SECTION OF TAXATION

2019 MAY TAX MEETING

MAY 9-11, 2019
WASHINGTON, DC • GRAND HYATT

FINAL PROGRAM SPONSORED BY LAW360
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Practical Tax

A Graduate Tax Program of the ABA Section of Taxation

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2019 MAY TAX MEETING

FUTURE MEETINGS/CLE CALENDAR 2
WELCOME 3
HIGHLIGHTS 4
PROGRAM GUIDE 6
SCHEDULE AT-A-GLANCE 7
  Thursday AM 7
  Thursday PM 7
  Friday AM 8
  Friday PM 12
  Saturday AM 17
  Saturday PM 19
PROGRAM SCHEDULE 20
  Thursday AM 20
  Thursday PM 20
  Friday AM 24
  Friday PM 42
  Saturday AM 58
  Saturday PM 65
AFFILIATED ORGANIZATIONS 67
GENERAL INFORMATION 68
COMPANIIONS INFORMATION 70
INDEX 71
FLOORPLAN FOLDOUT AT BACK
### Section of Taxation CLE Calendar

<table>
<thead>
<tr>
<th>DATE</th>
<th>PROGRAM</th>
<th>CONTACT INFO</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 12-14, 2019</td>
<td><strong>12th Annual U.S. and Latin America Tax Practice Trends Conference</strong> Miami, FL</td>
<td>Tax Section <a href="http://www.americanbar.org/tax">www.americanbar.org/tax</a> (202) 662-8670</td>
</tr>
<tr>
<td>March 16 - 20, 2020</td>
<td><strong>2020 ABA/IPT Advanced Tax Seminars</strong> New Orleans, LA</td>
<td>Tax Section <a href="http://www.americanbar.org/tax">www.americanbar.org/tax</a> (202) 662-8670</td>
</tr>
<tr>
<td>June 10 - 12, 2020</td>
<td><strong>13th Annual U.S. and Latin America Tax Practice Trends Conference</strong> Miami, FL</td>
<td>Tax Section <a href="http://www.americanbar.org/tax">www.americanbar.org/tax</a> (202) 662-8670</td>
</tr>
</tbody>
</table>

### Section of Taxation Meeting Calendar

<table>
<thead>
<tr>
<th>DATE</th>
<th>PROGRAM</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 3-5, 2019</td>
<td><strong>FALL TAX MEETING</strong></td>
<td>Hyatt Regency, San Francisco, CA</td>
</tr>
<tr>
<td>January 30-February 1, 2020</td>
<td><strong>MIDYEAR TAX MEETING</strong></td>
<td>Boca Raton Resort, Boca Raton, FL</td>
</tr>
<tr>
<td>April 30-May 2, 2020</td>
<td><strong>MAY TAX MEETING</strong></td>
<td>Marriott Marquis DC, Washington, DC</td>
</tr>
<tr>
<td>September 24-26, 2020</td>
<td><strong>FALL TAX MEETING</strong></td>
<td>NY Marriott Marquis, New York, NY</td>
</tr>
<tr>
<td>January 28-30, 2021</td>
<td><strong>MIDYEAR TAX MEETING</strong></td>
<td>JW Marriott LA Live, Los Angeles, CA</td>
</tr>
<tr>
<td>May 6-8, 2021</td>
<td><strong>MAY TAX MEETING</strong></td>
<td>Marriott Marquis DC, Washington, DC</td>
</tr>
<tr>
<td>September 23-25, 2021</td>
<td><strong>FALL TAX MEETING</strong></td>
<td>Westin Waterfront, Boston, MA</td>
</tr>
</tbody>
</table>
The Section of Taxation welcomes you to the 2019 May Tax Meeting in Washington, DC. We are pleased that you have decided to join us and we hope you take advantage of the opportunity to participate in high-level discussions and CLE programs on the latest development in tax law.

Please note the following meeting highlights:

- **PLENARY SESSION & SECTION LUNCHEON** on Saturday with Keynote Speaker, Charles P. Rettig, Commissioner, Internal Revenue Service
  12:00PM – 1:30PM in Independence A, Level 5B
- **The SECTION PROGRAM** on Saturday afternoon: Welcome to International Private Client: Fundamentals of Cross-border Estate Planning, Estate and Gift Tax Treaties, and Foreign Trusts

Stay connected with our [MOBILE MEETING APPLICATION](http://ambar.org/taxapps)

Download the app by using your device to scan the QR code or visit [http://ambar.org/taxapps](http://ambar.org/taxapps)

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

**TWITTER: JOIN THE CONVERSATION.** Follow us [@ABATAXSECTION](https://twitter.com/ABATAXSECTION) and use [#TAXMAY](https://twitter.com/search?q=%23TAXMAY) to stay connected during the meeting.

**WIRELESS INTERNET** is available for attendees throughout the meeting space. The network name and password apply to both the Grand Hyatt and Marriott Marquis.

Network Name: ABA May

Password: abatax19

We hope you enjoy the meeting and we welcome your comments.
SECTION LUNCH & PLENARY SESSION *(Ticketed Event)*

The Section is pleased to announce that Charles P. Rettig, Commissioner, Internal Revenue Service, will address attendees of the 2019 May Tax Meeting at the Section Luncheon on Saturday, May 11 from 12:00pm-1:30pm at Independence A, Level 5B. Attendees must purchase a ticket to attend the luncheon.

TAX BRIDGE TO PRACTICE

Organized by the Tax Section’s Young Lawyers Forum and Diversity Committees, this program is designed to provide an introduction to tax practice. If you are a law student, young lawyer, new bar admittee or practitioner transitioning to tax, then this program is for you. More information is available on page 20.

SECTION EXHIBITORS

Section Exhibitors will be open on Thursday from 12:00pm to 8:00pm, Friday from 7:00am to 5:00pm and on Saturday from 7:00am to 2:00pm. The following organizations will have exhibit booths:

**Corporate Exhibit Center, Level 1B**
- Bloomberg Tax
- Law 360
- Tax Analysts
- Thomson Reuters
- Wolters Kluwer

**Academic Exhibit Pavilion, Level 5B**
- Boston University School of Law – Graduate Tax Program
- Northwestern Pritzker School of Law Tax Program
- University of California Irvine School of Law- Graduate Tax Program
- University of Florida Fredric G. Levin College of Law
- Villanova University Graduate Tax Program

REGISTRATION

Registration will be available in Independence Foyer, Level 5B. All individuals attending any part of the 2019 May Tax Meeting, including speakers, must register and pay the registration fee. Shared registrations are not permitted. Companions are defined as non-Section members not attending substantive meetings. Any companion attending substantive programs must register and pay either the Section member or non-Section member registration fee, whichever is applicable.

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

BADGE IDENTIFICATION

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

HOSPITALITY CENTER

Complimentary continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.

Grand Hyatt
Location: Grand Foyer, Level 1B and Independence Foyer, Level 5B
Time:  
  - Friday: AM Break: 7:00am - 11:00am / PM Break: 1:30pm - 4:00pm
  - Saturday: 7:00am – 4:30pm (PM Break: Independence Foyer, Level 5B only)

Marriott Marquis, 901 Massachusetts Ave NW
Location: Independence Foyer, level M4
Time:  
  - Friday: AM Break: 7:00am - 11:00am / PM Break: 1:30pm - 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. 7)

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

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

PROGRAM SCHEDULE (P. 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. 71)

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

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

= The Program Is Recorded
★ = The Program Will Appeal to Young Lawyers or Non-Specialists
ético = 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>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>THURSDAY 8:30AM</strong></td>
<td></td>
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<tr>
<td>Officers &amp; Council Meeting (Executive Session)</td>
<td>Farragut/ Lafayette, Level 5B</td>
<td>8:30AM – 1:00PM</td>
<td>20</td>
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<tr>
<td><strong>THURSDAY 12:00PM</strong></td>
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<tr>
<td>Tax Bridge to Practice</td>
<td>Independence A West, Level 5B</td>
<td>12:00PM – 5:00PM</td>
<td>20</td>
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<td></td>
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<td>12:00p – A Conversation with Commissioner Rettig</td>
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<td>12:45p – Fifteen (02), There's Still Time for You: Consolidated Returns Basics</td>
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<td>1:45p – Statutes of Limitations in Tax Litigation: Friend or Foe?</td>
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<td>2:45p – Break</td>
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<td>3:00p – This Land is Your Land: An Introduction to the Conservation Easement Tax Deduction</td>
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<td>4:00p – How the Sausage Gets Made: The Unintended Consequences of the 2017 Tax Act and the Outlook for Tax Legislation in 2018</td>
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<td><strong>THURSDAY 1:00PM</strong></td>
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<tr>
<td>Low Income Taxpayer Representation Workshop</td>
<td>Independence A East, Level 5B</td>
<td>1:00PM – 5:00PM</td>
<td>21</td>
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<tr>
<td></td>
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<td>1:00p – But I’m A TAX Lawyer: Working with Immigration, H2-A and Other Residency Issues</td>
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<td>2:15p – Break</td>
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<td>2:30p – Self Employed in the Online Platform Economy: Navigating EITC Audits from Tax Return to Tax Court</td>
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<td>3:45p – EITC and Benefits Law: Conceptualizing, Understanding (and Navigating) the Interplay of EITC and Benefits Law</td>
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<tr>
<td><strong>THURSDAY 4:30PM</strong></td>
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<tr>
<td>Philanthropy Professors Meeting</td>
<td>Declaration B, Level 1B</td>
<td>4:30PM – 6:00PM</td>
<td>22</td>
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<tr>
<td><strong>THURSDAY 5:00PM</strong></td>
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<tr>
<td>Committee Leadership Development Session</td>
<td>Independence B, Level 5B</td>
<td>5:00PM – 6:00PM</td>
<td>22</td>
</tr>
<tr>
<td>First Time Attendee, Young Lawyer &amp; Law Student Networking Reception</td>
<td>Penn Quarter, Level 1B</td>
<td>5:00PM – 6:00PM</td>
<td>22</td>
</tr>
<tr>
<td>The Laurence Neal Woodworth Memorial Lecture and Reception</td>
<td>Wilson/ Roosevelt, Level 3B</td>
<td>5:00PM – 7:00PM</td>
<td>22</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
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<tr>
<td><strong>THURSDAY 6:00PM</strong></td>
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<tr>
<td>Welcome Reception, Celebrating Pro Bono (Complimentary)</td>
<td>Constitution Ballroom, Level 3B</td>
<td>6:00PM – 7:00PM</td>
<td>23</td>
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<tr>
<td><strong>THURSDAY 7:00PM</strong></td>
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<tr>
<td>Administrative Practice Committee Dinner (Reservation; Advanced Payment Required)</td>
<td>Morgan Lewis &amp; Bockius LLP, 1111 Pennsylvania Ave., NW</td>
<td>7:00PM – 9:30PM</td>
<td>23</td>
</tr>
<tr>
<td>Partnerships &amp; LLCs and Real Estate Committees Dinner (Reservation; Advanced Payment Required)</td>
<td>Bobby Van’s Steakhouse, 809 15th St. NW</td>
<td>7:00PM – 9:30PM</td>
<td>23</td>
</tr>
<tr>
<td><strong>THURSDAY 7:30PM</strong></td>
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<tr>
<td>Young Tax Lawyers Networking Reception (Complimentary)</td>
<td>Capitol City Brewing Company, 1100 New York Ave., NW</td>
<td>7:30PM – 9:00PM</td>
<td>23</td>
</tr>
<tr>
<td><strong>FRIDAY 7:00AM</strong></td>
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<tr>
<td>Breakfast Forum Sponsored by Tax Analysts (Complimentary)</td>
<td>Declaration, Level 1B</td>
<td>7:00AM – 8:15AM</td>
<td>24</td>
</tr>
<tr>
<td><strong>FRIDAY 7:30AM</strong></td>
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<tr>
<td>ACTC Board of Regents Meeting (Executive Session)</td>
<td>Banneker, Level 1B</td>
<td>7:30AM – 9:00AM</td>
<td>24</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Audits, Appeals and Litigation</td>
<td>Marriott Marquis, Monument, Level M4</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
<td>24</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Health-Care Organizations</td>
<td>Marriott Marquis, Supreme Court, Level M4</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
<td>24</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Political &amp; Lobbying Organizations</td>
<td>Marriott Marquis, Mint, Level M4</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
<td>24</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittees on Private Foundations, Unrelated Business Income, and International Philanthropy</td>
<td>Marriott Marquis, Treasury, Level M4</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
<td>24</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Religious Organizations</td>
<td>Marriott Marquis, Independence G, Level M4</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
<td>24</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
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<tr>
<td><strong>FRIDAY 8:00AM</strong></td>
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</table>
| Administrative Practice | Constitution E, Level 3B | 8:00AM – 10:45AM  
8:00a – Important Developments  
8:45a – Back to Basics: Life Cycle of an IRS Collections Action  
9:30a – New Technologies to Communicate with Exam and Appeals | 25 |
| Affiliated & Related Corporations | Independence A East, Level 5B | 8:00AM – 10:45AM  
8:00a – Consolidated Return Aspects of the Tax Code’s Jazziest Acronyms (otherwise known as the TCJA)—GILTI, FDII, 163J, and the BEAT  
9:30a – Current Developments | 25 |
| Banking & Savings Institutions | Independence G, Level 5B | 8:00AM – 10:45AM  
8:00a – A Comparative Analysis of Treaty Anti Abuse Provisions and Financial Institutions  
| Capital Recovery & Leasing | Bulfinch/Renwick, Level 3B | 8:00AM – 10:00AM  
8:00a – Current Developments and Update on Pending Guidance  
9:00a – An (Unexpected) Interest in ADS | 27 |
| Employee Benefits Subcommittee on Defined Contribution Plans | Marriott Marquis, Independence A, Level M4 | 8:00AM – 9:30AM  
Defined Contribution Plans Update | 27 |
| Employee Benefits Subcommittees on Executive Compensation and Fringe Benefits and Securities Law | Marriott Marquis, Independence E, Level M4 | 8:00AM – 9:30AM  
Executive Compensation, Fringe Benefits and Securities Law Update | 28 |
| Estate & Gift Taxes | Wilson/Roosevelt, Level 3B | 8:00AM – 10:45AM  
8:00a – Current Developments  
8:30a – The Anatomy of the 706-NA  
9:15a – Transfer Tax Planning for Tech Entrepreneurs  
10:00a – IRS Form 712: Like a Box of Chocolates, You Never Know What You’re Going to Get | 28 |
| Individual and Family Taxation | Franklin/McPherson, Level 5B | 8:00AM – 11:15AM  
8:00a – Update from the Gig Economy Trenches – What’s New for Independent Contractors and Individuals with Business Income  
9:00a – CDP – Beyond the Weeping and Gnashing of Teeth; What Can Be Done to Fulfill CDP’s Beneficial Intent?  
10:00a – Break  
10:15a – IRS Refund Fraud Filters: How They Combat Fraud, How They Impact Taxpayers, and What Can Be Done to Make Them Better? | 29 |
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FRIDAY 8:00AM (Continued)</td>
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</table>
| Investment Management             | Independence I, Level 5B  | 8:00AM – 10:45AM  
8:00a – A Potpourri of Private Fund Issues  
8:55a – Business Development Company (BDC) Structuring and Trends  
9:50a – Looking Behind the Curtain on Opportunity Zones: Risks to OZ Stakeholders from Implementation Issues and Potential Reporting and Anti-Abuse Rulemaking | 30   |
| Partnerships & LLCs               | Constitution B, Level 3B  | 8:00AM – 10:45AM  
8:00a – Hot Topics  
8:50a – What is a Guaranteed Payment?  
9:55a – Unitary Basis Rules and Rev. Rul. 84-53 | 31   |
| Tax Policy & Simplification       | Independence C, Level 5B  | 8:00AM – 10:45AM  
8:00a – Tax Simplification: A Viable Goal for Tax Reform or a Fantasy?  
8:30a – Digital Discord: Forging Tax Rules to Fit a Digitalized World | 32   |
| FRIDAY 8:30AM                     |                           |                                                                                                                                                                                                                     |      |
| Transfer Pricing                  | Independence A West, Level 5B | 8:30AM – 10:30AM  
8:30a – Developments at the IRS Advance Pricing and Mutual Agreement (APMA) Program and the OECD Pertaining to Advance Pricing Agreements (APAs) and Mutual Agreement Procedure (MAP) Cases | 33   |
| FRIDAY 8:45AM                     |                           |                                                                                                                                                                                                                     |      |
| Exempt Organizations              | Marriott Marquis, Independence D, Level M4 | 8:45AM – 4:30PM  
8:45a – Committee Business  
9:00a – News from the IRS, Treasury and the Hill  
10:15a – Update on Developments Under the 2017 Tax Act  
11:15a – Break  
11:30a – Understanding and Addressing Impermissible Private Benefit in the Era of Modern Philanthropy  
12:45p – Exempt Organizations Committee Luncheon  
Capital Formation for Local News: The American Journalism Project  
2:00p – News in the News: Current Issues in Nonprofit Journalism  
3:00p – International Philanthropy: Non-Tax Issues that Every EO Lawyer Needs to Know  
4:00p – Cash Bar | 33   |
## SCHEDULE AT-A-GLANCE

<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FRIDAY 9:30AM</strong></td>
<td></td>
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<tr>
<td>Employee Benefits Subcommittee on Administrative Practices</td>
<td>Marriott Marquis, Monument, Level M4</td>
<td>9:30AM – 11:00AM Administrative Practices Update</td>
<td>35</td>
</tr>
<tr>
<td><strong>FRIDAY 9:45AM</strong></td>
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<tr>
<td>Employee Benefits Subcommittee on Multiple Employer Plans, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups</td>
<td>Marriott Marquis, Supreme Court, Level M4</td>
<td>9:45AM – 10:45AM Employee Benefits Multiple Employer Plans, PEOs and Controlled and Affiliated Service Groups Update</td>
<td>36</td>
</tr>
<tr>
<td><strong>FRIDAY 10:00AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointments to the Tax Court (Executive Session)</td>
<td>Banneker, Level 1B</td>
<td>10:00AM – 11:00AM</td>
<td>36</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues</td>
<td>Marriott Marquis, Independence E, Level M4</td>
<td>10:00AM – 12:00PM Employee Benefits Welfare Plans and EEOC, FMLA and Leaves Issues Update</td>
<td>36</td>
</tr>
<tr>
<td><strong>FRIDAY 10:15AM</strong></td>
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</tbody>
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| Energy & Environmental Taxes                                                    | Burnham, Level 3B                 | 10:15AM – 12:15PM  
10:15a – The Nuts and Bolts of the New Section 45Q Carbon Sequestration Credit  
11:00a – Energy Hot Topics                                                        | 37   |
| **FRIDAY 10:30AM**                                                               |                                   |                                                                                |      |
| Foreign Activities of US Taxpayers                                               | Independence A West, Level 5B      | 10:30AM – 12:30PM  
10:30a – Repatriation of Foreign Earnings  
11:30a – Choice of Entity and Structuring for Multinational Corporations and Partnerships After Tax Reform (Part 1) | 37   |
<p>| <strong>FRIDAY 11:00AM</strong>                                                               |                                   |                                                                                |      |
| Employee Benefits Subcommittees on Distributions                                | Marriott Marquis, Independence G, Level M4 | 11:00AM – 12:00PM Employee Benefits Distributions Update | 38   |
| Employee Benefits Subcommittee on Exempt Organization and Governmental Plans    | Marriott Marquis, Mint, Level M4  | 11:00AM – 12:00PM Employee Benefits Exempt Organization and Governmental Plans Update | 38   |</p>
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
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</thead>
<tbody>
<tr>
<td><strong>FRIDAY 11:00AM (Continued)</strong></td>
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<tr>
<td>Employee Benefits Subcommittee on Fiduciary Responsibility/Plan Investments</td>
<td>Marriott Marquis, Supreme Court, Level M4</td>
<td>11:00AM – 12:00PM Employee Benefits Fiduciary Responsibility/Plan Investments Update</td>
<td>39</td>
</tr>
<tr>
<td>S Corporations</td>
<td>Constitution B, Level 3B</td>
<td>11:00AM – 1:45PM 11:00a – Important Developments in the Federal Income Taxation of S Corporations 12:00p – Section 163(j) Proposed Regulations 12:45p – Section 199A Regulations</td>
<td>39</td>
</tr>
<tr>
<td><strong>FRIDAY 11:30AM</strong></td>
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<tr>
<td>Court Procedure &amp; Practice Roundtable</td>
<td>Wilson/Roosevelt, Level 3B</td>
<td>11:30AM – 12:30PM 11:30a – Failure to Provide Information Returns and Litigation</td>
<td>41</td>
</tr>
<tr>
<td><strong>FRIDAY 12:00PM</strong></td>
<td></td>
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<tr>
<td>Corporate Tax and Affiliated &amp; Related Corporations Luncheon <em>(Ticketed Event)</em></td>
<td>Independence E, Level 5B</td>
<td>12:00PM – 1:30PM</td>
<td>42</td>
</tr>
<tr>
<td>Diversity Luncheon <em>(Ticketed Event)</em></td>
<td>Tiber Creek, Level 1B</td>
<td>12:00PM – 12:30PM</td>
<td>42</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Defined Benefits Plans</td>
<td>Marriott Marquis, Independence G, Level M4</td>
<td>12:00PM – 1:15PM Employee Benefits Defined Benefit Plans Update</td>
<td>43</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on ESOPs</td>
<td>Marriott Marquis, Independence H, Level M4</td>
<td>12:00PM – 1:00PM Employee Benefits ESOP Update</td>
<td>43</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Mergers &amp; Acquisitions</td>
<td>Marriott Marquis, Monument, Level M4</td>
<td>12:00PM – 1:15PM Employee Benefits Mergers &amp; Acquisitions Update</td>
<td>44</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
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<tr>
<td>Estate &amp; Gift Taxes and Fiduciary Income Tax (Ticketed Event)</td>
<td>Arlington/Cabin John, Level 3B</td>
<td>12:00PM – 12:30PM</td>
<td>42</td>
</tr>
<tr>
<td>Real Estate and Partnerships &amp; LLCs Luncheon (Ticketed Event)</td>
<td>Hamilton Live, 600 14th St.</td>
<td>12:00PM – 1:00PM Speaker: Christian McBurney, Arent Fox LLP, Washington, DC</td>
<td>42</td>
</tr>
<tr>
<td>State &amp; Local Taxes Luncheon (Ticketed Event)</td>
<td>Declaration, Level 1B</td>
<td>12:00PM – 1:30PM Speaker: Peter Faber, New York, NY</td>
<td>42</td>
</tr>
<tr>
<td><strong>FRIDAY 12:15PM</strong></td>
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<tr>
<td>Employee Benefits Corporate Counsel Forum</td>
<td>Marriott Marquis, Treasury, Level M4</td>
<td>12:15PM – 1:15PM Employee Benefits Corporate Counsel Forum</td>
<td>44</td>
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<tr>
<td><strong>FRIDAY 12:30PM</strong></td>
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<tr>
<td>Administrative Practice and Court Procedure &amp; Practice Luncheon (Ticketed Event)</td>
<td>Farragut/ Lafayette, Level 5B</td>
<td>12:30PM – 1:30PM Speaker: Michael Desmond, Chief Counsel, IRS, Washington, DC</td>
<td>42</td>
</tr>
<tr>
<td>Diversity</td>
<td>Tiber Creek, Level 1B</td>
<td>12:30PM – 1:30PM 12:30p – Tax Crimes and Inequality</td>
<td>44</td>
</tr>
<tr>
<td>Estate &amp; Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee</td>
<td>Arlington/Cabin John, Level 3B</td>
<td>12:30PM – 1:30PM 12:30p – Tax-Exempt Organizations – An Introductory Overview</td>
<td>45</td>
</tr>
<tr>
<td>Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing and US Activities of Foreigners &amp; Tax Treaties Luncheon (Ticketed Event)</td>
<td>Independence A East, Level 5B</td>
<td>12:30PM – 1:00PM</td>
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<td><strong>FRIDAY 12:45PM</strong></td>
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<tr>
<td>Exempt Organizations Luncheon (Ticketed Event)</td>
<td>Marriott Marquis, Independence C, Level M4</td>
<td>12:45PM – 1:45PM</td>
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<td><strong>FRIDAY 1:00PM</strong></td>
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<td>Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing, and US Activities of Foreigners and Tax Treaties</td>
<td>Independence A East, Level 5B</td>
<td>1:00PM – 2:30PM 1:00p – Government Officials Panel</td>
<td>45</td>
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<td>COMMITTEE/PROGRAM</td>
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<td>Banking &amp; Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing Luncheon (Ticketed Event)</td>
<td>Franklin/ McPherson, Level 5B</td>
<td>1:45PM – 2:45PM</td>
<td>42</td>
</tr>
<tr>
<td>Civil &amp; Criminal Tax Penalties Luncheon (Ticketed Event)</td>
<td>Clyde's, 707 7th St.</td>
<td>1:45PM – 2:45PM</td>
<td>42</td>
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<tr>
<td>State &amp; Local Taxes</td>
<td>Independence I, Level 5B</td>
<td>2:00PM – 5:15PM&lt;br&gt;2:00p – Just Passing Through – An Update on the State Tax Treatment of Pass-Through Entities and Their Owners&lt;br&gt;3:00p – The State of State Tax Planning&lt;br&gt;4:00p – Break&lt;br&gt;4:15p – The Taxation of the Digital Economy</td>
<td>47</td>
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<td>COMMITTEE/PROGRAM</td>
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<td>TOPIC(S)/TIME(S)</td>
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<tr>
<td>Law Student Tax Challenge Planning Meeting</td>
<td>Banneker, Level 1B</td>
<td>2:30PM – 3:30PM</td>
<td>47</td>
</tr>
<tr>
<td>Tax Exempt Financing</td>
<td>Bulfinch/ Renwick, Level 3B</td>
<td>2:30PM – 5:45PM 2:30p – Legislative, Treasury and Internal Revenue Service Update 3:45p – Break 4:00p – Controversy and Cooperation with the IRS 5:00p – Four Topics You Did Not Know Were Hot</td>
<td>48</td>
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<td><strong>FRIDAY 3:00PM</strong></td>
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<tr>
<td>Court Procedure &amp; Practice</td>
<td>Constitution E, Level 3B</td>
<td>3:00PM – 5:45PM 3:00p – Current Developments 3:45p – Representing Taxpayers During Summons and Other IRS Interviews – Potted Plant v. Rambo 4:45p – The APA in the Era of Tax Reform</td>
<td>50</td>
</tr>
<tr>
<td>Diversity</td>
<td>Tiber Creek, Level 1B</td>
<td>3:00PM – 5:00PM 3:00p – Expanding Opportunities for State and Local Collections Alternatives For Small Business Owners 4:00p – International Students &amp; Compliance with US Federal Tax Law</td>
<td>51</td>
</tr>
<tr>
<td>Insurance Companies</td>
<td>Declaration, Level 1B</td>
<td>3:00PM – 5:45PM 3:00p – Impact of the 2017 Tax Act on Insurance Companies 4:00p – Tax Issues for Captive Insurance Companies 5:00p – Retirement Legislation and Insurance Companies</td>
<td>52</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
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| Real Estate (continued)                  | Constitution B, Level 3B    | 3:00PM – 5:45PM  
3:00p – Conservation Easements – The Lay of the Land  
3:40p – Rental Real Estate  
4:25p – REITs in the Aftermath of the 2017 Tax Act  
5:05p – Back to the Land of QOZ! An Update on the Latest Round of QOZ Guidance | 53   |
| Tax Accounting                          | Independence G, Level 5B    | 3:00PM – 5:45PM  
3:00p – Current Developments  
3:45p – Section 199A Issues and Opportunities  
4:15p – International Tax Accounting Items  
5:00p – Section 481 and Revenue Recognition | 54   |
| Tax Collection, Bankruptcy & Workouts    | Farragut/ Lafayette, Level 5B | 3:00PM – 6:15PM  
3:00p – Current Enforcement Priorities in Collection  
4:00p – Collection-Based Tax Crimes  
5:00p – Break  
5:15p – Litigating International Penalties in Collection | 55   |
| Teaching Taxation                       | Independence C, Level 5B    | 3:00PM – 4:30PM  
| US Activities of Foreigners & Tax Treaties | Independence A West, Level 5B | 3:00PM – 5:00PM  
3:00p – Choice of Entity and Structuring for Individual Investors and Closely-Held Businesses After Tax Reform (Part 2)  
4:00p – Discretionary Treaty Benefits | 56   |
| FRIDAY 4:00PM                            | Burnham, Level 3B           | 4:00PM – 5:30PM  
4:00p – Motions Practice in Tax Court: From Pleadings to Post-Trial Proceedings | 57   |
<p>| FRIDAY 4:30PM                            | Banneker, Level 1B          | 4:30PM – 5:30PM         | 57   |
| Foreign Activities of US Taxpayers Business Meeting | McPherson Square, Level 5B | 5:45PM – 6:30PM         | 57   |
| Foreign Lawyers Forum Business Meeting   | Latrobe, Level 3B           | 5:45PM – 6:30PM         | 57   |
| Transfer Pricing Business Meeting        | Franklin, Level 5B          | 5:45PM – 6:30PM         | 57   |
| US Activities of Foreigners &amp; Tax Treaties Business Meeting | Banneker, Level 1B | 5:45PM – 6:30PM         | 57   |</p>
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
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</thead>
<tbody>
<tr>
<td>FRIDAY 6:45PM</td>
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<tr>
<td>Section Reception (Ticketed Event)</td>
<td>Independence A, Level 5B</td>
<td>6:45PM – 7:45PM (Hosted by the Diversity Committee and Young Lawyers Forum)</td>
<td>57</td>
</tr>
<tr>
<td>FRIDAY 8:00PM</td>
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<tr>
<td>Joint International Committees Dinner (Reservations Required)</td>
<td>Bobby Van's Grill, 1201 New York Ave. NW</td>
<td>8:00PM – 10:00PM</td>
<td>57</td>
</tr>
<tr>
<td>SATURDAY 7:15AM</td>
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<tr>
<td>Partnerships &amp; LLCs/Real Estate/ S Corporations “Shop Talking Breakfast” (Ticketed Event)</td>
<td>Independence A West, Level 5B</td>
<td>7:15AM – 8:30AM</td>
<td>58</td>
</tr>
<tr>
<td>SATURDAY 7:30AM</td>
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<tr>
<td>ACTC Fellows Breakfast (ACTC Fellows Only)</td>
<td>Independence A East, Level 5B</td>
<td>7:30AM – 9:00AM</td>
<td>58</td>
</tr>
<tr>
<td>Tax Practice Management</td>
<td>Independence C, Level 5B</td>
<td>7:30AM – 8:30AM</td>
<td>58</td>
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<tr>
<td>SATURDAY 7:45AM</td>
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<td></td>
</tr>
<tr>
<td>Court Procedure &amp; Practice Committee Breakfast (Ticketed Event)</td>
<td>Penn Quarter, Level 1B</td>
<td>7:45AM – 9:15AM</td>
<td>58</td>
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<tr>
<td>SATURDAY 8:30AM</td>
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</tbody>
</table>
| Corporate Tax                            | Constitution E, Level 3B| 8:00AM – 11:45AM
  8:00a – Current Developments in Corporate Tax
  10:00a – Break
  10:15a – A Study of Attributes Post-Tax Reform | 58   |
| Employee Benefits                        | Constitution B, Level 3B| 8:30AM – 11:45AM
  8:30a – One Law, Two Laws, Red State, Blue State
  9:30a – Break
  9:45a – 4960? Excise Taxes? What’s a Tax Exempt to Do?
  10:45a – Compensation Planning for Passthrough Entities After the 2017 Tax Act | 59   |
| Fiduciary Income Tax                      | Independence E, Level 5B| 8:30AM – 11:45AM
  8:30a – Current Developments
  9:00a – Qualified Opportunity Zones: What Estate Planners Need to Know
  9:50a – Break
  10:05a – Lemons to Lemonade: Making Use of the Delaware Tax Trap
  10:55a – Impact of the 2017 Tax Act on Trust and Estate Income Taxation | 60   |
## SCHEDULE
### AT-A-GLANCE

<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
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<tr>
<td><strong>SATURDAY 8:30AM (Continued)</strong></td>
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<tr>
<td>LLCs and LLPs Subcommittee of Partnerships &amp; LLCs</td>
<td>Farragut/ Lafayette, Level 5B</td>
<td>8:30AM – 10:30AM 8:30a – Roundtable Discussion</td>
<td>60</td>
</tr>
<tr>
<td>Pro Bono &amp; Tax Clinics</td>
<td>Independence G, Level 5B</td>
<td>8:30AM – 11:45AM 8:30a – Family Members as Caregivers 9:30a – Procedural Due Process and the Tax System: A Fresh Look 10:30a – Break 10:45a – Nuts and Bolts of a Successful Pro Bono Settlement Day</td>
<td>61</td>
</tr>
<tr>
<td>Sales, Exchanges &amp; Basis</td>
<td>Franklin/ McPherson, Level 5B</td>
<td>8:30AM – 11:45AM 8:30a – Current Events 9:00a – Comparison of Gain Deferral Techniques – How Does a Section 1031 Exchange Measure Up to a Charitable Remainder Trust 9:45a – Accommodate This: Lender Issues in Non-Safe Harbor Reverse Exchanges 10:30a – Break 10:45a – Is Now an Opportune Time to Establish Qualified Opportunity Funds?</td>
<td>62</td>
</tr>
<tr>
<td>State &amp; Local Taxes Practitioner's Roundtable (Executive Session)</td>
<td>Independence I, Level 5B</td>
<td>8:30AM – 10:30AM</td>
<td>63</td>
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<td><strong>SATURDAY 8:45AM</strong></td>
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<td>Civil &amp; Criminal Tax Penalties</td>
<td>Constitution A, Level 3B</td>
<td>8:45AM – 12:00PM 8:45a – Reports of Subcommittees on Important Developments 9:10a – Internal Revenue Service, Criminal Investigation – Update 9:35a – Department of Justice Tax Division – Update 10:00a – Break 10:15a – Even More About Penalties 11:00a – Are Your Secrets Safe? A Discussion of the Scope, Application and Protection of Legal Privileges in the US and Abroad</td>
<td>63</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
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<td>Foreign Lawyers Forum</td>
<td>Independence C, Level 5B</td>
<td>9:00AM – 11:30AM 9:00a – What’s My Purpose: The Practical Implications of the Principal Purpose Test</td>
<td>64</td>
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<td>State &amp; Local Taxes: Publication Subcommittees</td>
<td>Independence I, Level 5B</td>
<td>10:30AM – 11:00AM</td>
<td>65</td>
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<td>SATURDAY 12:00PM</td>
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<tr>
<td>Section Luncheon/Plenary Session (Ticketed Event)</td>
<td>Independence A, Level 5B</td>
<td>12:00PM – 1:30PM Speaker: Charles P. Rettig, Commissioner, Internal Revenue Service</td>
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### PROGRAM SCHEDULE
#### THURSDAY, MAY 9

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<tr>
<td>8:30AM – 1:00PM</td>
<td>Officers &amp; Council Meeting <em>(Executive Session)</em></td>
<td>Farragut/Lafayette, Level 5B</td>
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<td>12:00PM – 5:00PM</td>
<td>Tax Bridge to Practice</td>
<td>Independence A West, Level 5B</td>
<td>Sponsored by: Young Lawyers Forum and Diversity&lt;br&gt;Program Co-Chairs: Kelley C. Miller, Reed Smith LLP, Washington, DC; Cathy Fung, Office of Chief Counsel (Large Business &amp; International), IRS, Washington, DC&lt;br&gt;12:00pm <strong>A Conversation With Commissioner Rettig.</strong> IRS Commissioner Charles P. Rettig sits down for an in-depth discussion of his practice, his history, and the latest developments in tax law.&lt;br&gt;12:45pm <strong>Fifteen (02), There’s Still Time for You: Consolidated Returns Basics.</strong> The US consolidated returns rules found primarily under the section 1502 regulations are dizzyingly complex and yet a basic understanding is necessary as a vast number US groups of corporations are subject to the regime. This panel will provide an overview of fundamental concepts that are commonly encountered such as consolidated group membership and termination, intercompany transactions, adjustments to member E&amp;P and stock basis, and special rules with respect to losses. In addition, this panel will discuss the interaction of some of the more prominent tax reform provisions with the consolidated returns rules.&lt;br&gt;Moderator: Alfred Bae, EY, Houston, TX&lt;br&gt;Panelists: Armita Sobhi, EY, Washington, DC; Hasnain Valika, KPMG, Houston, TX&lt;br&gt;Co-sponsored by: Corporate Tax&lt;br&gt;1:45pm <strong>Statutes of Limitations in Tax Litigation: Friend or Foe?</strong> Statutes of limitations are an important, but often overlooked, aspect of tax litigation that can work to the advantage or the detriment of a party. Most practitioners are familiar with the general three-year period of limitation on assessment, as well as basic exceptions, including those for a false return, no return, or a substantial omission of gross income. This panel will address more nuanced rules affecting statutes of limitations in tax, including the interplay of section 6511(a) and (b) in refund suits (and, as appropriate, Tax Court litigation), the failure to notify the IRS of certain foreign transfers, and the failure to disclose listed transactions. The panelists will also discuss strategies for navigating statute of limitation issues in litigation, as well as the effect of the government shutdown on both statute of limitations and filing deadlines with courts and the IRS.&lt;br&gt;Moderator: Kelley C. Miller, Reed Smith LLP, Washington, DC&lt;br&gt;Panelists: Paul Butler, Kostelanetz &amp; Fink LLP, Washington, DC; Professor T. Keith Fogg, Director of the Federal Tax Clinic, Harvard Law School, Jamaica Plain, MA; Elie Mishory, Attorney, Office of Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; Lawrence A. Sannicandro, McCarter &amp; English LLP, Newark, NJ; Rebecca M. Stork, Eversheds Sutherland LLP, Atlanta, GA&lt;br&gt;Co-sponsored by: Court Procedure &amp; Practice and Young Lawyers Division Tax Law Committee</td>
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2:45pm  Break.

3:00pm  **This Land is Your Land: An Introduction to the Conservation Easement Tax Deduction.** The panelists will discuss the elements of a deductible qualified conservation contribution, how the division of property rights defines this statutory exception to the general charitable contribution rule, and the additional regulatory requirements necessary to satisfy that exception. The discussion will include examples drawn from recent Tax Court opinions and highlight recent guidance.

**Moderator:** Valerie Vlasenko, Agostino and Associates PC, Hackensack, NJ
**Panelists:** Anson Asbury, Asbury Law Firm, Atlanta, GA; Karin Gross, Special Counsel, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC; Zachary King, Attorney, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC

**Co-sponsored by:** Real Estate and Tax Accounting

4:00pm  **How the Sausage Gets Made: The Unintended Consequences of the 2017 Tax Act and the Outlook for Tax Legislation in 2018.** The Tax Cuts and Jobs Act was signed into law by President Trump on December 22, 2017. Originally intended as an amendment to various provisions of the Internal Revenue Code of 1986, the TCJA created a cannon of entirely new, and occasionally baffling, tax law for practitioners. This panel, comprised of Washington, DC tax policy insiders, will focus on how tax legislation—like the TCJA and other legislation currently before Congress—evolves from K Street to conference to committee to Treasury and finally, to law. Notably, the panel will provide insight into the current tax legislation making its way through Congress and the prospects for new tax law in 2018.


1:00PM – 5:00PM  Independence A East, Level 5B

**Low Income Taxpayer Representation Workshop**
The Pro Bono & Tax Clinics Committee proudly presents the annual workshop for new and pro bono practitioners.

1:00pm  **But I’m A TAX Lawyer: Working with Immigration, H2-A and Other Residency Issues.** A taxpayer comes to you with an issue that appears to be more immigration than tax related... Don’t panic! This panel will discuss the myriad tax (and non-tax) issues that arise when assisting low-income taxpayers that are not US citizens. From basic issue-spotting, to the 1040NR return, to what other legal resources are available: this panel will provide the tax practitioner with a solid foundation to holistically address the concerns of the non-citizen taxpayer.

**Moderator:** Anastassia Kolosova, Accounting Aid Society, Detroit, MI
**Panelists:** Lazlo Beh, Philadelphia Legal Assistance, Philadelphia, PA; Rostyslav Shiller, IRS National Taxpayer Advocate Office, Washington, DC; Sulma Guzman, Centro de los Derechos del Migrante, Baltimore, MD
2:15pm  Break.

2:30pm  **Self-Employed In the Online Platform Economy: Navigating EITC Audits From Tax Return to Tax Court.** Gig economy workers and independent contractors may face different challenges when they claim the EITC and their returns are audited. This panel will (1) provide an overview how technology (including apps) impact how gig economy and independent contractors receive income or pay expenses; (2) provide some practical advice about how to anticipate challenges at the IRS exams and appeals levels (what issues may be raised, ways to obtain documentation necessary to prove income and/or expenses); and how a client’s EITC can be impacted; and (3) discuss what to anticipate if such a worker litigates a notice of deficiency at the Tax Court, including addressing proof as to whether a client is engaged in a trade or business, challenges under section 6201(d) as to information returns, what documents should be included in stipulations of fact, and evidentiary issues concerning electronic records.

**Moderator:** Soree Finley, Charlotte Center for Legal Advocacy, Charlotte, NC

**Panelists:** Special Trial Judge Diana Leyden, US Tax Court, Washington, DC; Nancy Rossner, The Community Tax Law Project, Richmond, VA; Elizabeth Shaner, IRS Office of Chief Counsel, Baltimore, MD

3:45pm  **EITC and Benefits Law: Conceptualizing, Understanding (and Navigating) the Interplay of EITC and Benefits Law.** What makes the EITC “different” from other tax provisions? And when do those differences matter (in a legal sense)? This panel will discuss the history and purpose of the EITC, how it interfaces with other disparate areas of law like benefits and bankruptcy.

**Moderator:** Professor Caleb Smith, University of Minnesota Law School, Minneapolis, MN

**Panelists:** Margot Crandall-Hollick, Congressional Research Service, Washington, DC; Carrie Welton, Center for Law and Social Policy, Washington, DC

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4:30PM – 6:00PM  National Center on Philanthropy and the Law Philanthropy Professors Meeting

5:00PM – 6:00PM  Committee Leadership Development Session

5:00PM – 6:00PM  First Time Attendee, Young Lawyer & Law Student Networking Reception  (Complimentary)

5:00PM – 7:00PM  The Laurence Neal Woodworth Memorial Lecture and Reception  
**Developing Tax Policy in an Era of Cynicism About the Government**

**Speaker:** Cara Griffith, Tax Analysts

**Sponsored by:** Ohio Northern University
6:00PM – 7:00PM
Welcome Reception, Celebrating Pro Bono (Complimentary)
Constitution Ballroom, Level 3B

7:00PM – 9:30PM
Administrative Practice Committee Dinner (Reservations and Advance Payment Required)
Morgan Lewis & Bockius LLP, 1111 Pennsylvania Ave. NW

7:00PM – 9:30PM
Partnerships & LLCs and Real Estate Committees Dinner (Reservation Required)
Bobby Van’s Steakhouse, 809 15th St. NW
Members of the Partnerships & LLCs and Real Estate Committees will meet for cocktails and dinner at Bobby Van’s Steakhouse, 809 15th St. NW, Washington, D.C (202-589-0060). Please be aware that this is a different Bobby Van’s location than in prior years. Cocktails (cash bar) will begin at 7:00pm, followed by dinner at 7:30pm. Reservations and advance payment required.

7:30PM – 9:00PM
Young Tax Lawyers Networking Reception (Complimentary)
Capitol City Brewing Company, 1100 New York Ave. NW
Come network with tax professionals and students from all over the world as we gather for the start of the 2019 May Tax Meeting. This event will follow the Tax Section’s Welcome Reception. Appetizers will be served.
Hosted by: Sideman & Bancroft, LLP and University of California Irvine School of Law-Graduate Tax Program

= Taped ★ = Young Lawyers Program ‡ = Ethics Credits Requested = No CLE Credit
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| 7:00AM – 8:15AM   | Declaration, Level 1B | Sponsored Program  
Breakfast Forum Presented by Tax Analysts *(Complimentary)*  
Tax Notes Talk: Perspectives on the Taxation of the Digital Economy  
An on-site podcast recording featuring Will Morris, Global Tax Policy Leader, PwC, and Professor Lilian Faulhaber, Georgetown Law. |
| 7:30AM – 9:00AM   | Banneker, Level 1B | ACTC Board of Regents Meeting *(Executive Session)*                    |
| 7:30AM – 8:30AM   | Marriott Marquis, Monument, Level M4 | Exempt Organizations Subcommittee on Audits, Appeals and Litigation  
Chairs: Michael A. Clark, Sidley Austin, Chicago, IL; Marcus S. Owens, Loeb & Loeb LLP, Washington, DC  
7:30am  Roundtable Discussion of Current Developments |
| 7:30AM – 8:30AM   | Marriott Marquis, Supreme Court, Level M4 | 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   | Marriott Marquis, Mint, Level M4 | Exempt Organizations Subcommittee on Political and Lobbying Organizations  
Chairs: Elizabeth J. Kingsley, Harmon Curran Spielberg + Eisenberg LLP, Washington, DC; Richard F. Riley, Foley & Lardner LLP, Washington, DC  
7:30am  Roundtable Discussion of Current Developments |
| 7:30AM – 8:30AM   | Marriott Marquis, Treasury, Level M4 | Exempt Organizations Subcommittee on Private Foundations, Unrelated Business Income and International Philanthropy  
Chairs: LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA; Robin Krause, Patterson Belknap Webb & Tyler LLP, New York, NY; Alexander L. Reid, Morgan Lewis & Bockius LLP, Washington, DC; Tamara Watts, Bill & Melinda Gates Foundation, Seattle, WA; Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA; James P. Joseph, Arnold & Porter LLP, Washington, DC  
7:30am  Roundtable Discussion of Current Developments |
| 7:30AM – 8:30AM   | Marriott Marquis, Independence G, Level M4 | Exempt Organizations Subcommittee on Religious Organizations  
Chairs: Michael E. Durham, Kirton McConkie PC, Salt Lake City, UT; Thomas E. Wetmore, General Conference of Seventh-Day Adventists, Silver Spring, MD  
7:30am  Roundtable Discussion of Current Developments |
PROGRAM SCHEDULE
FRIDAY, MAY 10

8:00AM – 10:45AM  Constitution E, Level 3B
Administrative Practice  ⚫
Chair: Jennifer Breen, Morgan Lewis & Bockius, 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 legislative efforts impacting tax law and the IRS, Treasury and IRS guidance, court decisions, ongoing litigation and other items germane to tax administration.
Moderator: Elizabeth J. Smith, Ropes & Gray LLP, Boston, MA
Panelists: Brendan O’Dell, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Kathryn Zuba, Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; Jim Gadwood, Miller & Chevalier Chartered, Washington, DC

8:45am  Back to Basics: Life Cycle of an IRS Collections Action. This panel will provide an overview of how the IRS institutes and conducts a collection action, and how a taxpayer may respond to such collection action. The panel will provide the perspective of the government and the taxpayer. Discussion points will include collection action process and procedures, types of collection actions, a taxpayer’s ability to challenge a collection action (including the underlying tax liability), and alternatives to IRS collection actions.
Moderator: Antoinette Ellison, Jones Day, Atlanta, GA
Panelists: Giovanni Alberotanza, Rosenberg Martin Greenberg LLP, Baltimore, MD; Alina Solodchikova, RSM US LLP, Washington, DC

9:30am  New Technologies to Communicate with Exam and Appeals. Communication tools have dramatically improved since fax machines first hit the scene. IRS is working to leverage these technologies to improve its communication with taxpayers and advisors, and more efficiently use IRS resources. This panel will explore new technologies that the IRS has recently made available to practitioners in examinations and appeals conferences, including a demonstration of a new web-enabled video conferencing pilot program.
Moderator: Rochelle Hodes, Crowe LLP, Washington, DC
Panelists: Travis Thompson, Sideman & Bancroft, San Francisco, CA; Andrew Allen, Morgan Lewis & Bockius, Palo Alto, CA; Andrew J. Keyso, Deputy Chief, IRS Office of Appeals, Washington, DC; Diane Ogawa, Appeals Officer, Honolulu, HI; Nancy Wiltshire, Acting Director Field Operations, Mid-Atlantic, LB&I, Washington, DC; Andrew Chiu, Director of Product Management and User Experience Design, Washington, DC

8:00AM – 10:45AM  Independence A East, Level 5B
Affiliated & Related Corporations  ⚫
Chair: Greg Fairbanks, Grant Thornton, Washington, DC

8:00am  Consolidated Return Aspects of the Tax Code’s Jazziest Acronyms (otherwise known as the TCJA)—GILTI, FDII, 163J, and the BEAT. This panel will review recently proposed regulations concerning the application of the GILTI and FDII rules, as well as the section 163(j) and BEAT rules, in the context of a consolidated group.
During this discussion, the panel will provide a brief overview of the substantive rules and a deeper dive into the consolidated return aspects of the proposed regulations. No advance reading required, but please leave any other acronyms at the door!

**Moderator:** Mark Schneider, Deloitte, Washington, DC  
**Panelists:** Joe Pari, Weil Gotshal, Washington, DC; Bill Pauls, Deloitte, Washington, DC; Julie Wang, IRS Chief Counsel, Washington, DC

**9:30am**  
**Current Developments.** This panel will consider current developments affecting affiliated and related corporations, with significant focus upon section 965 regulations and proposed section 168(k) regulations.  
**Moderator:** Don Bakke, EY, Washington, DC  
**Panelists:** Colin Campbell, Department of Treasury, Washington, DC; Armita Sobhi, EY, Washington, DC; Becky Holtje, KPMG, Washington, DC; Austin Diamond-Jones, IRS Office of Chief Counsel, Washington, DC

**8:00AM – 10:45AM**  
**Independence G, Level 5B**  
**Banking & Savings Institutions**  
**Chair:** Yoram Keinan, Kostelanetz & Fink LLP, New York, NY

**8:00am**  
**A Comparative Analysis of Treaty Anti-Abuse Provisions and Financial Institutions.** In today’s global international markets, financial institutions routinely enter into cross border financial transactions, internally with affiliates and/or with unrelated parties. Thus, it is very important for the transacting financial institution to assess the application of an applicable tax treaty in general, and the treaty’s anti-abuse rule in particular. This comparative panel will present this issue from the perspective of three neighboring countries: The United States, Canada and Mexico in light of the relevant treaties’ provisions, each country’s domestic general anti-avoidance rules and the impact of the Multi-lateral instrument (“MLI”).  
**Moderator:** Shay Menuchin, KPMG, Toronto, ON  
**Panelist:** Laura Gheorghiu, Gowling WLG, Montreal, QC; Mariana Eguiarte Morett, Sanchez Devanny, Mexico City, Mexico

**9:30am**  
**The Current State of the Economic Substance Doctrine and its Effect on Financial Institutions.** The economic substance doctrine was “codified” in 2010, effective for transactions after March 31, 2010, and a new strict liability penalty added for economic substance understatements. While the IRS and Treasury provided initial guidance on the application of the codified doctrine and the penalty, only a handful of cases have considered post-codification transactions. This panel will discuss how the economic substance doctrine has developed since codification and the extent to which the doctrine and the penalty should concern financial institutions in planning and examinations.  
**Moderator:** Stow Lovejoy, Kostelanetz & Fink LLP, New York, NY  
**Panelists:** Jasper Cummings, Alston & Bird, Washington, DC; James Hartford, IRS Office of Chief Counsel, Washington, DC; Yoram Keinan, Kostelanetz & Fink LLP, Washington, DC
8:00AM – 10:00AM
Capital Recovery & Leasing
Chair: Sam Weiler, EY, Columbus, OH

8:00am **Current Developments and Update on Pending Guidance.** This panel will cover the important recent developments in the areas of capital recovery and leasing, including an update on the bonus depreciation regulations under section 168(k) and the business interest expense limitation regulations under section 163(j).
   **Moderator:** Tracy Watkins, RSM, Washington, DC
   **Panelists:** Kathy Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Charles Gorham, Special Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Scott Dinwiddie, Associated Chief Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Jaime Park, Attorney, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Selvan Boominathan, CohnReznick, Washington, DC

9:00am **An (Unexpected) Interest in ADS.** This panel will discuss the increased focus on the use of the alternative depreciation system in light of various tax reform provisions and related guidance, such as computing foreign derived intangibles income and allocations to excepted and non-excepted businesses under the interest expense provisions of section 163(j).
   **Moderator:** Jane Rohrs, Deloitte, Washington, DC
   **Panelists:** Kathy Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Charles Gorham, Special Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Jaime Park, Attorney, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Justin Grill, Attorney, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Gary Scanlon, Attorney-Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; Carol Conjura, KPMG, Washington, DC; Sara Logan, PwC, Washington, DC; Tim Powell, EY, Washington, DC; Wendy Friese, Tax Policy Advisor, Department of Treasury, Washington, DC

8:00AM – 9:30AM
Employee Benefits Defined Contribution Plans Update
Presented by the Subcommittee on Defined Contribution Plans

**Chairs:** Matthew Eickman, Qualified Plan Advisors, Omaha, NE; Puneet K. Arora, AbbVie Inc., Chicago, IL

**Vice-Chairs:** Hallie Goodman, Dorsey & Whitney LLP, Minneapolis, MN; Mindi Johnson, Foster Swift Collins & Smith PC, Grand Rapids, MI; Julia Kovacs, DLA Piper LLP, Washington, DC

This panel will examine recent and pending regulatory and enforcement activity in relation to section 401(k) plans and other defined contribution plans. It will also involve discussion regarding recent litigation relating to and impacting defined contribution plans. Finally, the panel will facilitate a discussion of emerging issues.

**Panelists:** Kyle Brown, Division Counsel, Office of Chief Counsel, TEGEDC, IRS, Washington, DC; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Matthew Eickman, Qualified Plan Advisors, Omaha, NE; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL; Mindi Johnson, Foster Swift Collins & Smith PC, Grand Rapids, MI
8:00AM – 9:30AM  Marriott Marquis, Independence E, Level M4
Employee Benefits Executive Compensation, Fringe Benefits and Federal Securities Law Update
Presented by the Subcommittees on Employee Benefits Executive Compensation and Fringe Benefits and Federal Securities Law

Chairs: Curtis Fisher, Bass Berry & Sims PLC, Nashville, TN; Ali Fawaz, Celgene Corporation, Summit, NJ
Vice-Chairs: Rita Patel, DLA Piper LLP, Washington, DC; Nicole Hanna, ONEOK Inc., Tulsa, OK; Robert Neis, Eversheds Sutherland, Washington, DC

This panel will discuss the recently issued interim guidance (Notice 2019-09) related to section 4960 and the excise tax on executive compensation paid by all tax-exempt organizations in excess of $1 million. The panelists will discuss questions, issues, and strategies to address such compensation arrangements under the interim guidance as well as situations that may require further guidance. Additionally, the panel will provide an update regarding Notice 2018-68 and the amended provisions of section 162(m).


8:00AM – 10:45AM  Wilson/Roosevelt, Level 3B
Estate & Gift Taxes

Chair: George D. Karibianian, Franklin Karibianian & Law PLLC, Boca Raton, Florida/Washington, DC; Hannah W. Mensch, Ehrenkranz Partners, New York, NY

8:00am Current Developments. This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since January 2019.
Panelists: Megan M. Curran, Fiduciary Counselling Inc., Tacoma, WA; Beth Kerwin, Paul Weiss Rifkind Wharton & Garrison LLP, New York, NY; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC

8:30am The Anatomy of the Form 706-NA. Despite the temporary doubling of the exemption amount to ten million dollars (indexed for inflation) for the estate of a US citizen or US domiciliary, the exemption remains at $60,000 (and not indexed for inflation) for the estate of a noncitizen nondomiciliary under the Internal Revenue Code. This program highlights the technical and practical considerations in the selection, preparation, filing, and audit of the U.S. federal estate tax return (Form 706-NA) and associated IRS forms when a noncitizen nondomiciliary dies with US assets. The program also considers the often overlooked planning strategies to lessen the imposition of federal estate tax and their impact on the filing and preparation of the Form 706-NA return.
Panelists: Carmina Y. D’Aversa, Attorney at Law, Radnor, PA; Kevin T. Keen, Winstead PC, Houston, TX

9:15am Transfer Tax Planning for Tech Entrepreneurs. This panel will discuss the unique challenges tech entrepreneurs present for estate planners and various transfer tax strategies to meet such clients’ needs. More specifically, we will examine ways of removing appreciation in the value of intellectual property and tech business interests from an entrepreneur’s taxable estate while also addressing such entrepreneur’s
need for liquidity and fear of discouraging a future company sale or investment. Additionally, this panel will look at the mechanics of such a transfer, including the elements of an effective transfer of intellectual property, corporate and securities law issues to keep in mind and issues pertaining to the valuation of intellectual property or tech company interests.

Panelists: Jennifer B. Goode, Birchstone Moore LLC, Washington, DC; Jessica Chod, Potomac Law Group, Washington, DC; Stephanie Johnson, SC&H Group, Baltimore, MD; Kesh Iyer, RSM US LLP, Washington, DC

10:00am  IRS Form 712: Like a Box of Chocolates, You Never Know What You’re Going to Get. This panel will present a primer on IRS Form 712 and the different ways that insurance carriers value policies and reports, when and why it matters, and a discussion of other approaches to valuing life insurance policies for wealth transfer strategies.

Panelists: Ashley B. Sawyer, Loeb & Loeb LLP, Washington, DC; Sarah Moore Johnson, Birchstone Moore LLC, Washington, DC

8:00AM – 11:15AM  Franklin/McPherson, Level 5B

Individual & Family Taxation  

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

8:00am  Update from the Gig Economy Trenches – What’s New for Independent Contractors and Individuals with Business Income. The number of independent contractors, especially gig economy workers, continues to grow along with the tax compliance issues this work triggers. In fact, Treasury’s Inspector General found in a report earlier this year that “along with the gig economy, self-employment tax underreporting will continue to grow if not addressed.” The 2017 Tax Act did not address the under- and non-reporting of income of these workers and may have instead added to their tax compliance and financial challenges with section 199A and the repeal of the ACA’s individual mandate. This panel will provide updates on how gig workers are affected by section 199A as well as state actions to institute new income reporting requirements. Recent developments on misclassification litigation, research on the impact of the tax compliance rules on federal income and self-employment taxes, particularly Social Security, as well as efforts to address these issues in the 116th Congress, will be covered.

Panelists: Professor Caroline Bruckner, American University Kogod Tax Policy Center, Washington, DC; Professor Annette Nellen, San Jose State University, San Jose, CA; Sarah Schaefer, Senior Tax Policy Advisor, Senate Finance Committee, Washington, DC

Co-Sponsored by: Pro Bono & Tax Clinics

9:00am  CDP – Beyond the Weeping and Gnashing of Teeth; What Can be Done to Fulfill CDP’s Beneficial Intent? Collection due process (CDP) rights launched twenty years ago to provide additional procedural protections to taxpayers facing tax liabilities. CDP is an essential part of the practitioner’s toolkit: It offers independent review of IRS collection actions, including the chance for alternatives to enforced collection and, in certain instances, review of the liability itself. CDP may be used to achieve meaningful and lasting collection resolutions for both pro se and represented taxpayers. However, CDP also may be an expensive and emotionally wrenching experience for taxpayers who enter the process in good faith, only to be greeted...
by inflexible, unrealistic deadlines, overworked IRS professionals applying cookie cutter tactics to move a file off their desk, and a Court swamped with equally cookie cutter motions for summary judgment by the IRS against which pro se taxpayers are ill-equipped to defend. Even seasoned tax practitioners are frustrated by inadequate case records, inelastic government responses, and seemingly limited judicial remedies. This program will move beyond “let me tell you how it all went wrong” to brainstorm what realistically might be done to fulfill the promise of CDP.

**Moderator:** Carolyn Lee, Morgan Lewis and Brodsky, San Francisco, CA

**Panelists:** The Honorable David Gustafson, US Tax Court, Washington, DC; Professor Keith Fogg, Harvard Law School, Boston MA; Mitchel Hyman, IRS Office of Chief Counsel, IRS, Washington, DC; William Schmidt, Kansas Legal Services Low Income Tax Clinic, Kansas City, KS; Professor Erin Stearns, University of Denver Low Income Tax Clinic, Denver, CO

**Co-Sponsored by:** Pro Bono & Tax Clinics

10:00am  **Break.**

10:15am  **IRS Refund Fraud Filters: How They Combat Fraud, How They Impact Taxpayers, and What Can Be Done to Make Them Better?** The IRS applies fraud detection filters to all tax returns claiming a refund before making payment. These internal filters are designed to reduce improper payments by matching taxpayer information to statistical data as well as third party information returns. While these filters are effective and credited with saving billions in taxpayer dollars, they are not perfect and do generate false positive determinations of improperly claimed refunds. If a taxpayer is subject to a false positive the burden is on them to verify their identity and that the information was correct on the return. This panel will look at the mechanics of fraud detection, the impact on taxpayers, if certain groups of taxpayers are more likely receive false positive determinations, and what can be done to improve the fraud detection system.

**Moderator:** Josh Beck, Senior Advisor Systemic Advocacy Taxpayer Advocate Service, Des Moines, IA

**Panelists:** Nina Olson, National Taxpayer Advocate, Washington, DC; Denise D. Davis, Wage & Investment Director, IRS Return Integrity Operations (RIO), Atlanta GA; James Creech, Law Offices of James Creech, San Francisco, CA

**Co-Sponsored by:** Pro Bono & Tax Clinics

8:00AM – 10:45AM  Independence I, Level 5B

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

8:00am  **A Potpourri of Private Fund Issues.** This panel will focus on recent trends and tax issues facing private investment funds. Topics will include waivers, allocations and the new carried interest rules; unexpected contexts in which loan origination issues can arise; ECI and withholding on sales of partnership interests; FIRPTA planning; withholding tax refunds and reverse hybrid entities; and subscription lines and UDFI.

**Panelists:** Thomas Calianese, EY, New York, NY; Linda Hui, Ares Management Corporation, Los Angeles, CA; Benjamin H. Rippeon, Gibson Dunn & Crutcher LLP, Washington, DC; Laura Warren, Hamilton Lane, Bala Cynwyd, PA
**PROGRAM SCHEDULE**
**FRIDAY, MAY 10**

**8:55am** Business Development Company (BDC) Structuring and Trends. This panel will discuss the regulatory scheme for BDCs, tax and securities law structuring considerations, and recent market trends.
**Panelists:** James Brown, Ropes & Gray LLP, New York, NY; David Roby, Eversheds Sutherland (US) LLP, Washington, DC; James Silk, Willkie Farr & Gallagher LLP, Washington, DC

**9:50am** Looking Behind the Curtain on Opportunity Zones: Risks to OZ Stakeholders from Implementation Issues and Potential Reporting and Anti-Abuse Rulemaking. Lack of reporting, data collection or community impact requirements is leading to concerns about gentrification and that OZ could become an unintended tax shelter. This panel of policy, legal and community engagement thought leaders will discuss ongoing implementation issues, prospects for reporting and anti-abuse rulemaking at the federal and local levels, and the potential legal and reputational risks they pose for unwary OZ investors, developers, entrepreneurs and fund sponsors.
**Moderator:** Mary Burke Baker, K&L Gates, Washington, DC
**Panelists:** Shafron (Shay) Hawkins, Legislative Assistant, U.S. Senator Tim Scott (R-SC), Washington, DC; William A. Levy, Kirkland & Ellis LLP, Chicago, IL; David Morgan, David Morgan & Partners and founder, National Infrastructure Investment Alliance, Washington, DC

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**8:00AM – 10:45AM**
**Constitution B, Level 3B**
**Partnerships & LLCs**

**Chair:** Jennifer Alexander, Deloitte Tax LLP, Washington, DC

**8:00am** Hot Topics. This panel will discuss recent developments in the area of partnership taxation, including legislation, regulations, administrative guidance and noteworthy cases.
**Moderator:** Deborah Fields, KPMG, Washington, DC
**Panelists:** Bryan Rimmke, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Audrey Ellis, Attorney-Advisor, Office of Legislative Counsel, Department of Treasury, Washington, DC; Steven Gilbert, Deloitte Tax LLP, Washington, DC

**8:50am** What is a Guaranteed Payment? The classification of a distribution or an entitlement from a partnership as a guaranteed payment has become increasingly relevant in light of tax reform. This panel will discuss the uncertainty surrounding whether certain distributions or entitlements from a partnership should or should not be treated as guaranteed payments.
**Moderator:** Julie M. Marion, Latham & Watkins LLP, Chicago, IL
**Panelists:** Bryan Rimmke, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); Matthew Arndt, PwC, Washington, DC

**9:55am** Unitary Basis Rules and Rev. Rul. 84-53. This panel will discuss the unitary basis rules applicable to partnership interests and the continued relevance and application of these rules.
**Panelists:** Monte A. Jackel, Washington, DC; Eric B. Sloan, Gibson, Dunn & Crutcher LLP, New York, NY
8:00AM – 10:45AM

**Tax Policy & Simplification**

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

8:00am  **Tax Simplification: A Viable Goal for Tax Reform or a Fantasy?**

This Committee is the Committee on Tax Policy and Simplification, but it is unclear whether “Simplification” is intended to be a co-equal or a subset of “Policy.” It is also unclear what simplification might be envisioned. Simplification of the Internal Revenue Code and the forms to be filed comes to mind, although a smaller 1040, literally, is not a major simplification. The regulations and other guidance might be simplified, as might the audit and collection processes. Overall, not much simplification has happened historically or seems likely. Why not? Of course, simplification is at odds with the complexity of the society subject to the income tax. More telling, however, is the fact that simplification is often at odds with other goals of tax legislation, such as measuring income so as to achieve horizontal and vertical equity. Real simplification only tends to result when a strong constituency will benefit, despite the fact that the simplification undermines other tax policy goals. This program will discuss these issues with a focus on examples from the numerous historical changes in depreciation and cost recovery provisions of the Internal Revenue Code. It is hoped that this will be a first step toward more focus on simplification that improves the overall income tax.

**Speaker:** Professor Michael B. Lang, Chapman University Fowler School of Law, Orange, CA

8:30am  **Digital Discord: Forging Tax Rules to Fit a Digitalized World.**

As business models and transactions become increasingly digitalized, longstanding domestic tax rules, tax treaties, and international tax norms are being challenged in ways that are both unprecedented and fundamental. Unilateral approaches being advanced by tax policy and law makers are disrupting current tax law paradigms; distorting business decisions; and threatening to subject taxpayers and transactions to increasing levels of double tax, tax disputes, and unanticipated costs. The lack of a global consensus on how to tax our increasingly digitalized economies could also leave a confusing patchwork of conflicting tax policies. The panel will first describe the web of multifaceted tax policy and political issues, and then address specific topics including: the longstanding international tax consensus, forged in the 1920s, on which thousands of tax treaties are based; details of the OECD’s recent “Pillar One” and “Pillar Two” Proposals”; an update on various jurisdictions’ unilateral measures; the official US response to these measures (and the possibility of de facto retaliation); how the US Supreme Court’s decision in *South Dakota v. Wayfair* (2018) fits into this broader international tax debate; and finally, what tax planners and businesses should be doing now to prepare for what could be drastic changes in how businesses and individuals are taxed in our increasingly digitalized world.

**Moderator:** Pamela A. Fuller, Royse Law Firm, New York, NY

**Panelists:** Peter H. Blessing, New York, NY; Professor Allan Erbsen, University of Minnesota Law School, Minneapolis, MN; Brian Jenn, Deputy International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Will Morris, PwC and Chair of the BIAC Tax Committee (Business and Industry Advisory Committee to the OECD), Washington, DC; Mansi Seth, Dechert LLP, New York, NY
**PROGRAM SCHEDULE**
**FRIDAY, MAY 10**

**8:30AM – 10:30AM**

**Transfer Pricing**

Chair: Timothy S. Gunning, EY, New York, NY

8:30am  **Developments at the IRS Advance Pricing and Mutual Agreement (APMA) Program and the OECD PERTAINING TO ADVANCE PRICING AGREEMENTS (APAS) and MUTUAL AGREEMENT PROCEDURE (MAP) CASES.**

John Hughes, Director of APMA and Sami Laaksonen, Director, Delegated Competent Authority of the Finnish Tax Administration, as well as the other panelists, will be will be discussing some new ideas being explored for reducing the length (and some of the administrative burden) of the bilateral APA process, including a “cross-border dialogue” (CBD) initiative and prospects for “light” APA procedures. Additionally, the panel will cover other timely and pertinent topics, such as the following: Recently published APMA statistics for APAs and MAP cases and what they mean for current and future case inventory and processing; The current state of competent authority relationships with key treaty partners and efforts to improve competent authority dispute resolution processes; Profit-Split and its use in competent authority cases; BEAT, and how APAs may or may not be able to address BEAT or other 2017 Tax Act-related issues; APMA’s use of “reference” sets.

**Moderator:** Samuel M. Maruca, Covington & Burling, Washington, DC

**Panelists:** John C. C. Hughes, Director, Advance Pricing and Mutual Agreement Program, IRS, Washington, DC; Sami Laaksonen, Director, Delegated Competent Authority, Finnish Tax Administration, Helsinki, Finland; Bao Ho, MUFG Americas, New York, NY; Nihan Mert-Beydilli, NERA Economic Consulting, Los Angeles, CA; David Ernick, PwC, Washington, DC

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**8:45AM – 4:30PM**

**Exempt Organizations**

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

8:45am  **Committee Business.**

9:00am  **News from the IRS, Treasury and the Hill.** Representatives from the IRS, Treasury Department and Joint Committee on Taxation will discuss topics of current interest to exempt organizations practitioners.

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

**Panelists:** Victoria A. Judson, Associate Chief Counsel, IRS Office of Chief Counsel (EEE), Washington, DC (Invited); Janine Cook, Deputy Associate Chief Counsel, IRS Office of Associate Chief Counsel (EEE; EOET), Washington, DC (Invited); Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Gordon M. Clay, Senior Legislation Counsel, Joint Committee on Taxation, Washington, DC (Invited)

10:15am  **Update on Developments Under the 2017 Tax Act.** This panel will discuss guidance issued with respect to provisions of the 2017 Tax Act impacting tax exempt organizations.

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

**Panelists:** Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); A. L. (Lorry) Spitzer, Office of the General Counsel, MIT, Cambridge, MA; Bridget M. Weiss, Arnold & Porter Kaye Scholer LLP, Washington, DC
11:15am  **Break.**

11:30am **Understanding and Addressing Impermissible Private Benefit in the Era of Modern Philanthropy.** This panel will discuss ways in which private benefit in an era of increased engagement with non-traditional approaches and collaborators to achieve charitable purposes. Among these are opportunity zones, micro-lending to businesses, pay-for-success, so called “impact investing,” blended or hybrid structures and operating models, and ventures with government agencies and other than charitably oriented businesses and sources of capital. These and other approaches require greater intentionality around understanding the value of brand and reputation, data collection and analysis, and risk allocation. There are often charitable opportunities to pursue and philanthropic successes to be realized once the issues are identified and managed appropriately.

**Panelists:** Hillary Bounds, Chan Zuckerberg Initiative LLC, Redwood City, CA; Edward Diener, King Philanthropies, Menlo Park, CA; John Tyler, Ewing Marion Kauffman Foundation, Kansas City, MO

12:45pm **Exempt Organizations Committee Luncheon (Ticketed Event)**

**Capital Formation for Local News: The American Journalism Project.** Venture capitalist and Texas Tribune founder John Thornton discusses the new venture philanthropy firm dedicated to helping catalyze a renaissance in local news and a movement in journalism philanthropy.

2:00pm **News in the News: Current Issues in Nonprofit Journalism.** This panel will discuss tax issues impacting nonprofit news organizations, philanthropic funders of journalism in the public interest, and community news outlets seeking alternative structures.

**Moderator:** Nancy McGlamery, Adler & Colvin, San Francisco, CA

**Panelists:** Monika Bauerlein, Foundation for National Progress/Mother Jones, San Francisco, CA; Kimberly Eney, Latham & Watkins LLP, Washington, DC; Richard L. Fox, Buchanan Ingersoll & Rooney PC, Philadelphia, PA

3:00pm **International Philanthropy: Non-Tax Issues that Every EO Lawyer Needs to Know.**

This panel will discuss current issues relevant to cross-border giving, including trends in the regulation of charitable activity and charitable giving overseas, as well as recent developments in the US that affect both inbound and outbound philanthropy.

**Moderator:** Tamara L. Watts, Bill & Melinda Gates Foundation, Seattle, WA

**Panelists:** Les P. Carnegie, Latham & Watkins LLP, Washington, DC; Douglas Rutzen, International Center for Not-for-Profit Law, Washington, DC; M. Ruth Madrigal, KPMG, Washington, DC

4:00pm **Cash Bar**
PROGRAM SCHEDULE
FRIDAY, MAY 10

9:30AM – 11:00AM
Employee Benefits Administrative Practices Update
Marriott Marquis, Monument, Level M4
Presented by the Subcommittee on Self-Correction, Determination Letters and Administrative Practices
Chair: Thomas R. Pevarnik, Deloitte Tax LLC, Washington, DC
Vice-Chair: Jewelie A. Grape, Conner & Winters LLP, St. Paul, MN
Assistant Vice-Chairs: Serena Simons, The Segal Company, Washington, DC; Judy Hensley, Roberts & Holland LLP, New York, NY; John Barlow, Groom Law Group Chartered, Washington, DC
The panel will discuss recent developments affecting retirement plans, including changes to the EPCRS VCP filing requirements and any updates concerning the determination letter program. The panel will facilitate an open discussion on issues of interest to the audience affecting the administration of retirement plans.
Panelists: Thomas R. Pevarnik, Deloitte Tax LLC, Washington, DC; Jewelie A. Grape, Conner & Winters LLP, St. Paul, MN; Kyle Brown, Division Counsel, Office of Chief Counsel, TEGEDC, IRS, Washington, DC; Ryan McDonald, Group Manager, EP Determinations, IRS, Cincinnati, OH

9:30AM – 10:30AM
Employee Benefits Legislation & Litigation Update
Marriott Marquis, Mint, Level M4
Presented by Subcommittee on Employee Benefits Legislation & Litigation
Chairs: Michael Bartolic, The Law Offices of Michael Bartolic, Chicago, IL; Lisa Bleier, SIFMA, Washington, DC
Vice-Chairs: Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; Michael Kreps, Groom Law Group Chartered, Washington, DC
This panel will cover new employee benefits provisions being considered by Congress in the coming year. We will also cover employee benefits litigation and recent state employee benefit legislative developments.
Panelists: Kara Getz, Retirement Counsel, House Ways and Means Committee Democratic Staff, Washington, DC; Drew Crouch, Tax Counsel, Senate Finance Committee Democratic Staff, Washington, DC; Lisa Bleier, SIFMA, Washington, DC; Professor Jonathan Forman, University of Oklahoma College of Law, Norman, OK; Michael Kreps, Groom Law Group Chartered, Washington, DC

9:30AM – 10:45AM
Employee Benefits Multinational Employee Benefits & Compensation Issues Update
Marriott Marquis, Treasury, Level M4
Presented by the Subcommittee on Multinational Employee Benefits & Compensation Issues
Chairs: Rob Fowler, Baker Botts LLP, Houston, TX; David W. Powell, Groom Law Group Chartered, Washington, DC
Vice Chair: Karen D. Youngstrom, Thompson Hine LLP, Cleveland, OH
This panel will discuss GDPR Territorial Scope draft guidelines and their application to benefits data, UK proposals for criminal and financial sanctions on mismanaged DB plans, global clawback issues, new Collective Defined Contribution plan designs in the UK, cross-border plan developments, and international ESG developments.
Panelists: TBA
9:45AM – 10:45AM
Marriott Marquis, Supreme Court, Level M4
Employee Benefits Multiple Employer Plans, PEOs and Controlled & Affiliated Service Groups Update
Presented by the Subcommittee on Multiple Employer Plans, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups
Chair: Stefan P. Smith, Locke Lord LLP, Dallas, TX
Vice Chairs: Robert J. Toth, Jr., Law Office of Robert J. Toth, Jr. LLC, Fort Wayne, IN; Farrah Fielder, National Association of Professional Employer Organizations, Alexandria, VA
Assistant Vice Chair: Brandon Long, McAfee & Taft, Oklahoma, OK
The panel will cover: (i) the proposed rule addressing Association Retirement Plans and other multiple employer plans; (ii) state responses to the new Association Health Plan rule; (iii) prohibited transaction considerations with AHPs and MEPs; and (iv) affiliated service group update.
Panelists: Stefan P. Smith, Locke Lord LLP, Dallas, TX; W. Walden Lloyd, Durham Jones & Pinegar, Salt Lake City, UT; Sarah Mysiewicz Gill, AARP, Washington, DC; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Pamela Kinard, Special Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC

10:00AM – 11:00AM
Banneker, Level 1B
Appointments to the Tax Court (Executive Session)

10:00AM – 12:00PM
Marriott Marquis, Independence E, Level M4
Employee Benefits Welfare Plans and EEOC, FMLA and Leaves Issues Update
Presented by the Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues
Chairs: Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Elena Kaplan, Jones Day, Atlanta, GA
Vice-Chairs: Jaquelyn Meng Abbott, ExxonMobil, The Woodlands, TX; Rachel Levy, Groom Law Group Chartered, Washington, DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL
Assistant Vice-Chairs: Robyn Crosson, ADP, Indianapolis, IN; Gary Chase, Willis Towers Watson, New York, NY; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH
This panel will address new legislation, cases, and trends impacting employer-sponsored health and welfare plans. Topics will include state paid leave laws and how they affect ERISA benefits, Department of Labor health plan enforcement activity, and direct contracting with health care providers. The panel will also provide a COBRA litigation update. Finally, the panel will discuss HIPAA privacy compliance, enforcement, and related ERISA fiduciary implications.
Panelists: Jacquelyn Meng Abbott, ExxonMobil, The Woodlands, TX; Robyn Crosson, ADP, Indianapolis, IN; William M. Freedman, Dinsmore, Cincinnati, OH; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Elena Kaplan, Jones Day, Atlanta, GA; Rachel Levy, Groom Law Group Chartered, Washington, DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Roberta Casper Watson, Wagner Law Group, Tampa, FL; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH; Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Employee Benefits, Exempt Organizations and Employment Taxes, IRS Office of Chief Counsel, Washington, DC; Amy Turner, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Washington, DC
10:15AM – 12:15PM
Energy & Environmental Taxes
Chair: Amish Shah, Eversheds Sutherland, Washington, DC

10:15am **The Nuts and Bolts of the New Section 45Q Carbon Sequestration Credit.** This panel will discuss the section 45Q carbon sequestration credit and the significant changes made to that credit in the Bipartisian Budget Act of 2017 to expand the scope and the amount of the credit. The panel will also discuss what guidance is needed for taxpayer to utilize this credit.

**Moderator:** Amish Shah, Eversheds Sutherland, Washington, DC

**Panelists:** Brian Americus, Deloitte, Washington, DC; Hannah Hawkins, Deputy Tax Legislative Counsel, Department of Treasury, Office of Tax Policy, Washington, DC

11:00am **Energy Hot Topics.** This session will be a discussion among attendees of recent legislative, judicial and regulatory tax developments impacting the energy sector and companies engaged in energy transactions and investments, including tax reform impacts and related regulatory guidance, and other income and excise tax oil and gas, renewable energy and alternative fuels developments.

**Moderators:** Courtney Sandifer, Mazars USA, Washington, DC

**Panelists:** Jennifer Bernardini, Attorney, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC; Hannah Hawkins, Deputy Tax Legislative Counsel, Department of Treasury, Office of Tax Policy, Washington, DC; Taylor Cortright, KPMG, Washington, DC; Brad Seltzer, Eversheds Sutherland, Washington, DC

10:30AM – 12:30PM
Foreign Activities of US Taxpayers
Chair: Kimberly J. Majure, KPMG, Washington, DC

10:30am **Repatriation of Foreign Earnings.** So many ways to repatriate, too many sticky issues to navigate. This panel will take us through our new normal, including a discussion of dividends and current inclusions under subpart F and GILTI, as well as related implications for previously (US-taxed) or foreign-taxed earnings.

**Moderator:** Jose Murillo, EY, Washington, DC

**Panelists:** Rachel Kleinberg, Davis Polk & Wardwell LLP, Menlo Park, CA; Aziza Yuldasheva, Deloitte LLP, Washington, DC; Brenda Zent, Special Advisor on International Taxation, Office of International Tax Counsel, Department of Treasury, Washington, DC; Melinda Harvey, Senior Counsel, Branch 2, IRS Office of Associate Chief Counsel (International), Washington, DC

11:30am **Choice of Entity and Structuring for Multinational Corporations and Partnerships After Tax Reform (Part 1).** This is a two-part panel, presented jointly with USAFTT. In the post-Tax Reform world, choice of entity is... complicated. This most basic of questions has a lot of new implications—sticks vs carrots, aggregate vs entity, who’s caught and who’s not. The FAUST piece of the presentation will take an outbound and inbound look at the issues from a “big company” perspective. Issues considered will include global intangible low-taxed income (GILTI) under section 951A, the 100% dividend received deduction under section 245A, new rules under the dual consolidated loss rules of section 1503(d), the deduction for foreign derived...
intangible income under section 250, the CFC group election under section 163(j),
the application of the base erosion and anti-abuse tax under section 59A and the
new hybrid rules relating to interest and royalties under section 267A.

**Moderator:** Joe Calianno, BDO USA LLP, Washington, DC

**Panelists:** Layla Asali, Miller & Chevalier Chartered, Washington, DC; Ari Berk,
Deloitte LLP, Washington, DC; Daniel M. McCall, Deputy Associate Chief Counsel (International), IRS Office of Associate Chief Counsel (International), Washington, DC; Douglas Poms, International Tax Counsel, Department of Treasury, Washington, DC

**11:00AM – 12:00PM**

**Employee Benefits Distributions Update**

*Marriott Marquis, Independence G, Level M4*

Presented by the Subcommittees on Distributions

**Chairs:** J. Rose Zaklad, Groom Law Group Chartered, Washington, DC, David Whaley, Thompson Hine, Cincinnati, OH

**Vice-Chair:** Ryan Session, Eversheds Sutherland, Washington, DC

This panel will discuss recent issues of interest affecting plan distributions. First, the panel will discuss the recently issued IRS Notice 2019-18 which supersedes IRS Notice 2015-49. The recent guidance appears to allow employers to again offer temporary lump sum distributions for participants and beneficiaries in pay status without violating the minimum required distribution rules. Next, the panel will have a conversation on proposed legislation that provides for a suspension of required minimum distributions for participants that have total account balances below a set threshold. In addition, the panel will discuss the expected timing and scope of finalized hardship distribution regulations and the anticipated action items for employers. This will include a discussion on the new participant certification requirement and the communications that may be necessary between the plan sponsor, the plan administrator and a third party recordkeeper. Finally, the panel will review the recent requests made by multiple trade associations for guidance on lost and/or missing participants.

**Panelists:** William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; David Whaley, Thompson Hine, Cincinnati, OH; Ryan Session, Eversheds Sutherland, Washington, DC; J. Rose Zaklad, Groom Law Group Chartered, Washington, DC

**11:00AM – 12:00PM**

**Employee Benefits Exempt Organization and Governmental Plans Update**

*Marriott Marquis, Mint, Level M4*

Presented by the Subcommittee on Exempt Organization and Governmental Plans

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

**Vice-Chair:** Jenni Krengel, Reed Smith LLP, San Francisco, CA

**Assistant Vice-Chair:** Bryanne Kelleher, VOYA, Windsor, CT; Brian Gallagher, Fraser Trebilcock, Lansing, MI

The panel will discuss current issues impacting governmental, tax-exempt organizations, and church plans, including an update on university 403(b) litigation and church plan litigation, continuing issues relating to the new section 4960 excise tax on executive compensation, and a review of other current topics.

**Panelists:** Robert Johnson, Kaufman & Canoles PC, Newport News, VA; Bryanne Kelleher, VOYA, Windsor, CT; Jenni Krengel, Reed Smith LLP, San Francisco, CA; Blake C. MacKay, Alston & Bird, Atlanta, GA; Brian Gallagher, Fraser Trebilcock, Lansing, MI; Stephen Tackney, Deputy Associate Chief Counsel (International), IRS Office of Associate Chief Counsel (International), Washington, DC; Douglas Poms, International Tax Counsel, Department of Treasury, Washington, DC
Counsel (Employee Benefits), Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Lauson Green, Special Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Stephen LaGarde, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC

11:00AM – 12:00PM
Marriott Marquis, Supreme Court, Level M4
Employee Benefits Fiduciary Responsibility & Plan Investments Update
Presented by the Subcommittee on Fiduciary Responsibility & Plan Investments
Chairs: David A. Cohen, Newport Trust Company, Washington, DC; Jeffrey Lieberman, Skadden Arps Slate Meagher & Flom LLP, New York, NY
Vice-Chairs: Yongo Ding, Miller & Chevalier Chartered, Washington, DC; Kyla Smith, Newport Trust Company, New York, NY
Assistant Vice-Chair: Arsalan Malik, Groom Law Group Chartered, Washington, DC
This panel will discuss recent guidance and other issues addressing ERISA fiduciary responsibilities. Topics will include ESOP fiduciary matters, the SEC’s Regulation Best Interest and associated rules, and other fiduciary responsibility developments.

11:00AM – 11:30AM
Marriott Marquis, Independence H, Level M4
Employee Benefits New Employee Benefits Attorneys Forum
Chair: Laura R. Westfall, King & Spalding, New York, NY
Informal meeting for new members of the Employee Benefits Committee.

11:00AM – 1:45PM
Constitution B, Level 3B
S Corporations
Chair: Thomas J. Phillips, von Briesen & Roper sc, Milwaukee, WI

11:00am
Important Developments in the Federal Income Taxation of S Corporations. This panel will discuss recent legislative, administrative and judicial developments relating to S corporations and their shareholders.
Moderator: Laura Krebs Al-Shathir, Capes Sokol, St. Louis, MO
Panelists: Edward A. Waters, Dean Mead, Orlando, FL; Alison Helland, Boardman & Clark LLP, Madison, WI

12:00pm
Section 163(j) Proposed Regulations. A follow up dialogue with representatives from the Treasury Department and the IRS Office of Chief Counsel on the section 163(j) proposed regulations as applied to S corporations.
Moderator: Kevin D. Anderson, BDO USA LLP, Washington, DC
Panelists: Colin Campbell, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Samuel P. Starr, Special Counsel, IRS Office of Chief Counsel, Pass-Throughs & Special Industries, Washington, DC; H. Grace Kim, Grant Thornton LLP, Washington, DC
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12:45pm  **Section 199A Regulations.** A dialogue with representatives from the Treasury Department and the IRS Office of the Chief Counsel on the recently issued Section 199A Final Regulations, the Proposed Amendments thereto and the Proposed Revenue Procedure Safe Harbor (Notice 2019-07).

**Moderator:** Thomas J. Nichols, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI

**Panelists:** Colin Campbell, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Audrey W. Ellis, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Wendy L. Kribell, IRS Office of Chief Counsel, Pass-Throughs & Special Industries, Washington, DC

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**11:00AM – 1:45PM**  
**Constitution E, Level 3B**  
**Standards of Tax Practice**  

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

**11:00am**  **Ethical Issues in Federal Tax Practice – The Government Perspective.**

This panel will discuss issues of concern and areas of focus for the IRS Office of Professional Responsibility and Office of Chief Counsel and provide an update on recent guidance from the IRS and the Department of Treasury and pending cases that relate to tax practice standards.

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

**Panelists:** Stuart Murray, Special Counsel to the Director, IRS Office of Professional Responsibility, Washington, DC; Hollie Marx, Senior Technician Reviewer, IRS Office of Associate Chief Counsel (Procedure and Administration), Washington, DC

**11:30am**  **A Whole New World: The 2017 Tax Act, Tax Advice, and Lawyer Ethics.**

2018 was a significant year for taxpayers and tax advisors alike as the IRS and Treasury began to issue rules related to the 2017 Tax Act. While the bulk of the 2017 Tax Act's statutory provisions came into effect for tax years beginning after December 31, 2017, the government hasn’t quite finalized all the rules. This panel will explore practitioners' ethical considerations in giving advice where the law is not entirely clear and authorities may be conflicting, and will discuss the impact of making disclosures on a tax return, the weighing of authorities, and general ethical issues in zealous advocacy in uncertain times.

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

**Panelists:** Ashton P. Trice, Deputy Associate Chief Counsel, IRS Office of Associate Chief Counsel (Procedure and Administration), Washington, DC; Matthew Cooper, Deloitte Tax LLP, Washington, DC; Kandyce Korotky, Covington & Burling LLP, Washington, DC; Lisa Zarlenga, Steptoe & Johnson LLP, Washington, DC

**12:30pm**  **The Obligation to Report Tax-Related Misconduct.**

Tax practitioners should be mindful of their ethical obligation to report tax-related misconduct under the internal revenue laws, the Model Rules of Professional Conduct, and Circular 230. A group of experienced panelists will examine when, whether, and how to complain
about professional misconduct by private practice and government attorneys or the Court. The panelists will also discuss when, whether, and how to report tax-related misconduct by unscrupulous tax professionals.

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

**11:30AM – 12:30PM**

**Court Procedure & Practice Roundtable Discussion**

Chair: Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC

11:30am **Failure to Provide Information Returns and Litigation.** The Section 6721/6722 roundtable discussion will focus on penalties and examinations for failure to issue: (a) Forms W-2s & 1099s and when the failure to issue an information return results in the loss of the deduction or other tax benefit, (b) Forms 8300 and whether & when you can make a voluntary disclosure of failure to file Forms 8300 (i.e., is cannabis-related income “illegal income”), and (c) Forms 1042-S and litigation of penalties for failure to file and filing substantially incomplete Forms 1042-S. The panelists will also discuss related issues related to the litigation of these assessable penalties including when and whether the Flora rule applies and when the conduct resulting in these penalties will also lead to the assessment of the Trust Fund Recovery Penalty.

**Moderator:** Phillip J. Colasanto, Agostino & Associates PC, Hackensack, NJ  
**Panelists:** Scott E. Fink, Greenberg Traurig LLP, New York, NY; Mary E. Wood, Meadows Collier Reed Cousin Crouch & Ungerman LLP, Dallas, TX; Jonathan R. Black, Special Counsel, IRS Office of Chief Counsel, Washington, DC
COMMITTEE LUNCHEONS

12:00PM – 1:30PM  Independence E, Level 5B
Corporate Tax and Affiliated & Related Corporations (Ticketed Event)

12:00PM – 12:30PM  Tiber Creek, Level 1B
Diversity (Ticketed Event)
Sponsored by: Ernst Young

12:00PM – 12:30PM  Arlington/Cabin John, Level 3B
Estate & Gift Taxes and Fiduciary Income Tax (Ticketed Event)

12:00PM – 1:00PM  Hamilton Live, 600 14th St. NW
Real Estate and Partnerships & LLCs (Ticketed Event)
Speaker: Christian McBurney, Arent Fox LLP, Washington, DC  
Sponsored by: Thompson & Knight LLP

12:00PM – 1:30PM  Declaration, Level 1B
State & Local Taxes (Ticketed Event)
Peter Faber, well known tax practitioner and former Chair of the ABA Taxation Section, will provide insights from his 55 years of federal, state, and local tax practice.  
Moderator: Leah Robinson, Mayer Brown LLP, New York, NY  
Speaker: Peter Faber, New York, NY

12:30PM – 1:30PM  Farragut/Lafayette, Level 5B
Administrative Practice and Court Procedure & Practice (Ticketed Event)
Speaker: Michael Desmond, Chief Counsel, IRS, Washington, DC  
Sponsored by: Hochman, Salkin, Toscher & Perez, P.C., Miller & Chevalier Chartered, and Thompson Hine

12:30PM – 1:00PM  Independence A East, Level 5B
FAUST, FLF, Transfer Pricing & USAFTT (Ticketed Event)
Sponsored by: DLA Piper LLP

12:45PM – 1:45PM  Marriott Marquis, Independence C, Level M4
Exempt Organizations (Ticketed Event)

1:45PM – 2:45PM  Franklin/McPherson, Level 5B
Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing (Ticketed Event)
Speaker: Helen Hubbard, Associate Chief Counsel (Financial Institutions and Products), Internal Revenue Service, Washington, DC (Invited)

1:45PM – 2:45PM  Clyde’s, 707 7th St. NW
Civil & Criminal Tax Penalties (Ticketed Event)
Sponsored by: Caplin & Drysdale, and Kostelanetz & Fink, LLP
12:00PM – 1:15PM
Employee Benefits Defined Benefit Plans Update
Marriott Marquis, Independence G, Level M4

Presented by the Subcommittees on Defined Benefit Plans

Chairs: Sarah Fry, The North American Coal Corporation, Plano, TX; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH

Vice-Chairs: Rosina Barker, Morgan Lewis & Bockius LLP, Washington, DC; Allison Hoots, Keightley & Ashner LLP, Washington, DC; Meredith VanderWilt, Polsinelli PC, Dallas, TX

Assistant Vice-Chair: Malaika Caldwell, Faegre Baker Daniels LLP, Chicago, IL

This panel will discuss recent issues of interest affecting defined benefit plans, including current developments from the IRS/Treasury and PBGC, recent pension actuarial assumptions litigation and preparing a pension plan for a derisking transaction such as a lump sum window, annuity purchase or plan termination.


12:00PM – 1:00PM
Employee Benefits ESOP Update
Marriott Marquis, Independence H, Level M4

Presented by the Subcommittee on ESOPs

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

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

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

This panel will discuss “price protection” policies implemented in second stage transactions. The panel will review current case law, including recent case law focusing on ESOP sale side transactions, developments in the Dudenhoefter standard and on which party bears the burden of proving that plan losses resulted from a fiduciary breach. The panel will also review broader trends in the ESOP space, including novel transaction structures.

Panelists: Stephen LaGarde, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Robert Gertner, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton Andrews Kurth LLP, Washington, DC; Nicholas Wamsley, Miller & Chevalier Chartered, Washington, DC; Scott Thompson, Haynes and Boone LLP, Dallas, TX; David A. Whaley, Thompson Hine LLP, Cincinnati, OH
**12:00PM – 1:15PM**

**Employee Benefits Mergers & Acquisitions Update**

Marriott Marquis, Monument, Level M4

*Presented by the Subcommittee on Mergers & Acquisitions*

*Chair:* Stephanie Jeane, Latham & Watkins, San Francisco, CA

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

The panel will examine PBGC’s final regulations affecting mergers and transfers between multiemployer plans. Panelists will discuss the PBGC’s role under the final regulations, including with respect to financial assistance, and with respect to facilitated mergers. The panel will also explore the impact of the final regulations on multiemployer plans and plan sponsors.

*Panelists:* Althea Day, Morgan Lewis & Bockius LLP, Washington, DC; Connie Markakis, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC; Theresa Anderson, Acting Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC; Paul Esposito, Slevin & Hart, Washington, DC

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**12:15PM – 1:15PM**

**Employee Benefits Corporate Counsel Forum**

Marriott Marquis, Treasury, Level M4

*Presented by the Employee Benefits Corporate Counsel Forum*

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

*Vice-Chair:* Christina M. Crockett, Washington, DC

*How to Survive a DOL Plan Investigation, presented by the Employee Benefits Corporate Counsel Forum.* Join the Corporate Counsel Forum for a lively discussion about Department of Labor/Employee Benefits Security Administration plan investigations, best practices before hitting the agency’s radar, responding to the agency’s document requests, and preparation for agency interviews. The discussion will draw upon the expertise of in-house and outside counsel, and will include informative insights from the agency.

*Panelists:* Mabel Capolongo, Director of Enforcement, Employee Benefits Security Administration, Department of Labor, Washington, DC; Jacquelyn Abbott, Exxon Mobil Corporation, Houston, TX; Christina M. Crockett, Washington, DC

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**12:30PM – 1:30PM**

**Diversity**

Tiber Creek, Level 1B

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

12:30pm **Tax Crimes and Inequality.** How does gender inequality arise in the context of offshore tax evasion? Does rising income inequality contribute to tax evasion? The panel will explore various manifestations of gender and income inequality that arise in the criminal enforcement of federal tax laws. The panelists will discuss the issue of gender inequality in offshore tax enforcement and how family law, criminal law, and tax law may work in tandem to resolve current issues in offshore tax enforcement when spouses become entangled in the civil and criminal tax issues of tax-evading spouses. The panelists will also discuss how income inequality undermines tax enforcement efforts.

*Moderator:* DeAndré R. Morrow, Reed Smith LLP, Washington, DC

*Panelists:* Professor Khrista McCarden, Tulane University School of Law, New Orleans, LA; Elizabeth J. Atkinson, Whiteford Taylor Preston LLP, Baltimore, MD
PROGRAM SCHEDULE
FRIDAY, MAY 10

12:30PM – 1:30PM Arlington/Cabin John, Level 3B
Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee
Estate & Gift Tax Chairs: George D. Karibjianian, Franklin Karibjianian & Law PLLC, Boca Raton, Florida/Washington, DC; Hannah W. Mensch, Ehrenkranz Partners, New York, NY
Fiduciary Income Tax Chair: Stacey Delich-Gould, Capital Group Private Client Services, New York, NY

12:30pm Tax-Exempt Organizations – An Introductory Overview. This presentation provides an overview of the requirements for charitable organizations to obtain and maintain federal tax exemption under section 501(c)(3) of the Internal Revenue Code and the distinctions between charitable organizations that are classified as private foundations and public charities. Specific topics covered include purposes that qualify for federal tax exemption, the varied types of 501(c)(3) organizations, political campaigning and lobbying activities, private inurement, and the unrelated business income tax.
Panelist: Sean Weissbart, Blank Rome LLP, New York, NY

1:00PM – 2:30PM Independence A East, Level 5B
Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing, and US Activities of Foreigners and Tax Treaties

1:00pm Government Officials Panel. This panel will discuss the latest international tax developments.
Panelists: John C. C. Hughes, Director, Advance Pricing and Mutual Agreement Program, IRS, Washington, DC; Daniel M. McCall, Deputy Associate Chief Counsel (International), IRS Office of Associate Chief Counsel (International), Washington, DC

1:30PM – 5:30PM Penn Quarter, Level 1B
Employment Taxes
Chair: Edward J. Leyden, Leyden Law LLC, Washington, DC

1:30pm IRS Employment Tax Update. An overview of important developments since the October 2018 Meeting, including pertinent Supreme Court decisions, guidance projects in connection with the 2017 Tax Act, and proposed legislation.
Moderator: Edward J. Leyden, Leyden Law LLC, Washington, DC
Panelist: Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel (EEE), Washington, DC

2:30pm Current Developments in Federal Employment and Payroll Tax Enforcement. The IRS has been increasingly diligent in enforcing employment and payroll tax compliance. This panel will discuss challenges both to practitioners and to enforcement agents, alike.
Panelist: Chaya Kundra, Kundra & Associates PC, Washington, DC

3:30pm Break.

3:45pm Creative Use of Federal Tax Statutes as Enforcement Tools in Employment Controversies. An emerging strategy being utilized by counsel for workers in employment controversies is the invocation of the federal tax laws as an affirmative weapon against employers that have been targeted for Wage & Hour and similar claims. This session will discuss the plaintiffs’ bar evolving use of this and other tax enforcement strategies in non-tax cases.
Moderator: Edward J. Leyden, Leyden Law LLC, Washington, DC
Panelist: Richard Nesworth, Lebeau & Nesworth, Towson, MD
4:45pm Update on the Tax Consequences of Employment Settlements and Judgements. Resolving employment disputes has always been a prominent feature of the legal landscape. Furthermore, the IRS has recently issued guidance clarifying – for the better – the very significant changes the 2017 Tax Act has made regarding the deductibility of settlement amounts and attorneys’ fees (including new IRC § 162(q)).

Panelist: Edward Leyden, Leyden Law LLC, Washington, DC

2:00PM – 6:15PM Marriott Marquis, Independence E, Level M4
Employee Benefits

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

2:00pm Department of Labor, Employee Benefits Security Administration and Pension Benefit Guaranty Corporation Hot Topics. Representatives from the Department of Labor and Pension Benefit Guaranty Corporation will provide updates on the latest guidance and developments affecting employee plans.

Moderator: Harold Ashner, Keightley & Ashner LLP, Washington, DC
Panelists: Jeanne Klinefelter Wilson, Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, Washington, DC; Judith Starr, General Counsel, Pension Benefit Guaranty Corporation, Washington, DC

3:00pm Break.

3:15pm Department of the Treasury/Internal Revenue Service Hot Topics. Representatives from the Department of Treasury and the IRS will provide updates on the latest guidance and developments affecting employee plans.

Moderator: Professor Kathryn J. Kennedy, The John Marshall Law School, Chicago, IL
Panelists: Kyle Brown, Division Counsel, Office of Chief Counsel, TEGEDC, IRS, Washington, DC; Victoria Judson, Associate Chief Counsel, Employee Benefits, Exempt Organizations, and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organizations, and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Carol Weiser, Acting Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC

4:15pm Department of the Treasury/Internal Revenue Service Joint Committee on Employee Benefits Technical Sessions Overview. This panel will provide an overview of some of the issues presented to the Department of Treasury and the IRS during the Joint Committee on Employee Benefits technical session meeting on May 9, 2019.

Moderator: Bret Hamlin, Hill Ward Henderson, Tampa, FL
Panelists: J. Rose Zaklad, Groom Law Group, Washington, DC; Brian Gallagher, Fraser Trebilcock, Lansing, MI; Stefan P. Smith, Locke Lord LLP, Dallas, TX; Elena Kaplan, Jones Day, Atlanta, GA; Rita Patel, DLA Piper LLP, Washington, DC

5:15pm Fireside Chat. Informal “town hall” discussion with Department of Treasury; Internal Revenue Service; Employee Benefits Security Administration, Department of Labor; and Pension Benefit Guaranty Corporation representatives on topics of interest to attendees.

6:15pm Networking Reception Marriott Marquis, Independence H, Level M4
Sponsored by: Thomson Reuters Practical Law
PROGRAM SCHEDULE
FRIDAY, MAY 10

2:00PM – 5:15PM  Independence I, Level 5B
State & Local Taxes ★★★

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

2:00pm  Just Passing Through – An Update on the State Tax Treatment of Pass-Through Entities and Their Owners. The panel will provide an update on the state tax treatment of LLCs, partnerships and their owners, summarizing recent and pending state and federal tax legislation and the latest court cases and administrative rulings. The panel will provide insights on the Department of Treasury and IRS approaches to state laws intended as workarounds of the $10k limitation on the SALT deduction enacted as part of the 2017 federal tax reform. Finally, the panel will provide an update on efforts by the Multistate Tax Commission and states to conform to the controversial Federal partnership audit rules.

Moderator: Bruce P. Ely, Bradley Arant Boult Cummings LLP, Birmingham, AL
Panelists: Alysse McLoughlin, McDermott Will & Emery, New York, NY; Steven N.J. Wlodychak, EY, Washington, DC

3:00pm  The State of State Tax Planning. The Supreme Court's adoption of the economic presence nexus standard in South Dakota v. Wayfair, Inc. and other recent developments like state enactments of unitary combined reporting and intercompany expense addback statutes are raising questions about the ongoing vitality of longstanding state tax planning tools, particularly the use of holding companies to isolate business segments within a corporate group. The panel will explore these state tax developments and offer their thoughts on the direction of tax planning in the contemporary state tax world.

Moderator: John A. Biek, Neal Gerber & Eisenberg LLP, Chicago, IL
Panelists: Professor Hayes R. Holderness, University of Richmond School of Law, Richmond, VA; Shirley K. Sicilian, KPMG, Washington, DC

4:00pm  Break.

4:15pm  The Taxation of the Digital Economy. Taxing authorities throughout the world are looking at the way in which the digital economy should be taxed. This panel will look at what role factor presence standards used by the states in the US might play in this discussion.

Moderator: Steven P. Young, Holland & Hart LLP, Salt Lake City, UT
Panelists: Lila Disque, Multistate Tax Commission, Washington, DC; Professor Monica Gianni, California State University, Northridge, CA

2:30PM – 3:30PM  Banneker, Level 1B
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 2020 Midyear Tax Meeting, January 30-February 1, 2020 in Boca Raton, FL. We always look for enthusiastic volunteers to assist with marketing, problem drafting, judging, day-of-competition support and more. No previous experience necessary!
2:30PM – 5:45PM
Tax Exempt Financing
Bulfinch/Renwick, Level 3B
Chair: Todd Cooper, Locke Lord LLP, Cincinnati, OH

2:30pm  **Legislative, Treasury and Internal Revenue Service Update.** This panel will discuss: (i) new legislative initiatives that might affect tax-exempt financing; (ii) updates on enforcement; (iii) the Proposed Reissuance Regulations; (iv) the Committee’s comments on measuring private business use, allocation and accounting rules, and remedial action rules; (v) a very recent PLR dealing with useful life calculations, particularly in an exempt facility leasing context; (vi) Treasury Decision 9854 clarifying that investment-type property excludes the financed project; (vii) Revenue Procedure 2019-17 which reconciles sections 42 and 142 of the Code regarding the public use requirement for low income housing projects financed with low income housing tax credits and/or tax exempt bonds; and (viii) new developments in the tax-exempt bond area.

**Moderator:** Todd L. Cooper, Locke Lord LLP, Cincinnati, OH

**Panelists:** John Cross III, Office of Tax Policy, Department of Treasury, Washington, DC; Johanna Som de Cerff, Acting Branch Chief, Branch 5, Financial Institutions & Products, IRS, Washington, DC; Spence Hanemann, Special Technical Reviewer, Branch 5, Financial Institutions & Products, IRS, Washington, DC; Mark O. Norell, Ballard Spahr LLP, New York, NY; Stefano Taverna, McCall Parkhurst & Horton LLP, Dallas, TX; Chas Cardall, Orrick Herrington & Sutcliffe LLP, San Francisco, CA

3:45pm  Break.

4:00pm  **Controversy and Cooperation with the IRS.** This panel will discuss certain fact patterns that involve (i) two cases that went to appeals and why that decision was made and how the process unfolded procedurally, and (ii) seeking a PLR after the bonds are issued and related disclosure and opinion questions.

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

**Panelists:** Charles Henck, Ballard Spahr LLP, Washington, DC; Aviva Roth, Orrick Herrington & Sutcliffe LLP, Washington, DC

5:00pm  **Four Topics You Did Not Know Were Hot.** This panel will consist of brief presentations on: (i) Unusual fact patterns in determining what are “facilities for the furnishing of water” under 142(a)(4); (ii) State Revolving Fund programs and the acquisition of loans prior to the financing – do the reimbursement rules apply and, if so, how are they applied?; (iii) Private Security - does this include pledged revenues under an indenture; and (iv) Yield compliance for student loan bonds - loan forgiveness versus yield reduction payments.

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

**Panelists:** Bruce Serchuk, Nixon Peabody LLP, Washington, DC; Todd Cooper, Locke Lord LLP, Cincinnati, OH
PROGRAM SCHEDULE
FRIDAY, MAY 10

3:00PM – 5:45PM
Closely Held Businesses 🎉
Chair: Shawn L. McIntire, Velocity Global LLC, Denver CO

3:00pm  **Section 197 and Personal Goodwill in Professional Practices.** Some professional practices (particularly dental, dental specialty and veterinary practices) have substantial and salable goodwill. The section 197 antichurning rules and the concept of personal goodwill in complete or fractional sales are discussed. This panel will review the rules and result if the rules are not understood or ignored.

**Panelists:** Deena M. Devereux, Senior Technician Reviewer, Branch 7, IRS – Income Tax & Accounting, Washington, DC; Charles J. Magee, Senior Counsel, Branch 7, IRS – Income Tax & Accounting, Washington, DC; Galina “Allie” Petrova, Petrova Law, Greensboro, NC; William P. Prescott, Wickens Herzer Panza, Avon, OH

4:00pm  **Closely Held Businesses From Start to Finish – Part II: Operations.** The panel will discuss what should be considered when operating a closely held business and the difference considerations between C-Corporations, S-Corporations, Sole-Proprietorships and Partnerships. The panel will focus employment considerations, deductions available to each entity and other operational tax considerations for closely held business.

**Panelists:** Robb Longman, Longman & Van Grack LLC, Bethesda, MD; Joseph B. Schimmel, Cohen Chase Hoffman & Schimmel PA, Miami, FL; Elizabeth Stieff, Venable LLP, Baltimore, MD

4:55pm  **The Social Impact Side of the Qualified Opportunity Zone Discussion: What Can Treasury Do?** In the initial set of proposed regulations for investments in qualified opportunity funds, Treasury and the IRS responded to the legislative mandate to create certification rules for qualified opportunity funds by allowing funds to self-certify as qualified opportunity funds. Concurrent with the issuance of the most recent set of proposed regulations in April, and consistent with Executive Order 13853, “Establishing the White House Opportunity and Revitalization Council,” Treasury and the IRS issued a request for information requesting detailed comments on data collection and methodologies for assessing relevant aspects of investments held by qualified opportunity funds. This panel will address the extent to which Treasury and the IRS have the authority to impose additional screening criteria as part of the certification process, as well as the Treasury and IRS’s ability to request additional information under the current statute and potential legislative amendments. The panel will also address opportunities under the new proposed regulations that may be favorable to current owners of real estate and businesses within qualified opportunity zone Census tracts seeking capital from the investment community.

**Moderator:** Mark E. Wilensky, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY
**Panelists:** Matt Josephs, Local Initiatives Support Corporation (LISC), Washington, DC; Rachel Reilly, Economic Innovation Group, Washington, DC; Brett Theodos, Urban Institute, Washington, DC; Lisa M. Zarlenga, Steptoe, Washington, DC
4:45pm  The APA in the Era of Tax Reform. A year and a half has passed since the 2017 Tax Act was first enacted, and the IRS and Treasury Department have been busy publishing guidance and regulations interpreting the statute since then. This panel will explore what practitioners should know about the Administrative Procedure Act and how it impacts Treasury and the IRS in exercising their regulatory authority. Topics include: the basics of administrative rulemaking; types of administrative guidance—e.g., notice-and-comment rulemaking, temporary regulations, and subregulatory guidance; the role of deference, including the future of Auer deference at issue in Kisor v. Wilkie; and challenges to the validity of administrative guidance and regulations.

Moderator: Arielle Borsos, Caplin & Drysdale, Washington, DC
Panelists: Anson Asbury, Asbury Law Firm, Decatur, GA; Nicole (Niki) Ford, Baker McKenzie LLP, New York, NY; William Wilkins, PwC, Washington, DC; Gil Rothenberg, Chief, Appellate Section, Department of Justice, Tax Division, Washington, DC
PROGRAM SCHEDULE
FRIDAY, MAY 10

3:00PM – 5:00PM
Diversity

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

3:00pm  **Expanding Opportunities for State and Local Collection Alternatives For Small Business Owners.** This panel will engage practitioners from different state and local jurisdictions to formulate best collection practices at the state and local level for small business owners.

- **Moderator:** Sangsoo (Eddie) Lee, Fordham University School of Law, New York, NY
- **Panelists:** Eunkyong Choi, New York City Taxpayer Advocate, New York, NY; Glenn Newman, Greenberg Traurig LLP, New York, NY; Matt Landwehr, Thompson Coburn LLP, St. Louis, MO

4:00pm  **International Students & Compliance with US Federal Tax Law.** The panelists will provide an overview of the various tax issues and considerations arising for international students, including whether to file a US tax return, what income must be reported, and eligibility to claim tax treaty benefits.

- **Panelists:** Michael A. Wallace, Agostino & Associates PC, Hackensack, NJ; Professor Tracy Kaye, Seton Hall University School of Law, Newark, NJ; Jairo Cano, E-Trade Financial, Jersey City, NJ; Mary Beth Lougen, American Expat Tax Services, Virginia Beach, VA

3:00PM – 6:15PM
Financial Transactions

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

3:00pm  **Newfound Relevance for Age Old Issues: How the 2017 Tax Act Has Reignited Long-Standing Financial Product Debates.** In light of the numerous changes to the Code, practitioners have had to consider the appropriate treatment of a variety of financial transactions where such treatment is currently unclear. The panelists will explore issues such as the treatment of securities lending transactions and repos with a right to rehypothecate and when to treat tax items on a gross or net basis.

- **Moderator:** Michael Shulman, Shearman & Sterling LLP, New York, NY
- **Panelists:** Jeffrey Maddrey, PwC, Washington, DC; Elena Romanova, Latham & Watkins LLP, New York, NY

4:00pm  **Topics of “Interest” Under Section 163(j).** This panel will discuss the definition of interest in the proposed regulations under section 163(j), including the treatment of substitute interest payments, debt issuance costs and commitment fees, as well as hedging transactions and foreign currency considerations.

- **Moderator:** Craig Gibian, Deloitte Tax LLP, Washington, DC
- **Panelists:** Mark Erwin, Deputy Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC (Invited); Michael Mou, Deloitte Tax LLP, Washington, DC; Brett York, Department of Treasury, Washington, DC

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**= Taped  ⭐ = Young Lawyers Program  ⚫ = Ethics Credits Requested  ✈ = No CLE Credit
5:00pm  **Break.**

5:15pm  **Shop Talk: Current Financial Products Tax Issues for Hedge Funds.** This panel will focus on issues that the participants are seeing in their asset management-focused financial products tax practices, including the application of section 163(d) and section 163(j), the impact of the unavailability of deductions under section 212 and various issues under section 475.  
**Moderator:** Matthew A. Stevens, EY, Washington, DC  
**Panelists:** Lucy Farr, Davis Polk & Wardell, New York, NY; William Pomierski, McDermott Will & Emery LLP, Chicago, IL

3:00PM – 5:45PM  
**Declaration, Level 1B**

**Insurance Companies**

**Chairs:** Ann Cammack, EY, Washington, DC; Sheryl Flum, KPMG, Washington, DC

3:00pm  **Impact of the 2017 Tax Act on Insurance Companies.** A discussion with IRS and Treasury representatives about the status of guidance implementing 2017 Tax Act provisions that impact insurance companies.  
**Moderator:** Ann Cammack, EY, Washington, DC  
**Panelists:** Alexis MacIvor, Chief of the Insurance Branch, IRS Chief Counsel, Washington, DC; Kathryn Sneade, Assistant to Branch Chief of the Insurance Branch, IRS Chief Counsel, Washington, DC; Angela Walitt, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Regina Rose, American Council of Life Insurers, Washington, DC

4:00pm  **Tax Issues for Captive Insurance Companies.** This panel will discuss the IRS’s audit campaign on micro-captives, as well as the impact recent Tax Court decisions may have on the structuring of captive insurance companies.  
**Moderator:** Charles J. Lavelle, Bingham Greenebaum Doll LLP, Louisville, KY  
**Panelists:** Kacie Dillon, Woolston & Tarter PC, Phoenix, AZ; Sheryl Flum, KPMG, Washington, DC; Michael Halpert, Program Manager, LB&I Pass-thru Entities, IRS, Washington, DC; Pete Puzakulics, Director, Financial Institutions and Products Area, LB&I Enterprise Activities Practice Area, IRS, Washington, DC

5:00pm  **Retirement Legislation and Insurance Companies.** This panel will discuss retirement-related legislative proposals, including the Setting Every Community Up for Retirement Enhancement (SECURE) Act, the Retirement Enhancement and Savings Act (RESA), the Retirement Plan Simplification & Enhancement Act, and the Retirement Security and Savings Act, and how these bills may affect life insurance companies and the products they offer.  
**Moderator:** Bryan Keene, Davis & Harman LLP, Washington, DC  
**Panelists:** Kara Getz, House Ways & Means Committee, Washington, DC; Drew Crouch, Senate Finance Committee, Washington, DC; Chris Spence, TIAA, Washington, DC
PROGRAM SCHEDULE
FRIDAY, MAY 10

3:00PM - 5:45PM
Real Estate

Chair: Todd D. Keator, Thompson & Knight LLP, Dallas, TX

3:00pm **Conservation Easements – The Lay of the Land.** Conservation easement donations can be an effective tax-minimization strategy if properly structured. This panel will provide an introduction to conservation easements with an overview of structuring considerations. In addition, panelists will discuss recent IRS challenges and court decisions addressing conservation easements, and pitfalls advisors should consider.

**Moderator:** Valerie Vlasenko, Agostino & Associates PC, Hackensack, NJ
**Panelists:** Anson Asbury, Asbury Law Firm, Decatur, GA; Ronald Levitt, Sirote & Permutt PC, Birmingham, AL

3:40pm **Rental Real Estate.** Since enactment of the 2017 Tax Act, the IRS has released a plethora of new guidance aimed at owners of rental real estate, including under section 199A, section 163(j), and other areas. This panel will discuss the recent guidance and the impact on rental real estate.

**Moderator:** Matthew Lay, Deloitte Tax LLP, Washington, DC
**Panelists:** Julanne Allen, PwC, Washington, DC; Michael Hirschfeld, Anderson Tax, New York, NY; Vishal Amin, IRS Office of Associate Chief Counsel (Passthroughs & Special Industries), Washington, DC

4:25pm **REITs in the Aftermath of the 2017 Tax Act.** How are REITs faring in the aftermath of the 2017 Tax Act? This panel will explore various 2017 Tax Act effects on REITs.

**Moderator:** Cristina Arumi, Hogan Lovells, Washington, DC
**Panelists:** Kimberly Arndt, PwC, Washington, DC; Mark Van Deusen, Deloitte, Richmond, VA; Andrea Hoffenson, Branch Chief, IRS Office of Associate Chief Counsel (Financial Institutions & Products), Washington, DC; Grace Cho, Attorney-Advisor, IRS Office of Associate Chief Counsel (Financial Institutions & Products), Washington, DC

5:05pm **Back to the Land of QOZ! An Update on the Latest Round of QOZ Guidance.** Qualified opportunity zones are hot! The IRS released the first wave of guidance in 2018, and recently released a second set of proposed regulations only weeks ago. This panel will discuss the latest guidance for qualified opportunity zones that investors and their advisors need to know.

**Moderator:** Tom West, KPMG, Washington, DC
**Panelists:** Kathleen Gerber, Thompson & Knight LLP, Dallas, TX; Sam Kamyans, Baker McKenzie, Washington, DC; Bryan Rimmke, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC
3:00PM – 5:45PM

Tax Accounting

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

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

*Moderator:* Ryan Corcoran, RSM US LLP, Madison, WI

*Panelists:* David Schneider, Skadden Arp Slate Meagher & Flom LLP, Washington, DC; Caleb Cordonnier, Grant Thornton LLP, Washington, DC; Scott Dinwiddie, IRS Associate Chief Counsel IT&A, Washington, DC; John Moriarty, Deputy Chief Counsel, IT&A, Washington, DC; Kathleen Reed, Branch Chief Branch 7, IRS Office of Chief Counsel IT&A, Washington, DC

3:30pm **Section 199A Issues and Opportunities.** This panel will discuss various issues and opportunities facing taxpayers as they determine their Sec. 199A deduction under the 2017 Tax Act. The panel will focus on the separate trade or business designations and its impact on computing the deduction in addition to other related items with input from our guests from the Internal Revenue Service and Department of Treasury.

*Moderator:* Stanley Barsky, EisnerAmper LLP, New York, NY

*Panelists:* George Manousos, PwC, Washington, DC; Pamela A. Fuller, Royse Law Firm, Menlo Park, CA; Norma Rotunno, Branch Chief, Branch 1, Office of Associate Chief Counsel IT&A, Washington, DC; Douglas Kim, General Attorney, Branch 1, Office of Associate Chief Counsel IT&A, Washington, DC; Margaret Burow, General Attorney, Office of Associate Chief Counsel PSI, Washington, DC; Robert Alinsky, General Attorney, Branch 3, Office of Associate Chief Counsel PSI, Washington, DC

4:15pm **International Tax Accounting Items.** This panel will discuss tax accounting implications of the various international provisions of the 2017 Tax Act related to BEAT, GILTI, FDII and other areas. The panel will also discuss impact the tax accounting rules have on the implementation and application of the international provision of the 2017 Tax Act with input from our guests from the Internal Revenue Service and Department of Treasury.

*Moderator:* Ellen McElroy, Eversheds Sutherland LLP, Washington, DC

*Panelists:* Scott Rabinowitz, Skadden Arp Slate Meagher & Flom LLP, Washington, DC; Carol Conjura, KPMG, Washington, DC; Jeffrey G. Mitchell, Branch Chief, Branch 2, IRS Office of Associate Chief Counsel (International), Washington, DC; Wade Sutton, Senior Counsel, International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC

5:00pm **Section 451 and Revenue Recognition.** This panel will continue to build upon previous revenue recognition panels regarding the implementation of the changes in law due to the enactment of 2017 Tax Act and the interaction with the rules under ASC 606. This panel will discuss recently released guidance and discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury.

*Moderator:* Jane Rohrs, Deloitte Tax LLP, Washington, DC
Panelists: Colleen O'Connor, KPMG, Washington, DC; Michael Solomon, MF Solomon Tax Consulting LLC, Rancho Santa Fe, CA; John Moriarty, Deputy Chief Counsel IT&A, Washington, DC; Charles Gorham, Special Counsel, Office of Associate Chief Counsel IT&A, Washington, DC; Peter Ford, Senior Counsel, Branch 2, Office of Associate Chief Counsel IT&A, Washington, DC; Karla Meola, Special Counsel, Office of Associate Chief Counsel IT&A, Washington, DC; Heather Harman, Legislative Tax Accountant, Joint Committee on Taxation, Washington, DC

3:00PM – 6:15PM
Tax Collection, Bankruptcy and Workouts ➕
Chair: Christin Bucci, Bucci Law Offices, Fort Lauderdale, FL

3:00pm Current Enforcement Priorities in Collection. The panelists will provide an update on IRS enforcement efforts within the collection division, including recent hiring, additional training, and plans to pursue nonpayment of employment taxes. The panelists will also discuss fraud referred by revenue officers, how collection is locating information about virtual currencies, and what to expect now that the IRS is certifying tax debts to the State Department to revoke taxpayers’ passports.
Moderator: Christin Bucci, Bucci Law Offices, Fort Lauderdale, FL
Panelists: Darren John Guillot, Director, IRS Field Collection Operations, Washington, DC; Eli S. Noff, Frost & Associates LLC, Columbia, MD; Wm. Robert Pope, White & Reasor, Nashville, TN

4:00pm Collection-Based Tax Crimes. Fraud referrals for collection-based tax crimes are on the rise as the IRS seeks to close the tax gap. This panel will provide current statistics concerning prosecutions and an overview of the tax crimes most likely to be encountered in collection, including willful failure to collect tax, fraud and false statements, and attempts to interfere with the administration of the internal revenue laws. The panelists will also discuss practical approaches to handling civil collection cases with criminal implications and how to navigate a criminal collection case.
Moderator: Jonathan Kalinski, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA
Panelists: Caroline D. Ciraolo, Kostelanetz & Fink LLP, Washington, DC; Steven Toscher, Hochman Salkin Toscher & Perez PC, Beverly Hills, CA; David Zisserson, Counsel to the Assistant Attorney General for Civil-Criminal Coordination, Trial Attorney, Criminal Enforcement Section (Southern), Department of Justice, Tax Division, Washington, DC; Special Agent in Charge, Internal Revenue Service, Criminal Investigation Division (Invited); Michael T. Batdorf, CI Deputy Director of Operations, IRS, Washington, DC

Co-sponsored by: Civil & Criminal Tax Penalties

5:00pm Break.

5:15pm Litigating International Penalties in Collection. Many penalties resulting from the failure to report foreign income and assets are assessable (i.e., the deficiency procedures do not apply). This panel will discuss the procedures that apply after the IRS Examination Division assesses or proposes to assess a penalty for failing to report foreign income or assets. The panelists will explain the options available to contest and/or compromise the international penalties under Title 26, including accelerated appeals, collection due process hearings, collection alternatives, and
Tax Court litigation. Among the penalties to be covered are international information return penalties, accuracy-related penalties due to undisclosed foreign financial asset understatements, and the fraud penalty.

**Moderator:** Frank Agostino, Agostino & Associates PC, Hackensack, NJ  
**Panelists:** Robert Horwitz, Hochman Salkin Toscher & Perez PC, Beverly Hills, CA; Charles Pillitteri, Deputy Division Counsel, SB/SE, IRS Office of Chief Counsel, Washington, DC; Michelle F. Schwerin, Capes Sokol, St. Louis, MO  
**Co-sponsored by:** Civil & Criminal Tax Penalties and Court Procedure & Practice

### 3:00PM – 4:30PM  
**Teaching Taxation**  
**Chair:** Professor Kerry Ryan, Saint Louis University, Saint Louis, MO

#### 3:00pm  
**Higher Education and Taxation: Are We Getting Tax Policy Right for the Mission of Education?**  
The country is in a battle over the role, place, and funding of higher education. Who is it for? How should it be financed? What should it provide? The tax law impacts higher education in significant ways. This panel will examine those impacts and consider whether we get that policy right, and whether any changes are needed. The 2017 Tax Act imposed new taxes on colleges and universities with large endowments and big salaries. What will be the impact of these changes? Should public universities be able to elect in and out of section 501(c)(3) status? If so, should they be subject to a special set of rules? For-profit higher education providers are increasingly converting to nonprofit status in order to take advantages of benefits provided to tax exempt entities. Should there be rules limiting the entry of for-profit organizations? Tax law also impacts student borrowing. Do we get the incentives right or could we do better in structuring those incentives to benefit those in need?  
**Moderator:** Professor Philip T. Hackney, University of Pittsburgh School of Law, Pittsburgh, PA  
**Panelists:** Professor Ellen P. Aprill, Loyola Law School, Los Angeles, CA; Professor Brian R. Galle, Georgetown University Law Center, Washington, DC; Professor Benjamin Leff, American University, Washington College of Law, Washington, DC; Alexandra Mitchell, RSM US LLP, Washington, DC

### 3:00PM – 5:00PM  
**US Activities of Foreigners & Tax Treaties**  
**Chair:** Summer LePree, Bilzin Sumberg Baena Price & Axelrod LLP, Miami, FL

#### 3:00pm  
**Choice of Entity and Structuring for Individual Investors and Closely-Held Businesses After Tax Reform (Part 2).**  
This is part 2 of a two-part panel, presented jointly with FAUST. This panel will focus on both inbound and outbound planning considerations for individuals and closely-held businesses after tax reform. Topics include planning for individuals with interests in CFCs, including section 965 considerations, section 962 elections, considerations on exit, and implications of tax reform for inbound financing, investment, and estate planning structures.  
**Moderator:** Kirsten Burmester, Caplin & Drysdale, Washington, DC  
**Panelists:** Ellen K. Harrison, McDermott Will & Emery, Washington, DC; Michael Karlin, Karlin & Peebles, Beverly Hills, CA; Natalie Punchak, IRS Office of Associate Chief Counsel (International), Washington, DC; James Wang, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC
4:00pm  **Discretionary Treaty Benefits.** This panel will address issues related to the grant of discretionary benefits under tax treaties, including the recent DC Circuit decision in Starr International rejecting a district court finding that the treaty interpretation issues presented were nonjusticiable political questions. The panel will also address other related issues, including the potential applicability of the act of the state doctrine (recently rejected by the Tax Court in Smith), the relevance of the APA, and the status of IRS claims for unreviewable discretion over discretionary benefits (rejected by an earlier decision in the Starr saga).

**Moderator:** Robert Culbertson, Covington & Burling, Washington, DC

**Panelists:** Christopher P. Bowers, Skadden Arps Meagher & Flom, Washington, DC; Amanda P. Varma, Steptoe & Johnson LLP, Washington, DC

4:00PM – 5:30PM  
**Young Lawyers Forum**  
Chair: Micah Gibson, PwC, Washington, DC

4:00pm  **Motions Practice in Tax Court: From Pleadings to Post-Trial Proceedings.** This panel will explore the various motions used in practice before the Tax Court. The panel will discuss strategies for effectively drafting and arguing motions as well as when to utilize particular motions with a focus on motions related to pleadings, discovery, expert witnesses, and post-trial proceedings.

**Moderator:** Josh Savey, Shearman & Sterling, Washington, DC

**Panelists:** Chief Special Trial Judge Lewis R. Carluzzo, US Tax Court, Washington, DC; Han Huang, IRS, Washington, DC; Rebecca Stork, Eversheds Sutherland, Atlanta, GA

4:30PM – 5:30PM  
**Publications Committee**  

5:45PM – 6:30PM  
**Foreign Activities of US Taxpayers Business Meeting**

5:45PM – 6:30PM  
**Foreign Lawyers Forum Business Meeting**

5:45PM – 6:30PM  
**Transfer Pricing Business Meeting**

5:45PM – 6:30PM  
**US Activities of Foreigners & Tax Treaties Business Meeting**

6:45PM – 7:45PM  
**Section Reception** *(Hosted by the Diversity Committee and Young Lawyers Forum)*

8:00PM – 10:00PM  
**International Committees Dinner** *(Reservation Required)*
7:15AM – 8:30AM
Independence A West, Level 5B
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 – 9:00AM
Independence A East, Level 5B
ACTC Fellows Breakfast (ACTC Fellows Only)

7:30AM – 8:30AM
Independence C, Level 5B
Tax Practice Management
Chair: Roger Royse, Royse Law Firm, Menlo Park, CA
7:30am
The Ethical Challenges of Social Media for Tax Practitioners. The use of social media both personally and professionally has dramatically increased in popularity over the last decade. Modernly, lawyers and tax practitioners use social media to advertise, network, and stay informed on the latest developments in their respective practice areas. While the utility of this transformative technology is evident, practitioners often face a number of ethical and practical challenges related to the use of social media which give rise to professional responsibility concerns. This panel will discuss the ethical and practical challenges related to social media that tax practitioners should be aware of when they represent clients in the future.
Moderator: Travis Thompson, Sideman & Bancroft LLP, San Francisco, CA

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

8:30AM – 11:45AM
Constitution E, Level 3B
Corporate Tax
Chair: Steve Fattman, EY, Washington, DC
8:30am
Current Developments in Corporate Tax. The panel will cover new developments in corporate tax, including proposed regulations under Treas. Reg. §§ 1.337(d)-3, 1.337(d)-7, and 1.301-1, guidance under the 2017 Tax Act, recent private letter rulings, and recent guidance under section 355.
Moderator: Maury Passman, KPMG, Washington, DC
Panelists: Julie Hogan Rodgers, WilmerHale, Boston, MA; Robert Stevenson, Skadden Arps Slate Meagher & Flom, Washington, DC; Colin Campbell, Department of Treasury, Washington, DC (Invited); Brian R. Loss, IRS Office of Associate Chief Counsel (Corporate), Washington, DC (Invited)
10:00am Break.
10:15am A Study of Attributes Post-Tax Reform. This panel will review the choices made by the government regarding the attributes consequences of the GILTI regime and section 965, explore the impact of those choices and proposals to address the issues identified, and discuss the impact of the changed role that attributes play in the tax law.
Moderator: Karen Gilbreath Sowell, EY, Washington, DC
PROGRAM SCHEDULE
SATURDAY, MAY 11

Panelists: Brian Reed, EY, Washington, DC; Gordon Warnke, KPMG, New York, NY; Christina Tacoronti, Davis Polk & Wardwell, New York, NY; Gary Scanlon, Office of International Tax Counsel, Department of Treasury, Washington, DC; Kevin Jacobs, IRS Office of Associate Chief Counsel (Corporate), Washington, DC

8:30AM – 11:45AM 
Employee Benefits
Chair: Bret Hamlin, Hill Ward Henderson, Tampa, FL

8:30am One Law, Two Laws, Red State, Blue State. Join us as we delve into the “civil war” between the red and blue states (and the federal government) over the legality of the ACA. In the latest twist in this litigation drama, Judge Reed O’Connor of the Northern District of Texas held the entire ACA unconstitutional after concluding that the individual mandate was inseverable from the ACA. This panel will review the court’s decision, the subsequent stay, and the issues the decision and stay raise, including a deeper dive into “congressionally inflicted” injury, severability, the Commerce Clause, the federal taxing power, and the perennial favorite -- standing. We will then analyze the potential implications of the court’s ruling, the prospects on appeal, and the ACA’s status pending appeal. Time permitting, we will also discuss related chapters in the ACA federalism saga including litigation over the contraceptive mandate, short-term limited duration plans, and association health plans.
Moderator: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC
Panelists: Alden J. Bianchi, Mintz, Boston, MA; Maame Gyamfi, AARP Foundation, Washington, DC; Mary Ellen Signorille, Bloomberg, Washington, DC

9:30am Break.

9:45am 4960? Excise Taxes? What’s a Tax Exempt to Do? The 2017 Tax Act added section 4960 to the Code, which imposes an excise tax on excess remuneration and parachute payments made by tax-exempt organizations. Notice 2019-9 provided the first guidance on this new and complex provision. Panelists will discuss how 4960 works and questions answered (and new questions raised) by the guidance, as well as the implications for compensation paid by tax-exempt entities to their executives.
Moderator: Martha N. Steinman, Hogan Lovells US LLP, New York, NY
Panelists: Kurt Lawson, Hogan Lovells US LLP, Washington, DC; Helen Morrison, EY, Washington, DC; Robert Neis, Eversheds Sutherland, Washington, DC; Stephen LaGarde, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC

10:45am Compensation Planning for Passthrough Entities After the 2017 Tax Act. Section 199A sets forth complex rules for determining when a taxpayer can exclude up to 20 percent of pass-through trade or business income. This panel will address what benefits practitioners need to know about structuring compensation arrangements while maximizing the 20% exclusion. It will also address special considerations when structuring profits interests.
Moderator: Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA
Panelists: Elizabeth Drigotas, Deloitte Tax, Washington, DC; Ruth Wimer, Winston & Strawn, Washington, DC
PROGRAM SCHEDULE
SATURDAY, MAY 11

8:30AM – 11:45AM
Independence E, Level 5B
Fiduciary Income Tax
Chair: Stacey Delich-Gould, Capital Group Private Client Services, New York, NY

8:30am Current Developments. Ms. Moody and Mr. Garcia will review current developments in fiduciary income tax since January 2019.
Panelists: Anna Katherine (AK) Moody, Venable LLP, Washington, DC; Francisco Garcia Jr., Henderson Caverly & Pum LLP, San Diego, CA

9:00am Qualified Opportunity Zones: What Estate Planners Need to Know. The 2017 Tax Act introduced the Qualified Opportunity Zone (“QOZ”) program, designed to provide a tax incentive for private, long-term investment in economically distressed communities. Since 2017, QOZs have become a “hot topic” among high net worth investors. Ms. Delich-Gould and Mr. Singer will explain the basics of how these vehicles work and outline some of the unanswered questions and potential risks.
Panelists: Stacey Delich-Gould, Capital Group Private Client Services, New York, NY; Gregory D. Singer, Capital Group Private Client Services, New York, NY

9:50am Break.

10:05am Lemons to Lemonade: Making Use of the Delaware Tax Trap. Section 2041(a)(3), colloquially referred to as the Delaware tax trap, was initially a punitive provision, to be avoided at all costs. However, as exemption amounts have risen, it is increasingly recognized as a valuable estate planning tool that can generate significant tax savings under the right circumstances. Ms. Place and Mr. Diehl will explain the Delaware tax trap and share strategies for using it to your clients’ benefit.
Panelists: Kasey A. Place, Ivins Phillips & Barker Chartered, Washington, DC; Rustin P. Diehl, The Burgess Group, Salt Lake City, UT

10:55am Impact of the 2017 Tax Act on Trust and Estate Income Taxation. Professor Williamson will review the changes made by the Tax Cuts and Jobs Act that will affect the preparation of estate and trust income tax returns, and he will offer planning suggestions for dealing with the new rules.
Panelist: Professor Donald T. Williamson, American University Kogod School of Business, Washington, DC

8:30AM – 10:30AM
Farragut/Lafayette, Level 5B
LLCs and LLPs Subcommittee of Partnerships & LLCs
Chair: J. Leigh Griffith, Waller Lansden Dortch & Davis LLP, Nashville, TN

8:30am Roundtable Discussion: Opportunity Zone – New Developments. If the second tranche of Proposed Regulations have been issued, this panel will discuss the new guidance which is anticipated to include: (a) Opportunity Zone Operating Businesses and (b) resolution of some of the “partnership” mechanics to resolve some of the technical partnership tax issues to permit disposition of multi-property or multi-business investments in a manner providing the anticipated tax benefits the statute envisioned available to investors. If the second tranche of Proposed Regulations has not been issued, this panel will discuss current problems in implementing Opportunity Zone Funds and work arounds.
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<td>8:30AM – 11:45AM</td>
<td><strong>Pro Bono &amp; Tax Clinics</strong> &lt;br&gt;Chair: Susan Morgenstern, IRS Taxpayer Advocate Service, Cleveland, OH</td>
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<td>8:30am</td>
<td><strong>Family Members as Caregivers.</strong> Section 131 promotes community care for disabled adults by excluding certain state payments from caregivers’ gross income. Historically, Service challenged the excludability of payments to a parent caring for an adult disabled child in the provider’s home. In 2014 the Service reversed this position for certain Medicaid waiver payments, effecting a major economic change for affected families. This panel will discuss the impact of the 2014 guidance, areas of continued uncertainty, and other remaining barriers to the uniform treatment of caregivers’ income. &lt;br&gt;<strong>Moderator:</strong> Camille Edwards Bennehoff, Attorney, IRS Office of Chief Counsel (Income Tax &amp; Accounting), Washington, DC &lt;br&gt;<strong>Panelists:</strong> Victoria J. Driscoll, Senior Attorney, IRS Office of Chief Counsel (Income Tax &amp; Accounting), Washington, DC; Professor Christine Speidel, Villanova University Charles Widger School of Law, Villanova, PA; Wayne Turner, Senior Attorney, National Health Law Program, Washington, DC &lt;br&gt;<strong>Cosponsored by:</strong> Individual &amp; Family Taxation and Diversity</td>
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<td>9:30am</td>
<td><strong>Procedural Due Process and the Tax System: A Fresh Look.</strong> Procedural due process is rooted in the Magna Carta and is embedded in our constitution. The right to notice and the opportunity for a hearing are the two key ways that the constitution helps ensure that the sovereign does not erroneously deprive people of essential rights, including the right to property. Procedural due process, a concept closely related to procedural justice, ensures that the sovereign treats its subjects as human beings entitled to a sense of dignity and is a foundational aspect of good government in general and tax administration in particular. In this panel, we will explore the historical roots of procedural due process jurisprudence, consider the ways that current and proposed IRS procedures relate to due process protections and procedural justice norms, and explore insights from areas other than tax when there have been challenges to agency actions that violate procedural due process protections. &lt;br&gt;<strong>Moderator:</strong> Sarah Lora, Legal Aid Services of Oregon, Statewide Tax Clinic. Portland, OR &lt;br&gt;<strong>Panelists:</strong> Professor Leslie Book, Charles Widger School of Law, Villanova University, Villanova, PA and Professor in Residence, Taxpayer Advocate Service, Washington, DC; Nina E. Olson, National Taxpayer Advocate, Taxpayer Advocate Service, Washington, DC; Professor Susannah Camic Tahk, University of Wisconsin School of Law, Madison, WI; Professor Jamie Andree, Maurer School of Law, Indiana University, Bloomington, IN &lt;br&gt;<strong>Cosponsored by:</strong> Individual &amp; Family Taxation and Teaching Taxation</td>
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<td>10:30am</td>
<td>Break. &lt;br&gt;<strong>Cosponsored by:</strong> Individual &amp; Family Taxation and Teaching Taxation</td>
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| 10:45am   | **Nuts and Bolts of a Successful Pro Bono Settlement Day.** A pro bono settlement day can be an effective tool to bring taxpayers, pro bono representatives, and the IRS together to resolve an ongoing controversy prior to calendar call. Partnering with local pro bono and LITC representatives, the IRS Office of Chief Counsel has participated in these settlement days across the United States. This panel will bring
together practitioners and Chief Counsel representatives who have worked together to hold settlement days in their cities. The panel will share how the events were organized, their experiences during the events, best practices for how these events can be successfully duplicated in other cities, and the Tax Court’s thoughts on acknowledging limited scope representation.

**Moderator:** Robb Longman, Longman & Van Grack LLC, Bethesda, MD  
**Panelists:** Jennifer Breen, Morgan Lewis & Bockius, Washington, DC; Chief Special Trial Judge Lewis Carluzzo, US Tax Court, Washington, DC; Tamara Borland, Program Director, LITC Program, Taxpayer Advocate Service, Washington, DC; Bruce Meneely, Division Counsel (SB/SE), IRS, Washington, DC  
**Cosponsored by:** Administrative Practice

**8:30AM – 11:45AM**  
**Sales, Exchanges & Basis**  
**Franklin/McPherson, Level 5B**

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

8:30am  
**Current Events.** This panel will discuss current events, with a special focus on Rev. Proc. 2019-18. Rev. Proc. 2019-18 provides a safe harbor for a professional sports team to treat certain personnel contracts and rights to draft players as having a zero value.  
**Panelists:** David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA; Michele Schlereth, Falcon Rappaport & Berkman PLLC, New York, NY; Suzanne R. Sinno, Attorney, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC; Edward C. Schwartz, Attorney, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC

9:00am  
**Comparison of Gain Deferral Techniques – How Does a Section 1031 Exchange Measure Up to a Charitable Remainder Trust.** Section 1031 exchanges still are a viable and popular technique for deferring gain on the disposition of real estate. However, it is not the only game in town. This panel will compare the two techniques. Topics to be covered will include a comparison of the economics of each technique, how to optimize the CRT, how the CRT can allow greater diversification of investments, and basis planning opportunities including planning for property with liabilities in excess of basis.  
**Panelists:** Stephen Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY; Professor Jerome “Jerry” Hesch, Florida International University Law School, Miami, FL

9:45am  
**Accommodate This: Lender Issues in Non-Safe Harbor Reverse Exchanges.** The panel will address issues that arise with lenders where outside financing will be used in part to finance an accommodator’s acquisition and construction of “parked” property in a non-safe harbor reverse exchange using the Bartell format. Issues addressed will include exchangor guarantees, subordination of exchangor “equity” financing, bankruptcy concerns regarding the accommodator and its parent company, management of the accommodator entity during the parking period and lender input on the exchange documentation and process.  
**Moderator:** David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA  
**Panelists:** Mary Foster, 1031 Services Inc., Seattle, WA; Derrick Tharpe, Wells Fargo Company, Winston-Salem, NC
10:30am  Break.

10:45am  **Is Now an Opportune Time to Establish Qualified Opportunity Funds?** Panelists will review the issues that have been addressed, and those that remain unaddressed, by IRS guidance concerning qualified opportunity funds, with a specific focus on the second set of proposed regulations addressing QOFs that were released in April 2019. Funds focused on operating businesses, as well as funds focused on real property, will be discussed.

**Moderator:** Alan S. Lederman, Gunster, Fort Lauderdale, FL

**Panelists:** Steve Glickman, Develop LLC, Washington, DC; Matthew E. Rappaport, Falcon Rappaport & Berkman PLLC, New York, NY; Michele Schlereth, Falcon Rappaport & Berkman PLLC, New York, NY; Leila Vaughan, Royer Cooper Cohen Braunfeld LLC, Conshohocken, PA; Julie Hanlon-Bolton, Special Counsel, IRS Associate Chief Counsel (Income Tax & Accounting), Washington, DC; Michael S. Novey, Associate Tax Legislative Counsel, Department of Treasury, Washington, DC

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**PROGRAM SCHEDULE**

**SATURDAY, MAY 11**

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**8:30AM – 10:30AM**

**State & Local Taxes Practitioner’s Roundtable (Executive Session)**

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

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**8:45AM – 12:00PM**

**Civil & Criminal Tax Penalties**

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

- **8:45am**  Reports of Subcommittees on Important Developments. Important Developments (Civil) – Michelle F. Schwerin, Capes Sokol, St. Louis, MO and Claire H. Taylor, Stokes Lawrence, Seattle, WA; Important Developments (Criminal) – Evan J. Davis, Hochman Salkin Retig Toscher & Perez PC, Beverly Hills, CA and Sara G. Neill, Capes Sokol, St. Louis, MO; International Tax Enforcement – Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC and Joseph M. Erwin, Dallas, TX; IRS Investigations and Practices – Michael A. Villa Jr., Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX and Eric L. Green, Green & Sklarz LLC, New Haven, CT; Legislative and Administrative Developments – Brian C. McManus, Latham & Watkins LLP, Boston, MA and Robert J. Kovacev, Steptoe & Johnson, Washington, DC; Monetary Violations and Forfeitures – Joseph A. Rillotta, Drinker Biddle & Reath LLP, Washington, DC; Offshore Compliance and Enforcement – Zhanna A. Ziering, Caplin & Drysdale Chtd, New York, NY and Michael Sardar, Kostelanetz & Fink LLP, New York, NY; Sentencing Guidelines – Arielle M. Borsos, Caplin & Drysdale Chtd, Washington, DC and Jeffrey A. Neiman, Marcus Neiman & Rashbaum, Fort Lauderdale, FL

- **9:10am**  Internal Revenue Service, Criminal Investigation – Update.

**Moderator:** Michael A. Villa Jr., Meadows, Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX

**Panelist:** Eric Hylton, Deputy Chief, IRS Criminal Investigation, Washington, DC

- **9:35am**  Department of Justice Tax Division – Update.

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

**Panelists:** Samuel R. Lyons, Chief, Criminal Appeals and Tax Enforcement Policy Section, Department of Justice, Tax Division, Washington, DC
10:00am  **Break.**

10:15am  **Even More About Penalties.** Our Atlanta penalties panel returns to discuss in more detail some commonly litigated penalties. Knowing how and when to go to the mat on a penalty issue is an important component to evaluating whether to pursue an appeal or litigate a tax case. This panel will look at penalties identified as Most Litigated Issues in the National Taxpayer Advocate’s 2018 Annual Report to Congress including Accuracy-Related Penalties, under IRC §6662(b)(1) and (2), the Failure to File Penalty under IRC §6651(a)(1) and the Failure to Pay Penalty under IRC §6651(a)(2). The panelists will also discuss challenging domestic IRC § 6721 and promoter penalties and share insights on litigating international penalties.  
**Moderator:** Richard Pelak, Culp Elliott & Carpenter, Charlotte, NC  
**Panelists:** Robin L. Greenhouse, Division Counsel, LB&I, IRS Office of Chief Counsel, Washington, DC; Frank Agostino, Agostino & Associates PC, Hackensack, NJ; Mary E. Wood, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX

11:00am  **Are Your Secrets Safe? A Discussion of the Scope, Application and Protection of Legal Privileges in the US and Abroad.** Information is power and, in civil audits and criminal investigations, the government seeks to identify and obtain as much information as possible. To the extent such information falls within a recognized legal privilege, it is up to counsel for the taxpayer or target to timely and properly assert the applicable privilege and defend that privilege if the government seeks to compel production. This panel of experienced tax litigation and controversy attorneys will address the common privileges that arise in tax matters, the holder and scope of those privileges, the extent to which such privileges can be waived or set aside, and how to navigate these waters in foreign jurisdictions and cross-border investigations.  
**Moderator:** Caroline D. Ciraolo, Kostelanetz & Fink LLP, Washington, DC  
**Panelists:** Barbara T. Kaplan, Greenberg Traurig LLP, New York, NY; Jenny L. Johnson Ware, Johnson Moore, Chicago, IL; Megan L. Brackney, Kostelanetz & Fink LLP, New York, NY; Miriam L. Fisher, Latham & Watkins LLP, Washington, DC; Paula M. Junghans, Zuckerman Spaeder, Washington, DC

9:00AM – 11:30AM  
**Independence C, Level 5B**  
**Foreign Lawyers Forum**  
**Chair:** Laura Gould, Reed Smith LLP, London, United Kingdom

9:00am  **What’s My Purpose: The Practical Implications of the Principal Purpose Test.** Join us for an interactive session on the application of the principal purpose test (PPT) and how it applies to non-US tax treaties, which have been updated following the implementation of the OECD multilateral instrument. This panel will discuss the PPT and explore how a cross-section of different tax authorities are likely to interpret its provisions, drawing on existing OECD guidance, case law and other anti-abuse rules and GAARs. Expect some audience participation as the panel looks at case studies and considers whether certain scenarios would pass or fail the PPT. The panel will also explore how the PPT could change how multinationals, investment funds and
financial institutions structure their cross-border activities and what that might look like in practice from a tax and business perspective. The multi-jurisdictional panel of experts will also provide updates on other recent key international tax developments. 

Moderator: Amanda P. Varma, Steptoe & Johnson LLP, Washington, DC 
Panelists: Délcia Capocasale, Cuatrecasas, New York, NY; Kathleen Penny, Blake Cassels & Graydon LLP, Toronto, ON; Elena Rowlands, Travers Smith LLP, London, UK; Romain Tiffon, Atoz, Luxembourg; Philip Tully, Matheson, Dublin, Ireland

**10:30AM – 11:00AM**

State & Local Taxes: Publication Subcommittees 📚

Moderator: Robert L. Mahon, Perkins Coie LLP, Seattle, WA

**12:00PM – 1:30PM**

Section Luncheon & Plenary Session 🎉 *(Ticketed Event)*

**PRESENTATION**

2019 Distinguished Service Award Recipient

Emily A. Parker, Senior Counsel, Thompson & Knight LLP

Emily has practiced tax law with Thompson & Knight in Dallas, TX, for her entire career, except during 2002 – 2004 when she served as Deputy Chief Counsel and Acting Chief Counsel of the IRS in Washington, D.C. Emily represents clients in tax controversies and tax litigation and has tried a number of major cases involving precedent setting issues relating to petroleum industry issues, the mining industry, valuation of closely-held businesses for estate and gift tax purposes, sourcing of income for U.S. withholding tax, tax treatment of corporate liquidations, and foreign tax credits.

Keynote Speaker: Charles P. Rettig, Commissioner, Internal Revenue Service

Charles P. Rettig is the 49th Commissioner of the IRS. As Commissioner, Mr. Rettig presides over the nation’s tax system, which collects approximately $3.4 trillion in tax revenue each year. This revenue funds most government operations and public services. Mr. Rettig manages an agency of about 80,000 employees and a budget of approximately $11 billion. In leading the IRS, Mr. Rettig is focused on improving service to the nation’s taxpayers, balancing appropriate enforcement of the nation’s tax laws while respecting taxpayer rights.
PROGRAM SCHEDULE
SATURDAY, MAY 11

1:45PM – 5:00PM
Independence E, Level 5B
Section Program: Welcome to International Private Client: Fundamentals of Cross-Border Estate Planning, Estate and Gift Tax Treaties, and Foreign Trusts

Co-Sponsored by: Continuing Legal Education Committee (“CLE”); U.S. Activities of Foreigners and Tax Treaties (“USAFTT”); Foreign Activities of U.S. Taxpayers (“FAUST”)

IRS and private practitioners will present a three-part workshop that will focus on the fundamentals of international private client. This workshop is intended to be an introduction to the international private client practice for junior attorneys and a refresher for more seasoned practitioners. The workshop will be divided into three panels: Cross-border Estate Planning, Analyzing Foreign Trusts, and Interpreting Estate and Gift Tax Treaties.

1:45pm
Cross-Border Estate Planning. This panel will focus on provisions of the US tax code relevant to assessing and implementing cross-border estate planning. Points of discussion will include identifying the tax status of the taxpayer and the taxpayer’s family (i.e. citizenship, tax residency, domicile), the type and situs of the taxpayer’s worldwide assets (i.e. tangible or intangible and U.S. or foreign), the impact of income and estate tax treaties (also see the third session below “Interpreting Estate and Gift Tax Treaties” for a more thorough analysis), and common planning pitfalls and considerations (i.e. blocker entities, trusts, FIRPTA, outbound transfers, inversions, PFICs, and CFCs).
Moderator: Daniel J. Bell, McDermott Will & Emery, Washington, DC
Panelists: Alison F. Egan, Caplin & Drysdale, Washington, DC; Severiano E. Ortiz, RSM US LLP, Washington, DC

2:45pm
Analyzing Foreign Trusts. This panel will focus on the application of the US tax laws as they relate to identifying foreign versus domestic trust structures. This panel will outline a roadmap from which to analyze trust deeds and discuss some of the key nuances in the grantor trust rules that cause the practitioner to reexamine the trust based on direct/indirect transfers to the trust or on changes in the income tax residency of the trust parties.
Moderator: Alexander M. Lewis, RSM US LLP, Washington, DC
Panelists: Dianne C. Mehany, Caplin & Drysdale, Washington, DC; Severiano Ortiz, RSM US LLP, Washington, DC; Richard LeVine, Withers Bergman LLP, New Haven, CT

3:45pm
Break.

4:00pm
Interpreting Estate and Gift Tax Treaties. This panel will focus on the provisions relevant to the application of the US gift and estate tax; including residence/domicile, sourcing, situs, and exemptions. 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 other two panels. Estate and gift tax treaties contain numerous rules regarding the allocation of taxing rights with respect to qualifying individuals and their interests in property that can vary substantially from the US statutory scheme. These rules serve to minimize double taxation in the areas of lifetime gifts and transfers at death. In addition, the panel will draw attention to certain overriding rules of interpretation contained within treaties that can trip up the unsuspecting practitioner.
Moderator: Professor Patricia A. Brown, University of Miami, Miami, FL
Panelists: Leslie A. Share, Packman Neuwahl & Rosenberg, Miami, FL; Scott Snyder, Packman Neuwahl & Rosenberg, Miami, FL
AFFILIATED ORGANIZATIONS

AMERICAN COLLEGE OF TAX COUNSEL

FRIDAY, MAY 10
7:30AM – 9:00AM  
ACTC Board of Regents Meeting (*Executive Session*)  
Banneker, Level 1B

SATURDAY, MAY 11
7:30AM – 9:00AM  
ACTC Fellows Breakfast (*ACTC Fellows Only*)  
Independence A East, Level 5B

NATIONAL CENTER ON PHILANTHROPY AND THE LAW

THURSDAY, MAY 9
4:30PM – 6:00PM  
Philanthropy Professors Meeting

OHIO NORTHERN UNIVERSITY PETTIT COLLEGE OF LAW

THURSDAY, MAY 9
5:00PM – 7:00PM  
The Laurence Neal Woodworth Memorial Lecture and Reception  
Wilson/Roosevelt, Level 3B
**MEETING MATERIALS**

In the interest of providing the most up-to-date meeting materials for all attendees, materials for the **2019 May Tax Meeting** will be available online at [www.ambar.org/taxmtgmaterials](http://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, printing stations will be available Thursday 12pm - 5pm; Friday 7am - 6pm; Saturday 7am - 2pm in Constitution Foyer, Level 3B at the Grand Hyatt. A print kiosk will also be available at the Marriott Marquis on Meeting Level M4 Friday 7am - 5pm.

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](http://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 will seek 20.25 hours of CLE credit in 60-minute states, and 24.30 hours of CLE credit for this program in 50-minute states including 3.75 hours of CLE specialty credit in 60-minute states and 4.50 hours of CLE specialty credit in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at [www.americanbar.org/groups/taxation/events_cle/19may_resources/](http://www.americanbar.org/groups/taxation/events_cle/19may_resources/) for program CLE details or visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA.

Please note the [Ethics icon](#) symbol indicates that Ethics credit will be requested for this program, and the [CLE icon](#) symbol indicates that CLE credit is not available for this program.

**CPE INFORMATION**

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

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

**CLE INFORMATION BOOTH**

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

- Thursday 12:00pm – 7:30pm
- Friday 8:00am – 6:30pm
- Saturday 8:00am – 4:00pm

Please direct all questions regarding CLE credit to the CLE Information Booth, not the Registration Desk.
GENERAL INFORMATION

REGISTRATION
Registration will be available in Independence Foyer, Level 5B. All individuals attending any part of the 2019 May Tax Meeting, including speakers, must register and pay the registration fee. Shared registrations are not permitted. Companions are defined as non-Section members not attending substantive meetings. Any companion attending substantive programs must register and pay either the Section member or non-Section member registration fee, whichever is applicable.

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

REFUND POLICY
The deadline for refunds was May 2, 2019. 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 Foyer, 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 Grand Foyer, Level 1B 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: PTX19SMAY 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 26, 2019.

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
A limited number of scholarships to defray tuition expenses are available for this program. To request a scholarship application, please contact the Tax Section (taxserve@americanbar.org). Scholarship applications must be received no later than 30 days prior to the program. For programs with tuition costs over $500, qualifying attorneys will receive at least a 50% reduction in the registration fee.
Guide to the City: Washington, DC
A guide to Washington, DC’s best including great restaurants, sights to see, and experiences not to be missed, is available at the Conference Registration Desk and at the Concierge Desk. We hope that you enjoy the suggested attractions.

For more information on how to schedule tours and for additional recommendations, you may also contact the concierge team at the Grand Hyatt by calling: 202-582-1234, ext. 51 or by visiting the Concierge Desk, located in the Hotel Lobby.

Companions Meeting Point
To make the most of your time in Washington, DC, network and gather with fellow companions at the Companion Meeting Point on Friday 7:30am – 10:30am, Grand Foyer, Level 1B. All Companions are welcome to attend!

Hospitality Center
Complimentary continental breakfast and afternoon snacks will be available to all companions with a name badge in the Hospitality Center. The Hospitality Center will be located in Grand Foyer, Level 1B and Independence Foyer, Level 5B on Friday and Saturday.

Hospitality Hours:
Friday: AM Break 7:00am – 11:00am / PM Break 1:30pm – 4:00pm
Saturday: AM Break 7:00am – 11:00am / PM Break 1:30pm - 4:30pm (Independence Foyer, Level 5B only)

Companions Email Discussion List
Another great way to connect is through the companions’ email discussion list. This group email allows companions to connect before the conference and is the best way to receive updates on suggested area attractions for our upcoming meetings. If you are not currently part of the email discussion list and would like to join, please contact taxmeeting@americanbar.org.
ACTC
Board of Regents Meeting (Executive Session) 24
Fellows Breakfast (ACTC Members Only) 58

Administrative Practice
Committee Meeting 25
Dinner (Reservations Required) 23
Luncheon with Court Procedure & Practice (Ticketed) 42

Affiliated & Related Corporations
Committee Meeting 25
Luncheon with Corporate Tax (Ticketed) 42

Appointments to the Tax Court
Committee Meeting (Executive Session) 36

Banking & Savings Institutions
Committee Meeting 26
Luncheon with Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing (Ticketed) 42

Capital Recovery & Leasing
Committee Meeting 27

Civil & Criminal Tax Penalties
Committee Meeting 63
Luncheon (Ticketed) 42

Closely Held Businesses
Committee Meeting 49

Corporate Tax
Committee Meeting 58
Luncheon with Affiliated & Related Corporations (Ticketed) 42

Court Procedure & Practice
Committee Meeting 50
Luncheon with Administrative Practice (Ticketed) 42

Committee Breakfast (Ticketed) 58
Roundtable Discussion 41

Distinguished Service Award
Committee Meeting (Executive Session) NOT MEETING

Diversity
Committee Meeting 44, 51
Luncheon (Ticketed) 42

Employee Benefits
Friday Committee Meeting 46
Networking Reception 46
Saturday Committee Meeting 59

Employee Benefits Subcommittees
Administrative Practices Update 35
Corporate Counsel Forum 44
Defined Benefit Plans 43
Defined Contribution Plans Update 27
ESOP Update 43
Executive Compensation, Fringe Benefits and Federal Securities Law Update 28
Exempt Organization and Governmental Plans Update 38
Fiduciary Responsibility/Plan Investments Update 39
Legislation & Litigation Update 35
Mergers & Acquisitions Update 44
Multinational Employee Benefits & Compensation Issues Update 35
Multiple Employers, PEOs and Controlled & Affiliated Service Groups Update 36
New Employee Benefits Attorneys Forum 39
Welfare Plans and EEOC, FMLA and Leaves Issues Update 36

Employment Taxes
Committee Meeting 45

Energy & Environmental Taxes
Committee Meeting 37
INDEX

Estate & Gift Taxes
Committee Meeting 28
Luncheon with Fiduciary Income Tax *(Ticketed)* 42
Young Lawyers Subcommittee 45

Exempt Organizations
Cash Bar 34
Committee Meeting AM 33
Committee Meeting PM 34
Luncheon *(Ticketed)* 42

Exempt Organizations Subcommittees:
- Audits, Appeals and Litigation 24
- Health-Care Organizations 24
- Political & Lobbying Organizations 24
- Private Foundations, Unrelated Business Income Tax and International Philanthropy 24
- Religious Organizations 24

F
Fiduciary Income Tax
Committee Meeting 60
Luncheon with Estate and Gift Taxes *(Ticketed)* 42
Young Lawyers Subcommittee 45

Financial Transactions
Committee Meeting 51
Luncheon with Banking & Savings Institutions, Investment Management and Tax Exempt Financing *(Ticketed)* 42

Foreign Activities of US Taxpayers
Business Meeting 57
Committee Meeting 37
Dinner with FLF, Transfer Pricing and USAFTT *(Reservations Required)* 57
Joint Session with FLF, Transfer Pricing and USAFTT *(Ticketed)* 42
Luncheon with FLF, Transfer Pricing and USAFTT *(Ticketed)* 42

Foreign Lawyers Forum
Business Meeting 57
Committee Meeting 64
Dinner with FAUST, Transfer Pricing and USAFTT *(Reservations Required)* 57

G
Government Relations
Committee NOT MEETING

Government Submissions
Committee NOT MEETING

H
Hospitality 5

I
Individual & Family Taxation
Committee Meeting 29

Insurance Companies
Committee Meeting 52
Luncheon with Banking & Savings Institutions, Financial Transactions, Investment Management and Tax Exempt Financing *(Ticketed)* 42

Investment Management
Committee Meeting 30
Luncheon with Banking & Savings Institutions, Financial Transactions, Insurance Companies and Tax Exempt Financing *(Ticketed)* 42

L, M
Low Income Taxpayer Representation Workshop 21

Membership & Marketing
Committee NOT MEETING

N
News Quarterly
Committee NOT MEETING

Nominating
Committee NOT MEETING
O
Officers & Council Meeting
(Executive Session) 20

P
Partnerships & LLCs
Breakfast with Real Estate and S Corporations (Ticketed) 58
Committee Meeting 31
Dinner with Real Estate (Reservations Required) 23
LLCs & LLPs Subcommittee 60
Luncheon with Real Estate (Ticketed) 42

Pro Bono & Tax Clinics
Committee Meeting 61

Publications
Committee Meeting 57

Public Service Fellowship
Committee NOT MEETING

R
Real Estate
Breakfast with Partnerships and LLCs and S Corporations (Ticketed) 58
Committee Meeting 53
Dinner with Partnerships and LLCs (Reservations Required) 23
Luncheon with Partnerships and LLCs (Ticketed) 42

Resolutions
Committee NOT MEETING

S
S Corporations
Committee Meeting 39
Breakfast with Partnerships & LLCs and Real Estate (Ticketed Event) 58

Sales, Exchanges & Basis
Committee Meeting 62

Section CLE
Committee NOT MEETING

Section Luncheon & Plenary Session (Ticketed) 65

Section Reception 57

Sponsorships
Committee NOT MEETING

Standards of Tax Practice
Committee Meeting 40

State & Local Taxes
Committee Meeting 47
Luncheon (Ticketed) 42
Practitioners' Roundtable (Executive Session) 63
Publications Subcommittee 65

T
Tax Accounting
Committee Meeting 54

Tax Bridge to Practice 20

Tax Collection, Bankruptcy and Workouts
Committee Meeting 55

Tax Exempt Financing
Committee Meeting 48
Luncheon with Banking & Savings Institutions, Financial Transactions, Insurance Companies and Investment Management (Ticketed) 42

The Tax Lawyer
Committee NOT MEETING

Tax Policy & Simplification
Committee Meeting 32

Tax Practice Management
Committee Meeting 58

Teaching Taxation
Committee Meeting 56

Transfer Pricing
Business Meeting 57
Committee Meeting 33
Dinner with FAUST, FLF and USAFTT
(Reservations Required) 57
Joint Session with FAUST, FLF and USAFTT 45
Luncheon with FAUST, FLF and
USAFTT (Ticketed) 42

US Activities of Foreigners & Tax Treaties
Business Meeting 57
Committee Meeting 56
Dinner with FAUST, FLF and Transfer
Pricing (Reservations Required) 57
Joint Session with FAUST, FLF
and Transfer Pricing 45
Luncheon with FAUST, FLF and
Transfer Pricing (Ticketed) 42

Welcome Reception 23

Young Lawyers Forum
Committee Meeting 57
First Time Attendee, Young Lawyer & Law
Student Networking Reception 22
< Please fold back page to the left to find the hotel floor plans.
Thank you for joining us at the May Tax Meeting. We look forward to seeing you at the Fall Tax Meeting in San Francisco, CA.
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