2019 Midyear Tax Meeting
January 17-19, Hyatt Regency, New Orleans, LA

THURSDAY, JANUARY 17

8:30AM – 3:00PM
Officers & Council Meeting (Executive Session)

12:00PM – 6:00PM
Tax Bridge on the Road (Young Lawyers)

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

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

7:00PM – 9:30PM
Partnerships & LLCs and Real Estate Committees Dinner (NO CLE) (Reservation Required)
Real Estate Committee and the Partnerships & LLCs Committee will meet for cocktails and dinner. Cocktails (cash bar) will begin at 7:00pm, followed by dinner at 7:30pm. Reservations and advance payment will be required. For details, please visit the Partnerships & LLCs or Real Estate Committee Pages.

7:30PM – 9:30PM
Administrative Practice Dinner (Invitation Only)

FRIDAY, JANUARY 18

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

7:30AM – 8:30AM
Exempt Organizations Subcommittee on Audits, Appeals and Litigation (NO CLE)
Chairs: Michael A. Clark, Sidley Austin, Chicago, IL; Marcus S. Owens, Loeb & Loeb LLP, Washington, DC
7:30am Roundtable Discussion of Current Developments (NO CLE)

7:30AM – 8:30AM
Exempt Organizations Subcommittee on Health-Care Organizations (NO CLE)
Chairs: T.J. Sullivan, Drinker Biddle & Reath LLP, Washington, DC; Robert W. Friz, PwC, Philadelphia, PA
7:30am Roundtable Discussion of Current Developments (NO CLE)

7:30AM – 8:30AM
Exempt Organizations Subcommittee on Political and Lobbying Organizations (NO CLE)
Chairs: Elizabeth J. Kingsley, Harmon Curran Spielberg + Eisenberg LLP, Washington, DC; Richard F. Riley, Foley & Lardner LLP, Washington, DC
7:30am Roundtable Discussion of Current Developments (NO CLE)

7:30AM – 8:30AM
Exempt Organizations Subcommittee on Private Foundations, Unrelated Business Income and International Philanthropy (NO CLE)
Chairs: LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA; Robin Krause, Patterson Belknap Webb & Tyler LLP, New York, NY; Alexander L. Reid, Morgan Lewis & Bockius LLP, Washington, DC; Tamara Watts, Bill & Melinda Gates Foundation, Seattle, WA; Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA; James P. Joseph, Arnold & Porter LLP, Washington, DC
7:30am Roundtable Discussion of Current Developments (NO CLE)

7:30AM – 8:30AM
Exempt Organizations Subcommittee on Religious Organizations (NO CLE)
Chairs: Michael E. Durham, Kirton McConkie PC, Salt Lake City, UT; Thomas E. Wetmore, General Conference of Seventh-Day Adventists, Silver Spring, MD
7:30am Roundtable Discussion of Current Developments (NO CLE)

Program schedule information is preliminary and subject to change.
For the most up-to-date information, please visit the 2019 Midyear Tax Meeting website: http://ambar.org/19taxmidyear
8:00AM – 10:00AM
Capital Recovery & Leasing
Chair: Sam Weiler, EY, Columbus, OH
8:00am  Current Developments and Update on Pending Guidance. This panel will cover the important recent developments in the areas of capital recovery and leasing.
Panelists: TBA

8:30am  Section 163(j) and its Impact on Cost Recovery. This panel will discuss recently released guidance under section 163(j), including specific issues addressed in such guidance impacting the capital recovery space.
Panelists: TBA

9:15am  A Discussion on Environmental Preservation Credits. This panel will discuss the federal tax implications of various types of programs where the government provides certain incentives for private industry to preserve the environment. Two examples include mitigation banking and carbon sequestration. This panel will discuss issues involving when taxpayers have an income recognition event, what costs (if any) may be capitalized, are there recovery mechanisms outside of a sale or exchange, and other issues that may arise with respect to these programs.
Panelists: TBA

8:00AM – 9:30AM
Employee Benefits Defined Contribution Plans Update
Presented by the Subcommittee on Defined Contribution Plans
This meeting will examine recent and pending regulatory and enforcement activity relating to section 401(k) plans and other defined contribution plans. It will also involve discussion regarding recent litigation relating to and impacting defined contribution plans. Finally, the meeting will involve a discussion of emerging issues.
Panelists: Puneet K. Arora, Willis Towers Watson, Chicago, IL; Hallie Goodman, Dorsey & Whitney LLP, Minneapolis, MN; 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)

8:00AM – 9:30AM
Employee Benefits Executive Compensation, Fringe Benefits and Federal Securities Law Update
Presented by the Subcommittees on Employee Benefits Executive Compensation and Fringe Benefits and Federal Securities Law
This meeting will provide an update on Notice 2018-68 detailing guidance from the Internal Revenue Service on certain aspects of the amended provisions of section 162(m). Panelists will discuss the impact of the guidance on current and future arrangements, including an update on the current understanding of the grandfather rule to existing compensation arrangements. Additionally, the meeting will discuss the anticipated guidance regarding the excise tax on annual compensation paid by all tax-exempt organizations in excess of $1 million.
Panelists: Curtis Fisher, Bass Berry & Sims PLC, Nashville TN; Rita Patel, DLA Piper LLP, Washington, DC; Government Panelists TBA

8:15AM – 11:30AM
Administrative Practice
Panel details coming soon.

8:15AM – 11:30AM
Affiliated & Related Corporations
Panel details coming soon.

8:15AM – 11:30AM
Banking & Savings Institutions (Ethics)
Chair: Yoram Keinan, Smith Gambrell & Russell LLP, New York, NY
8:15am  Advising Financial Institutions in Times of Uncertainty. (Ethics) The passage of the 2017 Tax Act in December 2017 resulted in significant changes to the international tax landscape in the United States. To fully implement the legislation which contains many unresolved issues and unanswered questions, Treasury and IRS are working hard on drafting and issuing regulations that once finalized, are expected to supplement the provisions of the Act. In the interim, for a period of almost 18 months, financial institutions are expected to operate, plan and comply with provisions which in part are yet to be published (section 7805(b)(2) allows the Treasury to issue regulations up to 18 months from the enactment date of the legislation with an effective date as of the
date of the original legislation and without it being considered retroactive). In light of this unique situation, the panel will discuss how financial institutions and their tax advisers should operate in times of uncertainty and how to manage and minimize the risks associated.
Moderator: Shay Menuchin, KPMG, Toronto, ON
Panelists: Stow Lovejoy, Kostelanetz & Fink, New York, NY; Additional Panelist TBA

9:45am  Break. (No CLE)

10:00am Recent Developments Including Updates on International Tax Rules Pertaining to Financial Institutions. This panel will discuss current developments in taxation of financial institutions, in anticipation of regulations by the end of the year pertaining to the international tax provisions of the 2017 Tax Act.
Moderator: Anthony Tuths, KPMG, New York, NY
Panelists: Yoram Keinan, Smith Gambrell & Russell LLP, New York, NY; Additional Panelist TBA

8:15AM – 11:30AM
Closely Held Businesses
Panel details coming soon.

8:15AM – 11:30AM
Estate & Gift Taxes
Chairs: George D. Karibjanian, Franklin Karibjanian & Law PLLC, Boca Raton, FL/Washington, DC; Hannah W. Mensch, Ehrenkranz Partners, New York, NY
8:15am  Current Developments. This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since October 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  Louisiana Tax and Trust Code Law.
Panelists: Professor Ron Scalise, Tulane Law School, New Orleans, LA; Kara McQueen-Borden, Jones Walker, New Orleans, LA

9:45am  Break. (No CLE)

10:00am Upward Trust Planning. TBA.
Panelist: Lester B. Law, Franklin Karibjanian & Law PLLC, Naples, FL/Washington, DC

10:45am  The 2017 Tax Act: International Updates for the Trust and Estates Practitioner. This panel will review and examine the impact of the international aspects of the 2017 US tax legislation from the perspective of trusts, estates and individuals. In particular, this panel will cover new rules applicable to interests in controlled foreign corporations, passive foreign investment companies, the GILTI tax and nonresident beneficiaries of ESBTs.
Panelists: Michael Karlin, Karlin and Peebles, Los Angeles, CA; Thomas M. Giordano-Lascari, Karlin and Peebles, Los Angeles, CA

8:15AM – 11:30AM
Individual & Family Taxation (Ethics)
Chair: James Creech, Law Offices of James Creech, San Francisco, CA
8:15am  Unintended Gender Bias in Our Tax Laws. As the effects of the 2017 Tax Act on tax expenditures begin to take effect, some stakeholders have raised questions on the distribution of the benefits. For example, an October 2018 article in the New York Times reported that the cuts are "disproportionately helping white American over African-Americans and Latinos". Congress has taken note, at least with respect to section 199A and the Senate has heard testimony on how the JCT’s distribution of the revenue loss of section 199A reflects an unintended gender bias. This panel will discuss gender bias particularly with respect to women business owners and small business tax incentives. 2017 Tax Act provisions covered include elimination of the alimony inclusion/deduction regime; section 162(q); the corporate tax rate cut, section 199A, and the changes to sections 179 and 168(k).
Moderator: Professor Anthony Infanti Sr., University of Pittsburgh School of Law, Pittsburgh, PA
Panelists: Professor Anne Bauer, University of Pittsburgh School of Law, Pittsburgh, PA; Professor Caroline Bruckner, American University and the Kogod Tax Policy Center, Washington, DC; Professor Annette Nellen, San Jose State University, San Jose, CA
9:15am  **Contingency Fees in Tax Cases.** (Ethics) This panel will examine how an attorney can obtain contingency fees in representing a taxpayer. Topics covered will include what types of contingency fee are permitted, which types are prohibited and how to approach those without clear guidance while remaining in compliance with a practitioners' ethical responsibilities under Circular 230.
Panelists: Jonathan Stouse, Harrison and Held, Chicago IL; Christopher Rizek, Caplin and Drysdale, Washington, DC; Karin Hawkins, Hawkins Law, Yachats, OR

10:15am  **Break.** (No CLE)

10:30am  **The Current Filing Season: An Update on Some Issues Facing Practitioners and Taxpayers.** Reducing burdens in the tax filing process is a key goal for policymakers. As the filing season is upon us, this panel will explore key ways that the IRS and Congress have attempted to make the process simpler for taxpayers, including the introduction of a postcard Form 1040, an increase in the standard deduction and the creation of an Annual Filing Season Program designed to give taxpayers greater information about the qualifications of unlicensed tax return preparers. Other changes, like the section 199A deduction for qualified business income and the growing importance of service providers in the platform economy, have the potential for creating additional complexities and compliance costs. At the same time, the government has been active in addressing bad actors among commercial tax return preparers through a sustained effort to obtain injunctions. This panel will offer a critical perspective on burdens in the filing process, offering views from the commercial tax return preparation industry, a consumer perspective and the government. This is the first of a two-part panel co-sponsored with the Pro Bono & Tax Clinic Committee exploring burdens in the filing and compliance process.
Moderator: TBA
Panelists: Kathy Pickering, Executive Director of The Tax Institute at H&R Block, Kansas City, MO; Vijay Raghavan, Consumer Fraud Bureau, Office of the Illinois Attorney General, Chicago, IL
Co-Sponsored by: Pro Bono & Tax Clinics

8:15AM – 11:30AM
**Investment Management**
Chair: Roger S. Wise, Willkie Farr & Gallagher LLP, Washington, DC

8:15am  **Insurance Company Separate Accounts.**
Panelists: TBA

9:15am  **Fund Investments in Unconventional Asset Classes.**
Moderator: Rebecca Lee, PwC, Washington, DC
Panelists: TBA

10:15am  **Break.** (No CLE)

10:30am  **An Opportunity to Discuss Opportunity Zones.** Co-sponsored panel with the Real Estate committee.
Moderator: Lisa Starczewski, Buchanan Ingersoll & Rooney PC, Washington, DC
Panelists: TBA

8:15AM - 11:30AM
**Real Estate**
Chair: Todd D. Keator, Thompson & Knight LLP, Dallas, TX

8:15am  **Hot Topics.** This panel will focus on new judicial, legislative, and administrative guidance and other recent developments relating to the taxation of real estate and partnerships.
Panelists: Kate Kraus, Allen Matkins, Los Angeles, CA; Krishna Vallabhaneni, Deputy Tax Legislative Counsel, Department of Treasury, Office of Tax Policy, Washington, DC; Glenn Johnson, EY, Washington, DC (Invited); Wayne Pressgrove, King & Spalding, Atlanta, GA

9:00am  **Qualified Opportunity Zones - Reboot.** This panel will provide a detailed discussion of the impact of the proposed regulations on qualified opportunity zones on real estate developers and investors.
Moderator: Mark Wilensky, Melzer Lippe Goldstein & Breitstone LLP, Mineola, NY
Panelists: Lisa Starczewski, Buchanan, Ingersoll & Rooney PC, Washington, DC; Krishna Vallabhaneni, Deputy Tax Legislative Counsel, Department of Treasury, Office of Tax Policy, Washington, DC; Steven Kennedy, PwC, Boston, MA

9:45am  **Break.** (No CLE)
10:00am  **Section 163(j) — Update.** This panel will provide a detailed discussion of the aspects of the proposed regulations on the limitation on the deduction of net business interest expense that are applicable to partnerships and the real estate industry.
Moderator: Ossie Borosh, KPMG LLP, Washington, DC
Panelists: Monisha Santamaria, EY, Los Angeles, CA; Bryan Rimmke, Department of the Treasury, Office of Tax Policy, Washington, DC

10:45am  **Section 1061 - O&G and Real Estate Funds.** This panel will provide a detailed discussion of the application of the carried interest rules to oil and gas and real estate funds.
Panelists: Audrey Ellis, Department of the Treasury, Office of Tax Policy, Washington, DC; Roger Aksamit, Thompson & Knight LLP, Houston, TX (Invited); Craig Gerson, PwC, Washington, DC (Invited); Orla O’Connor, KPMG LLP, San Francisco, CA

8:15AM – 11:30AM
**S Corporations**
Chair: Thomas J. Phillips, von Briesen & Roper sc, Milwaukee, WI

8:15am  **Section 1202 Entity Selection Considerations.** This panel will review section 1202 as a factor in C corporation versus S corporation selection.
Moderator: Thomas J. Nichols, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI
Panelists: Laura Howell-Smith, Deloitte Tax, Washington, DC; Steven I. Klein, Sher Garner Cahill Richter Klein & Hilbert, New Orleans, LA

9:15am  **Section 163(j) Proposed Regulations.** A dialogue with representatives from the Treasury Department and the Internal Revenue Service Chief Counsel’s Office on the section 163(j) proposed regulations as applied to S corporations.
Moderator: Kevin D. Anderson, BDO USA LLP, Washington, DC
Panelists: Colin Campbell, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington DC; Samuel P. Starr, Special Counsel, IRS Office of Chief Counsel, Pass-Throughs & Special Industries, Washington DC; H. Grace Kim, Grant Thornton LLP, Washington, DC

10:15am  Break. (No CLE)

10:30am  **Important Developments in the Federal Income Taxation of S Corporations.** This panel will discuss recent legislative administrative and judicial developments relating to S corporations and their shareholders.
Moderator: Laura Krebs Al-Shathir, Capes Sokol, St. Louis, MO
Panelists: Mary Beth Dolan, Bryan Cave Leighton Paisner LLP, St. Louis, MO; Edward A. Waters, Dean Mead, Orlando, FL

8:30AM – 10:30AM
**Foreign Activities of US Taxpayers**
Chair: Kimberly J. Majure, KPMG, Washington, DC

8:30am  **Foreign Tax Credits 2.0.** Discussion of current developments and issues.
Panelists: TBA

9:30am  **Outbound Case Studies.** The panel will present “simple” fact patterns and discussion regarding interactive Tax Reform (and trickle down) implications.
Panelists: TBA

8:30AM – 10:30AM
**Transfer Pricing**
Chair: Timothy S. Gunning, EY, New York, NY

8:30am  **The Great BEAT Debate – A Rematch.** Taxpayers and tax planners have struggled with myriad interpretative issues related to the new Base Erosion and Anti-Abuse Tax, more fondly known as the BEAT. The proposed regulations expected in late 2018 will doubtless provide enhanced clarity, but important questions surely remain. Moreover, the proposed regulations will raise new issues—in particular, with respect to Treasury’s interpretation of the BEAT’s significant statutory ambiguities and mixed policy implications. The amounts at stake are not small. And in some cases, the “right” answer is far from clear. Reprising a pre-regulations debate among the same debaters, this panel will explore the most critical issues under the newly proposed guidance through a point-counterpoint format, with panelists pairing off (and squaring off) to present the primary competing viewpoints. This lively format will enable audience members to more fully understand and evaluate...
the critical risks related to the proposed BEAT regulations and the factors that Treasury and the IRS may consider in finalizing guidance on the BEAT.
Moderator: Lisandra Ortiz, Miller & Chevalier, Washington, DC
Panelists: Professor William H. Byrnes IV, Texas A&M University School of Law, Fort Worth, TX; Professor William J. Seeger, University of Texas at Arlington, Economics and College of Business, Arlington, TX; Barbara J. Mantegani, Mantegani Tax PLLC, McLean, VA; Martin A. Sullivan, Tax Analysts, Falls Church, VA; Thomas A. Vidano, EY, Washington, DC

9:30am The Latest from the World of Transfer Pricing Litigation. Altera, Amazon.com, Coca-Cola, Eaton, Facebook, Medtronic, Perrigo, and more. These cases continue to work their way through the courts, and none of them has reached final resolution. This panel will provide an update about what’s happened so far and what’s yet to come for each case. The panel will also discuss trends in transfer pricing cases and whether we can expect more cases to be docketed in the future.
Panelists: Angela Chang, Baker McKenzie, Palo Alto, CA; Ryan Kelly, Alston & Bird, Washington, DC; Lillian Sullivan, KPMG, Washington, DC

8:45am – 4:30PM Exempt Organizations
Chair: Lisa L. Johnsen, Bill & Melinda Gates Foundation, Seattle, WA
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: Cynthia M. Lewis, Venable LLP, Washington, DC
Panelists: Victoria A. Judson, Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited); Janine Cook, Deputy Associate Chief Counsel, IRS Office of Chief Counsel (TEGE), Washington, DC (Invited); Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

10:00am Update on Developments Under the 2017 Tax Act. This panel will discuss guidance issued with respect to provisions of the 2017 Tax Act impacting tax exempt organizations, including a discussion of comments received by the IRS in response to Notice 2018-67 pertaining to section 512(a)(6).
Panelists: TBA

11:00am Break. (No CLE)

11:15am Electioneering in the Current Political Climate. So, the mid-terms are over... this panel will discuss funding of voter education initiatives, new Federal Election Commission rules, what to do when an employee or a director is running for office, and other challenges of advising 501(c)(3) clients in the current political climate.
Moderator: Elizabeth J. Kingsley, Harmon Curran Spielberg + Eisenberg LLP, Washington, DC
Panelists: TBA

12:30pm Exempt Organizations Committee Luncheon (NO CLE) (Ticketed Event)
Speaker: TBA

2:00pm FASB Accounting Standards Update 2018-18. This panel will discuss the recently issued guidance on financial accounting for grants and contracts effective in 2019 and how those rules relate to the current standards for calculating public support.
Panelists: Eve Borenstein, BAM Law Office LLC, Minneapolis, MN; Additional Panelist TBA

2:45pm EO Investments. This panel will discuss exempt organization investment issues, including potential private benefit and inurement concerns raised by the partnership audit rules effective in 2018, and co-investment with disqualified persons.
Moderator: David A. Shevlin, Simpson Thacher & Bartlett LLP, New York, NY
Panelists: TBA

4:00pm Cash Bar (NO CLE)

9:00AM – 12:00PM Young Lawyers Forum – 2018-2019 Law Student Tax Challenge Semi-Final Rounds (No CLE)
9:30AM – 11:00AM
Employee Benefits Administrative Practices Update
Presented by the Subcommittee on Administrative Practices
Panel information coming soon.
Panelists: TBA

9:30AM – 10:30AM
Employee Benefits Legislation & Litigation Update
Presented by Subcommittee on Employee Benefits Legislation & Litigation
This panel will cover new employee benefits provisions being considered by Congress in the coming year, including the Retirement Enhancement Security Act (RESA), and other proposals anticipated with a new Chair of the House Ways and Means Committee. We will also cover employee benefits litigation and recent state employee benefits legislative developments.
Panelists: Lisa Bleier, SIFMA, Washington, DC; Professor Jonathan Forman, University of Oklahoma College of Law, Norman, OK

9:30AM – 11:30AM
Tax Policy & Simplification
Chair: Roger Royse, Royse Law Firm, Menlo Park, CA
9:30am  The Taxation of Divorce: Policy Considerations with Respect to the Alimony Deduction. Before their repeal by the 2017 Tax Act, former Sections 215 and 682 of the Internal Revenue Code allowed payors to deduct and required payees to treat as taxable income alimony payments. Under current law, the payment of alimony is not deductible and the receipt of alimony is not taxable. Because the payor of alimony is usually in a higher tax bracket, and the recipient of alimony may or may not report the income, the real of sections 215 and 682 is expected to raise revenue and increase the tax burden on divorcing couples. Critics of the new law argue that the tax deduction has been an important incentive for settling family law cases and eases the financial impact of divorce. Proponents have characterized prior law as a “divorce subsidy” and cite non-compliance data. Our panel will present the competing arguments and discuss the policy implications of the repeal.
Moderator: Professor Michael B. Lang, Chapman University Fowler School of Law, Irvine, CA
Panelists: TBA

9:45AM – 10:45AM
Employee Benefits Multiple Employers, PEOs and Controlled & Affiliated Service Groups Update
Presented by the Subcommittee on Multiple Employers, Professional Employer Organizations (PEOs) and Controlled and Affiliated Service Groups
The Committee will cover: (i) the recent proposed rule addressing Association Retirement Plans and Other Multiple-Employer Plans; and (ii) a theoretical debate on whether multiple employer plans are a feasible and realistic solution to the nation’s retirement saving shortfall.
Panelists: Stefan P. Smith, Lock Lord LLP, Dallas, TX; Farrah Fielder, General Counsel, 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; John L. Utz, Utz & Lattan LLC, Overland Park, KS (Invited); David Levine, Groom Law Group, Washington, DC (Invited); Government Panelists TBA

10:00AM – 12:00PM
Employee Benefits Welfare Plans and EEOC, FMLA and Leaves Issues Update
Presented by the Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues
This meeting will address recent guidance on the IRC 45S employer credit for paid family and medical leave. The meeting will also address recent developments and trends in litigation related to mental health and substance use disorders and how that litigation is impacting covered benefits. The speakers will discuss recent guidance regarding the expansion of the permitted uses for HRAs to pay individual market premiums. Finally, the speakers will provide an update on wellness program regulation, including DOL enforcement activity.
Panelists: Jacquelyn Meng Abbott, ExxonMobil, The Woodlands, TX; Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky and Popeo PC, Boston, MA; Robyn Crosson, ADP, Indianapolis, IN; Yelena Fertman, Gray Nixon Peabody LLP, Chicago, IL; Katie Johnson, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Elena Kaplan, Jones Day, Atlanta, GA; 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; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kim Wilcoxon, Thompson Hine LLP, Cincinnati, OH; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities Division, Office of the Benefits Counsel, IRS, Washington, DC (Invited); Kevin Knopf, Senior Technician Reviewer, Health and Welfare Branch, Tax Exempt and Government Entities Division, IRS Office of the Chief Counsel, Washington, DC (Invited); Katy Johnson, Attorney Advisor, Office of Tax Policy, Office of the Benefits Tax Counsel, Department of the Treasury, Washington, DC (Invited)

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For the most up-to-date information, please visit the 2019 Midyear Tax Meeting website: http://ambar.org/19taxmidyear
10:30AM – 12:00PM
Energy & Environmental Taxes
Chair: Amish Shah, Eversheds Sutherland, Washington, DC

10:30am **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, Mazars USA, 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 Americas, Deloitte, Washington, DC; Deborah Gordon, KPMG, Washington, DC; Brad Seltzer, Eversheds Sutherland, Washington, DC

10:30AM – 12:30PM
US Activities of Foreigners & Tax Treaties
Panel details coming soon.

11:00AM – 12:00PM
Distinguished Service Award (Executive Session) (No CLE)

11:00AM – 12:00PM
Employee Benefits Distributions Update
Presented by the Subcommittees on Distributions
The Subcommittee will discuss recent issues of interest affecting plan distributions, including a discussion on minimum required distribution issues, including uncashed checks and missing and unresponsive participants. The Subcommittee also will discuss the status of Notice 2015-49 and proposed legislation that would modify the current minimum required distribution rules.
Panelists: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); David Whaley, Thompson Hine, Cincinnati, OH; Ryan Session, Eversheds Sutherland, Washington DC; J. Rose Zaklad, Groom Law Group, Washington, DC

11:00AM – 12:00PM
Employee Benefits Exempt Organization and Governmental Plans Update
Presented by the Subcommittee on Exempt Organization and Governmental Plans
The panel will discuss current issues impacting governmental, tax-exempt, and church plans, including an update on university 403(b) litigation and church plan litigation, questions and issues relating to the new section 4960 excise tax on executive compensation, questions and issues on Section 512(a)(7) guidance, and a review of other applicable legislative provisions.
Panelists: Robert Johnson, Kaufman & Canoles PC, Newport News, VA; Bryanne Kelleher, VOYA, Windsor, CT; Jenni Krengel, Reed Smith LLP, San Francisco, CA; Blake C. MacKay, Alston & Bird, Atlanta, GA; Pamela Kinard, Senior Technician Reviewer, Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Tax Exempt and Government Entities, Office of Chief Counsel, IRS, Washington, DC (Invited); Carol Weiser, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Stephen LaGarde, Attorney-Advisor, Department of Treasury, Washington, DC (Invited)

11:00AM – 12:00PM
Employee Benefits Fiduciary Responsibility & Plan Investments Update
Presented by the Subcommittee on Fiduciary Responsibility & Plan Investments
This panel will discuss recent guidance and other issues addressing ERISA fiduciary responsibilities. The panel will discuss, among other topics, proposed regulations expanding the use of multiple employer plans, SEC’s Regulation Best Interest and related guidance, recent developments regarding association health plans, state efforts at fiduciary regulation, and the Fall 2018 Regulatory Agenda.
Panelists: Jeffrey Lieberman, Skadden Arps Slate Meagher & Flom LLP, New York, NY; Yongo Ding, Miller & Chevalier Chartered, Washington, DC; Arsalan Malik, Groom Law Group, Washington, DC; Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC

11:00AM – 11:30AM
Employee Benefits New Employee Benefits Attorneys Forum (NO CLE)
Informal meeting for new members of the Employee Benefits Committee.
11:30AM – 12:30PM  
**Appointments to the Tax Court** (Executive Session) (No CLE)

11:30AM – 12:30PM  
**Court Procedure & Practice Roundtable Discussion**  
Chair: Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC
11:30am  
**The Role of Form 4340 in Tax Litigation.** This discussion will focus on the role of Form 4340 in tax controversies and litigation. The panel will explore the basics of Form 4340, deference to be given to the form by Settlement Officers, Tax Court, and District Court, what items on the form are entitled to a presumption of correctness, admissibility and challenges to the form under the Federal Rules of Evidence, and the impact of lost administrative files.  
Moderator: Valerie Vlasenko, Agostino & Associates PC, Hackensack, NJ  
Panelists: Lawrence Sannicandro, McCarter & English, Newark, NJ; Additional Panelists TBA

### COMMITTEE LUNCHEONS

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Ticketed/No CLE</th>
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<tbody>
<tr>
<td>12:00PM – 1:30PM</td>
<td><strong>Corporate Tax and Affiliated &amp; Related Corporations</strong> (Ticketed Event) (No CLE)</td>
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<td>12:00PM – 12:30PM</td>
<td><strong>Diversity</strong> (Ticketed Event) (No CLE)</td>
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<td>12:00PM – 12:30PM</td>
<td><strong>State &amp; Local Taxes</strong> (Ticketed Event) (No CLE)</td>
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<td>12:30PM – 1:30PM</td>
<td><strong>Administrative Practice and Court Procedure &amp; Practice</strong> (Ticketed Event) (No CLE)</td>
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<td>12:30PM – 1:30PM</td>
<td><strong>Banking &amp; Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing</strong> (Ticketed Event) (No CLE)</td>
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<td>12:30PM – 1:30PM</td>
<td><strong>Civil &amp; Criminal Tax Penalties</strong> (Ticketed Event) (No CLE)</td>
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<td>12:30PM – 1:30PM</td>
<td><strong>Estate &amp; Gift Taxes and Fiduciary Income Tax Luncheon</strong> (Ticketed Event) (No CLE)</td>
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<td>12:30PM – 1:30PM</td>
<td><strong>Exempt Organizations</strong> (Ticketed Event) (No CLE)</td>
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<td>12:30PM – 1:00PM</td>
<td><strong>FAUST, Transfer Pricing and USAFTT</strong> (Ticketed Event) (No CLE)</td>
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<td>12:30PM – 1:30PM</td>
<td><strong>Real Estate and Partnerships &amp; LLCs Luncheon</strong> (Ticketed Event) (No CLE)</td>
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Program schedule information is preliminary and subject to change. For the most up-to-date information, please visit the 2019 Midyear Tax Meeting website: [http://ambar.org/19taxmidyear](http://ambar.org/19taxmidyear)
12:00PM – 1:15PM
Employee Benefits Defined Benefit Plans Update
Presented by the Subcommittees 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 getting a pension ready for a derisking transaction, such as an annuity purchase or plan termination.
Panelists: Harlan Weller, Senior Actuary, Department of Treasury, Washington, DC (Invited); Linda Marshall, Senior Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Daniel Liebman, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); John Menke, Assistant General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Harold Ashner, Keightley & Ashner LLP, Washington, DC; Rosina Barker, Morgan Lewis & Bockius LLP, Washington, DC; Sarah Fry, The North American Coal Corporation, Plano, TX; John H. Wendeln, Thompson Hine LLP, Cincinnati, OH

12:00PM – 1:00PM
Employee Benefits ESOP Update
Presented by the Subcommittee on ESOPs
Subject to representation from the Department of Treasury, this meeting will include a discussion of anticipated ESOP-related regulations and other guidance from Treasury, as well as, a review of concerns regarding “price protection” policies implemented in second stage transactions. The panel will also review those issues raised in ESOP transactions that continue to be heavily scrutinized by regulators, including projections, negotiations, what constitutes “control”, and (possible) dilutive equity. Finally, the panel will discuss current case law, including recently issued guidance addressing the evolving impact of Dudenhoeffer on employer securities in retirement plans.
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
Presented by the Subcommittee on Mergers & Acquisitions
Deal “Horror Stories” Related to Employee Benefits and Executive Compensation. Benefits issues never drive the deal, until they do. This panel will discuss benefit issues discovered in recent mergers and acquisitions that impacted the deal and in some cases, even drove the deal to an early grave. The panelists will discuss how to mitigate these issues, and strategies for discussing big ticket benefits issues with your corporate colleagues and clients.
Panelists: Mark A. Bodron, Baker Botts LLP, Houston, TX; Scott Thompson, Haynes and Boone LLP, Dallas, TX; Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX

12:00PM – 2:30PM
Nominating (Executive Session) (No CLE)

12:15PM – 1:15PM
Employee Benefits Corporate Counsel Forum
Presented by the Employee Benefits Corporate Counsel Forum
Bringing Disclosure into the Electronic Age. On August 31, 2018, the President signed Executive Order 13847 - Strengthening Retirement Security in America. A portion of that mandate is to improve the effectiveness of and reduce the cost of furnishing required notices and disclosures. The corporate counsel forum will discuss potential responses to this mandate.
Panelists: Kurt Lawson, Hogan Lovells, Washington, DC; Jacquelyn Abbott, Exxon Mobil Corporation, Houston, TX; Government Panelists TBA

12:30PM – 1:30PM
Diversity
Panel details coming soon.

12:30PM – 1:30PM
State & Local Taxes
Panel details coming soon.

12:30PM – 2:30PM
Young Lawyers Forum – 2018-2019 Law Student Tax Challenge Final Rounds (No CLE)
1:00PM – 2:30PM  
International Government Officials Panel (No CLE)  
Panel details coming soon.

1:30PM – 4:45PM  
Employment Taxes  
Chair: Edward J. Leyden, Leyden Law LLC, Washington, DC  
1:30PM **Federal Update.** Panel details coming soon.  
Panelists: Janine Cook, Assistant Deputy Chief Counsel, IRS TE/GE, Washington, DC; Additional Panelists TBA

2:30pm **Update on Enforcement in Employment Tax Cases.** Panel details coming soon.  
Panelists: Chaya Kundra, Kundra Tax Law LLC, Rockville, MD; Additional Panelists TBA

3:30PM **Break.** (No CLE)

3:45pm **Louisiana Update.** Panel details coming soon.  
Panelists: TBA

1:30PM – 2:30PM  
Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee (No CLE)  
1:30pm **Analyzing the New York Times Article on the Trump Family Estate Plan.**  
Panelists: TBA

1:30PM – 4:00PM  
Standards of Tax Practice (Ethics)  
Panel details coming soon.

2:00PM – 6:15PM  
Employee Benefits  
Chair: Bret Hamlin, Hill Ward Henderson, Tampa, FL  
2:00pm **Student Loan Repayment Benefits: Options and Issues for Retirement Plans.** The IRS 401(k) student private letter ruling employer programs has heightened interest employer interest to subsidize student loan debt repayments through qualified retirement plans. This panel will address the matters that an employer should consider before proceeding with a student loan repayment benefit program involving a 401(k) plan, including nondiscrimination, prohibited transaction and the contingent benefit rules and administrative issues with respect to tracking student loan repayments and communicating with employees. The panel will also address efforts to expand the planning concepts from this ruling to other contexts, including ABLE accounts.  
Moderator: Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA  
Panelists: Jenny Baker, Abbott Laboratories, Chicago, IL; Victoria Judson, Associate Chief Counsel, Tax Exempt and Government Entities Division, Office of Chief Counsel, IRS, Washington, DC; Jeff Holdvogt, McDermott Will & Emery LLP, Chicago, IL; Will Hansen, The ERISA Industry Committee, Washington, DC

3:00pm **Break.** (No CLE)

3:15pm **Wellness Programs.**  
Moderator: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC  
Panelists: TBA

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: Professor 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.

6:15pm  **Networking Reception.** (NO CLE)

2:00PM – 5:15PM  
**State & Local Taxes**
Panel details coming soon.

2:30PM – 5:45PM  
**Closely Held Businesses**
Panel details coming soon.

2:30PM – 5:45PM  
**Court Procedure & Practice**
Chair: Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC

2:30pm  **Current Developments.** This panel will include a report from the Tax Court, discussion of significant IRS guidance and litigation, an update on Tax Division priorities, a report from Treasury, and a discussion of significant pending litigation.
Moderator: Jeffrey M. Glassman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX
Panelists: TBA

3:00pm  **Primer on the New Tax Court Rules.** In January and March 2016, then-Chief Judge Thornton announced proposed amendments to its Rules of Practice and Procedure and sought public comment. The Court received many comments concerning a wide variety of topics, including notice to opposing parties of all subpoenas, electronic filing of petitions and payment of the filing fee, non-consensual deposition of party witnesses, inappropriate use of 91(f) motions compelling stipulations, changes to notice of electronic filings, and other proposals. This panel will cover the newly released rules and which proposals were accepted and rejected.
Moderator: Elizabeth K. Blickley, Washington, DC
Panelists: TBA

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

4:05pm  **Employment Tax Litigation.** More than one-third of the country’s workers participate in the gig economy. The gig economy also called the "sharing economy," is the environment where workers engage in temporary jobs fueled by Smartphone apps and online platforms. The trend has led to an increase in employment tax controversies because many employers treat gig economy workers as independent contractors, as opposed to employees. The tax stakes are high because employers must pay a share of payroll taxes for workers while providing them with the fringe benefits traditionally offered to employees. The gig economy raises other tax issues, including the deductions that can be claimed by taxpayers who hold these jobs. This session will review the life-cycle of an employment tax case from to the SS-8 Program through the Tax Court trial, including settlement programs offered by the IRS to employers and employees and unexpected twists resulting from identity theft and immigration laws that affect worker classification.
Moderator: Frank Agostino, Agostino & Associates, Hackensack, NJ
Panelists: Rochelle Hodes, Crowe Horwath, Washington, DC; TBD

4:55pm  **Navigating Cross-Border Discovery Issues and the GDPR.** At an increasing rate, US practitioners are now facing cases where the evidence they need is located in a foreign jurisdiction. International discovery presents complex and challenging issues for today’s tax litigators. With the Global Data Protection Regulation (GDPR) now in full effect (as of May 25, 2018), practitioners face additional complications in gathering evidence and disclosing personal data to the IRS. This panel will explore how US discovery rules function outside of the US, data collection procedures available through the Hague Convention and letters rogatory, obstacles to discovery under various countries’ data privacy laws and statutes, and how the GDPR, which covers data protection and privacy of all individuals within the EU as well as the export of personal data outside the EU, has, and will continue to, impact it all.
Moderator: Arielle Borsos, Caplin & Drysdale, Washington, DC
Panelists: Charles E. Hodges II, Jones Day, Atlanta, GA; Polly Sprenger, Katten Muchin Rosenman, London, UK; Joseph A. Rillotta, Drinker Biddle, Philadelphia, PA; Government Speakers Invited

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2:30PM – 5:45PM
Financial Transactions
Chair: Craig Gibian, Deloitte Tax LLP, Washington, DC

2:30pm  Tax Reform Update from a Financial Transactions Perspective. Discussion of proposed regulations under sections 59A (BEAT), 163(j) and 451(b).
Panelists: TBA

Panelists: TBA

4:20pm  Break. (No CLE).

4:35pm  Estate of McKeelv v. Commissioner. The panel will discuss the Second Circuit’s decision to overturn the Tax Court with respect to extension of variable prepaid forward contract.
Panelists: TBA

2:30PM – 4:30PM
Foreign Lawyers Forum
Chair: Laura Gould, Reed Smith LLP, London, United Kingdom

2:30pm  Holding Companies – What to do After BEPS and US Tax Reform? Hold on to your hats - 2019 is set to be yet another eventful year in the world of international tax! With various EU anti-avoidance measures under ATAD already in force, revised bilateral tax treaties modified by the MLI coming into force in certain jurisdictions and not forgetting the UK’s imminent departure from the EU, there is much for US multinational enterprises to be mindful of. Set against this ever-changing political and tax landscape, this panel will guide you through the impact BEPS and US tax reform is having on international holding company structures in practice. Using case studies, the panel will discuss the impact that CFC rules, anti-hybrid rules, interest deductibility limitations and the introduction of a principal purpose test in many bilateral tax treaties will have on holding company structures. The panel will address how these measures overlap with BEAT, GILTI, FDII, the US interest limitation rules and other proposals introduced by the 2017 Tax Act. The panelists will also consider the benefits of, and what the future may hold for, international holding companies for US multinationals.
Panelists: TBA

2:30PM – 5:45PM
Insurance Companies
Chairs: Ann Cammack, EY, Washington, DC; Sheryl Flum, KPMG, Washington, DC

2:30pm  Update on Insurance Company Tax. This panel will discuss current issues related to determining taxable income for life and non-life insurance companies.
Panelists: TBA

3:30pm  Investment Tax Issues for Insurance Companies. This panel will review changes to the taxation of investments made by the 2017 Tax Act and how they impact insurance companies.
Panelists: TBA

4:30pm  Break. (No CLE)

4:45pm  BEAT and GILTI Issues for Insurance Companies. This panel will discuss the newest guidance related to the application of BEAT and GILTI to insurance companies.
Panelists: TBA

2:30PM – 6:00PM
Public Service Fellowship (Executive Session) (No CLE)

2:30PM – 5:45PM
Partnerships & LLCs
Panel details coming soon.
2:30PM – 5:45PM
**Tax Accounting**
Chair: David Strong, Crowe LLP, Grand Rapids, MI
2:30pm **Current Developments.** This panel will review recent developments in the area of tax accounting since the Section of Taxation meeting held in Atlanta in October. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury.
Panelists: TBA

3:15pm **Inventory - Hot Topics.** 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 other inventory guidance issued. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury.
Panelists: TBA

4:00pm **Break.** (No CLE)

4:15pm **Accounting Methods - Hot Topics.** This panel will review the issues and opportunities related to filing accounting method changes for the upcoming 2018/2019 filing season. Topics will include discussions of accounting method changes stemming from the change in law under 2017 Tax Act including the evaluation of accounting method implications and procedural considerations.
Panelists: TBA

5:00pm **Section 451 and Revenue Recognition.** This panel will continue to build upon previous revenue recognition panels in light of the changes in law due to the enactment of 2017 Tax Act and the interaction with the rules under ASC 606. This panel will discuss recently released guidance and discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the Internal Revenue Service and Department of Treasury.
Panelists: TBA

2:30PM – 5:45PM
**Tax Collection, Bankruptcy and Workouts**
Panel details coming soon.

2:30PM – 5:45PM
**Tax Exempt Financing**
Chair: Todd Cooper, Locke Lord LLP, Cincinnati, OH
2:30pm **Legislative, Treasury and Internal Revenue Service Update.** This panel will discuss new legislative initiatives that might affect tax exempt financing, the TEFRA regs, the reissuance regs, the Committee’s remedial action comments, the Chief Counsel Memorandum on a tax exempt advance refunding of a taxable bond, the overlap of Opportunity Zones and tax exempt finance, and other guidance in the tax exempt bond area.
Moderator: Todd L. Cooper, Locke Lord LLP, Cincinnati, OH
Panelists: John Cross III, Office of Tax Policy, Department of Treasury, Washington, DC; Spence Hanemann, Special Technical Reviewer, Branch 5, Financial Institutions & Products, IRS, Washington, DC; Telly Meier, IRS, Washington, DC

4:00pm **Break.** (No CLE)

5:15pm **A Deep Dive into Tax Increment Financing.** This panel will extensively explore the private use, private payment, and private loan analysis of a tax exempt tax increment financing (TIF) across a spectrum of TIF fact patterns, including: a review of the basic rules, the special rules for PILOTS, the impermissible agreement rules, the overlap between a TIF and a special assessment, expenditure rules, unrelated and disproportionate use rules, and the anti-abuse rules. Fact patterns to be discussed include: a TIF with a grant to the developer, variations on Development Agreements, developer ownership of the bonds, residual rights of the developer in the tax payment stream, multiple projects, and multiple grants.
Moderator: Chas Cardall, Orrick Herrington & Sutcliffe, San Francisco, CA
Panelist: TBA

3:00PM – 5:00PM
**Diversity**
Panel details coming soon.

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3:00PM – 4:30PM
Teaching Taxation
Chair: Professor Kerry Ryan, Saint Louis University, Saint Louis, MO
3:00pm Publicized Tax Planning. Recent instances of exposure by the press of aggressive tax planning by prominent individuals or families raise unique substantive, ethical, and other legal issues for the tax community. Practitioners advising famous clients may need to assess not only the likelihood of future examination by regulators, but also by the press. Reporters investigating past returns and records may recruit tax professionals for technical assistance to uncover any problematic transactions. Well-known tax advisors may receive media inquiries seeking comment on recently publicized transactions. Regulators (Federal and state) may feel pressure to consider the imposition of penalties in situations that may involve multiple taxpayers, years (some of which may be closed), and techniques. This panel will explore these issues from a variety of perspectives. Panelists: TBA

4:00PM – 5:30PM
Young Lawyers Forum (Young Lawyers)
Chair: Micah Gibson, PwC, Washington, DC
4:00pm IDR vs. FDRs – IRS Tools to Discover Taxpayer Documents at Home and Abroad. (Young Lawyers) This panel will explore the rules and procedures the IRS uses to collect relevant taxpayer materials, as well as potential strategies for taxpayers in exam and future litigation to respond to such efforts by the IRS. This panel will specifically address the use of Information Document Requests and Formal Document Requests and their respective implications in civil proceedings.
Moderator: Annie M. Wurtzebach, DLA Piper LLP, New York, NY

4:30PM – 5:30PM
Publications (No CLE)

5:30PM – 6:30PM
Foreign Activities of US Taxpayers Business Meeting (No CLE)

5:30PM – 6:30PM
Transfer Pricing Business Meeting (No CLE)

5:45PM – 6:30PM
US Activities of Foreigners & Tax Treaties Business Meeting (No CLE)

6:30PM – 7:30PM
Section Reception (Ticketed Event) (No CLE)

8:00PM – 10:00PM
International Committees Dinner (Reservation Required) (No CLE)

SATURDAY, JANUARY 19

7:15AM – 8:30AM
Real Estate, Partnerships & LLCs and S Corporations “Shop Talking” Breakfast (NO CLE) (Ticketed Event)
Members of the Real Estate, Partnerships & LLCs and S Corporations Committees will gather for the traditional “open mic” breakfast to share ideas and war stories and to seek input on technical issues.

7:30AM – 8:30AM
Tax Practice Management and Young Lawyers Forum (Young Lawyers)
Tax Practice Management Chair: Roger Royse, Royse Law Firm, Menlo Park, CA
Young Lawyers Forum Chair: Micah Gibson, PwC, Washington, DC
7:30am Advice for the 21st Century Tax Lawyer. (Young Lawyers) This joint panel of the Young Tax Lawyers and Tax Practice Management Committees brings together leading tax practitioners to discuss lessons they have learned along the way as well as what it takes to succeed in the current tax and legal environment. Our panel will share their personal stories and relate their experiences to the future of tax law practice.
Panelists: Peter J. Genz, King & Spalding LLP, Atlanta, GA; Catherine Engell, Bracewell LLP, New York, NY; Frank Jackson, Jones Day, New York, NY
Program schedule information is preliminary and subject to change. For the most up-to-date information, please visit the 2019 Midyear Tax Meeting website: http://ambar.org/19taxmidyear

7:45AM – 9:00AM
Court Procedure & Practice Committee Breakfast (Ticketed Event) (No CLE)

8:15AM – 11:45AM
Pro Bono & Tax Clinics
Chair: Susan Morgenstern, IRS Taxpayer Advocate Service, Cleveland, OH

8:15am  Disability Severance Pay Refund Claims by Veterans. More than 130,000 US military veterans who were separated from service because of a medical disability are due federal income tax refunds for taxes they paid on Disability Severance Pay (DSP) that should not have been taxed. For those veterans who had taxes withheld from their DSP between 1991 and 2016, the Combat-Injured Veterans Tax Fairness Act of 2016 extends the period for affected veterans to file a claim for credit or refund of overpayments attributable to their DSP. A key aspect to these DSP refund claims is the required timeframes veterans have for filing claims: most veterans will need to file their claims within one year of July 2018 when letters were mailed. This panel will explain the claims process, issues associated with the claims, and other issues specific to veterans.
Panelists: Susan E. Mitchell, Senior Technical Advisor, Attorney Advisor Group, Taxpayer Advocate Service, IRS, Washington, DC; Additional Speaker TBA
Co-Sponsored by: Individual & Family Tax

8:45am  National Taxpayer Advocate’s Annual Report to Congress. Nina Olson will address the committee by videotape regarding the National Taxpayer Advocate’s annual report to Congress and highlight the most important features of the report. Ms. Olson’s Senior Advisor will be present to elaborate on key issues identified in the report.
Panelists: Kenneth J. Drexler, Senior Advisor to the National Taxpayer Advocate, IRS, Washington, DC

9:30am  Administrative Burden and Taxpayer Compliance: How to Improve the Taxpayer Experience. Administrative burden is a key variable in how citizens experience interactions with the state. Research from other disciplines has defined administrative burden and explored differing aspects of how those burdens affect people, including learning, psychological and compliance costs. In this panel we will explore the research around administrative burden more generally, consider its application in interactions with the IRS and taxpayers, including in the audit process, and offer suggestions on how IRS could reduce the incidence of these burdens on taxpayers, especially lower income taxpayers who are often least equipped to overcome those burdens. This is the second part of a two-part panel co-sponsored with the Individual & Family Tax Committee exploring burdens in the filing and compliance process.
Moderator: Susan Morgenstern, Local Taxpayer Advocate, Taxpayer Advocate Service, IRS, Cleveland, OH
Panelists: Professor Donald Moynihan, McCourt School of Public Policy, Georgetown University, Washington, DC and Visiting Professor, Oxford University, Oxford, England; Professor Leslie Book, Charles Widger School of Law, Villanova University, Villanova, PA; Laura Baek, Acting Director, TAS Research and Analysis, Taxpayer Advocate Service, IRS, Washington, DC
Co-Sponsored by: Individual & Family Tax

10:30am  Break. (No CLE)

10:45am  Winner! Winner! Chicken Dinner! Living the Gaming Life. This panel will explore two different perspectives on the gambling industry: tax issues faced by those who gamble in casinos, and tax issues faced by those who make their living in the casino service industry. We will explore the tax treatment of winnings and losses for both amateur and professional gamblers including how to handle winnings and losses in an audit. We will also delve into tip income in the context of casino tip rate determination agreements and how to handle deemed tip income.
Moderator: TBA
Panelists: Professor Sonya Watson, William S. Boyd School of Law, University of Nevada, Las Vegas, NV; Additional Panelist TBA

8:30AM – 11:45AM
Civil & Criminal Tax Penalties
Panel details coming soon.

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

8:30am  The Ghost of Kimbell-Diamond: Application of the Step Transaction Doctrine to Multi-step Corporate Transactions. This panel will explore acquisition and restructuring techniques involving multi-step transactions,
including *Kimbell-Diamond* transactions, reverse *Kimbell-Diamond* transactions, outbound transactions, and mergers with partnerships.
Moderator: Jerred Blanchard, Baker & McKenzie, Houston, TX
Panelists: Marc Countryman, EY, San Francisco, CA; Sara Zablotsney, Kirkland & Ellis, Chicago, IL; Lisa Fuller, Deputy Associate Chief Counsel (Corporate), IRS, Washington, DC

10:00am  Break. (No CLE)

10:15am  **Current Developments in Corporate Tax.** This panel will review current developments in corporate tax, including anticipated guidance related to provisions from the 2017 Tax Act. In particular, the panel expects to discuss anticipated proposed regulations under section 163(j) and the interaction of the BEAT and the subchapter C nonrecognition provisions. In addition, the panel will discuss recent PLRs in the corporate tax area.
Moderator: Jonathan Forrest, Deloitte Tax LLP, Washington, DC
Panelists: Scott Levine, Jones Day, Washington, DC; Tijana Dvornic, Wachtell Lipton Rosen & Katz, New York, NY; Additional Panelist TBA

8:30AM – 11:45AM  
**Employee Benefits** (Ethics)
Chair: Bret Hamlin, Hill Ward Henderson, Tampa, FL

8:30am  **Lessons for 401(k) Plans from the University 403(b) Cases.** This panel will discuss recent developments in university 403(b) plan litigation and the potential impact on the operation of 401(k) and other self-directed defined contribution plans.
Moderator: Don Wellington, Reed Smith LLP, Los Angeles, CA
Panelists: Blake C. MacKay, Alston & Bird, Atlanta, GA; Additional Panelist TBA

9:30am  Break. (No CLE)

9:45am  **Multinational Employee Benefit and Compensation.**
Moderator: Martha N. Steinman, Hogan Lovells US LLP, New York, NY
Panelists: TBA

10:45am  **Ethics Panel.** (Ethics)
Panelists: Tracy L. Kepler, Director, Center for Professional Responsibility, American Bar Association, Chicago, IL; Charles B. Plattsmeier, Chief Disciplinary Counsel, Office of the Disciplinary Counsel, Baton Rouge, LA (Invited); John L. Utz, Utz & Lattan LLC, Overland Park, KS

8:30AM – 11:45AM  
**Fiduciary Income Tax**
Chair: Stacey Delich-Gould, Capital Group Private Client Services, New York, NY

8:30am  **Current Developments.** AK will review current developments in fiduciary income tax and Cathy Hughes will update the committee on developments within the Treasury and the Service.
Panelists: Catherine V. Hughes, Office of Tax Policy, Department of Treasury, Washington, DC; Anna Katherine (AK) Moody, Venable LLP, Baltimore, MD

9:00am  **Trust Planning Opportunities under Section 1202.** Section 1202 provides an incentive for taxpayers to invest in many types of small businesses by providing that some or all of the gains resulting from the sale of qualified small business stock can be realized tax-free. Jeff and Liz will discuss ways in which trusts may take advantage of section 1202 in light of the decreased corporate income tax rate enacted by the 2017 Tax Act.
Panelists: Jeffrey K. Gonya, Venable LLP, Baltimore, MD; Elizabeth F. Stieff, Venable LLP, Baltimore, MD

9:50am  Break. (No CLE)

10:05am  **Alimony, Prenuptial Agreements and Trusts under the 2017 Tax Act.** As with many large tax overhauls, sometimes lesser publicized changes also have a significant impact on taxpayers. With the 2017 Tax Act, some of these lesser publicized changes involve the income tax impact of divorce, which, in 2019 and beyond, will have far-reaching effects as a result of the elimination of alimony as an income/deduction item and the post-divorce continued grantor trust status of certain spousal trusts.
Panelists: George D. Karibjanian, Franklin Karibjanian & Law PLLC, Boca Raton, FL/Washington, DC; Bri Loughlin, Winstead PC, Houston, TX

10:55am  **Multi-State Tax.** Panel Details TBA.

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8:30AM – 10:30AM
LLCs & LLPs Subcommittee of Partnerships & LLCs (No CLE)

8:30AM – 11:45AM
Sales, Exchanges & Basis
Panel details coming soon.

8:30AM – 10:30AM
State & Local Taxes Practitioners’ Roundtable (Executive Session) (No CLE)

10:30AM – 11:00AM
State & Local Taxes Publications Subcommittees (No CLE)

11:00AM – 12:00PM
State & Local Taxes Vice Chairs’ Planning Meeting (Executive Session) (No CLE)

12:00PM – 1:30PM
Section Luncheon & Plenary Session (Ticketed Event)
Richard Rubin is the US tax policy reporter for The Wall Street Journal in Washington, focusing on the intersection of taxes, politics and economics. He was the Journal's lead reporter on the development of the 2017 Tax Act and continues to cover the impact of the law. Before joining the Journal in 2015, he covered tax policy for Bloomberg News and Congressional Quarterly. He also wrote about local government and transportation policy for The Charlotte Observer. He is a native of New Jersey and a graduate of Duke University.

2:00PM – 5:15PM
Current Developments in Individual, Corporate, Partnership, and Estate & Gift Taxation
Sponsored by: Teaching Taxation
This session will review the most significant statutory enactments, judicial decisions, IRS rulings, and Treasury regulations promulgated during the last twelve months that affect general income taxation, corporate taxation, partnership taxation, wealth transfer taxation, and tax procedure.
Moderator: Professor Bruce A. McGovern, South Texas College of Law Houston, Houston, TX
Panelists: Professor Elaine Hightower Gagliardi, University of Montana School of Law, Missoula, MT; Professor Philip Hackney, University of Pittsburgh School of Law, Pittsburgh, PA