

2019 FALL TAX MEETING

OCTOBER 3-5, 2019

HYATT REGENCY • SAN FRANCISCO, CA



PRELIMINARY PROGRAM



AMERICAN **BAR** ASSOCIATION

Tax Section



AMERICAN **BAR** ASSOCIATION

Real Property, Trust and
Estate Law Section

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

PRELIMINARY PROGRAM SCHEDULE THURSDAY, OCTOBER 3

8:30AM – 3:00PM

Officers & Council Meeting  (Executive Session)

12:00PM – 5:00PM

Tax Bridge on the Road

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...**  An in-depth discussion with one of the Tax Section's most distinguished members, detailing their practice, history, and the latest developments in tax law.
- 12:45pm A Practical Approach to Section 199A.** Over 90% of businesses in the US are organized as flow-through entities, making the 20% deduction for qualified business income under section 199A one of the most significant deductions in the Code. This panel will provide a step-by-step approach to determine whether the 20% deduction under section 199A applies to a given business. The panelists will discuss potential pitfalls and strategies to optimize the 20% deduction.
Moderator: Morgan Klinzing, Pepper Hamilton LLP, Philadelphia, PA
Panelists: Wendy L. Kribell, Senior Counsel, Office of Associate Chief Counsel (Passthroughs and Special Industries), IRS, Washington, DC (Invited); Thomas West, KPMG LLP, Washington, DC (Invited); Additional Panelist TBA
- 1:45pm What is Collection Due Process? A Practical Introduction to the Stages of CDP.** This panel will provide an introduction to collection due process. Attorneys may deal with IRS Appeals, Collections, and IRS Counsel at different times on behalf of the same taxpayer. What are some considerations in arranging a sustainable collection alternative bearing in mind the protections and procedures of CDP. What are a taxpayer's options at an administrative level? What type of judicial review is available? How does the case change before the US Tax Court? A panel of CDP experts will examine the various stages of collection due process and how taxpayers may engage with them.
Moderator: Professor Erin H. Stearns, University of Denver, Denver, CO
Panelists: The Honorable Lewis R. Carluzzo, Chief Special Trial Judge, US Tax Court, Washington, DC (Invited); Henry Cheng, DLA Piper, San Francisco, CA; Mitchel S. Hyman, Senior Technician Reviewer, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC (Invited)
- 2:45pm Break.** 
- 3:00pm Cross Border Partnership Theory.** Under certain provisions of the US international tax law, a partnership may be treated as an aggregate of its partners and under other provisions, a partnership may be treated as an entity. The tension between these two fundamentally different approaches has come into focus especially in light of US tax reform. This presentation will cover the treatment of partnerships under certain key international tax provisions including GILTI, Subpart F, section 163(j), and section 864(c)(8) as well as consider collateral consequences of the aggregate theory of partnership taxation as compared to the entity theory, including structuring considerations. The panel will also discuss compliance and reporting aspects relating to the 2017 and 2018 tax years.
Panelists: Avani Shah, KPMG LLP, Boston, MA; Kelley C. Miller, Reed Smith LLP, Washington, DC; Additional Panelist TBA

Program schedule information is preliminary and subject to change.

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THURSDAY, OCTOBER 3

4:00pm Can't Touch This: The Basics of Intangibles. In the modern economy, more and more value is derived from intangible assets, and the methods used to identify and tax these assets are overwhelmingly complicated. This panel will provide a primer on the taxation of intangible assets. The panelists will cover areas such as transfer pricing, Foreign-Derived Intangible Income (FDII), and Global Intangible Low-Tax Income (GILTI).

Panelists: Drew A. Cummings, Morgan Lewis & Bockius LLP, Washington, DC; Nick Zemil, PwC, Washington, DC; Jorge M. Oben, Attorney, Office of Associate Chief Counsel (International), IRS, Washington, DC (Invited); Lisandra Ortiz, Miller & Chevalier, Washington, DC

1:00PM – 4:15PM

Tax Collection, Bankruptcy & Workouts

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

1:00pm When Bankruptcy May be the Better Option. Often times clients with significant tax liabilities first consider administrative resolution with the IRS, such as an offer in compromise. However, many clients frequently find themselves saddled with additional non-tax debt that an offer simply does not resolve. Join us in exploring when bankruptcy may be a better alternative to resolve a client's collective financial difficulties. The panel will discuss the different types of bankruptcy options available, the fundamental requirements for discharge of a tax liability as well as exceptions and much more.

Moderator: Nancy Ryan, Legal Services of Northern Virginia Inc., Fairfax, VA


Panelists: Daniel Rosefelt, Rosefelt & Associates LLC, Rockville, MD; Russel J. Haynes, Burton J. Haynes PC, Burke, VA; Kenneth C. Weil, Law Office of Kenneth C. Weil, Seattle, WA

(Program will include a 15 minute Non-CLE break.)

5:00PM – 6:00PM

New Committee Chair Social *(Invitation Only)* 

5:00PM – 6:00PM

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

6:00PM – 7:00PM

Joint Welcome Reception  *(Complimentary)*

7:00PM – 9:30PM

Administrative Practice Committee Dinner  *(Reservations and Advance Payment Required)*

7:00PM – 10:00PM

Partnerships & LLCs and Real Estate Committees Dinner  *(Reservation Required)*

Members of the Real Estate Committee and the Partnerships & LLCs Committee will meet for cocktails and dinner at Toy Soldier (52 Belden Place, San Francisco, CA). Cocktails (cash bar) will begin at 7:00 pm, followed by dinner at 7:30 pm. Reservations and advance payment will be required. For details, please visit the Partnerships & LLCs, S Corporations or Real Estate Committee pages.

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FRIDAY, OCTOBER 4

7:30AM – 9:00AM

ACTC Board of Regents Meeting  (Executive Session)

7:30AM – 8:30AM

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

Chairs: T.J. Sullivan, Drinker Biddle & Reath LLP, Washington, DC; Robert W. Friz, PwC, Philadelphia, PA; 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 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: Kathy Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Ellen Martin, Tax Policy Advisor, Department of Treasury, Washington, DC

8:30am **An (Unexpected) Interest in ADS – Part II.** This panel will serve as a follow-up to the May meeting panel and will continue the discussion on the increased focus around the alternative depreciation system in light of various tax reform provisions

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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: Charles Gorham, Special Counsel, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Jaime Park, Attorney, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Ellen Martin, Tax Policy Advisor, Department of Treasury, Washington, DC

9:00am Bonus Depreciation – the Final Regulations. This panel will provide a detailed discussion of the final bonus depreciation regulations under section 168(k).

Panelists: Kathy Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Elizabeth Binder, Attorney, Office of Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Ellen Martin, Tax Policy Advisor, Department of Treasury, Washington, DC

8:00AM – 9:30AM

Employee Benefits Defined Contribution Plans Update

Presented by the Subcommittee on Defined Contribution Plans

Chairs: Matthew Eickman, Qualified Plan Advisors, Omaha, NE; 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

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)

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 certain key open issues and practical solutions in response to 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 including valuation of compensation and benefits as well as issues facing related organizations. The panelists will discuss questions, issues, and strategies to address such compensation arrangements under the interim guidance as well as situations that may require further guidance. Additionally, the panel will provide an update regarding outstanding issues related to the amended provisions of section 162(m) in anticipation of proposed regulations. Finally, this panel will discuss recent hot topics related to the most recent proxy season.

Moderators: Curtis Fisher, Bass Berry & Sims PLC, Nashville, TN; Robert Neis, Eversheds Sutherland, Washington, DC

Panelists: TBA

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8:15AM – 11:30AM

Administrative Practice

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

8:15am Important Developments. This panel will discuss current developments and topics of immediate interest in tax administrative practice. Panel will focus on recent legislative efforts impacting tax law and the IRS, Treasury and IRS guidance, court decisions, ongoing litigation and other items germane to tax administration.

Moderator: Greg Armstrong, KPMG, Washington, DC

Panelist: Professor Frank Colella, Pace University, New York, NY; Diana Erbsen, DLA Piper, New York, NY; Robert Wearing, Deputy Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC

9:15am The Compliance Assurance Program (CAP), Today and Tomorrow. This panel will provide an overview of the current iteration of IRS Large Business and International's Compliance Assurance Process (CAP). CAP underwent a recalibration in 2018 for the 2019 CAP year, with further changes to the program anticipated in future years. Panelists will provide their perspectives, government and private sector, on the recalibration efforts and factors for taxpayers to consider when determining eligibility and interest in applying to the program.

Moderator: Alina Solodchikova, RSM, Washington, DC

Panelists: Michael Dolan, KPMG, Washington, DC; Kevin Stults, Skadden, Washington, DC; Gloria Sullivan, Director, Western Compliance Practice Area, LB&I, IRS, Oakland, CA

9:45am Break. ☕

10:30am Managing Third Party Contacts in an Examination. Taxpayers and the IRS will seek third party information and interviews to develop facts in examination and collection cases. Third party contacts by the IRS sometimes raise concerns as to taxpayer privacy and potential wrongful disclosure. This panel will review strategies and discuss issues resulting from third party contacts during a case with the Service. Topics will include when taxpayer representatives should and should not object to third party contacts by the Service, when a Freedom of Information Act request should be filed, when Taxpayer Advocate assistance may be proper, when to consider filing a wrongful disclosure case, and what third party information will be available from the Independent Office of Appeals.

Panelists: Frank Agostino, Agostino & Associates, Hakensack, NJ; Courtney Hopley, Greenberg Traurig, San Francisco, CA; Kandyce Korotky, Covington & Burling, Washington, DC; Alex Kugelman, Law Office of Alexander H. Kugelman, San Francisco, CA

Co-Sponsored by: Pro Bono & Tax Clinics

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8:15AM – 11:30AM

Affiliated & Related Corporations

Chair: Olivia Orobona, PwC, Washington, DC

8:15am Future State of 1.1502-13. This panel will consider whether ad hoc solutions or a re-think of -13 is necessary in light of developments following its promulgation, including tax reform.

Moderator: Brian Peabody, EY, Washington, DC

Panelist: Jeff Vogel, KPMG LLP, Charlotte, NC; Marie Milnes-Vasquez, Special Counsel, IRS Chief Counsel, Washington, DC; Lee Kelley, Covington and Burling LLP, Washington, DC

9:45am Break. ☕

10:00am Current Developments. This panel will consider current developments affecting affiliated and related corporations, with significant focus upon GILTI and investment basis adjustments.

Moderator: Professor Don Leatherman, University of Tennessee, Knoxville, TN

Panelist: Timothy Davis, Deloitte Tax LLP, Washington, DC; Michael Schler, Cravath Swaine & Moore LLP, New York, NY; Katherine Zhang, IRS, Washington, DC

8:15AM – 11:30AM

Banking & Savings Institutions

Chair: Yoram Keinan, Kostelanetz & Fink LLP, New York, NY

8:15am Everything You Need to Know About the Application of Section 163(j) to Financial Institutions: Part 1. On 26 November 2018, Treasury and IRS released proposed regulations under section 163(j), which was modified in December 2017 by TCJA. Section 163(j) and the regulations thereunder has significant impact on financial institutions. This panel will review the potential application of the rules to financial institutions and put forth policy considerations and planning points.

Moderator: Yoram Keinan, Kostelanetz & Fink LLP, New York, NY

Panelist: TBA

9:45am Break. ☕

10:00am Everything You Need to Know About the Application of Section 163(j) to Financial Institutions: Part 2. On 26 November 2018, Treasury and IRS released proposed regulations under section 163(j), which was modified in December 2017 by TCJA. Section 163(j) and the regulations thereunder has significant impact on financial institutions. This panel will review the potential application of the rules to financial institutions and put forth policy considerations and planning points.

Moderator: Yoram Keinan, Kostelanetz & Fink LLP, New York, NY

Panelists: TBA

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8:15AM – 11:30AM

Closely Held Businesses (TX) and Business Planning Group (TE)

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

Business Planning Group Chair: Karen Sandler Steinert, Fredrikson & Byron PA, Minneapolis, MN

8:15am A Rainbow of Start-Ups – A Rainbow of Tax Strategies: How the Type of Start Up Affects Its Optimum Tax Structure. Starting a tech company differs greatly from other types of businesses, such as manufacturing, consulting or professional practices, particularly those having substantial and saleable goodwill. This panel will review the taxation of tech start ups and base economy businesses and contrast the differences.

Panelists: Roger Royse, Royse Law Firm, San Francisco, CA; Pamela Fuller, Royse Law Firm, San Francisco, CA; William P. Prescott, Wickens Herzer Panza, Avon, OH

9:15am 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 address the Taxpayers First Act and the SECURE Act as well as takeaways from *Kress v. United States* and *North Carolina Department of Revenue v. The Kimberley Rice Kaestner 1992 Family Trust*.

Panelists: Masha M. Yevzelman, Fredrikson & Byron PA, Minneapolis, MN; Professor Annette Nellen, San Jose State University, San Jose, CA; Justin T. Miller, BNY Mellon Wealth Management, San Francisco, CA

9:45am Break. ☕

10:00am Closely Held Businesses From Start to Finish, a Three-Part Series: Part III: The End. The panel will discuss what should be considered when closing down a business and the effect of shutting down the operations, selling the business, or transferring ownership in the business to family members. The panel will focus on the tax consequences as they apply to closely held business and the different considerations between C-Corporations, S-Corporations, Sole Proprietorships and Partnerships and the different issues of the asset sale versus a stock or membership interest sale.

Moderator: Galina “Allie” P. Petrova, Petrova Law PLLC, Greensboro, NC

Panelists: Robb Longman, Longman & Van Grack LLC, Bethesda, MD; William P. Prescott, Wickens Herzer Panza, Avon, OH; Justin T. Miller, BNY Mellon Wealth Management, San Francisco, CA; Emily A. Plocki, Venable, Washington, DC

8:15AM – 11:30AM

Estate & Gift Taxes (TX) and Income & Transfer Tax Planning Group (TE)

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

Income & Transfer Tax Planning Group Chairs: Keri D. Brown, Baker Botts LLP, Houston, TX and Scott A. Bowman, McDermott Will & Emery LLP, Washington, DC

8:15am Current Developments. This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since May 2019.

Panelists: Keri D. Brown, Baker Botts LLP, Houston, TX (Invited); Sean R. Weissbart, Blank Rome LLP, New York, NY; Brad Dillon, Brown Brothers Harriman, New York, NY

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For the most up-to-date information, please visit the 2019 Fall Tax Meeting website: <http://ambar.org/19taxfall>

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- 9:00am **New Kids on the Block(chain): Planning with Bitcoin, and Cryptocurrency.** Learn how a new disruptive technology and asset was mysteriously created impacting the future of everything. This session will address the basics of what blockchain, bitcoin and cryptocurrency are, their effect on transactions, tax and non-tax issues, and how to plan with this special type of asset for wealth transfer planning purposes.
Panelist: Abigail Rosen Earthman, Winstead PC, Dallas and Houston, TX
- 9:45am **Break.** ☕
- 10:00am **Electronic Wills.**
Panelists: John T. Rogers Jr., Rogers Trust Law, Los Angeles, CA; Additional Panelists TBA
- 10:45am **Uniform Directed Trust Act**
Panelists: James P. Spica, Dickinson Wright PLLC, Detroit, MI; Additional Panelists TBA

8:15AM – 11:30AM

Individual & Family Taxation

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

- 8:15am **Collection Due Process Notices: Much Needed Works in Progress.** Collection due process communications from the IRS have room for improvement. Is the intent of the notice to result in payment to the IRS or to inform regarding taxpayer rights? How can placement and phrasing of the collection due process notice be reframed to result in greater compliance? What are results for collection due process notices that will provide greater satisfaction for taxpayers, the IRS, and the US Tax Court? This panel will focus on collection due process communications, the psychology of motivating action, and a discussion of proposed solutions including tests underway. This is a CDP Summit initiative program.
Panelists: Professor Leslie Book, Villanova Law School, Villanova, PA; Jeff Wilson, Senior Advisor, IRS Taxpayer Advocate Service, Washington, DC; Kristen Bailey, Director, Collection Policy, IRS, Washington, DC; William Schmidt, Kansas Legal Services, Kansas City, KS
- 9:15am **Hot Practice Tips for Dealing with Innocent Spouse Relief.** This is part one of a two-part panel addressing hot practice tips for obtaining innocent spouse relief. This panel will discuss, among other things, the timing and methods of raising innocent spouse relief in Tax Court and other litigation and pre-litigation tools, the ethical concerns relating to such representation, and various other strategies and pitfalls in structuring innocent spouse relief. This panel will also address some of the innocent spouse issues raised by some of the more recent and relevant case law.
Moderator: Jonathan E. Strouse, Harrison & Held LLP, Chicago, IL
Panelists: The Honorable Lewis R. Carluzzo, Chief Special Trial Judge, US Tax Court, Washington, DC; Audrey Patten, Harvard Law School Federal Tax Clinic, Jamaica Plain, MA; Adrienne Griffin, Branch Chief, Branch 2, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC
- 10:15am **Break.** ☕
- 10:30am **The IRS Violated My Client's Religious Liberties: When is This Unlawful and What Can We Do About It?** Since about the 1950's, there have been several instances in which a requirement imposed on taxpayers by the tax code conflicts with their deeply held religious beliefs. Most recently, the Tax Cuts and Jobs Act introduced a Social Security number requirement under Internal Revenue Code § 24(h)(7)

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that significantly (and negatively) impacts the Amish community, who have sincere religious objections to obtaining Social Security benefits. This panel will discuss the nuts and bolts of the intersection of taxation and religious liberties and will specifically address whether this new provision violates the Constitution or other laws designed to protect taxpayers' religious beliefs.

Moderator: Patrick W. Thomas, Notre Dame Law School, South Bend, IN

Panelists: Professor Sam Brunson, Loyola University Chicago School of Law, Chicago, IL; Susan Morgenstern, Local Taxpayer Advocate, Cleveland, OH

8:15AM – 11:30AM

Investment Management

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

8:15am Actively Managed ETFs: Tax and Securities Law Considerations. In April 2019 the Securities and Exchange Commission granted exemptive relief to Precidian Funds LLC to operate actively managed exchange-traded funds (ETFs) that will not provide daily transparency of the funds' portfolios. This panel will discuss this and earlier efforts to create non-transparent ETFs, relevant securities law considerations, tax considerations for ETFs generally and for the Precidian structure specifically, and the possible impact of this exemptive relief on open-end funds and ETFs.

Moderator: Roger Wise, Willkie Farr & Gallagher LLP, Washington, DC

Panelists: Georgia Bullitt, Willkie Farr & Gallagher LLP, New York, NY; Jacquelyn Gordon, Stradley Ronon Stevens & Young LLP, Philadelphia, PA

9:15am Private Equity M&A: Structuring Considerations and Select Tax Issues in Negotiating the Deal.

Moderator: Raj Tanden, Foley & Lardner LLP, Los Angeles, CA

Panelists: Anne Kim, Kirkland & Ellis, Los Angeles, CA; Amanda H. Nussbaum, New York, NY

10:15am Break. ☕

10:30am LP Tax Issues - What do private equity sponsors need to know? A potpourri of bespoke LP tax issues.

Moderator: Sarah-Jane Morin, Morgan Lewis & Bockius LLP, San Francisco, CA

Panelists: Kelsey Lemaster, Goodwin Procter, San Francisco, CA; Tom Wisialowski, Paul Hastings, Palo Alto, CA

8:15AM – 11:30AM

Real Estate

Chair: Ossie Borosh, KPMG LLP, Washington, DC

8:15am Section 1031 and Opportunity Zones. This panel will provide a detailed discussion of trade-offs to consider when evaluating whether to enter into a section 1031 exchange or invest in an opportunity zone fund.

Moderator: Andrea Whiteway, EY, Washington, DC

Panelists: Kelsey Lemaster, Goodwin Procter LLP, San Francisco, CA; Erik Loomis, Cox Castle & Nicholson LLP, Los Angeles, CA; Joyce Welch, Deloitte & Touche LLP, San Diego, CA

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9:30am Private REITs - Qualification Issues. This panel will discuss various qualification and related issues that are unique to private REITs and how those issues can affect sales of private REITs.

Moderator: Mark Van Deusen, Deloitte Tax LLP, Washington, DC

Panelists: Ana O'Brien, Latham & Watkins LLP, Los Angeles, CA; Shane Shelley, Morrison & Foerster LLP, San Diego, CA

10:15am Break. ☕

10:30am Hot Topics. This panel will focus on new judicial, legislative, and administrative guidance and other recent developments relating to the taxation of real estate and partnerships.

Moderator: Monisha Santamaria, EY, Los Angeles, CA

Panelists: Nickolas Gianou, Skadden Arps Slate Meagher & Flom LLP, Chicago, IL; Kathy Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC (Invited); Bryan Rimmke, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

8:15AM – 11:30AM

S Corporations

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

8:15am 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 other than those to be discussed by the S Corporation Hot Topics panel below.

Moderator: Laura Krebs Al-Shathir, Capes Sokol, St. Louis, MO

Panelists: Alison Helland, Boardman & Clark LLP, Madison, WI; David E. Kahen, Roberts & Holland LLP, New York, NY

9:15am Hot Topics. This panel will discuss recent regulatory and administrative guidance on the taxation of S corporations, including (i) Revenue Ruling 2019-13 under sections 1368 and 1371(e) on the treatment of a redemption characterized as a section 301 distribution made during the post-termination transition period; (ii) regarding the validity or continuation of an S corporation election under section 1362(f) in certain situations involving disproportionate distributions, inconsistent tax return filings, or omissions on Form 2553, Election by a Small Business Corporation; (iii) under section 1371(f) on the treatment of earnings and profits by an “eligible terminated S corporation” when an entity ceases to be an S corporation and continues as a C corporation; and (iv) under section 481(d) on the treatment of a cash method S corporation and qualified subchapter S subsidiaries that become C Corporations.

Moderator: Bryan D. Keith, Grant Thornton LLP, Washington, DC

Panelists: Michael Gould, IRS Office of Chief Counsel, Passthroughs and Special Industries, Washington, DC; Additional Panelist TBA

10:15am Break. ☕

10:30am International Tax Provisions of the TCJA. This panel will discuss problem areas for S corporations and their shareholders under sections 951A (GILTI Tax), 965 and other international provisions enacted by the TCJA.

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

Panelists: Jerald D. August, Fox Rothschild LLP, Philadelphia, PA; Additional Panelist TBA

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8:15AM – 11:30AM

Tax Policy & Simplification

Chair: Pamela A. Fuller, Roysce Law Firm, Manhattan, NY and Menlo Park, CA

8:15am Do We Really Need Subchapter S and Subchapter K? The federal income tax has two systems for taxing the income of a business entity to the entity's owners: Subchapter S based in part on the corporate income tax structure of Subchapter C, and Subchapter K, a different system that passes all income, deductions and credits of a "partnership" to its partners. In many cases, particularly with entities that are LLCs under applicable state law, the entity may be able to choose either pass-through taxation system. The issues that may affect the choice are numerous. The two pass-through systems are not the same. Subchapter S includes a number of rules that limit the eligibility of certain corporations for its benefits and a series of detailed rules for electing or terminating the application of Subchapter S. Subchapter K, however, allows partners to be allocated basis in their partnership interests for certain indebtedness of the partnership; shareholders of an S corporation cannot receive such basis credit for the corporation's indebtedness. Other differences arise out of special characterization rules applicable under Subchapter K to certain transactions involving partners and partnerships. By contrast, shareholder employees of a Subchapter S corporation may be able to avoid Social Security, Medicare, and other payroll taxes by not having all of their income from the corporation paid as 'salaries.' Partnerships generally cannot use this avoidance technique because partners may not be 'employees' of partnerships. However, Subchapter K, by far a more flexible system, offers a number of benefits not available to S corporations. Generally, Subchapter K allows partnerships more tax treatment flexibility in the form of provisions permitting planning options including special allocations, tax-free contributions to the partnership, and various basis adjustments under Sections 734(b), 743(b) and 754. One result of this flexibility is a special post-filing structure for auditing partnerships and their partners, perhaps partly because, unlike S corporations, partnerships can have an unlimited number of partners. Leaving aside issues such as S corporation penalty taxes applicable to S corporations that were formerly C corporations, the question remains whether there is any sound justification for having two separate pass-through systems for taxing members of business entities. The speakers will discuss the benefits that eliminating one system might yield, argue the pluses and minuses of both systems, consider how a single system might include elements drawn from both current systems, and perhaps address what a change to a single system would require by way of transition.

Moderator: Professor Michael Lang, Chapman University, Orange, CA

Panelists: Professor Mona L. Hymel, University of Arizona James E. Rogers College of Law, Tucson, AZ; Richard M. Lipton, Baker & McKenzie LLP, Chicago, IL; Professor Roberta F. Mann, University of Oregon School of Law, Eugene, OR; Professor Walter D. Schwidetzky, University of Baltimore School of Law, Baltimore, MD

9:45am Break. ☕

10:00am The Effect of the TCJA on the Tech Industry. The Tax Cuts and Jobs Act (TCJA) represents the most significant business tax reform in more than 30 years. Its provisions were designed to bring jobs back to the US, stimulate investment, and encourage companies to keep intellectual property in the US. With competing objectives, the TCJA sought to increase American competitiveness by reducing the corporate rate of tax, but was also designed to subject foreign earnings from intangibles to potential US tax. More than a year later, we now have anecdotal

Program schedule information is preliminary and subject to change.

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evidence, if not data, on whether the TCJA has accomplished its objectives. Has big tech won or lost under the TCJA? Are companies repatriating funds, bringing IP home to the US, investing locally and creating more US jobs? Our panel will discuss the policy objectives of the TCJA as it relates to the Silicon Valley and how (or whether) companies have changed their behavior in response.

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

Panelists: Professor Annette Nellen, San Jose State University, San Jose, CA; Mark Hoose, Intuitive, San Francisco, CA; Additional Panelists TBA

8:30AM – 10:30AM

Foreign Activities of US Taxpayers

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

8:30am 245A... GILTI... What's Next??? This panel will address interesting TCJA developments, including the GILTI and 245A regulations and any new BEAT guidance, and will highlight various issues and planning opportunities.

Moderator: Jennifer Molnar, Baker & McKenzie LLP, Washington, DC

Panelists: Scott Levine, Jones Day, Washington, DC; Additional Panelists TBA

9:30am IP in the New International Tax Landscape: Leave it, Move it or Bring it Back?

This panel will explore the effect of various provisions under existing and new TCJA law on the ownership and cross-border movement of intellectual property based on common fact patterns.

Moderator: Lori Hellkamp, Jones Day, Washington, DC

Panelists: Anne Gordon, PwC, Washington, DC; William Skinner, Fenwick & West LLP, Mountain View, CA; Additional Panelists TBA

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: Douglas Mancino, Seyfarth Shaw, Los Angeles, CA

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 Charitable Gifts of Private Fund Interests. Exempt organizations are increasingly being approached by donors who are interested in making a charitable contribution of their interests in private investment funds (typically, private equity funds and hedge funds). The proposed donation may be of an interest in the vehicle sponsoring the investment fund or an interest in the investment fund itself. This panel will explain the mechanics of gifts of private fund interests and how the donor and recipient evaluate the issues that may arise if a charity is to own and administer the donated interest.

Moderator: Karl Mill, Adler & Colvin, Washington, DC

Program schedule information is preliminary and subject to change.

For the most up-to-date information, please visit the 2019 Fall Tax Meeting website: <http://ambar.org/19taxfall>

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Panelists: B. Howard Pearson, Stanford University, Palo Alto, CA; Karen Johnson, Harvard Management Company, Cambridge MA (Invited)

Co-sponsored by: RPTE Charitable Group

11:00am **Break.** 

11:15am **Current Developments: Guidance Under the 2017 Tax Act and Beyond.** This panel will discuss proposed regulations issued under section 4968, the impact of *Bullock v. IRS* on the donor disclosure requirement and IRS Revenue Procedures, section 4960 updates and other EO news.

Moderator: LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA

Panelists: Elizabeth Kingsley, Harmon Curran Spielberg & Eisenberg LLP, Washington, DC; Alexander Reid, Morgan Lewis LLP, Washington, DC; Maura Whelan, Simpson Thacher & Bartlett LLP, New York, NY

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

Speaker: Nicole Taylor, President and CEO, Silicon Valley Community Foundation, Mountain View, CA

2:00pm **Fiscal Sponsorship After 25 Years.** Fiscal sponsorship is an arrangement between a 501(c)(3) public charity and a project in which, typically, the charity receives and expends funds to advance the project while retaining discretion and control over the funds. Over the last 25 years, this practice has gained legitimacy since the days of “fiscal agents” and has generated growth, innovation, and economies of scale in many fields, including public health, documentary film, international grant-making, environmental causes, arts and culture, and community-based human services. This panel will examine the most challenging opportunities and hazards facing the various models of fiscal sponsorship today.

Moderator: Andrew Schulz, New Venture Fund, Washington, DC

Panelists: Stephanie Petit, Adler & Colvin, San Francisco, CA; Geoff Link, San Francisco Study Center, San Francisco, CA; Ruth Williams, Community Initiatives, Oakland, CA

3:00pm **IRAs and Charities.** Congress is moving to require inherited IRAs to be liquidated in just five or ten years (the “SECURE Act”). This panel will examine those proposals and their implications, particularly for charitable estate planning. Naming a tax-exempt charitable remainder trust as the beneficiary of a retirement account can defer income taxation of the retirement assets and provide a lifetime income stream to the CRT beneficiary. When does such an arrangement make sense, and what are the practical steps to successfully make such a transfer?

Moderator: Professor Chris Hoyt, University of Missouri (Kansas City) School of Law, Kansas City, MO

Panelists: Aviva Shiff Boedecker, Sharpe Group, San Francisco, CA (Invited); Russell G. Gully, Thompson & Knight LLP, Dallas, TX

Co-sponsored by: RPTE Charitable Group

4:00pm **Cash Bar** 

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9:30AM – 11:00AM

Employee Benefits Administrative Practices Update

Presented by the Subcommittee on Self-Correction, Determination Letters and Other 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 guidance and other developments affecting retirement plans. This will include recent changes to the EPCRS VCP filing requirements and updates to IRS for 8950 as part of this process, an update on the limited opening of the determination letter program, and updates on the pre-approved plan program. The program will also include a discussion of Missing Participant Guidance, a discussion on the recent proposed regulations on Multiple Employer Plans, and a discussion of law firm opinion letters on retirement plans.

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

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; Additional Panelist TBA

9:45AM – 10:45AM

Employee Benefits Multiple Employer Plans, 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 PC, Oklahoma City, OK

The Committee will cover: (i) discussion of CalSavers and the Illinois Secure Choice Retirement Program; (ii) review of the regulations governing Certified Professional Employer Organizations; and (iii) update on new Multiple Employer Plan guidance.

Panelists: Farrah Fielder, National Association of Professional Employer Organizations, Alexandria, VA; Additional Panelists TBA

PRELIMINARY PROGRAM SCHEDULE FRIDAY, OCTOBER 4

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
Vice-Chairs: Rachel Levy, Groom Law Group Chartered, Washington, DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Jaquelyn Meng Abbott, The Woodlands, TX
Assistant Vice Chairs: Gary Chase, Willis Towers Watson, New York, NY; Robyn Crosson, ADP, Indianapolis, IN; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH

This panel will address new regulations, cases, enforcement activity and trends impacting employer-sponsored health and welfare plans. Topics will include expanded use of HRAs, Department of Labor health plan enforcement activity, tax treatment of paid time off programs, and recent activity surrounding prescription drug rebates and the effect they may have on employer-sponsored plans. Panelists will also address developments in curtailing surprise medical bills and a push for more transparency in health care, as well as legal developments relating to ACA and its mandates.

Panelists: Jacquelyn Meng Abbott, The Woodlands, TX; Robyn Crosson, ADP, Indianapolis, IN; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Rachel Levy, Groom Law Group Chartered, Washington, DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Employee Benefits, Exempt Organizations and Employment Taxes, IRS Office of Chief Counsel, Washington, DC; Amy Turner, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Washington, DC

10:30AM – 12:30PM

US Activities of Foreigners & Tax Treaties

Chair: Summer LePree, Bilzin Sumberg Baena Price & Axelrod LLP, Miami, FL

10:30am International Tax Planning for Cross-Border Transportation. This panel will focus on international tax planning with respect to cross-border transportation activities, focusing on sections 883, 863(c), 887, the relevant transportation provisions of income tax treaties, the tonnage tax, and the impact of tax reform (including foreign derived intangible income and global intangible low-taxed income) on cross-border transportation operations.

Moderator: Jeffrey Rubinger, Bilzin Sumberg LLP, Miami, FL

Panelists: Kenneth Klein, Mayer Brown LLP, Washington, DC; Susan Conklin, PwC, Washington, DC

11:30am Ethical Issues When Advising Cross-Border Clients. (Ethics Credit) There are important ethical considerations that should guide tax practitioners who advise non-U.S. clients with investments and other activities in the US. This panel will explore issues including how to advise on reporting requirements, whether it is ever appropriate to advise against reporting, what are a lawyer's obligations to determine whether home country taxes are being evaded, when and how to correct past errors, and what to do if the client ignores your advice.

Moderator: Kathryn Keneally, Jones Day, New York, NY

Panelists: Frank Agostino, Agostino & Associates PC, Hackensack NJ; Carlos F. Ortiz, Norton Rose Fulbright, New York, NY

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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

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

The Subcommittee will discuss recent issues of interest affecting plan distributions, including a discussion on VCP applications to correct minimum required distributions and the increase in referrals of such applications to actuarial experts. The Subcommittee also will discuss the status of proposed regulations pertaining to hardship distributions and legislation that would modify the current minimum required distribution rules.

Panelists: David Whaley, Thompson Hine, Cincinnati, OH; Additional Panelists TBA

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

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

Panelists: Robert Johnson, Kaufman & Canoles PC, Newport News, VA; Jenni Kregel, Reed Smith LLP, San Francisco, CA; Blake C. MacKay, Alston & Bird, Atlanta, GA; 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), Tax Exempt and Government Entities, Office of Chief Counsel, IRS, 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 Update

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

PRELIMINARY PROGRAM SCHEDULE FRIDAY, OCTOBER 4

11:00AM – 12:00PM

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 – 11:30AM

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 The Reasonable Cause Defense: Effective Strategies When Requesting Penalty Abatement. This panel will address the specifics of the reasonable cause defense to challenge penalties asserted by the IRS and discuss the strategic decisions a practitioner should consider with respect to penalty abatement. The panel will focus on domestic penalty issues, but will also touch on some international penalty issues. The panel will consider how a practitioner builds a reasonable cause position, the practical considerations of when to request abatement, and hear from IRS Appeals and the Tax Court as to how each considers and weighs arguments and evidence demonstrating reasonable cause.

Moderators: Antoinette Ellison, Jones Day, Atlanta, GA; Michelle Schwerin, Capes Sokol, St. Louis, MO

Panelists: Richard Sapinski, Sills Cummis & Gross, Newark, NJ; Additional Panelists Invited

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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 – 1:30PM

State & Local Taxes 🗳️ (Ticketed Event)

12:30PM – 1:30PM

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

Speaker: Professor Kristin E. Hickman, University of Minnesota Law School, Minneapolis, MN

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

Estate & Gift Taxes, Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group Luncheon (TE) 🗳️ (Ticketed Event)

Estate Tax Liquidity Issues

Speaker: TBA

12:30PM – 1:30PM

Exempt Organizations 🗳️ (Ticketed Event)

Speaker: Nicole Taylor, President and CEO, Silicon Valley Community Foundation, Mountain View, CA

12:30PM – 1:00PM

FAUST, FLF, Transfer Pricing & USAFTT 🗳️ (Ticketed Event)

12:30PM – 1:30PM

Real Estate and Partnerships & LLCs 🗳️ (Ticketed Event)

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

PRELIMINARY PROGRAM SCHEDULE FRIDAY, OCTOBER 4

12:00PM – 1:15PM

Employee Benefits Defined Benefit Plans Update

Presented by the Subcommittee on Defined Benefit Plans and the Plan Transactions and Terminations Committee, Employee Benefit Plans and Other Compensation Arrangements Group, Section of Real Property, Trust and Estate Law

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

Co-Vice-Chairs: Allison Hoots, Keightley & Ashner LLP, Washington, DC; Meredith VanderWilt, Polsinelli PC, Dallas, TX

The subcommittee will discuss recent issues of interest affecting defined benefit plans, including current developments from the IRS/Treasury, PBGC, and PBGC Participant and Plan Sponsor Advocate and on the pending SECURE Act legislation.

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); Harold Ashner, Keightley & Ashner LLP, Washington, DC; Sarah Fry, The North American Coal Corporation, Plano, TX; Rosina Barker, Morgan Lewis & Bockius LLP, Washington, DC; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH; Additional Panelists TBA

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

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

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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 trust and estate planning with respect to executives in connection with mergers and acquisitions.

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

Join the Corporate Counsel Forum for an informative discussion about what corporate counsel need to know about pharmacy benefit managers (PBMs).

Panelist: Barbara Pletcher, Trucker Huss, APC, San Francisco, CA; Mary Powell, Trucker Huss APC, San Francisco, CA

12:30PM – 1:30PM

Diversity

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

12:30pm Retirement: Can Current Policies Afford You One? Legislative Efforts to Alleviate

the Gap in Retirement Savings. About one-half of the households in the United States will not have enough retirement income to maintain their pre-retirement standard of living. Approximately one-third of the workforce in the private sector lacks access to employer-sponsored retirement and savings plans, and about one-half of retirement-age households will rely almost exclusively on Social Security and Medicare to pay for retirement. The Pension Protection Act of 2006 was the last substantial piece of federal retirement legislation. However, efforts to address retirement savings are gaining momentum, with state and local governments enacting legislation requiring automatic enrollment in individual retirement accounts, the Senate introducing the Retirement Enhancement and Savings Act, and the House Ways and Means Committee passing the Setting Every Community Up for Retirement Enhancement Act. But what implications do these efforts have on households already struggling to achieve financial security while working? The panel will discuss the history of retirement policy in the United States, recent federal, state, and local legislative efforts to increase retirement savings, and the implications of retirement policy efforts on middle to low income households.

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

Panelists: Professor Joy Sabino Mullane, Villanova University Charles Widger School of Law, Villanova, PA; Additional Panelist TBA

Co-Sponsored by: Diversity Committee of RPTE

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1:00PM – 2:30PM

Energy & Environmental Taxes

Panel details coming soon.

1:00PM – 2:30PM

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

1:00pm **Government Officials Panel.**  This panel will discuss the latest international tax developments.

Panelists: TBA

1:30PM – 5:45PM

Employment Taxes

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

1:30pm **IRS Employment Tax Update.** An overview of important developments since the October 2018 Meeting, including pertinent Supreme Court decisions, guidance projects in connection with the Tax Cut and Jobs Act, and proposed legislation.

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

Panelist: Janine Cook, Deputy Associate Chief Counsel, Tax Exempt and Governmental Entities, Washington, DC

2:30pm **Robots, Drones, Self-Driving Cars – Oh My!!!** With recent advancements in artificial intelligence, our world and how we interact with technology is rapidly evolving. People and companies are taking full advantage of the efficiencies and luxuries of robots, drones, and autonomous vehicles, and there is no end in sight. But in this ever changing technological landscape, there are serious tax related questions that remain unanswered at the state and federal level. This panel will discuss the impact these new technologies will have on the future of taxation, and what tax practitioners should think about moving forward. The panel will also include on-site technology demonstrations geared for tax practitioners.

Moderator: Travis Thompson, Sideman & Bancroft LLP, San Francisco, CA

Panelists: Carina Federico, Crowell Moring LLP, Washington, DC; Manu Diwakar, Ceres Imaging, San Francisco, CA; Matthew Wing, UBER, New York, NY; Jackie Guilbault, Skycatch, San Francisco, CA; David Banyard, WeWork, San Francisco, CA; William Weissman, Littler Mendelson PC, Walnut Creek, CA

Co-sponsored by: Tax Practice Management

4:00pm **Break.** 

4:15pm **Employee Meals & Snacks in the Technology Industry: Free?** Many employers in the technology industry provide free meals and snacks on their business premises to their employees. Recent IRS guidance on the issue has raised questions as to whether such meals and snacks are taxable to employees or excludable as nontaxable fringe benefits. This panel will provide an overview of existing guidance on the issue and an overview of what practitioners are seeing with their clients.

Moderator: Ligeia Donis, PwC, Washington, DC


Panelists: TBA

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For the most up-to-date information, please visit the 2019 Fall Tax Meeting website: <http://ambar.org/19taxfall>

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5:15pm **Meet & Greet.**  A socialization opportunity for Committee members to get to know each other and to encourage new membership for the Committee.

Hosts: Jaye Calhoun, Kean & Miller LLP, New Orleans, LA (Council Director); Ligeia Donis, PwC, Washington, DC (Committee Vice Chair)

1:30PM – 2:30PM

Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee (TX) and Income & Transfer Tax Planning Group (TE)

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

Income & Transfer Tax Planning Group Chairs: Keri D. Brown, Baker Botts LLP, Houston, TX and Scott A. Bowman, McDermott Will & Emery LLP, Washington, DC

1:30pm **Practical Drafting.**

Panelists: Scott J. Ingold, Higgs Fletcher & Mack, San Diego, CA; Additional Panelists TBA

1:00PM – 4:00PM

Standards of Tax Practice (*Ethics Credit*)

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

1:00pm **It's a Brave New World: Ethical Issues in the Information Age. (*Ethics Credit*)**

During the 2018 tax filing season, the IRS received five to seven reports per week from tax firms that experienced a data theft. Tax practitioners must be extraordinarily vigilant both in safeguarding client data and their own. This panel will explore real-life scenarios that impact all lawyers in their daily lives, such as best practices for safeguarding client data, Geolocation tracking, immigration and customs searches, and client opposition research.

Moderator: Jeremiah Coder, PwC, Washington, DC

Panelists: Shamik Trivedi, Grant Thornton, Washington, DC; Additional Panelists TBA

2:20pm **Ethical Considerations for Advising and Representing Clients on Cannabis and Cryptocurrency. (*Ethics Credit*)**

Emerging laws relating to cannabis and cryptocurrency are creating novel questions for tax practitioners. These include potential questions relating to lack of guidance, new technologies, and tension between Federal and State laws. This panel will explore the developing tax law related to cannabis and cryptocurrency and discuss ethical considerations for tax practitioners assisting clients in these areas.

Moderators: Rochelle Hodes, Crowe LLP, Washington, DC; Paul Butler, Kostelanetz & Fink LLP, Washington, DC

Panelists: TBA

3:10pm **Estate of *Morrisette*: Lessons in Protecting Attorney-client Privilege and Work Product Protection for Estate Planners. (*Ethics Credit*)**

This panel will discuss the position the Commissioner has taken with regard to attorney-client privilege in Estate of *Morrisette*, why it is so essential for attorneys who practice estate planning to know about this case, and practice tips for avoiding having these same arguments made in cases involving their clients.

Moderator: S. Starling Marshall, Covington & Burling LLP, New York, NY

Panelists: Jenny L. Johnson Ware, Johnson Moore LLC, Chicago, IL; Stephanie Loomis-Price, Winstead PC, Houston, TX

Co-sponsored by: Tax Litigation & Controversy Committee, Real Property Trust & Estates

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2:00PM – 6:15PM

Employee Benefits

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

- 2:00pm Move Over Say on Pay and Pay Ratio, Here Comes EEO-1 Component 2: The Very Latest Pay Disclosure Regime.** Who has to file the EEO-1 Component 2 disclosures? What years are covered? What data is required to be disclosed? Why did the Office of Management and Budget stay the disclosure? Why was the stay lifted? When is disclosure required? What are the penalties for noncompliance? What should employers do about missing data, subcontractors, and mergers and acquisitions? What should employers do about employees who work for different related entities in a year? How are PEOs and staffing companies managing the disclosures? When should employers start reprogramming systems? Is relief on the way? When should employers panic? What if I don't even know what the EEO-1 Component 2 disclosures are? This panel of experts will address these and other pressing concerns and will provide an up-to-the-minute update on the litigation over the EEO-1 Component 2 disclosures.
Moderator: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC
Panelists: TBA
- 3:00pm Break.** 📺
- 3:15pm 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
Panelist: TBA
- 4:15pm Department of the Treasury/Internal Revenue Service Hot Topics.** Representatives from the Department of Treasury and the IRS will provide updates on the latest guidance and developments affecting employee plans.
Moderator: Bret Hamlin, Hill Ward Henderson, Tampa, FL
Panelist: 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)
- 5:15pm Treasury / IRS Fireside Chat.** 🗣️ Informal “town hall” discussion with Department of Treasury and IRS representatives on topics of interest to attendees.
- 6:15pm Networking Reception.** 🍷

Program schedule information is preliminary and subject to change.

For the most up-to-date information, please visit the 2019 Fall Tax Meeting website: <http://ambar.org/19taxfall>

PRELIMINARY PROGRAM SCHEDULE

FRIDAY, OCTOBER 4

2:00PM – 5:15PM

State & Local Taxes

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

2:00pm State Corporate Income Tax Impacts of GILTI: Challenges and Opportunities. This session will explore the state corporate income tax challenges and opportunities for both taxpayers and tax administrators posed by the GILTI provisions of the Tax Cuts and Jobs Act. The impact of GILTI under existing state statutory frameworks, such as add-back statutes, dividends received deductions, Subpart F income and filing groups will be examined, as well as specific state treatment of GILTI inclusions and deductions. Consideration will also be given to potential constitutional and statutory mitigating principles, including the unitary business principle, foreign commerce clause limitations, factor representation and alternative apportionment.

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

Panelists: Helen Hecht, Multistate Tax Commission, Washington, DC; Karl Frieden, Council on State Taxation, Washington, DC

3:00pm Constitutional Issues in Local Taxation. The same US Constitutional issues that are in play on the state level are equally applicable to local taxation. Due Process, Commerce Clause and other Constitutional restrictions and protections apply to local gross receipts Tax, business taxes, sales taxes and other similar local level taxes. Topics and law reviewed include apportionment, allocation and proration of taxes across local jurisdictions.

Moderator: Stephanie Anne Lipinski Galland, Williams Mullen, Washington, DC

Panelist: Caroline D. Lafourcade, Gordon Arata Montgomery Barnett, New Orleans, LA; John Ormonde, Silverstein & Pomerantz LLP, San Francisco, CA

4:00pm Break. ☕

3:15pm Giving Due Process Its Due. This session will explore the relevance of the US Constitution's due process requirements for state tax jurisdiction. The panel will explore recent federal tax cases, like Kaestner Trust and Wayfair, and non-tax cases, like McIntyre Machinery, to provide a framework for evaluating the extent of a state's reach.

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

Panelist: Reed Hollander, Nelson Mullins Riley & Scarborough LLP, Raleigh, NC; Michael Shaikh, Reed Smith LLP, Los Angeles, CA

2:30PM – 5:45PM

Closely Held Businesses (TX) and Business Planning Group (TE)

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

Business Planning Group Chair: Karen Sandler Steinert, Fredrikson & Byron PA, Minneapolis, MN

2:30pm Tax and Non-Tax Planning for Winery Owners and Investors. Wine enthusiasts and tax lawyers will join together to learn about tax and non-tax issues facing winery owners, from general federal and state licensing requirements to recent regulatory changes (including changes to the small producer tax cut) and income tax, estate planning and succession issues. Join us immediately after the program concludes for an opportunity to sample some local wines.

Panelists: John Trinidad, Dickenson Peatman & Fogarty, Napa, CA; Lauren Galbraith, Farella Braun + Martel, St. Helena, CA

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PRELIMINARY PROGRAM SCHEDULE

FRIDAY, OCTOBER 4

4:00pm **Break.** ☕

4:15pm **State and Local Tax Planning for Closely Held Businesses and Their Owners.** This panel will address state and local tax issues for owners of closely-held businesses, including SALT in a post-*Wayfair* world (nexus, apportionment, sourcing), multistate withholding tax issues for businesses with a mobile workforce, individual income tax residency issues for business owners, and real property transfer taxes. The US Supreme Court's *Wayfair* decision has completely altered the state-level tax landscape. The panel will cover states' reactions to the decision, how the *Wayfair* decision impacts other tax types, such as income and withholding, and what businesses can do to adapt. The panel will also cover state domicile and statutory residency issues for business owners who seek to change residency or find themselves inadvertently triggering statutory residency rules.

Panelist: Noelle Geiger, Green & Sklarz LLC, New York, NY; Masha M. Yezvelman, Fredrikson & Byron PA, Minneapolis, MN; Robert Mahon, Perkins Coie LLP, Seattle, WA

2:30PM – 5:45PM

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.

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

Panelists: The Honorable L. Paige Marvel, US Tax Court, Washington, DC; Robin L. Greenhouse, Division Counsel (LB&I) 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 (Invited)

3:00pm **Private Causes of Action Under the Code.** There are several sections of the Internal Revenue Code that create private causes of action and/or defenses to liability. For example, 26 U.S.C. § 7431 provides a penalty for sales with the intent to evade tax. The panel will review when the courts will use a violation of a representation or warranty as to taxes, or the failure to file a bulk sale notice, as a defense to the purchase money note. Also of interest are attempts to include the government as a party under 28 U.S.C. §2410 and the government's right to remove under 26 U.S.C. § 7424. The panel will also discuss the Right of Contribution under 26 U.S.C. § 6672(d) under which individuals have the right to recover from other persons liable for the trust fund recovery penalty. The panel will also discuss 26 U.S.C. § 7434 and civil damages available for the fraudulent filing of information returns. Finally, the panel will discuss 26 U.S.C. § 6713 and actions for the improper disclosure or use of information by tax return preparers.

Moderator: Jeffrey Dirmann, Agostino & Associates PC, Hackensack, NJ

Panelists: Michelle Abroms Levin, Sirote & Permutt PC, Huntsville, AL; Sabrina Strand, Law Offices of Joseph H. Thibodeau PC, Denver, CO

PRELIMINARY PROGRAM SCHEDULE

FRIDAY, OCTOBER 4

4:15pm **Break.** 

4:30pm **Move Fast [but Please Don't] Break Things: Tax Issues in the GIG Economy.** This spring TIGTA released a report outlining special concerns regarding the GIG economy. This panel will discuss current issues of worker classification, reporting issues and penalties, and the current climate surrounding tax compliance and enforcement in the gig economy.

Co-Moderators: Elizabeth K. Blickley, Washington, DC; Rebecca Stork, Eversheds-Sutherland, Atlanta, GA

Panelists: Elizabeth McGee, The Law Office of Elizabeth McGee, San Francisco, CA; Jenny Tseng, Global Head of Tax, Lime, San Francisco, CA (Invited); Additional Panelists Invited

2:30PM – 3:00PM

Distinguished Service Award (Executive Session) 

2:30PM – 4:30PM

Diversity

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

2:30pm **Representing Clients with Physical and Intellectual Challenges.** This panel will discuss issues that arise in representing taxpayers with physical and intellectual challenges, including ethical considerations in representation.

Panelists: TBA

3:30pm **Understanding the Impact of the Tax Cuts and Jobs Act on Immigrant Taxpayers.**

The panelists will identify some of the unique challenges and risks immigrant taxpayers and their businesses are facing under the Tax Cuts and Jobs Act. This panel will also explore constructive alternatives, creative remedies, legal protections, and resources practitioners and taxpayers can access to provide effective representation and counsel for immigrant taxpayers.

Moderator: Catherine Sullivan, Law Clerk, US Tax Court, Washington, DC (invited)

Panelists: Katharine Gin, Immigrants Rising, San Francisco, CA; Iliana Perez, Immigrants Rising, San Francisco, CA; Professor Francine Lipman, University of Nevada, Las Vegas, William S. Boyd School of Law, Las Vegas, NV; Michael Wallace, Agostino & Associates, Hackensack, NJ

2:30PM – 5:45PM

Financial Transactions

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

2:30pm **Tax Reform Update.** This panel will discuss recent proposed and final regulations issued in response to new and amended provisions of the Code affecting financial instruments, including section 59A, section 163(j) and section 451(b).

Moderator: Michael Bauer, PwC, Washington, DC

Panelists: TBA

3:30pm **What's New in Cryptocurrency Taxation.** This panel will explore tax issues relating to financial transactions involving cryptocurrency.

Moderator: Stevie Conlon, Wolters Kluwer, Chicago, IL

Panelists: Rebecca Lee, PwC, Washington, DC; Additional Panelist TBA

PRELIMINARY PROGRAM SCHEDULE FRIDAY, OCTOBER 4

4:30pm **Break.** ☕

4:45pm **Contingent Value Rights, Earn-Outs & Other Contingent Payment Instruments.** This panel will explore tax considerations associated with contingent value rights, earn-outs and other types of contingent payment rights arising in various transactions and contexts, including issues involving timing and character, the *Arrowsmith* doctrine and issues upon monetization or transfer.

Moderator: Pamela Lawrence Endreny, Skadden Arps, New York, NY

Panelists: Rachel Kleinberg, Davis Polk, Menlo Park, CA; Additional Panelist TBA

2:30PM – 4:30PM

Transfer Pricing

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

2:30pm **Remaking Transfer Pricing for the Digital Age Part One.** The tax challenges of digitalization have been a focus of tax policy discussion at the OECD and elsewhere since before BEPS. Will all of this talk soon lead to action? A sweepingly ambitious and fast-moving G20-sponsored and OECD-led work program has coalesced around three broad proposals for rewriting longstanding profit attribution rules. A comprehensive economic impact assessment is expected this fall, along with narrowing consensus on a particular policy option and, in 2020, a fully fleshed out technical proposal. All options on the table would diverge from the arm's length standard. This panel will update the audience on the policy proposals currently under discussion and critically analyze them from theoretical, technical, and practical perspectives. In particular, the panel will examine the various proposals' potential implications for US companies and for fundamental transfer pricing principles.

Moderator: Professor Christine Kim, University of Utah, Salt Lake City, UT

Panelists: Liz Chien, Ripple, San Francisco, CA; Olivia Long, Matheson, Dublin, Ireland; Michael McDonald, EY, Washington, DC

3:30pm **Remaking Transfer Pricing for the Digital Age Part Two.** Companies of all sizes and across all sectors are already confronting the challenges of transfer pricing in the digital age: applying long-standing principles to the pricing of digital economy transactions, deciphering the details of various forthcoming or proposed digital services taxes, and adapting legacy systems to capture new types of data on a transaction-by-transaction basis. This panel will focus on how MNEs are planning for, and actively responding to, the compliance demands of digitalization, the new digital services taxes, and the various new OECD guidelines and tax proposals.

Moderator: Professor Lorraine Eden, Texas A&M University, College Station, TX

Panelists: Niraja Srinivasan, Dell Technologies, Austin, TX; Paul Glunt, Los Angeles, CA, KPMG; Brandon de la Houssaye, Walmart, Fayetteville, AR

PRELIMINARY PROGRAM SCHEDULE

FRIDAY, OCTOBER 4

2:30PM – 5:45PM

Insurance Companies

Chair: Sheryl Flum, KPMG, Washington, DC

2:30pm Insurance Related IRS Guidance. This panel will discuss recent published guidance related to insurance company taxation, both domestic and international, including guidance for sections 6050Y and 846.

Moderator: Graham Green, Eversheds Sutherland, Washington, DC

Panelists: Stuart Katz, KPMG, New York, NY; Additional Panelists TBA

4:00pm Break. ☕

4:15pm Reflections on 2018 Tax Determination for Insurance Companies. This panel will focus on the practical aspects of completing quarterly provisions, stat computations, and the 2018 tax return for the first tax year to which tax reform under the TCJA applies.

Moderator: Jean Baxley, Deloitte, Washington, DC

Panelists: Kristin Norberg, Symetra, Seattle, WA; Jay Riback, Deloitte, Washington, DC

2:30PM - 5:45PM

Partnerships & LLCs

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

2:30pm The TCJA and Inside-Outside Basis Disparities. The qualified opportunity zone rules, the application of section 163(j)'s limitation on the deduction for business interest expense and the GILTI regime may result in aggregate outside bases of a partnership's partners not equaling the aggregate tax basis of the partnership's assets (i.e., an inside-outside basis disparity). This panel will focus on the relevant TCJA provisions and examples of common fact patterns that may result in inside-outside basis disparities.

Moderator: Adam Cohen, Holland & Hart LLP, Denver, CO

Panelists: Julie Marion, Latham & Watkins LLP, Chicago, IL; Barksdale Penick, EY, Washington, DC

3:30pm Partnership Continuations and Terminations after the TCJA. The TCJA repealed section 708(b)(1)(B) "technical" terminations. As a result, whether a transaction results in an "actual" termination or a termination under the partnership merger and division rules is more relevant than ever. This panel will discuss section 708's application in the post-TCJA context.

Moderator: Jennifer Ray, Deloitte LLP, Washington, DC

Panelist: Sarah Brodie, Morgan Lewis LLP, Washington, DC; Amanda H. Nussbaum, Proskauer Rose LLP, New York, NY

4:30pm Break. ☕

4:45pm Partnership Reporting Considerations - Selected Post-TCJA Issues. This panel will focus on the compliance aspects of selected TCJA provisions, including section 163(j), section 199A and section 1061. Special considerations that exist in a tiered partnership context will be covered. The panel will also examine the new requirement that partnerships report partners' negative tax basis capital accounts.

Moderator: Eric Matuszak, EY, Los Angeles, CA

Panelists: Timothy Chan, KPMG LLP, Irvine, CA

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PRELIMINARY PROGRAM SCHEDULE FRIDAY, OCTOBER 4

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 Washington, DC in May. 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 **Tax Accounting Goes International.** This panel will discuss the interplay between tax accounting rules and the various international provisions of the Tax Cuts and Jobs Act related to BEAT, GILTI, FDII and other areas. The panel will also discuss recent guidance and the impact tax accounting rules have on the implementation and application of those international provisions with input from our guests from the Internal Revenue Service and Department of Treasury.
Panelists: TBA
- 4:00pm **Break.** ☕
- 4:15pm **Revenue Recognition Latest Developments.** This panel will continue to build upon previous revenue recognition panels regarding the implementation of the changes in law due to the enactment of Tax Cuts and Job 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 – 4:30PM

Teaching Taxation

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

- 3:00pm **Technology-Driven Trends in Tax Law Training.** This panel explores the changing ways in which lawyers can, and are expected to, train themselves to excel in tax practice in an age of pervasive technology. Formal law firm training of associates is less common than before the Great Recession. Clients no longer are willing to subsidize the training of new associates. Tax associates must arrange to train themselves, outside their full-time, billable work obligations. The panel will discuss various training options (including residential and online LLM programs, online courses, webinars, podcasts, and mixed programs) by which tax lawyers can create a solid foundation for their tax practice and expand their knowledge into new tax subspecialties. These training options employ a range of pedagogical approaches, reflecting ongoing study and experimentation in online learning. The panel will highlight educational best practices, based on learning theory. In addition, the Panel will explore parameters by which lawyer-consumers of such training and employer-firms can assess the success of various training options.
Moderator: Professor Heather Field, U.C. Hastings College of Law, San Francisco, CA
Panelists: Professor Michael Hunter Schwartz, University of the Pacific, Stockton, CA; Samuel Greenberg, EY, Los Angeles, CA; Brandon King, Baker & McKenzie, Washington, DC (Invited); Professor Annette Nellen, San José State University, San José, CA
Co-Sponsored by: Young Lawyers Forum

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PRELIMINARY PROGRAM SCHEDULE

FRIDAY, OCTOBER 4

4:00PM – 5:30PM

Tax Practice Management *(Ethics Credit)*

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

4:00pm **California's New Rules of Professional Conduct.** (Ethics) In 2018, the California Supreme Court approved a comprehensive re-write of its rules of professional conduct. California has now joined the other 49 states in adopting ethics rules patterned after the ABA Model Rules of Professional Conduct, effective November 1, 2018. The rules are binding on all attorneys licensed by the California State Bar and, importantly, may apply to non-California lawyers who practice in the state. Our panel will discuss the new rules, including how they apply to tax practice, including where they may conflict with Circular 230, and where they differ from the ABA rules. The discussion will emphasize how the ethical standards that apply to California attorneys has changed.

Panelists: Karen L. Hawkins, Hawkins Law, Yachats, OR; Paul T. Butler, Kostelanez & Fink LLP, Washington, DC; Neil J. Wertlieb, UCLA School of Law, Los Angeles, CA

4:00PM – 5:30PM

Young Lawyers Forum

Chair: Morgan Klinzing, Pepper Hamilton LLP, Philadelphia, PA

4:00pm **Navigating the River Styx: Come Sail Away with These Post-Death Elections.** Post-death tax planning opportunities abound for the knowledgeable fiduciary – resulting in simpler administration and providing significant savings. Knowing how and when to employ these elections will result in a heartfelt “domo arigoto, Mr. Roboto” from your clients. Come sail away with our panel as we discuss available elections that all fiduciaries should be aware of and the specific steps to take in order to take advantage of the election and remain in compliance. Panelists will discuss a variety of available elections, including those to treat trusts as estates for tax purposes (§ 645), effect inside basis of partnership property (§ 754), distributions made after the end of a tax year (§ 663(b)), valuation (§§ 2032, 2032A), and popularity of reverse QTIP elections since the TCJA; making you wonder whether these are the best of times (to be a tax lawyer).

Panelists: Peter D. Randolph, Lawless Randolph & Dale LLC, Bethesda, MD; Catherine Karayan Wilbur, Rodriguez Horii Choi & Cafferata LLP, Los Angeles, CA; Nelson Hunt, Bisignano Harrison Neuhoff LLP, Dallas, TX; Patrick Duffy, Holland & Knight, Tampa, FL

4:30PM – 5:30PM

Publications Committee

5:45PM – 6:30PM

Foreign Activities of US Taxpayers Business Meeting

5:45PM – 6:30PM

Foreign Lawyers Forum Business Meeting

5:45PM – 6:30PM

Transfer Pricing Business Meeting

Program schedule information is preliminary and subject to change.

For the most up-to-date information, please visit the 2019 Fall Tax Meeting website: <http://ambar.org/19taxfall>

PRELIMINARY PROGRAM SCHEDULE
FRIDAY, OCTOBER 4

5:45PM – 6:30PM

US Activities of Foreigners & Tax Treaties Business Meeting 

6:30PM – 7:30PM

Joint Section Reception 

8:00PM – 10:00PM

International Committees Dinner *(Reservation Required)*

PRELIMINARY PROGRAM SCHEDULE

SATURDAY, OCTOBER 5

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 – 9:00AM

ACTC Fellows Breakfast (ACTC Fellows Only)

7:45AM – 9:00AM

Court Procedure & Practice Committee Breakfast (Ticketed Event)

8:00AM – 11:45AM

Pro Bono & Tax Clinics

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

8:00am

Prior Opportunities to Dispute Liability in Collection Due Process: An Oversized Reaction to Insufficient Action. “Prior Opportunity” Determinations in Collection Due Process: An Oversized Reaction to Insufficient or Inadvertent Taxpayer Action. What constitutes a “prior opportunity” to dispute a liability within the context of Collection Due Process (CDP)? When is a taxpayer precluded from having a CDP hearing on the basis that she already had a right to a hearing that constituted a prior opportunity? What are the consequences of losing a CDP hearing right? Is this loss mitigated through “equivalent hearings” or do equivalent hearings simply confuse taxpayers and impose excessive burdens on the Service? This panel will explore the consequences of when taxpayers are determined to have had a “prior opportunity” to participate in a CDP procedure and are precluded from CDP hearings and judicial review of their outcomes. Panelists also will explore the extent to which improved IRS policies and communications could reduce instances of loss of procedural protections or judicial oversight, and whether larger policy or legislative solutions may be needed. This is a CDP Summit initiative program.

Moderator: Lavar Taylor, Law Offices of A. Lavar Taylor, Santa Ana, CA

Panelists: Soreé Finley, Charlotte Center for Legal Advocacy, Charlotte, NC; Keith Fogg, Federal Tax Clinic, Harvard Law School, Jamaica Plain, MA; Carolyn Lee, Morgan Lewis, San Francisco, CA; Laurence (Larry) Williams, Procedure & Administration, Office of Chief Counsel, Internal Revenue Service, Washington, DC
Cosponsored by: Administrative Practice, Individual & Family Taxation, Tax Collection, Bankruptcy & Workouts

8:55am

Recent Developments in Innocent Spouse Litigation. This is part two of a two-part panel addressing relief from joint and several liability. This panel will cover recent developments in innocent spouse litigation and administrative procedures. We will also discuss administrative options for relief where there is no valid joint return. Over the past year innocent spouse litigation has touched on important issues including the limits of Tax Court jurisdiction and the proper scope and standard of review when 6015 relief is requested within a CDP appeal. The Taxpayer First Act introduces additional complexity and uncertainty.

Moderator: Nancy Rossner, Community Tax Law Project, Richmond, VA

Panelist: Megan L. Brackney, Kostelanetz & Fink LLP, New York, NY; Julie L. Payne, Assistant Division Counsel (Tax Litigation), SB/SE Division Counsel, IRS Office of

PRELIMINARY PROGRAM SCHEDULE SATURDAY, OCTOBER 5

Chief Counsel, Seattle, WA; Professor Christine Speidel, Villanova University Charles Widger School of Law, Villanova, PA

Cosponsored by: Individual & Family Taxation, Court Procedure & Practice

9:50am Update from the Tax Court.  Chief Special Trial Judge Lewis R. Carluzzo will bring to the Committee the Court's annual update on cases, rules and administrative practices at the Tax Court that impact practitioners representing low-income taxpayers. He will also discuss the implementation of the Court's new procedure regarding limited scope appearances and the Court's legislative proposal regarding the Court's subpoena power.

Panelist: The Honorable Lewis R. Carluzzo, Chief Special Trial Judge, US Tax Court, Washington, DC

Cosponsored by: Court Procedure & Practice, Individual & Family Taxation

10:15am Break 

10:30am Free File: A Failed Public-Private Partnership? In 2002, the IRS entered into an agreement with a consortium of tax software companies, known as Free File, under which the companies would provide free tax return software to a certain percentage of US taxpayers, and in exchange, the IRS would not compete with these companies by providing its own software to taxpayers. An original version of the Taxpayer First Act would have made permanent the Free File deal between the IRS and software companies. The provision was dropped following articles and reports that have identified numerous problems, including allegations that some of the software providers have improperly steered eligible taxpayers away from Free File, ineffective IRS oversight and marketing of the services, and a failure to connect the services to English as Second Language taxpayers. This panel will consider Free File from the following perspectives: a former industry insider who was present when the IRS and software providers established Free File, a tax administration and tax filing scholar whose writings on Free File highlight many of the program's problems, and a leading authority on consumer practices and the tax system.

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

Panelists: Mandi Matlock, National Consumer Law Center, Austin, TX; Professor Dennis J. Ventry Jr., UC Davis School of Law, Davis, CA; Robert A. Weinberger, Tax Policy Center, Washington, DC

Cosponsored by: Diversity, Individual & Family Taxation

11:25am Adopt-A-Base Needs You. The Section's Adopt-A-Base program is a six year old partnership between the Section and the IRS's VITA program. It supports VITA assistance to service members at 39 military bases across the country and enables pro bono assistance to service members during filing season. The panel will discuss the history, success, and needs of this program, and will introduce a pilot program planned for the 2020 filing season.

Moderator: Sheri Dillon, Morgan Lewis & Bockius LLP, Washington, DC

Panelists: Wells Hall, Nelson Mullins, Charlotte, NC; Rawlin Tate, IRS-SPEC, Atlanta, GA

Cosponsored by: Individual & Family Taxation

PRELIMINARY PROGRAM SCHEDULE

SATURDAY, OCTOBER 5

8:30AM – 11:45AM

Corporate Tax

Panel details coming soon.

8:30AM – 11:45AM

Employee Benefits

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

8:30am Hot Off the Press: The Latest From Congress and the Courts. Join us for a lively discussion on the latest benefits issues and how they are being impacted by Congress through new legislation and by the courts through decisions on the legality of old legislation. Topics may include new laws changing the landscape for retirement plans, efforts to drive down the cost of drug prices, and the Fifth Circuit's consideration of *Texas v. United States*.

Moderator: Elena Kaplan, Jones Day, Atlanta, GA

Panelist: TBA

9:30am Break. ☕

9:45am 2019 Executive Compensation Update. This session will address the latest updates affecting executive compensation practice, including key takeaways from the 2019 proxy season, changes to clawback policies, lessons from Delaware director compensation cases and recent regulatory guidance.

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

Panelists: Scott Spector, Fenwick & West LLP, Palo Alto, CA; Additional Panelists TBA

10:45am Evolving Issues on ESOPs. Employee Stock Ownership Plans (ESOPs) continue to be subject to significant scrutiny by the Department of Labor and in private plaintiff litigation. Panelists will discuss the current state of case law challenging transactions undertaken to implement an ESOP ownership structure, as well as, review lessons learned and potential "hot button" items identified through the governmental audit process to which ESOPs are subject. The Panel will also discuss certain practices that can support a fiduciary's decision to engage in an ESOP transaction and certain transactional structures that are being seen to address concerns raised regarding employee ownership through these retirement plan structures.

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

Panelists: Allison Wilkerson, McDermott Will & Emery, Dallas, TX; David A. Whaley, Thompson Hine LLP, Cincinnati, OH; Additional Panelist TBA

8:30AM – 11:45AM

Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group (TE)

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

Income & Transfer Tax Planning Group Co-Chairs: Scott A. Bowman, McDermott Will & Emery LLP, Washington, DC and Keri D. Brown, Baker Botts LLP, Houston, TX

8:30am Current Developments. Mr. Garcia and Ms. McGrath will review current developments in fiduciary income tax.

Panelists: Francisco Garcia Jr., Henderson Caverly & Pum LLP, San Diego, CA; Chelsea L. McGrath, Venable LLP, Washington, DC

PRELIMINARY PROGRAM SCHEDULE SATURDAY, OCTOBER 5

- 9:00am State Fiduciary Income Tax Developments.** Mr. Berek will review the treatment of the state income taxation of trusts that has been evolving recently and will include a discussion of the recent Kaestner decision. The Kaestner case has further challenged a state's ability to tax a trust for state residency purposes and alerted practitioners advising trusts in other states to evaluate the constitutional basis regarding state taxation of trusts.
Panelist: David A. Berek, Baker & McKenzie LLP, Chicago, IL
- 10:00am Break.** ☕
- 10:15am US Tax Aspects of the Foreign Business Activities of Trusts and Estates.** Mr. Au and Ms. Chung will discuss trusts and estates that own closely held businesses with international operations following the 2017 Tax Act. The panelists will address check the box elections for pass through entities, foreign business activities of domestic corporations, anti-deferral rules for foreign corporations, and management of DNI and UNI of foreign trusts.
Panelists: Ryan R. Au, Shearman & Sterling, Washington DC; Grace Chung, Venable LLP, Los Angeles, CA
- 11:00am The Various Uses, Advantages and Considerations of the Beneficiary Deemed Owner Trust ("BDOT") Technique and the Beneficiary Defective Inheritor's Trust ("BDIT") Technique.** Mr. Eastland will discuss both the BDOT and BDIT techniques, including the use of the BDOT technique that qualifies as a QTIP, alternative to decanting, transferring trust assets from non GST trusts to GST trusts, and as a possible closely held C corporation bailout technique.
Panelist: S. Stacy Eastland, The Goldman Sachs Family Office, Houston, TX

8:30AM – 10:30AM

LLCs and LLPs Subcommittee of Partnerships & LLCs ☕

8:30AM – 11:45AM

Sales, Exchanges & Basis

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

- 8:30am Current Events.** Panelists will review recent case law and guidance on sales, exchange, and basis issues.
Panelist: David Shectman, Drinker Biddle & Reath, Philadelphia, PA
- 9:00am Where Do We Stand on Qualified Opportunity Funds?** Panelists will review the issues that have been addressed, and those that remain unaddressed, by IRS guidance concerning qualified opportunity funds.
Moderator: Alan S. Lederman, Gunster, Fort Lauderdale, FL
Panelists: Leila Vaughan, Royer Cooper Cohen Braunfeld LLC, Conshohocken, PA; Julie Hanlon-Bolton, Special Counsel, IRS Associate Chief Counsel (Income Tax & Accounting), Washington, DC
- 9:45am California's Under-the-Microscope Approach to 1031.** California's Franchise Tax Board is undoubtedly the most aggressive tax agency in the country in reviewing and sometimes challenging taxpayer reporting of 1031 transactions. This panel will explore the FTB's approach to various planning techniques (like "Drop & Swap") and

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the status of recent published authority in California, including the Sharon Mitchell case, as well as the current status of expected guidance on California's "clawback" regime applicable to exchanges of California for non-California property.

Moderator: Lou Weller, Weller Partners LLP, San Francisco, CA

Panelists: Jarrod M. Kiyuna, Wathen Castanos Homes, Fresno, CA; Ciro Immordino, California Franchise Tax Board, Rancho Cordova, CA; Christina Weed, Mendes Weed LLP, Walnut Creek, CA

10:30am **Break.** ☕

10:45am **Dealing with the New and Lingering Tax Issues of Cryptocurrency.** While Notice 2014-21 provided a framework for taxing certain sales and exchanges and uses of convertible virtual currency, it left many questions unanswered, particularly as new types of virtual currencies and transactions emerged. In May, the IRS promised additional guidance. This presentation will focus on the tax issues raised by various business transactions involving virtual currency that may or may not be classified as convertible virtual currency. This includes questions about whether all or some of these transactions should be considered taxable sales or exchanges, taxation of sales of newly created crypto, dealer status, IRS audit and collection approaches, reporting requirements and more. Issues of basis tracking, crypto exchanges and swaps, the character of gain or loss, forks and airdrops will also be covered. In addition, this presentation will consider the factors that inform the classification of a given cryptocurrency or "security token" as a convertible virtual currency versus some other type of property using some new examples including Facebook's Libra coin.

Moderator: Professor Roberta F. Mann, University of Oregon, Eugene, OR

Panelists: Jim Calvin, Deloitte, Boston, MA; Professor Annette Nellen, San Jose State University, San Jose, CA; John Van Loo, Belcher Smolen & Van Loo, San Francisco, CA

8:30AM – 10:30AM

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

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

8:45AM – 12:00PM

Civil and Criminal Tax Penalties

Chair: Caroline D. Ciralo, Kostelanetz & Fink LLP, 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 Rettig Toscher & Perez PC, Beverly Hills, CA and Sara G. Neill, Capes Sokol, St. Louis, MO; International Tax Enforcement – Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC, Sahel A. Assar, Buchanan Ingersoll & Rooney, PC, Washington, DC, and Joseph M. Erwin, Dallas, TX; IRS Investigations and Practices – Mary Wood, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX and Eric L. Green, Green & Sklarz LLC, New Haven, CT; Legislative and Administrative Developments – Robert J. Kovacev, Steptoe & Johnson, Washington, DC; Monetary Violations and Forfeitures – Chad Nardiello, Nardiello Law Firm, Los Angeles, CA, and Joseph A. Rillotta, Drinker Biddle & Reath LLP, Washington, DC; Offshore Compliance and Enforcement – Arielle Borsos, Caplin & Drysdale, Chtd, Washington, DC, Victor Jaramillo, Caplin & Drysdale,

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Chtd, Washington, DC, and Michael Sardar, Kostelanetz & Fink LLP, New York, NY; Sentencing Guidelines – Phillip Colasanto, Agostino & Associates, PC, Hackensack, NJ, and Jeffrey A. Neiman, Marcus Neiman & Rashbaum, Fort Lauderdale, FL

9:15am Voluntary Disclosures in California. An Interview with the Franchise Tax Board.

Moderator: Steven L. Walker, Steven L. Walker PLC, San Jose, CA

Panelists: TBA

9:30am To Err is Human, to Forgive Divine: A Guide to Reasonable Cause And Other Defenses to Form 3520 Penalties. When a US person establishes or receives a distribution from a foreign trust, or when a US trust or US individual receives a gift from a foreign donor, a Form 3520 must be filed, with non-compliance, unless due to reasonable cause, subject to large monetary penalties. Panelists will review possible defenses to Form 3520 penalties, such as case law exempting transactions reconstructed for substantive US tax law as deemed gifts, reliance on professional tax preparers, and the constitutional prohibition on excessive fines. Related topics, such as the current IRS Delinquent International Information Return Submission Procedures for Forms 3520, and the Comments of the International Tax Planning Committee of the ABA Probate and Trust Division to the IRS on Form 3520 Penalties, will also be covered.

Moderator: Lu-Ann Dominguez, Gunster LLP, Ft. Lauderdale, FL

Panelists: Diane Mehany, Caplin & Drysdale Chtd., Washington, DC; Phillip Colasanto, Agostino & Associates PC, Hackensack, NJ; Additional Panelist TBA

10:15am Break. ☕

10:30am The Evil that Men Do Lives After Them: When is an Executor or Fiduciary Personally Liable for Taxes of Another? An executor must file a decedent's missing tax returns and pay any liabilities owed to the United States. The Federal Priority Act (31 U.S.C. § 3713) mandates that federal government claims receive first priority for payment. If the executor transfers funds to other creditors or beneficiaries and leaves federal claims unpaid, the executor can be personally liable to the extent of those transfers. This panel will explore the obligations of executors and fiduciaries where a decedent or incapacitated taxpayer failed to satisfy or took willful steps to evade their federal tax obligations, the impact of the Federal Priority Act, the statutory provisions through which fiduciaries can limit their personal exposure, potential landmines including transferee liabilities, and some areas in need of administrative guidance or legislative action.

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

Panelists: Kurt Kawafuchi, Law Offices of Kurt Kawafuchi LLLC, Honolulu, HI; Additional Panelist TBA

11:15am Cryptocurrency - IRS Enforcement Efforts To Ensure Compliance. The IRS has been monitoring the acquisition, use, and exchange of digital currencies. Five years after the issuance of IRS Notice 2014-21, the IRS and its colleagues in the Department of Justice are working to identify those taxpayers failing to properly report income arising from and pay tax due on digital currency transactions. This panel will provide the IRS perspective on digital currency enforcement efforts from examination and collection to criminal investigation. The discussion will include a review of issues arising in audits involving digital currencies, use of the information obtained from the Coinbase summons enforcement proceedings, impact of digital currencies

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on Collection Information Statements (Forms 433), seizures of digital keys, and investigations into those seeking to evade the assessment or payment of tax through the use of digital currencies.

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

Panelists: Lisa Beard, Deputy Commissioner, IRS SB/SE, Lanham, MD (Invited); Darren Guillot, Director, Field Collection Operations, IRS, Washington, DC (Invited); Additional Panelist TBA

10:30AM – 11:00AM

State & Local Taxes: Publication Subcommittees

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

12:00PM – 1:30PM

Joint Section Luncheon & Plenary Session (Ticketed Event)

1:45PM – 5:00PM

Section Program: Topic TBA