The Section of Taxation would like to acknowledge our sponsors and exhibitors for their support of the 2016 May Meeting.

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EXHIBITORS

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Gary B. Wilcox
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### Section of Taxation CLE Calendar

<table>
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<tr>
<th>DATE</th>
<th>PROGRAM</th>
<th>CONTACT INFO</th>
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<tr>
<td>May 18-19, 2016</td>
<td><strong>ERISA Litigation National Institute</strong>&lt;br&gt;Chicago, IL</td>
<td>ABA JCEB&lt;br&gt;www.americanbar.org/jceb&lt;br&gt;(202) 662-8670</td>
</tr>
<tr>
<td>May 20, 2016</td>
<td><strong>Advanced ERISA Benefit Claims Litigation</strong>&lt;br&gt;Chicago, IL</td>
<td>ABA JCEB&lt;br&gt;www.americanbar.org/jceb&lt;br&gt;(202) 662-8670</td>
</tr>
<tr>
<td>June 8-10, 2016</td>
<td><strong>9th Annual U.S. – Latin America Tax Planning Strategies</strong>&lt;br&gt;Mandarin Oriental Hotel – Miami, FL</td>
<td>Tax Section&lt;br&gt;www.americanbar.org/tax&lt;br&gt;(202) 662-8670</td>
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### Section of Taxation Meeting Calendar

<table>
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<tr>
<th>DATE</th>
<th>PROGRAM</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>September 29 – October 1, 2016</td>
<td><strong>JOINT FALL CLE MEETING</strong></td>
<td>Westin Boston Waterfront – Boston, MA</td>
</tr>
<tr>
<td>January 18-21, 2017</td>
<td><strong>MIDYEAR MEETING</strong></td>
<td>Hilton Bonnet Creek &amp; Waldorf Astoria – Orlando, FL</td>
</tr>
<tr>
<td>May 11-13, 2017</td>
<td><strong>MAY MEETING</strong></td>
<td>Grand Hyatt – Washington, DC</td>
</tr>
<tr>
<td>September 14-16, 2017</td>
<td><strong>JOINT FALL CLE MEETING</strong></td>
<td>Hilton Austin – Austin, TX</td>
</tr>
</tbody>
</table>
The Section of Taxation welcomes you to the 2016 May Meeting in Washington, DC. We are pleased that you have decided to join us and take advantage of the opportunity to participate in high-level discussions between private practitioners and government on the most important issues facing tax lawyers today.

Please note the following meeting highlights:

- **Hosted WELCOME RECEPTION** on Thursday 6:00PM – 7:00PM in Constitution A, Level 3B
- **PLENARY SESSION & SECTION LUNCHEON** on Saturday with Keynote Speaker, Mark J. Mazur 12:00PM – 1:30PM in Independence A, Level 5B
- **SECTION PROGRAM** on Saturday afternoon on the fundamentals of international tax in Independence FG, Level 5B

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

![QR Code](qr-code.png)

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 and use #TAXMAY to stay connected during the meeting.

**WIRELESS INTERNET** is available for attendees throughout the meeting space.

Network Name: Hyatt Meetings
Password: abatax

We hope you enjoy the meeting and we welcome your comments.
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 21.

LOW INCOME TAXPAYERS REPRESENTATION WORKSHOP
The Pro Bono & Tax Clinics Committee proudly presents the annual workshop for new and pro bono practitioners. More information is available on page 20.

WELCOME RECEPTION (Complimentary)
The Section will host a complimentary Welcome Reception for all attendees on Thursday evening, May 5, at 6:00pm in Constitution A, Level 3B. Come early and meet with your colleagues and with new members, network and discuss current topics of the day.

SECTION RECEPTION (Ticketed Event)
The Section Reception will take place on Friday, May 6, 6:30pm – 8:00pm, and will be held at the National Portrait Gallery, Kogod Courtyard. Enjoy great food and drinks with your colleagues and friends.

SECTION LUNCH & PLENARY SESSION (Ticketed Event)
The Section is pleased to announce that Mark J. Mazur, Assistant Secretary for Tax Policy, Department of Treasury, will address attendees of the 2016 May Meeting at the Section Luncheon on Saturday, May 7, from 12:00pm-1:30pm at Independence A, Level 5B. Attendees must purchase a ticket to attend the luncheon.

DISTINGUISHED SERVICE AWARD

* Deceased
SECTION EXHIBITORS
Section Exhibitors will be open on Friday from 7:00am to 5:00pm and on Saturday from 7:00am to 2:00pm in the Grand Foyer, Level 1B. The following organizations will have exhibit booths:

- Bloomberg BNA
- Tax Analysts
- Wolters Kluwer
- Lexis Nexis
- Appraisal Institute
- University of San Francisco School of Law Graduate Tax Program
- Northwestern Pritzker School of Law Tax Program
- Section of Taxation Publications
- Section of Taxation Pro Bono/TAPS

REGISTRATION
Registration will be available in Independence Foyer, Level 5B. All individuals attending any part of the 2016 May 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.

ON-SITE REGISTRATION AND TICKET PURCHASE HOURS
The Registration Desk, located in Independence Foyer, Level 5B, will be open during the following hours:

- Thursday: 12:00pm – 7:30pm
- Friday: 6:30am – 6:30pm
- Saturday: 6:30am – 2:00pm
HIGHLIGHTS

BADGE IDENTIFICATION
RED Bar  Section Officers, Council Members, Committee Chairs, Task Force Chairs, Past Section Chairs
GREEN Bar  Government Officials/Guests
BLUE Bar  Young Lawyers
GRAY Bar  Law Students and LLM Candidates
ORANGE Bar  Companions
PURPLE Bar  First-Time Attendees
YELLOW Badge  Press

HOSPITALITY CENTER
Complimentary continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.
Location:  Grand Foyer, Level 1B
Time:  Friday 7:00am – 4:00pm
       Saturday 7:00am – 4:00pm

COFFEE STATION
Location:  Independence Foyer, Level 5B
Time:  Friday 7:00am – 4:00pm
       Saturday 7:00am – 4:00pm
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. 8)
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. 20)
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. 72)
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.

الية = The Program Is Recorded
★ = The Program Will Appeal to Young Lawyers or Non-specialists
.skills = Ethics Credits has Been Requested
❌ = No CLE Credit Is Available
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
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<tbody>
<tr>
<td><strong>THURSDAY 8:00AM</strong></td>
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<tr>
<td>Incoming Officers &amp; Council Orientation (Executive Session)</td>
<td>Franklin Square, Level 5B</td>
<td>8:00AM – 9:00AM</td>
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<tr>
<td><strong>THURSDAY 9:00AM</strong></td>
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<tr>
<td>Officers &amp; Council Meeting (Executive Session)</td>
<td>Farragut/ Lafayette, Level 5B</td>
<td>9:00AM – 3:00PM</td>
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<tr>
<td><strong>THURSDAY 1:00PM</strong></td>
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<tr>
<td>Low Income Taxpayers Representation Workshop</td>
<td>Independence BC, Level 5B</td>
<td>1:00PM – 5:00PM</td>
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<td></td>
<td></td>
<td>1:00p – State Tax Issues</td>
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<td>2:00p – Property Tax Issues</td>
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<td>3:00p – Criminal Tax Issues</td>
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<td>4:00p – Addressing ACA Problems in Non-IRS Fora</td>
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<tr>
<td><strong>THURSDAY 2:00PM</strong></td>
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<tr>
<td>Tax Bridge to Practice</td>
<td>Franklin/ McPherson, Level 5B</td>
<td>2:00PM – 6:00PM</td>
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<td>2:00p – A Conversation with Caroline Ciraolo</td>
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<td>3:00p – Tax Tales 2: More Seminal Cases of Subchapter C</td>
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<td>4:00p – The Administrative Tax Collection Case</td>
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<td></td>
<td>5:00p – Tax Controversy 101: The Tax Court Cases that Every Practitioner Should Know</td>
</tr>
<tr>
<td><strong>THURSDAY 4:30PM</strong></td>
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<tr>
<td>Philanthropy Professors Meeting</td>
<td>Penn Quarter A, Level 1B</td>
<td>4:30PM – 6:00PM</td>
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<tr>
<td><strong>THURSDAY 5:00PM</strong></td>
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<tr>
<td>The Laurence Neal Woodworth Memorial Lecture and Reception</td>
<td>Constitution CDE, Level 3B</td>
<td>5:00PM – 7:00PM</td>
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<td>5:00p – What Has the Tax Court Been Doing? An Update. Speaker: The Honorable James S. Halpern, Senior Judge, US Tax Court, Washington, DC</td>
</tr>
<tr>
<td><strong>THURSDAY 6:00PM</strong></td>
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<tr>
<td>State &amp; Local Taxes Executive Committee Business Dinner Meeting (By Invitation Only)</td>
<td>McDermott Will &amp; Emery LLP</td>
<td>6:00PM – 9:00PM</td>
</tr>
<tr>
<td>Welcome Reception (Complimentary)</td>
<td>Constitution A, Level 3B</td>
<td>6:00PM – 7:00PM</td>
</tr>
<tr>
<td><strong>THURSDAY 6:30PM</strong></td>
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<tr>
<td>Partnerships &amp; LLCs and Real Estate Committees Dinner (Reservation Required)</td>
<td>Bobby Van’s Grill</td>
<td>6:30PM – 9:30PM</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
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<tr>
<td><strong>THURSDAY 7:00PM</strong></td>
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<tr>
<td>An Evening at the Tax Court <em>(Reservations Required)</em></td>
<td>United States Tax Court, Great Hall</td>
<td>7:00PM – 9:00PM</td>
</tr>
<tr>
<td>First-Time Attendees Dinner</td>
<td>Independence DE, Level 5B</td>
<td>7:00PM – 9:00PM</td>
</tr>
<tr>
<td><strong>FRIDAY 7:00AM</strong></td>
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<tr>
<td>SPONSORED Networking Breakfast Presented by Tax Analysts <em>(Complimentary)</em></td>
<td>Penn Quarter, Level 1B</td>
<td>7:00AM – 8:00AM</td>
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<tr>
<td><strong>FRIDAY 7:30AM</strong></td>
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<tr>
<td>Affiliated &amp; Related Corporations</td>
<td>Independence FG, Level 5B</td>
<td>7:30AM – 11:00AM  7:30a – Coffee and Doughnuts Primer  8:20a – Stock Basis and Boot Considerations Inside Consolidation  9:15a – Consolidated Group Continuation Issues  10:10a – Current Events</td>
</tr>
<tr>
<td>ACTC Board of Regents Meeting <em>(Executive Session)</em></td>
<td>Banneker, Level 1B</td>
<td>7:30AM – 9:00AM</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Audits, Appeals and Litigation</td>
<td>Latrobe, Level 3B</td>
<td>7:30AM – 8:30AM Discussion</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Health-Care Organizations</td>
<td>Burnham, Level 3B</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Political &amp; Lobbying Organizations</td>
<td>Arlington, Level 3B</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittees on Private Foundations, Unrelated Business Income, and International Philanthropy</td>
<td>Cabin John, Level 3B</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Religious Organizations</td>
<td>Bulfinch, Level 3B</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
</tr>
<tr>
<td><strong>FRIDAY 8:00AM</strong></td>
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</tr>
<tr>
<td>Administrative Practice</td>
<td>Constitution CDE, Level 3B</td>
<td>8:00AM – 10:45AM  8:00a – Important Developments  8:45a – Managing Transfer Pricing, Double Taxation, and Other Complex Multi-Country Tax Matters in a Post-BEPS World  9:45a – LB&amp;I Reorganization and Audit Redesign</td>
</tr>
</tbody>
</table>
# Schedule At-A-Glance

## Friday 8:00 AM (Continued)

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</table>
| Banking & Savings Institutions | Independence H, Level 5B | 8:00AM – 10:45AM  
8:00a – New Proposed Section 385 Regulations  
9:15a – New Proposed Section 305(c) Regulations | 26   |
| Capital Recovery & Leasing | Roosevelt/ Wilson, Level 3B | 8:00AM – 10:00AM  
8:00a – Current Developments Report and Update on Pending Guidance  
8:30a – Examination Items and Issues Pertaining to Tangible Property  
9:15a – The Lease Accounting Standard and Its Impact on Taxpayers | 26   |
| Companion’s Breakfast (Complimentary) | Cabinet Restaurant, Level 1B | 8:00AM – 9:00AM | 27   |
| Employee Benefits Subcommittee on Defined Contribution Plans | Independence I, Level 5B | 8:00AM – 9:30AM Defined Contribution Plans Update | 27   |
| Employee Benefits Subcommittees on Executive Compensation and Fringe Benefits and Securities Law | Declaration, Level 1B | 8:00AM – 9:30AM Executive Compensation, Fringe Benefits and Securities Law Update | 27   |
| Estate & Gift Taxes | Independence DE, Level 5B | 8:00AM – 10:45AM  
8:00a – Current Developments  
8:45a – Oh, What a Relief It Is: Curing Estate Plans That No Longer Make Sense in Light of the American Taxpayer Relief Act of 2012  
9:45a – Unpacking the Myths and Mysteries of Chapter 14 | 28   |
| Investment Management | Franklin/ McPherson, Level 5B | 8:00AM – 10:45AM  
8:00a – Unrelated Debt-Financed Income Issues for Private Investment Funds  
9:00a – Select Partnership Issues and Private Investment Funds  
10:00a – Updates from the Internal Revenue Service and Investment Company Institute | 28   |
| Real Estate | Constitution A, Level 3B | 8:00AM – 10:45AM  
8:00a – Hot Topics  
8:45a - PATH Act – FIRPTA, REIT Technical and Spin-Offs  
9:45a – Bad Boys: Whatcha Gonna Do?  
10:15a – New Partnership Audit Provisions – Drafting Considerations | 29   |

## Friday 8:30 AM

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<th>Topic(s)/Time(s)</th>
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| Individual & Family Taxation | Independence BC, Level 5B | 8:30AM – 11:30AM  
8:30a – Important Developments  
9:30a – Crime and Marriage  
10:30a – Women and Tax | 30   |
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<tbody>
<tr>
<td>FRIDAY 8:30AM (Continued)</td>
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<tr>
<td>FRIDAY 8:45AM</td>
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</tbody>
</table>
| Exempt Organizations | Constitution B, Level 3B | 8:45AM – 4:30PM 8:45a – Committee Business 9:00a – News from the IRS and Treasury 10:00a – News from the Hill 11:15a – Donor-Advised Funds: Priority Issues for Regulatory Guidance 12:30p – Exempt Organizations Committee Luncheon *(Ticketed Event)*  
**Speaker:** Jeffery L. Yablon, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC 2:00p – Form 990 Schedule B: Balancing Benefits and Burdens 3:00p – IRS Assessment of Governance Practices 4:00p – Cash Bar |
| FRIDAY 9:00AM | | |
| Tax Policy & Simplification | Bulfinch/Renwick, Level 3B | 9:00AM – 10:30AM 9:00a – Prospects for Tax Legislation in a New Administration |
| FRIDAY 9:30AM | | |
| Companion Activity *(Ticketed Event)* | Kreeger Museum & President Lincoln's Cottage | 9:30AM – 3:30PM  
**A Visit to the Kreeger Museum & President Lincoln's Cottage.** Transportation to depart the Grand Hyatt Washington at 9:30am. |
<p>| Employee Benefits Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices | Lafayette Park, Level 5B | 9:30AM – 11:00AM Administrative Practices Update |
| Employee Benefits Subcommittees on Litigation, ESOPs and Fiduciary Responsibility and Plan Investments | Burnham, Level 3B | 9:30AM – 10:30AM Employee Benefits Litigation Update |
| FRIDAY 9:45AM | | |
| Employee Benefits Subcommittee on Multiple Employers, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups | Latrobe, Level 3B | 9:45AM – 10:45AM Employee Benefits Multiple Employers, PEOs and Controlled &amp; Affiliated Service Groups Update |</p>
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<tbody>
<tr>
<td><strong>FRIDAY 10:00AM</strong></td>
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<tr>
<td>Appointments to the Tax Court <em>(Executive Session)</em></td>
<td>Farragut Square, Level 5B</td>
<td>10:00AM – 11:00AM</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues</td>
<td>Arlington/Cabin John, Level 3B</td>
<td>10:00AM – 12:00PM Employee Benefits Health and Welfare Benefit Plans Update</td>
</tr>
<tr>
<td><strong>FRIDAY 10:30AM</strong></td>
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<tr>
<td>Transfer Pricing 📊</td>
<td>Independence A, Level 5B</td>
<td>10:30AM – 12:30PM 10:30a – BEPS and Its Impact on Transfer Pricing for the Financial Services Sector 11:30a – BEPS and Transfer Pricing Implications for State and Local Tax (Part II)</td>
</tr>
<tr>
<td><strong>FRIDAY 11:00AM</strong></td>
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<tr>
<td>Employee Benefits Subcommittees on Distributions and Defined Benefit Plans</td>
<td>Roosevelt/Wilson, Level 3B</td>
<td>11:00AM – 1:15PM 11:00a – PBGC Fireside Chat 11:30a – Employee Benefits Defined Benefit Plan Distributions Updates</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Subcommittee on Exempt Organization and Governmental Plans</td>
<td>Declaration, Level 1B</td>
<td>11:00AM – 12:00PM Employee Benefits Exempt Organization and Governmental Plans Update</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Fiduciary Responsibility</td>
<td>Bulfinch, Level 3B</td>
<td>11:00AM – 12:00PM Employee Benefits Fiduciary Responsibilities Update</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Employee Benefits Legislation</td>
<td>Penn Quarter, Level 1B</td>
<td>11:00AM – 12:00PM Employee Benefits Legislative Update</td>
</tr>
<tr>
<td>Employee Benefits New Employee Benefits Attorneys Forum 📊</td>
<td>Potomac, Level 3B</td>
<td>11:00AM – 11:30AM Employee Benefits New Employee Benefits Attorneys Forum 📊</td>
</tr>
<tr>
<td>Energy &amp; Environmental Taxes 📊</td>
<td>Burnham, Level 3B</td>
<td>11:00AM – 12:30PM 11:00a – Emerging Issues in Oil &amp; Gas Taxation 11:35a – Hot Topics in Renewables</td>
</tr>
<tr>
<td>Membership &amp; Marketing 📊</td>
<td>Independence I, Level 5B</td>
<td>11:00AM – 12:00PM</td>
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<tr>
<td>S Corporations 📊</td>
<td>Constitution A, Level 3B</td>
<td>11:00AM – 1:45PM 11:00a – Important Developments 11:30a – Hot Topics Relating to S Corporations 12:15p – Audit Risks of an S Corporation and Its Shareholders</td>
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<tr>
<td>COMMITTEE/PROGRAM</td>
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<td>TOPIC(S)/TIME(S)</td>
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<td><strong>FRIDAY 11:00AM (Continued)</strong></td>
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| Standards of Tax Practice | Constitution CDE, Level 3B | 11:00AM – 1:45PM  
11:00a – Ethical Issues in Federal Tax Practice  
11:30a – Data Security, Client Confidences and Ethics Rules Applicable to the Protection of Client Information  
12:40p – What’s the Risk? The Ethics of Advising Clients on Audit Risk |
| **FRIDAY 11:30AM** |
| Court Procedure & Practice Roundtable | Independence FG, Level 5B | 11:30AM – 12:30PM  
11:30a – Most Litigated Issues in Tax Court Cases |
| **FRIDAY 12:00PM** |
| Corporate Tax and Affiliated & Related Corporations Luncheon *(Ticketed Event)* | Farragut/ Lafayette, Level 5B | 12:00PM – 1:30PM |
| Diversity Luncheon *(Ticketed Event)* | Latrobe, Level 3B | 12:00PM – 12:30PM |
| Employee Benefits Corporate Counsel Forum | Arlington/Cabin John, Level 3B | 12:00PM – 12:45PM  
Employee Benefits Corporate Counsel Forum |
| Employee Benefits Subcommittee on ESOPs | Banneker, Level 1B | 12:00PM – 1:00PM  
Employee Benefits ESOP Update |
| Employee Benefits Subcommittee on Mergers & Acquisitions | Declaration, Level 1B | 12:00PM – 1:15PM  
Employee Benefits Mergers & Acquisitions Update |
| Employee Benefits Subcommittee on Multinational Employee Benefits & Compensation Issues | Penn Quarter, Level 1B | 12:00PM – 1:15PM  
Employee Benefits Multinational Employee Benefits & Compensation Issues Update |
| Estate & Gift Taxes and Fiduciary Income Tax Luncheon *(Ticketed Event)* | Franklin/ McPherson, Level 5B | 12:00PM – 12:30PM |
| Real Estate and Partnerships & LLCs Luncheon *(Ticketed Event)* | Hogan Lovells | 12:00PM – 1:00PM  
*Speaker: Mark Prater, Chief Tax Counsel and Deputy Staff Director, Senate Finance Committee, Washington, DC* |
| State & Local Taxes Luncheon *(Ticketed Event)* | Tiber Creek, Level 1B | 12:00PM – 12:30PM |
| **FRIDAY 12:30PM** |
| Administrative Practice and Court Procedure & Practice Luncheon *(Ticketed Event)* | Independence CDE, Level 5B | 12:30PM – 1:30PM |
| Diversity | Latrobe, Level 3B | 12:30PM – 1:30PM  
12:30p – Try to See It My Way: Technical, Policy and Advocacy Perspectives on the Home Mortgage Interest Deduction for Same Sex Couples |
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<td><strong>FRIDAY 12:30PM (Continued)</strong></td>
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| Estate & Gift Taxes and Fiduciary Income Tax | Franklin/ McPherson, Level 5B | 12:30PM – 1:30PM  
12:30p – How to Prepare and Submit a PLR |
| Exempt Organizations Luncheon *(Ticketed Event)* | Constitution B, Level 3B | 12:30PM – 1:30PM  
Speaker: Jeffery L. Yablon, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC |
| Foreign Activities of US Taxpayers, Transfer Pricing and US Activities of Foreigners & Tax Treaties Luncheon *(Ticketed Event)* | Independence A, Level 5B | 12:30PM – 2:30PM |
| State & Local Taxes | Tiber Creek, Level 1B | 12:30PM – 1:30PM  
12:30p – State Sovereign Immunity in the Tax World: An Update on *California Franchise Tax Board v. Hyatt* |
| **FRIDAY 12:45PM** | | |
| Tax Compliance *(Business Meeting)* | Bulfinch/ Renwick, Level 3B | 12:45PM – 1:45PM  
12:45p – Roundtable Discussion. |
| **FRIDAY 1:15PM** | | |
| Employee Benefits | Roosevelt/ Wilson, Level 3B | 1:15PM – 2:00PM  
1:15p – Department of Labor Fireside Chat |
| **FRIDAY 1:30PM** | | |
| Employment Taxes | Burnham, Level 3B | 1:30PM – 5:30PM  
1:30p – Federal Employment Tax Update  
2:30p – R&D Credit and FICA Taxes  
3:30p – The Early Interaction Initiative: Accelerating IRS Collection Intervention for Unpaid Employment Tax Liabilities  
4:30p – Worker Classification and Section 530 |
<p>| Section CLE | Banneker, Level 1B | 1:30PM – 2:30PM |
| <strong>FRIDAY 1:45PM</strong> | | |
| Banking &amp; Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing Luncheon <em>(Ticketed Event)</em> | Independence HI, Level 5B | 1:45PM – 2:45PM |
| Civil &amp; Criminal Tax Penalties Luncheon <em>(Ticketed Event)</em> | The Hamilton | 1:45PM – 2:45PM |</p>
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<tr>
<td><strong>FRIDAY 2:00PM</strong></td>
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</table>
| Employee Benefits | CDE, Level 3B | 2:00PM – 6:00PM  
2:00p – Department of Labor Employee Benefits Security Administration & Pension Benefit Guaranty Corporation Updates  
3:00p – The Fiduciary Regulations  
4:00p – Department of Treasury/IRS Hot Topics  
5:00p – Treasury/IRS Fireside Chat  
6:00p – Corporate Counsel Corner  
6:00p – Networking Reception - Roosevelt, Level 3B |
| State & Local Taxes | Penn Quarter, Level 1B | 2:00PM – 5:00PM  
2:00p – Tax Audits of Attorney Files – What Keeping Client Confidences Could Cost You: Ethical and Practical Issues  
3:00p – New IRS Partnership Audit Rules: Federal and State Tax Complexities  
4:00p – Behind the Scenes at the Supreme Court in SALT – A Peek Behind the Curtain |
| **FRIDAY 2:30PM** |          |                 |
| Court Procedure & Practice | BCDE, Level 5B | 2:30PM – 5:30PM  
3:00p – Protective Orders: Necessary Evil or Unnecessary Burden in Tax Court?  
3:45p – Tax Court History and Tribute  
3:55p – IT’S ALIVE! – Exploring Exceptions to the Statutes of Limitations to "Revive" Otherwise Time-Barred Claims  
| Law Student Tax Challenge Planning Meeting | Potomac, Level 3B | 2:30PM – 3:30PM |
| **FRIDAY 3:00PM** |          |                 |
| Closely Held Businesses | Renwick, Level 3B | 3:00PM – 5:30PM  
3:00p – Best Practices for the Planning, Valuation and Sale of Personal Goodwill  
4:30p – Dealing with the IRS Collection Division: An Update on IRS Collection Procedures |
| Diversity | Latrobe, Level 3B | 3:00PM – 5:00PM  
3:00p – Litigating Affordable Care Act Cases  
4:00p – The PATH Act: Changes Affecting Immigrant Families and The Challenges Ahead |
| Financial Transactions | FG, Level 5B | 3:00PM – 6:00PM  
3:00p – The Uncertain Scope of the Foreign Currency Contract Rules  
4:00p – Reasoning by Analogy: The Cubbyhole Approach to Innovative Financial Products and Other Transactions  
5:00p – The Proposed Regulations Under Section 385 |
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</table>
| Foreign Activities of US Taxpayers | Independence A, Level 5B | 3:00PM – 5:00PM  
3:00p – “Country-by-Country” Reporting Under Section 6038  
4:00p – Section 7874 Temporary Regulations on Corporate Inversions | 50 |
| Insurance Companies       | Lafayette Park, Level 5B  | 3:00PM – 5:45PM  
3:00p – What Is Insurance?  
3:55p – Legislative Update  
4:50p – Insurance Company Reserves | 51 |
| Partnerships & LLCs       | Constitution A, Level 3B  | 3:00PM – 5:45PM  
3:00p – Disguised Sales of Partnership Interests – Where are We Now?  
3:50p – Partnership-to-Partner (Non?) Attribution: Is There a “Theory of Everything”?  
4:40p – Recourse or Nonrecourse Matters in the Gasification of Debt  
5:15p – Conversions Are Not Always Changes | 52 |
| Sponsorships              | Wilson, Level 3B          | 3:00PM – 4:00PM                                                                 | 53 |
| Tax Accounting            | Arlington/Cabin John, Level 3B | 3:00PM – 5:45PM  
3:00p – Current Developments  
3:45p – Fines, Penalties and Costs to Settle Litigation  
4:30p – When Is a Trade or Business Separate and Distinct?  
5:15p – Recent Developments in Accounting Method Change Procedures | 53 |
| Tax Collection, Bankruptcy & Workouts | Franklin Square, Level 5B | 3:00PM – 5:45PM  
3:00p – IRS – Field Collection: Changes in How the IRS Goes About “Collection Enforcement”  
4:30p – The Tax Court’s Review of Notices of Determination: Judicial Oversight of the IRS Collection Due Hearing  
5:30p – Recent Developments: Judicial Decisions | 54 |
| Tax Exempt Financing      | Farragut Square, Level 5B | 3:00PM – 5:45PM  
3:00p – Legislative, Treasury and Internal Revenue Service Update  
4:30p – Tax Issues in Seaport and Airport Financings: “It Is Not Always a Carnival When You Make a Deal with Royal Caribbean, Even If You Are Norwegian.” | 55 |
| Teaching Taxation         | Declaration, Level 1B     | 3:00PM – 6:00PM  
3:00p – EU State Aid Investigations: Perspectives from both Sides of the Atlantic  
5:00p – How to Combine International and Comparative Taxation into “Domestic” US Law Schools Tax Courses? | 55 |
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<tr>
<td><strong>FRIDAY 4:00PM</strong></td>
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<tr>
<td>Young Lawyers Forum</td>
<td>Tiber Creek, Level 1B</td>
<td>4:00PM – 5:30PM 4:00p – Tips for Working with the Tax Press</td>
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<td><strong>FRIDAY 4:30PM</strong></td>
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<tr>
<td>Companion Event Committee</td>
<td>Potomac, Level 3B</td>
<td>4:30PM – 5:00PM</td>
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<tr>
<td>Publications</td>
<td>Banneker, Level 1B</td>
<td>4:30PM – 5:30PM</td>
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<td><strong>FRIDAY 5:30PM</strong></td>
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<tr>
<td>Diversity and Young Lawyers Forum Networking Reception</td>
<td>Grand Foyer, Level 1B</td>
<td>5:30PM – 6:30PM <em>(Complimentary)</em></td>
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<tr>
<td><strong>FRIDAY 5:45PM</strong></td>
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<tr>
<td>Foreign Activities of US Taxpayers Business Meeting</td>
<td>McPherson Square, Level 5B</td>
<td>5:45PM – 6:30PM</td>
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<tr>
<td>Foreign Lawyers Forum Business Meeting</td>
<td>Independence HI, Level 5B</td>
<td>5:45PM – 6:30PM</td>
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<tr>
<td>Transfer Pricing Business Meeting</td>
<td>Banneker, Level 1B</td>
<td>5:45PM – 6:30PM</td>
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<tr>
<td>US Activities of Foreigners &amp; Tax Treaties Business Meeting</td>
<td>Wilson, Level 3B</td>
<td>5:45PM – 6:30PM</td>
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<td><strong>FRIDAY 6:30PM</strong></td>
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<tr>
<td>Section Reception</td>
<td>National Portrait Gallery, Kogod Courtyard</td>
<td>6:30PM – 8:00PM</td>
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<tr>
<td><strong>FRIDAY 8:00PM</strong></td>
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<tr>
<td>Joint International Committees Dinner</td>
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<td>8:00PM – 10:00PM</td>
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<tr>
<td><strong>SATURDAY 7:00AM</strong></td>
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<tr>
<td>Tax Practice Management</td>
<td>Declaration, Level 1B</td>
<td>7:00AM – 8:30AM 7:00a – The Curse of the Billable Hour: Are You Ready for Alternative Fee Arrangements?</td>
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<tr>
<td><strong>SATURDAY 7:15AM</strong></td>
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<tr>
<td>Real Estate, Partnerships &amp; LLCs, and S Corporations “Shop Talking” Breakfast</td>
<td>Constitution B, Level 3B</td>
<td>7:15AM – 8:30AM</td>
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## SCHEDULE AT-A-GLANCE

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<tr>
<td><strong>SATURDAY 7:30AM</strong></td>
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<tr>
<td>Incoming Committee Chairs, Vice-Chairs, Officers &amp; Council Breakfast <em>(Executive Session)</em></td>
<td>Independence A, Level 5B</td>
<td>7:30AM – 8:30AM</td>
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| **SATURDAY 7:45AM** | | |
| Court Procedure & Practice Officers and Subcommittee Chairs Breakfast *(Ticketed Event)* | Penn Quarter, Level 1B | 7:45AM – 9:15AM | 58 |

<p>| <strong>SATURDAY 8:30AM</strong> | | |
| Corporate Tax | Independence BCDE, Level 5B | 8:30AM – 11:45AM 8:30a – The Future of IRS Spin-Off PLR Practice 9:30a – A Little of This, A Little of That: Cherry-Picking Gains and Losses in Transactions 10:30a – Where Have All the Factors Gone? The Proposed Section 385 Regulations | 58 |
| Employee Benefits | Constitution A, Level 3B | 8:30AM – 11:30AM 8:30a – Necessary Plan Language in Light of Recent Guidance from the Supreme Court and Lower Courts 9:30a – IRS and Department of Treasury Technical Sessions 10:30a – Department of Labor Regulation of ERISA Disability Claims and Related Litigation | 59 |
| LLCs &amp; LLPs Subcommittee of Partnerships &amp; LLCs | Arlington/Cabin John, Level 3B | 8:30AM – 10:30AM 8:30a – Duties, Decisions and (Deterrable?) Disasters for Partnership Representatives of LLCs and LLPs Under the New Audit Rules: What No One Envisioned 9:45a – Roundtable Discussion | 61 |
| Pro Bono &amp; Tax Clinics | Farragut/ Lafayette, Level 5B | 8:30AM – 11:30AM 8:30a – Update from the Tax Court 9:00a – Reflecting on Low Income Tax Clinics and Celebrating Kathryn Sedo 9:45a – Jurisdictional Issues | 62 |
| Sales, Exchanges &amp; Basis | Independence FG, Level 5B | 8:30AM – 11:30AM 8:30a – Current Developments in Sales, Exchanges &amp; Basis 9:10a – Use of Delaware Statutory Trusts in Non-Syndicated Exchange and Drop-and-Swap Situations 10:00a – Dealing with Unrecaptured Section 1250 Gain in Drop-Swap Cash-Outs 10:45a – A Hot Topic: Cuban Claims and Section 1033 | 62 |</p>
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<td><strong>SATURDAY 8:30AM (Continued)</strong></td>
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<tr>
<td>State &amp; Local Taxes Practitioner's Roundtable <em>(Executive Session)</em></td>
<td>Roosevelt/Wilson, Level 3B</td>
<td>8:30AM – 10:30AM</td>
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<tr>
<td><strong>SATURDAY 8:45AM</strong></td>
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<tr>
<td>Civil &amp; Criminal Tax Penalties</td>
<td>Constitution CDE, Level 3B</td>
<td>8:45AM – 11:45AM 8:45a – Reports of Subcommittees on Important Developments 9:05a – Internal Revenue Service, Criminal Investigation – Update 9:25a – Department of Justice, Tax Division – Update 9:45a – Endless War: The Status of the IRS/DOJ Campaign Against Foreign Assets and Accounts 10:45a – Turning the Tables: The United States as a Tax Haven Destination</td>
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<td><strong>SATURDAY 9:00AM</strong></td>
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<td>Foreign Lawyers Forum</td>
<td>Independence HI, Level 5B</td>
<td>9:00AM – 10:30AM 9:00a – The 2016 EU Anti-Tax Avoidance Package: Find Out What It Means to You</td>
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<td><strong>SATURDAY 10:30AM</strong></td>
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<tr>
<td>State &amp; Local Taxes: Publication Subcommittees</td>
<td>Roosevelt/Wilson, Level 3B</td>
<td>10:30AM – 11:00AM</td>
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<td><strong>SATURDAY 11:00AM</strong></td>
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<tr>
<td>State &amp; Local Taxes Vice-Chairs' Planning Meeting <em>(Executive Session)</em></td>
<td>Roosevelt/Wilson, Level 3B</td>
<td>11:00AM – 12:00PM</td>
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<td><strong>SATURDAY 12:00PM</strong></td>
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<tr>
<td>Section Luncheon &amp; Plenary Session <em>(Ticketed Event)</em></td>
<td>Independence A, Level 5B</td>
<td>12:00PM – 1:30PM</td>
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<td><strong>SATURDAY 1:30PM</strong></td>
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<tr>
<td>Kenneth Gideon Memorial Reception <em>(Complimentary)</em></td>
<td>Farragut/Lafayette, Level 5B</td>
<td>1:30PM – 2:30PM</td>
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<td>8:00AM – 9:00AM</td>
<td>Incoming Officers &amp; Council Orientation <em>(Executive Session)</em></td>
<td>Franklin Square, Level 5B</td>
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<tr>
<td>9:00AM – 3:00PM</td>
<td>Officers &amp; Council Meeting <em>(Executive Session)</em></td>
<td>Farragut/Lafayette, Level 5B</td>
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<tr>
<td>1:00PM – 5:00PM</td>
<td>Low Income Taxpayers Representation Workshop</td>
<td>Independence BC, Level 5B</td>
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<td><strong>1:00pm</strong></td>
<td><strong>State Tax Issues.</strong> LITCs often face great obstacles to resolving clients’ state income tax debts even after the clients’ federal income tax controversies have been resolved. This panel will explore state tax issues affecting LITC clinicians. <strong>Moderator:</strong> Susan Morgenstern, Taxpayer Advocate Service, Cleveland, OH <strong>Panelists:</strong> Diana Leyden, NYC Taxpayer Advocate, New York, NY; Alan Marcus, Illinois Department of Revenue, Chicago, IL; Jack Trachtenberg, Reed Smith, New York, NY</td>
<td>Independence BC, Level 5B</td>
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<td><strong>2:00pm</strong></td>
<td><strong>Property Tax Issues.</strong> Low-income individuals face devastating consequences if they fall behind on property tax payments for their homes. In several areas of the country property tax foreclosures have become an epidemic. Property tax problems can also default a mortgage and start the homeowner on an escalating downward spiral. This presentation will highlight how low-income homeowners get swept up in the property tax dilemma and efforts that have been made to address this problem in Philadelphia, the District of Columbia, and Milwaukee. <strong>Moderator:</strong> Frank DiPietro, University of Minnesota LITC, Minneapolis, MN <strong>Panelists:</strong> Susanna W. Ratner, SeniorLAW Center, Philadelphia, PA; Joanne Savage, AARP Legal Counsel for the Elderly, Washington, DC; Phil Rosenkranz, Legal Aid Society of Milwaukee, Milwaukee, WI</td>
<td>Independence BC, Level 5B</td>
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<td><strong>3:00pm</strong></td>
<td><strong>Criminal Tax Issues.</strong> Many low-income tax cases have potential criminal aspects, including failure to file and omission of amounts or sources of income. This panel will discuss the criminal tax regime and the legal, strategy, and ethical issues that can arise in representing clients who have crossed the often blurry line between civil and criminal tax exposure. <strong>Moderator:</strong> The Honorable L. Paige Marvel, Judge, US Tax Court, Washington, DC <strong>Panelists:</strong> Matthew C. Hicks, Caplin &amp; Drysdale, Washington, DC; Brian McManus, Latham &amp; Watkins LLP, Washington, DC</td>
<td>Independence BC, Level 5B</td>
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<td><strong>4:00pm</strong></td>
<td><strong>Addressing ACA Problems in Non-IRS Fora.</strong> Low-income tax practice intersects with a wide variety of non-tax proceedings. This panel will cover tax-related appeals before the health benefits marketplace (Healthcare.gov), and also discuss when tax practitioners could help clients address ACA-related problems through family or probate court. <strong>Moderator:</strong> Daniel Knudsen, Oklahoma Indian Legal Services, Oklahoma City, OK <strong>Panelists:</strong> Tara Straw, Center on Budget and Policy Priorities, Washington, DC; Christine Speidel, Vermont Legal Aid, Springfield, VT</td>
<td>Independence BC, Level 5B</td>
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2:00PM – 6:00PM  Franklin/McPherson, Level 5B

**Tax Bridge to Practice**

**Sponsored by:** Young Lawyers Forum and Diversity.

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

- **2:00pm**  
  **A Conversation with Caroline Ciraolo.** One of the Section’s most esteemed members sits down for an in-depth discussion of her practice, her history with the Section, and the latest developments in tax law.

- **3:00pm**  
  **Tax Tales 2: More Seminal Cases of Subchapter C.** The long-awaited second installment of Tax Tales has finally arrived! Strap on your thinking caps and join us for an old-fashioned story hour. There will be epic adventure, heart-breaking romance, inspirational drama, unexplainable mystery…and tax! Come and learn the stories behind the cases and rulings that serve as the foundation of modern tax law.
  
  **Moderator:** Alfred Bae, KPMG, Houston, TX
  **Panelists:** Michelle Lo, Linklaters, Washington, DC; Shannon Perez, AOL Inc., Dulles, VA; Gary Scanlon, EY, Chicago, IL
  **Co-Sponsored by:** Corporate Tax

- **4:00pm**  
  **The Administrative Tax Collection Case.** The panelists will discuss best practices for effectively managing the administrative tax collection process from the issuance of the notice and demand for payment through the filing of a request for a Collection Due Process Hearing. The panelists will also address practical tips for requesting collection alternatives and tax lien withdrawals and levy releases.
  
  **Moderator:** Giovanni Alberotanza, Rosenberg Martin Greenberg LLP, Baltimore, MD
  **Panelists:** Karen Lapekas, Lapekas Law, Miami, FL; Shamik Trivedi, Grant Thornton LLP, Washington, DC; Laurence K. Williams, Senior Counsel, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC
  **Co-Sponsored by:** Administrative Practice

- **5:00pm**  
  **Tax Controversy 101: The Tax Court Cases that Every Practitioner Should Know.** While practice before the United States Tax Court requires, at a minimum, an understanding of the Tax Court’s Rules of Practice and Procedure, seasoned lawyers who appear before the forum know a cannon of Tax Court opinions that are among those most-cited by the Court and conversely, those who practice before it. In this panel, four experienced Tax Court practitioners will share some of those cases that they consider the seminal authorities and that any member of the Tax Court’s Bar should know for practice before the Court.
  
  **Moderator:** Kelley C. Miller, Reed Smith LLP, Washington, DC
  **Panelists:** Jeffrey Glassman, McDermott Will & Emery, Dallas, TX; Kelley C. Miller, Reed Smith LLP, Washington, DC; Lawrence Sannicandro, Agnostino & Associates PC, Hackensack, NJ; Adriana Lofaro Wirtz, Cooley, New York, NY
  **Co-Sponsored by:** Court Procedure & Practice

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= Taped  ★ = Young Lawyers Program  ⬤ = Ethics Credits Requested  📏 = No CLE Credit
**THURSDAY, MAY 5**

**4:30PM – 6:00PM**  
Philanthropy Professors Meeting  
Penn Quarter A, Level 1B

**5:00PM – 7:00PM**  
The Laurence Neal Woodworth Memorial Lecture and Reception  
What Has the Tax Court Been Doing? An Update.  
Speaker: The Honorable James S. Halpern, Senior Judge, US Tax Court, Washington, DC  
Sponsored by: Ohio Northern University  
Constitution CDE, Level 3B

**6:00PM – 9:00PM**  
State & Local Taxes Executive Committee Business Dinner Meeting (Invitation Only)  
Meeting of Committee Officers & Subcommittee Chairs and invited guests  
Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA  
McDermott Will & Emery LLP, 500 North Capitol St NW

**6:00PM – 7:00PM**  
Welcome Reception (Complimentary)  
Constitution A, Level 3B

**6:30PM – 9:30PM**  
Partnerships & LLCs and Real Estate Committees Dinner (Reservation Required)  
Members of the Real Estate Committee and the Partnerships & LLCs Committee will meet for cocktails and dinner at Bobby Van’s Grill. Cocktails (cash bar) will begin at 6:30pm, followed by dinner at 7:30pm. Reservations and advance payment will be required. For details, please visit the Partnerships & LLCs or Real Estate Committee Pages.  
Bobby Van’s Grill, 1201 New York Ave NW

**7:00PM – 9:00PM**  
An Evening at the Tax Court (Reservation Required)  
United States Tax Court, Great Hall

**7:00PM – 9:00PM**  
First-Time Attendees Dinner  
Independence DE, Level 5B
### Thursday, January 24

#### 7:00AM – 4:00PM
**Hospitality Center** *(Complimentary)*
Continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.

### Friday, May 6

#### 7:00AM – 8:00AM
**Sponsored Networking Breakfast Presented by Tax Analysts** *(Complimentary)*
Come meet the Editors at Tax Analysts and enjoy a complimentary, hot breakfast.

#### 7:30AM – 9:00AM
**ACTC Board of Regents Meeting** *(Executive Session)*

#### 7:30AM – 11:00AM
**Affiliated & Related Corporations**
Chair: Matthew K. White, KPMG LLP, Washington, DC

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<th>Time</th>
<th>Event</th>
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<tr>
<td>7:30am</td>
<td>Coffee and Doughnuts Primer</td>
<td>Grand Foyer, Level 1B</td>
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<tr>
<td>8:20am</td>
<td>Stock Basis and Boot Considerations Inside Consolidation</td>
<td>Independence FG, Level 5B</td>
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<td>9:15am</td>
<td>Consolidated Group Continuation Issues</td>
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**Coffee and Doughnuts Primer.** Join us for a pre-panel providing an overview of the key areas and concepts that will be addressed by the committee’s panels, including the basis adjustment and group continuation rules. The session is aimed at younger practitioners, but all are welcome.

**Panelists:** Rebecca Holtje, KPMG LLP, Washington, DC; Olivia Ley, PwC, Washington, DC

**Stock Basis and Boot Considerations Inside Consolidation.** This panel will explore some of the special consolidated return rules applicable in determining the treatment of non-stock consideration and the recovery and allocation of stock basis in reorganizations and other transactions occurring inside a consolidated group. Among the rules that will be explored are those applicable to excess loss accounts, cross-chain redemptions and sales, and the receipt of boot in reorganizations (including “all cash D” reorganizations). The panel will also consider possible changes to these rules under the proposed regulations regarding the allocation of consideration and allocation and recovery of basis published in 2009, as well as other changes that might be considered.

**Moderator:** Gordon Warnke, Linklaters LLP, New York, NY
**Panelists:** Neil Barr, Davis Polk & Wardwell LLP, New York, NY; Rebecca O. Burch, EY, Washington, DC; Kevin M. Jacobs, IRS Office Of Chief Counsel, Washington, DC (Invited); Brett York, Attorney Advisor, Department of Treasury, Washington, DC (Invited)

**Consolidated Group Continuation Issues.** This panel will discuss the various tests for when a consolidated group remains in existence, and will explore the current state of the law in this area given the dichotomy between the literal language of the rules and the more expansive interpretation of those rules by the IRS in Revenue Rulings, GCMs, and PLRs. In addition, the implications of the termination of a consolidated group will be discussed.

**Moderator:** Jonathan Forrest, Deloitte Tax LLP, Washington, DC
**Panelists:** Lawrence M. Axelrod, Special Counsel, IRS Office of Associate Chief Counsel (Corporate), Washington, DC (Invited); Mark Schneider, Deloitte Tax LLP, Washington, DC; Mike Wilder, McDermott Will & Emery, Washington, DC
**PROGRAM SCHEDULE**

**FRIDAY, MAY 6**

10:10am **Current Events.** This panel will discuss current events in the area of consolidated returns.
- **Moderator:** Lisa M. Zarlenega, Steptoe & Johnson LLP, Washington, DC
- **Panelists:** Marc Countryman, EY, San Francisco, CA; Greg Fairbanks, Grant Thornton LLP, Washington, DC; Graham Magill, KPMG LLP, Washington, DC; Marie Milnes-Vasquez, Special Counsel to the Associate Chief Counsel (Corporate), IRS, Washington, DC (Invited)

7:30AM – 8:30AM
**Exempt Organizations Subcommittee on Audits, Appeals and Litigation**
- **Chairs:** Michael A. Clark, Sidley Austin, Chicago, IL; Diara M. Holmes, Loeb & Loeb LLP, Washington, DC; Marcus S. Owens, Loeb & Loeb LLP, Washington, DC
- **7:30am Discussion.** Discussion with Kirsten B. Wielobob, Chief, Appeals, Internal Revenue Service, regarding the handling of Appeals cases, including those involving exempt organizations.

7:30AM – 8:30AM
**Exempt Organizations Subcommittee on Health-Care Organizations**
- **Chairs:** T.J. Sullivan, Drinker Biddle & Reath LLP, Washington, DC; Robert W. Friz, PwC, Philadelphia, PA
- **7:30am Roundtable Discussion of Current Developments**

7:30AM – 8:30AM
**Exempt Organizations Subcommittee on Political & Lobbying Organizations**
- **Chairs:** Rosemary E. Fei, Adler & Colvin, San Francisco, CA; Elizabeth J. Kingsley, Harmon Curran Spielberg + Eisenberg LLP, Washington, DC
- **7:30am Roundtable Discussion of Current Developments**

7:30AM – 8:30AM
**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; Victoria B. Bjorklund, Simpson Thacher & Bartlett LLP, New York, NY; 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
**Exempt Organizations Subcommittee on Religious Organizations**
- **Chairs:** Michael W. 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 – 10:45AM
Administrative Practice

Chair: George Hani, Miller & Chevalier, Washington, DC

8:00am **Important Developments.** This panel will discuss current developments and topics of immediate interest in tax administrative practice. Panel will focus on recent Department of Treasury and IRS guidance, court decisions, on-going litigation, or any other items germane to tax administration.

**Moderator:** Della Bauserman, US Tax Court, Washington, DC

**Panelists:** Brendan O’Dell, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Kathryn Zuba, Deputy Associate Chief Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC; Matthew Cooper, EY, Washington, DC

8:45am **Managing Transfer Pricing, Double Taxation, and Other Complex Multi-Country Tax Matters in a Post-BEPS World.** Taxpayers and governments alike are facing a world never seen before. Multiple intergovernmental actions since 2001 have significantly increased the transparency of taxpayer business activities and related tax filings. In particular, filings and Exchange of Information related to Country-by-Country Reporting created by the BEPS Project in the OECD and now adopted or under adoption by a number of countries will create enormous new challenges. As another example, changes in tax treaties, particularly changes affecting the definition of permanent establishments and their associated profits, will certainly increase scrutiny of tax filings. Many expect that disputes with and between tax authorities will increase in response. LB&I at IRS has reorganized, in part, to adapt to these changes. What should taxpayers and their counsel expect, and what should be done now in anticipation, is the subject of our panel.

**Moderator:** Fred Murray, Grant Thornton LLP, Washington, DC


9:45am **LB&I Reorganization and Audit Redesign.** This panel will discuss the current implementation status of the LB&I reorganization (announced in September 2015) and changes to LB&I examination procedures in light of the reorganization. Panel will discuss the impact of the reorganization on the LB&I mission including the role of counsel and interplay with LB&I litigation strategies. Panel will also discuss what taxpayers should be aware of and anticipate in examinations under the new LB&I structure. Invited panelists will include LB&I executive(s) and private practitioners.

**Moderator:** Elizabeth Askey, PwC, Washington, DC

8:00AM – 10:45AM
Banking & Savings Institutions

Chair: Anthony J. Tuths, WithumSmith+Brown PC, New York, NY

8:00am **New Proposed Section 385 Regulations.** Related party debt treated as equity – analysis of the implications to bank intercompany financing, treasury center operations, TLAC issues, as well as possible banking opportunities with respect to intermediary transactions.

*Panelists:* Yoram Keinan, Carter Ledyard & Milburn LLP, New York, NY; David Garlock, EY, Washington, DC; Krishna P. Vallabhaneni, Office of Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Raymond Stahl, Attorney-Advisor, IRS Office of Associate Chief Counsel (International), Washington, DC

9:15am **New Proposed Section 305(c) Regulations.** Deemed dividends on convertibles – analysis and compliance Implications, plus corporate action and combination rule issues under section 871(m).

*Panelists:* Stevie Conlon, Wolters Kluwer, Arlington Heights, IL; Stefan Gottschalk, RSM US LLP, Washington, DC; Pamela Lew, Tax Attorney, Office of Chief Counsel (Financial Institutions and Products), IRS, Washington, DC; Maurice LaBrie, Tax Attorney, Office of Chief Counsel (Corporate Division), IRS, Washington, DC; Karl Walli, Senior Counsel (Financial Products), Tax Legislative Counsel, Department of Treasury, Washington, DC

8:00AM – 10:00AM
Capital Recovery & Leasing

Chair: Alison Jones, EY, Washington, DC

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

*Moderator:* Tracy Watkins, Grant Thornton LLP, Washington, DC

*Panelists:* Kathleen Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Scott Dinwiddie, Associate Chief Counsel, Income Tax & Accounting, IRS, Washington, DC; Ryan Corcoran, RSM US LLP, Washington, DC

8:30am **Examination Items and Issues Pertaining to Tangible Property.** This panel will focus on items and issues that IRS examination teams are highlighting pertaining to tangible property as they work through implementation of the tangible property regulations.

*Moderator:* Mary Duffy, Andersen Tax, Washington, DC

*Panelists:* John Eiman, Senior Counsel, Large Business & International – Office of Chief Counsel, IRS, Houston, TX; Jane Rohrs, Deloitte, Washington, DC; Jason Kristall, Docket Attorney, Branch 1, Income Tax & Accounting, IRS, Washington, DC
9:15am  The Lease Accounting Standard and Its Impact on Taxpayers. This panel will provide background information on the new lease accounting standard and discuss its impact on taxpayers for both book and tax purposes.
Moderator: Glenn Johnson, EY, Washington, DC
Panelists: John Aramburu, Senior Counsel, Branch 5, Income Tax & Accounting, IRS, Washington, DC; Edward Schwartz, Docket Attorney, Branch 5, Income Tax & Accounting, IRS, Washington, DC; Annette Smith, PwC, Washington, DC; Mark Mahar, EY, Washington, DC

8:00AM – 9:00AM  Companion’s Breakfast *(Complimentary)*
Cabinet Restaurant, Level 1B

8:00AM – 9:30AM  Employee Benefits Defined Contribution Plans Update
Independence I, Level 5B
Presented by the Subcommittee on Defined Contribution Plans
Chair: Matthew Eickman, Qualified Plan Advisors, Overland Park, KS
Vice-Chairs: Puneet K. Arora, Towers Watson, Arlington, VA; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL
Assistant Vice-Chairs: Annemarie McGavin, Buchanan Ingersoll, Washington, DC; Heather Stone Fletcher, Echert Seamans, Pittsburgh, PA
Immediate Past Chair: Bret Hamlin, Hill Ward Henderson, Tampa, FL
This meeting will examine recent and pending regulatory and enforcement activity relating to section 401(k) plans and other defined contribution plans. It will also include discussion of recent litigation relating to and impacting defined contribution plans, as well as emerging issues.
Panelist: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited)

8:00AM – 9:30AM  Employee Benefits Executive Compensation, Fringe Benefits and Federal Securities Law Update
Declaration, Level 1B
Presented by the Subcommittees on Employee Benefits Executive Compensation and Fringe Benefits and Federal Securities Law
Chairs: Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Charmaine L. Slack, Jones Day, New York, NY
Assistant Vice-Chairs: Curtis Fisher, Bass Berry & Sims, Nashville, TN; Ali Fawaz, Proskauer, New York, NY
Immediate Past Chairs: Adam B. Cohen, Sutherland Asbill & Brennan LLP, Washington, DC; Gail W. Stewart, Baker Botts LLP, Houston, TX
We will have a panel discussion on changes to the GAAP revenue recognition rules and the potential impact on and implications for performance-based incentive awards. We will also discuss any recent executive compensation developments from the SEC. Finally, we will have an update from government representatives on the current executive compensation projects underway at Treasury and the IRS.
Panelists: Alan A. Nadel, Strategic Apex Group LLC, New York, NY; Charmaine L. Slack, Jones Day, New York, NY; Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Robert Neis, Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities, IRS Office of Chief Counsel, Washington, DC (Invited)
8:00AM – 10:45AM

**Estate & Gift Taxes**

**Independence DE, Level 5B**

Chair: Laura S. Hundley, Holland & Hart LLP, Boulder, CO

8:00am  **Current Developments.** This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since January 2016.

*Panelists:* Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Jeffrey D. Chadwick, Winstead PC, The Woodlands, TX; Helen E. Rogers, Holland & Hart LLP, Denver, CO; Dustin Rever-Ginsburg, Venable LLP, Los Angeles, CA

8:45am  **Oh, What a Relief It Is: Curing Estate Plans That No Longer Make Sense in Light of the American Taxpayer Relief Act of 2012.** As a result of the American Taxpayer Relief Act of 2012, typical estate planning strategies may no longer be appropriate. Explore how clients can escape from no-longer useful, or even harmful, planning transactions or more efficiently administer those from which they cannot escape.

*Panelists:* Jordan M. Ware, Winstead PC, Austin, TX; Caitlin M. Orr, McDermott Will & Emery, Washington, DC

9:45am  **Unpacking the Myths and Mysteries of Chapter 14.** This presentation will review the fundamentals of Code sections 2701 through 2704, and then dive deeper into some of the problem areas and planning techniques. It will discuss some of the latest developments and how they may or may not change the planning landscape.

*Panelists:* Christine R. W. Quigley, Schiff Hardin LLP, Chicago, IL; Nathan R. Brown, Proskauer LLP, Boca Raton, FL

8:00AM – 10:45AM

**Investment Management**

**Franklin/McPherson, Level 5B**

Chair: Amy B. Snyder, The Vanguard Group Inc., Malvern, PA

8:00am  **Unrelated Debt-Financed Income Issues for Private Investment Funds.** This panel will examine the current issues faced by private investment funds relating to unrelated debt-financed income (‘UDFI’). The panelists will consider, among other things, the circumstances under which a fund’s use of debt can give rise to UDFI and the effectiveness of the current structures used to minimize UDFI.

*Moderator:* Laura D. Warren, Hamilton Lane, Bala Cynwyd, PA


9:00am  **Select Partnership Issues and Private Investment Funds.** This panel will focus on select developments in the partnership area that are relevant to private investment funds. Questions addressed will include, among others, when targeted allocations might not make sense and how investors and funds should consider protecting themselves in light of the new partnership audit rules.

*Moderator:* James R. Brown, Willkie Farr & Gallagher LLP, New York, NY

*Panelists:* Glenn E. Dance, Special Counsel to the Associate Chief Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel, Washington, DC; Adam Greenwood, Ropes & Gray LLP, New York, NY; Maximilian Pakaluk, EY, Washington, DC
10:00am **Updates from the Internal Revenue Service and Investment Company Institute.**
Representatives from the IRS and the Investment Company Institute will discuss recent guidance and other topics of current interest to investment companies, including Notice 2016-10, "Guidance Relating to Refunds of Foreign Tax for Which an Election Was Made Under Section 853," and Money Market Fund reform.

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

**Panelists:**
- Steven Harrison, Branch Chief, Branch 1 (Financial Institutions and Products), IRS Office of Chief Counsel, Washington, DC; Helen Hubbard, Associate Chief Counsel (Financial Institutions and Products), IRS Office of Chief Counsel, Washington, DC; Keith Lawson, Investment Company Institute, Washington, DC; Ryan Lovin, Investment Company Institute, Washington, DC; Larry Pounders, Attorney, Branch 3, IRS Office of Associate Chief Counsel (International), Washington, DC

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**8:00AM – 10:45AM**

**Real Estate**

**Chair:** Robert D. Schachat, EY, Washington, DC

**8:00am** **Hot Topics.** This panel will discuss recent and upcoming regulations, court decisions and guidance affecting real estate and partnerships.

**Moderator:** Julie M. Marion, Latham & Watkins, Chicago, IL

**Panelists:**
- Ossie Borosh, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; David R. Haglund, Branch Chief, Passthroughs & Special Industries, IRS Office of Chief Counsel, Washington, DC

**8:45am** **PATH Act – FIRPTA, REIT Technical and Spin-Offs.** This panel will discuss the new FIRPTA exemptions and clarifications and changes to the REIT provisions included in the PATH Act, including the new restrictions for REITs in tax-free spin-offs, as well as address any anticipated guidance.

**Moderator:** Tony Edwards, National Association of Real Estate Investment Trusts, Washington, DC

**Panelists:**
- Ana G. O’Brien, Latham & Watkins, Los Angeles, CA; Mark C. Van Deusen, Deloitte Tax LLP, Richmond, VA

**9:45am** **Bad Boys: Whatcha Gonna Do?** This panel will discuss “bad boy” or nonrecourse carve-out guarantees of real estate loans and the effect on debt allocations under section 752 and at-risk amounts under section 465 in light of CCA 201606027.

**Moderator:** Blake D. Rubin, EY, Washington, DC

**Panelist:** James A. Quinn, Senior Counsel, Branch 3, Passthroughs & Special Industries, IRS Office of Chief Counsel, Washington, DC

**10:15am** **New Partnership Audit Provisions – Drafting Considerations.** This panel will lead an interactive discussion of the new partnership audit provisions, focusing on drafting issues. Participation and contributions from the audience are highly encouraged.

**Moderator:** Kate Kraus, EY, Los Angeles, CA

**Panelist:** Sarah K. Ritchey, Holland & Hart, Denver, CO
8:30AM – 11:30AM
Individual & Family Taxation

Chair: Phyllis Horn Epstein, Epstein Shapiro & Epstein PC, Philadelphia, PA

8:30am Important Developments. The most important developments in 2015-2016.
Moderator: Lany L. Villalobos, Pennsylvania Farmworker Project LITC, Philadelphia, PA
Panelist: Professor Timothy M. Todd, Liberty University, Lynchburg, VA

9:30am Crime and Marriage. This panel will pursue the tax implications of crime on the family tax return. What is the impact of criminal gain by one partner in a marriage? Should a spouse have known money was tainted? Is there an innocent spouse aspect to this?
Moderator: Jonathan Strouse, Harrison & Held LLP, Chicago, IL
Panelist: Ian M. Comisky, Blank Rome LLP, Philadelphia, PA

10:30am Women and Tax. Years ago, women tax lawyers were a rare sighting at the Tax Section meetings. Looking around we know that the demographics have changed dramatically. Where are women tax lawyers in government, private practice, teaching and the judiciary and how have they impacted the ever changing tax laws. Panelists reflect upon what inspired them to become tax lawyers, what have been the rewards and what have been the challenges.
Moderator: Phyllis Horn Epstein, Epstein Shapiro & Epstein PC, Philadelphia, PA
Panelists: The Honorable Mary Ann Cohen, US Tax Court, Washington, DC; Anna C. Tavis, South Brooklyn Legal Services, Brooklyn, NY; Susan Morganstern, Taxpayer Advocate Service, Cleveland, OH; Professor Alice Abreu, Temple University Beasley School of Law, Philadelphia, PA; Megan L. Brackney, Kostelanetz & Fink LLP, New York, NY
Co-Sponsored by: Diversity Committee

8:30AM – 10:30AM
US Activities of Foreigners & Tax Treaties

Chair: Michael J. Miller, Roberts & Holland LLP, New York, NY

8:30am What’s New in the 2016 US Model Treaty? On February 17, 2016, the Department of Treasury released a new US Model Treaty, including an updated Limitation on Benefits article and new rules dealing with exempt permanent establishments, special tax regimes, payments by expatriated entities, and subsequent changes in law that are intended to limit the use of tax treaties to create instances of low or no taxation. The panel will discuss the provisions of the new Model, including the new arbitration provision, with an emphasis on how they relate to the OECD’s BEPS initiatives and the initiative to develop a multilateral instrument to implement BEPS-related changes.
Moderator: Professor Patricia A. Brown, University of Miami School of Law, Miami, FL
Panelists: David G. Shapiro, Saul Ewing LLP, Philadelphia, PA; Gretchen Sierra, Deloitte Tax LLP, Washington, DC; Lori Hellkamp, Jones Day, Washington, DC; Jason Yen, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; Danielle Rolfes, International Tax Counsel, Department of Treasury, Washington, DC

9:30am The FIRPTA Provisions of the PATH Act. This panel will address recent changes to the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), including an expanded exemption for publicly traded REIT stock, a new exemption for REIT stock
owned by qualified shareholders; and a free pass from FIRPTA altogether for certain foreign pension funds. The panel will focus on planning under the new rules, as well as a few quirks and traps for the unwary.

**Moderator:** Kimberly S. Blanchard, Weil Gotshal & Manges LLP, New York, NY

**Panelists:** Scott Semer, Torys LLP, New York, NY; Matthew A. McDonald, Mayer Brown LLP, New York, NY; Charles P. Besecky, Branch Chief, Branch 4, IRS Office of Associate Chief Counsel (International), Washington, DC; Jason Yen, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC

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**8:45AM – 4:30PM**

**Exempt Organizations**

**Chair:** David A. Shevlin, Simpson Thacher & Bartlett LLP, New York, NY

- **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:** Robert A. Wexler, Adler & Colvin, San Francisco, CA

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

- **10:00am** [News from the Hill](#). This panel will discuss legislative developments affecting exempt organizations.

  **Moderator:** A.L. (Lorry) Spitzer, Ropes & Gray, Boston, MA

  **Panelists:** Harold Hancock, Tax Counsel, House Ways and Means Committee, Washington, DC (Invited); Tiffany Smith, Tax Counsel, Senate Finance Committee, Washington, DC (Invited)

- **11:15am** [Donor-Advised Funds: Priority Issues for Regulatory Guidance](#). As the field anticipates the issuance of long-awaited donor-advised funds regulations, this panel will discuss exempt organizations practitioners’ priority issues for regulatory guidance.

  **Moderator:** Celia Roady, Morgan Lewis & Bockius LLP, Washington, DC

  **Panelists:** Edward J. Beckwith, Baker & Hostetler LLP, Washington, DC; Robin Krause, Patterson Belknap Webb & Tyler LLP, New York, NY; Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; David A. Shevlin, Simpson Thacher & Bartlett LLP, New York, NY

- **12:30pm** [Exempt Organizations Committee Luncheon](#) *(Ticketed Event)*

  **Speaker:** Jeffery L. Yablon, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC

- **2:00pm** [Form 990 Schedule B: Balancing Benefits and Burdens](#). Schedule B has long been a required part of Form 990. Federal law clearly prohibits the IRS from disclosing the identity of donors shown on Schedule B, but questions about the confidentiality of Schedule B under state law have led to litigation. This panel will review the legal requirements for donor reporting and confidentiality of donor information, the benefits
and burdens of Schedule B in federal tax administration and state charity regulation, and the current state litigation over whether Schedule B must be filed at the state level.

Moderator: Catherine E. Livingston, Jones Day, Washington, DC
Panelists: Karl E. Emerson, Montgomery McCracken Walker & Rhoads LLP, Philadelphia, PA; Eric K. Gorovitz, Adler & Colvin, San Francisco, CA

3:00pm **IRS Assessment of Governance Practices.** This panel will consider the governance practices assessed by the IRS in both the application for exemption and annual reporting processes. For example, how have these questions modified behavior? Are the questions appropriate for assessing governance practices? Are they sufficiently sensitive to differences between the various types of exempt organizations?

Moderator: Andrew C. Schulz, Arabella Advisors, Washington, DC
Panelists: Eve Borenstein, Borenstein and McVeigh Law Office, St. Louis Park, MN; Ronald J. Schultz, alliantNational, Washington, DC

4:00pm **Cash Bar**

9:00AM – 10:30AM **Tax Policy & Simplification**

Chair: Eric San Juan, Georgetown University Law Center, Washington, DC

9:00am **Prospects for Tax Legislation in a New Administration.** Capitol Hill tax law and economic experts will evaluate the merits and likelihood of pending individual and business tax bills and legislative proposals of the major presidential candidates.

Moderator: Professor Michael Lang, Chapman University Fowler School of Law, Orange, CA
Panelists: Barbara Angus, Chief Tax Counsel, House Ways & Means Committee, Washington, DC; Eric Toder, Tax Policy Center, Urban/Brookings Institute, Washington, DC; Todd Metcalf, Minority Chief Tax Counsel, Senate Finance Committee, Washington, DC; Alan Viard, American Enterprise Institute, Washington, DC
Co-Sponsored by: American Tax Policy Institute

9:30AM – 3:30PM **Companion Activity** *(Ticketed Event)*

**A Visit to the Kreeger Museum & President Lincoln's Cottage.** Transportation to depart the Grand Hyatt Washington at 9:30am.

9:30AM – 11:00AM **Employee Benefits Administrative Practices Update**

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

Chair: Christina M. Crockett, Washington, DC
Assistant Vice-Chair: Venessa Blanco, Boutwell Fay LLP, Irvine, CA
Immediate Past Chairs: Stefan P. Smith, Locke Lord LLP, Dallas, TX; Lisa A. Tavares, Venable LLP, Washington, DC

The Subcommittee will discuss the revised IRS determination letter program for individually-designed plans, recent DOL inquiries concerning missing participants, self-correction of automatic
enrollment errors, and related Employee Plans Compliance Resolution System (EPCRS) issues. If time permits, the Subcommittee also will discuss the Voluntary Closing Agreement Program (VCAP).

Panels:

- **Seth H. Tievsky**, Senior Technical Advisor to the Director, IRS, Washington, DC (Invited);
- **Ingrid E. Grinde**, Senior Tax Law Specialist, IRS Office of Associate Chief Counsel (TEGE), Washington, DC (Invited)

**9:30AM – 10:30AM**

**Employee Benefits Litigation Update**

Presented by the Subcommittees on Litigation, ESOPs and Fiduciary Responsibility and Plan Investments

**Chairs:** Sara Pikofsky, Jones Day, Washington, DC; David A. Whaley, Dinsmore & Shohl, Cincinnati, OH; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; David A. Cohen, Evercore Trust Company NA, Washington, DC

**Vice-Chairs:** Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Vadim Aveychik, PIMCO LLC, New York, NY; Michael Bartolic, The Law Offices of Michael Bartolic LLC, Chicago, IL

**Assistant Vice-Chairs:** Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; Kyla Rivera, Evercore Trust Company NA, Washington, DC; Rita Patel, DLA Piper LLP, Washington, DC; Jessica N. Agostinho, Hunton & Williams LLP, Washington, DC

**Immediate Past Chairs:** Erin Turley, McDermott Will & Emery, Dallas, TX; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Sara Pikofsky, Jones Day, Washington, DC; David A. Whaley, Dinsmore & Shohl, Cincinnati, OH; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; David A. Cohen, Evercore Trust Company NA, Washington, DC; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Vadim Aveychik, PIMCO LLC, New York, NY; Michael Bartolic, The Law Offices of Michael Bartolic LLC, Chicago, IL; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; Kyla Rivera, Evercore Trust Company NA, Washington, DC; Rita Patel, DLA Piper LLP, Washington, DC; Jessica N. Agostinho, Hunton & Williams LLP, Washington, DC

The panel will discuss recent ERISA litigation.

Panels:

- **Sara Pikofsky**, Jones Day, Washington, DC; David A. Whaley, Dinsmore & Shohl, Cincinnati, OH; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; David A. Cohen, Evercore Trust Company NA, Washington, DC; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Vadim Aveychik, PIMCO LLC, New York, NY; Michael Bartolic, The Law Offices of Michael Bartolic LLC, Chicago, IL; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; Kyla Rivera, Evercore Trust Company NA, Washington, DC; Rita Patel, DLA Piper LLP, Washington, DC; Jessica N. Agostinho, Hunton & Williams LLP, Washington, DC

**9:45AM – 10:45AM**

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

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

**Chair:** Charles G. Humphrey, Integrated Retirement Initiatives LLC, Baxter, MN

**Vice-Chair:** Devin M. Karas, Robinson & Cole LLP, Hartford, CT

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

**Immediate Past Chairs:** Peter J. Hunt, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; Carol L. Myers, William Parker, Sarasota, FL

The Subcommittee will discuss the White House/DOL initiative for encouraging small plan formation through the use of pooled arrangements such as multiple employer plans or MEPs. This discussion will include developments to date, including the DOL guidance issued last fall on state law initiatives intended to encourage retirement savings. Leading this discussion will be Robert Toth. We continue the discussion the need management service group guidance under Code section 414(m), particularly in light of the Affordable Care Act requirements relating to the determination of large employer or small employer status the $500,000 limit on compensation
deduction under code section 162(m), and Cadillac coverage. This discussion will be led by Cynthia Stamer. There will also be a discussion of employee benefit considerations in PEOs led by Robyn Crosson.

**Panelists:** Robyn Crosson, ADP, Indianapolis, IN; Charles G. Humphrey, Integrated Retirement Initiatives LLC, Baxter, MN; Cynthia Marcotte Stamer, Stamer Chadwick Soefje PLLC, Plano, TX; Robert J. Toth, Law Office of Robert J. Toth, Fort Wayne, IN; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Seth H. Tievsky, Senior Technical Advisor to the Director, IRS, Washington, DC (Invited)

### 10:00AM – 11:00AM
Farragut Square, Level 5B

**Appointments to the Tax Court (Executive Session)**

### 10:00AM – 12:00PM
Arlington/Cabin John, Level 3B

**Employee Benefits Health and Welfare Benefit Plans Update**

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

**Chairs:** Helen H. Morrison, EY, Washington, DC; Gabriel S. Marinaro, Smith Haughey Rice & Roegge, Ann Arbor, MI

**Vice-Chairs:** William M. Freedman, Dinsmore & Shohl LLP, Cincinnati, OH; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL

**Assistant Vice-Chairs:** Elena Kaplan, Jones Day, Atlanta, GA; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL

**Immediate Past Chairs:** Linda Mendel, Vorys Sater Seymour and Pease LLP, Columbus, OH; Mark L. Stember, Kilpatrick Townsend & Stockton LLP, Washington, DC; Thomas C. Graves, Haynes Benefits PC, Lees Summit, MO; Julie Burbank, Chevron Corporation, San Ramon, CA; Andy R. Anderson, Morgan Lewis, Chicago, IL

This meeting will address current health care topics including guidance related to the Affordable Care Act; recent trends in health care costs and delivery; telemedicine; wellness plans; recent court decisions, including the ERISA preemption decision of *Gobeille v. Liberty Mutual*; and other relevant topics.

**Panelists:** Alden Bianchi, Mintz Levin Cohn Ferris and Popeo PC, Boston, MA; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Elena Kaplan, Jones Day, Atlanta, GA; Rachel Leiser Levy, Groom Law Group, Washington, DC; Gabriel S. Marinaro, Smith Haughey Rice & Roegge, Ann Arbor, MI; Carolyn M. Trenda, McGuireWoods, Chicago, IL; Kevin Knopf, Senior Technician Reviewer, IRS Office of Division Counsel/Associate Chief Counsel (TEGE), Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities, IRS Office of Chief Counsel, Washington, DC (Invited); Carol Weiser, Deputy Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Christa Bierma, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Katie Johnson, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Shad Fagerland, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited);
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| 10:30AM – 12:30PM | **Transfer Pricing**<sup>★★</sup>  
Chair: John Hughes, IRS, Washington, DC  
**10:30am**  
**BEP5 and Its Impact on Transfer Pricing for the Financial Services Sector.**  
This session will focus the issues related to how the OECD's BEPS initiative could impact the financial services industry in the transfer pricing arena. In particular, this session will overview the Authorized OECD Approach ("AOA") for attributing profits to permanent establishments ("PEs") and how this intersects with transfer pricing concepts arising in the financial services space. The OECD's guidance on risk and recharacterization of transactions will be examined along with the treatment of MNE group synergies and the status of profit splits. In addition, there will be a consideration of connections between transfer pricing and other financial services issues, such as hybrids, interest deductions, treaty benefits, risk and capital vs. KERTs, country-by-country reporting, and differences between treaty positions and the US Code. There will also be a discussion of the likely impact of these changes on global tax controversy for the financial services sector, including Competent Authority aspects.  
**Moderator:** Adam Katz, PwC, New York, NY  
**Panelists:** Sherif Assef, KPMG, New York, NY; David Farhat, EY, New York, NY; Richard Goldberg, MUFG Union Bank NA, New York, NY; Christopher J. Bello, Branch Chief, Branch 6, IRS Office of Associate Chief Counsel (International), Washington, DC; Brian Jenn, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC |
|              |  
**11:30am**  
**BEPS and Transfer Pricing Implications for State and Local Tax (Part II).** Part II of our joint committee panel will cover state transfer pricing issues with a focus on the interplay between the state, federal, and international levels; including Competent Authority and the OECD's BEPS initiative. We'll also review the various aspects of state taxation – including nexus, tax base, and apportionment – that can be affected by a transfer pricing adjustment, whether the adjustment is a federal flow through or state initiated. And we'll provide an update on the Multistate Tax Commission's collaborative efforts and other trends in transfer pricing that will require greater awareness by both SALT and international tax practitioners.  
**Moderator:** Shirley K. Sicilian, KPMG, Washington, DC  
**Panelists:** Karl Frieden, COST, Washington, DC; Bruce Fort, MTC, Washington, DC; Keith Robinson, PwC, Atlanta, GA |
| 11:00AM – 1:15PM | **Employee Benefits Defined Benefit Plan and Distributions Update**  
Presented by the Subcommittee on Distributions and Defined Benefit Plans  
**Chairs:** Serena G. Simons, The Segal Group, Washington, DC; Anne M. Meyer, Snell & Wilmer LLP, Phoenix, AZ  
**Vice-Chairs:** J. Rose Zaklad, Groom Law Group, Washington, DC; Sarah E. Fry, Locke Lord LLP, Dallas, TX; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH; Rosina Barker, Ivins Phillips & Barker, Washington DC |
Assistant Vice-Chairs: Allison Hoots, Employee Benefits Security Administration, Department of Labor, Philadelphia, PA; Meredith VanderWilt, Polsinelli PC, Dallas, TX; Laura M. Nolen, Marathon Oil Corporation, Houston, TX; Erin Turley, McDermott Will & Emery, Dallas, TX
Immediate Past Chairs: Harold J. Ashner, Keightley & Ashner LLP, Washington, DC; Stuart A. Sirkin, The Segal Company, Washington, DC; Jose Juan Valcarce, Shell Oil Company, Houston, TX

11:00am  PBGC Fireside Chat.

11:30am  The Subcommittees will discuss recent issues of interest affecting defined benefit plans and distributions including a presentation on distribution issues under the DOL definition of fiduciary ("conflict of interest") regulations and a presentation on changing rates under the recent hybrid plan market-rate regulations. Updates from the agencies also may be provided. The meeting will include an informal "fireside chat" discussion with PBGC representatives on topics of interest to attendees. At this time it is expected that the Distributions Subcommittee presentation on the conflict of interest regulations will be the first item on the agenda.
Panelists: Matthew Eickman, Qualified Plan Advisors, Overland Park, KS; Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC (Invited); Seth Tievksy, Senior Technical Advisor, IRS Employee Plans, TEGE Division, Washington, DC (Invited); W. Thomas Reeder, Jr., Director, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Judith Starr, General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Daniel S. Liebman, Attorney, Office of General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); John Menke, Assistant Chief Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited)

11:00AM – 12:00PM  Employee Benefits Exempt Organization and Governmental Plans Update

Presented by the Subcommittee on Exempt Organization and Governmental Plans
Chairs: Craig R. Pett, Alston & Bird LLP, Atlanta, GA; Bruce Barth, Robinson & Cole LLP, Hartford, CT
Vice-Chairs: Don Wellington, Steptoe & Johnson, Los Angeles, CA; Blake McKay, Alston & Bird, Atlanta, GA
Assistant Vice-Chairs: Meghan M. Lynch, Aon Hewitt, Houston, TX; Robert Johnson, Kaufman & Canoles PC, Newport News, VA
Immediate Past Chair: David W. Powell, Groom Law Group, Washington, DC
The panel will discuss recent guidance and decisions relating to tax-exempt, church and governmental plans, including the proposed regulations on the definition of normal retirement age for governmental plans and proposed regulations issued under section 457(f) (if issued prior to the meeting).
Panelists: Seth H. Tievsky, Senior Technical Advisor to the Director, IRS, Washington, DC; Susan E. Rees, Chief, Division of Coverage, Reporting & Disclosure, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; Victoria Judson, Associate Chief Counsel (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC; Pamela R. Kinard, Senior Technician Reviewer, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC
11:00AM – 12:00PM  Employee Benefits Fiduciary Responsibilities Update

Presented by the Subcommittee on Fiduciary Responsibility

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

**Vice-Chairs:** Vadim Avdeychik, PIMCO LLC, New York, NY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL

**Assistant Vice-Chair:** Kyla Rivera, Evercore Trust Company NA, Washington, DC

**Immediate Past Chair:** Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

This panel will discuss recent developments in fiduciary responsibilities.

**Panelists:** David A. Cohen, Evercore Trust Company NA, Washington, DC; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

11:00AM – 12:00PM  Employee Benefits Legislative Update

Presented by Subcommittee on Employee Benefits Legislation

**Chair:** Gary Chase, Towers Watson, New York, NY

**Vice-Chair:** Lisa Bleier, Securities Industry and Financial Markets Association (SIFMA), Washington, DC

**Assistant Vice-Chairs:** Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; Judy M. Hensley, Roberts & Holland LLP, New York, NY

**Immediate Past Chair:** David N. Levine, Groom Law Group Chartered, Washington, DC

This meeting will focus on legislative developments that impact employee benefit plans and arrangements. This will include a discussion of open MEPs, as well as legislation addressing the Department of Labor’s fiduciary regulation. We will also feature a lightning round where we will cover other active employee benefits related legislation.

**Panelists:** Preston Ruttledge, Senate Finance Committee Majority Staff, Washington, DC (Invited); Kara Getz, Senate Finance Committee Minority Staff, Washington, DC (Invited); Gary Chase, Towers Watson, New York, NY; Lisa J. Bleier, Securities Industry and Financial Markets Association (SIFMA), Washington, DC; Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; Judy M. Hensley, Roberts & Holland LLP, New York, NY; Michael P. Kreps, Groom Law Group, Washington, DC

11:00AM – 11:30AM  Employee Benefits New Employee Benefits Attorneys Forum

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

**Immediate Past Chair:** Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL

Informal meeting for new members of the Employee Benefits Committee.

11:00AM – 12:30PM  Energy & Environmental Taxes

**Chair:** Peter Lowy, Chamberlain Hrdlicka, Houston, TX

11:00am  **Emerging Issues in Oil & Gas Taxation.** This panel will discuss the likelihood of a comeback for the enhanced oil recovery credit and phase-in of the marginal wells credit; the implications to fracking companies of proposed regulations defining...
“highway vehicles” for purposes of various federal excise taxes; pending litigation over several issues that impact energy sector clients including the § 6426 blender’s credit; and a grab bag of other hot issues percolating at LB&I and in Chief Counsel.

**Moderator:** Peter Lowy, Chamberlain Hrdlicka, Houston, TX

**Panelists:** Phil Tiegerman, Attorney, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC; Greg Matlock, EY, Houston, TX; Brian Americus, Deloitte, Washington, DC

**11:35am** **Hot Topics in Renewables.** This panel will discuss legislative developments affecting the energy industry including the PATH Act extensions of § 45 (PTC) and § 48 (ITC), and legislative initiatives for carbon dioxide capture and sequestration. The panel will also discuss IRS guidance projects on the Beginning of Construction, and on the types of property eligible for the ITC; recent PLRs and other IRS guidance related to renewable technologies.

**Moderators:** Amish Shah, Sutherland Asbill & Brennan, Washington, DC; Courtney Sandifer, Deloitte, Washington, DC

**Panelists:** Jennifer Bernardini, Attorney, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC; Hannah Hawkins, Attorney Adviser, Office of Tax Policy, Department of Treasury, Washington, DC; BrianAmericus, Deloitte, Washington, DC

**11:00AM – 12:00PM** **Independence I, Level 5B**

**Membership & Marketing**

**11:00AM – 1:45PM** **Constitution A, Level 3B**

**S Corporations**

**Chair:** Laura Howell-Smith, Deloitte Tax LLP, Washington, DC

**11:00am** **Important Developments.** Discussion of recent legislative, administrative and judicial developments relating to S Corporations and their Shareholders.

**Moderator:** Brad Gould, Dean Mead Minton & Zwemer, Ft. Pierce, FL

**Panelists:** Jennifer Gurevitz, Gray Reed & McGraw, Dallas, TX; Bryan Keith, Grant Thornton LLP, Washington, DC

**11:30am** **Hot Topics Relating to S Corporations.** A dialogue with representatives from the Government about developments relevant to S Corporations and companies considering making S Corporation elections.

**Moderators:** Paul F. Kugler, KPMG LLP, Washington, DC; Carol Kulish Harvey, KPMG LLP, Washington, DC

**Panelists:** Mark E. Warren, Tax Staff, House Ways and Means Committee, Washington, DC; Benjamin Willis, Office of Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Bradford Poston, IRS Office Associate Chief Counsel, Passthroughs & Special Industries, Washington, DC

**12:15pm** **Audit Risks of an S Corporation and Its Shareholders.** Discussion of the role of the IRS Small Business / Self-Employment Division and audit risks of S corporations and their shareholders.

**Moderator:** Laura Howell-Smith, Deloitte Tax LLP, Washington, DC

**Panelists:** Karen Schiller, Commissioner, IRS Small Business / Self-Employed Division, Washington, DC; Debra K. Moe, Division Counsel (Small Business/Self-Employed Division), IRS Office of Chief Counsel, Washington, DC
PROGRAM SCHEDULE
FRIDAY, MAY 6

11:00AM – 1:45PM

Standards of Tax Practice

Chair: Michael J. Desmond, Law Offices of Michael J. Desmond APC, Santa Barbara, CA

11:00am Ethical Issues in Federal Tax Practice – The Government Perspective. This panel will provide an update on recent guidance from the IRS and the Department of Treasury, discuss issues of concern and areas of focus for the IRS Office of Professional Responsibility and Office of Chief Counsel, and give an update on pending cases that relate to tax practices standards.

Panelists: Garrett Gluth, Operations Manager, IRS Office of Professional Responsibility, Washington, DC; David Bergman, Senior Counsel, IRS Office of Chief Counsel (Procedure & Administration), Washington, DC

11:30am Data Security, Client Confidences and Ethics Rules Applicable to the Protection of Client Information. Tax practitioners hold the keys — literally and figuratively — to some of their clients’ most sensitive personal and financial information. Protecting this information has always been of paramount concern for practitioners and for the IRS, something that was perhaps less of a challenge a generation ago when a lock and key generally sufficed to keep paper files secure. While issues surrounding the modern challenge of data security have been discussed extensively, that discussion has focused largely on identity theft and related concerns. This panel will provide legal and regulatory context for the issue of data security and then discuss it from an ethics perspective: What do the ethics rules, including ABA Model Rule 1.6, require of practitioners in the area of data security and what are the consequences of violating those rules.

Moderator: Walter Pagano, EisnerAmper LLP, New York, NY
Panelists: Anita C. Soucy, Deloitte Tax LLP, Washington, DC; Fred F. Murray, Grant Thornton LLP, Washington, DC

12:40pm What’s the Risk? The Ethics of Advising Clients on Audit Risk. When planning a transaction or taking a return position, clients often take the risk of an IRS audit and penalty exposure into consideration. Section 10.37 of Circular 230 and other applicable rules state, however, that audit risk may not be considered in determining whether a tax return position satisfies any of the taxpayer or preparer accuracy standards. Nonetheless, practitioners have a duty to explain matters to clients to the extent reasonably necessary to permit the clients to make informed decisions, albeit while not assisting in conduct known to be criminal or fraudulent. This panel will explore the implications of these principles for discussing audit risk, including the recent changes made to the audit risk limitation in Section 10.37 of Circular 230.

Moderator: Matthew Cooper, EY, Washington, DC
Panelists: Karen L. Hawkins, Attorney-at-Law, Yachats, OR; Anita C. Soucy, Deloitte Tax LLP, Washington, DC; Professor Michael Lang, Chapman University, Orange, CA
11:30AM – 12:30PM

Court Procedure & Practice Roundtable Discussion

Chair: Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Aughtry, Houston, TX

Most Litigated Issues in Tax Court Cases. The US Tax Court has seen unprecedented growth in the volume and complexity of the cases its Judges must decide. Certain issues emerge with such regularity that the National Taxpayer Advocate cites them as "Most Litigated Issues" in her annual report to Congress. This panel will discuss frequently litigated issues in Tax Court cases, recent developments, and strategies to effectively resolve these issues. Among the topics that will be covered are: (1) the applicability of, and defenses to, accuracy-related penalties, failure to file penalties, and failure to pay penalties; (2) the deductibility of trade or business expenses, including the substantiation of such expenses and navigating section 469's passive activity loss rules; (3) the deductibility of charitable contribution deductions; (4) the calculation of gross income, including the taxation of COD income and damage awards; (5) appeals from collection due process hearings under section 6330, including the role of the Chenery doctrine and the record rule; and (6) requests for relief from joint and several liability.

Moderator: Lawrence A. Sannicandro, Agostino & Associates PC, Hackensack, NJ

Panelists: The Honorable Peter J. Panuthos, United States Tax Court, Washington, DC; Bruce Meneely, Deputy Division Counsel (Small Business/Self-Employed Division), IRS Office of Chief Counsel, Washington, DC; Nina Olson, National Taxpayer Advocate, Washington, DC; Jaime Vasquez, Chamberlain Hrdlicka White Williams & Aughtry, San Antonio, TX

COMMITTEE LUNCHEONS

12:00PM – 1:30PM

Corporate Tax and Affiliated & Related Corporations (Ticketed Event)

12:00PM – 12:30PM

Diversity (Ticketed Event)

12:00PM – 12:30PM

Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee Luncheon (Ticketed Event)

12:00PM – 1:00PM

Real Estate and Partnerships & LLCs Luncheon (Ticketed Event)

Speaker: Mark Prater, Chief Tax Counsel and Deputy Staff Director, Senate Finance Committee, Washington, DC

12:00PM – 12:30PM

State & Local Taxes (Ticketed Event)

12:30PM – 1:30PM

Administrative Practice and Court Procedure & Practice (Ticketed Event)

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

Speaker: The Honorable Peter J. Panuthos, United States Tax Court, Washington, DC

Sponsored by: PwC
PROGRAM SCHEDULE
FRIDAY, MAY 6

COMMITTEE LUNCHEONS (Continued)

12:30PM – 1:30PM
Exempt Organizations (Ticketed Event)
Speaker: Jeffery L. Yablon, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC
Location: Constitution B, Level 3B

12:30PM – 2:30PM
FAUST, FLF, Transfer Pricing & USAFTT (Ticketed Event)
Panelists: Danielle Rolfes, International Tax Counsel, Department of Treasury, Washington, DC; Kevin Nichols, Senior Counsel, Office of International Tax Counsel, Washington, DC; Marjorie Rollinson, Associate Chief Counsel (International), IRS, Washington, DC; John Merrick, Senior Level Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC; John Hinding, Director, Cross Border Activities (Large Businesses & International) IRS, Washington, DC; Michael Hirschfeld, Dechert LLP, New York, NY; Rachel D. Kleinberg, Davis Polk & Wardwell, Menlo Park, CA
Location: Independence A, Level 5B

1:45PM – 2:45PM
Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing (Ticketed Event)
Location: The Hamilton, 600 14th St NW

12:00PM – 12:45PM
Employee Benefits Corporate Counsel Forum
Presented by the Employee Benefits Corporate Counsel Forum
Chairs: Jacquelyn M. Abbott, ExxonMobil, Houston, TX; Jennifer M. Wolff, Chevron Corporation, San Ramon, CA
Immediate Past Chair: Vicki Dawn Blanton, American Airlines, Ft. Worth, TX
Join the corporate counsel forum as panelists discuss financial wellness plans. Do you know the benefits of a financial wellness plan? In addition to discussing those benefits, we will discuss the legal and tax implications. Employers who are concerned about employees “retiring in place” need to listen to the benefits of financial wellness plans.
Panelists: Kenje Mallot, Aon Hewitt, Lincolnshire, IL; R. Lynn Pettus, EY, Charlotte, NC; Dan Salemi, Franczek Radelet PC, Chicago, IL
Location: Arlington/Cabin John, Level 3B

12:00PM – 1:00PM
Employee Benefits ESOP Update
Presented by the Subcommittee on ESOPs
Chair: David A. Whaley, Dinsmore & Shohl, Cincinnati, OH
Vice-Chair: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY
Assistant Vice-Chair: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC
Immediate Past Chair: Erin Turley, McDermott Will & Emery, Dallas, TX
This meeting will include a review of recent case law impacting the ESOPs and employer securities in retirement plans, including a discussion of the recent decisions of In re: EP ERISA Litigation and Coburn v. Evercore Trust Company, N.A. Furthermore, the meeting will include a review
Location: Banneker, Level 1B
of topics that have been addressed within the ESOP Community, including an overview of the ongoing discussion of ESOP Redemption Transactions and whether such transactions should be viewed as sequential or simultaneous for valuation and party-in-interest analysis purposes. Finally, the meeting will include a discussion with invited government guests on these matters and other matters to which the government agencies are addressing which impact ESOPs and employer securities in retirement plans.

**Panelists:** David A. Whaley, Dinsmore & Shohl, Cincinnati, OH; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Erin Sweeney, Miller & Chevalier Chartered, Washington, DC; Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Robert Gertner, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Dominic DeMatties, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Michael Schloss, Counsel for Financial Litigation, Office of the Solicitor, Division of Plan Benefits Security, Department of Labor, Washington, DC (Invited)

**12:00PM – 1:15PM**

**Declaration, Level 1B**

Employee Benefits Mergers & Acquisitions Update

Presented by the Subcommittee on Mergers & Acquisitions

**Chairs:** Laura R. Westfall, King & Spalding, New York, NY; Gail W. Stewart, Baker Botts LLP, Houston, TX

**Vice-Chair:** Carrie A. Simons, Ropes & Gray, Boston, MA

**Assistant Vice-Chair:** Elinor Hindsley, Williams Mullen, Richmond, VA

**Immediate Past Chair:** Jennifer M. Wolff, Chevron Corporation, San Ramon, CA

Employee Stock Options Between Signing and Closing. This Subcommittee meeting will focus on the economics of employee stock options in the period between signing and closing of a corporate acquisition, particularly in the context of public company acquisitions. Topics to be discussed include different economic approaches to the treatment of employee stock options, the effect of various types of acquisitions on the economics of option treatment; potential issues under section 409A of the Code arising from the possible approaches; and related considerations for stock option documentation. A particular emphasis will be placed on the influence of business considerations on the economic treatment of stock options in such acquisitions.

**Panelists:** Laura R. Westfall, King & Spalding, New York, NY; Gail W. Stewart, Baker Botts LLP, Houston, TX; Carrie A. Simons, Ropes & Gray, Boston, MA; Elinor Hindsley, Williams Mullen, Richmond, VA; Arthur Kohn, Cleary Gottlieb Steen & Hamilton LLP, New York, NY

**Penn Quarter, Level 1B**

**12:00PM – 1:15PM**

Employee Benefits Multinational Employee Benefits & Compensation Issues Update

Presented by the Subcommittee on Multinational Employee Benefits & Compensation Issues

**Chair:** Mark C. Jones, Pillsbury Winthrop Shaw Pittman LLP, Los Angeles, CA

**Vice-Chairs:** Rob Fowler, Baker Botts LLP, Houston, TX; Veena K. Murthy, Mercer LLC, Washington, DC; David W. Powell, Groom Law Group Chartered, Washington, DC

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

**Immediate Past Chair:** Sandra Cohen, Cohen & Buckmann PC, New York, NY

The Subcommittee will discuss the following issues: (1) Strategies on whether and how to include non-US employees in a US qualified retirement plan, and (2) open questions under FATCA and FIRPTA, and (3) a survey of recent developments in the EU, including proposed changes to the Prospectus Directive and final regulations under the Capital Requirements Directive.

**Panelists:** Rhonda G. Migdail, Mercer LLC, Washington, DC; Veena K. Murthy, Mercer LLC, Washington, DC; David W. Powell, Groom Law Group Chartered, Washington, DC
12:30PM – 1:30PM  
Diversity  
Chair: Cathy Fung, Office of Chief Counsel (Large Business & International), IRS, Washington, DC

12:30pm  
Try to See It My Way: Technical, Policy and Advocacy Perspectives on the Home Mortgage Interest Deduction for Same Sex Couples.  
Is the limitation on the home mortgage interest deduction determined per-individual or per-residence? Right now that depends on who you are and where you are. Last year, in Voss v. Commissioner, a divided Ninth Circuit panel reversed the Tax Court on the interpretation of section 163(h) of the Internal Revenue Code. The two courts both adopted a plain language reading of the statute (reaching different conclusions) while the appellate dissent suggested the IRS position was entitled to deference. The panelists will discuss how the tax returns of two unmarried same-sex partners created a rift in authority between the Ninth Circuit and the rest of the nation over one of the most frequently claimed deductions in the Internal Revenue Code.  
Moderator: Anson Asbury, Asbury Law Firm, Atlanta, GA  
Panelists: Shannon Price Minter, National Center for Lesbian Rights, San Francisco, CA; Professor Anthony Infanti, University of Pittsburgh, Pittsburgh, PA; Elizabeth R. Binder, Attorney, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC; R. Matthew Kelley, Special Counsel, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC

12:30PM – 1:30PM  
Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee  
Estate & Gift Taxes Chair: Laura S. Hundley, Holland & Hart LLP, Boulder, CO  
Fiduciary Income Tax Chair: David A. Berek, Horwood Marcus & Berk Chartered, Chicago, IL

12:30pm  
How to Prepare and Submit a PLR.  
This panel will discuss the process of obtaining a private letter ruling, from drafting the ruling request to final issuance of the ruling.  
Panelists: Ronald D. Aucutt, McGuireWoods LLP, Tysons, VA; Megan M. Curran, Jones Walker LLP, New Orleans, LA

12:30PM – 1:30PM  
State & Local Taxes  
Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA

12:30pm  
This presentation will address California Franchise Tax Board v. Hyatt, which was recently decided by the U.S. Supreme Court. The case involves a private individual’s multi-million dollar tort suit in Nevada state court against the California taxing authorities. The case presented the question whether a state or its agencies can ever be sued in another state’s courts and, if so, what protections the host state must afford the foreign state entity. The Supreme Court’s decision will affect state tax administration and enforcement and, more broadly, shape the boundaries of state sovereign immunity for years to come.  
Moderator: John A. Biek, Neal Gerber & Eisenberg LLP, Chicago, IL  
Panelist: Paul D. Clement, Bancroft PLLC, Washington, DC
12:45PM – 1:45PM
Tax Compliance (Business Meeting)

12:45pm Roundtable Discussion. This off-the-record roundtable discussion will continue our look at the new partnership audit and litigation rules, focusing on the practical effects of the new rules for both tax planners and tax controversy practitioners. We will be joined by representatives from Department of Treasury and the IRS, and expect the discussion to consider the following topics: the effect of the rules on partnership agreements that are being executed today; hypothetical situations that need to be considered as implementing regulations and procedures are established; and whether a technical correction is required to address certain issues. A detailed outline will be emailed to members of the Committee prior to the roundtable.

1:15PM – 2:00PM
Employee Benefits
Chair: Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX

1:15pm Department of Labor Fireside Chat. Informal discussion with Department of Labor’s Employee Benefits Security Administration (EBSA) representatives on topics of interest to attendees.

1:30PM – 5:30PM
Employment Taxes
Chair: Dan E. Boeskin, PwC, Washington, DC

1:30pm Federal Employment Tax Update. This panel will provide a federal employment tax update. The panel will discuss new administrative, regulatory, and legislative developments as well as case law relevant to employment tax reporting and withholding.
Moderator: Dan Boeskin, PwC, Washington, DC
Panelist: Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel, Washington, DC (Invited)

2:30pm R&D Credit and FICA Taxes. The Protecting Americans from Tax Hikes Act of 2015 added a new provision allowing certain small businesses to claim the research and development (R&D) credit to reduce the employer’s share of FICA taxes. This panel will discuss the basic provisions of the R&D credit, which small businesses qualify to use the R&D credit to reduce FICA taxes and the guidance the IRS plans to issue concerning the application of this new provision.
Moderator: Joe Perera, Strasburger & Price, San Antonio, TX
Panelists: Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel, Washington, DC (Invited); Brett Ritter, PwC, Washington, DC; Ira Mirsky, BDO, Washington, DC

3:30pm The Early Interaction Initiative: Accelerating IRS Collection Intervention for Unpaid Employment Tax Liabilities. This panel examines the Early Interaction Initiative. The goal of the initiative is to help employers understand and meet their payroll tax responsibilities, prevent missed payments from becoming delinquencies.
and delinquencies pyramiding out of control. The Early Interaction Initiative will accelerate and enhance the IRS FTD Alert process. Collection’s work plans have been adjusted to allow field officials to work more FTD Alerts more quickly.

**Moderator:** Mary Gorman, EY, Baltimore, MD  
**Panelists:** Anthony G. Arcidiacono, EY, Springfield, NJ; Kristen Bailey, Director, IRS Collection Policy, Washington, DC (Invited); Darren John Guillot, Director, IRS Field Collection Operations, Washington, DC (Invited)

### 4:30pm Worker Classification and Section 530

Section 530 was supposed to be temporary fix for the intractable problems surrounding worker classification. It is now 38 years old. Understand how section 530, the common law test, reduced tax rates under section 3509 and efforts by IRS, such as the Voluntary Classification Settlement Program, are intertwined and make worker classification a persistent issue for companies and the IRS.

**Moderator:** Ligeia Donis, PwC, Washington, DC  
**Panelists:** Rebecca Wilson, Chief, Employment Tax Branch 1, IRS Office of Associate Chief Counsel (TEGE), Washington, DC; Cindy McGreevy, IRS Office of Associate Chief Counsel (TEGE), Washington, DC; Russell A. Hollrah, Hollrah LLC, Washington, DC; Veena K. Murthy, Mercer LLC, Washington, DC

### PROGRAM SCHEDULE
**FRIDAY, MAY 6**

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<tr>
<th>Time</th>
<th>Program</th>
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<tr>
<td>1:30PM – 2:30PM</td>
<td>Worker Classification and Section 530. Section 530 was supposed to be temporary fix for the intractable problems surrounding worker classification. It is now 38 years old. Understand how section 530, the common law test, reduced tax rates under section 3509 and efforts by IRS, such as the Voluntary Classification Settlement Program, are intertwined and make worker classification a persistent issue for companies and the IRS. <strong>Moderator:</strong> Ligeia Donis, PwC, Washington, DC <strong>Panelists:</strong> Rebecca Wilson, Chief, Employment Tax Branch 1, IRS Office of Associate Chief Counsel (TEGE), Washington, DC; Cindy McGreevy, IRS Office of Associate Chief Counsel (TEGE), Washington, DC; Russell A. Hollrah, Hollrah LLC, Washington, DC; Veena K. Murthy, Mercer LLC, Washington, DC</td>
</tr>
</tbody>
</table>
| 2:00PM – 6:00PM | Employee Benefits  
**Chair:** Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX  
**2:00pm** Department of Labor Employee Benefits Security Administration & Pension Benefit Guaranty Corporation Updates. This panel will discuss current EBSA and PBGC regulatory, enforcement and litigation activities. **Moderators:** Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX; Harold J. Ashner, Keightley & Ashner LLP, Washington, DC **Panelists:** Phyllis C. Borzi, Assistant Secretary of Labor, Employee Benefits Security Administration, Department of Labor, Washington, DC (Invited); Tom Reeder, Director, Pension Benefit Guaranty Corporation, Washington, DC (Invited)  
**3:00pm** The Fiduciary Regulations. This panel will discuss the recently released fiduciary regulations and their impact on employer plans. **Moderator:** Bret Hamlin, Hill Ward Henderson, Tampa, FL **Panelists:** David Cohen, Evercore Trust Company NA, Washington, DC; David Levine, Groom Law Group Chartered, Washington, DC; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; Attila Toth, Portfolio Evaluations Inc., Warren, NJ; Phyllis C. Borzi, Assistant Secretary, EBSA, Department of Labor, Washington, DC; Timothy D. Hauser, Deputy Assistant Secretary for Program Operations, EBSA, Department of Labor, Washington, DC; Joe Canary, Director, Office of Regulations and Interpretations, EBSA, Department of Labor, Washington, DC |

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**Notes:**  
- **= Taped  **= Young Lawyers Program  **= Ethics Credits Requested  **= No CLE Credit
4:00pm  **Department of Treasury/IRS Hot Topics.** Representatives from the Department of Treasury and IRS will review recent guidance from, and current developments at, their agencies that impact employee benefits.

**Moderator:** Robert A. Miller, Calfee Halter & Griswold LLP, Cleveland, OH

**Panelists:** J. Mark Iwry, Senior Advisor to the Secretary and Deputy Assistant Secretary for Retirement and Health Policy, Department of Treasury, Washington, DC (Invited); Robert Neis, Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Sunita B. Lough, Commissioner, Tax Exempt & Government Entities Division, IRS, Washington, DC (Invited); Seth Tievsky, Senior Technical Advisor, TE/G, IRS, Washington, DC (Invited); Victoria Judson, Associate Chief Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited)

5:00pm  **Treasury/IRS Fireside Chat.** Informal “town hall” discussion with Department of Treasury and IRS representatives on topics of interest to attendees.

6:00pm  **Corporate Counsel Corner.** Informal meeting for in-house counsel attendees.

6:00pm  **Networking Reception.**

Sponsored by: Practical Law

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2:00PM – 5:00PM

**State & Local Taxes**

Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA

2:00pm  **Tax Audits of Attorney Files – What Keeping Client Confidences Could Cost You: Ethical and Practical Issues.** This presentation will address recent attempts by various states to obtain potentially privileged client information from attorneys for purposes of sourcing attorney income for income and gross receipts tax purposes. The panelists will discuss the proper balance between government audit authority and legal privilege. The panelists will also discuss recent attempts by states to impose sales tax on legal services. Such sales taxes raise the same privilege issues, along with several other important policy issues which will be addressed.

**Moderator:** Matt Boch, Dover Dixon Horne PLLC, Little Rock, AR

**Panelists:** Glenn Newman, Greenberg Traurig LLP, New York, NY; Kelvin M. Lawrence, Baker & Hostetler LLP, Columbus, OH; Frank Crociata, Tax Policy Director, New Mexico Department of Taxation & Revenue, Santa Fe, NM

3:00pm  **New IRS Partnership Audit Rules: Federal and State Tax Complexities.** Congress has enacted landmark reforms in the way Subchapter K entities and their partners are audited and assessed, in effect imposing an entity-level income tax on the entity with certain elections either to elect-out of the new regime or to push the assessment out to those who were partners during the audit period. And the new “partnership representative” will replace the Tax Matters Partner and have broad powers with respect to handling the audit, appealing the assessment, etc. This panel will review the upcoming federal changes that completely replace the current TEFRA rules for partnership audits and adjustments and discuss the increased level of audits expected, anticipated state law changes, needed amendments to every partnership
agreement and LLC operating agreement now or hereafter in effect, and complexities for states, in particular with respect to state tax issues, such as apportionment, state modifications, and state credits.

**Moderator:** Nicole Ford, McDermott Will & Emery LLP, Dallas, TX

**Panelists:** Bruce P. Ely, Bradley Arant Boult Cummings LLP, Birmingham, AL; Steven N. J. Wlodychak, EY, Washington, DC; Bruce J. Fort, Multistate Tax Commission, Washington, DC

**4:00pm** **Behind the Scenes at the Supreme Court in SALT – A Peek Behind the Curtain.**

This past year saw significant activity at the Supreme Court concerning state and local tax matters, certainly significant decisions and an increase in activity as well. This presentation will address the working protocol of the US Supreme Court with respect to considering, reviewing and addressing petitions for certiorari submitted in state and local tax matters. The panelists will address the do’s and don’ts, the rules as well as the protocol, all with an eye toward providing helpful information to the attendees and pitfalls to avoid. This cross disciplinary panel will be a can’t miss.

**Moderator:** Charles J. Moll III, Winston & Strawn LLP, San Francisco, CA

**Panelists:** Eric F. Citron, Goldstein & Russell PC, Bethesda, MD; Daniel Schwartz, Chief Counsel & Director of Supreme Court Operations, National Association of Attorneys General, Washington, DC

**2:30PM – 5:30PM**

**Independence BCDE, Level 5B**

**Court Procedure & Practice**

**Chair:** Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Aughtry, Houston, TX

2:30pm **Current Developments.** This panel will include a report from the Tax Court, significant IRS guidance and litigation, an update on Tax Division priorities, a report from Treasury, and significant pending litigation.

**Moderator:** Elizabeth Blickley, Johnson Moore, Chicago, IL

**Panelists:** The Honorable Michael Thornton, Chief Judge, US Tax Court, Washington, DC; Richard Goldman, Deputy Associate Chief Counsel, Procedure & Administration, IRS, Washington, DC; Diana Erbsen, Deputy Assistant Attorney General for Appellate and Review, Department of Justice, Tax Division, Washington, DC; Rochelle Hodes, Associate Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Shelley Leonard, Attorney-Advisor, Office of Tax Policy, U.S. Department of Treasury, Washington, DC

3:00pm **Protective Orders: Necessary Evil or Unnecessary Burden in Tax Court?** Protective orders in transfer pricing disputes and other large cases in the Tax Court continue to receive significant attention from tax practitioners and the tax press as well as petitioners embroiled in such disputes. This panel will discuss the pros and cons of protective orders, why the IRS generally opposes them, why petitioners think they are at times necessary, and third-party considerations.

**Moderator:** Jenny A. Austin, Baker & McKenzie LLP, Chicago, IL

**Panelists:** The Honorable Albert G. Lauber, US Tax Court, Washington, DC; Thomas J. Kane, Division Counsel, IRS Office of Chief Counsel (Large Business & International), Washington, DC; Peter Reilly, Special Counsel, IRS Office of Chief Counsel (Procedure & Administration), Washington, DC; Erica L. Brady, The Ferraro Law Firm, Washington, DC; Kent P. Stackhouse, Baker & McKenzie LLP, Washington, DC
3:45pm  Tax Court History and Tribute.
Speaker: The Honorable Howard A. Dawson, US Tax Court, Washington, DC

3:55pm  IT'S ALIVE! – Exploring Exceptions to the Statutes of Limitations to "Revive" Otherwise Time-Barred Claims. This panel will examine the equitable/judicial and statutory mechanisms by which parties may raise claims that are otherwise time-barred by the statutes of limitations set forth in section 6501 and section 6511. Specific topics will include equitable recoupment, general estoppel, the duty of consistency, the tax benefit rule, the mitigation provisions, and various exceptions provided by the statutes of limitations on assessment and refund claims.
Moderator: J. Christopher Coffman, Frost Brown Todd LLC, Louisville, KY
Panelists: Grover Hartt, Department of Justice, Tax Division, Dallas, TX; Elie Mishory, IRS Office of Chief Counsel, Washington, DC; Sean M. Akins, Covington & Burling LLP, Washington, DC; Mitchell Horowitz, Buchanan Ingersoll & Rooney PC, Tampa, FL

4:40pm  Litigating Partnership Tax Cases Under the New Partnership Tax Rules of the Bipartisan Budget Act of 2015. TEFRA is on its way out and new partnership examination, collection, and litigation rules have been enacted under the Bipartisan Budget Act of 2015. But how does a partnership litigate a tax dispute under the new provisions? What are the rights of the partners to participate or bring their own action? What is the role of the "partnership representative"? Can penalties be disputed by a partner level defense? After a case is completed, how are partnership level adjustments made and who pays? What are the current gaps or ambiguities in the new statute that require legislative technical corrections or regulatory guidance? This panel will address these issues and others.
Moderator: Charles Ruchelman, Caplin & Drysdale Chartered, Washington, DC
Panelists: The Honorable L. Paige Marvel, US Tax Court, Washington, DC; Rochelle Hodes, Associate Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Gregory T. Armstrong, Senior Technical Reviewer, IRS Office of Associate Chief Counsel (Procedure & Administration), Branch 7, Washington, DC; Mark D. Allison, Caplin & Drysdale Chartered, New York, NY

2:30PM – 3:30PM  Potomac, Level 3B
Law Student Tax Challenge Planning Meeting
Please attend this planning meeting if you would like to volunteer to help with the Law Student Tax Challenge. The Law Student Tax Challenge is an outstanding event and a great opportunity to get involved with the Young Lawyers Forum. This meeting will kick off our planning for the next Law Student Tax Challenge to be held at the 2017 Midyear Meeting, January 19-21, in Orlando, FL. We always look for enthusiastic volunteers to assist with marketing, problem drafting, judging, day-of-competition support and more. No previous experience necessary!

3:00PM – 5:30PM  Bulfinch/Renwick, Level 3B
Closely Held Businesses
Chair: Shelby L. Wilson, Berchem Moses & Devlin PC, Westport, CT

3:00pm  Best Practices for the Planning, Valuation and Sale of Personal Goodwill. This program will cover the best practices for planning for the sale of an owner’s personal goodwill in both estate and corporate transactions. Join us as our panel of experts reviews the consideration surrounding the sale of personal goodwill, which continues to be a hot-button issue for the IRS. The discussion will cover Personal Goodwill v.
Enterprise Goodwill, insurance and captive insurance issues, self-created goodwill and personal goodwill in bankruptcies. The panelists will also review valuation issues and the conduct of the IRS examination.

**Panelists:** Jeffrey Dirmann, Agostino & Associates, Hackensack, NJ; William P. Prescott, Wickens Herzer Panza Cook & Batista, Avon, OH; Mark G. Sklarz, Green & Sklarz LLC, New Haven, CT

**4:30pm**  
**Dealing with the IRS Collection Division: An Update on IRS Collection Procedures.**  
With the IRS under pressure to do more with less, and an ever growing inventory of taxpayers in collection, our panel will discuss what changes have occurred in the IRS collection arena and what practitioners and their closely held businesses can expect to see from the IRS in the next year.

**Panelists:** Eric L. Green, Green & Sklarz LLC, New Haven, CT; Darren Guillot, Director, IRS Field Collection Operations, IRS, Washington, DC; Gregory Wilson, Attorney at Law, San Francisco, CA

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**3:00PM – 5:00PM**  
**Diversity**  
**Chair:** Cathy Fung, Office of Division Counsel (Large Business & International), IRS, Washington, DC

**3:00pm**  
**Litigating Affordable Care Act Cases.** The panelists will discuss issues related to the Affordable Care Act (ACA) raised in pending Tax Court cases, including deficiency cases involving the premium tax credit. The panel will address issues affecting immigrants who seek to enroll in a health plan and provide strategies to avoid disqualification from enrollment or access to the premium tax credit.

**Panelists:** Matthew Lopas, National Immigration Law Center, Washington DC; Linda Mosakowski, Assistant Division Counsel, Pre-filing, Office of Chief Counsel (Small Business/Self-Employed), IRS, Washington DC; Christine Speidel, Vermont Legal Aid Inc., Springfield, VT; Stephen J. Toomey, Senior Counsel, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington DC

**4:00pm**  
**The PATH Act: Changes Affecting Immigrant Families and The Challenges Ahead.**  
This panel will cover provisions of the Protecting Americans from Tax Hikes (PATH) Act of 2015 that significantly affect immigrant families and individuals, including the inability to claim retroactive refundable credits like the Earned Income Tax Credit, Child Tax Credit, and the American Opportunity Credit. The panelists will discuss the provisions requiring the expiration of Individual Taxpayer Identification Numbers, the challenges of implementation, and the advocacy to be done moving forward.

**Moderator:** Lany L. Villalobos, Philadelphia Legal Assistance, Philadelphia, PA  
**Panelists:** Ellen Battistelli, National Immigration Law Center, Washington, DC; Julie Hanlon-Bolton, Special Counsel, Office of Chief Counsel (Wage & Investment), IRS, Washington, DC; Patrick W. Thomas, University of Notre Dame Law School Tax Clinic, Notre Dame, IN

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**3:00PM – 6:00PM**  
**Financial Transactions**  
**Chair:** Eileen Marshall, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

**3:00pm**  
**The Uncertain Scope of the Foreign Currency Contract Rules.** Are foreign currency contracts in, out of, or partly in section 1256? How do the answers differ depending on the type of contract? This panel will consider the various ways in which Congress,
the IRS and the courts have answered those questions, and the state of the law taking into account Notice 2007-71, the Wright case and case law under the Administrative Procedures Act.

**Panelists:** Viva Hammer, Legislation Counsel, Joint Committee on Taxation, Washington, DC; Erika W. Nijenhuis, Cleary Gottlieb Steen & Hamilton LLP, New York, NY; Jeffrey Dorfman, PwC, Washington, DC; Jeffrey D. Hochberg, Sullivan & Cromwell LLP, New York, NY

**4:00pm**  
The taxation of financial products is often described as a ‘cubbyhole’ system, where determinations about character, timing and source are made based on how well or poorly an innovative financial instrument fits into the cubbyholes of other financial instruments with more or less settled tax treatment. Very often, more than one analogy exists, and none of the cubbyholes is a perfect fit. This panel will explore the reach of the cubbyhole approach, as well as its limitations, by considering its application to innovative financial products and other types of business transactions.

**Moderator:** Michael Farber, Davis Polk & Wardwell LLP, New York, NY  
**Panelists:** Jeffrey W. Maddrey, PwC, Washington, DC and New York, NY; William L. McRae, Cleary Gottlieb Steen & Hamilton LLP, New York, NY

**5:00pm**  
*The Proposed Regulations Under Section 385: What You Need to Know Even if You Couldn’t Care Less About Inversions.*  
This panel will explore the radically new world of debt-equity law brought about by the regulations proposed under section 385, including their intended and perhaps unintended reach and consequences, and what steps should be taken now to cope with them.

**Moderator:** Michael B. Shulman, Shearman & Sterling LLP, Washington, DC  
**Panelists:** Kevin Nichols, Senior Counsel, Office of International Tax Counsel, Washington, DC (Invited); Karl Walli, Senior Counsel (Financial Products), Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); James M. Peaslee, Cleary Gottlieb Steen & Hamilton LLP, New York, NY; Lucy W. Farr, Davis Polk & Wardwell LLP, New York, NY

**3:00PM – 5:00PM**  
Independence A, Level 5B

**Foreign Activities of US Taxpayers**

**Chair:** Paul J. Crispino, Deloitte Tax LLP, Stamford, CT

**3:00pm**  
*“Country-by-Country” Reporting Under Section 6038.*  
In late December 2015, the government issued proposed regulations under multiple Code sections, including section 6038, to implement country-by-country (“CbyC”) reporting related to the OECD’s Base Erosion Profit Shifting (“BEPS”) Action 13. The CbyC report is intended to assist tax auditors in identifying potentially aggressive tax planning, and requires multiple entities within a single jurisdiction to report tax and financial data on an aggregate basis. The new method of reporting, and its visibility to foreign governments through treaty exchange and TIEA provisions, is a source of significant concerns for US-based multinational groups. The US proposed regulations are expected to be finalized during 2016, so that US-parented groups would generally begin CbyC reporting for periods beginning January 1, 2017. This panel will discuss the technical and practical nuances of the new CbyC reporting rules, including their
interaction with similar foreign CbyC reporting requirements that could apply to a
US multinational group beginning in 2016, and demonstrate how the CbyC reports
could highlight tax sensitive structures for foreign tax auditors.

**Moderator:** Kim Majure, KPMG LLP, Washington, DC  
**Panelists:** Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC; Mark D. Harris, Coca-Cola Company, Atlanta, GA (Invited); Melinda E. Harvey, Attorney, Branch 2, IRS Office of Associate Chief Counsel (International), Washington, DC; Brian Jenn, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; Elena Virgadamo, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC

4:00pm  **Section 7874 Temporary Regulations on Corporate Inversions.** In early April, Treasury and the Service issued temporary regulations to incorporate the principles of Notices 2014-52 and 2015-79, and to address serial acquisitions of US businesses. This panel will discuss the new regulations.

**Moderator:** Chris Trump, Deloitte Tax, Washington, DC  
**Panelists:** Brenda Zent, Taxation Specialist, Office of International Tax Counsel, Department of Treasury, Washington, DC; John Merrick, Senior Level Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC; Edward T. Kennedy, Jones Day, New York, NY; Carl A. Dubert, PwC, Washington, DC

### PROGRAM SCHEDULE  
**FRIDAY, MAY 6**

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<th>Time</th>
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<td>3:00PM – 5:45PM</td>
<td><strong>Insurance Companies</strong></td>
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<td>Chair: Bryan W. Keene, Davis &amp; Harman LLP, Washington, DC</td>
<td>Lafayette Park, Level 5B</td>
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<td>3:00pm</td>
<td><strong>What Is Insurance?</strong> The panel will discuss questions relating to what constitutes “insurance” for federal income tax purposes, including concepts of risk shifting and risk distribution, investment risk vs. insurance risk, and the implications of several recent judicial decisions involving property and casualty insurance.</td>
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<td><strong>Moderator:</strong> Kriss Rizzolo, Sutherland Asbill &amp; Brennan LLP, Washington, DC</td>
<td><strong>Panelists:</strong> Mark S. Smith, PwC, Washington, DC; John Glover, Office of Associate Chief Counsel, IRS, Washington, DC (Invited); Michael Angelina, St. Joseph’s University, Philadelphia, PA</td>
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<td>3:55pm</td>
<td><strong>Legislative Update.</strong> The panel will discuss legislative developments as they relate to the federal income taxation of insurance companies and products, including the prospects for fundamental tax reform following the 2016 presidential election.</td>
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<td><strong>Moderator:</strong> Graham Green, Sutherland Asbill &amp; Brennan LLP, Washington, DC</td>
<td><strong>Panelists:</strong> Victoria Glover, Legislative Assistant, Office of Senator Dean Heller, Washington, DC; Jonathan Goldman, Senior Tax Counsel, House Budget Committee Democratic Staff, Washington, DC; Morris Goff, American Counsel of Life Insurers, Washington, DC</td>
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<td>4:50pm</td>
<td><strong>Insurance Company Reserves.</strong> The panel will provide an update on recent developments involving insurance company reserves, including principles-based reserves, mortality table updates, and the associated federal income tax implications.</td>
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<td><strong>Moderator:</strong> Sheryl Flum, KPMG, Washington, DC</td>
<td><strong>Panelists:</strong> Ann Cammack, EY, Washington, DC; Alexis MacIvor, Office of Associate Chief Counsel, IRS, Washington, DC (Invited); Kristin Norberg, EY, Washington, DC</td>
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**Key:**  
= Taped  
★ = Young Lawyers Program  
文案 = Ethics Credits Requested  
= No CLE Credit
3:00PM – 5:45PM

Constitution A, Level 3B

Partnerships & LLCs

Chair: Thomas E. Yearout, J & J Management Services Inc., St. Louis, MO

3:00pm Disguised Sales of Partnership Interests – Where are We Now? In 2009, the IRS withdrew proposed regulations addressing disguised sales of partnership interests. In announcing the withdrawal, the IRS indicated that, until new guidance is issued, analysis of transfers between partners and partnerships under section 707(a)(2)(B) will be based on statutory language, legislative history and case law. Have things changed over the last seven years? This panel will discuss the current state of play in the absence of IRS guidance.

Moderator: Jeanne M. Sullivan, KPMG LLP, Washington, DC

Panelists: Charles R. Levun, Levun Goodman & Cohen LLP, Northbrook, IL; Samuel P. Grilli, Baker & McKenzie LLP, Chicago, IL; Benjamin H. Weaver, Attorney-Advisor, Office of Associate Chief Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel, Washington, DC

3:50pm Partnership-to-Partner (Non-?) Attribution: Is There a “Theory of Everything”? The income and loss of a partnership flows through and retains its character in the hands of the partners. Should a partnership’s activities, trade or business status, motives, intent or purpose similarly flow through? If so, is there attribution to all partners or some; and if to some, which ones? This panel will explore guidance and underlying theories that can help taxpayers identify situations where these categories of partnership undertakings may be attributed to partners in the partnership.

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

Panelists: Sheldon I. Banoff, Katten Muchin Rosenman LLP, Chicago, IL; Karen Lohnes, PwC, Washington DC; Glenn E. Dance, Special Counsel to the Associate Chief Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel, Washington, DC

4:40pm Recourse or Nonrecourse Matters in the Gasification of Debt. Based upon the Tax Court’s discussion in Great Plains Gasification and the regulations under section 752, the taxpayer in CCA 201525010 argued that a special purpose LLC’s debt subject to member guarantees was recourse, giving rise to COD income upon its cancellation. Relying on the more general rules under section 1001, the IRS took the view that the regulations under section 752 are limited to determining partners’ outside bases and are not determinative of whether forgiveness of debt gives rise to COD income or gain after a foreclosure sale. This panel will discuss the impact of the IRS’s approach in classifying distressed partnership debt.

Moderator: Andrea M. Whiteway, EY, Washington, DC

Panelists: Beverly M. Katz, KPMG LLP, Washington, DC; Amy J. Pfalzgraf, Senior Counsel, Office of Associate Chief Counsel (Income Tax & Accounting), IRS Office of Chief Counsel, Washington, DC

5:15pm Conversions Are Not Always Changes. Except in the case of an election by a newly formed eligible entity, an eligible entity that makes an entity classification election cannot change its classification for 60 months. In PLR 201516034, the IRS ruled that an existing corporation’s conversion into an LLC and election of association...
status was not a change of entity classification for purposes of the 60-month rule. This panel will discuss conclusions to be drawn from, and planning opportunities created by, the IRS’s ruling.

**Moderator:** Erich Hahn, Deloitte Tax LLP, Washington DC

**Panelists:** Kate Kraus, EY, Los Angeles, CA; Holly Porter, Chief, Branch 3, Office of Associate Chief Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel, Washington, DC

**3:00PM – 4:00PM**

**Sponsorships**

**3:00PM – 5:45PM**

**Tax Accounting**

**Chair:** Colleen M. O’Connor, KPMG LLP, Washington, DC

**3:00pm** **Current Developments.** This panel will review recent developments in the area of tax accounting since the Section of Taxation meeting held in Los Angeles, CA, in January. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the IRS and Department of Treasury.

**Moderator:** Jane Rohrs, Deloitte Tax, Washington, DC

**Panelists:** Monic Kechik, PwC, Washington, DC; Scott Dinwiddie, Associate Chief Counsel, Income Tax & Accounting, IRS, Washington, DC; John Moriarty, Deputy Associate Chief Counsel, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC; Christopher Call, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

**3:45pm** **Fines, Penalties and Costs to Settle Litigation.** This panel will address the federal income tax treatment of amounts paid in connection with litigation, including the treatment of amounts characterized as fines and penalties, as well as amounts paid by taxpayers to settle pending litigation.

**Moderator:** Ellen McElroy, Sutherland Asbill & Brennan LLP, Washington, DC

**Panelists:** Abraham (Hap) Shasy Jr., King & Spalding, Washington, DC; Mark D. Allison, Caplin & Drysdale, New York, NY; Christopher Kane, Branch Chief, Branch 1, Income Tax & Accounting, IRS Office of Associate Chief Counsel, Washington, DC; Ronald Goldstein, Branch 1, Income Tax & Accounting, IRS Office of Associate Chief Counsel, Washington, DC

**4:30pm** **When Is a Trade or Business Separate and Distinct?** This panel will discuss factors more commonly considered in determining when businesses are treated as separate and distinct for purposes of establishing separate methods of accounting. The panel will also address fact patterns where the “separate and distinct trade or business” requirement is more prevalent.

**Moderator:** Andrea Mouw, Eide Bailly, Minneapolis, MN

**Panelists:** Carol Conjura, KPMG LLP, Washington, DC; Les Schneider, Ivins Phillips & Barker, Washington, DC; Sue-Jean Kim, Assistant to the Branch Chief, Branch 6, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC
5:15pm **Recent Developments in Accounting Method Change Procedures.** This panel will discuss issues related to changes made in Rev. Proc. 2015-13 to the procedures for making changes in methods of accounting, particularly for those taxpayers who are under IRS exam.  
**Moderator:** Ellen Martin, Grant Thornton LLP, Washington, DC  
**Panelists:** Les Schneider, Ivins Phillips & Barker, Washington DC; Kari Peterson, RSM, Atlanta, GA; Karla Meola, Special Counsel, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC; Charles Magee, Branch 7, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC; Christopher Call, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

3:00PM – 5:45PM  
**Franklin Square, Level 5B**  
**Tax Collection, Bankruptcy & Workouts**

**Chair:** Wm. Robert Pope, Jr., White & Reasor PLC, Nashville, TN

3:00pm **IRS – Field Collection: Changes in How the IRS Goes About “Collection Enforcement” – Administrative and The Lawyers – “Future State” and Elimination of the “SAUSA” Program: A Brave New World?** The IRS generally and the Collection Function specifically and its lawyers have retooled. Less funding and the loss of senior revenue officers required significant changes in focus. Chief Counsel announced the end of the widely respected and effective SAUSA program. The IRS Director of Field Collection and a senior Chief Counsel attorney will review and discuss with veteran controversy lawyers the impact of those changes on collection enforcement on the administrative side and in the courts.  
**Moderator:** Wm. Robert Pope, Jr., White & Reasor PLC, Nashville, TN  
**Panelists:** Darren Guillot, Director, IRS Field Collection Operations, Washington, DC; Deborah C. Stanley, Assistant Division Counsel (General Litigation), Small Business/Self-Employed, IRS Office of Chief Counsel, Richmond, VA; Professor T. Keith Fogg, Harvard Law School, Cambridge, MA

4:30pm **The Tax Court’s Review of Notices of Determination: Judicial Oversight of the IRS Collection Due Hearing – The Bedrock Cases and the Practical Impact on Preparing for a Collection Due Process Hearing.** When requested by a taxpayer, the United States Tax Court will “review” an IRS notice of determination issued by the IRS at the conclusion of an administrative Collection Due Process Hearing. The Court opinions in reviewing these notices have addressed many novel issues. This panel of very experienced controversy lawyers will review the Court’s primary principals in reviewing those notices and the hidden traps in conducting the administrative hearing (The CDP Hearing). For example, can you record the CDP Hearing? How do get the recording / transcript into the record for the Tax Court’s review?  
**Moderator:** Christin Bucci, Bucci Law Offices PA, Fort Lauderdale, FL  
**Panelists:** Frank Agostino, Agostino and Associates PC, Hackensack, NJ; Dennis N. Brager, Brager Tax Law Group, Los Angeles, CA; Frances D. Sheehy, Law Offices of Frances D. Sheehy, Coconut Creek, FL

5:30pm **Recent Developments: Judicial Decisions.** The United States Tax Court's bankruptcy opinions of note.  
**Moderator:** Christin Bucci, Bucci Law Offices PA, Fort Lauderdale, FL
Panelists: Frank Agostino, Agostino and Associates PC, Hackensack, NJ; Dennis N. Brager, Brager Tax Law Group, Los Angeles, CA; Frances D. Sheehy, Law Offices of Frances D. Sheehy, Coconut Creek, FL

3:00PM – 5:45PM
Tax Exempt Financing 🎥
Chair: Stefano Taverna, McCall Parkhurst, Dallas, TX

3:00pm Legislative, Treasury and Internal Revenue Service Update. This panel will discuss new legislative initiatives that may affect tax exempt financing, and any new Treasury and IRS regulations and other guidance in the tax-exempt bond area, including the Proposed Regulations on Political Subdivisions.
Moderator: Charles Cardall, Orrick Herrington, San Francisco, CA
Panelists: John Cross III, Associate Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); James Polfer, Chief, Branch 5, Financial Institutions and Products, IRS Office of Chief Counsel, Washington, DC (Invited); Johanna Som de Cerff, Senior Technical Reviewer, Branch 5, Financial Institutions and Products, IRS Office of Chief Counsel, Washington, DC (Invited); Spence Hanemann, General Attorney (Tax), Branch 5, Financial Institutions and Products, IRS Office of Chief Counsel, Washington, DC (Invited); Rebecca Harrigal, Director, Tax Exempt and Government Entities, IRS, Washington, DC (Invited); John Hutchinson, Squire Patton, New York, NY; Michela Daliana, Hawkins Delafield, New York, NY

4:30pm Tax Issues in Seaport and Airport Financings: “It Is Not Always a Carnival When You Make a Deal with Royal Caribbean, Even If You Are Norwegian.” The world grows ever more connected. The Panama Canal is widening. Bigger ships need deeper ports and bigger cranes. Airlines have consolidated. Airports have been “de-hubbed.” Seaports and airports need to be multimodal, integrating air, rail, sea, and highway transit. Airports and seaports are vital economic development tools, now more than ever. This connectivity brings increasing complexity and increasing complexity imposes greater demands for financial tools that can keep up. All of which leads to new challenges from a federal tax perspective in airport and seaport finance. This panel will examine those federal tax challenges.
Moderator: Todd L. Cooper, Squire Patton, Cincinnati, OH
Panelist: Charlie Almond, Bracewell, Houston, TX

3:00PM – 6:00PM
Teaching Taxation 🎥
Chair: Professor Anthony Infanti, University of Pittsburgh, Pittsburgh, PA

3:00pm EU State Aid Investigations: Perspectives from both Sides of the Atlantic. Over the past few years the European Commission vigorously investigated whether certain advance tax rulings – granted by various EU member states – conferred forbidden state aid to multinational taxpayers. US legislators from both sides of the aisle, as well as US tax administrators, expressed concern that the Commission’s investigations disproportionately target US-based enterprises, and a bipartisan letter from the United States Senate asked the Department of Treasury to consider whether these investigations implicated section 891 of the Code, which can lead to the imposition of a double rate of tax on citizens and corporations of foreign countries engaging in discrimination against corporations of the United States. This panel will discuss the following questions: (1) Can the US intervene in legal proceedings in...
the EU? (2) Should the US intervene in, or otherwise respond to the EU state aid investigations? What are the considerations at play? and, (3) What legal instruments does the US have at its disposal, assuming a response is warranted?

**Moderator:** Professor Omri Marian, University of California, Irvine School of Law, Irvine, CA

**Panelists:** Professor Werner Haslehner, University of Luxembourg, Luxembourg; Pierpaolo Rossi-Maccanico, European Commission, Brussels, Belgium; Gert-Jan Koopman, Deputy Director-General State Aid, Directorate-General for Competition, European Commission, Brussels, Belgium; Robert Stack, Deputy Assistant Secretary, International Tax Affairs (Tax Policy), Department of Treasury, Washington, DC; Professor Itai Grinberg, Georgetown University Law Center, Washington, DC

**Co-Sponsored by:** Foreign Lawyers Forum

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**5:00pm How to Combine International and Comparative Taxation into “Domestic” US Law Schools’ Tax Courses?** Over the past few years comparative tax law has begun to develop as a sub-discipline in its own right. In addition, International taxation has become a central part of tax policy discourse. However, unlike many other areas of law – where international perspective has become part of the core academic curriculum – the teaching of tax law in US law schools remains largely inward focused. The purpose of this panel is to discuss what benefits (or perils) might a comparative or international perspective offer in law school tax teaching, and how such perspectives might be effectively introduced into traditional “domestic” tax classes. These questions will be discussed in the context of several sub-specialties in tax law.

**Moderator:** Professor Omri Marian, University of California, Irvine School of Law, Irvine, CA

**Panelists:** Professor Henry Ordower, Saint Louis University School of Law, St. Louis, MO; Professor Tracy Kaye, Seton Hall University School of Law, Newark, NJ; Professor William B. Barker, Pennsylvania State University, Dickinson School of Law, Carlisle, PA

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**4:00PM – 5:30PM Young Lawyers Forum**

**Chair:** Anne-Marie Rábago, California Western School of Law, San Diego, CA

**4:00pm Tips for Working with the Tax Press.** As young lawyers develop their practices, they become potential sources for the tax press. Hear from members of the media and experienced practitioners on how to ethically and practically manage a relationship with the tax press.

**Moderator:** Stephanie A. Fiumara-Hudson, Bloomberg BNA, Washington, DC

**Panelists:** Jennifer Breen, Morgan Lewis & Bockius LLP, Washington, DC; Laura Davison, Bloomberg BNA, Washington, DC; Jeff Neiman, Marcus Neiman & Rashbaum LLP, Ft. Lauderdale, FL; Shamik Trivedi, Grant Thornton LLP, Washington, DC

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**4:30PM – 5:00PM Companion Event Committee**

**4:30PM – 5:30PM Publications**
### PROGRAM SCHEDULE

**FRIDAY, MAY 6**

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<tr>
<th>Time</th>
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<tr>
<td>5:30PM – 6:30PM</td>
<td>Diversity and Young Lawyers Forum Networking Reception (Complimentary)</td>
<td>Grand Foyer, Level 1B</td>
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<tr>
<td>5:45PM – 6:30PM</td>
<td>Foreign Activities of US Taxpayers Business Meeting</td>
<td>McPherson Square, Level 5B</td>
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<td>5:45PM – 6:30PM</td>
<td>Foreign Lawyers Forum Business Meeting</td>
<td>Independence HI, Level 5B</td>
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<td>5:45PM – 6:30PM</td>
<td>Transfer Pricing Business Meeting</td>
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<td>5:45PM – 6:30PM</td>
<td>US Activities of Foreigners &amp; Tax Treaties Business Meeting</td>
<td>Wilson, Level 3B</td>
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<tr>
<td>6:30PM – 8:00PM</td>
<td>Section Reception (Ticketed Event)</td>
<td>National Portrait Gallery, Kogod Courtyard</td>
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<tr>
<td>8:00PM – 10:00PM</td>
<td>Joint International Committees Dinner  (Reservation Required)</td>
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**Notes:**
- ☑️ = Taped
- ⭐ = Young Lawyers Program
- 📚 = Ethics Credits Requested
- 📚 = No CLE Credit
7:00AM – 4:00PM
Grand Foyer, Level 1B
Hospitality Center (Complimentary)
Continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.

7:00AM – 8:30AM
Declaration, Level 1B
Tax Practice Management
Chair: Robb A. Longman, Longman & Van Grack LLC, Bethesda, MD
7:00am The Curse of the Billable Hour: Are You Ready for Alternative Fee Arrangements? This panel will discuss the pros and cons of traditional hourly fees, fixed fees, not to exceed fees, success fees, and other arrangements with an emphasis on ethical considerations.
Panelists: Gregory R. Wilson, San Francisco, CA; Robb A. Longman, Longman & Van Grack LLC, Bethesda, MD; Anna Katherine Moody, Venable LLP, Washington, DC

7:15AM – 8:30AM
Constitution B, Level 3B
Real Estate, Partnerships & LLCs, and S Corporations “Shop Talking” Breakfast (Ticketed Event)
Members of the Real Estate, Partnerships & LLCs, and S Corporations Committees will gather for the traditional “open mic” breakfast to share ideas and war stories and to seek input on technical issues.

7:30AM – 8:30AM
Independence A, Level 5B
Incoming Committee Chairs, Vice-Chairs, Officers & Council Breakfast (Executive Session)

7:30AM – 9:00AM
Franklin/McPherson, Level 5B
ACTC Fellows Breakfast (ACTC Members and Guests)

7:45AM – 9:15AM
Penn Quarter, Level 1B
Court Procedure & Practice Officers and Subcommittee Chairs Breakfast (Ticketed Event)

8:30AM – 11:45AM
Independence BCDE, Level 5B
Corporate Tax
Chair: Audrey Nacamuli Charling, General Electric Company, Norwalk, CT
8:30am The Future of IRS Spin-Off PLR Practice. In the last 20 years, the law and administrative practice regarding section 355 spinoffs have changed substantially. There have been changes in the Code and regulations, including for example section 355(e) and regulations thereunder regarding acquisitions in connection with spinoffs, section 355(g) regarding distributions involving disqualified investment corporations, and most recently section 355(h) regarding spinoffs involving real estate investment trusts. In addition, there have been changes in the IRS’s private letter ruling policy, including the policy of only issuing rulings on significant subissues, refusing to rule on certain issues (such as business purpose and device), refusing to rule about certain aspects of issues (such as whether there is a plan for purposes of section 355(e)), and refusing to rule about any issue relating to qualification under section 355 in certain situations (such as where the active trade or business is small compared to other assets). This panel will discuss how the IRS might provide more published guidance and private letter ruling guidance to taxpayers, including (1) possible revenue rulings on various issues (such as device), (2) consideration of...
alternative prerequisites to obtain a ruling on various issues (such as active trade or business), and (3) a potential update of Rev. Proc. 96-30, which was the last comprehensive statement of IRS section 355 ruling practice.

**Moderator:** Eric Solomon, EY, Washington, DC  
**Panelists:** Jasper Cummings, Alston & Bird, Raleigh, NC; Nicole Field, Davis Polk & Wardwell LLP, New York, NY; Gregory Kidder, Steptoe & Johnson LLP, Washington, DC; Robert H. Wellen, Associate Chief Counsel (Corporate), IRS, Washington, DC

**9:30am**  
**A Little of This, A Little of That: Cherry-Picking Gains and Losses in Transactions.**  
This panel will explore the opportunities and constraints on so-called “cherry-picking” – including selectively recognizing gains or losses on some, but not all, of the stock or assets being transferred in a corporate or partnership transaction and other issues involving the allocation of consideration in multi-asset acquisitions. Examples include transactions that generally qualify for nonrecognition under section 351 or 721 but also include a taxable sale component, allocations of consideration to specific classes of stock under sections 354, 356 and 358, and the recognition of gains or losses in internal restructurings undertaken in connection with an otherwise tax-free spin-off.  
**Moderator:** Michael Mollerus, Davis Polk & Wardwell LLP, New York, NY  
**Panelists:** Eileen Marshall, Wilson Sonsini Goodrich & Rosati PC, Washington, DC; Christopher Peters, Willkie Farr & Gallagher LLP, New York, NY; Andrea Ramezan-Jackson, Latham & Watkins LLP, Washington, DC; Brett York, Attorney Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC

**10:30am**  
**Where Have All the Factors Gone? The Proposed Section 385 Regulations.** The panel will explore the far-reaching impact of the proposed regulations addressing the characterization of related-party debt versus equity, including rules that would automatically recharacterize certain intercompany debt as stock (in whole or in part) if the debt is issued in certain transactions or the debt does not satisfy the documentation requirements. The panel will highlight the wide-ranging circumstances in which the proposed regulations may apply, including in M&A transactions, ordinary course corporate finance and tax operations, and taxpayer planning, and will discuss the implications from equity recharacterizations in these transactions.  
**Moderator:** Karen Gilbreath Sowell, EY, Washington, DC  
**Panelists:** Jeff Maddrey, PwC, Washington, DC; Peter Marrs, General Electric Company, Fairfield, CT; Kevin Nichols, Senior Counsel, Office of International Tax Counsel, Washington, DC; David Schnabel, Davis Polk & Wardwell LLP, New York, NY; Tom West, Tax Legislative Counsel, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Brett York, Attorney Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC

**8:30AM – 11:30AM**  
**Employee Benefits**  
**Chair:** Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX

**8:30am**  
**Necessary Plan Language in Light of Recent Guidance from the Supreme Court and Lower Courts.** This panel will examine language that should be included in various employee benefit plan documents to curtail litigation, given the guidance
set forth in recent decisions by the Supreme Court and lower courts. Plan sponsors should consider protective plan provisions that may pertain to anti-assignment clauses, claim procedure rules, subrogation claims, and reimbursement settlements. **Moderator:** Professor Kathryn J. Kennedy, The John Marshall Law School, Chicago, IL  
**Panelists:** Theresa Gee, Miller and Chevalier, Washington, DC; Linda Mendel, Vorys Sater Seymour and Pease, Columbus, OH; Brian Ortele, Morgan Lewis, Philadelphia, PA

**9:30am**  
**IRS and Department of Treasury Technical Sessions.** This panel will provide an overview of the issues presented to the IRS and Department of Treasury during the technical session meeting on May 5, 2016.  
**Moderator:** W. Waldan Lloyd, Callister Nebekeer McCullough, Salt Lake City, UT  
**Panelists:** Dan S. Bradenburg, Saul Ewing LLP, Washington, DC; Gabriel S. Marinaro, Katten Muchin Rosenman LLP, Chicago, IL; Carol L. Myers, William Parker, Sarasota, FL

**10:30am**  
**Department of Labor Regulation of ERISA Disability Claims and Related Litigation.** This panel will discuss recent proposed Department of Labor regulations addressing how disability benefit claims should be administered and adjudicated at the claim and appeals stages of review by plan fiduciaries. The discussion will include the impact these regulations may have for sponsors and plan administrators. The panel will also discuss recent litigation in the area, including issues regarding pleadings and remedies.  
**Moderator:** Martha N. Steinman, Hogan Lovells US LLP, New York, NY  
**Panelist:** Mark D. DeBofsky, DeBofsky & Associates PC, Chicago, IL; Denise M. Clark, Clark Law Group PLLC, Washington, DC; Gabriel S. Marinaro, Smith Haughey Rice & Roegge, Ann Arbor, MI; Mark E. Schmidtke, Ogletree Deakins Nash Smoak & Stewart PC, Chicago, IL

**8:30AM – 11:30AM**  
**Fiduciary Income Tax**  
**Chair:** David A. Berek, Horwood Marcus & Berk Chartered, Chicago, IL

**8:30am**  
**Current Developments.** Jeff Gonya will review current developments in fiduciary income tax, and Cathy Hughes and Melissa Liquerman will update the committee on developments within the Department of Treasury and the IRS.  
**Panelists:** Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Melissa C. Liquerman, Branch Chief, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS, Washington, DC; Jeffrey K. Gonya, Venable LLP, Baltimore, MD

**8:55am**  
**New Consistency of Basis Regulations.** On July 31, 2015, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 was enacted into law, changing the process of estate administration by implementing new information reporting requirements for executors of estates as well as new basis consistency requirements for beneficiaries of inherited assets. In late December 2015, the Service released a draft Information Return form (Form 8971) for executors to use, and, on March 2, 2016, the Department of Treasury released its long-awaited Proposed Regulations. This Panel will analyze and discuss the new law and Proposed Regulations and will highlight what executors and beneficiaries need to
know as well as address issues that have been of concern to practitioners since the enactment of the Act, and how the Department of Treasury did (or did not) address such issues in the Proposed Regulations.

**Panelists:** Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Theresa Melchiorre, Attorney, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS, Washington, DC; Stacey Delich-Gould, Venable LLP, New York, NY; Hannah W. Mensch, Ehrenkranz Partners LP, New York, NY

**9:55am**  
**Fiduciary Income Tax Aspects of Lifetime Gifting and Education Funding Strategies.** This panel will discuss the fiduciary income tax implications of lifetime planning techniques, with a particular focus on often overlooked education funding strategies.

**Panelists:** Brandon A. S. Ross, Loeb & Loeb LLP, Washington, DC; David A. Berek, Horwood Marcus & Berk Chartered, Chicago, IL

**10:45am**  
**Total Return Unitrusts – Where, When and How to Use Them.** What are they? Why, when and how should you and your clients use them? How do the substantial increases in capital gains tax rates for trusts make them all the more attractive? What tax strategies can be used with unitrusts to accomplish your clients’ tax planning objectives? What have we learned from a study of the markets during the Great Recession about the design, investment and administration of Total Return Unitrusts? How much tax “drag” does turnover in trust portfolios produce with our new capital gains tax rates and how can we avoid it? How can the use of cost basis and “pruning” with a unitrust dramatically increase the after tax income of beneficiaries. Can a 4% unitrust still preserve real value over time? For some this will be an update and a review, and for others, an introduction to investing prudently, distributing fairly and keeping their trustees out of the crossfire.

**Panelist:** Robert B. Wolf, Tener Van Kirk Wolf & Moore PC, Pittsburgh, PA

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**8:30AM – 10:30AM**  
**LLCs & LLPs Subcommittee of Partnerships & LLCs**  
**Chair:** J. Leigh Griffith, Waller Lansden Dortch & Davis LLP, Nashville, TN

**8:30am**  
**Duties, Decisions and (Deterrable?) Disasters for Partnership Representatives of LLCs and LLPs Under the New Audit Rules: What No One Envisioned.** The new audit rules will mandate a partnership representative (PR) for many LLCs and LLPs involved in partnership tax audits. How will the duties, responsibilities, and obligations of the PR differ from those of the tax matters partner? What conflicts will arise among the partnership, its partners, and the PR? How does the analysis differ if the PR is / is not a state law member of the LLC / LLP? Could you / should you / why would you be the PR, and (if you would) what protections would you require?

**Moderator:** Sheldon I. Banoff, Katten Muchin Rosenman LLP, Chicago IL

**Panelists:** Robert Keatinge, Holland & Hart LLP, Denver, CO; Allan G. Donn, Wilcox & Savage PC, Norfolk, VA

**9:45am**  
**Roundtable Discussion.**

**Panelists:** Various members of the LLCs and LLPs Subcommittee

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= Taped  ★ = Young Lawyers Program  = Ethics Credits Requested  = No CLE Credit
8:30AM – 11:30AM  Pro Bono & Tax Clinics  
Pro Bono & Tax Clinics  
Chair: Andrew R. Roberson, McDermott Will & Emery LLP, Chicago, IL  

8:30am  **Update from the Tax Court.** Chief Special Trial Judge Peter Panuthos will bring to the committee his annual update on cases, rules and administrative practices at the Tax Court that impact practitioners representing low-income taxpayers.  
**Panelist:** The Honorable Peter J. Panuthos, Chief Special Trial Judge, US Tax Court, Washington, DC  

9:00am  **Reflecting on Low Income Tax Clinics and Celebrating Professor Kathryn Sedo.**  
This program will look back at low income tax clinics since their inception with a particular focus on retiring clinic Professor Kathryn Sedo of the University of Minnesota. Professor Sedo has been a part of the low income taxpayer community as one of the founders of one of the oldest clinics in the country. As she retires from her current position, we have the opportunity to look at the changes in the tax system as it relates to low income taxpayers over the course of her career and to look forward.  
**Moderator:** Frank DiPietro, University of Minnesota LITC, Minneapolis, MN  
**Panelists:** The Honorable Peter J. Panuthos, Chief Special Trial Judge, US Tax Court, Washington, DC; Professor Leslie Book, Villanova University, Villanova, PA; Professor T. Keith Fogg, Harvard University, Cambridge, MA  

9:45am  **Jurisdictional Issues.** The Tax Court is a court of limited jurisdiction. This presents obstacles to taxpayer representatives who would like to resolve all their clients’ issues in a convenient forum. Recent decisions have questioned whether the Tax Court has jurisdiction to consider the imposition of a forward-looking ban under section 32(k) as part of a deficiency proceeding involving the original EITC claim. Since the PATH Act extended the ban to additional credits, this question will arise in more deficiency cases. This session will discuss the ban issue and other ways in which jurisdictional issues can impact a low-income tax case.  
**Moderator:** Patrick Thomas, Neighborhood Christian Legal Clinic, Indianapolis, IN  
**Panelists:** Professor Leslie Book, Villanova University, Villanova, PA; Susan Morgenstern, Taxpayer Advocate Service, Cleveland, OH; Anna Tavis, South Brooklyn Legal Services, Brooklyn, NY  

8:30AM – 11:30AM  
Sales, Exchanges & Basis  

Chair: Mary B. Foster, 1031 Services Inc., Bellevue, WA  

8:30am  **Current Developments in Sales, Exchanges & Basis.** Panelists review recent case law and guidance on traditional sale, exchange, and basis issues, including recent Section 1031 rulings regarding aircraft.  
**Panelists:** Professor Erik Jensen, Case Western Reserve University, Cleveland, OH; David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA; John B. Lovelace, Attorney, Branch 5, Income Tax & Accounting, IRS Office of Chief Counsel, Washington, DC  

9:10am  **Use of Delaware Statutory Trusts in Non-Syndicated Exchange and Drop-and-Swap Situations.** Delaware Statutory Trusts (DSTs) have been utilized in the syndicated 1031 market for years, with their popularity increasing after the TIC meltdown of the late 2000s. However, the DST structure can also be utilized in a variety of ways to facilitate complex acquisition and disposition fact patterns.
where section 1031 is implicated, including (a) where the target property produces non-rent income, (b) where a more democratic control mechanism is desired or (c) as a “synthetic” drop-and-swap vehicle. This panel of the leading DST practitioners in the country will discuss the creative use of the DST structure in non-syndicated 1031 contexts, with multiple examples out of their recent real-world experience.

Moderator: Kevin Thomason, Elliott Thomason & Gibson LLP, Dallas, TX
Panelists: Daniel F. Cullen, Bryan Cave, Chicago, IL; Darryl Steinhouse, DLA Piper, San Diego, CA

10:00am Dealing with Unrecaptured Section 1250 Gain in Drop-Swap Cash-Outs. Tax partnerships that are contemplating exchanging property under section 1031 can use one of several techniques to cash out members who do not wish to stay invested in the tax partnership following the disposition of property: (1) sell-exchange the property, take back boot, (a) regularly allocate gain, (b) specially allocate the gain to the cash-out member, or (c) use a fill-up allocation, and distribute cash to the cash-out member; (2) sell-exchange the property for a note and distribute the note; (3) have a third party or one or more of the continuing members buy the cash-out member’s interest; or (4) use borrowed proceeds to cash out the member. If the tax partnership’s property has unrealized unrecaptured section 1250 gain, these various alternatives, though economically similar, can generate very different tax results. This panel will cover the rules governing drop-swap cash-outs and illustrate how the various alternative transactions can generate different tax results.

Moderator: Mark E. Wilensky, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY
Panelists: Professor Bradley T. Borden, Brooklyn Law School, Brooklyn, NY; Katherine E. David, Strasburger & Price LLP, San Antonio, TX

10:45am A Hot Topic: Cuban Claims and Section 1033. The US and Cuba are negotiating the settlement of US-government-certified claims against Cuba by US citizens and corporations whose property was expropriated around 1960. These claims total approximately $2 billion in principal, plus about $6 billion of accrued interest. While the majority in value of the claims is held by US subsidiaries of major US corporations, such as the more than $1 billion Office Depot claim, the large majority in number of claims is owned by the heirs of US individual investors. The panelists will discuss the background of the negotiations. The special taxation rules governing expropriation recoveries will be discussed, focusing on whether and to what extent section 1033 non-recognition may be available.

Moderator: Alan S. Lederman, Gunster, Fort Lauderdale, FL
Panelists: John B. Lovelace, Attorney, Branch 5, Income Tax & Accounting, IRS Office of Chief Counsel, Washington, DC; Rafi W. Mottahedeh, Jenner & Block LLP, Chicago, IL

Co-Sponsored by: Foreign Activities of US Taxpayers
8:45AM – 11:45AM

Civil & Criminal Tax Penalties

Chair: John M. Colvin, Colvin & Hallett, Seattle, WA

8:45am Reports of Subcommittees on Important Developments. Important Developments (Criminal) – Michel R. Stein and Cory Stigile, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA; Important Developments (Civil) – Michelle F. Scherwin, Capes Sokol Goodman Sarachan PC, St. Louis, MO; IRS Investigations and Practices – Michael A. Villa, Jr., Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Legislative and Administrative Developments – Brian McManus, Latham & Watkins LLP, Washington, DC; Monetary Violations and Forfeitures – Carolyn Kendall, Ballard Spahr LLP, Philadelphia, PA and Loren Washburn, Washburn Law Group, Salt Lake City, UT; Sentencing Guidelines – Matt Hicks, Caplin & Drysdale Chtd., Washington, DC, and Jeffrey A. Neiman, Marcus Neiman & Rashbaum, Fort Lauderdale, FL; International Tax Enforcement – Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC and Joseph M. Erwin, Dallas, TX; Department of Justice Procedures – Mark Matthews, Caplin & Drysdale Chtd., Washington, DC; Voluntary Disclosure and Compliance – David Axelrod, Shumaker Loop & Kendrick LLP, Columbus, OH and Sarah Wirsky, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX

9:05am Internal Revenue Service, Criminal Investigation – Update.

Moderator: Niles A. Elber, Caplin & Drysdale Chtd., Washington, DC

Panelist: John D. (Don) Fort, Deputy Chief, IRS Criminal Investigation, Washington, DC

9:25am US Department of Justice, Tax Division – Update.

Moderator: John M. Colvin, Colvin & Hallett, Seattle, WA

Panelist: Caroline Cirao, Acting Assistant Attorney General, Tax Division, Department of Justice, Washington, DC

9:45am Endless War: The Status of the IRS/DOJ Campaign Against Foreign Assets and Accounts. This panel will address recent developments in the various IRS programs for coming into compliance with foreign income and asset reporting. It will survey new sources of information for the government, including FATCA reporting, the DOJ Swiss Bank initiative, John Doe summonses, and journalists/whistleblower. Finally, it will review the current status of FBAR litigation.

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

Panelists: Jeffrey A. Neiman, Marcus Neiman & Rashbaum, Fort Lauderdale, FL; John McDougall, Special Trial Attorney, IRS, Washington, DC; Fran Obeid, Obeid & Lowenstein LLP, New York, NY; Tino Lisella, Assistant Chief, Western Criminal Enforcement Section, Department of Justice, Washington, DC

10:45am Turning the Tables: The United States as a Tax Haven Destination. The IRS and Department of Justice spend countless hours every year investigating tax havens across the world, but is it possible that the world’s most significant tax haven is the good ol’ US of A? This panel will explore claims that foreigners (sometimes with the assistance of unwitting US lawyers) are using the United States to hide from taxes in their home country and/or launder their ill-gotten gains. How significant is the problem and is the United States government trying to do anything about it are two questions the panel will consider. The panel will also look at what other countries are doing to combat tax evasion connected with the United States, including the
use of information exchange agreements and court process. Finally, the panel will
discuss what US lawyers need to look out for to avoid being complicit in these illegal
schemes.
Moderator: Scott Michel, Caplin & Drysdale, Washington, DC
Panelists: Fred F. Murray, Grant Thornton, Washington DC; Peter Hardy, Ballard
Spahr LLP, Philadelphia, PA; Sarah E. Paul, Assistant United States Attorney,
Southern District of New York, Department of Justice, New York, NY
Co-Sponsored by: US Activities of Foreigners & Tax Treaties

9:00AM – 10:30AM
Foreign Lawyers Forum
Chair: Saskia Bijl de Vroe, NautaDutilh, Amsterdam, The Netherlands

9:00am The 2016 EU Anti-Tax Avoidance Package: Find Out What It Means to You. In
January 2016, the European Commission presented an anti-avoidance package
that includes, among other things, two legislative proposals addressing certain
BEPS issues and country-by-country reporting. The proposals include new rules
on limitation of interest deductibility and hybrid mismatches as well as general
anti-abuse rules, CFC rules and switch-over clauses. While one of aims of the
anti-avoidance package is to create a minimum level of protection against abusive
tax practices throughout the EU, at the same time the UK is voting on a possible
"Brexit" from the EU. This international panel will not only address what the possible
consequences of the proposed rules are, what the reaction of different EU Member
States to the anti-tax avoidance package is and which other relevant current EU tax
developments you should know about, but also what the possible tax impact of a
Brexit might be.
Moderator: Mary C. Bennett, Baker & McKenzie LLP, Washington, DC
Panelists: Michel Collet, CMS Bureau Francis Lefebvre, Paris, France; Matt Hodkin,
Norton Rose Fulbright, London, UK; Gunnar Knorr, Oppenhoff & Partner, Cologne,
Germany; Bernard Peeters, Tiberghien, Brussels, Belgium

10:30AM – 11:00AM
State & Local Taxes: Publication Subcommittees
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.
Panelists: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA; Alyssse McLoughlin,
McDermott Will & Emery LLP, New York, NY; Jeffrey Reed, Kilpatrick Townsend & Stockton LLP,
New York, NY; Matthew Hedstrom, Alston & Bird LLP, New York, NY; Robert L. Mahon, Perkins Coie
LLP, Seattle WA; Scott E. Sebastian, MassMutual, Springfield, MA; Jeffery J. McNaught, The Law
Offices of Jeffery J. McNaught, Minneapolis, MN; Timothy R. Van Valen, Gallagher & Kennedy, Santa
Fe, NM; Richard L. Jones, Sullivan & Worcester LLP; Brett Durbin, Riddle Williams PS, Seattle, WA;
Matt Boch, Dover Dixon Horne PLLC, Little Rock, AR; Kyle Wingfield, Williams Mullen, Richmond,
VA; Ilya Lipin, PwC, Philadelphia, PA

11:00AM – 12:00PM
State & Local Taxes Vice-Chairs’ Planning Meeting (Executive Session)
Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA
12:00PM – 1:30PM  
Section Luncheon & Plenary Session 🎉 (Ticketed Event) 
George C. Howell, III, Section Chair, Presiding  
Certificate Presentation 
Recognition of the 2015-2016 Section of Taxation Chair, George C. Howell, III  
Chair’s Report to the Section  
George C. Howell, III, Section Chair  

PRESENTATION  
2016 Distinguished Service Award Recipient  
The Section of Taxation is pleased to honor Kenneth W. (“Ken”) Gideon as the recipient of its 2016 Distinguished Service Award in recognition for his distinguished career in recognition of his service to the profession, service to the government, and service to the Section.  
The Distinguished Service Award is the highest honor awarded by the Section of Taxation. The Award is given to individuals who have had a distinguished career in taxation and “who have provided an aspirational standard for all tax lawyers to emulate.” In the fall of last year, the Distinguished Service Award Committee unanimously selected Ken to be this year’s recipient. As is the custom of the Committee, the plan was to inform Ken of the Award at the Council Dinner during the January meeting in Los Angeles. Ken passed away unexpectedly on January 10, 2016, two weeks before the Los Angeles meeting.  
Ken’s life and work have been memorialized in a biographical sketch written by Past Chair Rudolph R. Ramelli, which is available at this May Meeting, as well as in a longer tribute written by Past Chairs Armando Gomez and Pamela F. Olson, which appears in the Winter 2016 issue of The Tax Lawyer.  
The Section truly benefitted from and is a better place because of Ken’s service, and it is with great appreciation for this and equal sadness at his passing that the Section presents this Award to Ken, who truly exemplified the highest standards of the profession in his career, his contributions to the Section, and his service to the tax system.  

KEYNOTE SPEAKER  
Mark J. Mazur, Assistant Secretary for Tax Policy, Department of Treasury, Washington, DC  
Mark Mazur was confirmed by the Senate in August 2012 as the Assistant Secretary for Tax Policy, at the Department of Treasury. Prior to confirmation, he served as Deputy Assistant Secretary for Tax Analysis in the Office of Tax Policy. He was formerly Director of Research, Analysis, and Statistics, at the Internal Revenue Service. He has served in various positions throughout government, including stints at the Joint Committee on Taxation, the Council of Economic Advisors, the National Economic Council, and the Department of Energy.  

1:30PM – 2:30PM  
Kenneth W. (“Ken”) Gideon Memorial Reception 🎉 (Complimentary)  
Following the Section Luncheon and Plenary Session, please join the ABA Section of Taxation and Skadden, Arps, Slate, Meagher & Flom LLP for a special reception in Memory of Ken Gideon.
PROGRAM SCHEDULE
SATURDAY, MAY 7

1:45PM – 5:45PM
Independence FG, Level 5B
Welcome to International Tax: Fundamentals of Inbound, Outbound, and Tax Treaties ★★★
Co-Sponsored by: Continuing Legal Education Committee; US Activities of Foreigners & Tax Treaties; Foreign Activities of US Taxpayers

IRS and private practitioners will present a three-part workshop that will focus on the fundamentals of international tax. This workshop is intended to be an introduction to international tax practice for junior attorneys and a refresher for more seasoned practitioners. The workshop will be divided into three panels: Inbound Taxation, Outbound Taxation, and Tax Treaties.

1:45pm Inbound Taxation. This panel will address the basics of what is known in the international tax planning community as inbound tax planning, meaning tax planning for money or business flowing into the US: When does a non-US person become subject to US taxation? What exactly is US source income, effectively connected income (“ECI”), or a US trade or business and how is it taxed? And what are some of the statutory and treaty provisions that a non-US person or company should be aware of that affect US taxation? This panel will address these basic, yet foundational, elements of tax planning for taxpayers that the Internal Revenue Code considers to be non-resident aliens or non-US persons.

Moderator: Severiano Ortiz, PwC, Chicago, IL
Panelists: Ilene Fine, PwC, Washington, DC; Janine Burman-Gage, EY, Chicago, IL; Jason Yen, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC

3:15pm Outbound Taxation. This panel will address the basics of what is known in the international tax planning community as outbound tax planning, or the tax planning needed when a US company expands its operations abroad: What options does a US person have when setting up its international operations? When does a US person pay tax on foreign income? What is meant by deferral? What is a “controlled foreign corporation,” and what is “subpart F income”? What’s a “PFIC”? How does the foreign tax credit work? This panel will walk through examples and provide the building blocks to help understand and educate their US clients.

Moderator: Brian D. Harvel, Alston & Bird, Atlanta, GA
Panelists: Aaron Shapiro, PwC, Miami, FL; Douglas Poms, Deputy International Tax Counsel, Department of Treasury, Washington, DC

4:45pm Tax Treaties. Income tax treaties contain dozens of different rules regarding the allocation of taxing rights with respect to different types of income – a “schedular” structure that is quite different from the US statutory scheme. This panel will address fundamentals of US tax treaty policy (past and present) and explain how the substantive rules provided in US tax treaties may produce results that differ from those described in the prior two panels. In addition, the panel will draw attention to certain overriding rules of interpretation – the “saving clause” and the “non-aggravation clause” among others - that can trip up the unsuspecting practitioner.

Moderator: Lori A. Hellkamp, Jones Day, Washington, DC
Panelists: Professor Patricia A. Brown, University of Miami School of Law, Miami, FL; John Hughes, Senior International Advisor, Treaty and Transfer Pricing Operations, IRS – Large Business & International, Washington, DC
AFFILIATED ORGANIZATIONS

AMERICAN COLLEGE OF TAX COUNSEL

FRIDAY, MAY 6

7:30AM – 9:00AM  
ACTC Board of Regents Meeting (Executive Session)  
Banneker, Level 1B

SATURDAY, MAY 7

7:30AM – 9:00AM  
ACTC Fellows Breakfast (ACTC Members and Guests)  
Franklin/McPherson, Level 5B

NATIONAL CENTER ON PHILANTHROPY AND THE LAW

THURSDAY, MAY 5

4:30PM – 6:00PM  
Philanthropy Professors Meeting  
Penn Quarter A, Level 1B

OHIO NORTHERN UNIVERSITY PETTIT COLLEGE OF LAW

THURSDAY, MAY 5

5:00PM – 7:00PM  
The Laurence Neal Woodworth Memorial Lecture and Reception  
Constitution CDE, Level 3B
MEETING MATERIALS
In the interest of providing the most up-to-date meeting materials for all attendees, materials for the 2016 May 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 stations are located in Independence Foyer, Level 5B and Constitution Foyer, Level 3B.

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

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

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

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

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

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

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.

CLE INFORMATION BOOTH
The CLE Information Booth, located in Independence Foyer, Level 5B, will be open during the following hours:

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REGISTRATION
Registration will be available in Independence Foyer, Level 5B. All individuals attending any part of the 2016 May 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 April 28, 2016. Refunds will not be granted at or after the meeting.

AUDIO CDS AND MP3 INSTANT DOWNLOADS
Audio CDs and MP3s of Committee Meetings and Section Programs are available for purchase on site.

To place an order, visit the Digital Conference Providers (DCP) booth located in Constitution Coat Check, Level 3B. After the meeting visit: www.dcporder.com/abatx/ for mail order audio CDs or www.dcp providersonline.com/abatx/ for instant downloads.

20% MEETING DISCOUNT ON SECTION PUBLICATIONS
Stop by the Publications Display, located in the Constitution Foyer, Level 3B, 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: PTX16SMAY online or call the ABA Service Center at (800) 285-2221 to take advantage of this special discount. Please note that the offer expires May 13, 2016.

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 Sections’ main office at 202-662-8670.

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

SCHOLARSHIP POLICY
Scholarships to defray tuition expense for this program are available upon application on a case-by-case basis. To request a scholarship application, please contact Thomas Blandi (thomas.blandi@americanbar.org).
Friday, May 6, 2016

9:30AM – 3:30PM

A Visit to the Kreeger Museum & President Lincoln’s Cottage *(Ticketed Event $190)*
* Transportation to depart the Grand Hyatt Washington at 9:30am

The day begins with a private docent lead tour of the Kreeger Museum, a private, non-profit art museum and the former residence of David and Carmen Kreeger. Designed by renowned architect Philip Johnson, it is among the few examples of his work in DC and rests on five acres of sculpture-filled gardens. The Kreegers’ focus on 19th and 20th century paintings is evidenced by works of Monet, Picasso, Renoir, Cezanne, Chagall, Miro and Stella.

After touring the Kreeger collection, guests will enjoy a private gourmet luncheon at a DC restaurant.

Following lunch, guests will travel to President Lincoln’s Cottage, which is located atop a picturesque hill in Washington, DC. It the most significant historic site directly associated with Lincoln’s presidency aside from the White House. During the Civil War, President Lincoln and his family resided at the cottage from June to November of 1862, 1863 and 1864. While living here, Lincoln made nation-changing decisions about the Union, Freedom, and the Presidency, most notably the Emancipation Proclamation.

Additional Tour Information:

- Deluxe roundtrip mini-coach transportation included
- Activity Level: Moderate; walking tours
- Private gourmet luncheon at DC restaurant
- Comfortable walking shoes recommended
- If you require wheelchair assistance, please notify ABA Tax Section staff at taxprecon@americanbar.org
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Tax Analysts congratulates the

2016 OUTSTANDING WOMEN IN TAX

This award was created to recognize some of the many exceptional women who have made important contributions to the world of tax.

Please join us in applauding these inspiring leaders.

Barbara Angus
Chief Tax Counsel, House Ways and Means Committee

Rita de la Feria
Chair in Tax Law, School of Law, University of Leeds

Diane Hay
Special Adviser on International Tax, PwC

Helen Hecht
General Counsel, Multistate Tax Commission

L. Paige Marvel
Incoming Chief Judge, U.S. Tax Court (June 1, 2016)

Nina Olson
National Taxpayer Advocate, Internal Revenue Service

Carley Roberts
Partner, Sutherland

Marlies de Ruiter
Head of Tax Treaty, Transfer Pricing & Financial Transactions Divisions, OECD Centre for Tax Policy & Administration

Karen Gilbreath Sowell
Co-Director of Mergers and Acquisitions, EY

Marilyn Wethekam
Partner, Horwood Marcus & Berk Chtd.

Learn more at: taxanalysts.com