

# 2015 May Meeting Preliminary Program Schedule Draft

## May 7-9, 2015, Grand Hyatt, Washington, DC

### THURSDAY, MAY 7

8:00AM – 9:00AM Incoming Officers & Council Orientation (*Executive Session*)

9:00AM – 5:00PM Officers & Council Meeting (*Executive Session*)

1:00PM – 5:00PM

**Low Income Taxpayers Representation Workshop** (*Registration Required*)

The Pro Bono & Tax Clinics Committee proudly presents the annual workshop for new and pro bono practitioners.

- 1:00pm Client Intake to Filing a Tax Court Petition.** This panel will cover issues from the initial client intake process through the filing of a petition in the Tax Court. Areas addressed will include proper vetting of potential clients, the information gathering process and resolving disputes administratively, and tips on drafting and filing the petition and related attachments.  
Panelists: Professor Robert G. Nassau, Syracuse University College of Law, Syracuse, NY; Jane Zhao, McDermott Will & Emery LLP, Chicago, IL; Jamie Andree, Indiana Legal Services, Inc., Bloomington, IN
- 2:00pm Tax Court Pre-Trial Practice.** This panel will illustrate how to navigate a Tax Court case after the petition is filed but before trial. Areas addressed will include strategies for settlement (with IRS counsel and Appeals), discovery, stipulations of fact, motions, and submitting cases fully stipulated under Rule 122.  
Moderator: Kevin Spencer, McDermott Will & Emery LLP, Washington, DC  
Panelists: The Honorable Lewis R. Carluzzo, Special Trial Judge, US Tax Court, Washington, DC; Professor Keith Fogg, Villanova Law School, Villanova, PA; Debra K. Moe, Deputy Division Counsel (Small Business / Self-Employed Division), IRS, Washington, DC
- 3:00pm Tax Court Trial and Appeals.** This panel will discuss trying a case in the Tax Court. Topics covered will include filing the pre-trial memorandum, preparing and using witnesses at trial, submitting documents into evidence, brief writing, Rule 155 computations, and whether and how to appeal a Tax Court decision. The panel will also discuss trying a case picked up at the Calendar Call.  
Moderator: Susanna Ratner, SeniorLAW Center, Philadelphia, PA  
Panelists: The Honorable Peter J. Panuthos, Chief Special Trial Judge, US Tax Court, Washington, DC; Timothy Jacobs, Hunton & Williams, Washington, DC; Richard G. Goldman, Acting Deputy Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC
- 4:00pm Handling a Section 6015 Case.** This panel will discuss issues relating to litigating a case under section 6015. Topics covered will include intervenors, privacy concerns, and demonstrating that relief should be granted.  
Moderator: Susan Morgenstern, Local Taxpayer Advocate, Cleveland, OH  
Panelists: The Honorable Joseph R. Goeke, Judge, US Tax Court, Washington, DC; Andrew R. Roberson, McDermott Will & Emery LLP, Chicago, IL; Charles A. Hall, Special Counsel (Procedure and Administration), IRS, Washington, DC

1:00PM – 5:00PM

**Tax Bridge to Practice** (*Registration Required*) (*Elimination of Bias*)

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

- 1:00pm Nuts & Bolts: Introduction to Life Insurance Company & Contracts Taxation.** Ideal for new practitioners, the panel will provide an introduction to the taxation of life insurance companies and their contracts, including life insurance contracts and annuities. Panelists will discuss why life insurance companies receive unique treatment under the Internal Revenue Code and explain key concepts and terms so that new practitioners will be able to handle assignments in this area with confidence.  
Moderator: Graham R. Green, Sutherland Asbill & Brennan LLP, Washington, DC  
Panelists: Alexis MacIvor, Chief, Office of Associate Chief Counsel (Financial Institutions & Products), IRS, Washington, DC; Alison R. Peak, Davis & Harman LLP, Washington, DC; Mandana Parsazad, American Council of Life Insurers, Washington, DC  
Co-Sponsored by: Insurance Companies
- 2:00pm Nuts and Bolts: Federal Estate, Gift and Generation-Skipping Transfer Tax.** This program will give a brief overview of the Federal estate, gift, and the generation-skipping transfer tax concepts. The panelists will give practice tips on basic planning techniques, including trusts for spouses and children. The presentation will also include common issues facing same-sex couples and transfers to non-citizens.  
Moderator: Jane Zhao, McDermott Will & Emery, Chicago, IL

Panelists: Hannah Mensch, Ehrenkranz & Ehrenkranz LLP, New York, NY; Christopher G. Murrer, Venable LLP, Washington, DC

Co-Sponsored by: Estate & Gift Taxes

**3:00pm**

**Tax Tales: The Seminal Cases of Subchapter C.** Boris Bittker and James Eustice once wrote, "...a corporation is like a lobster pot: easy to enter, difficult to live in, and painful to get out of." From poor Mrs. Kass to the mighty General Utilities Company, each taxpayer has a grand story of struggle in the corporate form. This panel will breathe life into some essential corporate tax cases with the goal of emphasizing the unique narratives of the taxpayers involved and how each earned a place in the glorious pantheon of tax law.

Moderator: Michelle Lo, Linklaters, Washington, DC

Panelists: Gary Scanlon, EY, Chicago, IL; Rose E. Jenkins, Attorney, Branch 2, Office of Associate Chief Counsel (International), IRS, Washington, DC; Alfred Bae, KPMG, Houston, TX

Co-Sponsored by: Corporate Tax

**4:00pm**

**On the Road Toward Diversity and Inclusion: Leading to Opportunities for All.** (Elimination of Bias) Join the Financial Transactions Committee for an engaging conversation regarding the progress made and work remaining to adhere to the ABA's commitment to promote diversity in the legal profession. More and more businesses view diversity as a priority, not only in their own companies, but also in their relationships with service providers. The panelists will share views on how mentorship and opportunity fosters diversity of professionals and results in teams that deliver the highest level of client service. Drawing on their varied experiences, the panelists will offer suggestions for creating a culture of inclusivity that can lead to enhanced productivity and long-standing business relationships.

Moderator: Lena Y. Hines, PwC, Washington, DC

Panelists: Frank J. Jackson, DLA Piper, New York, NY; Pamela F. Olson, PwC, Washington, DC; Richard G. Larkins, EY, Washington, DC

Co-Sponsored by: Financial Transactions

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

5:00PM – 7:00PM The Laurence Neal Woodworth Memorial Lecture and Reception

**6:00PM – 9:00PM**

Perkins Coie LLP

**State & Local Taxes Executive Committee Business Dinner Meeting** (NO CLE) (Invitation Only)

Meeting of Committee Officers & Subcommittee Chairs and invited guests

Chair: Gregg D. Barton, Perkins Coie LLP, Seattle, WA

6:00PM – 8:00PM Welcome Reception (*Complimentary*)

**6:30PM – 9:30PM**

**Partnerships & LLCs and Real Estate Committees Dinner** (NO CLE) (Reservation Required)

Members of the Real Estate Committee and the Partnerships & LLCs Committee will meet for cocktails and heavy hors d'oeuvres at Clyde's of Gallery Place, 707 7th Street, NW, Washington, DC. Cocktails (cash bar) will begin at 6:30 pm, food passed and served at stations starting at 7:00 pm. Reservations and advance payment required. For details, please visit the [Partnerships & LLCs](#) or [Real Estate](#) Committee Pages.

## **FRIDAY, MAY 8**

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

**7:30AM – 8:30AM**

**Exempt Organizations Subcommittee on Health-Care Organizations** (NO CLE)

Chairs: T.J. Sullivan, Drinker Biddle & Reath LLP, Washington, DC; Robert W. Friz, PwC, Philadelphia, PA

7:30am **Roundtable Discussion of Current Developments** (NO CLE)

Friday

**7:30AM – 8:30AM**

**Exempt Organizations Subcommittee on Political and Lobbying Organizations** (NO CLE)

Chairs: Rosemary E. Fei, Adler & Colvin, San Francisco, CA; Elizabeth J. Kingsley, Harmon Curran Spielberg + Eisenberg LLP, Washington, DC

7:30am **Roundtable Discussion of Current Developments** (NO CLE) Guest Speaker: Ellen Aprill, Loyola Law School, will discuss her recent article, "The Latest Installment of the Section 501(c)(4) Saga: The Section 527 Obstacle to Effective Section

501(c)(4) Regulations,” followed by current developments discussion, including implications of recent Van Hollen case for exempt organizations.

**Friday**

**7:30AM – 8:30AM**

**Exempt Organizations Subcommittee on Private Foundations, Unrelated Business Income and International Philanthropy (NO CLE)**

Chairs: LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA; Carolyn O. (Morey) Ward, Ropes & Gray LLP, Washington, DC; Victoria B. Bjorklund, Simpson Thacher & Bartlett LLP, New York, NY; Tamara Watts, Bill & Melinda Gates Foundation, Seattle, WA; Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA; James P. Joseph, Arnold & Porter LLP, Washington, DC

**7:30am Roundtable Discussion of Current Developments (NO CLE)**

**Friday**

**7:30AM – 8:30AM**

**Exempt Organizations Subcommittee on Religious Organizations (NO CLE)**

Chairs: Boyd J. Black, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, UT; Thomas E. Wetmore, General Conference of Seventh-Day Adventists, Silver Spring, MD

**7:30am Roundtable Discussion of Current Developments (NO CLE)**

**7:30AM – 8:30AM (TO BE CONFIRMED)**

**Tax Analysts Breakfast Forum With Lee Sheppard (NO CLE)**

(Hot meal will be available for all participants, beginning at 7:20AM) Lee Sheppard, a contributing editor of Tax Analysts' Tax Notes, is one of the nation's most widely read and respected tax commentators. Named one of the Global Tax 50 most influential players in international taxation in 2012 by International Tax Review, Sheppard specializes in financial issues and the taxation of multinational corporations. Her articles have included commentary on treaty issues, transfer pricing, European tax developments, and cutting-edge financial issues such as derivatives, hybrid securities, and hedge funds. Sheppard holds a law degree from the Northwestern University School of Law. After meeting with Lee Sheppard, please visit the Tax Analysts Exhibit Booth #1 throughout the day to meet and engage in interactive sessions with other Tax Notes editors and reporters.

**8:00AM – 11:00AM**

**Administrative Practice**

Chair: Kevin Johnson, Pepper Hamilton LLP, Philadelphia, PA

**8:00am Important Developments.** This panel will discuss important developments in IRS administrative practice since the last meeting.

Moderator: Jeremiah Coder, Greenburg Traurig LLP, San Francisco, CA

Panelists: Rochelle Hodes, Attorney-Adviser, Office of Tax Policy, Department of Treasury, Washington, DC; Kathryn A. Zuba, Deputy Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC

**8:40am What's New in IRS Exam and Appeals.** This panel will discuss new procedures and processes in Large Business & International (LB&I) Division examinations and related processes in Appeals. LB&I has a year of experience with its new Information Document Requests procedures and recently described new examination procedures in a draft Publication 5125 (dated 7-2014). Appeals has also adopted new policies under its Appeals Judicial Approach and Culture (AJAC) project. The panel will examine the interaction of the new policies in both examination and Appeals.

Moderator: Fred Murray, Grant Thornton, Washington, DC

Panelists: Heather Maloy, Commissioner, LB&I Division, IRS, Washington, DC (Invited); Kirsten Wielobob, Chief, Appeals Office, IRS, Washington, DC

**10:00am Memories Fade But Emails are Forever: New Electronic Discovery Rules in US Tax Court.** The US Tax Court held last fall in *Dynamo Holdings, LP v. Commissioner* that taxpayers could use predictive coding to help identify non-privileged electronically stored information in discovery requests. This is a first for the Tax Court. This will make electronic discovery requests less expensive for litigants and should speed up the process. This panel will discuss how predictive coding differs from manual discovery response, and cover implementation of predictive coding issues, such as selection of search terms and seed documents.

Moderator: Martin Press, Gunster Law Firm, Ft. Lauderdale, FL

Panelists: James Scarazzo, FTI Consulting, Washington, DC

**8:00AM – 10:45AM**

**Affiliated & Related Corporations**

Chair: David Friedel, PwC, Washington, DC

**8:00am Current Developments.** This panel will address recent significant guidance issued this past year, featuring proposed regulations and (time permitting) noteworthy private rulings and other items.

Moderator: TBD

Panelists: Olivia Ley, PwC, Washington, DC; Neil Barr, Davis Polk & Wardwell LLP, New York, NY; Additional Panelists TBD

9:00am

**More "Known Unknowns" - How do Members of Consolidated Groups Recover "Previously Taxed Income?"**

Consolidated groups are expanding internationally. Their foreign investments typically include entities that are disregarded for US tax purposes, entities that are treated as "partnerships," and entities that are treated as "corporations." When those regarded corporations (CFCs) generate subpart F income (or make investments in certain US property), the direct or indirect US shareholder faces current "cashless" income inclusions. Here are two things we know. We know the US shareholder is permitted to increase its adjusted basis in something to prevent inappropriate double-taxation in the event of a subsequent disposition. And we know that the US shareholder is supposed to treat subsequent distributions as "tax-free" (with commensurate stock basis reductions) since that's just a receipt of previously taxed income. There are several things we don't know. Some of those are "separate company" unknowns (like "how should the PTI pools of E&P and the section 961 basis associated therewith be allocated in connection with otherwise tax-free spin-off transactions?" and "exactly where should the basis increases and decreases be applied when there's a chain of foreign corporations owned through partnerships?"). In this panel we'll explore some of the "consolidated return" unknowns, with particular emphasis on the proposed section 959 regulations.

Moderator: Matthew White, KPMG LLP, Washington, DC

Panelists: Ronald Dabrowski, KPMG LLP, Washington, DC; Michael DiFronzo, PwC, Washington, DC; Michael Wilder, McDermott Will & Emery, Washington, DC; Marjorie Rollinson, Deputy Associate Chief Counsel (Technical), IRS Office of the Associate Chief Counsel – International, Washington, DC

8:00AM – 9:00AM

**Banking & Savings Institutions and Investment Management Joint Panel**

Banking & Savings Institutions Chair: Daniel Mayo, KPMG LLP, New York, NY

Investment Management Chair: William P. Zimmerman, Morgan, Lewis & Bockius LLP, Philadelphia, PA

8:00am

**The Tax Hedging Rules Revisited.** Financial institutions routinely use hedging transactions to manage risks related to governments in commodities and securities prices, currencies, and interest rates. Nevertheless, the current US tax hedging rules are insufficient to accommodate the growing need of financial institutions to manage such risks. This panel will explore the history and current state of the tax hedging rules, present the drawbacks and limited scope of the current regime, and put forth a proposal for modernizing the hedging rules.

Moderator: Yoram Keinan, Carter Ledyard & Milburn LLP, New York, NY

Panelists: David Garlock, EY, Washington, DC; Karl Walli, Senior Counsel (Financial Products), Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Amy B. Snyder, The Vanguard Group Inc., Malvern, PA

8:00AM – 10:00AM

**Capital Recovery and Leasing**

Chair: Alison Jones, EY, Washington, DC

8:00am

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

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

Panelists: Kathleen Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Scott Dinwiddie, Special Counsel, Associate Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Kate Abdo, McGladrey LLP, Washington, DC

8:30am

**Tangible Property Regulations and the Real Estate Industry.** This panel will feature a cross-section of practitioner, government, and industry personnel and will provide a discussion around the effects that the tangible property regulations have had on the real estate industry and on various asset types (residential and nonresidential) with a focus on leasehold and tenant issues.

Moderator: Alison Jones, EY, Washington, DC

Panelists: Kathleen Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Tom Yeates, EY, Philadelphia, PA

9:15am

**Tangible Property Regulations Update – Continuation from the September Meeting – Industry**

**Issues/Guidance, FAQs, and Related Discussions.** This panel will continue our discussion around the tangible property regulations specifically with respect to implementation issues faced by certain industries, as well as common tangible property regulation-related questions seen in the marketplace.

Moderator: Rayth Myers, EY, Washington, DC

Panelists: Kathleen Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Scott Dinwiddie, Special Counsel, Associate Chief Counsel – Income Tax & Accounting, IRS, Washington, DC; Rachelle Bernstein, National Retail Federation, Washington, DC

**8:00AM – 9:00AM**

**Companions Breakfast** (*Complimentary*)

**8:00AM – 9:30AM**

**Employee Benefits Defined Contribution Plans Update**

Presented by the Subcommittee on Defined Contribution Plans

Chair: Matthew Eickman, Qualified Plan Advisors, Overland Park, KS

Vice-Chairs: Puneet K. Arora, Towers Watson, Arlington, VA; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL

Assistant Vice-Chairs: Annemarie McGavin, Buchanan Ingersoll, Washington, DC; Heather Stone Fletcher, Echert Seamans, Pittsburgh, PA

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

This meeting will examine recent and pending legislative and regulatory activity relating to section 401(k) plans and other defined contribution plans. It will also include discussion of emerging issues relating to lifetime income in defined contribution plans and fee disclosures, as well as recent litigation relating to and impacting defined contribution plans.

Panelists: Louis Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC (invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Seth Tievsky, Senior Technical Advisor, TE/GE, IRS, Washington, DC

**8:00AM – 9:30AM**

**Employee Benefits Executive Compensation, Fringe Benefits and Federal Securities Law Update**

Presented by the Subcommittees on Employee Benefits Executive Compensation and Fringe Benefits and Federal Securities Law

Chairs: Adam B. Cohen, Sutherland Asbill & Brennan LLP, Washington, DC; Charmaine Slack, Jones Day, New York, NY

Vice-Chairs: Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Jessica Page, Meridian Compensation Consultants, Lake Forest, IL; Martha Steinman, Hogan Lovells, New York, NY

Assistant Vice-Chairs: Sandy Shurin, Deloitte Tax LLP, New York, NY; Jeffery Liebermann, Weil Gotshal & Manges LLP, New York, NY; Ali Fawaz, Proskauer, New York, NY

We will have a panel discussion on executive compensation for tax-exempt organizations, including, if they have been released, the section 457(f) regulations. We will also discuss the SEC's proposed hedging rules required by the Dodd-Frank Act and other recent executive compensation developments. Finally, we will have discussion with government representatives regarding the current executive compensation projects underway at Treasury and the IRS.

Panelists: Robert Neis, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities, Office of Chief Counsel, IRS, Washington, DC (invited); Curtis Fisher, Bass Berry & Sims, Nashville, TN; Lori Oliphant, Winstead, Dallas, TX; Anthony Provenzano, Miller & Chevalier, Washington, DC; C. Alex Bahn, Hogan Lovells US LLP, Washington, DC

**8:00AM – 10:45AM**

**Estate & Gift Taxes**

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

**8:00am**

**Current Developments.** This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since January 2015.

Panelists: Jeffrey D. Chadwick, Winstead PC, The Woodlands, TX; Elizabeth R. Glasgow, Venable LLP, Los Angeles, CA and New York, NY; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC

**8:45am**

**Structuring Charitable Gifts: Blending Philanthropic Objectives with Tax Planning.** This panel will review different structures for charitable giving both during an individual's lifetime and at death, including the use of charitable split interest trusts, private foundations and donor advised funds. The panelists will also discuss the tax treatment for gifts of different types of property under each structure, as well as the flexibility of each structure to respond to the individual's charitable goals.

Panelists: Jennifer L. Franklin, Simpson Thacher & Bartlett LLP, New York, NY; Martin Hall, Ropes & Gray LLP, Boston, MA

**9:45am**

**Top Ten Revenue Rulings for Estate Planners.** This program will review ten key Revenue Rulings that should be part of every estate planner's portfolio. The panel will begin with a summary of the provisions of each ruling. Where applicable, the panel will discuss what prompted the Department of Treasury to issue the ruling. The panel will then introduce practical planning tips for employing the rulings with illustrations of how these rulings have changed the way estate planners practice.

Panelists: Taylor P. Bechel, Venable LLP, Washington, DC; A. Christopher Segal, Venable LLP, Washington, DC; Katherine E. Ward, Venable LLP, Washington, DC

**8:00AM - 10:45AM**

**Partnerships & LLCs**

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

- 8:00am Partnership Compliance Issues.** This panel will discuss compliance issues involving partnerships (including large partnerships and TEFRA).  
Moderator: Professor Noel P. Brock, West Virginia University, Morgantown, WV  
Panelists: William J. Wilkins, Chief Counsel, Office of Chief Counsel, IRS, Washington, DC; Kenneth W. Gideon, Skadden Arps Slate Meagher & Flom LLP, Washington, DC
- 9:15am Hot Topics in Partnership Taxation.** This panel will discuss significant recent developments related to subchapter K.  
Moderator: Todd D. Golub, EY, Chicago, IL  
Panelists: Kimberly S. Blanchard, Weil Gotshal & Manges LLP, New York, NY; Gregory M. Bopp, Bracewell & Giuliani LLP, Houston, TX; Benjamin H. Weaver, Attorney-Advisor, Office of Associate Chief Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel, Washington, DC
- 10:00am May Company Regulations.** This panel will discuss the publication project concerning regulations under section 1.337(d)-3 relating to partnership transactions involving a corporate partner's stock or other equity interests.  
Moderator: David H. Schnabel, Debevoise & Plimpton LLP, New York, NY  
Panelists: Matthew E. Gareau, Deloitte Tax LLP, Washington, DC; Joseph Worst, Attorney-Advisor, Office of Associate Chief Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel, Washington, DC

**8:30AM – 10:30AM**

**Foreign Activities of US Taxpayers**

Chair: Joseph Caliano, Grant Thornton LLP, Washington, DC

- 8:30am The Intersection of Partnerships & Subpart F.** Complexity exists in both the taxation of partnerships and in the subpart F regime, but when they intersect, things really get interesting. This panel will analyze issues that arise when the two worlds collide, including issues arising under section 956.  
Moderator: Aaron A. Farmer, Farmer & Associates PLLC, Naples, FL  
Panelists: Jennifer H. Alexander, Deloitte Tax LLP, Washington DC; Barbara Rasch, Senior Technical Reviewer, Branch 2, IRS Office of the Associate Chief Counsel – International, Washington, DC; Brian Jenn, Attorney Advisor, Department of Treasury, Washington, DC
- 9:30am Alternative Proposals for International Tax Reform.** This panel will analyze the tax technical and implementation aspects of alternative proposals for international tax reform, including proposals for a territorial tax or minimum tax regime.  
Moderator: Professor Robert J. Peroni, The University of Texas School of Law, Austin, TX  
Panelists: Tony Coughlan, Tax Counsel, Republican Staff, Senate Finance Committee, Washington, DC; Kathleen L. Ferrell, Davis Polk & Wardwell LLP, New York, NY; Danielle E. Rolfes, International Tax Counsel, Department of Treasury, Washington, DC

**8:30AM – 11:30AM**

**Individual and Family Taxation**

Chair: Laura Baek, Senior Attorney Advisor, Taxpayer Advocate Service, IRS, Washington, DC

- 8:30am Recent Developments in the Tax-Related Identity Theft.** Identity theft is an ongoing problem that impacts taxpayers and their representatives. The IRS has recently realigned the identity theft victim assistance unit. The panel will discuss how this realignment may impact victims. The panel will also discuss changes in how the IRS will use Identity Protection Personal Identification Numbers (IP PINs). Finally, a representative from the Taxpayer Advocate Service will summarize findings from the identity theft research study included in the National Taxpayer Advocate's 2014 Annual Report to Congress.  
Moderator: Joshua Beck, Attorney Advisor, Taxpayer Advocate Service, IRS, Washington DC  
Panelists: Denise Davis, Centralized Identity Theft Coordination, W&I, Accounts Management, IRS, Atlanta, GA; Justin K. Gelfand, Capes Sokol Goodman & Sarachan PC, St. Louis, MO
- 10:00am Affordable Care Act Implementation Issues Impacting Individuals and Families.** The 2015 filing season was the first in which the Affordable Care Act impacted individual taxpayers' tax returns. The panel will discuss problems encountered by both taxpayers and the IRS during this filing season. The panel will also discuss recently issued guidance and provide information on representing clients with ACA-related issues.  
Moderator: Laura Baek, Senior Attorney Advisor, Taxpayer Advocate Service, IRS, Washington, DC

Panelists: Verlinda Paul, Director, Office of Program Coordination & Integration, W&I, IRS, Atlanta, GA; Philip Lindenmuth, Senior Level Counsel (Health Care), Office of Chief Counsel, IRS, Washington, DC; Christine Speidel, Vermont Legal Aid LITC, Springfield, VT

## **8:30AM – 10:30AM**

### **Tax Policy and Simplification**

Chair: Professor Jonathan B. Forman, University of Oklahoma, Norman, OK

- 8:30am**      **US International Tax Reform: Does It Interact with the OECD Base Erosion and Profit Shifting (BEPS) Project and Other Developments Around the World? If So, How?** This panel will consider measures being adopted around the world both in connection with and apart from the OECD's BEPS project, and ask how actions being taken by other governments should affect US thinking about international tax reform.  
Moderator: Professor Itai Grinberg, Georgetown University Law Center, Washington, DC  
Panelists: George Callas, Chief Tax Counsel, House Ways and Means Committee, Washington, DC; Arlene S. Fitzpatrick, EY, Washington, DC; Eric Oman, Senior Policy Advisor, Senate Finance Committee, Washington, DC
- 9:30am**      **Tax and Spending Policy in the Long Run.** Economist C. Eugene Steuerle will discuss his recent book, *Dead Men Ruling: How to Restore Fiscal Freedom and Rescue Our Future* (Century Foundation Press 2014). In it, Dr. Steuerle explains that despite America's great wealth and strong economy, our politicians have already pre-committed government spending in ways that "crowd out" discretionary spending and leave us with very limited opportunities to make economically and socially productive investments. In this presentation, Dr. Steuerle will offer us a framework for regaining control of runaway spending, uncontrolled tax expenditures, and the long-term budget glide-path.  
Moderator: Professor Jonathan B. Forman, University of Oklahoma, Norman, OK  
Panelists: C. Eugene Steuerle, Richard B. Fisher Chair and Institute Fellow at the Urban Institute, Washington, DC; Barry Anderson, Deputy Director, National Governors Association, Washington, DC
- 8:45AM – 4:30PM**  
**Exempt Organizations**  
Chair: Robert A. Wexler, Adler & Colvin, San Francisco, CA
- 8:45am**      **Committee Business.** (NO CLE)
- 9:00am**      **News from the IRS and Treasury.** Representatives from Department of Treasury and IRS Chief Counsel's Office will speak on recent developments and guidance.  
Moderator: Robert A. Wexler, Adler & Colvin, San Francisco, CA  
Panelists: Ruth M. Madrigal, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Eric San Juan, Senior Technical Advisor, TEGE, IRS, Washington, DC; Victoria A. Judson, Division Counsel/Associate Chief Counsel, TEGE, IRS, Washington, DC; Janine Cook, Deputy Associate Chief Counsel, TEGE, IRS, Washington, DC
- 10:00am**      **News from the Hill.** This panel will discuss current, pending, and proposed legislation affecting tax-exempt organizations.  
Moderator: Alexander L. Reid, Morgan Lewis and Bockius, Washington, DC  
Panelists: Gordon M. Clay, Legislation Counsel, Joint Committee on Taxation, Washington, DC; Harold Hancock, Tax Counsel, House Ways and Means Committee, Washington, DC; Tiffany Smith, Tax Counsel, Senate Finance Committee, Washington DC
- 11:15am**      **The EO Practitioner's Perspective: Addressing Common Exempt Organizations Issues that Lack Up-to-Date Guidance.** This panel will address how practitioners can navigate some key tax issues without up-to-date guidance.  
Moderator: Catherine E. Livingston, Jones Day, Washington, DC  
Panelists: Andras Kosaras, Arnold & Porter LLP, Washington, DC; Suzanne Ross McDowell, Steptoe & Johnson LLP, Washington DC
- 12:30pm**      **Exempt Organizations Committee Luncheon** (NO CLE) (Ticketed Event)  
Sunita Lough, commissioner of TE/GE will discuss issues of importance to the full range of taxpayers that fall under the jurisdiction of TE/GE. In addition to exempt organization practitioners, practitioners who work with tax-exempt bonds, government entities, and employee plans are encouraged to attend.  
Speaker: Sunita Lough, Commissioner, Tax Exempt and Government Entities Division, IRS, Washington, DC
- 2:00pm**      **Energy Crisis? Climate Change? The Future of Exempt Organizations Focused on Energy and the Environment.** This panel will discuss the current and future role of exempt organizations that address environmental and energy issues. Is the legal climate changing on how the IRS views these organizations.  
Moderator: David Shevlin, Simpson Thacher Bartlett LLP, New York, NY

Panelist: Tomer J. Inbar, Patterson Belknap Webb & Tyler LLP, New York, NY; Lois R. DeBacker, Kresge Foundation, Troy, MI

**3:00pm**      **Volunteers in Exempt Organizations.** This panel will address key legal issues involved in using volunteers as part of exempt organizations.  
Moderator: Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA  
Panelist: Donella M. Wilson, Green Hasson Janks, Los Angeles, CA

**4:00pm**      **Cash Bar (NO CLE)**

**9:00AM – 10:45AM**

**Banking & Savings Institutions**

Chair: Daniel Mayo, KPMG LLP, New York, NY

**9:00am**      **Recent Developments on Modifications of Non-Debt Financial Instruments.** The issue as to when a modification of a non-debt financial instrument results in a deemed sale or exchange of the instrument is still largely unresolved. This panel will focus on recent use of the debt modification regulations by the IRS beyond the limited scope of the regulations and the restricted use of the regulations in situations in which the regulations seemed to be directly on point.  
Moderator: Mark Leeds, Mayer Brown, New York, NY  
Panelists: Lisa Chippindale, Royal Bank of Canada, Toronto, ON

**10:00am**      **Section 871(m) Final Regulations.** This panel will explore the new 871(m) regulations as they relate to US withholding on cross border equity derivatives. The panel will touch on issues affecting the US equity dealers as well as investors.  
Moderator: Anthony Tuths, Withum Smith + Brown, New York, NY  
Panelists: Karl Walli, Senior Counsel (Financial Products), Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Michael Shulman, Shearman & Sterling, Washington, DC

**9:00AM – 3:00PM**

**Companion Activity (Ticketed Event) (NO CLE)**

**The Capitol Experience: Private Tour of the Capitol and Library of Congress.** The bus will depart promptly at 9:00am from the Grand Hyatt's 10th Street entrance. The bus will return guests to the hotel after lunch.

**9:00AM – 10:45AM**

**Investment Management**

Chair: William P. Zimmerman, Morgan, Lewis & Bockius LLP, Philadelphia, PA

**9:00am**      **Current Regulated Investment Company Issues.** This panel will discuss legislative, regulatory and international tax issues affecting regulated investment companies and their shareholders that are currently being addressed by the Investment Company Institute and the IRS.  
Moderator: Karen Gibian, Investment Company Institute, Washington, DC  
Panelists: Ryan Lovin, Investment Company Institute, Washington, DC; Steven Harrison, Financial Institutions & Products, IRS Office of Chief Counsel, Washington, DC; Julianne Allen, Financial Institutions & Products, IRS Office of Chief Counsel, Washington, DC; Susan Thompson Baker, Financial Institutions & Products, IRS Office of Chief Counsel, Washington, DC

**10:00am**      **Tax Planning for Non - US Investors in Debt Funds.** This panel will focus on strategies debt funds may consider to minimize effectively connected income (ECI) arising from loan origination and workouts.  
Moderator: Raj Tanden, Buchalter Nemer PC, Los Angeles, CA  
Panelist: David S. Miller, Cadwalader Wickersham & Taft LLP, New York, NY; Amanda H. Nussbaum, Proskauer Rose LLP, New York, NY; Elena Virgadamo, Attorney Advisor, Office of International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC

**9:30AM – 11:00AM**

**Employee Benefits Administrative Practices Update**

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

Chairs: Stefan P. Smith, Locke Lord LLP, Dallas, TX; Christina Crockett, Ogletree Deakins Nash Smoak & Stewart PC, Washington, DC

Vice-Chairs: Thomas R. Pevarnik, Deloitte, Washington, DC; Rhonda Migdail, Keightley & Ashner LLP, Washington, DC

Assistant Vice-Chair: Venessa Vargas, Grant Thornton LLP, Los Angeles, CA

Immediate Past Chair: Lisa Tavares, Venable LLP, Washington, DC

The panel will discuss the eligibility requirements and relief available under the Department of Labor's Voluntary Fiduciary Correction Program (VFCP), and the status of proposed changes to remedial amendment periods and other administrative



practices under the Secure Annuities for Employee (SAFE) Retirement Act of 2013. The panel also will discuss current topics in correcting plan compliance issues under the Employee Plans Compliance Resolution System (EPCRS) and the ongoing transfer of some legal functions from the Tax-Exempt and Government Entities Division to the IRS Office of Chief Counsel. There will be an open forum to discuss issues concerning the determination letter program, EPCRS, and other related topics.

Panelists: Lisa Scimeca, Associate Regional Director, Department of Labor, Employee Benefits Security Administration, Philadelphia, PA (Invited); Preston Rutledge, Tax and Benefits Counsel, Senate Finance Committee (Majority), Washington, DC (Invited); Ingrid Grinde, Manager, EP Technical Guidance and Quality Assurance, TEGE, IRS, Washington, DC (Invited); Joyce Kahn, Acting Director, EP Rulings and Agreements, IRS Employee Plans (TEGE) Washington, DC (Invited); Victoria Judson, Division Counsel/Associate Chief Counsel, Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Seth Tievsky, Senior Technical Advisor, TE/GE, IRS, Washington, DC

#### **9:30AM – 10:30AM**

##### **Employee Benefits Litigation Update**

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

Chairs: Sara Pikofsky, Jones Day, Washington, DC; Erin Turley, K&L Gates LLP, Dallas, TX; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

Vice-Chair: Michael Bartolic, The Law Offices of Michael Bartolic LLC, Chicago, IL; David A. Whaley, Dinsmore & Shohl, Cincinnati, OH; David A. Cohen, Evercore Trust Company NA, Washington, DC; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN

Assistant Vice-Chairs: Rita Patel, DLA Piper LLP, Washington, DC; Jessica N. Agostinho, Hunton & Williams LLP, Washington, DC; Carolyn M. Opyd, Spidi & Fisch PC, Washington, DC; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Vadim Avdeychik, PIMCO LLC, New York, NY

The panel will discuss recent ERISA litigation cases.

Panelists: Sara Pikofsky, Jones Day, Washington, DC; Jessica Agostinho, Hunton & Williams, Washington, DC; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; David A. Cohen, Evercore Trust Company NA, Washington, DC; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Vadim Avdeychik, Willkie Farr & Gallagher LLP, New York, NY; Erin Turley, K&L Gates LLP, Dallas, TX; David A. Whaley, Dinsmore & Shohl, Cincinnati, OH; Benjamin Evans, Bingham Greenebaum Doll, Louisville, KY; Carolyn Opyd, Spidi & Fisch, Washington, DC; Andrew L. Oringer, Dechert LLP, New York, NY; Susan Hoffman, Littler, Philadelphia, PA

#### **9:30AM – 10:45AM**

##### **Employee Benefits Mergers & Acquisitions Update**

Presented by the Subcommittee on Mergers & Acquisitions

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

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

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

Current 280G and 409A Issues in M&A Deals. Code section 280G (relating to golden parachute payments) and Code section 409A (relating to nonqualified deferred compensation arrangements) are not new, but both sections have had a continuing impact on the executive compensation and employee benefits-related aspects of M&A transactions. After a review of the fundamentals of sections 280G and 409A, panelists will share their perspectives and discuss specific issues under sections 280G and 409A that continue to arise and be problematic for companies (and their counsel) during the course of such transactions.

Panelists: Laura R. Westfall, King & Spalding, New York, NY; Gail W. Stewart, Baker Botts LLP, Houston, TX; Carrie Simons, Ropes & Gray LLP, Boston, MA; Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Andrew Oringer, Dechert LLP, New York, NY; Andrew Liazos, McDermott Will & Emery, Boston, MA; Regina Olshan, Skadden Arps Slate Meagher & Flom LLP, New York, NY

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

#### **10:00AM – 12:00PM**

##### **Employee Benefits Welfare Plans, Cafeteria Plans and Reimbursement Accounts, and EEOC Issues Update**

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

Chairs: Linda Mendel, Vorys Sater Seymour & Pease LLP, Columbus, OH; Helen Morrison, EY, Washington, DC

Vice-Chairs: William M. Freedman, Dinsmore & Shohl LLP, Cincinnati, OH; Gabriel S. Marinaro, Drinker Biddle & Reath LLP, Chicago, IL

Assistant Vice-Chairs: Yelena Fertman Gray, Ungaretti & Harris LLP, Chicago, IL; Elena Kaplan, Jones Day, Atlanta, GA

This meeting will address reporting under Code §6055 and 6056, communicating eligibility standards to employees, guidance on employer payment plans, and regulatory and sub-regulatory developments under the Affordable Care Act.

Panelists: Alden Bianchi, Mintz Levin Cohn Ferris and Popeo PC, Boston, MA; William M. Freedman, Dinsmore & Shohl LLP, Cincinnati, OH; Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL; Elena Kaplan, Jones Day, Atlanta, GA; Rachel Leiser Levy, Groom Law Group, Washington DC; Gabriel S. Marinaro, Smith Haughey Rice & Roegge, Ann Arbor, MI; Linda Mendel, Vorys Sater Seymour & Pease LLP, Columbus, OH; Helen Morrison, EY, Washington, DC; Kevin Knopf, 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); Amy Turner, Senior Advisor, Department of Labor, Washington DC; Christa Bierma, Attorney-Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Shad Fagerland, Attorney, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC

#### **10:30AM – 12:30PM**

##### **Transfer Pricing**

Chair: E. Miller Williams, EY, Washington, DC

**10:30am**      **How Will IRS's Transfer Pricing Operations Move Forward in the BEPS Environment?** This panel will review the current status of the work being done under BEPS Action Items 8 through 10 and 14, which have the most direct relationship to the activities of the IRS's Transfer Pricing Operations. The panel will discuss how the IRS believes this work will relate to substantive interpretations of transfer pricing principles and their implementation and application in examination and competent authority going forward. The panel will also attempt to predict what the transfer pricing landscape will look like at the 2016 ABA May Meeting as various countries interpret and implement their own approaches to the BEPS Action Items, which will include a discussion of the soon-to-be implemented UK Diverted Profits Tax.

Moderator: David Canale, EY, Washington, DC

Panelists: David Varley, Director (Acting), Transfer Pricing Operations, IRS – Large Business and International, Washington, DC; Kenneth Wood, Senior Advisor to the Director of Transfer Pricing Operations, LB&I, IRS, Washington, DC; Christopher Bello, Branch Chief for Branch 6, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Brian Jenn, Attorney Advisor, Department of Treasury, Washington, DC

**11:30am**      **Advance Pricing and Mutual Agreement (APMA) - Hot Topics.** This panel will discuss current developments from APMA. At present, expected topics include the status of US - India competent authority matters and the potential for US - India bilateral APAs, as well as views on the relationships with other treaty partners; and the status of the CA and APA revenue procedures and the relationship between APMA's practices and procedures and the work of the FTA MAP Forum.

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

Panelists: Hareesh Dhawale, Director, Advance Pricing and Mutual Agreements (APMA) Program, IRS – Large Business and International, Washington, DC; John Hughes, Senior Manager, Advance Pricing and Mutual Agreements (APMA) Program, IRS – Large Business and International, Washington, DC; Darrin Litsky, Deloitte Tax LLP, New York, NY

#### **11:00AM – 1:15PM**

##### **Employee Benefits Distributions and Defined Benefit Plans Updates**

Presented by the Subcommittees on Distributions and Defined Benefit Plans

Chairs: Juan Valcarce, Shell Oil Company, Houston, TX; Serena G. Simons, The Segal Group, Washington, DC

Vice-Chairs: Anne M. Meyer, Snell & Wilmer, LLP, Phoenix, AZ; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH; Sarah E. Fry, Culhane Meadows PLLC, Dallas, TX; Rosina Barker, Ivans Phillips & Barker, Washington DC

Assistant Vice-Chairs: J. Rose Zaklad, Groom Law Group, Washington, DC; Laura M. Nolen, Marathon Oil Corporation, Houston, TX; Allison Hoots, Fox Rothschild LLP, Philadelphia, PA; Meredith VanderWilt, Polsinelli PC, Dallas, TX

PBGC Liaison: Harold J. Ashner, Keightley & Ashner LLP, Washington, DC

**11:00am**      **PBGC Fireside Chat.** *(No CLE)*

**11:30am**      The Subcommittees will discuss issues of interest affecting defined benefit plans and distributions. Topics to be discussed will include: a PBGC update; an overview and discussion of the Multiemployer Pension Reform Act of 2014 (MPRA); lifetime income issues; uncashed check issues including issues related to required minimum distributions; and as time permits, a discussion of emerging issues. The first segment of the meeting will be devoted to defined benefit issues and will include an informal "fireside chat" discussion with PBGC representatives on topics of interest to attendees.

Panelists: Israel Goldowitz, Chief Counsel, Pension Benefit Guaranty Corporation, Washington, DC (invited); Judith Starr, General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (invited); Catherine B. Klion, Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, Washington, DC (invited); Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC (invited); Linda S. Marshall, Office of Chief Counsel, Tax Exempt & Government Entities, IRS, Washington, DC (invited); Kyle N. Brown, Special Counsel, Office of Chief Counsel, Tax Exempt & Government Entities, IRS, Washington, DC (invited)

#### **11:00AM – 12:00PM**

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

Presented by the Subcommittee on Exempt Organization and Governmental Plans

Chairs: Craig R. Pett, Alston & Bird LLP, Atlanta, GA; Bruce Barth, Robinson & Cole LLP, Hartford, CT

Vice-Chairs: Don Wellington, Steptoe & Johnson, Los Angeles, CA; Blake McKay, Alston & Bird, Atlanta, GA

Assistant Vice-Chairs: Meghan M. Lynch, Aon Hewitt, Houston, TX; Robert Johnson, Kaufman & Canoles PC, Newport News, VA

This session will include a discussion on Affordable Care Act implementation issues unique to governmental plans; correcting errors in 457(b) and 457(f) plans, and pending IRS guidance impacting governmental plans. If new guidance is issued prior to the meeting, the agenda may be changed to include a discussion of the new guidance. Representatives of the IRS and Department of Labor will be invited to participate.

Panelists: Craig R. Pett, Alston & Bird LLP, Atlanta, GA; Susan E. Rees, Chief, Division of Coverage, Reporting and Disclosure, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC (Invited); Victoria A. Judson, Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Pamela R. Kinard, Senior Technician Reviewer, Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC (invited); Ingrid Grinde, Manager, EP Technical Guidance and Quality Assurance, TEGE, IRS, Washington, DC (Invited); Seth Tievsky, Senior Technical Advisor, TEGE, IRS, Washington, DC (invited)

#### **11:00AM – 12:00PM**

##### **Employee Benefits Fiduciary Responsibilities Update**

Presented by the Subcommittee on Fiduciary Responsibility

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

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

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

The panel will discuss guidance issued addressing ERISA fiduciary responsibilities.

Panelists: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; David A. Cohen, Evercore Trust Company NA, Washington, DC; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; Vadim Avdeychik, PIMCO, New York, NY; Daniel R. Salemi, Franczek Radelet PC, Chicago, IL; Andrew L. Oringer, Dechert LLP, New York, NY

#### **11:00AM – 12:00PM**

##### **Employee Benefits Legislative Update**

Presented by Subcommittee on Employee Benefits Legislation

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

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

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

This meeting will focus on current legislative developments that impact employee benefit plans and arrangements, including the Congressional outlook for 2015, as impacted by the changes this year to the Senate and House leadership. In addition, we will discuss the current status of legislation in the states that will impact employee benefit plans, including continued activity on state run retirement plans.

Panelists: Lisa Bleier, Securities Industry and Financial Markets Association (SIFMA), Washington, DC; Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; Judy M. Hensley, Roberts & Holland LLP, New York, NY; Preston Rutledge, Tax and Benefits Counsel, Senate Finance Committee (Majority), Washington, DC (Invited)

#### **11:00AM – 11:30AM**

##### **Employee Benefits New Employee Benefits Attorneys Forum (NO CLE)**

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

Informal meeting for new members of the Employee Benefits Committee.

#### **11:00AM – 12:30PM**

##### **Energy & Environmental Taxes**

Chair: Peter Lowy, Caplin & Drysdale, New York, NY

#### **11:00am**

**Energy Taxes Hot Topics Update.** This panel will provide insights on important tax law developments for both traditional and alternative energies. Under the current GOP control of both houses of Congress, focus has shifted to the balance of tax incentives to encourage investment in traditional energy sources versus renewable sourced energy. Panelists will discuss legislative proposals and momentum for these categories of tax incentives. The panel will also highlight administrative guidance recently issued and in the pipeline, and recent court decisions, including issues involving the Treasury Section 1603 Grant-in-Lieu of Tax Credit program, the Investment Tax Credit, and specifically the Begun Construction test for the retroactive extension of the again-expired Production Tax Credit and Investment Tax Credit in lieu thereof.

Panelists: Amish Shah, Sutherland Asbill, Washington, DC; Courtney Sandifer, PwC, Washington, DC; Jaime Park, Branch Chief, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC; Bryce Pressentin, American Petroleum Institute, Washington, DC

#### **11:00AM – 12:00PM**

##### **Membership & Marketing (NO CLE)**

Chair: Kathryn Keneally, New York, NY

**11:00AM – 1:45PM**

**S Corporations**

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

**11:00am**      **Important Developments.** Discussion of recent legislative, administrative and judicial developments relating to S Corporations and their Shareholders.  
Moderator: Brad Gould, Dean Mead Minton & Zwemer, Ft. Pierce, FL  
Panelists: Michala Irons, Barnes & Thornburg LLP, Indianapolis, IN; Bryan Keith, Grant Thornton LLP, Washington, DC

**11:45am**      **Hot Topics Relating to S Corporations.** A dialogue with representatives from the Government about developments relevant to S Corporations and companies considering making S Corporation elections.  
Moderators: Paul F. Kugler, KPMG LLP, Washington, DC; Carol Kulish Harvey, KPMG LLP, Washington, DC  
Panelist: Mark E. Warren, Tax Counsel, House Ways and Means Committee, Washington, DC; Benjamin Willis, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Caroline Hay, Office of Associate Chief Counsel, Passthroughs & Special Industries, IRS, Washington, DC

**12:45pm**      **Section 1374(d)(7) Recognition Period.** Discussion of the general rules of the corporate level taxation on disposition of assets with built-in gains. Particularly, this panel will discuss the recent temporary reductions in the recognition period for 2009-2011 and for 2012-2014.  
Moderator: Jennifer Gurevitz, Gray Reed & McGraw, PC, Dallas, TX  
Panelist: Michael Gould, IRS Office of Chief Counsel, Washington, DC

**11:00AM – 1:45PM**

**Standards of Tax Practice (Ethics) (Young Lawyers)**

Chair: Professor Linda M. Beale, Wayne State University Law School, Detroit, MI

**11:00am**      **Ethical Issues in Federal Tax Practice – The Government Perspective.** (Ethics) This panel will provide an update on recent guidance from the IRS and Department of Treasury and will discuss recent developments at the IRS Office of Professional Responsibility. Topics to be covered will include published final determinations in OPR disciplinary proceedings.  
Moderator: Bradley Ridlehoover, McGuireWoods LLP, Richmond, VA  
Panelists: Karen L. Hawkins, Director, IRS Office of Professional Responsibility, Washington, DC; Emily M. Lesniak, Special Counsel (Procedure and Administration), IRS, Washington, DC

**12:05pm**      **Initiating a New Client Engagement: What Kinds of Ethical and Practice Standards Questions Arise for a New Client Representation?** (Ethics) Tax advisors often initiate new client engagements and sometimes may overlook considerations that should come into play at the outset. Questions to be considered include: What is the scope of the representation? Who is the client? When should fees be discussed, and with whom? When are flat fees appropriate? Are there potential conflicts of interest and how should those be resolved? Are there any illness or competency questions that the practitioner should consider? How should communications with a potential new client be handled? What kind of firm procedures should be in place in this area? What are some practical issues to consider when dealing with your insurance carrier? This panel will explore these and other questions practitioners face when taking on a new client.  
Moderator: Brian Ketcham, Kostelanetz & Fink LLP, New York, NY  
Panelists: Scott F. Hessell, Sperling & Slater PC, Chicago, IL; Guinevere Moore, Holland & Knight LLP, Chicago, IL; D. Loren Washburn, ClydeSnow, Salt Lake City, UT; Jason Freeman, Meadows Collier, Dallas, TX

**Standards of Tax Practice Co-sponsored Programs:**

**2:00pm**      **Co-sponsored with State and Local Taxes**  
**'Just Add SaLT!' When and How to Consider State Tax Ethical Issues in Advising Clients**

**4:00pm**      **Co-sponsored with Diversity**  
**Ensuring Ethical Client Solicitations**

**11:30AM – 12:30PM**

**Court Procedure and Practice Roundtable Discussion**

Chair: Mark D. Allison, Caplin & Drysdale, New York, NY

**11:30am**      **First Time Tax Litigation.** This roundtable discussion will focus on tactics and strategies for first time litigators in tax cases, including the stipulation process, the use of expert reports, the evidentiary rules most likely to be encountered, presentation of fact and expert witnesses, and brief writing.  
Moderator: Frank Agostino, Agostino & Associates, Hackensack, NJ

Panelists: The Honorable Ronald L. Buch, Judge, US Tax Court, Washington, DC; The Honorable Carolyn P. Chiechi, Judge, US Tax Court, Washington, DC; Thomas J. Travers, Assistant Division Counsel, Office of Chief of Counsel, IRS, Washington, DC

## COMMITTEE LUNCHEONS

**12:00PM – 1:30PM Corporate Tax and Affiliated & Related Corporations** (*boxed lunch at Hyatt*) (NO CLE)

**12:00PM – 12:30PM Diversity** (*boxed lunch at Hyatt*) (NO CLE)

**12:00PM – 1:30PM**

**Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittees** (NO CLE) (boxed lunch at Hyatt)  
**Fundamentals of Charitable Contribution Deductions.** The availability of an income tax deduction for charitable contributions depends on many factors, including the type of property being donated (e.g., cash, securities or tangible property), the type of charitable organization receiving the property (e.g., a public charity or a private foundation), and various percentage limitations based on the donor's income. This panel will review these factors and other fundamentals of charitable deductions, including qualified appraisals and other substantiation requirements. Panelists: Victor S. Chang, Ivins Phillips & Barker, Washington, DC; Michael J. Nicolini, US Trust, Washington, DC

**12:00PM – 1:00PM**

**Partnerships & LLCs and Real Estate Committees Luncheon** (NO CLE) (Ticketed Event) Arnold & Porter LLP  
Speaker: The Honorable Cary Douglas Pugh, Judge, United States Tax Court, Washington, DC

**12:00PM – 12:30PM**

**State & Local Taxes Luncheon** (NO CLE) (boxed lunch at Hyatt)

**12:30PM – 1:30PM Administrative Practice and Court Procedure & Practice** (*boxed lunch at Hyatt*)

**12:30pm**

**Exempt Organizations Committee Luncheon** (NO CLE) (Ticketed Event)  
Sunita Lough, commissioner of TE/GE will discuss issues of importance to the full range of taxpayers that fall under the jurisdiction of TE/GE. In addition to exempt organization practitioners, practitioners who work with tax-exempt bonds, government entities, and employee plans are encouraged to attend.  
Speaker: Sunita Lough, Commissioner, Tax Exempt and Government Entities Division, IRS, Washington, DC

**12:30PM – 1:30PM FAUST, FLF, Transfer Pricing & USAFTT** (*boxed lunch at Hyatt*)

**1:45PM – 2:45PM Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing** (*boxed lunch at Hyatt*)

**1:45PM – 2:45PM Civil & Criminal Tax Penalties** (*offsite location*)

**12:00PM – 1:00PM**

**Employee Benefits ESOP Update**

Presented by the Subcommittee on ESOPs

Chair: Erin Turley, K&L Gates LLP, Dallas, TX

Vice-Chair: David A. Whaley, Dinsmore & Shohl, Cincinnati, OH

Assistant Vice-Chairs: Carolyn M. Opyd, Spidi & Fisch PC, Washington, DC; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY

This meeting will include a panel discussion to address developments in ESOP regulatory, enforcement and litigation activities by the Department of Labor and the IRS. This panel also hopes to discuss the ESOP regulatory project and the status of the pre-approved ESOP document with IRS representatives.

Panelists: Dominic DeMatties, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); John Ricotta, Senior Technician Reviewer, Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Robert Gertner, Attorney, Employee Plans, TEGE, IRS, Washington, DC (Invited); Michael Schloss, Counsel for Financial Litigation, Office of the Solicitor, Division of Plan Benefits Security, Department of Labor, Washington, DC (Invited)

**12:00PM – 1:15PM**

**Employee Benefits Multinational Employee Benefits & Compensation Issues**

Presented by the Subcommittee on Multinational Employee Benefits & Compensation Issues

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

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

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

The Subcommittee will discuss recommendations for guidance and relief on the application of section 402(b) to funded foreign plans. We will also discuss recent trends in structuring cross-border equity compensation as reflected in Deloitte's Global Share Plan Survey. In addition, we will discuss emerging issues for multinational employers relating to cross-border pensions and employee benefits, including proposed changes to qualified stock awards in France.

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

Panelists: Amy Reina, Deloitte Tax LLP, Stamford, CT; Veena K. Murthy, KPMG LLP, Washington, DC; David W. Powell, Groom Law Group, Chartered, Washington, DC

#### **12:00PM – 1:15PM**

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

Presented by the Subcommittee on Multiple Employers, PEOs and Controlled and Affiliated Service Groups

Chair: Carol L. Myers, Williams Parker Harrison Dietz & Getzen, Sarasota, FL

Vice Chair: Charles G. Humphrey, Law Office of Charles G. Humphrey, Andover, MA

Assistant Vice Chair: Devin M. Karas, Reid and Riege PC, Hartford, CT

The Subcommittee will discuss current issues in benefit plans operating in alternative employment and benefit arrangements such as PEOs or multiple employer plans, including a discussion of the recommendations made by the Advisory Council on Employee Welfare and Pension Benefit Plans in its November 2014 report to the Secretary of Labor on the Outsourcing of Employee Benefit Plan Services. The Subcommittee expects that discussion to focus on the Council's recommendation to DOL to consider how it can facilitate the use of multiple employer plans. The Subcommittee anticipates an open discussion of the potential impact on multiple employer plans of the recent 6th Circuit decision *Girl Scouts of Middle Tennessee Inc. v. Girl Scouts of the USA*. In addition, we will circulate and discuss a proposed white paper on the section 413(c) one bad apple rule that applies to multiple employer plans, including discussion of whether MEPs currently have a viable means of preventing disqualification of the plan when the plan's potential qualification problem results from participating employers who are unable to or refuse to respond or provide information to the plan's primary sponsor and plan administrator.

Panelists: Carol L. Myers, Williams Parker, Sarasota, FL; Charles G. Humphrey, Law Office of Charles G. Humphrey, Andover, MA; James B. Bristol, Waller Lansden Dortch & Davis LLP, Nashville, TN; William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Seth Tievsky, Senior Technical Advisor, TEGE, IRS, Washington, DC (invited); James B. Bristol, Waller Lansden Dortch & Davis LLP, Nashville, TN

#### **12:30PM – 1:30PM**

##### **Diversity (NO CLE)**

Chair: Cathy Fung, Office of Associate Chief Counsel (Financial Institutions & Products), IRS, Washington, DC

**12:30pm**      **Everyone, Lean In: Changing the Organizational Culture to Embrace Balance and Diversity.** (NO CLE) This panel will discuss tried and true methods of raising awareness of diversity issues in organizations and practice groups as it applies to work-life balance for both women and men. The panelists will discuss how everyone benefits from changing the organizational culture to embrace a flexible and diverse work environment. In particular, the panel will provide insight into methods for helping individuals and organizational decision makers to identify hidden personal and professional biases in a positive way in order to effect lasting organizational change. Finally, the panel will focus on what we can do to provide opportunities for everyone and by doing so, obtain the substantial benefits of a gender-neutral and diverse organizational culture.

Moderator: Jaye A. Calhoun, McGlinchey Stafford PLLC, New Orleans, LA

Panelists: Annette Guarisco Fildes, The ERISA Industry Committee (ERIC), Washington, DC; Lawrence B. Gibbs, Miller & Chevalier Chartered, Washington, DC; Gary Heald, Georgetown University Law Center, Washington, DC

#### **12:30PM - 1:30PM**

##### **State & Local Taxes (Ethics)**

Chair: Gregg D. Barton, Perkins Coie LLP, Seattle, WA

**12:30pm**      **Caught in the Net – Social Networking for Judges and Lawyers from the Perspective of a Local Tax Judge.** (Ethics) This presentation covers various social media platforms, their uses for promotional and other business purposes and the legal and ethical issues that arise from the expanding use of the internet in courts and law firms.

Moderator: Debra S. Herman, Hodgson Russ LLP, New York, NY

Speaker: The Honorable Glenn Newman, President, New York City Tax Commission and Tax Appeals Tribunal, New York, NY

#### **12:45PM – 2:15PM**

##### **Tax Compliance (Formerly Tax Shelters) (NO CLE)**

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

**12:45pm Roundtable Discussion.** (NO CLE) This roundtable discussion will focus on the TEFRA partnership audit and litigation procedures (sections 6221 – 6234). We will consider the history of TEFRA and the issues it was trying to solve. The roundtable will then discuss current issues that partnerships and the government face in applying TEFRA in a world of multi-tiered partnerships. The discussion will also consider proposals from Congress and the Administration, as well as suggestions for future legislation.

**1:15PM – 2:00PM  
Employee Benefits**

Chair: Robert A. Miller, Calfee Halter Griswold LLP, Cleveland, OH

**1:15pm Department of Labor Fireside Chat.** (NO CLE) Informal “town hall” discussion with Department of Treasury and IRS representatives on topics of interest to attendees.

**1:30PM – 5:30PM  
Employment Taxes**

Chair: Dan E. Boeskin, PwC, Washington, DC

**1:30pm Federal Employment Tax Update.** This panel will provide a federal employment tax update. The panel will discuss new administrative, regulatory, legislative developments and case law relevant to employment tax reporting and withholding.

Moderator: Thomas H. Meyer, EY, Washington, DC

Panelists: Janine Cook, Deputy Associate Chief Counsel, TEGE, IRS, Washington, DC

**2:30pm Recent Tax Court Jurisdictional Opinions for Worker Classification Issues.** This panel will discuss Code section 7436 which gives the Tax Court jurisdiction to determine the status of a worker as either an employee or an independent contractor. The IRS created the "Notice of Determination of Worker Classification ('NDWC')," and when a taxpayer receives this Notice, the taxpayer has a "ticket to Tax Court." The Tax Court has recently taken jurisdiction in two cases over worker status issues with no NDWC being issued by the IRS: *SECC Corporation v. Commissioner*, 142 T.C. No. 12; *American Airlines Inc. v. Commissioner* 144 T.C. No. 2. The panel will consider future of Tax Court Litigation in this area.

Moderator: Chaya Kundra, Kundra & Associates PC, Rockville, MD

Panelists: Mary Corrigan Gorman, EY, Washington, DC; Mathew Cooper, EY, Washington, DC

**3:30pm The Certified Professional Employer Organization and Enactment of Section 3511: What Does it Mean for Third Party Payroll Providers.** At the end of last year, Congress enacted Code section 3511 making certain third parties that meet new certification and bonding requirements solely liable for the employment tax liabilities with respect to client employers and their work-site employees. Previously, the IRS issued final regulations that became effective last year that provided certain third-party payroll providers can be treated as deemed agents. This panel will explore the changes to the existing rules, how these changes impacted employers, existing Professional Employer Organizations and other third-party payroll providers.

Moderator: Dan E. Boeskin, PwC, Washington, DC

Panelists: Randy Hardock, Davis & Harman LLP, Washington, DC; Kathy Mort, PwC, Pittsburgh, PA; Paul J. Carlino, Branch Chief, Employment Tax Branch 1, IRS Office of Chief Counsel, Washington, DC

**4:30pm IRS Employment Tax Refund Procedures.** This panel will discuss both the pitfalls and best practices when requesting federal employment tax refunds. The process for a refund or adjustment of overpaid employment taxes on Form 941-X, and the notice and consent requirements in order for the employer to receive a refund of employer FICA (i.e., social security and Medicare taxes) can be challenging for employers. And the procedures for requesting a refund of federal income tax withholding and FICA can be different depending on whether the claim is for adjustments within the current calendar year, or a prior calendar year. However, newly-released guidance allowing for employee consent to be requested, provided, and stored electronically will help to simplify one element of this process.

Moderator: Joseph Perera, Strasburger & Price, San Antonio, TX

Panelists: Ira Mirsky, BDO USA, LLP, Bethesda MD; Anthony Arcidiacono, EY, Iselin, NJ; Margaret Owens, IRS Office of Chief Counsel, Washington, DC

**1:30PM – 2:30PM  
Section CLE Committee (NO CLE)**

Chair: Katherine David, Strasburger & Price LLP, San Antonio, TX

**1:30PM – 3:30PM  
US Activities of Foreigners & Tax Treaties**

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



**1:30pm**      **Impact of Owners, Directors, and Service Providers in the United States.** It is becoming ever more common for foreign corporations to have owners, directors, or other service providers who perform activities for the corporation while physically situated in the US. This panel will address the question of when such individuals may be considered “agents” of the corporation so as to cause it to be engaged in a US trade or business (ETB) under the Code, and will include a discussion of inbound lending activities and recently issued CCA 201501013. The panel will further address questions as to when a foreign corporation’s income will be “effectively connected” with its US trade or business, when the foreign corporation will be considered to have a US permanent establishment, and how profits may be attributed to a US permanent establishment. These topics will be considered with a view towards bricks and mortar income, stateless income and changing practices in a post-BEPS world.

Moderator: William B. Sherman, Holland & Knight LLP, Ft. Lauderdale, FL

Panelists: Michael Hirschfeld, Dechert LLP, New York, NY; Professor Stephen E. Shay, Harvard Law School, Cambridge, MA; Carol P. Tello, Sutherland Asbill & Brennan LLP, Washington, DC; Elena Virgadamo, Attorney Advisor, Office of International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC

**2:00PM – 5:00PM**

**Bankruptcy and Workouts**

Chair: Lee Zimet, Berdon LLP, New York, NY

**2:00pm**      **Debt Modifications Revisited.** Several rules regarding the tax treatment of debt modifications changed in recent years. The panel will discuss the 2012 regulations defining publicly traded property and how to apply them in practice. Also, discussed will be the 2014 changes to the section 6045B regulations, resulting in a requirement to file Forms 8937 to report some debt modifications.

Panelists: Peter J. Connors, Orrick Herrington & Sutcliffe LLP, New York, NY; Lee Zimet, Berdon LLP, New York, NY

**3:00pm**      **Hot Topics in COD Income.** The panel will focus on topics of interest relating to cancellation of indebtedness (COD) income, including whether partners can qualify for the bankruptcy exception when the partnership is in bankruptcy, the treatment of COD income realized by a single member LLC, and the recapture of ordinary income after equity is exchanged for debt.

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

Panelists: Mark Hoffenberg, KPMG LLP, Washington, DC; Benjamin M. Willis, Tax Counsel, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC

**4:00pm**      **Mediation in Collection Matters – A Brave New World.** Over the last several years, the IRS Office of Appeals has joined the modern trend of expanding access to alternate dispute resolution to increase opportunities to resolve cases without costly litigation. Revenue Procedure 2014-63 extended mediation to certain collection matters. Join our panel of practitioners in a review of what Revenue Procedure 2014-63 offers and how the mediation process might work in collection matters.

Moderator: Bob Pope, White & Reasor PLC, Nashville, TN

Panelists: Frances D. Sheehy, Law Office of Frances D. Sheehy, Coconut Creek, FL; Mitchell I. Horowitz, Buchanan Ingersoll & Rooney PC, Tampa, FL; Scott D. Reischer, Director, Appeals - Field Operations East, IRS, Washington, DC

**2:00PM – 6:00PM**

**Employee Benefits**

Chair: Robert A. Miller, Calfee Halter Griswold LLP, Cleveland, OH

**2:00pm**      **Department of Labor Employee Benefits Security Administration & Pension Benefit Guaranty Corporation Updates.** This panel will discuss current EBSA and PBGC regulatory, enforcement and litigation activities. Moderators: W. Waldan Lloyd, Callister Nebeker McCullough, Salt Lake City, UT; Harold J. Ashner, Keightley & Ashner LLP, Washington DC  
Panelists: Phyllis C. Borzi, Assistant Secretary of Labor, Employee Benefits Security Administration, Department of Labor, Washington, DC (Invited); Israel Goldowitz, Chief Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited)

**3:00pm**      **Department of Treasury / IRS Hot Topics.** Representatives from the Department of Treasury and IRS will review recent guidance from, and current developments at, their agencies impacting employee benefits.

Moderator: Martha L. Hutzelman, Law Office of Martha L. Hutzelman, Columbus, OH

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

Tackney, Deputy Associate Chief Counsel (Employee Benefits), Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC;

**4:00pm Department of Treasury / IRS Questions and Answers.** The panelists will review and discuss selected questions and proposed answers from members of the committees comprising the Joint Committee on Employee Benefits.

Moderator: W. Waldan Lloyd, Callister Nebeker McCullough, Salt Lake City, UT

Panelists: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC; Kyle N. Brown, Special Counsel, Office of Chief Counsel, Tax Exempt & Government Entities, IRS, Washington, DC; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC; Seth Tievsky, Senior Technical Advisor, TEGE, IRS, Washington, DC

**5:00pm Treasury / IRS Fireside Chat.** (NO CLE) Informal "town hall" discussion with Department of Treasury and IRS representatives on topics of interest to attendees.

**6:00pm Corporate Counsel Corner.** (NO CLE) Informal meeting for in-house counsel attendees.

Chairs: Jacquelyn Abbott, ExxonMobil, Houston, TX; Vicki Blanton, American Airlines, Ft. Worth, TX

**6:00pm Networking Reception.** (NO CLE)

Sponsored by: Practical Law

**2:00PM - 5:00PM**

**State & Local Taxes** (Ethics)

Chair: Gregg D. Barton, Perkins Coie LLP, Seattle, WA

**2:00pm 'Just Add SaLTI' When and How to Consider State Tax Ethical Issues in Advising Clients.** (Ethics) This panel, co-sponsored by the Standards of Tax Practice and State and Local Taxes Committees, explores select ethical dilemmas when state tax issues arise while representing a client. The panel will use hypothetical problems to address the applicable rules and how they apply in realistic practice settings. Examples include expanding the scope of services, "economic substance" concerns among jurisdictions, the utility of engagement letter descriptions, the circumstances under which the duty of competence requires a SaLT specialist, how SaLT specialists may protect their firms from liability, and other practical topics.

Moderator: Phillip Pillar, Grant Thornton LLP, Philadelphia, PA

Panelists: Professor Michal Lang, Chapman University Fowler School of Law, Orange, CA; Rachel Partain, Caplin & Drysdale, New York, NY; Marilyn Wethekam, Horwood Marcus & Berk, Chicago, IL

Co-Sponsored by: Standards of Tax Practice

**3:00pm The State of State Tax Courts.** This panel of experienced tax judges will review the rise of independent state tax tribunals around the country, the legislative/political history behind their respective tribunals, a few of the more notable pending cases they are each hearing or have decided recently, and some tips on effective advocacy (do's and don'ts) by lawyers or accountants representing taxpayers before them.

Moderator: Bruce Ely, Bradley Arant Boult Cummings LLP, Birmingham, AL

Panelists: The Honorable Cade Cole, Louisiana Board of Tax Appeals, Lake Charles, LA; The Honorable Martha Wentworth, Indiana Tax Court, Indianapolis, IN; The Honorable William Thompson, Alabama Tax Tribunal, Montgomery, AL

**4:00pm Hot Topics in the State Taxation of International Operations.** The panel will address recent legislative and case law developments including state "tax haven" proposals, the appropriate federal starting point for taxable income for state purposes and other state tax considerations relevant to income generated internationally.

Moderator: Fred Ackerson, McDermott Will & Emery, Chicago, IL

Panelists: Charles Moll, Winston & Strawn LLP, San Francisco, CA; Joseph X. Donovan, Sullivan & Worcester LLP, Boston, MA

**2:00PM - 5:00PM**

**Tax Exempt Financing**

Chair: Nancy M. Lashnits, Steptoe & Johnson PLLC, Phoenix, AZ

**2:00pm Legislative, Treasury and Internal Revenue Service Update.** This panel will discuss new legislative initiatives that may affect tax exempt financing, and any new Department of Treasury and IRS regulations and other guidance in the tax-exempt bond area.

Moderator: Todd L. Cooper, Squire Patton Boggs, Cincinnati, OH

Panelists: John Cross III, Office of Tax Policy, Department of Treasury, Washington, DC (invited); Johanna Som de Cerff, Special Technical Reviewer, Branch 5, Financial Institutions & Products, IRS, Washington, DC (invited); Rebecca Harrigal, Director, Tax Exempt and Government Entities, IRS, Washington, DC (invited); Mitch

Bragin, Kutak Rock, Washington, DC; Ed Oswald, Orrick Herrington, Washington, DC; Perry Israel, Law Office of Perry Israel, Sacramento, CA

- 3:15pm**      **Political Subdivision Comment Project.** Discussion of the Committee's Comments to the Department of Treasury and the IRS regarding the definition of political subdivision for purposes of sections 103, 141-150 and other tax-advantaged debt.  
Moderator: Mark Norell, Sidley Austin LLP, New York, NY  
Panelists: Scott Lilienthal, Hogan Lovells, Washington, DC; Vanessa Lowry, Greenberg Traurig, Philadelphia, PA; Stefano Taverna, McCall Parkhurst, Dallas, TX
- 3:40pm**      **Transportation Bonds, Private Business Use and Comment Project.** Discussion of the Committee Comments to the Department of Treasury and the IRS regarding Management Contract Safe-Harbor Rules associated with Public Private Partnership and Transportation financings.  
Moderator: Carol Lew, Stradling Yocca, Newport Beach, CA  
Panelists: Charles Cardall, Orrick Herrington, San Francisco, CA; Sarah Breitmeyer, Chapman Cutler, Chicago, IL; Michael Thomas, Kutak Rock, Denver, CO
- 4:10pm**      **Economic Development Financings and Private Lending.** Discussion of various financing options and issues related to economic development and private lending, such as TIF Bonds, special economic development districts and combinations of tax-exempt bonds with other tax advantaged financing tools.  
Moderator: Nancy Lashnits, Steptoe & Johnson, Phoenix, AZ  
Panelists: David Cholst, Chapman & Cutler, Chicago, IL; Marybeth Frantz, Harris Beach PLLC, Pittsford, NY; Bruce Serchuk, Nixon Peabody LLP, Washington, DC; Vicky Tsilas, Ballard Spahr LLP, Washington, DC

**2:30PM – 5:30PM**

**Court Procedure and Practice**

Chair: Mark D. Allison, Caplin & Drysdale, New York, NY

- 2:30pm**      **Important Developments.** This panel will provide an update on recent developments and remarks from the US Tax Court, IRS Chief Counsel, and Department of Treasury. It will also discuss recent cases and other current issues of particular interest to tax litigators.  
Moderator: Sean M. Akins, Latham & Watkins LLP, Washington, DC  
Panelists: The Honorable Michael Thornton, Chief Judge, US Tax Court, Washington, DC; Elizabeth McGee, Arnold & Porter LLP, San Francisco, CA; Alexandra Minkovich, Department of Treasury, Washington, DC (Invited); Richard G. Goldman, Branch Chief, Office of Chief Counsel (Procedure and Administration), IRS, Washington, DC; Grover Hartt, III, Department of Justice, Dallas, TX (Invited)
- 3:10pm**      **A Look Inside an IRS Criminal Investigation: The Journey from CI Referral to Indictment - How Did We Get Here.** This panel of current and former Tax Division attorneys and Assistant US Attorneys and a former IRS CI agent & supervisor will provide an 'inside baseball' review of the progress of a criminal tax investigation from the initial IRS CI contact to the charging process and explore issues like conference strategies, proffers, and charging decisions.  
Moderator: Richard Sapinski, Sills Cummis & Gross PC, Newark, NJ  
Panelists: Tino Lisella, Deputy Chief, Criminal Trial Section, Western Region, Tax Division, Department of Justice, Washington, DC; Peter Hardy, Post & Schell, Philadelphia, PA; Carlos Ortiz, Blank Rome, New York, NY; David Gannaway, O'Connor Davies, Cranford, NJ
- 3:55pm**      **Transfer Pricing, International Enforcement Issues, and Other Offshore Related Hot Topics.** This panel will include discussions of country-by-country reporting, the differing views on arbitration, updates related to APAs involving certain jurisdictions, and other hot controversy topics.  
Moderators: Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC  
Panelists: Salim Rahim, Baker & McKenzie LLP, Washington, DC; J. David Varley, IRS, Washington, DC; Paul Nolan, McCormick & Company Inc., Sparks, MD
- 4:45pm**      **Cross Border Privileges Issues.** This panel will discuss the application of the attorney-client privilege and work product doctrine in the context of cross-border and international transactions. Panelists will provide practical tips and strategies for multinationals and individuals in foreign jurisdictions to optimize the protection of legal privileges, and provide insight on how the IRS's approach to privilege issues on its growing caseload of international tax disputes is evolving.  
Moderators: Peter A. Lowy, Caplin & Drysdale, New York, NY  
Panelists: Nathaniel Parker, Attorney, Office of Associate Chief Counsel (International), Branch 7, IRS, Washington, DC; Kathleen Dale, General Electric Corporation, Stamford, CT; Mark D. Allison, Caplin & Drysdale, New York, NY

**2:30PM – 3:30PM**

## Law Student Tax Challenge Planning Meeting

3:00PM – 5:45PM

### Closely Held Businesses

Chair: J. Robert Turnipseed, Armbrrecht Jackson LLP, Mobile, AL

**3:00pm Buy-Sell Agreements for Closely Held Businesses.** This panel will review practical issues and tax considerations when assisting clients with succession planning and putting a buy-sell agreement in place for closely held business owners. The panel will also review valuation issues and funding mechanisms for practitioners to consider.

Panelists: Eric L. Green, Green & Sklarz LLC, Stamford, CT; Shelby L. Wilson, Berchem Moses & Devlin PC, Westport, CT; J. Robert Turnipseed, Armbrrecht Jackson LLP, Mobile, AL

**4:15pm Defending Clients From the Trust Fund Recovery Penalty.** This program will provide a basic understanding of persons who may be deemed personally liable when an employer fails to meet its federal tax deposit obligations under IRC section 6672. This liability may attach not only business owners, but also employees, corporate officers, and even third party payors. Panelists will provide practical pointers in defending potential responsible persons in IRS interviews, appealing an assessment, statute of limitations and other defenses, relevant case law and the requisite willfulness required to sustain the penalty.

Moderator: Eric L. Green, Green & Sklarz LLC, Stamford, CT

Panelists: Megan L. Brackney, Kostelanetz & Fink LLP, New York, NY; Katherine M. Reinhart, Tax Division, Department of Justice, Washington, DC (invited)

3:00PM – 5:00PM

### Diversity (Ethics)

Chair: Cathy Fung, Office of Associate Chief Counsel (Financial Institutions & Products), IRS, Washington, DC

**3:00pm Working with Your Client: Perspectives from In-House Counsel.** (NO CLE) What do your clients want and how do they want it? What is the best way to work with your client to ensure that their legal and business needs are met? A panel of current and former in-house counsel will discuss their views on best practices for working and interacting with outside counsel. The panel will also focus on diversity issues in this area.

Moderator: Professor Allen D. Madison, University of South Dakota School of Law, Vermillion, SD

Panelist: Annette Guarisco Fildes, The ERISA Industry Committee (ERIC), Washington, DC

Co-Sponsored by: Tax Practice Management

**4:00pm Ensuring Ethical Client Solicitations.** (Ethics) This panel will explore what types of activities constitute solicitation and will include a discussion of the applicable ABA Model Rules and Circular 230 § 10.30. We will discuss traditional communications, the ethical implications of modern technologies (such as LinkedIn and Twitter), and provide some best practices. This panel is designed for young lawyers looking to grow their practice, those who may be contemplating a change of employment, or anyone who wants a refresher in this thorny area.

Panelists: Karen L. Hawkins, Director, IRS Office of Professional Responsibility, Washington, DC; Matthew S. Cooper, EY, Washington, DC; Joseph A. DiRuzzo, III, Fuerst Ittleman David & Joseph, Miami, FL; Rachel L. Partain, Caplin & Drysdale Chtd., New York, NY

Co-Sponsored by: Standards of Tax Practice

3:00PM – 5:45PM

### Financial Transactions

Chair: Eileen Marshall, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

**3:00pm Five Households, All Alike in Dignity: Resolving Differing Views of Tax Law within the IRS Office of Chief Counsel.** As a formal matter, the IRS Office of Chief Counsel speaks with a single voice. In practice, though, each Associate Chief Counsel's Office has its own body of law to administer, and the different offices sometimes view the same transaction from different perspectives. This panel will explore some of the tensions that arise when this happens.

Moderator: Matthew A. Stevens, EY, Washington, DC

Panelists: Richard G. Larkins, EY, Washington, DC; Erik H. Corwin, Deputy Chief Counsel (Technical), Office of Chief Counsel, IRS, Washington, DC; Helen M. Hubbard, Associate Chief Counsel (Financial Institutions and Products), Office of Chief Counsel, IRS, Washington, DC

**4:00pm Related Party Financing: Current Law and Policy Considerations.** Related party financing is common in the capital structure of multinationals. Various features of current law limit the amount of intercompany debt and the interest thereon, such as thin capitalization and other debt/equity factors, transfer pricing and the earnings stripping rules. The OECD's BEPS Action 4 also is developing recommendations to prevent base erosion

through related-party financing. This panel will analyze the limitations under current law and explore whether tighter restrictions might be sensible as a policy matter.

Moderator: David C. Garlock, EY, Washington, DC

Panelists: Steven Rosenthal, Urban Institute, Washington, DC; Danielle Rolfes, International Tax Counsel (Tax Policy), Department of Treasury, Washington, DC

**5:00pm**      **Current Developments and Issues.** This panel will focus on current developments and practice issues in financial transactions and products.

Moderator: Rebecca E. Lee, PwC, San Francisco, CA

Panelists: Helen M. Hubbard, Acting Associate Chief Counsel (Financial Institutions and Products), Office of Chief Counsel, IRS, Washington, DC; David Silber, Acting Deputy Associate Chief Counsel (Financial Institutions and Products), Office of Chief Counsel, IRS, Washington, DC; William E. Blanchard, Senior Technician Reviewer (Financial Institutions and Products), Office of Chief Counsel, IRS, Washington, DC; Diana A. Imholtz, Branch Chief (Financial Institutions and Products), Office of Chief Counsel, IRS, Washington, DC; Erika W. Nijenhuis, Cleary Gottlieb Steen and Hamilton LLP, New York, NY

**3:00PM – 5:45PM**

### **Insurance Companies**

Chair: Bryan W. Keene, Davis & Harman LLP, Washington, DC

**3:00pm**      **Health Insurance Update.** This panel will discuss current and pending developments involving health insurance arrangements under the Affordable Care Act, including the upcoming excise tax on high-cost "Cadillac" plans, the potential implications of the Supreme Court's forthcoming decision in *King v. Burwell*, and more.

Moderator: Lori A. Robbins, KPMG LLP, Washington, DC

Panelist: Thomas Wilder, America's Health Insurance Plans, Washington, DC; Catherine Livingston, Jones Day, Washington, DC; Robert Neis, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Rebecca Baxter, Office of Associate Chief Counsel, IRS, Washington, DC (Invited)

**3:55pm**      **Captive Insurance Update.** There has been a tremendous amount of activity involving captive insurance arrangements over the last year. This panel will discuss many of those developments, including the Tax Court decisions in *Rent-A-Center* and *Securitas*, the inclusion of "guidance on captive insurance companies" on the IRS / Treasury Priority Guidance Plan, the IRS including certain captive arrangements electing taxation under section 831(b) on its annual "dirty dozen" list of abusive tax shelters, and recent legislative proposals involving small captive arrangements.

Moderator: Charles J. Lavelle, Bingham Greenebaum Doll LLP, Louisville, KY

Panelist: Elizabeth Erickson, McDermott Will & Emery, Washington, DC; Office of Associate Chief Counsel, IRS, Washington, DC (Invited)

**4:55pm**      **Legislative Update.** This panel will provide an update on current and future legislative proposals and developments affecting the federal income taxation of life insurance companies and the products they issue, including the prospects for tax reform in the current and future Congresses.

Moderator: Ann B. Cammack, EY, Washington, DC

Panelist: Katherine Monge, Tax Legislative Assistant, Office of Rep. Nancy Pelosi, Washington, DC (Invited); Preston Rutledge, Tax and Benefits Counsel, Senate Finance Committee (Majority), Washington, DC (Invited)

**3:00PM - 5:45PM**

### **Real Estate**

Chair: L. Wayne Pressgrove, Jr., King & Spalding LLP, Atlanta, GA

**3:00pm**      **Legislative Update.** This panel will provide an update on current and future legislative proposals and developments affecting the federal income taxation of real estate.

Moderator: Ryan P. McCormick, The Real Estate Roundtable, Washington, DC

Panelists: Mark Prater, Chief Tax Counsel, US Senate Committee on Finance, Washington, DC; George Callas, Chief Tax Counsel, House Ways and Means Committee, Washington, DC

**3:55pm**      **FIRPTA, Section 892 & REITs.** This panel will cover FIRPTA issues, including foreign investment in US real estate through partnerships, corporations and REITs. The panel will also consider section 892 issues.

Moderator: Professor Alan Appel, New York Law School, New York, NY

Panelists: Summer Ayers LePree, Bilzin Sumberg Baena Price & Axelrod LLP, Miami, FL; Philip R. Hirschfeld, Ruchelman PLLC, New York, NY; Michael J. Miller, Roberts & Holland LLP, New York, NY; Charles Besecky, Branch Chief for Branch 4, IRS Office of the Associate Chief Counsel – International, Washington, DC; Julia Tonkovich, Attorney Advisor, Department of Treasury, Washington, DC

**4:50pm**      **Motivating the Real Estate Deal and Fund Team.** This panel will discuss the business and tax issues related to the incentives and compensation being offered in real estate deals and by real estate funds, including phantom equity rights, profits interests, management fees, and compensation strategies.  
Moderator: Eliot L. Kaplan, Squire Patton Boggs, Phoenix, AZ  
Panelists: Elizabeth E. Drigotas, Deloitte Tax LLP, Washington, DC; Steven R. Schneider, Goulston & Storrs PC, Washington, DC

**3:00PM – 4:00PM**

**Sponsorships (NO CLE)**

Chair: Leslie E. Grodd, Halloran & Sage LLP, Westport, CT

**3:00PM – 5:45PM**

**Tax Accounting**

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

**3:00pm**      **Section 199 - Recent Developments and Hot Topics.** This panel will address several pieces of recently issued guidance under section 199 affecting computer software, qualified films, and cost allocations. In addition, the panel will address forthcoming regulations that are expected to be issued prior to this panel that will address recent legislative changes to section 199 as well as a variety of hot topic issues taxpayers and IRS frequently encounter.

Moderator: George Manousos, PwC, Washington, DC

Panelists: Beth Benko, KPMG LLP, Washington, DC; Ken Beck, Taxation Specialist, Office of Tax Policy, Department of Treasury, Washington, DC; Paul Handleman, Branch Chief, Branch 5, Passthroughs and Special Industries, IRS, Washington, DC; James Holmes, Attorney, Branch 5, Passthroughs and Special Industries, IRS, Washington, DC

**3:45pm**      **Current Developments.** This panel will review recent developments in the area of tax accounting since the Section of Taxation meeting held in Houston, TX in January. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the IRS and Department of Treasury.  
Moderator: Catherine Brandt, EY, Indianapolis, IN

Panelists: A.J. Schiavone, Crowe Horwath, Columbus, OH; Andrew J. Keyso, Associate Chief Counsel, Income Tax and Accounting, IRS, Washington, DC; Ken Beck, Taxation Specialist, Office of Tax Policy, Department of Treasury, Washington, DC

**4:20pm**      **Tangible Property Regulations Guidance Update.** This panel will discuss recent guidance regarding the application of the Tangible Property Regulations. Specific topics to be discussed include: (1) special rules for small business taxpayers under Rev. Proc. 2015-20; (2) SB/SE FAQs regarding the application of the regulations; (3) the impact of transition rules under Rev. Proc. 2015-13; and (4) a status update on Industry Issue Resolution projects.

Moderator: Christian Wood, McGladrey LLP, Washington, DC

Panelists: Richard Shevak, CohnReznick, New York, NY; Scott Dinwiddie, Special Counsel to the Associate Chief Counsel, Income Tax & Accounting, IRS, Washington, DC; Kathleen Reed, Branch Chief, Branch 7, Income Tax and Accounting, IRS, Washington, DC; Merrill Feldstein, Special Counsel, Branch 3, Income Tax and Accounting, IRS, Washington, DC

**5:05pm**      **Accounting Methods Considerations for Partnerships.** This panel will discuss various accounting methods issues that taxpayers and practitioners may encounter as a result of a partnership transactions. In particular, this panel will discuss the differences between technical and actual terminations and how accounting methods may be affected by each type transaction. This panel will also discuss how accounting methods are affected by section 721 contributions, as well as other accounting methods issues specific to partnerships.

Moderator: Heather Harman, EY, Washington, DC

Panelists: Kate Abdoo, McGladrey LLP, Washington, DC; Jeanne Ross, Senior Level Counsel, Passthroughs and Special Industries, IRS, Washington, DC; Roy Hirshhorn, Branch Chief, Branch 6, Income Tax and Accounting, IRS, Washington, DC; Karla Meola, Special Counsel, Branch 7, Income Tax and Accounting, IRS, Washington, DC

**3:00PM – 4:30PM**

**Teaching Taxation**

Chair: Professor Danshera Cords, University of Pittsburgh, Pittsburgh, PA

**3:00pm**      **Changing the Conversation About Tax Reform: Dynamic Scoring.** With a change in the Congressional balance, talk has turned again to tax reform. Although many are skeptical that major tax reform will take place, it is clear there will be changes. This panel will discuss some of the ways in which the discussion may change, both linguistically and practically. What is dynamic scoring? In practice how would it work? What changes would it bring to the legislative process? These experts in the field will answer these questions and more.

Moderator: Professor Tracy A. Kaye, Seton Hall University School of Law, Newark, NJ  
Panelists: Thomas Barthold, Chief of Staff, Joint Committee on Taxation, Washington, DC; Jane Gravelle, Senior Specialist in Economic Policy, Congressional Research Service, Washington, DC; G. William Hoagland, Senior Vice President, Bipartisan Policy Center, Washington, DC  
Co-Sponsored by: Tax Policy and Simplification

**3:30PM – 5:30PM**

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

**3:30pm**

**Joint Current International Developments Panel.** The joint international current developments panel will be provide a provocative discussion of current events in outbound and inbound international taxation, transfer pricing, and foreign tax issues.

Moderator: Paul Schmidt, Baker & Hostetler, Washington, DC

Panelists: Professor Karen B. Brown, The George Washington University Law School, Washington, DC; Libin Zhang, Roberts & Holland LLP, New York, NY; Laura Gould, King & Wood Mallesons LLP, London, UK; John Breen, Skadden Arps Slate Meagher & Flom LLP, Washington, DC; Anne Devereaux, Deputy Associate Chief Counsel (Field and Litigation), IRS Office of Associate Chief Counsel – International, Washington, DC; Brenda Zent, Taxation Specialist, International Tax Counsel, Department of Treasury, Washington, DC

**4:00PM – 5:00PM**

**Publications (NO CLE)** (*Executive Session*)

Chair: Professor Alice Abreu, Temple University, Beasley School of Law, Philadelphia, PA

**4:00PM – 5:30PM**

**Young Lawyers Forum** (Young Lawyers)

Chair: Ivan H. Golden, Schiff Hardin LLP, Chicago, IL

**4:00pm**

**Hot Topics in International Tax.** (Young Lawyers) This panel will address several recent developments in international tax, with a focus on issues that young lawyers and new practitioners are likely to encounter in practice. The panelists will discuss a variety of topics, including BEPS action plans and their impact on cross-border tax structuring, outbound planning and compliance issues, and civil and criminal tax issues for US taxpayers with foreign assets or accounts.

Panelists: Anisa Afshar, PwC, New York, NY; Travis A. Greaves, Caplin & Drysdale, Washington, DC; Severiano Ortiz, Holland & Knight LLP, Chicago, IL

**4:30PM – 5:00PM**

**Companion Event Committee (NO CLE)**

Chair: Leslie E. Grodd, Halloran & Sage LLP, Westport, CT

**5:30PM – 6:30PM**

**Diversity & Young Lawyers Forum Networking Reception (NO CLE)**

**5:45PM – 6:30PM**

**Foreign Activities of US Taxpayers Business Meeting**

**5:45PM – 6:30PM**

**Foreign Activities of US Taxpayers Business Meeting (NO CLE)**

**5:45PM – 6:30PM**

**Foreign Lawyers Forum Business Meeting (NO CLE)**

**5:45PM – 6:30PM**

**Transfer Pricing Business Meeting (NO CLE)**

**5:45PM – 6:30PM**

**US Activities of Foreigners & Tax Treaties Business Meeting (NO CLE)**

**6:30PM – 8:00PM**

**Section Reception X B** (*Ticketed Event*)

Enjoy great food and drinks with your colleagues and friends. Tickets can be purchased at registration until 6:30pm on Friday. Tickets will not be available at the door.

8:00PM – 10:00PM

Joint International Committees Dinner *(Reservation Required)*

## **SATURDAY, MAY 9**

7:00AM – 8:30AM

### **Tax Practice Management**

Chair: Robb A. Longman, Longman & Van Grack, LLC, Bethesda, MD

7:00am

**Managing your Malpractice Risk: Ways to Reduce your Claims and Costs.** This panel will discuss ways to reduce the risk of malpractice claims. It will focus on retainers, client termination letters and dealing with issues that arise in every day practice. It will also provide hypothetical situations and a way to resolve them without malpractice issues.

Panelists: Robb A. Longman, Longman & Van Grack LLC, Bethesda, MD; Jeffrey K. Gonya, Venable LLP, Baltimore, MD

7:15AM – 8:30AM

### **Real Estate, Partnerships & LLCs and S Corporations “Shop Talking” Breakfast (NO CLE) (Ticketed Event)**

Members of the Real Estate, Partnerships & LLCs and S Corporations Committees will gather for the traditional “open mic” breakfast to share ideas and war stories and to seek input on technical issues.

7:30AM – 8:30AM

### **Incoming Committee Chairs, Vice-Chairs, Officers & Council Breakfast (NO CLE) (Executive Session)**

7:45AM – 9:15AM

### **Court Procedure & Practice Officers and Subcommittee Chairs Breakfast (NO CLE) (Ticketed Event)**

8:30AM – 11:30AM

### **Employee Benefits**

Chair: Robert A. Miller, Calfee Halter Griswold LLP, Cleveland, OH

8:30am

**Affordable Care Act After 5 Years.** This panel will take a policy retrospective and prospective look at the Affordable Care Act (ACA) in terms of the evolution of health care coverage for employees offered by their employers. Starting with the types of employer-provided health coverage that existed back in 2010 and seeing the changes made over the past five years, the panel will discuss how the excise tax on high cost plans (the Cadillac tax) that goes into effect in 2018, and well as other ACA provisions, will impact employer-sponsored health plans in the future.

Moderator: Professor Kathryn J. Kennedy, The John Marshall Law School, Chicago, IL

Panelists: Phyllis Borzi, Assistant Secretary for the Employee Benefits Security Administration, Department of Labor, Washington, DC (Invited); J. Mark Iwry, Senior Advisor to the Secretary and Deputy Assistant Secretary for Retirement and Health Policy, Department of Treasury, Washington, DC (Invited); Professor Bradley Herring, The Johns Hopkins Bloomberg School of Public Health, Baltimore, MD; Linda Mendel, Vorys Sater Seymour & Pease LLP, Columbus, OH; Helen Morrison, EY, Washington, DC

9:30am

**Qualified Plan Testing in Controlled Group and Affiliated Service Group Environments.** This panel will review minimum coverage testing and nondiscrimination testing issues that arise in controlled group and affiliated service group environments. The panel will also review and discuss controlled groups that include for-profit and tax-exempt entities and the application of the qualified separate line of business rules.

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

Panelists: Bruce Barth, Robinson & Cole LLP, Hartford, CT; Erin Turley, K&L Gates LLP, Dallas, TX; Michael Weddell, Towers Watson, Southfield, MI

10:30am

**Fiduciary Issues and Data Privacy.** As employers and third party administrators store more information electronically, protecting the privacy of employee participants' personal information has become more challenging. Breaches of data privacy fill the headlines, but no one ever really discusses the complexity of the issues faced by employers in managing such breaches. This panel will address privacy and data security issues relevant to ERISA fiduciaries, including obligations to respond and investigate a data breach, duties to notify under HIPAA and related state data breach notification laws, the practicalities of responding to employee concerns and data privacy considerations when selecting and contracting with vendors.

Moderator: Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX

Panelists: Andrew C. Liazos, McDermott Will & Emery, Boston, MA; Ann Killilea, McDermott Will & Emery, Boston, MA; Additional Panelist TBD

8:30AM – 11:30AM



## Fiduciary Income Tax

Chair: Lewis J. Saret, Law Office of Lewis J. Saret, Washington, DC

**8:30am**      **Current Developments.** Irene Estrada and Jeff Gonya will review current developments in fiduciary income tax, and Cathy Hughes and Adrienne Mikolashek will update the committee on developments with the Treasury and the Service.  
Panelist: Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Irene C. Estrada, KPMG, LLP, Washington, DC; Jeffrey K. Gonya, Venable LLP, Baltimore, MD; Adrienne Mikolashek, Attorney, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS, Washington, DC

**9:15am**      **State Fiduciary Law Update.** This panel will provide an update of fiduciary law developments from a state law perspective, leading off with the changes implemented in the state of New York.  
Panelists: Stacey Delich-Gould, Venable LLP, New York, NY; Brandon A. S. Ross, Loeb & Loeb LLP, Washington, DC; David A. Berek, Horwood Marcus & Berk Chartered, Chicago, IL; George D. Karibjanian, Proskauer Rose LLP, Boca Raton, FL

**9:40am**      **Including Capital Gains in DNI.** This Program will review of the operation of the distributable net income ("DNI") rules and planning opportunities for treating short-term capital gains and/or long term capital gains as part of DNI. The discussion will also focus on drafting techniques to minimize the 3.8% tax on net investment income and to carry out capital gains as part of DNI.  
Panelist: Gregory V. Gadarian, Gadarian & Cacy PLLC, Tucson, AZ

**10:35am**      **Charitable Contribution Deductions for Estates and Trusts under Section 642(c): Timing, Traps and Techniques.** This program will begin with a brief overview of the mechanics and requirements for the income tax charitable contribution deduction. It then will explore, in depth, the unique overlay and application of section 642(c) to what can be deducted and when by decedent's estates and taxable trusts. The programs will conclude with a review of particularly advantageous planning techniques for Charitable Lead Trusts and Income in Respect of a Decedent.  
Panelist: Edward Jay Beckwith, BakerHostetler LLP, Washington, DC

## 8:30AM - 10:30AM

### LLCs and LLPs Subcommittee of Partnerships & LLCs (NO CLE)

Chair: J. Leigh Griffith, Waller Lansden Dortch & Davis LLP, Nashville, TN

**8:30am**      **Partnership Divisions: Opportunity or Nightmare.** (NO CLE) This presentation will give an overview of the partnership division regulations and discuss the traps for the unwary, including the potential for disguised sales, mixing bowl transactions and gain from deemed hot asset exchanges.  
Panelist: Eliot L. Kaplan, Squire Patton Boggs (US) LLP, Phoenix, AZ

**9:30am**      This panel will focus on the dual status issue concerning partners and whether they can also have the status of an employee. (NO CLE)

## 8:30AM – 11:30AM

### Pro Bono & Tax Clinics

Chair: Andrew R. Roberson, McDermott Will & Emery LLP, Chicago, IL

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

**9:00am**      **Handling Cases With Potential Criminal Issues.** Many tax cases have potential criminal aspects, including failure to file and omission of amounts or sources of income. This panel will discuss the criminal tax regime and the legal, strategy, and ethical issues that can arise in representing clients who have crossed the often blurry line between civil and criminal tax exposure.  
Moderator: Patrick W. Thomas, Neighborhood Christian Legal Clinic, Indianapolis, IN  
Panelists: Miriam Fisher, Latham & Watkins LLP, Washington, DC; Professor Scott Schumacher, University of Washington School of Law, Seattle, WA; Mark E. Matthews, Caplin & Drysdale, Washington, DC

**10:00am**      **W-2 and Worker Classification Issues.** Taxpayer representatives must be prepared for a potential increase in worker classification disputes as implementation of Employer Shared Responsibility is phased in starting this year. This panel will identify common worker classification and W-2 issues encountered by low-income taxpayers, with a particular focus on ITIN filers, and discuss options and strategies available to affected taxpayers and their representatives.  
Moderator: Lany Villalobos, Philadelphia Legal Assistance, Philadelphia, PA

Panelists: Laura Baek, Senior Attorney Advisor, Taxpayer Advocate Service, IRS, Washington, DC; Mary Corrigan Gorman, EY, Washington, DC; Anna C. Tavis, South Brooklyn Legal Services, Brooklyn, NY

**11:00am**      **Hot Topics.** This panel will raise common recurring issues seen by practitioners in representing low-income taxpayers. Issues will include erroneous assessments in Tax Court cases, tax scams, power of attorney questions, recent civil penalty guidance, and other items of interest.  
Panelists: Andrew VanSingel, Prairie State Legal Services Inc., Wheaton, IL; Molly Recar, Prairie State Legal Services Inc., Wheaton, IL

**8:30AM – 11:30AM**

**Sales, Exchanges & Basis (Young Lawyers)**

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

**8:30am**      **Current Developments in Sales, Exchanges & Basis.** (Young Lawyers) Panelists review recent case law and guidance on traditional sale, exchange, and basis issues.  
Panelists: Professor Erik Jensen, Case Western Reserve University, Cleveland, OH; David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA

**9:00am**      **The Long and the Short of the Effects of *Long* on Long Term Capital Gains.** The Eleventh Circuit's 2014 decision in *Long*, reversing the Tax Court, allowed a developer long term capital gain on the sale of rights to proceeds from a lawsuit seeking specific performance of a contract to buy land for condominium development. This panel will discuss *Long* in the context of prior case law concerning dispositions of contracts and the statutory rules of sections 1234 and 1234A concerning the disposition of certain contractual rights to acquire property.  
Moderator: Professor Bradley T. Borden, Brooklyn Law School, Brooklyn, NY  
Panelists: Professor Danshera Cords, University of Pittsburgh School of Law, Pittsburgh, PA; Sandy Irving, Senior Counsel, IRS Associate Chief Counsel (Income Tax & Accounting), Washington, DC; Professor Calvin H. Johnson, The University of Texas School of Law, Austin, TX; Charles H. Kim, Attorney, IRS Associate Chief Counsel (Income Tax & Accounting), Washington, DC; Kate Kraus, EY, Los Angeles, CA

**10:00am**      **Taxation of Fees for Distribution Rights and Franchises.** Companies earning fees from their distributors and franchisees represent a large portion of the US economy. This panel will review the issues of what determines whether their fee income, derived from either fixed fees upon granting the rights or contingent fees based upon the distributor's or franchisee's sales, is ordinary income or capital gain. Related topics, such as basis recovery, the personal holding company tax, the net investment income tax, and taxation of advertising funds, will also be discussed.  
Moderator: Alan S. Lederman, Gunster, Ft. Lauderdale, FL  
Panelist: Matthew E. Rappaport, Karol & Sosnik PC, Garden City, NY; Mark E. Wilensky, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY

**10:45am**      **A Critical Look at "Deferred Sales Trusts."** Some promoters argue that by selling appreciated property for an installment note to a trust that, in turn, sells the property for cash to an unrelated buyer, the seller can defer tax on the trust's cash resale price until the trust makes payments on the note to the seller. This is also promoted as a solution for failed 1031 exchanges. The panel will consider possible IRS attacks on such arrangements.  
Moderator: Professor Roberta F. Mann, University of Oregon School of Law, Eugene, OR  
Panelists: Stephen M. Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY; Vivek A. Chandrasekhar, Roberts & Holland, New York, NY; E. John Wagner, II, Williams Parker Harrison Dietz & Getzen, Sarasota, FL

**8:30AM – 10:30AM**

**State & Local Taxes Practitioner's Roundtable (NO CLE) (Executive Session)**

Moderator: Leah Robinson, Sutherland Asbill & Brennan LLP, New York, NY

**8:45AM – 11:45AM**

**Civil and Criminal Tax Penalties**

Chair: Josh O. Ungerman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX

**8:45am**      **Reports of Subcommittees on Important Developments.** Important Developments (Criminal) - Jason Freeman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Important Developments (Civil) – Troy Olsen, FedEx Corp., Memphis, TN; Sara Neill, Capes Sokol Goodman Sarachan PC, St. Louis, MO; IRS Investigations and Practices – Michael A. Villa, Jr., Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Monetary Violations and Forfeitures – Peter Hardy, Post & Schell PC, Philadelphia, PA; Loren Washburn, Clyde Snow and Sessions, Salt Lake City, UT; Sentencing Guidelines – Matt Hicks, Caplin & Drysdale, Washington, DC; Jeffrey A. Neiman, Law Offices of Jeffrey A. Neiman, Ft. Lauderdale, FL; International

Tax Enforcement – Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC; Joseph M. Erwin, Dallas, TX; Attorney-Client and Constitutional Privileges – William P. Davis, Calvo Fisher & Jacob LLP, Dallas, TX; Brian McManus, Latham & Watkins LLP, Washington, DC

**9:20am Internal Revenue Service, Criminal Investigation - Update.**

Panelist: Rebecca A. Sparkman, Director, Operations, Policy & Support, Criminal Investigation, IRS, Washington, DC

**9:45am Department of Justice, Tax Division - Update.**

Panelist: Diana L. Erbsen, Deputy Assistant Attorney General for Appellate and Review, Tax Division, Department of Justice, Washington, DC

**10:10am Day of Reckoning - An Update on Offshore Appeals.** The civil willful FBAR penalty cases have made their way to the IRS Office of Appeals. This panel will explore the procedural issues of taking a civil willful FBAR case to IRS Appeals along with the expected IRS arguments and taxpayer defenses.

Moderator: Elizabeth A. Copeland, Strasburger & Price LLP, San Antonio, TX

Panelists: Mary E. Wood, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX

**10:55am Money Laundering - IRS Seizure and forfeiture post October 25, 2014.** On October 25, 2104 Chief of IRS CI Richard Weber announced that IRS CI will no longer pursue the seizure and forfeiture of funds associated solely with "legal source" structuring cases unless there are exceptional circumstances. This panel will focus on the new methods and scenarios in which the IRS is expected to seize and forfeit funds of a taxpayer and even potentially of an attorney.

Moderator: Ian Comisky, Blank Rome LLP, Philadelphia, PA

Panelists: Michael A. Villa, Jr., Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Peter Hardy, Post & Schell PC, Philadelphia, PA; Peter Alvarado, Deloitte, Washington, DC

**8:45AM – 11:45AM**

**Corporate Tax**

Chair: Julie Hogan Rodgers, WilmerHale LLP, Boston, MA

**8:45am Current Developments.** This panel will review the important recent developments in corporate tax.

Moderator: Devon Bodoh, KPMG LLP, Washington, DC

Panelists: Andrew Morris, Linklaters LLP, New York, NY; Alison Burns, Acting Associate Chief Counsel (Corporate), IRS, Washington, DC; Lisa Fuller, Acting Deputy Associate Chief Counsel (Corporate), IRS, Washington, DC

**9:15am It's All About That Basis.** This panel will review the issues and uncertainties related to the determination and recovery of basis, explore proposals to address the issues, and discuss the role of E&P in formulating future guidance.

Moderator: Karen Gilbreath Sowell, EY, Washington, DC

Panelists: Rebecca O. Burch, EY, Washington, DC; Gordon Warnke, Linklaters LLP, New York, NY; Michael Schler, Cravath Swaine & Moore LLP, New York, NY; Krishna P. Vallabhaneni, Office of Tax Legislative Counsel, Department of the Treasury, Washington, DC; Kevin Jacobs, Office of Associate Chief Counsel (Corporate), IRS, Washington, DC

**10:30am Not Free From Doubt? – Corporate Tax Opinions.** This panel will discuss SEC Staff Legal Bulletin No. 19, its application to different corporate transactions and its effect on tax opinions and disclosure. The panel will also discuss other aspects of opinion practice, including the impact of FIN 48 and the various functions of tax opinions.

Moderator: Rachel D. Kleinberg, Davis Polk & Wardwell LLP, Menlo Park, CA

Panelists: Thomas Greenaway, KPMG LLP, Boston, MA; Eileen Marshall, Wilson Sonsini Goodrich & Rosati, Washington, DC; Joan L. Schumaker, EY, New York, NY; Barry N. Summer, Associate Director, Division of Corporate Finance, US Securities and Exchange Commission, Washington, DC

**9:00AM – 11:30AM**

**Foreign Lawyers Forum**

Chair: Thierry Boitelle, Bonnard Lawson, Geneva, Switzerland

**9:00am General Anti-Abuse Rules (GAAR) Rapidly Gaining Territory in Double Tax Treaties.** More and more jurisdictions are introducing general-anti abuse rules (GAAR's) in their double tax treaties, other international tax agreements or in domestic law overriding the treaties. This panel will provide an update on the latest anti-abuse developments in the field of double tax treaties. Special attention will be given to the GAAR's recently introduced in Canada, China, Denmark and India.

Moderator: Brian Davis, Ivins Phillips & Barker, Washington, DC

Panelists: Zhao Yan, King & Wood Mallesons, Beijing, China; Francesco Gucciardo, Aird & Berlis, Toronto, ON; Gagan Kumar, Krishnomics Legal, New Delhi, India; Anders Oreby Hansen, Bech-Bruun, Copenhagen, Denmark; Danielle Rolfes, International Tax Counsel, Department of Treasury, Washington, DC

**10:15am Lux Tax Leaks Become EU Tax Leaks: 2016 Automatic Exchange of Tax Rulings in the EU.** The EU commission proposes automatic exchange of advance pricing agreements (APA's) and advance tax rulings (ATR's) already as of 1 January 2016. This panel will discuss the implications for multinational companies and may also touch upon the most recent EU State Aid developments, e.g. with respect to the Irish, Netherlands, Belgian and Luxembourg ruling practices.

Moderator: Brian Davis, Ivins Phillips & Barker, Washington, DC

Panelists: Willem Bongaerts, Bird & Bird, The Hague, the Netherlands; Michel Collet, CMS Bureau Francis Lefebvre, Paris, France; James Somerville, A&L Goodbody, Dublin, Ireland; Thierry Lesage, Arendt & Medernach, Luxembourg

**10:00AM – 11:00AM**

**Employment Taxes & Exempt Organizations Joint Panel**

Employment Taxes Chair: Dan E. Boeskin, PwC, Washington, DC

Exempt Organizations Chair: Robert A. Wexler, Adler & Colvin, San Francisco, CA

**10:00am Exempt Organizations, Employment Taxes and Information Reporting.** This panel will explore employment tax and information reporting required for universities and colleges relative to their student population, such as Forms W-2, 1099-MISC, 1042 and Form 1098-T, and discuss current challenges faced by educational institutions. The panelists will consider recent penalty notices for missing or incorrect taxpayer identification numbers and the steps taxpayers should take to limit exposure, including how to assess payments made to US persons and non-resident aliens.

Moderator: Megan Marlin, PwC, Washington, DC

Panelists: Janine Cook, Deputy Associate Chief Counsel, TEGE, IRS, Washington, DC; Ira Mirsky, BDO USA LLP, Bethesda, MD

**10:30AM – 11:00AM**

**State & Local Taxes: Publication Subcommittees (NO CLE)**

Those persons responsible for *The Tax Lawyer – The State and Local Tax Edition*, *Sales & Use Tax Deskbook*, *Property Tax Deskbook*, and committee webpage and listserv will meet to discuss the status of their work.

Panelists: Gregg D. Barton, Perkins Coie LLP, Seattle WA; Jeffrey Reed, Mayer Brown, New York, NY; Matthew Hedstrom, Alston & Bird, LLP, New York, NY; Robert L. Mahon, Perkins Coie LLP, Seattle WA; Scott E. Sebastian, MassMutual, Springfield, MA; Jeffrey J. McNaught, Lindquist & Vennum PLLP, Minneapolis, MN; Timothy R. Van Valen, Brownstein Hyatt Farber Schreck LLP, Albuquerque, NM; Kyle Wingfield, Williams Mullen, Richmond, VA

**11:00AM – 12:00PM**

**State and Local Taxes Vice-Chairs' Planning Meeting (NO CLE) (Executive Session)**

Chair: Gregg D. Barton, Perkins Coie LLP, Seattle WA

**12:00PM – 1:30PM**

**Section Luncheon & Plenary Session (NO CLE) (Ticketed Event)**

**2:00PM – 4:00PM**

**Choosing Wisely: When to Use (or Not Use) Mediation to Obtain Cost-Effective Closure in Exam & Collection Cases**

Which cases are best suited for mediation or Fast Track Settlement? What are the factors to consider before making a recommendation to your client? What is the optimal point in the process – exam, appeals, or docketed case – to use these techniques for maximum cost effectiveness? Is the analysis different if the case originates from an exam or from a collection contact? How do the available options differ and what does that mean for your client's case? The IRS's recent expansion of its mediation program means that these tools are now available for new and different types of cases. The panel will share their real world experience in the trenches to help you think strategically about the use (or non-use) of Mediation and Fast Track Settlement in your cases.

Moderator: Kevin Johnson, Pepper Hamilton LLP, Philadelphia, PA

Panelists: The Honorable Peter J. Panuthos, Chief Special Trial Judge, US Tax Court, Washington, DC; Susan T. Mosley, Branch Chief, Branch 3, Office of Chief Counsel Procedure & Administration, IRS, Washington, DC; Gary B. Wilcox, PwC, Washington, DC; Maxine Aaronson, Law Office of Maxine Aaronson, Dallas, TX

Sponsored by: Administrative Practice; Civil and Criminal Tax Penalties; Court Procedure and Practice

**2:00PM – 3:00PM**

**HUF HUF and Blow the IRS Away: An analysis of a Hindu Undivided Family ("HUF") - Is it an entity or a trust? Neither? A Tenancies in Common? How does it comply with US Tax Laws**

Absent any IRS guidance on a HUF, how should practitioners counsel their clients in light of the increased information sharing due to FATCA and inter-governmental agreements? This panel explores the cross-section of US tax classifications, income and

transfer tax implications, and compliance issues related to a HUF: Tenancy in common? Trust? Entity? Income Tax? Estate/Gift? FATCA? FBAR?

Panelists: Rahul P. Ranadive, Global Tax and Estate Counsel LLP, Miami, FL; Daksha Baxi, Khaitan & Co., Mumbai, India; Victor Jaramillo, Caplin & Drysdale, Washington, DC; Severiano Ortiz, Holland & Knight LLP, Chicago, IL