

# PROGRAM SCHEDULE

## PROGRAM SCHEDULE

THURSDAY, JANUARY 21

 = Taped

★ = Young Lawyers Program

 = Ethics Credits Requested

 = No CLE Credit

**7:00AM – 2:00PM**

SilverHorn Golf & Country Club

**Golf Outing at SilverHorn Golf & Country Club**  (Ticketed Event)

See p. 76 for a full description.

**CANCELLED**

**9:00AM – 5:00PM**

Lone Star, Salon A, 2nd Floor

**Officers & Council Meeting**  (Executive Session)

**1:00PM – 5:30PM**

IRS Austin Service Center

**Field Trip to IRS Austin Service Center**  (Ticketed Event)

See p. 76 for a full description. Buses will depart promptly at 1:00pm from the Grand Hyatt.

**3:00PM – 5:30PM**

Crockett AB, 4th Floor

**Local Exempt Organizations Assistance Program** 

The Exempt Organization Committee and the Pro Bono Committee are co-sponsoring a clinic to assist local exempt organizations in San Antonio and the surrounding areas with basic status and tax compliance issues.

**6:00PM – 7:00PM**

Texas Ballroom Foyer, 4th Floor

**Hosted Welcome Reception**  ★ (Complimentary)

**6:00PM – 9:00PM**

Fulbright & Jaworski

**State & Local Taxes Committee Executive Business Meeting**  (Executive Session)

**6:30PM – 9:30PM**

Ácenaar HotMex/CoolBar Restaurant

**Partnerships & LLCs and Real Estate Dinner**  (Reservations Required)

Members of the Partnerships & LLCs and the Real Estate Committees will meet for cocktails and dinner at the Ácenaar HotMex/CoolBar Restaurant, located on the San Antonio River Walk at the E. Houston Street bridge (146 E. Houston Street) (210) 222-2362. The price for the dinner is \$58. Cocktails (cash bar) will begin at 6:30pm, followed by dinner at 7:30pm. Reservations and advance payment required.

**7:00PM – 9:00PM**

Republic B, 4th Floor

**First-Time Attendee Orientation Dinner**  ★ (Reservations Required)

**7:30PM – 9:30PM**


Fig Tree Restaurant

**Administrative Practice Dinner**  (Advance Reservations Required)

# PROGRAM SCHEDULE

## FRIDAY, JANUARY 22



 = Taped

★ = Young Lawyers Program

 = Ethics Credits Requested

 = No CLE Credit

**7:00AM – 8:00AM**

Presidio A, 3rd Floor

### Employee Benefits Corporate Counsel Forum

CHAIR/VICE-CHAIR: Cheryl L. Harwick, Marathon Oil Company, Findlay, OH; Vicki Dawn Blanton, American Airlines, Ft. Worth, TX

**7:00AM – 8:00AM**

Bowie A, 2nd Floor

### Employee Benefits New Employee Benefits Attorneys Forum ★

CHAIRS: Gary J. Chase, Towers Watson, New York, NY; Jennifer M. Wolff, Weil Gotshal & Manges LLP, New York, NY

**7:00AM – 4:00PM**

Lone Star Ballroom Foyer, 2nd Floor

### Hospitality Center (Complimentary)

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

**7:30AM – 9:30AM**

Republic A, 4th Floor

### ACTC Board of Regents Meeting (Executive Session)

**7:30AM – 8:15AM**

Texas Ballroom, Salon C, 4th Floor

### Committee Chairs, Vice-Chairs, Officers and Council Breakfast

**7:30AM – 8:30AM**

Travis C, 3rd Floor

### Exempt Organizations Subcommittee on Audits and Appeals

CHAIRS: Marcus S. Owens, Caplin & Drysdale Chartered, Washington, DC; Michael A. Clark, Sidley Austin LLP, Chicago, IL; Diara Holmes, Caplin & Drysdale Chartered, Washington, DC

7:30am Roundtable Discussion of Current Developments.

**7:30AM – 8:30AM**

Bonham E, 3rd Floor

### Exempt Organizations Subcommittee on Health-Care Organizations

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

7:30am Roundtable Discussion of Current Developments.

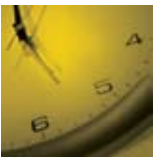
**7:30AM – 8:30AM**

Travis D, 3rd Floor

### Exempt Organizations Subcommittee on Political and Lobbying Organizations

CHAIRS: Professor Miriam Galston, The George Washington University Law School, Washington, DC; Rosemary E. Fei, Adler & Colvin, San Francisco, CA

7:30am Roundtable Discussion of Current Developments.



## PROGRAM SCHEDULE

### FRIDAY, JANUARY 22

**7:30AM – 8:30AM**

Bonham D, 3rd Floor

#### **Exempt Organizations Subcommittees on Private Foundations, Unrelated Business Income and International Philanthropy**

CHAIRS: Betsy Buchalter Adler, Adler & Colvin, San Francisco, CA; Victoria B. Bjorklund, Simpson Thacher & Bartlett LLP, New York, NY (International Philanthropy); LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA; Lisa L. Johnsen, Bill & Melinda Gates Foundation, Seattle, WA (Private Foundations); Laura Kalick, BDO Seidman LLP, Bethesda, MD; David Shevlin, Simpson Thacher & Bartlett LLP, New York, NY (Unrelated Business Income)

**7:30am** Roundtable Discussion of Current Developments.

**7:30AM – 8:30AM**

Independence, 3rd Floor

#### **Exempt Organizations Subcommittee on Religious Organizations**

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

**7:30am** Roundtable Discussion of Current Developments.

**8:00AM – 10:00AM**

Seguin AB, 4th Floor

#### **Capital Recovery & Leasing**

CHAIR: Susan Graiss, Ernst & Young LLP, Washington, DC

**8:00am** **Current Developments Report and Update on Pending Guidance.** This program will cover the important recent developments in the areas of capital recovery and leasing, including a discussion of various capitalization tax accounting topics and the recent *Consolidated Edison* Court of Federal Claims case involving leveraged lease transactions.

**MODERATOR:** Alison Jones, Ernst & Young LLP, Washington, DC.

**PANELISTS:** Brandon Carlton, Taxation Specialist, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Catherine Brandt, Ernst & Young LLP, Washington, DC; Glenn Johnson, Ernst & Young LLP, Washington, DC.

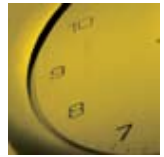
**9:00am** **Capital Recovery Issues in Qualified Disaster Areas.** As part of the Emergency Economic Stabilization Act of 2008, Congress enacted a package of tax relief provisions for qualified disaster areas. These provisions include a 50% write-off for eligible property that is restored after being damaged by an eligible disaster. For this purpose, eligible property includes real property. The package of tax relief provisions also includes a provision clarifying that eligible repairs are deductible, regardless of whether a casualty loss deduction has been claimed.

**MODERATOR:** Katherine Breaks, KPMG LLP, Washington, DC.

**PANELIST:** Brandon Carlton, Taxation Specialist, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**8:00AM – 9:30AM**

Bonham C, 3rd Floor

### **Employee Benefits Defined Contribution Plans Update**

Presented by the Subcommittee on Defined Contribution Plans

CHAIRS/VICE-CHAIR: Robert Miller, Calfee Halter & Griswold LLP, Cleveland, OH; Bernard F. O'Hare, Patterson Belknap Webb & Tyler, New York, NY (Emeritus); Bret Hamlin, Hill Ward Henderson, Tampa, FL; Matthew Eickman, Utz Miller Kuhn & Eickman, Overland Park, KS (*Young Lawyer Liaison*)

This meeting will examine recent and pending legislative and regulatory activity relating to section 401(k) plans and defined contribution plans, generally, including with respect to fee disclosures, investment advice, target date funds, suspension of safe harbor nonelective contributions and DB/401(k)s. Recent litigation and steps to enhance 401(k) plans will also be discussed.

**PANELISTS:** Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; William Bortz, Associate Benefits Tax Counsel, Office of the Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC.

**8:00AM – 9:00AM**

Goliad, 2nd Floor

### **Employee Benefits EEOC, FMLA and Military Leave Update**

Presented by the Subcommittee on EEOC Issues/FMLA, Military and Other Leaves

CHAIRS/VICE-CHAIR: Thomas C. Graves, Haynes Benefits PC, Lees Summit, MO (Emeritus); Thomas Standley, Marathon Oil Company, Findlay, OH; Mary M. Potter, Cox Smith Matthews Inc, San Antonio, TX; Tiffany E. Walker, Haynes & Boone LLP, Dallas, TX (*Young Lawyer Liaison*)

The meeting will focus on recent EEOC developments affecting benefit plans and recent developments impacting individuals on military and other types of leaves.

**PANELISTS:** William Evans, Attorney-Advisor, Office of the Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Thomas C. Graves, Haynes Benefits PC, Lees Summit, MO; Mary Potter, Cox Smith Matthews Inc, San Antonio, TX.

**8:00AM – 9:30AM**

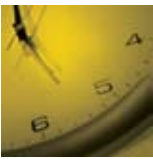
Bowie B, 2nd Floor

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

Presented by the Subcommittees on Executive Compensation and Fringe Benefits and Federal Securities Laws Issues

CHAIRS/VICE-CHAIRS: Susan J. Daley, Perkins Coie, Chicago, IL; Althea R. Day, Morgan Lewis, Washington, DC; Wayne R. Luepker, Mayer Brown LLP, Chicago, IL (Emeritus); Adam B. Cohen, Sutherland Asbill & Brennan LLP, Washington, DC; Gail W. Stewart, Baker Botts LLP, Houston, TX; Brian A. Benko, McDermott Will & Emery LLP, Washington, DC (*Young Lawyer Liaison*); Jessica Page, Hewitt Associates, Lincolnshire, IL (*Young Lawyer Liaison*); Sandy Shurin, Deloitte Tax LLP, New York, NY (*Young Lawyer Liaison*)

The meeting will include a presentation on recent changes to proxy disclosure and other securities law requirements, including the impact on government practices. The meeting will also include a discussion of the IRS payroll audit initiative with respect to executive compensation and fringe benefits issues, and an update on correction of section 409A document failures and a summary of the recent final regulations under sections 423 and 6039.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**PANELISTS:** Bob Marbut, Valero Energy Corporation, San Antonio, TX; Mary Gorman, Assistant Division Counsel, Office of Division Counsel (SB/SE), IRS, Washington, DC; Thomas D. Scholz, Assistant Branch Chief, Executive Compensation Branch, Office of Division Counsel/Associate Chief Counsel (TE/GE), IRS, Washington, DC; Ben Stradley, Towers Watson, Dallas, TX; Stephen B. Tackney, Senior Counsel, Employee Benefits Division, Executive Compensation Branch, Office of Chief Counsel, IRS, Washington, DC.

**8:30AM – 11:30AM**

Lone Star Ballroom, Salon A, 2nd Floor

### Administrative Practice

CHAIR: Fred F. Murray, Grant Thornton LLP, Washington, DC

**8:30am Opening Remarks by the Chair.** 

**8:35am How To Succeed In The Fast Track Settlement Program By Really Trying.**

This panel will explore practical approaches to the IRS Fast Track settlement program that can facilitate or impede a successful settlement. These include, for example, appropriate ground rules for the process, the role of the Appeals officer as a neutral facilitator, the dynamics of the Fast Track settlement process and documenting the basis of settlement. The panelists will include practitioners who have been involved in Fast Track settlements either as facilitators or as advisors to the IRS or taxpayers.

**MODERATORS:** Steve Salch, Law Offices of Steven C. Salch, Galveston, TX; Rita A. Cavanagh, Latham & Watkins LLP, Washington, DC.

**PANELISTS:** Daniel Wiles, PricewaterhouseCoopers LLP, Washington, DC; Kurt Meier, Deputy Chief, Office of Appeals, IRS, Washington, DC; Anthony C. Quintero, Team Case Leader, Office of Appeals, IRS, Houston, TX; Glenn M. Pederson, Team Case Leader, Office of Appeals, IRS, San Antonio, TX; Susan T. Mosley, Senior Technical Reviewer, Branch 7, Office of the Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC.

**9:35am Audits in the Age of Electronic Filing?** Most LMSB taxpayers are now required to e-file their tax returns, which is expected to provide significant efficiencies for the IRS. One area that has been impacted is the examination process. This panel will discuss how e-file has changed the examination process, and what taxpayers should expect in the age of electronic filing.

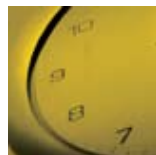
**MODERATOR:** Rochelle L. Hodes, PricewaterhouseCoopers LLP, Washington, DC.

**PANELISTS:** Darlene G. Forgy, Acting Program Manager, LMSB e-File Project Office, IRS, Washington, DC; Phillip A. Pillar, Greenberg Traurig LLP, Philadelphia, PA.

**10:05am Employment Tax Audits—A Primer for How to Prepare for These Audits, What to Expect during the Audits and How to Deal with Non-Employment Tax Issues that May Arise.** The panel will consider the purpose and scope of the National Research Program, the interplay between the Form 1120/1040 income tax returns and employment tax audits, the effect on taxpayers already undergoing an examination of their income tax return and what you need to be doing now to help position your client for audit should they get selected. A subsequent panel in the Employment Tax Committee later in the day will consider “normal” employment tax audits and how to manage them.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**MODERATOR:** Jennifer E. Breen, PricewaterhouseCoopers LLP, Washington, DC.

**PANELISTS:** Mary Gorman, Assistant Division Counsel (SB/SE) – Prefiling, Office of Chief Counsel, IRS, Washington, DC; Michael J. Desmond, Bingham McCutcheon LLP, Washington, DC; Edward J. Leyden, Hollrah Leyden LLC, Washington, DC.

**10:45am Important Developments.** This panel will discuss important developments in administrative practice that have occurred since the 2009 Joint Fall CLE Meeting in Chicago, IL.

**MODERATOR:** Jennifer E. Breen, PricewaterhouseCoopers LLP, Washington, DC.

**PANELISTS:** Deborah A. Butler, Associate Chief Counsel, Office of Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; Thomas R. Thomas, Division Counsel, SB/SE Division, IRS, Washington, DC.; Kevin M. Brown, PricewaterhouseCoopers LLP, Washington, DC.

**8:30AM – 11:30AM**

**Lone Star Ballroom, Salon E, 2nd Floor**

### **Affiliated & Related Corporations**

**CHAIR:** Jonathan Forrest; Deloitte Tax LLP, Washington, DC

**8:30am Current Developments.** This panel will review recent developments in the consolidated return area, including relevant private letter rulings and technical advice memoranda.

**MODERATOR:** Jeffrey Vogel, KPMG LLP, Washington, DC.

**PANELISTS:** Victor Penico, Deloitte Tax LLP, San Francisco, CA; Steven Teplinsky, Ernst & Young LLP, Washington, DC; William Alexander, Associate Chief Counsel, Office of Associate Chief Counsel (Corporate), IRS, Washington, DC.

**10:00am Common Mistakes the Average Corporate Tax Practitioner Makes When Dealing With Consolidated Returns.** This panel will explore common mistakes and misconceptions the average corporate tax practitioner makes when dealing with consolidated returns.

**MODERATOR:** Bryan Collins, Deloitte Tax LLP, Washington, DC.

**PANELISTS:** Joe Pari, Dewey & LeBoeuf LLP, Washington, DC; Brian Peabody, Ernst & Young LLP, Washington, DC; Donald Bakke, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC.

**8:30AM – 11:30AM**

**Republic C, 4th Floor**

### **Banking & Savings Institutions**

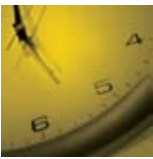
**CHAIR:** Robert J. Waldow, McDermott Will & Emery LLP, Menlo Park, CA

**8:30am Opening Remarks by the Chair.** 

**8:35am The Final REMIC Regulations and their Impact on Commercial Mortgages.** While many aspects of the final regulations were welcomed by the industry, the requirement to retest the collateral to make sure the loans were still principally secured by real property is causing turmoil. The panel will discuss the problems created and whether changes to the regulations are needed.

**MODERATOR:** Charles Wheeler, Alston & Bird LLP, Washington, DC.

**PANELISTS:** Clay Littlefield, Alston & Bird LLP, Charlotte, NC; Diana Imholtz, Attorney, Financial Institutions & Products, IRS, Washington, DC.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**9:30am Hot Topics in Federal Tax Controversy.** The panel will discuss recent developments in federal tax controversy that are of particular interest to those in the banking and financial services industry including the Tax Court decision in *Capital One v. Commissioner* and the Court of Federal Claims decision in *Consolidated Edison v. US*, as well as other recent decisions including *Southgate*, *Textron* and *Hoosier Industries*, together with other “hot topics.”

**MODERATOR:** Jean Pawlow, McDermott Will & Emery LLP, Washington, DC.

**PANELIST:** Brian Kaufman, Capital One Financial Corporation, McLean, VA.

**10:30am News from the Banking Front: A Conversation with the Office of Chief Counsel.** This panel of attorneys from the Office of Chief Counsel will discuss current issues impacting the banking and financial services industry including recent banking legislation, mark-to-market issues, interchange and merchant discount fees, non-performing loans and other current developments.

**MODERATOR:** Charles Wheeler, Alston & Bird LLP, Washington, DC.

**PANELISTS:** Stephen Larson, Associate Chief Counsel, Financial Institutions & Products, Office of Chief Counsel, IRS, Washington, DC; Nicole Cammarota, Securities & Financial Services Firm Industry Counsel, Large & Mid-Sized Business, Office of Chief Counsel, IRS, Washington, DC; John Rogers, Attorney, Financial Institutions & Products, Office of Chief Counsel, IRS, Washington, DC; Vince Guiliano, Banking Industry Counsel, Large & Mid-Sized Business, Office of Chief Counsel, IRS, Washington, DC.

### 8:30AM – 11:30AM

Bonham B, 3rd Floor

#### Closely Held Businesses

CHAIR: Gregory R. Wilson, Attorney-at-Law, San Francisco, CA

**8:30am Introduction by Committee Chair/Opening Remarks.** 

**8:35am “But IRS I Only Own Part of the Property!” - The Impact of Title of Property on Tax Debt – IRS and Bankruptcy Rules.**

**PANELISTS:** David Wooldridge, Sirote & Permutt PC, Birmingham, AL; Professor T. Keith Fogg, Villanova Law School, Villanova, PA; Marguerite Kirk, Attorney-at-Law, Arlington, TX; Buddy Sanders, Locke Lord Bissell & Liddell LLP, Houston, TX.

**9:00am Ethical Issues in Representing Taxpayers before IRS Collection, Exam and other Divisions.**

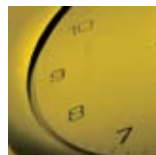
**PANELISTS:** David Wooldridge, Sirote & Permutt PC, Birmingham, AL; Professor T. Keith Fogg, Villanova Law School, Villanova, PA; Marguerite Kirk, Attorney-at-Law, Arlington, TX; Buddy Sanders, Locke Lord Bissell & Liddell LLP, Houston, TX.

**10:30am A Primer on Securities Law for Non-Securities Lawyers – What Business Lawyers Should Know About Forming New Businesses and Funding Old Ones.**

**PANELISTS:** Scott Fletcher, Vinson & Elkins LLP, Houston, TX; Carol Mattick, Carol Bavousett Mattick PC, Austin, TX.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**8:30AM – 9:30AM**

Republic B, 4th Floor

**Companions' Breakfast** ☕ (Complimentary)

**8:30AM – 11:30AM**

Presidio B, 3rd Floor

**Estate & Gift Taxes** ☕

CHAIR: Martin Hall, Ropes & Gray LLP, Boston, MA

**8:30am Comments from the Chair.** ☕

**8:35am Supplemental Estate Tax Returns - Are They Really Required?** This program will discuss the issue of whether a supplemental estate tax return *must* be filed when new information is identified after a return is filed or the results of a probate litigation change the tax liability reported on the estate tax return.  
**PANELIST:** David Pratt, Proskauer Rose LLP, Boca Raton, FL.

**9:15am Current Developments.** This panel will review developments in federal estate, gift and generation-skipping transfer tax laws, from September 1, 2009 through December 31, 2009.

**PANELISTS:** Benjamin G. Carter, Winstead PC, Dallas, TX; Catherine V. Hughes, Attorney-Advisor, Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC.

**9:50am The Good, the Bad and Avoiding the Ugly: Mending Wayward Wealth Transfer Strategies.** GRATs and installment sales often transfer wealth in a tax-efficient manner. Sometimes, they may not yield the expected results. Unsuccessful economic performance, changes in circumstances or drafting errors - these events may require an "exit" strategy. This presentation discusses various exit strategies and planning for an exit strategy before the problems arise.

**PANELIST:** John F. Bergner, Winstead PC, Dallas, TX.

**10:40am State Death Taxes - A "Crazy Quilt".** As reported recently in one national newspaper, keeping track of the constantly changing landscape in state death taxes can be tricky. This panel will shed light on recent state level developments, review state jurisdictional bases for imposing transfer taxes and discuss techniques to minimize or avoid state taxes on in-state real estate owned by out-of-state residents.

**PANELISTS:** Karen Sandler Steinert, Fredrikson & Byron PA, Minneapolis, MN; James Kronenberg, Bessemer Trust, New York, NY; Dana G. Fitzsimons, Jr., McGuireWoods LLP, Richmond, VA.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22



**8:30AM – 11:30AM**

Presidio A, 3rd Floor

### Individual & Family Taxation

CHAIR: Megan L. Brackney, Kostelanetz & Fink LLP, New York, NY

**8:30am Opening Remarks by the Chair.** 

**8:35am Protecting Taxpayer Privacy in the Age of Computer Access to Court Records (Co-Sponsored by Standards of Tax Practice).**   Court records are more accessible than ever before as more and more courts utilize computer records. Unless an attorney in a family matter successfully requests that the record be sealed, private information, often including tax information, is now readily available to outsiders, including tax information that would not otherwise be public. This panel will consider the dimensions of the problem and what tax lawyers can do to educate family lawyers.

**MODERATOR:** Professor Toni Robinson, Quinnipiac University School of Law, Hamden, CT.

**PANELISTS:** Professor Michael B. Lang, Chapman University School of Law, Orange, CA; David L. Rice, David Lee Rice APLC, Torrance, CA.

**10:05am Cancellation of Debt Income: Understanding the Complex Tax Consequences and Reporting Requirements of Debt Discharge.** This panel will cover everything you need to know about cancellation of indebtedness income issues specific to individuals, including advising individual taxpayers on how to plan transactions to minimize COD Income, as well as foreclosures, bankruptcy, timing issues, debt workouts and much more.

**MODERATOR:** Laura Baek, Taxpayer Advocate Service, Washington, DC.

**PANELISTS:** Shareen Pflanz, Chief Counsel, Income Tax and Accounting, IRS, Washington, DC; Rostyslav Shiller, Attorney-Advisor, Taxpayer Advocate Service, Washington, DC; Kenneth K. Wright, Kenneth K. Wright LLC, Chesterfield, MO.

**8:30AM – 11:30AM**

Bowie C, 2nd Floor

### Investment Management

CHAIR: Joseph A. Riley, Willkie Farr & Gallagher LLP, New York, NY

**8:30am Opening Remarks by the Chair.** 

**8:35am Investment Company Update: Foreign Account Tax Compliance Act of 2009; Securities Cost Basis Regulations.**

**MODERATOR:** Keith Lawson, Investment Company Institute, Washington, DC.

**PANELISTS:** Stephen Larson, Associate Chief Counsel, Financial Institutions & Products, Office of Chief Counsel, IRS, Washington, DC; Deanna Flores, KPMG LLP, San Diego, CA.

**9:35am Trading in Energy Derivatives and Electricity Contracts.**

**MODERATOR:** Andrea S. Kramer, McDermott Will & Emery LLP, Chicago, IL.

**PANELISTS:** Phoebe A. Mix, Special Counsel to the Associate Chief Counsel, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC; William R. Pomierski, McDermott Will & Emery LLP, Chicago, IL.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**10:35am Hedge Funds and Offshore Funds: Cross Border Lending and Workout Activity.** This program will focus on the risk of effectively connected income to foreign investors with respect to lending and workout activity by private investment funds, including private equity, hedge, loan and workout funds in view of recent IRS guidance (IRS Chief Counsel Advice Memorandum No. AM 2009-010, September 22, 2009).

**MODERATOR:** Raj Tanden, Proskauer Rose LLP, Los Angeles, CA.

**PANELISTS:** John Harrell, Senior Counsel, Office of the International Tax Counsel, Department of Treasury, Washington, DC; Stuart E. LeBlang, Akin Gump Strauss Hauer & Feld LLP, New York, NY; David S. Miller, Cadwalader Wickersham & Taft LLP, New York, NY.


### 8:30AM – 11:30AM

Lone Star Ballroom, Salon C, 2nd Floor

#### Partnerships & LLCs

CHAIR: Susan Mello, Prudential Real Estate Investors, Parsippany, NJ

**8:30am Opening Remarks by the Chair.** 

**8:35am Partner/Partnership Wars: Ethical, Professional and Tax Aspects of Inconsistent Reporting Positions Involving Pass-through Entities.**  This panel will discuss ethical, professional and tax issues in advising a partnership on tax return positions and advising partners considering inconsistent reporting positions when conflicts arise between a partner and the partnership (or other partners). Discussion models will include the attempted abandonment of a partnership interest and subsequent allocations after the purported abandonment.

**MODERATOR:** Sheldon Banoff, Katten Muchin Rosenman LLP, Chicago, IL.

**PANELISTS:** Robert Keatinge, Holland & Hart LLP, Denver, CO; Peter Wilson, RSM McGladrey Inc, Chapel Hill, NC.

**9:35am Hot Topics in Partnerships.** This panel will discuss recent developments affecting partnerships including legislation, regulations, administrative guidance and noteworthy cases.

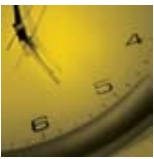
**MODERATOR:** Steven Frost, Chapman & Cutler LLP, Chicago, IL.

**PANELISTS:** R. Brent Clifton, Locke Lord Bissell & Liddell LLP, Dallas, TX; Christopher Kelley, Special Counsel to the Associate Chief Counsel, Passsthroughs & Special Industries, IRS, Washington, DC.

**10:05am Feel the Love: Allocating COD Income Among Partners.** When COD income arises, partners must determine how that income should be allocated. Because the income is not accompanied by cash, and because the partners may be in disparate tax postures, one or more of the partners may want (or not want) to be allocated COD income. This panel will address the factors to be taken into account by the partners in determining how to allocate the COD income.

**MODERATOR:** Richard Lipton, Baker & McKenzie LLP, Chicago, IL.

**PANELISTS:** Bahar Schippel, Snell & Wilmer LLP, Phoenix, AZ; Martin Pollack, Weil Gotshal & Manges LLP, New York, NY.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**10:45am Your Built-in Gain is My Built-in Pain: §704(c) Issues and Insights.** This panel will include an in-depth discussion of the issues and insights of the American Bar Association Section of Taxation comment project in response to the IRS's request for §704(c) comments under Notice 2009-70.

**MODERATOR:** Monte Jackel, PricewaterhouseCoopers LLP, Washington, DC.

**PANELISTS:** Mark Wilensky, Roberts & Holland LLP, New York, NY; Paul Kugler, KPMG LLP, Washington, DC; Audrey Ellis, PricewaterhouseCoopers LLP, Washington, DC.

### 8:30AM – 11:30AM

Travis AB, 3rd Floor

#### Tax Policy & Simplification

CHAIR: Professor Reuven S. Avi-Yonah, University of Michigan Law School, Ann Arbor, MI

**8:30am Opening Remarks by the Chair.** 

**8:35am President Obama's International Tax Proposals from a Broad Policy Perspective.** This panel will discuss the Administration's tax policy proposals against the background of broad policy questions like why we need to tax corporations and whether an ideal corporate tax should be worldwide or territorial in scope.

**MODERATOR:** Professor Reuven Avi-Yonah, University of Michigan Law School, Ann Arbor, MI.

**PANELISTS:** Jeff Trinklein, Gibson Dunn, New York, NY; Professor William Barker, Pennsylvania State University, Dickinson School of Law, Carlisle, PA; Philip West, Steptoe & Johnson LLP, Washington, DC; Eric Solomon, Ernst & Young LLP, Washington, DC.

**10:00am Death (Taxes) be Not Proud: Estate Tax Reform, a National and Comparative Perspective.** This panel will comment on estate tax changes necessitated by the sunset of the 2001 tax legislation, and suggest directions for further reform.

**MODERATOR:** Professor Roberta Mann, University of Oregon School of Law, Eugene, OR.

**PANELISTS:** Professor Lily Batchelder, New York University School of Law, New York, NY; Professor David Cay Johnston, Syracuse University College of Law, Syracuse, NY; Professor Walter Schwidetzky, University of Baltimore School of Law, Baltimore, MD.

### 8:30AM – 10:30AM

Texas Ballroom, Salon E, 4th Floor

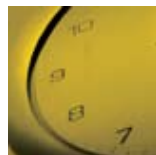
#### US Activities of Foreigners & Tax Treaties

CHAIR: Edward Tanenbaum, Alston & Bird LLP, New York, NY

**8:30am Foreign Inbound Investment in Energy and Infrastructure.** This panel will discuss recently issued notices, announcements, etc. impacting the Foreign Investment and Real Property Tax Act ("FIRPTA") and its application to energy-related and infrastructure projects.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**MODERATOR:** Linda E. Carlisle, White & Case LLP, Washington, DC.

**SPEAKERS:** Robert Cassanos, Fried Frank Harris Shriver & Jacobson LLP, New York, NY; Tony M. Edwards, The National Association of Real Estate Investment Trusts, Washington, DC; David B. Bailey, Senior Technical Reviewer, Office of the Associate Chief Counsel (International), IRS, Washington, DC; Michael H. Plowgian, Attorney-Advisor, Office of the International Tax Counsel, Department of Treasury, Washington, DC.

**9:30am State and Local Tax Aspects of Foreign Inbound Investment in the US.** This panel will provide an excellent overview of the state and local tax aspects of various forms of foreign investment in the US.

**MODERATOR:** Carolyn Joy Lee, Jones Day, New York, NY.

**SPEAKERS:** Cynthia Morgan Ohlenforst, K&L Gates LLP, Dallas, TX; John P. Barrie, Bryan Cave LLP, New York, NY; Joe Huddleston, Multistate Tax Commission, Washington, DC.

**8:45AM – 4:30PM**

**Texas Ballroom, Salon A, 4th Floor**

### Exempt Organizations

CHAIR: Frederick J. Gerhart, Dechert LLP, Philadelphia, PA

**8:45am News from the IRS and Department of Treasury.** Representatives from the IRS and from the Department of Treasury will speak on recent developments and pending guidance.

**MODERATOR:** Jim Hasson, Sutherland Asbill & Brennan LLP, Atlanta, GA.

**PANELISTS:** Philip T. Hackney, Senior Technical Reviewer, Exempt Organizations Branch 2, Office of Chief Counsel, IRS, Washington, DC; Emily M. Lam, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Judith Kindell, Senior Technical Advisor to the Director, Exempt Organizations, IRS, Washington, DC.

**9:45am Foreign Activities and Withholding – When and How an Exempt Organization Should Withhold US Tax on Payments to Foreign Entities.** Panelists will outline the legal framework for withholding, review the available withholding exceptions and how to use them and discuss current issues applicable to targeted grants.

**MODERATOR:** Rosemary E. Fei, Adler & Colvin, San Francisco, CA.

**PANELISTS:** Lisa L. Johnsen, Deputy General Counsel, Bill & Melinda Gates Foundation, Seattle, WA; Lucy S. Lee, Caplin & Drysdale Chartered, Washington, DC; Maria DeJoie Murphy, PricewaterhouseCoopers LLP, Washington, DC.

**11:00am Accounting Developments Affecting Charities and 990 Reporting.** This panel will explore current accounting issues affecting charities, including conflicts between FAS 117-1 and UPMIFA endowment fund rules for financial reporting and Form 990 disclosure purposes, the effects of reclassifying endowment funds, enhanced compliance and valuation issues for alternative investments, impact of 5-year accrual-based public support test and enhanced compensation reporting.

**MODERATOR:** Morey Ward, Ropes & Gray LLP, Washington, DC.

**PANELISTS:** Jody Blazek, Blazek & Vetterling LLP, Houston, TX; Terence R. Frederick, Blazek & Vetterling LLP, Houston, TX.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

### 12:15pm Exempt Organizations Committee Luncheon (Ticketed Event)

**INTRODUCTION:** Joseph E. Lundy, Lundy & Flynn LLP, Bala Cynwyd, PA  
**SPEAKER:** William J. Wilkins, Chief Counsel, Office of Chief Counsel, IRS, Washington, DC

### 1:30pm Proposed Regulations on Supporting Organizations. Panelists will explore the proposed regulations that implement changes made to section 509(a)(3) by the Pension Protection Act of 2006, including annual distribution requirements, new rules for charitable trusts, standards for functionally integrated Type III supporting organizations, transition rules and more.

**MODERATOR:** LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA.

**PANELISTS:** Richard S. Gallagher, Foley & Lardner LLP, Milwaukee, WI; Philip T. Hackney, Senior Technical Reviewer, Exempt Organizations Branch 2, Office of Chief Counsel, IRS, Washington, DC; Emily M. Lam, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; David A. Shevlin, Simpson Thacher & Bartlett LLP, New York, NY.

### 3:00pm Update on Social Clubs and Section 501(c)(7). Panelists will review recent developments under section 501(c)(7), including recent IRS audit activity, comparison to taxable social clubs, UBIT treatment (including nonmember loss deductions), the treatment of guests under the 15% and 35% qualification tests, use of charitable contributions and more.

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

**PANELISTS:** Kevin F. Reilly, Witt Mares PLC, Fairfax, VA; Elaine Waterhouse Wilson, Quarles & Brady LLP, Chicago, IL.

### 4:00pm Cash Bar.

## 9:00AM – 10:00AM

Bonham E, 3rd Floor

### Employee Benefits Legislative Update

Presented by the Subcommittee on Employee Benefits Legislation

**CHAIR/VICE-CHAIR:** Keith Mong, Buchanan Ingersoll & Rooney PC, Washington, DC; David N. Levine, Groom Law Group Chartered, Washington, DC; Gary J. Chase, Towers Watson, New York, NY (*Young Lawyer Liaison*)

This meeting will focus on recent legislative developments affecting benefit plans, including an update on the status of health care reform and additional pension funding relief.

**PANELISTS:** Keith Mong, Buchanan Ingersoll & Rooney PC, Washington, DC; David N. Levine, Groom Law Group Chartered, Washington, DC.

## 9:00AM – 12:00PM

Crockett ABC, 4th Floor

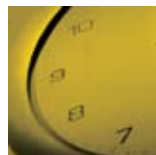
### Young Lawyers Forum – 2009 Law Student Tax Challenge ★

#### Semi-Final Rounds (*Open to the Public*)

Six teams of JD semi-finalists, selected for their written submissions, will compete before a panel of judges who will role-play as a “client” and then as a “senior partner” in the firm. The two-member teams present their solutions to the tax planning problem and, based on their oral presentations, will be selected to compete in the afternoon final rounds.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**9:30AM – 2:00PM**

**The Lodge Restaurant**

**Companions' Activity: A Day at The Lodge: Cooking Demonstration with Award-Winning Chef and Luncheon**  (Ticketed Event)

See p. 77 for a full description. Buses will depart promptly at 9:30am from the Grand Hyatt.

**9:30AM – 11:00AM**

**Bonham D, 3rd Floor**

### **Employee Benefits Administrative Practices Update**

Presented by the Subcommittee on Self Correction, Determination Letters and Other Administrative Practices and the Task Force on Electronic Plan Administration/ Vendor Management

CHAIRS/VICE-CHAIR: Joy M. Mercer, Joy M. Mercer PC, Florham Park, NJ; Danny Martin, Shell Oil Company, Houston, TX; Lisa Tavares, Venable LLP, Washington, DC; Stefan P. Smith, Locke Lord Bissell & Liddell LLP, Dallas, TX (*Young Lawyer Liaison*); Nicholas C. Tomlinson, Baker Donelson Bearman Caldwell & Berkowitz PC, Atlanta, GA (*Young Lawyer Liaison*)

The subcommittee will be discussing (1) with IRS representatives frequent issues practitioners have with the interim amendment and submission programs, Revenue Procedure 2008-50 on the correction program and audit programs, (2) developing "best practices" language for vendor agreements in order to assure proper maintenance of plan records and (3) the reasonable cause and appeals process at the Department of Labor on late filings of Forms 5500 and audit reports.

**PANELISTS:** William Evans, Attorney-Advisor, Office of the Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Joy M. Mercer, Joy M. Mercer PC, Florham Park, NJ; Danny Martin, Shell Oil Company, Houston, TX; Jonathan P. Matzkin, Senior Technical Advisor, Office of the Chief Accountant, Employee Benefits Security Administration, Department of Labor, Washington, DC; Lisa Tavares, Venable LLP, Washington, DC; Andrew Zuckerman, Director, EP Rulings and Agreements, (TE/GE), IRS, Washington, DC.

**9:30AM – 11:00AM**

**Bowie B, 2nd Floor**

### **Employee Benefits Welfare Benefits Design, Funding and Regulation Update**

Presented by the Subcommittees on Welfare Plan Design and Funding, Cafeteria Plans and Reimbursement Accounts and HIPAA, COBRA & State Insurance Regulation of Welfare Plans

CHAIRS/VICE-CHAIR: Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky & Popeo PC, Boston, MA; Julie Burbank, Trucker Huss, San Francisco, CA; Nancy K. Campbell, Snell & Wilmer LLP, Phoenix, AZ; Mark L. Stember, Kilpatrick Stockton LLP, Washington, DC; George L. Whitfield, Warner Norcross & Judd LLP, Grand Rapids, MI (Emeritus); Andy R. Anderson, Morgan Lewis, Chicago, IL; Chad R. DeGroot, Bryan Cave LLP, St. Louis, MO (*Young Lawyer Liaison*); Jeremy M. Pelphrey, Brucker Morra, Los Angeles, CA (*Young Lawyer Liaison*); Elizabeth Schultz, Sidley Austin LLP, Chicago, IL (*Young Lawyer Liaison*)

The meeting will discuss compliance issues for 2010, including HIPAA HITECH, mental health parity, GINA, Michelle's Law, final cafeteria plan regulations (if issued) and Federal health care reform (if enacted). We will also address developments in Massachusetts and San Francisco health laws, as time permits.

**PANELISTS:** Andy R. Anderson, Morgan Lewis, Chicago, IL; Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky & Popeo PC, Boston, MA; Julie Burbank, Trucker Huss, San Francisco, CA; Nancy K. Campbell, Snell & Wilmer LLP, Phoenix, AZ; Mark L. Stember, Kilpatrick Stockton LLP, Washington, DC; Russell E. Weinheimer, Senior Counsel, Health and Welfare Branch, Office of Division Counsel/Associate Chief Counsel, (TE/GE), IRS, Washington, DC.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**9:45AM – 11:00AM**

**Bowie A, 2nd Floor**

### **Employee Benefits International Update**

Presented by the Subcommittee on Foreign and International Issues

CHAIRS/VICE-CHAIR: Russell E. Hall, Towers Watson, Valhalla, NY (Emeritus); Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA; Sandra Cohen, Osler Hoskin & Harcourt LLP, New York, NY; Mark C. Jones, Pillsbury Winthrop Shaw Pittman LLP, New York, NY (*Young Lawyer Liaison*)

This meeting will focus on (i) use of totalization agreements to coordinate social security contributions for expatriates, (ii) recent developments under 457A, (iii) tax rule changes to equity compensation granted in China and its impact on US multinational companies and (iv) IRS guidance affecting executive compensation paid to expatriates covered by the HEART Act (Notice 2009-85) and withholding rules applicable to compensation paid to nonresident aliens (Notice 2009-91).

**PANELISTS:** Sandra Cohen, Osler Hoskin & Harcourt LLP, New York, NY; Mark C. Jones, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA; Richard Loebl, Seyfarth Shaw, New York, NY; Helen Morrison, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC.

**10:30AM – 12:30PM**

**Texas Ballroom, Salon E, 4th Floor**

### **Joint Session of FAUST, FLF, Transfer Pricing and USAFTT: Current Developments ★**

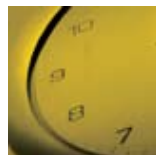
**10:30am Joint International Developments Panel. ★** This panel will review and analyze the most important developments in the international area during the past months.

**MODERATOR:** Lowell Yoder, McDermott Will & Emery LLP, Chicago, IL.

**PANELISTS:** Michael J.A. Karlin, Karlin & Peebles LLP, Los Angeles, CA; Lodewijk Berger, Loyesn & Loeff, New York, NY; E. Mark E. Baldwin, Macfarlanes LLP, London, UK; Mark K. Martin, Gardere Wynne Sewell LLP, Houston, TX; Manal Corwin, International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Steven A. Musher, Associate Chief Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC; Michael DiFronzo, Deputy Associate Chief Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC; John Karasek, Ernst & Young LLP, Washington, DC.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**11:00AM – 12:15PM**

Bonham E, 3rd Floor

### **Employee Benefits Distributions Update**

Presented by the Subcommittee on Distributions

CHAIRS/VICE-CHAIR: Linda Griffey, O'Melveny & Meyer LLP, Los Angeles, CA (Emeritus); Kathryn J. Kennedy, John Marshall Law School, Chicago, IL; Jose Juan Valcarce, Shell Oil Company, Houston, TX; Anne M. Meyer, Snell & Wilmer LLP, Phoenix, AZ  
*(Young Lawyer Liaison)*

This meeting will discuss practical and legal issues involved with self-directed IRAs. The 2006 tax legislation afforded new distribution options for plan participants and beneficiaries of qualified retirement plans making it desirable to do a rollover to an IRA. There continues to be interest in self-directed IRAs (that is, an IRA owner choosing his/her investment options, beyond that of the IRA trustee's or custodian's investment options). However, there are practical and legal issues that the IRA owner must be aware of before making self-directed investment decisions.

**PANELISTS:** Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; William Evans, Attorney-Advisor, Office of Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Richard Matta, Groom Law Group Chartered, Washington, DC.

**11:00AM – 12:00PM**

Republic A, 4th Floor

### **Employee Benefits ESOP Update**

Presented by the Subcommittee on ESOPs

CHAIRS/VICE-CHAIR: Gregory K. Brown, Katten Muchin Rosenman LLP, Chicago, IL (Emeritus); W. Waldan Lloyd, Callister Nebeker & McCullough, Salt Lake City, UT; Erin Turley, Morgan Lewis & Bockius LLP, Dallas, TX; Douglas W. Dahl II, Lathrope & Gage LLP, Kansas City, MO  
*(Young Lawyer Liaison)*

This session will cover recent regulatory, case law and legislative developments.

**PANELISTS:** William Bortz, Associate Benefits Tax Counsel, Office of the Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; W. Waldan Lloyd, Callister Nebeker & McCullough, Salt Lake City, UT; Erin Turley, Morgan Lewis & Bockius LLP, Dallas, TX.

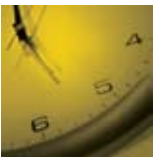
**11:00AM – 12:15PM**

Bonham C, 3rd Floor

### **Employee Benefits Government and Tax Exempt Plans Update**

Presented by the Subcommittee on Exempt Organization and Governmental Plans

CHAIRS/VICE-CHAIR: Robert L. Abramowitz, Morgan Lewis, Philadelphia, PA; Michael A. Laing, Taft Stettinius & Hollister LLP, Cincinnati, OH; Amy A. Null, Wilmer Cutler Pickering Hale & Dorr LLP, Boston, MA (Emeritus); David W. Powell, Groom Law Group Chartered, Washington, DC; Christina Crockett, Hunton & Williams LLP, McLean, VA  
*(Young Lawyer Liaison)*



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

The meeting will discuss (1) the IRS 403(b) prototype program, (2) Form 5500 transition guidance, (3) the Department of Labor's views on the TSA safe harbor and fiduciary duties, (4) the intersection of 457(f) and 409A and (5) recent and anticipated Department of Labor and IRS guidance.

**PANELISTS:** Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; Mary Gorman, Associate Division Counsel, Office of Division Counsel (SB/SE), IRS, Washington, DC; Michael Laing, Taft Stettinius & Hollister LLP, Cincinnati, OH; David W. Powell, Groom Law Group Chartered, Washington, DC; Cheryl E. Press, Senior Attorney, Qualified Plans Branch 2, Office of Division Counsel/Associate Chief Counsel (TE/GE), IRS, Washington DC; Stephen B. Tackney, Senior Counsel, Employee Benefits Division, Executive Compensation Branch, Office of Chief Counsel, IRS, Washington, DC.

**11:00AM – 12:15PM**

**Bowie B, 2nd Floor**

### **Employee Benefits M&A Update**

Presented by the Subcommittee on Mergers and Acquisitions

**CHAIRS/VICE-CHAIR:** Christine L. Richardson, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA (Emeritus); Susan A. Wetzel, Haynes & Boone LLP, Dallas, TX; Jeffrey Lieberman, Clifford Chance, New York, NY; Kevin Burch, Holme Roberts & Owen LLP, Denver, CO (*Young Lawyer Liaison*); Jennifer M. Wolff, Weil Gotshal & Manges LLP, New York, NY (*Young Lawyer Liaison*)

The meeting will focus on key issues in transactions that benefits lawyers need to know from a corporate and restructuring lawyer's perspective. In addition, the subcommittee will review recent case law relating to benefits issues in mergers and acquisitions, including a comparison of the recently issued decision in *Young v. Verizon Communications, Inc.* and *Cross v. Bragg*. The subcommittee will discuss recent trends in benefit provisions in purchase agreements.

**PANELISTS:** Jeffrey Lieberman, Clifford Chance, New York, NY; Susan A. Wetzel, Haynes & Boone LLP, Dallas, TX.

**11:00AM – 1:00PM**

**Seguin AB, 4th Floor**

### **Tax Shelters**

**CHAIR:** Cary D. Pugh, Skadden Arps Slate Meagher & Flom, Washington, DC

**11:30AM – 12:30PM**

**Bonham A, 3rd Floor**

### **Appointments to the Tax Court** (*Executive Session*)

**CHAIR:** Elizabeth A. Copeland, Oppenheimer Blend Harrison & Tate Inc, San Antonio, TX

**12:00PM – 1:00PM**

**Bowie A, 2nd Floor**

### **Membership & Marketing**

**CHAIR:** Rudolph R. Ramelli, Jones Walker LLP, New Orleans, LA

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



### COMMITTEE LUNCHEONS

**12:00PM – 1:30PM**

Texas Ballroom, Salon F, 4th Floor

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

**12:15PM – 1:30PM**

Texas Ballroom, Salon A, 4th Floor

**Exempt Organizations** 🍷 (Ticketed Event)

INTRODUCTION: Joseph E. Lundy, Lundy & Flynn LLP, Bala Cynwyd, PA

SPEAKER: William J. Wilkins, Chief Counsel, Office of Chief Counsel, IRS, Washington, DC

**12:30PM – 1:30PM**

Lone Star Ballroom, Salon B, 2nd Floor

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

SPEAKER: Karen Hawkins, Director, Office of Professional Responsibility, IRS, Washington, DC

*Sponsored by:* Hochman Salkin Rettig Toscher & Perez PC

**12:30PM – 1:30PM**

Lone Star Ballroom, Salon D, 2nd Floor

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

TOPIC: The Perfect Storm: Financial and Tax Regulatory Reform and the Effect on Convergence in the Financial Services Sector

SPEAKERS: Dr. Andrew Lyon, PricewaterhouseCoopers LLP, Washington, DC; Melissa Mueller, Staff Director, Select Revenue Measures Subcommittee, Committee on Ways and Means, US House of Representatives, Washington, DC; Brian Smith, Latham & Watkins LLP, Washington, DC.

**12:30PM – 1:30PM**

Travis CD, 3rd Floor

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

*Sponsored by:* Kostelanetz & Fink LLP

**12:30PM – 1:30PM**

Republic B, 4th Floor

**Estate & Gift Taxes and Fiduciary Income Tax** 🍷 (Ticketed Event)

**12:30PM – 1:30PM**

Texas Ballroom, Salon E, 4th Floor

**FAUST, FLF, Transfer Pricing and USAFTT** 🍷 (Ticketed Event)

SPEAKERS: Manal Corwin, International Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Steven A. Musher, Associate Chief Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC; Michael DiFronzo, Deputy Associate Chief Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC.

**12:30PM – 1:30PM**

Lone Star Ballroom, Salon C, 2nd Floor

**Partnerships & LLCs and Real Estate** 🍷 (Ticketed Event)

SPEAKER: Joshua D. Odintz, Acting Tax Legislative Counsel, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC

**12:30PM – 1:00PM**

Travis AB, 3rd Floor

**State & Local Taxes** 🍷 (Ticketed Event)



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**12:15PM – 1:45PM**

Lone Star Ballroom, Salon F, 2nd Floor

### **Employee Benefits Defined Benefit Plans Update**

Presented by the Subcommittee on Defined Benefit Plans

CHAIRS/VICE-CHAIR: Harold J. Ashner, Keightley & Ashner LLP, Washington, DC; Stuart A. Sirkin, Ernst & Young LLP Tax Services, Washington, DC; Seth H. Tievsky, Seth H. Tievsky PLLC, Washington, DC (Emeritus); Serena Simons, The Segal Company, Washington, DC; Sarah E. Fry, Morgan Lewis & Bockius LLP, Dallas, TX (*Young Lawyer Liaison*)

The meeting will address the final regulations on funding and benefit restrictions, as well as any other government regulations affecting defined benefit plans that are issued by the time the meeting takes place. We will also discuss any recent PBGC regulatory, enforcement and other developments. We anticipate, as usual, having the participation of government officials.

**PANELISTS:** Harold J. Ashner, Keightley & Ashner LLP, Washington, DC; William Bortz, Associate Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; Andrea Wong, Pension Benefit Guaranty Corporation, Washington, DC; Serena Simons, The Segal Company, Washington, DC; Stuart A. Sirkin, Ernst & Young LLP Tax Services, Washington, DC.

**12:15PM – 1:45PM**

Bonham E, 3rd Floor

### **Employee Benefits Fiduciary Responsibility and Litigation Update**

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

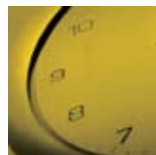
CHAIRS/VICE-CHAIRS: Gregory K. Brown, Katten Muchin Rosenman LLP, Chicago, IL (Emeritus); Susan Katz Hoffman, Littler Mendelson PC, Philadelphia, PA; W. Waldan Lloyd, Callister Nebeker & McCullough, Salt Lake City, UT; Andrew L. Oringer, Ropes & Gray LLP, New York, NY; Robert F. Pizzo, Rochester, NY (Emeritus); Erin M. Sweeney, Dickstein Shapiro LLP, Washington, DC; Erin Turley, Morgan Lewis & Bockius LLP, Dallas, TX; Douglas W. Dahl II, Lathrop & Gage LLP, Kansas City, MO (*Young Lawyer Liaison*); Benjamin J. Evans, Greenebaum Doll & McDonald PLLC, Louisville, KY (*Young Lawyer Liaison*); Michael P. Kreps, Groom Law Group Chartered, Washington, DC (*Young Lawyer Liaison*)

The program will explore a wide range of current judicial, administrative and legislative developments, including: substantial continuing activity in the US Supreme Court and the lower courts; proposed legislation relating to investment advice and other developments; recent Department of Labor advisory opinions; issues relating to the "FBAR" form and an update on various administrative initiatives.

**PANELISTS:** Gregory K. Brown, Katten Muchin Rosenman LLP, Chicago, IL; Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; Susan Katz Hoffman, Littler Mendelson PC, Philadelphia, PA; W. Waldan Lloyd, Callister Nebeker & McCullough, Salt Lake City, UT; Andrew L. Oringer, Ropes & Gray LLP, New York, NY; Erin M. Sweeney, Dickstein Shapiro LLP, Washington, DC.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**1:00PM – 2:00PM**

Goliad, 2nd Floor

### **Distinguished Service Award** 🗣️ (Executive Session)

CHAIR: Susan Serota, Pillsbury Winthrop Shaw Pittman LLP, New York, NY

**1:00PM – 1:45PM**

Presidio A, 3rd Floor

### **Employee Benefits Controlled Groups and Employee Status Update**

Presented by the Subcommittee on Controlled Groups, Affiliated Service Group and Employee Status

CHAIRS: Peter J. Hunt, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; Norman J. Misher, Roberts & Holland LLP, New York, NY (Emeritus); Daniel L. Morgan, Dickstein Shapiro LLP, Washington, DC; Sarah Touzalin, Groom Law Group Chartered, Washington, DC (*Young Lawyer Liaison*)

This session will review recent court decisions and regulatory developments regarding worker classification, controlled group determinations and employee benefits for contingent workers.

**PANELISTS:** Peter J. Hunt, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; Daniel L. Morgan, Dickstein Shapiro LLP, Washington, DC.

**1:00PM – 1:30PM**

Travis AB, 3rd Floor

### **State & Local Taxes: Entertainment Publications Decision Holds Texas Comptroller's Policy Documents Exceeded Rulemaking Authority**

*Combs v. Entertainment Publications, Inc.*, a Texas Court of Appeals case holds that a series of Texas Comptroller letter rulings purporting to deny the benefits of a sales tax exemption for school groups were void as “rules” that had not been duly promulgated under the formal requirements of the Texas Administrative Procedures Act. This decision has a number of implications for taxpayers, including paving the way for challenging Comptroller policy statements in district court without having to pay the tax under protest before filing suit.

**MODERATOR:** Michael W. McLoughlin, Morrison & Foerster LLP, New York, NY.

**SPEAKER:** Kirk Lyda, Jones Day LLP, Dallas, TX.

**1:30PM – 2:30PM**

Texas Ballroom, Salon B, 4th Floor

### **Court Procedure & Practice Roundtable** 🗣️

CHAIR: Christopher S. Rizek, Caplin & Drysdale Chartered, Washington, DC

**1:30pm Stipulations in the Tax Court.** The stipulation process is the bedrock of Tax Court practice. This session will explore the “nuts and bolts” of the stipulation process; what can be included in a stipulation and what cannot; how the stipulation impacts the proceedings that follow the filing of a stipulation and drafting tricks and traps. The session will also dissect the language commonly used in the preamble.

**MODERATOR:** Charles M. Ruchelman, Caplin & Drysdale Chartered, Washington, DC.

**PANELISTS:** The Honorable Robert A. Wherry, Jr., Judge, US Tax Court, Washington, DC; Michael W. Bitner, Associate Area Counsel, Office of Chief Counsel, IRS, St. Louis, MO; Mark D. Allison, Dewey & LeBoeuf, New York, NY.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**1:30PM – 4:30PM**

Republic A, 4th Floor

### Employment Taxes

CHAIR: Edward J. Leyden, Hollrah Leyden LLC, Washington, DC

**1:30pm Federal Update.** An overview of developments affecting employment taxation from the Department of Treasury, the IRS, and practitioners. Particular emphasis will be placed on the unfolding refund suit litigation across the country on the issue of how medical institutions should have characterized medical residents for employment tax purposes.

**MODERATOR:** William Weissman, Littler Mendelson, Walnut Creek, CA.

**PANELISTS:** Janine Cook, Branch Chief (Employment Tax 1), Office of Division Counsel/Associate Chief Counsel (TEGE), IRS, Washington, DC; Thomas H. Meyerer, Ernst & Young LLP, Washington, DC.

**2:30pm Contribution Among Responsible Persons Under Section 6672(d) – Unresolved Issues.** When more than one person is responsible for the Trust Fund Recovery Penalty, section 6672(d) creates a right of contribution. But Congress left several unresolved issues when the Code was amended. Who should be liable for contribution? How should the contributions be apportioned by the court? Three experienced practitioners will discuss and debate these and related issues.

**MODERATOR:** Edward J. Leyden, Hollrah Leyden LLC, Washington, DC.

**PANELISTS:** Larry A. Campagna, Chamberlain Hrdlicka White Williams & Martin, Houston, TX; Larry Jones, Townsend & Jones LLP, Dallas, TX; Bill Roberts, The Roberts Law Firm, Dallas, TX.

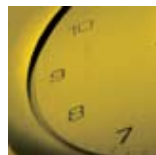
**3:15pm Current Best Practices for Conducting and Defending an Employment Tax Examination.** With the great deal of attention justifiably being directed to the IRS' upcoming National Research Program, it is also important to remember that "regular" examinations, carrying the potential for substantial proposed adjustments, remain a vital enforcement tool of the tax agency. This panel, which is the second half of a discussion that will take place earlier in the day at the meeting of the Administrative Practices Committee, will discuss some of the developments they have recently seen from their own day-to-day activities, either as practitioners or as counsel for the government.

**MODERATOR:** Chaya Kundra, Kundra & Associates PC, Rockville, MD.

**PANELISTS:** Ira Mirksky, McDermott Will & Emery LLP, Washington, DC; Anthony Arcidiacono, Ernst & Young LLP, Metro Park, NJ; Daniel Boeskin, PricewaterhouseCoopers LLP, Washington, DC; Mary Corrigan Gorman, Assistant Division Counsel—Prefiling, Office of Chief Counsel/Small Business, IRS, Washington, DC.

# PROGRAM SCHEDULE

## FRIDAY, JANUARY 22



**1:30PM – 2:30PM**

Independence, 3rd Floor

### Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee ★

**1:30pm Subcommittee Discussion.** ★ Subcommittee discussion of estate planning techniques, including Grantor Retained Annuity Trusts and Qualified Personal Residence Trusts.

**SPEAKERS:** Eileen Day, Leonard Street & Deinard, Minneapolis, MN; Marya Robben, Lindquist & Vennum PLLP, Minneapolis, MN.

**1:30PM – 3:30PM**

Texas Ballroom, Salon E, 4th Floor

### Foreign Lawyers Forum

CHAIR: Chris Warner, NautaDutilh, Amsterdam, NL

**1:30pm Opening Remarks by the Chair.** 

**1:35pm Exchange of Information: New Developments in What Governments are Telling Each Other About Your Clients.** This panel will cover developments in information exchange regarding both corporate and individual taxpayers. Topics addressed may include recent US tax legislation affecting secret bank accounts, recent coordinated efforts to share information regarding structured transactions, far-reaching legislation in other jurisdictions that could be a model for further expansion of the US rules and how information exchange has been affected by recent developments with Switzerland.

**MODERATOR:** Robert H. Dilworth, McDermott Will & Emery LLP, Washington, DC.

**PANELISTS:** Rosemarie Portner, PricewaterhouseCoopers AG, Düsseldorf, Germany; Thierry Boitelle, Altenburger, Geneva, Switzerland; Douglas Giblen, Office of Associate Chief Counsel (International), IRS, Washington, DC.

**2:35pm Corporate Migrations: From the US and Between Foreign Jurisdictions.** What are the current trends regarding corporate migrations? How are they done? What are the limitations? Why are they accelerating or decelerating both outbound from the US and from one non-US jurisdiction to another? What jurisdictions are most affected? How is proposed US tax legislation driving these developments? And what will be the costs and benefits when the dust settles?

**MODERATOR:** Carl Dubert, PricewaterhouseCoopers AG, Washington, DC.



**PANELISTS:** Mark Baldwin, Macfarlanes LLP, London, UK; Mark O'Sullivan, Matheson Ormsby Prentice, Palo Alto, CA.

**1:30PM – 4:00PM**

Lone Star Ballroom, Salon A, 2nd Floor

### Standards of Tax Practice ★

CHAIR: Scott D. Michel, Caplin & Drysdale Chartered, Washington, DC

**1:30pm Legal Ethics: The Government Perspective.**   The panel of government experts from the Office of Professional Responsibility and the IRS will discuss recent developments relevant to the ethical decisions of practitioners. Such developments include actions taken by the Office of Professional Responsibility, matters pertaining to the legal ethics of practice before the IRS under the legal rules of Circular 230, the application of preparer penalties, any potential or proposed regulations and related matters.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**PANELISTS:** Karen L. Hawkins, Director, Office of Professional Responsibility, IRS, Washington, DC; Deborah A. Butler, Associate Chief Counsel (Penalties and Administration), IRS, Washington, DC; Richard Goldstein, Special Counsel to Associate Chief Counsel (Penalties and Administration), IRS, Washington, DC.

**2:15pm Emerging Ethical Issues in Whistleblower Claims.** 🕒 The Director of the IRS Whistleblower Office will discuss recurring ethical issues presented in cases involving claims for rewards under the whistleblower program. These ethical issues are appearing with greater frequency as claims before the Office have increased.

**PANELISTS:** Scott D. Michel, Caplin & Drysdale Chartered, Washington, DC; Steve Whitlock, Director, Whistleblower Office, IRS, Washington, DC.

**2:35pm Help! Legal Ethics Problems Mid-Trial.** 🕒 The panel will discuss situations where substantive ethical issues under the American Bar Association Model Rules of Professional Conduct and similar legal codes arise in the middle of a civil or criminal tax trial, including i) concerns over the integrity of documents, ii) potential perjury from witnesses and iii) surprising conflicts of interest and related matters. What do experienced trial practitioners do when these ethical issues arise in the middle of trial?

**MODERATOR:** Paula M. Junghans, Zuckerman Spaeder, Washington, DC.

**PANELISTS:** Gerald Goldstein, Goldstein Goldstein & Hillel, San Antonio, TX; Michael McCrum, Thompson & Knight LLP, San Antonio, TX; Charles J. Muller, Strasburger & Price, San Antonio, TX.

**3:20pm Young Lawyers Panel: Representing Practitioners in Ethics and Disciplinary Actions.** 🕒 ★ The panel, aimed in part at younger lawyers, will discuss tactical and substantive issues that arise in representing practitioners before the IRS Office of Professional Responsibility. Such cases involve potential violations of the ethical rules governing practice before the IRS under Circular 230 and arise in connection with related disciplinary matters.

**MODERATOR:** Matthew C. Hicks, Caplin & Drysdale Chartered, Washington, DC.

**PANELISTS:** Karen L. Hawkins, Director, Office of Professional Responsibility, IRS, Washington, DC; Ellen Marcus, Zuckerman Spaeder, Washington, DC.

**1:30PM – 3:00PM**

**Lone Star Ballroom, Salon E, 2nd Floor**

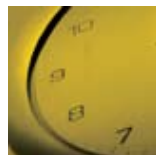
### **Teaching Taxation** 📖

**CHAIR:** Professor Tracy Kaye, Seton Hall Law School, Newark, NJ

**1:30pm Taxes and Injuries: The Intersection of Tax Policy and Tort Policy.** This panel will discuss a number of tax policy issues relating to the receipt and payment of tort damages and the compensation of tort plaintiffs' lawyers. It will consider the appropriate tax treatment of compensatory damages received by plaintiffs, of punitive damages paid by defendants, and of structured settlements and structured attorney fee arrangements. The panel is particularly timely as President Obama has proposed making all punitive damages non-deductible, and the IRS recently issued an important private letter ruling that appeared to sanction the use of "structures" in a number of nonconventional contexts.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**MODERATOR:** Professor Danshera Cords, Capital University Law School, Columbus, OH.

**PANELISTS:** Professor Joseph M. Dodge, Stearns Weaver Miller Weissler Alhadeff & Sitterson Professor of Law, Florida State University College of Law, Tallahassee, FL; Professor Brant J. Hellwig, University of South Carolina School of Law, Columbia, SC; Professor Gregg D. Polsky, Sheila M. McDevitt Professor, Florida State University College of Law, Tallahassee, FL.

**2:00PM – 5:30PM**

**Bonham B, 3rd Floor**

### **Closely Held Businesses and Bankruptcy & Workouts**

**CLOSELY HELD BUSINESSES CHAIR:** Gregory R. Wilson, Attorney-at-Law, San Francisco, CA

**BANKRUPTCY & WORKOUTS CHAIR:** George R. Nelson, George R. Nelson PC, Houston, TX

**2:00pm Introduction by Committee Chairs/Opening Remarks.** 

**2:05pm Current Developments in Bankruptcy and Workouts Taxation.**

**SPEAKER:** Kenneth C. Weil, Law Office of Kenneth C. Weil, Seattle, WA.

**3:00pm Tax and Bankruptcy Considerations When Representing Financially Distressed Entities and Their Owners.**

A panel discussion of hypothetical problems faced by practitioners representing financially challenged owners and individuals. The problems will address the conflicts in representing entities where some members prefer current COD, some deferred COD and some 1001 gains in a workout scenario. The panel will address tax rules impacting individuals who file bankruptcy, risks of abandonment by a trustee, dischargeability of taxes and the impact of the IRS or creditors filing liens.

**PANELISTS:** George R. Nelson, George R. Nelson PC, Houston, TX; Mark S. Wallace, Stutman Treister & Glatt PC, Los Angeles, CA; Frances D. Sheehy, Law Offices of Frances D. Sheehy, Coconut Creek, FL; William Robert Pope, Jr., White & Reasor PLC, Nashville, TN.

**5:00pm Closely Held Businesses Committee Planning Meeting.** 

**2:00PM – 6:30PM**

**Texas Ballroom, Salon D, 4th Floor**

### **Employee Benefits**

**CHAIR:** Eleanor Banister, King & Spalding LLP, Atlanta, GA

**2:00pm Opening Remarks by the Chair.** 

**2:05pm Conversation with Employee Benefits Security Administration.** This panel will address current EBSA regulatory activities including rules regarding investment advice, plan fee and expense disclosures, target date fund issues, the Genetic Information Nondiscrimination Act (GINA) and mental health outreach and EBSA enforcement initiatives, such as delinquent participant contributions, fees of pension consultants and service providers, employee stock ownership plans (ESOPs), bankrupt and financially distressed plan sponsors, multiple employer welfare arrangements (MEWAs) and criminal violations of ERISA.

**MODERATOR:** Martha L. Hutzelman, Kruchko & Fries, McLean, VA.

**PANELIST:** Phyllis C. Borzi, Assistant Secretary of Labor, Employee Benefits Security Administration, Department of Labor, Washington, DC.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**3:05pm New Developments in Accounting for Employee Benefit Plans: Valuing Alternative Assets after *Madoff*.** Employee benefit plan assets and liabilities can have very significant impacts on companies' balance sheets. This panel will review the accounting rules regarding the valuation of alternative assets in light of the issues raised by the *Madoff* case and the responsibilities of plan fiduciaries with respect to such assets. The panel will also discuss other developments in accounting relating to employee benefit plans.

**MODERATOR:** Joni L. Andrioff, Deloitte Tax LLP, Chicago, IL.

**PANELISTS:** Nell Hennessy, Fiduciary Counselors Inc, Washington, DC; Linda Henry, Deloitte, Austin, TS; Alan S. Miller, Jones Day, Dallas, TX.

**4:05pm Hot Employee Benefits Topics.** A discussion of late breaking tax and ERISA developments, including completed guidance from the 2008-2009 and 2009-2010 Treasury-IRS Priority Guidance Plans as well as unscheduled guidance from the Department of Treasury and IRS and guidance from other agencies, and legislative developments not covered elsewhere.

*Note: if significant health reform legislation is enacted by the time of the meeting, this panel will spend all or most of its time discussing the legislation. In that case, the panelists who will discuss the legislation will be Andy R. Anderson, Morgan Lewis, Chicago, IL; Julie H. Burbank, Trucker Huss, San Francisco, CA and Priscilla E. Ryan, Sidley Austin Brown & Wood LLP, Chicago, IL.*

**MODERATOR:** Kurt L.P. Lawson, Hogan & Hartson LLP, Washington, DC.

**PANELISTS:** George H. Bostick, Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Thomas D. Scholz, Assistant Branch Chief, Executive Compensation Branch, Office of Division Counsel/Associate Chief Counsel (TE/GE), IRS, Washington, DC; Stephen B. Tackney, Senior Counsel, Employee Benefits Division, Executive Compensation Branch, Office of Chief Counsel, IRS, Washington, DC; Alan N. Tawshunsky, Deputy Division Counsel/Deputy Associate Chief Counsel (Employee Benefits), Office of Division Counsel/Associate Chief Counsel (TE/GE), IRS, Washington, DC; Andrew E. Zuckerman, Director, Employee Plans Rulings & Agreements (TE/GE), IRS, Washington, DC.

**5:05pm Fireside Chat.** ☎ Informal discussion with governmental officials.

**6:00pm Government Guest Reception and Cash Bar.** ☎

Texas Ballroom  
Foyer, 4th Floor

**2:00PM – 5:00PM**

Bowie B, 2nd Floor

**Nominating** ☎ (Executive Session)

CHAIR: Stanley Blend, Oppenheimer Blend Harrison & Tate Inc, San Antonio, TX

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**2:30PM – 5:30PM**

Texas Ballroom, Salon B, 4th Floor

### **Court Procedure & Practice**

CHAIR: Christopher S. Rizek, Caplin & Drysdale Chartered, Washington, DC

**2:30pm Opening Remarks by the Chair.** 

**2:35pm Remarks on Behalf of the Tax Court.**

**SPEAKER:** The Honorable John Colvin, Chief Judge, US Tax Court, Washington, DC.

**2:50pm Transfer Pricing Litigation.** This panel will provide tips for litigating transfer pricing cases, including a discussion of the interaction between treaty rules and domestic rules, relevance of OECD transfer pricing guidelines, opting for litigation versus MAP/competent authority and expert witness considerations.

**MODERATOR:** Pete Lowy, Shell Oil Company, Houston, TX.

**PANELISTS:** David Ernick, Associate International Tax Legislative Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC; Brad Anwyll, PricewaterhouseCoopers LLP, Washington, DC; Mark Martin, Gardere Wynne Sewell LLP, Houston, TX.

**3:30pm Remarks on Behalf of the Office of Chief Counsel, IRS.**

**SPEAKER:** Deborah A. Butler, Associate Chief Counsel, Office of Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC.

**3:45pm Comparing US and Mexico Judicial Systems and Discovery Practices in Tax Cases.** This panel will focus on similarities and differences between the US and Mexico Judicial Systems and Discovery Practices in Tax Cases.

**MODERATOR:** Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Martin, Houston, TX.

**PANELISTS:** The Honorable Juan F. Vasquez, Judge, US Tax Court, Washington, DC; The Honorable Sergio Martinez-Rosaslanda, Judge, Federal Court for Tax and Administrative Justice, Mexico City, Mexico; Jorge Libreros-Calderón, Central Administrator - International, Mexico Tax Administration Service, Mexico City, Mexico; Jaime Gonzalez-Bendixsen, Baker McKenzie, Juarez, Mexico.

**4:25pm Alamo Revisited.** In June 2002, then-Chief Counsel B. John Williams visited San Antonio and delivered what has come to be known as the Alamo speech, where he addressed the IRS's efforts to address abusive tax avoidance transactions and in particular the attorney-client and tax practitioner privileges. Revising San Antonio, this panel will revisit the subject of privilege and what has happened in the more-than-seven years since the Alamo speech.

**MODERATOR:** Ron Buch, Bingham McCutchen LLP, Washington, DC.

**PANELISTS:** Deborah A. Butler, Associate Chief Counsel, Office of Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; B. John Williams, Skadden Arps Slate Meager & Flom LLP, Washington, DC.

**4:55pm Current Developments.**

**SPEAKER:** Alexandra Minkovich, Dewey & LeBoeuf LLP, New York, NY.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

### 5:05pm **Judicial Deference Mock Argument.**

**MODERATOR:** Richard Sapinski, Sills Cummis & Gross, Newark, NJ.

**PANELISTS:** Zhanna Ziering, Dewey & LeBoeuf LLP, New York, NY; Rachel Partain, Dewey & LeBoeuf LLP, New York, NY.

### 2:30PM – 5:30PM

Lone Star Ballroom, Salon D, 2nd Floor

#### **Financial Transactions**

**CHAIR:** Mark H. Price, KPMG LLP, Washington, DC

#### 2:30pm **Debt-for-Debt Exchanges: History, Current Law, Policy Issues.**

**MODERATOR:** David Garlock, Ernst & Young LLP, Washington, DC.

**PANELISTS:** Eileen Marshall, Wilson Sonsini Goodrich & Rosati, Washington, DC; David Shapiro, PricewaterhouseCoopers LLP, Washington, DC.

#### 3:30pm **Strangers in a Stranger Land: “The Interplay between Financial Products and Section 956”.** Taking the recent District Court decision in the *Schering-Plough* case as its point of departure, this panel will explore the treatment of financial products for purposes of section 956. Potential transactions to be covered are: debt, stock, swaps, options, forward contracts, credit default swaps and securities loans.

**MODERATOR:** Matthew Stevens, Alston & Bird LLP, Washington, DC.

**PANELISTS:** John Harrell, Senior Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Eric Sensenbrenner, Skadden Arps Slate Meagher & Flom LLP, Washington, DC.

#### 4:30pm **Current Developments.**

**MODERATOR:** Yoram Keinan, Greenberg Traurig LLP, New York, NY.

**PANELISTS:** Ray Beeman, Venable LLP, Washington, DC; John Rogers, Attorney, Financial Institutions & Products, Office of Chief Counsel, IRS, Washington, DC; Alan Munro, Ernst & Young LLP, Washington, DC.

### 2:30PM – 5:30PM

Travis CD, 3rd Floor

#### **Insurance Companies**

**CHAIR:** Susan E. Seabrook, Latham & Watkins LLP, Washington, DC

#### 2:30pm **Opening Remarks by the Chair.** Update from our Nolan Fellow Michelle Garcia, and discussion regarding topics for the 2010 May Meeting in Washington, DC.

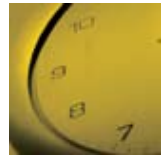
#### 2:40pm **Innovation and Trends in Insurance Product Development.** This panel will discuss the recent rulings in the area of insurance products in the context of new product development. We will explore the roles of tax policy and the convergence of the financial services sector in shaping the demand and ultimate structuring of insurance products.

**MODERATOR:** Craig Springfield, Davis & Harman LLP, Washington, DC.

**PANELISTS:** Thomas Gick, Sutherland Asbill & Brennan LLP, Washington, DC; Kathleen H. Schluter, The Northwestern Mutual Life Insurance Company, Milwaukee, WI; Christian DesRochers, SMART & Associates, Farmington, CT.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22




- 3:30pm Impact of Accounting, Actuarial and Regulatory Reform Efforts on the Taxation of Life Insurance Companies – Identifying and Preparing for the Challenges Ahead.** This panel will discuss the developments in insurance regulation, actuarial methodologies and financial reporting that will affect life insurance companies in the coming months and years, including IFRS, Principles Based Reserves and AG 43.
- MODERATOR:** Pamela Olson, Skadden Arps Slate Meagher & Flom LLP, Washington, DC.
- PANELISTS:** David Carlson, The Hartford, Hartford, CT; Scott Lenz, New York Life Insurance Company, New York, NY; Mark Smith, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC.
- 4:30pm New Developments in Insurance Tax.** This panel will discuss the developments in the insurance tax area over the past year, including litigation, published guidance and important substantive matters addressed in private letter rulings and/or technical advice requests.
- MODERATOR:** Jean Male Baxley, Crowell & Moring LLP, Washington, DC.
- PANELISTS:** Mark Smith, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Michelle Garcia, Davis & Harman LLP, Washington, DC.

## 2:30PM – 5:30PM

Lone Star Ballroom, Salon C, 2nd Floor

### Real Estate

CHAIR: James B. Sowell, KPMG LLP, Washington, DC

- 2:30pm Opening Remarks by the Chair.** 
- 2:35pm Current Real Estate Tax Issues.** This panel will provide an update on the Real Estate Committee's report on the "fractions rule," analyze the potential characterization of cancellation of indebtedness income as unrelated business taxable income, and discuss recent rulings, proposed and final regulations and cases that impact real estate.
- MODERATOR:** Robert G. Honigman, Arent Fox LLP, Washington, DC.
- PANELISTS:** L. Wayne Pressgrove, Jr., King & Spalding LLP, Atlanta, GA; Curt G. Wilson, Associate Chief Counsel, Office of Associate Chief Counsel (Passthroughs & Special Industries), IRS, Washington, DC.
- 3:20pm Sale Leasebacks – An Update on the Current Market.** This panel will discuss the resurgence of sale-leaseback transactions as an alternative to traditional financing arrangements.
- MODERATOR:** Jill E. Darrow, Katten Muchin Rosenman LLP, New York, NY.
- PANELISTS:** Daniel F. Cullen, Bryan Cave LLP, Chicago, IL; Stephen Millman, Watson Farley & Williams LLP, New York, NY.
- 3:50pm Distressed Debt Acquisitions – An Indirect Path to Property Ownership.** Current financial conditions have given rise to distressed debt acquisitions as an interim step to the ultimate acquisition of property. Obviously, the tax issues surrounding an indirect acquisition of property are more complicated than in a direct acquisition. This panel will analyze the structural and tax issues that arise in such transactions.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**MODERATOR:** Mark H. Price, KPMG LLP, Washington, DC.

**PANELISTS:** Jeffrey Van Hove, Deputy Tax Legislative Counsel – Regulatory Affairs, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Eileen C. Marshall, Wilson Sonsini Goodrich & Rosati, Washington, DC.

- 4:30pm **Your Property-Owning LLC is in Trouble – Now What?** This panel will present the good, the bad and the ugly of the alternatives that arise when an LLC runs into financial difficulties. It will address foreclosure, abandonment, transfers of interests to the lender, etc. and is a survival guide for the LLC and its tax advisor.

**MODERATOR:** Michael G. Frankel, Ernst & Young LLP, Miami, FL.

**PANELISTS:** Stephen D. Rose, Munger Tolles & Olson LLP, Los Angeles, CA; Bahar A. Schippel, Snell & Wilmer LLP, Phoenix, AZ.

### 2:30PM – 5:30PM

Presidio B, 3rd Floor

#### S Corporations

CHAIR: Thomas J. Nichols, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI

- 2:30pm **Opening Remarks and Report on Committee Business by Chair.** 

- 2:35pm **Important Developments.** Discussion of recent legislative, administrative and judicial developments relating to S Corporations and their Shareholders.

**MODERATORS:** Dana Lasley, Deloitte Tax LLP, St. Louis, MO; John B. Truskowski, Locke Lord Bissell & Liddell LLP, Chicago, IL.

- 3:00pm **Restructuring Debt of an S Corporation.** This is the third segment in the discussion of issues to consider when reorganizing or restructuring the debt of an S corporation in financial distress under the 2009 Recovery Act. This segment will focus on possible solutions to the restructure of the debt of a hypothetical S corporation and its subsidiaries in financial distress, with or without bankruptcy.

**MODERATOR:** C. Wells Hall III, Mayer Brown LLP, Charlotte, NC.

**PANELISTS:** Lee Zimet, Deloitte Tax LLP, New York, NY; Jeanne E. Sullivan, KPMG LLP, Washington, DC.

- 4:00pm **State Taxation of Nonresident Shareholders on Sale of S Corporation Stock.** This panel will discuss issues that a nonresident shareholder may have on the sale of S corporation stock.

**MODERATOR:** Stephen M. Nechemias, Taft Stettinius & Hollister LLP, Cincinnati, OH.

**PANELIST:** Frederick J. Nicely, Council on State Taxation, Washington, DC.

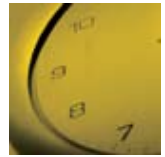
- 4:30pm **Impact of New Tax Rates on Choice of Entity Issues.** This panel will examine how actual and proposed changes in the income and self-employment tax rates will impact S corporation vs. C corporation vs. partnership choice of entity issues. The panel will include, among other things, a discussion of the advisability of utilizing section 1202 stock and the self-employment tax rules for LLCs and partnerships.

**MODERATOR:** Thomas J. Nichols, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI.

**PANELISTS:** Richard A. Shaw, Higgs Fletcher & Mack LLP, San Diego, CA; Ronald A. Levitt, Sirote & Permutt PC, Birmingham, AL.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**2:30PM – 6:00PM**

Travis AB, 3rd Floor

### State & Local Taxes

CHAIR: Stewart M. Weintraub, Schnader Harrison Segal & Lewis LLP, Philadelphia, PA

**2:30pm State Administrative Procedure Acts: Procedural Avenues to Attack Faulty Regulations and Tax Assessments.** This panel will explore the use of state APAs to challenge a state taxing authority's policies and procedures, as well as regulations that fail to comply with the state's APA, as well as assessments based on one of those pronouncements.

**MODERATOR:** Bruce P. Ely, Bradley Arant Boult Cummings LLP, Birmingham, AL.

**PANELISTS:** H. Michael Madsen, Madsen Goldman & Holcomb LLP, Tallahassee, FL; R. Bruce Johnson, Utah State Tax Commission, Salt Lake City, UT.

**3:25pm What's That, You Say? New Property Tax Regimes.** As state and local governments continue to struggle with budget shortfalls, we have seen new and sometimes different tax regimes enacted. The ad valorem property tax, an ancient source of tax revenues, once seemed to be timeless and static. In many states, that may still be true. But some states are addressing revenue issues with new and sometimes unique property tax regimes. This panel will explore some of the changes in traditional property tax regimes, such as those implemented in Florida, Texas, Indiana and California, and compare them to more traditional property tax regimes.

**MODERATOR:** Charles J. Moll III, Winston & Strawn LLP, San Francisco, CA.

**PANELIST:** John Brusniak, Brusniak Blackwell PC, Dallas, TX.

**4:20pm Trend Towards Gross Receipts and Value Added Taxes in the Business Tax Reform Movement.** There continues to be interest in gross receipts taxes and added value taxes among the states struggling with revenue declines. This panel will review recent developments in the Ohio CAT, Michigan MBT and the proposed California Business Net Receipts Tax. The panel will review trends in value added taxes, both subtractive and additive models, and the growing interest in a value added tax at the national level.

**MODERATOR:** Lynn A. Gandhi, Honigman Miller Schwartz & Cohn LLP, Detroit, MI.

**PANELISTS:** Stanley Arnold, Rath Young & Pignatelli PA, Concord, NH; Robert Cline, Ernst & Young LLP, Washington, DC.

**5:10pm Responding to Unique Tax Collection Procedures.** Class action suits in a tax collection matter? *Qui Tam* actions? Suits for tax collection in federal courts? What's next, RICO claims in a tax collection matter? This panel will discuss "unique" tax collection procedures utilized by tax collectors and third parties and taxpayers' responses to such tactics. The panel also will address recent actions by tax collectors using federal RICO statutes. As state and local budgets get tighter, taxpayers should anticipate these unique collection strategies from tax collectors and be prepared to respond accordingly.

**MODERATOR:** William M. Backstrom, Jr., Jones Walker LLP, New Orleans, LA.

**PANELIST:** Mark D. Manela, Mayer Brown LLP, Houston, TX.



## PROGRAM SCHEDULE

### FRIDAY, JANUARY 22

**2:30PM – 5:30PM**

Bonham E, 3rd Floor

#### Tax Accounting

CHAIR: Carol Conjura, KPMG LLP, Washington, DC

**2:30pm Recent Developments in Tax Accounting Methods.** This panel will cover important recent administrative, judicial and legislative developments in the tax accounting method area since the September 25, 2009, Joint Fall CLE Meeting in Chicago, IL, with commentary and input from the Department of Treasury's Office of Tax Policy and the IRS.

**MODERATOR:** Sharon Kay, Ernst & Young LLP, Washington, DC.

**PANELISTS:** Brandon Carlton, Attorney-Advisor, Tax Legislative Counsel, Department of Treasury, Washington, DC; Eric Lucas, Attorney-Advisor, Tax Legislative Counsel, Department of Treasury, Washington, DC; Andrew Keyso, Deputy Associate Chief Counsel, Income Tax & Accounting, IRS, Washington, DC; Richard Shevak, Grant Thornton LLP, Washington, DC.

**3:15pm Uniform Cost Capitalization under Section 263A.** This panel will discuss the application of recent LMSB Tier I Exam guidance addressing the allocation of mixed service costs to self-constructed assets and issues arising out of the guidance. The panel will also provide an update on the controversy involving the treatment of post-production costs such as royalties with respect to inventory property, and other prominent issues.

**MODERATOR:** Jan Skelton, Deloitte Tax LLP, Washington, DC.

**PANELISTS:** Brandon Carlton, Attorney-Advisor, Tax Legislative Counsel, Department of Treasury, Washington, DC; Jeffrey Mitchell, Chief, Branch 6, Income Tax & Accounting, IRS, Washington, DC; James K. Ellis, Territory Manager, Office of Natural Resources & Construction, IRS, Houston, TX.

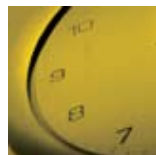
**4:00pm Credit Cards—Is Income for a Service or for the Use of Money and When Is It Taken into Account?** This panel will discuss the pending business plan project on the application of section 1272(a)(6) to credit card fees. The panel will also comment on the implications of the Tax Court's recent ruling in *Capital One v. Commissioner*, including its conclusion that interchange fees on credit card transactions are properly treated as original issue discount and the court's analysis of whether a method of calculating OID in the absence of regulations is reasonable.

**MODERATOR:** Carol Conjura, KPMG LLP, Washington, DC.

**PANELISTS:** Michael Novey, Associate Tax Legislative Counsel, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Jean Pawlow, McDermott Will & Emery LLP, Washington, DC.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**4:45pm Casualty Losses.** The proposed tangible asset capitalization regulations provide guidance with respect to the deductibility of costs following a casualty loss. This panel will address the current state of the law in this area, and explore the questions that often arise in accounting for the costs of the damaged property and the replacement and repair expenditures, including how to define the single, identifiable, property and the treatment of insurance proceeds and recoveries.

**MODERATOR:** Scott Mackay, Deloitte Tax LLP, Washington, DC.

**PANELISTS:** Brandon Carlton, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Eric Lucas, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; David Jacobson, Troutman Sanders LLP, Washington, DC; Leslie J. Schneider, Ivins Phillips & Barker Chartered, Washington, DC.

### 2:30PM – 5:30PM

Presidio A, 3rd Floor

#### Tax Exempt Financing

CHAIR: Jeremy A. Spector, Mintz Levin Cohn Ferris Glovsky & Popeo PC, New York, NY

**2:30pm Opening Remarks by the Chair.** 

**2:35pm IRS, Department of Treasury and Legislative Update.** This panel will discuss current developments in tax-exempt bonds, including recently released guidance and projects listed in the Priority Guidance Plan. The panel will also discuss any pending legislation, the Housing Finance Agency initiative and questions relating to implementation of the bond provisions of the ARRA.

**MODERATOR:** Jeremy A. Spector, Mintz Levin Cohn Ferris Glovsky & Popeo PC, New York, NY.

**PANELISTS:** James A. Polfer, Branch Chief, Branch 5, Financial Institutions and Products, IRS, Washington, DC; John O. Swendseid, Sherman & Howard LLC, Reno, NV.

**3:00pm Discussion of Build America Bond ABA Report and Department of Treasury and IRS Guidance.** This panel will discuss the key recommendations of the BAB report and questions relating to interpretation of released published guidance.

**MODERATOR:** Perry E. Israel, Law Office of Perry Israel, Sacramento, CA.

**PANELISTS:** James A. Polfer, Branch Chief, Branch 5, Financial Institutions and Products, IRS, Washington, DC; Christie L. Martin, Edwards Angell Palmer & Dodge LLP, Boston, MA.

**3:30pm IRS Enforcement, Compliance and Tax Administration Update.** This panel will update the committee on: Build America Bonds enforcement policies and trends; electronic processing administration; the state of the VCAP Program; recent developments in Appeals; the status of examination initiatives and other current issues in enforcement.

**MODERATOR:** Mark Scott, Law Office of W. Mark Scott PLLC, Washington, DC.

**PANELISTS:** Carl R. Scott, Supervisory Revenue Agent, Tax-Exempt Bonds, IRS, Little Rock, AR; Charles L. Almond, Vinson & Elkins LLP, Houston, TX.



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

- 4:00pm Discussion of Proposed Solid Waste Regulations Comments.** This panel will discuss the American Bar Association comments on the proposed regulations dealing with the definition of solid waste disposal facilities.  
**MODERATOR:** Scott E. Schickli, Orrick Herrington & Sutcliffe LLP, Portland, OR.  
**PANELIST:** James A. Polfer, Branch Chief, Branch 5, Financial Institutions and Products, IRS, Washington, DC.
- 4:30pm Report on Management Contract Guidelines Project.** This panel will discuss the Committee's proposed modifications to Revenue Procedure 97-13.  
**MODERATOR:** Lauren K. Mack, Sonnenschein Nath & Rosenthal LLP, San Francisco, CA.  
**PANELIST:** James A. Polfer, Branch Chief, Branch 5, Financial Institutions and Products, IRS, Washington, DC.
- 5:00pm Report on Standards of Practice.** This panel will discuss emerging trends and issues relating to tax opinions including Build America Bond and tax credit bond opinions.  
**MODERATOR:** Nancy M. Lashnits, Ballard Spahr Andrews & Ingersoll LLP, Phoenix, AZ.  
**PANELISTS:** Michael G. Bailey, Foley & Lardner LLP, Chicago, IL; Richard L. Kornblith, Fulbright & Jaworski LLP, Los Angeles, CA.

### 3:00PM – 4:00PM

Goliad, 2nd Floor

#### Sponsorships

CHAIR: Fred T. Witt, Deloitte Tax LLP, Phoenix, AZ

### 3:00PM – 5:00PM

Crockett ABC, 4th Floor

#### Young Lawyers Forum – 2009 Law Student Tax Challenge

##### Final Rounds *(Open to the Public)*

Two separate competitions – one for JD finalists and one for LLM teams – will be held by separate panels of judges. Based on their oral presentations of solutions to the tax planning and client-counseling problem, winners from each division will be chosen and announced at the Diversity and Young Lawyers Reception.

### 3:30PM – 5:30PM

Texas Ballroom, Salon E, 4th Floor

#### Foreign Activities of US Taxpayers

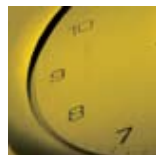
CHAIR: Mark Harris, The Coca Cola Company, Atlanta, GA

**3:30pm Opening Remarks by the Chair.** 

**3:35pm PFIC Developments.** The IRS has provided targeted PFIC guidance during the past year through a number of private letter rulings. Additionally, the IRS is studying the PFIC look-through rules. Finally, new reporting provisions have been proposed in the Foreign Account Tax Compliance Act of 2009. This panel will discuss these developments and how they change the tax landscape.

## PROGRAM SCHEDULE

# FRIDAY, JANUARY 22



**MODERATOR:** Joseph McKniff, Ernst & Young LLP, Munich, Germany.

**PANELISTS:** Peter H. Blessing, Shearman & Sterling, New York, NY; Jose Murillo, Taxation Specialist, Office of Tax Policy, Department of Treasury, Washington, DC; John Merrick, Special Counsel, Associate Chief Counsel (International), IRS, Washington, DC; Carol Tello, Sutherland Asbill & Brennan LLP, Washington, DC.

- 4:30pm Unwind Planning for Potential Check-the-Box and Section 954(c)(6) Repeal.** This panel will discuss the issues presented by the potential repeal of international check-the-box structures and section 954(c)(6), including those raised under subpart F, section 367 and other code sections.

**MODERATOR:** Jeffrey Maydew, Baker & McKenzie LLP, Chicago, IL.

**PANELISTS:** Gretchen Sierra, Deloitte, Washington, DC; John Harrell, Senior Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Roger Conlon, Attorney-Advisor, Office of Associate Chief Counsel (International), IRS, Washington, DC; J. Michael Cornett, Polsinelli Shughart PC, St. Louis, MO.

### 4:00PM – 6:30PM

Seguin AB, 4th Floor

#### Young Lawyers Forum & Diversity ★

YOUNG LAWYERS FORUM CHAIR: Thomas D. Greenaway, KPMG LLP, Boston, MA

DIVERSITY CHAIR: Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Martin, Houston, TX

- 4:00pm Keeping Your Nose Clean: How to Stay Out of Jail. ★** Did you know that the conviction rate for criminal tax cases is above 90 percent and that convictions more often than not result in jail time? Do you know some of the ways that tax lawyers (not to mention their clients) can wind up in the kind of pinstripes that no one wants to wear? If the answer to the second question is no, you'll want to come hear the answer from our distinguished panel of criminal tax practitioners.

**MODERATOR:** Melissa Galetto, Skadden Arps Slate Meagher & Flom LLP, Washington, DC.

**PANELISTS:** Megan L. Brackney, Kostelanetz & Fink LLP, New York, NY; Caroline D. Ciralo, Rosenberg Martin Greenberg LLP, Baltimore, MD; Thomas M. Newman, Assistant US Attorney, Northern District of California, Department of Justice, San Francisco, CA.

- 5:00pm Diverse Assets: Utilizing Your Diversity Network to Advance A Career in Tax Law. ★** This panel will focus on the utilization of affinity groups and networking to further the careers of young diverse attorneys.

**MODERATOR:** Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Martin, Houston, TX.

**PANELISTS:** The Honorable Juan F. Vasquez, Judge, US Tax Court, Washington, DC; Vicki D. Blanton, American Airlines, Ft. Worth, TX.

- 5:30pm Networking Reception.  ★**

Republic B, 4th Floor



## PROGRAM SCHEDULE FRIDAY, JANUARY 22

**5:00PM – 6:00PM**

Bowie A, 2nd Floor

**Professional Services**

CHAIR: Michael R. Ford, Fellers Snider Blankenship Bailey & Tippens, Oklahoma City, OK  
The Professional Services Committee will discuss opportunities for substantive Committees and other Section members to participate in the CLE programs of the Section that take place outside the Committee meetings. The time and substantive input of members is vital to the success of these programs. Each substantive Committee has a member on the Professional Services Committee, but all are welcome.

**5:00PM – 6:00PM**

Goliad, 2nd Floor

**Programs & Meetings**

CHAIR: Fred T. Witt, Deloitte Tax LLP, Phoenix, AZ

**5:30PM – 6:30PM**

Bonham D, 3rd Floor

**Foreign Activities of US Taxpayers and Young Lawyers of FAUST Business Meeting** ★

**5:45PM – 6:30PM**

Bonham C, 3rd Floor

**Foreign Lawyers Forum Business Meeting**

**5:45PM – 6:30PM**

Independence, 3rd Floor

**US Activities of Foreigners & Tax Treaties Business Meeting**

**6:30PM – 8:00PM**

Lone Star Ballroom, Salon ABC, 2nd Floor

**Section Reception** (*Ticketed Event*)

**7:30PM – 10:00PM**

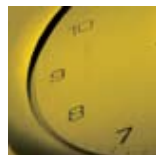
Rita's on the River

**Joint International Committees Dinner** ★ (*Reservations Required*)

Members of the USAFTT, FAUST, FLF and Transfer Pricing Committees will meet for cocktails and dinner. First-time attendees are welcome and encouraged to attend.

# PROGRAM SCHEDULE

## SATURDAY, JANUARY 23



📺 = Taped

★ = Young Lawyers Program

⚖️ = Ethics Credits Requested

🚫 = No CLE Credit

### 7:00AM – 4:00PM

Lone Star Foyer, 2nd Floor

#### Hospitality Center 📺 (Complimentary)

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

### 7:00AM – 9:00AM

Lone Star Ballroom, Salon F, 2nd Floor

#### Low Income Taxpayers 📺

CHAIR: Professor Kathryn J. Sedo, University of Minnesota Law School, Minneapolis, MN

7:00am **Opening Remarks by the Chair.** 📺

7:05am **Highlights from the National Taxpayer Advocate's Annual Report.** The National Taxpayer Advocate will discuss items from her annual report that of interest and impact to low income taxpayers and their advocates.

**SPEAKER:** Nina E. Olson, National Taxpayer Advocate, IRS, Washington, DC.

8:05am **Section 6015(f) Lantz Update.** The panel composed of attorneys who have 6015(f) cases on appeal (including one of the attorneys working on the *Lantz* appeal) will discuss the state of current litigation and appeals and IRS response to section 6015 applications.

**MODERATOR:** Professor Kathryn J. Sedo, University of Minnesota Law School, Minneapolis, MN.

**PANELISTS:** Professor Paul Kohlhoff, Valparaiso University School of Law, Valparaiso, IN; Professor Alice L. Stewart, Duquesne University School of Law, Pittsburgh, PA.

8:35am **Current Issues Regarding Return Preparers.** The Commissioner announced in June 2009 that the IRS was studying the issue of regulation of return preparers and recently released a statement regarding this issue. Maryland has now joined California and Oregon as states which have passed laws providing some regulation of return preparers within their jurisdiction. With a high percentage of returns claiming the earned income tax using paid preparers and with a continuing high degree of errors on the returns of low income taxpayers, recent studies concerning the role and the regulation of return preparers have become very relevant to LITCs and advocacy in this area is an important part of representing the low income client. Professor Book has prepared an analysis of the literature in this area which has appeared in the National Taxpayer Advocate's annual report as well as written in his own right on this subject. He will bring us up to date on the issue of regulation of return preparation.

**SPEAKER:** Professor Les Book, Villanova University School of Law, Villanova, PA.

### 7:00AM – 8:30AM

Lone Star Ballroom, Salon E, 2nd Floor

#### Tax Practice Management and Young Lawyers Forum 📺 ★ ⚖️

TAX PRACTICE MANAGEMENT CHAIR: Emily F. Johnson, Law Offices of Emily F. Johnson, New York, NY

YOUNG LAWYERS FORUM CHAIR: Thomas D. Greenaway, KPMG LLP, Boston, MA



## PROGRAM SCHEDULE

# SATURDAY, JANUARY 23

- 7:00am Informal Discussion and Complimentary Breakfast.** ☕
- 7:20am Opening Remarks, Report on Committee Chairs and Vice-Chairs Breakfast.** ☕
- 7:30am Preparer Regulation 2010: Section 6694, Circular 230 and the States (!).** 🗣️  
An update on current return preparer regulation: If you give advice that is reflected in an entry on a tax return that is a substantial portion of the return, you are generally a return preparer under IRC § 6694, violations of which can lead to fines. As a lawyer permitted to practice before the IRS, you are also likely to be a return preparer under Circular 230 § 10.34, when it is finally amended. Violations of section 10.34 can lead to disciplinary sanctions (which can lead to disciplinary actions by your State bar), as well as monetary penalties or an injunction. The Department of Treasury is now exploring how to extend Circular 230's reach from Circular 230 practitioners to all return preparers. And now state regulation is moving forward. Be there to find out where and prepare.
- MODERATOR:** Professor Michael B. Lang, Chapman University School of Law, Orange, CA.
- PANELISTS:** Bryon Christensen, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Rochelle L. Hodes, PricewaterhouseCoopers LLP, Washington, DC; Kelley Cooper Miller, Sutherland Asbill & Brennan LLP, Washington, DC.

### **7:15AM – 8:30AM** Lone Star Ballroom, Salon A, 2nd Floor

#### **Partnerships & LLCs, Real Estate and S Corporations “Shop Talking” Breakfast** ☕

*(Ticketed Event)*

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

### **7:45AM – 9:00AM** Presidio B, 3rd Floor

#### **Court Procedure & Practice Officers and Subcommittee Chairs Breakfast** ☕ *(Ticketed Event)*

### **8:30AM – 11:30AM** Texas Ballroom, Salon F, 4th Floor

#### **Corporate Tax** 🗣️

**CHAIR:** Robert G. Woodward, King & Spalding LLP, Atlanta, GA

- 8:30am The Economic Substance Doctrine.** Examination of this body of case law and its codification, from the perspective of the corporate world, where it started.

**MODERATOR:** Jasper L. Cummings, Jr., Alston & Bird LLP, Raleigh, NC.

**PANELISTS:** Stephen D. Gardner, Cooley Godward Kronish LLP, New York, NY; Yoram Keinan, Greenberg Traurig LLP, New York, NY; Mark J. Silverman, Steptoe & Johnson LLP, Washington, DC.

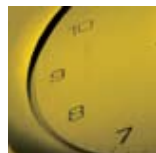
- 10:15am Recent Corporate Tax Developments.** This panel will discuss recent developments in the corporate tax area.

**MODERATOR:** Erik H. Corwin, Ropes & Gray LLP, Washington, DC.

**PANELISTS:** Daniel C. White, Bryan Cave LLP, St. Louis, MO; Julie Hogan Rodgers, WilmerHale, Boston, MA.

## PROGRAM SCHEDULE

# SATURDAY, JANUARY 23



**8:30AM – 11:35AM**

Texas Ballroom, Salon B, 4th Floor

### Employee Benefits ☞ 🗨️

CHAIR: Eleanor Banister, King & Spalding LLP, Atlanta, GA

**8:30am Opening Remarks by the Chair.** 🗨️

**8:35am Compensation and Benefits for Partners/Partnerships: Some Good, Some Bad and Some Ugly.** This panel will explore how status as a partner/partnership affects some employee benefits and other compensation such as 401(k) plans, 125 plans, health benefits, unfunded pensions, SECA taxes, dual status as partner and employee, 457A and 409A.

**MODERATOR:** James R. Raborn, Baker Botts LLP, Houston, TX.

**PANELISTS:** Elizabeth Drigotas, Deloitte Tax LLP, Washington, DC; Helen Morrison, Deputy Benefits Tax Counsel, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; James B. Sowell, KPMG LLP, Washington, DC.

**9:35am Assessing Risk in Executive Compensation.** Much of the recent attention paid to executive compensation has focused on the proper analysis of risk in setting executive compensation, encouraging appropriate, but not excessive, risk-taking. This panel will review the sources of pressure for companies to analyze risk in setting compensation for executives, such as TARP, the Department of Treasury's principles for proposed executive compensation reform, shareholder (and proxy advisory organization) activities and anticipated regulatory or legislative standards. The panel will then discuss possible approaches for use by compensation committees or others in assessing, incorporating and disclosing risk relating to executive compensation.

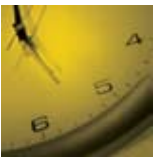
**MODERATOR:** John L. Utz, Utz Miller & Eickman LLC, Overland Park, KS.

**PANELISTS:** Mark A. Borges, Compensia Inc, Coret Madera, CA; Althea R. Day, Morgan Lewis & Bockius LLP, Washington, DC; Charmaine L. Slack, Jones Day, New York, NY.

**10:35am Ethics Update.** 🗨️ This panel will discuss a variety of current ethics issues facing employee benefits attorneys. The panel will review the current state of the attorney-client privilege and work product concepts, including a discussion of the recent *Bank of America* and *Textron* decisions, particular ethics and privilege issues facing in-house employee benefits attorneys, IRS developments affecting listed transactions, tax abuse transactions, tax preparer issues and finally, developments in the field of accounting which affect attorney-client privilege, along with the American Bar Association's response to these developments and the particular concerns the accounting developments raise in employee benefits area.

**MODERATOR:** Mark A. Bodron, Baker Botts LLP, Houston, TX.

**PANELISTS:** Randy Fickel, JC Penney, Dallas, TX; Jeffrey S. Milling, Supervisory Actuary, IRS, Chicago, IL; Bruce D. Pingree, Baker Botts LLP, Dallas, TX.



## PROGRAM SCHEDULE


# SATURDAY, JANUARY 23

**8:30AM – 11:30AM**

Lone Star Ballroom, Salon C, 2nd Floor

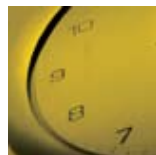
### Fiduciary Income Tax

CHAIR: Jeanne L. Newlon, Venable LLP, Washington, DC

- 8:30am Opening Remarks.**  Report on committee chairs and vice-chairs breakfast topics and other committee business.  
**SPEAKER:** Lisa M. Stern, Proskauer Rose LLP, New York, NY.
- 8:35am Recent Developments.** Report on recent developments affecting the income taxation of trusts and estates.  
**SPEAKER:** Judith K. Tobey, K&L Gates LLP, Dallas, TX.
- 8:50am Post Mortem Estate Planning - Executors' Elections (How to Avoid Surcharge Litigation).** This session provides the various elections and time limitations with which an executor is confronted during the course of an estate's administration. It provides an analysis of the elections available on a decedent's final income tax return, the estate's fiduciary income tax return and the estate's estate tax return. It also provides an overview of the factors to consider when making an election and the consequences of not making an election or not recognizing the existence of the election.  
**SPEAKER:** Michael M. Mariani, Fiduciary Trust Company International, New York, NY.
- 9:40am Avoiding the Traps of Section 679.** Code section 679 treats as a "Grantor Trust" any foreign trust to which a US person transfers property, if the foreign trust has a US beneficiary. While the provision is fairly straightforward for trusts created by US citizens and resident aliens, it can be a trap for non-resident aliens who immigrate to the US. This session will review the rules of Code section 679, with particular emphasis on its application to trusts created by non-resident aliens who subsequently relocate to the US.  
**SPEAKERS:** A. Christopher Segal, Venable LLP, Washington, DC; Jessica B. Baggenstos, Venable LLP, Washington, DC.
- 10:30am Risks and Opportunities for Private Trust Companies and Family Offices from State and Federal (Non-Tax) Legislative Developments and Proposals.** Several non-tax proposals have been introduced in Congress with the potential to dramatically affect how ultra-wealthy families provide financial services to themselves through their own family offices and private trust companies. Most changes will limit what families can do for themselves without substantial new costs and regulatory intervention. Significant changes in trust and trust company laws have been adopted in the past year at the state level, but most of these are positive for private family wealth management companies. The panel, comprised of attorneys and others actively involved in monitoring, writing or providing expert testimony on state and federal legislation affecting family offices and private trust companies, will detail the proposals and the developments and the risks and opportunities they create.  
**SPEAKERS:** David A. Berek, Credit Suisse Securities LLC, Chicago, IL; John P.C. Duncan, Duncan Associates Attorneys & Counselors PC, Chicago, IL; Douglas E. Bryant, Cockrell Interests Inc, Chicago, IL.

## PROGRAM SCHEDULE

# SATURDAY, JANUARY 23



### 8:30AM – 10:30AM

Bowie A, 2nd Floor

#### LLCs and LLPs Subcommittee of Partnerships & LLCs

CHAIR: Paul Carman, Chapman & Cutler LLP, Chicago, IL

8:30am **Use of LLCs in Corporate Reorganizations.**

**SPEAKER:** Suresh Advani, Sidley Austin LLP, Chicago, IL.

9:00am **International Money Laundering and Domestic LLCs.**

**SPEAKER:** David Shapiro, Dechert LLP, Philadelphia, PA.

9:30am **Series LLCs.**

**SPEAKER:** Steve Frost, Chapman & Cutler LLP, Chicago, IL.

### 8:30AM – 11:30AM

Bowie B, 2nd Floor

#### Sales, Exchanges & Basis

CHAIR: Professor Brad Borden, Washburn University School of Law, Topeka, KS

8:30am **Welcome by the Chair.** 

8:35am **Current Developments.** Presentation of new cases, rulings and pending legislation affecting sales, exchanges and basis.

**PANELISTS:** Kelly Alton, Nationwide Exchange Services, San Jose, CA; Professor Erik Jensen, Case Western Reserve University School of Law, Cleveland, OH; David Shechtman, Drinker Biddle & Reath LLP, Philadelphia, PA.

9:15am **Aircraft Like-Kind Exchanges that Require Holding Title.** Discussion of sales tax, use tax and other considerations that arise when a QI or EAT takes title to aircraft. Planned topics include the exchange documents, FAA documents, sales and use tax requirements for state dealer trade credits and reverse exchanges.

**PANELISTS:** William P. Lopriore, Jr., Nationwide Exchange Services Corp, Rockland, MA; David P. DeYoe, McDermott Will & Emery LLP, Chicago, IL; Adam Handler, PricewaterhouseCoopers LLP, Los Angeles, CA.

10:00am **Tenant Inducements and Improvements.** Discussion concerning ownership, basis and taxability of tenant inducement payments and tenant improvements, including coverage of the recent Tax Court decision in *Hopkins Partners*.

**PANELISTS:** Glenn M. Johnson, Ernst & Young LLP, Washington, DC; Catherine Brandt, Ernst & Young LLP, Washington, DC.

10:45am **Future of QI Regulation.** Discussion of the potential regulation of qualified intermediaries following the \$700M+ losses in recent years.

**MODERATOR:** Paul L.B. McKenney, Varnum LLP, Novi, MI.

**PANELISTS:** Suzanne Goldstein Baker, Investment Property Exchange Services Inc, Chicago, IL; Kelly Alton, Nationwide Exchange Services, San Jose, CA.

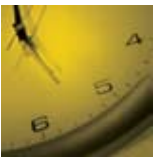
### 8:30AM – 10:30AM

Crockett AB, 4th Floor

#### State & Local Taxes Practitioners' Roundtable (Executive Session)

CHAIR: Stewart M. Weintraub, Schnader Harrison Segal & Lewis LLP, Philadelphia, PA

MODERATOR: Edward Bernert, Baker & Hostetler LLP, Columbus, OH.



## PROGRAM SCHEDULE

# SATURDAY, JANUARY 23

**8:30AM – 10:30AM**

Travis AB, 3rd Floor

### Transfer Pricing

CHAIR: John P. Warner, Buchanan Ingersoll & Rooney PC, Washington, DC

**8:30am Transfer Pricing Adjustments: Primary, Correlative and Conforming.** This panel will discuss the implementation of a transfer pricing adjustment resulting from an audit, a self-initiated adjustment or an advance pricing agreement. The discussion will address the steps required to conform the taxpayer's accounts to transfer pricing adjustments under Treas. Reg. Sec. 1.482-1(g)(3).

**MODERATOR:** Steve Wrappe, Ernst & Young LLP, Washington, DC.

**PANELISTS:** Chris Bello, Chief, Branch 6, Office of Associate Chief Counsel (International), IRS, Washington, DC; Herman Bouma, Buchanan Ingersoll & Rooney PC, Washington, DC; John Breen, Caplin & Drysdale Chartered, Washington, DC; David Ernick, Associate International Tax Counsel, Office of International Tax Counsel, Washington, DC.

**9:30am Walking the Tight Rope: Transfer Pricing, FIN 48, Work Product Privilege, Spoliation.** Recent decisions in the work product privilege area make the balance all the more delicate between transparency for financial reporting purposes and preservation of legal privileges in defending any future IRS transfer pricing challenge. This panel will explore those considerations as they impact transfer pricing and FIN 48 disclosures, and address how public companies and their lawyers can exchange information under the work product privilege umbrella. Topics will include FIN 48 disclosures for transfer pricing issues, timing and procedural issues of claiming work product privilege (including litigation hold orders) and protection of work product privilege related to financial disclosures.

**MODERATOR:** Brian Trauman, Mayer Brown LLP, New York, NY.

**PANELISTS:** Neil Traubenberg, Sun Microsystems Inc, Louisville, CO; Bettie N. Ricca, Deputy Associate Chief Counsel (International), International Field Service and Litigation, IRS, Washington, DC.

**8:45AM – 11:45AM**

Lone Star Ballroom, Salon B, 2nd Floor

### Civil & Criminal Tax Penalties

CHAIR: Charles P. Rettig, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA

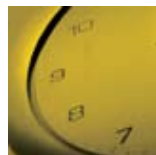
**8:45am Update on IRS Voluntary Disclosures Involving Previously Undeclared Offshore Accounts.**

**SPEAKER:** Kevin Thorn, Thorn Law Group, Washington, DC.

**8:55am Reports of Subcommittees on Important Developments:** Important Developments (Criminal) - Megan Brackney, Kostelanetz & Fink LLP, New York, NY; Important Developments (Civil) - Tom Cullinan, Sutherland Asbil, Atlanta, GA and Julie Bowling, Sutherland Asbil, Atlanta, GA; IRS Investigations and Practices - Josh Ungerman, Meadows Collier Reed Cousins & Blau LLP, Dallas, TX; Legislative and Administrative Developments - John M. Colvin, Chicoine & Hallett PS, Seattle, WA; International Tax Enforcement - Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC.

## PROGRAM SCHEDULE

# SATURDAY, JANUARY 23



- 9:15am Money Laundering Investigations.** Soup-to-nuts discussion regarding structuring transactions and money laundering investigations.  
**MODERATOR:** Michael Shepard, Deloitte Financial Advisory Services LLP, New York, NY.  
**SPEAKERS:** David Axelrod, Axelrod LLC, Columbus, OH; Ian M. Comisky, Blank Rome LLP, Philadelphia, PA.
- 10:00am The Prosecution and Defense of Offshore Bank Accounts.** Thousands came forward in connection with the voluntary disclosure program, but many more did not. This program will discuss the government's efforts to prosecute these cases, and the defenses that are available.  
**MODERATOR:** Kathryn Keneally, Fulbright & Jaworski LLP, New York, NY.  
**PANELISTS:** Jeffrey A. Neiman, Assistant US Attorney, Southern District of Florida, Ft. Lauderdale, FL; Frank Agostino, Agostino & Associates PC, Hackensack, NJ; Bryan Skarlatos, Kostelanetz & Fink LLP, New York, NY.
- 10:50am Prosecutorial Priorities.** In the wake of the tax shelter cases and UBS, where are we headed in the criminal enforcement arena? What issues and defenses will the new year bring? The panel will address effective (and ineffective) representation of potential targets for criminal tax cases in 2010.  
**MODERATOR:** Larry A. Campagna, Chamberlain Hrdlicka White Williams & Martin, Houston, TX.  
**SPEAKERS:** Nathan J. Hochman, Bingham McCutchen LLP, Santa Monica, CA; Paula M. Junghans, Zuckerman Spaeder LLP, Washington, DC; Edward M. Robbins, Jr, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA; Victor Song, Deputy Chief, Criminal Investigation Division, IRS, Washington, DC; Richard Speier, Jr, Richard Speier & Associates, Claremont, CA.

## 9:00AM – 10:30AM

Lone Star Ballroom, Salon F, 2nd Floor

### Pro Bono

CHAIR: Peter A. Lowy, Shell Oil Company, Houston, TX

- 9:00am Update On Projects.**  Panelists will discuss pro bono opportunities and programs on which the Committee is working, and ways for members to get involved.  
**MODERATOR:** Peter A. Lowy, Shell Oil Company, Houston, TX.  
**PANELISTS:** Elizabeth A. Copeland, Oppenheimer Blend Harrison & Tate Inc, San Antonio, TX; Catherine B. Engell, American Bar Association Section of Taxation, Washington, DC.
- 9:30am Ethics of Limited Representation.**  This panel will discuss Model Rule of Professional Conduct 1.2 and provide an overview of the issues raised when a lawyer wishes to represent a client for a limited purpose or time. Panelists will also explore the possibility of adopting a limited representation model for the representation of low income clients appearing before the US Tax Court.  
**MODERATOR:** Joseph Barry Schimmel, Cohen Chase Hoffman & Schimmel PA, Miami, FL.  
**PANELISTS:** George A. Kuhlman, American Bar Association Center for Professional Responsibility, Chicago, IL; Professor Ira B. Shepard, University of Houston Law Center, Houston, TX.



## PROGRAM SCHEDULE

# SATURDAY, JANUARY 23

**10:30AM – 11:30AM**

Crockett AB, 4th Floor

### State & Local Taxes Publications Subcommittee

CHAIR: Stewart M. Weintraub, Schnader Harrison Segal & Lewis LLP, Philadelphia, PA

MODERATOR: Don S. Kovacic, Ramona, CA.

**12:30PM – 2:00PM**

Lone Star Ballroom, Salon DE, 2nd Floor

### Section Luncheon/Plenary Session (Ticketed Event)

Stuart M. Lewis, Section Chair, Presiding

#### Chair's Report to the Section

Stuart M. Lewis, Section Chair

#### Report of Nominating Committee

Susan P. Serota, Vice-Chair, Nominating Committee

#### Acknowledgement of John S. Nolan Fellows

2009 – 2010 John S. Nolan Tax Law Fellows

2010 – 2011 John S. Nolan Tax Law Fellows

#### Acknowledgement of Public Service Fellows

2009 – 2010 Public Service Fellows

2010 – 2011 Public Service Fellows

#### Award Presentations

Janet R. Spragens 2010 Pro Bono Award

Caroline D. Ciralo

Juan F. Vasquez, Jr.

**SPEAKER:** William J. Wilkins, Chief Counsel, Office of Chief Counsel, IRS, Washington, DC

### Section Program

**2:00PM – 4:00PM**

Crockett AB, 4th Floor

### Change We'd Like to Believe in: The Prospects for Federal Civil Tax Penalty Reform

It has been exactly 20 years since Congress overhauled the federal civil tax penalty regime in response to the call of taxpayers and practitioners alike. They complained that these penalties had grown out of proportion to the tax and to the error sanctioned. Now a new generation of penalties raises its own problems. In the upcoming tax reform debate in Congress, will civil tax penalties be overhauled again? Our panel debates the issues and the prospects from a range of perspectives, including those of taxpayers, practitioners, legislators and administrators.

**MODERATOR:** Phillip A. Pillar, Greenberg Traurig LLP, Philadelphia, PA

**PANELISTS:** Bryon Christensen, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC

Eli J. Dicker, Tax Executives Institute, Washington, DC

Adam Gropper, Legislation Counsel, Joint Committee on Taxation–US Congress, Washington, DC

Nina E. Olson, National Taxpayer Advocate, Office of the Taxpayer Advocate, IRS, Washington, DC

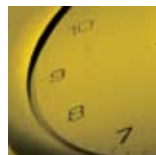
Henry Schneiderman, Special Counsel, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC

Honorable Robert A. Wherry, Jr., Judge, US Tax Court, Washington, DC

Co-sponsored by: Administrative Practice and Civil & Criminal Tax Penalties

## PROGRAM SCHEDULE

# SATURDAY, JANUARY 23



### Section Program

**2:00PM – 4:00PM**

Crockett CD, 4th Floor

#### **Current Developments in Individual, Corporate, Partnership and Estate & Gift Taxation**

This session will review the most significant statutory enactments, judicial decisions, IRS rulings and Department of Treasury regulations promulgated during the last twelve months that affect general income taxation, transfer taxation and tax procedure.

**MODERATOR:** Professor Martin J. McMahon, Jr., University of Florida College of Law, Gainesville, FL

**PANELISTS:** Professor Elaine Hightower Gagliardi, University of Montana School of Law, Missoula, MT

Professor Daniel L. Simmons, University of California at Davis School of Law, Davis, CA

Professor Ira B. Shepard, University of Houston Law Center, Houston, TX

*Sponsored by:* Teaching Taxation

### Section Program

**2:00PM – 4:00PM**

Seguin AB, 4th Floor

#### **Due Diligence: State and Local Tax Issues Affecting Business Acquisitions**

The speakers will discuss a wide variety of state and local tax (“SALT”) due diligence issues that should be considered when buying the stock or assets of a business, including a preliminary incentives analysis and investigations for non-disclosed SALT liabilities, the potential for successor liability and risky SALT strategies/tax shelters.

**PANELISTS:** William. M. Backstrom, Jr., Jones Walker Waechter Poitevent Carrere & Denegre LLP, New Orleans, LA

Janette M. Lohman, Thompson Coburn LLP, St. Louis, MO

*Sponsored by:* State & Local Taxes

### Section Program

**2:00PM – 4:00PM**

Republic B, 4th Floor

#### **Innocent Spouse from the Front Lines**

This seminar will provide an in depth summary of the basics of how to litigate an innocent spouse case in the US Tax Court. From the audit and the ethical issues arising therefrom to the trial, this seminar will help guide attorneys through the minefields of what to expect if they should take on a client who wants to obtain innocent spouse status.

**PANELISTS:** Megan Brackney, Kostelanetz & Fink LLP, New York, NY

David Lee Rice, David Lee Rice APLC, El Segundo, CA

Honorable L. Paige Marvel Judge, US Tax Court, Washington, DC

Professor Toni Robinson, Quinnipiac University School of Law, Hamden, CT

William E. Taggart, Jr., Taggart & Hawkins PC, Oakland, CA

*Co-sponsored by:* Individual & Family Taxation and Low Income Taxpayers



## PROGRAM SCHEDULE SATURDAY, JANUARY 23

### Section Program

**2:00PM – 4:00PM**

Texas Ballroom, Salon A, 4th Floor

#### **Tax Credit Bonds and Stripping Tax Credits**

This panel will discuss issues and any released public guidance concerning the interpretation and implementation of the tax credit bond and tax credit stripping provisions of ARRA. Topics to be covered in this program will include: the essential requirements of Qualified Tax Credit Bond status; mechanics of credit “stripping”; structuring considerations; the market for, and the pricing of, tax credit bonds and stripped credits; tax consequences and timing of income recognition; market liquidity and demand for tax credits and information reporting.

**MODERATORS:** Arthur E. Anderson II, McGuireWoods LLP, Richmond, VA

George G. Wolf, Orrick Herrington & Sutcliffe LLP, San Francisco, CA

**PANELISTS:** Arthur M. Miller, Goldman Sachs & Co, New York, NY

Michael Novey, Associate Tax Legislative Counsel, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC

James A. Polfer, Branch Chief, Branch 5, Financial Institutions and Products, IRS, Washington, DC

*Sponsored by:* Tax Exempt Financing