The Tax Section is excited to offer our Fall Tax Meeting programming in a virtual format that we expect will be very useful to every member of the tax law community. With more than 40 CLE programs, a plenary session and virtual networking opportunities, we plan to offer attendees a wealth of information and engagement over five days.

Registration is available for the entire virtual meeting and may be purchased by Section members at a discount. Registration includes complete access to live and on-demand recordings of all sessions. We look forward to your participation in the Section’s virtual Section meeting.

The Section of Taxation would like to acknowledge our sponsors for their support of the Virtual 2021 Fall Tax Meeting
<table>
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<th>All Times EDT</th>
<th>Monday (9/20)</th>
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<tr>
<td>10:30am–12:00pm*</td>
<td>Plenary Session</td>
<td>EB Subcommittee ESOP Update (10:30am)</td>
<td>Administrative Practice and Court Procedure &amp; Practice Joint Session: Part 1</td>
<td>Closely Held Businesses</td>
<td>Affiliated &amp; Related Corporations</td>
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<td>*11:00am – 12:00pm</td>
<td>Plenary Session</td>
<td>EB Defined Contribution Plans (11:15am)</td>
<td>EB Executive Compensation (10:30am)</td>
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<td>Real Estate</td>
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<td>Tax Accounting</td>
<td>EB Subcommittee: Defined Benefit Plans</td>
<td>Sales, Exchanges &amp; Basis: Part 1</td>
<td>Pro Bono &amp; Tax Clinics</td>
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<td>12:30pm–2:00pm*</td>
<td>Corporate Tax: Part 1</td>
<td>Civil &amp; Criminal Tax Penalties: Part 1</td>
<td>Administrative Practice and Court Procedure &amp; Practice Joint Session: Part 2</td>
<td>Corporate Transactions Open Discussion Hosted by the Corporate Tax &amp; Affiliated and Related Committees</td>
<td>Individual &amp; Family Taxation</td>
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<td>Employee Benefits: Part 1</td>
<td>Estate &amp; Gift Taxes</td>
<td>Foreign Activities of US Taxpayers</td>
<td>EB Subcommittee: Health &amp; Welfare *12:30pm – 1:15pm</td>
<td>Partnerships &amp; LLCs</td>
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<td>2:30pm–4:00pm*</td>
<td>Corporate Tax: Part 2</td>
<td>Civil &amp; Criminal Tax Penalties: Part 2</td>
<td>Administrative Practice and Court Procedure &amp; Practice Joint Session: Part 3</td>
<td>S Corporations: Part 2 *2:30pm – 3:30pm</td>
<td>Energy &amp; Environmental</td>
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<td>Employee Benefits: Part 2</td>
<td>Exempt Organizations Subcommittees *2:30pm – 3:45pm</td>
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<td>Financial Institutions and Products</td>
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<td>New Ways to Transform Your Tax Research: Entity Diagramming, Statute Analysis, Predicting Outcomes with AI, and more – presented by Blue J Legal</td>
<td>Young Lawyers Forum/ Tax Bridge to Practice</td>
<td>Investment Management</td>
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<td>New Attendee Orientation Reception Hosted by the Young Lawyers Forum and Diversity Committee *4:30pm – 5:30pm</td>
<td>Capital Recovery &amp; Leasing and Tax Accounting Networking Event *4:30pm – 5:30pm</td>
<td>International Committees Networking Event (FLF, USAFTT, Transfer Pricing, PALST)</td>
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<td>State &amp; Local Taxes Roundtable</td>
<td>Civil &amp; Criminal Tax Penalties Networking Event</td>
<td>Pro Bono Committee Networking Event</td>
<td>Administrative Practice &amp; Court Procedure &amp; Practice Networking Event</td>
<td>LLCs and LLPs Subcommittee of Partnerships &amp; LLCs</td>
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**Legend:**
- **Plenary Events (non-CLE)**
- **Social Networking Events (non-CLE)**
- **Non-CLE Sessions**
- **Recommended CLE Sessions for Young Lawyers & Law Students**
Please note: Academic and LITC free rate will only be available for ABA Tax Section members.

### CLE Information
The ABA will seek 28 hours of CLE credit in 60-minute states, and 33.6 hours of CLE credit for this program in 50-minute states including 2.5 hours of ethics credit and 1.5 hours of elimination of bias credit in 60-minute states and 3 hours of ethics credit and 1.8 hours of elimination of bias credit in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at [www.americanbar.org/events-cle/mtg/web/415215491/](http://www.americanbar.org/events-cle/mtg/web/415215491/) for program CLE details or visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA.

This program is not approved by NASBA. Attendees may be able to submit a request directly to their individual State Board of Accountancy requesting CPE credit for their attendance at the program.

### Contact Us
Questions? Send a message to the ABA Section of Taxation staff at taxmeeting@americanbar.org.

### Scholarship Information
Scholarships to defray tuition expense for this program are available upon application on a case-by-case basis. Scholarship applications must be received no later than 30 days prior to the program. For programs with tuition costs over $500, qualifying attorneys will receive at least a 50% reduction in the registration fee. To request a scholarship application, please e-mail the Tax Section at taxlserve@americanbar.org.

### Technical Requirements
These courses are compatible with any HTML5 and JavaScript enabled web browser including Chrome, Firefox, Safari, Edge and mobile devices using current software. Internet Explorer is not recommended. Some browser settings may interfere with the live stream—if you have trouble consider refreshing the page, trying a different browser, or disconnecting your VPN.

### Rates & Pricing

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Please note: Academic and LITC free rate will only be available for ABA Tax Section members.
11:00AM – 12:00PM
Plenary Session (Non-CLE)

On September 15th, the House Committee on Ways and Means voted to report out of committee a substantial rewrite of the Internal Revenue Code as part of the budget reconciliation process. What likely happens next to this legislation and why? What does the “budget reconciliation process” mean for the development of tax law? What is the “Byrd rule” and why might you care? In addition, the pandemic has changed the tax legislative process for Members of Congress and their staff. Using the development of the current legislative recommendations for budget reconciliation as the backdrop, Thomas A. Barthold will describe aspects of the legislative process as they used to be and as they are today.

Speaker: Thomas A. Barthold, Chief of Staff, Joint Committee on Taxation

12:30PM – 2:00PM
Corporate Tax Part 1

The Treatment of Liabilities in Corporate Transactions. This panel will address the treatment of liabilities in taxable and tax-free transactions. Topics could include the treatment of liabilities in asset sales, capital contributions, incorporations, reorganizations and spinoffs. The types of liabilities that might be discussed include recourse, nonrecourse, contingent and springing liabilities. Some topics might include issues under section 357(d) and section 358(h), the treatment of contingent liabilities in taxable asset acquisitions, Cottage Savings issues, the treatment of liabilities in insolvency reorganizations, amount realized versus cancellation of indebtedness income, issues under sections 108(e)(6)/(e)(8)/(e)(10), and allocation of liabilities in spinoffs.

Moderator: Eileen Marshall, Cooley LLP, Washington, DC

Panelists: Jasper Cummings, Alston & Bird, Raleigh, NC; Shane Kiggen, EY, Washington, DC; Helen Yanchisin, Deloitte Tax LLP, Washington, DC
12:30PM

**Upcoming Litigation and Pending Controversy.** This panel will discuss recent caselaw and controversies impacting employee benefit programs. It is anticipated that the panel will discuss arguments anticipated to be made in the *Hughes v. Northwestern* litigation pertaining to the participants appeal seeking to overturn the dismissal of their lawsuit against the University related to allegedly excessive retirement plan recordkeeping and investment fees 403(b) plan fees. This conversation will cover the arguments that have been made in the spate of recent lawsuits filed against colleges and universities related to the schools’ retirement plans. The panel will also discuss litigation brought forth by the Department of Labor against MetLife Inc. seeking enforcement of administrative subpoenas in connection with annuities purchase for terminated defined benefit plans. Finally, the panel will include a discussion of the current outgrowth of the ability of college athletes to receive compensation for their name, image and likeness and what impacts this may have in the inclusion of college athletes in employee benefit programs.

**Moderator:** David A. Whaley, Thompson Hine LLP, Cincinnati, OH

**Panelists:** Sara Pikofsky, Steptoe & Johnson LLP, Washington, DC; J. Christian Nemeth, McDermott Will & Emery LLP, Miami, FL

1:15PM

**Multiemployer Plan Multiverse.** This panel will discuss the recently issued PBGC regulations relating to ARPA and other relevant guidance.

**Moderator:** Don Wellington, Wellington Gregory LLP, Los Angeles, CA

**Panelists:** Dominic DeMatties, Thompson Hine LLP, Washington, DC; Deva A. Kyle, Bredhoff & Kaiser, PLLC, Washington, DC
12:30PM – 2:00PM
State & Local Taxes Part 1

Income Tax Economic Nexus: The Implications of Wayfair. The U.S. Supreme Court’s decision in Wayfair provided much needed guidance on a state’s authority to impose sales tax. More than three years after the Wayfair decision, many questions remain regarding the decision’s impact on economic nexus for other taxes, especially net income taxes. This session will explore those questions, including statutory and constitutional restrictions on a state’s authority to assert income tax nexus and the interplay between state income tax sourcing rules and economic nexus.

**Moderator:** David A. Hughes, HMB Legal Counsel, Chicago, IL

**Panelists:** Joe Garrett, Deloitte Tax LLP, Washington DC; Olga J. Goldberg, Pierce Atwood LLP, Portland, ME; Zal Kumar, Mayer Brown LLP, New York, NY

12:30PM – 2:00PM
Transfer Pricing

Evolution or Revolution: The Changing International Tax Rules in 2021. The international tax rules are once again in flux, creating a world of uncertainty for multinational companies. The U.S. has long taken the position that its Section 482 regulations and the OECD Guidelines are fully consistent. Some practitioners would disagree. Do the U.S. laws need to change in order to be consistent with the OECD transfer pricing guidelines? The OECD has proposed changes to Article 9 of its Model Tax Convention, which may whittle away at the arm’s length standard by permitting countries to deny the deductibility of related party expenses. How does the arm’s length standard survive if the changes to Article 9 of the Model Tax Convention, Pillar One, and Pillar Two are implemented? Does section 482 or the applicable regulations need to change to implement these new rules? What changes to the global network of treaties are needed to implement the proposals? Join us as the panelists ponder these questions and more.

**Moderator:** Kevin Otero, Covington

**Panelists:** Harlow Higinbotham, NERA; Mike McDonald, Ernst & Young; Bob Stack, Deloitte; Lorraine Eden, Professor Emerita, Texas A&M
2:00PM – 2:30PM

*Break (Non-CLE)*

2:30PM – 4:00PM

**Corporate Tax Part 2**

*Current Developments in Corporate Taxation.* This panel will discuss current developments in corporate taxation, including legislative and administrative developments. Administrative developments could include new regulatory or other guidance.

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

**Panelists:** Kevin M. Jacobs, Alvarez & Marsal Taxand, LLC, Washington, DC; Kara Mungovan, Cravath, Swaine & Moore LLP, New York, NY; Myra Sutanto Shen, Wilson Sonsini Goodrich & Rosati, Palo Alto, CA; Krishna Vallabhaneni, Tax Legislative Counsel, US Department of Treasury, Washington, DC

2:30PM – 4:00PM

**Employee Benefits Part 2**

2:30PM

*Hot Topics in Mergers & Acquisitions.* (Recommended for Young Lawyers) This panel will discuss recent trends in M&A including the resurgence of special purpose acquisition company (SPAC) transactions and practical considerations for employee benefits and compensation practitioners. In addition, the panel will provide an overview of the effect of representation and warranty insurance (RWI) on deal negotiations, materiality scrapes, and market trends.

**Moderator:** Martha N. Steinman, Hogan Lovells US LLP, New York, NY

**Panelists:** Susan Wetzel, Haynes Boone; Renata J. Ferrari, Ropes & Gray LLP
3:15PM

The ESG Landscape – How Will ESG Impact a Board Near You? This panel will provide an overview of the current environmental, social and governance landscape with a focus on what boards and executives need to consider as investors are continuing to expect more transparency from boards in how they oversee particular topics including compensation matters. In particular, this panel will address oversight of ESG matters by various board committees, integration of ESG factors into incentive compensation, and an overview of best practices and possible regulatory guidance.

Moderator: Rita Patel, DLA Piper LLP, Washington, DC

Panelists: Deborah Beckmann, Semler Brossy Consulting Group LLC; Andrew L. Oringer, Dechert LLP

2:30PM – 4:00PM

State & Local Taxes Part 2

State Unclaimed Property Laws – What You Don’t Know Can Still Hurt You! Every state has enacted a comprehensive law requiring businesses (referred to as “holders”) to report and remit unclaimed funds that they owe to employees, suppliers, vendors, customers, shareholders or virtually any other type of payee after the applicable statutory time period has run. Yet these state unclaimed property laws are still overlooked by many businesses and their professional advisors at least until presented with a state audit. State enforcement of unclaimed property laws continue to evolve and state and holder-initiated litigation is on the rise. This panel will discuss recent developments in the state unclaimed property space, with a focus on recent litigation that has the potential to shape the landscape for years to come.

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

Panelists: Matthew P. Hedstrom, Alston & Bird, New York, NY; Joseph N. Endres, Hodgson Russ LLP, Buffalo, NY
2:30PM – 4:00PM

New Ways to Transform your Tax Research: Entity Diagramming, Statute Analysis, Predicting Outcomes with AI, and More (Recommended for Young Lawyers) (Non-CLE)

Presented by Blue J Legal

While you usually know what tax position would be preferred by your client, it can be hard to formulate tax positions in a way that makes the strongest possible argument for the client’s position, mitigates the risk of the position being successfully challenged and provides time- and cost-effective service for your client. Join us as we discuss how leading tax professionals are using advanced analytics tools to structure and document client positions by: Using artificial intelligence to identify the strength of a position with greater than 90% accuracy; Testing the effect of various changes to the facts on the strength of the position; Gaining a comprehensive view of the law by identifying authorities and guidance that may pose a risk to the position or can be used to support it; Providing independent, 3rd party reports to document client positions.

4:00PM – 4:30PM

Break (Non-CLE)
4:30PM – 6:00PM

Employee Benefits Part 3

4:30PM

No Surprises – Helping Patients Avoid Unexpected Bills for Emergency (and Certain Non-Emergency) Healthcare Services. The “No Surprises Act,” generally effective beginning January 1, 2022, is designed to protect health plan participants from surprise bills, such as when they seek emergency care or when they are treated by an out-of-network provider at an in-network facility. This panel will address the requirements of the statute, as well as the details of subsequent regulatory and sub-regulatory guidance, including the Interim Final Rule covering surprise billing restrictions and notice obligations.

Moderator: Elena Kaplan, Jones Day, Atlanta, GA

Panelists: Matthew Muma, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Amber Rivers, Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Washington, DC; Kim Wilcoxon, Thompson & Hine LLP, Cincinnati, OH; David Mlawsky, Health Insurance Specialist, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, U.S. Department of Health and Human Services

5:15PM

Department of the Treasury/Internal Revenue Service and Department of Labor Hot Topics. Representatives from the Department of Treasury, Internal Revenue Service and Department of Labor will provide updates on the latest guidance and developments affecting employee plans.

Moderator: Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA

Panelists: Helen Morrison, Deputy Benefits Tax Counsel, Office of the Benefits Tax Counsel, Department of Treasury, Washington, DC; Carol Weiser, Benefits Tax Counsel, Office of the Benefits Tax Counsel, Department of Treasury, Washington, DC; Timothy D. Hauser, Deputy Assistant Secretary for National Office Operations, Department of Labor, Washington, DC
**MONDAY, SEPTEMBER 20**

**4:30PM – 5:30PM**

*New Attendee Orientation Reception (Non-CLE)*

*Hosted by the Young Lawyers Forum & Diversity Committees.*

This orientation and networking event is geared toward young lawyers, law students, and attendees who are new to Tax Section meetings. Section leaders will explain how to navigate and get the most out of the meeting and from membership in the Tax Section. Attendees will then have the opportunity to talk in small groups with each other as well as senior members of the Section. This is a great opportunity to ask questions, meet peers, and network with some of the top tax attorneys in the country.

**4:30PM – 6:00PM**

*State & Local Taxes Roundtable (Non-CLE)*

Join the SALT Committee in a virtual version of its traditional “Saturday Morning Roundtable.”

**Moderator:** David A. Hughes, HMB Legal Counsel, Chicago, IL
10:30AM – 12:00PM  
Employee Benefits Subcommittee

10:30AM  
Employee Benefits ESOP Update. Subject to representation from the Department of Treasury, this meeting will review considerations relating to the sale of an ESOP company to a third party, including a discussion of certain corporate reorganizations designed to facilitate such transaction and what that might mean for the ESOP. The panel will further discuss evolving assertions made by the Department of Labor during investigations of ESOPs and issuance of “voluntary correction” letters (including recharacterizations of corporate transactions as ESOP events/impact of fiduciary responsibility in such transactions). Finally, we will review certain ESOP friendly items included in legislation (proposed or recent) of which to be aware. As always, if time allows, the group will review the current status of ESOP litigation.

Panelists: Benjamin J. Evans, Dentons Bingham Greenebaum LLP, Louisville, KY; Michelle S. Lewis, Hunton Andrews Kurth LLP, Washington, DC; Scott Thompson, Haynes and Boone LLP, Dallas, TX; David A. Whaley, Thompson Hine LLP, Cincinnati, OH; Allison Wilkerson, McDermott Will & Emery, Dallas, TX

11:15AM  
Employee Benefits Defined Contribution Plans Update. This meeting will examine recent and pending regulatory and enforcement activity relating to Section 401(k) plans and other defined contribution plans. It will also involve discussion regarding recent litigation relating to and impacting defined contribution plans. Finally, the meeting will involve a discussion of emerging issues.

Panelists: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Pamela Kinard, Special Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Matthew Eickman, Qualified Plan Advisors, Omaha, NE; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL
Pillars One and Two: Global Agreement on the Horizon. After many years of discussions, the OECD/G20 Inclusive Framework announced that 130 countries (including the United States) have agreed to a two-pillar solution to address the tax challenges arising from the digitalization of the economy. During the G20 July meeting, the G20 endorsed the key components on the reallocation of profits of MNEs and an effective global minimum tax as set out in the OECD statement and called on the OECD/G20 Inclusive Framework to finalize the elements within the agreed framework with a detailed plan for implementation of the two pillars. Pillar One will re-source income by the creation of a new nexus rule based on where the revenue is derived. Pillar Two will provide for domestic and treaty rules denying deductions or imposing tax such that income would effectively bear at least a 15% rate of tax. Our panelists will discuss, among other things, the two-pillars from both a U.S. and EU perspective, what these pillars actually do, the likely approaches in their countries, practical concerns and the impact on existing measures (e.g., digital tax levies).

**Moderator:** Mary C. Bennett, Baker & McKenzie LLP, Washington, DC

**Panelists:** Thierry Boitelle, Bonnard Lawson Geneva Ltd., Switzerland; Delcia Capocasale, Cuatrecasas, Spain; Alexandre Groult, Quinn Emanuel, France; Joshua D. Odintz, Holland & Knight, United States; Philip Tully, Matheson, Ireland

10:30AM – 12:00PM

**Tax Accounting**

**10:30AM**

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

**Moderator:** Michael Resnick, Eversheds Sutherland
Panelists: Jane Rohrs, Deloitte Tax LLP; Lee Gay, PwC; Emily Murphy, Plante Moran; John Moriarty, Internal Revenue Service; Charlie Gorham, Internal Revenue Service; Karla Meola, Internal Revenue Service; Kathleen Reed, Internal Revenue Service; Julie Hanlon-Bolton, Internal Revenue Service; Timothy Powell, Department of the Treasury; Wendy Friese, Department of the Treasury

11:15AM

**TCJA and Section 174.** This panel will discuss the impending changes to the cost recovery of research and experimentation expenditures. The panel will also discuss potential recovery mismatches and administrative difficulties for companies as R&E expenditures move from immediate expensing to a five- or fifteen-year recovery period.

**Moderator:** Ellen McElroy, Eversheds

**Panelists:** Tony Coughlan, RSM US LLP; Les Schneider, Ivins Philips & Barker; Jason Black, PwC; Jennifer Records, IRS; Wendy Friese, Department of the Treasury

12:00PM – 12:30PM

**Break (Non-CLE)**

12:15PM – 6:15PM

**Exempt Organizations**

12:15PM

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

**Moderator:** Chelsea Rubin, Morgan, Lewis & Bockius LLP, Washington, DC

**Panelists:** Janine Cook, Deputy Associate Chief Counsel (EEE), IRS Office of Chief Counsel, Washington, DC; Amber MacKenzie, Senior Technician Reviewer, IRS Office of Chief Counsel, Washington, DC; Nathanael DeJonge, Attorney, IRS Office of Chief Counsel (EEE), Washington, DC; Randall Thomas, Attorney, IRS Office of Chief Counsel (EEE), Washington, DC
1:15PM

**Separating the Wheat from the Chaff: Tales from the Field on Implementing UBTI Silo Rules.**

The UBTI “silo” rule became law in December 2017 and the final regulations were released in November 2019. Four years in, how are nonprofits dealing with the complex new regime? How have they changed their approach to investments and other business activities? Have our panelists found grains of truth buried in the Treasury Regulations or are practitioners caught in the blades of the tax equivalent of a combine harvester? The panel will discuss their hands-on experiences and real-life examples (and continue to beat farm metaphors to death).

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

**Panelists:** Michelle Michalowski, PricewaterhouseCoopers, Washington, DC; A.L. (Lorry) Spitzer, Massachusetts Institute of Technology; Robert Wexler, Adler & Colvin, San Francisco, CA

2:15PM

*Break (Non-CLE)*

2:30PM *Subcommittee Meetings (Non-CLE)*

**Private Foundations, International Philanthropy & UBIT (Meeting Jointly)**

Roundtable Discussion of Current Developments

**Political and Lobbying Organizations & Church and Religious Organizations (Meeting Jointly)**

Roundtable Discussion of Current Developments

3:45PM

*Break (Non-CLE)*
4:15PM

Professional Opinions and Exempt Organizations. (Ethics Credit) There are different types and reasons for opinions: comfort (e.g., exempt from UBIT), contractual condition (e.g., required for closing), escape hatch (e.g., right to terminate joint venture if counsel opines exempt status is at risk), penalty protection (e.g., reliance on a reasoned written legal opinion of counsel – IRC 4941, 4944, 4945, 4958), ASC 740 (FIN 48), and proper tax reporting (e.g., 990 and 1023EZ). This panel will address the legal, ethical, and practical considerations involved in assessing the need for an opinion, how to arrive at any given “comfort level,” and how much (or little) it takes for a written legal opinion to be “reasoned.”

Panelists: Ofer Lion, Seyfarth Shaw LLP, Los Angeles, CA; LaVerne Woods, Davis Wright Tremain LLP, Seattle, WA

5:15PM

Donor-Advised Funds: The Latest and Greatest. This panel will discuss the most recent updates regarding donor-advised funds, including on the litigation, legislative and regulatory fronts.

Moderator: David A. Shevlin, Simpson Thatcher & Bartlett LLP

Panelists: Megan E. Bell, Morgan, Lewis & Bockius LLP; Elinor Ramey, Steptoe & Johnson LLP
1:00PM
I certified what?!?: Evaluating Taxpayers’ exposure from their participation in COVID relief programs. The CARES Act, Consolidated Appropriations Act, and American Rescue Plan Act created many programs designed to support business, individuals, and industries... and many opportunities for those taxpayers to make erroneous representations to the government and/or engage in fraud. Now, as the economy has begun to settle, those taxpayers are reflecting on their participation in these programs. This panel will discuss strategies for taxpayers to proactively address their problematic behavior, as well as the federal and state governments’ efforts to investigate and prosecute offenders.

Moderator: Michelle F. Schwerin, Capes Sokol, St. Louis, MO

Panelists: Sandra Brown, Hochman Salkin Toscher & Perez, Beverly Hills, CA; Eric S. Benderson, Associate General Counsel, Office of Litigation and Claims, U.S. Small Business Administration, Washington, DC; Barbara Kaplan, Greenberg Traurig, New York, NY; Charles Gorham, Special Counsel to Associate Chief Counsel, Office of Chief Counsel - Income Tax & Accounting, IRS, Washington, DC

12:30PM – 2:00PM
Estate & Gift Taxes

12:30PM
Estate of Michael Jackson v. Commissioner. This panel will discuss the recent Tax Court case involving the Estate of Michael Jackson, including its impact moving forward.
Panelists: Jennifer Goode, Birchstone Moore, Washington, DC; Kenny Jefferson, Holland & Knight, Washington, DC; Stephanie Loomis-Price, Winstead PC, Houston, TX

1:15PM
Lucky Number 13: Clear Up 13 GST Tax Misconceptions. The GST Tax still continues to vex practitioners some forty plus years following its introduction into the tax code. Although the maximum rate applied to GST transfers is high, a high rate doesn’t necessarily mean high complexity. Steve’s presentation dispels thirteen false assumptions about the GST tax. After setting the record straight, you should have better luck understanding Chapter 13 of the Internal Revenue Code.

Panelist: Steven Bonneau, Northern Trust, Chicago, IL
TUESDAY, SEPTEMBER 21

2:00PM – 2:30PM
Break (Non-CLE)

2:30PM – 4:00PM
Civil & Criminal Tax Penalties: Part 2

2:30PM

3:00PM
Taxpayer Privacy v. The Public’s Right to Know. In the wake of the Watergate scandal Congress substantially increased the statutory protections for taxpayer privacy, including imposing criminal penalties for various forms of unauthorized disclosure. At the same time, the First Amendment provides for freedom of the press and journalists are tasked with informing the public on matters of national import. Recently, high profile leaks of tax return information have led to blockbuster reports by ProPublica (on the tax strategies of high net-worth individuals) and the New York Times (on former President Trump’s tax returns), among others. This panel will explore what I.R.C. §§ 6103 and 7213 protect and prohibit, how these laws potentially interact with the First Amendment, how newsrooms think through the legal and ethical questions surrounding the publication of leaked or stolen information, and more.

Moderator: Benjamin Eisenstat, Caplin Drysdale, Washington, DC

Panelists: Jesse Eisinger, Senior Reporter & Editor, ProPublica, Washington, DC; Cara Griffith, President and CEO, Tax Analysts, Washington, DC; Nina Olson, Executive Director, Center for Taxpayer Rights, Washington, DC; Jenny Johnson Ware, McDermott Will & Emery, Chicago, IL
Legislative and Guidance Roundtable. Join us for a roundtable discussion of current legislative updates from Capitol Hill and guidance from Treasury and the IRS. The discussion will feature speakers from the government and the insurance industry. Audience participation is highly encouraged so please bring your questions and comments for our speakers.

**Moderator:** Alison Peak, Davis & Harman LLP, Washington, DC; Jean Baxley, Deloitte LLP, Washington, DC

**Panelists:** Victoria Glover, Deloitte LLP, Washington, DC; Stephen B. Tackney, Washington, DC; Brandon Ford, IRS, Washington, DC; Will Davis, Capitol Tax Partners, Washington, DC; Kathryn Sneade, IRS, Washington, DC

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**Young Lawyers Forum / Tax Bridge to Practice (Recommended for Young Lawyers)**

**2:30PM**

**How Secure Are You? A Primer and Overview of the SECURE Act’s Changes to Employee Benefit Issues.** (Recommended for Young Lawyers) Considered to be the most sweeping change to employee benefit tax provisions in more than a decade, the Setting Every Community Up for Retirement Enhancement (“SECURE”) Act of 2019 made significant changes to IRAs, other qualified retirement plans, and administration of employee benefit plans. This panel will aim to provide an overview of the taxation of retirement plans and employee benefits, focusing on fundamental rules for formation and qualification of retirement plans, contributions to and distributions from plans, and ongoing compliance requirements, focusing on changes in the SECURE Act. The panel will provide both a primer on employee benefit issues and a deeper dive for those currently working in this space.

**Moderator:** Grace Sullivan, Davis & Harman LLP

**Panelists:** Rene Morency, Sandberg Phoenix & von Gontard PC; Linda S. Marshall, Senior Counsel, Qualified Plans Branch 1 Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes)
3:15PM

IRS Forms Galore: Which One Do I Use? (Recommended for Young Lawyers) One of the most fundamental questions for practitioners is what form to use to accomplish a desired tax goal. From closing agreements to extending periods of limitation on assessment and collection, to settling matters at Exam, Appeals, or in court, IRS forms are a critical part of tax procedure and administration. This panel will demystify which form(s) to use for what purpose and strategies for effectively negotiating terms of closing agreements, extensions of periods of limitation on assessment, and more.

Moderator: Scott Lee, Morgan, Lewis & Bockius LLP

Panelists: Daniel Strickland, Eversheds Sutherland LLP; Christine Kim, Baker & McKenzie LLP; Pamela Grewal, Special Trial Attorney, Internal Revenue Service, Office of Chief Counsel (Large Business & International)

4:00PM – 4:30PM
Break (Non-CLE)

4:30PM – 5:30PM
Capitol Recovery & Leasing and Tax Accounting Networking Event (Non-CLE)

4:30PM – 6:00PM
Civil & Criminal Tax Penalties Networking Event (Non-CLE)
10:30AM – 12:00PM

**Administrative Practice and Court Procedure & Practice Joint Session: Part 1**

**Current Developments.** This panel will include a report from the Tax Court, as well as a discussion of significant IRS guidance and pending litigation.

**Moderators:** Kandyce Korotky, Covington & Burling LLP, Washington, DC; Michael J. Scarduzio, Jones Day, New York, NY

**Panelists:** The Honorable Emin Toro, U.S. Tax Court, Washington, DC; Richard G. Goldman, Deputy Associate Chief Counsel (Procedure & Administration) Office of Chief Counsel, IRS, Washington, DC; Natasha Goldvug, Department of Treasury, Washington, DC (Invited)

10:30AM – 12:00PM

**Capital Recovery & Leasing**

**10:30AM**

**Emerging Section 179D Issues.** Section 179D provides a deduction to taxpayers for expenditures related to energy efficient commercial building property. This panel will provide an introduction to section 179D and address emerging issues facing taxpayers seeking to claim the deduction.

**Moderator:** Jeremy DeMuth, Deloitte Tax LLP, Chicago, IL

**Panelists:** Jennifer Bernardini, Attorney, Office of Chief Counsel – Passthroughs & Special Industries, IRS, Washington, DC; Andrea Mouw, Eide Bailly, Minneapolis, MN; Jason Belbot, RSM US LLP, Baltimore, MD
11:15AM

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

**Moderator:** Kristen Martin, EY, Washington, DC

**Panelists:** Kathleen Reed, Branch Chief, Branch 7, Income Tax & Accounting, IRS, Washington, DC; Charles Gorham, Special Counsel to Associate Chief Counsel, Office of Chief Counsel - Income Tax & Accounting, IRS, Washington, DC; Patrick Clinton, Office of Chief Counsel - Income Tax & Accounting, IRS, Washington, DC; Patrick Clinton, Office of Chief Counsel - Income Tax & Accounting, IRS, Washington, DC; Jason Seo, Grant Thornton LLP, Washington, DC

10:30AM – 12:00PM

**Employee Benefits Subcommittee**

**Defined Benefit Plans Update.** The subcommittee will discuss recent issues of interest affecting defined benefit plans, including developments from the PBGC and IRS/Treasury and pension risk transfer strategies and issues.

10:30AM – 12:00PM  
**Sales, Exchanges & Basis: Part 1**

10:30AM  
**Current Developments Relating to Sales, Exchanges & Basis.** Panelists review recent case law and guidance on traditional sale, exchange, and basis issues, and section 1031 developments. Panelists: Alan Lederman, Gunster, Ft. Lauderdale, FL; E. John Wagner, II, Williams Parker, Sarasota, FL

11:00 AM  
**§ 1202 Nuts & Bolts. (Recommended for Young Lawyers)** This panel will describe how § 1202, the partial exclusion for gain from certain small business stock, applies under current law. Panelists will discuss the qualified small business stock qualification requirements and the tax benefits of qualified small business stock treatment.  
**Moderator:** Leila Vaughan, Royer Cooper Cohen Braunfeld LLC, Conshohocken, PA  
**Panelists:** Brianne DeSellier, Crowe LLP, Ft. Lauderdale, FL; Janelle Darnell, McGuireWoods, Washington, DC; Matthew Rappaport, Falcon Rappaport & Berkman PLLC, New York, NY

12:00PM – 12:30PM  
**Break (Non-CLE)**

12:30PM – 2:00PM  
**Administrative Practice and Court Procedure & Practice Joint Session: Part 2**

**CIC Services, LLC v. Internal Revenue Service: Opening the Floodgates to Pre-Enforcement Tax Litigation?** In a unanimous decision, the Supreme Court held that the Anti-Injunction Act’s bar on lawsuits for the purpose of restraining the assessment or collection of taxes did not bar a pre-enforcement challenge under the Administrative Procedure Act of an IRS reporting
rule backed by tax penalties. This panel will discuss helpful background regarding the Anti-Injunction Act and Administrative Procedure Act; examine the facts of the case and key arguments presented to the Court by the parties and amici curiae; and debate the implications of the Court’s ruling for pre-enforcement lawsuits challenging the validity of Treasury and IRS rules and regulations.

**Moderator:** Antoinette Ellison, Jones Day, Atlanta, GA

**Panelists:** Bryan Camp, Texas Tech University School of Law, Lubbock, TX; Kristin Hickman, University of Minnesota Law School, Minneapolis, MN; David W. Foster, Skadden, Arps, Slate, Meagher & Flom LLP, Washington, DC; Gil Rothenberg, former Chief of the Justice Department Tax Division’s Appellate Section, Adjunct Professor of Law at American University’s Washington College of Law, Washington, DC

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**12:30PM – 2:00PM**

*Foreign Activities of US Taxpayers*

**12:30PM**

*Update on the Overlay of Potential International Tax Reform and OECD Pillars II.* Partway through the first year of the new administration, this panel will examine the influence (potential and actual) of OECD Pillars II on tax reform in the United States, and interactions of the regimes, examining issues such as country-by-country determinations, minimum taxes based on book income, and the continued relevance of foreign tax credits.

**Moderator:** Rocco Femia, Miller Chevalier

**Panelists:** Brian Jenn, McDermott Will & Emery LLP; Mary Bennett, Baker McKenzie

**1:15PM**

*GILTI (Dis)pleasure – Technical Discussion of how the Biden Administration Proposed Tax Legislative Changes will Impact International Provisions.* This panel will address technical issues under the GILTI and foreign tax credit regimes raised by legislative proposals. Topics may include potential changes to, and open issues regarding, the computation of GILTI inclusions, the application of GILTI and the foreign tax credit limitation on a country-by-country or high- and low-taxed basis, expense apportionment to GILTI and dividends eligible for the section 245A DRD, and transition issues.
12:30PM – 2:00PM
Sales, Exchanges & Basis: Part 2

12:30PM
§ 1202 Economics and Policy. This panel will discuss the historical origins of qualified small business stock to better understand the policy objectives behind the enactment of these rules, including certain costs and benefits of the qualified small business stock regime to society; explore the implications of § 1202 for choice of entity decisions; and finally analyze the current financing climate for small businesses, and the need for additional equity financing incentives for small businesses.

Moderator: Roberta Mann, University of Oregon School of Law, Eugene, OR
Panelists: Jenny Levine, Quinnipiac University School of Law, North Haven, CT; Gregg Polsky, University of Georgia School of Law, Athens, GA; Manoj Viswanathan, UC Hastings Law, San Francisco, CA; Samantha Jacoby, Center for Budget and Policy Priorities, Washington, DC

1:15 PM
Advanced planning with § 1202. This panel will discuss advanced issues and planning techniques involving § 1202, including techniques for preserving and maximizing exclusions of gain and recent rulings involving qualifying trades or businesses.

Moderator: Danny Reach, Alston & Bird, Charlotte, NC
Panelists: Olga Loy, Winston & Strawn LLP, Chicago, IL; Matthew Rappaport, Falcon Rappaport & Berkman PLLC, New York, NY; Jonathan R. Collett, CohnReznick, Hartford, CT; Caryn Friedman, Ernst & Young LLP, Washington, DC
Promoting Diversity, Equity, and Inclusion in Tax: Ideas and Resources for Mentoring Diverse Students and Leading Discussions of DEI in Tax. (Recommended for Young Lawyers) “We will all profit from a more diverse, inclusive society, understanding, accommodating, even celebrating our differences, while pulling together for the common good.” Ruth Bader Ginsburg. “Diversity requires commitment. Achieving the superior performance diversity can produce needs further action — most notably, a commitment to develop a culture of inclusion. People do not just need to be different, they need to be fully involved and feel their voices are heard.” Alain Dehaze. This panel will document the need for greater diversity in the field of tax law — in practice and in Academia — and share ideas to promote this goal, with a focus on law students and recent law school graduates. The panelists will (1) provide information about existing programs to promote DEI in the tax profession, (2) discuss ways to build the tax profession pipeline, to recruit and retain diverse tax attorneys, and to provide strong platforms for professional success, and (3) solicit audience participation and ideas for new initiatives.

**Moderator:** Katie Pratt, Professor of Law and Sayre Macneil Fellow, LMU Loyola Law School Los Angeles

**Panelists:** Professor Alice Abreu, Honorable Nelson A. Diaz Professor of Law and Director, Temple Center for Tax Law and Public Policy, Temple University Beasley School of Law, Philadelphia, PA; Caroline D. Ciraolo, Kostelanetz & Fink, LLP, inaugural Vice Chair, Membership, Diversity, and Inclusion, Tax Section Council, ABA; Professor Steven Dean, Brooklyn Law School; Honorable Juan F. Vasquez, US Tax Court; Lany L. Villalobos, Kirkland & Ellis, LLP, Assistant Secretary, Tax Section Council, American Bar Association (2021-2022), Immediate Past-Chair, ABA Tax Section Diversity Committee
John Doe Summons: The Tool to Close the Crypto Compliance Gap and Implications for Privilege. A John Doe summons allows the IRS, with court approval, to obtain information from a third-party about a class of taxpayers. The IRS’s use of these summonses to identify account holders of UBS made headlines in 2008. Since then, the IRS has expanded the use of John Doe summonses as an available investigatory tool, including on domestic cryptocurrency exchanges. This panel will recount the historical use of John Doe summonses by the IRS; examine areas in which the IRS is currently employing these summonses and where they can be used in the future, and discuss important privilege issues they may raise, an example of which is currently pending before the U.S. Supreme Court in Taylor Lohmeyer Law Firm v. United States (Docket 20-1596).

Moderator: Victor A. Jaramillo, Caplin & Drysdale, Washington, DC

Panelists: Honorable Steven D. Grimberg, United States District Judge, Northern District of Georgia; Lawrence Hill, Steptoe & Johnson, New York, NY; Jeffrey Neiman, Marcus Neiman Rashbaum & Pineiro, Ft. Lauderdale, FL; Caroline Ciraolo, Kostelanetz & Fink, Washington, DC

Protecting Vulnerable Taxpayers Against Tax Preparer Fraud. (Recommended for Young Lawyers) Many taxpayers turn to paid tax preparers to help them navigate the tax code and accurately prepare their tax returns each year. While most tax return preparers are qualified and professional, unscrupulous tax return preparers do exist and can cause financial hardship and legal problems for the taxpayers who hire them. This is especially true for low-income taxpayers and other vulnerable communities. This panel will provide a comprehensive discussion of tax return preparer fraud and how to help those who have been taken advantage of by unethical tax return preparers. Panelists will identify resources to report tax return preparer fraud and what options are available to taxpayers to help remedy the damage caused by the tax return preparer. Lastly, the panel will discuss regulation of tax return preparers and what steps the tax community can take to reduce the risk of tax return preparer fraud.
Multiple Employer Plans: Updates on PEPs, MEWAs and MEPs. This panel will discuss issues related to open Pooled Employer Plan (PEPs), as authorized under the Setting Every Community Up for Retirement Enhancement (SECURE) Act. PEPs as an entirely new retirement plan fiduciary structure allow employers to pool resources to help achieve economies of scale and administrative efficiencies but there are complex considerations and requirements (including registration and reporting rules) and the need for additional guidance. The panel will also address the differences between a “Plan MEWA” and a “Non-Plan MEWA” under ERISA and other applicable law. Finally, the panel will provide an update on retirement plan MEPs and PEO MEPs.

Panelists: William Evans, Attorney Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Farrah Fielder, Slavic 401k, Boca Raton, FL; Pamela Kinard, Special Counsel, Employee Benefits, Exempt Organizations and Employment Taxes, Office of Chief Counsel, IRS, Washington, DC; Susan Rees, The Wagner Law Group, Washington, DC; Stefan P. Smith, Locke Lord LLP, Dallas, TX; Robert J. Toth, Jr., Law Office of Robert J. Toth, Jr. LLC, Fort Wayne, IN; Harlan Weller, Department of Treasury, Washington, DC
2:30PM – 4:00PM

Investment Management

2:30PM

Old Law... New Developments: Cryptocurrency Investment Funds. This panel will explore the application of existing law to formation of cryptocurrency investment funds, including grantor trusts, PTPs, and RICs holding cryptocurrency and securities lending of crypto currency.

Moderator: Richard LaFalce, Morgan Lewis & Bockius LLP, Washington, DC

Panelists: Patrick E. Sigmon, Davis Polk & Wardwell LLP, New York, NY; Rebecca Lee, PwC, Dallas, TX

3:15PM

What’s New for Cross-border Credit Funds. Cross-border credit funds have been in the tax news in 2021. Loan origination is the topic of a newly announced IRS audit campaign. In addition, novel tax issues relating to cross-border credit funds are under consideration by the US Tax Court in the case of YA Global Investments. This panel will discuss these developments and provide views from the perspectives of external tax advisors and a government official.

Moderator: Dan Paulos, KPMG

Panelists: Peter Blessing, Associate Chief Counsel, International, Office of Chief Counsel, IRS; Stuart Leblang, Akin Gump; David Miller, Proskauer; Sam Riesenber, KPMG LLP

4:00PM – 4:30PM

Break (Non-CLE)
4:30PM – 6:00PM
Employee Benefits Subcommittee

Employee Benefits Welfare Plans and EEOC, FMLA and Leave Issues Update. This subcommittee meeting will consist of: (i) an update from the IRS regarding current projects; (ii) an update from the Department of Labor regarding mental health parity; (iii) a review of recent legal developments affecting employer-sponsored health and welfare plans, including surprise billing, mental health parity, and developments impacting coverage of infertility benefits; and (iv) a discussion of the practical questions and issues faced by employer plan sponsors and plan participants as they grapple with these welfare plan developments.

Panelists: Jacquelyn Meng Abbott, Vorys, Sater, Seymour and Pease, LLP, Houston, TX; William D. Fischer, Attorney Advisor, IRS Associate Chief Counsel, Employee Benefits, Health and Welfare Branch, Washington DC; Yelena F. Gray, Nixon Peabody LLP, Chicago, IL; Kevin Knopf, Senior Technician Reviewer, IRS Office of Chief Counsel, Washington, DC; Amber Rivers, Director, Office of Health Plan Standards and Compliance Assistance, Washington DC; Carolyn M. Trenda, McGuireWoods LLP, Chicago, IL; Kimberly Wilcoxon, Thompson Hine LLP, Cincinnati, OH; Jahiz Noel Agar, Trucker Huss, San Francisco, CA; Beth A. Mandel, Thompson Hine LLP, Cincinnati, OH; Emily Lucco, Groom Law Group, Washington, DC; Matthew Muma, Department of Treasury, Washington, DC; Matthew Litton, Department of Labor, Washington, DC

4:30PM – 6:00PM
International Committees Networking Event (Non-CLE)
4:30PM – 6:00PM

Pro Bono Committee Networking Event
(Recommended for Young Lawyers) (Non-CLE)

Taking the Pro Bono & Tax Clinics Listerv Live. Join a series of interactive virtual conversations on the most popular recent discussion threads on the Pro Bono & Tax Clinics Tax Connect Community listserv. During this hectic year full of changes to the Tax Code and tax administration, the listserv has provided a crucial space to share issues and solutions among practitioners. This session will build on these conversations by allowing participants to select a breakout room organized by various hot topics to delve more deeply into the issue, problem solve and exchange tips with colleagues. At the end of the session, the breakout groups will share the brainstormed solutions and tips with the full group. Topics will be finalized shortly before the event based on popular timely discussion threads.

Moderator: Omeed Firouzi, Philadelphia Legal Assistance Taxpayer Support Clinic Staff Attorney, Philadelphia, PA

*Please update your Zoom application to allow you to select a breakout room prior to the start of the session.
10:30AM – 12:00PM

**Joint Closely Held Businesses Committee/Real Property Estates & Trusts Committee Panel**

**10:30AM**

**Hot Topics for Closely Held Businesses.** This panel will discuss recent developments in legislation, regulatory guidance, and noteworthy cases impacting closely held businesses.

**Moderator:** Jonathan D. Grossberg, Grossberg Continuing Education, Wynnewood, PA

**Panelists:** Sabrina Strand, University of Denver’s Low Income Taxpayer Clinic, Denver, CO; Harry L. Gutman, Ivins, Phillips & Barker, Chartered, Washington, DC; Justin Miller, Evercore Wealth Management, LLC/Evercore Trust Company, N.A., San Francisco, CA

**11:00 AM**

**Trusts as Owners of a Closely Held Business Entity.** This panel will examine the considerations when a trust owns an interest in a closely held business. Topics to be discussed include selection of fiduciaries and potential for conflicts of interest, criteria and implications of material participation for trusts, and other income tax considerations specific to trust ownership.

**Moderator:** Adam Abrahams, Meyers Hurvitz Abrahams LLC, Rockville, MD

**Panelists:** Naomita Yadav, Withers Bergman LLP, San Francisco, CA; Thomas A. Cooper, Moore and Van Allen, PLLC, Charlotte, NC; Brent Lipschultz, Eisner Amper LLP, New York, NY; Alex Tanouye, Northern Trust Company, Washington, DC

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**10:30AM – 12:00PM**

**Employee Benefits Subcommittee**

**10:30AM**

**Executive Compensation, Fringe Benefits and Federal Securities Law Update.** This panel will discuss international compensation matters and discuss recent IRS updates and anticipated priorities.

11:15AM

Employee Benefits Administrative Practices Update. The panel will discuss the updated IRS correction principles and changes to VCP outlined in EPCRS Revenue Procedure 2021-30. The panel will outline and discuss the significant changes, including the practical consequences of these changes from the plan sponsor and practitioner perspective.

Panelists: Brandon Long, McAfee & Taft, Oklahoma City, OK; Judy Hensley, Roberts & Holland LLP, New York, NY; Timothy G. Verrall, Ogletree Deakins, Houston, TX

10:30AM – 12:00PM

Fiduciary Income Tax

10:30AM

Internal Revenue Code Section 677. Ms. Dewberry will discuss Internal Revenue Code Section 677 and the various planning options thereunder.

Panelist: Julie M. Dewberry, Higgs Fletcher & Mack LLP, San Diego, CA

11:15AM

Income Tax Aspects of Charitable Split-Interest Trusts. Mr. Moullé will discuss the income tax aspects of certain charitable split-interest trusts, including CRTs and CLTs.

Panelist: Nolan A. Moullé, III, The Northern Trust Company, Houston, TX
10:30AM – 12:00PM

Pro Bono & Tax Clinics
(Recommended for Young Lawyers)

10:30AM

Barriers to Tax Benefits: Resolving ID Verification and Payment Delivery Issues. (Recommended for Young Lawyers) The CARES Act and American Rescue Plan Act expanded numerous important benefits for low-and-middle income individuals delivered through the tax code—for example, the Advance Child Tax Credit and the Recovery Rebate credits. This panel will discuss numerous barriers that have emerged in getting those payments to the rightful recipients including ID verification issues, payments to the unbanked, and working with incarcerated individuals and the housing insecure.

Moderator: Anthony Marqusee, Philadelphia Legal Assistance, Philadelphia, PA

Panelists: Laura Baek, IRS TAS, Washington, DC; Barbara Heggie, Low-Income Taxpayer Project, Concord, NH; Nanette Downing, Director of Identity Assurance, IRS, Washington, DC; Kristen Landreth, Supervisory Tax Analyst, Return Integrity Verification Program, IRS, Ogden, UT

11:30AM

A Simple Question with a Complicated Answer: Determining a Taxpayer’s Last Known Address. (Recommended for Young Lawyers) Many IRS notices are required to be mailed to a taxpayer’s “last known address.” Failure of the IRS to properly mail such notices can carry profound consequences. Determining exactly what a taxpayer’s last known address should be, however, is increasingly contentious. This panel will review the regulatory and subregulatory guidance on what is required for a taxpayer to effectively change their address with the IRS. It will also discuss how the recent 3rd Circuit decision Gregory v. Commissioner and the online IRS “portals” may affect this area of law.

Moderator: Briana Fehringer, Partner at Anderson & Jahde, P.C., Littleton, CO

Panelists: Christopher Valvardi, IRS Office of Chief Counsel (P&A), Washington, DC; Audrey Patten, Harvard Legal Services Center, Jamaica Plain, MA
12:00PM – 12:30PM

**Break (Non-CLE)**

12:30PM – 2:00PM

**Corporate Transactions Open Discussion (Non-CLE)**

*Hosted by the Corporate Tax & Affiliated and Related Committees*

This session, which will once again be hosted by Will Dixon, will feature a discussion of transactions and issues under subchapter C and the consolidated return regulations raised by session participants.

12:30PM – 1:15PM

**Employee Benefits Subcommittee**

*Welfare Plans and EEOC, FMLA and Leave Issues Subcommittee Zoom Session (Non-CLE)*

This session will allow subcommittee members to discuss issues and approaches to compliance. Topics to be addressed include COVID-19 vaccination incentive programs, mental health parity NQTL analyses, feedback on the IRS presentation made during the Wednesday session, and other topics raised by subcommittee members (time permitting).

12:30PM – 2:00PM

**Employment Taxes**

12:30PM

**IRS Employment Tax Update.** An overview of important developments since the Midyear 2021 Meeting, including discussion of the AMERICAN RESCUE PLAN Act, COVID relief measures, and breaking legislative developments and court cases employment taxes.
Moderator: Priya C. Schwartzburt, PwC, Philadelphia, PA

Panelists: Janine Cook, Deputy Associate Chief Counsel, Tax Exempt and Governmental Entities, Internal Revenue Service; Dixie Pond, IRS, Washington, DC; Michael Gitlin, IRS, Washington, DC; NaLee Park, IRS, Washington, DC

1:35PM
Remote Workers and Taxes. (Recommended for Young Lawyers) An overview of the challenges for employers and workers arising from the implementation of remote workforce policies in response to the Pandemic.

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

Panelists: Jaye Calhoun, Kean Miller, New Orleans, LA; Mark Richards, Ice Miller, Indianapolis, IN

12:30PM – 2:00PM
S Corporations Part 1

12:30PM
SALTy S Corporations. This panel will review state and local tax issues facing S corporations and their shareholders.

Panelists: Eric Anderson, Andersen Tax, San Francisco, CA; Kelvin M. Lawrence, Dinsmore & Shohl LLP, Columbus, OH; Amanda L. Govin, Dean Mead, Orlando, FL

1:30PM
Important Developments in the Federal Income Taxation of S Corporations. This panel will discuss recent legislative, administrative, and judicial developments relating to S corporations and their shareholders.

12:30PM – 2:00PM

**Tax Collection, Bankruptcy and Workouts**

**12:30PM**

**Fundamentals of Resolving Tax Problems in Bankruptcy under Chapters 7, 13 and 11.** *(Recommended for Young Lawyers)* Taxpayers with significant tax liabilities often cannot resolve those liabilities administratively with the IRS. Bankruptcy often is a viable alternative and sometimes the best option in resolving both tax and nontax debts. This panel will discuss the different types of bankruptcy options available, the fundamental requirements for discharge of a tax liability, as well as the recently enacted Subchapter V of Chapter 11 under the Small Business Reorganization Act (“SBRA”).

**Panelists:** Nancy Ryan, Legal Services of Northern Virginia, Inc., Fairfax, VA; Daniel Rosefelt, Rosefelt & Associates, LLC, Bethesda, MD; Daniel Press, Chung & Press PC, Mclean, VA

**1:15PM**

**Civil Actions in Connection with IRS Collection Enforcement Action.** This panel will focus on a taxpayer’s recourse when the Internal Revenue Service (or its agent(s)) has acted inappropriately during collection enforcement, including for failure to release a lien (IRC § 7432) or for engaging in unauthorized collection actions (IRC § 7433/7433A).

**Moderator:** Andrew Lendrum, Agostino & Associates PC, Hackensack, NJ

**Panelists:** Jason Freeman, Freeman Law PLLC, Frisco, TX; Sabrina Strand, Professor of Law, Low Income Taxpayer Clinic at University of Denver, Sturm College of Law

**Co-sponsored by:** Court Procedure and Practice and Pro Bono and Tax Clinics

**2:00PM – 2:30PM**

**Break (Non-CLE)**
2:30PM – 3:30PM
S Corporations Part 2

Back to Basics: Basis of S Corporations. This is the third installment in a series of deep dives into Subchapter S geared to new tax lawyers. This program will review the determination of the basis of S corporation stock.

Moderator: Thomas J. Phillips, von Briesen & Roper, Milwaukee, WI
Panelists: Jeffrey Alberty, Grant Thornton, Denver, CO; Justin L. Mills, Robinson, Diss & Clowdus, P.C., Denver, CO

2:30PM – 4:00PM
Tax Practice Management

Someone Paid How Much for What? (Recommended for Young Lawyers) Non Fungible Tokens or NFTs have been in the news recently as the future of digital art and for some of the high prices paid at auction. This panel will take a closer look at what exactly is an NFT, why someone might pay $70 million for a piece of digital art, and how NFTs challenge some long held assumptions made by the tax code. The panel will also take a look at how the most interesting aspects of the blockchain economy are moving away from US dollars and into layered virtual currency transactions and what that means for tax practitioners when it comes to interpreting not only NFT’s but also the next big thing in the crypto economy. The panel will also provide an update on cryptocurrency cases and litigation from around the country.

Panelists: Lisa Zarlenga, Steptoe & Johnson LLP, Washington DC; Guinevere Moore, Moore Tax Law Group LLC, Chicago, IL; James Creech, Baker Tilly, San Francisco, CA

4:00PM – 4:30PM
Break (Non-CLE)
4:30PM – 6:00PM

**Estate & Gift & Fiduciary Income Tax**

4:30PM

**Federal Gift, Estate, & Fiduciary Income Tax Current Developments.** This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since May 2021, along with related fiduciary income tax updates.

**Panelists:** Preston Demouchet, Carter Ledyard & Milburn LLP, New York, NY; Ashley Sawyer, Loeb and Loeb LLP, Washington, DC; Anna Soliman, Fiduciary Trust International, Los Angeles, CA

5:15PM

**Qualified Small Business Stock.** This panel will QSBS developments.

**Panelists:** Justin Miller, Evercore Wealth Management, LLC, San Francisco, CA; Naomita Yadav, Withers Bergman LLP, San Francisco, CA

4:30PM – 6:00PM

**Administrative Practice & Court Procedure & Practice Networking Event (Non-CLE)**

Please join the Administrative Practice Committee and Court Procedure & Practice Committee in a presentation on current developments and topics with Tom West, Deputy Assistant Secretary for Domestic Business Tax in the Treasury Department’s Office of Tax Policy. Afterwards, please join fellow committee members in breakout sessions to touch base and discuss committee affairs.
10:30AM – 12:00PM
Affiliated & Related Corporations

**SRLY Planning.** This panel will focus on outstanding open issues and problems in the application of the Separate Return Limitation Year (SRLY) rules. Topics could include planning techniques and issues regarding SRLY limits; the application of the subgroup anti-abuse rules and the anti-duplication rules; the interaction of the SRLY rules with the rules passed under the TCJA, the CARES Act, and the Dual Consolidated Loss regime; and other issues identified by the panelists.

**Moderator:** Olivia Orobona, PwC

**Panelists:** William Pauls, Deloitte; Meaghan A. Wolfe, McDermott Will & Emery; Justin Kellar, Senior Technician Reviewer, Branch 3, IRS

10:30AM – 12:00PM
Real Estate

10:30AM
**Hot Topics.** This panel will focus on new judicial, legislative, and administrative guidance and other recent developments relating to the taxation of real estate and partnerships.

**Moderator:** Steven R. Schneider, Stroock & Stroock & Lavan LLP, Washington, DC

**Panelists:** Ryan P. McCormick, Senior Vice President & Counsel, The Real Estate Roundtable, Washington, DC; Monisha Santamaria, Legislation Counsel, Joint Committee on Taxation, Washington, DC

11:15AM
**Foreign Investors in Real Estate Ventures.** This panel will discuss certain federal income tax concerns a foreign investor may have when investing in U.S. real estate. Topics will include structuring considerations, explanation of the taxation of U.S. real estate income, a discussion of the complications and issues raised under FIRPTA, and other related issues.
FRIDAY, SEPTEMBER 24

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

Panelists: Ilene W. Fine, PwC, Washington, DC; Kenneth A. Jeruchim, Senior Technical Reviewer, IRS Office of Associate Chief Counsel (International); Joshua S. Kaplan, KPMG LLP, Philadelphia, PA

10:30AM – 12:00PM
US Activities of Foreigners & Tax Treaties

Here We Go Again: International Tax Reform – Selected Inbound and Treaty Aspects.
This panel will focus on the latest proposals relevant to U.S. inbound taxation and treaties, including SHIELD, modification of the inversion rules, expanded interest expense deduction limitation, and possible treaty issues raised by the Green Book and current OECD/G20 (BEPS 2.0) proposals.

Panelists: Nita Asher, PwC; Wei Fan, Grant Thornton; Kelly Rubin, Jones Day

12:00PM – 12:30PM
Break (Non-CLE)
12:30PM – 2:00PM
*Individual & Family Taxation*

The Service of the Service: Interacting Now and in the Future. (Recommended for Young Lawyers) This two-part panel will examine the current state of IRS customer service and how technology may transform how the IRS interacts with taxpayers. Part one will focus on common scenarios that taxpayers, practitioners, and IRS personnel have faced with the continuing backlog of correspondence and return processing. The panel will focus on how practitioners have attempted, with varying degrees of success, to resolve these problems. It will bring together viewpoints from private practice, tax clinicians, the Taxpayer Advocate, and the IRS. Part two will focus on strategic IRS initiatives to use Artificial Intelligence (AI) and data analytics to automate core components of customer service – some already in testing. The panel will discuss the IRS’s concierge service initiative, which will be AI-driven with some IRS representative collateral support, and how the initiative interacts with the broader Taxpayer First Act implementation programs. The panel will explore issues of equity in accessing responsive service by different taxpayer populations.

**Part One Panelists:** Kenneth C. Corbin, Commissioner, Wage & Income Division, IRS, Atlanta, GA; Andrew VanSingel, Local Taxpayer Advocate, IRS, Chicago, IL; Olena Ruth, Ruth Tax Law, Denver, CO; W. Edward (Ted) Afield, Clinical Professor of Law and Director, Philip C. Cook Low Income Taxpayer Clinic, Georgia State University, Atlanta, GA

**Part Two:** Joshua Beck, Attorney Advisor, Taxpayer Advocate Service, Des Moines, IA; Leigh Osofsky, Professor of Law, University of North Carolina School of Law, Chapel Hill, NC; Joshua Blank, Professor of Law, University of California, Irvine School of Law, Irvine, CA; W. Edward (Ted) Afield, Clinical Professor of Law and Director, Philip C. Cook Low Income Taxpayer Clinic, Georgia State University, Atlanta, GA
12:30PM – 2:00PM
*Partnerships & LLCs*

**12:30PM**
*What We Know About BBA Exams So Far.* The IRS has said that its large partnership audit initiative is beginning this fall, but some partnerships have already been subject to examinations under the centralized partnership audit regime enacted by the Bipartisan Budget Act of 2015 (BBA). This panel will discuss these early experiences and what could be expected in the future.

**Moderator:** Rochelle Hodes, Crowe LLP, Washington DC

**Panelists:** Greg Armstrong, KPMG, Washington, DC; Maria Dolan, IRS, Large Business & International Division, Tampa, FL; Jenny Johnson Ware, McDermott Will & Emery, Chicago, IL

**1:15PM**
*Carried Interest: Where We Are and What the Future Holds.* After enactment of Section 1061 as part of the TCJA, many funds changed the way they structure their carry. This panel will discuss the current market practice regarding carry waivers and the impact of legislative proposals that address carry.

**Panelists:** Rachel Cantor, Kirkland & Ellis LLP, Chicago, IL; Sarah Schaefer, Senior Tax Policy Advisor at Senate Finance Committee, Washington, DC; Wendy Kribell, PwC, Washington, DC

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12:30PM – 2:00PM
*Standards of Tax Practice (Ethics Credit)*

**12:30PM**
*Ethical Issues in Federal Tax Practice – The Government Perspective.* *(Ethics Credit)* *(Recommended for Young Lawyers)* This panel will provide an update on recent guidance from the Internal Revenue Service and the Treasury Department, discuss issues of concern and areas of focus for the IRS Office of Professional Responsibility and Office of Chief Counsel, and give an update on pending cases that relate to tax practice standards.
Moderator: Aaron Esman, SheppardMullin, New York, NY

Panelists: Sharyn M. Fisk, Director, IRS Office of Professional Responsibility, Washington, DC; Emily Lesniak, Special Counsel (Procedure & Administration), IRS Office of Chief Counsel, Washington, DC

1:10PM
Ethical Considerations for Former and Current Government Tax Attorneys. (Ethics Credit)  
(Recommended for Young Lawyers) This panel will examine an attorney’s professional obligations relating to entering or leaving the federal government. The discussion will focus on a number of ethical issues for tax attorneys to consider including, among others, conflicts of interest, the duty of loyalty, and the duty of confidentiality. The panelists will also cover the post-employment restrictions that impact attorneys looking for or switching to a new job.

Moderator: Michael Desmond, Partner, Gibson, Dunn & Crutcher LLP, Los Angeles, CA

Panelists: Caroline D. Ciraolo, Kostelanetz & Fink, LLP, Washington, DC; Kirsten N. Witter, Senior Level Counsel (General Legal Services), IRS Office of Chief Counsel, Washington, DC

12:30PM – 2:00PM
Tax Policy & Simplification Part 1

12:30PM
Have We Reached Authority Yet? The IRS’s “Elevation” of FAQs. In late June 2021, acting IRS Chief Counsel William M. Paul announced that the IRS hopes to unveil a system that will archive “Frequently Asked Questions” (FAQs) and allow taxpayers to rely on them. As IRS resources have become strained in recent years, the agency has promulgated thousands of FAQs in diverse areas ranging from voluntary disclosure programs to cryptocurrency guidance to COVID-19 tax credits. While a few FAQs have been published in the Internal Revenue Bulletin (IRB) via a notice, most FAQs are not published in the IRB and contain neither any explanation of the level of authority the agency intended to assign to them, nor any IRS contact information. Moreover, the IRS can change and remove FAQs without notice and does not archive prior versions of FAQs on its website, even though taxpayers may have relied upon prior versions. The panel will discuss the tax policy and pragmatic implications surrounding the IRS’s growing use of FAQs, including the agency’s newly announced plan to elevate them; their likely legal ranking in the hierarchy of IRS administrative guidance; whether FAQs have retroactive
effect; whether such applications violate the Administrative Procedures Act; whether the public has adequate opportunity to comment on FAQs; and finally whether—and under what circumstances—FAQs are likely to hold up in court.

**Moderator/Panelist:** Professor Annette Nellen, San Jose State University, San Jose, CA

**Panelists:** Rochelle Hodes, Principal, Washington National Tax, Crowe, Washington, DC; Robert J. Kovacev, Norton Rose Fulbright US LLP, Washington, DC

**Co-Sponsored by:** Teaching Taxation Committee

**1:15PM**

**Representing the Public Interest: Who Speaks for Taxpayers? (Recommended for Young Lawyers)** Industry concerns tend to be well represented in the tax legislative and rulemaking processes, but what about the taxpaying public at large? Who speaks – or should speak – for them, to effectively represent their interests before Congress, the Treasury, and the IRS? This panel will discuss the growing focus on public interest law concepts in the tax area, and will also debate perspectives on the needs of the public in public representation.

**Moderator/Panelist:** Jeremiah Coder, Deputy Director, International Tax Policy, Revenue Jersey, Saint-Helier, Jersey

**Panelists:** Stephanie Johnston, Tax Notes International; Michael Kaercher, NYU Tax Law Center; Scott Hodge, Tax Foundation

**2:00PM – 2:30PM**

**Break (Non-CLE)**

**2:30PM – 4:00PM**

**Energy & Environmental**

**Energy Industry Legislative Updates and Regulatory Hot Topics.** This session will provide an overview and discussion of recent, pending and expected legislative tax developments (e.g., Infrastructure Investment and Jobs Act, GREEN Act and Clean Energy for America Act) impacting the energy sector and companies engaged in renewable, alternative and traditional energy transactions, investments and operations in the power and fuels industries. The session
will also provide discussions and insights of recent regulatory and judicial tax developments related to renewable energy tax credits, section 45Q carbon capture transactions, the oil and gas industry, and fuels excise taxes.

**Moderators:** Brian Americus, Deloitte Tax; Amish Shah, Eversheds Sutherland

**Panelists:** Kashi Way, Senior Legislation Counsel, Joint Committee on Taxation; Kim Wojcik, Attorney-Advisor, Treasury; Jennifer Bernardini, Attorney, Branch 6, Passthroughs and Special Industries, IRS; Maggie Stehn, Attorney, Branch 6, Passthroughs and Special Industries, IRS; Julie Chapel, KPMG; Joseph Mikrut, Capitol Tax Partners

**2:30PM – 4:00PM**

**Financial Institutions & Products**

**Crypto and Digital Assets – Tax Considerations for Financial Institutions and Investors.** Financial institutions recently have entered the crypto and digital space due to the proliferation of transactions in various crypto and digital assets. This panel will discuss certain tax considerations of transacting in crypto and digital assets for both financial institutions and their customers.

**Moderator:** Elena Romanova, Latham & Watkins

**Panelists:** Lorenz Haselberger, Shearman & Sterling; Rob Massey, Deloitte; Matthew Stevens, EY

**2:30PM – 4:00PM**

**Tax Policy & Simplification Part 2**

**Quelling the Climate Crisis: How to Design TAX & TRADE Policies to End Carbon Pollution.** The climate crisis is perhaps the most important long-term challenge facing policymakers around the world. Addressing it will require deep economic transformations within and across national borders. Increasingly, governments are using “carbon pricing” to incentivize individuals and businesses to shift their activities away from those that produce greenhouse gases (GHGs). By setting a price on GHG emissions, carbon pricing internalizes the cost of pollution in the production of goods & services along the spectrum of supply chains. Today, carbon pricing mechanisms exist in 45 jurisdictions. The US does not presently have an explicit national “carbon tax” or GHG pricing structure, although some lawmakers are proposing one.
While the EU has made explicit “carbon pricing” central to its de-carbonization policy, the Biden Administration is instead proposing stricter regulatory standards and new investment (i.e., gov’t subsidies) in “clean energy.” Meanwhile, Democrat Congressional leaders are proposing an annual tax on imports from China and other countries that are not significantly reducing the GHG pollution they produce. The panel—with expertise in carbon-pricing mechanisms (e.g., a carbon tax), non-market environmental regulation, and the international trade policy implications—will explain and contrast alternative tax and trade strategies that could be adopted by the United States and other governments to limit the current rate of GHG emissions, which are apparently wreaking havoc with our planet. Carbon Border Adjustments (CBAs) to address “carbon leakage” and competitiveness concerns, and the 2021 IMF/OECD report analyzing carbon pricing and CBAs will also be addressed.

**Moderator:** Pamela A. Fuller, Tully Rinckey, Zahn Law, New York, NY

**Panelists:** David A. Weisbach, Walter J. Blum Professor of Law, University of Chicago School of Law, Chicago, IL; Timothy Meyer, Professor of Law, Director, International Legal Studies Program, Vanderbilt Law School, Nashville, TN

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**4:00PM – 4:30PM**  
**Break (Non-CLE)**

**4:30PM – 6:00PM**  
**LLCs and LLPs Subcommittee of Partnerships & LLCs (Non-CLE)**

**More SALT With That? New State Laws Tax PTEs to Avoid the SALT Cap.** The 2017 federal Tax Cuts and Jobs Act imposed a $10,000 annual limitation on the amount of state and local taxes (SALT) that individuals can deduct in computing federal income taxes (the “cap”). An important exception to this cap is the retention of the deduction for SALT “…paid or accrued... in carrying on a trade or business.” As a workaround to the cap, some states have enacted new taxes on pass-through entities (“PTEs”) that shifted the direct burden of PTE taxation from the owners to the entities and provided a credit against or an exclusion of the distributive share of PTE income subject to such tax from the related direct state income taxes on the owners. This session will address the PTE taxes imposed by the states, specifically focusing on the
similarities and the differences among such taxes and the impact on owners of PTEs for state tax purposes and federal tax purposes.

**Panelists:** Jaye Calhoun, Kean Miller LLP, New Orleans, LA; Alysse McLoughlin, Jones Walker LLP, New York, NY; Dale Y. Kim, EY, New York, NY

**Out of Office and Into State Tax Uncertainties: State Tax Considerations with a Remote Workforce.** The seismic shift from traditional office-based workforces to remote ones during the COVID-19 pandemic has created a myriad of state tax compliance complications for employers. This presentation will provide an overview of state tax compliance considerations involved with an evolving remote workforce, including multi-state tax returns and withholding as well as potential effects on credits and incentives, and provide recommended best practices to help navigate often uncertain state tax waters.

**Panelists:** Janette Lohman, Thompson Coburn LLP, St. Louis, MO; Christopher Wilson, Waller Lansden Dortch & Davis LLP, Nashville, TN

**4:30PM – 6:00PM**

**Women in Tax Forum (Non-CLE)**