

SECTION OF TAXATION

2020 MIDYEAR TAX MEETING

JANUARY 30 – FEBRUARY 1, 2020

BOCA RATON RESORT • BOCA RATON, FL



FINAL PROGRAM



AMERICAN **BAR** ASSOCIATION

Tax Section

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2020 MIDYEAR TAX MEETING

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FUTURE MEETINGS / CLE CALENDAR



Section of Taxation CLE Calendar

DATE	PROGRAM	CONTACT INFO
March 16-20, 2020	2020 ABA/IPT Advanced Tax Seminars New Orleans, LA	Tax Section www.americanbar.org/tax 202.662.8670
April 1-3, 2020	20th Annual U.S. and Europe Tax Practice Trends Conference Munich, Germany	Tax Section www.americanbar.org/tax 202.662.8670
June 10-20, 2020	13th Annual U.S. and Latin America Tax Practice Trends Conference Miami, FL	Tax Section www.americanbar.org/tax 202.662.8670
November 9-10, 2020	31st Annual Philadelphia Tax Conference Philadelphia, PA	Tax Section www.americanbar.org/tax 202.662.8670
March 24-26, 2021	21st Annual U.S. and Europe Tax Practice Trends Conference Zurich, Switzerland	Tax Section www.americanbar.org/tax 202.662.8670
June 9-11, 2021	14th Annual U.S. and Latin America Tax Practice Trends Conference Miami, FL	Tax Section www.americanbar.org/tax 202.662.8670
November 7-9, 2021	32nd Annual Philadelphia Tax Conference Philadelphia, PA	Tax Section www.americanbar.org/tax 202.662.8670

Section of Taxation Meeting Calendar

DATE	PROGRAM	LOCATION
April 30-May 2, 2020	MAY TAX MEETING	Marriott Marquis DC, Washington, DC
September 24-26, 2020	FALL TAX MEETING	NY Marriott Marquis, New York, NY
January 28-30, 2021	MIDYEAR TAX MEETING	JW Marriott LA Live, Los Angeles, CA
May 13-15, 2021	MAY TAX MEETING	Marriott Marquis DC, Washington, DC
September 23-25, 2021	FALL TAX MEETING	Westin Waterfront, Boston, MA
January 27-29, 2022	MIDYEAR TAX MEETING	JW Marriott Grand Lakes, Orlando, FL
May 12-14, 2022	MAY TAX MEETING	Marriott Marquis DC, Washington, DC
October 13-15, 2022	FALL TAX MEETING	Hyatt Regency, Dallas, TX
February 9-11, 2023	MIDYEAR TAX MEETING	Hilton Bayfront San Diego, San Diego, CA
May 4-6, 2023	MAY TAX MEETING	Marriott Marquis DC, Washington, DC
September 28-30, 2023	FALL TAX MEETING	Hyatt Regency, San Francisco, CA

WELCOME

THOMAS J. CALLAHAN

SECTION CHAIR



The Section of Taxation welcomes you to the **2020 Midyear Tax Meeting** in Boca Raton, FL. 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 development in tax law.

Please note the following meeting highlights:

- **PLENARY SESSION & SECTION LUNCHEON** on Saturday with Keynote Speaker Michael J. Desmond, Chief Counsel, IRS, Washington, DC 12:00PM – 1:30PM in Royal Palm VI, Mizner Center.
- **SECTION PROGRAM** Saturday afternoon on Current Developments in Individual, Corporate, Partnership, and Estate & Gift Taxation.

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.

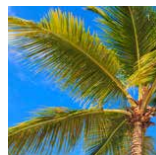
WIRELESS INTERNET is available for attendees throughout the meeting space.

Network Name: ABA Tax Meeting

Password: midyear20 (all lowercase)

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 Michael J. Desmond, Chief Counsel, IRS, Washington, DC, will address attendees of the **2020 Midyear Tax Meeting** at the Section Luncheon on Saturday, February 1 from 12:00pm-1:30pm in Royal Palm VI, Mizner Center. Attendees must purchase a ticket to attend the luncheon.

TAX BRIDGE TO PRACTICE

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 18.

SECTION EXHIBITORS

Section Exhibitors will be open on Thursday from 12:00PM – 7:00PM, Friday from 7:00am to 7:00pm and on Saturday from 7:00am to 1:00pm in Royal Palm Foyer, Mizner Center. The following organizations will have exhibit booths:

Blue J Legal

Boston University School of Law Graduate Tax Program

Clio

Northwestern University Pritzker School of Law

Rocket Matter

Tax Analysts

UC Irvine School of Law, Graduate Tax Program

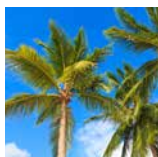
University of Florida Fredric G. Levin College of Law

Office of the Chief Counsel of the U.S. Internal Revenue Service: Limited hours, Friday: 8:00AM-10:00AM and 1:00PM-4:00PM

REGISTRATION

Registration will be available in Royal Palm Foyer, Mizner Center. All individuals attending any part of the 2020 Midyear Tax 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 Royal Palm Foyer, Mizner Center, will be open during the following hours:

Thursday:	12:00pm – 7:30pm
Friday:	6:30am – 7:00pm
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 Bar	Exhibitor
BLUE Ribbon	Staff

HOSPITALITY CENTER

Complimentary continental breakfast and afternoon snacks will be available to all attendees and companions with a name badge.

FRIDAY

Location: Royal Palm Foyer, Mizner Center and Camino Foyer, Great Hall Center

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

SATURDAY

Location: Royal Palm Foyer, Mizner Center

Time: AM Break 7:00am - 12:00pm

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. 18)

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. 66)

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)	Royal Palm IX, Mizner Center	8:30AM – 1:00PM	18
THURSDAY 12:45PM			
Tax Bridge to Practice 🎧⚖️★	Royal Palm IV, Mizner Center	12:45PM – 5:00PM 12:45p – A Conversation with... 🎧 1:45p – Nuts and Bolts: Introduction to Ethical Considerations for Young Attorneys ⚖️ 2:45p – Break 🎧 3:00p – Workin' On It: Understanding Employment Tax 4:00p – Getting to the Truth: Fundamentals of Discovery & Public Records for SALT Lawyers	18
THURSDAY 3:30PM			
Real Estate and Sales, Exchanges & Basis 🎧	Royal Palm II, Mizner Center	3:30PM – 5:45PM 3:30p – Nuts and Bolts of Opportunity Zones and Qualified Opportunity Funds 4:30p – Break 🎧 4:45p – Common and Complex Case Studies and Real-World Issues with Opportunity Zones and Qualified Opportunity Funds	19
THURSDAY 5:00PM			
Committee Leadership Development Session 🎧 (Invitation Only)	Royal Palm VIII, Mizner Center	5:00PM – 6:00PM	19
First Time Attendee, Young Lawyer & Law Student Networking Reception ★🎧 (Complimentary)	Royal Palm VII, Mizner Center	5:00PM – 6:00PM Sponsored by: Tax Analysts	19
THURSDAY 6:00PM			
Welcome Reception 🎧 (Complimentary)	Royal Palm VI, Mizner Center	6:00PM – 7:00PM	19
THURSDAY 6:30PM			
Careers in Tax Dinner 🎧 (RSVP Required)	Royal Palm X, Mizner Center	6:30PM – 8:00PM Sponsored by: UC Irvine School of Law, Graduate Tax Program	19
THURSDAY 7:00PM			
Administrative Practice Dinner 🎧 (Invitation Only)	City Fish Market, 7940 Glades Rd.	7:00PM – 9:30PM	20









SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
THURSDAY 7:00PM (Continued)			
Partnerships & LLCs, Real Estate, Sales Exchanges & Basis and S Corporations Committees Dinner 🍽️ (Reservation; Advanced Payment Required)	Boca Landing, 999 East Camino Real	7:00PM – 9:30PM	20
State & Local Taxes Executive Committee Business Dinner Meeting 🍽️ (Invitation Only)		7:00PM – 10:00PM	20
FRIDAY 7:30AM			
ACTC Board of Regents Meeting 🍽️ (Executive Session)	Madrid, Great Hall Center	7:30AM – 9:00AM	21
Exempt Organizations Subcommittees on Health-Care Organizations and Audits, Appeals and Litigation 🍽️	Granada C, Great Hall Center	7:30AM – 8:30AM Roundtable Discussion of Current Developments 🍽️	21
Exempt Organizations Subcommittees on Political & Lobbying Organizations 🍽️	Granada D, Great Hall Center	7:30AM – 8:30AM Roundtable Discussion of Current Developments 🍽️	21
Exempt Organizations Subcommittees on Private Foundations, Unrelated Business Income, and International Philanthropy 🍽️	Granada A, Great Hall Center	7:30AM – 8:30AM Roundtable Discussion of Current Developments 🍽️	21
Exempt Organizations Subcommittee on Religious Organizations 🍽️	Granada B, Great Hall Center	7:30AM – 8:30AM Roundtable Discussion of Current Developments 🍽️	21
FRIDAY 8:00AM			
Capital Recovery & Leasing 🍽️	Grand B, Mizner Center	8:00AM – 10:00AM 8:00a – Current Developments and Update on Pending Guidance 8:30a – Transactions and Bonus Depreciation 9:15a – Implementing the Bonus Depreciation Regulations	21
Employee Benefits Subcommittee on Defined Contribution Plans	Royal Palm I, Mizner Center	8:00AM – 9:30AM Defined Contribution Plans Update	22
Employee Benefits Subcommittees on Executive Compensation, Fringe Benefits and Federal Securities Law	Royal Palm II, Mizner Center	8:00AM – 9:30AM Executive Compensation, Fringe Benefits and Securities Law Update	22
FRIDAY 8:30AM			
Administrative Practice 🍽️	Grand G, Mizner Center	8:30AM – 11:30AM 8:30a – Important Developments 9:30a – Practical Privilege Issues 10:30a – Preparing For and Managing an IRS Examination with Virtual Currency Issues	23











SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 8:30AM <i>(Continued)</i>			
Affiliated & Related Corporations 	Grand D, Mizner Center	8:30AM – 11:30AM 8:30a – The Interaction of the TCJA and the Intercompany Transaction Regulations 10:00a – Current Developments	24
Closely Held Businesses 	Royal Palm IV, Mizner Center	8:30AM – 11:30AM 8:30a – Basis for Comparison: How Income Tax Management Is Changing the Face of Estate Planning 10:00a – Hot Topics for Closely Held Businesses 10:30a – The Tax Fallout of Business Breakups	24
Estate & Gift Taxes 	Grand J, Mizner Center	8:30AM – 11:30AM 8:30a – Current Developments 9:15a – Optimizing Lifetime Gifts: Advising Clients in Uncertain Times 10:00a – Florida Homestead – A Primer 10:45a – Generation-Skipping Transfer Tax Exemption Allocation: Often Automatic, But Rarely Straightforward	25
Foreign Lawyers Forum and US Activities of Foreigners & Tax Treaties Joint Session 	Great Hall South, Great Hall Center	8:30AM – 12:45PM 8:30a – Revisiting the BEAT 9:30a – Opening Pandora's Box: IP Tax Incentives in the US & Europe 11:30a – Break  11:45a – Foreign Lawyers Forum – Anti-Hybrid Rules: The New World	26
Individual & Family Taxation 	Addison West, Mizner Center	8:30AM – 11:30AM 8:30a – Recent IRS Guidance on Bitcoin and Other Virtual Currencies 9:30a – Designated Orders in the US Tax Court 10:30a – Due Diligence and Preparer Penalties Following TCJA: Expanded and Potentially Expensive	27
Investment Management 	Estate I, Mizner Center	8:30AM – 11:30AM 8:30a – Non-US Investors in Private Funds 9:30a – Overview of Collective Investment Trusts: Popular Alternative to Mutual Funds for Institutional Investors 10:30a – The Latest in Drafting Investment Fund Agreements	28
Partnerships & LLCs 	Grand E, Mizner Center	8:30AM – 11:30AM 8:30a – Hot Topics 9:30a – How Far Will You Carry Your Client? Section 1061 As It Stands Today 10:30a – Tax Issues of Dry Partnerships	29

SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 8:30AM (Continued)			
Tax Policy & Simplification 	Royal Palm VI, Mizner Center	8:30AM – 11:30AM 8:30a – How Should the U.S. Tax System Respond to the Growing Wealth Gap? The Continuing Debate Over Wealth Taxes and Other Tax Proposals to Narrow the Gap Between Rich and Poor 10:00a – Clearing-Up the Clouds? Proposed US Taxation of Cloud Transactions, Non-Currency Tokens, and Other “Digital Assets”	29
Transfer Pricing 	Great Hall North, Great Hall Center	8:30AM – 10:30AM 8:30a – A “Quick Dip” in the Water – A Summary of Recent Transfer Pricing Issues	31
FRIDAY 8:45AM			
Exempt Organizations 	Camino Hall, Great Hall Center	8:45AM – 4:30PM 8:45a – Committee Business  9:00a – News from the IRS and Treasury 10:00a – Up in Smoke: Marijuana, Tax-Exempt Organizations and the Criminality Doctrine 11:00a – Break  11:15a – A “20/20” Look at the 2017 Tax Act 12:30p – Exempt Organizations Committee Luncheon  2:00p – Section 501(c)(3) and Hate Speech 3:00p – Controversial Gifts: Solutions Through Policy and/or Agreement 4:00p – Cash Bar 	31
FRIDAY 9:00AM			
2019-2020 Law Student Tax Challenge  ★	Galleria North & South, The Cloisters	9:00AM – 11:30AM J.D. Semi-Final Rounds (<i>Open to the Public</i>)	32
FRIDAY 9:30AM			
Employee Benefits Subcommittee on Administrative Practices	Royal Palm VII, Mizner Center	9:30AM – 11:00AM Employee Benefits Administrative Practices Update	33
Employee Benefits Subcommittee on Employee Benefits Legislation & Litigation	Royal Palm III, Mizner Center	9:30AM – 10:30AM Employee Benefits Legislation & Litigation Update	33
FRIDAY 9:45AM			
Employee Benefits Subcommittees on Multiple Employers, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups	Estate III, Mizner Center	9:45AM – 10:45AM Employee Benefits Multiple Employers, PEOs and Controlled & Affiliated Service Groups Update	33
FRIDAY 10:00AM			
Employee Benefits Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues	Royal Palm I, Mizner Center	10:00AM – 12:00PM Employee Benefits Welfare Plans and EEOC, FMLA and Leaves Issues Update	34



SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 10:30AM			
Energy & Environmental Taxes	Seville, Great Hall Center	10:30AM – 12:00PM 10:30a – Energy Industry Tax Updates Roundtable	34
FRIDAY 11:00AM			
Distinguished Service Award (Executive Session)	Barcelona C, Great Hall Center	11:00AM – 12:00PM	34
Employee Benefits Subcommittee on Distributions	Royal Palm IX, Mizner Center	11:00AM – 12:00PM Employee Benefits Distributions Update	34
Employee Benefits Subcommittee on Exempt Organization and Governmental Plans	Royal Palm III, Mizner Center	11:00AM – 12:00PM Employee Benefits Exempt Organization and Governmental Plans Update	35
Employee Benefits Subcommittee on Fiduciary Responsibility/Plan Investments	Royal Palm II, Mizner Center	11:00AM – 12:00PM Employee Benefits Fiduciary Responsibility/Plan Investments Update	35
Employee Benefits New Employee Benefits Attorneys Forum	Veranda IV, Mizner Center	11:00AM – 11:30AM Employee Benefits New Employee Benefits Attorneys Forum	36
FRIDAY 11:30AM			
Appointments to the Tax Court (Executive Session)	Barcelona D, Great Hall Center	11:30AM – 12:30PM	36
Court Procedure & Practice Roundtable	Grand I, Mizner Center	11:30AM – 12:30PM 11:30a – Limited Scope Representation: Expanding Access to Legal Services	36
FRIDAY 12:00PM			
Corporate Tax and Affiliated & Related Corporations Luncheon (Ticketed Event)	Grand B, Mizner Center	12:00PM – 1:30PM	37
Diversity Luncheon (Ticketed Event)	Royal Palm VIII, Mizner Center	12:00PM – 12:30PM Sponsored by: EY	37
Employee Benefits Subcommittees on Defined Benefit Plans	Royal Palm IX, Mizner Center	12:00PM – 1:15PM Employee Benefits Defined Benefit Plans Update	38
Employee Benefits Subcommittee on ESOPs	Veranda IV, Mizner Center	12:00PM – 1:00PM Employee Benefits ESOP Update	38
Nominating Committee (Executive Session)	Madrid, Great Hall Center	12:00PM – 2:30PM	39
State & Local Taxes Luncheon (Ticketed Event)	Addison East, Mizner Center	12:00PM – 12:30PM	37

















SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 12:15PM			
Employee Benefits Corporate Counsel Forum	Royal Palm I, Mizner Center	12:15PM – 1:15PM Employee Benefits Corporate Counsel Forum	39
FRIDAY 12:30PM			
Administrative Practice and Court Procedure & Practice Luncheon 🎟️ (Ticketed Event)	Grand G, Mizner Center	12:30PM – 1:30PM <i>Speaker:</i> Hon. Ronald L. Buch, US Tax Court, Washington, DC Sponsored by: Caplin & Drysdale, Miller & Chevalier Chartered, Thompson & Knight LLP, and Thompson Hine	37
Financial Institutions & Products, Insurance Companies, Investment Management and Tax Exempt Financing 🎟️ (Ticketed Event)	Estate II, Mizner Center	12:30PM – 1:30PM	37
Civil & Criminal Tax Penalties Luncheon 🎟️ (Ticketed Event)	Grand D, Mizner Center	12:30PM – 1:30PM Sponsored by: Kostelanetz & Fink, LLP	37
Diversity 🗣️	Royal Palm VIII, Mizner Center	12:30PM – 1:30PM 12:30p – Earned Income Tax Credit: Ideas for Reform	39
Exempt Organizations Luncheon 🎟️ (Ticketed Event)	Granada A, Great Hall Center	12:30PM – 1:30PM	37
Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing and US Activities of Foreigners & Tax Treaties Luncheon 🎟️ (Ticketed Event)	Great Hall North, Great Hall Center	12:45PM – 1:15PM	37
Partnerships & LLCs and Real Estate Luncheon 🎟️ (Ticketed Event)	Grand E, Mizner Center	12:30PM – 1:30PM	37
State & Local Taxes 🎟️	Addison East, Mizner Center	12:30PM – 1:30PM 12:30p – Trends in Statutory Interpretation in State Tax Cases 🎟️	39
FRIDAY 1:00PM			
2019-2020 Law Student Tax Challenge 🎟️★	Galleria North & South, The Cloisters	1:00PM – 4:00PM LL.M. and J.D. Final Rounds (<i>Open to the Public</i>)	40
FRIDAY 1:15PM			
Joint Session of Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing and US Activities of Foreigners & Tax Treaties 🎟️	Great Hall North, Great Hall Center	1:15PM – 2:45PM 1:15p – International Government Officials Panel 🎟️	40












SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 1:30PM			
Employee Benefits 	Royal Palm VI, Mizner Center	1:30PM – 6:00PM 1:30p – The SECURE Act 2:00p – What's in a Name? Association Health Plans and Association Retirement Plans: These Cousins Couldn't Be More Different 3:00p – Department of Labor, Employee Benefits Security Administration and Pension Benefit Guaranty Corporation Hot Topics 4:00p – Break  4:15p – Department of Treasury / IRS Hot Topics 5:15p – Fireside Chat  6:00p – Cash Bar 	40
Employment Taxes 	Royal Palm X, Mizner Center	1:30PM – 5:00PM 1:30p – IRS Employment Tax Update 2:30p – IRC Section 409A: It's Never Easy to Say Goodbye! 3:30p – Creative Use of Federal Tax Statutes as Enforcement Tools in Employment Controversies 4:30p – Meet & Greet 	41
Standards of Tax Practice  	Grand I, Mizner Center	1:30PM – 4:00PM 1:30p – Ethical Issues in Federal Tax Practice – The Government Perspective  2:20p – Ethical Considerations for Limited Scope Engagements  3:10p – Ethical Considerations Arising Out of the BBA Partnership Audit Rules 	42
FRIDAY 2:00PM			
Diversity 	Veranda IV, Mizner Center	2:00PM - 3:00PM 2:00p – TCJA Recent Developments and Policy Considerations Concerning Payments Related to Sexual Harassment Under Code Section 162(q) and Fines and Penalties Under Code Section 162(f)	43
Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee 	Seville, Great Hall Center	2:00PM – 3:00PM 2:00p – Estate Planning in Light of Legislative Uncertainty	43
State & Local Taxes  	Addison West, Mizner Center	2:00PM – 5:00PM 2:00p – Ethics and Technology: Navigating Tricky Ethical Dilemmas in a 21st Century SALT Practice  3:00p – Through the Mists of State Tax Administration 4:00p – Tax Insurance and Warranty and Representation Insurance – Who, What, Where, When	43














SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 2:30PM			
Closely Held Businesses 	Grand B, Mizner Center	2:30PM – 5:30PM 2:30p – TCJA – Hot Topics for Closely Held Businesses 3:30p – The IRS's Increased Focus and Enforcement of Payroll Tax Debts 4:30p – Joint Panel with S Corporations in Grand D, Mizner Center	44
Court Procedure & Practice 	Grand G, Mizner Center	2:30PM – 5:30PM 2:30p – Current Developments 3:20p – Collections of Foreign Tax Judgments: When Your Other Problems Come Home 4:30p – Conservation Easements – Trying Times	45
Financial Institutions & Products 	Estate I, Mizner Center	2:30PM – 5:30PM 2:30p – Section 871(m) Update 3:30p – Transitioning from LIBOR 4:30p – Section 163(j): Peaking (or is that PIKing) your Interest	46
Insurance Companies 	Royal Palm IX, Mizner Center	2:30PM – 5:30PM 2:30p – Life Insurance Product Update 3:30p – Insurance Tax Guidance Update 4:30p – Insurance Company Corporate Tax Issues	46
Public Service Fellowship  (Executive Session)	Barcelona D, Great Hall Center	2:30PM – 6:00PM	47
Real Estate 	Grand E, Mizner Center	2:30PM – 5:30PM 2:30p – Opportunity Zones – Structuring Issues 3:30p – Joint Venturing with a REIT 4:30p – Partnership Liabilities Under Section 707 and 752	47
S Corporations 	Grand D, Mizner Center	2:30PM – 5:30PM 2:30p – Current Developments in the Federal Income Taxation of S Corporations 3:30p – International Tax Provisions of the TCJA 4:30p – Joint Panel with Closely Held Businesses	47
Tax Accounting 	Estate III, Mizner Center	2:30PM – 5:30PM 2:30p – Current Developments 3:15p – Mitigation Banking 4:00p – Cryptocurrency Meets Tax Accounting 4:45p – Accounting Methods in M&A Transactions	48
Tax Collection, Bankruptcy & Workouts 	Grand J, Mizner Center	2:30PM – 5:30PM 2:30p – Current Developments in Collection Enforcement 4:00p – Selected Issues Where Taxes Meet the Bankruptcy Court	49



SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 2:30PM (Continued)			
Tax Exempt Financing 	Royal Palm VII, Mizner Center	2:30PM – 5:30PM 2:30p – Legislative, Treasury and Internal Revenue Service Update 3:15p – Repeal of Advance Refundings and the Rise of Taxable Municipal Bonds 4:10p – What Does Cinderella Look Like? 4:45p – Tax Exempt Financings & Partnerships	50
FRIDAY 2:45PM			
Foreign Activities of US Taxpayers 	Great Hall South, Great Hall Center	2:45PM – 4:45PM 2:45p – What if There Isn't 100% Ownership in Cross Border Structures? 3:45p – Foreign Tax Credit Update	51
FRIDAY 3:00PM			
Teaching Taxation 	Estate II, Mizner Center	3:00PM – 4:30PM 3:00p – Opportunity Zones – Two Years In	51
FRIDAY 4:30PM			
S Corporations and Closely Held Businesses Joint Panel 	Grand D, Mizner Center	4:30PM – 5:30PM 4:30p – Planning Considerations and Issues for Trusts as Owners of S Corporations and Other Closely Held Business	52
Publications Committee  (Executive Session)	Madrid, Great Hall Center	4:30PM – 5:30PM	52
FRIDAY 5:00PM			
Office of Chief Counsel Career Information Session 	Estate II, Mizner Center	5:00PM – 6:00PM 5:00p – Notes from the Recruiter Informational Session 	52
FRIDAY 5:30PM			
Foreign Activities of US Taxpayers Business Meeting 	Seville, Great Hall Center	5:30PM – 6:30PM	53
Foreign Lawyers Forum Business Meeting 	Barcelona A, Great Hall Center	5:30PM – 6:30PM	53
2019-2020 Law Student Tax Challenge 	Grand I, Mizner Center	5:30PM – 6:30PM Awards Ceremony (Open to the Public)	53
Transfer Pricing Business Meeting 	Barcelona C, Great Hall Center	5:30PM – 6:30PM	53
FRIDAY 5:45PM			
US Activities of Foreigners & Tax Treaties Business Meeting 	Madrid, Great Hall Center	5:45PM – 6:30PM	53
FRIDAY 6:30PM			
Section Reception 	Royal Palm IV, Mizner Center	6:30PM – 8:00PM	53













SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 8:00PM			
Joint International Committees Dinner 🍷★ (Reservations Required)		8:00PM – 10:00PM	53
SATURDAY 7:15AM			
Real Estate, Partnerships & LLCs and S Corporations "Shop Talking" Breakfast 🍷 (Ticketed Event)	Grand D, Mizner Center	7:15AM – 8:30AM	54
SATURDAY 7:30AM			
ACTC Fellows Breakfast 🍷 (ACTC Fellows Only)	Grand G, Mizner Center	7:30AM – 8:45AM	54
Tax Practice Management 📺📺	Royal Palm X, Mizner Center	7:30AM – 8:30AM 7:30a – Ethical Challenges Posed by the Use of Predictive Case Analytics In Tax 📺	54
SATURDAY 7:45AM			
Court Procedure & Practice Committee Breakfast 🍷 (Ticketed Event)	Grand I, Mizner Center	7:45AM – 9:00AM	54
SATURDAY 8:00AM			
Pro Bono & Tax Clinics 📺📺	Royal Palm IV, Mizner Center	8:00AM – 11:45AM 8:00a – National Taxpayer Advocate's Annual Report to Congress 8:30a – Innocent Spouse Litigation Under the Taxpayer First Act: The Administrative Record, Newly Discovered Evidence, and Other Challenges 9:30a – Ethical Considerations in Pro Bono Representation 📺 10:30a – Break 🍷 10:45a – Employment Income Characterization Through the Taxpayer Rights Lens	54
SATURDAY 8:30AM			
Corporate Tax 📺	Grand E, Mizner Center	8:30AM – 11:30AM 8:30a – Current Developments in Corporate Taxation 10:00a – Section 367(b) in a Post-TCJA World	56
Employee Benefits 📺📺	Royal Palm VII, Mizner Center	8:30AM – 11:30AM 8:30a – The Future of Benefits – The SECURE Act 9:30a – Hot Topics in Executive Compensation – 162(m) 10:30a – The Evolving Practice of Employee Benefits Law and Related Ethics Issues 📺	56



SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
Fiduciary Income Tax 	Grand A, Mizner Center	8:30AM – 11:30AM 8:30a – Current Developments 9:15a – A Refresher on the Throwback Tax 9:45a – Trust & Estate Distributions to Foreign Beneficiaries 10:30a – Can an AFR Loan be Treated as Not Issued for Full and Adequate Consideration if Later Valued in the Note Holder's Gross Estate at a Discount?	57
LLCs and LLPs Subcommittee of Partnerships & LLCs 	Grand B, Mizner Center	8:30AM – 10:30AM 8:30a – Update on Non-Tax Issues in LLCs  10:00a – Dual Status Partners 	57
Sales, Exchanges & Basis  ★	Royal Palm II, Mizner Center	8:30AM – 11:45AM 8:30a – Current Events 9:00a – Divorce in a Post-Tax Reform World, with a focus on Cross Border Issues and 1041 10:00a – Break  10:15a – Partnership Terminations & 1031 11:00a – Watts This? Does No Good Deed Go Unpunished?	58
State & Local Taxes Practitioners Roundtable  (Executive Session)	Grand J, Mizner Center	8:30AM – 10:30AM	59
SATURDAY 8:45AM			
Civil & Criminal Tax Penalties 	Grand H, Mizner Center	8:45AM – 11:45AM 8:45a – Reports of Subcommittees on Important Developments 9:10a – Update: Tax Division, U.S. Department of Justice 9:30a – The Long Road: Laying the Foundation for Trial During the Audit 10:15a – The Age of Promoter Penalties: Fighting the Good Fight 11:00a – A Client with a Cryptocurrency Issue Just Called – What Now?	59
SATURDAY 10:30AM			
State & Local Taxes: Publication Subcommittees 	Grand J, Mizner Center	10:30AM – 11:00AM	61
SATURDAY 11:00AM			
State and Local Taxes Vice-Chairs' Planning Meeting  (Executive Session)	Grand J, Mizner Center	11:00AM – 12:00PM	61
SATURDAY 12:00PM			
Section Luncheon & Plenary Session  ★ (Ticketed Event)	Royal Palm VI, Mizner Center	12:00PM – 1:30PM Speaker: Michael J. Desmond, Chief Counsel, IRS, Washington, DC	61
SATURDAY 2:00PM			
Section Program Presented by Teaching Taxation 	Royal Palm II, Mizner Center	2:00PM – 5:00PM Current Developments in Individual, Corporate, Partnership and Estate & Gift Taxation	61

PROGRAM SCHEDULE

THURSDAY, JANUARY 30



8:30AM – 1:00PM

Section of Taxation Officers & Council Meeting 🗣️ (Executive Session)

Royal Palm IX, Mizner Center

12:45PM – 5:00PM

Tax Bridge to Practice 📖 ★ 🗣️

Royal Palm IV, Mizner Center

Sponsored by: Young Lawyers Forum and Diversity

12:45pm A Conversation with... 🗣️ An in-depth discussion with Chief Judge Maurice B. Foley of the US Tax Court, one of the Tax Section's most distinguished members, detailing his practice, history and the latest developments in tax law.

1:45pm Nuts and Bolts: Introduction to Ethical Considerations for Young Attorneys. 🗣️ This panel will discuss the ethical issues that frequently arise when representing a client before the IRS. This panel will focus on the rules and guidance, including Circular 230 and the ABA Model Rules, that young attorneys should consult when faced with an ethical conundrum.

Moderator: Anne Wurtzbeach, DLA Piper, New York, NY

Panelists: Hon. Ronald L. Buch, US Tax Court, Washington DC (Invited); Joshua Wu, Deputy Assistant Attorney General (Policy and Planning), Department of Justice, Tax Division, Washington, DC; Brianne DeSellier, Crowe LLP, Ft. Lauderdale, FL; James Steele, Morgan, Lewis & Bockius LLP, Washington, DC

2:45pm Break. 🗣️

3:00pm Workin' On It: Understanding Employment Tax. Employment tax compliance has become an enforcement priority for the IRS and the result has been more civil examinations and criminal investigations. This panel will survey the common issues in the employment arena and approaches in defending an employment tax controversy. The panelists will discuss Section 530 relief, voluntary compliance options, the eggshell audit and the criminal referral process.

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

Panelists: Lu-Ann Dominguez, Gunster, Ft. Lauderdale, FL; Brian Gardner, Taylor English, Atlanta, GA; Marissa Lenius, IRS Senior Attorney, TEGE Division Counsel, Jacksonville, FL

4:00pm Getting to the Truth: Fundamentals of Discovery & Public Records for SALT Lawyers. This panel will delve into a crucial reality for tax lawyers—the exchange of information between taxpayer and tax authority. State and local tax (“SALT”) lawyers encounter this in various contexts: tax audits, discovery during litigation, and requests for public records. The panel will discuss the fundamentals of obtaining information, tips to prevent and resolve disputes about the exchange of information, and protections for confidential information. The panelists represent diverse perspectives of SALT lawyers in private practice and government practice, including a tax appeal hearing officer.

Moderator: Michelle DeLappe, Foster Garvey PC, Seattle, WA

Panelists: Vincent Kan, Hearing Officer, Board of Appeals at Illinois Department of Revenue, Chicago, IL; Andrea Muse, Legal Reporter, Tax Analysts, Washington, DC; Jennifer Pusch, Fredrikson & Byron PA, Minneapolis, MN; Harriet A. Wessel, Mondrik & Associates, Austin, TX

Co-Sponsored by: Court Procedure & Practice




PROGRAM SCHEDULE

THURSDAY, JANUARY 30

3:30PM – 5:45PM

Royal Palm II, Mizner Center

Real Estate and Sales, Exchanges & Basis 

Sales, Exchanges & Basis Chair: Stephen Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY

Real Estate Chair: Ossie Borosh, KPMG LLP, Washington, DC

3:30pm Nuts and Bolts of Opportunity Zones and Qualified Opportunity Funds. This panel will cover the law, regulations, and the practical implementation thereof for Opportunity Zones (“OZs”) and Qualified Opportunity Funds (“QOFs”). It is the perfect panel both for those unfamiliar with OZs and QOFs, as well as those who are familiar with the law and regulations but have not practiced in the area. Additionally, seasoned practitioners will benefit from a discussion of the final regulations with respect to OZs.

Moderator: Matthew Rappaport, Falcon Rappaport & Berkman PLLC, Rockville Center, NY

Panelists: Richard Blumenreich, KPMG LLP, Washington, DC; Alan S. Lederman, Gunster, Ft. Lauderdale, FL; Leila Vaughan, Royer Cooper Cohen Braunfeld LLC, Conshohocken, PA; Julie Hanlon-Bolton, Special Counsel, IRS Associate Chief Counsel (Income Tax & Accounting), Washington, DC

4:30pm Break. 

4:45pm Common and Complex Case Studies and Real-World Issues with Opportunity Zones and Qualified Opportunity Funds. The second hour of this program will focus on issues related to funds, raising capital, and dispositions. This discussion will be valuable both for practitioners just learning about OZs and QOFs and for seasoned professionals, as it will incorporate a discussion of transaction structures. Additionally, there will be a further discussion of the final regulations covering OZs.

Moderator: Tom West, KPMG LLP, Washington, DC

Panelists: Richard Blumenreich, KPMG LLP, Washington, DC; Mark Wilensky, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY; Julie Hanlon-Bolton, Special Counsel, IRS Associate Chief Counsel (Income Tax & Accounting), Washington, DC

5:00PM – 6:00PM

Royal Palm VIII, Mizner Center

Committee Leadership Development Session  (Invitation Only)

5:00PM – 6:00PM

Royal Palm VII, Mizner Center

First Time Attendee, Young Lawyer & Law Student Networking Reception  (Complimentary)

Sponsored by: Tax Analysts

6:00PM – 7:00PM

Royal Palm VI, Mizner Center

Welcome Reception  (Complimentary)

6:30PM – 8:00PM

Royal Palm X, Mizner Center

Careers in Tax Dinner  (RSVP Required)

Sponsored by: UC Irvine School of Law, Graduate Tax Program

PROGRAM SCHEDULE

THURSDAY, JANUARY 30



7:00PM – 9:30PM

City Fish Market, 7940 Glades Rd.

Administrative Practice Committee Dinner 🍴 (Invitation Only)

7:00PM – 10:00PM

State & Local Taxes Executive Committee Business Dinner Meeting 🍴 (Invitation Only)

7:00PM – 9:30PM

Boca Landing, 999 East Camino Real

Partnerships & LLCs, Real Estate, Sales Exchanges & Basis and S Corporations Committees Dinner 🍴 (Reservation Required)

Members of the Partnerships & LLCs, Real Estate, Sales Exchanges & Basis and S Corporations Committees will meet for cocktails and dinner at Boca Landing (999 East Camino Real, Boca Raton, FL). Cocktails (cash bar) will begin at 7:00pm, followed by dinner at 7:30pm. Reservations and advance payment will be required. For details, please contact Kate Kraus (kkraus@allenmatkins.com).



PROGRAM SCHEDULE

FRIDAY, JANUARY 31

7:30AM – 9:00AM

Madrid, Great Hall Center

ACTC Board of Regents Meeting (Executive Session)

7:30AM – 8:30AM

Granada C, Great Hall Center

Exempt Organizations Subcommittees on Health-Care Organizations and Audits, Appeals and Litigation

Chairs: Michael A. Clark, Sidley Austin, Chicago, IL; Marcus S. Owens, Loeb & Loeb LLP, Washington, DC; 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

Granada D, Great Hall Center

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

Granada A, Great Hall Center

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; Ruth Madrigal, KPMG, 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

Granada B, Great Hall Center

Exempt Organizations Subcommittee on Religious Organizations

Chairs: Michael E. Durham, Kirton 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

Grand B, Mizner Center

Capital Recovery & Leasing

Chair: Sam Weiler, EY, Columbus, OH

8:00am Current Developments and Update on Pending Guidance. This panel will cover the important recent developments in the areas of capital recovery and leasing.

Moderator: Jessica Hawn, Andersen, Chicago, IL

Panelists: Kathy Reed, Branch Chief, Branch 7, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC (Invited); Wendy Frieze, Tax Policy Advisor, Department of Treasury, Washington, DC (Invited); Andrew Eisinger, Crowe, Atlanta, GA

PROGRAM SCHEDULE

FRIDAY, JANUARY 31



8:30am Transactions and Bonus Depreciation. This panel will discuss various corporate and partnership transactions and their impact on the availability of bonus depreciation under section 168(k).

Moderator: Nicole Field, EY, Washington, DC

Panelists: Kathy Reed, Branch Chief, Branch 7, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC (Invited); Wendy Friese, Tax Policy Advisor, Department of Treasury, Washington, DC (Invited); Mark Weiss, Branch Chief, Branch 2, Office of Chief Counsel – Corporate, IRS, Washington, DC (Invited); Jason Dexter, KPMG, Washington, DC; Richard Nugent, Jones Day, New York, NY

9:15am Implementing the Bonus Depreciation Regulations. This panel will be focused on the procedural aspects of implementing the final and re-proposed bonus depreciation regulations under section 168(k), with a specific focus on the issues and opportunities raised by the recent guidance and the actions that taxpayers can take to align their current and prior year return positions with the regulations.

Moderator: Jane Rohrs, Deloitte, Washington, DC

Panelists: Kathy Reed, Branch Chief, Branch 7, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC (Invited); Wendy Friese, Tax Policy Advisor, Department of Treasury, Washington, DC (Invited); Jaime Park, Attorney, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC (Invited); Andrea Mouw, Eide Bailley, Minneapolis, MN

8:00AM – 9:30AM

Royal Palm I, Mizner Center

Employee Benefits Defined Contribution Plans Update

Presented by the Subcommittee on Defined Contribution Plans

Chairs: Matthew Eickman, Qualified Plan Advisors, Omaha, NE; Mindi Johnson, Foster Swift Collins & Smith PC, Grand Rapids, MI

Vice-Chairs: Hallie Goodman, Dorsey & Whitney LLP, Minneapolis, MN; Julia Kovacs, DLA Piper LLP, Washington, DC; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL

Assistant Vice Chair: Gary Chase, Willis Towers Watson, New York, NY

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 involve discussion regarding recent litigation relating to defined contribution plans and the SECURE Act provisions impacting defined contribution plans. Finally, the meeting will involve a discussion of emerging issues.

Panelists: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; J. Mark Iwry, The Brookings Institution, Washington, DC & Wharton School, University of Pennsylvania, Philadelphia, PA

8:00AM – 9:30AM

Royal Palm II, Mizner Center

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

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

Co-Chairs: Curtis Fisher, Bass Berry & Sims PLC, Nashville, TN; Rita Patel, DLA Piper LLP, Washington, DC



PROGRAM SCHEDULE

FRIDAY, JANUARY 31

Vice Chairs: Nicole Hanna, ONEOK Inc., Tulsa, OK; Robert Neis, Eversheds Sutherland, Washington, DC; Rosina Barker, Morgan Lewis & Bockius LLP, Washington, DC

This panel will focus on key elements of the proposed section 162(m) regulations, including grandfathered arrangements, changes to the definition of covered employees, what is a publicly held corporation and the rules for privately held companies which become publicly held. Panelists will discuss important considerations to preserve grandfathering where available and how the proposed regulations will impact the deductibility of compensation paid to covered employees. This panel will also discuss recent actions by the SEC in regulating proxy advisory firms and on-going proxy disclosure topics. Finally, this panel will provide an overview of fringe benefits and dual status classification of employees and partners.

Moderators: Rita Patel, DLA Piper LLP, Washington, DC; Robert Neis, Eversheds Sutherland, Washington, DC

Panelists: Nathan Holmes, Thompson Hine LLP, Cincinnati, OH; Kurt Lawson, Hogan Lovells, Washington, DC; Carol Weiser, Benefits Tax Counsel, Department of the Treasury, Washington, DC; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities, Office of Chief Counsel, IRS, Washington, DC; Ilya Enkishev, Attorney, Executive Compensation Branch, IRS Office of Associate Chief Counsel (TEGE), Washington, DC; Amber Salotto, Attorney-Advisor, Department of Treasury, Washington, DC

8:30AM – 11:30AM

Grand G, Mizner Center

Administrative Practice

Chair: Mary I. Slonina, PwC, Washington, DC

8:30am Important Developments. This panel will discuss current developments and topics of immediate interest in tax administrative practice. Panel will focus on recent legislative efforts impacting tax law and the IRS, Treasury and IRS guidance, court decisions, ongoing litigation and other items germane to tax administration.

Moderator: Antoinette Ellison, Jones Day, Atlanta, GA

Panelists: Chuck Hodges, Jones Day, Atlanta, GA; Kathryn A. Zuba, Associate Chief Counsel, IRS Office of Associate Chief Counsel (Procedure and Administration), Washington, DC

9:30am Practical Privilege Issues. Would your client rather give their documents to the IRS, the New York Times, or both? This panel will discuss the rules protecting communications from disclosure, using real-world examples. We will also touch on hot topics and best practices.

Panelists: Paul Butler, Kostelanetz & Fink LLP, Washington, DC; Abbey Garber, Thompson & Knight, Dallas, TX; Peter K. Reilly, Special Counsel, IRS Office of Associate Chief Counsel (Procedure and Administration), Washington, DC; Melissa Wiley, Ernst & Young LLP, Washington, DC

10:30am Preparing For and Managing an IRS Examination with Virtual Currency Issues. This panel will discuss IRS efforts in encouraging and reviewing taxpayer reporting of virtual currency transactions, including recent efforts in issuing "educational letters" to taxpayers and the Virtual Currency Compliance Campaign. The panel will also discuss best practices to prepare for and manage an IRS examination of virtual currency issues.

Moderator: Daniel Strickland, Eversheds Sutherland, Washington, DC

Panelists: Rochelle Hodes, Crowe LLP, Washington, DC; Richard Sapinski, Sills Cummis & Gross, Newark, NJ; Zhanna Ziering, Caplin & Drysdale, New York, NY

PROGRAM SCHEDULE

FRIDAY, JANUARY 31



8:30AM – 11:30AM

Grand D, Mizner Center

Affiliated & Related Corporations

Chair: Olivia Orobona, PwC, Washington, DC

8:30am The Interaction of the TCJA and the Intercompany Transaction Regulations. This panel will explore the interplay of the intercompany transaction rules and various TCJA provisions, including section 163(j), section 168(k), section 245A, GILTI, FDII, and BEAT.

Moderator: Bryan Collins, Andersen, Washington, DC

Panelists: Matthew Gareau, Deloitte Tax LLP, Washington, DC; Andrew Dubroff, EY, Washington, DC; Marie Milnes-Vasquez, Special Counsel, IRS Chief Counsel, Washington, DC

10:00am Current Developments. This panel will consider current developments affecting affiliated and related corporations, including implications from the expiration of temporary section 385 regulations, as well as the final and proposed BEAT and FTC regulations.

Moderator: Don Bakke, EY, Washington, DC

Panelists: Andrew Herman, EY, Washington, DC; Ciara Johnson, PwC, McLean, VA; Russell Jones, Senior Counsel, IRS Office of Associate Chief Counsel (Corporate), Washington, DC

8:30AM – 11:30AM

Royal Palm IV, Mizner Center

Closely Held Businesses

Chair: Galina "Allie" P. Petrova, Petrova Law PLLC, Greensboro, NC

8:30am Basis for Comparison: How Income Tax Management Is Changing the Face of Estate Planning. The basic exclusion amount now stands at \$11.4 million, meaning that only about 1-in-1500 American families are likely to face federal estate tax. For this and other reasons, income tax planning has taken on much greater importance. This presentation will use the case study format to focus on how income tax basis can be created and shifted in ways that optimize economic outcomes for our clients.

Panelist: Thomas J. Pauloski, Bernstein Private Wealth Management, Chicago, IL

10:00am Hot Topics for Closely Held Businesses. This panel will discuss recent developments in legislation, regulatory guidance, and noteworthy cases impacting closely held businesses. The panelists will also address the impact of Boyle in the electronic age (*Haynes v. United States* and *Intress v. United States*) and new developments with passport decertifications.

Panelists: Sabrina Strand, Joseph H. Thibodeau PC, Denver, CO; Jeffrey Dirmann, Agostino & Associates, Hackensack, NJ; Kandyce Korotky, Covington & Burling LLP, Washington, DC

10:30am The Tax Fallout of Business Breakups. Some things do not go quite as well as the founders had hoped, and now the business, their relationships and even their own financial plans are quickly dissolving into a mess. This panel will discuss the various tax and planning issues clients will need to face when the business breaks up and how practitioners can help their clients navigate the situation and avoid it becoming more of a mess than it already is.

Panelists: Shelby Wilson, Green & Sklarz LLC, New Haven, CT; Robert Turnipseed, Armbrrecht Jackson LLP, Mobile, AL; William P. Prescott, Wickens Herzer Panza, Avon, OH; Sabrina Conyers, Nelson Mullins Riley & Scarborough LLP, Charlotte, NC



PROGRAM SCHEDULE

FRIDAY, JANUARY 31

8:30AM – 11:30AM

Grand J. Mizner Center

Estate & Gift Taxes

Chairs: George D. Karibjanian, Franklin Karibjanian & Law PLLC, Boca Raton, FL / Washington, DC and Hannah W. Mensch, Ehrenkranz Partners, New York, NY

8:30am Current Developments. This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since October 2019.

Panelists: Megan M. Curran, McCutchen Group LLC, Seattle, WA; Ashley Sawyer, Loeb and Loeb LLP, Washington, DC; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC

9:15am Optimizing Lifetime Gifts: Advising Clients in Uncertain Times. This program will discuss how to design, implement, and report lifetime transfers in the midst of an ever-changing legislative climate. Specifically, this program will examine strategies and provisions that are often overlooked by advisors and practitioners when designing and implementing their clients' tax and non-tax objectives. The supporting outline is designed to leave the reader with practical examples of how to enhance their relationships by adding flexibility and value to their clients' gifting strategies.

Panelist: Jeffrey Chadwick, Winstead PC, The Woodlands/Houston, TX

10:00am Florida Homestead – A Primer. Welcome to Florida... the home of no state or local personal income tax, no estate tax, plenty of transplanted Northeasters and Midwesterners, palmetto bugs, Burmese pythons... and Article X, Section 4 of the Florida Constitution granting homestead protection to the resident owner. Many out-of-state – and in-state - practitioners fall victim to the homestead "sinkhole for the unwary", so this program will present an overview of the three areas of homestead – ad valorem taxes, descent and devise and bankruptcy – about which all advisors with client contact in Florida should be aware.

Panelist: George D. Karibjanian, Franklin Karibjanian & Law PLLC, Boca Raton, Florida/Washington, DC

10:45am Generation-Skipping Transfer Tax Exemption Allocation: Often Automatic, But Rarely Straightforward. The automatic allocation of generation-skipping transfer ("GST") tax exemption is an area that is implicated often with trust planning, but is a source of confusion for many accountants, attorneys and tax preparers. This is an important and nuanced area of the law, where what may seem like a relatively innocuous (and easy to make) mistake on a tax return can significantly and adversely impact the client. Automatic allocation of GST tax exemption has been a topic that has been addressed in a number of recent IRS rulings seeking to correct tax preparer mistakes, and it is imperative that attorneys and accountants who prepare Forms 709 pay close attention to these rules, particularly when transfers to trusts are involved. This presentation will review common missteps that tax preparers often make (together with suggestions for how to avoid them), as well as some recent IRS rulings involving the automatic allocation of GST tax exemption.

Panelists: Michael S. Schwartz, Curtis Mallet-Prevost Colt & Mosle LLLP, New York, NY; Brad Dillon, Brown Brothers Harriman & Co., New York, NY

PROGRAM SCHEDULE

FRIDAY, JANUARY 31



8:30AM – 12:45PM

Great Hall South, Great Hall Center

Foreign Lawyers Forum and US Activities of Foreigners & Tax Treaties Joint Session

Foreign Lawyers Forum Chair: Laura Gould, Reed Smith LLP, London, United Kingdom

US Activities of Foreigners & Tax Treaties Chair: Summer A. LePree, Bilzin Sumberg Baena Price & Axelrod LLP, Miami, FL

8:30am Revisiting the BEAT. Following up on the 2018 proposed regulations, Treasury released both final and proposed regulations addressing the BEAT. This panel will focus on some of the changes made by Treasury from the 2018 proposed regulations to the final regulations, including rules relating to the treatment of certain corporate nonrecognition transactions, the treatment of aggregate group members with different tax years and the treatment of built-in loss property in certain transactions. Additionally, this panel will highlight some of the provisions Treasury chose not to adopt in the final regulations. Finally, the panel will provide an overview of the newly proposed regulations that include rules relating to aggregate groups, partnerships and an election to waive deductions.

Panelists: Amie Colwell Breslow, Jones Day, Washington, DC; Joseph Calianno, BDO USA LLP, Washington, DC; Lucas Giardelli, Mayer Brown LLP, New York, NY; David Peter Merkle, IRS Office of Associate Chief Counsel (International), Washington, DC (Invited); Douglas Poms, International Tax Counsel, Department of Treasury, Washington, DC (Invited)

9:30am Opening Pandora's Box: IP Tax Incentives in the US & Europe. Many OECD countries have adopted patent box regimes or other rules intended to incentivize corporations to hold intellectual property within their jurisdiction, some of which have been the subject of recent reform following the BEPS Reports, and in particular Action 5. Although the 2017 Tax Act did not include a traditional patent box regime, it did add the new foreign-derived intangible income (FDII) rules, which, in connection with other rules added by the 2017 Tax Act, are generally intended to encourage domestic corporations to hold intellectual property in the United States. Using case studies, this panel of experts will explore the differences and similarities between FDII and patent box and similar rules in the UK and certain EU-member countries, as well as the interaction of the FDII rules with certain domestic rules in those countries that can impact IP structuring decisions for multinationals. The panel will also discuss potential international trade reaction to the FDII rules, including from an EU perspective.

Moderator: Barbara Rasch, KPMG LLP, Los Angeles, CA

Panelists: Sandy Radmanesh, German Tax Attaché, German Embassy, Washington, DC; James Somerville, A&L Goodbody, Dublin, Ireland; Natalie Repyens, Loyens & Loeff CVBA, Brussels, Belgium; Robert Gaut, Proskauer Rose (UK) LLP, London, UK; Romain Tiffon, Atoz Tax Advisers, Luxembourg

11:30am Break. 

11:45am Foreign Lawyers Forum – Anti-Hybrid Rules: The New World. With the EU setting a January 1, 2020 deadline for the introduction of anti-hybrid rules under ATAD2 and the implementation of anti-hybrid rules under the TCJA, this timely panel will discuss the potential application of anti-hybrid rules. The panel will provide updates on the implementation of the ATAD 2 rules in key EU member states, an update on the application of the US anti-hybrid rules following the publication of the proposed regulations just over a year ago and the UK's existing and wide-reaching legislation.



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Through case studies, this expert panel will explore the differences, similarities and interaction between these various rules and highlight traps for the unwary in a sample of typical cross border structures used by multinationals and fund structures.

Moderator: Brian Krause, Skadden Arps Slate Meagher & Flom, New York, NY

Panelists: Robert Gaut, Proskauer Rose (UK) LLP, London, UK; David Kilty, Arthur Cox, Dublin, Ireland; Kévin Emeraux, Loyens & Loeff (Luxembourg), New York, NY; Shane M. McCarrick, Attorney-Advisor, IRS Office of Associate Chief Counsel (International), Washington, DC

8:30AM – 11:30AM

Addison West, Mizner Center

Individual & Family Taxation

Chair: Professor Timothy M. Todd, Liberty University School of Law, Lynchburg, VA

8:30am Recent IRS Guidance on Bitcoin and Other Virtual Currencies. On October 9th, 2019 the IRS issued Revenue Ruling 2019-24 which addressed the tax consequences of forks and airdrops as well as a series of FAQ's that cover a number of common virtual currency situations. This panel will go through the nuts and bolts application of the October guidance, how to advise taxpayers that previously took a position contrary to the guidance, and the inherent limitations of releasing guidance by FAQ. The panel will also address some of the uncertainties of forks that still exist post R.R. 2019-24 and what future guidance is needed for virtual currencies.

Panelists: Professor Annette Nellen, San Jose State University, San Jose, CA; James Creech, Law Offices of James Creech San Francisco, CA; Christopher Wrobel, IRS Office of Chief Counsel, Income Tax and Accounting, Washington, DC (Invited)

Co-sponsored by: Administrative Practice, Sales Exchange & Basis, and Teaching Taxation

9:30am Designated Orders in the US Tax Court. The US Tax Court issues over 100 orders each day; most are unremarkable. None are precedential under Tax Court Rule 50(f). Some, however, are interesting, involving the disposition of complicated, substantive issues. Each day, the Tax Court “designates” these orders through publication on its website—an average of one order per day since mid-2017. No other federal court highlights non-precedential orders in this manner. Why does the Tax Court? What lessons can practitioners learn from these orders? This panel will discuss these questions and will present a statistical summary of the Tax Court's designated orders for the past two years.

Moderator: Professor Keith Fogg, Federal Tax Clinic, Harvard Law School, Jamaica Plain, MA

Panelists: Professor Patrick W. Thomas, Notre Dame Law School, South Bend, IN; Professor Caleb Smith, University of Minnesota Law School, Minneapolis, MN; Special Trial Judge Diana Leyden, US Tax Court, Washington, DC; Richard G. Goldman, Deputy Associate Chief Counsel (Procedure & Administration) IRS, Washington, DC

10:30am Due Diligence and Preparer Penalties Following TCJA: Expanded and Potentially Expensive. The IRS conducts due diligence audits of tax return preparers as part of its overall tiered return preparer strategy. Following TCJA, tax return preparers face a possible civil tax penalty for failing to exercise due diligence when preparing an income tax return on which the taxpayer claims head of household (HOH) filing status. In addition to filing status, the penalty now applies for failing to exercise

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due diligence in preparing returns claiming the earned income tax credit, (EITC), the child tax credit (CTC), including the additional child tax credit (ACTC), and the credit for other dependents (ODC), and the American opportunity tax credit (AOTC). The penalty in 2018 was \$520 for each failure. This panel will explore how due diligence penalties fit in with the IRS's overall compliance efforts directed toward paid return preparers, provide a practitioner's perspective on IRS due diligence audits, and review how preparers can challenge the penalties before the IRS and in federal court.

Moderator: Professor Leslie Book, Villanova University Widger School of Law, Villanova, PA

Panelists: Laura Baek, Acting Executive Director of Case Advocacy – Intake and Technical Support, IRS, Washington, DC; Naomi Mbugua-Dillard, Supervisory Management and Program Analyst Refundable Credit Administration – Policy Coordination, W&I, IRS, Atlanta, GA; Michael A. Lampert, The Law Offices of Michael A. Lampert, West Palm Beach, FL

8:30AM – 11:30AM

Investment Management

Chair: Richard C. LaFalce, Morgan Lewis & Bockius LLP, Washington, DC

Estate I, Mizner Center

8:30am Non-US Investors in Private Funds. This panel will discuss recent US tax developments that impact private funds that admit non-US investors and the practical implications for private funds. The panelists will address tax reporting and managing the downward attribution rules for controlled foreign corporations, the formation and structuring of corporate blockers, withholding tax issues and negotiating side letter provisions for non-US investors in the private fund context.

Moderator: Ryan Au, Sherman & Sterling, Washington, DC

Panelists: Jeffrey Tate, Arent Fox, Washington, DC; David Richardson, KPMG, New York, NY; Friedemann Thomma, Venable, San Francisco, CA

9:30am Overview of Collective Investment Trusts: Popular Alternative to Mutual Funds for Institutional Investors. This panel will discuss collective investment trust structures used by institutional retirement investors as alternatives to mutual funds and other pooled investment vehicles. Topics will include their regulation, organization and operation, key similarities and differences between trusts and mutual funds, and other vehicles, investment-related tax law considerations, and recent market trends.

Moderator: Amy Snyder, The Vanguard Group Inc., Malvern, PA

Panelists: Charles M. Horn, Morgan Lewis & Bockius LLP, Washington, DC; Marcy Kempf, Cohen & Company, Milwaukee, WI; Laura Parello, PwC, New York, NY

10:30am The Latest in Drafting Investment Fund Agreements. This panel will discuss carried interest waivers, management fee waivers, 1446(f) indemnities, and BBA provisions.

Moderator: Anthony Tuths, KPMG, New York, NY

Panelists: Jon P. Brose, Seward & Kissel LLP, New York, NY; Janicelynn Asamoto Park, Proskauer, New York, NY



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8:30AM – 11:30AM

Grand E, Mizner Center

Partnerships & LLCs

Chair: Heesun Grace Kim, Grant Thornton LLP, Washington, DC

8:30am Hot Topics. This panel will discuss recent developments in the area of partnership taxation, including legislation, regulations, administrative guidance and noteworthy cases.

Moderator: Tom West, KPMG LLP, Washington, DC

Panelists: Colin Campbell, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

9:30am How Far Will You Carry Your Client? Section 1061 As It Stands Today. This panel will discuss section 1061 (the so-called “carried interest” provision) enacted under the TJCA. The panel will outline the technical aspects of section 1061 and highlight some of its ambiguities. The panel will further discuss current developments that have occurred since its enactment—including specific guidance recommendations made by the Partnership Committee. The panel will also discuss what the future proposed regulations under section 1061 may provide.

Moderator: Todd Golub, EY, Chicago, IL

Panelists: Kara Altman, IRS Office of Chief Counsel (Passthroughs & Special Industries), Washington, DC (Invited); Audrey Ellis, PwC, Washington, DC; Morgan Klinzing, Pepper Hamilton LLP, Philadelphia, PA; Mike Scaramella, Deloitte LLP, Chicago, IL

10:30am Tax Issues of Dry Partnerships. This panel will address tax issues that arise when a partnership owns stock in a corporation as its sole or primary asset, including section 704(b) allocation issues (e.g., with regard to preferred distribution rights), issuance of compensatory partnership interests to employees of the corporation, and the application of section 704(c).

Moderator: Eric Sloan, Gibson Dunn & Crutcher LLP, New York, NY

Panelists: Josh Brady, Grant Thornton LLP, Washington, DC; Erin Cleary, Debevoise & Plimpton LLP, New York, NY

8:30AM – 11:30AM

Royal Palm VI, Mizner Center

Tax Policy & Simplification

Chair: Pamela A. Fuller, Roysse Law Firm, Tully Rinckey, New York, NY

8:30am How Should the U.S. Tax System Respond to the Growing Wealth Gap? The Continuing Debate Over Wealth Taxes and Other Tax Proposals to Narrow the Gap Between Rich and Poor. Wealth has become highly concentrated in the United States, with the top 0.1 percent of households now holding an estimated 10 to 20 percent of all assets. Although models and estimates differ, a few economists contend that the bottom half of American earners have managed to capture only 3 percent of total economic growth since 1980. Meanwhile, as their share of the economic pie has greatly shrunk, the top 1 percent of earners’ post-tax income and wealth has increased faster than actual GDP. The status of the Middle Class depends on which end of the Middle Class—upper or lower—is considered. Among the nation’s top earners, the most profitable pass-through businesses far outnumber executives of publicly traded companies, a factor that has implications for tax policies aimed at narrowing the alarmingly wide disparities in actual wealth and income. The panel of academics and tax practitioners will discuss the state of “wealth inequality” and

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“income inequality” in the United States, and how these disparities can affect a nation’s overall economic welfare and prospects for sustained growth. The panel will consider various proposals advanced by economists, presidential hopefuls, and others to address the growing gaps in wealth, income, income-producing power, and access to means of production. Specific topics to be covered include the pros and cons of using the U.S. tax system to narrow the wealth gap; the wealth tax proposals and the practical and constitutional criticisms they face; fairness, efficiency, and administrability aspects of the various proposals; political obstacles to, and potential international tax effects of, enactment of proposals; and finally, the tax planning implications of the various proposals.

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

Panelists: Linda Beale, Professor of Law and Director of Graduate Studies, Wayne State University Law School, and President, Academic Senate, Wayne State University, Detroit, MI; Richard Prisinzano, Director of Policy Analysis, Penn Wharton Budget Model, The Wharton School, University of Pennsylvania, Philadelphia, PA; Professor Daniel N. Shaviro, Wayne Perry Professor of Taxation, New York University School of Law, New York, NY

10:00am Clearing-Up the Clouds? Proposed US Taxation of Cloud Transactions, Non-Currency Tokens, and Other “Digital Assets” PLUS Key Policy Proposals Affecting Cross Border Structures & Investments (OECD’s Updated Plan to Alter the Tax Nexus Consensus; Replacing LIBOR). On August 9, 2019, the US Treasury released Proposed Reg. § 1.861-19, addressing cloud-based transactions and other transactions involving digital content. At the same time, it proposed regulations that would expand and modernize current Reg. § 1.861-18, which classifies transactions involving computer programs. If finalized, these proposals will determine the tax treatment of software and cloud transactions under certain provisions of the 2017 TCJA (e.g., §§59A, 245A, 250 and 267A). The proposed regulations would also modernize and expand the software regulations under Reg. § 1.861-18 to cover “digital content.” Certain open questions would be clarified, but other issues would remain unresolved—principally, the source of income generated by cloud computing transactions and other digital activities. The first 45 minutes of this seminar will focus on the tax policy and planning implications of the newly proposed cloud computing and software regulations under § 1.861-19 and -18, respectively. The latter half of the session will focus on the OECD’s latest efforts to forge an international consensus as to whether and how the longstanding “nexus” rules should be altered to accommodate digitalized transactions and economies (and the US Treasury’s latest expressions of concern). Lastly, the panel will discuss the international tax policy and planning implications of the worldwide move to replace LIBOR—the London Interbank Offered Rate—long serving as the benchmark for over \$350 trillion in financial contracts worldwide—with other benchmarks, such as “SONIA” (Sterling Overnight Index Average), ESTR (Euro Short-Term Rate), and TONAR (Tokyo Overnight Average Rate). The replacement of LIBOR has far-reaching financial and tax policy implications.

Moderator / Panelist: Pamela A. Fuller, Royse Law Firm, Menlo Park, CA; Tully Rinckey, New York, NY

Panelists: Yoram Keinan, Kostelanetz & Fink LLP, New York, NY; Martin T. Hamilton, Proskauer Rose LLP, New York, NY; Wade Sutton, Deputy International Tax Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC



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8:30AM – 10:30AM

Great Hall North, Great Hall Center

Transfer Pricing

Chair: Jana S. Lessne, KPMG LLP, Washington, DC

8:30am A “Quick Dip” in the Water – A Summary of Recent Transfer Pricing Issues. This program will provide a “refreshing dip” into the latest and most significant transfer pricing issues. We will dive into the OECD’s recent proposal for a Unified Approach to the tax challenges of digitalization, including the proposed new tax nexus rule for in-scope taxpayers, revised profit allocation rules, and pending key questions. We will then splash around in the final and proposed BEAT regulations, focusing on issues such as non-recognition transactions that may give rise to base erosion payments, the lack of an exception for payments to foreign entities that are subject to GILTI and/or Subpart F, and additional clarification on whether payments can be netted against one another to reduce base erosion payments. We will next take a couple of laps through the recently released functional cost diagnostic model or “FCDM”, including some observations on how this model has been used in actual APA negotiations. Lastly, we will catch a few rays, shedding some light on recent transfer pricing litigation, discussing recent developments in major cases such as Amazon, Altera, Medtronic, and other significant cases.

Moderator: Heather Gorman, EY, New York, NY

Panelists: Christopher J. Bello, Branch Chief, Branch 6, IRS Office of Associate Chief Counsel (International), Washington, DC; Professor William Byrnes, Texas A&M University School of Law, Fort Worth, TX; Professor Mindy Herzfeld, University of Florida Levin College of Law, Gainesville, FL; Professor Steve Johnson, Florida State University, Tallahassee, FL; Donna McComber, Baker & McKenzie Consulting LLC, Washington, DC; Robert Stack, Deloitte Tax LLP, Washington, DC

8:45AM – 4:30PM

Camino Hall, Great Hall Center

Exempt Organizations

Chair: Carolyn (Morey) O. Ward, Ropes & Gray LLP, Washington, DC

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: Celia Roady, Morgan Lewis, Washington, DC (Invited)

Panelists: Victoria A. Judson, Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited); Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited)

10:00am Up in Smoke: Marijuana, Tax-Exempt Organizations and the Criminality Doctrine.

What can tax-exempt organizations do when they are caught between state laws legalizing marijuana sale and use and federal laws that prohibit such activities? Don't worry, be happy may not be the right answer.

Moderator: James P. Joseph, Arnold & Porter, Washington, DC

Panelists: Professor Philip Hackney, University of Pittsburgh School of Law, Pittsburgh, PA; Evalina Norwinski, Arnold & Porter, Washington, DC

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11:00am **Break.** ☕

11:15am **A “20/20” Look at the 2017 Tax Act.** This panel will discuss any newly released guidance under sections 512(a)(6) and 4960 impacting tax exempt organizations.
Moderator: Gil Ghatan, Ropes & Gray LLP, Washington, DC

Panelists: Victoria A. Judson, Associate Chief Counsel (EEE), IRS Office of Chief Counsel, Washington, DC (Invited); Janine Cook, Deputy Associate Chief Counsel (EEE), IRS Office of Chief Counsel, Washington, DC (Invited); Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Chelsea Rubin, Morgan Lewis, Washington, DC; Robert A. Wexler, Adler & Colvin, San Francisco, CA

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

Rising Seas: Facts v. Fiction

Speaker: John Englander, Oceanographer, Author of *High Tide On Main Street: Rising Sea Level and the Coming Coastal Crisis*

2:00pm **Section 501(c)(3) and Hate Speech.** While the Internal Revenue Code is silent on standards for speech, the Treasury Department and the IRS have endeavored to craft guidance that comports with the First Amendment while minimizing the use of tax-exempt organizations as vehicles for the promulgation of hate speech. This panel will look at current issues relating to 501(c)(3) status and non-educational speech, particularly speech that constitutes hate speech.

Moderator: Marcus Owens, Loeb & Loeb LLP, Washington, DC

Panelists: Professor Frances R. Hill, University of Miami School of Law, Coral Gables, FL; Ryan Oberly, Wagenmaker & Oberly, Charleston, SC

3:00pm **Controversial Gifts: Solutions Through Policy and/or Agreement.** The panelists will discuss tax and other legal considerations in structuring, negotiating, and accepting charitable gifts that involve donor naming and/or donor-imposed restrictions on the use of the gift, with a focus on finding practical ways to avoid or minimize controversy and disputes with donors through the use of institutional policies, contract clauses, and internal training and protocols.

Moderator: John Sare, Patterson Belknap Webb & Tyler LLP, New York, NY

Panelists: Deborah G. Marx, Tulane University, New Orleans, LA; Donna J. Snyder, University of Michigan, Ann Arbor, MI

4:00pm **Cash Bar** 🍹

9:00AM – 11:30AM

Galleria North & South, The Cloisters

Law Student Tax Challenge J.D. Semi-Final Rounds 🍽️ *(Open to the Public)*

Join us to witness the first round of teams in the J.D. division defend their submission before a panel of judges representing the country's top tax practitioners and government officials. An alternative to traditional moot court competitions, the Law Student Tax Challenge asks two-person teams of students to solve a cutting-edge and complex business problem that might arise in everyday tax practice.



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FRIDAY, JANUARY 31

9:30AM – 11:00AM

Royal Palm VII, Mizner Center

Employee Benefits Administrative Practices Update

Presented by the Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices

Chairs: Thomas R. Pevarnik, Deloitte Tax LLC, Washington, DC; Jewelie A. Grape, Conner & Winters LLP, St. Paul, MN

Vice-Chair: John Barlow, Groom Law Group, Washington, DC

Assistant Vice-Chairs: Serena Simons, The Segal Company, Washington, DC; Judy Hensley, Roberts & Holland LLP, New York, NY

The panel will discuss recent guidance and other developments affecting retirement plans, including updates to EPCRS, the determination letter program, and private letter ruling procedures contained in the IRS's beginning of the year procedures. The program will discuss compliance initiatives from the FY2020 TE/GE program letter. The program will also include an open forum to discuss issues related to retirement plans and IRS procedures.

Panelists: Thomas R. Pevarnik, Deloitte Tax LLC, Washington, DC; Jewelie A. Grape, J Grape Law, Roseville, MN; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited)

9:30AM – 10:30AM

Royal Palm III, Mizner Center

Employee Benefits Legislation & Litigation Update

Presented by the Subcommittee on Employee Benefits Legislation & Litigation

Chair: Lisa Bleier, SIFMA, Washington, DC

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

This panel will cover employee benefits provisions enacted into law in December 2019, also known as the SECURE act. We will also cover employee benefits litigation and recent state employee benefit legislative developments.

Panelists: Lisa Bleier, SIFMA, Washington, DC; Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; Michael Kreps, Groom Law Group, Washington, DC

9:45AM – 10:45AM

Estate III, Mizner Center

Employee Benefits Multiple Employers, PEOs and Controlled Groups Update

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

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

Vice Chairs: Robert J. Toth Jr., Law Office of Robert J. Toth Jr. LLC, Fort Wayne, IN; Farrah Fielder, Engage PEO, Hollywood, FL; Susan Rees, The Wagner Law Group, Washington, DC

Assistant Vice Chair: Brandon Long, McAfee & Taft PC, Oklahoma City, OK

The panel will cover: (i) the latest on Association Health Plans; (ii) a discussion of state MEWA enforcement efforts; and (iii) new Multiple Employer Plan guidance.

Panelists: Susan Rees, The Wagner Law Group, Washington, DC; Brandon Long, McAfee & Taft PC, Oklahoma City, OK; Roberta Watson, The Wagner Law Group, Tampa, FL; Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC

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10:00AM – 12:00PM

Royal Palm I, Mizner Center

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

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

Chairs: Rachel Levy, Groom Law Group Chartered, Washington, DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL

Vice Chair: Jaquelyn Meng Abbott, Vorys, Houston, TX

Assistant Vice Chairs: Robyn Crosson, ADP, Indianapolis, IN; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH

This panel will address new agency guidance, court cases and industry trends affecting employer-sponsored health and welfare plans. Topics will include: executive, legislative, and judicial developments relating to the ACA and its mandates, including *Texas vs. United States*; updated to HSA guidance involving cost sharing requirements and both preventive care and prescription drugs; as well as a review of state and local initiatives such as individual health insurance mandates, state health care reporting regimes, and paid leave laws. All new to this session, the last half hour will be reserved for a lightning round with regulators and practitioners discussing their favorite “hot topics” in health and welfare plan compliance and administration.

Panelists: Jacquelyn Meng Abbott, Vorys Sater Seymour and Pease LLP, Houston, TX; Robyn Crosson, Chaiken Law LLC, Indianapolis, IN; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Rachel Leiser Levy, Groom Law Group Chartered, Washington, DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kimberly Wilcoxon, Thompson Hine, Cincinnati, OH; Carol A. Weiser, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Employee Benefits, Exempt Organizations and Employment Taxes, IRS Office of Chief Counsel, Washington, DC

10:30AM – 12:00PM

Seville, Great Hall Center

Energy & Environmental Taxes

Chair: Amish Shah, Eversheds Sutherland, Washington, DC

10:30am Energy Industry Tax Updates Roundtable. This roundtable session will be a discussion among attendees of recent legislative, judicial and regulatory tax developments impacting the energy sector and companies engaged in renewable, alternative and traditional energy transactions, investments and operations in the power, fuels and carbon capture industries.

Moderator: Amish Shah, Eversheds Sutherland, Washington, DC

Panelists: Jennifer Bernardini, Attorney, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC; Hannah Hawkins, Deputy Tax Legislative Counsel, Department of Treasury, Office of Tax Policy, Washington, DC (Invited); Brian Americus, Deloitte, Washington, DC; Deborah Gordon, KPMG, Washington, DC; Brad Seltzer, Eversheds Sutherland, Washington, DC

11:00AM – 12:00PM

Barcelona C, Great Hall Center

Distinguished Service Award

(Executive Session)

11:00AM – 12:00PM

Royal Palm IX, Mizner Center

Employee Benefits Distributions Update

Presented by the Subcommittee on Distributions

Chairs: J. Rose Zaklad, Groom Law Group, Washington, DC; David A. Whaley, Thompson Hine LLP, Cincinnati, OH

Vice-Chair: Ryan M. Session, Eversheds Sutherland, Washington, DC



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The Subcommittee will discuss recent issues of interest affecting plan distributions, including a discussion of the impact of recent changes to the hardship distribution rules, such as the streamlined substantiation process and the final hardship regulations. In addition, the Subcommittee will discuss the benefits of coordination of the proposed Department of Labor electronic disclosure rules with the distribution disclosure requirements enforced by the Internal Revenue Service. Finally, the Subcommittee will discuss the elements of retention of distribution election forms as proof of distribution opportunity prior to approval of VCP applications for correction of missed Required Minimum Distributions.

Panelists: Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC; David Whaley, Thompson Hine, Cincinnati, OH; Ryan Session, Eversheds Sutherland, Washington DC; J. Rose Zaklad, Groom Law Group, Washington, DC

11:00AM – 12:00PM

Royal Palm III, Mizner Center

Employee Benefits Exempt Organization and Governmental Plans Update

Presented by the Subcommittee on Exempt Organization and Governmental Plans

Chairs: Blake C. MacKay, Alston & Bird, Atlanta, GA; Robert Johnson, Kaufman & Canoles PC, Newport News, VA

Vice-Chairs: Bryanne Kelleher, VOYA, Windsor, CT; Jenni Krengel, Reed Smith LLP, San Francisco, CA; Brian Gallagher, Fraser Trebilcock, Lansing, MI

The panel will discuss timely topics impacting plans of tax-exempt and governmental entities, including recent guidance on 403(b) remedial amendment periods and other relevant updates.

Panelists: Blake C. MacKay, Alston & Bird, Atlanta, GA; Robert Johnson, Kaufman & Canoles PC, Newport News VA; Jenni Krengel, Reed Smith LLP, San Francisco, CA; Bryanne Kelleher, VOYA, Windsor, CT; Brian Gallagher, Fraser Trebilcock, Lansing, MI; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Amber Salotto, Attorney-Advisor, Department of Treasury, Washington, DC; Pamela Kinard, Special Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC

11:00AM – 12:00PM

Royal Palm II, Mizner Center

Employee Benefits Fiduciary Responsibility & Plan Investments Update

Presented by the Subcommittee on Fiduciary Responsibility & Plan Investments Update

Chair: Jeffrey Lieberman, Skadden Arps Slate Meagher & Flom LLP, New York, NY

Vice-Chair: Yongo Ding, Morgan Lewis & Bockius, Washington, DC

Assistant Vice Chair: Arsalan Malik, Groom Law Group, Washington, DC

This panel will discuss recent guidance and other issues addressing ERISA fiduciary responsibilities. Topics will include ERISA electronic disclosure rules, ESOP fiduciary matters, the SEC's Regulation Best Interest and associated rules, and other fiduciary responsibility developments.

Panelists: David A. Cohen, Creekstone Capital Management, Washington, DC; Yongo Ding, Morgan Lewis & Bockius, Washington, DC; Jeffrey Lieberman, Skadden Arps Slate Meagher & Flom LLP, New York, NY; Arsalan Malik, Groom Law Group, Washington, DC; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

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11:00AM – 11:30AM

Veranda IV, Mizner Center

Employee Benefits New Employee Benefits Attorneys Forum

Chair: Scott C. Thompson, Haynes and Boone LLP, Dallas, TX

Are you a new (or new-ish) benefits attorney trying to unlock the secrets to rookie success? If so, join the New Employee Benefits Attorney Forum for an interactive discussion of some of the keys to becoming a successful employee benefits attorney, including topics such as improving competency in the practice area, mentorship, business development, and managing client (both internal and external) relationships.

11:30AM – 12:30PM

Barcelona D, Great Hall Center

Appointments to the Tax Court (Executive Session)

11:30AM – 12:30PM

Grand I, Mizner Center

Court Procedure & Practice Roundtable Discussion

Chair: Alexandra Minkovich, Baker & McKenzie, Washington, DC

11:30am Limited Scope Representation: Expanding Access to Legal Services. In May of 2019, the Tax Court announced that it adopted procedures to permit practitioners to enter a limited appearance at scheduled trial sessions. The procedures recently took effect at the beginning of the 2019 Fall Term. This panel will discuss the rules regarding the Tax Court's new procedure as well as compare and contrast those rules and similar rules in other jurisdictions. This panel will also address the practical considerations and implications of representing a taxpayer under a limited scope appearance.

Moderator: Annie Wurtzebach, DLA Piper, New York, NY

Panelists: Special Trial Judge Diana L. Leyden, US Tax Court, Washington DC; Derek Richman, Senior Attorney, IRS Office of Chief Counsel, Miami, FL (Invited); Mitchell I. Horowitz, Buchanan Ingersoll & Rooney PC, Tampa, FL; Phillip Colasanto, Agostino & Associates, Hackensack, NJ



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COMMITTEE LUNCHEONS

12:00PM – 1:30PM

Grand B, Mizner Center

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

12:00PM – 12:30PM

Royal Palm VIII, Mizner Center

Diversity 🎫 (Ticketed Event)

Sponsored by: EY

12:00PM – 12:30PM

Addison East, Mizner Center

State & Local Taxes 🎫 (Ticketed Event)

12:30PM – 1:30PM

Grand G, Mizner Center

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

Speaker: Hon. Ronald L. Buch, US Tax Court, Washington, DC

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

12:30PM – 1:30PM

Estate II, Mizner Center

Financial Institutions & Products, Insurance Companies, Investment Management and Tax

Exempt Financing 🎫 (Ticketed Event)

12:30PM – 1:30PM

Grand D, Mizner Center

Civil & Criminal Tax Penalties 🎫 (Ticketed Event)

A Q&A Session on Compliance Paths and Voluntary Disclosures

Sponsored by: Kostelanetz & Fink, LLP

12:30PM – 1:30PM

Granada A, Great Hall Center

Exempt Organizations 🎫 (Ticketed Event)

12:45PM – 1:15PM

Great Hall North, Great Hall Center

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

12:30PM – 1:30PM

Grand E, Mizner Center

Partnerships & LLCs and Real Estate 🎫 (Ticketed Event)

PROGRAM SCHEDULE

FRIDAY, JANUARY 31



12:00PM – 1:15PM

Royal Palm IX, Mizner Center

Employee Benefits Defined Benefit Plans Update

Presented by the Subcommittee on Defined Benefit Plans

Co-Chairs: John H. Wendeln, Thompson Hine LLP, Cincinnati, OH; Allison Hoots, Keightley & Ashner LLP, Washington, DC

Co-Vice-Chairs: Meredith VanderWilt, Polsinelli PC, Dallas, TX; Israel Goldowitz, The Wagner Law Group, Washington, DC

The subcommittee will discuss recent issues of interest affecting defined benefit plans, including current developments from the IRS/Treasury and PBGC, and conduct a panel discussion of pension plans of plan sponsors in bankruptcy or in distressed circumstances.

Panelists: Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC; Linda Marshall, Senior Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Gregory Katz, Attorney, Regulatory Affairs Division, Office of General Counsel, Pension Benefit Guaranty Corporation, Washington, DC; Kimberly Neureiter, Attorney, Bankruptcy, Transactions and Terminations Department, Office of General Counsel, Pension Benefit Guaranty Corporation, Washington, DC; Constance Donovan, Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC; Camille Castro, Senior Associate Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC; Harold Ashner, Keightley & Ashner LLP, Washington, DC; Allison Hoots, Keightley & Ashner LLP, Washington, DC; Meredith VanderWilt, Polsinelli PC, Dallas, TX; Israel Goldowitz, The Wagner Law Group, Washington DC; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH

12:00PM – 1:00PM

Veranda IV, Mizner Center

Employee Benefits ESOP Update

Presented by the Subcommittee on ESOPs

Chair: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY

Vice-Chairs: Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton Andrews Kurth LLP, Washington, DC

Assistant Vice-Chairs: Nicholas Wamsley, Miller & Chevalier Chartered, Washington, DC; Scott Thompson, Haynes and Boone LLP, Dallas, TX

Subject to representation from the Department of Treasury or Department of Labor, this meeting will review the status of DOL investigations of ESOPs, including discussions of the impact (if any) of the executive orders signed by President Trump on October 9, 2019 on DOL enforcement actions. The panel will also review recent decisions handed down by the Supreme Court impacting ESOPs, including any issued decision on (i) Retirement Plans Committee of IBM et al. vs. Larry Jander et al. (to be heard November 6, 2019) and (ii) Putnam Investments LLC et al. vs. Brotherston et al. (to the extent accepted by the Court). Other developments in ESOP litigation will be reviewed, including recent activity in the Lee v. Argent Trust Co. matter. Finally, the panel will discuss certain elements of control and recent changes in transaction structure involving engagement of a fully “discretionary” trustee for voting purposes.

Panelists: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton Andrews Kurth LLP, Washington, DC; Nicholas Wamsley, Miller & Chevalier Chartered, Washington, DC; Scott Thompson, Haynes and Boone LLP, Dallas, TX; David A. Whaley, Thompson Hine LLP, Cincinnati, OH



PROGRAM SCHEDULE

FRIDAY, JANUARY 31

12:00PM – 2:30PM

Madrid, Great Hall Center

Nominating  (Executive Session)

12:15PM – 1:15PM

Royal Palm I, Mizner Center

Employee Benefits Corporate Counsel Forum

Presented by the Employee Benefits Corporate Counsel Forum

Co-Chairs: Sarah Fry, The North American Coal Corp., Plano, TX; Julie Burbank, Chevron Corporation, San Ramon, CA

Join the Corporate Counsel Forum for an informative discussion about clawback issues, including whose pay is subject to clawback and for how long, types of pay subject to clawback, and drafting issues arising from the recent Hertz decision which required the company to advance legal defense costs under its bylaws and indemnification agreements even though the company was suing the executives to enforce its clawback policy.

Panelists: Jennifer Dunsizer, Vorys Sater Seymour & Pease LLP, Columbus, OH; Rita Patel, DLA Piper, Washington, DC

12:30PM – 1:30PM

Royal Palm VIII, Mizner Center

Diversity 

Chair: Lany L. Villalobos, Dechert LLP, Philadelphia, PA

12:30pm Earned Income Tax Credit: Ideas for Reform. The Earned Income Tax Credit (EITC) is the most significant earnings-based refundable credit in the Internal Revenue Code. In *Tax Credits for the Working Poor: A Call for Reform*, Michelle Lyon Drumbl discusses the use of domestic revenue systems in the United States and other countries to deliver and administer social welfare benefits to low-income individuals and families. There have been many proposals to modify or replace the EITC to address some of the current limitations in the EITC, including the Len Burman's proposal for a new Universal EITC. In light of Drumbl's recent book and these proposals, as well as last year's National Taxpayer Advocate Special Report to Congress, *Making the EITC Work for Taxpayers and the Government*, the panelists will identify challenges for low-income taxpayers with respect to EITC administration and will discuss recent plans for EITC reform.

Panelists: Professor Michelle Lyon Drumbl, Washington & Lee University School of Law, Lexington, VA; Professor Leslie Book, Charles Villanova University Widger School of Law, Villanova, PA; Leonard Burman, Syracuse University Maxwell School of Citizenship and Public Affairs and Urban Institute/Tax Policy Center, Syracuse, NY; Margot Crandall-Hollick, Congressional Research Service, Washington, DC

Co-sponsored by: Pro Bono & Tax Clinics

12:30PM – 1:30PM

Addison East, Mizner Center

State & Local Taxes 

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

12:30pm Trends in Statutory Interpretation in State Tax Cases. 

Speaker: Professor Steve R. Johnson, Florida State University College of Law, Tallahassee, FL

PROGRAM SCHEDULE

FRIDAY, JANUARY 31



1:00PM – 4:00PM

Galleria North & South, The Cloisters

2019-2020 Law Student Tax Challenge J.D. and LL.M Final Rounds (Open to the Public)

Join us to witness the first round of teams in the J.D. division defend their submission before a panel of judges representing the country's top tax practitioners and government officials. An alternative to traditional moot court competitions, the Law Student Tax Challenge asks two-person teams of students to solve a cutting-edge and complex business problem that might arise in everyday tax practice.

1:15PM – 2:45PM

Great Hall North, Great Hall Center

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

1:15pm International Government Officials Panel.  This panel will review and analyze the most significant recent developments in international tax.

Panelists: Peter H. Blessing, Associate Chief Counsel (International), IRS Office of Associate Chief Counsel (International), Washington, DC; Douglas Poms, International Tax Counsel, Department of Treasury, Washington, DC (Invited)

1:30PM – 6:00PM

Royal Palm VI, Mizner Center

Employee Benefits

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

1:30pm The SECURE Act. As the most extensive retirement legislation since 2006, the recently enacted SECURE Act, much of it effective January 1, 2020, raises important planning and compliance issues and opportunities for participants, plan sponsors, practitioners, service providers, savers, and regulators. This session, presented by a Committee member involved in developing and negotiating a number of the new provisions, will address the major SECURE Act provisions and the issues they raise relating to lifetime income; open MEPs; nondiscrimination relief for frozen and closed plans; and changes affecting timing of plan adoption, 401(k) auto enrollment safe harbor, adoption of 401(k) safe harbor status, RMD rules, coverage of part-time employees, tax credits for new plan startups and for auto enrollment, IRAs, etc.

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

Panelist: J. Mark Iwry, Brookings Institution, Washington, DC & Wharton School, Univ. of Pennsylvania, Philadelphia, PA

2:00pm What's in a Name? Association Health Plans and Association Retirement Plans: These Cousins Couldn't Be More Different. This panel of experts will dive into the fray and analyze the battle lines drawn over association health plans and association retirement plans as a microcosm of the battle between red states and blue states. Find out whether proponents of association health plans oppose association retirement plans (and vice versa), and learn the projected location of the upcoming battlefields. Join us as we provide an up-to-the-minute update on association health plan and association retirement plan litigation, regulation and guidance focusing on the issues that all plans, employers, insurance carriers, participants, and service providers need to know now.

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

Panelists: Christopher E. Condeluci, CC Law & Policy, Washington, DC; Joel R. Hurt, Feinstein Doyle Payne & Kravec LLC, Pittsburgh, PA; Anthony F. Shelley, Miller & Chevalier Chartered, Washington, DC



PROGRAM SCHEDULE

FRIDAY, JANUARY 31

- 3:00pm Department of Labor, Employee Benefits Security Administration and Pension Benefit Guaranty Corporation Hot Topics.** Representatives from the Department of Labor and Pension Benefit Guaranty Corporation will provide updates on the latest guidance and developments affecting employee plans.
Moderator: Harold Ashner, Keightley & Ashner LLP, Washington, DC
Panelists: Gregory Katz, Attorney, Regulatory Affairs Division, Office of General Counsel, Pension Benefit Guaranty Corporation, Washington, DC; Kimberly Neureiter, Attorney, Bankruptcy, Transactions and Terminations Department, Office of General Counsel, Pension Benefit Guaranty Corporation, Washington, DC; Constance Donovan, Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC; Camille Castro, Senior Associate, Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC
- 4:00pm Break.** ☕
- 4:15pm Department of Treasury / IRS Hot Topics.** Representatives from the Department of Treasury and the IRS will provide updates on the latest guidance and developments affecting employee plans.
Moderator: Bret Hamlin, Hill Ward Henderson, Tampa, FL
Panelists: Carol Weiser, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Victoria Judson, Associate Chief Counsel, Employee Benefits, Exempt Organizations, and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organizations, and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Employee Benefits, Exempt Organizations and Employment Taxes, IRS Office of Chief Counsel, Washington, DC
- 5:15pm Fireside Chat.** ☕ Informal “town hall” discussion with Department of Treasury and IRS representatives on topics of interest to attendees.
- 6:00pm Cash Bar.** ☕

1:30PM – 5:00PM

Royal Palm X, Mizner Center

Employment Taxes ☕

Chair: Edward J. Leyden, Leyden Law LLC, Washington, DC

- 1:30pm IRS Employment Tax Update.** An overview of important developments since the Fall Meeting, including pertinent Supreme Court decisions, guidance projects in connection with the Tax Cut and Jobs Act, and proposed legislation.
Moderator: Prya C. Schwartzburt, PwC, Philadelphia, PA
Panelists: Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited); Sydney Gernstein, Branch Chief, Employment Tax Branch, IRS Office of Chief Counsel, Washington, DC (Invited)
- 2:30pm IRC Section 409A: It's Never Easy to Say Goodbye!** Since its enactment in 2004, IRC Section 409A has seemed like a minefield for lawyers advising companies and the executives who have come to the end of the line in their employment relationship. This program will attempt to dispel some of the mystery behind section 409A, enabling attorneys on both sides of an employment termination event to more confidently assess potential risks and rewards.
Moderator: Edward J. Leyden, Leyden Law LLC, Washington, DC
Panelists: Kurt Lawson, Hogan Lovell, Washington, DC

☒ = Taped

★ = Young Lawyers Program

⚖ = Ethics Credits Requested

☕ = No CLE Credit

PROGRAM SCHEDULE

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- 3:30pm Creative Use of Federal Tax Statutes as Enforcement Tools in Employment Controversies.** An emerging strategy being utilized by counsel for workers in employment controversies is the invocation of the federal tax laws as an affirmative weapon against employers that have been targeted for Wage & Hour and similar claims. This session will discuss the plaintiffs' bar evolving use of this and other tax enforcement strategies in non-tax cases.

Moderator: Edward J. Leyden, Leyden Law LLC, Washington, DC

Panelists: Richard Neuworth, Lebeau & Neuworth, Towson, MD; Jay Holland, Joseph Greenwald & Laake, Greenbelt, MD

- 4:30pm Meet & Greet.** ☕ A socialization opportunity for Committee members to get to know each other and to encourage new membership for the Committee.

Hosts: Jaye Calhoun, Kean & Miller LLP, New Orleans, LA (Council Chair); Prya C. Schwartzburt, PwC, Philadelphia, PA (Committee Vice Chair)

1:30PM – 4:00PM

Grand I, Mizner Center

Standards of Tax Practice ☞☞☞

Chair: Guinevere Moore, Johnson Moore LLC, Chicago, IL

Vice-Chair: Matthew Cooper, Deloitte Tax LLP, Washington, DC

- 1:30pm Ethical Issues in Federal Tax Practice – The Government Perspective.** ☞ This panel will provide an update on recent guidance from the Internal Revenue Service and the Treasury Department, 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.

Moderator: Aaron Esman, Caplin & Drysdale Chartered, New York, NY

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

- 2:20pm Ethical Considerations for Limited Scope Engagements.** ☞ Ethical considerations in pro bono representation, whether practicing before the IRS or before the Tax Court. Panelists will discuss dilemmas pro bono attorneys may face when representing tax clients at settlement days, calendar calls, and via direct representation outside of the courtroom. Discussions will include limited scope and limited time representation. Panelists will also provide advice on how to avoid the perils related to pro bono representation of taxpayer clients. This panel is the first part of a two part series co-sponsored with the Pro Bono Committee.

Moderators: Shanthi Balachanthiran, Florida Rural Legal Services Inc., LITC, Ft. Myers, FL

Panelists: The Honorable Peter J. Panuthos, US Tax Court, Washington, DC; Jennifer Breen, Morgan Lewis & Bockius, Washington, DC; Guinevere Moore, Johnson Moore LLC, Chicago, IL; Scott Hessell, Sperling & Slater, Chicago, IL; Jennifer Auchterlonie, Special Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC

- 3:10pm Ethical Considerations Arising Out of the BBA Partnership Audit Rules.** ☞ Now that the BBA partnership audit regime is in full swing, interesting ethical questions are arising in both the IRS examination and partnership amended return contexts. This panel will explore practitioners' ethical considerations relating to the broad authority of the partnership representative, the lack of participation and notice rights to all partners, the submission of administrative adjustment requests, and other novel



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issues under the BBA rules. In addition, this panel will discuss giving advice to partnerships and partners who may have conflicting interests as to the best way to resolve an IRS audit or correct a partnership return.

Moderator: Matt Cooper, Deloitte Tax LLP, Washington, DC

Panelists: Emily Lesniak, Special Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC (Invited); Sheri Dillon, Morgan Lewis & Bockius LLP, Washington, DC; Rochelle Hodes, Crowe LLP, Washington, DC; Alice Harbutte, EY, Denver, CO

2:00PM – 3:00PM

Veranda IV, Mizner Center

Diversity

Chair: Lany L. Villalobos, Dechert LLP, Philadelphia, PA

2:00pm

TCJA Recent Developments and Policy Considerations Concerning Payments Related to Sexual Harassment Under Code Section 162(q) and Fines and Penalties Under Code Section 162(f). The Tax Cuts and Jobs Act amended the Internal Revenue Code to address the deduction of certain payments related to sexual harassment or sexual abuse settlements that involve nondisclosure agreements and the deduction of payments that constitute restitution or amounts paid to come into compliance with any law. This panel will discuss recent technical developments (including recent guidance) with respect to these payments under Code Sections 162(f), 162(q) and 6050X and policy considerations related to the federal tax treatment of these payments.

Moderators: Rayth Myers, EY, Washington, DC; Susan Graiss, EY, Washington, DC

Panelists: John Moriarty, Associate Chief Counsel, IRS Office of Chief Counsel (Income Tax & Accounting), Washington, DC; Sharon Horn, Senior Attorney, IRS Office of Associate Chief Counsel (Income Tax & Accounting), Washington, DC; Connie Cheng Cunningham, BDO USA LLP, Los Angeles, CA

2:00PM – 3:00PM

Seville, Great Hall Center

Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee

Estate & Gift Tax Co-Chairs: George D. Karibjanian, Franklin Karibjanian & Law PLLC, Boca Raton, FL/Washington, DC and Hannah W. Mensch, Ehrenkranz Partners, New York, NY

Fiduciary Income Tax Chair: Nolan A. Moule III, Northern Trust, Houston, TX

2:00pm

Estate Planning in Light of Legislative Uncertainty. This panel will focus on how to structure core estate plans amidst the current climate of legislative uncertainty.

Panelists: Katie Cooperman, Holland & Hart, Denver, CO; Alyssa Depew, Kirton McConkie, Salt Lake City, UT; Ashley Sawyer, Loeb and Loeb LLP, Washington, DC


2:00PM – 5:00PM

Addison West, Mizner Center

State & Local Taxes

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

2:00pm

Ethics and Technology: Navigating Tricky Ethical Dilemmas in a 21st Century SALT Practice.  This presentation will assist participants in recognizing and understanding the proper application of ethics rules governing technology-driven SALT lawyers in the 21st century. The presenters will discuss how the ABA Model Rules and various state bar ethics opinions guide lawyers in their use (and misuse) of technology.

Moderator: Mark E. Holcomb, Dean Mead et al., Tallahassee, FL

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Panelists: Michelle DeLappe, Foster Garvey PC, Seattle, WA; Glenn McCoy, KPMG LLC, New York, NY

- 3:00pm Through the Mists of State Tax Administration.** Most state constitutions include a Uniformity Clause or Equal Protection Clause requiring equal treatment of similarly situated taxpayers in the state. State and local income tax, sales and use tax, and property tax laws typically have provisions maintaining the confidentiality of taxpayer information reported on tax returns, presented in audits or appeals of tax assessments or challenges to property valuations, or submitted in connection with requests for private letter rulings. From a policy standpoint, however, it is critical that taxpayers believe they are being given the same tax treatment as their competitors and other similarly situated taxpayers are receiving from the state or local tax agency. This panel will discuss what are the appropriate parameters of taxpayer information that tax agencies should be obligated to protect from disclosure to the public and how those tax agencies could tailor public disclosures of taxpayer information to comply with the confidentiality requirements of their tax laws, yet allow taxpayers to determine whether the tax agency is fairly administering the tax laws.

Moderator: John A. Biek, Neal Gerber & Eisenberg LLP, Chicago, IL

Panelists: Jeanne Rauch-Zender, Editor-in-Chief, Tax Notes State, Arlington, VA; Additional Panelist TBA

- 4:00pm Tax Insurance and Warranty and Representation Insurance – Who, What, Where, When.** Tax insurance policies can cover taxes, interest, penalties, and costs stemming from transactions that fail to qualify for the intended treatment. A representations and warranties insurance (RWI) policy obtained in connection with an M&A deal can protect the buyer from unanticipated breaches of the seller's representations. But these policies are rarely obtained with an eye towards state and local taxes. During this session, a tax insurance broker and a tax policy underwriter will discuss when these policies should be considered, what the policies should cover, and what traps to avoid when obtaining them.

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

Panelists: Mark McTigue, MARSH, New York, NY; Justin Pierce Berutich, Euclid Transactional, New York, NY

2:30PM – 4:30PM

Grand B, Mizner Center

Closely Held Businesses

Chair: Galina "Allie" P. Petrova, Petrova Law PLLC, Greensboro, NC

- 2:30pm TCJA – Hot Topics for Closely Held Businesses.** Now that the 2018 filing season is behind us, this panel will take a look at the impact of the TCJA on closely held businesses. A roundtable of practitioners will address frequent client issues and questions relating to section 199A, section 163(j), and other new provisions and changes, as well as "real life" answers and planning solutions.

Panelists: Elizabeth Stieff, Venable LLP, Baltimore, MD; Adam Abrahams, Meyers Hurvitz Abrahams LLC, Rockville, MD; Alan Gassman, Gassman Crotty & Denicolo PA, Clearwater, FL

- 3:30pm The IRS's Increased Focus and Enforcement of Payroll Tax Debts.** Payroll taxes represent nearly 70% of all revenues into the United States Treasury. Closely held businesses that fail to properly report and pay over those taxes have found themselves increasingly in the IRS and Department of Justice's crosshairs. This



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panel will review the various changes in enforcement that business owners and their representatives can expect to see from the government, including increased use of injunctions, suits by the Department of Justice, and increased criminal referrals.

Moderator: Eric L. Green, Green & Sklarz LLC, New Haven, CT

Panelists: Frank Agostino, Agostino & Associates LLC, Hackensack, NJ; Noelle Geiger, Green & Sklarz LLC, New York, NY; Frederick W. Schindler, Director, Collection Headquarters, Small Business/Self-Employed Division, IRS, Washington, DC

(A joint panel with the S Corporations committee will follow at 4:30PM in Grand D, Mizner Center.)

2:30PM – 5:30PM

Grand G, Mizner Center

Court Procedure & Practice

Chair: Alexandra Minkovich, 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, and a discussion of significant pending litigation.

Moderator: Jeffrey M. Glassman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX

Panelists: Chief Judge Maurice B. Foley, US Tax Court, Washington, DC; Richard G. Goldman, Deputy Associate Chief Counsel, IRS Office of Associate Chief Counsel (Procedure and Administration), Washington, DC; Joshua Wu, Deputy Assistant Attorney General (Policy and Planning), Department of Justice, Tax Division, Washington, DC

3:20pm Collections of Foreign Tax Judgments: When Your Other Problems Come Home.

This panel will explore the means and methods by which foreign governments come onshore to try and collect their tax determinations and judgments in the United States, including through the use of bilateral tax treaties and US judicial proceedings. The panel will also identify the defenses and limitations to such actions, including through jurisdictional limits such as the Revenue Rule a longstanding principle of the US and international law that prohibits one sovereign from using courts of another sovereign to enforce its revenue laws.

Moderator: Mark D. Allison, Caplin & Drysdale Chartered, New York, NY

Panelists: Nathaniel B. Parker, Senior Counsel, IRS Office of Associate Chief Counsel (International), Washington, DC (Invited); Zhanna A. Ziering, Caplin & Drysdale Chartered, New York, NY; Lawrence A. Sannicandro, McCarter & English LLP, Newark, NJ

4:30pm Conservation Easements – Trying Times. Conservation easements have been under extraordinary IRS scrutiny in recent years resulting in numerous examinations. Many of those examinations are now in litigation or headed toward litigation. From that perspective, this panel will discuss what it takes to try a conservation easement case. The panelists will discuss relevant expert witnesses, expert reports, key fact witnesses, and other considerations for the litigating counsel.

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

Panelists: Frank Agostino, Agostino & Associates, Hackensack, NJ; Jenny Ware Johnson, Johnson & Moore, Chicago, IL; Ronald Levitt, Sirote & Permutt, Birmingham, AL

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FRIDAY, JANUARY 31



2:30PM – 5:30PM

Estate I, Mizner Center

Financial Institutions & Products

Chair: Craig Gibian, Deloitte Tax LLP, Washington, DC

2:30pm Section 871(m) Update. This panel will discuss practical issues under section 871(m) and areas in which revisions to the section 871(m) regulations or further guidance might be warranted. The topics that will be discussed include the combination rule, qualified derivatives dealers, non-delta-one derivatives, qualified indices, and derivatives over partnerships.

Moderator: Jeffrey Hochberg, Sullivan & Cromwell LLP, New York, NY

Panelist: Jay Klein, PwC, New York, NY; Erika Nijenhuis, Senior Counsel, Department of Treasury, Washington, DC (Invited)

3:30pm Transitioning from LIBOR. This panel will discuss the proposed regulations released in October 2019 regarding the tax implications of transitioning away from LIBOR. Topics will include the application of section 1001 and the VRDI rules.

Moderator: Lucy Farr, Davis Polk & Wardwell, New York, NY

Panelist: Diana Imholtz, IRS, Office of Associate Chief Counsel (FI&P), Washington, DC (Invited); Jeff Maddrey, PwC, Washington, DC; Brett York, Acting Deputy Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited)

4:30pm Section 163(j): Peaking (or is that PIking) your Interest. If final regulations are issued in time (or proposed regulations are reopened), this panel will discuss the definition of interest and other rules under section 163(j) that are particularly relevant to the financial transactions community. To the extent there is a deferral in the issuance of regulations, this panel will convert into a discussion of issues that currently arise under section 163(j), including under the proposed regulations, and other debt-related topics.

Moderator: Michael Yaghmour, EY, Washington, DC

Panelists: Diana Imholtz, IRS, Office of Associate Chief Counsel (FI&P), Washington, DC (Invited); Brett York, Acting Deputy Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); Michael Mou, Deloitte Tax LLP, Washington, DC

2:30PM – 5:30PM

Royal Palm IX, Mizner Center

Insurance Companies

Chair: Sheryl Flum, KPMG, Washington, DC

2:30pm Life Insurance Product Update. This panel will discuss tax issues related to life insurance product development, including guidance on reportable policy sales and treatment of advisory fees.

Moderator: Alison Peak, Davis and Harman LLP, Washington, DC

Panelists: Sarah Lashley, Transamerica, Baltimore, MD; Kathryn Sneade, Senior Technician Reviewer, IRS Office of Associate Chief Counsel (Financial Institutions & Products), Washington, DC

3:30pm Insurance Tax Guidance Update. This panel will discuss recent guidance regarding changes made to the Tax Code by the Tax Cuts and Jobs Act.

Moderator: Sheryl Flum, KPMG LLP, Washington, DC

Panelists: Mark Smith, PwC, Washington, DC; Clarissa Potter, KPMG LLP, New York, NY; Kathryn Sneade, Senior Technician Reviewer, IRS Office of Associate Chief Counsel (Financial Institutions & Products), Washington, DC



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- 4:30pm Insurance Company Corporate Tax Issues.** This panel will cover Subchapter C issues specific to insurance companies with a focus on sections 163(j) and 382.
Moderator: Graham Green, Eversheds Sutherland, Washington, DC
Panelists: Lori Jones, Scribner Hall & Thompson LLP, Washington, DC; M. Kristan Rizzolo, Eversheds Sutherland, Washington, DC; Christopher W. Schoen, Eversheds Sutherland, Washington, DC

2:30PM – 6:00PM

Barcelona D, Great Hall Center

Public Service Fellowship  (Executive Session)

2:30PM – 5:30PM

Grand E, Mizner Center

Real Estate 

Chair: Ossie Borosh, KPMG LLP, Washington, DC

- 2:30pm Opportunity Zones – Structuring Issues.** This panel will discuss new guidance, various structuring techniques, and planning pitfalls relating to opportunity zones.
Moderator: Tom West, KPMG LLP, Washington, DC
Panelists: Colin Campbell, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Lisa Starczewski, Buchanan Ingersoll & Rooney PC, Washington, DC
- 3:30pm Joint Venturing with a REIT.** This panel will address the tax issues that arise when a REIT is a partner in a joint venture. The discussion will address the concerns from both the JV partner's and the REIT's perspective, including the related party tenant issues for the REIT.
Moderator: Mark Van Deusen, Deloitte Tax LLP, Washington, DC
Panelists: Julianne Allen, PwC, Washington, DC; Cristina Arumi, Hogan Lovells LLP, Washington, DC
- 4:30pm Partnership Liabilities Under Section 707 and 752.** This panel will discuss recent guidance on the treatment of partnership liabilities under the disguised sale rules and section 752.
Moderator: Jennifer Ray, Deloitte Tax LLP, Washington, DC
Panelists: Audrey Ellis, PwC, Washington, DC; Caroline Hay, IRS Office of Chief Counsel (Passthroughs & Special Industries), Washington, DC; Richard Lipton, Baker & McKenzie LLP, Chicago, IL

2:30PM – 4:30PM

Grand D, Mizner Center

S Corporations 

Chair: Thomas J. Phillips, von Briesen & Roper sc, Milwaukee, WI

- 2:30pm Current Developments in the Federal Income Taxation of S Corporations.** This panel will discuss recent legislative, administrative and judicial developments relating to S corporations and their shareholders.
Moderator: Laura E. Krebs Al-Shathir, Capes Sokol, St. Louis, MO
Panelists: Jeffrey B. Fugal, Quarles & Brady LLP, Phoenix, AZ; Kandyce L. Korotky, Covington & Burling LLP, Washington, DC; Avani Dhillon, EY, Boston, MA

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3:30pm International Tax Provisions of the TCJA. This panel will discuss problem areas for S Corporations and their shareholders under sections 951A (GILTI Tax), 965 and other international provisions enacted by the TCJA.

Moderator: Joseph E. Tierney, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI

Panelists: Laura Howell-Smith, Deloitte Tax LLP, Washington, DC; Michael J. Miller, Roberts & Holland LLP, New York, NY

(A joint panel with the Closely Held Businesses committee will follow at 4:30PM.)

2:30PM – 5:30PM

Estate III, Mizner Center

Tax Accounting

Chair: David Strong, Crowe LLP, Grand Rapids, MI

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

Moderator: Kate Abdo, PwC, Washington, DC

Panelists: Les Schneider, Ivins Phillips & Barker, Washington, DC; Scott Rabinowitz, Skadden Arps Slate Meagher & Flom LLP, Washington, DC; John Moriarty, Associate Chief Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Kathy Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Charles Gorham, Special Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Wendy Friese, Tax Policy Advisor, Department of Treasury, Washington, DC

3:15pm Mitigation Banking. This panel will discuss the process of mitigation banking with a focus on appropriately classifying mitigation credits and characterization of the transaction. The panel will review the criteria and basic elements of a mitigation bank and discuss the timing of recognizing potential income from the receipt of the credit and deduction for the use of the credit.

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

Panelists: Abdon Rangel, Andersen, Houston, TX; Martin “Duke” Osborne, General Attorney (Tax), Branch 5, Office of Chief Counsel - Income Tax & Accounting, IRS, Washington, DC

4:00pm Cryptocurrency Meets Tax Accounting. This panel will discuss the most recent guidance in the cryptocurrency arena with a specific focus on tax accounting issues, such as determination of gross income and realization under section 61 and the treatment of income for accrual basis taxpayers. The panel will include commentary and input from our guests from the Internal Revenue Service.

Moderator: Michael Resnick, Eversheds Sutherland, Washington, DC

Panelists: Karen Messner, BDO, Washington, DC; Shanthi Balachanthiran, Florida Rural Legal Services Inc., Ft. Myers, FL; Christopher Wrobel, Special Counsel, IRS Office of Chief Counsel, Income Tax and Accounting, Washington, DC; John Moriarty, Associate Chief Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC



PROGRAM SCHEDULE

FRIDAY, JANUARY 31

4:45pm Accounting Methods in M&A Transactions. This panel will highlight common questions and fact patterns encountered during M&A transactions. Topics to be discussed include the treatment of deferred revenue and any changes as a result of recently proposed regulations as well as ongoing questions regarding assumed liabilities. In addition, the panel will discuss recently released guidance and discuss ongoing issues, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury.

Moderator: Stan Barsky, EisnerAmper, New York, NY

Panelists: Christine Turgeon, PwC, Washington, DC; David Schneider, Skadden Arps Slate Meagher & Flom LLP, Washington, DC; Charles Gorham, Special Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; John Moriarty, Associate Chief Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Wendy Friese, Tax Policy Advisor, Department of Treasury, Washington, DC

2:30PM – 5:30PM

Grand J, Mizner Center

Tax Collections, Bankruptcy & Workouts

Chair: Lawrence A. Sannicandro, McCarter & English LLP, Newark, NJ

2:30pm Current Developments in Collection Enforcement. The panelists will provide an update on IRS enforcement efforts within the collection division, including enforcement priorities, recent hiring, the impact of the Taxpayer First Act on collections, and practical strategies when dealing with certifications to the State Department to have taxpayers' passports revoked.

Moderator: Eli S. Noff, Frost & Associates LLC, Annapolis, MD

Panelists: Paul J. Mamo, Director, IRS Collection, Washington, DC; Bridget Roberts, Acting National Taxpayer Advocate, Taxpayer Advocate Service, Washington, DC; Fran Obeid, MFO Law PC, New York, NY; A. Lavar Taylor, Law Offices of A. Lavar Taylor, Santa Ana, CA

Co-sponsored by: Pro Bono & Tax Clinics

4:00pm Selected Issues Where Taxes Meet the Bankruptcy Court. This panel will explore some of the scenarios in which tax issues can become prominent in company bankruptcies. What kind of situations might give rise to a scenario where a proposed restructuring, or a sale of the debtor's assets, generates a tax liability that cannot be paid, and what happens in a scenario involving that type of "stranded tax?" How do tax sharing agreements – or the lack thereof – play a role in restructuring cases, especially in light of the *Rodriguez* case being decided by the Supreme Court this term? While these issues have come up frequently in bank holding company bankruptcies where the question being addressed is the legal entity entitled to a cash refund, the harder tax sharing issues arguably arise in different situations that involve questions about payment for the use of tax attributes within a consolidated group. The panel may also explore some of the open questions regarding the proper treatment of certain kinds of tax claims, the bankruptcy court's power (or lack thereof) to decide the tax consequences of a bankruptcy plan of reorganization, and the use of the IRS as a kind of "super golden creditor" for avoidance actions in bankruptcy.

Moderator: Anthony V. Sexton, Kirkland & Ellis LLP, Chicago, IL

Panelists: The Honorable Christopher S. Sontchi, Chief Judge, US Bankruptcy Court for the District of Delaware, Wilmington, DE; Deborah L. Paul, Wachtell Lipton Rosen & Katz, New York, NY

Co-sponsored by: Corporate Tax and Court Procedure & Practice



PROGRAM SCHEDULE

FRIDAY, JANUARY 31



2:30PM – 5:30PM

Royal Palm VII, Mizner Center

Tax Exempt Financing

Chair: Mark O. Norell, Ballard Spahr LLP, New York, NY

2:30pm Legislative, Treasury and Internal Revenue Service Update. This panel will discuss: (i) an update on the "new" Office of Tax Exempt Bonds; (ii) the status of the Final Reissuance Regulations; (iii) the proposed regulations addressing reference rates other than Interbank Offered Rates; (iv) *Indian River County v. U.S. Department of Transportation* (Dec. 20, 2019), (v) the Internal Revenue Service Business Plan items for 2019-2020; and (vi) the Internal Revenue Service Audit Plan (Fiscal Year 2020 Compliance Program).

Moderator: Mark O. Norell, Ballard Spahr LLP, New York, NY

Panelists: Adam C. Harden, Norton Rose Fulbright US LLP, San Antonio, TX; Michela Daliana, Hawkins Delafield & Wood LLP, New York, NY

3:15pm Repeal of Advance Refundings and the Rise of Taxable Municipal Bonds. Given the increasing popularity of taxable municipal bonds, this panel will provide a discussion on issues that arise with regard to refunding taxable bonds with tax-exempt bonds and issuing taxable bonds to refund tax-exempt bonds, with issues to include (a) reimbursement considerations related to taxable new money debt, (b) allocations related to taxable debt used to finance projects eligible for tax-exempt financings and projects ineligible for tax-exempt financings, (c) refunding Build America Bonds, (d) universal cap considerations, and (d) original issue discount considerations for taxable bonds.

Moderator: Marybeth Orsini, Ballard Spahr LLP, Baltimore, MD

Panelists: Chas Cardall, Orrick Herrington & Sutcliffe LLP, San Francisco, CA; Neil Kaplan, Hawkins Delafield & Wood LLP, New York, NY; Mark O. Norell, Ballard Spahr LLP, New York, NY

4:10pm What Does Cinderella Look Like? This panel will focus on one or more Cinderella structures, including a direct lending transaction that starts with a taxable rate and either grants an option to the issuer to convert to a tax-exempt rate or requires the parties to agree in the future to convert.

Moderator: David J. Cholst, Chapman and Cutler LLP, Chicago, IL

Panelists: Mark O. Norell, Ballard Spahr LLP, New York, NY; Chas Cardall, Orrick Herrington & Sutcliffe LLP, San Francisco, CA

4:45pm Tax Exempt Financings and Partnerships. This panel will consist of a discussion relating to financing projects owned or otherwise used by partnerships in which at least one partner is a for profit entity. It will compare and contrast how the regulations under sections 141 and 145 work when bond-financed assets are contributed to a partnership or acquired by a partnership and when improvements to partnership assets are financed. The interaction between the partnership-specific rules and the more general rules about qualified equity and eligible mixed-use projects will be explored in detail.

Moderator: Chas Cardall, Orrick Herrington & Sutcliffe LLP, San Francisco, CA

Panelists: Andrea Ball, Orrick Herrington & Sutcliffe LLP, Washington, DC; Michela Daliana, Hawkins Delafield & Wood LLP, New York, NY



PROGRAM SCHEDULE

FRIDAY, JANUARY 31

2:45PM – 4:45PM

Great Hall South, Great Hall Center

Foreign Activities of US Taxpayers

Chair: Rachel Kleinberg, Davis Polk & Wardwell LLP, Menlo Park, CA

2:45pm What if There Isn't 100% Ownership in Cross Border Structures? The panel will review a panoply of issues that arise in minority investments. The case studies will include minority investments by US persons into foreign entities and US entities with minority foreign investors. We'll explore the technical issues and what is being done in practice to manage the issues.

Moderator: Joan Arnold, Pepper Hamilton LLP, Philadelphia, PA

Panelists: Joseph Caliano, BDO, Washington, DC; Kimberly Majure, KPMG, Washington, DC; Peter H. Blessing, Associate Chief Counsel (International), IRS Office of Associate Chief Counsel (International), Washington, DC; James Wang, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC (Invited)

3:45pm Foreign Tax Credit Update. The role of the foreign tax credit in the US international tax system has changed significantly in light of tax reform and in particular the introduction of the GILTI regime and the section 245A participation exemption. This panel will discuss recently issued Final Regulations and Proposed Regulations related to foreign tax credits. Topics will include the foreign tax credit for GILTI and foreign branch income, expense allocation, the allocation of foreign taxes, and other issues relating to the foreign tax credit.

Moderator: Layla Asali, Miller & Chevalier, Washington, DC

Panelists: Elizabeth Nelson, PwC, Washington, DC; Caroline Ngo, McDermott Will & Emery, Washington, DC; Marjorie Rollinson, EY, Washington, DC; Karen Cate, IRS Office of Associate Chief Counsel (International), Washington, DC (Invited); Jason Yen, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC (Invited)

3:00PM – 4:30PM

Estate II, Mizner Center

Teaching Taxation

Chair: Professor Diane Ring, Boston College, Newton, MA

3:00pm Opportunity Zones – Two Years In. The Tax Cuts and Jobs Act enacted in December 2017 included a new provision intended to direct investment into low-income communities through a combination of tax benefits for investors (deferral, partial reductions in gains, and exclusions of future appreciation). Though the enactment of such targeted tax incentives is not entirely new, the design of this provision has raised significant questions for investing taxpayers seeking to secure the tax benefits and for public policy advocates assessing whether the Opportunity Zone provisions achieve their stated goals. To explore all of these issues, this panel will discuss the design of the new incentive, who is making the investments, where, in what projects, how much is being invested, who is securing the benefits, and what will be the likely community impact. The panel also considers the current data reporting requirements and what/whether data should be made public to facilitate assessment of the program's success in promoting economic growth in low-income areas.

Moderator: Professor Ellen Aprill, Loyola Law School, Los Angeles, CA

Panelists: Megan Christensen, Manatt Phelps & Phillips, LLP, Washington, DC; Professor Edward De Barbieri, Albany Law School, Albany, NY; Jeffrey Koonce,

PROGRAM SCHEDULE

FRIDAY, JANUARY 31



Bernhard Capital Partners Management, Baton Rouge, LA; Professor Michelle Lyster, University of Illinois College of Law, Champaign, IL

Co-sponsored by: Exempt Organizations and Partnerships & LLCs

4:30PM – 5:30PM

Grand D, Mizner Center

S Corporations and Closely Held Businesses Joint Panel

S Corporations Chair: Thomas J. Phillips, von Briesen & Roper, s.c., Milwaukee, WI

Closely Held Businesses Chair: Galina “Allie” P. Petrova, Petrova Law, Greensboro, NC

4:30pm

Planning Considerations and Issues for Trusts as Owners of S Corporations and Other Closely Held Business. This panel will discuss selected federal and state income tax issues that arise from the ownership of interests in closely held businesses by trustees of trusts. The panel will address a number of issues, including structuring basics, recent case law updates, qualified small business stock, section 199A, and the new partnership audit rules.

Moderator: Andrew R. Comiter, Comiter Singer Baseman & Braun, Palm Beach Gardens, FL

Panelists: Karen Sandler Steinert, Fredrikson & Bryon PA, Minneapolis, MN; Brad Roe, Grant Thornton, Houston, TX; Adam Abrahams, Meyers Hurvitz Abrahams LLC, Rockville, MD

4:30PM – 5:30PM

Madrid, Great Hall Center


Publications Committee (Executive Session)

5:00PM – 6:00PM

Estate II, Mizner Center

Office of Chief Counsel Career Information Session

5:00pm

Notes from the Recruiter Informational Session.  Have you ever wanted to work for the Government? Not sure where to start? Or do you know where to start but want to know your options? We have the informational session for you. The Office of Chief Counsel of the IRS is hiring, and they are here at the 2020 Midyear Tax Meeting. Recruiters will be on hand to describe the process and guide you in the right direction. Join us for this complimentary session, this could be your next career in Tax.

Speakers: Hsin-yu Yu, Office of Chief Counsel, Internal Revenue Service, Washington, DC; Shari Slau, Office of Chief Counsel, Internal Revenue Service, Washington, DC



PROGRAM SCHEDULE FRIDAY, JANUARY 31

5:30PM – 6:30PM

Foreign Activities of US Taxpayers Business Meeting 

Seville, Great Hall Center

5:30PM – 6:30PM

Foreign Lawyers Forum Business Meeting 

Barcelona A, Great Hall Center

5:30PM – 6:30PM

2019-2020 Law Student Tax Challenge Awards Ceremony  (*Open to the Public*)

Grand I, Mizner Center

5:30PM – 6:30PM

Transfer Pricing Business Meeting 

Barcelona C, Great Hall Center

5:45PM – 6:30PM

US Activities of Foreigners & Tax Treaties Business Meeting 

Madrid, Great Hall Center

6:30PM – 8:00PM

Section Reception 

Royal Palm IV, Mizner Center

8:00PM – 10:00PM

International Committees Dinner  (*Reservation Required*)

PROGRAM SCHEDULE

SATURDAY, FEBRUARY 1



7:15AM – 8:30AM

Grand D, Mizner Center

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 – 8:45AM

Grand G, Mizner Center

ACTC Fellows Breakfast 🗣️ *(ACTC Fellows Only)*

7:30AM – 8:30AM

Royal Palm X, Mizner Center

Tax Practice Management 🗣️ 📺

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

7:30am

Ethical Challenges Posed by the Use of Predictive Case Analytics In Tax. 🗣️ The use of predictive case analytics software has dramatically increased in the worlds of tax and accounting in the last couple of years. This powerful artificial intelligence tool can accurately predict court outcomes and enable users to find relevant cases and court opinions faster than ever before. While the utility of this transformative technology may be evident, tax practitioners should be cautious of the challenges related to the use of this futuristic software. This panel will discuss the ethical and practical challenges related to the use of predictive case analytics software and what tax practitioners should be aware of when they represent clients in the future.

Panelists: Travis Thompson, Sideman & Bancroft LLP, San Francisco, CA; Abdi Aidid, BlueJ Legal, Toronto, ON; Robert Kovacev, Norton Rose Fulbright, Washington, DC; Lisa Nelson, The Law Offices of A. Lavar Taylor, Santa Ana, CA

7:45AM – 9:00AM

Grand I, Mizner Center

Court Procedure & Practice Committee Breakfast 🗣️ *(Ticketed Event)*

8:00AM – 11:45AM

Royal Palm IV, Mizner Center

Pro Bono & Tax Clinics 🗣️ 📺

Chair: Susan Morgenstern, IRS Taxpayer Advocate Service, Cleveland, OH

8:00am

National Taxpayer Advocate's Annual Report to Congress. The acting National Taxpayer Advocate will present her Annual Report to Congress. She will discuss the top issues facing taxpayers in 2019 including their scope and effect on taxpayer rights. She will also discuss legislative recommendations to improve tax administration. Finally, she will highlight research studies the Taxpayer Advocate Service undertook in 2019.

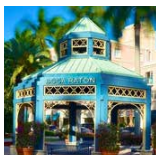
Moderator: Susan Morgenstern, IRS Taxpayer Advocate Service, Cleveland, OH

Panelist: Bridget Roberts, Acting National Taxpayer Advocate, Taxpayer Advocate Service, Washington, DC

Co-sponsored by: Individual & Family Tax and Tax Policy and Simplification

8:30am

Innocent Spouse Litigation Under the Taxpayer First Act: The Administrative Record, Newly Discovered Evidence, and Other Challenges. The Taxpayer First Act of 2019 effected major changes in the US Tax Court's review of innocent spouse decisions. This session will review the changes to section 6015(e) and discuss how practitioners, the Service, and the Tax Court are grappling with the new standard. Important questions include what constitutes the administrative record; when the



PROGRAM SCHEDULE

SATURDAY, FEBRUARY 1

court can look beyond the administrative record; and how non-requesting spouses can effectively participate. Practitioner panelists will also provide strategies to mitigate the new limits on the Tax Court's ability to hear evidence.

Moderator: Professor Christine Speidel, Villanova University Charles Widger School of Law, Villanova, PA

Panelists: The Honorable Ronald L. Buch, US Tax Court, Washington, DC; Professor Bryan T. Camp, Texas Tech University School of Law, Lubbock, TX; Mary Michelle Gillum, Legal Aid Society of Middle Tennessee and the Cumberland, Oak Ridge, TN; Adrienne E. Griffin, IRS Office of Chief Counsel (Procedure & Administration), Washington, DC

Co-sponsored by: Individual & Family Tax, Tax Policy & Simplification, and Court Practice & Procedure

9:30am Ethical Considerations in Pro Bono Representation. This panel will discuss dilemmas pro bono attorneys may face when representing tax clients at settlement days, calendar calls, and via direct representation outside of the courtroom. Discussions will include limited scope and limited time representation. Panelists will also provide advice on how to avoid the perils related to pro bono representation of taxpayer clients. This panel is the second part of a two-part series co-sponsored with the Standards of Tax Practice Committee.

Moderator: Shanthy Balachanthiran, Florida Rural Legal Services Inc., LITC, Ft. Myers, FL

Panelists: The Honorable Peter J. Panuthos, US Tax Court, Washington, DC; Jennifer Breen, Morgan Lewis & Bockius, Washington, DC; Guinevere Moore, Johnson Moore LLC, Chicago, IL; Professor Caleb Smith, University of Minnesota Law School, Minneapolis, MN; Jennifer Auchterlonie, IRS Office of Chief Counsel (Procedure & Administration), Washington, DC

Cosponsored by: Standards of Tax Practice, Diversity, Individual & Family Tax, Tax Policy & Simplification

10:30am Break.

10:45am Employment Income Characterization Through the Taxpayer Rights Lens. This panel will explore the consequences of improper classification of employment-related income. These consequences impact employee protections and benefits, and implicate the taxpayer's right to pay no more than the correct tax. The panelists will discuss the tools and litigation strategies that are available to taxpayers, including substitute income reporting forms, worker options for employment status reclassification, and litigation strategies. In addition, states are beginning to look at worker classification issues anew.

Moderator: Professor Sarah Lora, Lewis and Clark Law School, Portland, OR

Panelists: Omeed Firouzi, ABA Section of Taxation Christine A. Brunswick Public Service Fellow, Philadelphia Legal Assistance Low Income Taxpayer Clinic, Philadelphia, PA; Mari Manoogian, Michigan State Representative, Birmingham, MI; Sydney Gernstein, Branch Chief, Employment Tax Branch, IRS Office of Chief Counsel, Washington, DC; Charles Eiss, Law Offices of Charles Eiss, Plantation, FL; Anna Tavis, Brooklyn Legal Services, New York, NY

Co-sponsored by: Tax Collection Bankruptcy & Workouts, Diversity, Individual & Family Tax, Employment Taxes and Tax Policy & Simplification

PROGRAM SCHEDULE

SATURDAY, FEBRUARY 1



8:30AM – 11:30AM

Grand E, Mizner Center

Corporate Tax

Chair: William Alexander, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

8:30am Current Developments in Corporate Taxation. This panel will discuss the latest developments in corporate taxation, including a discussion of the treatment of various corporate transactions under the BEAT, in the context of qualified opportunity funds and section 355(e).

Moderator: Angela R. Russo, KPMG LLP, San Francisco, CA

Panelists: Mark Weiss, Branch Chief, Branch 2, Office of Chief Counsel – Corporate, IRS, Washington, DC; David H. Saltzman, Ropes & Gray LLP, Boston, MA; Lisa M. Zarlenga, Steptoe & Johnson LLP, Washington, DC

10:00am Section 367(b) in a Post-TCJA World. This panel will discuss the continued relevance of section 367(b) post-TCJA. The speakers will discuss how changes made by the TCJA affect the policy considerations of section 367(b), how the changes to the repatriation and basis importation rules might affect the principles underlying Treas. Reg. 1.367(b)-3 and the triangular reorganization provisions, the heightened importance of attribute carryover and allocation under Treas. Reg. 1.367(b)-7 and Prop. Treas. Reg. 1.367(b)-8, and other issues relating to the changed incentives and disincentives in light of TCJA's overhaul of the international tax rules.

Moderator: Scott M. Levine, Jones Day, Washington, DC

Panelists: Joshua Rutland, EY, Washington, DC; Gretchen Sierra, Deloitte, Washington, DC; Laura Williams, Branch Chief, Associate Chief Counsel (International), Branch 4, IRS, Washington, DC (Invited); Brenda Zent, Special Advisor on International Taxation, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

8:30AM – 11:30AM

Royal Palm VII, Mizner Center

Employee Benefits

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

8:30am The Future of Benefits – The SECURE Act. Join us for a discussion about the SECURE Act and other retirement plan provisions passed at the end of 2019, including how they may impact employee benefit planning.

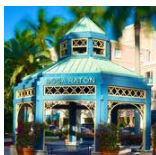
Moderator: Elena Kaplan, Jones Day, Atlanta, GA

Panelists: Mindi M. Johnson, Foster Swift Collins & Smith PC, Grand Rapids, MI; Veena K. Murthy, Crowe LLP, Washington, DC

9:30am Hot Topics in Executive Compensation – 162(m). This session will address the impact of the proposed regulations issued under section 162(m) and the recent ABA Tax Section comment letter to the IRS regarding potential dual employee status for entities taxable as partnerships.

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

Panelists: Ilya Enkishev, Attorney, Executive Compensation Branch, Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organizations, and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Helen Morrison, EY, Washington, DC; Robert Neis, Eversheds Sutherland, Washington, DC; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities, Office of Chief Counsel, IRS, Washington, DC; Carol Weiser, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of



PROGRAM SCHEDULE

SATURDAY, FEBRUARY 1

Treasury, Washington, DC; Amber Salotto, Attorney-Advisor, Department of Treasury, Washington, DC

10:30am The Evolving Practice of Employee Benefits Law and Related Ethics Issues. ⚡ This panel will discuss ethics issues that have arisen under the ABA Model Rules and Circular 230 with the changes in how employee benefits law is practiced in various firm, corporate and government settings.

Moderator: Donald E. Wellington, Reed Smith LLP, Los Angeles, CA

Panelists: Rosina Barker, Morgan Lewis & Bockius LLP, Washington, DC; Amy Null, WilmerHale, Boston, MA; Robert Toth, Law Offices of Robert J. Toth, Ft. Wayne, IN; Sarah Touzalin, Seyfarth Shaw LLP, Chicago, IL

8:30AM – 11:30AM

Grand A, Mizner Center

Fiduciary Income Tax

Chair: Nolan A. Moullé III, The Northern Trust Company, Houston, TX

8:30am Current Developments. Mr. Garcia and Ms. Soliman will review current developments in fiduciary income tax. Ms. Hughes will update the committee on developments within the Treasury and the Service.

Panelists: Francisco Garcia Jr., Henderson Caverly & Purn LLP, San Diego, CA; Anna Soliman, Fiduciary Trust Company International, Los Angeles, CA; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC

9:15am A Refresher on the Throwback Tax. Mr. Moullé will discuss the application of the throwback tax to foreign trusts.

Panelist: Nolan A. Moullé III, The Northern Trust Company, Houston, TX

9:45am Trust & Estate Distributions to Foreign Beneficiaries. Mr. Strohmeier will discuss the income tax consequences and reporting requirements when domestic trusts and estates make distributions to foreign beneficiaries.

Panelist: John R. Strohmeier, Strohmeier Law PLLC, Houston, TX


10:30am Can an AFR Loan be Treated as Not Issued for Full and Adequate Consideration if Later Valued in the Note Holder's Gross Estate at a Discount? Under section 7872, if a promissory note provides for adequate stated interest, there is no gift when issued. If the note is later gifted or included in the note holder's gross estate and is valued at a discount for transfer tax purposes, it should follow that the note was issued for full and adequate consideration. The IRS position is that if later valuing the note at a substantial discount, there was not a transfer for full and adequate consideration so that the trust that borrowed the funds is exposed to sections 2036(a)(2) and 2038. Professor Hesch and Mr. Strauss will first review the history of section 7872 and the factors used in valuing promissory notes, and then address how these principles should be applied to loans made in compliance with the loan regime split dollar regulations.

Panelists: Professor Jerome "Jerry" Hesch, Florida International University Law School, Miami, FL; Michael Strauss, Strauss Malk & Feder LLP, Northbrook, IL

8:30AM – 10:30AM

Grand B, Mizner Center

LLCs & LLPs Subcommittee of Partnerships & LLCs

8:30am Update on Non-Tax Issues in LLCs.  As tax lawyers, we utilize LLCs on an almost daily basis. Therefore, keeping up with non-tax issues of LLCs is important for us. Allan Donn and Bob Keating will discuss recent developments in non-tax

 = Taped

★ = Young Lawyers Program

⚡ = Ethics Credits Requested

 = No CLE Credit


PROGRAM SCHEDULE

SATURDAY, FEBRUARY 1



law governing LLCs including recent cases on vicarious liability of members and managers to third parties and the difference between vicarious liability to third parties and liabilities of the members and managers to other members and the LLC; recent protected series legislation, a comparison of a protected series and a disregarded single member LLC, and a discussion of issues with the use of series; a discussion of issues surrounding pending beneficial ownership legislation and other current developments.

Panelist: Alan Donn, Willcox Savage, Norfolk, VA; Robert Keatinge, Holland & Hart LLP, Denver, CO

10:00am Dual Status Partners.  This panel will provide a brief report and overview of the Section's submission on Dual Status Partners (or partners who are also employees) to the Treasury and the IRS.

Panelists: Grace Kim, Grant Thornton LLP, Washington, DC; Kurt Lawson, Hogan Lovells, Washington, DC

8:30AM – 11:45AM

Royal Palm II, Mizner Center

Sales, Exchanges & Basis

Chair: Stephen Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY

8:30am Current Events. Panelists will review recent case law and guidance on traditional sale, exchange, and basis issues.

Panelists: David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA; John Price, Nuveen, Charlotte, NC

9:00am Divorce in a Post-Tax Reform World, with a Focus on Cross Border Issues and 1041. Both domestically and internationally a lot remains to be settled or clarified with respect to both the basics and complex tax aspects of divorce. We will be discussing exciting questions such as: Do you still need to collect a W-8 or W-9 from an ex-spouse given alimony is no longer taxable in the hands of the recipient? Do we no longer care about the sourcing of alimony? How can you plan in a divorce from a non-resident alien when section 1041 is unavailable? This panel will also discuss using grantor trusts to shift tax liabilities. This exciting panel will be appropriate for all family law practitioners, from those just beginning in their fields to those seeking new techniques in a post-Tax Reform world.

Panelists: George D. Karibjanian, Franklin Karibjanian & Law PLLC, Boca Raton, FL / Washington, DC; Stewart L. Kasner, Holland & Knight LLP, Miami, FL

10:00am Break. 

10:15am Partnership Terminations & 1031. This panel will discuss the impact of the repeal of technical terminations under section 708(b)(1)(B) on planning section 1031 transactions. Often, there are changes in ownership of the exchanger or new entities can be created to be a continuation of the exchanger before, during, and after a section 1031 exchange. The panel will discuss planning for such changes and identify areas that may present risk under the new regime.

Panelists: Professor Bradley Borden, Brooklyn Law School, New York, NY; Stephen Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY; Janicelynn Asamoto Park, Proskauer Rose LLP, New York, NY



PROGRAM SCHEDULE SATURDAY, FEBRUARY 1

11:00am Watts This? Does No Good Deed Go Unpunished? The founders of the well-known "Edwin Watts" chain of Florida (including Boca Raton) golf stores apparently persuaded their private equity partners that the partnership's stores should be sold to another private equity firm at a much lower price, rather than to a large sporting goods store chain, in part to preserve employee jobs. The Tax Court held that the founders' resulting loss was capital, rather than ordinary. In 2019, the Eleventh Circuit reversed the Tax Court in Watts and remanded for further proceedings. The panelists will discuss the issues raised by Watts, including when an ordinary abandonment loss can be claimed on a partnership interest, when a taxpayer can affirmatively apply the doctrine of substance over form, how foregone gain is to be treated for income tax purposes, and when reliance on an accountant's determination as to ordinary abandonment loss can be relied on to defeat penalties.

Moderator: Professor Annette Nellen, San Jose State University, San Jose, CA

Panelists: Christopher Cunningham, Elliott Thomason & Gibson LLP, Dallas, TX; Daniel Reach, Alston & Bird LLP, Charlotte, NC

8:30AM – 10:30AM

Grand J, Mizner Center

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

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

8:45AM – 11:45AM

Grand H, Mizner Center

Civil & Criminal Tax Penalties

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

Vice Chairs: Jenny Johnson Ware, Johnson Moore, Chicago, IL; Michael A. Villa Jr., Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Brian C. McManus, Latham & Watkins LLP, Boston, MA

8:45am Reports of Subcommittees on Important Developments. Important Developments

(Civil) – Michelle F. Schwerin, Capes Sokol, St. Louis, MO and Claire H. Taylor, Stokes Lawrence, Seattle, WA; Important Developments (Criminal) – Evan J. Davis, Hochman Salkin Toscher & Perez PC, Beverly Hills, CA and Sara G. Neill, Capes Sokol, St. Louis, MO; International Tax Enforcement – Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC, Sahel A. Assar, Buchanan Ingersoll & Rooney, PC, Washington, DC, and Joseph M. Erwin, Dallas, TX; IRS Investigations and Practices – Mary Wood, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX and Eric L. Green, Green & Sklarz LLC, New Haven, CT; Legislative and Administrative Developments – Beverly Winstead, The Law Office of Beverly Winstead, LLC and Robert J. Kovacev, Steptoe & Johnson, Washington, DC; Monetary Violations and Forfeitures – Chad Nardiello, Nardiello Law Firm, Los Angeles, CA, Joseph A. Rillotta, Drinker Biddle & Reath LLP, Washington, DC, and Matthew D. Lee, Fox Rothschild, LLP; Offshore Compliance and Enforcement – Arielle Borsos, Office of Chief Counsel, IRS, Washington, DC, Victor Jaramillo, Caplin & Drysdale, Chtd, Washington, DC, and Michael Sardar, Kostelanetz & Fink LLP, New York, NY; Sentencing Guidelines – Phillip Colasanto, Agostino & Associates, PC, Hackensack, NJ, and Jeffrey A. Neiman, Marcus Neiman Rashbaum & Pineiro, LLP, Ft. Lauderdale, FL

9:10am Update: Tax Division, U.S. Department of Justice.

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

Panelist: Richard Zuckerman, Principal Deputy Assistant Attorney General, Tax Division, Department of Justice, Washington, DC

PROGRAM SCHEDULE

SATURDAY, FEBRUARY 1



9:30am The Long Road: Laying the Foundation for Trial During the Audit. With an eye towards the courtroom, this panel will discuss what tactics and strategies that need to be considered as early as the initial letter commencing an audit, including how to respond to IDR, whether to insist on the issuance of a summons, does it make sense to quash/not respond to a summons, should the Taxpayer agree to be interviewed and should the Taxpayer answer substantive questions. And then once the trial begins, the panel will discuss how to subpoena government witnesses, whether to stipulate to certain facts, how to deal with the admissibility of foreign records, and how best to prepare your client to testify.

Moderator: Jeffrey A. Neiman, Marcus Neiman Rashbaum & Pineiro LLP, Ft. Lauderdale, FL

Panelists: Nicole Elliott, Holland & Knight LLP, Washington, DC; Sandy Boxerman, Capes Sokol, St. Louis, MO; Frank Agostino, Agostino & Associates, Hackensack, NJ; Kevin Downing, Law Office of Kevin Downing, Washington, DC

10:15am The Age of Promoter Penalties: Fighting the Good Fight. Tax and other professionals often give advice on things like how to structure an investment in a business venture, sell an asset, plan for retirement or pass wealth to the next generation. Sometimes a practitioner's tax advice turns out to be wrong and the IRS assesses a tax deficiency against the taxpayer. In today's enforcement environment, with a heightened focus on captive insurance companies, syndicated conservation easements, foreign trust arrangements, and other tax advantaged structures, it is critical to understand the various promoter penalties, available defenses, and best practices. The panel will also discuss possible options for extricating clients from such transactions.

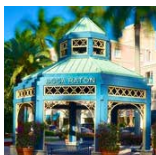
Moderator: Matthew Mueller, Wiand Guerra King, Tampa, FL

Panelists: Lawrence A. Sannicandro, McCarter & English LLP, Newark, NJ; Lewis A. Booth, Office of Chief Counsel, Internal Revenue Service, Houston, TX; Jenny Johnson, Johnson | Moore, Chicago, IL

11:00am A Client with a Cryptocurrency Issue Just Called – What Now? With the issuance of Revenue Ruling 2019-24 and new FAQs regarding the tax treatment of cryptocurrencies, the IRS obtaining information from various sources identifying taxpayers who own cryptocurrencies, IRS Field Collection requiring disclosure of cryptocurrencies on Forms 433-A, *Collection Information Statements*, and pending criminal investigations, taxpayers who formerly resided in the shadows are coming to the surface and seeking advice. The panelists will discuss what you need to know before your first meeting with a client facing cryptocurrency issues, including the latest IRS and FinCEN guidance on crypto-currencies, crypto-related issues arising in examinations and criminal investigations, and available paths for the non-compliant.

Moderator: Sandra R. Brown, Hochman Salkin Toscher & Perez PC, Beverly Hills, CA

Panelists: Jason B. Freeman, Freeman Law PLLC, Frisco, TX; Victor Jaramillo, Caplin & Drysdale Chtd., Washington, DC; John Siddons, Supervisory Special Agent, Criminal Investigation, IRS, Miami, FL



PROGRAM SCHEDULE

SATURDAY, FEBRUARY 1

10:30AM – 11:00AM

Grand J, Mizner Center

State & Local Taxes: Publication Subcommittees

Chair: Robert L. Mahon, Perkins Coie, Seattle, WA

Those persons responsible for *The Tax Lawyer – The State and Local Tax Edition*, *Sales & Use Tax Deskbook*, *Property Tax Deskbook*, and committee webpage and listserv will meet to discuss the status of their work.

11:00AM – 12:00PM

Grand J, Mizner Center

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

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

12:00PM – 1:30PM

Royal Palm VI, Mizner Center

Section Luncheon & Plenary Session (Ticketed Event)

Keynote Speaker: Michael J. Desmond, Chief Counsel, IRS, Washington, DC



MICHAEL J. DESMOND is the 48th Chief Counsel of the Internal Revenue Service, where he oversees a staff of more than 2,000 employees, including approximately 1,500 attorneys. Mr. Desmond began serving as Chief Counsel on March 4, 2019, following his confirmation by the U.S. Senate on February 27, 2019. As Chief Counsel, he is also an Assistant General Counsel in the Department of the Treasury. After serving as a law clerk for the Hon. Ronald S.W. Lew in the federal district court in Los Angeles, Mr. Desmond began his legal career with the Attorney General's Honors Program at the Tax Division of the U.S. Department of Justice. After serving in the Tax Division, he joined McKee Nelson, LLP, where he was elected partner in 2004. In early 2005, Mr. Desmond joined the Office of Tax Policy at the Department of the Treasury, where he served as Tax Legislative Counsel through 2008. Following his tenure at the Treasury Department, he spent several years as a partner at Bingham McCutchen LLP in Washington, D.C. and Los Angeles, California. In January 2012, Mr. Desmond started his own boutique tax firm in Santa Barbara, California, where he practiced until his nomination as Chief Counsel in 2018. Mr. Desmond has held several offices with the Section of Taxation of the American Bar Association and served as a Regent for the American College of Tax Counsel. He also served as an adjunct professor at Georgetown University School of Law. Mr. Desmond was born in Santa Monica, California and is a graduate of the University of California, Santa Barbara and the Catholic University of America Columbus School of Law.

2:00PM – 5:00PM

Royal Palm II, Mizner Center

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.

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

Panelists: Professor Elaine Hightower Gagliardi, University of Montana School of Law, Missoula, MT; Professor James M. Delaney, University of Wyoming College of Law, Laramie, WY

AFFILIATED ORGANIZATIONS



AMERICAN COLLEGE OF TAX COUNSEL

FRIDAY, JANUARY 31

7:30AM – 9:00AM

Madrid, Great Hall Center

ACTC Board of Regents Meeting (*Executive Session*)

SATURDAY, FEBRUARY 1

7:30AM – 9:00AM

Grand G, Mizner Center

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

5:00PM – 5:30PM

Royal Palm VII, Mizner Center

ACTC Annual Business Meeting (*ACTC Fellows Only*)

5:30PM – 6:30PM

Royal Palm VII, Mizner Center

ACTC Griswold Lecture (*ACTC Members Only*)

7:00PM – 10:00PM

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



GENERAL INFORMATION

MEETING MATERIALS

In the interest of providing the most up-to-date meeting materials for all attendees, materials for the **2020 Midyear Tax 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.

Should you wish to print out any materials, convenient Print Kiosk stations are available located in Royal Palm Foyer (Thursday - Saturday), and Camino Foyer (Friday Only):

Thursday 12:00pm - 5:00pm

Friday 7:30am - 5:00pm



Saturday 7:30am - 2:00pm

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 credit.

The ABA will seek 20.25 hours of CLE credit in 60-minute states, and 24.30 hours of CLE credit for this program in 50-minute states including 3.75 hours of CLE specialty credit in 60-minute states and 4.50 hours of CLE specialty credit in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit the program website at www.americanbar.org/bin/product.route.api?id=384423195 for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

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.

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 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

CLE INFORMATION BOOTH

The CLE Information Booth, located in Royal Palm Foyer, Mizner Center, will be open during the following hours:

Thursday 12:00pm – 7:30pm

Friday 7:30am – 6:30pm

Saturday 8:00am – 4:00pm

GENERAL INFORMATION



REGISTRATION

Registration will be available in Royal Palm Foyer, Mizner Center. All individuals attending any part of the 2020 Midyear Tax 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 **January 24, 2020. Refunds will not be granted at or after the meeting.**

AUDIO RECORDINGS

ABA Tax now offers a 12-month subscription to the complete set of 2020 Midyear Tax Meeting audio recordings. Order yours in advance and get a 30% discount on the post-meeting price. Order online at taxmeetingrecordings.com/product/2020-midyear/.

20% MEETING DISCOUNT ON SECTION PUBLICATIONS

Stop by the Publications Display, located in Royal Palm Foyer, Mizner Center 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: **PTX20SMID** 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 14, 2020.

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 coverage of its activities. If you have questions about this policy, please contact the Section's 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 (taxlservice@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: Boca Raton, FL

A guide to Boca Raton'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 Boca Raton Resort and Club by calling: (561) 477-3000 or by visiting the Concierge Desk, located in the Hotel Lobby.

Companions Meeting Point

To make the most of your time in Boca Raton, FL, network and gather with fellow companions at the Companion Meeting Point on Friday 7:30am - 10:30am, Royal Palm Foyer, Mizner Center. 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 open on Friday and Saturday.

FRIDAY

Location: Royal Palm Foyer, Mizner Center and Camino Foyer, Great Hall Center

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

SATURDAY

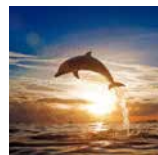
Location: Royal Palm Foyer, Mizner Center

Time: AM Break 7:00am - 12:00pm

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 taxmeeting@americanbar.org.

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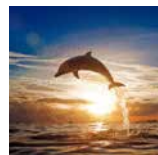
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NOTES

SECTION OF TAXATION

APRIL 30 - MAY 2, 2020

NEW LOCATION – MARRIOTT MARQUIS DC



Thank you for joining us at the Midyear Tax Meeting. We look forward to seeing you at the 2020 May Tax Meeting in Washington, DC.

Please turn page to find the hotel floorplan.

4

LLM Tax Certificates

1:7

Residential Faculty to Student Ratio

#4

**Tax Law Program since
2005 according to *U.S.
News and World Report***

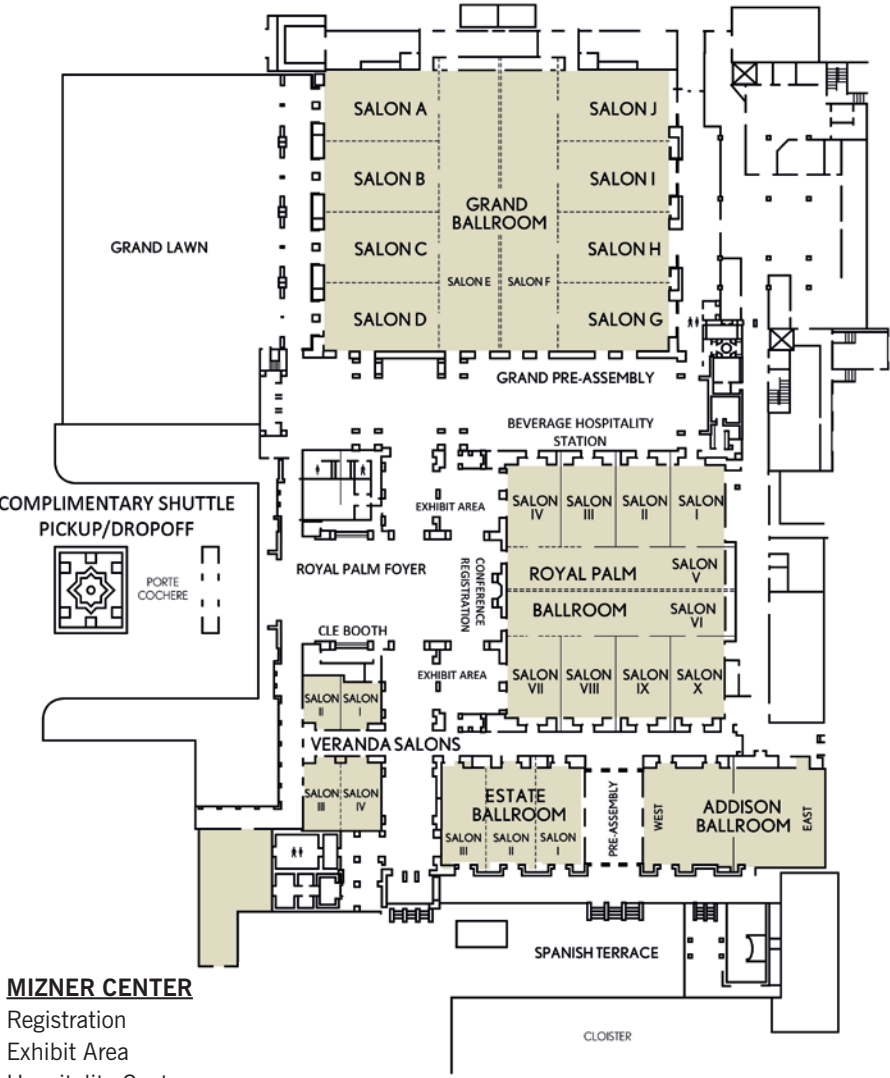
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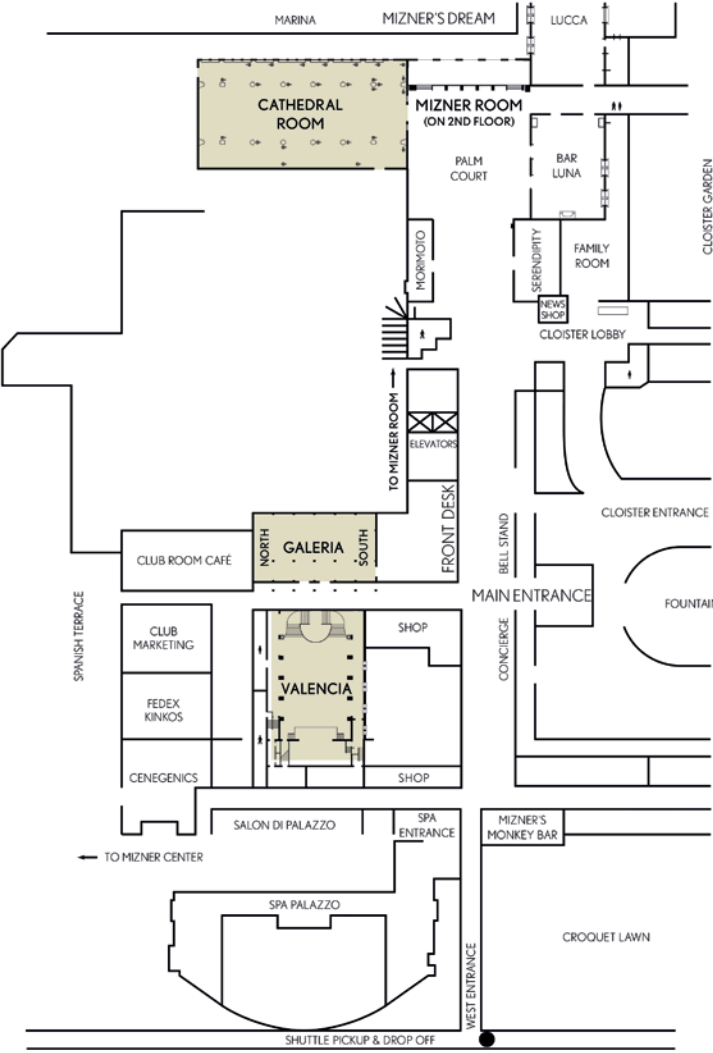
law.northwestern.edu

FLOOR PLANS

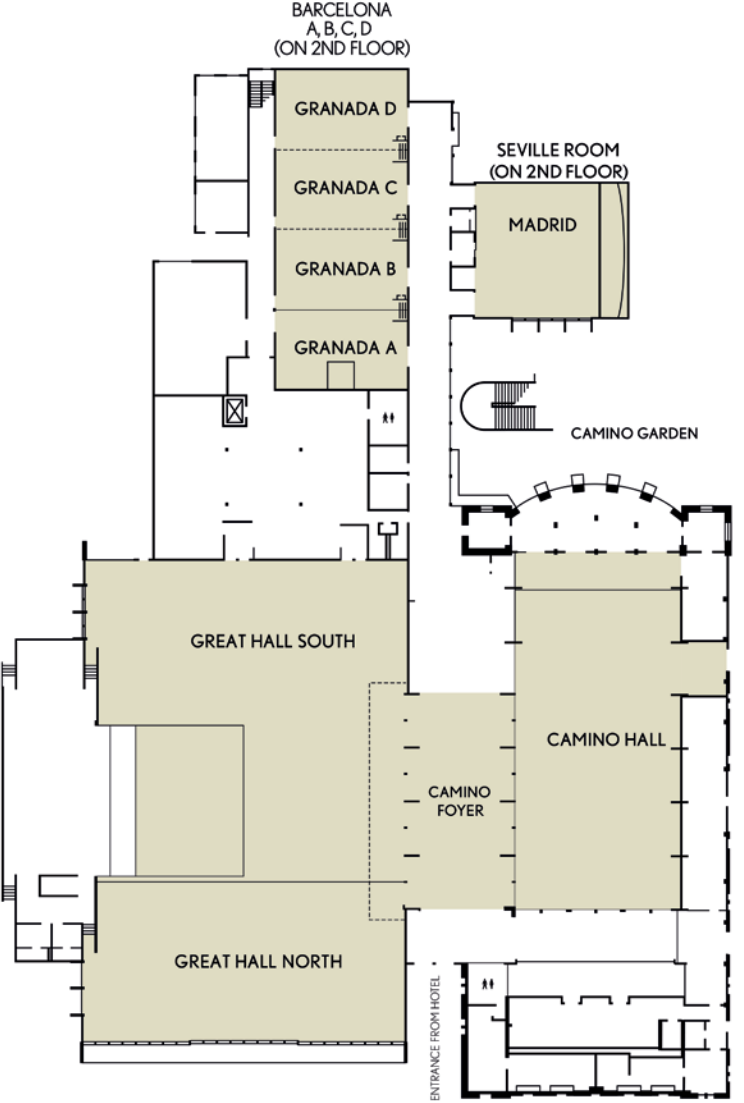
BOCA RATON RESORT



- MIZNER CENTER**
- Registration
 - Exhibit Area
 - Hospitality Center
 - Print Kiosk (Complimentary)
 - Help Desk
 - CLE Booth
 - Welcome Reception
 - Section Reception
 - Plenary Luncheon



- CLOISTER**
- Law Student Tax Challenge



- GREAT HALL**
- Hospitality Center (Friday only)
 - Print Kiosk (Complimentary, Friday only)
 - Help Desk (Friday Only)

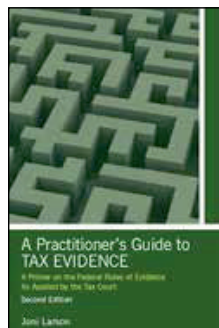
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TaxBookProposals](http://ambar.org/TaxBookProposals)



2020 ABA/IPT Advanced Tax Seminars

March 16-20, 2020 • New Orleans, LA

The ABA/IPT Advanced State Income, Advanced Sales/Use, and Advanced Property Tax Seminars are designed for attorneys, accountants, tax directors, state and local tax managers, government tax officials, appraisers, property tax managers, commercial and industrial property managers, and others interested in sales, use, ad valorem taxation of property, and state income tax.

Visit <https://ambar.org/20taxipt> to register.



20th Annual U.S. and Europe Tax Practice Trends Conference

April 1-3, 2020 • Munich, Germany

The U.S. and Europe Tax Practice Trends Conference focuses on practical tax practice trends for multinational corporations and their international advisors and provides insight into how government tax officials may view the international tax landscape in light of important international developments that impact corporate taxpayers. Panelists will include industry leaders, senior government and OECD officials, and leading tax practitioners from the United States and Europe.

Visit <https://ambar.org/20taxeurope> to register.



RENEW TODAY



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AMERICAN **BAR** ASSOCIATION

Tax Section