

**2018 Fall Tax Meeting**  
**Cosponsored by the ABA Sections of Taxation and**  
**Real Property Trust & Estate Law, Trust & Estate Division**  
**October 4-6, 2018, Hyatt Regency, Atlanta, GA**

TX= Tax Section Sponsored Program  
TE= Trust & Estate Division of RPTE Sponsored Program  
JT= Jointly Sponsored Program

**THURSDAY, OCTOBER 4**

**12:00PM – 5:00PM**

**Tax Bridge on the Road**

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

**12:00pm**      **A Conversation with...** (NO CLE) An in-depth discussion with one of the Tax Section's most distinguished members, detailing their practice, history, and the latest developments in tax law.

**12:45pm**      **Cross-Species Mergers: Key US Federal Income Tax Considerations.** Over the last half a century or so, state corporate laws have evolved and become more sophisticated to facilitate business. States have added the permissible entity forms through which business can be conducted. State laws also permit mergers of legal entities within the same legal form, and across different legal forms. The Internal Revenue Code and the Treasury Regulations classify all legal entities into those that, for US federal income tax purposes, are (i) taxed as corporations, (ii) treated as partnerships and (iii) disregarded as separate from their respective sole owners. The Code and the Treasury Regulations expressly deal with mergers of (i) an entity taxed as a corporation with another entity taxed as a corporation, and (ii) an entity treated as a partnership with another entity treated as a partnership. Guidance on other forms of merger transactions is, in some cases, spread across other authorities, while in other cases, there is a lack of direct authority altogether. This panel endeavors to piece together the relevant authorities and guidance and highlight some interesting, unresolved questions in this space.

Panelists: Aglaia Ovtchinnikova, Attorney, Office of Associate Chief Counsel (Corporate), IRS, Washington, DC (Invited); Hasnain Valika, KPMG, Houston, TX; Amit M. Sachdeva, EY, Houston, TX

Co-sponsored by: Corporate Tax

**1:45pm**      **Is There is Another Side to the Story? - C Corporation Versus Pass-through Form.** Rules enacted in the Tax Cuts and Jobs Act such as the reduction in the corporate tax rate and the enactment of the pass-through deduction under section 199A have changed the basic historical assumptions regarding choice of business entity. This panel will explore the new fundamental considerations when choosing between the corporate and pass-through forms and identify necessary assumptions and issues ripe for guidance.

Panelists: Alfred Bae, EY, Houston, TX; Janelle Darnell, KPMG, Washington, DC; Additional Panelists Invited

**2:45pm**      **Break.** (No CLE)

**3:00pm**      **State and Local Tax: *Wayfair* and the Way Forward.** Since 1967, a business has not been required to collect sales tax if it lacks a physical presence in a state. Recently, the Supreme Court reversed that precedent in *South Dakota v. Wayfair*. This panel will provide the basics to sales tax jurisprudence while also discussing the implications of the *Wayfair* decision on multinationals and other areas of tax practice.

Moderator: Joshua Savey, PwC, Washington, DC

Panelists: Giselle Alexander, Dickinson Wright, Phoenix, AZ; Lila Disque, Deputy General Counsel, Multistate Tax Commission, Washington, DC; DeAndré Morrow, Reed Smith, Washington, DC; Jennifer Weidler Karpchuk, Chamberlain Hrdlicka White Williams & Aughtry, Philadelphia, PA

Co-sponsored by: State & Local Taxes

**4:00pm**      **Planning for Litigation in the Captive Insurance Area.**

Moderator: Kelley C. Miller, Reed Smith LLP, Washington, DC

Panelists: Rachel L. Partain, Caplin & Drysdale, New York, NY; Justin Scheid, Special Trial Attorney, Office of Chief Counsel (Large Business and International), IRS, Downers Grove, IL (Invited)

Co-sponsored by: Court Procedure & Practice

**1:00PM – 4:15PM**

**Collection Workshop: How to Represent Taxpayers in Collection Matters from the Final Notice Through Trial and Resolving Collection Issues Facing Estates, Donors, and Donees**

Co-Sponsored by: Pro Bono & Tax Clinics and Tax Collection, Bankruptcy & Workouts

**1:00pm**

**Collection Workshop: Part 1.** A panel of experienced government and private bar attorneys will discuss strategies and techniques to effectively resolve collection matters before the IRS Office of Appeals and the United States Tax Court.

Moderator: Susan Morgenstern, Local Taxpayer Advocate – Cleveland, Taxpayer Advocate Service, Cleveland, OH

Panelists: Professor W. Ted Afield, Georgia State University College of Law, Atlanta, GA; Eunkyong Choi, New York City Taxpayer Advocate, Office of the Taxpayer Advocate, New York, NY; Shannon E. Craft, Senior Attorney, IRS Office of Chief Counsel, SBSE, Atlanta, GA; Jeffrey M. Dirmann, Agostino & Associates PC, Hackensack, NJ; Wm. Robert Pope Jr., White & Reasor PLC, Nashville, TN

**3:00pm**

**Break.** (No CLE)

**3:15pm**

**Collection Workshop: Part 2.** The panelists will explore special collection devices available to the IRS in the estate and gift tax context, as well as best practices when representing estates, fiduciaries, beneficiaries, and transferees in collection matters before the IRS.

Moderator: Susan Morgenstern, Local Taxpayer Advocate – Cleveland, Taxpayer Advocate Service, Cleveland, OH

Panelists: Professor W. Ted Afield, Georgia State University College of Law, Atlanta, GA; Eunkyong Choi, New York City Taxpayer Advocate, Office of the Taxpayer Advocate, New York, NY; Shannon E. Craft, Senior Attorney, IRS Office of Chief Counsel, SBSE, Atlanta, GA; Jeffrey M. Dirmann, Agostino & Associates PC, Hackensack, NJ; Wm. Robert Pope Jr., White & Reasor PLC, Nashville, TN

**5:00PM – 6:00PM**

**New Committee Chair Social (TX)** (*Reservation Required*)

Required informal orientation for new Committee Chairs only. Megan Brackney, Vice-Chair of Committee Operations, welcomes new committee chairs for drinks, snacks and a chance to meet other new committee chairs, hear tips from veteran chairs, and ask questions.

**6:00PM – 7:00PM**

**Joint Welcome Reception** (*Complimentary*) (JT)

**7:00PM – 9:30PM**

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

Members of the Real Estate Committee and the Partnerships & LLCs Committee will meet for cocktails and dinner at Rathbun's, located at 112 Krog Street NE, Atlanta, GA 30307. Cocktails (cash bar) will begin at 7:00 pm, followed by dinner at 7:30 pm. Reservations and advance payment required. For details, please visit the Partnerships & LLCs or Real Estate Committee Pages.

**7:00PM – 9:30PM**

**Administrative Practice Dinner** (*Invitation Only*) (TX)

**FRIDAY, OCTOBER 5**

**7:30AM – 8:30AM**

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

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

**7:30AM – 8:30AM**

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

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

**7:30AM – 8:30AM**

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

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

**7:30AM – 8:30AM**

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

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

**8:00AM – 10:00AM**

**Capital Recovery & Leasing (TX)**

**8:00am Current Developments and Update on Pending Guidance.** This panel will cover the important recent developments in the areas of capital recovery and leasing.

Moderator: Jessica Hawn, Anderson Tax, Washington, DC

Panelists: John Moriarty, Deputy Associate Chief Counsel, Office of Chief Counsel (IT&A), IRS, Washington, DC; Scott Dinwiddie, Associate Chief Counsel, Office of Chief Counsel (IT&A), IRS, Washington, DC; Kate Abdo, PwC, Stamford, CT; Ellen Martin, Tax Policy Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

**8:30am**

**A Discussion on Bonus Depreciation - Unpacking the Guidance.** This panel will discuss recently released guidance under section 168(k), including specific issues addressed in such guidance.

Moderator: Scott Mackay, EY, Washington, DC

Panelists: Scott Dinwiddie, Associate Chief Counsel, Office of Chief Counsel (IT&A), IRS, Washington, DC; Elizabeth Binder, Attorney, Office of Chief Counsel (IT&A), IRS, Washington, DC; Ellen Martin, Tax Policy Advisor, Department of Treasury, Washington, DC; Carol Conjura, KPMG, Washington, DC; George Manousos, PwC, Washington, DC; Jane Rohrs, Deloitte, Washington, DC

**8:00AM – 9:30AM**

**Employee Benefits Defined Contribution Plans Update (TX)**

Presented by the Subcommittee on Defined Contribution Plans

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

Panelists: Kyle Brown, Division Counsel, Office of Chief Counsel, TEGE, IRS, Washington, DC (invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Stephanie Cibinic, Deputy Assistant General Counsel for Regulatory Affairs, PBGC, Washington, DC (invited); Matthew Eickman, Qualified Plan Advisors, Omaha, NE; Puneet K. Arora, Willis Towers Watson, Chicago, IL

**8:00AM – 9:30AM**

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

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

This meeting will focus on recently released IRS Notice 2018-68 detailing initial guidance on certain aspects of the amended provisions of section 162(m). Panelists will review and discuss the application of the guidance to the amended rules for identifying “covered employees” and the operation of the grandfather rule to existing compensation arrangements, including when determining whether an arrangement is considered materially modified and no longer grandfathered.

Panelists: Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC (invited); Stephen LaGarde, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Ali Fawaz, Proskauer, New York, NY; Rita Patel, DLA Piper LLP, Washington, DC

**8:15AM – 11:30AM**

**Administrative Practice (TX)**

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

Moderator: Shamik Trivedi, Grant Thornton, Washington, DC

Panelists: Anson Asbury, Asbury Law Firm, Atlanta, GA; Government Panelists Invited

**9:15am**

**Should You Advise Your Client to Agree to Extend the Statute of Limitations?** In the life of an IRS examination there is almost always one issue certain to arise: whether to consent to extend the statute of limitations. This panel of experienced tax controversy litigators will discuss what factors to consider when advising clients whether or not to sign.

Moderator: Kevin Kenworthy, Miller & Chevalier Chartered, Washington, DC

Panelist: Andrew Strelka, Latham & Watkins LLP, Washington, DC; Guinevere Moore, Johnson Moore LLC, Chicago, IL; James H. Brunson III, Senior Attorney, IRS Office of Chief Counsel, Atlanta, GA

**10:15am**      **Break.** (No CLE)

**10:30am**      **The New Partnership Audit Rules, Round I – The Partnership Audit: How You and the IRS Figure It Out.** In part one of this two-part program, the panel will discuss what practitioners and partnerships may expect during an examination under the new partnership audit provisions of the BBA, including the scope of the examination, modifications to the imputed underpayment, and appeals. Part two, **The New Partnership Audit Rules, Round II: After the Partnership Audit: How You and the IRS Fight It Out**, will be presented by the Court Procedure & Practice committee later in the day and will cover litigation under the new provisions.  
Moderator: Abbey Garber, Thompson & Knight, Dallas, TX  
Panelists: Mary McNulty, Thompson & Knight, Dallas, TX; Jenni Black, Senior Counsel, Associate Chief Counsel Procedure & Administration, Washington DC; Holly Paz, Director, Pass Through Entities, LB&I, IRS, Washington, DC

**8:15AM – 11:30AM**

**Affiliated & Related Corporations (TX)**

**8:15am**      **When Consolidated Groups and Insurance Collide.** The panel will discuss selected issues raised by the intersection of consolidated groups, captive insurance companies, life/non-life groups and the impact of the 2017 Tax Act.  
Moderator: Williams Pauls, Deloitte Tax, Washington, DC  
Panelists: Kristen Hazel, McDermott Will & Emery, Chicago, IL; Additional Panelists Invited

**9:45am**      **Break.** (No CLE)

**10:00am**      **Current Developments.** This panel will consider current developments affecting affiliated and related corporations.  
Moderator: Professor Don A. Leatherman, University of Tennessee School of Law, Knoxville, TN  
Panelists: Andy Dubroff, EY, Washington, DC; Additional Panelists Invited

**8:15AM – 11:30AM**

**Banking & Savings Institutions (TX)**

**8:15am**      **US Tax Rules Pertaining to Hybrid Instruments.** The 2017 Tax Act imposes penalties for hybrid debt. Similar to BEPS Action 2, section 267A disallows US tax deductions for related party interest and royalties associated with hybrid entities or hybrid transactions. This panel will present the evolution of US tax rules pertaining to hybrid instruments and will discuss the recent developments under the 2017 Tax Act.  
Moderator: Anthony Tuths, KPMG, New York, NY  
Panelist: Yoram Keinan, Smith Gambrell & Russell LLP, New York, NY

**9:15am**      **Cryptoasset Taxation: Where are we Now? A Comparative Discussion Across Jurisdictions.** The advent of cryptoassets, which run on blockchain technology, promises to revolutionize the way we transact. Tax authorities are rushing to keep up with this new reality. This panel will provide a brief overview of the taxonomy of cryptoassets and their characterization by the tax authorities in Canada, the US and other jurisdictions. The panelists will then discuss certain of the income and value added tax implications of the characterization that the tax authorities have given to cryptoassets in specific situations including: trades in cryptoassets and ICOs.  
Moderator: Laura Gheorghiu, Gowling WLG (Canada) LLP, Montreal, Canada  
Panelist: Yoram Keinan, Smith Gambrell & Russell LLP, New York, NY

**10:15am**      **Break.** (No CLE)

**10:30am**      **Banks and the International Provisions of the 2017 Tax Act.** The panel will discuss the effect of amended subpart F rules, global intangible low-taxed income (“GILTI”) inclusion, and the base erosion and anti-abuse tax (“BEAT”) on domestic and foreign banks. Subjects will include downward attribution, allocation of expenses and its effect on GILTI foreign tax credits, and financing of US banks by foreign affiliates. Current and potential future IRS and Treasury guidance will be considered.  
Moderator: Stow Lovejoy, Kostelanetz & Fink LLP, New York, NY  
Panelists: Shay Menuchin, KPMG, Toronto, ON; Peter Connors, Orrick, New York, NY

**8:15AM – 11:30AM**

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

**8:15am**      **Partnership Audit Rules; Update and Practical Considerations.** This panel will discuss the recent developments in the partnership audit rules including the impact of the recently enacted regulations. The panelists will focus on drafting techniques and practical planning considerations under the regime.

Panelists: Shawn L. McIntire, Velocity Global LLC, Denver, CO; Galina "Allie" Petrova, Petrova Law PLLC, Greensboro, NC; Ivan Golden, Hahn Loeser, Chicago, IL; Hannah Smith; Sherrard Roe Voight Harbison, Nashville, TN

9:45am **Break.** (No CLE)

10:00am **Section 1202: Tax Planning in Light of the 2017 Tax Act.** Following the 2017 Tax Act, C Corporations are slowly being introduced into the tax planning mix again to allow taxpayers to benefit from lower tax rates. Hidden within the volumes of the Internal Revenue Code is a little known provision that permits shareholders of closely held businesses to defer gain on small business stock to the tune of \$10 Million. This panel will discuss the mechanics of §1202, and planning techniques that business owners can leverage when looking prospectively to selling their company. Topics on the panel will include: what is a qualified small business, why the 2017 Tax Act revived the qualified small business stock deduction, steps taxpayers can take in business planning, and what is the future of 1202 transactions.  
Panelists: Elizabeth F. Stieff, Venable LLP, Baltimore, MD; Josh Lowenthal, Plante Moran, Ann Arbor, MI

8:15AM – 11:30AM

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

8:15am **Current Developments.** This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since May 2018.

Panelists: Megan M. Curran, Fiduciary Counselling Inc., Tacoma, WA; Beth Kerwin, Paul Weiss Rifkind Wharton & Garrison LLP, New York, NY; Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC

9:00am **Wealth Transfer Planning with Carried Interests in Funds.** Planners need to navigate various issues when structuring transfers of interests in closely-held entities, including preferred stock, interests in hedge and PE funds, and other interests. This session will discuss section 2701 and the so-called "vertical slice," as well as certain "non-vertical" alternatives including preferred partnerships. The section 2701 attribution rules, section 2036 considerations, incomplete gifts, and valuation uncertainty will also be discussed.  
Panelists: Todd Angkatavanich, EY, New York, NY; Jennifer R. Einziger, EY, Washington, DC

9:45am **Break.** (No CLE)

10:00am **Can the IRS Have Their *Cahill* and Eat Yours Too?** This panel will discuss the Tax Court's decision in *Cahill v. Commissioner* and its impact on planning and defending popular estate planning strategies.  
Panelist: Todd Angkatavanich, EY, New York, NY; James I. Dougherty, Withers Bergman LLP, New Haven, CT; Stephanie Loomis-Price, Winstead PC, Houston, TX

10:45am **Installment Sales to Spousal Grantor Trusts.** The familiar installment sale to a grantor trust, where a taxpayer sells property to his or her wholly-owned grantor trust, is an effective technique to shift assets among family members on an income or estate tax efficient basis. A variation on this traditional technique is a sale by a trust beneficiary to a grantor trust treated as wholly-owned by the beneficiary's spouse (the "spousal grantor trust sale"). Similar to the grantor trust sale, the spousal grantor trust sale accomplishes a freeze on the value of the consideration received on the sale for estate tax purposes. However, the spousal grantor trust sale provides several meaningful advantages over the traditional grantor trust sale, including the potential ability of the selling spouse to be a beneficiary of the trust, possess a special testamentary power of appointment over trust property, and serve as trustee of the spousal grantor trust. This presentation analyzes the tax and practical aspects of an installment sale to a spousal grantor trust, and how it differs from a traditional grantor trust sale and other estate freeze techniques.  
Panelist: Briani B. Mellen, Culp Elliott & Carpenter PLLC, Charlotte, NC; Paul M. Hattenhauer, Culp Elliott & Carpenter PLLC, Charlotte, NC

8:15AM – 11:30AM

**Individual & Family Taxation (TX)**

8:15am **SALT Deduction Limit Workarounds Panel.** This panel will discuss the various strategies that States are implementing to provide a workaround to the 2017 Tax Act's state and local tax deduction limit. In general, these programs use contributions to various state-sponsored funds or programs that offer a credit against state tax liability. The panel will evaluate and discuss the legal merits of such workarounds.  
Panelists: Professor Andy Grewal, University of Iowa College of Law, Iowa City, IA; Professor Kirk J. Stark, UCLA School of Law, Los Angeles, CA; Professor Timothy M. Todd, Liberty University School of Law, Lynchburg, VA

- 9:15am**      **What Is APA's Role in Tax Administration?** This panel will examine what practitioners should know about how the APA interacts with IRS decision making, as well as a discussion on APA current developments. Topics include: What The Heck Is Going On With *Altera*?; How to identify what types of IRS decisions are potentially subject to APA review; How to raise an APA objection; and What the future may hold for further IRS and APA integration.  
Moderator: James Creech, Law Offices of James Creech, San Francisco, CA  
Panelists: The Honorable Mark Holmes, US Tax Court, Washington DC; Professor Leandra Lederman, Indiana University Maurer School of Law, Bloomington, IN; Bryan Skarlatos, Kostelanetz and Fink, New York NY; Emily Lesniak, Office Of Chief Counsel, IRS (Practice and Administration), Washington, DC
- 10:15am**      **Break.** (No CLE)
- 10:30am**      **How Can I Live On That?** This panel will discuss the challenges low to moderate income individuals face in communicating their true economic situations to the IRS and authorized private debt collection agencies who make decisions based upon allowable expense data that may not reflect reality. The panel will discuss strategies for presenting taxpayers' economic situations to better ensure they qualify for collection alternatives, such as Effective Tax Administration and doubt as to collectability offers in compromise, practitioners' due diligence requirements and ethical responsibilities when advocating for clients to pay no more than the correct amount of tax.  
Moderator: Professor Erin Sterns, University of Denver, Denver, CO  
Panelists: Professor Tameka Lester, Georgia State University, Atlanta, GA; Joshua Wu, Clark Hill Strasburger, Washington DC; Ashley Y. Smith, Senior Attorney, Office of Chief Counsel, Atlanta, GA; Daniel B Causey IV, TAS Attorney Advisor Group, Washington, DC

**8:15AM – 11:30AM**

**Investment Management (TX)**

- 8:15am**      **Post-Tax Reform Planning for Cross-Border Investments by Private Funds.** This panel will discuss the implications of tax reform for structuring certain outbound and inbound investments by private equity funds. Topics will include issues arising from changes to the rules regarding the determination of controlled foreign corporation status and the global intangible low-taxed income rules, as well as the impact of tax reform changes on planning using blocker corporations.  
Moderator: Erik Corwin, KPMG, Washington, DC  
Panelists: Cheryl Coe, Latham & Watkins LLP, Washington, DC; David R. Sicular, Paul Weiss Rifkind Wharton & Garrison LLP, New York, NY
- 9:15am**      **State Tax Issues for Investment Funds.** This panel will cover a few significant recent developments in the state tax area affecting investment managers and funds. These topics will include the Supreme Court's recent decision in the *Wayfair* case and some of the ways in which it might affect managers and their clients, including in states that have adopted market-based sourcing.  
Moderator: Sam Megally, K&L Gates LLP, Dallas, TX  
Panelist: Nikki E. Dobay, Council On State Taxation, Portland, OR

- 10:15am**      **Break.** (No CLE)

- 10:30am**      **Cryptocurrency Funds.** This panel will address issues faced by funds that invest in virtual currencies. Topics will include the treatment of virtual currencies for purposes of sections 721, the application of the straddle rules and the wash sale rules, the section 475(f) election, reverse section 704(c) allocations, section 864(b) and the FATCA rules, as well as choice-of-entity considerations for virtual currency funds.  
Moderator: Mary Conway, Davis Polk & Wardwell LLP, New York, NY  
Panelist: Rebecca Lee, PwC, Washington, DC

**8:15AM - 11:30AM**

**Partnerships & LLCs (TX)**

- 8:15am**      **Hot Topics.** This panel will discuss recent developments in the area of domestic partnership taxation, including legislation, regulations, administrative guidance and noteworthy cases.  
Moderator: Lynn Fowler, Kilpatrick Townsend & Stockton LLP, Atlanta, GA  
Panelists: Audrey Ellis, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); Bryan Rimmke, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, D.C. (Invited); Morgan L. Klinzing, Pepper Hamilton LLP, Philadelphia, PA

- 9:00am** **Code Section 163(j).** This panel will discuss the implications of Code Section 163(j) to partnerships and their partners.  
Moderator: Erich Hahn, Deloitte Tax LLP, Washington, DC  
Panelists: Bryan Rimmke, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); Ossie Borosh, KPMG LLP, Washington, DC
- 9:45am** **Break.** (No CLE)
- 10:00am** **Code Section 199A.** This panel will discuss Code Section 199A and its application to partnerships and their partners and to limited liability companies treated as partnerships and their members. (Specific S Corporation Code Section 199A issues will be discussed separately during the S Corporations committee meeting.)  
Moderator: Wells Hall, Nelson Mullins Riley & Scarborough LLP, Charlotte, NC  
Panelists: Audrey Ellis, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC (Invited); Wendy L. Kribell, Office of Associate Chief Counsel (Passthroughs & Special Industries), IRS Office of Chief Counsel, Washington, DC (Invited); Sarah Ritchey Haradon, Holland & Hart LLP, Denver, CO
- 10:45am** **International Hot Topics.** This panel will discuss recent developments in the area of international partnership taxation, including legislation, regulations, administrative guidance and noteworthy cases.  
Moderator: Elizabeth Hall, PwC, Washington, DC  
Panelists: Marjorie Rollison, Office of Associate Chief Counsel (International), IRS Office of Chief Counsel, Washington, DC (Invited); Barksdale Penick, EY, Washington, DC
- 8:30AM – 10:30AM**  
**Transfer Pricing (TX)**
- 8:30am** **The Great BEAT Debate.** Taxpayers and tax planners are struggling with myriad interpretative issues related to the new Base Erosion and Anti-Abuse Tax, more fondly known as the BEAT. Until Treasury and/or IRS guidance resolves these issues, taxpayers will remain unable to reliably assess whether they are subject to the BEAT or to calculate their BEAT liability. The amounts at stake are not small. And in some cases, the “right” answer is far from clear. This panel will explore the most critical issues through a point-counterpoint format, with panelists pairing off (and squaring off) to present the primary competing viewpoints on each of the following issues: **(1)** No Mark-Up Component – Does a “plus” taint the cost portion of a payment for SCM-eligible services? **(2)** For Which a Deduction is Allowed – Can (and should) an APA provide certainty as to the characterization of a payment for BEAT purposes? **(3)** Treaty Override – Does the unfavorable treatment of foreign tax credits for BEAT purposes apply in a treaty context? This lively format will enable audience members to more fully understand the factors that Treasury and the IRS are weighing as they draft guidance on the BEAT, and to better evaluate the risks to their clients.  
Moderator: Lisandra Ortiz, Miller & Chevalier, Washington, DC  
Panelists: Professor William H. Byrnes IV, Texas A&M University School of Law, Fort Worth, TX; Barbara J. Mantegani, Mantegani Tax PLLC, McLean, VA; Professor William Seeger, University of Texas at Arlington College of Business, Arlington, TX; Martin A. Sullivan, Tax Analysts, Washington, DC; Thomas A. Vidano, EY, Washington, DC
- 9:30am** **Impact of BEPS and US Tax Reform on Transfer Pricing Controversies: Preparing for the Storm.** As a result of the Organization for Economic Co-operation and Development’s (OECD)’s Base Erosion and Profit Shifting (BEPS) project and US tax reform, multinational enterprises (“MNEs”) are anticipating a dramatic increase in tax controversies around the world. As mandated by BEPS, tax authorities will receive country-by-country (CbyC) reports beginning in the Summer of 2018. Such authorities will be reviewing such reports in light of the OECD’s *Handbook on Effective Implementation* and a *Handbook on Effective Tax Risk Assessment*, which identify a broad array of potential risk indicators in CbyC reports, including disparities between profits and functions, low risk activities, separate IP structures, and reporting discrepancies. This guidance essentially instructs governments on how to use CbyC data to effectively select audit targets. In addition, US tax reform has created a major paradigm shift in the taxation of MNEs. Foreign tax authorities will be concerned that MNEs will modify related party pricing arrangements to take advantage of favorable aspects of US tax reform, while minimizing unfavorable aspects of US tax reform. This will also create additional examination scrutiny on MNEs related party pricing arrangements by foreign tax authorities. This panel will discuss the sweeping substantive and procedural changes in transfer pricing law and practice, and most importantly how MNEs can prepare for the wave of controversies that are likely to arise from such changes.  
Moderator: Mark R. Martin, KPMG LLP, Washington, DC  
Panelist: Karen Kirwan, Senior Advisor to the Director, Treaty and Transfer Pricing Operations Practice Area, IRS, Washington, DC

**8:30AM – 10:30AM**

**US Activities of Foreigners & Tax Treaties (TX)**

**8:30am**

**Advanced FIRPTA: Traps to Keep You Up at Night.** This panel will explore a variety of scenarios where the FIRPTA rules produce odd results that may come as an unwelcome surprise, even to seasoned tax planners. Among the problems to be addressed are issues relating to REIT structures, phantom income, US real property holding corporations, withholding, and the exemption for foreign sovereigns. As with every international issue, special problems posed by partnerships will be addressed as well.

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

Panelists: Kimberly S. Blanchard, Weil Gotshal & Manges LLP, New York, NY; Mark Stone, Holland & Knight, New York, NY

**9:30am**

**Inbound Financing After Tax Reform - What Now?** US businesses are re-evaluating their capital structures and how they fund their operations in the new era of US tax law. This panel will discuss the new dynamics of financing US businesses from outside the US in light of new federal tax rates and laws impacting deductibility of interest and limits on base eroding payments. Consideration will be given to the new laws and any guidance issued as well as tax planning in the new framework of BEAT, anti-hybrid rules, amended Code section 163(j) and other legislative changes.

Moderator: Jason S. Bazar, Mayer Brown LLP, New York, NY

Panelists: Ora Grinberg, Fenwick and West LLP, Mountain View, CA; Victor A. Jaramillo, Caplin and Drysdale, Washington, DC; Jiyeon Lee-Lim, Latham and Watkins, New York, NY; Brett York, Associate International Tax Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC; John J. Merrick, Senior Level Counsel, IRS Office of Associate Chief Counsel (International), Washington, DC

**8:45AM – 4:30PM**

**Exempt Organizations (JT)**

**8:45am**

**Committee Business.** (NO CLE)

**9:00am**

**News from the IRS and Treasury.** Representatives from the IRS and Treasury Department will discuss topics of current interest to exempt organizations practitioners.

Moderator: Alexander L. Reid, Morgan Lewis & Bockius LLP, Washington, DC

Panelists: Victoria A. Judson, Division Counsel/Associate Chief Counsel (TEGE), IRS Office of Chief Counsel, Washington, D.C. (Invited); Janine Cook, Deputy Associate Chief Counsel (TEGE), IRS Office of Chief Counsel, Washington, DC (Invited); Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

**10:00am**

**Shared Employment, Reporting of Compensation and Its Implications for Exempt Organizations Employment.**

Exempt organizations have particular reason to pay attention to the details of how they report compensation to the IRS, particularly when they share employees with another employer. This panel will discuss in detail how compensation is reported both on Form W-2 and Form 990, how compensation is reported when a third party participates in reporting wages or paying employment taxes, and how liability for employment taxes works when a third party is involved. Third parties may be other organizations who share one or more employees with the exempt organization or may be reporting agents or payroll agents. The panel will then identify issues exempt organizations with shared employees or other third-party arrangements may need to address for purposes of employment tax compliance or determining liability under the new section 4960 excise tax.

Moderator: Catherine E. Livingston, Jones Day, Washington, DC

Panelists: Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), IRS Office of Chief Counsel (TEGE), Washington, DC (Invited)

**11:00am**

**Break.** (NO CLE)

**11:15am**

**Unrelated Business Taxable Income: Current Developments in Enforcement Activity.** This panel will discuss current developments in enforcement and litigation related to unrelated business taxable income.

Moderator: James P. Joseph, Arnold & Porter, Washington, DC

Panelists: T. J. Sullivan, Drinker Biddle & Reath LLP, Washington, DC; Christie A. Lohkamp, Mayo Clinic, Rochester, MN

**12:30pm**

**Exempt Organizations Committee Luncheon (NO CLE) (Ticketed Event)**

**“Activating Public-Private Partnerships to Save and Improve Lives”**

Speaker: Dr. Judith Monroe, President and Chief Executive Officer, CDC Foundation, Atlanta, GA



- 2:00pm**      **Charitable Giving Under the 2017 Tax Act: Keeping and Creating Charitable Contribution Deductions.** This panel will discuss the principal provisions of the 2017 Tax Act that may impact charitable giving, as well as planning techniques and strategies to enable taxpayers to maximize the tax benefits from charitable gifts. The panel also will review the status of state charitable funds established in response to new limits on state and local tax deductions.  
Moderator: Morey Ward, Ropes & Gray LLP, Washington, DC  
Panelists: Kim V. Heyman, Gadsden Schneider & Woodward LLP, Philadelphia, PA; Adam M. Holmes, Morgan Lewis & Bockius LLP, Boston, MA; Karl F. Mill, Adler & Colvin, San Francisco, CA  
Co-Sponsored by: RPTE Charitable Group
- 3:00pm**      **Crowdfunding Charity: Navigating the Legal Landscape.** This panel will discuss charitable crowdfunding and the federal tax and state law issues that arise for nonprofits, donors, and state regulators when nonprofits and their donors use new crowdfunding platforms, such as Crowdrise, Razoo, and Indiegogo, for charitable fundraising.  
Moderator: Ray Prather, Prather Ebner LLP, Chicago, IL  
Panelists: Emily Chan, Adler & Colvin, San Francisco, CA; William Wang, New York Attorney General's Office, New York, NY  
Co-Sponsored by: RPTE Charitable Group
- 4:00pm**      **Cash Bar (NO CLE)**

**9:30AM – 11:00AM**

**Employee Benefits Administrative Practices Update (TX)**

Presented by the Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices  
The subcommittee will discuss proposed legislation affecting the administration of retirement plans, including section 401 of the Protecting Taxpayer Act and the Retirement Savings Lost and Found Act. The subcommittee will also discuss IRS updates on plan examinations, voluntary corrections, the determination letter program and the pre-approved plan program.  
Panelists: Kyle Brown, Division Counsel, Tax Exempt and Government Entities Division Counsel, Office of Chief Counsel, IRS, Washington, DC (invited); Lou Leslie, Technical Advisor to EP Director, IRS, Washington, DC (invited); Thomas R. Pevarnik, Deloitte Tax LLC, Washington, DC; Jewelie A. Grape, Conner & Winters LLP, St. Paul, MN

**9:30AM – 10:30AM**

**Employee Benefits Legislation & Litigation Update (TX)**

Presented by the Subcommittee on Employee Benefits Legislation & Litigation  
This panel will consider the employee benefits provisions being considered by Congress in the coming year. We will also cover employee benefits litigation and recent state employee benefit legislative developments.  
Panelists: Lisa Bleier, SIFMA, Washington, DC; Professor Jonathan B. Forman, University of Oklahoma, Norman, OK

**9:45AM – 10:45AM**

**Employee Benefits Multiple Employers, PEOs and Controlled Groups Update (TX)**

Presented by the Subcommittee on Multiple Employers, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups  
The Committee will discuss the final Association Health Plan regulations, recent clarification guidance applicable to PEOs under Code Section 199A and the application of Code Section 414 controlled group principles to Native American Tribal Governments.  
Panelists: Stefan P. Smith, Lock Lord LLP, Dallas, TX; Farrah Fielder, National Association of Professional Employer Organizations, Alexandria, VA; Robert J. Toth Jr., Law Office of Robert J. Toth Jr. LLC, Fort Wayne, IN; Brandon Long, McAfee & Taft PC, Oklahoma City, OK

**10:00AM – 12:00PM**

**Employee Benefits Welfare Plans and EEOC, FMLA and Leaves Issues Update (TX)**

Presented by the Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues  
This meeting will discuss recent final regulations on association health plans and short-term limited duration insurance policies and their impact on employer plans. The meeting will also address recent developments in the small group health insurance market, including lawsuits attacking the ACA individual mandate and insurance commissioners' measures managing the small group market. The speakers will also discuss the role of an independent fiduciary in assisting employers avoid prohibited transactions in administering group health plans. The meeting will give an overview of the MHPAEA model disclosures, a recently passed law regarding the right to access experimental drugs and treatments and latest development in prescription drug benefits.  
Panelists: Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC (invited); Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Tax Exempt and Government Entities Division, IRS Office of Chief Counsel, Washington, DC (invited); Yelena Fertman Gray, Nixon

Peabody LLP, Chicago, IL; Jacquelyn M. Abbott, ExxonMobil, The Woodlands, TX; Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky and Popeo PC, Boston, MA; Robyn Crosson, ADP, Indianapolis, IN; Linda R. Mendel, Vorys Sater Seymour and Pease LLP, Columbus, OH; Rachel Levy, Groom Law Group Chartered, Washington, DC; Gabriel S. Marinaro, Katten Muchin Rosenman LLP, Chicago, IL; Sruthi Mylavarapu, Newport Trust Company, New York, NY; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH

## 10:00AM – 11:30AM

### Tax Policy and Simplification (TX)

**10:00am Transparency Tide or Transparency Tsunami? The New Wave of Global Reporting Rules and IRS Tools to Unearth Foreign Financial Accounts: FATCA, FBAR, & CRS developments in the wake of OVDP and Swiss Bank Program.** Mandatory reporting of offshore financial assets by financial institutions has been expanding globally ever since the U.S., in the wake of the UBS scandal, passed the Foreign Account Tax Compliance Act (FATCA) as a complementary program to the Foreign Bank Account Report (FBAR), which requires U.S. persons to self report certain off-shore financial accounts or risk substantial civil and criminal penalties. The Justice Department and IRS maintain that, despite the FATCA and FBAR reporting regimes, a high percentage of U.S. taxpayers, including millions residing abroad, are still not complying with the foreign account reporting requirements. The IRS' Criminal Investigation division (IRS-CI) recently unveiled two new investigative units: the International Tax Enforcement Group (ITEG) and the Nationally Coordinated Investigations Unit (NCIU)—both aimed at increasing taxpayer compliance using advanced data analytic techniques to unearth previously undisclosed foreign financial information. Meanwhile, the Justice Department's Swiss Bank Program – an amnesty program designed for Swiss financial institutions – is in its legacy phase and the IRS will close its popular Offshore Voluntary Disclosure Program (i.e., OVDP, under which cooperating taxpayers could pay reduced penalties and avoid criminal sanctions) on September 28, 2018. Both the Justice Department and IRS have broadened their efforts and are now investigating funds that flowed out of the scrutinized Swiss banks to banks in other countries. At the same time, an OECD transparency initiative known as the Common Reporting Standard (CRS) and inspired by FATCA, is being adopted by an increasing number of jurisdictions on a bilateral and multilateral basis. The CRS is a global standard for the automatic exchange of information. Although based loosely on FATCA's Model 1 Intergovernmental Agreement (IGA), the CRS is being implemented differently and has a broader scope. Although the U.S. is not participating in the CRS, the CRS's automatic exchange of information can implicate U.S. taxpayers with interests in trusts and other investment vehicles held in countries that are signatories to CRS competent authority agreements. Tax advisors with international components to their practices should be aware of the impacts and exigencies of both FATCA and the CRS. This panel will discuss critical updates to the U.S. FATCA and FBAR reporting regimes, outline recent enforcement efforts by the Justice Department and IRS, and compare FATCA and the OECD's Common Reporting Standard. Finally, the panel will discuss tax planning and policy implications, including how the automatic exchange-of-information programs are likely to affect taxpayer behaviors and compliance rates, professional tax advice, and the so-called tax gap in the U.S. and other jurisdictions.

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

Panelists: Nicole Cammarota, Senior Counsel, IRS Office of Chief Counsel (Large Business & International), New York, NY; George Guttman, Senior Analyst, GAO, Washington, DC; Matthew D. Lee, Fox Rothschild, Philadelphia, PA; Gabriel Quihuis, Morgan Lewis, Boston, MA

## 10:30AM – 12:30PM

### Foreign Activities of US Taxpayers (TX)

**10:30am Repatriation of Foreign Earnings (Real or Imagined, Voluntary or Otherwise).** This panel will explore the mechanisms for taxpayers to repatriate foreign earnings. Participation exemption, mandatory repatriation, subpart F, GILTI, 956, 1248 – with so many “choices,” what could possibly go wrong? Join us and find out.

Moderator: Devon Bodoh, KPMG LLP, Washington, DC

Panelists: Amie Colwell Breslow, PwC, Washington, DC; Scott Levine, Jones Day, Washington, DC; Brenda Zent, Special Advisor on International Taxation, Office of International Tax Counsel, Department of Treasury, Washington, DC; Gary Scanlon, Attorney Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; John J. Merrick, Senior Level Counsel, IRS Office of Associate Chief Counsel (International), Washington, DC

## 11:30am

**BEAT – Not for the Faint of Heart.** One of the most angst-inspiring features of Tax Reform, BEAT brings a wide range of issues – international tax, income tax accounting, transfer pricing – to the table, and seems to raise as many questions as answers. This panel will discuss gaps, traps, and latest and greatest thinking on the new rules, including practical issues related to payment netting, COGS and cost sharing.

Moderator: Amanda Varma, Steptoe & Johnson LLP, Washington, DC

Panelists: Scott Harty, Alston & Bird, Atlanta, GA; Anne Gordon, PwC, Washington, DC

**11:00AM – 12:00PM****Employee Benefits Distributions Update (JT)**

Presented by the Tax Section Subcommittees on Distributions and the RPTE Section Subcommittee on IRA Accounts & Plan Distributions

The Distributions Subcommittees will discuss recent issues of interest affecting IRA and plan distributions. The Subcommittees also will discuss provisions in the 2017 Tax Act and the Bipartisan Budget Act of 2018 that impact qualified plan distributions, including qualified plan loan offsets and safe harbor hardship distribution changes.

Panelists: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); J. Rose Zaklad, Groom Law Group, Washington, DC; Russell Gully, Thompson & Knight, Dallas, TX; David A. Whaley, Thompson Hine LLP, Cincinnati, OH

**11:00AM – 12:00PM****Employee Benefits Exempt Organization and Governmental Plans Update (TX)**

Presented by the Subcommittee on Exempt Organization and Governmental Plans

The panel will discuss current issues impacting governmental, tax-exempt, and church plans, including an update on university 403(b) litigation, questions and issues relating to the new section 4960 excise tax on executive compensation, UBIT on certain non-taxable fringe benefits, and a review of other applicable legislative provisions.

Panelists: Carol Weiser, Acting Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC (invited); Stephen LaGarde, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Robert Johnson, Kaufman & Canoles PC, Newport News, VA; Bryanne Kelleher, VOYA, Windsor, CT; Jenni Kregel, Reed Smith, San Francisco, CA; Blake C. MacKay, Alston & Bird, Atlanta, GA

**11:00AM – 12:00PM****Employee Benefits Fiduciary Responsibility & Plan Investments Update (TX)**

Presented by the Subcommittee on Fiduciary Responsibility & Plan Investments Update

This panel will discuss recent guidance and other issues addressing ERISA fiduciary responsibilities. Among other things, the panel will discuss the SEC's Regulation Best Interest and related guidance, state efforts at fiduciary regulation, and recent developments regarding AHPs (Association Health Plans) and open MEPs (Multiple Employer Plans).

Panelists: David A. Cohen, Newport Trust Company, Washington, DC; Yongo Ding, Miller & Chevalier Chartered, Washington, DC; Arsalan Malik, Groom Law Group, Washington, DC; Kyla Smith, Newport Trust Company, New York, NY; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

**11:00AM – 11:30AM****Employee Benefits New Employee Benefits Attorneys Forum (TX) (NO CLE)**

Informal meeting for new members of the Employee Benefits Committee.

**11:30AM – 12:30PM****Court Procedure & Practice Roundtable Discussion (JT)**

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

**11:30am**

**A Primer on the Use of Experts in Tax Court.** This Joint Program between the Tax and Real Property, Trust and Estate Sections will focus on using experts in tax controversy cases, with an emphasis on the unique rules in Tax Court litigation. The panel will use a case study approach, from determining the issues that require the hiring of an expert, identifying and engaging the right expert and the timing of such engagement; through the preparation of the expert's report, preparing the expert for trial testimony, voir dire, cross examination, and then reliance on the expert's report and testimony in post-trial briefs.

Moderators: Abigail Rosen Earthman, Winstead PC, Dallas, TX; Mitchell I. Horowitz, Buchanan Ingersoll & Rooney PC, Tampa, FL

Panelists: Judge Richard T. Morrison, US Tax Court, Washington, DC; Andrew M. Tiktin, Special Trial Attorney, IRS Office of Chief Counsel, Denver, CO; Lu-Ann Dominguez, Gunster, Ft. Lauderdale, FL; Timothy K. Bronza, Business Valuation Analysts LLC, Orlando, FL

## COMMITTEE LUNCHEONS

**12:00PM – 1:30PM**

**Corporate Tax and Affiliated & Related Corporations** (*Ticketed Event*) (TX)

**12:00PM – 12:30PM**

**Diversity** (*Ticketed Event*) (TX)

**12:00PM – 12:30PM**

**State & Local Taxes Luncheon** (TX) (NO CLE) (*Ticketed Event*)

**12:30PM – 1:30PM**

**Administrative Practice and Court Procedure & Practice** (*Ticketed Event*) (TX)

Speaker: Kristin E. Hickman, Special Advisor, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC

**12:30PM – 1:30PM**

**Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing** (*Ticketed Event*) (TX)

**12:30PM – 1:30PM**

**Civil & Criminal Tax Penalties** (*Ticketed Event*) (TX)

**12:30PM – 1:00PM**

**Estate & Gift Taxes, Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group Luncheon (TE) (JT)** (*Ticketed Event*) (No CLE)

**12:30PM – 1:30PM**

**Exempt Organizations** (*Ticketed Event*) (TX)

**12:30PM – 1:00PM**

**FAUST, Transfer Pricing and USAFTT** (*Ticketed Event*) (TX)

**12:30PM – 1:30PM**

**Real Estate and Partnerships & LLCs Luncheon** (TX) (NO CLE) (*Ticketed Event*)

**Advice for the 21st Century Tax Lawyer.** During his distinguished career, which has encompassed both the major changes to the tax code in 1986 and 2017, Mr. Genz has served as a trusted counselor to clients involved in corporate, partnership, and real estate tax matters. He is recognized as a leading expert in real estate tax issues. During this discussion, he will share his thoughts on the current state of the tax practice and the legal environment, including how practitioners can successfully serve as advocates for their clients while protecting the integrity of the tax code and the importance of developing and maintaining collegial relationships with tax advisors at other firms. Speaker: Peter J. Genz, King & Spalding LLP, Atlanta, GA

**12:00PM – 1:15PM**

**Employee Benefits Defined Benefit Plans Update (TX)**

Presented by the Subcommittee on Defined Benefit Plans

The subcommittee will discuss recent issues of interest affecting defined benefit plans, including current developments from the IRS/Treasury and PBGC and various plan merger, transfer and termination issues.

Panelists: Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC (invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (invited); Linda Marshall, Senior Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (invited); Joel Ruderman, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (invited); Theresa Anderson, Deputy Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (invited); Harold Ashner, Keightley & Ashner LLP, Washington, DC; Rosina Barker, Morgan Lewis & Bockius; LLP; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH

**12:00PM – 1:00PM**

**Employee Benefits ESOP Update (TX)**

Presented by the Subcommittee on ESOPs

This meeting will include a discussion of anticipated ESOP-related regulations and other guidance from Treasury. We also will have a discussion of the terms of the any more recent private trustee settlement agreements and the obligations that are arising thereunder, as well as, review current case law affecting retirement plans holding employer securities in both the public and private arena. Our final topics will include certain noteworthy ESOP transaction terms that are evolving in light of regulatory review, including the use of “event protection” and control issues relating to corporate governance.

Panelists: Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Allison Wilkerson, McDermott Will & Emery, Dallas, TX; Michelle Lewis, Hunton & Williams LLP, Washington, DC; David A. Whaley, Thompson Hine LLP, Cincinnati, OH

**12:00PM – 1:15PM**

**Employee Benefits Mergers & Acquisitions Update (TX)**

Presented by the Subcommittee on Mergers & Acquisitions

Deal-Breaking M&A Issues Related to Employee Benefits and Executive Compensation. This panel will discuss a variety of potentially explosive employee benefit and executive compensation issues arising in mergers and acquisitions and impacting benefits practitioners. This panel will also discuss the potential strategies for both the buyer and seller to identify and to mitigate these issues.

Panelists: J. Mark Poerio, The Wagner Law Group, Washington, DC; Stephanie Jeane, Latham & Watkins, San Francisco, CA

**12:15PM – 1:15PM**

**Corporate Counsel Forum (TX)**

Presented by the Employee Benefits Corporate Counsel Forum

The Form You Never Want to File – or Do You – IRS Form 8928 - At the beginning of 2010, the IRS published Form 8928 – Return of Certain Excise Taxes under Chapter 43 of the Internal Revenue Code. Form 8928 provides a framework for evaluating many of a plan sponsor’s duties when operating a health care plan and a response to failure to live up to the requirements. Join the discussion when to file the form and how to complete it.

Panelist: Felicia A. Finston, Wilkins Finston Law Group LLP, Dallas, TX

**12:30PM – 2:00PM**

**Diversity (JT)**

**12:30pm**

**Diversity in the Workplace: Recruiting and Retaining Diverse Professionals.** Employers value diversity among their employees, and clients are increasingly inquiring about the diverse makeup of those representing their interests. The tax bar is no exception. This panel will discuss diversity issues within the tax bar from an academic perspective and offer strategies for increasing diversity. The panel will also discuss strategies other fields have used to increase diversity among their ranks.

Moderator: Professor Sonya Watson, William S. Boyd School of Law, University of Nevada, Las Vegas, Las Vegas, NV

Panelists: Professor Alice Abreu, Temple University Beasley School of Law, Philadelphia, PA; Eunkyong Choi, Office of the Taxpayer Advocate, New York City Department of Finance, New York, NY; Professor Dorothy Brown, Emory University School of Law, Atlanta, GA; Herschel Frierson, Crowe LLP, Indianapolis, IN

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

**State & Local Taxes (TX)**

**12:30pm**

**Improving the Sales Tax Systems: COST Report on the Best and Worst of Sales Tax Administration.**

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

Panelists: Karl Frieden, Council on State Taxation, Washington, DC; Fred Nicely, Council on State Taxation, Washington, DC

1:00PM – 2:30PM

**Energy & Environmental Taxes (TX)**

1:00pm

**Energy Industry Tax Updates Roundtable.** This roundtable session will involve discussions among attendees of recent legislative, judicial and regulatory tax developments impacting the energy sector and companies engaged in energy transactions and investments, including a discussion of the most recent beginning of construction notice, tax reform impacts and related regulatory guidance, and other income and excise tax oil and gas, renewable energy and alternative fuels developments.

Moderators: Amish Shah, Eversheds Sutherland, Washington, DC; Courtney Sandifer, Deloitte, Washington, DC  
Panelists: Jennifer Bernardini, Attorney, Branch 6, Passthroughs and Special Industries, IRS, Washington, DC; Hannah Hawkins, Attorney Adviser, Department of Treasury, Office of Tax Policy, Washington, DC; Jaime Park, Attorney, Branch 7, Income Tax and Accounting; Brian Americus, Deloitte, Washington, DC; Deborah Gordon, KPMG, Washington, DC; Brad Seltzer, Eversheds Sutherland, Washington, DC

1:00PM – 2:00PM

**Estate & Gift Taxes, Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group (TE) (JT)**

**2018 Update of Privileges and Fiduciaries.** This presentation will review current case law on the application of privileges in the fiduciary context.

Speaker: Dana G. Fitzsimons Jr., Bessemer Trust, Atlanta, GA

1:00PM – 2:30PM

**Foreign Activities of US Taxpayers, Transfer Pricing and US Activities of Foreigners & Tax Treaties (TX)**

1:00pm

**Government Officials Panel.** This panel will discuss the latest international tax developments.

Panelists: Dan McCall, Deputy Associate Chief Counsel (International Technical), IRS Office of Associate Chief Counsel (International), Washington, DC; Douglas Poms, Deputy International Tax Counsel, Department of Treasury, Washington, DC

1:30PM – 5:45PM

**Employment Taxes (TX)**

1:30pm

**IRS Employment Tax Update.** Senior IRS officials provide an overview of important developments since the May 2018 Meeting, including pertinent holdings handed down during the just-completed Supreme Court term, guidance projects in connection with the 2017 Tax Act, and proposed legislation, such as the proposed EMPOWHER ACT.

Panelist: Ligeia Donis, PwC, Washington, DC

2:30pm

**The Competing Tensions Driving Independent Contractor Status for Service Providers.** In April, the Supreme Court of California handed down its holding in *Dyamex Operations West, Inc. v. Superior Court of Los Angeles*, Case S222732, which, among other things, made controlling under California law the so-called “ABC test” for determining whether a service provider may be characterized as being an independent contractor. A few months earlier, Congress enacted Internal Revenue Code (IRC) § 199A, which, some argue, provides a disincentive against employment status and wage income. This program will examine these competing policy tensions while also exploring other important evolving issues in connection with classifying workers.

Panelist: William Weismann, Littler Mendelson, San Francisco, CA

3:30pm

**Break.** (No CLE)

3:45pm

**Tax Consequences of Employment Settlements and Judgements.** Resolving employment disputes has always been a prominent feature of the legal landscape. Recent events, however, have brought into even sharper focus for employers and their executives, alike, the potential pitfalls that can arise from alleged workplace harassment and misconduct. Partly in response to these events – and for separate fiscal reasons, as well – the 2017 Tax Act has made very significant changes to the federal tax consequences that may arise from the disposition of an employment dispute, including for the deductibility of settlement amounts and attorneys’ fees. This panel will provide an overview of the overarching tax principles governing employment disputes, examine the tax treatment of settlements and judgments under revised federal tax law (including new IRC § 162(q)), and discuss potential next legislative and administrative steps for addressing these issues, including the proposed EMPOWHER Act.

Moderator: Megan Marlin, PwC, Washington, DC

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

4:45pm

**Correcting Payroll Tax Reporting Errors and Grossing Up Payments for Tax Consequences.** In 2009, the IRS introduced Form 941-X as the vehicle for correcting payroll tax information reporting errors when discovered and for claiming refunds of overpayments. As the Tenth Anniversary of this initiative approaches, this program

will examine its effects and explore needs for fine-tuning. Along these same lines, the program will also discuss the tax policy and real-work complications behind grossing-up taxable payments in relation to employment compensation to provide recipients with a tax-neutral economic outcome in dispute resolutions.  
Panelist: Edward J. Leyden, Leyden Law LLC, Washington, DC

**1:30PM – 2:30PM**

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

**1:30pm**      **Creating the Ultimate Digital Asset Estate Planning Checklist.** The presenters for this program will facilitate a discussion regarding practical issues faced when counseling clients on the disposition of their digital property.  
Panelists: Brian K. Janowsky, Schiff Hardin LLP, New York, NY; Tiffany M. McKenzie, Bryan Cave Leighton Paisner LLP, Atlanta, GA

**1:30PM – 4:00PM**

**Standards of Tax Practice (TX) (Ethics)**

**1:30pm**      **Ethical Pitfalls in Representing Spouses.** (Ethics) Innocent spouse claims and the potential for such claims present a myriad of ethical issues that practitioners must be aware of and carefully avoid. This panel will discuss how to effectively represent clients and avoid ethical breaches.  
Moderator: Professor Christine Speidel, Villanova University Widger School of Law, Villanova, PA  
Panelists: Professor Ted Afield, Georgia State University College of Law, Atlanta, GA; Karen L. Hawkins, Hawkins Law, Yachats, OR; Bryan C. Skarlatos, Kostelanetz & Fink LLP, New York, NY

**2:30pm**      **Ethical Issues in Federal Tax Practice – The Government Perspective.** (Ethics) This panel will provide an update on recent guidance from the IRS and the Department of Treasury, discuss issues of concern and areas of focus for the IRS Office of Professional Responsibility and Office of Chief Counsel, and give an update on pending cases that relate to tax practice standards.  
Moderator: Matthew Cooper, EY, Washington, DC  
Panelists: Stephen Whitlock, Director, IRS Office of Professional Responsibility, Washington, DC (Invited); Emily Lesniak, Special Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC (Invited)

**3:10pm**      **Ethical Issues Regarding the Partnership Representative.** (Ethics) Who is the Partnership Representative ("PR")? What are the PR's rights and responsibilities to the partnership? To partners? To the IRS? This panel will explore the differences between the new role of the PR and the old role of the Tax Matters Partner, the ethical issues in executing this new PR role, and ways to avoid ethical breaches.  
Moderator: Aaron Esman, Caplin & Drysdale Chartered, New York, NY  
Panelists: Bahar Schippel, Snell & Wilmer, Phoenix, AZ; Barksdale Penick, EY, Washington, DC; Guinevere Moore, Johnson Moore LLC, Chicago, IL; Gregory Armstrong, IRS Office of Chief Counsel, Procedure and Administration, Washington, DC  
Co-sponsored by: Administrative Practice

**2:00PM – 6:00PM**

**Employee Benefits (TX)**

**2:00pm**      **Proxy Season: Looking Back, Looking Forward.** After much preparation and angst, public companies and their advisors have now made it through the initial season of pay ratio calculation and reporting. This program will cover lessons learned from the inaugural process and offer observations on what companies will be focusing on in year two. Panelists also will cover other highlights from the past proxy season and issues to be focused on as companies begin planning for the next season including possible changes to incentive plans in light of the changes to Section 162(m).  
Moderator: Martha N. Steinman, Hogan Lovells US LLP, New York, NY  
Panelists: Mark Borges, Compensia Inc., San Francisco, CA; Susan Daley, Perkins Coie LLP, Chicago, IL; Charley King, FW Cook, Atlanta, GA

**3:00pm**      **Break.** (No CLE)

**3:15pm**      **The Affordable Care Act: What Now? What Next?** This panel will discuss where the Affordable Care Act stands eight years after being enacted, including recent regulatory changes, IRS enforcement activities, and the impact on trends in telemedicine and wellness programs.  
Moderator: Don Wellington, Reed Smith LLP, Los Angeles, CA  
Panelists: Yelena Gray, Nixon Peabody LLP, Chicago, IL; Jenni Kregel, Reed Smith LLP, San Francisco, CA; Rachel Levy, Groom Law Group, Washington, DC; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC (Invited);

Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Tax Exempt and Government Entities Division, IRS Office of Chief Counsel, Washington, DC (Invited)

- 4:15pm**      **Department of the Treasury/Internal Revenue Service Hot Topics.** Representatives from the Department of Treasury and IRS will provide updates on the latest guidance and developments affecting employee plans. Moderator: Kathryn J. Kennedy, The John Marshall Law School, Chicago, IL  
Panelists: Kyle Brown, Division Counsel, Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC (Invited); Carol Weiser, Acting Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Victoria Judson, Associate Chief Counsel, Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel, (Employee Benefits), Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC (Invited)
- 5:15pm**      **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**      **Networking Reception.** (NO CLE)
- 2:00PM - 5:15PM**  
**State & Local Taxes (TX)**
- 2:00pm**      **What Is a Remote Seller to Do in This Post-*Quill* World?** In June 2018, in *South Dakota v. Wayfair, Inc.*, the US Supreme Court overruled its 50-year-old physical presence nexus standard for the collection of use taxes, replacing that “bright line” nexus standard with a case-by-case analysis of whether the remote seller has “availed itself of the substantial privilege of carrying on business” in the customer’s state. The Supreme Court majority determined that the South Dakota “factor presence” use tax nexus statute satisfied the significant nexus requirement of the Commerce Clause, at least in the context of the small state of South Dakota, but the *Wayfair* decision raises far more questions than it answered about what economic presence nexus standard states can use. This panel will explore a range of issues, including what types of safe harbor (or maybe no safe harbor at all) states have to provide in their use tax collection statutes, whether states need to have simplified their sales/use tax laws pursuant to the Streamlined Sales and Use Tax Agreement, as South Dakota did, to have a constitutional statute, whether states could apply their new economic presence nexus standard retroactively, and what use tax collection burdens on smaller remote sellers might violate the Commerce Clause.  
Moderator: John A. Biek, Neal Gerber & Eisenberg LLP, Chicago, IL  
Panelists: Max Behlke, National Conference of State Legislatures, Washington, DC; Shirley K. Sicilian, KPMG LLP, Washington, DC
- 3:00pm**      **Impact of *Wayfair* on Services and International Taxes.** *Wayfair* clearly changed the constitutional sales tax reach of states relating to remote sales of tangible personal property within the US. What about other transactions? This session will focus on the impacts of *Wayfair* relating to sales tax on remote sales of services within the US, and on transaction taxes on sales of products or services across international lines.  
Moderator: Steve P. Young, Holland & Hart LLP, Salt Lake City, UT  
Panelists: Professor John S. Baker, Louisiana State University Law School, Baton Rouge, LA; Michelle DeLappe, Garvey Schubert Barer, Seattle, WA
- 4:00pm**      **Break.** (No CLE)
- 4:15pm**      **SALT Deduction “Workaround” Responses to the 2017 Tax Act.** This panel will discuss states’ recently enacted charitable contribution tax credit structures and other legislative provisions that address the 2017 Tax Act’s \$10,000 state and local tax deduction cap. These state provisions are intended to permit taxpayers to obtain federal deductions by classifying payments as payroll taxes or charitable contributions while awarding a state tax credit. The panel will also discuss IRS Notice 2018-54 and the proposed regulations and their broad sweep, including the potential impact on longstanding non-profit scholarship granting organizations across the country.  
Moderator: Debra S. Herman, Hodgson Russ LLP, New York, NY  
Panelist: Bruce P. Ely, Bradley, Birmingham, AL; Peter L. Faber, McDermott Will & Emery, New York, NY



2:30PM – 5:45PM

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

**2:30pm 199A; Update and Analysis.** The panelists will focus on the effects of the proposed regulations and how they affect the planning for closely held business, especially with regards to planning techniques for pass through entities.

Panelists: Mark E. Wilensky, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY; Robb A. Longman, Longman & VanGrack LLC, Bethesda, MD; Galina "Allie" Petrova, Petrova Law PLLC, Greensboro, NC; Ivan Golden, Hahn Loeser, Chicago, IL

**3:45pm Break.** (No CLE)

**4:00pm Beyond Powell – Examining the Important Provisions of Operating Agreements and Shareholder Agreements.**

The panel will examine common – and important – provisions of operating agreements, partnership agreements, and shareholders agreements. The governing documents of an entity can provide the structure for a productive business. The panel will include the in-house general counsel of a family enterprise, and the topics covered will include: important tax provisions, transfer restrictions and responsible frameworks for transitioning ownership, and common management and operational control provisions.

Panelists: David A. Berek, Baker & McKenzie LLP, Chicago, IL; Buzz Winchester, Quikrete Companies Inc., Atlanta, GA

2:30PM – 5:45PM

**Court Procedure and Practice (TX)**

**2:30pm Current Developments.** This panel will include a report from the Tax Court, discussion of significant IRS guidance and litigation, an update on Tax Division priorities, a report from Treasury, and a discussion of significant pending litigation.

Moderator: Jeffrey M. Glassman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX  
Panelists: Chief Judge Maurice B. Foley, US Tax Court, Washington, DC; Richard G. Goldman, Deputy Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; Brendan T. O'Dell, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Gil Rothenberg, Chief, Appellate Section, Department of Justice Tax Division, Washington, DC

**3:00pm Litigating Whistleblower Cases in the Tax Court.** Whistleblower cases are moving through the Tax Court and are becoming more common. This panel will cover representing whistleblowers in the Tax Court, including the Tax Court's jurisdiction, standard of review, and discovery issues. Additionally, this panel will discuss how to represent taxpayers whose tax liability may be at issue in a whistleblower case, including quashing subpoenas and ensuring their privacy.

Moderator: Elizabeth Blickley, Washington, DC  
Panelists: Judge James Halpern, US Tax Court, Washington, DC; Erica Brady, The Ferraro Law Firm, Washington, DC; Patricia P. Davis, Special Trial Attorney, IRS Office of Chief Counsel (Large Business & International), Chicago, IL; Diana Erbsen, DLA Piper, New York, NY

**3:50pm Break.** (No CLE)

**4:05pm The New Partnership Audit Rules, Round 2 – After the Partnership Audit, How You and the IRS Fight it Out.** In Round 1, the Administrative Law Committee covered what will happen during the audit. In Round 2, we discuss the Final Partnership Adjustment ("FPA") and what options partnerships have following the end of the audit, including challenges to the adjustments in the FPA. We also discuss the assessment and collection of imputed underpayments and penalties under the new regime, including the operation of the push-out election.

Moderators: Robert J. Kovacev, Norton Rose Fulbright US LLP, Washington, DC; Rebecca M. Stork, Eversheds Sutherland LLP, Atlanta, GA  
Panelists: Jean A. Pawlow, Latham & Watkins LLP, Washington DC; Megan L. Brackney, Kostelanetz & Fink LLP, New York, NY; Jenni Black, Senior Counsel, Associate Chief Counsel Procedure & Administration, Washington, DC; Rochelle Hodes, Washington, DC

**4:55pm Post-Mayo Jurisprudence: Challenging Regulations after Mayo.** Seven years had passed since the Supreme Court eliminated the distinction between interpretive and legislative regulations and require the courts to accord *Chevron* deference to all tax regulations. This panel will discuss potential avenues to challenging regulations under APA and in light of *Chevron* deference and how the courts evaluate such challenges in the post-*Mayo* world.

Moderator: Arielle Borsos, Caplin & Drysdale Chartered, Washington, DC

Panelists: Professor Clinton G. Wallace, University of South Carolina, School of Law, Columbia, SC; Zhanna A. Ziering, Caplin & Drysdale Chartered, New York, NY; Gil Rothenberg, Chief, Appellate Section, Department of Justice Tax Division, Washington, DC

**2:30PM – 5:45PM**

**Diversity (JT)**

**2:30pm**

**The “Nanny Tax”: Taxation of Household Employees.** Individuals who hire household employees may be subject to state and federal employment taxes. This panel will discuss worker classification issues in determining whether an individual is a household employee and the federal income and employment tax reporting, withholding, and payment requirements that apply to household employees.

Moderator: Professor Tameka E. Lester, Georgia State University College of Law, Atlanta, GA

Panelists: Mikhail A. Zhidkov, IRS Office of Chief Counsel (TEGE, Employment Tax Branch 2), Washington, DC; Michael Wallace, Agostino & Associates, Hackensack, NJ; Professor Emily Yaun, Georgia State University College of Law, Atlanta, GA

**3:30pm**

**Preparing Fiduciary Income Tax Returns and Representing Clients on Audit.** This panel will walk through the Federal fiduciary income tax return along with its accompanying schedules. Panelists will discuss how to prepare these Federal fiduciary income tax returns and how to avoid commonly mishandled issues from a practical perspective. The panel will also discuss best practices when representing a client in an audit.

Panelists: Samuel Hercules, Fiduciary Tax Consultants LLC, New York, NY; Elizabeth Lindsay-Ochoa, CBIZ, Boston, MA; Bryan Babcock, IRS (Estate & Gift Tax), Atlanta, GA

**4:30pm**

**Break.** (No CLE)

**4:45pm**

**Drafting the 21st Century Family.** Family issues pose challenges for attorneys trying to fulfill a client’s long-term goals, especially for families with unique circumstances. This panel will give practical perspectives and advice on how to handle difficult situations that arise from the composition of the 21st century family.

Moderator: Elizabeth Lindsay-Ochoa, CBIZ, Boston, MA

Panelists: Professor Lee-Ford Tritt, University of Florida, Levin College of Law, Gainesville, FL; Laura Lattman, McLaughlin & Stern, New York, NY; Vanessa Hernandez, Bessemer Trust, Washington, DC

**2:30PM – 5:45PM**

**Financial Transactions (TX)**

**2:30pm**

**Section 163(j) Update.** This panel will discuss issues relating to section 163(j) from a financial transactions perspective, including the definition of “business interest,” hedging transactions and cancellation of debt income. To the extent proposed regulations have been released, this panel will also consider the impact of such regulations.

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

Panelists: Jeff Borghino, Grant Thornton LLP, Washington, DC; Eileen Marshall, Wilson Sonsini Goodrich & Rosati, Washington, DC; Brett York, Department of Treasury, Washington, DC (Invited)

**3:30pm**

**Treatment of Certain Debt Related Fees.** This panel will explore the treatment of certain fees relating to debt, including upfront fees and fees paid during the life of a debt instrument.

Moderator: Michael Bauer, PwC, Washington, DC

Panelist: Bora Bozkurt, Latham & Watkins LLP, New York, NY; Diana Imholtz, IRS Office of Associate Chief Counsel (FI&P), Washington, DC (Invited)

**4:30pm**

**Break.** (No CLE)

**4:45pm**

**Banks and the BEAT.** This panel will discuss the questions confronting financial institutions as they navigate the BEAT, including the scope of the "qualified derivative" exemption, the impact of derivatives on the base erosion percentage, the effect of the global dealing rules and the special issues facing US branches of foreign banks.

Moderator: Lucy Farr, Davis Polk & Wardell, New York, NY

Panelists: Rhiannon Nakano, Citigroup Inc., New York, NY; Elena Romanova, Latham & Watkins LLP, New York, NY

**2:30PM – 5:45PM**

**Insurance Companies (TX)**

**2:30pm**

**Insurance Tax “Real Time” Topics.** Panelists will provide an update regarding the status and content of developing/resolved 2017 Tax Act items, recent court decisions (if any), and IRS guidance on insurance tax

issues. Panelists will discuss industry tax issues, including tax reform-related issues, any 2017 Tax Act guidance that is issued by meeting time, and the recent captive decision in *Reserve Mechanical*.

Moderator: Jean Baxley, Deloitte Tax LLP, Washington, DC

Panelists: Mark S. Smith, PwC, Washington, DC; Kathryn M. Sneade, Assistant Branch Chief, IRS Office of Chief Counsel, Financial Institutions and Products, Branch 4, Washington, DC; Richard Riley, Foley & Lardner LLP, Washington, DC

**3:15pm International Tax Reform and Insurance Companies.** The panel will discuss how insurance companies are implementing the international tax provisions added by the 2017 Tax Act, including the following topics: Application of the BEAT to Cross-Border Insurance Transactions; GILTI Issues and Planning for Insurance Companies; Insurance Company Exception from PFIC Status under section 1297(f).

Moderator: Stuart Katz, KPMG, New York, NY

Panelists: Surjya Mitra, PwC, Washington, DC; Revital Gallen, EY, Irvine, CA

**4:30pm Break.** (No CLE)

**4:45pm Traps for the Unwary: Life Insurance Valuation and Transfer Issues.** Panelists will discuss various tax traps involving life insurance contracts. The panel will describe different methods for valuing life insurance contracts for income tax purposes, gift tax purposes, and GST valuation. The panel will also discuss issues that arise in connection with the transfer of a life insurance contract, including transfers for value that affect the tax-free death benefit, the part-gift/part-sale rules, gratuitous transfers, and how transfers affect the investment in the contract and cost basis of a contract going forward. In addition, the panel will discuss the new reportable policy sale rules that were enacted under the 2017 Tax Act, the recent guidance in Notice 2018-41 relating to these new rules, and any subsequent guidance that may be forthcoming that interprets these new rules.

Moderator: Alison Peak, Davis & Harman LLP, Washington, DC

Panelists: Kathryn M. Sneade, Assistant Branch Chief, IRS Office of Chief Counsel, Financial Institutions and Products, Branch 4, Washington, DC; Patrick Horning, Northwestern Mutual, Milwaukee, WI; Graham Green, Eversheds Sutherland, Washington, DC

**2:30PM - 5:45PM**

**Real Estate (TX)**

**2:30pm Overview of Qualified Opportunity Zones.** This panel will provide an overview of qualified opportunity zones and qualified opportunity funds, focusing on what they are, how qualified opportunity fund investments can be structured, how investors and distressed communities can benefit, and what we know and don't know.

Moderator: Jessica Millett, Duval & Stachenfeld LLP, New York, NY

Panelists: Lou Weller, Weller Partners LLP, Sausalito, CA; Steven Berman, Berman Indictor LLP, Philadelphia, PA; Michael Novogradac, Novogradac & Co. LLP, San Francisco, CA

**3:30pm Structuring Foreign Investment in US Real Property After Tax Reform.** This panel will focus on structuring foreign investment in US real property after tax reform, including new tax considerations applicable to blocker corporations. This panel also will provide an update on qualified foreign pension funds.

Moderator: David Friedline, Deloitte Tax LLP, New York, NY

Panelist: Marcy G. Geller, Simpson Thacher & Bartlett LLP, New York, NY

**4:15pm Break.** (No CLE)

**4:30pm What is a Real Estate Trade or Business?** This panel will provide a detailed discussion of what it means to have a real estate trade or business, with an emphasis on the meaning in the context of new sections 163(j), 199A, and 1061 brought on by tax reform.

Moderator: David Leavitt, PwC, New York, NY

Panelists: Peter J. Genz, King & Spalding, Atlanta, GA; James B. Sowell, KPMG LLP, Washington, DC; Tom West, Tax Legislative Counsel, Department of the Treasury, Office of Tax Policy, Washington, DC

**5:15pm Special Issues Applicable to Timber.** This panel will discuss tax issues applicable to timber ownership and operations, including special rules applicable to timber REITs, disposition of timber, depletion, and reforestation expenditures.

Panelists: Brian E. Hammell, Sullivan & Worcester LLP, Boston, MA; James E. Wreggelsworth, Davis Wright Tremaine LLP, Seattle, WA

2:30PM – 5:45PM

S Corporations (TX)

2:30pm

**Section 199A Proposed Regulations.** A dialogue with representatives from the Treasury Department and the Internal Revenue Service Chief Counsel's Office on the proposed section 199A regulations. Specific partnership section 199A rules will be discussed separately during the Partnership Committee meeting. Moderator: Thomas J. Nichols, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI  
Panelists: Audrey W. Ellis, Attorney Advisor, Department of Treasury, Washington, DC; Wendy L. Kribell, IRS Office of Chief Counsel, Washington, DC; Laura Howell-Smith, Deloitte Tax, Washington, DC

4:00pm

**Cooperatives.** A summary of the federal income tax treatment of operating a business as a cooperative for use with an S corporation or as an alternative form of doing business.  
Panelist: Craig A. Houghton, Baker Manock & Jensen PC, Fresno, CA

4:30pm

**Break.** (No CLE)

4:45pm

**Important Developments in the Federal Income Taxation of S Corporations.** The panel will discuss recent legislative, administrative and judicial developments relating to S corporations and their shareholders. Moderator: Laura Krebs Al-Shathir, Capes Sokol, St Louis, MO  
Panelists: Gregory L. Lohmeyer, Quarles & Brady, Milwaukee, WI; Edward A. Waters, Dean Mead, Orlando, FL

5:30pm

**New Tax Connect Platform for Communicating with Members of the Tax Section.** (No CLE) This presentation will summarize the new Tax Connect website for the Tax Section.  
Panelist: Arthur Atkin, Program Associate America Bar Association, Section of Taxation, Washington, DC

2:30PM – 5:45PM

Tax Accounting (TX)

2:30pm

**Current Developments.** This panel will review recent developments in the area of tax accounting since the Section of Taxation meeting held in Washington, D.C. in May. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury.

Moderator: Connie Cheng, BDO LLP, Los Angeles, CA

Panelists: Michael Resnick, Eversheds Sutherland LLP, Washington, DC; Jessica Lean, KPMG, Washington, DC; John Moriarty, Deputy Chief Counsel, Income Tax & Accounting, Washington, DC; Scott Dinwiddie, Associate Chief Counsel, Income Tax & Accounting, Washington, DC; Ellen Martin, Tax Policy Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

3:15pm

**Accounting Method Changes for Controlled Foreign Corporations.** This panel will review the issues related to filing accounting method changes for controlled foreign corporations (CFCs). Topics will include audit protection, the exceptions to audit protection, limitations for CFCs in filing method changes and discussions of disregarded method changes filed in the 2017 or 2018 tax year and the adjustments to E&P required as a result of these changes.

Moderator: Christine Turgeon, PwC, New York, NY

Panelists: Carol Conjura, KPMG, Washington, DC; Jane Rohrs, Deloitte Tax LLP, Washington, DC

4:00pm

**Break.** (No CLE)

4:15pm

**Inventory.** This panel will review issued and pending guidance in the area of inventory accounting. Topics will include discussion of the negative additional section 263A regulations as well as small business accounting method changes under section 263A. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury. Moderator: Kristine Mora, EY, Washington, DC

Panelists: Les Schneider, Ivins Phillips & Barker, Washington DC; Christina Morrison, Senior Technician Reviewer, Branch 6, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC; Christopher Call, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

4:45pm

**Revenue Recognition and Section 451.** This panel will continue to build upon previous revenue recognition panels in light of the financial accounting standard ASC 606 and enactment of the 2017 Tax Act. This panel will discuss recently released guidance and discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury. Moderator: Les Schneider, Ivins Phillips & Barker, Washington, DC

Panelists: Colleen O'Conner, KPMG, Washington, DC; Wendy Friese, Deloitte Tax, Washington, DC; John Moriarty, Deputy Chief Counsel, Income Tax & Accounting, Washington, DC; Scott Dinwiddie, Associate Chief

Counsel, Income Tax & Accounting, Washington, DC; Charles Gorham, Senior Attorney, Branch 1, Income Tax & Accounting, Office of Associate Chief Counsel, IRS, Washington, DC; Christopher Call, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

**3:00PM – 4:30PM**

**Teaching Taxation (TX)**

**3:00pm**

**Global Trends in Transparency and Disclosure.** Over the past ten years, taxpayers and countries have faced increasing demands and obligations for tax transparency and disclosure. Global examples include BEPS Country-by-Country Reporting, the Common Reporting Standard, Beneficial Ownership Registries, and EU mandatory disclosure directives. These new requirements for taxpayer disclosure to government have prompted calls for public disclosure of the reported taxpayer information. International tax organizations and NGOs have played an active role in the debate over public access to taxpayer information. This panel will explore these trends in tax transparency and disclosure, along with the emerging problems and debates over the benefits, risks, design, and scope of these new practices.

Moderator: Professor Patricia Brown, University of Miami, Coral Gables, FL

Panelists: Dèlcia M. Capocasale, Cuatrecasas, New York, NY; Victor A. Jaramillo, Caplin & Drysdale, Washington, DC; Pere M. Pons, Chevez Ruiz Zamarripa, Madrid, Spain; Vincent van der Lans, Loyens & Loeff, New York, NY

Co-Sponsored by: Foreign Lawyers Forum

**4:00PM – 5:30PM**

**Tax Practice Management (TX)**

**4:00pm**

**The IRS's Modern Use of Artificial Intelligence and Big Data in Tax Enforcement.** As federal enforcement agencies are increasingly asked to do more with less, the US government has implemented advanced technology applications to enforce financial crimes which have increased in sophistication. In 2011, the IRS created the Office of Compliance Analytics as its answer to investigate and combat modern tax crimes. Using advanced artificial intelligence, the Office of Compliance Analytics relies on the use of big data and predictive algorithms to be more strategic in its approach in bringing cases. After decades of storage, the IRS has significant amounts of data to be analyzed with predictive algorithms. In addition, the IRS has started to combine its own data with taxpayer data mined from social media platforms like Twitter, Facebook, and Instagram to help identify potential noncompliant taxpayers and combat tax fraud. This panel will discuss the fundamentals of the IRS's big data analytics program, potential taxpayer privacy concerns, and what tax practitioners should be aware of when they represent clients in the future.

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

Panelists: Eric Hylton, Deputy Chief, Criminal Investigation, IRS, Washington, DC; Carina Federico, Crowell & Moring LLP, Washington, DC; Michelle Schwerin, Capes Sokol, St. Louis, MO; Professor Kimberly Houser, Oklahoma State University, Stillwater, OK

**4:00PM – 5:30PM**

**Young Lawyers Forum (TX) (Ethics)**

**4:00pm**

**New Law, New Regulations, New Practitioners: Legal and Ethical Obligations When Advising Taxpayers in an Uncertain Legal Environment.** (Ethics) This panel will discuss practical and technical issues that arise after a major change in law such as the 2017 Tax Act. We will explore the impact of proposed, temporary, and final regulations on the interpretation of a newly enacted statute as well as the opportunities and ethical risks the resulting uncertainty creates for lawyers of all ages and experience levels.

Moderator: Robert Russell, alliantgroup, Washington, DC

Panelists: William Wilkins, PwC, Washington, DC; Brian Harvel, Alston & Bird, Atlanta, GA; Heather Fincher, BakerHostetler, Washington, DC; Katie O'Grady, Equifax, Atlanta, GA

**5:30PM – 6:30PM**

**Foreign Activities of US Taxpayers Business Meeting (TX)**

**5:30PM – 6:30PM**

**Transfer Pricing Business Meeting (TX)**

**5:45PM – 6:30PM**

**US Activities of Foreigners & Tax Treaties Business Meeting (TX)**

**6:30PM – 7:30PM**

**Joint Section Reception (*Ticketed Event*) (JT)**

8:00PM – 10:00PM

International Committees Dinner (*Reservation Required*) (TX)

**SATURDAY, OCTOBER 6**

7:15AM – 8:30AM

**Real Estate, Partnerships & LLCs and S Corporations “Shop Talking” Breakfast (TX)** (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.

7:45AM – 9:00AM

**Court Procedure & Practice Committee Breakfast (*Ticketed Event*) (TX)**

8:30AM – 11:45AM

**Corporate Tax (TX)**

8:30am

**Special Issues under the 2017 Tax Act.** This panel will explore some of the unresolved issues arising under the 2017 Tax Act. Such issues may include the application of the holding period requirement of the new section 245A deduction for dividends received from certain foreign corporations (including deemed dividends under revised section 964(e)), the application of section 1059 in cases in which section 245A applies to such dividends, and double tax issues resulting from triggering pre-2017 Tax Act gain recognition agreements, and the post-2017 Tax Act role of section 367(b).

Moderator: Audrey Nacamuli Charling, General Electric Company, Norwalk, CT

Panelists: Erik Corwin, KPMG, Washington, DC; Martin Hunter, PwC, New York, NY; Brett York, Associate International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Lisa Zarlenga, Steptoe & Johnson, Washington, DC; Brenda Zent, Special Advisor to the International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC

10:00am

**Break.** (No CLE)

10:15am

**Current Developments in Corporate Tax.** This panel will discuss a number of interesting PLRs and notices from the IRS dealing with section 355 transactions, including PLRs presenting issues under the business purpose requirement and the device prohibition, rulings issued under the new Transactional Ruling program (Rev. Proc. 2017-52), recent Treasury and IRS pronouncements regarding the no net value regulations, and the recently issued May Company regulations, and issues involving the interplay of new section 163(j) and section 382.

Moderator: Derek Cain, PwC, Washington, DC

Panelists: Mark Schneider, Deloitte LLP, Washington, DC; Rachel Kleinberg, Davis Polk & Wardwell, Menlo Park, CA; Robert H. Wellen, IRS Associate Chief Counsel (Corporate), Washington, DC

8:30AM – 11:45AM

**Employee Benefits (TX)**

8:30am

**Employment and Benefits Developments for Non-Traditional Employment Relationships.** This panel will discuss the DOL final rule on Association Health Plans, worker classification in the Gig economy and the use of multiple employer plans to provide benefits to workers in the Gig economy.

Moderator: Stefan P. Smith, Locke Lord LLP, Dallas, TX

Panelists: Yelena F. Gray, Nixon Peabody LLP, Chicago, IL; J. Marc Fosse, Trucker Huss APC, San Francisco, CA; Robert J. Toth Jr., Law Office of Robert J. Toth Jr. LLC, Fort Wayne, IN

9:30am

**Break.** (No CLE)

9:45am

**Panel Topic TBA.**

Moderator: Andrew Liazos, McDermott Will & Emery, Boston, MA

Panelists: TBD

10:45am

**Moving Expenses, Meals, Commuting, Entertainment, Leave, De Minimis Fringes, 162(m) and 83(i), Oh My! Your Just-in-Time 2017 Tax Act Guidance Primer.** This panel will provide hot-off-the-press, up-to-the-minute analysis of guidance issued under the 2017 Tax Act.

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

Panelists: Rebecca S. Coccaro, Sullivan & Cromwell LLP, Washington, DC; Jason E. Russell, Deloitte Tax LLP, San Francisco, CA

**8:30AM – 11:45AM**

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

**8:30am** **Current Developments.** AK and Nick will review current developments in fiduciary income tax and Cathy Hughes will update the committee on developments within the Treasury and the Service including the new proposed section 199A regulations.  
Panelists: Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Anna Katherine (AK) Moody, Venable LLP, Washington, DC; Nicholas A. Jacobus, Venable LLP, Los Angeles, CA

**9:10am** **Can You Keep a Secret? Working with Silent Trusts.** This panel will provide a thorough and practical guide to working with so-called "silent trusts," including a discussion of the key obligations that fiduciaries need to grasp and meet to avoid liability and defend against beneficiary claims, the ways in which these obligations can vary between jurisdictions, and how to avoid being caught between the settlor's directions and the duties imposed under governing law.  
Panelist: Nicole Mann, McDermott Will and Emery, Chicago, IL; Stacey Delich-Gould, Capital Group Private Client Services, New York, NY

**10:00am** **Break.** (No CLE)

**10:15am** **Trusts and the Transition Tax: Everything You Didn't Want to Know.** Section 965 (the "transition tax") added new complexity to the Internal Revenue Code for taxpayers with interests in foreign corporations. Trusts face unique challenges when approaching transition tax issues. This session will provide a brief primer on section 965 and address trustee considerations for the current year and going forward: reporting issues, paying the tax, and transferring property that is subject to 965(h) installment payments or 965(i) deferral.  
Panelist: Jennifer Einziger, EY, Washington, DC

**10:45am** **The Tax Overhaul for Tax Exempts: What You Need to Know Now.** Whether you work with tax exempt organizations or their donors, you likely have been getting questions about the new tax law. Donors want to maximize the tax benefits of giving. Nonprofits want to minimize unrelated business taxable income or "UBTI." And colleges are concerned about the new endowment tax. Come discover the story behind the story and hear the latest on how the nonprofit sector is navigating the tax overhaul.  
Panelist: Diana Myers, Northern Trust, Chicago, IL

**8:30AM - 10:30AM**

**LLCs and LLPs Subcommittee of Partnerships & LLCs (TX) (NO CLE)**

**8:30am** **Roundtable Discussion: A Discussion Concerning the States' Reactions to the New Partnership Audit Rules.** (NO CLE) The states are facing the situation where they need to adapt their rules to address the dramatic changes at the federal level concerning the conduct of partnership audits. This discussion will concern the dangers and complexities if the states all adopt different rules, and the attempts being made to ensure conformity among most of the states.  
Panelists: Bruce Ely, Bradley Arant Boult Cummings LLP, Birmingham, AL; Alysse McLoughlin, McDermott Will & Emery LLP, New York, NY; Fred Nicely, Senior Tax Counsel for the Council on State Taxation, Washington, DC

**9:30am** **Roundtable Discussion: The Conservation Easement Battle Rages On.** (NO CLE) Despite long-standing bipartisan Congressional support for the use of conservation easements as an incentive for taxpayers to conserve property in America, taxpayers who claim charitable deductions from the grant of conservation easements, whether or not subject to Notice 2017-10 (making them "Listed Transactions"), are facing continued and aggressive IRS challenges. Such challenges often take the form of attacks on technical "foot-faults" and newly devised IRS positions and interpretations of Code Section 170(h) and the Treasury Regulations promulgated thereunder. Our discussion will include an overview of conservation easements and how the IRS is currently waging its war by identifying some of the new arguments and attacks on the use of conservation easements that the IRS is using to attempt to defeat and deny deductions.  
Panelists: Anson Asbury, Asbury Law Firm, Atlanta, GA; Ronald Levitt, Sirote & Permutt PC, Birmingham, AL

**8:30AM – 11:45AM**

**Pro Bono & Tax Clinics (TX)**

**8:30am** **Canceled Debt Reporting Under IRC Section 6050P.** Disputed cancellation of debt income is an issue frequently encountered in tax controversy work. Debt collectors and creditors who issue Form 1099-C Cancellation of Debt often do so absent an actual cancellation, discharge, or extinguishment of indebtedness, causing taxpayers to face liability for tax on cancelled debt income while simultaneously facing continued collections actions by the debt collector. Additionally, taxpayers who receive a Form 1099-C often do not understand that mere receipt of the form does not automatically require including in gross income the amount reported in the form. This panel

will discuss controversies that may arise as the result of Form 1099-C, ambiguities found in Treas. Reg. section 1.6050P-1, and areas for potential improvement in the cancellation of debt reporting regime.

Moderator: Professor Christine Speidel, Villanova University Charles Widger School of Law, Villanova, PA

Panelists: Christina Glendening, IRS Office of Chief Counsel, Washington, DC; Kristie Iatrou, Mondrik & Associates, Austin, TX; Fran Mordi, Mortgage Bankers Association, Washington, DC; Professor Sonya Watson, William S. Boyd School of Law, Las Vegas, NV

**9:30am Tax Consequences of Student Loan Debt Cancellation.** This panel will discuss cancelled student loan debt from cradle to grave. The panel will begin with a discussion of the expanding student loan debt crisis writ large, as well as some of the means for discharging student loan debts (for example, the “defense to repayment” process in the Higher Education Act). The panel will then discuss the tax consequences of the various student loan cancellation provisions, including how to report them and when they may or may not be taxable. Lastly, the panel will talk about potential legislative or advocacy fixes for the looming student debt issues.

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

Panelists: Professor Ted Afield, Georgia State University Law School, Atlanta, GA; Toby Merrill, Legal Services Center of Harvard Law School, Jamaica Plain, MA; Vijay Raghavan, Illinois Attorney General’s Office, Chicago, IL

**10:30am Break.** (No CLE)

**10:45am Jurisdictional Ramifications of a CDP Request.** Upon receipt of a section 6320 or 6330 Notice from the IRS offering a Collection Due Process hearing, the taxpayer must send in the CDP request (usually using Form 12153) within 30 days of the notice. The IRS has mostly taken the position that the taxpayer must mail the notice to the “right” place within the IRS in order for the Tax Court to have jurisdiction over a CDP case should the taxpayer file a Tax Court petition following the CDP hearing with Appeals. Can the IRS administrative rules dictate to a court when it has jurisdiction? Is the IRS consistent in the application of its rules? Do its rules make sense? Recent cases cast doubt on the ability of the IRS to dictate to the Tax Court which cases meet the jurisdictional requirement and cast doubt on the way in which the IRS applies its own rules. This panel will discuss the issue and the cases challenging the position of the IRS.

Moderator: Omeed Firouzi, Christine A. Brunswick Public Service Fellow, Philadelphia Legal Assistance, Philadelphia, PA

Panelists: Professor T. Keith Fogg, Legal Services Center of Harvard Law School, Jamaica Plain, MA; Susan Morgenstern, IRS Taxpayer Advocate Service, Cleveland OH

**8:30AM – 11:45AM**

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

**8:30am Current Developments Relating to Sales, Exchanges & Basis.** (Young Lawyers) Panelists review recent case law and guidance on traditional sale, exchange, and basis issues, and section 1031 developments.

Panelists: David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA; E. John Wagner II, Williams Parker Harrison Dietz & Getzen, Sarasota, FL

**9:00am The Interaction of Section 267, 1031 and 1033 with the Qualified Business Income Limitation.** One planning technique to seek to maximize a qualified business deduction for rental real estate, and other non-labor-intensive businesses is obtaining limitation under the section 199A(b)(2)(B)(ii) item equal to 2.5% unadjusted basis of qualified property whose depreciable period has not yet expired. The panelists will discuss this limitation, including the possible scope of regulations under section 199A(h)(1) to prevent extension of the depreciable period by purchases from section 267 – related parties, and under section 199A(h)(2) to coordinate the unadjusted basis computation with sections 1031 and 1033 non-recognition exchanges.

Moderator: Rafi Mottahedeh, Cargill, Chicago, IL

Panelist: Alfred Bae, EY, Houston, TX

**9:45am Break.** (No CLE)

**10:00am Deferring and Reducing Income Taxes on Non-Opportunity Zone Property, and Eliminating Income Taxes on Opportunity Zone Property, Through Qualified Opportunity Funds.** Upon the sale of appreciated property, the seller can defer tax until 2026, and reduce the amount of such deferred tax by up to 15%, by investing the amount of gain in a qualified opportunity fund. If the fund interest is itself held for 10 years, gain on the fund (though not on any original rolled-over gain) can be completely excluded. Panelists will discuss the opportunities, limitations and uncertainties in achieving these favorable tax deferrals, reduced rates, and complete exemptions. Also discussed will be the possible benefits and detriments of deferring gain arising from a real estate sale, through investing in a qualified opportunity fund that will own replacement real estate, as an alternative to directly investing in replacement real estate under section 1031.



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

Panelists: Matthew E. Rappaport, Falcon Rappaport & Berkman PLLC, New York, NY; Julie Hanlon-Bolton, Special Counsel, IRS Associate Chief Counsel (Income Tax & Accounting), Washington, DC

11:00am

**Handling Associated Personal Property in Real Estate Contracts.** Beginning in 2018, the federal tax law has created even greater divergent tax treatment between personal and real property acquired as part of the same transaction: personal property is now eligible for immediate expensing, and personal property is no longer eligible for section 1031 like-kind exchange treatment. Moreover, state laws, such as sales taxes and recording of security interests, likewise typically create greatly divergent rules for personal property and real property. The panelists will discuss the possible advisability to parties to a real estate contract of separating the real property from the associated personal property as clearly as possible, such as by separately identifying, appraising in a cost segregation engineering study, contracting for, transferring, and planning in a different ownership entity, personal property and real property acquired as part of the same transaction. Panelist: Steve Breitstone, Meltzer Lippe Goldstein & Breitstone, Mineola, NY

8:30AM – 10:30AM

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

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

8:45AM – 12:00PM

**Civil and Criminal Tax Penalties (TX)**

8:45am

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

9:10am

**It's All About the Penalties.** When it comes down to it, the decision of whether to settle with the IRS often depends on the penalties imposed. Knowing what penalties there are and what the IRS must do to successfully impose them is an extremely important part of representing taxpayers. This panel will survey the penalties that practitioners are most likely to run across and discuss: 1) the IRS process for considering and asserting penalties, 2) the implications of assessable versus non-assessable penalties and 3) taxpayer options for relief from or challenging penalties. The discussion will also touch on recent developments related to Section 6751 penalty approval and the IRS first time penalty abatement program.

Moderator: Richard Pelak, Culp Elliott & Carpenter, Charlotte, NC

Panelist: Frank Agostino, Agostino & Associates PC, Hackensack, NJ; Mary E. Wood, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Robin L. Greenhouse, Acting Division Counsel, LB&I, IRS Office of Chief Counsel, Washington, DC

9:55am

**Break.** (No CLE).

10:10am

**Skills Workshop: Preparing Your Client (the Taxpayer) for the Government Interview.** Should your client decided to answer the government's questions, whether in response to a polite request by a Revenue Agent, an administrative summons, a grand jury subpoena, or a proffer, preparation is critical, because, let's face it, a lot can go wrong. This panel of experienced tax litigators will discuss how they decide whether to let their clients talk and the strategy involved in those decisions. The panelists will offer practical tips for preparing your client for the government interview, handling the interview itself, and what to do if the interview goes "off the rails." This is the second in a planned series of skills workshops.

Moderator: Sara G. Neill, Capes Sokol Goodman Sarachan PC, St. Louis, MO

Panelist: Larry A. Campagna, Chamberlain Hrdlicka, Houston, TX; Patricia A. Pileggi, Schiff Hardin LLP, New York, NY; Edward M. Robbins Jr., Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA

11:00am

**OVDP – End of an Era.** Though its use by taxpayers had substantially dwindled in recent years, for nearly a decade, the Offshore Voluntary Disclosure Program was a major component of the IRS's effort to bring US taxpayers into compliance with their offshore reporting obligations, and helped facilitate the return of billions of

Program schedule information is preliminary and subject to change.

For the most up-to-date information, please visit the 2018 Fall Tax Meeting website: <http://ambar.org/18fall>

dollars to the tax base. Neither the IRS nor Department of Justice have given any indication that they have stopped searching for offshore tax cheats and no doubt there are many individuals who still need to come in from the cold. But, without OVDP what advice can the practitioner provide? A panel of experienced lawyers and IRS officials will discuss this question and share their thoughts on how and whether a taxpayer can still disclose previously unreported offshore assets without serious risk of criminal prosecution or huge offshore penalties.

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

Panelists: Eric Hylton, IRS Criminal Investigations Division, Washington, DC; Caroline D. Ciraolo, Kostelanetz & Fink LLP, Washington, DC; Brian C. McManus, Latham & Watkins LLP, Boston, MA; Additional Panelists Invited

**10:30AM – 11:00AM**

**State & Local Taxes: Publication Subcommittees (TX) (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.

**11:00AM – 12:00PM**

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

**12:00PM – 1:30PM**

**Joint Section Luncheon & Plenary Session (*Ticketed Event*) (JT)**