GENERAL INFORMATION

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

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

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

SCHOLARSHIP POLICY
A limited number of scholarships to defray tuition expenses are available for this program. To request a scholarship application, please contact the Tax Section (taxserve@americanbar.org).
Scholarship applications must be received no later than 30 days prior to the program. For programs with tuition costs over $500, qualifying attorneys will receive at least a 50% reduction in the registration fee.
8:30AM – 3:00PM
Officers & Council Meeting (Executive Session)

12:00PM – 5:00PM
Tax Bridge on the Road
Panel details coming soon.

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

6:00PM – 7:00PM
Welcome Reception (Complimentary)

7:00PM – 10:00PM
Partnerships & LLCs and Real Estate Committees Dinner (Reservation Required)

7:00PM – 10:00PM
State & Local Taxes Executive Committee Business Dinner Meeting (Reservation Required)

7:30PM – 9:30PM
Administrative Practice 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; Ruth Madrigal, KPMG, Washington, DC; Tamara Watts, Bill & Melinda Gates Foundation, Seattle, WA; Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA; James P. Joseph, Arnold & Porter LLP, Washington, DC
7:30am Roundtable Discussion of Current Developments

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

8:00AM – 10:00AM
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.
Panelists: TBA
8:30am Transactions and Bonus Depreciation. This panel will discuss various corporate and partnership transactions and their impact on the availability of bonus depreciation under section 168(k).
Panelists: TBA
9:15am **Implementing the Bonus Depreciation Regulations.** This panel will be focused on the procedural aspects of implementing the final and re-proposed bonus depreciation regulations under section 168(k), with a specific focus on the issues and opportunities raised by the recent guidance and the actions that taxpayers can take to align their current and prior year return positions with the regulations.  
**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; Mindi Johnson, Foster Swift Collins & Smith PC, Grand Rapids, MI  
**Vice-Chairs:** Hallie Goodman, Dorsey & Whitney LLP, Minneapolis, MN; Julia Kovacs, DLA Piper LLP, Washington, DC; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL  
**Assistant Vice Chair:** Gary Chase, Willis Towers Watson, New York, NY  
This meeting will examine recent and pending regulatory and enforcement activity relating to section 401(k) plans and other defined contribution plans. It will also involve discussion regarding recent litigation relating to and impacting defined contribution plans. Finally, the meeting will involve a discussion of emerging issues.  
**Panelists:** Kyle Brown, Division Counsel, Office of Chief Counsel, TEGE, IRS, Washington, DC (Invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Pamela Kinard, Special Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited)

8:00AM – 9:30AM  
**Employee Benefits Executive Compensation, Fringe Benefits and Federal Securities Law Update**  
Presented by the Subcommittee on Employee Benefits Executive Compensation, Fringe Benefits, and Federal Securities Law  
**Co-Chairs:** Curtis Fisher, Bass Berry & Sims PLC, Nashville, TN; Rita Patel, DLA Piper LLP, Washington, DC  
**Vice Chairs:** Nicole Hanna, ONEOK Inc., Tulsa, OK; Robert Neis, Eversheds Sutherland, Washington, DC; Rosina Barker, Morgan Lewis & Bockius LLP, Washington, DC  
This panel will focus on updates to section 4960, which imposes an excise tax on compensation in excess of $1 million and certain severance payments paid to executives of tax exempt organizations, including valuation of compensation and benefits as well as issues facing related organizations. The panelists will also discuss section 162(m) and performance-based executive compensation planning strategies. Finally, this panel will discuss recent developments in the area of fringe benefits.  
**Panelists:** Carol Weiser, Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities, Office of Chief Counsel, IRS, Washington, DC (Invited)

8:30AM – 11:30AM  
**Administrative Practice**  
**Panel details coming soon.**
Program schedule information is preliminary and subject to change. For the most up-to-date information, please visit the 2020 Midyear Tax Meeting website: http://ambar.org/20taxmidyear

**PROGRAM SCHEDULE**

**THURSDAY, JANUARY 23**

8:30AM – 11:30AM  
Affiliated & Related Corporations  
*Panel details coming soon.*

8:30AM – 11:30AM  
Closely Held Businesses  
*Chair: Galina "Allie" P. Petrova, Petrova Law PLLC, Greensboro, NC*

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

10:00am  **Hot Topics for Closely Held Businesses.** This panel will discuss recent developments in legislation, regulatory guidance, and noteworthy cases impacting closely held businesses. The panelists will also address the impact of Boyle in the electronic age (Haynes v. United States and Intress v. United States) and new developments with passport decertifications.  
*Panelists: Sabrina Strand, Joseph H. Thibodeau PC, Denver, CO; Jeffrey Dirmann, Agostino & Associates, Hackensack, NJ*

10:30am  **The Tax Fallout of Business Breakups.** Some things do not go quite as well as the founders had hoped, and now the business, their relationships and even their own financial plans are quickly dissolveing into a mess. This panel will discuss the various tax and planning issues clients will need to face when the business breaks up and how practitioners can help their clients navigate the situation and avoid it becoming more of a mess than it already is.  
*Panelists: Shelby Wilson, Green & Sklarz LLC, New Haven, CT; William P. Prescott, Wickens Herzer Panza, Avon, OH; Sabrina Conyers, Nelson Mullins Riley & Scarborough LLP, Charlotte, NC*

**FRIDAY, JANUARY 31**

8:30AM – 11:30AM  
Estate & Gift Taxes  
*Chairs: George D. Karibjianian, Franklin Karibjianian & Law PLLC, Boca Raton, FL / Washington, DC and Hannah W. Mensch, Ehrenkrantz Partners, New York, NY*

8:30am  **Current Developments.** This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since October 2019.  
*Panelists: Megan M. Curran, McCutchen Group LLC, Seattle, WA; Ashley Sawyer, Loeb and Loeb LLP, Washington, DC; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC*

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

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

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

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

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

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

**8:30AM – 11:30AM**  
**Individual & Family Taxation**

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

**8:30am**  
**Due Diligence and Preparer Penalties Following TCJA: Expanded and Potentially Expensive.** The IRS conducts due diligence audits of tax return preparers as part of its overall tiered return preparer strategy. Following TCJA, tax return preparers face a possible civil tax penalty for failing to exercise due diligence when preparing an income tax return on which the taxpayer claims head of household (HOH) filing status. In addition to filing status, the penalty now applies for failing to exercise due diligence in preparing returns claiming the earned income tax credit (EITC), the child tax credit (CTC), including the additional child tax credit (ACTC), the credit for other dependents (ODC), and the American opportunity tax credit (AOTC). The penalty in 2018 was $520 for each failure. This panel will explore how due diligence penalties fit in with the IRS’s overall compliance efforts directed toward paid-return preparers, provide a practitioner’s perspective on IRS due diligence audits, and review how preparers can challenge the penalties before the IRS and in federal court.

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

**Panelists:** The Honorable Diana L. Leyden, Special Trial Judge, US Tax Court, Washington, DC (Invited); Additional Panelists TBA

10:30am  **Recent IRS Guidance on Bitcoin and Other Virtual Currencies.** On October 9th, 2019 the IRS issued Revenue Ruling 2019-24 which addressed the tax consequences of forks and airdrops as well as a series of FAQs that cover a number of common virtual currency situations. This panel will go through the nuts and bolts application of the October guidance, how to advise taxpayers that previously took a position contrary to the guidance, and the inherent limitations of releasing guidance by FAQ. The panel will also address some of the uncertainties of forks that still exist post Rev. Rul. 2019-24 and what future guidance is needed for virtual currencies. This panel is part one of a two-part panel - part two will be hosted by the Administrative Practice committee.

**Panelists:** TBA

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

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**8:30AM – 11:30AM**
**Investment Management**

*Panel details coming soon.*

**8:30AM–11:30AM**
**Partnerships & LLCs**

*Panel details coming soon.*

**8:30AM – 10:30AM**
**Transfer Pricing**

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

**8:30am**  **A “Quick Dip” in the Water — A Summary of Recent Transfer Pricing Issues.** This presentation will assist participants in recognizing and understanding the proper application of ethics rules governing technology-driven SALT lawyers in the 21st century. The presenters will discuss how the ABA Model Rules and various state bar ethics opinions guide lawyers in their use (and misuse) of technology.

**Panelists:** Robert Stack, Deloitte Tax LLP, Washington, DC; Donna McComber, Baker & McKenzie Consulting LLC, Washington, DC; Additional Panelists TBA

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8:30AM – 12:45PM
US Activities of Foreigners & Tax Treaties / Foreign Lawyers Forum Joint Session
Foreign Lawyers Forum Chair: Laura Gould, Reed Smith LLP, London, United Kingdom
US Activities of Foreigners & Tax Treaties Chair: Summer A. LePree, Bilzin Sumberg Baena Price & Axelrod LLP, Miami, FL

8:30am Foreign Lawyers Forum - Anti-Hybrid Rules: The New World. With the EU setting a January 1, 2020 deadline for the introduction of anti-hybrid rules under ATAD2 and the implementation of anti-hybrid rules under the TCJA, this timely panel will discuss the potential application of anti-hybrid rules. The panel will provide updates on the implementation of the ATAD 2 rules in key EU member states, an update on the application of the US anti-hybrid rules following the publication of the proposed regulations just over a year ago and the UK's existing and wide-reaching legislation. Through case studies, this expert panel will explore the differences, similarities and interaction between these various rules and highlight traps for the unwary in a sample of typical cross-border structures used by multinationals and fund structures.
Moderator: Brian Krause, Skadden Arps Slate Meagher & Flom, New York, NY
Panelists: Robert Gaut, Proskauer Rose LLP, London, UK; David Kilty, Arthur Cox, Dublin, Ireland; Kevin Emeraux, Loyens & Loeff (Luxembourg), New York, NY

Details on Additional Panels Coming Soon.

8:45AM – 4:30PM
Exempt Organizations
Chair: Carolyn (Morey) O. Ward, Ropes & Gray LLP, Washington, DC

8:45am Committee Business.

9:00am News from the IRS and Treasury. Representatives from the IRS and Treasury Department will discuss topics of current interest to exempt organizations practitioners.
Moderator: Celia Roady, Morgan Lewis, Washington, DC (Invited)
Panelists: Victoria A. Judson, Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited); Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited); Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

10:00am Up in Smoke: Marijuana, Tax-Exempt Organizations and the Criminality Doctrine. What can tax-exempt organizations do when they are caught between state laws legalizing marijuana sale and use and federal laws that prohibit such activities? Don't worry, be happy may not be the right answer.
Moderator: James P. Joseph, Arnold & Porter, Washington, DC
Panelists: Professor Philip Hackney, University of Pittsburgh School of Law, Pittsburgh, PA; Evalina Norwinski, Arnold & Porter, Washington, DC

11:00am Break.

11:15am Update on Developments Under the 2017 Tax Act. This panel will discuss proposed regulations issued under sections 4960 and 512(a)(6) impacting tax exempt organizations.
Moderator: Gil Ghatan, Ropes & Gray LLP, Washington, DC
PROGRAM SCHEDULE
FRIDAY, JANUARY 31

11:00am  Exempt Organizations Committee Luncheon.  
Speaker: Eric Eikenberg, CEO, Everglades Foundation, Palmetto Bay, FL (Invited)

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

3:00pm  Controversial Gifts, Gift Acceptance Policies and Gift Agreements.  This panel will discuss tax, reputational and mission considerations that arise when charities are offered or have received gifts from controversial or controlling donors.  
Moderator: John Sare, Patterson Belknap Webb & Tyler LLP, New York, NY
Panelists: Deborah G. Marx, Tulane University, New Orleans, LA; Donna Snyder, University of Michigan, Ann Arbor, MI

4:00pm  Cash Bar.  

9:00AM – 12:00PM  
Young Lawyers Forum –2020 Law Student Tax Challenge Semi-Final Rounds  

9:30AM – 11:00AM  
Employee Benefits Administrative Practices Update  
Presented by the Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices  
Vice-Chair: John Barlow, Groom Law Group, Washington, DC  
Assistant Vice-Chairs: Serena Simons, The Segal Company, Washington, DC; Judy Hensley, Roberts & Holland LLP, New York, NY  
The panel will discuss recent guidance and other developments affecting retirement plans, including updates to EPCRS, the determination letter program, and private letter ruling procedures contained in the IRS’s beginning of the year procedures. The program will also include an open forum to discuss issues related to retirement plans and IRS procedures.  
Panelists: Thomas R. Pevarnik, Deloitte Tax LLC, Washington, DC; Jewellie A. Grape, J Grape Law, Roseville, MN; Additional Panelist TBA  

9:30AM – 10:30AM  
Employee Benefits Legislation & Litigation Update  
Presented by the Subcommittee on Employee Benefits Legislation & Litigation  
Chair: Lisa Bleier, SIFMA, Washington, DC  
Vice Chairs: Professor Jonathan B. Forman, University of Oklahoma; Michael Kreps, Groom Law Group Chartered, Washington, DC  

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This panel will cover employee benefits provisions being considered by Congress in the coming year, including the SECURE act. We will also cover employee benefits litigation and recent state employee benefit legislative developments.

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

**9:30AM – 11:30AM**

**Tax Policy and Simplification**

*Panel details coming soon.*

**9:45AM – 10:45AM**

**Employee Benefits Multiple Employers, PEOs and Controlled Groups Update**

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

**Chair:** Stefan P. Smith, Locke Lord LLP, Dallas, TX  
**Vice Chairs:** Robert J. Toth Jr., Law Office of Robert J. Toth Jr. LLC, Fort Wayne, IN; Farrah Fielder, Engage PEO, Hollywood, FL; Susan Rees, The Wagner Law Group, Washington, DC  
**Assistant Vice Chair:** Brandon Long, McAfee & Taft PC, Oklahoma City, OK

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

**Panelists:** Susan Rees, The Wagner Law Group, Washington, DC; Brandon Long, McAfee & Taft PC, Oklahoma City, OK; Roberta Watson, The Wagner Law Group, Tampa, FL; Additional Panelist TBA

**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:** Rachel Levy, Groom Law Group Chartered, Washington, DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL  
**Vice Chair:** Jaquelyn Meng Abbott, Vorys, Houston, TX  
**Assistant Vice Chairs:** Robyn Crosson, ADP, Indianapolis, IN; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH

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

**Panelists:** Jaquelyn Meng Abbott, Vorys Sater Seymour and Pease LLP, Houston, TX; Robyn Crosson, Chaiken Law LLC, Indianapolis, IN; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Rachel Leiser Levy, Groom Law Group Chartered, Washington, DC; Linda Mendel, Vorys Sater Seymour and Pease LLP, Columbus, OH; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kimberly Wilcoxon, Thompson Hine, Cincinnati, OH; Carol A. Weiser, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Employee Benefits, Exempt Organizations and Employment Taxes, IRS Office of Chief Counsel, Washington, DC (Invited); Amber Rivers, Acting Director, Division of Regulations and Standards, Office of Health Plan Standards and Compliance Assistance, Department of Treasury, Washington, DC
### 10:30AM – 12:00PM
**Energy & Environmental Taxes**  
*Panel details coming soon.*

### 11:00AM – 12:00PM
**Distinguished Service Award (Executive Session)**

### 11:00AM – 12:00PM
**Employee Benefits Distributions Update**  
Presented by the Subcommittee on Distributions  
**Chairs:** J. Rose Zaklad, Groom Law Group, Washington, DC; David A. Whaley, Thompson Hine LLP, Cincinnati, OH  
**Vice-Chair:** Ryan M. Session, Eversheds Sutherland, Washington, DC  
The Subcommittee will discuss recent issues of interest affecting plan distributions, including a discussion of the impact of recent changes to the hardship distribution rules, including the streamlined process and the final hardship regulations. In addition, the Subcommittee will discuss the benefits of coordination of the proposed Department of Labor electronic disclosure rules with the distribution disclosure requirements enforced by the Internal Revenue Service. Finally, the Subcommittee will discuss the elements of retention of distribution election forms as proof of distribution opportunity prior to approval of VCP applications for correction of missed Required Minimum Distributions.  
**Panelists:** 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  
**Chairs:** Blake C. MacKay, Alston & Bird, Atlanta, GA; Robert Johnson, Kaufman & Canoles PC, Newport News, VA  
**Vice-Chairs:** Bryanne Kelleher, VOYA, Windsor, CT; Jenni Krengel, Reed Smith LLP, San Francisco, CA; Brian Gallagher, Fraser Trebilcock, Lansing, MI  
The panel will discuss timely topics impacting plans of tax-exempt and governmental entities, including recent guidance on 403(b) remedial amendment periods and other relevant updates.  
**Panelists:** Blake C. MacKay, Alston & Bird, Atlanta, GA; Robert Johnson, Kaufman & Canoles PC, Newport News VA; Jenni Krengel, Reed Smith LLP, San Francisco, CA; Bryanne Kelleher, VOYA, Windsor, CT; Brian Gallagher, Fraser Trebilcock, Lansing, MI; Amber Salotto, Attorney-Advisor, Department of Treasury, Washington, DC (Invited); Pamela Kinard, Special Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC (Invited)
11:00AM – 12:00PM
Employee Benefits Fiduciary Responsibility & Plan Investments Update
Presented by the Subcommittee on Fiduciary Responsibility & Plan Investments Update
Chair: Jeffrey Lieberman, Skadden Arps Slate Meagher & Flom LLP, New York, NY
Vice-Chair: Yongo Ding, Morgan Lewis & Bockius, Washington, DC
Assistant Vice Chair: Arsalan Malik, Groom Law Group, Washington, DC
This panel will discuss recent guidance and other issues addressing ERISA fiduciary responsibilities. Topics will include ERISA electronic disclosure rules, ESOP fiduciary matters, the SEC’s Regulation Best Interest and associated rules, and other fiduciary responsibility developments.

11:00AM – 11:30PM
Employee Benefits New Employee Benefits Attorneys Forum
Chair: Scott C. Thompson, Haynes and Boone LLP, Dallas, TX
Are you a new (or new-ish) benefits attorney trying to unlock the secrets to rookie success? If so, join the New Employee Benefits Attorney Forum for an interactive discussion of some of the keys to becoming a successful employee benefits attorney, including topics such as improving competency in the practice area, mentorship, business development, and managing client (both internal and external) relationships.
Panelists: TBA

11:30AM – 12:30PM
Appointments to the Tax Court (Executive Session)

11:30AM – 12:30PM
Court Procedure & Practice Roundtable Discussion
Chair: Alexandra Minkovich, Baker & McKenzie, Washington, DC

11:30am
Limited Scope Representation: Expanding Access to Legal Services. In May of 2019, the Tax Court announced that it adopted procedures to permit practitioners to enter a limited appearance at scheduled trial sessions. The procedures recently took effect at the beginning of the 2019 Fall Term. This panel will discuss the rules regarding the Tax Court’s new procedure as well as compare and contrast those rules and similar rules in other jurisdictions. This panel will also address the practical considerations and implications of representing a taxpayer under a limited scope appearance.
Moderator: Annie Wurtzebach, DLA Piper, New York, NY
Panelists: Hon. Diana L. Leyden, US Tax Court, Washington, DC (Invited); Mark Tober, Associate Area Counsel, IRS Office of Chief Counsel, Jacksonville, FL (Invited); Mitchell I. Horowitz, Buchanan Ingersoll & Rooney PC, Tampa, FL; Frank Agostino, Agostino & Associates, Hackensack, NJ

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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
State & Local Taxes (Ticketed Event)

12:30PM – 1:30PM
Administrative Practice and Court Procedure & Practice Luncheon (Ticketed Event)
Speaker: Hon. Ronald L. Buch, US Tax Court, Washington, DC (Invited)

12:30PM – 1:30PM
Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing (Ticketed Event)

12:30PM – 1:30PM
Civil & Criminal Tax Penalties (Ticketed Event)

12:30PM – 1:30PM
Exempt Organizations Committee Luncheon (Ticketed Event)

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

12:30PM – 1:30PM
Real Estate and Partnerships & LLCs Luncheon (Ticketed Event)
12:00PM – 1:15PM
Employee Benefits Defined Benefit Plans Update
Presented by the Subcommittee on Defined Benefit Plans
Co-Chairs: John H. Wendeln, Thompson Hine LLP, Cincinnati, OH; Allison Hoots, Keightley & Ashner LLP, Washington, DC
Co-Vice-Chairs: Meredith VanderWilt, Polsinelli PC, Dallas, TX; Israel Goldowitz, The Wagner Law Group, Washington, DC
The subcommittee will discuss recent issues of interest affecting defined benefit plans, including current developments from the IRS/Treasury and PBGC, and conduct a panel discussion of pension plans of plan sponsors in bankruptcy or in distressed circumstances.
Panelists: Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC (Invited); Linda Marshall, Senior Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Constance Donovan, Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC (invited); Camille Castro, Senior Associate Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC (invited); Harold Ashner, Keightley & Ashner LLP, Washington, DC; Allison Hoots, Keightley & Ashner LLP, Washington, DC; Meredith VanderWilt, Polsinelli PC, Dallas, TX, Israel Goldowitz, The Wagner Law Group, Washington DC; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH

12:00PM – 1:00PM
Employee Benefits ESOP Update
Presented by the Subcommittee on ESOPs
Chair: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY
Vice-Chairs: Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton Andrews Kurth LLP, Washington, DC
Assistant Vice-Chairs: Nicholas Wamsley, Miller & Chevalier Chartered, Washington, DC; Scott Thompson, Haynes and Boone LLP, Dallas, TX
Subject to representation from the Department of Treasury or Department of Labor, this meeting will review the status of DOL investigations of ESOPs, including discussions of the impact (if any) of the executive orders signed by President Trump on October 9, 2019 on DOL enforcement actions. The panel will also review recent decisions handed down by the Supreme Court impacting ESOPs, including any issued decision on (i) Retirement Plans Committee of IBM et al. vs. Larry Jander et al. (to be heard November 6, 2019) and (ii) Putnam Investments LLC et al. vs. Brotherston et al. (to the extent accepted by the Court). Finally, the panel will discuss certain elements of control and recent changes in transaction structure involving engagement of a fully “discretionary” trustee for voting purposes.
Panelists: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton Andrews Kurth LLP, Washington, DC; Nicholas Wamsley, Miller & Chevalier Chartered, Washington, DC; Scott Thompson, Haynes and Boone LLP, Dallas, TX; David A. Whaley, Thompson Hine LLP, Cincinnati, OH

Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2020 Midyear Tax Meeting website: http://ambar.org/20taxmidyear
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
This panel will discuss a variety of employee benefit and executive compensation issues arising in mergers and acquisitions and impacting benefits practitioners. This panel will also discuss the potential strategies for both the buyer and seller to identify and to mitigate these issues.
Panelists: TBA

12:00PM – 2:30PM
Nominating (Executive Session)

12:15PM – 1:15PM
Employee Benefits Corporate Counsel Forum
Presented by the Employee Benefits Corporate Counsel Forum
Co-Chairs: Sarah Fry, The North American Coal Corp., Plano, TX; Julie Burbank, Chevron Corporation, San Ramon, CA
Join the Corporate Counsel Forum for an informative discussion about clawback issues, including whose pay is subject to clawback and for how long, types of pay subject to clawback, and drafting issues arising from the recent Hertz decision which required the company to advance legal defense costs under its bylaws and indemnification agreements even though the company was suing the executives to enforce its clawback policy.
Panelist: Jennifer Dunsizer, Vorys Sater Seymour & Pease LLP, Columbus, OH; Rita Patel, DLA Piper, Washington, DC

12:30PM – 1:30PM
Diversity
Chair: Lany L. Villalobos, Dechert LLP, Philadelphia, PA
12:30pm Earned Income Tax Credit: Ideas for Reform. The Earned Income Tax Credit (EITC) is the most significant earnings-based refundable credit in the Internal Revenue Code. In Tax Credits for the Working Poor: A Call for Reform, Professor Michelle Lyon Drumbl discusses the use of domestic revenue systems in the United States and other countries to deliver and administer social welfare benefits to low-income individuals and families. In light of Professor Drumbl’s recent book and last year’s National Taxpayer Advocate Special Report to Congress, Making the EITC Work for Taxpayers and the Government, the panelists will identify challenges for low-income taxpayers with respect to EITC administration and will discuss recent proposals for EITC reform.
Panelists: Professor Michelle Lyon Drumbl, Washington & Lee University School of Law, Lexington, VA; Professor Leslie Book, Charles Villanova University Widger School of Law, Villanova, PA; Leonard Burman, Urban Institute and Syracuse University Maxwell School of Citizenship and Public Affairs, Washington, DC; Margot Crandall-Hollick, Congressional Research Service, Washington, DC (Invited)
12:30PM–1:30PM  
State & Local Taxes  
Chair: Mark F. Sommer, Frost Brown Todd LLC, Louisville, KY  
*Panel details coming soon.*

12:30PM – 3:30PM  
Young Lawyers Forum – 2019 Law Student Tax Challenge Final Rounds (Open to the Public)

1:15PM – 2:45PM  
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.*

1:30PM – 4:00PM  
Standards of Tax Practice (Ethics Credit)  
Chair: Guinevere Moore, Johnson Moore LLC, Chicago, IL  
1:30pm  
(Ethics Credit) This panel will provide an update on recent guidance from the Internal Revenue Service and the Treasury Department, discuss issues of concern and areas of focus for the IRS Office of Professional Responsibility and Office of Chief Counsel, and give an update on pending cases that relate to tax practice standards.  
Moderators: TBA  
Panelists: TBA

2:20pm  
Ethical Considerations for Limited Scope Engagements.  
(Ethics Credit) Ethical considerations in pro bono representation, whether practicing before the IRS or before the Tax Court. Panelists will discuss dilemmas pro bono attorneys may face when representing tax clients at settlement days, calendar calls, and via direct representation outside of the courtroom. Discussions will include limited scope and limited time representation. Panelists will also provide advice on how to avoid the perils related to pro bono representation of taxpayer clients. This panel is the first part of a two part series co-sponsored with the Pro Bono Committee.  
Moderators: Shanthy Balachanthiran, Florida Rural Legal Services Inc., LITC, Ft. Myers, FL  
Panelists: The Honorable Peter J. Panuthos, US Tax Court, Washington, DC; Jennifer Breen, Morgan Lewis & Bockius, Washington, DC; Guinevere Moore, Johnson Moore LLC, Chicago, IL; Additional Panelist TBA
3:10pm Ethical Considerations Arising Out of the BBA Partnership Audit Rules. (Ethics Credit) Now that the BBA partnership audit regime is in full swing, interesting ethical questions are arising in both the IRS examination and partnership amended return contexts. This panel will explore practitioners’ ethical considerations relating to the broad authority of the partnership representative, the lack of participation and notice rights to all partners, the submission of administrative adjustment requests, and other novel issues under the BBA rules. In addition, this panel will discuss giving advice to partnerships and partners who may have conflicting interests as to the best way to resolve an IRS audit or correct a partnership return.
Moderators: Matt Cooper, Deloitte Tax LLP, Washington, DC
Panelists: TBA

2:00PM – 6:00PM
Employee Benefits
Chair: Martha N. Steinman, Hogan Lovells US LLP, New York, NY

1:30pm What's in a Name? Association Health Plans and Association Retirement Plans: These Cousins Couldn't Be More Different. This panel of experts will dive into the fray and analyze the battle lines drawn over association health plans and association retirement plans as a microcosm of the battle between red states and blue states. Find out whether proponents of association health plans oppose association retirement plans (and vice versa), and learn the projected location of the upcoming battlefields. Join us as we provide an up-to-the-minute update on association health plan and association retirement plan litigation, regulation and guidance focusing on the issues that all plans, employers, insurance carriers, participants, and service providers need to know now.
Moderators: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC
Panelists: TBA

3:00pm Department of Labor, Employee Benefits Security Administration and Pension Benefit Guaranty Corporation Hot Topics. Representatives from the Department of Labor and Pension Benefit Guaranty Corporation will provide updates on the latest guidance and developments affecting employee plans.
Moderators: Harold Ashner, Keightley & Ashner LLP, Washington, DC
Panelists: Preston Rutledge, Assistant Secretary, Employee Benefits Security Administration, Department of Labor, Washington, DC (Invited); Daniel Liebman, Deputy General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); John Menke, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Connie Donovan, Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Camille Castro, Senior Associate, Participant and Plan Sponsor Advocate, Pension Benefit Guaranty Corporation, Washington, DC (Invited)

4:00pm Department of Treasury / IRS Hot Topics. Representatives from the Department of Treasury and the IRS will provide updates on the latest guidance and developments affecting employee plans.
Moderators: Bret Hamlin, Hill Ward Henderson, Tampa, FL
Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2020 Midyear Tax Meeting website: http://ambar.org/20taxmidyear

**PRELIMINARY PROGRAM SCHEDULE**

**FRIDAY, JANUARY 31**

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Panels:
- Carol Weiser, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited);
- Kyle Brown, Division Counsel, Office of Chief Counsel, TEGEDC, IRS, Washington, DC (Invited);
- Victoria Judson, Associate Chief Counsel, Employee Benefits, Exempt Organizations, and Employment Taxes, Office of Chief Counsel, 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)

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

6:00pm  **Cash Bar.**

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2:00PM – 4:00PM

**Diversity**

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

- **2:00pm**  **TCJA Recent Developments and Policy Considerations Concerning Payments Related to Sexual Harassment, Fines and Penalties.** The Tax Cuts and Jobs Act amended the Internal Revenue Code to address the deduction of certain payments related to sexual harassment or sexual abuse settlements that involve nondisclosure agreements and the deduction of payments that constitute restitution or amounts paid to come into compliance with any law. This panel will discuss recent technical developments (including recent guidance) with respect to these payments under Code Sections 162(f), 162(q) and 6050X and policy considerations related to the federal tax treatment of these payments.
  - **Moderators:** Rayth Myers, EY, Washington, DC; Susan Grais, EY, Washington, DC
  - **Panelists:** John Moriarty, Associate Chief Counsel, IRS Office of Chief Counsel (Income Tax & Accounting), Washington, DC; Additional Panelist TBA

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2:00PM – 3:00PM

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

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

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

- **2:00pm**  **Estate Planning in Light of Legislative Uncertainty.** This panel will focus on how to structure core estate plans amidst the current climate of legislative uncertainty.
  - **Panelists:** Katie Cooperman, Holland & Hart, Denver, CO; Alyssa Depew, Kirton McConkie, Salt Lake City, UT; Ashley Sawyer, Loeb and Loeb LLP, Washington, DC

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2:00PM – 5:00PM

**State & Local Taxes**

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

- **2:00pm**  **Ethics and Technology: Navigating Tricky Ethical Dilemmas in a 21st Century SALT Practice.** (Ethics Credit) This presentation will assist participants in recognizing and understanding the proper application of ethics rules governing technology-driven
SALT lawyers in the 21st century. The presenters will discuss how the ABA Model Rules and various state bar ethics opinions guide lawyers in their use (and misuse) of technology.

**Moderator:** Mark E. Holcomb, Dean Mead et al., Tallahassee, FL  
**Panelists:** Michelle DeLappe, Foster Garvey PC, Seattle, WA; Glenn McCoy, KPMG LLC, New York, NY

Additional Panel details coming soon.

### 2:30PM – 4:30PM

**Closely Held Businesses**

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

- **2:30pm** TCJA – Hot Topics for Closely Held Businesses. Now that the 2018 filing season is behind us, this panel will take a look at the impact of the TCJA on closely held businesses. A roundtable of practitioners will address frequent client issues and questions relating to section 199A, section 163(j), and other new provisions and changes, as well as “real life” answers and planning solutions.
  
  **Panelists:** Elizabeth Stieff, Venable LLP, Baltimore, MD; Adam Abrahams, Meyers Hurvitz Abrahams LLC, Rockville, MD; Alan Gassman, Gassman Crotty & Denicolo PA, Clearwater, FL

### 3:30pm

The IRS’s Increased Focus and Enforcement of Payroll Tax Debts. Payroll taxes represent nearly 70% of all revenues into the United States Treasury. Closely held businesses that fail to properly report and pay over those taxes have found themselves increasingly in the IRS and Department of Justice’s crosshairs. This panel will review the various changes in enforcement that business owners and their representatives can expect to see from the government, including increased use of injunctions, suits by the Department of Justice, and increased criminal referrals.

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

(A joint panel with the S Corporations committee will follow at 4:30PM.)

### 2:30PM – 5:30PM

**Court Procedure & Practice**

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

- **2:30pm** Current Developments. This panel will include a report from the Tax Court, discussion of significant IRS guidance and litigation, an update on Tax Division priorities, a report from Treasury, and a discussion of significant pending litigation. The panel will also briefly discuss the final rules promulgated by the Court concerning BBA issues with partnership cases.
  
  **Moderator:** Jeffrey M. Glassman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX  
  **Panelists:** Chief Judge Maurice Foley, US Tax Court, Washington, DC (Invited); Richard Goldman, IRS, Washington, DC (Invited); Joshua Wu, Deputy Assistant Attorney General (Policy and Planning), Department of Justice, Tax Division, Washington, DC (Invited); Jarrett Jacinto, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)
3:20pm **Collections of Foreign Tax Judgments: When Your Other Problems Come Home.**
This panel will explore the means and methods by which foreign governments come onshore to try and collect their tax determinations and judgments in the United States, including through the use of bilateral tax treaties and US judicial proceedings. The panel will also identify the defenses and limitations to such actions, including through jurisdictional limits such as the Revenue Rule a longstanding principle of the U.S. and international law that prohibits one sovereign from using courts of another sovereign to enforce its revenue laws.

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

**Panelists:** Zhanna A. Ziering, Caplin & Drysdale Chartered, New York, NY; Additional Panelists TBA

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

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

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

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**2:30PM – 5:30PM**
**Financial Institutions & Products**
*Panel details coming soon.*

**2:30PM – 5:30PM**
**Insurance Companies**
*Chair:** Sheryl Flum, KPMG, Washington, DC

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

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

**Panelists:** Sarah Lashley, Transamerica, Washington, DC; Additional Panelist TBA

**3:15pm Insurance Tax Guidance Update.** This panel will discuss recent guidance regarding changes made to the Tax Code by the Tax Cuts and Jobs Act.

**Moderator:** Sheryl Flum, KPMG LLP, Washington, DC

**Panelists:** Mark Smith, PwC, Washington, DC; Additional Panelist TBA

**4:30pm Insurance Company Corporate Tax Issues.** This panel will cover Subchapter C issues specific to insurance companies with a focus on sections 163(j) and 382.

**Moderator:** Graham Green, Eversheds Sutherland, Washington, DC

**Panelists:** Lori Jones, Scribner Hall & Thompson LLP, Washington, DC; M. Kristan Rizzolo, Eversheds Sutherland, Washington, DC; Christopher W. Schoen, Eversheds Sutherland, Washington, DC

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2:30PM – 6:00PM
Public Service Fellowship (Executive Session)

2:30PM – 5:30PM
Real Estate
Panel details coming soon.

2:30PM – 4:30PM
S Corporations
Chair: Thomas J. Phillips, von Briesen & Roper sc, Milwaukee, WI

2:30pm Current Developments in the Federal Income Taxation of S Corporations. This panel will discuss recent legislative, administrative and judicial developments relating to S corporations and their shareholders.
Moderator: Laura E. Krebs Al-Shathir, Capes Sokol, St. Louis, MO
Panelists: Jeffrey B. Fugal, Quarles & Brady LLP, Phoenix, AZ; Additional Panelist TBA

3:30pm International Tax Provisions of the TCJA. This panel will discuss problem areas for S Corporations and their shareholders under sections 9514 (GILTI Tax), 965 and other international provisions enacted by the TCJA.
Moderator: Joseph E. Tierney, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI
Panelists: Jerald D. August, Fox Rothschild LLP, Philadelphia, PA; Laura Howell-Smith, Deloitte Tax LLP, Washington, DC; Michael J. Miller, Roberts & Holland LLP, New York, NY
(A joint panel with the Closely Held Businesses committee will follow at 4:30PM.)

2:30PM – 5:30PM
Tax Accounting
Chair: David Strong, Crowe LLP, Grand Rapids, MI

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

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

4:00pm Cryptocurrency Meets Tax Accounting. This panel will discuss the most recent guidance in the cryptocurrency arena with a specific focus on tax accounting issues, such as determination of gross income and realization under section 61 and the treatment of income for accrual basis taxpayers. The panel will include commentary and input from our guests from the Internal Revenue Service.
Panelists: TBA
4:45pm **Accounting Methods in M&A Transactions.** This panel will highlight common questions and fact patterns encountered during M&A transactions. Topics to be discussed include the treatment of deferred revenue and any changes as a result of recently proposed regulations as well as ongoing questions regarding assumed liabilities. In addition, the panel will discuss recently released guidance and discuss ongoing issues, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury.

**Panelists:** TBA

2:30PM – 5:30PM  
**Tax Collection, Bankruptcy & Workouts**  
*Panel details coming soon.*

2:30PM – 5:30PM  
**Tax Exempt Financing**  
*Panel details coming soon.*

2:45PM – 4:45PM  
**Foreign Activities of US Taxpayers**  
*Panel details coming soon.*

3:00PM – 4:30PM  
**Teaching Taxation**  
*Chair:* Professor Diane Ring, Boston College, Newton, MA

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

**Moderator:** Professor Ellen Aprill, Loyola Law School, Los Angeles, CA  
**Panelists:** Professor Michelle Layser, University of Illinois College of Law, Champaign, IL; Jeffrey Koonce, Bernhard Capital Partners Management, Baton Rouge, LA
PRELIMINARY PROGRAM SCHEDULE
FRIDAY, JANUARY 31

4:00PM – 5:30PM
Young Lawyers Forum
Panel details coming soon.

4:30PM – 5:30PM
Publications

4:30PM – 5:30PM
S Corporations and Closely Held Businesses Joint Panel
S Corporations Chair: Thomas J. Phillips, von Briesen & Roper, s.c., Milwaukee, WI
Closely Held Businesses Chair: Galina “Allie” P. Petrova, Petrova Law, Greensboro, NC

4:30pm Planning Considerations and Issues for Trusts as Owners of S Corporations and other Closely Held Business. This panel will discuss selected federal and state income tax issues that arise from the ownership of interests in closely held businesses by trustees of trusts.
Moderator: Andrew R. Comiter, Comiter Singer Baseman & Braun, Palm Beach Gardens, FL
Panelists: Karen Sandler Steinert, Fredrikson & Bryon PA, Minneapolis, MN; Brad Roe, Grant Thornton, Houston, TX; Adam Abrahams, Meyers Hurvitz Abrahams LLC, Rockville, MD; Dana M. Apfelbaum, Dean Mead, Stuart, FL

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

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

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

6:30PM – 8:00PM
Section Reception (Ticketed Event)

8:00PM – 10:00PM
International Committees Dinner (Reservation Required)

Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2020 Midyear Tax Meeting website: http://ambar.org/20taxmidyear
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 – 8:45AM
ACTC Fellows Breakfast (ACTC Fellows Only)

7:30PM – 8:30AM
Tax Practice Management
Panel details coming soon.

7:45AM – 9:00AM
Court Procedure & Practice Committee Breakfast (Ticketed Event)

8:00AM – 11:55AM
Pro Bono & Tax Clinics
Chair: Susan Morgenstern, IRS Taxpayer Advocate Service, Cleveland, OH

8:00am National Taxpayer Advocate’s Annual Report to Congress. The acting National Taxpayer Advocate will present her Annual Report to Congress. She will discuss the top issues facing taxpayers in 2019 including their scope and effect on taxpayer rights. She will also discuss legislative recommendations to improve tax administration. Finally, she will highlight research studies the Taxpayer Advocate Service undertook in 2019.

Moderator: Susan Morgenstern, IRS Taxpayer Advocate Service, Cleveland, OH
Panelists: Bridget Roberts, Acting National Taxpayer Advocate, Taxpayer Advocate Service, Washington, DC (Invited)

8:30am Innocent Spouse Litigation under the Taxpayer First Act: The Administrative Record, Newly Discovered Evidence, and Other Challenges. The Taxpayer First Act of 2019 effected major changes in the US Tax Court’s review of innocent spouse decisions. This session will review the changes to section 6015(e) and discuss how practitioners, the Service, and the Tax Court are grappling with the new standard. Important questions include what constitutes the administrative record; when the court can look beyond the administrative record; and how non-requesting spouses can effectively participate. Practitioner panelists will also provide strategies to mitigate the new limits on the Tax Court’s ability to hear evidence.

Moderator: Professor Christine Speidel, Villanova University Charles Widger School of Law, Villanova, PA
Panelists: Mary Michelle Gillum, Legal Aid Society of Middle Tennessee and the Cumberlands, Oak Ridge, TN; Adrienne E. Griffin, Branch Chief, IRS Office of Chief Counsel (Procedure & Administration), Washington, DC (Invited); Professor Bryan Camp, Texas Tech University, Lubbock, TX
9:30am  **Ethical Considerations in Pro Bono Representation.** (Ethics Credit) This panel will discuss dilemmas pro bono attorneys may face when representing tax clients at settlement days, calendar calls, and via direct representation outside of the courtroom. Discussions will include limited scope and limited time representation. Panelists will also provide advice on how to avoid the perils related to pro bono representation of taxpayer clients. This panel is the second part of a two part series co-sponsored with the Standards of Tax Practice Committee.

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

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

10:30am  Break.

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

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

**Panelists:** Omeed Firouzi, Christine A. Brunswick Fellow, Philadelphia Legal Assistance, Philadelphia, PA; Mari Manoogian, Michigan State Representative, Birmingham, MI (Invited); Sydney Gernstein, Branch Chief, Employment Tax Branch, IRS Office of Chief Counsel, Washington, DC (Invited); Charles Eiss, Law Offices of Charles Eiss, Plantation, FL (Invited)

**8:30AM – 11:30AM**  
**Corporate Tax**

**Panel details coming soon.**

**8:30AM – 11:30AM**  
**Employee Benefits**

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

8:30am  **The Future of Benefits.** Join us for a discussion of the activities of Congress and the courts and how they are impacting employee benefit planning. Topics may include new laws changing the landscape for retirement plans and the Fifth Circuit’s consideration of *Texas v. United States*.

**Moderator:** Elena Kaplan, Jones Day, Atlanta, GA

**Panelists:** TBA

9:30am  **Hot Topics in Executive Compensation – 162(m).** This session will address the latest developments under section 162(m) and other current executive compensation topics of interest.

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

**Panelist:** Nolan A. Moullé III, The Northern Trust Company, Houston, TX
10:30am  **The Evolving Practice of Employee Benefits Law and Related Ethics Issues.**  
(Ethics Credit) This panel will discuss ethics issues that have arisen with the changes in how employee benefits law is practiced.  
**Moderator:** Donald E. Wellington, Reed Smith LLP, Los Angeles, CA

8:30AM – 11:30AM  
**Fiduciary Income Tax**  
**Chair:** Nolan A. Moullé III, The Northern Trust Company, Houston, TX

8:30am  **Current Developments.**  
Mr. Garcia will review current developments in fiduciary income tax. Ms. Hughes will update the committee on developments within the Treasury and the Service. 
**Panelists:** Francisco Garcia Jr., Henderson Caverly & Pum LLP, San Diego, CA; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Additional Panelist TBA

9:00am  **A Refresher on the Throwback Tax.**  
Mr. Moullé will discuss the application of the throwback tax to foreign trusts. 
**Panelist:** Nolan A. Moullé III, The Northern Trust Company, Houston, TX

9:30am  **Income Tax Aspects of Trust Distributions to Foreign Beneficiaries.**  
Mr. Strohmeyer will discuss the income tax consequences and reporting requirements for trust distributions to foreign beneficiaries. 
**Panelists:** John R. Strohmeyer, Strohmeyer Law PLLC, Houston, TX

10:00am  **TBA.**

10:45am  **Can an AFR Loan be Treated as Not Issued for Full and Adequate Consideration if Later Valued in the Note Holder’s Gross Estate at a Discount?**  
Under section 7872, if a promissory note provides for adequate stated interest, there is no gift when issued. If the note is later gifted or included in the note holder’s gross estate and is valued at a discount for transfer tax purposes, it should follow that the note was issued for full and adequate consideration. The IRS position is that if later valuing the note at a substantial discount, there was not a transfer for full and adequate consideration so that the trust that borrowed the funds is exposed to sections 2036(a)(2) and 2038. Professor Hesch and Mr. Strauss will first review the history of section 7872 and the factors used in valuing promissory notes, and then address how these principles should be applied to loans made in compliance with the loan regime split dollar regulations. 
**Panelists:** Professor Jerome “Jerry” Hesch, Florida International University Law School, Miami, FL; Michael Strauss, Strauss Malk & Feder LLP, Highland Park, IL

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

8:30AM – 11:30AM  
**Sales, Exchanges & Basis**  
**Chair:** Stephen Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY  
**Panel details coming soon.**
8:30AM – 10:30AM  
**State & Local Taxes Practitioner’s Roundtable** *(Executive Session)*  
**Moderator:** Mark Holcomb, Dean Mead & Dunbar, Tallahassee, FL

8:45AM – 11:45AM  
**Civil & Criminal Tax Penalties**  
Panel details coming soon.

10:30AM – 11:00AM  
**State & Local Taxes: Publication Subcommittees** *(Executive Session)*  
**Chair:** Robert L. Mahon, Perkins Coie, Seattle, WA  
Those persons responsible for The Tax Lawyer State and Local Tax section, *Sales & Use Tax Deskbook*, *Property Tax Deskbook*, *Multijurisdictional Admission to Practice Requirements for State and Local Tax Lawyers*, and committee webpage and listserv will meet to discuss the status of their work.

11:00AM – 12:00PM  
**State and Local Taxes Vice-Chairs’ Planning Meeting** *(Executive Session)*  
**Chair:** Mark F. Sommer, Frost Brown Todd LLC, Louisville, KY

12:00PM – 1:30PM  
**Section Luncheon & Plenary Session** *(Ticketed Event)*  
**Keynote Speaker:** Michael J. Desmond, Chief Counsel, IRS, Washington, DC  
MICHAEL J. DESMOND is the 48th Chief Counsel of the Internal Revenue Service, where he oversees a staff of more than 2,000 employees, including approximately 1,500 attorneys. Mr. Desmond began serving as Chief Counsel on March 4, 2019, following his confirmation by the U.S. Senate on February 27, 2019. As Chief Counsel, he is also an Assistant General Counsel in the Department of the Treasury. After serving as a law clerk for the Hon. Ronald S.W. Lew in the federal district court in Los Angeles, Mr. Desmond began his legal career with the Attorney General’s Honors Program at the Tax Division of the U.S. Department of Justice. After serving in the Tax Division, he joined McKee Nelson, LLP, where he was elected partner in 2004. In early 2005, Mr. Desmond joined the Office of Tax Policy at the Department of the Treasury, where he served as Tax Legislative Counsel through 2008. Following his tenure at the Treasury Department, he spent several years as a partner at Bingham McCutchen LLP in Washington, D.C. and Los Angeles, California. In January 2012, Mr. Desmond started his own boutique tax firm in Santa Barbara, California, where he practiced until his nomination as Chief Counsel in 2018. Mr. Desmond has held several offices with the Section of Taxation of the American Bar Association and served as a Regent for the American College of Tax Counsel. He also served as an adjunct professor at Georgetown University School of Law. Mr. Desmond was born in Santa Monica, California and is a graduate of the University of California, Santa Barbara and the Catholic University of America Columbus School of Law.
2:00PM – 5:00PM
Current Developments in Individual, Corporate, Partnership, and Estate & Gift Taxation
Sponsored by: Teaching Taxation
This session will review the most significant statutory enactments, judicial decisions, IRS rulings, and Treasury regulations promulgated during the last twelve months that affect general income taxation, corporate taxation, partnership taxation, wealth transfer taxation, and tax procedure.
Moderator: Professor Bruce A. McGovern, South Texas College of Law Houston, Houston, TX
Panelists: Professor Elaine Hightower Gagliardi, University of Montana School of Law, Missoula, MT; Professor James M. Delaney, University of Wyoming College of Law, Laramie, WY