



**Federal Bar  
Association**

*44th Annual*

# **TAX LAW CONFERENCE**

**March 5–6, 2020**

**Ronald Reagan Building and International Trade Center**

1300 Pennsylvania Ave NW, Washington, D.C.



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#### CLE Credit

Attorneys admitted to state bars having mandatory CLE requirements will receive credit for attending this conference. Attorneys should complete and submit the course attendance verification form in their registration packets before leaving the conference in order to receive credit. For 60-minute credit hour states, up to 11 hours of CLE credit is available, including 2 hours of ethics credit. For states with 50-minute credit hours, up to 13.2 hours of CLE credit is available, including 2.4 hours of ethics.

#### CPE Sponsor

The FBA is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE sponsors. State boards of accountancy have final authority on the acceptance of individual courses

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Prerequisite: None; Program Level: Beginner; Advance prep: None  
Credit hours: 11 hours; Delivery method: Group live

#### Ronald Reagan Building and International Trade Center

The Ronald Reagan Building and International Trade Center is located at 1300 Pennsylvania Avenue NW. The Federal Triangle METRO stop (orange/blue/silver lines) is located onsite, and the Metro Center METRO stop (red line) is just two blocks away. For drivers, an underground garage provides parking for \$35 a day or less, depending on the number of hours parked.

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Nick Metcalf, Law Office of Nicholas R. Metcalf

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Lisandra Ortiz, Miller & Chevalier Chartered  
Sophia Siddiqui, U.S. Department of Justice  
Lauren Hume, U.S. Department of Justice

### YOUNG TAX LAWYER CO-CHAIRS

Elizabeth Kanyer, U.S. Department of Justice  
Brooke Hrouda, PwC



# 44TH ANNUAL TAX LAW CONFERENCE

## CONFERENCE AGENDA • AT A GLANCE

### THURSDAY, MARCH 5, 2020

**9:00 – 9:45 a.m. • Early Pro Bono Program Registration BALLROOM FOYER**

**9:45 a.m. – 12:00 p.m. • Pro Bono Panel Programming BALLROOM**

Sponsored by Skadden, Arps, Slate Meagher & Flom

**1:00 – 6:00 p.m. • Registration Open BALLROOM FOYER**

**1:55 p.m. • Welcome Remarks BALLROOM**

Marissa Rensen, FBA Section on Taxation Chair

**2:00 – 3:00 p.m. • Ethics and Health and Wellness in the Legal Profession BALLROOM**

Sponsored by Goodwin

**3:15 – 4:15 p.m. • Concurrent Symposia**

*Tax Practice & Procedure BALLROOM*

*Domestic Corporate Tax POLARIS*

*Transfer Pricing OCEANIC AB*

*Financial Products MERIDIAN C*

*Tax Accounting MERIDIAN DE*

**4:30 – 5:30 p.m. • Concurrent Symposia**

*Enforcement & Criminal Tax BALLROOM*

*Domestic Corporate Tax POLARIS*

*Transfer Pricing OCEANIC AB*

*Financial Products MERIDIAN C*

*Tax Accounting MERIDIAN DE*

### FRIDAY, MARCH 6, 2020

**8:00 a.m. – 6:00 p.m. • Registration Open BALLROOM FOYER**

**8:00 a.m. • Continental Breakfast**

**9:00 a.m. • Welcome Remarks BALLROOM**

**9:15 – 10:15 a.m. • Tax Legislative Update BALLROOM**

**10:30 – 11:30 a.m. • Concurrent Symposia**

*Tax Practice & Procedure AMPHITHEATER*

*Domestic Corporate Tax HEMISPHERE A*

*Young Tax Lawyers POLARIS*

*International Tax OCEANIC AB*

*State & Local Tax MERIDIAN DE*

*Employee Benefits & Executive Compensation MERIDIAN C*

**11:45 a.m. – 12:45 p.m. • Concurrent Symposia**

*Hot Topics AMPHITHEATER*

*Domestic Corporate Tax HEMISPHERE A*

*Enforcement & Criminal Tax POLARIS*

*International Tax OCEANIC AB*

*State & Local Tax MERIDIAN DE*

*Employee Benefits & Executive Compensation MERIDIAN C*

**1:00 – 2:15 p.m. • Keynote Luncheon BALLROOM**

Keynote Speaker: **Michael J. Desmond**, Chief Counsel, I.R.S.

**Presentation of the 2020 Donald C. Alexander Tax Law Writing Competition**

Sponsored by Eversheds Sutherland

**2:30 – 3:30 p.m. • Concurrent Symposia**

*Tax Practice & Procedure AMPHITHEATER*

*Hot Topics HEMISPHERE A*

*Enforcement & Criminal Tax POLARIS*

*International Tax OCEANIC AB*

*Young Tax Lawyers MERIDIAN C*

*Partnerships & Passthroughs MERIDIAN DE*

**3:45 – 4:45 p.m. • Concurrent Symposia**

*Tax Practice & Procedure AMPHITHEATER*

*Hot Topics HEMISPHERE A*

*Enforcement & Criminal Tax POLARIS*

*International Tax OCEANIC AB*

*Tax Accounting MERIDIAN C*

*Partnerships & Passthroughs MERIDIAN DE*

**5:00 – 6:00 p.m. • Ethics, Data Breaches, and More BALLROOM**

**6:30 – 8:00 p.m. • Reception and Presentation of the 2020 Kenneth H. Liles Award ROTUNDA**

Recipient: **Fred Murray**, Special Counsel, I.R.S. Office of Chief Counsel

- DC** Domestic Corporate Tax
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- PB** Pro Bono
- YL** Young Tax Lawyers
- FP** Financial Products
- TR** Transfer Pricing

## DETAILED AGENDA

### THURSDAY, MARCH 5, 2020

9:45 – 10:45 a.m.

**PB** **THE ABUSED SPOUSE IN INNOCENT SPOUSE AND COLLECTION CONTEXTS BALLROOM**

A discussion of the role(s) spousal abuse plays in requests for innocent spouse relief and in collection matters, specifically in pro bono cases. Panelists will discuss how to effectively explain and substantiate allegations of abuse. Discussion will also include how to communicate with taxpayers who have experienced abuse in order resolve their cases without causing additional trauma.

**Frank Agostino**, Founder and President, Agostino & Associates P.C. (moderator)

**Karma Cottman**, Executive Director, DC Coalition Against Domestic Violence

**Jacqueline Lainez Flanagan**, LITC Director, University of District Columbia Law School

**Nancy Gilmore**, Associate Area Counsel, I.R.S. Office of Chief Counsel (SB/SE)

**Jill MacNabb**, Senior Attorney-Advisor, Taxpayer Advocate Service, I.R.S.

11:00 a.m. – 12:00 p.m.

**PB** **SETTLEMENT DAYS: PARTNERING TO SUPPORT UNREPRESENTED TAXPAYERS IN TAX COURT BALLROOM**

A pro bono discussion of settlement days as a means of resolving pro se petitioners' Tax Court cases without litigation. Panelists will discuss the pros and cons of several variations of settlement days, including pre-calendar, multi-calendar and virtual. Discussion will also include how pro bono practitioners, low income taxpayer clinics and the Office of Chief Counsel can work together to organize successful settlement days; best practices to increase taxpayer attendance and positive outcomes; and potential pitfalls to avoid.

**Julie L. Payne**, Assistant Division Counsel (Tax Litigation), I.R.S. Office of Chief Counsel (SB/SE) (moderator)

**Bart Cirenza**, Associate Area Counsel, I.R.S. Office of Chief Counsel (SB/SE)

**Laila E. Leigh**, Supervising Attorney, Columbus Community Legal Services, Columbus School of Law, Catholic University of America

2:00 – 3:00 p.m.

**GS** **ETHICS AND HEALTH AND WELLNESS IN THE LEGAL PROFESSION BALLROOM**

This panel will discuss the application of ethics and ethical principles to health and wellness in the legal profession. Topics to be covered include alcohol and substance use, mental health, and physical well-being.

- *Ethical issues relating to how lawyers and law firms should address attorney well-being and the impact on service to clients.*
- *How to ethically handle an attorney with substance use issues and the mental and physical effects of that use.*
- *How to discuss health and wellness in the context of established ethical rules for the legal profession.*

**Thomas J. Kane**, Director, KPMG LLP (moderator)

**Hon. Ronald L. Buch**, Judge, U.S. Tax Court

**Joseph A. Rillotta**, Partner, Faegre Drinker Biddle & Reath LLP

**Amanda D. Smith**, Chief Engagement Officer, Morgan, Lewis & Bockius LLP

3:15 – 4:15 p.m.

**TP** **CHALLENGES TO REGULATORY ACTIONS BY THE I.R.S. AND TREASURY AND THE CONTINUING APA AND DEFERENCE BATTLE BALLROOM**

Recent cases addressing the question of deference and the application of the Administrative Procedure Act continue to raise significant issues and provide potential opportunities for taxpayers and the I.R.S. The panel will discuss these case developments, the ways in which regulatory guidance can be challenged pre- and post-enforcement, the consequences to both taxpayers and the I.R.S. of APA-based arguments, and relevant I.R.S. policy statements and views. The panel will also consider how non-tax case developments shape this dynamic area of litigation.

- *Understand the impact of recent tax and non-tax cases.*
- *Understand the I.R.S. position on the application of the APA to regulatory guidance and how this position can be challenged.*
- *Learn how to evaluate a pre-enforcement case for possible APA defects, together with Anti-Injunction Act issues in these cases.*
- *Learn how to use these case developments in audit and Appeals.*

**Edward L. Froelich**, Of Counsel, Morrison & Foerster LLP (moderator)

**Don Korb**, Of Counsel, Sullivan & Cromwell LLP

**Emily M. Lesniak**, Special Counsel, I.R.S. Office of Chief Counsel (P&A)

**S. Starling Marshall**, Partner, Crowell & Moring LLP

**Patrick J. Smith**, Partner, Ivins, Phillips & Barker, Chartered

**DC** **SECTION 355 UPDATE POLARIS**

Discussion of recent developments affecting spin-off and split-off transactions. The panel will include a discussion of the I.R.S.'s current section 355 private letter ruling program and recent guidance regarding the active trade or business requirement and debt exchanges in connection with spin-offs

- *Explore the future of Section 355 transactions and what the I.R.S. intends to accomplish in terms of guidance and rulings.*
- *Discuss critical updates in this important area of the law that impacts numerous businesses.*

**William D. Alexander**, Of Counsel, Skadden, Arps, Slate, Meagher & Flom LLP (moderator)

**Joseph Pari**, Partner, Weil, Gotshal & Manges LLP

**Jay Singer**, Partner, Shearman & Sterling LLP

**John P. Stemwedel**, Assistant Branch Chief, Branch 4, I.R.S. Office of Associate Chief Counsel (Corporate)

**Thomas F. Wessel**, Principal, KPMG LLP

**TR** **RESOLVING TRANSFER PRICING DISPUTES AS ARM'S LENGTH STANDARD FACES ATTACKS OCEANIC AB**

This panel will discuss how to resolve transfer pricing disputes as developments threaten to chip away at the arm's length standard.

# 44TH ANNUAL TAX LAW CONFERENCE

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- *Predicting the evolution of transfer pricing disputes under BEPS 2.0.*
- *Update on transfer pricing litigation developments, potential implications for the arm's length standard and identifying future trends.*
- *Extent to which I.R.S. transfer pricing enforcement impacts the future of the arm's length standard.*
- *What I.R.S. APMA developments mean for taxpayers.*

**Richard Slowinski**, Partner, Alston & Bird LLP (moderator)

**R. Zeb Kelley**, Senior Counsel, I.R.S. Office of Chief Counsel (INTL)

**Gregory Spring**, Assistant Director (APMA), I.R.S.

**Mark Thomas**, Principal, PwC

## **FP** RECENT DEVELOPMENTS: GUIDANCE ON THE NEW SECTION 163(J) INTEREST LIMITATION MERIDIAN C

This panel will address the new section 163(j) interest limitation provision and the impact of the proposed regulations. Specific topics to be discussed include the definition of "interest" and the interaction of the interest limitation with rules governing cancellation of indebtedness income, BEAT and AHYDO instruments. The panel will also offer perspective on these rules.

- *Learn about the most recent guidance on the section 163(j) interest limitation and considerations for taxpayer financing arrangements.*
- *Participants should gain a better understanding of the interactions of interest limitations and financial products.*
- *Hear the panel's perspective on how interest deduction limitations should be applied.*

**Nathan Tasso**, Partner, Shearman & Sterling LLP (moderator)

**William E. (Ned) Blanchard**, Senior Level Counsel, I.R.S. Office of Associate Chief Counsel (FIP)

**Andrea Hoffenson**, Branch Chief, I.R.S. Office of Associate Chief Counsel (FIP)

**Michael Yaghmour**, Principal, EY LLP

## **TA** TAX ACCOUNTING REVENUE RECOGNITION & CURRENT DEVELOPMENTS MERIDIAN DE

The I.R.S. and the Treasury Department have issued various pieces of guidance related to tax reform and other key issues. This panel will provide government commentary on that guidance. The focus of the panel will be discussing key issues taxpayers are facing for purposes of their tax return reporting. Panelists will discuss relevant issues under section 451(b) and (c).

- *Panel discussion of recently issued guidance, ongoing projects, and anticipated guidance with I.R.S. and the Treasury Department.*
- *The panel will discuss the impact of recently released TCJA guidance on tax accounting positions.*
- *Hear valuable insight from the government perspective on how tax accounting rules will impact taxpayers' return positions going forward.*
- *Discussion will encompass the revenue recognition rules under ASC 606 and the impact of implementing the changes in law due to the enactment of the TCJA.*
- *This panel will discuss recently released proposed regulations related to general revenue recognition and accounting for advance payments in addition to discussing the status of ongoing projects.*
- *Discussion of how section 451(b) revenue recognition and section 451(c) advance payment rules will impact reporting positions.*

**Ellen McElroy**, Partner, Eversheds Sutherland LLP (moderator)

**Dave Strong**, Director, Crowe LLP (moderator)

**Katharine Abdo**, Tax Director, PwC

**Charles Gorham**, Special Counsel, I.R.S. Office of Chief Counsel (ITA)

**John Moriarty**, Associate Chief Counsel, I.R.S. Office of Chief Counsel (ITA)

**4:30 – 5:30 p.m.**

## **EC** AVOIDING OR NOT AVOIDING EVASION OF PAYMENT PROSECUTIONS AND THE CIVIL AFTERMATH BALLROOM

The panel will address the increasing frequency of evasion of payment prosecutions arising out of I.R.S. Collection and employment tax matters. Most collection and employment tax matters start as civil matters. The panel will discuss what practitioners can do to assist in keeping the matter civil and how to prevent the matter from becoming criminal. Finally, the panel will discuss the prosecution and defenses in evasion of payment cases and the civil aspects following conviction, including restitution issues.

- *The primary charging statutes regarding evasion of payment prosecutions.*
- *Understanding the civil enforcement fraud referral program.*
- *Key prosecution and defense techniques in prosecutions.*
- *Civil closing following conviction, including restitution.*

**Sarah E. Paul**, Partner, Eversheds Sutherland, LLP (moderator)

**Thomas W. Curteman, Jr.**, Branch Chief, I.R.S. Office of Chief Counsel (P&A)

**Niles A. Elber**, Member, Caplin & Drysdale, Chartered

**Hank Kea**, Acting Director, Field Collection Operations, I.R.S. (SB/SE)

**Steven Toscher**, Principal, Hochman, Salkin, Toscher, Perez, P.C.

## **DC** PROPOSED REGULATIONS UNDER SECTION 382(H) REGARDING BUILT-IN GAINS AND LOSSES POLARIS

Discussion of section 382 Proposed Regulations on treatment of built-in gains and losses. Panel will cover the proposed changes to the approach in Notice 2003-65 as well as various comments that have been provided on the proposed regulations. Panel will also discuss other developments in the corporate restructuring area that may arise in proximity to the conference.

- *Become informed on recent proposed section 382(h) regulations.*
- *Apply information learned from this panel to ongoing or impending transactions.*
- *Learn government panelist's views regarding comments on the proposed regulations.*

**Rob Liquerman**, Principal, KPMG LLP (moderator)

**Jonathan I. Forrest**, Principal, Deloitte Tax LLP

**Shane Kiggen**, Principal, EY LLP

**Todd B. Reinstein**, Partner, Pepper Hamilton LLP

**W. Reid Thompson**, Attorney Adviser, Branch 4, I.R.S. Office of Associate Chief Counsel (Corporate)

## **TR** KEY TRANSFER PRICING PLANNING CONSIDERATIONS POST-TCJA AND BEPS 2.0 OCEANIC AB

This panel will evaluate how the TCJA, OECD BEPS 2.0 and other developments challenge the viability of the arm's length standard as a foundational transfer pricing planning concept.

- *Addressing transfer pricing planning challenges in a world of increasing automation, machine learning and digitalization.*

- How taxpayers are approaching transfer pricing aspects of IP migration and intercompany transactions post TCJA.
- Interaction of arm's length range and TCJA provisions (e.g., BEAT, FDII).
- An update on OECD BEPS developments and considerations for taxpayers' intercompany transactions.

**Angela Holland**, Senior Counsel, I.R.S. Office of Chief Counsel (INTL) (moderator)

**Christopher Bello**, Branch Chief, I.R.S. Office of Chief Counsel (INTL)

**Liz Chien**, Vice President of Global Tax and Chief Tax Counsel, Ripple Labs, Inc.

**David Ernack**, Principal, PwC

**Brian Jenn**, Partner, McDermott, Will & Emery LLP

FP

## RECENT DEVELOPMENTS: GUIDANCE ON THE TRANSITION FROM LIBOR MERIDIAN C

This panel will discuss the recently proposed regulations under section 1001 providing guidance on the transition to use of reference rates other than interbank offered rates. The panel will provide perspectives on how parties to debt instruments and other contracts that reference an IBOR are impacted. Topics to be discussed include realization of income, significant modification, and related issues.

- Participants will derive a greater understanding of what does and does not constitute a significant modification of a debt instrument when transitioning away from an IBOR.
- Participants will hear valuable insight from government speakers on how moving away from IBORs will impact the overall treatment of debt instruments moving forward.
- Discuss changes to the creation and modification of debt instruments and other contracts moving forward.

**Jeff Borghino**, Partner, Grant Thornton LLP

**Jerry Feige**, Managing Director, Deloitte Tax LLP

**Spence Hanemann**, Senior Counsel, I.R.S. Office of Chief Counsel (FIP)

**Caitlin Holzem**, Attorney, I.R.S. Office of Chief Counsel (FIP)

TA

## BONUS DEPRECIATION LATEST DEVELOPMENTS MERIDIAN DE

The I.R.S. and the Treasury Department released final and proposed regulations regarding qualifying to claim bonus depreciation under TCJA. The panel will provide government commentary on that guidance. The focus of the panel will be discussing relevant issues under section 168(k) and related provisions.

- Discussion of the final and proposed regulations and impact on taxpayers.
- The panel will outline issues related claiming bonus depreciation and other recent guidance with a focus on the impact to taxpayer tax return filings.

**Jane Rhors**, Director, Deloitte Tax LLP (moderator)

**Elizabeth Binder**, Attorney, I.R.S. Office of Chief Counsel (ITA)

**Jason Dexter**, Senior Manager, KPMG LLP

**Jaime Park**, Attorney, I.R.S. Office of Chief Counsel (ITA)

**Wes Sheumaker**, Partner, Eversheds Sutherland LLP

## FRIDAY, MARCH 6, 2020

9:15 – 10:15 a.m.

GS

### TAX LEGISLATIVE UPDATE BALLROOM

- Hear top tax staffers from the House Ways and Means Committee, Senate Finance Committee, and Joint Committee on Taxation discuss the legislative outlook for 2020.
- Learn about key pending policy issues, upcoming tax legislation, and the legislative priorities in the House and Senate.

**Jorge Castro**, Member, Miller & Chevalier Chartered (moderator)

**Shelley Leonard**, Legislation Counsel, Joint Committee on Taxation (moderator)

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

**Randell J. Gartin**, Minority Chief Tax Counsel, House Ways and Means Committee

**Andrew Grossman**, Majority Chief Tax Counsel, House Ways and Means Committee

**Tiffany Smith**, Minority Chief Tax Counsel, Senate Finance Committee

**Mark Warren**, Majority Chief Tax Counsel, Senate Finance Committee

10:30 – 11:30 a.m.

TP

### TCJA IMPACT ON I.R.S. EXAMS AMPHITHEATER

This panel will explore how the TCJA will impact I.R.S. examinations going forward, with a focus on the LB&I campaign on section 965 transition tax and related TCJA planning issues. The panel will also discuss other potential tax controversy hot topics, post-TCJA, as well as how taxpayers and practitioners should prepare for such examinations.

- Determine possible areas of I.R.S. focus for TCJA examinations.
- Understand the LB&I campaign on section 965 transition tax and related TCJA planning issues.
- Learn TCJA exam preparation techniques.

**Matthew Cooper**, Managing Director, Deloitte Tax LLP (moderator)

**Sheri Dillon**, Partner, Morgan, Lewis & Bockius LLP

**Nikole Flax**, Deputy Commissioner (LB&I), I.R.S.

**James Gadwood**, Member, Miller & Chevalier Chartered

**Heather Maloy**, U.S. Tax Controversy Leader, EY LLP

DC

### IMPACT OF TCJA ON CORPORATIONS PART 1 (SECTION 168(K) EXPENSING, QUALIFIED OPPORTUNITY ZONES, AND SECTION 245A) HEMISPHERE A

Discussion of the impact of the TCJA on corporate transactions. This panel will discuss how section 168(k) expensing changes the calculus for corporate M&A transactions, the impact of the new qualified opportunity zone benefits on corporations investing in opportunity zones, and the application of the dividends-received deduction for foreign source dividends from foreign subsidiaries. The panel will address recent regulations implementing all of these provisions, including special rules governing consolidated groups.

- Become informed on recent legislation and the Treasury Department guidance in the corporate tax field.
- Apply information learned from this panel to ongoing or impending transactions.
- Learn about other I.R.S. developments impacting taxation of corporations post-TCJA.

**Lisa Zarlenga**, Partner, Steptoe & Johnson LLP (moderator)

**Bryan Collins**, Managing Director, Anderson Tax LLC

**Sarah K. Hoyt**, Attorney Adviser, Branch 4, I.R.S. Office of Associate Chief Counsel (Corporate)

**Olivia Ley**, Director, PwC

YL

### WHEN A CIVIL AUDIT TURNS: NAVIGATING AN AUDIT WHEN THE MISTAKES ARE NOT SO UNINTENTIONAL POLARIS

Tax practitioners, even those who operate primarily in the

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- HT** Hot Topics
- SL** State & Local Tax
- EB** Employee Benefits & Executive Compensation
- IT** International Tax
- PP** Partnerships & Passthroughs
- PB** Pro Bono
- YL** Young Tax Lawyers
- FP** Financial Products
- TR** Transfer Pricing

civil space, should understand the procedures of criminal investigations and the warning signs (both from the client and the government) that a criminal referral is looming. This panel will discuss issues potentially influencing an I.R.S. examiner's decision to refer an audit for criminal investigation and offer practitioners to navigate those issues, either to avoid referral or to manage the process after a case turns criminal. This panel will offer useful insights from both the civil and the criminal tax practitioner perspective.

- *Protecting privilege while still cooperating fully with the administrative process – and how to remain an engaged advocate for your client without obstructing justice.*
- *Learning to recognize the warning signs that a referral may be imminent – and what to do next if you suspect an audit will become criminal.*
- *Knowing when to advise your client to claim the Fifth Amendment – and what that means to the resolution of the case.*

**Dianne C. Mehany**, Member, Caplin & Drysdale Chartered (moderator)

**Michael C. Boteler**, Trial Attorney, U.S. Department of Justice, Tax Division

**Michael Sardar**, Partner, Kostelanetz & Fink, LLP

## **IT** INTERNATIONAL M&A OCEANIC AB

There have been several changes in the international tax area as a result of the TCJA. These changes can significantly impact the tax treatment of cross-border mergers, acquisitions, and dispositions. This panel will discuss how these changes impact cross-border transactions and the issues that taxpayers need to consider in such transactions. Additionally, this panel will discuss recent guidance from the I.R.S. and the Treasury Department in the international M&A area.

- *Understand different types of cross-border transactions.*
- *Appreciate how the TCJA has impacted cross-border transactions.*
- *Identify traps for the unwary in cross-border transactions.*

**Joseph Calianno**, Partner, BDO USA LLP (moderator)

**Layla Asali**, Partner, Miller & Chevalier Chartered

**Laura Williams**, Branch Chief, I.R.S. Office of Chief Counsel (INTL)

**Brenda L. Zent**, Special Advisor to the International Tax Counsel, U.S. Department of the Treasury

## **EB** TAXATION OF EMPLOYMENT RELATED SETTLEMENTS MERIDIAN C

Often the tax consequences of employment-related settlements are not discussed in resolving the underlying disputes. This panel will discuss the proper tax treatment of common aspects of employment-related settlements, including which payments are included in income, when withholding applies, and who is responsible for withholding and reporting.

- *Discuss how taxes should be applied to employment-related settlement proceeds, including how the payments should be reported.*
- *Discuss the responsibilities of the payor and payee in the context of employment-related settlements, including under settlement agreements.*
- *Discuss the TCJA updates to employment-related settlement payments.*

**Lynne A. Camillo**, Branch Chief, Employment Tax Branch 2, I.R.S. Office of Chief Counsel (EEE)

**Tom Cryan**, Member, Miller & Chevalier Chartered

**Sharon Horn**, Attorney, I.R.S. Chief Office of Counsel (ITA)

**Christopher Wrobel**, Special Counsel, I.R.S. Office of Chief Counsel (ITA)

## **SL** CONSIDERATION OF OECD PILLARS IN LIGHT OF THE U.S. STATE JURISDICTION AND APPORTIONMENT EXPERIENCE MERIDIAN DE

The Organization for Economic Co-operation and Development (OECD) is considering proposals that would significantly change international profit attribution rules, particularly with respect to digital goods providers. This session will compare those proposals, and the environment in which they're arising, with the U.S. states' long-standing experience around jurisdiction to tax and standard apportionment structure.

- *Understand the basic features of OECD's proposals for change in international profit attribution rules.*
- *Understand how these proposals compare and contrast with the U.S. States' apportionment structure and experience.*
- *Understand the different considerations driving the international proposals and state structures.*

**Shirley Sicilian**, National Director for SALT Controversy, KPMG LLP (moderator)

**Craig Fields**, Partner and Tax Department Co-Chair, Blank Rome LLP

**Karl Frieden**, General Counsel, Council on State Taxation

**11:45 a.m. – 12:45 p.m.**

## **HT** DIVERSITY – ARE CURRENT INITIATIVES WORKING IN THE PUBLIC AND PRIVATE SECTOR? WHERE DO WE GO FROM HERE? AMPHITHEATER

Efforts to advance diversity in the legal profession are increasingly a priority for law firms and other organizations. There is certainly no lack of articles, committees, task forces, networking events, panels, and initiatives on diversity and inclusion. Join our esteemed panel for a discussion of diversity and inclusion in the tax legal community and practical tips from our panelists' varied perspectives on what they've done to promote diversity, improve recruitment and retention, and address challenges to fostering diversity and inclusion within their organizations:

- *Identify how effective diversity and inclusion initiatives are in achieving their objectives, including what components could use improvement.*
- *Discuss ideas for next steps and practical strategies that have worked in other organizations.*
- *Explore methods to convince others within your organization to implement diversity and inclusion initiatives.*

**Sophia Siddiqui**, Trial Attorney, U.S. Department of Justice, Tax Division (moderator)

**Ellen DelSole**, Assistant Chief, Appellate Section and Chair, Assistant Attorney General's Advisory Committee on Diversity, U.S. Department of Justice, Tax Division

**Kimberly Tan Majure**, Principal, KPMG LLP

**Loren Ponds**, Member, Miller & Chevalier Chartered

**Drita Tonuzi**, Deputy Chief Counsel (Operations), I.R.S. Office of Chief Counsel

## **DC** IMPACT OF TCJA ON CORPORATIONS PART 1 (GILTI, FDII, AND BEAT) HEMISPHERE A

Discussion of issues related to the application of the new global intangible low-tax income (GILTI) and foreign-derived intangible income (FDII) regimes to consolidated groups. The panel will also discuss issues related to the base erosion and anti-abuse tax (BEAT), including issues related to consolidated groups, corporate organizations and reorganizations, and the treatment of

noncash consideration. The panel will address recent regulations implementing these provisions.

- *Become informed on recent legislation and the Treasury Department guidance in the corporate tax field.*
- *Apply information learned from this panel to ongoing or impending transactions.*
- *Learn about other I.R.S. developments impacting taxation of corporations following the TCJA.*

**Larry Axelrod**, Solo Tax Practitioner

**Greg Kidder**, Partner, Steptoe & Johnson LLP

**Scott Levine**, Partner, Jones Day

**Michelle A. Monroy**, Attorney Adviser, Branch 5, IRS Office of Associate Chief Counsel (Corporate)

**Caroline Ngo**, Partner, McDermott, Will, & Emery LLP

EC

## USE OF DATA ANALYTICS IN CRIMINAL TAX INVESTIGATIONS POLARIS

The panel will review the use of data analytics programs in various criminal tax investigations, including employment tax, virtual currency, international enforcement, and other investigation areas. I.R.S.-Criminal Investigations will describe its Nationally Coordinated Investigations Unit (NCIU) and its role and functions regarding data analytics. The panel will also discuss the role of Research, Applied Analytics & Statistics (RAAS) in criminal investigations.

- *Role and functions of I.R.S.-Criminal Investigation's NCIU.*
- *Role and functions of RAAS.*
- *I.R.S. use of data analytics in criminal tax investigations.*

**Ian M. Comisky**, Partner, Fox Rothschild LLP (moderator)

**Joi C. Bridgers**, Technical Project Manager, I.R.S.

**Carina C. Federico**, Associate, Crowell & Moring, LLP

**Rich Kando**, Managing Director, AlixPartners LLP

**Anthony J. Orlando**, Director, Nationally Coordinated Investigations Unit (NCIU), I.R.S. (CI)

IT

## OECD DIGITAL ECONOMY – PILLARS 1 AND 2 OCEANIC AB

The tax challenges arising from the digitalization of the economy has been one of the main areas of focus at the OECD. This panel will discuss the latest developments of Pillars 1 and 2. You will learn about Pillar 1 regarding the allocation of taxing rights, taking into consideration the proposed profit allocation and nexus rules. You will also learn about Pillar 2 regarding the proposals for global anti-base erosion. The objective of the OECD is to arrive at a consensus solution in 2020.

- *The application of the proposed "unified approach," under Pillar 1, for determination of the new profit allocation rules in the absence of a traditional physical presence, including if/how the arm's length principle might still apply.*
- *The proposed mechanisms for eliminating double taxation as a result of the new profit allocation rules.*
- *The proposed set of coordinated rules under Pillar 2 to address global anti-base erosion (the GloBE proposal).*

**Jefferson VanderWolk**, Partner, Squire Patton Boggs (US) (moderator)

**Karen L. Bowen**, Managing Director, Senior Director of Global Tax Policy, Accenture

**Michael McDonald**, Executive Director, Transfer Pricing Services, Ernst & Young LLP

**Robert Stack**, Managing Director, Deloitte Tax LLP

EB

## TAX ISSUES WHEN EMPLOYER WELFARE BENEFITS PLANS INCLUDE WELLNESS PROGRAM—WHAT WORKS AND WHAT DOESN'T MERIDIAN C

As insurers, third party administrators, and employers offer an increasing variety of health and wellness packages, the programs and menus of options present both old and new tax issues. This panel will discuss some of the common and developing wellness arrangements, relevant law and guidance to determine which benefits might be taxable, and other issues to consider regarding any resulting reporting and tax liabilities.

- *Examine recent guidance issued on health and welfare plans, focusing on both employer and employee effects.*
- *Discuss the scope and impact of recent guidance on workplace indemnity plans, self-funded plans, etc.*
- *Discuss the proper determination of which plans cause taxable events for employees and which do not.*

**Lynne A. Camillo**, Branch Chief, Employment Tax Branch 2, I.R.S. Office of Chief Counsel (EEE)

**Kevin Knopf**, Senior Technician Reviewer, Health & Welfare Branch, I.R.S. Office of Chief Counsel (EEE)

**Ryan Session**, Associate, Eversheds Sutherland LLP

**Erin Sweeney**, Member, Miller & Chevalier Chartered

SL

## FEDERAL LIMITATIONS ON STATE TAXATION: CHARITABLE CONTRIBUTIONS, P.L. 86-272, AND OTHERS MERIDIAN DE

Federal limitations on state taxation take many forms. Over time, some may be more relevant than others. Two such limitations have recently generated a heightened attention. The first is TCJA's cap on the federal deduction of state and local tax, which has prompted some states to consider "work-arounds" in the form for state tax credits. The second is "P.L. 86-272," a 1959 federal statute pre-empting state business taxes, which states and taxpayers are finding increasingly difficult to interpret in the internet age.

- *Understand the authority for certain federal limitation on state taxation, constraints on that authority, and some important current issues where those limitations are not completely clear.*
- *Understand a significant provision of the TCJA that affects the federal charitable contribution deduction in the context of the \$10,000 cap on deductibility of state and local taxes.*
- *Understand the discussion and controversy surrounding "P.L. 86-272's" restrictions on state taxation of business income.*

**Alan Levine**, Chief Counsel, District of Columbia Office of Tax & Revenue (moderator)

**Brian Hamer**, Counsel, Multistate Tax Commission

**Todd Lard**, Partner, Eversheds Sutherland LLP

**Leighanne Scott**, Member, Caplin & Drysdale, Chartered

2:30 – 3:30 p.m.

TP

## INTERNATIONAL INFORMATION REPORTING PENALTIES: FORM 3520/A PENALTIES AND DEFENSES TO THEM AMPHITHEATER

This panel will discuss the various penalties relating to international information reporting. Penalties discussed will include penalties related to Form 3520. The panel will discuss potential defenses to the penalties, including reasonable cause defenses.

- *Learn about when penalties are asserted.*
- *Learn when in the audit/appeals process to dispute penalties and how to do so.*
- *Learn defenses, including the reasonable cause defense, to international information reporting penalties.*

**Ashton "Hap" Trice**, Deputy Associate Chief Counsel, I.R.S. Office of Chief Counsel (P&A) (moderator)

**Lara Banjanin**, Senior Counsel, I.R.S. Office of Chief Counsel (INTL)

**Steve Dixon**, Member, Miller & Chevalier Chartered

**Melissa Henkel**, Senior Technician Reviewer, I.R.S. Office of Chief Counsel (P&A)

**Shamik Trivedi**, Senior Manager, Grant Thornton LLP

HT

## TAX & TECHNOLOGY HEMISPHERE A

Technology and technological capabilities have become pervasive in the tax world. Their presence, use and operation affect different elements of the tax world differently. It is critical for all participants in our tax system develop a coherent understanding about the various players and perspectives, i.e., taxpayer, tax advisor, tax regulator. This includes establishing a common language and nomenclature. By doing so, we can help

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each understand the role the others play in discharging their responsibilities and obligations to their employers, customers, stakeholders and the tax system as a whole.

- Learn about the role technology and technological tools play in the tax world.
- Become introduced several core ideas and concepts to ground future discussions among the various stakeholders.
- Establish a common language and nomenclature to discuss tax technology concepts.

**Eli J. Dicker**, Executive Director, Tax Executives Institute (moderator)

**Michael Bernard**, Chief Tax Officer, Vertex, Inc.

**Todd Egaas**, Director (CI), I.R.S.

**Shawn Malhotra**, Head of Technology, Thomson Reuters, Inc.

**Zara Muradali**, National Partner in Charge - Tax Offerings Digitization, Grant Thornton LLP

## EC NAVIGATING VIRTUAL CURRENCY COMPLIANCE: A CIVIL AND CRIMINAL PERSPECTIVE POLARIS

The program will address recent I.R.S. guidance in the virtual currency compliance landscape. Panelists will provide an overview of I.R.S.-Criminal Investigation virtual currency investigations, types of activity agents look for, and how they come across that information. There will be a discussion of the line between civil and criminal matters in virtual currency cases.

- Recent I.R.S. virtual currency guidance.
- How different types of transactions would be handled for tax reporting purposes under the new guidance.
- Overview of I.R.S.-CI's virtual currency investigations.

**Allison Menkes**, Cybercrimes Special Counsel, I.R.S. Office of Chief Counsel (CT) (moderator)

**Stevie D. Conlon**, Vice President, Tax & Regulatory Counsel, Wolters Kluwer

**Nikole C. Flax**, Deputy Commissioner (LB&I), I.R.S.

**Jim C. Lee**, Deputy Chief (CI), I.R.S.

**Jason H. Poole**, Assistant Chief/CHIP Coordinator, Northern Criminal Enforcement Section, U.S. Department of Justice, Tax Division

**Kevin F. Sweeney**, Shareholder, Chamberlain Hrdlicka

## IT OUTBOUND TAX DEVELOPMENTS OCEANIC AB

The TCJA made significant changes to how income of controlled foreign corporations is taxed. The operation of the new Global Intangible Low-Taxed Income (GILTI) continues to be molded as guidance is released related to foreign tax credits, previously taxed earnings and profits and foreign-derived intangible income.

- Guidance related to foreign tax credit.
- Address the current status of previously taxed earnings & profits (PTEP).
- Explore the impact of the foreign-derived intangible income (FDII) provision and accompanying regulations.

**Brandon King**, Associate, Baker & McKenzie LLP (moderator)

**John Bates**, Principal, Deloitte Tax LLP

**Robert Russell**, Counsel, Kostelanetz & Fink, LLP

**Jeffrey L. Parry**, Senior Counsel, I.R.S. Office of Chief Counsel (INTL)

**Jason Yen**, Attorney-Advisor, U.S. Department of the Treasury

## YL A REASONABLE BASIS THAT WE SHOULD REACH MORE LIKELY THAN NOT..., OR AN INTRODUCTION TO TAX OPINIONS (AND THEIR TERMS OF ART) MERIDIAN C

This panel will introduce the audience to the major considerations that arise when drafting tax opinions, including the skills needed to research and write opinions and some of the challenges of an opinion-writing practice. The panel will address why clients obtain opinions and the associate's role in drafting opinions, and the panelists will share tips for crafting a well-written tax opinion. We will also explore what happens when an issue addressed in an opinion comes under audit or before a court.

- Learn the fundamentals of tax opinion writing, including balancing the needs for thorough yet efficient research; determining an appropriate "comfort level"; drafting a technical work product that is accurate, concise, and readable; and managing partners' and/or clients' expectations.
- Discuss the differences between tax opinion writing and other types of tax writing, including the professional and ethical considerations that arise in an opinion-writing practice.

- Explore the life cycle of an opinion, from drafting, to finalization, and finally to the use and proper role of tax opinions in audits and litigation.

**Kandyc L. Korotky**, Associate, Covington & Burling LLP (moderator)

**Charles Buxbaum**, Special Trial Attorney, I.R.S. Office of Chief Counsel (LB&I)

**Shannon Fiedler**, Associate, Latham & Watkins LLP

**Jamin Koo**, Associate, Covington & Burling LLP

**Kate Pascuzzi**, State Tax Counsel, ConocoPhillips

## PP PASSTHROUGHS ON MY MIND – PART 1 MERIDIAN DE

The panel will discuss significant partnership issues arising under sections 752 and 163(j), with a focus on recent guidance.

- Identify significant partnership-related issues arising under the interest deduction provisions under section 163(j).
- Explain the application of recent guidance on liability allocations under section 752 to common transactions in the marketplace.

**Caroline E. Hay**, Assistant to the Branch Chief, I.R.S. Office of Chief Counsel (PSI)

**Andy Howlett**, Member, Miller & Chevalier Chartered

**Anthony McQuillen**, Attorney-Advisor, I.R.S. Office of Chief Counsel (PSI)

**Steven Schneider**, Partner, Baker & McKenzie LLP

3:45 – 4:45 p.m.

## TP BBA UPDATE AMPHITHEATER

Since enactment in 2015, the I.R.S., partnerships, partners and practitioners have gained experience working within the BBA regime, but guidance and I.R.S. implementation of the regime continue to unfold. The panel will discuss the latest developments, recent guidance and I.R.S. plans for the future of BBA.

- Explain how the latest developments will impact partnerships subject to BBA.
- Describe the recent BBA guidance.
- Identify possible BBA changes that may come in the future.

**Rochelle Hodes**, Principal, Crowe LLP (moderator)

**Greg Armstrong**, Director, KPMG LLP

**Joy Gerdy-Zogby**, Senior Technician Reviewer, I.R.S. Office of Chief Counsel (P&A)

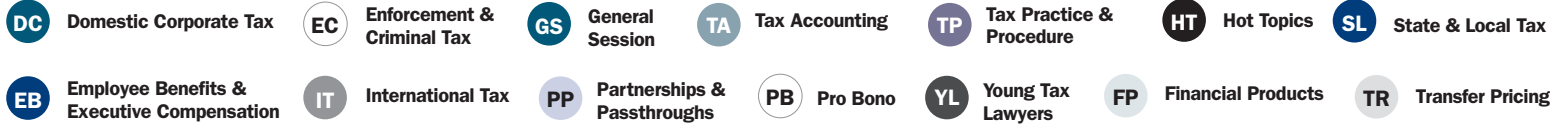
**George Hani**, Member, Miller & Chevalier Chartered

**Holly Paz**, Director, Pass Throughs Entities Practice (LB&I), I.R.S.

## HT COMMISSIONERS ROUNDTABLE—A VIEW FROM THE SERVICES AND ENFORCEMENT LEADERS HEMISPHERE A

What are the I.R.S.'s most significant compliance and enforcement priorities and initiatives? This program will provide a general overview of the I.R.S. business operating divisions, as well as focus on current I.R.S. compliance and enforcement priorities, as articulated by the respective business operating division heads. Priorities, initiatives, and/or programs may include tax-evasion schemes/promotions, cybercrimes, virtual currency compliance/transactions, micro-captive insurance arrangements, targeted syndicated conservation easement transactions, and the fraud referral program, among other issue areas.

- Provide a general overview of I.R.S. business operating divisions.
- Discuss I.R.S. business operating divisions' compliance and enforcement priorities.



- Discuss I.R.S. business operating division significant compliance and enforcement initiatives, goals, and/or programs.

**Sunita Lough**, Deputy Commissioner, Services and Enforcement, I.R.S. (moderator)

**Kenneth C. Corbin**, Commissioner (W&I), I.R.S.

**Don Fort**, Chief (CI), I.R.S.

**Eric C. Hylton**, Commissioner (SB/SE), I.R.S.

**Douglas W. O'Donnell**, Commissioner (LB&I), I.R.S.

**Tamera L. Ripperda**, Commissioner (TEGE), I.R.S.

## EC CRIMINAL TAX SENTENCING – BEST PRACTICES POLARIS

The panel will review the latest sentencing statistics in criminal tax prosecutions and discuss best practices in connection with negotiating the plea agreement, calculation of tax loss, impact of forfeiture, dealing with Office of Probation and Pretrial Services, character letters, payment of restitution, sentencing memoranda, allocutions, witnesses, conditions of probation or supervised release, and designations.

- Overview of latest criminal tax sentencing statistics/outcomes.
- Best practices in negotiating plea agreements.
- Sentencing concerns, including, tax loss calculations, forfeiture, restitution payment, character letters, allocutions, etc.

**Caroline D. Ciraolo**, Partner, Kostelanetz & Fink, LLP (moderator)

**Sanford J. Boxerman**, Shareholder, Capes Sokol

**Nanette L. Davis**, Senior Litigation Counsel (Criminal), U.S.

Department of Justice, Tax Division

**Brian P. Ketcham**, Associate, Kostelanetz & Fink, LLP

**Todd Kostyshak**, Senior Attorney, U.S. Sentencing Commission

## IT INBOUND DEVELOPMENTS OCEANIC AB

The TCJA also made significant changes to how inbound cross-border transactions are taxed. The section 59A Base Erosion and Anti-Abuse Tax (BEAT) and its application to interest and other payments is particularly important. New rules under section 267A deny a deduction for certain interest and royalty payments made to related parties under a hybrid arrangement. These changes and developments to the FATCA and information reporting rules will be discussed by the panel. As part of the discussion, the panel will discuss recently issued regulations and other guidance from the I.R.S. and the Treasury Department impacting these transactions.

- Understand issues raised by recent changes to rules affecting inbound cross-border transactions.
- Appreciate how the TCJA has impacted inbound cross-border transactions.
- Identify traps for the unwary in inbound cross-border transactions.

**Fred Murray**, Special Counsel, I.R.S. Office of Chief Counsel (moderator)

**Kamela Nelan**, Attorney-Advisor, U.S. Department of the Treasury

**Loren Ponds**, Member, Miller & Chevalier Chartered

**Tianlin (Laura) Shi**, Attorney, I.R.S. Office of Chief Counsel (INTL)

**Karen Walny**, Attorney, I.R.S. Office of Chief Counsel (INTL)

## TA OPPORTUNITY ZONE LATEST DEVELOPMENTS MERIDIAN C

The I.R.S. and the Treasury Department continue to release guidance addressing opportunity zones, which were added by TCJA. This panel will discuss the recently released guidance and its effect on qualified opportunity funds and qualified opportunity zone businesses. This panel will provide government commentary on that guidance.

- A discussion of the most recent new rules aimed at promoting investments in low-income communities designated as “qualified opportunity zones” by offering unique tax incentives.
- The panel will review practice concerns arising under recent guidance.
- Discussion of rules under section 1400Z-1 and section 1400Z-2.

**Lisa Zarlenga**, Partner, Steptoe & Johnson LLP (moderator)

**Charlotte Chyr**, Special Counsel, I.R.S. Office of Chief Counsel (P&SI)

**Erika Riegler**, Attorney, I.R.S. Office of Chief Counsel (ITA)

**Shareen Pflanz**, Senior Technician Reviewer, I.R.S. Office of Chief Counsel (ITA)

**Leila Vaughan**, Counsel, Royer Cooper Cohen Braunfeld LLC

## PP PASSTHROUGHS ON MY MIND – PART 2 MERIDIAN DE

The panel will discuss significant partnership issues arising under section 1061 with a focus on recent guidance. The panel will also provide an update on developments under subchapter S. Finally, the panel will discuss procedural and compliance-related issues arising under section 1446(f) withholding and developments on the new requirements in Form 1065 and Schedule K-1.

- Identify significant partnership-related issues arising under the carried interest provisions of section 1061.
- Identify significant issues under recent guidance under subchapter S.
- Describe compliance issues under section 1446(f) and the new requirements in Form 1065 and Schedule K-1.

**Kara Altman**, Attorney-Advisor, I.R.S. Office of Chief Counsel (PSI)

**Audrey Ellis**, Principal, PwC

**Grace Kim**, Principal, Grant Thornton LLP

**Laura Howell-Smith**, Director, Deloitte Tax LLP

**Sam Starr**, Special Counsel, I.R.S. Office of Chief Counsel (PSI)

5:00 – 6:00 p.m.

## GS ETHICS BEST PRACTICES IN EMERGING AREAS OF TAX LAW BALLROOM

This panel will touch on a variety of ethics issues including those arising from limited representation of a client, from service as a personal representative under unified partnership audit procedures, and from a data breach.

- Discuss the ethical rules pertaining to limited representations of clients in tax matters, including in connection with the Tax Court’s recently released limited representation rules.
- Discuss the ethical considerations when contemplating serving as a partnership representative or designated individual under the BBA audit regime, particularly with respect to navigating conflicts of interest between the partners and the partnership.
- How to address data breaches and loss of client information and the requirements under the ABA model rules and other rules for timely addressing these issues.

**Asstn “Hap” Trice**, Deputy Associate Chief Counsel, I.R.S. Office of Chief Counsel (P&A) (moderator)

**Jennifer Auchterlonie**, Special Counsel, I.R.S. Office of Chief Counsel (P&A)

**Caroline D. Ciraolo**, Partner, Kostelanetz & Fink, LLP

**Jeremiah Coder**, Director, Global Tax Policy, PwC

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