

ABA SECTION OF TAXATION AND SECTION OF REAL
PROPERTY, TRUST & ESTATE LAW, TRUST & ESTATE DIVISION

2015 JOINT FALL CLE MEETING

SEPTEMBER 17-19, 2015

CHICAGO, ILLINOIS · SHERATON HOTEL & TOWERS



FINAL PROGRAM





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EXHIBITORS





2015 JOINT FALL CLE MEETING

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FUTURE MEETINGS / CLE CALENDAR



Section of Taxation CLE Calendar

DATE	PROGRAM	CONTACT INFO
September 29, 2015	The Affordable Care Act: A View From the Top Free CLE Webinar	ABA JCEB www.americanbar.org/jceb 202.662.8670
September 30, 2015	Top Ten Revenue Rulings for Estate Planners Tax Section Webinar	Tax Section www.americanbar.org/tax 202.662.8670
October 8-9, 2015	Handling a Tax Controversy: Audit, Appeals, Litigation, & Collections The Washington Plaza – Washington, DC	ALI CLE www.ali-cle.org/ 800.CLE.NEWS
October 16, 2015	3rd Annual International Tax Enforcement Conference Marriott Marquis – Washington, DC	Tax Section www.americanbar.org/tax 202.662.8670
October 19-20, 2015	Health and Welfare Benefit Plans National Institute Loews Madison Hotel – Washington, DC	ABA JCEB www.americanbar.org/jceb 202.662.8670
October 28-30, 2015	ERISA Basics National Institute American Bar Association – Chicago, IL	ABA JCEB www.americanbar.org/jceb 202.662.8670
November 5-6, 2015	26th Annual Philadelphia Tax Conference Union League of Philadelphia – Philadelphia, PA	Tax Section www.americanbar.org/tax 202.662.8670
November 12-13, 2015	Tax Exempt Organizations: An Advanced Course The Washington Plaza – Washington, DC	ALI CLE www.ali-cle.org/ 800.CLE.NEWS
November 16-17, 2015	Executive Compensation National Institute American Bar Association – Washington, DC	ABA JCEB www.americanbar.org/jceb 202.662.8670
December 9-11, 2015	32nd Annual National Institute on Criminal Tax Fraud and the 5th Annual National Institute on Tax Controversy Wynn Las Vegas – Las Vegas, NV	Tax Section www.americanbar.org/tax 202.662.8670

Section of Taxation Meeting Calendar

DATE	PROGRAM	LOCATION
January 28-30, 2016	MIDYEAR MEETING	JW Marriott LA Live – Los Angeles, CA
May 5-7, 2016	MAY MEETING	Grand Hyatt – Washington, DC
Sept. 29 - Oct. 1, 2016	JOINT FALL CLE MEETING	Westin Boston Waterfront – Boston, MA

WELCOME

The ABA Section of Taxation and the Trust and Estate Law Division of the ABA Section of Real Property, Trust and Estate Law welcome you to the **2015 Joint Fall CLE Meeting** in Chicago, IL. We are pleased that you have decided to join us and take advantage of the opportunity to participate in high-level discussions between private practitioners and government on the most important issues facing tax lawyers today.



GEORGE C. HOWELL, III
TAX SECTION CHAIR

Please note the following meeting highlights:

- **JOINT WELCOME RECEPTION** on Thursday, 6:00pm – 7:00pm in Sheraton Ballroom II, 4th Floor
- **JOINT PLENARY SESSION & SECTION LUNCHEON** on Saturday, with Keynote Speaker Nina E. Olson, National Taxpayer Advocate, IRS, Washington, DC, 12:00pm – 1:30pm in Chicago Ballroom VI, 4th Floor
- Saturday afternoon **SECTION PROGRAMS** on a broad range of hot topics



ROBERT KRAPP
RPTE SECTION CHAIR

Stay connected with our **MOBILE MEETING APPLICATION**



Download the app to your smart phone or tablet by using your device to scan the QR code or visit <http://ambar.org/taxapps>.

Use the app to view the program, create a personalized agenda, access the latest meeting materials, find speakers and fellow attendees, receive updates throughout the meeting and more.

TWITTER: JOIN THE CONVERSATION. Follow us [@ABATAXSECTION](https://twitter.com/ABATAXSECTION) and [@RPTELAW](https://twitter.com/RPTELAW) and use [#TAXRPTEFALL](https://twitter.com/TAXRPTEFALL) to stay connected during the meeting!

WIRELESS INTERNET is available for attendees throughout the meeting space.

We hope you enjoy the meeting, and we welcome your comments.

HIGHLIGHTS



JOINT WELCOME RECEPTION *(Complimentary)*

The Sections are hosting a complimentary Welcome Reception for all attendees on Thursday evening, September 17, at 6:00pm in Sheraton Ballroom II, 4th Floor. Come early and meet with your colleagues and with new members, network and discuss current topics of the day.

JOINT SECTION RECEPTION *(Ticketed Event)*

The Joint Section Reception will take place on Friday, September 18, 6:30pm – 8:00pm, and will be held at the Chicago Symphony Orchestra's Grainger Ballroom. Enjoy great food and drinks with your colleagues and friends.

JOINT SECTION LUNCH & PLENARY SESSION *(Ticketed Event)*

The Sections are pleased to announce that Nina E. Olson, National Taxpayer Advocate, IRS, Washington, DC, will address attendees of the **2015 Joint Fall CLE Meeting** at the Joint Section Luncheon on Saturday, September 19 from 12:00pm-1:30pm at Chicago Ballroom VI, 4th Floor. Attendees must purchase a ticket to attend the luncheon.

TAX BRIDGE ON THE ROAD

Organized by the Tax Section's Young Lawyers Forum and Diversity Committees, this program is designed to provide an introduction to tax practice. If you are a law student, young lawyer, new bar admittee or practitioner transitioning to tax, then this program is for you. More information is available on page 20.

SECTION EXHIBITORS

Section Exhibitors will be open on Friday from 7:00am to 5:00pm and on Saturday from 7:00am to 2:00pm in Sheraton Promenade, 4th Floor. The following organizations will have exhibit booths:

Bloomberg BNA

Commonwealth Trust Company

Northwestern Law

Practical Law

REGISTRATION

Registration will be available in Sheraton Promenade, 4th Floor. All individuals attending any part of the 2015 Joint Fall CLE Meeting, including speakers, must register and pay the registration fee. Shared registrations are not permitted. Companions are defined as non-Section members not attending substantive meetings. Any companion attending substantive programs must register and pay either the Section member or non-Section member registration fee, whichever is applicable.

The registration fee includes exclusive access to the meeting materials website, mobile meeting application and permits registrants to attend all meetings, sessions and programs; however, it does not include meal functions and social events listed as "Ticketed Event." All ticketed events are sold on a first-come, first-served basis.



HIGHLIGHTS

ON-SITE REGISTRATION AND TICKET PURCHASE HOURS

The Registration Desk, located in Sheraton Promenade, 4th Floor, will be open during the following hours:

- Thursday: 12:00pm – 7:30pm
- Friday: 6:30am – 6:30pm
- Saturday: 6:30am – 2:00pm

BADGE IDENTIFICATION

- RED Bar** Section Officers, Council Members, Committee Chairs, Task Force Chairs, Past Section Chairs
- GREEN Bar** Government Officials/Guests
- BLUE Bar** Young Lawyers
- GRAY Bar** Law Students and LLM Candidates
- ORANGE Bar** Companions
- PURPLE Bar** First-time Attendees
- YELLOW Badge** Press

HOSPITALITY CENTER

Complimentary continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.

Location: Sheraton Promenade, 4th Floor

- Time: Friday 7:00am – 4:00pm
- Saturday 7:00am – 4:00pm

PROGRAM GUIDE



HOW TO USE THIS PROGRAM

The program book is divided into three primary sections: Schedule At-a-Glance, Program Schedule and Alpha Index. The following is a description of each of these sections:

SCHEDULE-AT-A-GLANCE (p. 7)

Lists all programs chronologically by start time, then alphabetically by committee name. Subcommittee meetings are listed under their committee. Use this guide to find programs beginning at a specific time.

Example: To find programs starting on Friday, at 8:30am, go to the Schedule At-a-Glance section and locate the “Friday 8:30AM” programs. Here you can view the committees meeting at that time, the location, topic and the page number for the full program description in the Program Schedule.

PROGRAM SCHEDULE (p. 20)

Lists all programs chronologically by the start time, then alphabetically by committee name. Subcommittee meetings are listed under their committees. This section includes full program descriptions, speakers, locations and start and end times. The Schedule At-a-Glance and the Alpha Index will help you locate specific programs in this section.

ALPHA INDEX (p. 74)

Lists all committee programs alphabetically by committee name. Use this section to locate all programs hosted by a specific committee.

Example: To find all programs hosted by the Administrative Practice committee, go to the Alpha Index and locate ‘Administrative Practice.’ You will find a listing of all meetings and events hosted by the Administrative Practice committee. Go to the corresponding page number(s) for more information.

PROGRAM KEY

TX = Tax Section Program

TE = Real Property, Trust and Estate Program

JT = Joint Program

Joint Programs listed in At-a-Glance

 = The Program is Recorded

★ = The Program Will Appeal to Young Lawyers or Non-specialists

 = Ethics Credits has been Requested

 = No CLE Credit is Available



SCHEDULE AT-A-GLANCE

= Taped
 ★ = Young Lawyers Program
 ⚖️ = Ethics Credits Requested
 🚫 = No CLE Credit

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
THURSDAY 8:30AM			
Section of Taxation Officers & Council Meeting (Executive Session)	Sheraton Ballroom II, 4th Floor	8:30AM – 3:00PM	20
THURSDAY 2:30PM			
Tax Bridge on the Road ⚖️ ★	Sheraton Ballroom III, 4th Floor	2:30PM – 6:00PM 2:30p – A Conversation with Richard Lipton 3:00p – Social Media: Ethics in the Internet Age ⚖️ 4:00p – State Income, Double Taxation, and Tax Discrimination in the Post-Wynne World 5:00p – Ethical Issues for Newer Attorneys ⚖️	20
THURSDAY 6:00PM			
Joint Welcome Reception ★ (Complimentary)	Sheraton Ballroom II, 4th Floor	6:00PM – 7:00PM	21
State & Local Taxes Executive Committee Business Dinner Meeting (Invitation Only)	Neal Gerber & Eisenberg LLP	6:00PM – 9:00PM	21
THURSDAY 6:30PM			
Real Estate and Partnerships & LLCs Dinner (Reservation; Advanced Payment Required)	Phil Stefani's 437 Rush	6:30PM – 9:30PM	21
THURSDAY 7:00PM			
Joint First-Time Attendees Orientation Dinner ★ (Reservation Required)	Sheraton Ballroom I, 4th Floor	7:00PM – 9:00PM	21
THURSDAY 7:30PM			
Administrative Practice Dinner (Invitation Only)	Phil Stefani's 437 Rush	7:30PM – 9:30PM	21
FRIDAY 7:30AM			
ACTC Board of Regents Meeting (Executive Session)	Mayfair, 2nd Floor	7:30AM – 9:00AM	22
Exempt Organizations Subcommittee on Audits, Appeals and Litigation	Bucktown, 3rd Floor	7:30AM – 8:30AM Roundtable Discussion of Current Developments	22
Exempt Organizations Subcommittee on Health Care Organizations	Pullman, 3rd Floor	7:30AM – 8:30AM Roundtable Discussion of Current Developments	22
Exempt Organizations Subcommittee on Political and Lobbying Organizations	Old Town, 3rd Floor	7:30AM – 8:30AM Roundtable Discussion of Current Developments	22

SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 7:30AM (Continued)			
Exempt Organizations Subcommittee on Private Foundations, Unrelated Business Income Tax and International Philanthropy	Gold Coast, 3rd Floor	7:30AM – 8:30AM Roundtable Discussion of Current Developments	22
Exempt Organizations Subcommittee on Religious Organizations	Lakeview, 3rd Floor	7:30AM – 8:30AM Roundtable Discussion of Current Developments	22
Section of Taxation Committee Chairs, Vice-Chairs, Officers and Council Breakfast (Executive Session)	Chicago Ballroom VIII, 4th Floor	7:30AM – 8:15AM	22
FRIDAY 8:00AM			
Capital Recovery & Leasing	Ontario, 2nd Floor	8:00AM – 10:00AM 8:00a – Current Developments Report and Update on Pending Guidance 8:30a – The Interaction of §263(a) and §263A: How Do the Tangible Property Regulations and the Uniform Capitalization Rules Work Together? 9:30a – Tangible Property Regulations Update – Continuation from the May Meeting	23
Companions Breakfast (Complimentary)	Fountainview Room, 3rd Floor	8:00AM – 9:00AM	23
Employee Benefits Subcommittee on Defined Contribution Plans (TX) and Qualified Plans Committee (TE)	Erie, 2nd Floor	8:00AM – 9:30AM Defined Contribution Plans Update	23
Employee Benefits Subcommittees on Executive Compensation and Fringe Benefits and Federal Securities Law (TX) and Nonqualified Defined Compensation Committee (TE)	Michigan, 2nd Floor	8:00AM – 9:30AM Executive Compensation, Fringe Benefits and Securities Law Update	24
FRIDAY 8:30AM			
Administrative Practice	Sheraton Ballroom V, 4th Floor	8:30AM – 11:30AM 8:30a – Back to Basics: Who Has Capacity to Sign on Behalf of the Taxpayer 9:00a – A New Era of IRS Examinations – Doing Less with Less? 10:00a – Kicking the Habit: Using <i>Kovel</i> Responsibly 10:50a – Administrative Practice Important Developments	24










SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 8:30AM (Continued)			
Affiliated & Related Corporations ☰	Missouri, 2nd Floor	8:30AM – 11:30AM 8:30a – Current Developments 10:00a – The Intersection of Subchapter K and Consolidated Returns	26
Banking & Savings Institutions ☰	Colorado, 2nd Floor	8:30AM – 11:30AM 8:30a – Banking & Savings Tax Update 9:30a – Dual Consolidated Loss Issues for Banking Entities 10:30a – Embedded Loan Regulations: A Step in the Right Direction for Tax Treatment of Swaps?	26
Closely Held Businesses (TX) and Business Planning Group (TE) ☰	Chicago Ballroom X, 4th Floor	8:30AM – 11:30AM 8:30a – Breaking Up Is Hard to Do: Tax and Practical Implications of Unwinding Business Affairs Among Multiple Partners 10:00a – Selling the Dreaded C-Corp While Minimizing the Double Taxation	27
Estate & Gift Taxes (TX) and Income & Transfer Tax Planning Group (TE) ☰	Sheraton Ballroom II, 4th Floor	8:30AM – 11:30AM 8:30a – Current Developments 9:15a – Section 2801 Uncovered: Taxation of Gifts and Bequests from Covered Expatriates 10:00a – The Middle Way: The Uniform Trust Decanting Act 10:45a – Death, Divorce and Reproductive Technology: What Every Practitioner Needs to Know Now About Planning For the Future	28
Individual & Family Taxation ☰	Chicago Ballroom IX, 4th Floor	8:30AM – 11:30AM 8:30a – Household Employee Tax Compliance 9:30a – Taxpayer Filing Status – Options and Recent Law 10:30a – Penalty Panel Part II Spotlight	29
Investment Management ☰	Arkansas, 2nd Floor	8:30AM – 11:30AM 8:30a – Current Issues for Regulated Investment Companies 9:30a – Thinking about Converting to a RIC? Important Considerations 10:30a – Current Issues for Private Investment Funds and Their Managers	30
Real Estate ☰	Sheraton Ballroom IV, 4th Floor	8:30AM – 11:30AM 8:30a – Hot Topics 9:30a – Dealer vs. Investor – Caselaw Update 10:15a – Motivating the Real Estate Deal and Fund Team – Part Deux 10:45a – Federal Tax Impact of Using State Tax Credits	31







SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 8:30AM (Continued)			
S Corporations 	Sheraton Ballroom III, 4th Floor	8:30AM – 11:30AM 8:30a – Important Developments 9:00a – S Corporation Valuations Issues 10:00a – Primer on S Corporation Shareholders 10:30a – Trusts Decanting with S Corporation Shareholders	32
Transfer Pricing 	Chicago Ballroom VI, 4th Floor	8:30AM – 10:30AM 8:30am – Tax Litigation Developments from the Transfer Pricing Front 9:30am – Preparing for Country-by-Country Reporting	32
FRIDAY 8:45AM			
Exempt Organizations 	Chicago Ballroom VII, 4th Floor	8:45AM – 4:30PM 8:45a – Committee Business  9:00a – News from the IRS and Treasury 10:00a – Best Practices: Prizes, Sweepstakes, Contests and Awards 11:15a – Section 501(c)(6) Trade Associations: Tax Issues, Governance, Controversies 12:30p – Exempt Organizations Committee Luncheon  2:00p – Coloring Outside the Lines: The Art of Gifting Art 3:00p – Not So Fast: Exempt Organization Changes and Your State Attorney General 4:00p – Cash Bar 	33
FRIDAY 9:30AM			
Employee Benefits Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices	Superior A, 2nd Floor	9:30AM – 11:00AM Administrative Practices Update	34
Employee Benefits Subcommittees on Litigation, ESOPs and Fiduciary Responsibility and Plan Investments (TX) and the Fiduciary Responsibility, Administration and Litigation Committee (TE)	Michigan, 2nd Floor	9:30AM – 10:30AM Employee Benefits Litigation Update	35
Tax Policy & Simplification 	Superior B, 2nd Floor	9:30AM – 11:30AM 9:30a – Estate Tax on Farms: Repeal, Retain, or Reform? 10:30a – The Design of Tax Incentives: Lessons from Energy and Environmental Incentives	35
FRIDAY 9:45AM			
Employee Benefits Subcommittee on Multiple Employers, PEOs and Controlled and Affiliated Service Groups	Huron, 2nd Floor	9:45AM – 10:45AM Employee Benefits Multiple Employers, PEOs and Controlled & Affiliated Service Groups Update	36



SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 10:00AM			
Employee Benefits Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues (TX) and the Welfare Benefit Plans Committee (TE)	Erie, 2nd Floor	10:00AM – 12:00PM Employee Benefits Welfare Plans, Cafeteria Plans and Reimbursement Accounts, and EEOC Issues Update	36
Companion Activity  (Ticketed Event)	Eataly	10:00AM – 2:00PM Eataly Private Cooking Demonstration & Tour <i>The bus will depart promptly at 9:30am from the Sheraton Hotel & Towers.</i>	36
FRIDAY 10:30AM			
US Activities of Foreigners & Tax Treaties 	Chicago Ballroom VI, 4th Floor	10:30AM – 12:30PM 10:30a – The New US Model Treaty and Treasury Explanation: What is Proposed and What is Needed 11:30a – Residence: Beyond the Basics	37
FRIDAY 11:00AM			
Employee Benefits Subcommittees on Defined Benefit Plans and Distributions (TX) and Qualified Plans Plan Transactions and Terminations and IRA and Plan Distributions (TE)	Sheraton Ballroom I, 4th Floor	11:00AM – 1:15PM Employee Benefits Defined Benefit Plan and Distributions Update	38
Employee Benefits Subcommittee on Exempt Organization and Governmental Plans	Huron, 2nd Floor	11:00AM – 12:00PM Employee Benefits Exempt Organization and Governmental Plans Update	38
Employee Benefits Subcommittees on Fiduciary Responsibility (TX) and the Fiduciary Responsibility, Administration and Litigation Committee (TE)	Superior A, 2nd Floor	11:00AM – 12:00PM Employee Benefits Fiduciary Responsibilities Update	39
Employee Benefits Subcommittee on Employee Benefits Legislation	Old Town, 3rd Floor	11:00AM – 11:30AM Employee Benefits Legislative Update	39
Employee Benefits New Employee Benefits Attorneys Forum 	Ohio, 2nd Floor	11:00AM – 11:30AM Employee Benefits New Employee Benefits Attorneys Forum	39
Membership & Marketing 	Lincoln Boardroom, 3rd Floor	11:00AM – 12:00PM	39
Public Service Fellowship  (Executive Session)	Bucktown, 3rd Floor	11:00AM – 12:00PM	39
Tax Compliance 	Columbus, 3rd Floor	11:00AM – 1:00PM Roundtable Discussion	40

SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 11:30AM			
Appointments to the Tax Court (Executive Session)	Pullman, 3rd Floor	11:30AM – 12:30PM	40
Court Procedure & Practice Roundtable	Michigan, 2nd Floor	11:30AM – 12:30PM 11:30a – Effective Writing in the Tax Court – “Prologue and Postscript: The Pretrial Memorandum and Post-Trial Brief, With Views from the Bench”	40
FRIDAY 12:00PM			
Corporate Tax and Affiliated & Related Corporations Luncheon (Ticketed Event)	Mayfair, 2nd Floor	12:00PM – 1:30PM Sponsored by: Thompson & Knight LLP	41
Diversity Luncheon (Ticketed Event)	Ontario, 2nd Floor	12:00PM – 12:30PM	41
Employee Benefits Corporate Counsel Forum	Arkansas, 2nd Floor	12:00PM – 12:45PM Employee Benefits Corporate Counsel Forum	42
Employee Benefits Subcommittee on ESOPs (TX) and Fiduciary Responsibility, Administration and Litigation (TE)	Missouri, 2nd Floor	12:00PM – 1:00PM Employee Benefits ESOP Update	42
Employee Benefits Subcommittee on Mergers & Acquisitions (TX) and Plan Transactions & Terminations Committee (TE)	Colorado, 2nd Floor	12:00PM – 1:15PM Employee Benefits Mergers & Acquisitions Update	43
Employee Benefits Subcommittee on Multinational Employee Benefits & Compensation Issues	Huron, 2nd Floor	12:00PM – 1:15PM Employee Benefits Multinational Employee Benefits & Compensation Issues	43
Nominating (Executive Session)	Gold Coast, 3rd Floor	12:00PM – 2:30PM	43
State & Local Taxes Luncheon (Ticketed Event)	Mississippi, 2nd Floor	12:00PM – 12:30PM	41
FRIDAY 12:30PM			
Administrative Practice and Court Procedure & Practice Luncheon (Ticketed Event)	Sheraton Ballroom III, 4th Floor	12:30PM – 1:30PM Sponsored by: Thompson Hine LLP, Miller & Chevalier Chartered and Caplin & Drysdale	41




















SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 12:30PM (Continued)			
Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing Luncheon 🎟️ (Ticketed Event)	Superior, 2nd Floor	12:30PM – 1:30PM	41
Civil & Criminal Tax Penalties Luncheon 🎟️ (Ticketed Event)	Chicago Ballroom VIII, 4th Floor	12:30PM – 1:30PM Sponsored by: Arnstein & Lehr LLP, Hochman Salkin Rettig Toscher & Perez PC, Kostelanez & Fink LLP and Wolters Kluwer	41
Diversity (TX) and Income and Transfer Tax Planning Group (TE) 📄	Ontario, 2nd Floor	12:30PM – 1:30PM 12:30p – <i>Obergefell v. Hodges</i> : Tax and Estate Planning Issues for Employers and Individuals	43
Estate & Gift Taxes, Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group Luncheon (TE) 🎟️ (Ticketed Event)	Chicago Ballroom IX, 4th Floor	12:30PM – 1:30PM Speakers: Dorice E. Pepin, Andersen Tax, Chicago, IL; Jennifer A. Zimmerman, Horwood Marcus & Berk Chartered, Chicago, IL	41
Exempt Organizations Luncheon 🎟️ (Ticketed Event)	Chicago Ballroom VII, 4th Floor	12:30PM – 1:30PM Speaker: Jens Ludwig, Ph.D., Director, University of Chicago Crime Lab, Co-Director, University of Chicago Urban Education Lab, Chicago, IL	41
Foreign Activities of US Taxpayers, Transfer Pricing and US Activities of Foreigners & Tax Treaties Luncheon 🎟️ (Ticketed Event)	Chicago Ballroom X, 4th Floor	12:30PM – 1:00PM Speakers: John Merrick, Special Counsel, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Barbara Rasch, Senior Technical Reviewer, Branch 2, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Quyen Huynh, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC	42
Real Estate and Partnerships & LLCs Luncheon 🎟️ (Ticketed Event)	Sheraton Ballroom IV, 4th Floor	12:30PM – 1:30PM Speakers: William D. Elliot, Elliot Thomason & Gibson LLP, Dallas, TX; Eric Solomon, EY, Washington DC	42
State & Local Taxes 📄	Mississippi, 2nd Floor	12:30PM – 1:30PM 12:30p – Illinois Legislative and Tax Policy Update	44
FRIDAY 1:00PM			
Foreign Activities of US Taxpayers, Foreign Lawyers Forum, Transfer Pricing, and US Activities of Foreigners and Tax Treaties 📄	Chicago Ballroom X, 4th Floor	1:00PM – 2:30PM 1:00p – Joint Current International Developments Panel	44










SCHEDULE AT-A-GLANCE



COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 1:30PM			
Employment Taxes 	Arkansas, 2nd Floor	1:30PM – 5:30PM 1:30p – Federal Employment Tax Update 2:30p – Employment Tax Primer for Small Businesses: I'm Ready to Hire My First Employee. What Should I Know About Taxes? 3:30p – Payroll Service Providers 4:30p – The Countdown Continues: Affordable Care Act (ACA)	45
Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee (TX) and Income & Transfer Tax Planning Group (TE) 	Columbus, 3rd Floor	1:30PM – 2:30PM 1:30p – Understanding Valuation Discounts	46
Section CLE Committee 	Ohio, 2nd Floor	1:30PM – 2:30PM	46
Standards of Tax Practice   	Sheraton Ballroom II, 4th Floor	1:30PM – 4:00PM 1:30p – Ethical Issues in Federal Tax Practice – The Government and Local Perspective  2:00p – Ethics Two-Minute Drill  3:00p – Procedures to Ensure Compliance 	46
FRIDAY 2:00PM			
Employee Benefits (TX) and Welfare Plans Committee (TE)  	Sheraton Ballroom V, 4th Floor	2:00PM – 6:00PM 2:00p – 2015 Health Plan Advice: Ethics, Technical & Practical Challenges  3:00p – Employer Wellness Programs and EEOC Proposed Rules Under the ADA 4:00p – Department of the Treasury / Internal Revenue Service Hot Topics 5:00p – Treasury / IRS Fireside Chat  6:00p – Corporate Counsel Corner  6:00p – Networking Reception  Sponsored by: Practical Law	48
State & Local Taxes 	Erie, 2nd Floor	2:00PM – 5:00PM 2:00p – State Resident Tax Credits After the Supreme Court's <i>Wynne</i> Decision 3:00p – Revising the Uniform Unclaimed Property Act 4:00p – Alternative Tax Controversies	49
FRIDAY 2:30PM			
Closely Held Businesses (TX) and Business Planning Group (TE) 	Sheraton Ballroom III, 4th Floor	2:30PM – 5:30PM 2:30p – The Nuts & Bolts of Captive Insurance Companies 4:00p – Old MacDonald Has a Farm... With Corporate Farming Statutes Here and Special Use Valuation There, What Kind of Planning Can He Do?	50



SCHEDULE AT-A-GLANCE

COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 2:30PM <i>(Continued)</i>			
Court Procedure & Practice  	Chicago Ballroom IX, 4th Floor	2:30PM – 5:30PM 2:30p – Important Developments 3:00p – Strategically Assembling a Transfer Pricing Case 3:45p – Conflicts and Chaos: The Importance of Timely Recognizing and Managing Conflicts of Interest in Tax Litigation 4:45p – Ethical Issues Arising in Discovery 	50
Distinguished Service Award  <i>(Executive Session)</i>	Pullman, 3rd Floor	2:30PM – 3:00PM	52
Financial Transactions 	Colorado, 2nd Floor	2:30PM – 5:30PM 2:30p – Financial Products and Partnership Interests 3:30p – Section 864(b) and Financial Transactions 4:30p – Current Developments and Issues	52
Foreign Activities of US Taxpayers 	Chicago Ballroom VI, 4th Floor	2:30PM – 4:30PM 2:30p – Incorporations and Liquidations of Foreign Entities 3:30p – Issues Arising Under Section 956 – Part I	52
Insurance Companies 	Lincoln Boardroom, 3rd Floor	2:30PM – 5:30PM 2:30p – Retaliatory Taxes and Other State Premium Tax Issues 3:35p – Litigation / Administrative Update 4:35p – Reinsurance Update	53
Partnerships & LLCs 	Sheraton Ballroom IV, 4th Floor	2:30PM – 5:30PM 2:30p – Staying Dry Under the Umbrella: Avoiding PTP Issues in Umbrella Partnership Structures 3:20p – Partnership Debt vs. Debt-Like Equity 4:05p – Management Fee Waivers 4:50p – Issues Arising Under Section 956 – Part II	54
Tax Accounting 	Mississippi, 2nd Floor	2:30PM – 5:30PM 2:30p – Current Developments 3:15p – Tax Accounting Method Issues for Financial Institutions and Financial Products 4:00p – Update on Prevalent Tangible Property Regulations Issues and Anticipated Guidance 4:45p – Transaction Costs in Business Acquisitions: Recent Developments and Hot Topics	55

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FRIDAY 3:00PM			
Diversity	Huron, 2nd Floor	3:00PM – 5:00PM 3:00p – Elimination of Bias in the Profession: The Influence of Cultural Differences on Estate, Tax, and Employment Benefit Planning, Part I 4:00p – Elimination of Bias in the Profession: The Influence of Cultural Differences on Estate, Tax, and Employment Benefit Planning, Part II	56
Sponsorships	Mayfair, 2nd Floor	3:00PM – 4:00PM	57
Teaching Taxation	Sheraton Ballroom I, 4th Floor	3:00PM – 4:30PM 3:00p – The Status of the Tax Court Post-Kuretski: Significant Shift, Minor Adjustment, or Nothing New?	57
FRIDAY 4:00PM			
Companion Event Committee	Gold Coast, 3rd Floor	4:00PM – 4:30PM	58
Tax Practice Management (TX) and Economics and Technology of the Practice Committee (TE)	Michigan B, 2nd Floor	4:00PM – 5:30PM 4:00p – How to Practice Law, Abide by the Rules of Professional Conduct, and Have a Life that Rules	58
Young Lawyers Forum ★	Missouri, 2nd Floor	4:00PM – 5:30PM 4:00p – Why a Law Student Tax Challenge (LSTC)? ★ 4:30p – What Makes a Winning LSTC Team? ★	58
FRIDAY 4:30PM			
Publications (Executive Session)	Pullman, 3rd Floor	4:30PM – 5:30PM	59
FRIDAY 5:30PM			
Diversity (TX), Diversity (TE), Young Lawyers Forum (TX), and Young Lawyers Network (TE) Networking Reception	Fountainview Room, 3rd Floor	5:30PM – 6:30PM Sponsored by: Northwestern Law	59
Foreign Activities of US Taxpayers Business Meeting	Columbus, 3rd Floor	5:30PM – 6:30PM	59
Transfer Pricing Business Meeting	Superior, 2nd Floor	5:30PM – 6:30PM	59



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COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
FRIDAY 5:45PM			
US Activities of Foreigners & Tax Treaties Business Meeting 🗣️ (Executive Session)	Gold Coast, 3rd Floor	5:45PM – 6:30PM	59
FRIDAY 6:30PM			
Joint Section Reception 🗣️ ★ (Ticketed Event)	Chicago Symphony Orchestra, Grainger Ballroom	6:30PM – 8:00PM	59
FRIDAY 8:00PM			
Joint International Committees Dinner 🗣️ (Reservations Required)	Shula's Steak House, Sheraton Hotel and Towers	8:00PM – 10:00PM	59
SATURDAY 7:15AM			
Partnerships & LLCs/Real Estate/S Corporations "Shop Talking" Breakfast 🗣️ (Ticketed Event)	Chicago Ballroom VI, 4th Floor	7:15AM – 8:30AM	60
SATURDAY 7:30AM			
ACTC Fellows Breakfast 🗣️ (ACTC Members)	Fountainview Room, 3rd Floor	7:30AM – 9:00AM	60
SATURDAY 7:45AM			
Court Procedure & Practice Officers and Subcommittee Chairs Breakfast 🗣️ (Ticketed Event)	Sheraton Ballroom I, 4th Floor	7:45AM – 9:00AM	60
SATURDAY 8:30AM			
Employee Benefits (TX) and Employee Benefits Group (TE) 🗣️	Chicago Ballroom VII, 4th Floor	8:30AM – 11:30AM 8:30a – The Future of the Determination Letter Process 9:30a – Over 20 Years of IRC Section 162(m) and 30 Years of IRC Section 280G – Has It Made a Difference in Executive Compensation? 10:30a – Keeping or Closing the Employer Stock Fund After <i>Dudenhoeffer</i> and <i>Tatum</i> – A Fiduciary Process	60

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COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
SATURDAY 8:30AM (Continued)			
Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group (TE)	Sheraton Ballroom V, 4th Floor	8:30AM – 11:30AM 8:30a – Current Developments 8:50a – Income Tax Deductions for Charitable Bequests of IRD 9:40a – Section 2704(b) Proposed Regulations and Valuation Discounts on Transfers of Closely Held Entities 10:15a – Implementation and Administration of Self-Cancelling Installment Notes	61
LLCs and LLPs Subcommittee of Partnerships & LLCs	Columbus, 3rd Floor	8:30AM – 10:30AM 8:30a – Dual Status by Design 9:30a – Report on the Drafting Committee's Work on the Uniform Law Commission's Series of Unincorporated Business Entities Act 10:00a – Progress Report on Dual Status Project	62
Pro Bono & Tax Clinics	Chicago Ballroom VIII, 4th Floor	8:30AM – 11:15AM 8:30a – Recent Developments Affecting Low-Income Taxpayers 9:15a – Designing a Pro Bono Project for Your Firm 10:30a – Basics of IRS Collection Alternatives	62
Sales, Exchanges & Basis ★	Chicago Ballroom X, 4th Floor	8:30AM – 11:30AM 8:30a – The "Partnership Installment Note" Transaction 9:20a – Current Developments in Sales, Exchanges & Basis ★ 9:50a – A Primer on Section 1031 Transactions ★ 10:50a – Negotiating and Drafting Tax Provisions in Real Estate Purchase Agreements	63
State & Local Taxes Practitioners Roundtable (Executive Session)	Sheraton Ballroom IV, 4th Floor	8:30AM – 10:30AM	64
SATURDAY 8:45AM			
Civil & Criminal Tax Penalties	Chicago Ballroom IX, 4th Floor	8:45AM – 11:45AM 8:45a – Reports of Subcommittees on Important Developments 9:15a – Aggressive IRS Audit Techniques – Tales from the Trenches 10:05a – Tax Preparer Fraud: Strategies for Defending the Tax Preparer or Promoter in Criminal and Civil Injunction Litigation 10:55a – Sentencing in Tax Cases	64
Corporate Tax	Sheraton Ballroom II, 4th Floor	8:45AM – 11:45AM 8:45a – Section 361(c) and Its Discontents 10:00a – Current Developments	66



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COMMITTEE/PROGRAM	LOCATION	TOPIC(S)/TIME(S)	PAGE
SATURDAY 10:30AM			
State & Local Taxes: Publication Subcommittees 	Sheraton Ballroom IV, 4th Floor	10:30AM – 11:00AM	66
SATURDAY 11:00AM			
State & Local Taxes Vice-Chairs' Planning Meeting 	Sheraton Ballroom IV, 4th Floor	11:00AM – 12:00PM	66
SATURDAY 12:00PM			
Joint Section Luncheon/Plenary Session  ★ (Ticketed Event)	Chicago Ballroom VI, 4th Floor	12:00PM – 1:30PM Keynote Speaker: Nina E. Olson, National Taxpayer Advocate, IRS, Washington, DC	67
SATURDAY 2:00PM			
Joint Section Program 	Sheraton Ballroom II, 4th Floor	2:00PM – 3:00PM 2:00p – Tax, Immigration, and Employment Issues for Household Employees	67
Joint Section Program 	Sheraton Ballroom III, 4th Floor	2:00PM – 3:30PM 2:00p – <i>Obergefell</i> : Remaining Estate Planning and Tax Issues and a Look Into the Future	68
Joint Section Program 	Sheraton Ballroom III, 4th Floor	3:30PM – 5:00PM 3:30p – Estate Tax Return Preparation and Audit Mitigation Strategies	68

PROGRAM SCHEDULE

THURSDAY, SEPTEMBER 17

**TX****8:30AM – 3:00PM****Section of Taxation Officers & Council Meeting** ☞ (Executive Session)

Sheraton Ballroom II, 4th Floor

TX**2:30PM – 6:00PM****Tax Bridge on the Road** 📺🗣️★ (Registration Required)

Sponsored by: Young Lawyers Forum and Diversity.

Program Co-Chairs: Kelley C. Miller, Reed Smith LLP, Washington, DC; Cathy Fung, Office of Division Counsel (Large Business & International), IRS, Washington, DC

Sheraton Ballroom III, 4th Floor

2:30pm A Conversation with Richard Lipton. ☞ One of the Section's most esteemed members and former Section Chair, Dick Lipton sits down for an in-depth discussion of his practice, his history with the Section, and the latest developments in partnership and real estate transactions. In addition to his present role on Section Council, Dick is a member of the House of Delegates of the American Bar Association, the Chicago Bar Association Federal Tax Committee, and the American College of Tax Counsel. He also served on the Internal Revenue Service Advisory Council. He is an adjunct professor at The University of Chicago Law School, where he teaches a course on partnership taxation. Tax Bridge to Practice is delighted and honored to have Dick as the first subject of our new "Conversations with..." series.

3:00pm Social Media: Ethics in the Internet Age. 🗣️ This interactive program will cover a variety of issues dealing with the increasing use of social media in marketing. The panelists will use a series of hypotheticals to address marketing during a time when sites such as Facebook and LinkedIn are a resource for information on legal talent and where blogging, texting, and endorsing can provide potential positive publicity for a lawyer. The panel will also focus on instituting best practices and avoiding ethical pitfalls when using social media for all attorneys, including government attorneys.

Moderator: Professor Michael B. Lang, Chapman University Dale E. Fowler School of Law, Orange, CA

Panelists: Kirsten N. Witter, Branch Chief, Ethics and General Government Law Branch, Office of Associate Chief Counsel, IRS, Washington, DC; Anson H. Asbury, Asbury Law Firm, Atlanta, GA; Rachel L. Partain, Caplin & Drysdale, New York, NY

Co-Sponsored by: Standards of Tax Practice

4:00pm State Income, Double Taxation, and Tax Discrimination in the Post-Wynne World. States have the right to implement tax systems to tax their residents and out-of-state taxpayers provided that those systems do not infringe on the taxpayer's Constitutional rights. In *Maryland v. Wynne*, the US Supreme Court concluded that Maryland's tax was unconstitutional as applied to Maryland residents. This panel will offer a primer on these essential state tax concepts: what is income at the state level; double taxation tax discrimination; and the dormant commerce clause, as well as offer insight into the *Wynne* decision and the implications of the *Wynne* decision on other taxes.

Moderator: Jairo G. Cano, Agostino & Associates PC, Hackensack, NJ

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



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Panelists: Stephen J. Blazick, Reed Smith LLP, Philadelphia, PA; Stewart M. Weintraub, Chamberlain Hrdlicka White Williams & Aughtry, West Conshohocken, PA; Kelley C. Miller, Reed Smith LLP, Washington, DC
Co-Sponsored by: State and Local Taxes

5:00pm Ethical Issues for Newer Attorneys. ⚖️ This panel will examine some of the ethical issues faced by attorneys new to practicing law, including issues such as client confidentiality, privileges, conflicts of interest, and state bar licensing. Panelists will discuss scenarios in which newer attorneys may find themselves in an ethical dilemma, the strategies to protect themselves in those situations, and overall best practices in the practice of law.

Moderator: Patrick W. Thomas, Neighborhood Christian Legal Clinic, Indianapolis, IN

Panelists: The Honorable Cary Douglas Pugh, Judge, US Tax Court, Washington, DC; Kate E. Ward, Venable LLP, Washington, DC; Alfred Bae, KPMG, Houston, TX

Co-Sponsored by: Standards of Tax Practice

JT

6:00PM – 7:00PM

Joint Welcome Reception ☞ (Complimentary)

Sheraton Ballroom II, 4th Floor

TX

6:00PM – 9:00PM

State & Local Taxes Executive Committee Business Dinner Meeting ☞ (Invitation Only)

Neal Gerber & Eisenberg LLP

Meeting of Committee Officers & Subcommittee Chairs and invited guests.

Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA

TX

6:30PM – 9:30PM

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

Phil Stefani's 437 Rush

Members of the Real Estate Committee and the Partnerships & LLCs Committee will meet for cocktails and dinner at Phil Stefani's 437 Rush Restaurant - 437 N. Rush, Chicago, IL 60611. Cocktails (cash bar) will begin at 6:30 pm, followed by dinner at 7:30 pm. Reservations and advance payment required. For details, please visit the Partnerships & LLCs or Real Estate Committee web pages.

JT

7:00PM – 9:00PM

Joint First-Time Attendees Orientation Dinner ☞ (Reservation Required)

Sheraton Ballroom I, 4th Floor

TX

7:30PM – 9:30PM

Administrative Practice Dinner ☞ (Invitation Only)

Phil Stefani's 437 Rush

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- JT** **7:00AM – 4:00PM** Sheraton Promenade, 4th Floor
Hospitality Center (Complimentary)
 Continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.
- TX** **7:30AM – 9:00AM** Mayfair, 2nd Floor
ACTC Board of Regents Meeting (Executive Session)
- TX** **7:30AM – 8:30AM** Bucktown, 3rd Floor
Exempt Organizations Subcommittee on Audits, Appeals and Litigation
 Chairs: Michael A. Clark, Sidley Austin, Chicago, IL; Diara M. Holmes, Loeb & Loeb LLP, Washington, DC; Marcus S. Owens, Loeb & Loeb LLP, Washington, DC
 7:30am **Roundtable Discussion of Current Developments**
- TX** **7:30AM – 8:30AM** Pullman, 3rd Floor
Exempt Organizations Subcommittee on Health Care Organizations
 Chairs: T.J. Sullivan, Drinker Biddle & Reath LLP, Washington, DC; Robert W. Friz, PwC, Philadelphia, PA
 7:30am **Roundtable Discussion of Current Developments**
- TX** **7:30AM – 8:30AM** Old Town, 3rd Floor
Exempt Organizations Subcommittee on Political and Lobbying Organizations
 Chairs: Rosemary E. Fei, Adler & Colvin, San Francisco, CA; Elizabeth J. Kingsley, Harmon Curran Spielberg + Eisenberg LLP, Washington, DC
 7:30am **Roundtable Discussion of Current Developments**
- TX** **7:30AM – 8:30AM** Gold Coast, 3rd Floor
Exempt Organizations Subcommittee on Private Foundations, Unrelated Business Income and International Philanthropy
 Chairs: LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA; Robin Krause, Patterson Belknap Webb & Tyler LLP, New York, NY; Victoria B. Bjorklund, Simpson Thacher & Bartlett LLP, New York, NY; Tamara Watts, Bill & Melinda Gates Foundation, Seattle, WA; Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA; James P. Joseph, Arnold & Porter LLP, Washington, DC
 7:30am **Roundtable Discussion of Current Developments**
- TX** **7:30AM – 8:30AM** Lakeview, 3rd Floor
Exempt Organizations Subcommittee on Religious Organizations
 Chairs: Michael W. 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**
- TX** **7:30AM – 8:15AM** Chicago Ballroom VIII, 4th Floor
Section of Taxation Committee Chairs, Vice-Chairs, Officers & Council Breakfast (Executive Session)

TX = Tax Section Sponsored Program

TE = Trust & Estate Division of RPTe Sponsored Program

JT = Jointly Sponsored Program



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TX

8:00AM – 10:00AM

Ontario, 2nd Floor

Capital Recovery & Leasing 

Chair: Alison Jones, EY, Washington, DC

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

Moderator: Richard Shevak, Cohn Reznick, Roseland, NJ

Panelists: Kathleen Reed, Branch Chief, Branch 7, Income Tax and Accounting, IRS, Washington, DC; A.J. Schiavone, Crowe Horwath LLP, Columbus, OH

8:30am The Interaction of §263(a) and §263A: How Do the Tangible Property Regulations and the Uniform Capitalization Rules Work Together? This panel, featuring a cross-section of practitioner and government personnel, will focus its discussion on the relationship between §263(a) and §263A and will step through several examples to illustrate the combined impact of the two Internal Revenue Code sections on common fact patterns.

Moderator: Scott T. Mackay, EY, Washington, DC

Panelists: Kathleen Reed, Branch Chief, Branch 7, Income Tax and Accounting, IRS, Washington, DC; Christopher Call, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Leslie J. Schneider, Ivins Phillips & Barker Chartered, Washington DC

9:30am Tangible Property Regulations Update – Continuation from the May Meeting. This panel will continue our discussion around issues associated with implementation of the tangible property regulations, with a focus on industry-specific issues and dispositions of tangible property.

Moderator: Rayth Myers, EY, Washington, DC

Panelists: Kathleen Reed, Branch Chief, Branch 7, Income Tax and Accounting, IRS, Washington, DC

JT

8:00AM – 9:00AM

Fountainview Room, 3rd Floor

Companions Breakfast  (Complimentary)

JT

8:00AM – 9:30AM

Erie, 2nd Floor

Employee Benefits Defined Contribution Plans Update

Presented by the Subcommittee on Defined Contribution Plans (TX) and Qualified Plans Committee (TE)

Chairs: Matthew Eickman, Qualified Plan Advisors, Overland Park, KS (TX); Cynthia Marcotte Stamer, Cynthia Marcotte Stamer PC, Dallas, TX (TE); Bonita Hatchett, Benton Potter & Murdock PC, Washington, DC (TE)

Vice-Chairs: Puneet K. Arora, Towers Watson, Arlington, VA (TX); Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL (TX); Jose Juan Valcarce, Shell Oil Company, Houston, TX (TE); Peter Kelly, Blue Cross + Blue Shield, Chicago, IL (TE)

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

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 include discussion

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of recent litigation relating to and impacting defined contribution plans, as well as emerging issues.

Panelists: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited)

JT

8:00AM – 9:30AM

Michigan, 2nd Floor

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 (TX) and Nonqualified Defined Compensation Committee (TE)

Chairs: Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC (TX); Charmaine L. Slack, Jones Day, New York, NY (TX); Courtney Vomund, Lewis Rice LLC, St. Louis, MO (TE); Stephanie Schroepfer, Norton Rose Fulbright US LLP, Houston, TX (TE)

Vice-Chairs: Sandy Shurin, Deloitte Tax LLP, New York, NY (TX); Jeffrey Lieberman, Weil Gotshal & Manges LLP, New York, NY (TX); Jessica Page, Meridian Compensation Consultants, Lake Forest, IL (TX); Doreen E. Lilienfeld, Shearman & Sterling LLP, New York, NY (TE); Victoria Zerjav, Dickstein Shapiro LLP, Stamford, CT (TE)

Assistant Vice-Chairs: Curtis Fisher, Bass Berry & Sims, Nashville, TN (TX); Ali Fawaz, Proskauer, New York, NY (TX)

This panel will discuss the recently released SEC proposed and final rules, including compensation clawbacks, pay ratio and pay-for-performance. We will also focus on the tax accounting for stock-based compensation under current GAAP and proposed simplifications, as well as other recent executive compensation developments. Finally, we will have an update from government representatives on the current executive compensation projects underway at the Department of Treasury and the IRS.

Panelists: Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Charmaine L. Slack, Jones Day, New York, NY; Sandy Shurin, Deloitte Tax LLP, New York, NY; Jeffrey Lieberman, Weil Gotshal & Manges LLP, New York, NY; Jessica Page, Meridian Compensation Consultants, Lake Forest, IL; Robert Neis, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Brian Cumberland, Alvarez & Marsal Holdings LLC, Dallas, TX; J.D. Ivy, Alvarez & Marsal Holdings LLC, Dallas, TX; Andrew C. Liazos, McDermott Will & Emery, Boston, MA; Alan A. Nadel, Strategic Apex Group, New York, NY; Martha N. Steinman, Hogan Lovells, New York, NY; Edward B. Winslow, Jones Day, Chicago, IL

TX

8:30AM – 11:30AM

Sheraton Ballroom V, 4th Floor

Administrative Practice

Chair: George Hani, Miller & Chevalier, Washington, DC

8:30am Back to Basics: Who Has Capacity to Sign on Behalf of the Taxpayer?

This panel will provide a general discussion of who has the capacity to sign on behalf of the taxpayer (individual, corporate, and partnership). The panel will also review the statutory and regulatory regime under the Internal Revenue Code, and also highlight relevant form instructions. Finally, the panel will discuss various items that require a taxpayer's signature



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(returns, elections, closing agreements, statute extensions) and consider the implications of having an unauthorized party sign a tax form on behalf of a taxpayer.

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

Panelists: Michael D. Kummer, Morgan Lewis & Bockius LLP, Washington, DC; Ashton P. Trice, Branch Chief, Branch 2, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC

9:00am **A New Era of IRS Examinations – Doing Less with Less?** Reduced IRS budgets have compelled the agency to do less with less. How is the IRS responding? This panel will discuss recent IRS enforcement initiatives, including LB&I's implementation of a pilot program to risk-assess cases, a departure from its historic coordinated industry case program, the role of the Transfer Pricing Office and its TPP field teams, the development of a new IRS group to coordinate research projects on taxpayer data and tax administration across the agency, and the use of quantitative models to make risk inferences based upon taxpayer filings such as the Schedule UTP. The panel will discuss the impact that IRS budget constraints, along with these new initiatives, may have as taxpayers and their advisors interact with the IRS and undertake resolution of issues.

Moderator: Sheri A. Dillon, Morgan Lewis and Bockius, Washington, DC

Panelist: Sergio Arellano, Acting Large Business and International Deputy Commissioner Domestic, IRS, Washington, DC; Gary B. Wilcox, PwC, Washington, DC; Eli J. Dicker, Tax Executives Institute, Washington, DC

10:00am **Kicking the Habit: Using *Kovel* Responsibly.** So-called *Kovel* agreements are frequently put into place between attorneys and third-party advisers (such as accountants) as a way to preserve attorney-client privilege when lawyers are aided by non-lawyers. But when litigation ensues, a *Kovel* agreement might be found to not offer as much protection from discovery demands as anticipated because of the activity involved. This panel will discuss the limitations of the *Kovel* doctrine, including waiver and the crime-fraud exception, as highlighted in several recent cases, and offer perspectives on how practitioners can ensure their agreements, in the proper contexts, will avoid disclosing sensitive information to the IRS or Department of Justice.

Moderator: Colleen Romero, Baker & McKenzie, Chicago, IL

Panelists: Guinevere Moore, Holland & Knight, Chicago, IL; Joseph McGowan, Hill-Rom, Chicago, IL; Rebecca A. Perlmutter, Counsel to the Deputy Assistant Attorney General for Criminal Tax Matters, Department of Justice, Washington, DC; Mark Cottrell, Branch Chief, Office of the Associate Chief Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC

10:50am **Administrative Practice – Important Developments.** This panel will discuss current developments and topics of immediate interest in the tax administrative practice. The panel will focus on recent Department of Treasury and IRS guidance, court decisions, on-going litigation, and other items germane to tax administration.

Moderator: Lee Meyercord, Thompson & Knight, Dallas, TX

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Panelists: Rochelle Hodes, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Drita Tonuzi, Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC

TX

8:30AM – 11:30AM

Missouri, 2nd Floor

Affiliated & Related Corporations 

Chair: Matthew K. White, KPMG LLP, Washington, DC

8:30am Current Developments. This panel will explore current developments with respect to consolidated return issues, including the new circular basis regulations proposed in June of this year.

Moderator: Jeff Vogel, KPMG LLP, Washington, DC

Panelists: Lawrence M. Axelrod, Special Counsel, IRS Office of Associate Chief Counsel (Corporate), Washington, DC; Don Bakke, EY, Washington, DC; Professor Don Leatherman, University of Tennessee College of Law, Knoxville, TN; Bart Stratton, PwC, Washington, DC

10:00am The Intersection of Subchapter K and Consolidated Returns. Members of a consolidated group are often also partners in partnerships. While subchapter K and the consolidated return regulations both have regimes intended to permit significant deferral of tax, that deferral is often lost when the two regimes intersect – much to the surprise of taxpayers and their advisers. This panel will address many of the issues that result from members of a consolidated group transferring property to partnerships, transferring interests in partnerships, and terminating partnerships owned partly or entirely by members of a consolidated group.

Moderator: E.J. Forlini, Deloitte Tax LLP, Washington, DC

Panelists: Greg Fairbanks, Grant Thornton LLP, Washington, DC; Craig A. Gerson, PwC, Washington, DC; Krishna Vallabhaneni, Acting Deputy Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Holly Porter, Chief, Branch 3, IRS Office of Associate Chief Counsel (Passthroughs and Special Industries), Washington, DC

TX

8:30AM – 11:30AM

Colorado, 2nd Floor

Banking & Savings Institutions 

Chair: Anthony Tuths, WithumSmith+Brown PC, New York, NY

8:30am Banking & Savings Tax Update. This panel will cover important recent developments important to banking and savings institutions including recent IRS Notices causing certain “basket options” to be treated as listed transactions as well as proposed regulations under section 597.

Panelists: Anthony J. Tuths, WithumSmith+Brown PC, New York, NY; Mark H. Price, KPMG LLP, Washington, DC

9:30am Dual Consolidated Loss Issues for Banking Entities. The panel will discuss the dual consolidated loss rules, which are rules designed to prevent a form of international tax arbitrage in which ordinary losses are taken in two different jurisdictions against different income (otherwise called “double dipping”). Aside from providing an overview of the rules, the panel will focus on some of the pitfalls that taxpayers may inadvertently be faced



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with and how to deal with such risks. The panel will further describe a few transactions that are currently beyond the scope of the rules as well as current initiatives that may result in these rules being expanded in the future.

Panelists: Daniel Altman, Sidley Austin LLP, New York, NY; Douglas Holland, KPMG LLP, Washington, DC

10:30am Embedded Loan Regulations: A Step in the Right Direction for Tax Treatment of Swaps? This panel will examine the recently proposed regulations regarding the tax treatment of non-periodic payments under notional principal contracts. The panel will discuss the efficacy of treating all such payment as a deemed loan as well as the associated withholding and reporting issues. It will also focus on how the regulations might be augmented or clarified.

Moderator: Stefan Gottschalk, Washington, DC

Panelists: Karl Walli, Senior Counsel (Financial Products), Tax Legislative Counsel, Department of Treasury, Washington, DC; Diana A. Imholtz, Special Counsel (Financial Institutions and Products), IRS Office of Chief Counsel, Washington, DC; Yoram Keinan, Carter Ledyard & Milburn, New York, NY; Erika W. Nijenhuis, Cleary Gottlieb Steen & Hamilton LLP, New York, NY

JT

8:30AM – 11:30AM

Chicago Ballroom X, 4th Floor

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

Closely Held Businesses Committee Chair: Shelby L. Wilson, Berchem Moses & Devlin PC, Westport, CT

Business Planning Group Chair: Daniel H. McCarthy, Wick Phillips Gould & Martin LLP, Fort Worth, TX

8:30am Breaking Up Is Hard to Do: Tax and Practical Implications of Unwinding Business Affairs Among Multiple Partners. Whether due to estate planning considerations, disagreements among partners, retirement, or other reasons, many partners inevitably go through a process of unwinding business interests. In most instances, unwinding will result in significant tax consequences for one or more partners. This panel will explore tax and practical considerations that arise when business partners decide to part ways and will also address ethical considerations in representing clients dealing with these issues.

Panelists: Daniel H. McCarthy, Wick Phillips Gould & Martin LLP, Fort Worth, TX; J. Robert Turnipseed, Armbrrecht Jackson LLP, Mobile, AL; Shelby L. Wilson, Berchem Moses & Devlin PC, Westport, CT

10:00am Selling the Dreaded C-Corp While Minimizing Double Taxation. This panel will discuss issues that arise when selling C-Corporations and suggest planning ideas to help minimize the double taxation that can occur to the current shareholder. Discussion will focus on the benefits of creating an

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S-Corporation, allocation of personal good will to the shareholders, and other planning strategies that may be used to minimize tax for the corporation and the shareholders upon an asset sale.

Panelists: Robb A. Longman, Longman & Van Grack LLC, Bethesda, MD; Joseph Schimmel, Cohen Chase Hoffman & Schimmel PA, Miami, FL

JT

8:30AM – 11:30AM

Sheraton Ballroom II, 4th Floor

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

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

Income & Transfer Tax Planning Group Chair: Stephanie Loomis-Price, Winstead PC, Houston, TX

8:30am Current Developments. This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since April 2015.

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

9:15am Section 2801 Uncovered: Taxation of Gifts and Bequests from Covered Expatriates. Section 2801 imposes an inheritance tax on Americans who receive gifts and bequests from Covered Expatriates. This panel will discuss the special Section 2801 transfer tax, including background on expatriation and Covered Expatriates and discussion of the income and transfer tax consequences of expatriation and the related planning considerations.

Panelists: Catherine V. Hughes, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Scott A. Bowman, Proskauer Rose LLP, Boca Raton, FL; Stephen Liss, UBS Financial Services Inc., New York, NY

10:00am The Middle Way: The Uniform Trust Decanting Act. Buddhism embraces the middle way, a path of moderation between the extremes of sensual indulgence and asceticism. The Uniform Trust Decanting Act embraces the middle way, a path between the extremes of “Wild West” decanting and uncompromising rigidity for irrevocable trusts. The UTDA also incorporates provisions not found in existing decanting statutes, such as a provision to salvage flawed decantings and to protect parties who rely on a prior decanting.

Panelist: Susan T. Bart, Sidley Austin LLP, Chicago, IL

10:45am Death, Divorce, and Reproductive Technology: What Every Practitioner Needs to Know Now About Planning for the Future. Scientific advances in the reproductive arena have brought new and complex legal issues to the forefront in the context of inheritance and divorce. If an individual is born after the death of a parent using stored genetic material, what is the status of that person for inheritance purposes? Who gets the embryos in the event of a divorce? This session will take a comprehensive look at issues that need to be addressed from the inheritance and matrimonial perspectives, highlighting the increasing importance of holistic planning for both contexts. Topics include: existing case law in the areas of estate planning



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and divorce; an examination of how state legislatures have responded to inheritance issues, including state-by-state comparative charts; the role of pre-conception directives at an IVF clinic in the event of death or divorce; and planning considerations in light of the rapidly advancing technologies, including drafting considerations.

Panelists: Sharon L. Klein, Wilmington Trust NA, New York, NY; Alexis L. Cirel, Mayerson Abramowitz & Kahn LLP, New York, NY

TX

8:30AM – 11:30AM

Chicago Ballroom IX, 4th Floor

Individual & Family Taxation 

Chair: Phyllis Horn Epstein, Epstein Shapiro & Epstein PC, Philadelphia, PA

8:30am Household Employee Tax Compliance. There are millions of households in the US, and millions of babysitters, gardeners, nurses and others who work within them. This panel will discuss how to determine whether a household worker is an employee or independent contractor; the federal income and employment tax reporting, withholding, and payment requirements that apply to the alternative classifications; and practical strategies for complying with those requirements. The panel also will discuss immigration law issues that frequently arise in the household workforce.

Moderator: Lany L. Villalobos, Philadelphia Legal Assistance, Philadelphia, PA

Panelists: Phyllis Horn Epstein, Epstein Shapiro & Epstein PC, Philadelphia, PA; Katherine E. David, Strasburger & Price LLP, San Antonio, TX

9:30am Taxpayer Filing Status – Options and Recent Law. A taxpayer's filing status has obvious implications on issues such as standard deductions and tax rate schedules. Beyond the obvious issues, however, filing status can have a major impact on many other issues, including penalties and credits under the ACA and eligibility for the Earned Income Tax Credit. Filing status can also be a source of confusion and error for many taxpayers, especially resident aliens and taxpayers who are separating or divorcing. This panel will examine issues and some recent developments relating to filing status, including the recent *Ibrahim v. Commissioner* case reversing the US Tax Court on when a taxpayer may file a joint return, and guidance that relates to benefits and penalties under the ACA. In addition, it will consider the more common challenges facing both nonresident taxpayers who are filing in the US for the first time due to heightened scrutiny on nonresident taxpayers and resident alien taxpayers, as well as highlight issues for advisors who counsel taxpayers in separation or divorce. The panel will include discussions by counsel who litigated the *Ibrahim v. Commissioner* case, a national expert on the intersection of the ACA and the tax laws, an advisor from TAS who has studied and written on family status tax issues for many years, and an attorney with years of experience working with members of the family law bar.

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

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Panelists: Christine Speidel, Vermont Legal Aid, Springfield, VT; Frank DiPietro, University of Minnesota Tax Clinic, Minneapolis, MN; Rosty Shiller, Supervisory Attorney, Taxpayer Advocate Service, IRS, Washington, DC; Larry A. Campagna, Chamberlain Hrdlicka White Williams & Aughtry, Houston, TX

10:30am Penalty Panel Part II Spotlight. This panel will provide a continuing overview of the types of penalties that the IRS can propose against individual taxpayers. This will be a continuation of the panel presented at the January Midyear Meeting in Houston, TX. There will be a discussion of the interplay between section 6662 and section 6676 after *Rand v. Commissioner*; section 6664 relief based upon reliance on tax advice or a tax return preparer; the relationship between requesting 6664 relief and attorney client privilege; and what constitutes fraudulent activities for the purposes of section 6663 penalties.

Moderator: Jonathan Strouse, Harrison & Held LLP, Chicago, IL

Panelists: James Creech, Law Offices of James Creech, Burlingame, CA; Alex E. Sadler, Ivins Phillips & Barker Chartered, Washington, DC; Ashton P. Trice, Branch Chief, Branch 2, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC

TX

8:30AM – 11:30AM

Arkansas, 2nd Floor

Investment Management 

Chair: Amy B. Snyder, The Vanguard Group Inc., Malvern, PA

8:30am Current Issues for Regulated Investment Companies. This panel will cover several current issues faced by regulated investment companies ("RICs"): fund spin-offs, securities lending involving convertible bonds, Notice 2015-41, the impact of proposed partnership audit legislation on RICs, and the Subchapter M implications of investments in commodity-related exchange-traded notes.

Moderator: Stephen D. Fisher, EY, Boston, MA

Panelists: Karen Lau Gibian, Investment Company Institute, Washington, DC; David Mangefrida, Calamos Investments LLC, Naperville, IL

9:30am Thinking About Converting to a RIC? Important Considerations. This panel will address the tax and other legal and operational complexities faced by different types of private investment funds, including those structured as group trusts, common trust funds and partnerships, when deciding to convert to a RIC.

Moderator: Christopher C. Scarpa, Stradley Ronon Stevens & Young LLP, Philadelphia, PA

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



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10:30am Current Issues for Private Investment Funds and Their Managers. This panel will address certain tax issues currently affecting private investment funds and their managers, including the recently released proposed regulations on management fee waivers and the pricing of tax attributes in a private equity auction process.

Moderator: Adam J. Tejeda, K&L Gates LLP, New York, NY

Panelists: Jared D. Mobley, K&L Gates LLP, Charlotte, NC; Joshua A. Kaplan, Bilzin Sumberg Baena Price & Axelrod LLP, Miami, FL

TX

8:30AM – 11:30AM

Sheraton Ballroom IV, 4th Floor

Real Estate 

Chair: Robert D. Schachat, EY, Washington, DC

8:30am Hot Topics. This panel will discuss recent developments, including legislation, regulations, administrative guidance, and noteworthy cases.

Moderator: Craig A. Gerson, PwC, Washington, DC

Panelist: Curtis G. Wilson, Associate Chief Counsel, Passthroughs and Special Industries, IRS, Washington, DC

9:30am Dealer vs. Investor – Caselaw Update. This panel will discuss recent caselaw and factors used to determine whether real estate is held in a dealer or investor capacity.

Moderator: Peter J. Genz, King & Spalding LLP, Atlanta, GA

Panelist: Amanda F. Wilson, Lowndes Drosdick Doster Kantor & Reed PA, Orlando, FL

10:15am Motivating the Real Estate Deal and Fund Team – Part Deux. This panel will continue the discussion from the May Meeting regarding business and tax issues related to the incentives and compensation being offered in real estate deals and by real estate funds, including phantom equity rights, profits interests, management fees, and compensation strategies.

Moderator: Eliot L. Kaplan, Perkins Coie LLP, Phoenix, AZ

Panelists: Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Steven R. Schneider, Goulston & Storrs PC, Washington, DC

10:45am Federal Tax Impact of Using State Tax Credits. Many states have enacted generous state income tax credits to subsidize targeted classes of real estate. The use of these credits raises a host of interesting federal income tax issues, including how credits should be allocated among partners. This panel will discuss these issues, including structures involving use of tax-exempt entities to mitigate the federal tax impact of using state tax credits.

Moderator: Steven P. Berman, Berman Indictor LLP, Philadelphia, PA

Panelists: Daniel L. Kraus, Holland & Knight LLP, Chicago, IL; Kathryn Galbraith Day, Klein Hornig LLP, Boston, MA

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TX

8:30AM – 11:30AM

Sheraton Ballroom III, 4th Floor

S Corporations 

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

8:30am Important Developments. Discussion of recent legislative, administrative and judicial developments relating to S Corporations and their shareholders.

Moderator: Brad Gould, Dean Mead Minton & Zwemer, Ft. Pierce, FL

Panelists: Michala Irons, Barnes & Thornburg LLP, Indianapolis, IN; Bryan Keith, Grant Thornton LLP, Washington, DC

9:00am S Corporation Valuations Issues. A discussion on whether S Corporations are worth more than C Corporations: A review of where we've been and where we are going.

Panelists: Bryan H. Browning, Valuation Research Corporation, Milwaukee, WI; Edward E. Pratesi, Brentmore Valuation Advisor Inc., West Harford, CT

10:00am Primer on S Corporation Shareholders. A discussion of the basic shareholder qualification rules.

Panelist: Edward Waters, Dean Mead Egerton Bloodworth Capouano & Bozarth, Orlando, FL

10:30am Trusts Decanting with S Corporation Shareholders. Discussion of the general description of decanting of trusts and avoiding inadvertent terminations of S corporations when trusts hold S corporation stock.

Moderator: Daniel Potter, Grant Thornton LLP, Milwaukee, WI

Panelists: Jessica Speer, Grant Thornton LLP, Chicago, IL; Adam Wiensch, Foley and Lardner LLP, Milwaukee WI

TX

8:30AM – 10:30AM

Chicago Ballroom VI, 4th Floor

Transfer Pricing 

Chair: John Hughes, IRS, Washington, DC

8:30am Tax Litigation Developments from the Transfer Pricing Front. This panel will discuss recent procedural developments in transfer pricing litigation that are relevant to both transfer pricing and non-transfer pricing controversies in the US Tax Court. Issues addressed will include summons enforcement, the interaction between privilege and penalty defenses, the protection of trade secrets, rules applicable to testimony and reports by expert witnesses, and challenges to Department of Treasury regulations.

Moderator: Jenny L. Johnson, Holland & Knight LLP, Chicago, IL

Panelists: Professor Steve R. Johnson, Florida State University, College of Law, Tallahassee, FL; Jonathan L. Hunt, Mayer Brown, Chicago, IL

9:30am Preparing for Country-by-Country Reporting. BEPS Action Item 13 (Country-by-Country Reporting) will be one of the first BEPS initiatives to be implemented, set to take effect in 2016. Countries are already putting taxpayers on notice. This panel will explore some of the key and controversial issues/requirements being proposed, as well as practical issues



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facing companies as they attempt to identify, gather, interpret and efficiently prepare documentation to meet this new and first standardized global tax reporting requirement.

Moderator: Kathryn Horton O'Brien, PwC, Washington, DC

Panelists: Carol Chamberlain, Orbitax, Silicon Valley, CA; Dave Varley, Director of Transfer Pricing Operations (Acting), Large Business and International Division, IRS, Washington, DC; Brian Jenn, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC

JT

8:45AM – 4:30PM

Chicago Ballroom VII, 4th Floor

Exempt Organizations

Chair: David A. Shevlin, Simpson Thacher & Bartlett LLP, New York, NY

8:45am **Committee Business**

9:00am **News from the IRS and Treasury.** Representatives from the IRS and Department of Treasury will discuss topics of current interest to exempt organizations practitioners.

Moderator: Michael A. Clark, Sidley Austin, Chicago, IL

Panelists: Victoria A. Judson, Associate Chief Counsel, IRS Office of Associate Chief Counsel (TEGE), Washington, DC (Invited); Ruth M. Madrigal, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited); Elinor C. Ramey, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC (Invited)

10:00am **Best Practices: Prizes, Sweepstakes, Contests and Awards.** The panelists will utilize real examples of prizes, sweepstakes, contests, and awards offered by exempt organizations to provide practical guidance on how exempt organizations can use such efforts to build and support their goals while minimizing risks. The panelists will cover both the practical and legal issues these types of activities raise—including privacy, advertising, social media, and tax law.

Moderator: Joshua J. Mintz, John D. and Catherine T. MacArthur Foundation, Chicago, IL

Panelists: Rochelle D. Alpert, Morgan Lewis & Bockius LLP, San Francisco, CA; Alexander L. Reid, Morgan Lewis & Bockius LLP, Washington, DC

11:15am **Section 501(c)(6) Trade Associations: Tax Issues, Governance, Controversies.** This panel will survey the tax and tax-exemption rules in the section 501(c)(6) area, including UBIT, where there has been much litigation involving trade associations. The panel will also cover corporate governance and member relations issues faced by section 501(c)(6) organizations, and will discuss the rules and practical guidance for political campaign intervention and lobbying by trade associations.

Moderator: Richard F. Riley Jr., Foley & Lardner LLP, Washington, DC

Panelists: Ralph Holmen, National Association of Realtors, Chicago, IL; David A. Lawson, Davis Wright Tremaine LLP, Seattle, WA

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- 12:30pm Exempt Organizations Committee Luncheon**  (Ticketed Event)
Speaker: Jens Ludwig, Ph.D., Director, University of Chicago Crime Lab, Co-Director, University of Chicago Urban Education Lab, Chicago, IL
- 2:00pm Coloring Outside the Lines: The Art of Gifting Art.** This panel will discuss the unique challenges, and opportunities, when planning charitable gifts of art and other collectibles. The panelists will examine planning considerations from the perspective of both the donor – whether an art collector, artist, or artist foundation – and the donee museum.
Panelists: Jennifer L. Franklin, Simpson Thacher & Bartlett LLP, New York, NY; Julie Getzels, The Art Institute of Chicago, Chicago, IL; Ramsay H. Slugg, US Trust, Fort Worth, TX
Co-Sponsored by: Section of Real Property, Trust & Estate Law, Trust & Estate Division
- 3:00pm Not So Fast: Exempt Organization Changes and Your State Attorney General.** This panel will focus on exempt organizations (including charitable trusts) and the challenges of internal change, including: change in purpose, domicile, or situs; change through merger, sale, acquisition, dissolution; and more. Two experienced lawyers from the state attorney general offices in Tennessee and Illinois will participate and share their experiences in reviewing the regulatory aspects of these events.
Moderator: Richard L. Sevcik, Perkins Coie LLP, Chicago, IL
Panelists: Therese Harris, Chief, Charitable Trust Bureau, Illinois Attorney General's Office, Chicago, IL; Jason E. Havens, Holland & Knight LLP, Jacksonville, FL; Janet Kleinfelter, Deputy Attorney General, Public Interest Division, Tennessee Office of the Attorney General, Nashville, TN
Co-Sponsored by: Section of Real Property, Trust & Estate Law, Trust & Estate Division
- 4:00pm Cash Bar** 

TX**9:30AM – 11:00AM****Superior A, 2nd Floor****Employee Benefits Administrative Practices Update**

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

Chair: Christina M. Crockett, Ogletree Deakins PC, Washington, DC

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

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

The Subcommittee will discuss recent IRS guidance that expanded the preapproved program to include cash balance and employee stock ownership plans (Revenue Procedure 2015-36) and the new qualified plan corrections guidance (Revenue Procedures 2015-27 and 2015-28). If published, the Subcommittee will discuss the recently released guidance from the IRS revising the determination letter program for individually designed plans. There also will be an open forum to discuss general issues concerning the determination letter program, EPCRS, EBSA's recent plan audits report, and other related topics.

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Panelists: Ingrid Grinde, Office of Manager, EP Technical Guidance and Quality Assurance, TEGE, IRS, Washington, DC; Kyle N. Brown, Special Counsel, Office of Chief Counsel (TEGE), IRS, Washington, DC (Invited)

JT

9:30AM – 10:30AM

Michigan, 2nd Floor

Employee Benefits Litigation Update

Presented by the Subcommittees on Litigation, ESOPs and Fiduciary Responsibility and Plan Investments (TX) and the Fiduciary Responsibility, Administration and Litigation Committee (TE)

Chairs: Sara Pikofsky, Jones Day, Washington, DC (TX); David A. Whaley, Dinsmore & Shohl, Cincinnati, OH (TX); Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN (TX); David A. Cohen, Evercore Trust Company NA, Washington, DC (TX); Charles H. Thulin, Ekman Thulin PS, Seattle, WA (TE); Lisa VanFleet, Bryan Cave LLP, St. Louis, MO (TE)

Vice-Chairs: Carolyn M. Rhodes, KPMG LLP, Washington, DC (TX); Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY (TX); Daniel R. Salemi, Franczek Radelet PC, Chicago, IL (TX); Vadim Avdeychik, PIMCO LLC, New York, NY (TX); Michael Bartolic, The Law Offices of Michael Bartolic LLC, Chicago, IL (TX); Lori Thayer Oliphant, Winstead PC, Dallas, TX (TE)

Assistant Vice-Chairs: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC (TX); Kyla Rivera, Evercore Trust Company NA, Washington, DC (TX); Rita Patel, DLA Piper LLP, Washington, DC (TX); Jessica N. Agostinho, Hunton & Williams LLP, Washington, DC (TX)

The panel will discuss recent ERISA litigation, including *King v. Burwell*.

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

JT

9:30AM – 11:30AM

Superior B, 2nd Floor

Tax Policy & Simplification

Chair: Eric San Juan, Georgetown University Law Center, Washington, DC

9:30am Estate Tax on Farms: Repeal, Retain, or Reform? In view of recently introduced repeal legislation, this panel will consider special use valuation, payment deferral, and related issues.

Moderator: Roger Roysse, Roysse Law Firm, Palo Alto, CA

Panelists: Richard Dees, McDermott Will & Emery, Chicago, IL; Diana Furchtgott-Roth, Manhattan Institute for Policy Research, Washington, DC

Co-Sponsored by: Estate & Gift Taxes (TX); Income & Transfer Tax Planning Group (TE)

10:30am The Design of Tax Incentives: Lessons from Energy and Environmental Incentives. A variety of considerations lead to the use of tax incentives to achieve policy goals and to the design of such tax incentives. An examination of such considerations can then assist in evaluating whether an incentive is an effective mechanism for achieving the policy goal. This panel

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will consider the design and evaluation of some tax incentives in the energy and environmental area that may cast light on choices about tax incentives more generally.

Moderator: Professor Michael Lang, Chapman University Fowler School of Law, Orange, CA

Panelists: Thomas Evans, Kirkland & Ellis, Chicago, IL; Professor Tracey Roberts, UC Hastings College of Law, San Francisco, CA; Professor Gilbert E. Metcalf, Tufts University, Medford, MA

TX

9:45AM – 10:45AM

Huron, 2nd Floor

Employee Benefits Multiple Employers, PEOs and Controlled & Affiliated Service Groups Update

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

Chair: Charles G. Humphrey, Law Office of Charles G. Humphrey, Williamsville, NY

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

Assistant Vice-Chair: Stefan P. Smith, Locke Lord LLP, Dallas, TX

The Subcommittee will discuss current issues in benefit plans operating in alternative employment and benefit arrangements such as PEOs or multiple employer plans, including an update on legislative developments. There will be a presentation and discussion on the interface of state sponsored retirement arrangements for individuals and their intersection with federal law and ERISA. There will also be a discussion of the differences between open MEPs and master trust arrangements, including the application of the securities laws to these arrangements. In addition, we will continue the ongoing interactive dialogue refining suggestions for dealing with or modifying the application of the section 413(c) one bad apple rule to multiple employer plans, including discussion of whether MEPs currently have a viable means of preventing disqualification of the plan when the plan's potential qualification problem results from participating employers who are unable to or refuse to respond or provide information to the plan's primary sponsor and plan administrator.

Panelists: Charles G. Humphrey, Law Offices of Charles G. Humphrey, Williamsville, NY; David E. Morse, K&L Gates, New York, NY (Invited); Pamela Baker, Dentons, Chicago, IL (Invited); William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC (Invited); Seth Tievsky, Senior Technical Advisor, TEGE, IRS, Washington, DC (Invited); Pamela R. Kinard, Senior Technician Reviewer, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited)

JT

10:00AM – 2:00PM

Eataly

Companion Activity (Ticketed Event)

Eataly Private Cooking Demonstration & Tour. The bus will depart promptly at 9:30am from the Sheraton Hotel & Towers. The bus will return guests to the hotel after lunch.

JT

10:00AM – 12:00PM

Erie, 2nd Floor

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

Presented by the Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues (TX) and the Welfare Benefit Plans Committee (TE)

Chairs: Helen H. Morrison, EY, Washington, DC (TX); Gabriel S. Marinaro, Smith Haughey Rice & Roegge, Ann Arbor, MI (TX); Elizabeth Leight, Society of Professional Benefit Administrators, Chevy Chase, MD (TE)

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Vice-Chairs: William M. Freedman, Dinsmore & Shohl LLP, Cincinnati, OH (TX); Yelena Fertman Gray, Nixon Peabody LLP, Chicago, IL (TX); David P. Simonetti, Thomson Reuters, New York, NY (TE); Allison S. Marquardt, Total Plan Services Inc., Addison, TX (TE)

Assistant Vice-Chairs: Elena Kaplan, Jones Day, Atlanta, GA (TX); Carolyn M. Trenda, McGuireWoods, Chicago, IL (TX)

This meeting will address the Supreme Court decision in *King v. Burwell*, Code section 4980I (the Cadillac tax), reporting under Code §§6055 and 6056, and other regulatory and sub-regulatory developments under the Affordable Care Act.

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

JT

10:30AM – 12:30PM

Chicago Ballroom VI, 4th Floor

US Activities of Foreigners & Tax Treaties 

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

10:30am The New US Model Treaty and Treasury Explanation: What is Proposed and What is Needed. The Department of Treasury has released certain proposed provisions of the next US Model Income Tax Treaty, including an updated Limitation on Benefits article, and new rules dealing with low-taxed permanent establishments of treaty residents, payments by expatriated entities, special tax regimes, and subsequent reductions in a treaty partner's overall tax rate. The panel will discuss the proposed provisions in the context of evolving US tax treaty policy. The panel will also address other areas in which changes may be appropriate and areas which might appropriately be addressed in a revised Technical Explanation.

Moderator: Peter H. Blessing, KPMG LLP, New York, NY

Panelists: Alan Granwell, Sharp Partners PA, Washington, DC; Quyen Huynh, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC; Professor Allison Christians, McGill University, Montreal, Canada

11:30am Residence: Beyond the Basics. This program will examine the concept of "residence" for alien individuals, including the variety of statutory and regulatory rules that apply for income tax, estate and gift tax and other purposes, the many definitions and uses of the term, and the effect of tax treaties. The panel will consider planning issues and traps for the unwary (and burdens for the wary) that may arise in connection with an individual's acquisition, maintenance and termination of US residency status.

Moderator: Michael J. A. Karlin, Karlin & Peebles LLP, Los Angeles, CA

Panelists: Dianne C. Mehany, Caplin & Drysdale, Washington, DC; Severiano E. Ortiz, Holland & Knight, Chicago, IL; Heather Ripley, Alston & Bird LLP, New York, NY; Quyen Huynh, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC

Co-Sponsored by: Income and Transfer Tax Planning Group (TE)



JT

11:00AM – 1:15PM

Sheraton Ballroom I, 4th Floor

Employee Benefits Defined Benefit Plan and Distributions Update

Presented by the Subcommittees on Defined Benefit Plans and Distributions (TX) and Qualified Plans Plan Transactions and Terminations and IRA and Plan Distributions (TE)

Chairs: Serena G. Simons, The Segal Group, Washington, DC (TX); Anne M. Meyer, Snell & Wilmer LLP, Phoenix, AZ (TX); John R. Paliga, Gordon Feinblatt LLC, Baltimore, MD (TE); Henry Talavera, Polsinelli LLC, Dallas, TX (TE); Bonita Hatchett, Benton Potter & Murdock PC, Washington, DC (TE)

Vice-Chairs: J. Rose Zaklad, Groom Law Group, Washington, DC (TX); Sarah E. Fry, Locke Lord LLP, Dallas, TX (TX); John H. Wendeln, Thompson Hine LLP, Cincinnati, OH (TX); Rosina Barker, Ivins Phillips & Barker, Washington, DC (TX); Stanley M. Hecht, Keightley & Ashner LLP, Washington, DC (TE); Christina M. Crockett, Ogletree Deakins Nash Smoak & Stewart PC, Washington, DC (TE); Frank Palmieri, Palmieri & Eisenberg, Princeton, NJ (TE)

Assistant Vice-Chairs: Allison Hoots, Employee Benefits Security Administration, Department of Labor, Philadelphia, PA (TX); Meredith VanderWilt, Polsinelli PC, Dallas, TX (TX); Laura M. Nolen, Marathon Oil Corporation, Houston, TX (TX); Erin Turley, K&L Gates LLP, Dallas, TX (TX)

This is a combined meeting. The Subcommittees and Committees will discuss recent issues of interest affecting defined benefit plans and distributions including recent regulatory guidance and selected recent litigation and enforcement developments. Topics to be discussed will include issues relating to qualified domestic relations orders, issues related to defined benefit plan de-risking, including Notice 2015-49 concerning the offer of lump sum payments to pay-status retirees as a de-risking approach and state-law efforts to protect “de-risked” assets, issues related to cash balance plans, as well as a discussion of emerging issues. Updates from the agencies also may be provided.

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; Kyle N. Brown, Special Counsel, Office of Chief Counsel (TEGE), IRS, Washington, DC (Invited); Lori A. Butler, Assistant Chief Counsel, Office of the Chief Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited); Daniel S. Liebman, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Washington, DC (Invited)

TX

11:00AM – 12:00PM

Huron, 2nd Floor

Employee Benefits Exempt Organization and Governmental Plans Update

Presented by the Subcommittee on Exempt Organization and Governmental Plans

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

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

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

This session will include a discussion on the proposed regulations under section 457 of the Code. Representatives of the IRS and Department of Labor will be invited to participate.

Panelists: Craig R. Pett, Alston & Bird LLP, Atlanta, GA; Susan E. Rees, Chief, Division of Coverage, Reporting and Disclosure, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC (Invited); Pamela R. Kinard, Senior Technician Reviewer, Office of Associate Chief Counsel (TEGE), IRS,



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Washington, DC (Invited); Ingrid Grinde, Attorney, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Seth Tievsky, Senior Technical Advisor, TEGE, IRS, Washington, DC (Invited)

JT

11:00AM – 12:00PM

Superior A, 2nd Floor

Employee Benefits Fiduciary Responsibilities Update

Presented by the Subcommittees on Fiduciary Responsibility (TX) and the Fiduciary Responsibility, Administration and Litigation Committee (TE)

Chairs: David A. Cohen, Evercore Trust Company NA, Washington, DC (TX); Fritz Richter III, Bass Berry & Sims PLC, Nashville, TN (TX); Charles H. Thulin, Ekman Thulin PS, Seattle, WA (TE); Lisa VanFleet, Bryan Cave LLP, St. Louis, MO (TE)

Vice-Chairs: Vadim Avdeychik, PIMCO, New York, NY (TX); Daniel R. Salemi, Franczek Radelet PC, Chicago, IL (TX); Lori Thayer Oliphant, Winstead PC, Dallas, TX (TE)

Assistant Vice-Chair: Kyla Rivera, Evercore Trust Company, Washington, DC (TX)

The panel will discuss guidance issued addressing ERISA fiduciary responsibilities.

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

TX

11:00AM – 12:00PM

Old Town, 3rd Floor

Employee Benefits Legislative Update

Presented by Subcommittee on Employee Benefits Legislation

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

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

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

Sheila Weinberg, Founder & CEO of Truth in Accounting, Chicago, IL will join us and speak on *How Did the Chicago and Illinois Pensions Get So Underfunded?* In addition, the panel will discuss current legislative developments that impact employee benefit plans and arrangements.

Panelists: Gary Chase, Towers Watson, New York, NY; Professor Jonathan B. Forman, University of Oklahoma, Norman, OK; Judy M. Hensley, Roberts & Holland LLP, New York, NY; Sheila Weinberg, Truth in Accounting, Chicago, IL

TX

11:00AM – 11:30AM

Ohio, 2nd Floor

Employee Benefits New Employee Benefits Attorneys Forum

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

Informal meeting for new members of the Employee Benefits Committee.

TX

11:00AM – 12:00PM

Lincoln Boardroom, 3rd Floor

Membership & Marketing

Chair: Kathryn Keneally, DLA Piper LLP (US), New York, NY

PROGRAM SCHEDULE

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TX **11:00AM – 12:00PM** Bucktown, 3rd Floor
Public Service Fellowship ☞ (Executive Session)
Chair: Rudolph Ramelli, Jones Walker LLP, New Orleans, LA

TX **11:00AM – 1:00PM** Columbus, 3rd Floor
Tax Compliance (Formerly Tax Shelters) ☞
Chair: Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC

11:00am Roundtable Discussion. ☞ This off-the-record roundtable discussion will address the role of penalties and the need for penalty reform. We will consider the policies that should be considered in designing a penalty, the proliferation of penalties since the Pickle Commission, and the effectiveness of recent penalties. The discussion will also consider proposals from Congress and the Administration, as well as suggestions for future legislation. A detailed outline will be emailed to members of the Committee prior to the roundtable.

TX **11:30AM – 12:30PM** Pullman, 3rd Floor
Appointments to the Tax Court ☞ (Executive Session)
Chair: Mary McNulty, Thompson & Knight LLP, Dallas, TX

JT **11:30AM – 12:30PM** Michigan, 2nd Floor
Court Procedure & Practice Roundtable Discussion ☞
Chair: Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Aughtry, Houston, TX

11:30am Effective Writing in the Tax Court – “Prologue and Postscript: The Pretrial Memorandum and Post-Trial Brief, With Views from the Bench.” Among the most important documents submitted to the Tax Court in a case set for trial is the pre-trial memorandum, where advocates have their first true opportunity to explain to the presiding judge what the case is about, and why the facts, witnesses, and legal theories support judgment in their favor. Some cases are won, or lost, on the strength of the pre-trial memo. Equally critical is the post-trial brief, when required by the Court, which details the actual facts (testimony, stipulations, documents, and other exhibits) admitted at trial. The post-trial brief is the final chance advocates have to persuasively tell their story and demonstrate why their client should prevail.
Moderator: Elizabeth K. Blickley, Holland & Knight, Chicago, IL
Panelists: The Honorable Ronald L. Buch, Judge, US Tax Court, Washington, DC; The Honorable Cary Douglas Pugh, Judge, US Tax Court, Washington, DC; Mark Cottrell, Branch Chief, Office of the Associate Chief Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC; Mitchell I. Horowitz, Buchanan Ingersoll & Rooney PC, Tampa, FL
Co-Sponsored by: Hispanic Bar Association Tax Section; Income and Transfer Tax Planning Group (TE)



PROGRAM SCHEDULE

FRIDAY, SEPTEMBER 18

COMMITTEE LUNCHEONS


- | | | |
|-----------|--|----------------------------------|
| TX | 12:00PM – 1:30PM
Corporate Tax and Affiliated & Related Corporations ☎️ (Ticketed Event)
Sponsored by: Thompson & Knight LLP | Mayfair, 2nd Floor |
| TX | 12:00PM – 12:30PM
Diversity ☎️ (Ticketed Event) | Ontario, 2nd Floor |
| TX | 12:00PM – 12:30PM
State & Local Taxes ☎️ (Ticketed Event) | Mississippi, 2nd Floor |
| TX | 12:30PM – 1:30PM
Administrative Practice and Court Procedure & Practice ☎️ (Ticketed Event)
Sponsored by: Thompson Hine LLP, Miller & Chevalier Chartered and Caplin & Drysdale | Sheraton Ballroom III, 4th Floor |
| TX | 12:30PM – 1:30PM
Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing ☎️ (Ticketed Event)
Speaker: David H. Shapiro, PwC, Washington, DC | Superior, 2nd Floor |
| TX | 12:30PM – 1:30PM
Civil & Criminal Tax Penalties ☎️ (Ticketed Event)
Sponsored by: Arnstein & Lehr LLP, Hochman Salkin Rettig Toscher & Perez PC, Kostelanetz & Fink LLP and Wolters Kluwer | Chicago Ballroom VIII, 4th Floor |
| JT | 12:30PM – 1:30PM
Estate & Gift Taxes, Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group (TE) ☎️ (Ticketed Event)
This lunch panel will discuss the general state of fiduciary income tax rules in light of the 2013 Illinois decision: <i>Linn v. The Department of Revenue</i> . In <i>Linn</i> , there was (1) no income earned in the state of Illinois, (2) no trust assets located in Illinois, (3) no trust administration in Illinois, and (4) no trustee or beneficiary in Illinois: yet Illinois proposed to tax all the income of the trust to Illinois, forever! The <i>Linn</i> decision is an example of how complicated state fiduciary income taxation becomes where “multi-jurisdictional contacts” are present.
Panelists: Dorice E. Pepin, Andersen Tax, Chicago, IL; Jennifer A. Zimmerman, Horwood Marcus & Berk Chartered, Chicago, IL; Suzanne L. Shier, The Northern Trust Company, Chicago, IL | Chicago Ballroom IX, 4th Floor |
| TX | 12:30PM – 1:30PM
Exempt Organizations ☎️ (Ticketed Event)
Speaker: Jens Ludwig, Ph.D., Director, University of Chicago Crime Lab, Co-Director, University of Chicago Urban Education Lab, Chicago, IL | Chicago Ballroom VII, 4th Floor |

PROGRAM SCHEDULE


FRIDAY, SEPTEMBER 18



COMMITTEE LUNCHEONS *(Continued)*

TX **12:30PM – 1:00PM** Chicago Ballroom X, 4th Floor
FAUST, FLF, Transfer Pricing and USAFTT  *(Ticketed Event)*

Panelists: John Merrick, Special Counsel, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Barbara Rasch, Senior Technical Reviewer, Branch 2, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Quyen Huynh, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC

TX **12:30PM – 1:30PM** Sheraton Ballroom IV, 4th Floor
Real Estate and Partnerships & LLCs  *(Ticketed Event)*

Panelists: William D. Elliot, Elliot Thomason & Gibson LLP, Dallas, TX; Eric Solomon, EY, Washington, DC

TX **12:00PM – 12:45PM** Arkansas, 2nd Floor
Employee Benefits Corporate Counsel Forum

Presented by the Employee Benefits Corporate Counsel Forum

Chairs: Jacquelyn Meng Abbott, ExxonMobil, Houston, TX; Jennifer M. Wolff, Chevron Corporation, San Ramon, CA

This panel will discuss how a plan sponsor should appoint its fiduciaries, including whether a committee should be used and whether outside advisors should be engaged. In addition, the panel will explore methods for limiting fiduciary liability and various attorney/client privilege issues faced by plan fiduciaries.

Panelists: Jacquelyn M. Abbott, ExxonMobil, Houston, TX; Julie K. Stapel, Morgan Lewis & Bockius, Chicago, IL; David A. Cohen, Evercore Trust Company NA, Washington, DC

JT **12:00PM – 1:00PM** Missouri, 2nd Floor
Employee Benefits ESOP Update

Presented by the Subcommittee on ESOPs (TX) and Fiduciary Responsibility, Administration and Litigation Committee (TE)

Chairs: David A. Whaley, Dinsmore & Shohl, Cincinnati, OH (TX); Charles H. Thulin, Ekman Thulin PS, Seattle, WA (TE); Lisa VanFleet, Bryan Cave LLP, St. Louis, MO (TE)

Vice-Chairs: Carolyn M. Rhodes, KPMG LLP, Washington, DC (TX); Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY (TX); Lori Thayer Oliphant, Winstead PC, Dallas, TX (TE)

Assistant Vice-Chair: Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC (TX)

This meeting will include a panel discussion of the ESOP prototype program, including a discussion of the recently issued listing of required modifications for pre-approved ESOPs, the operation of non-corporations to participate within an ESOP structure and, finally, a discussion of the status of pending litigation within the ESOP space with a particular focus upon District and Circuit Court applications of *Fifth Third Bancorp v. Dudenhoeffer*, 134 S. Ct. 2459 (2014).

Panelists: David A. Whaley, Dinsmore & Shohl, Cincinnati, OH; Benjamin J. Evans, Bingham Greenebaum Doll LLP, Louisville, KY; Carolyn M. Rhodes, KPMG LLP, Washington, DC; Erin M. Sweeney, Miller & Chevalier Chartered, Washington, DC; Erin Turley, K&L Gates LLP, Dallas, TX; Dominic DeMatties, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC

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TE = Trust & Estate Division of
RPTE Sponsored Program

JT = Jointly Sponsored Program



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FRIDAY, SEPTEMBER 18

JT

12:00PM – 1:15PM

Colorado, 2nd Floor

Employee Benefits Mergers & Acquisitions Update

Presented by the Subcommittee on Mergers & Acquisitions (TX) and Plan Transactions and Terminations Committee (TE)

Chairs: Laura R. Westfall, King & Spalding, New York, NY (TX); Gail W. Stewart, Baker Botts LLP, Houston, TX (TX); Frank Palmieri, Palmieri & Eisenberg, Princeton, NJ (TE); Stanley M. Hecht, Keightley & Ashner LLP, Washington, DC (TE)

Vice-Chairs: Carrie Simons, Ropes & Gray, Boston, MA (TX); Damarr Butler, Pension Benefit Guaranty Corporation (PBGC), Washington, DC (TE); Harold J. Ashner, Keightley & Ashner LLP, Washington, DC (TE)

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

This panel will address anti-trust and privacy issues in benefit aspects of mergers and acquisitions.

Panelists: Lisa Modica, Halliburton, Houston, TX; Christopher MacAvoy, Baker Botts LLP, Washington, DC

TX

12:00PM – 1:15PM

Huron, 2nd Floor

Employee Benefits Multinational Employee Benefits & Compensation Issues

Presented by the Subcommittee on Multinational Employee Benefits & Compensation Issues

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

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

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

We will discuss how the clawback rules newly proposed by the SEC would apply to foreign private issuers; practical challenges applying the Affordable Care Act to US expatriates; and the application of the converged IASB/FASB revenue recognition rules to executive compensation.

Panelists: Lisa Mojiri-Azad, IRS Office of Associate Chief Counsel, Washington, DC (Invited); Alan A. Nadel, Strategic Apex Group LLC, New York, NY; Brian K. Wydajewski, Baker & McKenzie LLP, Chicago, IL; Kendra Roberson, Covington & Burling LLP, Washington, DC

TX

12:00PM – 2:30PM

Gold Coast, 3rd Floor

Nominating (Executive Session)

Chair: Michael Hirschfeld, Dechert LLP, New York, NY

JT

12:30PM – 1:30PM

Ontario, 2nd Floor

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

Diversity Chair: Cathy Fung, Office of Division Counsel (Large Business & International), IRS, Washington, DC

Income & Transfer Tax Planning Chair: Stephanie Loomis-Price, Winstead PC, Houston, TX

12:30pm Obergefell v. Hodges: Tax and Estate Planning Issues for Employers and Individuals. The Supreme Court's decision in *Obergefell v. Hodges* legalized same sex marriages in all states, triggering a number of federal tax law, state tax law, and ERISA requirements for employers and presenting various business planning and estate planning issues for individuals. Spousal benefits mandated by law may require amendments to an employer's retirement plans, health plans, dependent care assistance plans, and cafeteria plans. Among the tax law issues that arise in both the federal

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and state law context are the consequences of providing health insurance coverage to a spouse. Estate planning opportunities for same sex couples now equal those only available in the past to opposite sex couples, and include considerations in the following areas: the drafting of wills, the creation of joint marital trusts, gifts in marriage, the preparation of end of life documents, and spousal rights of inheritance.

Moderator: Elizabeth R. Glasgow, Venable LLP, Los Angeles, CA

Panelists: Professor Lee-ford Tritt, University of Florida Levin College of Law, Gainesville, FL; Ray Prather, Prather Ebner LLP, Chicago, IL; Megan E. Hladilek, Faegre Baker Daniels LLP, Minneapolis, MN

TX

12:30PM – 1:30PM

Mississippi, 2nd Floor

State & Local Taxes 

Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA

12:30pm Illinois Legislative and Tax Policy Update. Last November's election brought political change to the Land of Lincoln with a new Republican governor and a new administration at the Illinois Department of Revenue. In this presentation, the new Director of the Illinois Department of Revenue will discuss legislative and tax policy in this new political landscape.

Moderator: John A. Biek, Neal Gerber & Eisenberg, Chicago, IL

Speaker: Constance Beard, Director, Illinois Department of Revenue, Chicago, IL

TX

1:00PM – 2:30PM

Chicago Ballroom X, 4th Floor

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

1:00pm Joint Current International Developments Panel. This panel will review and analyze the most significant recent developments in international tax.

Moderator: Sanford W. Stark, Morgan Lewis & Bockius LLP, Washington, DC

Panelists: Clayton H. Collins, PwC, Washington, DC; Dave Varley, Director of Transfer Pricing Operations (Acting), Large Business and International Division, IRS, Washington, DC; John Merrick, Special Counsel, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Karl Walli, Senior Counsel (Financial Products), Tax Legislative Counsel, Department of Treasury, Washington, DC; Brian Jenn, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC; Brenda Zent, Special Advisor on International Taxation, International Tax Counsel, Department of Treasury, Washington, DC; Tracy Gomes, McDermott Will & Emery LLP, Dallas, TX; Ian Shane, Michelman & Robinson LLP, New York, NY



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TX

1:30PM – 5:30PM

Arkansas, 2nd Floor

Employment Taxes 

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

- 1:30pm Federal Employment Tax Update.** This panel will provide a federal employment tax update. The panel will discuss new administrative, regulatory, legislative developments and case law relevant to employment tax reporting and withholding.
Moderator: William Weissman, Littler Mendelson, Walnut Creek, CA
Panelists: Lynne Camillo, Branch Chief, Employment Tax Branch 2, IRS Office of Associate Chief Counsel (TEGE), Washington, DC; Linda Azmon, Senior Counsel, IRS Office of Division Counsel (TEGE), Westbury, NY
- 2:30pm Employment Tax Primer for Small Businesses: I'm Ready to Hire My First Employee. What Should I Know About Taxes?** This panel will discuss the employment tax basics a practitioner will need to advise a small business in hiring its first employees or a client who is thinking of starting a business. The panel will use case studies to cover federal income tax withholding, social security and Medicare taxes, and federal unemployment tax, as well as deposit and reporting requirements. The panelists will address sections 3401, 3101, 3301 of the Internal Revenue Code and highlight IRS publications and websites useful to the practitioner and the taxpayer. The panelists will also focus on state and local payroll tax considerations.
Moderator: Priya McDonald, PwC, Philadelphia, PA
Panelists: Rebecca Wilson, Assistant Branch Chief, Employment Tax Branch 1, IRS Office of Associate Chief Counsel (TEGE), Washington, DC; Joseph Perera, Strasburger & Price, San Antonio, TX; Chaya Kundra, Kundra & Associates PC, Rockville, MD
Co-Sponsored by: Diversity
- 3:30pm Payroll Service Providers.** Payroll Service Providers (PSP) are in a special position of trust with regard to their clients. These PSPs have access to their clients' bank accounts in order to make timely payment of quarterly payroll taxes. Some PSPs fail to pay the tax to IRS once they secure the funds from the taxpayer. The taxpayers may not know of the PSP's failure to remit taxes until they receive collection notices from IRS, which demand tax, penalties, and interest. This presentation will address the issues arising in these cases and discuss procedures and remedial measures that affected taxpayers may take to rectify the exposure created in such instances.
Moderator: Alexander Thomas, PwC, Houston, TX
Panelists: Susan Morgenstern, Local Taxpayer Advocate, IRS, Cleveland, OH; Bob McKenzie, Arnstein & Lehr LLP, Chicago, IL; Mary Corrigan Gorman, EY, Baltimore, MD
- 4:30pm The Countdown Continues: Affordable Care Act (ACA).** Employers that fail to offer their full-time employees healthcare coverage may be required to pay a substantial excise tax. In order for employers to demonstrate they are meeting their ACA obligations, employers are required to annually report offers of coverage on a month-by-month basis under Code section 6056.

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This provision announced a new reporting regime using Form 1095-C that affects employers with respect to offers of coverage, and additionally, under Code section 6055, for self-insured employers. The panel will highlight these provisions along with applicable transition rules, discuss increased penalties on information returns, and review the practical challenges faced by taxpayers.


Moderator: Megan Marlin, PwC, Washington, DC

Panelists: Mary Corrigan Gorman, EY, Baltimore, MD; Ligeia M. Donis, PwC, Washington, DC

JT

1:30PM – 2:30PM

Columbus, 3rd Floor

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

Chairs: David A. Berek, Horwood Marcus & Berk Chartered, Chicago, IL (TX); Laura S. Hundley, Holland & Hart LLP, Boulder, CO (TX); Stephanie Loomis-Price, Winstead PC, Houston, TX (TE)

1:30pm Understanding Valuation Discounts. This panel will review legal and practical issues that arise from applying valuation discounts to transfers of private business interests. The panel will address important considerations when appraising private business interests and also dive into common arguments raised in gift and estate tax audits of transfers of these interests.

Panelists: Keri D. Brown, Baker Botts, Houston, TX; Nathan M. Gallagher, FMV Opinions, New York, NY; Lawrence A. Sannicandro, Agostino & Associates PC, Hackensack, NJ

TX

1:30PM – 2:30PM

Ohio, 2nd Floor

Section CLE Committee 

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

The Section CLE Committee will discuss opportunities for the substantive Committees and other Section members to participate in the CLE programs of the Section that take place outside of Committee meetings. The substantive input of members is vital to the success of these programs. Each substantive committee has a member on the Section CLE Committee, but all are welcome.


TX

1:30PM – 4:00PM

Sheraton Ballroom II, 4th Floor

Standards of Tax Practice  

Chair: Michael J. Desmond, Law Offices of Michael J. Desmond APC, Santa Barbara, CA

1:30pm Ethical Issues in Federal Tax Practice – The Government and Local Perspective.  This panel will provide an update on recent guidance from the Internal Revenue Service and the Department of Treasury and relevant pending litigation. The panel will also address the impact of two recent Illinois cases, *In re Karavidas*, 2013 IL 115767, and *In re Edmonds*, 2014 IL 117696, which held that attorneys who breached fiduciary duties to



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clients when acting as a trustee and an estate administrator were not subject to bar discipline for actions undertaken when acting in a capacity other than as a lawyer.

Moderator: Bradley A. Riddlehoover, McGuireWoods LLP, Richmond, VA

Panelists: Stephen Whitlock, Director, IRS Office of Professional Responsibility, Washington, DC; Drita Tonuzi, Associate Chief Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC; Trish Rich, Holland & Knight LLP, Chicago, IL; Wendy Muchman, Chief of Litigation and Professional Education, Attorney Registration & Disciplinary Commission of the Supreme Court of Illinois, Chicago, IL

2:00pm Ethics Two-Minute Drill. ⚖️ The most difficult ethical questions can come up at the most inconvenient times. A deal needs to close and the tax practitioner is holding it up trying to get questions answered; a client calls with a “quick question” that seems to raise the potential for a conflict of interest; a husband and wife ask a practitioner for help in handling a tax audit. The list is long, but all practitioners know the drill. This panel will add a dose of practical reality to the discussion of ethics rules by presenting seasoned practitioners with hypothetical scenarios raising common ethics issues. Each scenario and the practitioners’ responses will be discussed in the context of applicable model rules and relevant provisions of Circular 230.

Moderator: Walter Pagano, Eisner Amper, New York, NY

Panelists: Karen L. Hawkins, Former Director, IRS Office of Professional Responsibility, Washington, DC; Paula M. Junghans, Zuckerman Spaeder LLP, Washington, DC; Matt Cooper, EY, Washington, DC; Additional Panelists TBD

3:00pm Procedures to Ensure Compliance. ⚖️ The procedures to ensure compliance set forth in section 10.36 of Circular 230 were first promulgated in final regulations published in December 2004, concurrent with the “covered opinion” rules in former section 10.35. At the time, section 10.36 was limited in scope to ensuring compliance with former section 10.35, imposing requirements on tax practice managers to ensure that practitioners were aware of and following the covered opinion rules. Section 10.36 was expanded in June 2011 to apply to a firm’s tax return preparation practice. Concurrent with repeal of the covered opinion rules in June 2014, section 10.36 was again expanded and now imposes firm oversight responsibilities with respect to all aspects of Circular 230. This panel will discuss the origin, evolution and practical impact of the procedures to ensure compliance.

Moderator: Peter S. Wilson, McGladrey LLP, Chapel Hill, NC

Panelists: Christopher Rizek, Caplin & Drysdale, Washington, DC; Michael J. Villa, McGladrey LLP, Washington, DC


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**JT****2:00PM – 6:00PM**

Sheraton Ballroom V, 4th Floor

Employee Benefits (TX) and Welfare Plans Committee (TE) **Employee Benefits (TX) Chair:** Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX**Employee Benefits Group (TE) Chair:** Tara Silver-Malyska, Willis North America Human Capital Practice, Addison, TX

2:00pm 2015 Health Plan Advice: Ethics, Technical & Practical Challenges.  Providing health plan advice in 2015 presents many technical, practical and ethical traps for attorneys. This panel will discuss the Supreme Court decisions in *Obergefell v. Hodges* and *King v. Burwell*; recent Code sections 6055 and 6056 reporting developments; disclosures of measurement methods under the ACA employer mandate; Department of Labor and IRS audits of health and welfare plans; ERISA fiduciary issues arising in the context of health and welfare plans; and other health and welfare benefit plan developments. With these topics, the panel will explore the Circular 230/Tax Preparer, conflicts of interest, attorney-client privilege and various other key ethical challenges attorneys are likely to encounter and practical strategies for managing these ethical challenges when advising clients about these health plan issues.

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

Panelists: Shad Fagerland, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Elizabeth Leight, Society of Professional Benefit Administrators, Chevy Chase, MD; Cynthia Marcotte Stamer, Cynthia Marcotte Stamer PC, Dallas, TX; Gabriel Marinaro, Smith Haughey & Roegge, Ann Arbor, MI; Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Katie Johnson, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

3:00pm Employer Wellness Programs and EEOC Proposed Rules Under the ADA. This panel will discuss employer wellness programs and employee incentives with a focus on proposed rules recently issued by the Equal Employment Opportunity Commission addressing the application of the Americans with Disabilities Act to employer wellness programs.

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

Panelists: William Mark Freedman, Dinsmore & Shohl LLP, Cincinnati, OH; Denise M. Clark, Clark Law Group PLLC, Washington, DC; Toby Wosk Costas, Supervisory Trial Attorney, US Equal Employment Opportunity Commission, Dallas, TX (Invited)

4:00pm Department of the Treasury / Internal Revenue Service Hot Topics. Representatives from the Department of Treasury and IRS will review recent guidance from, and current developments at, their agencies impacting employee benefits.

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

Panelists: J. Mark Iwry, Senior Advisor to the Secretary and Deputy Assistant Secretary for Retirement and Health Policy, Department of Treasury, Washington, DC (Invited); Robert Neis, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Sunita

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B. Lough, Commissioner, Tax Exempt & Government Entities Division, IRS, Washington, DC (Invited); Robert Choi, Director of Employee Plans, TE/GE, IRS, Washington, DC (Invited); Seth Tievsky, Senior Technical Advisor, TE/GE, IRS, Washington, DC (Invited); Victoria Judson, Associate Chief Counsel, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited); Stephen Tackney, Deputy Associate Chief Counsel (Employee Benefits), Office of Associate Chief Counsel (TEGE), IRS, Washington, DC (Invited)

- 5:00pm Treasury / IRS Fireside Chat.** ☞ Informal “town hall” discussion with Department of Treasury and IRS representatives on topics of interest to attendees.
- 6:00pm Corporate Counsel Corner.** ☞ Informal meeting for in-house counsel attendees.
Chairs: Jacquelyn Abbott, ExxonMobil, Houston, TX; Jennifer M. Wolff, Chevron Corporation, San Ramon, CA
- 6:00pm Networking Reception.** ☞
Sponsored by: Practical Law

TX

2:00PM – 5:00PM

Erie, 2nd Floor

State & Local Taxes 📺

Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA

- 2:00pm State Resident Tax Credits After the Supreme Court’s *Wynne* Decision.**
The US Supreme Court recently declared Maryland’s tax structure, which allowed only a partial credit for taxes paid to other jurisdictions, violated the dormant commerce clause because income earned in multiple states could be taxed more heavily than income earned wholly within the state. The Court’s holding calls into question any state or local income taxes that either do not provide a credit for taxes paid to other jurisdictions or limits the scope of such a credit in some way. This panel will review the *Wynne* decision and discuss the implications of the Court’s holding on various state taxation schemes, including Kentucky, New York, and Pennsylvania. Panelists will explore situations that could give rise to refunds and other ways that the *Wynne* decision will impact the states and taxpayers.
Moderator: Debra S. Herman, Hodgson Russ LLP, New York, NY
Panelists: Bruce J. Fort, Multistate Tax Commission, Washington, DC; Erica L. Horn, Stoll Keenon Ogden PLLC, Lexington, KY; Timothy P. Noonan, Hodgson Russ LLP, Buffalo, NY; Stewart M. Weintraub, Chamberlain Hrdlicka White Williams & Aughtry, Philadelphia, PA

- 3:00pm Revising the Uniform Unclaimed Property Act.** The Uniform Law Commission is in the process of drafting a Revised Uniform Unclaimed Property Act. We have asked a Commissioner and representatives from the ABA committees providing input for the drafting process to provide an update as to the status of the effort, the principal issues being addressed and perspectives on the process.
Panelists: John Biek, Neal Gerber & Eisenberg LLP, Chicago, IL; Matthew Hedstrom, Alston & Bird LLP, New York, NY; Scott Heyman, Sidley Austin LLP, Chicago, IL; Howard Swibel, Arnstein & Lehr LLP, Chicago, IL

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4:00pm Alternative Tax Controversies. This session will address the trending of non-traditional tax litigation, including Qui Tam actions, class action retailer lawsuits and how the Transaction Tax Overpayment Model Act might provide relief to vendors caught in the middle.

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

Panelists: Mark Dyckman, Illinois Department of Revenue, Chicago, IL; David S. Ruskin, Horwood Marcus & Berk Chartered, Chicago, IL; Mary Kay McCalla Martire, McDermott Will & Emery LLP, Chicago, IL

JT

2:30PM – 5:30PM

Sheraton Ballroom III, 4th Floor

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

Closely Held Businesses Committee Chair: Shelby L. Wilson, Berchem Moses & Devlin PC, Westport, CT

Business Planning Group Chair: Daniel H. McCarthy, Wick Phillips Gould & Martin LLP, Fort Worth, TX

2:30pm The Nuts & Bolts of Captive Insurance Companies. This panel will discuss best practices in establishing captives that qualify as insurance companies for Federal income tax purposes. The panel will also address how to best withstand the IRS recent attacks on captives, as well as discuss recently proposed legislation.

Moderator: David Slenn, Quarles & Brady LLP, Naples, FL

Panelists: Jay D. Adkisson, Riser Adkisson LLP, Henderson, NV; David Neufeld, Law Office of David Neufeld, Princeton, NJ; Steven T. Miller, Alliantgroup, Washington, DC

Co-Sponsored by: Captive Insurance Committee, ABA Business Law Section; Insurance and Financial Planning Committee of the Non-Tax Estate Planning Considerations Group

4:00pm Old MacDonald Has a Farm... With Corporate Farming Statutes Here and Special Use Valuation There, What Kind of Planning Can He Do?

Farmers, ranchers, and those in the agriculture industry face unique planning opportunities and challenges. This panel will review important tax and nontax planning issues for those clients, including corporate farming statutes, special use valuation under Internal Revenue Code section 2032A, estate tax deferral under Internal Revenue Code section 6166, and a potpourri of recent cases and rulings.

Panelists: William I. Sanderson, McGuireWoods LLP, Washington, DC; Karen Sandler Steinert, Fredrikson & Byron PA, Minneapolis, MN; Jessica L. Foss, Fredrikson & Byron PA, Fargo, ND

JT

2:30PM – 5:30PM

Chicago Ballroom IX, 4th Floor

Court Procedure & Practice 

Chair: Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Aughtry, Houston, TX

2:30pm Important Developments. This panel will provide an update on recent developments and remarks from the US Tax Court, IRS Chief Counsel, and Department of Treasury. It will also discuss recent cases and other current issues of particular interest to tax litigators.

Moderator: Erica Brady, The Ferraro Law Firm, Washington, DC

 = Tax Section Sponsored Program

 = Trust & Estate Division of RPTe Sponsored Program

 = Jointly Sponsored Program



PROGRAM SCHEDULE FRIDAY, SEPTEMBER 18

Panelists: The Honorable Michael Thornton, Chief Judge, US Tax Court, Washington, DC; Diana Erbsen, Deputy Assistant Attorney General for Appellate and Review, Tax Division, Department of Justice, Washington, DC; Dritzza Tonuzi, Associate Chief Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC

3:00pm

Strategically Assembling a Transfer Pricing Case. This panel will discuss how taxpayers and the IRS approach transfer pricing cases, from documentation through litigation in the US Tax Court. The panel will also address strategic issues at each stage of a matter.

Moderator: Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Aughtry, Houston, TX

Panelists: The Honorable L. Paige Marvel, Judge, US Tax Court, Washington, DC; Joshua D. Odintz, Baker & McKenzie LLP, Washington, DC; Brian Trauman, KPMG LLP, New York, NY; Tom Vidano, Deputy Division Counsel, Large Business and International Counsel, IRS, Washington, DC; John Hinman, Assistant to Director of Transfer Pricing Operations, Large Business and International, IRS, Washington, DC

3:45pm

Conflicts and Chaos: The Importance of Timely Recognizing and Managing Conflicts of Interest in Tax Litigation.

Using hypotheticals, this panel will examine counsel's ethical obligations in tax litigation to identify, disclose, and manage conflicts of interest before they infect the litigation, creating problems for the parties, counsel and the Court. The panel will discuss Tax Court Rule 24(g) and relevant provisions of the Model Rules of Professional Responsibility and Circular 230, and will explore some of the problems arising from concepts such as informed consent, imputation of conflict, and unwaivable conflict, and from late disclosure and nondisclosure of conflict. The panel will also discuss issues arising when a party attempts to call opposing counsel as a "necessary witness."

Moderator: Miriam L. Fisher, Latham & Watkins LLP, Washington, DC

Panelists: The Honorable L. Paige Marvel, Judge, US Tax Court, Washington, DC; Ashton P. Trice, Branch Chief, Branch 2, IRS Office of Associate Chief Counsel (Procedure and Administration), Washington, DC; Michael J. Desmond, The Law Offices of Michel J. Desmond, Santa Barbara, CA

4:45pm

Ethical Issues Arising in Discovery. 🗨️ When does the duty to preserve documents arise in the life cycle of a tax controversy? How can we discuss document preservation and collection with sophisticated and unsophisticated clients alike in a manner that will yield results and not cross ethical boundaries? How can we instruct clients regarding ongoing communications without violating ethical rules? Just how specific does a privilege log need to be in order to present enough information to identify the privilege? When should we get the court involved in discovery duties? Does *Branerton* still have meaning, and if so, has it changed in recent years? Explore these and other issues related to ethical issues that arise in discovery.

Moderator: Carol Szczepanik, Victoria Nagy Smith & Co. LPA, Cleveland, OH

Panelists: The Honorable Peter J. Panuthos, Chief Special Trial Judge, US Tax Court, Washington, DC; Richard J. Sapinski, Sills Cummis & Gross PC, Newark, NJ; Guinevere Moore, Holland & Knight LLP, Chicago, IL; John W. Stevens, Senior Counsel SBSE, Office of Chief Counsel, Detroit, MI

Co-Sponsored by: Standards of Tax Practice (TX); Income and Transfer Tax Planning Group (TE)

PROGRAM SCHEDULE

FRIDAY, SEPTEMBER 18

**TX****2:30PM – 3:00PM****Distinguished Service Award** (Executive Session)

Chair: Rudolph Ramelli, Jones Walker LLP, New Orleans, LA

Pullman, 3rd Floor

TX**2:30PM – 5:30PM****Financial Transactions**

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

Colorado, 2nd Floor

2:30pm Financial Products and Partnership Interests. This panel will explore a variety of tax issues that arise when taxpayers enter into financial products relating to partnership interests such as publicly traded partnership units.

Moderator: Michael Shulman, Shearman & Sterling LLP, Washington, DC

Panelists: Eric Sloan, Deloitte Tax LLP, New York, NY; Mark Howe, Cadwalader Wickersham & Taft LLP, Washington, DC

3:30pm Section 864(b) and Financial Transactions. The panel will explore the distinctions between trading and dealing (and / or financing) under section 864(b), in light of two recent developments: (1) ILM 201501013 and the YA Global litigation, and (2) the proliferation of internet-based lending platforms. The discussion will consider the policy rationale that should drive these distinctions.

Moderator: David H. Shapiro, PwC, Washington, DC

Panelists: Viva Hammer, Legislation Counsel, Joint Committee on Taxation, Washington, DC; Andrew W. Needham, Cravath Swaine & Moore LLP, New York, NY

4:30pm Current Developments and Issues. This panel will focus on current developments and practice issues in financial transactions and products, including the regulations under section 871(m), if released.

Moderator: Lucy W. Farr, Davis Polk & Wardwell, New York, NY

Panelists: Karl T. Walli, Senior Counsel (Financial Products), Tax Legislative Counsel, Department of Treasury, Washington, DC; Helen M. Hubbard, Associate Chief Counsel (Financial Institutions and Products), IRS Office of Chief Counsel, Washington, DC; Diana A. Imholtz, Special Counsel (Financial Institutions and Products), IRS Office of Chief Counsel, Washington, DC; Craig Gibian, Deloitte Tax LLP, Washington, DC

TX**2:30PM – 4:30PM****Foreign Activities of US Taxpayers**

Chair: Paul J. Crispino, Deloitte Tax LLP, Stamford, CT

Chicago Ballroom VI, 4th Floor

2:30pm Incorporations and Liquidations of Foreign Entities. From the mundane to the sublime, this panel will highlight material “tag along” issues that arise when creating or terminating foreign entities. The panel discussion will cover check-the-box elections, gain recognition agreements, currency issues, dual consolidated loss issues, branch loss recapture, and other considerations, including reporting issues, which can put a twist in otherwise plain vanilla transactions.

Moderator: Joseph Caliano, BDO USA LLP, Washington, DC

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



PROGRAM SCHEDULE

FRIDAY, SEPTEMBER 18

Panelists: Diana S. Doyle, Latham & Watkins LLP, Chicago, IL; John D. Bates, Baker & Hostetler LLP, Washington, DC; John Merrick, Special Counsel, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Brenda Zent, Special Advisor on International Taxation, International Tax Counsel, Department of Treasury, Washington, DC

3:30pm Issues Arising Under Section 956 – Part I. This panel is the first of a two-part panel on section 956. While US taxpayers have used section 956 affirmatively, it continues to pose a trap for the unwary. This panel will review issues and risks arising under section 956, including a discussion of recent and anticipated guidance, and the interaction of section 956 with the partnership tax rules of Subchapter K. Part II will be hosted by the Partnerships & LLCs Committee from 4:50 to 5:30 pm.

Moderator: Chris Trump, Deloitte Tax LLP, Washington, DC

Panelists: Elizabeth C. Amoni, PwC, Washington, DC; Craig A. Phillips, Davis Polk & Wardwell LLP, New York, NY; Barbara Rasch, Senior Technical Reviewer, Branch 2, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Brian Jenn, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC

TX

2:30PM – 5:30PM

Lincoln Boardroom, 3rd Floor

Insurance Companies 

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

2:30pm Retaliatory Taxes and Other State Premium Tax Issues. The panel will discuss a potpourri of state premium tax matters, with a particular focus on recent developments in the application by states of retaliatory taxes.

Moderator: Dennis Allen, Sutherland Asbill & Brennan LLP, Washington DC

Panelists: Mike Palm, PwC, Chicago, IL; Additional Panelist TBD

3:35pm Litigation / Administrative Update. This will be a roundtable discussion of several recently decided cases including ones involving investor control issues, cascading excise taxes and recent PLRs of interest to the insurance industry.

Moderator: Tom Quinn, St. Pete Beach, FL

Panelists: Mark Smith, PwC, Washington, DC; Alexis MacIvor, Branch Chief, Branch 4, IRS Office of Associate Chief Counsel (Financial Institutions and Products), Washington, DC

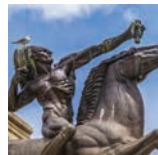
4:35pm Reinsurance Update. In fall of 2014, the IRS issued a chief counsel memorandum and a private letter ruling that address certain tax aspects of transactions involving indemnity reinsurance. In this guidance the IRS drew some interesting conclusions, which some find controversial. Panelists will discuss their reactions to the guidance, as well as industry reactions, and walk through potential problems and potential opportunities created by the guidance.

Moderator: Jean Baxley, KPMG LLP, Washington, DC

Panelist: Alexis MacIvor, Branch Chief, Branch 4, IRS Office of Associate Chief Counsel (Financial Institutions and Products), Washington, DC; M. Kristan Rizzolo, Sutherland Asbill & Brennan LLP, Washington, DC; Ivan Thomann, KPMG LLP, Chicago, IL

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TX

2:30PM – 5:30PM

Sheraton Ballroom IV, 4th Floor

Partnerships & LLCs 

Chair: Thomas E. Yearout, J & J Management Services Inc., St. Louis, MO

- 2:30pm Staying Dry Under the Umbrella: Avoiding PTP Issues in Umbrella Partnership Structures.** This panel will discuss structuring to avoid publicly traded partnership issues in umbrella partnership structures.
Moderator: Robert J. Crnkovich, EY, Washington, DC
Panelists: Katherine P. Moir, Simpson Thacher & Bartlett LLP, Palo Alto, CA; Jennifer A. Wyatt, PwC, Chicago, IL; Clifford M. Warren, Special Counsel to the Associate Chief Counsel (Passthroughs & Special Industries), IRS Office of Chief Counsel, Washington, DC
- 3:20pm Partnership Debt vs. Debt-Like Equity.** The line between debt and equity in a partnership is particularly blurred. This panel will discuss when one might want debt or equity, the unique partnership aspects to differentiating between the two, and how to analyze the tax implications of the lender-like partner.
Moderator: Steven R. Schneider, Goulston & Storrs PC, Washington, DC
Panelists: Paul D. Carman, Chapman and Cutler LLP, Chicago, IL; H. Grace Kim, Grant Thornton LLP, Washington, DC; Joy C. Spies, Senior Technician Reviewer, Office of Associate Chief Counsel (Passthroughs & Special Industries), IRS Office of Chief Counsel, Washington, DC
- 4:05pm Management Fee Waivers.** This panel will discuss issues concerning management fee waivers and the guidance project in this area, including the potential effect of the guidance on “traditional” profits interests, “catch up” profits interests, and section 707(c).
Moderator: Eric B. Sloan, Deloitte Tax LLP, New York, NY
Panelists: Stanley E. Ramsay, Weil Gotshal & Manges LLP, New York, NY; Clifford M. Warren, Special Counsel to the Associate Chief Counsel (Passthroughs & Special Industries), IRS Office of Chief Counsel, Washington, DC
- 4:50pm Issues Arising Under Section 956 – Part II.** This panel is the second of a two-part panel on section 956. While US taxpayers have used section 956 affirmatively, it continues to pose a trap for the unwary. This panel will review issues and risks arising under section 956, including a discussion of recent and anticipated guidance, and the interaction of section 956 with the partnership tax rules of Subchapter K. Part I will be hosted by FAUST from 3:30 to 4:30 pm.
Moderator: Chris Trump, Deloitte Tax LLP, Washington, DC
Panelists: Elizabeth C. Amoni, PwC, Washington, DC; Craig A. Phillips, Davis Polk & Wardwell LLP, New York, NY; Barbara Rasch, Senior Technical Reviewer, Branch 2, IRS – Office of the Associate Chief Counsel – International, Washington, DC; Brian Jenn, Attorney Advisor, International Tax Counsel, Department of Treasury, Washington, DC



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FRIDAY, SEPTEMBER 18

TX**2:30PM – 5:30PM**

Mississippi, 2nd Floor

Tax Accounting 

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

2:30pm Current Developments. This panel will review recent developments in the area of tax accounting since the Section of Taxation meeting held in Washington, DC in May. The panel will also discuss ongoing projects and anticipated guidance, with commentary and input from our guests from the IRS and Department of Treasury.

Moderator: Jane Rohrs, Deloitte Tax LLP, Washington, DC

Panelists: Andrea Mouw, Eide Bailly, Minneapolis, MN; John Moriarty, Deputy Associate Chief Counsel, Income Tax & Accounting, IRS, Washington, DC; Kathleen Reed, Branch Chief, Branch 7, Income Tax and Accounting, IRS, Washington, DC; Christopher Call, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

3:15pm Tax Accounting Method Issues for Financial Institutions and Financial Products. This panel will review several emerging and evolving tax accounting method issues affecting financial institutions, including commercial banks, and insurance companies, and will also cover some of the recent developments involving accounting methods and accounting method changes implemented for financial products owned by non-financial businesses. The discussion will include an update on accounting for bad debts under the specific charge off method and the government's pending priority guidance plan item addressing the conformity election, change in accounting procedures involving the mark-to-market method for securities, the application of the all-events test to policyholder dividends of insurance companies, an update on the application of section 199 to software development activities of banks, and the application of the uniform capitalization and tangible property rules to bank offices, branches, and data centers, with commentary and input from the IRS.

Moderator: Carol Conjura, KPMG LLP, Washington, DC

Panelists: Jonathan Zelnik, KPMG LLP, Washington, DC; Helen Hubbard, Associate Chief Counsel, Financial Institutions & Products, IRS, Washington, DC

4:00pm Update on Prevalent Tangible Property Regulations Issues and Anticipated Guidance. This program will cover important tax topics, including recent developments, related to the final tangible property regulations (TPR) in light of the ongoing implementation of these rules, presently foremost by fiscal year taxpayers. The panel principally will focus on issues related to the interpretation and application of the unit of property and improvement rules in the context of leased tangible property. Additional panel topics also will address, for example, a discussion of forthcoming TPR guidance, accounting method change considerations for TPR changes in 2015 and beyond, as well as capitalization of costs under section 263A.

Moderator: Susan Grais, EY, Washington, DC

Panelists: Colleen O'Connor, KPMG LLP, Washington, DC; Brandon Carlton, EY, Washington, DC; Kathleen Reed, Branch Chief, Branch 7, Income Tax and Accounting, IRS, Washington, DC



4:45pm Transaction Costs in Business Acquisitions: Recent Developments and Hot Topics. According to the Wall Street Journal, during the first six months of 2015, announced mergers and acquisitions totaled \$2.15 trillion, which reflects the highest level of deal activity since 2007. With this increase in deal activity, many companies are evaluating how to treat transaction costs. This panel will review recent developments and consider open questions regarding corporate transaction costs. For example, the panel will consider how IRS guidance involving the Next Day Rule and other rulings affect the treatment of transaction costs; how to determine which entity should take transaction costs into account; and whether various transactions may be considered a “covered transaction.”

Moderator: Ellen McElroy, Sutherland Asbill & Brennan LLP, Washington, DC

Panelists: David Auclair, Grant Thornton LLP, Washington, DC; Annette Ahlers, Moss Adams LLP, Los Angeles, CA; John Moriarty, Deputy Associate Chief Counsel, Income Tax & Accounting, IRS, Washington, DC; Deena Devereux, Attorney, Branch 1, Income Tax & Accounting, IRS, Washington, DC

JT

3:00PM – 5:00PM

Huron, 2nd Floor

Diversity ☞☞☞

Tax Section Diversity Committee Chair: Cathy Fung, Office of Division Counsel (Large Business & International), IRS, Washington, DC

Real Property Diversity Committee Chair: Ira Meislik, Meislik & Meislik, Montclair, NJ

Trust & Estate Diversity Committee Chair: Professor Amy Morris Hess, University of Tennessee College of Law, Knoxville, TN

3:00pm Elimination of Bias in the Profession: The Influence of Cultural Differences on Estate, Tax, and Employment Benefit Planning, Part I. ☞

In order to competently represent clients of diverse cultural backgrounds, lawyers must be aware of how cultural differences and cultural biases can affect estate planning decisions. As we work toward eliminating unintentional bias in the legal system and the profession, we need to be cognizant of how the questions we ask when we counsel our clients and the assumptions we make about their estate planning goals may make members of certain groups feel excluded, insulted, or ignored. Do you know which clients find questions about their property distributions after death to be offensive? Which clients view questions related to advance health care directives to be tantamount to hastening an older relative's death? Can you distinguish between attitudes toward old age and elder abuse so that you can fulfill your special duties to clients who face mental or physical challenges? The panelists will discuss these questions, the ways in which diverse clients may view other important aspects of estate planning, and how to recognize and eliminate bias in advising diverse clients.

Moderator: Professor Amy Morris Hess, University of Tennessee College of Law, Knoxville, TN



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Panelists: Chasity Sharp Grice, Poppel Gomes & McIntosh, Memphis, TN; Professor Michelle Kwon, University of Tennessee College of Law, Knoxville, TN; Christopher G. Murrer, Venable LLP, Washington, DC

Co-Sponsored by: ABA Commission on Sexual Orientation and Gender Identity

4:00pm

Elimination of Bias in the Profession: The Influence of Cultural Differences on Estate, Tax, and Employment Benefit Planning, Part II.

☞ Cultural diversity affects a client's views on employment benefits, including healthcare benefits. Understanding the viewpoints of culturally diverse groups is essential to the elimination of bias in the legal profession and in the practice of law, as well as access to justice for marginalized groups, including immigrants that lack legal status, immigrants that have legal status, and LGBT persons. The panelists will discuss biases such as recognition of normative approaches to legal issues that are not inclusive of all cultures, recognition of biases in approaching legal issues for individual and family concerns, and recognition of heteronormativity. The panelists will provide recommendations and best practices for dealing with these intercultural issues. Special issues confront a lawyer who represents an undocumented immigrant in planning for employment benefits, healthcare, and retirement. The panel will also consider planning issues related to US citizens who assist relatives immigrating to the US. Panelists will examine how different cultural norms affect clients' views regarding family relationships, including domestic partners, same-sex partners and how these norms may require a change in approach to family benefits.

Moderator: Elizabeth Ysla Leight, Society of Professional Benefit Administrators, Chevy Chase, MD

Panelists: Professor Lee-ford Tritt, University of Florida, Levin College of Law, Gainesville, FL; Henry Talavera, Polsinelli PC, Dallas, TX; Audrey Kucia, Tax Law Specialist, Office of Associate Chief Counsel (TEGE), IRS, Washington, DC; Anna Tavis, South Brooklyn Legal Services, Brooklyn, NY

Co-Sponsored by: ABA Commission on Sexual Orientation and Gender Identity

TX

3:00PM – 4:00PM

Mayfair, 2nd Floor

Sponsorships

Chair: Charles Rettig, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA

TX

3:00PM – 4:30PM

Sheraton Ballroom I, 4th Floor

Teaching Taxation

Chair: Professor Anthony Infanti, University of Pittsburgh, Pittsburgh, PA

3:00pm

The Status of the Tax Court Post-Kuretski: Significant Shift, Minor Adjustment, or Nothing New?

The Supreme Court's May 2015 denial of certiorari in *Kuretski v. Commissioner* now opens the field to other courts to assess the constitutionality of the Presidential power to remove Tax Court judges. This issue depends on whether the Tax Court is a court of law or

PROGRAM SCHEDULE

FRIDAY, SEPTEMBER 18



an executive agency and whether that question is an absolute or contextual one. Challenges to section 7443(f) are currently under consideration in a number of Tax Court cases, which would be appealed to different circuits. Foreshadowing the expected legal scrutiny of this question across circuits, panelists will discuss and debate the underlying legal questions and their implications.

Moderator: Professor Kristin Hickman, University of Minnesota Law School, Minneapolis, MN

Panelists: Professor Andy Grewal, University of Iowa College of Law, Iowa City, IA; Professor Stephanie Hoffer, Ohio State University Moritz College of Law, Columbus, OH; Professor Carlton M. Smith (ret.), Benjamin N. Cardozo School of Law, New York, NY

Co-Sponsored by: Pro Bono and Tax Clinics

TX**4:00PM – 4:30PM**



Gold Coast, 3rd Floor

Companion Event Committee 

Chair: Charles Rettig, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA

JT**4:00PM – 5:30PM**

Michigan B, 2nd Floor

Tax Practice Management (TX) and Economics and Technology of the Practice Committee (TE)  

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

Economics and Technology of the Practice Committee Co-Chairs: Joseph G. Hodges Jr., Attorney at Law, Denver, CO; Karin Prangle, Brown Brothers Harriman & Co., Chicago, IL; Anne Coventry, Pasternak and Fidis, Bethesda, MD

4:00pm

How to Practice Law, Abide by the Rules of Professional Conduct, and Have a Life that Rules.  

This program will discuss ways to provide responsive service to your clients while preserving a life outside the practice of law. Participants will learn how to save up to 4 weeks of time annually by implementing techniques designed to manage your practice efficiently.

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

Panelist: Louis S. Harrison, Harrison & Held LLP, Chicago, IL



TX**4:00PM – 5:30PM**

Missouri, 2nd Floor

Young Lawyers Forum  



Chair: Anne-Marie Rábago, California Western School of Law, San Diego, CA

4:00pm

Why a Law Student Tax Challenge (LSTC)?   As the LSTC celebrates its fifteenth year, hear from a tax practitioner who was there at the beginning; as well as, a current co-chair of the competition.

Panelists: Clayton H. Collins, PwC, Washington, DC; Joseph Barry Schimmel, Cohen Chase Hoffman & Schimmel PA, Miami, FL

4:30pm

What Makes a Winning LSTC Team?   Thinking about putting together a team? The Fifteenth Annual LSTC problem was released on September 7. Hear from LSTC judges and winning coaches about what it takes to be successful in the LSTC. This panel will discuss the “rules” for coaching a LSTC team, best practices for law student success in the written and oral



PROGRAM SCHEDULE FRIDAY, SEPTEMBER 18

rounds, and creative ways to integrate the LSTC into students' law school experience. This program is for law students, professors, and practitioners interested in learning about how to get involved with the Law Student Tax Challenge.

Moderator: Shawn McIntire, Donelson Barry LLC, West Broomfield, CO

Panelists: Armando Gomez, Skadden Arps Slate Meagher & Flom LLP, Washington, DC; Richard M. Lipton, Baker & McKenzie LLP, Chicago, IL; Professor Frederick D. Royal, Western New England University School of Law, Springfield, MA; Professor Robert R. Wootton, Northwestern University School of Law, Chicago, IL

Co-Sponsored by: Teaching Taxation

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|-----------|---|---|
| TX | 4:30PM – 5:30PM
Publications ☞ (Executive Session)
Chair: Julie Divola, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA | Pullman, 3rd Floor |
| JT | 5:30PM – 6:30PM
Diversity (TX), Diversity (TE), Young Lawyers Forum (TX), and Young Lawyers Network (TE) Networking Reception ☞★
Sponsored by: Northwestern Law | Fountainview Room, 3rd Floor |
| TX | 5:30PM – 6:30PM
Foreign Activities of US Taxpayers Business Meeting ☞ | Columbus, 3rd Floor |
| TX | 5:30PM – 6:30PM
Transfer Pricing Business Meeting ☞ | Superior, 2nd Floor |
| TX | 5:45PM – 6:30PM
US Activities of Foreigners & Tax Treaties Business Meeting ☞ | Gold Coast, 3rd Floor |
| JT | 6:30PM – 8:00PM
Joint Section Reception ☞★ (Ticketed Event)
Enjoy great food and drinks with your colleagues and friends. Tickets can be purchased at registration until 6:30pm on Friday. Tickets will not be available at the door. | Chicago Symphony Orchestra, Grainger Ballroom |
| TX | 8:00PM – 10:00PM
International Committees Dinner ☞ (Reservation Required) | Shula's Steak House, Sheraton Hotel and Towers |

PROGRAM SCHEDULE

SATURDAY, SEPTEMBER 19

**JT****7:00AM – 4:00PM**

Sheraton Promenade, 4th Floor

Hospitality Center ☕ (Complimentary)

Continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.

TX**7:15AM – 8:30AM**

Chicago Ballroom VI, 4th Floor

Real Estate, Partnerships & LLCs and S Corporations “Shop Talking” Breakfast ☕*(Ticketed Event)*

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

TX**7:30AM – 9:00AM**

Fountainview Room, 3rd Floor

ACTC Fellows Breakfast ☕ (ACTC Members)**TX****7:45AM – 9:00AM**

Sheraton Ballroom I, 4th Floor

Court Procedure & Practice Officers and Subcommittee Chairs Breakfast ☕*(Ticketed Event)***JT****8:30AM – 11:30AM**

Chicago Ballroom VII, 4th Floor

Employee Benefits (TX) and Employee Benefits Group (TE) 📺**Employee Benefits Committee Chair:** Susan A. Wetzel, Haynes and Boone LLP, Dallas, TX**Employee Benefits Group Chair:** Tara Silver-Malyska, Willis North America Human Capital Practice, Addison, TX

8:30am The Future of the Determination Letter Process. This panel will discuss the future of the determination letter program, including, the IRS’s proposed changes to the program, and how it will impact employer sponsored plans.

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

Panelists: Cindy Shupe, Fennimore Craig, Phoenix, AZ; Lisa Tavares, Venable LLP, Washington, DC; Stefan Smith, Locke Lorde, Dallas, TX; Victoria Judson, Associate Chief Counsel (Employee Benefits), IRS Office of Associate Chief Counsel (TEGE), Washington, DC (Invited)

9:30am Over 20 Years of IRC Section 162(m) and 30 Years of IRC Section 280G – Has It Made a Difference in Executive Compensation? With over three decades of section 280G and two decades of section 162(m) behind us, have these rules made a difference? This panel will provide a variety of perspectives on if, and how, these Code provisions, which were expected to rein in executive pay, have worked out in reality. The speakers will discuss their experiences designing and reviewing executive pay programs with the backdrop of these rules and explore some of the unintended consequences which may have emerged.

Moderator: Martha Steinman, Hogan Lovells, New York, NY

Panelists: Pamela Baker, Dentons, Chicago, IL; Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Susan P. Serota, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; Andrew Liazos, McDermott Will & Emery, Boston, MA;

Co-Sponsored by: The American College of Employee Benefits Counsel

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



PROGRAM SCHEDULE

SATURDAY, SEPTEMBER 19

10:30am Keeping or Closing the Employer Stock Fund After *Dudenhoeffer* and *Tatum* – A Fiduciary Process. This panel will explore alternative processes a fiduciary may use to evaluate the prudence of offering the employer stock fund, or deciding to terminate the fund. These processes are based on *Dudenhoeffer* and its underlying financial theory, enabling the fiduciary to evaluate the stock in light of public information, inside information and the stock's risk. The panel also will discuss the role of the independent fiduciary in deciding whether to hold or terminate the employer stock fund.

Moderator: Rosina B. Barker, Ivins Phillips & Barker, Washington, DC

Panelists: Howard Shapiro, Proskauer Rose LLP, New Orleans, LA; Dr. David Tabak, NERA Economic Consulting, New York, NY; David A. Cohen, Evercore Trust Company NA, Washington, DC

Co-Sponsored by: The American College of Employee Benefits Counsel

JT

8:30AM – 11:30AM

Sheraton Ballroom V, 4th Floor

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

Fiduciary Income Tax Chair: David A. Berek, Horwood Marcus & Berk Chartered, Chicago, IL

Income & Transfer Tax Planning Group Chair: Stephanie Loomis-Price, Winstead PC, Houston, TX

8:30am Current Developments. Jeff Gonya will review current developments in fiduciary income tax, and Cathy Hughes will update the committee on developments with the Department of Treasury and the IRS.

Panelists: Catherine V. Hughes, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Jeffrey K. Gonya, Venable LLP, Baltimore, MD

8:50am Income Tax Deductions for Charitable Bequests of IRD. This panel will address when a trust or an estate that receives taxable income in respect of a decedent ("IRD") can claim an offsetting charitable income tax deduction under section 642(c) for a charitable distribution. The situation arises most often when an estate planner attempts to use a decedent's taxable retirement assets to satisfy a charitable bequest. It has become an increasingly important planning issue as retirement assets comprise a growing portion of decedents estates.

Panelists: Professor Christopher R. Hoyt, University of Missouri-Kansas City School of Law, Kansas City, MO; Suzanne L. Shier, The Northern Trust Company, Chicago, IL

9:40am Section 2704(b) Proposed Regulations and Valuation Discounts on Transfers of Closely Held Entities. This presentation will consider anticipated proposed regulations regarding valuation discounts related to family owned entities and partnerships for gift and estate tax purposes. A consequence of the proposed rules could limit the availability of minority ownership and lack of marketability discounts for valuing equity in these family owned companies. The panelists will consider the concept of family attribution and the history of the legislation enacting section 2704.

Panelists: Richard L. Dees, McDermott Will & Emery LLP, Chicago, IL; James F. Hogan, Andersen Tax, Washington, DC

PROGRAM SCHEDULE

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- 10:40am **Implementation and Administration of Self-Cancelling Installment Notes.** Income, gift and estate tax administration of self-cancelling installment notes has been difficult in light of recent developments. In CCA 201330033, the Service noted that the risk premium must be determined based upon a willing buyer/willing seller test as opposed to published mortality tables and rates. The CCA, as well as the recently settled Tax Court decision of the *Estate of William M. Davidson* and prior SCIN case law will be reviewed.
Panelists: Jerome M. Hesch, Notre Dame Tax & Estate Planning Institute, Miami, FL; James I. Dougherty, Withers Bergman LLP, Greenwich, CT

TX**8:30AM – 10:30AM**

Columbus, 3rd Floor

LLCs & LLPs Subcommittee of Partnerships & LLCs **Chair:** J. Leigh Griffith, Waller Lansden Dortch & Davis LLP, Nashville, TN

- 8:30am **Dual Status by Design.** The program will highlight and analyze commonly used structures designed to achieve the equivalent of dual (employee/partner) status for service providers granted partnership equity compensation.
Panelists: Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA; Christopher S. McLoon, Verrill Dana LLP, Portland, ME
- 9:30am **Report on the Drafting Committee's Work on the Uniform Law Commission's Series of Unincorporated Business Entities Act.**
Panelists: J. Leigh Griffith, Waller Lansden Dortch & Davis LLP, Nashville, TN; Allan G. Donn, Willcox & Savage PC, Norfolk, VA
- 10:00am **Progress Report on Dual Status Project.**

TX**8:30AM – 11:15AM**

Chicago Ballroom VIII, 4th Floor

Pro Bono & Tax Clinics **Chair:** Andrew R. Roberson, McDermott Will & Emery LLP, Chicago, IL

- 8:30am **Recent Developments Affecting Low-Income Taxpayers.** Discussion of the past year's most important IRS rulings, court decisions, and other developments affecting low-income taxpayers.
Panelists: Drita Tonuzi, Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC; Debra Moe, Deputy Division Counsel (Small Business / Self Employed), IRS, Washington, DC; Paul Harrison, Center for Economic Progress, Chicago, IL; Eric Sternberg, Center for Economic Progress, Chicago, IL
- 9:15am **Designing a Pro Bono Project for Your Firm.** This panel will present several ways that law firms and corporations can engage in tax-related pro bono service. The panel will cover volunteer opportunities at Armed Forces bases,

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PROGRAM SCHEDULE

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designing a pro bono tax controversy representation project, and how a firm or corporation can get involved in VITA. Panelists will discuss their experiences with different tax-related pro bono projects.

Moderator: C. Wells Hall III, Nelson Mullins Riley & Scarborough, Charlotte, NC

Panelists: Andrew R. Roberson, McDermott Will & Emery LLP, Chicago, IL; Tamara A. Borland, Iowa Legal Aid, Iowa City, IA; Rawlin Tate, Senior Tax Analyst (Stakeholders Partnership Education and Communication Division), IRS, Atlanta, GA; Bruce Klink, Capital One, Chicago, IL

10:30am Basics of IRS Collection Alternatives. Pro bono representatives often enjoy handling collection cases because they are discrete cases that have a major impact on a client's life. This panel will cover the basics of IRS collection options.

Moderator: Anna C. Tavis, South Brooklyn Legal Services, Brooklyn, NY

Panelists: Professor Keith Fogg, Villanova University, Villanova, PA; Mary M. Gillum, Legal Aid Society of Middle Tennessee and the Cumberlands, Oak Ridge, TN; Nina Olson, National Taxpayer Advocate, IRS, Washington, DC

TX

8:30AM – 11:30AM

Chicago Ballroom X, 4th Floor

Sales, Exchanges & Basis   **★**

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

8:30am The “Partnership Installment Note” Transaction. A partnership can exchange property for a combination of (1) like-kind property, to be held in the partnership by continuing partners; and (2) buyer installment notes, to be transferred to non-continuing partners in redemption of their partnership interests. Some planners have asserted that in this way, partners choosing to continue in the partnership may benefit from partnership-level section 1031 deferral, while partners choosing to withdraw may be able to defer tax until they receive payments on the installment notes. This panel will discuss the possible uses, limitations and risks of this technique.

Moderator: Professor Annette Nellen, San Jose State University, San Jose, CA

Panelists: Christopher Call, Attorney-Advisor (Tax Legislation), Office of Tax Policy, Department of Treasury, Washington, DC; Vivek A. Chandrasekhar, Roberts & Holland LLP, New York, NY; Donna M. Crisalli, Senior Level Counsel, Office of Associate Chief Counsel (Income Tax & Accounting), IRS, Washington, DC; Sam Weiler, EY, Columbus, OH; Lou Weller, Weller Partners LLP, Sausalito, CA

9:20am Current Developments in Sales, Exchanges & Basis. **★** Panelists review recent case law and guidance on traditional sale, exchange, and basis issues.

Panelists: Professor Erik Jensen, Case Western Reserve University, Cleveland, OH; Alan S. Lederman, Gunster, Fort Lauderdale, FL

PROGRAM SCHEDULE

SATURDAY, SEPTEMBER 19



9:50am A Primer on Section 1031 Transactions. ★ This panel will review the tax requirements that real estate and tax attorneys must be aware of to successfully implement both “forward” (exchanged property disposed of first) and “reverse” (replacement property acquired first) deferred like-kind exchanges of real estate. It will also look back at and provide updates to the “Comments Concerning Open Issues in section 1031 Like-Kind Exchanges” submitted by the Committee to the Service on July 14, 1995.

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

Panelists: Professor Bradley T. Borden, Brooklyn Law School, Brooklyn, NY; Matthew E. Rappaport, Karol & Sosnik PC, Garden City, NY; Mark E. Wilensky, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY

10:50am Negotiating and Drafting Tax Provisions in Real Estate Purchase

Agreements. This panel will discuss tax issues in structuring and negotiating taxable acquisition agreements of real estate, including purchase price allocations, the installment sale deferral rules and the impact of depreciation recapture. Also covered will be special tax-related clauses often appropriate when an interest in an entity owning real estate is purchased.

Moderator: Todd D. Keator, Thompson & Knight LLP, Dallas, TX

Panelists: Stephen M. Breitstone, Meltzer Lippe Goldstein & Breitstone LLP, Mineola, NY; Aaron S. Gaynor, Roberts & Holland LLP, New York, NY

TX

8:30AM – 10:30AM

Sheraton Ballroom IV, 4th Floor

State & Local Taxes Practitioner’s Roundtable  (Executive Session)

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

JT

8:45AM – 11:45AM

Chicago Ballroom IX, 4th Floor

Civil & Criminal Tax Penalties 

Chair: John M. Colvin, Colvin & Hallett, Seattle, WA

8:45am Reports of Subcommittees on Important Developments. Important Developments (Criminal) – Michel R. Stein, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA; Cory Stigile, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA; Important Developments (Civil) – Brian McManus, Latham & Watkins LLP, Washington, DC; IRS Investigations and Practices – Michael A. Villa, Jr., Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Monetary Violations and Forfeitures – Peter Hardy, Post & Schell PC, Philadelphia, PA; Loren Washburn, Clyde Snow and Sessions, Salt Lake City, UT; Sentencing Guidelines – Matt Hicks, Caplin & Drysdale Chartered, Washington, DC; Jeffrey A. Neiman, Law Offices of Jeffrey A. Neiman, Ft. Lauderdale, FL; International Tax Enforcement – Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC; Joseph M. Erwin, Dallas, TX; Voluntary Disclosure and Compliance – David Axelrod, Shumaker Loop & Kendrick LLP, Columbus, OH; Sarah Wirsky, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX

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PROGRAM SCHEDULE

SATURDAY, SEPTEMBER 19

- 9:15am Aggressive IRS Audit Techniques – Tales from the Trenches.** Cuts to IRS funding have hampered the agency's ability to vigorously enforce tax laws. Nonetheless, if your client is one of the few unlucky taxpayers to have their return selected for audit, it can feel like you're battling against the might of the whole US government with seemingly little regard for time or resources expended. Encyclopedic-like summonses, invasive taxpayer and accountant interviews, and 982 Formal Document Requests are frequently used tools in the IRS arsenal. When used aggressively, these tools create substantial challenges for the taxpayer, not the least of which is how financially devastating they can be to comply with. Panelists will discuss their recent case experiences and provide insights on how they help their clients cope with these increasingly aggressive examinations.
Moderator: Guinevere Moore, Holland & Knight, Chicago, IL
Panelists: Niles A. Elber, Caplin & Drysdale, Washington, DC; Bryan C. Skarlatos, Kostelanetz & Fink LLP, New York, NY; Jenny L. Johnson, Holland & Knight LLP, Chicago, IL
- 10:05am Tax Preparer Fraud: Strategies for Defending the Tax Preparer or Promoter in Criminal and Civil Injunction Litigation.** This panel will provide attendees with an update on Department of Justice comprehensive enforcement efforts in tax preparer / promoter injunction cases and parallel proceedings. Panelists will discuss practical tips and strategies for defending tax preparer and promoter clients under IRS investigation or charged with tax and related crimes, as well as those whom the Department of Justice seeks to forever enjoin from preparing returns and / or promoting certain tax positions.
Moderator: Sara G. Neill, Capes Sokol PC, St. Louis, MO
Panelists: R. Scott Clarke, Chief CTS-Central, Tax Division, Department of Justice, Washington, DC; Matt Mueller, Wiand Guerra King, Tampa, FL; Paula M. Junghans, Zuckerman Spaeder LLP, Washington, DC
Co-Sponsored by: Tax Litigation and Controversy Committee of the Income and Transfer Tax Planning Group (TE)
- 10:55am Sentencing in Tax Cases.** This panel will explore the sentencing process in criminal tax cases, including recent developments and strategies for the defense attorney.
Moderator: Robert E. McKenzie, Arnstein & Lehr, Chicago, IL
Panelists: Barry Jonas, Assistant US Attorney, Northern District of Illinois, Chicago, IL; Nancy DePodesta, Arnstein & Lehr, Chicago, IL

PROGRAM SCHEDULE

SATURDAY, SEPTEMBER 19

**TX****8:45AM – 11:45AM**

Sheraton Ballroom II, 4th Floor

Corporate Tax

Chair: Audrey Nacamuli Charling, General Electric Company, Fairfield, CT

8:45am Section 361(c) and Its Discontents. In a transaction that otherwise qualifies as a tax-free spin-off, Distributing may (with certain limits) under section 361(c) use Controlled stock or securities to retire Distributing debt without recognizing the gain reflected in such stock or securities. This panel will describe section 361(c)'s origins and its role in the public spin-off context during the first decade-plus of the present millennium, and how its role has been impacted by the IRS's no-rule position in Rev. Proc. 2013-3. The panel will then explore several possible futures for the rule by considering regulatory guidance that the IRS and Treasury might issue interpreting the term "creditor" in section 361(c) (and its companion provision section 361(b)).

Moderator: Martin Huck, EY, Washington, DC

Panelists: Ben Berinstein, JPMorgan, New York, NY; Kathleen Ferrell, Davis Polk & Wardwell LLP, New York, NY; John P. Stemwedel, Office of Associate Chief Counsel (Corporate), IRS, Washington, DC

10:00am Current Developments. This panel will explore current developments, including long-awaited, recently issued guidance regarding the impacts of a partnership's ownership of equity interests in a partnership under Treas. Reg. section 1.337(d)-3.

Moderator: Joseph Pari, KPMG LLP, Washington, DC

Panelists: Jennifer Alexander, Deloitte LLP, Washington, DC; Holly Porter, Chief, Branch 3, IRS Office of Associate Chief Counsel (Passthroughs and Special Industries), Washington, DC; Robert H. Wellen, Associate Chief Counsel (Corporate), IRS, Washington, DC; David Wheat, Thompson & Knight LLP, Dallas, TX

TX**10:30AM – 11:00AM**

Sheraton Ballroom IV, 4th Floor

State & Local Taxes: Publication Subcommittees

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 and other publications will meet to discuss and plan for the various publications.

Panelists: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA; Alysse McLoughlin, McDermott Will & Emery LLP, New York, NY; Jeffrey Reed, Mayer Brown LLP, New York, NY; Matthew Hedstrom, Alston & Bird LLP, New York, NY; Robert L. Mahon, Perkins Coie LLP, Seattle, WA; Scott E. Sebastian, MassMutual, Springfield, MA; Jeffery J. McNaught, The Law Offices of Jeffery J. McNaught, Minneapolis MN; Timothy R. Van Valen, Gallagher & Kennedy, Santa Fe, NM; Kyle Wingfield, Williams Mullen, Richmond, VA; Kathryn Pittman, McGlinchey Stafford PLLC, Washington, DC; Richard Jones, Sullivan & Worchester LLP, Boston, MA; Brett Durbin, Riddell Williams PS, Seattle, WA

TX**11:00AM – 12:00PM**

Sheraton Ballroom IV, 4th Floor

State & Local Taxes Vice-Chairs' Planning Meeting (Executive Session)

Chair: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA

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PROGRAM SCHEDULE SATURDAY, SEPTEMBER 19

JT

12:00PM – 1:30PM

Chicago Ballroom VI, 4th Floor

Joint Section Luncheon & Plenary Session  (Ticketed Event)

Opening Remarks

George C. Howell, III, Tax Section Chair, Presiding

Robert Krapf, RPTE Section Chair, Presiding



KEYNOTE SPEAKER

Nina E. Olson

National Taxpayer Advocate, IRS, Washington, DC

Nina E. Olson, the National Taxpayer Advocate, is the voice of the taxpayer at the IRS and before Congress. Under her leadership, the Taxpayer Advocate Service helps hundreds of thousands of people every year resolve problems with the IRS and addresses systemic issues within the IRS. Her Annual Report to Congress identifies the most serious problems facing taxpayers and recommends solutions.

This year, she urges the IRS to adopt a Taxpayer Bill of Rights and calls for Congress to fund the IRS adequately to serve taxpayers.

JT

2:00PM – 5:00PM

Joint Section Programs 

Sponsored by: Tax Section CLE Committee, Trust & Estate Division CLE Committee, and RPTE Section Legal Education Committee

Tax Section CLE Committee Chair: Katy David, Strasburger & Price LLP, San Antonio, TX


Trust & Estate Division CLE Committee Chair: Beth Wood, Moore & Van Allen PLLC, Charlotte, NC

RPTE Section Legal Education Committee Chair: Tanya D. Marsh, Wake Forest University School of Law, Winston Salem, NC

JT

2:00PM – 3:00PM

Sheraton Ballroom II, 4th Floor

Tax, Immigration, and Employment Issues for Household Employees 

This panel expands on the Friday, *Household Employee Tax Compliance* panel. It will elaborate on the tax, immigration, and employment technicalities associated with household employees. This panel will also review the implications of the Domestic Workers Bill of Rights, now enacted in five states.


Panelists: Katy David, Strasburger & Price LLP, San Antonio, TX; Phyllis Horn Epstein, Epstein Shapiro & Epstein PC, Philadelphia, PA; Additional Panelists TBD



JT

2:00PM – 3:30PM

Sheraton Ballroom III, 4th Floor

Obergefell: Remaining Estate Planning and Tax Issues and a Look Into the Future 

This panel will discuss the latest legal rulings on same-sex marriage as well as the real world implications concerning how these rulings will impact those practitioners who advise same-sex couples. Our panel will not only educate the audience on the pertinent legal ramifications of the cases argued before the SCOTUS, but the plethora of important issues that will remain. After a brief introduction of the current jurisprudential geography of same-sex marriage, the panel will discuss various topics, including the implications of federal recognition of same-sex marriages, the latest regulations dealing with the Federal Medical Leave Act and the Social Security Administration's recognition of marriage equivalents; issues affecting same-sex couples in the areas of employment and employee benefits, including several matters involving ERISA; and the multitude of complicated transition issues for those practitioners in states that that will be impacted by the SCOTUS's opinion.


Moderator: Professor Amy Morris Hess, University of Tennessee College of Law, Knoxville, TN

Panelists: Professor William P. LaPiana, New York Law School, New York, NY; Professor Lee-ford Tritt, University of Florida College of Law, Gainesville, FL

JT

3:30PM – 5:00PM

Sheraton Ballroom III, 4th Floor

Estate Tax Return Preparation and Audit Mitigation Strategies 

Even for the practitioner who does not routinely prepare estate tax returns, an understanding of the components of the return and how certain items are ultimately reported to the Service is important. This session will provide practical guidance in preparing a Federal Form 706 Estate Tax Return, including detailed descriptions of the information required to complete each of the Form's schedules, use of the alternate valuation date, allowable and non-allowable administration expenses and deductions, followed by a discussion of the marital and charitable deductions, various credits, the generation-skipping transfer tax and portability elections. It will also offer a number of strategies to best position the Form 706 from an estate tax audit perspective.

Moderator: Professor Amy Morris Hess, University of Tennessee College of Law, Knoxville, TN

Panelists: Marissa Dungey, Withers Bergman LLP, Greenwich, CT; James I. Dougherty, Withers Bergman LLP, Greenwich, CT; Beth A. Wood, Moore & Van Allen PLLC, Charlotte, NC



AFFILIATED ORGANIZATIONS

AMERICAN COLLEGE OF TAX COUNSEL

FRIDAY, SEPTEMBER 18

7:30AM – 9:00AM

Mayfair, 2nd Floor

ACTC Board of Regents Meeting (*Executive Session*) 

SATURDAY, SEPTEMBER 19

7:30AM – 9:30AM

Fountainview Room, 3rd Floor

ACTC Fellows Breakfast (*ACTC Members*) 

GENERAL INFORMATION



MEETING MATERIALS

In the interest of providing the most up-to-date meeting materials for all attendees, materials for the **2015 Joint Fall CLE Meeting** will be available online at www.ambar.org/taxmtgmaterials and via the mobile meeting application (please see page 3 for more information). Complimentary WiFi will be provided throughout the meeting space.



Should you wish to print out any materials, convenient print stations are located in Sheraton Promenade, 4th Floor.

Please note that materials will be updated on the website throughout the meeting. These materials, to the extent they are provided to the Section, will also be made available to Tax Section members following the meeting as an exclusive membership benefit at www.ambar.org/taxiq.

CLE AND ETHICS CREDIT

You **must be registered for the meeting** in order to attend and be eligible to receive CLE or ethics credit.

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/groups/taxation/events_cle/fall_cle.html or contact Tim Brady (tim.brady@americanbar.org).

Please note the  symbol indicates that Ethics credit will be requested for this program, and the  symbol indicates that CLE credit is not available for this program.

REQUIREMENTS FOR NEW YORK ATTORNEYS: New York-licensed attorneys are responsible for signing in and out of each session they attend. The New York sign-in/out sheets are available in each meeting room. A customized New York CLE certificate will be issued to New York-licensed attorneys following the meeting by email, based on information recorded on the sign-in sheets.

REQUIREMENTS FOR ILLINOIS ATTORNEYS: Illinois-licensed attorneys are responsible for signing in for each session they attend. The Illinois sign-in sheets are available in each meeting room. A customized Illinois Certificate of Attendance will be issued to Illinois-licensed attorneys following the meeting by email, based on information recorded on the sign-in sheets.

CPE INFORMATION

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



GENERAL INFORMATION

CLE INFORMATION BOOTH

The CLE Information Booth, located in Sheraton Promenade, 4th Floor, will be open during the following hours:

Thursday	12:00pm – 7:30pm
Friday	8:00am – 6:30pm
Saturday	8:00am – 4:30pm

Please direct all questions regarding CLE credit to the CLE Information Booth, not the Registration Desk.

REGISTRATION

Registration will be available in Sheraton Promenade, 4th Floor. All individuals attending any part of the **2015 Joint Fall CLE Meeting, including speakers**, must register and pay the registration fee. Shared registrations are not permitted. Companions are defined as non-Section members not attending substantive meetings. Any companion attending substantive programs must register and pay either the Section member or non-Section member registration fee, whichever is applicable.

The registration fee includes exclusive access to the meeting materials website, mobile meeting application and permits registrants to attend all meetings, sessions and programs; however, it does not include meal functions and social events listed as “Ticketed Event.” All ticketed events are sold on a first-come, first-served basis.

REFUND POLICY

The deadline for refunds was **September 10, 2015**. **Refunds will not be granted at or after the meeting.**

AUDIO CDS AND MP3 INSTANT DOWNLOADS

Audio CDs and MP3s of Committee Meetings and Section Programs are available for purchase on site.

To place an order, visit the Digital Conference Providers (DCP) booth located in Sheraton Promenade, 4th Floor. After the meeting visit: www.dcporder.com/abatx/ for mail order audio CDs or www.dcpvideronline.com/abatx/ for instant downloads.

20% MEETING DISCOUNT ON SECTION PUBLICATIONS

Stop by the Publications Display, located in Sheraton Promenade, 4th Floor to preview the most popular titles from the Section of Taxation and receive a 20% discount on all publication orders. Use this meeting discount code: **PTX15SFALL** online or call the ABA Service Center at (800) 285-2221 to take advantage of this special discount. **Please note that the offer expires September 25, 2015.**

GENERAL INFORMATION



ABA OPEN MEETINGS POLICY

In accordance with the ABA Open Meetings Policy, all ABA programs are open to the media unless they are to conduct business sessions of a confidential nature. The Association encourages media coverage of its activities. If you have questions about this policy, please contact the Sections' main office at 202-662-8670.

Please note: By attending the conference, attendees have agreed to the terms of the American Bar Association Image/Audio/Video Release Form, which allows images, audio and video recorded on site to be used for educational and promotional purposes.

SCHOLARSHIP POLICY

Scholarships to defray tuition expense for this program are available upon application on a case-by-case basis. To request a scholarship application, please contact Thomas Blandi (thomas.blandi@americanbar.org).



ACTIVITIES

FRIDAY, SEPTEMBER 18

10:00AM – 2:00PM

Eataly Private Cooking Demonstration & Tour (*Ticketed Event: \$180*)

Transportation to depart the Sheraton Hotel & Towers at 9:30am

Eataly is an energetic marketplace that gives you the opportunity to taste and take home high-quality artisan products. At Eataly, good eating is about engagement and education. La Scuola di Eataly, created by beloved Chefs Lidia Bastianich and Mario Batali, offers food lovers an authentic Italian cooking experience.

Our tour will begin with a behind-the-scenes peek at each department, you will watch the three main stages of fresh mozzarella production, observe how different pasta shapes are made and discover the tried and true techniques that make Eataly's Neapolitan pizza a perennial success.

Then in a private kitchen, a chef of La Scuola will demonstrate four dishes for you to enjoy. Each dish is carefully paired with a wine, beer, or spirit, led with a tasting by La Scuola's own sommelier. As the chef walks you through each dish, you will dine on each culinary creation as it is being demonstrated. At the conclusion of the course, you will receive menus, adapted recipes and tasting notes.

- Roundtrip transportation will be provided.
- Luncheon will take place at Eataly during the cooking demonstration.
- Guests will receive a 10% discount off retail purchases at the marketplace.
- The activity level for this tour is moderate.

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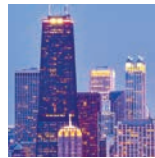
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SECTION OF TAXATION
2016 MIDYEAR MEETING

JANUARY 28-30, 2016
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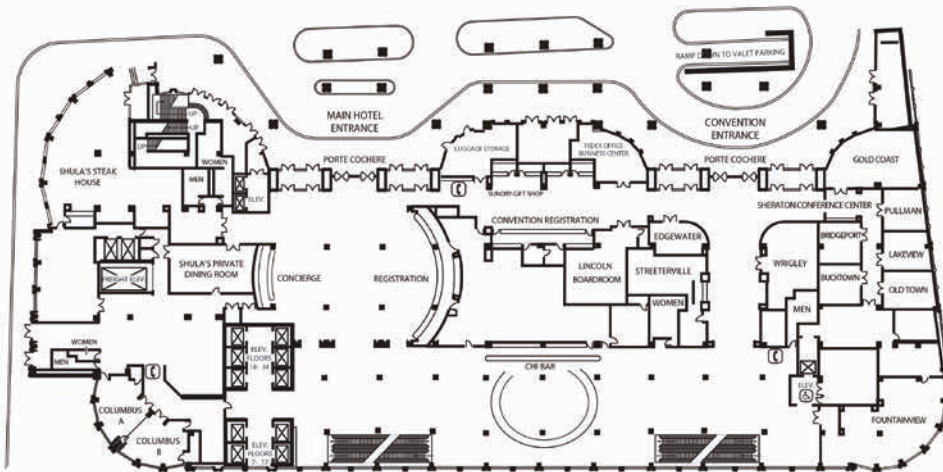
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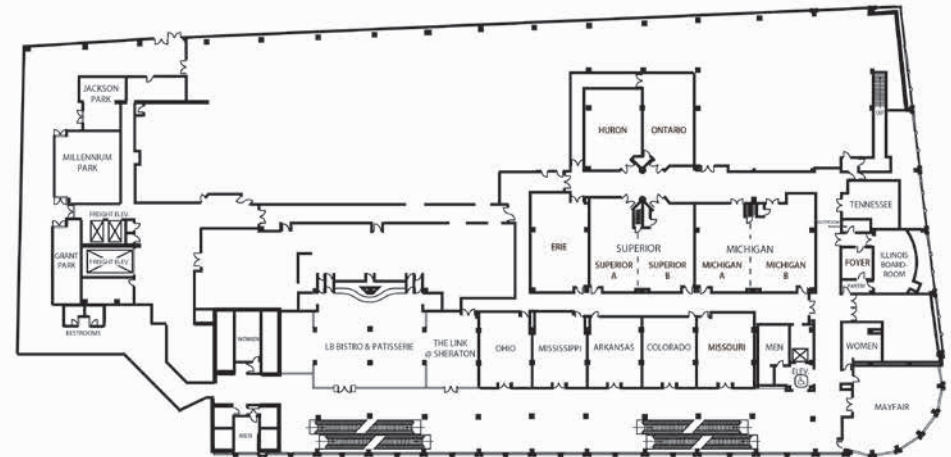
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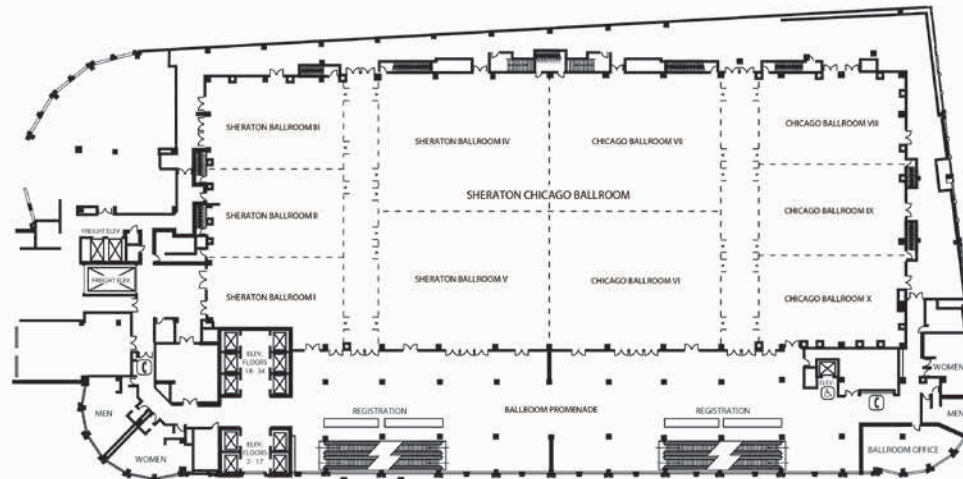
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