risk of an exam, and issues when dealing with the Service if the return is selected for audit.
Moderator: Joshua Lowenthal, Plante Moran, Ann Arbor, MI
Panelists: Lacey Strachan, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA; Jeffrey Gonya; Venable LLP; Baltimore, MD
- 4:45pm Collection Issues Affecting Estates, Donors, and Donees.** This panel will explore the special collection devices available to the IRS in the estate and gift tax context as well as best practices when representing estates, fiduciaries, beneficiaries, and transferees in collection matters before the IRS.
Moderator: Claudia Hill, TaxMam Inc., Cupertino, CA
Panelists: Frank Agostino, Agostino & Associates PC, Hackensack, NJ; Robert E. McKenzie, Saul Ewing Arnstein & Lehr LLP, Chicago, IL; Wm. Robert Pope Jr., White & Reasor, Nashville, TN; Lawrence A. Sannicandro, McCarter & English LLP, Newark, NJ

2:30PM – 5:45PM

Salon L, Sapphire Level

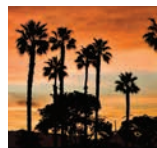
Court Procedure & Practice 🗣️

Chair: Joshua Odintz, Baker McKenzie, Washington, DC

- 2:30pm Current Developments.** This panel will include a report from the Tax Court, discussion of significant IRS guidance and litigation, an update on Tax Division priorities, a report from Treasury, and a discussion of significant pending litigation.
Moderator: Allison De Tal, Baker & McKenzie LLP, Washington, DC
Panelists: The Honorable L. Paige Marvel, US Tax Court, Washington, DC; Rochelle Hodes, Associate Tax Legislative Counsel, Department of Treasury, Washington, DC; Robert Wearing, Acting Deputy Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; Deborah S. Meland, Chief, Civil Trial Section—Eastern Region, Tax Division, Department of Justice, Washington, DC
- 3:00pm Navigating IRS Challenges to Micro Captive Insurers.** Since the IRS issued Notice 2016-66 classifying certain micro captive insurance company uses as transactions of interest, many taxpayers have been awaiting guidance on how the courts might apply relevant laws and standards to their own captives. This panel will discuss the Tax Court's recent decision in the *Avrahami* case, including what lessons can be drawn from, and identifying topics avoided by, the Tax Court's ruling. The panel will also address recent developments regarding the Economic Substance Doctrine, including the ruling in *Wells Fargo v. United States*, which could prove relevant to the resolution of future micro captive tax controversies.
Moderator: Richard D. Euliss, Carlton Fields Jorden Burt PA, Washington, DC

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



Panelists: Robert J. Kovacev, Steptoe & Johnson LLP, Washington, DC; Deborah S. Meland, Chief, Civil Trial Section—Eastern Region, Tax Division, Department of Justice, Washington, DC

3:50pm **Break.** ☕

4:05pm **The Roundabout: Summons Enforcement, Privilege and Tax Court Discovery.** The panel will discuss the evolving intersections between the summons power, attorney-client privilege and Tax Court discovery. The panelists will also cover recent trends and developments in IRS summons enforcement, including the decisions in *U.S. v. Owensboro Dermatology Assoc.* and *U.S. v. Micro Cap KY Ins. Co.*

Moderator: Anson H. Asbury, Asbury Law Firm, Atlanta, GA

Panelists: Rich Sapinski, Sills Cummins & Gross, Newark, NJ; Wendy Abkin, Morgan Lewis & Bockius, San Francisco, CA; Lu-Ann Dominguez, Gunster, Fort Lauderdale, FL; Deborah S. Meland, Chief, Civil Trial Section - Eastern Region, Tax Division, Department of Justice, Washington, DC

4:55pm **Litigating Tax Issues in Bankruptcy: Possibilities and Pitfalls.** This panel will address both some of the opportunities and limitations practitioners encounter in resorting to the US Bankruptcy Court as a forum to resolve tax issues and reference some recent decisions of interest.

Moderator: Gabrielle G. Hirz, Ropes & Gray LLP, Boston, MA

Panelists: Najah Shariff, Assistant US Attorney, US Attorney's Office for the Central District of California, Los Angeles, CA; Todd F. Maynes, Kirkland & Ellis LLP, Chicago, IL; A. Lavar Taylor, Law Offices of A. Lavar Taylor LLP, Los Angeles, CA

2:30PM – 5:45PM

Room 310, Aqua Level

Financial Transactions 📄

Chair: Michael B. Shulman, Shearman & Sterling LLP, New York, NY

2:30pm **Issues Involving Equity-Linked and Other Complex Debt.** Using real world examples, this panel will discuss the issues faced by both borrowers and lenders with respect to complex debt instruments, including interest deductibility and withholding tax considerations.

Moderator: Craig Gibian, Deloitte, Washington, DC

Panelists: Eileen Marshall, Wilson Sonsini, Washington, DC; Michael Yaghmour, EY, Washington, DC

3:25pm **“Currency” in the Digital Age: Cryptocurrency, ICOs and the Future of Commerce.** The panel will explore the tax consequences of the rapidly expanding marketplace of cryptocurrencies and initial coin offerings (“ICOs”). The panel will consider the treatment of these assets themselves from a tax perspective, the consequences to both issuers and holders, their impact on cross-border transactions and the implications of such transactions for our tax concepts of “nexus” and location/jurisdictional based taxation.

Moderator: Rebecca Lee, PwC, San Francisco, CA

Panelists: Jim Brown, Ropes & Gray LLP, New York, NY; Lisa Zarlenga, Steptoe & Johnson, Washington, DC



PROGRAM SCHEDULE FRIDAY, FEBRUARY 9

4:20pm **Break.**

4:35pm **Tax Reform and Implications for Financial Transactions.** This panel will focus on various aspects of the 2017 Tax Act, including limits on interest deductibility, issues arising under the transition tax, BEAT and other implications for financial transactions.

Moderator: Brian Krause, Skadden Arps, New York, NY

Panelists: Matthew Stevens, EY, Washington, DC; Erika Nijenhuis, Cleary Gottlieb, New York, NY

2:30PM – 4:30PM

Salon A, Sapphire Level

Foreign Lawyers Forum

Chair: Saskia Bijl de Vroe, NautaDutilh, Amsterdam, Netherlands

2:30pm **BEPS Matters – Selected Country Updates.** International corporate tax issues are central to the public debate all over the world, not least because of the G20-OECD Base Erosion and Profit Shifting project. Nearly 100 countries have implemented rules and regulations in response to the BEPS Action Plans, impacting the tax policies of an estimated 10,000 multinational enterprises. The Foreign Lawyers Forum is therefore proud to present an update on how the BEPS project is changing the tax landscape in selected jurisdictions. With a special focus on anti-base erosion rules and limitations on interest deductibility, our international panelists will discuss how BEPS-related tax policy is evolving in various regions, what new challenges and opportunities can be identified, how their US and international clients are responding and what lies ahead for multinational enterprises in the ever-changing world of international taxation.

Moderator: Danielle Rolfes, KPMG LLP, Washington, DC

Panelists: Willem Bongaerts, Bird & Bird LLP, The Hague, The Netherlands; Gerardo Nieto, Basham Ringe y Correa S.C., Mexico City, Mexico; Clint Harding, Arnold Bloch Leibler, Sydney, Australia; Mark O'Sullivan, Matheson, Palo Alto, CA; Eric Fort, Arendt & Medernach, New York, NY

2:30PM – 5:45PM

Room 311, Aqua Level

Insurance Companies

Chair: M. Kristan Rizzolo, Sutherland Asbill & Brennan LLP, Washington, DC

2:30pm **Tax Reform: Impact of Insurance Specific Provisions.** This panel will discuss the insurance specific provisions in the tax reform proposals/legislation and the implications of those provisions for property and casualty, life, and health insurance companies.

Moderator: Ann Cammack, EY, Washington, DC

Panelists: Pat Wageman, USAA, San Antonio, TX

3:30pm **Tax Reform: Impact of International Provisions on Insurance Companies.** This panel will discuss the tax reform proposals/legislation related to international taxation and how this impacts insurance company taxpayers.

Moderator: Clarissa Potter, KPMG, Washington, DC

Panelists: Surjya Mitra, PwC, Washington, DC; Norm Hannawa, EY, Chicago, IL

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



4:30pm **Break.** ☕

4:45pm **Captive Insurance Companies after *Avrahami*: What Happens Next?** The panel will discuss the Tax Court decision in the *Avrahami* decision and the implications for both large and small captive insurance companies. It also will provide an update on other captive developments.

Moderator: Chaz Lavelle, Bingham Greenebaum Doll LLP, Louisville, KY

Panelists: Rachel Partain, Caplin & Drysdale, New York, NY; Kacie Dillon, Woolston & Tarter, Phoenix, AZ

2:30PM – 6:00PM

Room 501C, Cobalt Level

Public Service Fellowship ☕ *(Executive Session)*

2:30PM – 5:45PM

Salon B, Indigo Level

Real Estate 🏠

Chair: Robert Honigman, PwC, Washington, DC

2:30pm **Regulatory and Legislative Update.** This panel will focus on recent legislative proposals affecting real estate and the Treasury Department's response to Executive Order 13789 as they relate to real estate industry and technical issues, including the potential revocation of the Temporary Treasury Regulations under section 707 and section 337(d).

Moderator: Mark Van Deusen, Deloitte Tax LLP, Richmond, VA

Panelists: Audrey Ellis, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Tony M. Edwards, Nareit, Washington, DC

3:15pm **Preferred Equity Real Estate Investments.** This panel will discuss the potential tax consequences that may arise when use of preferred equity is used in real estate investment structures. The discussion will focus on the ways that the economics of preferred equity may impact the tax consequences, and will address some planning ideas and pitfalls. The panel will also include a discussion on the implications for special investors such as REITs and tax-exempt entities.

Moderator: Bahar A. Schippel, Snell & Wilmer, Phoenix, AZ

Panelists: Todd D. Golub, EY, Chicago, IL; Cameron N. Cosby, Hogan Lovells, Washington, DC

4:00pm **Break.** ☕

4:15pm **Owning and Investing in California Real Estate.** This panel will focus on issues pertaining to owning and investing in California real estate, including but not limited to, ownership-investment structures, property tax change-of-control rules, federal income tax conformity, and enforcement (including an update on recent developments including a new procedure for appeals effective January 18, 2018).

Moderator: Christopher J. Matarese, Ajalat Polley Ayoob & Matarese, Glendale, CA

Panelists: Reed Schreiter, PwC, Sacramento, CA; Ciro Immordino, Attorney, General Tax Bureau, Franchise Tax Board, Rancho Cordova, CA



PROGRAM SCHEDULE FRIDAY, FEBRUARY 9

5:00pm **Qualified Foreign Pension Fund REIT Investment Issues.** Section 897(l), enacted as part of the PATH Act of 2015, excludes from FIRPTA any USRPI held by, or to any distribution received from a REIT by, a qualified foreign pension fund (a "QFPF"). This panel will explore various REIT investment structures and outstanding definitional issues involving QFPFs investing in real estate.

Moderator: Ana G. O'Brien, Latham & Watkins, Los Angeles, CA

Panelists: Nickolas Gianou, Skadden, Chicago, IL; Jason Smyczek, Senior Technician Reviewer, IRS Office of Associate Chief Counsel (International), Washington, DC; Jason Yen, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC

2:30PM – 5:15PM

Salon A, Indigo Level

S Corporations

Chair: Dana Lasley, Emerson Electric Company, St. Louis, MO

2:30pm **Important Developments in the Federal Income Taxation of S Corporations.** The panelists will discuss tax reform and other recent legislative, administrative and judicial developments relating to S Corporations and their shareholders.

Moderator: Bryan Keith, Grant Thornton LLP, Washington, DC

Panelists: Laura E. Krebs Al-Shathir, Capes Sokol Goodman & Sarachan PC, St. Louis, MO; Gregory L. Lohmeyer, Quarles & Brady, Milwaukee, WI; David Kahen, Roberts & Holland LLP, New York, NY

4:15pm **Accumulated Adjustment Account, Distributions and Beyond.** This panel discussion will describe the accumulated adjustment account and distribution rules and discuss a number of unusual accumulated adjustment account and distribution situations.

Panelists: Laura Howell-Smith, Deloitte Tax, Washington, DC; Katie Bowles, Deloitte Tax, Costa Mesa, CA

2:30PM – 5:45PM

Salon H, Sapphire Level

Tax Accounting

Chair: David Auclair, Grant Thornton LLP, Washington, DC

2:30pm **Current Developments.** This panel will review recent developments in the area of tax accounting since the Section of Taxation meeting held in Austin, TX, in September. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service.

Moderator: Rich Shevak, CohnReznick LLP, Washington, DC

Panelists: Connie Cheng, BDO LLP, Los Angeles, CA; Scott Dinwiddie, Associate Chief Counsel Income Tax & Accounting, IRS, Washington, DC

3:15pm **Comparison of Revenue Recognition Methods Between ASC 606 and Section 451.** As taxpayers prepare to adopt the new accounting standards for revenue recognition in ASC 606, one of the issues to be considered is the difference between these new standards and the revenue recognition methods for tax, such as section 451. The panel will build on the revenue recognition panel held during the Tax Accounting Committee's last meeting in Austin, TX, by continuing to discuss a comparison of revenue recognition methods between ASC 606 and section 451, including any additional guidance released for taxpayers implementing tax accounting method changes as a result of the new standard.

Moderator: Jan Skelton, Deloitte LLP, New York, NY

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



Panelists: Ryan Corcoran, RSM LLP, Madison, WI; Scott Dinwiddie, Associate Chief Counsel Income Tax & Accounting, IRS, Washington, DC; Peter Ford, Attorney, Branch 2, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC

3:50pm **Break.** ☕

4:05pm **Current Inventory Issues.** This panel will discuss various, current issues affecting how taxpayers account for inventory. Topics will include updates on anticipated regulations under IRC §472 regarding dollar-value last-in, first-out (LIFO) inventories and final regulations amending Treas. Reg. §1.472-8 regarding the inventory price index computation (IPIC) method.

Moderator: Mary Duffy, Andersen Tax LLC, Los Angeles, CA

Panelists: Karen Rodríguez, Deloitte LLP, Chicago, IL; David Strong, Crowe Horwath LLP, Grand Rapids, MI; Christina Morrison, Senior Technician Reviewer, Branch 6, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC

4:45pm **Tax Reform.** This panel will discuss areas of the recently enacted 2017 Tax Act that impact tax accounting, including important considerations that taxpayers should keep in mind when determining next steps.

Moderator: Jane Rohrs, Deloitte LLP, Washington, DC

Panelists: Jason Black, PwC, Washington, DC; Michael Resnick, Eversheds Sutherland LLP, Washington, DC; Scott Dinwiddie, Associate Chief Counsel Income Tax & Accounting, IRS, Washington, DC; John Moriarty, Deputy Associate Chief Counsel Income Tax & Accounting, IRS, Washington, DC; Christopher Call, Attorney-Advisor, Office of Tax Policy, Department of the Treasury, Washington, DC

3:00PM – 5:00PM

Room 411, Sapphire Level

Diversity

Chair: Jairo Cano, E-Trade Financial, Jersey City, NJ

3:00pm **To the Shores of Tripoli: A Military Tax Overview.** This panel will examine common and uncommon tax issues facing service members domestically and abroad. The panelists will discuss tax resources and avenues for assisting military families. The panel will include ways to get involved in supporting the military as a tax attorney, including the Adopt-A-Base Program.

Moderator: Anson Asbury, Asbury Law Firm, Decatur, GA

Panelist: Kathleen Agbayani, Baker McKenzie, Washington, DC; C. Wells Hall III, Nelson Mullins, Charlotte, NC; Elizabeth Stevens, Caplin & Drysdale, Washington, DC

4:00pm **Estate Planning, Medical Expense Deductions, and Other Tax Considerations for LGBTQ+ Individuals and Families.** This panel will discuss selected tax issues that significantly affect LGBTQ+ individuals and families, including the following: (1) estate planning strategies and techniques, including the recent IRS Notice 2017-15 and considerations for marriage v. domestic partnership; (2) medical expense deductions for in-vitro fertilization procedures, which will include a discussion of the recent 11th Circuit case *Morrissey v. Commissioner* and other related cases, and gender reassignment surgery in light of the Tax Court's Opinion in *O'Donnabhain v. Commissioner*; and (3) effects of tax reform on these and other related issues.

Moderator: Brandon King, Law Clerk for the Honorable Albert G. Lauber, US Tax Court, Washington, DC



PROGRAM SCHEDULE FRIDAY, FEBRUARY 9

Panelists: Professor Katherine Pratt, Loyola Law School, Los Angeles, CA; Professor Patricia Cain, Santa Clara University School of Law, Santa Clara, CA; Danielle Barger, Goode Hemme & Peterson, San Diego, CA; John Moriarty, Deputy Associate Chief Counsel, Associate Chief Counsel (Income Tax & Accounting), IRS Office of Chief Counsel, Washington, DC (Invited)

3:00PM – 4:00PM

Sponsorship

CANCELLED

3:00PM – 5:45PM

Salon E, Aqua Level

Tax Collection, Bankruptcy and Workouts 

Chair: Christin Bucci, Bucci Law Offices, Fort Lauderdale, FL

3:00pm How to Read IRS Transcripts and Navigate Statutes of Limitations. The panelists will offer practical tips and strategies to review and understand the full range of available IRS transcripts; compute statutes of limitation on assessment, collection, and transferee liability; and avoid procedural pitfalls when dealing with the IRS in collection and bankruptcy matters.

Moderator: Giovanni Alberotanza, Rosenberg Martin Greenberg LLP, Baltimore, MD

Panelists: Russel J. Haynes, Burton J. Haynes PC, Burke, VA; Josh Wu, Strasburger & Price LLP, Washington DC

3:55pm Recent Developments. The panelists will review recent events affecting how you interact with the IRS and courts in collection matters. Topics to be covered include: updates on the IRS's "Future State" initiative; passport revocation; private debt collection; challenging international form penalties in CDP proceedings; how to use the recently codified Taxpayer Bill of Rights in collection matters; and significant court decisions during the past six months.

Moderator: Jeffrey Dirmann, Agostino & Associates PC, Hackensack, NJ

Panelists: Dawn Harris, IRS Office of Chief Counsel, San Diego, CA; Ronson J. Shamoun, RJS Law, San Diego, CA; Drita Tonuzi, Deputy Chief Counsel (Operations), IRS Office of Chief Counsel, Washington, DC; Zhanna A. Ziering, Caplin & Drysdale Chartered, New York, NY

4:50pm Break. 

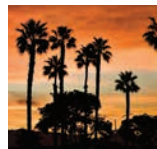
5:05pm Debt-Equity Considerations for Partnerships and in Bankruptcy. There is a well-developed body of case law regarding whether a financial obligation issued by a corporation is to be treated as debt or stock (or something else) for tax purposes. There are few similar precedents regarding financial obligations issued by a partnership. The panel will discuss existing cases and rulings regarding partnership obligations, as well as whether some or all of the principals that apply to corporate obligation should apply to partnerships. The panel will also discuss the extent to which the section 385 regulations apply to partnership obligations. There will also be a discussion of the treatment of the transaction if partnership debt is recharacterized as equity. Also to be discussed are debt-equity classifications issues under the Bankruptcy Code.

Moderator: Lee Zimet, WTS LLC, Morristown, NJ

Panelist: Steven R. Schneider, Baker & McKenzie LLP, Washington, DC

PROGRAM SCHEDULE

FRIDAY, FEBRUARY 9



3:00PM – 4:30PM

Room 400B, Sapphire Level

Teaching Taxation 

Chair: Professor Kerry Ryan, Saint Louis University, Saint Louis, MO

3:00pm **Evolving Constraints on Tax Administration.** The IRS and Treasury Department have faced increasing budget and legal constraints over the past few years. Treasury is also experiencing limits on its rulemaking, both from the current Presidential Administration and from courts applying administrative law, such as with respect to the anti-inversion regulations. IRS budget constraints and workforce decreases started around 2011, and the IRS's image has suffered following a 2013 report from the Treasury Inspector General for Tax Administration (TIGTA) on the IRS's review of applications for determination of tax-exempt status. A 2017 TIGTA report revisited that issue in a balanced way, but where does it leave the IRS? This panel will look at how we got here, what it means, and what the ideal environment for tax administration looks like. The panelists will discuss the recent cases of *Altera* and *Chamber of Commerce* and assess how the IRS, taxpayers, and counsel should proceed given the ever-evolving constraints on tax administration.

Moderator: Professor Philip Hackney, LSU Law Center, Baton Rouge, LA

Panelists: James R. Gadwood, Miller & Chevalier Chartered, Washington, DC; Professor Kristin E. Hickman, Minnesota Law School, Minneapolis, MN; Professor Leandra Lederman, Indiana University Maurer School of Law, Bloomington, IN; Caroline Ciraolo, Kostelanetz & Fink LLP, Washington, DC Co-Sponsored by: Administrative Practice

4:00PM – 5:30PM

Room 303, Aqua Level

Young Lawyers Forum  ★

Chair: Clayton Collins, PwC, Washington, DC

4:00pm **Treasury's Regulatory Authority After Nullification of the Temporary Anti-Inversion Regulations.** ★ In 2016, Treasury issued temporary "anti-inversion" regulations, which halted the proposed Pfizer and Allergan merger. Business associations sued, arguing the regulations violated the notice-and-comment procedures under the Administrative Procedures Act. This panel will discuss the APA, the court's ruling in *Chamber of Commerce of U.S. v. IRS*, (W.D. Tex. Sept. 29, 2017), and the impact on regulatory guidance going forward.

Moderator: Morgan L. Klinzing, Pepper Hamilton LLP, Philadelphia, PA

Panelists: Andreas Andrews, Hunton & Williams LLP, Washington, DC; David de Ruig, Fenwick & West LLP, San Francisco, CA; Andrew M. Eisenberg, Jones Day, Washington, DC (Invited); Josh Savey, PwC, Washington, DC



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FRIDAY, FEBRUARY 9

4:30PM – 5:30PM

Publications

Room 500, Cobalt Level

5:00PM – 6:00PM

Foreign Lawyers Forum Business Meeting

Room 314, Aqua Level

5:30PM – 6:30PM

Foreign Activities of US Taxpayers Business Meeting

Room 400A, Sapphire Level

5:30PM – 6:30PM

Transfer Pricing Business Meeting

Room 313, Aqua Level

5:45PM – 6:30PM

US Activities of Foreigners & Tax Treaties Business Meeting

Room 500, Cobalt Level

6:30PM – 8:00PM

Section Reception *(Ticketed Event)*

(Hosted by the Diversity Committee and Young Lawyers Forum)

Sponsored by: Bloomberg Tax

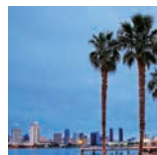
Salon C, Indigo Level

8:00PM – 10:00PM

International Committees Dinner *(Reservation Required)*

PROGRAM SCHEDULE

SATURDAY, FEBRUARY 10



7:15AM – 8:30AM

Salon E, Sapphire Level

Real Estate, Partnerships & LLCs and S Corporations “Shop Talking” Breakfast 🍷 (Ticketed Event)

Members of the Real Estate, Partnerships & LLCs and S Corporations Committees will gather for the traditional “open mic” breakfast to share ideas and war stories and to seek input on technical issues.

7:30AM – 8:30AM

Salon I, Sapphire Level

Tax Implications for California Wildfire Survivors 🗣️

Sponsored by: Pro Bono & Tax Clinics, Individual & Family Taxation, Young Lawyers Division

7:30am Tax Implications for California Wildfire Survivors. 2017 was the costliest year on record for disasters at \$306 billion, shattering the previous inflation adjusted record in 2005 of \$215 billion. This panel will discuss common tax law issues fire survivors will face, and how the 2017 Tax Act will impact disaster survivors in the future. Attendees will also learn about the ABA Young Lawyers Division's role in providing free legal assistance to disaster survivors.

Moderator: Christine Speidel, Vermont Legal Aid, Springfield, VT

Panelists: Professor Bruce A. McGovern, South Texas College of Law Houston, Houston, TX; Andrew VanSingel, Disaster Legal Services, ABA Young Lawyers Division, Chicago, IL; Additional Panelists TBD

7:30AM – 8:30AM

Room 400, Sapphire Level

Tax Practice Management 🗣️ 🗣️

Chair: Jeffrey K. Gonya, Venable LLP, Baltimore, MD

7:30am Ethics for Tax Lawyers. 🗣️ The panel will discuss the ethical rules that all tax lawyers and tax preparers face in their day-to-day practice. The panel also will discuss the ethical rules associated with lawyers serving as fiduciaries. One panelist is a law school professor focusing in part on business and tax law ethics.

Moderator: Jeffrey Gonya; Venable LLP; Baltimore, MD

Panelists: Professor John I. Forry, University of San Diego, San Diego, CA; Anna Katherine Moody, Venable LLP, Washington, DC

7:45AM – 9:00AM

Salon E, Aqua Level

Court Procedure & Practice Committee Breakfast 🍷 (Ticketed Event)

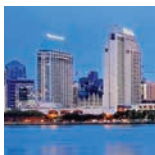
8:30AM – 11:45AM

Salon P, Sapphire Level

Civil & Criminal Tax Penalties 🗣️

Chair: Niles A. Elber, Caplin & Drysdale, Washington, DC

8:30am Reports of Subcommittees on Important Developments. Important Developments (Civil) – Sara G. Neill and Michelle F. Schwerin, Capes Sokol Goodman Sarachan PC, St. Louis, MO; Important Developments (Criminal) – Evan J. Davis, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA and Claire Taylor, Colvin & Hallett, Seattle, WA; International Tax Enforcement – Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC and Joseph M. Erwin, Dallas, TX; IRS Investigations and Practices – Michael A. Villa Jr., Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Legislative and Administrative Developments – Brian C. McManus, Latham & Watkins LLP, Boston, MA and Robert J. Kovacev, Steptoe & Johnson, Washington, DC; Monetary Violations and Forfeitures – Peter D. Hardy, Ballard Spahr LLP, Philadelphia, PA; Offshore Compliance and Enforcement, Zhanna A. Ziering, Caplin & Drysdale, New York, NY and Michael Sardar, Kostelanetz &



PROGRAM SCHEDULE

SATURDAY, FEBRUARY 10

Fink, New York, NY; Sentencing Guidelines – Matthew C. Hicks, Caplin & Drysdale Chtd., Washington, DC and Jeffrey A. Neiman, Marcus Neiman & Rashbaum, Fort Lauderdale, FL

9:00am The New Wave of Fraud Referrals – IRS Collections. Taxpayers with unpaid tax liabilities who take steps to minimize or conceal their income and assets are the subject of increased scrutiny by the Internal Revenue Service and the Department of Justice. IRS Field Collections and Criminal Investigation are working together to train revenue officers to identify fraudulent conduct and refer collection matters for criminal investigation, and the Tax Division has identified this area as a priority for criminal enforcement. As a result, we are seeing an increase in fraud referrals involving evasion of payment, false statements, obstruction, and other violations based on false Collection Information Statements (Forms 433A and B), transfers of income streams and assets to family members and other nominees, the creation of new entities to avoid liens and levies, and other steps to evade IRS collection efforts. This panel will discuss this enforcement initiative, the types of cases being referred, and best practices to avoid a fraud referral.

Moderator: Caroline D. Ciraolo, Kostelanetz & Fink LLP, Washington, DC

Panelists: Darren John Guillot, Director, IRS Field Collection Operations, Washington, DC; R. Damon Rowe, Special Agent in Charge, IRS Criminal Investigation, Los Angeles, CA; Luis Tejeda, Fraud Technical Advisor Supervisor, IRS, Los Angeles, CA; Steven Toscher, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA

9:55am Break. ☕

10:10am Skills Workshop: Preparing Witnesses to Testify. Witness testimony can make or break your tax case, whether given in an audit interview, a deposition, or a civil or criminal trial. This panel of experienced trial lawyers will discuss the critical thinking you need to do prior to meeting with the witness, instructions to give the witness, and tools for helping the witness practice effective testimony. The panel will also examine specific techniques to use in preparing different types of witnesses, and variations in approach depending on the context in which the testimony will be given. Note that this is the first in a planned series of skills workshops.

Moderator: Guinevere M. Moore, Johnson Moore, Chicago, IL

Panelists: Loren Washburn, Smith Correll, Salt Lake City, UT; Nina Marino, Kaplan Marino, Beverly Hills, CA

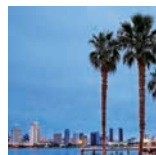
10:55am Inter-Agency Investigations with IRS-CI: Are Taxes Really the Driving Force in Your Case? IRS-CI participates in numerous inter-agency investigations, some of which focus on issues related to narcotics, money laundering, terrorism and healthcare fraud. These cases often involve collaborating with formal task forces or numerous other agencies. In the healthcare context, you may find yourself working with IRS-CI, the Department of Health and Human Services (HHS), the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), as well as state agencies. IRS-CI also works alongside other federal agencies, such as ICE, HSI, Postal Inspection Service and the Secret Service. The panelists will discuss the logistical and procedural nuances of representing your client in an IRS-CI inter-agency investigation.

Moderator: Paula M. Junghans, Zuckerman Spaeder, Washington, DC

Panelist: Angela Clark, Special Agent, IRS Criminal Investigation, Los Angeles, CA; Brian D. Poe, Brian D. Poe Attorney at Law PLLC, Fort Worth, TX; Joseph A. Rillotta, Dinker Biddle & Reath, Washington, DC

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SATURDAY, FEBRUARY 10



8:30AM – 11:45AM

Salon C, Sapphire Level

Corporate Tax

Chair: Kathleen Ferrell, Davis Polk & Wardwell LLP, New York, NY

8:30am Current Developments in Corporate Tax. This panel will address new developments in administrative guidance and tax reform legislation.

Moderator: Elliot Freier, Irell & Manella LLP, Los Angeles, CA

Panelists: Amie Colwell Breslow, PwC, Washington, DC; Victor Penico, Deloitte, San Francisco, CA; Krishna Vallabhaneni, Deputy Tax Legislative Counsel, Office of Tax Policy Department of Treasury, Washington, DC; Mark Weiss, Chief, Branch 2, IRS Office of the Associate Chief Counsel (Corporate), Washington, DC; Graham Magill, KPMG, Washington, DC

10:00am Break. 

10:15am Cross-Border Transactions Under Sections 351, 355, and 368 – A Roadmap for the Casual Tourist. This panel will provide a general overview of the key issues practitioners must successfully navigate when advising on cross-border transactions. The potential impact of international tax reform measures will also be discussed.

Moderator: David B. Strong, Morrison & Foerster LLP, Denver, CO

Panelists: Rachel Kleinberg, Davis Polk & Wardwell LLP, Menlo Park, CA; Kirsten Simpson, EY, Washington, DC; Scott M. Levine, Jones Day, Washington, DC; Brenda Zent, Special Advisor on International Taxation, Office of International Tax Counsel, Department of Treasury, Washington, DC

8:30AM – 11:45AM

Salon M, Sapphire Level

Employee Benefits

Chair: Professor Kathryn J. Kennedy, The John Marshall Law School, Chicago, IL

8:30am Foreign Plans and Section 402(b) – What's an Employer to Do? As the workforce becomes increasingly mobile, it has become more and more common for US employees working abroad to continue participation in their US retirement plans and for foreign employees working in the US to continue participation in their home country plans. This panel will discuss the complication and uncertainty concerning the proper tax treatment of these arrangements under section 402(b). Panelists will discuss possible solutions which potentially be effected through guidance under section 402(b) and also review the Tax Section's comment on these issues.

Moderator: Martha N. Steinman, Hogan Lovells US LLP, New York, NY

Panelists: Maureen Gorman, Mayer Brown, Palo Alto, CA; Mark Jones, Pillsbury Winthrop Shaw Pittman LLP, Los Angeles, CA; Kurt Lawson, Hogan Lovells US LLP, Washington, DC; Robert Neis, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel, (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited)

9:30am Break. 

9:45am Impact of Tax Reform on Executive Compensation and Employee Benefits. This panel will address the impact of the 2017 Tax Act on executive compensation and employee benefits practices, with a focus on the repeal of the performance-based



PROGRAM SCHEDULE

SATURDAY, FEBRUARY 10

compensation exemption, the 20% tax on excess executive compensation paid by tax exempt organizations, the 5 year tax deferral opportunity for qualifying equity grants made by privately held companies, restrictions on fringe benefits and the changes to payroll tax reporting and withholding as a result of tax rate changes.

Moderator: Andrew Liazos, McDermott Will & Emery LLP, Boston, MA

Panelists: Gerald Audant, Fenwick & West LLP, San Francisco, CA; Jennifer Krengel, Steptoe & Johnson LLP, Los Angeles, CA; Robert Neis, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited)

10:45am Misclassified Employees. The proper administration of various types of employee benefits depends on the proper classification of employees. This can include properly classifying individuals as employees, and the proper classification of employees within the employer's own employees. The mischaracterization of employees can lead to a number of different problems, including issues with the qualified status of qualified plans, proper treatment of certain stock options, and the payment of employment tax. This session will explore those issues and potential solutions.

Moderators: Thomas Pevarnik, Deloitte Tax LLP, Washington, DC

Panelist: Jason Russell, Deloitte Tax LLP, San Francisco, CA; Rhonda Migdail, Mercer, Washington, DC

8:30AM – 11:45AM

Salon L, Sapphire Level

Fiduciary Income Tax

Chair: Stacey Delich-Gould, Capital Group Private Client Services, New York, NY

8:30am Current Developments. Nolan Moullé will review current developments in fiduciary income tax, and Cathy Hughes will update the committee on developments with the Treasury and the Service.

Panelists: Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Nolan A. Moullé III, Northern Trust, Houston, TX

8:45am "ING" Trusts: Legal and Practical Issues. With tremendous opportunities for clients to establish trusts in low-tax jurisdictions come a number of challenges and potential pitfalls. This panel will explore recent developments in "ING" trust planning and the broader context of personal residency and business planning opportunities. The Panel will also examine federal tax planning opportunities which may be available to business owners who create incomplete gift trusts.

Panelists: Elizabeth R. Glasgow, Venable LLP, Los Angeles, CA; Daniel C. Lorenzen, Venable LLP, Los Angeles, CA; Victor Shlionsky, Moss Adams, Los Angeles, CA

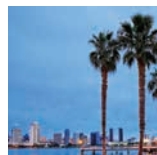
9:45am Break. 

10:00am Foreign Trusts: What You Don't Know Can Hurt You. Estate planners who focus primarily on domestic planning often eschew international planning strategies and issues, but in a global society, it is of growing importance to be able to issue spot potential cross-border hazards. Foreign trusts issues, in particular, are complex and require specialized attention, and foreign trust status (and the associated reporting requirements) can easily be triggered inadvertently. Using case studies from actual practice, this panel (comprised of a domestic estate planner and an international estate planner) will cover the basics of foreign trust classification, taxation and reporting, and offer tips on how to avoid hidden traps for the unwary.

Panelists: Elizabeth A. Bawden, Withers Bergman, Los Angeles, CA; Michelle B. Graham, Withers Bergman, Rancho Santa Fe, CA

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SATURDAY, FEBRUARY 10



- 11:00am Back to Basics: The Anatomy of a Life Insurance Trust.** The drafting of a life insurance trust often seems a routine part of the estate planning practice, but if care is not taken to structure the trust to avoid the imposition of the adverse tax consequences of income, estate, gift and generation skipping transfer taxes, the result can be an estate planning disaster. This panel will review how to properly draft and structure a life insurance trust.

Panelist: Danielle E. Miller, Loeb & Loeb LLP, Los Angeles, CA

8:30AM – 10:30AM

Room 410, Sapphire Level

LLCs and LLPs Subcommittee of Partnerships & LLCs

Chair: J. Leigh Griffith, Waller Lansden Dortch & Davis LLP, Nashville, TN

- 8:30am Roundtable Discussion: Partnership Audit Rules – Partnership Representative and Tiered Partnerships.** The Centralized Partnership Audit Regime is now in effect. This is a continued discussion of the Partnership Representative provisions with sample language as well as a discussion of the new proposed regulations on tiered partnerships and the final regulations on electing out of the new audit rules.

Panelists: Robert E. Box Jr., Jones Walker LLP, Jackson, MS; J. Leigh Griffith, Waller Lansden Dortch & Davis LLP, Nashville, TN

- 9:30am Roundtable Discussion: New Federal Partnership Audit Regime – Making it Work at the State & Local Level.** The quirks of imposing an entity-level tax on flow-through partnerships when the IRS audits a partnership has caused lots of controversy at the federal level. Well, it does not get any better when looking at how the states are impacted by this issue. Unlike the tax imposed at the federal level, state and local governments have to apportion partnership income and/or provide credit for tax paid to other states – which adds complications to a partnership paying the tax at the entity level. And, there are those pesky nexus issues. This session will cover the efforts by several interested parties, working with the Multistate Tax Commission, to draft a uniform draft model for states to use for taxpayers to report federal tax changes to the states and their local governments.

Panelists: Nikki Dobay, Council on State Taxation, Portland, OR; Fred Nicely, Council on State Taxation, Washington, DC

8:30AM – 11:45AM

Salon I, Sapphire Level

Pro Bono & Tax Clinics

Chair: Christine Speidel, Vermont Legal Aid, Springfield, VT

- 8:30am National Taxpayer Advocate's Annual Report to Congress.** This annual presentation brings Nina Olson to the committee to talk about the National Taxpayer Advocate's annual report to Congress and to highlight the most important features of the report.

Panelist: Nina Olson, National Taxpayer Advocate, IRS, Washington, DC

- 9:30am Break. **

- 9:45am Legal Issues for Military Families and Survivors.** This panel will discuss issues that military taxpayers and their practitioners may encounter, to include filing taxes after death in a combat zone, timing, and filing requirements, as well as Servicemembers Civil Relief Act (SCRA) and Military Spouse Residency Relief (MSRRA) implications. Additionally, we will discuss the Survivor Benefit Plan (the insurance policy on military pension for a spouse or children), the timing for election on whether to take



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the Spouse or Child Option and the tax consequences of each, and the Hero Heart Act, which allows a Survivor to place death gratuity and certain life insurance funds in a Roth IRA.

Moderator: Catherine Strouse, Legal Aid of San Diego, San Diego, CA

Panelists: Matthew R. Cooper, Servicemembers Civil Relief Act Foundation, Paw Paw, MI; Susan E. Mitchell, Senior Technical Advisor, IRS Taxpayer Advocate Service, Washington, DC; Traci J. Voelke, Legal Assistance Attorney, Office of the Staff Judge Advocate, Department of the Army, Fort Belvoir, VA

10:45am ITIN Renewal: Due Process and Language Issues. Panelists will discuss current IRS practice as it relates to ITIN renewal. The panel's focus will be on practical considerations related to ITIN renewal, IRS's language access policies as they relate to renewal and math error notices, use of math error notices for returns with deactivated ITINs, and other due process issues.

Moderator: Sarah Lora, Legal Aid Services of Oregon, Portland, OR

Panelists: Professor Jennifer J. Lee, Temple University, Philadelphia, PA; Robert W. Wunderle, La Posada Tax Clinic, Twin Falls, ID

8:30AM – 11:45AM

Salon H, Sapphire Level

Sales, Exchanges & Basis ★

Chair: Alan S. Lederman, Gunster, Fort Lauderdale, FL

8:30am Current Developments Relating to Sales, Exchanges & Basis. ★ Panelists review recent case law and guidance on traditional sale, exchange, and basis issues, and section 1031. Developments on tax reform will be summarized.

Panelists: Kelly E. Alton, NES Financial Corp, San Jose, CA; Steven M. Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY

9:10am The Golden State of Section 1031 Exchanges. Whether due to the high level of its (1) state income tax rates (2) property values, or (3) skill set of its tax practitioners (like our panelists), about half of all US real estate section 1031 transactions involve property located in California. This panel will review how California Franchise Tax Board (FTB) positions on section 1031 exchanges compare to IRS views and current practice, including FTB positions concerning drop-and-swap transactions and swaps of California for non-California property by non-California-residents. The panelists will also discuss FTB's views on the status of non-safe-harbor reverse exchanges in light of the IRS's non-acquiescence in *Bartell*.

Moderator: Lou Weller, Weller Partners LLP, Sausalito, CA

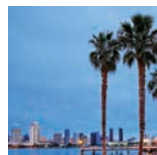
Panelists: Adam Handler, PwC, Los Angeles, CA; Ciro Immordino, Attorney, California Franchise Tax Board, Rancho Cordova, CA; Joyce Welch, Deloitte Tax LLP, San Diego, CA

10:00am Break. 

10:15am Working with Islamic Finance. Islamic financial products are projected to exceed \$6 trillion by 2020. This large volume of financing available has caused US developers of major projects, including public-private partnership infrastructure projects, to consider the use of Islamic financing structured in such a way that its return can be characterized as interest for purposes of the Internal Revenue Code; such yield can then be both deductible interest expense to the US project owners and tax-exempt

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portfolio interest income to the unrelated Islamic investors. Panelists will review US income tax issues, and certain financial accounting and state law issues, which should be considered in designing Islamic financial products.

Moderator: Glenn Johnson, EY, Washington, DC

Panelists: Professor Roberta F. Mann, University of Oregon School of Law, Eugene, OR; Rafi W. Mottahedeh, Jenner & Block LLP, Chicago, IL; Heather Ripley, Alston & Bird, New York, NY

11:00am It's My (Related) Party and I'll Cry if I Want To. Section 267 related party status, referred to in hundreds of Code Sections and Treasury Regulations, can have implications far beyond deferring losses on sales. Without careful planning, section 267 will often thwart legitimate business transactions, such as business acquisitions, establishing pension plans, cross-border financing of a multinational group, replacement of like-kind real estate, buying equipment eligible for immediate expensing under the 2017 tax reform, issuing tax-exempt bonds, managing private foundations, and, as illustrated by Petersen, 148 T.C. No. 22 (2017), accruing employee compensation expense. The panelists will review some of the common situations when the issue of section 267 related party status arises, and focus on what constitutes a section 267 related party.

Moderator: David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA

Panelists: Alfred H. Bae, EY, Houston, TX; Vivek A. Chandrasekhar, Roberts and Holland, New York, NY; Stephen J. Gee, Attorney, IRS Office of Associate Chief Counsel (Income Tax & Accounting), Washington, DC

8:30AM – 10:30AM

State & Local Taxes Practitioner's Roundtable (Executive Session)

Moderator: Mark E. Holcomb, Dean, Mead & Dunbar, Tallahassee, FL

Salon C, Aqua Level

10:30AM – 11:00AM

State & Local Taxes: Publication Subcommittees

Chair: Edward J. Bernert, BakerHostetler, Columbus, OH

Salon C, Aqua Level

11:00AM – 12:00PM

State & Local Taxes Vice-Chairs' Planning Meeting (Executive Session)

Chair: Edward J. Bernert, BakerHostetler, Columbus, OH

Salon C, Aqua Level




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SATURDAY, FEBRUARY 10

12:00PM – 1:30PM

Salon A, Sapphire Level

Section Luncheon & Plenary Session  (Ticketed Event)

Karen L. Hawkins, Section Chair, Presiding

Chair's Report to the Section

Report of Nominating Committee

Award Presentation

Janet Spragens 2018 Pro Bono Award

Dale P. Kensinger, Newton, MA

Professor Kathryn J. Sedo, University of Michigan Law School, Ann Arbor, MI



KEYNOTE SPEAKER

Professor Edward Kleinbard, the Robert C. Packard Trustee Chair in Law at the USC Gould School of Law

Professor Edward Kleinbard is the Ivadelle and Theodore Johnson Professor of Law and Business at the University of Southern California's Gould School of Law, and a Fellow at The Century Foundation. He is the author of a book, *We Are Better Than This: How Government Should Spend Our Money*, just published by Oxford U. Press. In reviewing the book, Pulitzer prize-winning journalist David


Cay Johnston described it as "a masterpiece of tax, fiscal, and economic policy."

Professor Kleinbard joined USC Law in 2009. Before joining USC Law, Professor Kleinbard served as Chief of Staff of the U.S. Congress's Joint Committee on Taxation. The JCT Staff are the nonpartisan tax resource to Congress, helping legislators to formulate legislation, writing analyses of legislative proposals or tax issues of interest to the Congress, and estimating the revenue consequences of legislative proposals.

Professor Kleinbard's work focuses on the taxation of capital income, international tax issues, and the political economy of taxation.

2:00PM – 5:15PM

Salon C, Sapphire Level

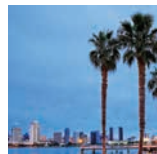
California and Beyond – What the Heck are the State Administrative Tax Appeals Practices? 

Sponsored by: Administrative Practice and State & Local Taxes

In the space of a few days during June 2017, the California legislature enacted sweeping legislation that dramatically altered procedures and administration of the state's tax system. Under the new law, most disputes over state taxes and fees are adjudicated by the newly-established "Office of Tax Appeals." Many administrative functions of the Board of Equalization (BOE) have been transferred to a second new entity called the "California Department of Tax and Fee Administration."

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2:00pm **Earthquake-Quality Seismic Shift in California State Tax Appeals.** Panel I will review the impact of this historic shift on California income taxes and other taxes and fees, and discuss the practical implications of appealing to the freshman class of Administrative Law Judges.

Panelists: Kristen Kane, Office of Tax Appeals, the State of California, Sacramento, CA; Carolyn M. Lee, Morgan, Lewis & Bockius, San Francisco, CA; Robert Rubin, Boutin Jones, Attorneys-at-Law, Sacramento, CA

3:30pm **Break.** ☕

3:45pm **The Good, the Bad, the Ugly – Comparing the Administrative Appeals Practices of the States.** Panel II will discuss select state tax appellate approaches and what constitutes best practices for effective and efficient tax dispute resolution.

Moderator: Erica Horn, Dean Dorton Allen Ford, Lexington, KY

Panelists: Garland Allen, Law Office of Garland Allen, Santa Monica, CA; Amy Nogid, Mayer Brown, New York, NY; Troy Van Dongen, Winston Strawn, San Francisco, CA

2:00PM – 5:15PM

Salon M, Sapphire Level

Current Developments in Individual, Corporate, Partnership, and Estate & Gift Taxation

Sponsored by: Teaching Taxation

This session will review the most significant statutory enactments, judicial decisions, IRS rulings, and Treasury regulations promulgated during the last twelve months that affect general income taxation, corporate taxation, partnership taxation, wealth transfer taxation, and tax procedure.

The program will include a 15 minute break from 3:30pm - 3:45pm.

Moderator: Professor Bruce A. McGovern, South Texas College of Law Houston, Houston, TX

Panelists: Professor Cassady (Cass) Brewer, Georgia State University College of Law, Atlanta, GA; Professor Elaine Hightower Gagliardi, University of Montana School of Law, Missoula, MT



AFFILIATED ORGANIZATIONS

AMERICAN COLLEGE OF TAX COUNSEL

FRIDAY, FEBRUARY 9

7:30AM – 9:00AM

Room 500, Cobalt Level

ACTC Board of Regents Meeting (*Executive Session*)

SATURDAY, FEBRUARY 10

5:00PM – 5:30PM

Salon H, Sapphire Level

ACTC Annual Business Meeting (*ACTC Members Only*)

5:30PM – 6:30PM

Salon H, Sapphire Level

ACTC 2018 Griswold Lecture (*Open Session*)

7:00PM – 10:00PM

ACTC Reception and Dinner (*ACTC Members and Guests*)

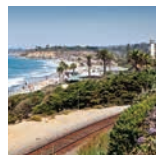
SUNDAY, FEBRUARY 11

7:30AM – 9:00AM

Room 400, Sapphire Level

ACTC Fellows Breakfast and Roundtable Discussion (*ACTC Members Only*)

GENERAL INFORMATION



MEETING MATERIALS

In the interest of providing the most up-to-date meeting materials for all attendees, materials for the **2018 Midyear Meeting** will be available online at www.ambar.org/taxmtgmaterials and via the mobile meeting application (please see page 3 for more information). Complimentary WiFi will be provided throughout the meeting space.

PRINT KIOSK



Should you wish to print out any materials, a printing station will be available Thursday 12pm - 5pm; Friday 7am - 6pm; Saturday 7am - 2pm in Sapphire Foyer, Sapphire Level.

Please note that materials will be updated on the website throughout the meeting. These materials, to the extent they are provided to the Section, will also be made available to Tax Section members following the meeting as an exclusive membership benefit at www.ambar.org/taxiq.

CLE AND ETHICS CREDIT

You ***must be registered for the meeting*** in order to attend and be eligible to receive CLE or ethics credit.

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/groups/taxation/events_cle/inpersoncle.html or contact Tim Brady (tim.brady@americanbar.org).

Please note the  symbol indicates that Ethics credit will be requested for this program, and the  symbol indicates that CLE credit is not available for this program.

REQUIREMENTS FOR NEW YORK ATTORNEYS: New York-licensed attorneys are responsible for signing in and out of each session they attend. The New York sign-in/out sheets are available in each meeting room. A customized New York CLE certificate will be issued to New York-licensed attorneys following the meeting by email, based on information recorded on the sign-in sheets.

REQUIREMENTS FOR ILLINOIS ATTORNEYS: Illinois-licensed attorneys are responsible for signing in for each session they attend. The Illinois sign-in sheets are available in each meeting room. A customized Illinois Certificate of Attendance will be issued to Illinois-licensed attorneys following the meeting by email, based on information recorded on the sign-in sheets.

CLE INFORMATION BOOTH

The CLE Information Booth, located in Sapphire Foyer, Sapphire Level, will be open during the following hours:

Thursday	12:00pm – 7:30pm
Friday	8:00am – 6:30pm
Saturday	8:00am – 5:30pm

Please direct all questions regarding CLE credit to the CLE Information Booth.



GENERAL INFORMATION

CPE INFORMATION

The American Bar Association is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.learningmarket.org.

Recommended CPE Credits and Fields of Study: Program attendees can earn up to 35.50 CPE credits in Taxes and Regulatory Ethics fields of study. Prerequisites: Previous experience in tax law; Advanced Preparation: None; Program Level: Intermediate; Delivery Method: Group-Live.

REGISTRATION

Registration will be available in Sapphire Foyer, Sapphire Level. All individuals attending any part of the **2018 Midyear Meeting**, including speakers, must register and pay the registration fee. Shared registrations are not permitted. Companions are defined as non-Section members not attending substantive meetings. Any companion attending substantive programs must register and pay either the Section member or non-Section member registration fee, whichever is applicable.

The registration fee includes exclusive access to the meeting materials website, mobile meeting application and permits registrants to attend all meetings, sessions and programs; however, it does not include meal functions and social events listed as "Ticketed Event." All ticketed events are sold on a first-come, first-served basis.

REFUND POLICY

The deadline for refunds was **February 2, 2018**. **Refunds will not be granted at or after the meeting.**

AUDIO CDS AND MP3 INSTANT DOWNLOADS

Audio CDs and MP3s of Committee Meetings and Section Programs are available for purchase on site.

To place an order, visit the Digital Conference Providers (DCP) booth located in Sapphire Foyer, Sapphire Level. After the meeting visit: www.dcporder.com/abatx/ for mail order audio CDs or www.dcpvidersonline.com/abatx/ for instant downloads.

20% MEETING DISCOUNT ON SECTION PUBLICATIONS

Stop by the Publications Display, located in Sapphire Foyer, Sapphire Level to preview the most popular titles from the Section of Taxation and receive a 20% discount on all publication orders. Use this meeting discount code: **PTX18SMID** online or call the ABA Service Center at (800) 285-2221 to take advantage of this special discount. **Please note that the offer expires February 17, 2018.**

ABA OPEN MEETINGS POLICY

In accordance with the ABA Open Meetings Policy, all ABA programs are open to the media unless they are to conduct business sessions of a confidential nature. The Association encourages media

GENERAL INFORMATION

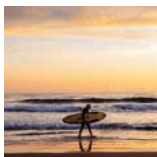


coverage of its activities. If you have questions about this policy, please contact the Sections' main office at (202)-662-8670.

Please note: By attending the conference, attendees have agreed to the terms of the American Bar Association Image/Audio/Video Release Form, which allows images, audio and video recorded on site to be used for educational and promotional purposes.

SCHOLARSHIP POLICY

A limited number of scholarships to defray tuition expenses are available for this program. To request a scholarship application, please contact the Tax Section (taxlserve@americanbar.org). Scholarship applications must be received no later than 30 days prior to the program. For programs with tuition costs over \$500, qualifying attorneys will receive at least a 50% reduction in the registration fee.



COMPANIONS INFORMATION

Guide to the City: San Diego

A guide to San Diego's best, including great restaurants, sights to see, and experiences not to be missed, is available at the Conference Registration Desk and at the Concierge Desk. We hope that you enjoy the suggested attractions.

For more information on how to schedule tours and for additional recommendations, you may also contact the concierge team at the Hilton Bayfront by calling: 619-321-4291 or by visiting the Concierge Desk, located in the Hotel Lobby.

Companions Meeting Point

To make the most of your time in San Diego, network and gather with fellow companions at the Companion Meeting Point on Friday 8:30am - 10:30am, Room 411, Sapphire Level. All companions are welcome to attend!

Hospitality Center

Complimentary continental breakfast and afternoon snacks will be available to all companions with a name badge in the Hospitality Center. The Hospitality Center will be located on the Sapphire Foyer, Sapphire Level space on Friday and Saturday.

Hospitality Hours:

Friday: AM Break 7:00am – 11:00am / PM Break 1:30pm – 4:00pm

Saturday: AM Break 7:00am – 11:00am / PM Break 1:30pm – 4:00pm (Sapphire Level Only)

Companions Email Discussion List

Another great way to connect is through the companions' email discussion list. This group email allows companions to connect before the conference and is the best way to receive updates on suggested area attractions for our upcoming meetings. If you are not currently part of the email discussion list and would like to join, please contact taxlserve@americanbar.org.

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MAY 10-12, 2018

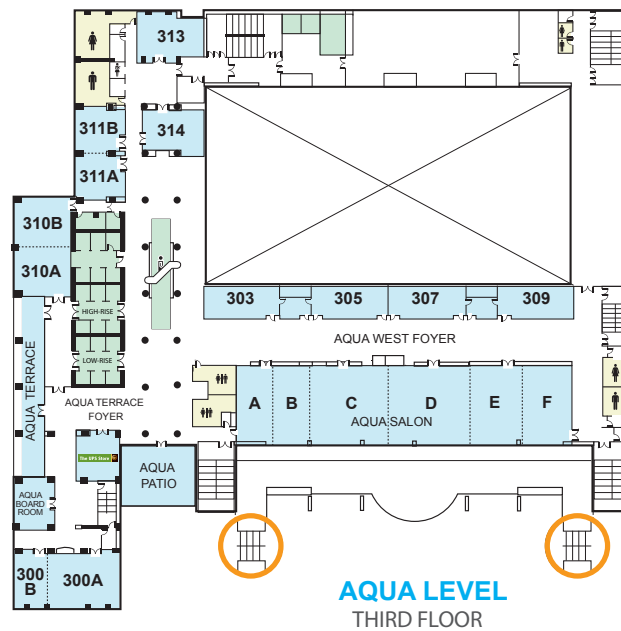
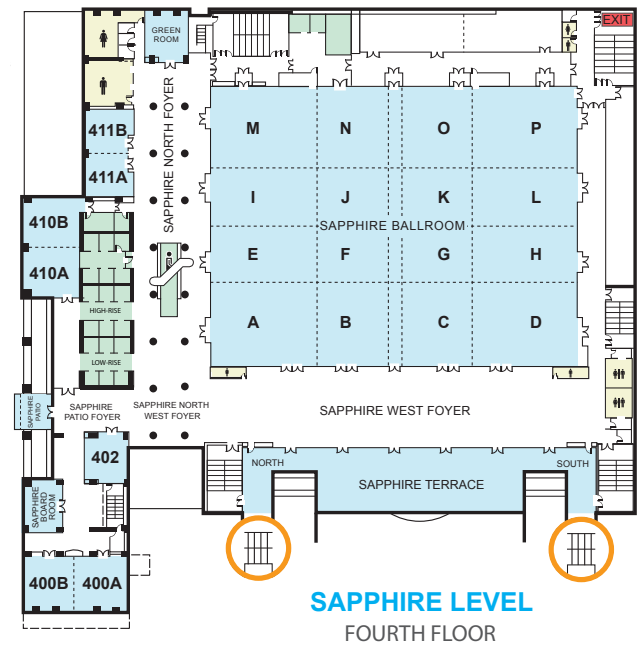
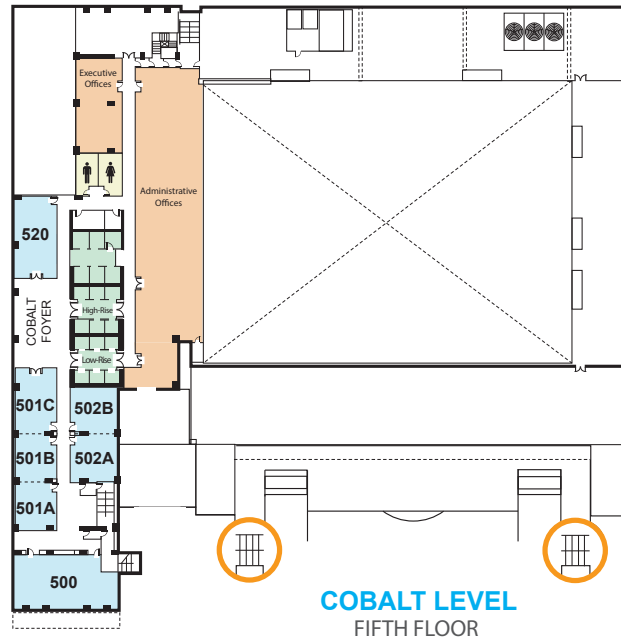


Thank you for joining us at the Midyear Meeting. We look forward to seeing you at the May Meeting in Washington, DC.

Please turn page to find the hotel floorplan.

FLOOR PLANS

HILTON BAYFRONT SAN DIEGO



- = Function Space
- = Elevators & Escalators
- = Restrooms
- = Stairs

THOMSON REUTERS

CHECKPOINT™

How can I eliminate
unnecessary steps
in my tax research
process?

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