SECTION OF TAXATION

2019 MAY TAX MEETING

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

PRELIMINARY PROGRAM
9:00AM – 2:00PM
Officers & Council Meeting *(Executive Session)*

12:00PM – 5:00PM
Tax Bridge to Practice
Sponsored by: Young Lawyers Forum and Diversity
Program Co-Chairs: Kelley C. Miller, Reed Smith LLP, Washington, DC; Cathy Fung, Office of Chief Counsel (Large Business & International), IRS, Washington, DC

12:00pm  **A Conversation With...**
Panelists: TBA

12:45pm  **Fifteen (02), There’s Still Time for You: Consolidated Returns Basics.** 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&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.
Moderator: Alfred Bae, EY, Houston, TX
Panelists: Armita Sobhi, EY, Washington, DC; Hasnain Valika, KPMG, Houston, TX; Benny Yee, General Dynamics, Falls Church, VA

1:45pm  **Statutes of Limitations in Tax Litigation: Friend or Foe?** 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. This panel will address some of the nuanced rules affecting statutes of limitations in tax, including the effect of amended returns, 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.
Moderator: Kelley C. Miller, Reed Smith, Washington, DC
Panelists: Professor Bryan Camp, Texas Tech University School of Law, Lubbock, TX (Invited); Lawrence A. Sannicandro, McCarter & English LLP, Newark, NJ; Additional Panelist TBA

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 (Invited); Zachary King, Attorney, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC (Invited)
4:00pm  Tax Policy.
  Moderator: Kelley C. Miller, Reed Smith, Washington, DC
  Panelists: TBA

1:00PM – 5:00PM
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

2:15pm  Break.

2:30pm  EITC Audits and the Self-Employed Worker: From Tax Return to Tax Court. This panel will focus on assisting gig-economy and other self-employed taxpayers with EITC audits. The panelists will discuss substantiation issues and approaches at each “level” of controversy: IRS Exam, IRS Appeals, IRS Attorney and ultimately Tax Court Judge. The panel will also take a proactive approach on what resources the self-employed taxpayer should consider moving forward.
  Moderator: Soree Finley, Charlotte Center for Legal Advocacy, Charlotte, NC
  Panelists: Special Trial Judge Diana Leyden, US Tax Court, Washington, D.C.; Nancy Rossner, The Community Tax Law Project, Richmond, VA; Additional Panelist TBA

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; Karyna Lopez, Lonestar Legal Aid, Houston, TX

4:30PM – 6:00PM
Philanthropy Professors Meeting

5:00PM – 7:00PM
The Laurence Neal Woodworth Memorial Lecture and Reception
6:00PM – 7:00PM
Welcome Reception, Celebrating Pro Bono (Complimentary)

7:00PM – 9:30PM
Administrative Practice Committee Dinner (Reservation Required)

7:00PM – 9:30PM
Partnerships & LLCs and Real Estate Committees Dinner (Reservation Required)
Members of the Real Estate Committee and the Partnerships & LLCs Committee will meet for cocktails and dinner. Cocktails (cash bar) will begin at 7:00pm, followed by dinner at 7:30pm. Reservations and advance payment will be required. For details, please visit the Partnerships & LLCs or Real Estate Committee Pages.

7:00PM – 10:00PM
State & Local Taxes Executive Committee Business Dinner (Invitation Only)
7:30AM – 9:00AM
ACTC Board of Regents Meeting (Executive Session)

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

7:30am  Roundtable Discussion of Current Developments

7:30AM – 8:30AM
Exempt Organizations Subcommittee on Political 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
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
Exempt Organizations Subcommittee on Religious Organizations
Chairs: Michael E. Durham, Kirton McConkie PC, Salt Lake City, UT; Thomas E. Wetmore, General Conference of Seventh-Day Adventists, Silver Spring, MD

7:30am  Roundtable Discussion of Current Developments

8:00AM – 10:45AM
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.
Panelists: TBA
9:00am  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.
Panelists: TBA

10:00am  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.
Panelists: TBA

8:00AM – 10:45AM
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; Additional Panelist TBA

9:30am  Current Developments. This panel will consider current developments affecting affiliated and related corporations other than GILTI, but including including treatment of section 965(h) transfer agreements.
Moderator: Don Bakke, EY, Washington, DC
Panelists: Colin Campbell, Department of Treasury, Washington, DC; Armita Sobhi, EY, Washington, DC; Additional Panelist TBA

8:00AM – 10:45AM
Banking & Savings Institutions
Chair: Yoram Keinan, Kostelanetz & Fink LLP, New York, NY

8:00am  The Current State of the Economic Substance Doctrine and its Effect on Financial Institutions. The economic substance doctrine was codified (or clarified) in the beginning of this decade. However, not too much guidance has been issued by Treasury or IRS since then on how to apply the new code section 7701(o). The IRS has yet to provide any clear indication on how it would apply the codified doctrine.
Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay

**PROGRAM SCHEDULE**

**FRIDAY, MAY 10**

in audits and examinations. This panel will discuss insights on how the IRS has been approaching the economic substance doctrine in its examinations and audits of financial institutions.

*Moderator:* Stow Lovejoy, Kostelanetz & Fink LLP, New York, NY  
*Panelists:* Yoram Keinan, Kostelanetz & Fink LLP, New York, NY

9:20am  
**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.

*Moderator:* Shay Menuchin, KPMG, Toronto, ON  
*Panelists:* Laura Gheorghiu, Gowling WLG, Montreal, QC; Mariana Eguiarte Morett, Sanchez Devanny, Mexico City, Mexico

**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).

*Panelists:* TBA

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).

*Panelists:* TBA

**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, Willis Towers Watson, 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 meeting will involve a discussion of emerging issues.

*Panelists:* Kyle Brown, Division Counsel, Office of Chief Counsel, TEGEDC, IRS, Washington, DC (Invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); 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
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 meeting will provide an update regarding Notice 2018-68 and the amended provisions of section 162(m).
Panelists: Robert Neis, Eversheds Sutherland, Washington, DC (Invited); Helen Morrison, EY, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited); Stephen LaGarde, Attorney-Advisor, Department of Treasury, Washington, DC (Invited); Curtis Fisher, Bass Berry & Sims PLC, Nashville, TN; Rita Patel, DLA Piper LLP, Washington, DC

8:00AM – 10:45AM
Estate & Gift Taxes
Chairs: George D. Karibjianian, Franklin Karibjianian & Law PLLC, Boca Raton, FL/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 706-NA.** This panel will analyze how practitioners should approach the preparation of the Form 706-NA.
**Panelists:** Carmina Y. D'Aversa, Carmina Tax Law, Radnor, PA; Kevin 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
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 report, 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**

**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

- **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 as a means 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 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 Brockius, San Francisco, CA

**Panelists:** The Honorable David Gustafson, US Tax Court, Washington DC; Lavar Taylor, Law Offices of Lavar Taylor, Santa Ana, CA (Invited); William Schmidt, Kansas Legal Services LITC, Kansas City, KS
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; James Creech, Law Offices of James Creech, San Francisco, CA

8:00AM – 10:45AM  Investment Management
Panel details coming soon.

8:00AM – 10:45AM  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 LLP, Washington, DC
Panelists: Bryan Rimmke, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); Audrey Ellis, Attorney-Advisor, Office of Legislative Counsel, Department of Treasury, Washington, DC (Invited)

  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
9:30am  **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. Most agree that the global digital revolution is driving innovation, value creation, economic growth, and societal change. But no consensus has been reached on how to tax digital platforms and transactions, on who should make these decisions, on why, or on when. The implications of this situation are immense, and are only now beginning to be understood. 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 consensus could also leave a confusing patchwork of conflicting tax policies. The diverse panel--composed of representatives from government, academia, private practice, the tech industry, and supranational standard setting bodies--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; the OECD’s recent “Pillar One Proposals” (i.e., user participation, marketing intangibles, and significant-economic-presence proposals) plus its “Pillar Two Proposals”; various jurisdictions’ unilateral measures (e.g., EU’s “digital PE” proposal); the official US response to unilateral measures (and de facto possibility of retaliation); how the US Supreme Court’s decision in  *South Dakota v. Wayfair* (2018) fits into the international debate, and its constitutional implications; 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:** Professor Allan Erbsen, University of Minnesota Law School, Minneapolis, MN; Roger Royse, Royse Law Firm, Menlo Park, CA; Additional Panelists TBA
Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay

PROGRAM SCHEDULE

FRIDAY, MAY 10

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

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 Chief Counsel (EEE), 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
Program schedule information is preliminary and subject to change. For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay

PROGRAM SCHEDULE

THURSDAY, JANUARY 23

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.

Panelists: Nancy McGlamery, Adler & Colvin, San Francisco, CA; Additional Panelists TBA

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


4:00pm **Cash Bar**

9:30AM – 11:00AM

**Employee Benefits Administrative Practices Update**

Presented by the Subcommittee on 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, Washington, DC

The panel will discuss recent developments affecting retirement plans, including changes to the EPCRS VCP filing requirements, guidance on offering defined benefit plan retiree lump sum windows, and any updates concerning the determination letter program. The subcommittee meeting will include 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 (Invited); Ryan McDonald, Group Manager, EP Determinations, IRS, Cincinnati, OH

9:30AM – 10:30AM

**Employee Benefits Legislation & Litigation Update**

Presented by Subcommittee on Employee Benefits Legislation & Litigation

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

Program schedule information is preliminary and subject to change. For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay
9:30AM – 10:45AM
Employee Benefits Multinational Employee Benefits & Compensation Issues Update
Presented by the Subcommittee on Multinational Employee Benefits & Compensation Issues
Chairs: Rob Fowler, Baker Botts LLP, Houston, TX; David W. Powell, Groom Law Group Chartered, Washington, DC
Vice-Chair: Karen D. Youngstrom, Thompson Hine LLP, Cleveland, OH
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, cross-border plan developments, and international ESG developments.
Panelists: TBA

9:45AM – 10:45AM
Employee Benefits Multiple Employers, PEOs and Controlled & Affiliated Service Groups Update
Presented by the Subcommittee on Multiple Employers, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups
Chair: 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
Panelists: Stefan P. Smith, Lock Lord, LLP, Dallas, TX; Robert J. Toth Jr., Law Office of Robert J. Toth, Jr. LLC, Fort Wayne, IN; Additional Panelists TBA

10:00AM – 11:00AM
Appointments to the Tax Court (Executive Session)

10:00AM – 12:00PM
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 discuss recent activity surrounding prescription drug rebates and the effect it may have on employer-sponsored plans. Finally, the panel will discuss HIPAA privacy compliance, enforcement, and related ERISA fiduciary implications.
Panelists: Jaquelyn 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; Katy Johnson, Attorney Adviser, Office of Tax Policy, Office of the Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Employee Benefits, Exempt Organizations and Employment Taxes, IRS Office of Chief
Program schedule information is preliminary and subject to change. For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay

PROGRAM SCHEDULE

THURSDAY, JANUARY 23

PRELIMINARY PROGRAM SCHEDULE

FRIDAY, MAY 10

10:30AM – 12:30PM
Foreign Activities of US Taxpayers
Panel details coming soon.

11:00AM – 12:00PM
Employee Benefits Distributions Update
Presented by the Subcommittees on Distributions
Chairs: J. Rose Zaklad, Groom Law Group, Washington, DC; David A. Whaley, Thompson Hine LLP, Cincinnati, OH
Vice-Chair: Ryan M. Session, Eversheds Sutherland, Washington, DC

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 (Invited); David Whaley, Thompson Hine, Cincinnati, OH; Ryan Session, Eversheds Sutherland, Washington, DC; J. Rose Zaklad, Groom Law Group, Washington, DC

11:00AM – 12:00PM
Employee Benefits Exempt Organization and Governmental Plans Update
Presented by the Subcommittee on Exempt Organization and Governmental Plans
Co-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-Chairs: 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; Pamela Kinard, Senior Technician Reviewer, Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited); Amy Turner, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Washington, DC (Invited)
Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited);
Carol Weiser, Acting Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury,
Washington, DC (Invited); Stephen LaGarde, Attorney-Advisor, Department of Treasury, Washington,
DC (Invited)

11:00AM – 12:00PM
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, 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.
Panelists: David A. Cohen, Newport Trust Company, Washington, DC; Yongo Ding, Miller & Chevalier
Chartered, Washington, DC; Jeffrey Lieberman, Skadden Arps Slate Meagher & Flom LLP, New
York, NY; Arsalan Malik, Groom Law Group, Washington, DC; Fritz Richter III, Bass Berry & Sims
PLC, Nashville, TN; Kyla Smith, Newport Trust Company, New York, NY; Erin M. Sweeney, Miller &
Chevalier Chartered, Washington, DC

11:00AM – 11:30AM
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 – 12:30PM
Energy & Environmental Taxes
Chair: Amish Shah, Eversheds Sutherland, Washington, DC

11:00am 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 Bipartisan Budget Act of 2017 to expand the
scope and the amount of the credit. The panel will also discuss any guidance that
may be released and/or 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
(Invited)

11:30am 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.
Moderator: Courtney Sandifer, Mazars USA, Washington, DC
PRELIMINARY PROGRAM SCHEDULE
FRIDAY, MAY 10

Panelists: Jennifer Bernardini, Attorney, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC (Invited); Jaime Park, Attorney, Branch 7, Income Tax and Accounting, IRS, Washington, DC (Invited); Brian Americus, Deloitte, Washington, DC; Brad Seltzer, Eversheds Sutherland, Washington, DC

11:00AM – 1:45PM
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

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; Michael R. Gould, IRS Office of Chief Counsel, Pass-Throughs & Special Industries, Washington, DC

11:00AM – 1:45PM
Standards of Tax Practice (Ethics Credit)
Chair: Rachel L. Partain, Caplin & Drysdale Chartered, New York, NY

11:00am Ethical Issues in Federal Tax Practice – The Government Perspective. (Ethics)
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

Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay
11:30am  **A Whole New World: The 2017 Tax Act, Tax Advice, and Lawyer Ethics.** (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 (Procurement and Administration), Washington, DC; Matthew Cooper, EY, 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.** (Ethics) 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  
**Panelists:** Frank Agostino, Agostino & Associates PC, Hackensack, NJ; Kathy Keneally, Jones Day, New York, NY (Invited); Additional Panelists TBA

**11:30AM – 12:30PM**  
**Court Procedure and 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:** TBA
COMMITTEE LUNCHEONS

12:00PM – 1:30PM
Corporate Tax and Affiliated & Related Corporations (Ticketed Event)

12:00PM – 12:30PM
Diversity (Ticketed Event)

12:00PM – 12:30PM
Estate & Gift Taxes and Fiduciary Income Tax (Ticketed Event)

12:00PM – 1:00PM
Real Estate and Partnerships & LLCs (Ticketed Event)
Speaker: Christian McBurney, Arent Fox LLP, Washington, DC

12:00PM – 1:30PM
State & Local Taxes Luncheon (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
Administrative Practice and Court Procedure & Practice (Ticketed Event)

12:45PM – 1:45PM
Exempt Organizations (Ticketed Event)

12:30PM – 1:00PM
FAUST, Transfer Pricing and USAFTT (Ticketed Event)

1:45PM – 2:45PM
Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing (Ticketed Event)

1:45PM – 2:45PM
Civil & Criminal Tax Penalties (Ticketed Event)
12:00PM – 1:15PM
Employee Benefits Defined Benefit Plans Update
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, Ogletree Deakins, 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. The panel will conclude with a PBGC fireside chat.
Panelists: Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC (Invited); Linda Marshall, Senior Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); John Menke, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Daniel Liebman, Deputy General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Harold Ashner, Keightley & Ashner LLP, Washington, DC; Sarah Fry, The North American Coal Corporation, Plano, TX; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH

12:00PM – 1:00PM
Employee Benefits ESOP Update
Presented by the Subcommittee on ESOPs
Chair: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY
Vice-Chairs: Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton & Williams 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 Dudenhoeffer 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: 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
Presented by the Subcommittee on Mergers & Acquisitions
Chair: Stephanie Jeane, Latham & Watkins, San Francisco, CA
Vice-Chairs: Jessica Agostinho, Hunton & Williams 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 (Invited); Theresa Anderson, Acting Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Ryan R. Montgomery, Morgan Lewis & Bockius LLP, Boston, MA

**12:15PM – 1:15PM**

**Employee Benefits Corporate Counsel Forum**

Presented by the Employee Benefits Corporate Counsel Forum  
Chair: Jacquelyn M. Abbott, Exxon Mobil Corporation, Houston, TX  
Vice-Chair: Christina M. Crockett, Fifth Third Bank, Cincinnati, OH  

**How to Survive a DOL Audit.** 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:** Jeanne Wilson, Deputy Assistant Secretary for Policy, Department of Labor, Employee Benefits Security Administration, Washington, DC (Invited); Jacquelyn Abbott, Exxon Mobil Corporation, Houston, TX; Christina M. Crockett, Washington, DC

**12:30PM – 1:30PM**

**Diversity**

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

**12:30pm** **Tax Crimes and Inequality.** The panel will explore various manifestations of inequality in the enforcement of tax crimes. Among other things, the panelists will discuss how family law, criminal law, and tax law may work in tandem to resolve current problems with offshore tax enforcement when spouses become entangled in the civil and criminal tax issues of tax-evading spouses.  

**Panelists:** Professor Khrista McCarden, Tulane University School of Law, New Orleans, LA; Additional Panelist TBA

**12:30PM – 1:30PM**

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


**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 campaign and lobbying activities, private inurement, and the unrelated business income tax.  

**Panelist:** Sean Weissbart, Morris & McVeigh, New York, NY
1:00PM – 2:30PM
Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing, and US Activities of Foreigners and Tax Treaties

1:00pm
International Government Officials Panel. This panel will review and analyze the most significant recent developments in international tax.
Panelists: TBA

1:30PM – 5:45PM
Employment Taxes
Panel details coming soon.

2:00PM – 6:15PM
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 (Invited); Janet Walters, Senior Advisor and Special Projects Manager, Employee Benefits Security Administration, Department of Labor, Washington, DC (Invited); John Menke, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Connie Markakis, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Theresa Anderson, Acting Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Daniel Liebman, Deputy General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited)

3:00pm
Break.

3:15pm
Department of 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 (Invited); Victoria Judson, Associate Chief Counsel, Employee Benefits, Exempt Organization, and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organization, and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited); Carol Weiser, Acting Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited)
4:15pm  Department of 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.
Panelists: Bret Hamlin, Hill Ward Henderson, Tampa, FL; Additional Panelists TBA

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

6:15pm  Cash Bar.

2:30PM – 3:30PM
Law Student Tax Challenge Planning Meeting

2:30PM – 5:45PM
State & Local Taxes
Chair: Edward J. Bernert, BakerHostetler, Columbus, OH

2:30pm  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

3:30pm  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, Neall Gerber & Eisenberg LLP, Chicago, IL
Panelist: Professor Hayes R. Holderness, University of Richmond School of Law, Richmond, VA

4:30pm  Break.

4:45pm  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
Panelist: Professor Monica Gianni, California State University, Northridge, CA
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 saleable 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; Additional Panelists TBA

5:00pm **Foreign Activities of US Individuals and the Section 962 Election.** This panel will discuss considerations for US individuals who own closely held businesses with international operations following the 2017 Tax Act. The panel will focus on the lifecycle of operations from start-up through a sale of the business and the considerations of making a section 962 election, including the proposed section 250 regulations.

**Panelists:** Ryan Au, Shearman & Sterling LLP, Washington, DC; Additional Panelists TBA

3:00PM – 5:45PM
Court Procedure and Practice
Chair: Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC

3:00pm **Current Developments.** This panel will include a report from the Tax Court, discussion of significant IRS guidance and litigation, an update on Tax Division priorities, a report from Treasury, and a discussion of significant pending litigation.

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

**Panelists:** Richard G. Goldman, Deputy Associate Chief Counsel (Procedures & Administration) IRS, Washington, DC; Gil Rothenberg, Chief, Appellate Section, Department of Justice, Tax Division, Washington, DC; Hannah Hawkins, Acting Deputy Tax Legislative Counsel, Department of Treasury, Washington, DC; Additional Panelist TBA

3:45pm **Representing Taxpayers During Summons and other IRS interviews - Potted Plant v. Rambo.** Representing Taxpayers During Summons and other IRS interviews reviews best practices for addressing IRS requests to interview clients, including
when and whether either party can request to transcribe an interview, who can attend the interview of the taxpayer and/or the tax return preparer, or other witnesses, making objections, asserting privileges and dispute resolution techniques.

**Moderator:** Frank Agostino, Agostino & Associates PC, Hackensack, NJ

**Panelists:** TBA

**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 and 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; the role of deference; 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

---

**3:00PM – 5:00PM**

**Diversity**

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

**3:00pm**  Expanding Opportunities for State and Local Collections Alternatives For Small Business Owners. This panel will engage practitioners from different state and local jurisdictions to formulate best collections 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; Additional Panelist TBA

**4:00pm**  International Students & Compliance with US Federal Tax Law. This panel 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; Additional Panelist TBA

---

**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 impact of the treatment of a variety of financial transactions where there is uncertainty. 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
PRELIMINARY PROGRAM SCHEDULE
FRIDAY, MAY 10

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 (Invited)

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; Additional Panelist TBA

3:00PM – 5:45PM

**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 Maclvor, 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 LLP, Washington, DC; Gloria Sullivan, Director, LB&I Western Compliance Practice Area, IRS, Oakland, CA; 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 Retirement Enhancement and Savings Act (RESA) and the recently introduced Retirement Security and Savings Act, and how these bills 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, The Teachers Insurance and Annuity Association, New York, NY

Program schedule information is preliminary and subject to change.

For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay
3:00PM – 5:45PM
Real Estate
Chair: Todd D. Keator, Thompson & Knight LLP, Dallas, TX

3:00pm Conservation Easements – The Lay of the Land. This panel will provide an introduction to conservation easements and an update on recent court decisions in this area.
Moderator: Ruth Madrigal, KPMG, Washington, DC
Panelists: Anson Asbury, Asbury Law Firm, Decatur, GA; Ronald Levitt, Sirote & Permutt PC, Birmingham, AL

3:40pm Rental Real Estate. This panel will discuss recent guidance for rental real estate under section 199A and other 2017 Tax Act impacts.
Moderator: Steven Schneider, Baker McKenzie, Chicago, IL
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 affects on REITs.
Moderator: Cristina Arumi, EY, Washington, DC
Panelists: Kimberly Arndt, PwC, Washington, DC; Mark Van Deusen, Deloitte, Richmond, VA; Andrea Hoffenson, 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. This panel will discuss additional guidance for qualified opportunity zones.
Moderator: Tom West, KPMG, Washington, DC
Panelists: Kathleen Gerber, Thompson & Knight LLP, Dallas, TX; Sam Kamyns, 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

2:30pm 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.
Panelists: TBA

3:45pm Sec. 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.
Panelists: TBA

Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay
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.

**Panelists:** TBA

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.

**Panelists:** TBA

3:00PM – 5:45PM  
**Tax Collection, Bankruptcy and Workouts**  
**Chair:** Christin Bucci, Bucci Law Offices, Fort Lauderdale, FL

3:00pm **Current Enforcement Priorities in Collection.** A discussion, led by the Director of Field Collection, that will provide an update on IRS enforcement efforts within the collection division, including imminent 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 (Invited); Eli S. Noff, Frost & Associates LLC, Columbia, MD (Invited); Wm. Robert Pope, White & Reasor, Nashville, TN (Invited)

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 review 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.

**Moderator:** Jonathan Kalinski, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA (Invited)  
**Panelists:** Matthew D. Lee, Fox Rothschild LLP , Philadelphia, PA (Invited); Additional Panelists TBA

4:45pm **Litigating International Penalties in Collection.** Many penalties resulting from failing 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 an assessment of 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:** TBA

**3:00PM – 5:45PM**

**Tax Exempt Financing**
Panel details coming soon.

**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 real 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? 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:** TBA

**Panelists:** Professor John R. Brooks, Georgetown Law School, Washington, DC; Professor Brian R. Galle, Georgetown Law School, 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.** 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, and 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; Additional Panelist TBA

**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, Caplin & Drysdale, Washington, DC; Additional Panelist TBA

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. (Young Lawyers) 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

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

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

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

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

6:45PM – 7:45PM
Section Reception (Ticketed Event)

8:00PM – 10:00PM
International Committees Dinner (Reservation Required)
7:15AM – 8:30AM
Real Estate, Partnerships & LLCs and S Corporations “Shop Talking” Breakfast (Ticketed Event)
Members of the Real Estate, Partnerships & LLCs and S Corporations Committees will gather for the traditional “open mic” breakfast to share ideas and war stories and to seek input on technical issues.

7:30AM – 8:30AM
Tax Practice Management
Chair: Roger Royse, Royse Law Firm, Menlo Park, CA

7:30am The 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
Panelist: Robert Kovacev, Steptoe & Johnson LLP, Washington, DC; Carina Federico, Crowell Moring LLP, Washington, DC

7:45AM – 9:15AM
Court Procedure & Practice Committee Breakfast (Ticketed Event)

8:30AM – 11:45AM
Corporate Tax
Chair: Steve Fattman, EY, Washington, DC

8:30am Current Developments in Corporate. The panel will cover new developments in corporate tax, including relevant guidance under the 2017 Tax Act, as well as recently issued private letter rulings.
Moderator: Maury Passman, KPMG, Washington, DC
Panelist: Julie Hogan Rodgers, WilmerHale, Boston, MA

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
Panelists: Brian Reed, EY, Washington, DC; Gordon Warnke, KPMG, New York, NY; Additional Panelist TBA
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.
Panelists: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; Additional Panelists TBA

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-exempts 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; Carol Weiser, Acting Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited)

10:45am TBA.
Panelists: Andrew C. Liazos LLP, McDermott Will & Emery, Boston, MA; Additional Panelists TBA

8:30AM – 11:45AM
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 and Ms. Hughes will update the committee on developments within the Treasury and the Service.
Panelists: Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; 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 vehicle 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 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
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.

Moderator: Sarah Lora, Legal Aid Services of Oregon, Statewide Tax Clinic, Portland, OR
Panelists: Professor Leslie Book, Charles Widger School of Law, Villanova University, Villanova, PA; Nina E. Olson, National Taxpayer Advocate, Taxpayer Advocate Service, Washington, DC; Professor Susannah Camic Tahk, University of Wisconsin School of Law, Madison, WI; Jamie Andree, LITC Director (ret.), Indiana Legal Services, Bloomington, IN

Cosponsored by: Individual & Family Taxation and Teaching Taxation

10:30am  Break

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
Chair: Glenn M. Johnson, EY, Washington, DC

8:30am  Current Developments.
Panelist: TBA

9:00am  Comparison of Gain Deferral Techniques – How Does a Section 1031 Exchange Measure up to a Charitable Remainder Trust. Section 1031 exchanges still 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, basis planning opportunities including planning for property with liabilities in excess of basis.

**Panelists:** Stephen Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY; Jerome “Jerry” Hesch, Dorot & Bensimon PL, Boca Raton, FL

9:45am **Lending Issues in Non-Safe Harbor 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. 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; Daniel M. Reach, Alston & Bird, Charlotte, NC; 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

---

8:30AM – 10:30AM

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

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

8:45AM – 11:45AM

**Civil and 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 –
PROGRAM SCHEDULE

SATURDAY, MAY 11

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
*Panelists:* Don Fort, Chief, IRS Criminal Investigation, Washington, DC

9:35am  **Department of Justice Tax Division – Update.**
*Moderator:* Niles A. Elber, Caplin & Drysdale Chtd., Washington, DC
*Panelists:* Richard E. Zuckerman, Principal Deputy Assistant Attorney General, 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

11:10am  **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

Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2019 May Tax Meeting website: http://ambar.org/19taxmay
**PRELIMINARY PROGRAM SCHEDULE**

**SATURDAY, MAY 11**

**9:00AM – 11:30AM**

**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.  
Panelists: Philip Tully, Matheson, Dublin, Ireland; Additional Panelists TBA

**10:30AM – 11:00AM**

**State & Local Taxes: Publication Subcommittees**
Chair: Edward Bernert, BakerHostetler, Columbus, OH

11:00AM – 12:00PM

**State & Local Taxes Vice-Chairs’ Planning Meeting (Executive Session)**
Chair: Edward Bernert, BakerHostetler, Columbus, OH

12:00PM – 1:30PM

**Section Luncheon & Plenary Session (Ticketed Event)**
Eric Solomon, Section Chair, Presiding

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

**2:00PM – 5:15PM**

**Welcome to International Private Client: Fundamentals of Cross-border Estate Planning, Estate and Gift Tax Treaties, and Foreign Trusts**
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, Estate and Gift Tax Treaties, and Foreign Trusts.  
Co-Sponsored by: Continuing Legal Education Committee; US Activities of Foreigners and Tax Treaties; Foreign Activities of US Taxpayers