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

2010 JOINT FALL CLE MEETING

SEPTEMBER 23-25, 2010
TORONTO, ON · SHERATON CENTRE, TORONTO

FINAL PROGRAM
THE SECTION OF TAXATION AND THE SECTION OF REAL PROPERTY, TRUST & ESTATE LAW, TRUST & ESTATE DIVISION
would like to thank our sponsors for their support of
the 2010 Joint Fall CLE Meeting

Bronze

Conference Supporters

Canadian Bar Association
Ontario Bar Association
Strategic Philanthropy
2010 JOINT FALL CLE MEETING

HIGHLIGHTS

SCHEDULE AT-A-GLANCE

Thursday 7
Friday am 7
Friday pm 12
Saturday am 18
Saturday pm 21

PROGRAM SCHEDULE

Thursday 22
Friday am 23
Friday pm 36
Saturday am 57
Saturday pm 65

AFFILIATED ORGANIZATIONS 68
SECTION PROGRAMS 69
GENERAL INFORMATION 73
ACTIVITIES 75
INDEX 76

FLOOR PLANS FOLDOUT AT BACK
Thank you for joining us. We look forward to seeing you at a future event.

< Please fold back page to the left to find the hotel floorplan.
Welcome

The Section of Taxation and the Trust and Estate Division of the Section of Real Property Trust and Estate welcome you to the 2010 Joint Fall CLE Meeting in Toronto, ON. We are pleased that you have decided to join us and take advantage of the opportunity to participate in high-level discussions between private practitioners and government on the most important issues facing tax lawyers today.

Please note the following Meeting highlights:

- Hosted WELCOME RECEPTION on Thursday, 6:00pm – 7:00pm in the Civic Ballroom, 2nd Floor

- PLENARY SESSION/JOINT SECTION BREAKFAST on Friday, 7:15am – 8:30am in Grand Ballroom East, Lower Concourse, with guest speaker, Douglas H. Shulman, Commissioner, IRS

- Saturday SECTION PROGRAMS on a broad range of hot topics

We hope you enjoy the meeting and we welcome your comments.
**WELCOME RECEPTION** *(Complimentary)*

The Sections are hosting a complimentary Welcome Reception for all attendees on Thursday Evening, September 23rd, from 6:00pm – 7:00pm in the Civic Ballroom, 2nd Floor. Come early and meet with your colleagues and with new Section members, network and discuss current topics of the day.

**JOINT SECTION BREAKFAST/PLENARY SESSION** *(Ticketed Event)*

The Sections are pleased to announce that Douglas H. Shulman, Commissioner of the IRS, will address attendees of the **2010 Joint Fall CLE Meeting** at the Joint Section Breakfast on Friday, September 24th at 7:15am in the Grand Ballroom East, Lower Concourse. Attendees must purchase a ticket to attend the breakfast.

**JOINT SECTION RECEPTION** *(Ticketed Event)*

The Joint Section Reception will take place on Friday, September 24th, 6:30pm – 8:00pm, and will be held at the Art Gallery of Ontario. Enjoy great food and drinks with your colleagues and friends. Tickets must be purchased in advance at Registration and will NOT be available onsite at the Art Gallery of Ontario.

**REGISTRATION**

Individuals attending any part of the **2010 Joint Fall CLE Meeting**, including speakers, must register and pay the registration fee. Shared registrations are not permitted. Companions are defined as non-Section members not attending substantive meetings. Any companion attending substantive programs must register and pay either the Section member or non-Section member registration fee, whichever is applicable.

The registration fee includes one set of meeting materials on CD-ROM or USB and permits registrants to attend all meetings, sessions and programs; however, it does not include meal functions and social events listed as “Ticketed Events.” All ticketed events are sold on a first-come, first-served basis. Payment may be made by check or credit card. The Section accepts American Express, MasterCard and VISA.

**ON-SITE REGISTRATION AND TICKET PURCHASE HOURS**

The Registration Desk, located in Concourse Foyer, Concourse Level, will be open during the following hours:

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

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

LIST OF MEETING SPACES

<table>
<thead>
<tr>
<th>Lower Concourse</th>
<th>Mezzanine</th>
<th>Second Floor</th>
<th>Fourth Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Ballroom</td>
<td>Carleton</td>
<td>City Hall</td>
<td>Executive Suite</td>
</tr>
<tr>
<td>Ballroom West,</td>
<td>Conference Rooms</td>
<td>Civic Ballroom</td>
<td></td>
</tr>
<tr>
<td>Centre and East</td>
<td>A-H</td>
<td>Dominion Ballroom</td>
<td></td>
</tr>
<tr>
<td>Sheraton Hall 1-3</td>
<td>Essex Ballroom</td>
<td>Dufferin</td>
<td></td>
</tr>
<tr>
<td>and D-F</td>
<td>Oxford</td>
<td>Elgin</td>
<td></td>
</tr>
<tr>
<td>Osgoode Ballroom</td>
<td>Peel</td>
<td>Huron</td>
<td></td>
</tr>
<tr>
<td>Concourse</td>
<td>Windsor</td>
<td>Kenora</td>
<td></td>
</tr>
<tr>
<td>Registration</td>
<td>York</td>
<td>Kent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Simcoe</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wentworth</td>
<td></td>
</tr>
</tbody>
</table>

HOSPITALITY CENTER

On Friday and Saturday, a complimentary continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.

Location: Vide Foyer, Lower Concourse

Hours:  
Friday  7:00am – 4:00pm
Saturday  7:00am – 4:00pm
HOW TO USE THIS PROGRAM

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

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

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

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

PROGRAM SCHEDULE (P. 22)

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

ALPHA INDEX (P. 76)

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

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

PROGRAM KEY

🍎 = The program is recorded
⭐ = The program will appeal to young lawyers or non-specialists
⏰ = Ethics credits has been requested
📚 = No CLE credit is available
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>THURSDAY 9:00AM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section of Taxation Officers &amp; Council Meeting (Executive Session)</td>
<td>Civic Ballroom, South, 2nd Floor</td>
<td>9:00AM – 3:00PM</td>
</tr>
<tr>
<td>THURSDAY 6:00PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hosted Welcome Reception (Complimentary)</td>
<td>Civic Ballroom, 2nd Floor</td>
<td>6:00PM – 7:00PM</td>
</tr>
<tr>
<td>THURSDAY 6:30PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real Estate and Partnerships &amp; LLCs Dinner (Reservation; Advanced Payment Required)</td>
<td>Rosewater</td>
<td>6:30PM – 9:30PM</td>
</tr>
<tr>
<td>THURSDAY 7:00PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First-Time Attendees Orientation Dinner (Reservation Required)</td>
<td>City Hall Room, 2nd Floor</td>
<td>7:00PM – 9:00PM</td>
</tr>
<tr>
<td>THURSDAY 7:30PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Practice Dinner (Invitation Only)</td>
<td>Forte Bistro</td>
<td>7:30PM – 9:30PM</td>
</tr>
<tr>
<td>FRIDAY 7:15AM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joint Section Breakfast/Plenary Session (Ticketed Event)</td>
<td>Grand Ballroom East, Lower Concourse</td>
<td>7:15AM – 8:30AM</td>
</tr>
<tr>
<td>FRIDAY 7:30AM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Audits and Appeals</td>
<td>Wentworth, 2nd Floor</td>
<td>7:30AM – 8:30AM</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Health-Care Organizations</td>
<td>Kenora, 2nd Floor</td>
<td>7:30AM – 8:30AM</td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Political and Lobbying Organizations</td>
<td>Huron, 2nd Floor</td>
<td>7:30AM – 8:30AM</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>FRIDAY 7:30AM (continued)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exempt Organizations Subcommittees on Private Foundations, Unrelated Business</td>
<td>Elgin, 2nd Floor</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
</tr>
<tr>
<td>Income and International Philanthropy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exempt Organizations Subcommittee on Religious Organizations</td>
<td>Kent, 2nd Floor</td>
<td>7:30AM – 8:30AM Roundtable Discussion of Current Developments</td>
</tr>
<tr>
<td><strong>FRIDAY 8:00AM</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Recovery &amp; Leasing</td>
<td>Windsor Room East, Mezzanine</td>
<td>8:00AM – 10:00AM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:00a – Current Developments Report and Update on Pending Guidance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:00a – Nonshareholder Contributions to Capital</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Defined Contribution Plans</td>
<td>Conference Room G, Mezzanine</td>
<td>8:00AM – 9:30AM Defined Contribution Plans Update</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on EEOC Issues/FMLA, Military and Other Leaves</td>
<td>Peel, Mezzanine</td>
<td>8:00AM – 9:00AM EEOC, FMLA and Military Leave Update</td>
</tr>
<tr>
<td>Employee Benefits Subcommittees on Executive Compensation and Fringe Benefits</td>
<td>Conference Room BC, Mezzanine</td>
<td>8:00AM – 9:30AM Executive Compensation, Fringe Benefits and Securities</td>
</tr>
<tr>
<td>and Federal Securities Laws Issues</td>
<td></td>
<td>Law Update</td>
</tr>
<tr>
<td><strong>FRIDAY 8:30AM</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACTC Board of Regents Meeting</td>
<td>Norfolk, Mezzanine</td>
<td>8:30AM – 9:30AM</td>
</tr>
<tr>
<td><em>(Executive Session)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Practice</td>
<td>Simcoe/Dufferin, 2nd Floor</td>
<td>8:30AM – 11:30AM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:30a – Opening Remarks by the Chair</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:35a – Important Developments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:10a – Back-to-Basics: IRS Appeals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:50a – Future of International Enforcement in the Burgeoning Global</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Economy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:30a – IRS’ Global High Wealth Industry—What to Expect and When</td>
</tr>
<tr>
<td>Affiliated &amp; Related Corporations</td>
<td>Windsor Room West, Mezzanine</td>
<td>8:30AM – 11:30AM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:30a – Consolidated Tax Attributes—A Discussion about OFLs and DCLs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:00a – Current Developments in Consolidated Returns</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>FRIDAY 8:30AM (continued)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Banking & Savings Institutions (Complimentary)                                   | Sheraton Hall C, Lower Concourse| 8:30AM – 11:30AM  
8:30a – Opening Remarks by the Chair  
8:35a – Past, Present and Future of Equity Swaps  
9:30a – REMIC Update and Other Emerging Issues  
10:35a – The Effect of Increased Reporting on US Borrowing Activities, Foreign Investors and the Shadow Banking System | 27   |
| Business Planning Group (TE), Closely Held Businesses (TX) and S Corporations (TX) (Complimentary) | City Hall Room, 2nd Floor        | 8:30AM – 11:30AM  
8:30a – Opening Remarks and Report on Committee Business by Chairs  
8:35a – Important Developments  
9:20a – Choice of Entity in Light of New and Proposed Legislation  
| Companions’ Breakfast (TX & TE) (Complimentary)                                 | Pinnacle Room, 43rd Floor        | 8:30AM – 9:30AM  
Estate & Gift Taxes (TX) and Income & Transfer Tax Planning Group (TE)          | 28   |
| Estate & Gift Taxes (TX) and Income & Transfer Tax Planning Group (TE)           | Sheraton Hall AB, Lower Concourse| 8:30AM – 11:30AM  
8:30a – Collection: Current Issues and Comparative Perspectives  
9:00a – Transfers to Non-US Spouses—QDOTs and Other Options  
9:50a – Expatriation Under Section 877A’s Mark-To-Market System and What Notice 2009-85 did and did Not Tell Us  
10:40a – Tax Issues in International Philanthropy | 28   |
| Individual & Family Taxation (Complimentary)                                    | Conference Room F, Mezzanine     | 8:30AM – 11:30AM  
8:30a – Collection: Current Issues and Comparative Perspectives  
10:00a – Tax Consequences of Disasters | 29   |
| Investment Management (Complimentary)                                           | Conference Room DE, Mezzanine    | 8:30AM – 11:30AM  
8:30a – Opening Remarks by the Chair  
8:35a – RIC Modernization Legislation  
9:30a – Implications of Proposed Carried Interest Legislation  
10:30a – Partnership Allocations | 30   |
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FRIDAY 8:30AM (continued)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partnerships &amp; LLCs</td>
<td>Essex Ballroom, Mezzanine</td>
<td>8:30AM – 11:30AM</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:30a – Opening Remarks by the Chair</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:35a – Economic Substance in Partnership Transactions—Is it the Chicken Little of Legitimate Tax Planning?</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:40a – Hot Topics in Partnerships</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:20a – Don't Get Carried Away by Carried Interests</td>
<td></td>
</tr>
<tr>
<td>Transfer Pricing</td>
<td>Dominion Ballroom, 2nd Floor</td>
<td>8:30AM – 10:30AM</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:30a – Opening Remarks by Vice-Chair</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:35a – Binding Arbitration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:30a – US - Canada Hot Transfer Pricing Issues</td>
<td></td>
</tr>
<tr>
<td><strong>FRIDAY 8:45AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exempt Organizations</td>
<td>Civic Ballroom, 2nd Floor</td>
<td>8:45AM – 4:30PM</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:45a – News from the IRS and Department of Treasury</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:45a – Colleges and Universities—Current Audit Activity and What We Have Learned from the IRS Interim Report</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:45a – The Effect of Health Care Reform on Hospitals</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>11:30a – Citizens United: Implications of Corporate Political Free Speech for the EO Sector</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>12:15p – Exempt Organizations Committee Luncheon</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1:30p – Expenditure Responsibility: Ten Puzzling Practical Problems</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2:30p – Crossing the Border: A Comparative View of Philanthropy</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4:00p – Networking Hour (Cash Bar) Co-Sponsored by: Canadian and Ontario Bar Associations</td>
<td></td>
</tr>
<tr>
<td><strong>FRIDAY 9:00AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on</td>
<td>Oxford, Mezzanine</td>
<td>9:00AM – 10:00AM</td>
<td>33</td>
</tr>
<tr>
<td>Employee Benefit Legislation</td>
<td></td>
<td>Legislation Update</td>
<td></td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
<td>PAGE</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
<td>-----------------</td>
<td>------</td>
</tr>
<tr>
<td><strong>FRIDAY 9:30AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices</td>
<td>Conference Room G, Mezzanine</td>
<td>9:30AM – 11:00AM Administrative Practices Update</td>
<td>33</td>
</tr>
<tr>
<td>Employee Benefits Subcommittees on Welfare Plan Design and Funding, Cafeteria Plans and Reimbursement Accounts and HIPAA, COBRA &amp; State Insurance Regulation of Welfare Plans</td>
<td>Conference Room BC, Mezzanine</td>
<td>9:30AM – 11:00AM Welfare Benefits Design, Funding and Regulation Update</td>
<td>34</td>
</tr>
<tr>
<td><strong>FRIDAY 10:00AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Companions’ Tour <em>(Ticketed Event)</em></td>
<td>Buses depart at 9:30am from the Richmond Street exit of the Sheraton</td>
<td>10:00AM – 2:00PM The Warrior Emperor and China’s Terracotta Army: Royal Ontario Museum Tour and Luncheon</td>
<td>75</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Foreign and International Issues</td>
<td>Conference Room H, Mezzanine</td>
<td>10:00AM – 11:00AM International Update</td>
<td>34</td>
</tr>
<tr>
<td><strong>FRIDAY 10:30AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joint Session of FAUST, Transfer Pricing and USAFTT *</td>
<td>Dominion Ballroom, 2nd Floor</td>
<td>10:30AM – 12:15PM 10:30a – Joint International Developments Panel *</td>
<td>35</td>
</tr>
<tr>
<td><strong>FRIDAY 11:00AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Distributions</td>
<td>Conference Room H, Mezzanine</td>
<td>11:00AM – 12:15PM Distributions Update</td>
<td>35</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on ESOPs</td>
<td>Peel, Mezzanine</td>
<td>11:00AM – 12:00PM ESOP Update</td>
<td>35</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Exempt Organization and Governmental Plans</td>
<td>Conference Room G, Mezzanine</td>
<td>11:00AM – 12:15PM Government and Tax Exempt Plans Update</td>
<td>36</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Mergers &amp; Acquisitions</td>
<td>Windsor Room East, Mezzanine</td>
<td>11:00AM – 12:15PM Mergers &amp; Acquisitions Update</td>
<td>36</td>
</tr>
<tr>
<td>Tax Shelters 🎷</td>
<td>York, Mezzanine</td>
<td>11:00AM – 1:00PM</td>
<td>36</td>
</tr>
<tr>
<td><strong>FRIDAY 11:30AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointments to the Tax Court <em>(Executive Session)</em></td>
<td>Oxford, Mezzanine</td>
<td>11:30AM – 12:30PM</td>
<td>36</td>
</tr>
<tr>
<td>Publications 📚</td>
<td>Wentworth, 2nd Floor</td>
<td>11:30AM – 12:30PM</td>
<td>36</td>
</tr>
<tr>
<td>Public Service Fellowship <em>(Executive Session)</em></td>
<td>Carleton, Mezzanine</td>
<td>11:30AM – 1:30PM</td>
<td>36</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
<td>PAGE</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td><strong>FRIDAY 12:00PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corporate Tax and Affiliated &amp; Related Corporations Luncheon <em>(Ticketed Event)</em></td>
<td>Grand Ballroom East, Lower Concourse</td>
<td>12:00PM – 1:30PM</td>
<td>37</td>
</tr>
<tr>
<td>Employee Benefits Corporate Counsel Forum</td>
<td>Norfolk, Mezzanine</td>
<td>12:00PM – 1:00PM</td>
<td>36</td>
</tr>
<tr>
<td>Employee Benefits Subcommittees on Fiduciary Responsibility/Plan Investments and Litigation</td>
<td>Conference Room F, Mezzanine</td>
<td>12:00PM – 1:00PM</td>
<td>37</td>
</tr>
<tr>
<td>Membership &amp; Marketing</td>
<td>Elgin, 2nd Floor</td>
<td>12:00PM – 1:00PM</td>
<td>37</td>
</tr>
<tr>
<td><strong>FRIDAY 12:15PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Benefits New Employee Benefits Attorneys <em>(Ticketed Event)</em></td>
<td>Peel, Mezzanine</td>
<td>12:15PM – 1:00PM New Employee Benefits Attorneys Forum</td>
<td>39</td>
</tr>
<tr>
<td>Exempt Organizations Luncheon <em>(Ticketed Event)</em></td>
<td>Civic Ballroom, 2nd Floor</td>
<td>12:15PM – 1:30PM</td>
<td>37</td>
</tr>
<tr>
<td>Foreign Activities of US Taxpayers, Transfer Pricing and US Activities of Foreigners &amp; Tax Treaties Luncheon <em>(Ticketed Event)</em></td>
<td>Dominion Ballroom, 2nd Floor</td>
<td>12:15PM – 1:30PM LUNCHEON SPEAKERS: Manal Corwin, International Tax Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC; Steven A. Musher, Associate Chief Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SPEAKER: Cathy Hawara, Acting Director General, Charities Directorate, Canada Revenue Agency, Ottawa, ON</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sponsor by: Blake Cassels &amp; Graydon LLP</td>
<td></td>
</tr>
<tr>
<td><strong>FRIDAY 12:30PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Practice and Court Procedure &amp; Practice Luncheon <em>(Ticketed Event)</em></td>
<td>Grand Ballroom West, Lower Concourse</td>
<td>12:30PM – 1:30PM Co-Sponsored by: Hochman Salkin Rettig Toscher &amp; Perez PC and Kostelanetz &amp; Fink LLP</td>
<td>37</td>
</tr>
<tr>
<td>Civil &amp; Criminal Tax Penalties Luncheon <em>(Ticketed Event)</em></td>
<td>Simcoe/Dufferin, 2nd Floor</td>
<td>12:30PM – 1:30PM Co-Sponsored by: Hochman Salkin Rettig Toscher &amp; Perez PC and Kostelanetz &amp; Fink LLP</td>
<td>38</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
<td>PAGE</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
<td>------------------</td>
<td>------</td>
</tr>
<tr>
<td>FRIDAY 12:30PM (continued)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estate &amp; Gift Taxes (TX) and Fiduciary Income Tax (TX) and Income &amp; Transfer Tax Planning Group (TE) Luncheon (Ticketed Event)</td>
<td>Conference Room B, Mezzanine</td>
<td>12:30PM – 1:30PM TOPIC: The Perils of Provenance: Restitution of Plundered Art SPEAKER: Lucian Simmons, Sotheby’s, New York, NY</td>
<td>38</td>
</tr>
<tr>
<td>Partnerships &amp; LLCs and Real Estate Luncheon (Ticketed Event)</td>
<td>Essex Ballroom, Mezzanine</td>
<td>12:30PM – 1:30PM TOPIC: How Canada's Experience with the General Anti-Abuse Rule Might Inform US How to Live with the Codified Economic Substance Doctrine SPEAKERS: Honorable Donald G.H. Bowman, Fraser Milner Casgrain LLP, Toronto, ON; Professor Martin J. McMahon, Jr., University of Florida, Fredric G. Levin College of Law, Gainesville, FL</td>
<td>38</td>
</tr>
<tr>
<td>FRIDAY 1:00PM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Benefits Subcommittees on ESOPs, Fiduciary Responsibility/Plan Investments and Litigation</td>
<td>Conference Room F, Mezzanine</td>
<td>1:00PM – 2:30PM Litigation Update</td>
<td>39</td>
</tr>
<tr>
<td>FRIDAY 1:15PM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Defined Benefit Plans</td>
<td>Conference Room DE, Mezzanine</td>
<td>1:15PM – 2:30PM Defined Benefit Plans Update</td>
<td>39</td>
</tr>
<tr>
<td>FRIDAY 1:30PM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court Procedure &amp; Practice Roundtable (Executive Session)</td>
<td>Sheraton Hall AB, Lower Concourse</td>
<td>1:30PM – 2:30PM 1:30p – What Works and What Doesn’t? Resolving Tax Disputes in the US and Canada</td>
<td>39</td>
</tr>
<tr>
<td>Distinguished Service Award (Executive Session)</td>
<td>Conference Room H, Mezzanine</td>
<td>1:30PM – 2:30PM</td>
<td>40</td>
</tr>
<tr>
<td>Employee Benefits Subcommittee on Controlled Groups, Affiliated Service Groups and Employee Status</td>
<td>Norfolk, Mezzanine</td>
<td>1:30PM – 2:30PM Controlled Groups and Employee Status Update</td>
<td>40</td>
</tr>
</tbody>
</table>
## Schedule At-A-Glance

<table>
<thead>
<tr>
<th>Committee/Program</th>
<th>Location</th>
<th>Topic(s)/Time(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FRIDAY 1:30PM (continued)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Employment Taxes | Huron, 2nd Floor | 1:30PM – 4:30PM  
1:30p – Federal Update  
2:15p – Advanced Employment Tax Audit Techniques  
3:00p – Canadian and Cross Border Employment Tax Issues  
3:45p – Payments of US Source Income to Non-US Persons | 40 |
| Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee Meeting | York, Mezzanine | 1:30PM – 2:30PM  
1:30p – How to Develop an Estate Planning Practice | 41 |
| Litigation, Ethics & Malpractice Group | Osgoode Ballroom, Lower Concourse | 1:30PM – 3:00PM  
1:30p – Same-Sex Spouses, Partners and Adult Adoptions: Trust Administration Issues Presented by Beneficiary Relationships | 41 |
| Standards of Tax Practice | Grand Ballroom Centre, Lower Concourse | 1:30PM – 4:00PM  
1:30p – Ethical Issues in Federal Administrative Tax Practice  
2:20p – Ethical Issues Presented by the Estate and Gift Tax Conundrum: Advising Clients in an Uncertain Legislative Environment  
3:10p – Ethics and the Codification of Economic Substance | 42 |
| Teaching Taxation | Sheraton Hall E, Lower Concourse | 1:30PM – 3:00PM  
1:30p – Opening Remarks by the Chair  
1:35p – Employing Stock: US and Foreign Taxation of Employee Stock Options | 43 |
| US Activities of Foreigners & Tax Treaties | Dominion Ballroom, 2nd Floor | 1:30PM – 3:30PM  
1:30p – Pitfalls and Benefits of Foreign Corporation using LLCs in the US  
2:30p – Codification of Economic Substance—Can we Predict the Future by Looking at the Past? | 43 |
| **FRIDAY 2:00PM** | | | |
| Closely Held Businesses (TX) and Business Planning Group (TE) | City Hall Room, 2nd Floor | 2:00PM – 5:30PM  
2:00p – Practical and Tax Issues in Shutting Down a Closely Held Business with Tax and Non-Tax Debts  
3:00p – Primer on Tax Aspects and Mechanics of Entity Conversions  
4:15p – Co-Ownership in Professional Practices—a Taxing Problem  
5:15p – Closely Held Businesses Committee Planning Meeting | 44 |
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FRIDAY 2:30PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Court Procedure & Practice | Sheraton Hall AB, Lower Concourse | 2:30PM – 5:30PM  
2:30p – Opening Remarks by the Chair  
2:35p – Comparing US and Canadian Court Practice  
3:15p – Remarks on Behalf of the Tax Court  
3:30p – Remarks on Behalf of the Office of Chief Counsel, IRS  
3:45p – US and Canada Approaches To Litigating Cross-Border Transactions  
4:30p – Recent Developments  
4:45p – Litigating The Application of Anti-Tax Avoidance Statutes—Learning From The Canada Experience | 45 |
| Employee Benefits | Grand Ballroom West, Lower Concourse | 2:30PM – 6:30PM  
2:30p – Opening Remarks by the Chair  
2:35p – Implementing Health Care Reform  
4:35p – Hot Employee Benefits Topics  
5:35p – Fireside Chat  
6:30p – Government Guest Reception and Cash Bar Grand Foyer, Lower Concourse | 46 |
| Estate & Gift Taxes (TX) and Income & Transfer Tax (TE) | Grand Ballroom East, Lower Concourse | 2:30PM – 3:30PM  
2:30p – Tax Apportionment Clauses: Friend or Foe | 47 |
| Financial Transactions | Windsor Room West, Mezzanine | 2:30PM – 5:30PM  
2:30p – Section 1256: Marking to Market the World?  
3:30p – *Anschutz* and *Calloway*: Finding the Owner of Publicly Traded Stock  
4:30p – Swaps and Stock Loans: The Latest on Dividend-Equivalent Payments | 47 |
| Insurance Companies | Elgin, 2nd Floor | 2:30PM – 5:30PM  
2:30p – Opening Remarks by the Chair  
2:35p – Canadian Taxation of Insurance Companies and Current Cross-Border Insurance Issues  
4:00p – Update on Recent Tax Guidance Affecting Insurance Companies and Products | 48 |
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FRIDAY 2:30PM (continued)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Real Estate  | Essex Ballroom, Mezzanine | 2:30PM – 5:30PM  
2:30p – Opening Remarks by the Chair  
2:35p – Real Estate Roll-Up Transactions—How Much Has Changed?  
4:15p – Holding Real Estate in Series LLCs—The Smoke Begins to Clear  
5:00p – Debt Modifications—New Developments in a Still Recovering Economy | 48 |
| State & Local Taxes | Sheraton Hall C, Lower Concourse | 2:30PM – 6:00PM  
2:30p – Current and Thorny Unclaimed Property Issues  
4:15p – Recent State Challenges to Related Party Transactions and the Success or Lack Thereof: Business Purpose, Sham and Economic Substance Assertions Abound  
5:10p – Executive Committee Reports on Current SALT Issues Part 1: Current Developments and State Tax Updates  
5:35p – Executive Committee Reports on Current SALT Issues Part 2: Are We There Yet?: Getting to 50 State Tax Tribunals—An Update on the Model Tax Tribunal Act | 49 |
| Tax Accounting | Conference Room G, Mezzanine | 2:30PM – 5:30PM  
2:30p – Recent Developments in Tax Accounting Methods  
3:15p – Accounting Method Issues Arising with Respect to Losses and Bad Debts  
4:00p – Method Considerations in Section 381 and Other Transactions  
4:45p – Distinguishing Non-Deductible Fines and Penalties from Deductible Business Expenses | 50 |
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FRIDAY 2:30PM (continued)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Tax Exempt Financing            | Simcoe/Dufferin, 2nd Floor   | 2:30PM – 5:30PM  
2:30p – Opening Remarks by the Chair  
2:35p – Department of Treasury and IRS Update  
3:20p – Legal Issues Related to the Paid Preparer Requirements for Forms 8038  
4:00p – Bond Financing of Grants  
4:40p – The Issue Price Conundrum | 51   |
| **FRIDAY 3:00PM**               |                              |                                                                                 |      |
| Nominating (Executive Session)  | Conference Room H, Mezzanine | 3:00PM – 5:00PM                                                                 | 53   |
| Sponsorships                    | Wentworth, 2nd Floor         | 3:00PM – 4:00PM                                                                 | 53   |
| **FRIDAY 3:30PM**               |                              |                                                                                 |      |
| Foreign Activities of US Taxpayers | Dominion Ballroom, 2nd Floor | 3:30PM – 5:30PM  
3:30p – Opening Remarks by the Chair  
3:35p – Economic Substance Codification—Issues for US Multinational Taxpayers  
4:30p – Doing Business in Canada: What US Multinationals Need to Know | 53   |
| Non-Tax Estate Planning Considerations Group | Osgoode Ballroom, Lower Concourse | 3:30PM – 5:30PM  
3:30p – Toxic Asset Protection Planning: No Bailouts for the Greedy | 54   |
| Tax Practice Management         | Conference Room C, Mezzanine | 3:30PM – 5:30PM  
3:30p – Opening Remarks by the Chair  
3:35p – Beyond the Basics: Understanding Financial Statements for Tax Lawyers | 54   |
| **FRIDAY 4:00PM**               |                              |                                                                                 |      |
| Young Lawyers Forum & Diversity | Conference Room F, Mezzanine | 4:00PM – 6:30PM  
4:00p – Are You (Too) Confident About Your Tax Opinions?  
5:00p – Diversity: A Comparative Analysis of the Canadian and US Tax Bars  
5:30p – Networking Reception (Pinnacle Room, 43rd Floor) | 54   |
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FRIDAY 5:00PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Services</td>
<td>Kent, 2nd Floor</td>
<td>5:00PM – 6:00PM</td>
<td>55</td>
</tr>
<tr>
<td>Programs &amp; Meetings</td>
<td>Carleton, Mezzanine</td>
<td>5:00PM – 6:00PM</td>
<td>55</td>
</tr>
<tr>
<td>Task Force on Patenting Tax Strategies</td>
<td>Conference Room DE, Mezzanine</td>
<td>5:00PM – 6:00PM The program will be devoted to a discussion of the Supreme Court's decision in the <em>Bilski</em> case.</td>
<td>55</td>
</tr>
<tr>
<td><strong>FRIDAY 5:30PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign Activities of US Taxpayers and Young Lawyers of FAUST Business Meeting</td>
<td>Wentworth, 2nd Floor</td>
<td>5:30PM – 6:30PM</td>
<td>55</td>
</tr>
<tr>
<td><strong>FRIDAY 5:45PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US Activities of Foreigners &amp; Tax Treaties Business Meeting</td>
<td>Kenora, 2nd Floor</td>
<td>5:45PM – 6:30PM</td>
<td>55</td>
</tr>
<tr>
<td><strong>FRIDAY 6:30PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joint Section Reception (Ticketed Event)</td>
<td>Art Gallery of Ontario</td>
<td>6:30PM – 8:00PM</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Buses begin departing at 6:15 pm from the Richmond Street exit of the Sheraton</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FRIDAY 7:45PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>International Committees Dinner (Reservation Required)</td>
<td>Diverso</td>
<td>7:45PM – 10:00PM Members of the International Committees will meet for cocktails and dinner at Diverso, 328 Dupont Street (416.929.3388). The price for the dinner will be USD $100.00. The cash bar will begin at 7:45pm and dinner will follow at 8:30pm.</td>
<td>56</td>
</tr>
<tr>
<td><strong>SATURDAY 7:00AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Income Taxpayers</td>
<td>Conference Room BC, Mezzanine</td>
<td>7:00AM – 9:00AM 7:00a – Opening Remarks by the Chair 7:05a – Recent Developments Affecting Low Income Taxpayers 7:25a – History of Low Income Tax Clinics 8:25a – How to Start a Low Income Tax Clinic</td>
<td>57</td>
</tr>
<tr>
<td><strong>SATURDAY 7:15AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACTC Fellows Breakfast (Registration Required; Only Open to ACTC Fellows)</td>
<td>Essex Ballroom, Mezzanine</td>
<td>7:15AM – 9:30AM</td>
<td>68</td>
</tr>
<tr>
<td>COMMITTEE/PROGRAM</td>
<td>LOCATION</td>
<td>TOPIC(S)/TIME(S)</td>
<td>PAGE</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
<td>------------------</td>
<td>------</td>
</tr>
<tr>
<td><strong>SATURDAY 7:15AM (continued)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partnerships &amp; LLCs/Real Estate/S Corporations “Shop Talking” Breakfast <em>(Ticketed Event)</em></td>
<td>Sheraton Hall AB, Lower Concourse</td>
<td>7:15AM – 8:30AM</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Members of the Partnerships &amp; LLCs, Real Estate and S Corporations Committees will gather for the traditional “open mic” breakfast to share ideas and war stories and to seek input on technical issues.</td>
<td></td>
</tr>
<tr>
<td><strong>SATURDAY 7:30AM</strong></td>
<td></td>
<td></td>
<td>58</td>
</tr>
<tr>
<td>Section of Taxation Committee Chairs, Vice-Chairs, Officers and Council Breakfast</td>
<td>Grand Ballroom Centre, Lower Concourse</td>
<td>7:30AM – 8:15AM</td>
<td></td>
</tr>
<tr>
<td><strong>SATURDAY 7:45AM</strong></td>
<td></td>
<td></td>
<td>58</td>
</tr>
<tr>
<td>Court Procedure &amp; Practice Officers and Subcommittee Chairs Breakfast <em>(Ticketed Event)</em></td>
<td>Conference Room G, Mezzanine</td>
<td>7:45AM – 9:00AM</td>
<td></td>
</tr>
<tr>
<td><strong>SATURDAY 8:30AM</strong></td>
<td></td>
<td></td>
<td>58</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>Grand Ballroom East, Lower Concourse</td>
<td>8:30AM – 11:30AM</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:30a – Opening Remarks by the Chair</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:35a – Current Fiduciary and Fees Issues</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:30a – Form 5500 Update: EFAST2 Electronic Filing System, Expanded Schedule C Reporting and Other Important Changes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:30a – Executive Compensation—A Review of Selected Issues</td>
<td></td>
</tr>
<tr>
<td>Fiduciary Income Tax</td>
<td>Sheraton Hall C, Lower Concourse</td>
<td>8:30AM – 11:30AM</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:30a – Opening Remarks</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:35a – Recent Developments</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:50a – The Intersection of IRD, the Separate Share Rule and Making Charitable Bequests—Be Sure to Look All Ways Before Crossing</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9:40a – Rethinking Roth IRA Conversions in 2010</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:30a – Grantor Trust Section 674</td>
<td></td>
</tr>
<tr>
<td>LLCs and LLPs Subcommittee of Partnerships &amp; LLCs</td>
<td>Conference Room F, Mezzanine</td>
<td>8:30AM – 10:30AM</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8:30a – LLCs and Partnerships: Recent Canadian Tax Developments—What Works and What Does Not</td>
<td></td>
</tr>
</tbody>
</table>
### SATURDAY 8:30AM (continued)

<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
</table>
| Sales, Exchanges & Basis ❗ | Simcoe/Dufferin, 2nd Floor   | 8:30AM – 11:30AM  
8:30a – Opening Remarks by the Chair ❗  
8:35a – Current Non-Section 1031 Developments  
8:55a – The 2011 Tax Increases Are Coming—Carpe Diem!  
9:35a – Section 1033—Back to the Basics  
10:20a – Codification/Clarification of Economic Substance—The Rubber Meets the Road in Common Transactions  
11:00a – Like-Kind Exchange Current Developments | 60   |
| State & Local Taxes Practitioners’ Roundtable ❗ (Executive Session) | Civic Ballroom North, 2nd Floor | 8:30AM – 10:30AM                  | 61   |

### SATURDAY 8:45AM

<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
</table>
| Civil & Criminal Tax Penalties ❗ | Grand Ballroom West, Lower Concourse | 8:45AM – 11:45AM  
8:45a – Reports of Subcommittees on Important Developments  
9:15a – The Quiet Revolution—FATCA and Bank Secrecy  
10:00a – Sensitive Issue Examinations—Is Tweel Still Relevant?  
10:45a – Civil Tax Penalty Abatements—Fact or Fiction? | 62   |
| Corporate Tax ❗ | Dominion Ballroom, 2nd Floor | 8:45AM – 11:30AM  
8:45a – Current Developments  
10:00a – US-Canadian Cross-Border Transactions | 63   |

### SATURDAY 9:00AM

<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
</table>
| Pro Bono ❗ | Conference Room BC, Mezzanine | 9:00AM – 10:30AM  
9:00a – US and Canadian Approaches to Tax Litigation Involving Unrepresented Taxpayers | 63   |

### SATURDAY 9:30AM

<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
</table>
| Companions’ Tour ❗ (Ticketed Event) | Buses depart at 9:00am from the Richmond Street exit of the Sheraton | 9:30AM – 11:30AM  
Casa Loma Tour ❗ | 75   |

### SATURDAY 10:00AM

<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
</table>
| Section Program presented by Non-Tax Estate Planning Considerations Group ❗ | Sheraton Hall AB, Lower Concourse | 10:00AM – 11:30AM  
THE ROAD AHEAD…The Use of Annuities in Estate Planning ❗ | 64   |
<table>
<thead>
<tr>
<th>COMMITTEE/PROGRAM</th>
<th>LOCATION</th>
<th>TOPIC(S)/TIME(S)</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SATURDAY 10:30AM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diversity (TX &amp; TE)</td>
<td>City Hall Room, 2nd Floor</td>
<td>10:30AM – 12:00PM Top Fifteen Tips Tax and Estate Planners Need to Know About Special Needs Trusts</td>
<td>64</td>
</tr>
<tr>
<td>State and Local Taxes Subcommittee: The Tax Lawyer—The State and Local Tax Edition &amp; The State and Local Tax Lawyer-Symposium Edition</td>
<td>Civic Ballroom North, 2nd Floor</td>
<td>10:30AM – 11:30AM Meeting of interested parties to discuss current and future issues of these publications</td>
<td>65</td>
</tr>
<tr>
<td><strong>SATURDAY 1:30PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section Program presented by Employee Benefits (TX) and American College of Employee Benefits Counsel</td>
<td>Grand Ballroom East, Lower Concourse</td>
<td>1:30PM – 3:30PM Don’t Let the Door Hit You on the Way Out—Terminated Employees and Employee Benefits</td>
<td>65</td>
</tr>
<tr>
<td>Section Program presented by Income &amp; Transfer Tax Planning Group</td>
<td>Sheraton Hall AB, Lower Concourse</td>
<td>1:30PM – 2:30PM Informal Interview? Or Daunting Deposition?: Case study on Preparing and Presenting Witnesses for IRS Interviews</td>
<td>65</td>
</tr>
<tr>
<td><strong>SATURDAY 2:00PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section Program presented by Low Income Taxpayers, Administrative Practice, Court Procedure &amp; Practice, Individual &amp; Family Taxation and Pro Bono</td>
<td>Simcoe/Dufferin, 2nd Floor</td>
<td>2:00PM – 4:00PM Innocent Spouse</td>
<td>66</td>
</tr>
<tr>
<td>Section Program presented by Tax Exempt Financing and Exempt Organizations</td>
<td>Civic Ballroom North, 2nd Floor</td>
<td>2:00PM – 4:00PM Structuring Innovative Management Contracts for Bond Financed Projects</td>
<td>66</td>
</tr>
<tr>
<td><strong>SATURDAY 2:30PM</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section Program presented by Estate &amp; Gift Taxes (TX &amp; TE)</td>
<td>Civic Ballroom South, 2nd Floor</td>
<td>2:30PM – 3:30PM Donee Selection and Practical Considerations Under Petter Formula Allocation Clauses</td>
<td>67</td>
</tr>
<tr>
<td>Section Program presented by Non-Tax Estate Planning Considerations Group</td>
<td>City Hall Room, 2nd Floor</td>
<td>2:30PM – 3:30PM ILITs: Ethical and Liability Issues of Trustees, Grantors and their Advisors</td>
<td>67</td>
</tr>
</tbody>
</table>
PROGRAM SCHEDULE
THURSDAY, SEPTEMBER 23

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

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

9:00AM – 3:00PM
Section of Taxation Officers & Council Meeting (Executive Session)
Civic Ballroom South, 2nd Floor

6:00PM – 7:00PM
Hosted Welcome Reception (Complimentary)
Civic Ballroom, 2nd Floor

6:30PM – 9:30PM
Real Estate and Partnerships & LLCs Dinner (Reservation; Advanced Payment Required)
Rosewater, 19 Toronto Street
Members of the Partnerships & LLCs and the Real Estate Committees will meet for cocktails and dinner at the Rosewater, located at 19 Toronto Street (web-site: www.libertygroup.com/rosewater; local telephone number: 416-214-5888). The price for the dinner is $70.00 (US). Cocktails (cash bar) will begin at 6:30pm, followed by dinner at 7:30pm. The restaurant is a ten minute walk from the Sheraton.

7:00PM – 9:00PM
First-Time Attendees Orientation Dinner (Reservation Required)
City Hall Room, 2nd Floor

7:30PM – 9:30PM
Administrative Practice Dinner (Invitation Only)
Forte Bistro, 133 Richmond Street West, Suite 101
**7:00AM – 4:00PM**

**Vide Foyer, Lower Concourse**

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

---

**7:15AM – 8:30AM**

**Grand Ballroom East, Lower Concourse**

**Joint Section Breakfast/Plenary Session**

**KEYNOTE SPEAKER:** Douglas H. Shulman, Commissioner, Internal Revenue Service, Washington, DC

---

**7:30AM – 8:30AM**

**Wentworth, 2nd Floor**

**Exempt Organizations Subcommittee on Audits and Appeals**

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

**7:30am**

Role of IRS National Office Counsel and Area Counsel in Exempt Organization Audits and Roundtable Discussion of Current Developments.

**PANELIST:** Philip T. Hackney, Senior Technical Reviewer, Exempt Organizations, Branch 2, Office of Chief Counsel, IRS, Washington, DC.

---

**7:30AM – 8:30AM**

**Kenora, 2nd Floor**

**Exempt Organizations Subcommittee on Health-Care Organizations**

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

**7:30am**

Roundtable Discussion of Current Developments.

---

**7:30AM – 8:30AM**

**Huron, 2nd Floor**

**Exempt Organizations Subcommittee on Political and Lobbying Organizations**

**CHAIRS:** Rosemary E. Fei, Adler & Colvin, San Francisco, CA; Elizabeth Kingsley, Harmon Curran Spielberg & Eisenberg LLP, Washington, DC

**7:30am**

Roundtable Discussion of Current Developments.

---

**7:30AM – 8:30AM**

**Elgin, 2nd Floor**

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

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

**7:30am**

Roundtable Discussion of Current Developments.
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30AM – 8:30AM</td>
<td><strong>Exempt Organizations Subcommittee on Religious Organizations</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Kent, 2nd Floor</td>
</tr>
<tr>
<td>CHAIRS:</td>
<td>Boyd J. Black, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, UT; Thomas E. Wetmore, General Conference of Seventh-day Adventists, Silver Spring, MD</td>
<td></td>
</tr>
<tr>
<td>7:30am</td>
<td><strong>Roundtable Discussion of Current Developments.</strong>&lt;sup&gt;2&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>8:00AM – 10:00AM</td>
<td><strong>Capital Recovery &amp; Leasing</strong>&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Windsor Room East, Mezzanine</td>
</tr>
<tr>
<td>Chair:</td>
<td>Katherine Breaks, KPMG LLP, Washington, DC</td>
<td></td>
</tr>
<tr>
<td>8:00am</td>
<td><strong>Current Developments Report and Update on Pending Guidance.</strong>&lt;sup&gt;4&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>MODERATOR:</td>
<td>Alison Jones, Ernst &amp; Young LLP, Washington, DC</td>
<td></td>
</tr>
<tr>
<td>PANELISTS:</td>
<td>Brandon Carlton, Taxation Specialist, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Glenn Johnson, Ernst &amp; Young LLP, Washington, DC</td>
<td></td>
</tr>
<tr>
<td>9:00am</td>
<td><strong>Nonshareholder Contributions to Capital.</strong>&lt;sup&gt;5&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>MODERATOR:</td>
<td>Katherine Breaks, KPMG LLP, Washington, DC</td>
<td></td>
</tr>
<tr>
<td>PANELISTS:</td>
<td>Alison Jones, Ernst &amp; Young LLP, Washington, DC; Sam Weiler, Ernst &amp; Young LLP, Columbus, OH</td>
<td></td>
</tr>
<tr>
<td>8:00AM – 9:30AM</td>
<td><strong>Employee Benefits Defined Contribution Plans Update</strong>&lt;sup&gt;6&lt;/sup&gt;</td>
<td>Conference Room G, Mezzanine</td>
</tr>
<tr>
<td>CHAIR/VICE-CHAIR:</td>
<td>Bret Hamlin, Hill Ward Henderson, Tampa, FL; Matthew Eickman, Utz Miller &amp; Eickman, Overland Park, KS; Puneet K. Arora, (TE/GE), IRS, Washington, DC (Young Lawyer Liaison)</td>
<td></td>
</tr>
<tr>
<td>This meeting will examine recent and pending legislative and regulatory activity relating to section 401(k) plans and defined contribution plans, generally. The new Department of Labor interim final regulation on fee disclosure, the recent final regulations under section 401(a)(35) of the Internal Revenue Code regarding employer securities diversification requirements, the IRS 401(k) Compliance Check Questionnaire Project and any developments with respect to target date funds will be among the topics discussed. Recent litigation will also be discussed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PANELISTS: Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; William Evans, Attorney-Advisor, Office of the Benefits Tax Counsel, Department of Treasury, Washington, DC; Harlan Weller, Senior Actuary, Office of the Benefits Tax Counsel, Department of Treasury, Washington, DC.

8:00AM – 9:00AM  Peel, Mezzanine

Employee Benefits EEOC, FMLA and Military Leave Update
Presented by the Subcommittee on EEOC Issues/FMLA, Military and Other Leaves
CHAIR/VICE-CHAIR: Thomas R. Standley, Marathon Oil Company, Findlay, OH; William Mark Freedman, Dinsmore & Shohl LLP, Cincinnati, OH; Tiffany E. Walker, Haynes & Boone LLP, Dallas, TX (Young Lawyer Liaison)

8:00AM – 9:30AM  Conference Room BC, Mezzanine

Employee Benefits Executive Compensation, Fringe Benefits and Securities Law Update
Presented by the Subcommittees on Executive Compensation and Fringe Benefits and Federal Securities Laws Issues
CHAIRS/VICE CHAIRS: Althea R. Day, Morgan Lewis & Bockius LLP, Washington, DC; Gail W. Stewart, Baker Botts LLP, Houston, TX; Adam B. Cohen, Sutherland Asbill & Brennan LLP, Washington, DC; Charmaine L. Slack, Jones Day, New York, NY; Brian A. Benko, McDermott Will & Emery LLP, Washington, DC (Young Lawyer Liaison); Sandy Shurin, Deloitte Tax LLP, New York, NY (Young Lawyer Liaison); Jessica Page, Meridian Compensation Consultants, Lake Forest, IL (Young Lawyer Liaison)

This meeting will include a discussion of recent developments in executive compensation and securities laws, including a discussion of the new corporate governance and proxy disclosure requirements related to executive compensation under the Dodd-Frank Wall Street Reform and Consumer Protection Act. We will also discuss the Code section 162(m) (6) deduction limitations for “covered health insurance providers” under the health reform legislation and other developing trends in executive compensation.

PANELISTS: Stephen B. Tackney, Special Counsel, Office of Division Counsel, Associate Chief Counsel (TE/GE), IRS, Washington, DC; David E. Gordon, Frederic W. Cook & Co. Inc, Los Angeles, CA; Wayne R. Luepker, Mayer Brown LLP, Chicago, IL; Gail W. Stewart, Baker Botts LLP, Houston, TX; Michael Kushner, Jackson Lewis, White Plains, NY.

8:30AM – 9:30AM  Norfolk, Mezzanine

ACTC Board of Regents Meeting (Executive Session)

8:30AM – 11:30AM  Simcoe/Dufferin, 2nd Floor

Administrative Practice

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

8:30am  Opening Remarks by the Chair.

8:35am  Important Developments. This panel will explore the significant developments in administrative practice that have occurred since the last meeting, including the recent privilege opinion issued by the DC Circuit in US v. Deloitte LLP et al.

MODERATOR: Jennifer E. Breen, PricewaterhouseCoopers LLP, Washington, DC.
PANELISTS: Deborah A. Butler, Associate Chief Counsel, Office of Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; Thomas R. Thomas, Division Counsel, (SB/SE) Division, IRS, Washington, DC.

9:10am  **Back-to-Basics: IRS Appeals.** This panel will provide an overview of taking a client’s matter to the IRS Appeals Office for an administrative appeal. The panel will include discussion of how to understand the IRS 30-day letter, options for preparing the protest, and the mechanics for submitting a protest. The panel will also discuss fast track appeals and early issue referrals as well as settlement of issues and proper paperwork to document resolution.

MODERATOR: Kevin Johnson, Chamberlain Hrdlicka White Williams & Martin, Philadelphia, PA.

PANELISTS: Ruth Perez, Deputy Chief, Office of Appeals, IRS, Washington, DC; Sheri A. Dillon, Bingham McCutchen LLP, Washington, DC.

9:50am  **Future of International Enforcement in the Burgeoning Global Economy.** Globalization of private business and investment activities has been followed with interest by major tax administrations around the world on international enforcement issues. LB&I Division of the IRS and the Office of Chief Counsel have both refocused internal activities and coordination around international issues. In addition, the IRS has led or participated in multinational efforts to coordinate enforcement activities. The panel will provide an update on current IRS international enforcement and competent authority programs and consider, among other issues, this new emphasis and its effects on examinations and dispute resolution.

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

PANELISTS: Michael Danilack, Deputy Commissioner, LB&I (International), IRS, Washington, DC; Steven A. Musher, Associate Chief Counsel (International), Office of Chief Counsel, IRS, Washington DC; Barry B. Shott, PricewaterhouseCoopers LLP, Washington, DC.

10:30am  **IRS’ Global High Wealth Industry—What to Expect and When.** This panel will explore the mission, structure, and current operations of the recently created Global High Wealth Industry within the Large and Mid-Size Business Division, the composition and audit strategies of its exam teams, their access to industry and issue specialists throughout the IRS and its role in the overall IRS compliance strategy focused on high wealth individuals.

MODERATOR: Donald T. Rocen, Miller & Chevalier Chartered, Washington, DC.

8:30am **Consolidated Tax Attributes—A Discussion about OFLs and DCLs.**
This panel will explore some open technical questions under the current regulations (such as OFL recapture vs. apportionment under Treas. Reg. section 1.1502-9 and the application of SRLY principles under the current DCL regulations). It will also take a “1502-centric” look at the impact of recent changes to the international tax rules reflected in H.R. 1586.

**PANELISTS:** Josh Brady, Ivins Phillips & Barker Chartered, Washington, DC; David Bailey, Senior Technical Reviewer, Branch 4, Office of Associate Chief Counsel (International), IRS, Washington, DC; David Friedel, PricewaterhouseCoopers LLP, Washington, DC; David Sotos, Skadden Arps Slate Meagher & Flom, Washington, DC.

10:00am **Current Developments in Consolidated Returns.** This panel will review developments in consolidated returns.

**PANELISTS:** Donald Bakke, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Mark Schneider, Deloitte Tax LLP, Washington, DC; Steven Teplinsky, Ernst & Young LLP, Washington, DC; Marie Milnes-Vasquez, Senior Technical Reviewer, Branch 4, Office of Associate Chief Counsel (Corporate), IRS, Washington, DC, Darin Zywan, KPMG LLP, Washington, DC.

### 8:30AM – 11:30AM

**Banking & Savings Institutions**

**TX**

**Chair:** Robert Waldow, McDermott Will & Emery LLP, Menlo Park, CA

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

8:35am **Past, Present and Future of Equity Swaps.** This panel will discuss the evolution of the tax law pertaining to total return swaps and other equity derivatives, with an emphasis on recent legislation and IRS guidance relating to these instruments.

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

**PANELIST:** Phoebe Mix, Associate Chief Counsel, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC.

9:30am **REMIC Update and Other Emerging Issues.** This panel will discuss recent REMIC developments, and proposed accounting changes to the treatment of loans, financial assets and derivatives under FAS 133/ASC 815.

**MODERATOR:** Clay Littlefield, Alston & Bird LLP, Charlotte, NC.

**PANELISTS:** Rebecca E. Lee, PricewaterhouseCoopers LLP, San Francisco, CA; John Baron, Alston & Bird LLP, Charlotte, NC; Richard LaFalce, Attorney, Branch 2, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC.

10:35am **The Effect of Increased Reporting on US Borrowing Activities, Foreign Investors and the Shadow Banking System.** This panel will examine the FATCA provisions contained in the recent HIRE legislation, focusing on the manner in which the legislation affects foreign investors in the US.

**MODERATOR:** Babak E. Nikravesh, Jones Day, San Francisco, CA.

**PANELIST:** Edward T. Kennedy, Jones Day, New York, NY.
**8:30AM – 11:30AM**

**City Hall Room, 2nd Floor**

**Business Planning Group (TE), Closely Held Businesses (TX) and S Corporations (TX)**

**Business Planning Group (TE) Chair:** William S. Forsberg, Leonard Street & Deinard, Minneapolis, MN

**Closely Held Businesses (TX) Chair:** Gregory R. Wilson, Attorney-at-Law, San Francisco, CA

**S Corporations (TX) Chair:** John B. Truskowski, Locke Lord Bissell & Liddell LLP, Chicago, IL

- **8:30am** Opening Remarks and Report on Committee Business by Chairs.
- **8:35am** Important Developments. Discussion of recent legislative, administrative and judicial developments relating to S corporations and other closely held businesses and their owners.

**MODERATOR:** Dana Lasley, Deloitte Tax LLP, St. Louis, MO.

**PANELISTS:** Steven B. Gorin, Thompson Coburn LLP, St. Louis, MO; William P. Prescott, Wickens Herzer Panza Cook & Batista Co, Avon, OH.

- **9:20am** Choice of Entity in Light of New and Proposed Legislation. Discussion of structuring a new business and the impact of new and proposed legislation on selecting the form for a new business.

**MODERATOR:** William Klein, Gray Plant Mooty, Minneapolis, MN.

**PANELISTS:** Thomas J. Nichols, Meissner Tierney Fisher & Nichols SC, Milwaukee, WI; Allen Sparkman, Sparkman Shaffer Perlick LLP, Denver, CO.

- **10:20am** International Tax Aspects of Cross Border Business of Closely Held Businesses in Canada. This panel will review the Canadian and US tax implications of closely held businesses that carry on cross border business with Canada.

**MODERATOR:** David Nielsen, Deloitte Tax LLP, Toronto, ON.

**PANELISTS:** Jim Hutchinson, Miller Thomson, Toronto, ON; Laura Howell-Smith, Deloitte Tax LLP, Washington, DC.

**8:30AM – 9:30AM**

**Pinnacle Room, 43rd Floor**

**Companions’ Breakfast (TX & TE)** *(Complimentary)*

- **8:30am** Current Developments. This panel will review developments in federal estate, gift and generation-skipping transfer tax laws since May 1, 2010.

**PANELISTS:** Benjamin G. Carter, Winstead PC, Dallas, TX; Stacey Delich-Gould, Cahill Gordon & Reindel LLP, New York, NY; Catherine V. Hughes, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC.

- **9:00am** Transfers to Non-US Spouses—QDOTs and Other Options. This program reviews the limitations on the availability of the Federal gift and estate tax marital deduction where the donee or surviving spouse is not a US citizen. The discussion explores lifetime gift planning, the qualification and use of qualified domestic trusts (QDOTs), planning where retirement benefits are payable to a non-U.S. citizen spouse, the application of treaties and pre-and post-mortem planning to minimize the impact of these limitations.

**SPEAKER:** Douglas L. Siegler, Sutherland Asbill & Brennan LLP, Washington, DC.
9:50am  **Expatriation Under Section 877A’s Mark-To-Market System and What Notice 2009-85 did and did Not Tell Us.** Effective for expatriations on or after June 17, 2008, the US Congress introduced a mark-to-market expatriation tax system and a companion succession tax provision in place of the prior alternative tax regime on expatriates. On November 9, 2009, the IRS released Notice 2009-85 providing guidance on certain issues under section 877A, but leaving other issues unanswered. This presentation will discuss the new regime and what the Notice tells us about its operation, and will also highlight some of the remaining issues the IRS and Department of Treasury need to address before taxpayers and advisors can comfortably navigate the new law.

*SPEAKER:* Summer Ayers LePree, Holland & Knight, Miami, FL.

10:40am  **Tax Issues in International Philanthropy.** Cross-border philanthropy is on the rise as international borders no longer limit the charitable goals of donors and charitable institutions alike. This presentation will address tax and administrative considerations for international philanthropic giving by individual and corporate donors, as well as charitable entities participating in international grantmaking and/or operations. Included will be a discussion of various alternatives for facilitating international philanthropic activities, including the use of so-called “friends of” organizations, international charitable institutions (with or without domestic affiliates), anti-terrorism financing rules, and special rules applicable to international grantmaking by US private foundations.

*SPEAKER:* Ellen E. Halfon, Jones Day, Cleveland, OH.

---

**8:30AM – 11:30AM**

**Conference Room F, Mezzanine**

**Individual & Family Taxation**

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

**8:30am**  **Collection: Current Issues and Comparative Perspectives.** This panel will discuss strategies for representing individual clients in collection proceedings, as well as current issues in collection, such as the declining viability of Offers in Compromise. In addition, we will explore Canada’s tax collection procedures and what we can learn from each other’s experiences.

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

**Panelists:** Nina E. Olson, National Taxpayer Advocate, Office of National Taxpayer Advocate, IRS, Washington, DC; Professor Leslie Book, Graduate Tax Program, Villanova University School of Law, Villanova, PA; Sanjeev Mitra, Aird & Berlis LLP, Toronto, ON; David Robertson, Fasken Martineau, Vancouver, BC.
10:00am **Tax Consequences of Disasters.** Disasters such as the Deepwater Horizon Oil Spill in the Gulf of Mexico, flooding in Arkansas and Tennessee, Tropical Storm Alex and an earthquake in Haiti cause havoc in the lives of many individuals and result in significant disruption to businesses. The panel will focus on the tax aspects of disasters including payments received for lost business income, lost wages, lost profits, property damage or destruction, physical injuries, sickness, emotional distress and charitable contributions and how they should be treated for tax purposes. The panel will compare the tax treatment of payments for disasters in the United States with how payments are treated in Canada.

MODERATOR: Dianne Mehany, Caplin & Drysdale Chartered, Washington, DC.
PANELISTS: Professor Francine J. Lipman, Chapman University School of Law, Orange, CA; Louise R. Summerhill, Aird & Berlis, Toronto, ON; Michael J. Montemurro, Branch Chief, Branch 1, Office of Associate Chief Counsel, IRS, Washington, DC.

**8:30AM – 11:30AM**

**Conference Room DE, Mezzanine**

**Investment Management**

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

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

8:35am **RIC Modernization Legislation.** This panel will address proposed Subchapter M amendments affecting regulated investment companies.

MODERATOR: Kristin M. McKenna, Stradley Ronon Stevens & Young LLP, Philadelphia, PA.


9:30am **Implications of Proposed Carried Interest Legislation.** This panel will address proposals to tax carried interests as ordinary income, focusing on such interests in private investment funds and investment management companies.

MODERATOR: Arnold P. May, Proskauer Rose LLP, Boston, MA.


10:30am **Partnership Allocations.** This panel will address tax issues in drafting allocations and related provisions of investment fund partnership agreements.

MODERATOR: Terence Cuff, Loeb & Loeb LLP, Los Angeles, CA.

PANELISTS: Linda E. Carlisle, White & Case LLP, Washington, DC; William Woods II, Ernst & Young LLP, Los Angeles, CA.

**8:30AM – 11:30AM**

**Essex Ballroom, Mezzanine**

**Partnerships & LLCs**

Chair: Steven R. Schneider, Goulston & Storrs PC, Washington, DC

8:30am **Opening Remarks by the Chair.**
8:35am **Economic Substance in Partnership Transactions—Is it the Chicken Little of Legitimate Tax Planning?** The recent codification of the economic substance doctrine has created numerous questions for tax advisors and their clients. This panel will discuss different structures for partnership transactions and what impact codification of the economic substance doctrine will have on partnership transactions.

**MODERATOR:** Gary R. Huffman, Bingham McCutchen LLP, Washington, DC.

**PANELISTS:** Christine A. Sloan, Baker & McKenzie LLP, Washington, DC; Monte A. Jackel, PricewaterhouseCoopers LLP, Washington, DC.

9:40am **Hot Topics in Partnerships.** This panel will discuss recent developments affecting partnerships including legislation, regulations, administrative guidance and noteworthy cases.

**MODERATOR:** Ossie Borosh, Goulston & Storrs PC, Washington, DC.

**PANELISTS:** Carlene Y. Lowry, Snell & Wilmer LLP, Phoenix, AZ; Curtis G. Wilson, Associate Chief Counsel, Passthroughs & Special Industries, IRS, Washington, DC.

10:20am **Don't Get Carried Away by Carried Interests.** Carried interests legislation has been a topic of significant discussion. This panel will discuss recent developments with respect to legislation considered by Congress and planning considerations for clients impacted by the legislation.

**MODERATOR:** Adam M. Cohen, Holland & Hart LLP, Denver, CO.

**PANELISTS:** James B. Sowell, KPMG LLP, Washington, DC; Professor Howard E. Abrams, Emory University School of Law, Atlanta, GA.

---

**TX**

8:30am – 10:30am **Transfer Pricing**

**Chair:** Darrin Litsky, Deloitte Tax, New York, NY

8:30am **Opening Remarks by Vice-Chair.**

8:35am **Binding Arbitration.** This panel will provide an update of how the mandatory arbitration mechanism found at paragraphs 6 and 7 of Article XXVI of the US-Canada Tax Convention will function and the related challenges to be met between now and December 15, 2010. In addition, the panel will also provide some practical experience on dealing with arbitration provisions, namely the EU Arbitration Convention and other treaties.

**MODERATOR:** François Vincent, Moskowitz + Meredith LLP, Montreal, QC.

**PANELISTS:** Lucie Bergevin, Director General, International and Large Business Directorate, Canada Revenue Agency, Ottawa, ON; Michael Danilack, Deputy Commissioner, Office of Deputy Commissioner (International) LB&I, IRS, Washington, DC; Brian Trauman, KPMG LLP, New York, NY.

9:30am **US - Canada Hot Transfer Pricing Issues.** This panel will address current transfer pricing issues and how the IRS and Canadian Revenue Agency are addressing them, including the treatment of intangibles, business restructurings, headquarters services, permanent establishments and voluntary disclosures.

**MODERATOR:** David Canale, Ernst & Young LLP, Washington, DC.
PANELISTS: Thomas Akin, McCarthy Tétrault LLP, Toronto, ON; David Ernick, Associate International Tax Legislative Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC; Shiraj Keshvani, Deloitte & Touche LLP, Ottawa, ON; Craig Sharon, Director, Advance Pricing Agreement Program, IRS, Washington, DC.

8:45AM – 4:30PM
Civic Ballroom, 2nd Floor
Exempt Organizations

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

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

MODERATOR: Richard S. Gallagher, Foley & Lardner LLP, Milwaukee, WI.

PANELISTS: M. Ruth M. Madrigal, Attorney-Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; Lois G. Lerner, Director, Exempt Organizations, IRS, Washington, DC; Philip T. Hackney, Senior Technical Reviewer, Exempt Organizations Branch 2, Office of Chief Counsel, IRS, Washington, DC.

9:45am Colleges and Universities—Current Audit Activity and What We Have Learned from the IRS Interim Report. Panelists will discuss the key points to take away from the IRS’s college and university interim report that was released in May, and will review the principal issues that are surfacing in the current round of IRS “team examination program” audits of colleges and universities, including unrelated business income tax, compensation and related organizations (with a focus on section 512(b)(13)).

MODERATOR: A.L. (Lorry) Spitzer, Ropes & Gray LLP, Boston, MA.

PANELISTS: Diaira M. Holmes, Caplin & Drysdale Chartered, Washington, DC; Lois G. Lerner, Director, Exempt Organizations, IRS, Washington, DC; Professor Bethany J. Bridgham, American University Washington College of Law, Washington, DC.

10:45am The Effect of Health Care Reform on Hospitals. This panel will explore the impact on tax-exempt hospitals of changes in the tax laws made by recent health care reform legislation, with special emphasis on new section 501(r) and its exemption requirements for hospitals.

MODERATOR: Ralph E. DeJong, McDermott Will & Emery LLP, Chicago, IL.

PANELISTS: Robert W. Friz, PricewaterhouseCoopers LLP, Philadelphia, PA; Elizabeth M. Mills, Proskauer Rose LLP, Chicago, IL.

11:30am Citizens United: Implications of Corporate Political Free Speech for the EO Sector. This panel will explain how the Citizens United case and related federal election law developments affect exempt organizations, especially trade associations and labor unions.

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

12:15pm Exempt Organizations Committee Luncheon. (Ticketed Event)
INTRODUCTION: Terrance S. Carter, Carters Professional Corporation, Orangeville, ON.
SPEAKER: Cathy Hawara, Acting Director General, Charities Directorate, Canada Revenue Agency, Ottawa, ON.

1:30pm Expenditure Responsibility: Ten Puzzling Practical Problems. Panelists will provide a brief overview of the expenditure responsibility rules applicable to private foundations and then discuss ten of the most puzzling practical issues that arise in family foundation and international contexts for both grants and program-related investments.
MODERATOR: Robert A. Wexler, Adler & Colvin, San Francisco, CA.

2:30pm Crossing the Border: A Comparative View of Philanthropy. This panel will explore the regulatory framework and planning options for charitable funding across international borders, with perspectives of both regulators and practitioners from both sides of the US-Canada border.
CO-MODERATORS: M. Elena Hoffstein, Fasken Martineau LLP, Toronto, ON; LaVerne Woods, Davis Wright Tremaine LLP, Seattle, WA.
PANELISTS: Philip T. Hackney, Senior Technical Reviewer, Exempt Organizations Branch 2, Office of Chief Counsel, IRS, Washington, DC; Susan Mott, Operational Policy & Appeals Liaison, Policy Planning & Legislation, Charities Directorate, Canada Revenue Agency, Ottawa, ON; Mark B. Weinberg, Weinberg & Jacobs LLP, Rockville, MD; Robert B. Hayhoe, Miller Thomson, Toronto, ON.

4:00pm Networking Hour (Cash Bar).
CO-SPONSORED BY: Canadian and Ontario Bar Associations

9:00AM – 10:00AM
Employee Benefits Legislative Update
Presented by Subcommittee on Employee Benefit Legislation
CHAIR/VICE-CHAIR: David N. Levine, Groom Law Group Chartered, Washington, DC; Gary J. Chase, Towers Watson, New York, NY; Nicholas C. Tomlinson, Baker Donelson Bearman Caldwell & Berkowitz PC, Atlanta, GA (Young Lawyer Liaison)
The subcommittee will explore pending legislation including, depending on legislative status, additional pension funding relief and executive compensation changes.

9:30AM – 11:00AM
Employee Benefits Administrative Practices Update
Presented by the Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices
CHAIR/VICE-CHAIR: Lisa Tavares, Venable LLP, Washington, DC; Stefan P. Smith, Locke Lord Bissell & Liddell LLP, Dallas, TX; Christina Crockett, Hunton & Williams LLP, McLean, VA (Young Lawyer Liaison)
The Subcommittee on Self-Correction, Determination Letters and Other Administrative Practices of the Employee Benefits Section and the Subcommittee on Qualified Plans of
the Real Property, Trust and Estate Law Section will hold a joint meeting discussing the following: (1) IRS response to recommendations of the Advisory Committee on Tax Exempt and Government Entities (ACT) Report regarding the IRS determination letter process; (2) Are Prototype Plans the Solution- Part II: Recommendations of Practitioners and (3) Status of Subcommittee proposed comments on EPCRS, Rev. Proc. 2008-50.


**9:30AM – 11:00AM**

*Conference Room BC, Mezzanine*

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

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

**CHAIRS/VICE-CHAIRS:** Andy R. Anderson, Morgan Lewis & Bockius LLP, Chicago, IL; Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky & Popeo PC, Boston, MA; Julie Burbank, Trucker Huss, San Francisco, CA; Mark L. Stember, Kilpatrick Stockton LLP, Washington, DC; Eugene Holmes, Proskauer Rose LLP, Washington, DC; Linda Mendel, Vorys Sater Seymour & Pease LLP, Columbus, OH; Chad R. DeGroot, Bryan Cave LLP, St. Louis, MO (*Young Lawyer Liaison*); Jeremy M. Pelphrey, Brucker Morra, Los Angeles, CA (*Young Lawyer Liaison*)

At this meeting we will primarily discuss regulatory developments issued under the Affordable Care Act, including the interim final rules regarding dependents, grandfathered plans, patient bill of rights, preventive care and claims and appeals. We will also discuss developments under the mental health parity regulations, CHIP notice requirements and the HIPAA HITECH proposed regulations.

**PANELISTS:** Andy R. Anderson, Morgan Lewis & Bockius LLP, Chicago, IL; Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky & Popeo PC, Boston, MA; Eugene Holmes, Proskauer Rose LLP, Washington, DC; Linda Mendel, Vorys Sater Seymour & Pease LLP, Columbus, OH; Mark L. Stember, Kilpatrick Stockton LLP, Washington, DC; Kevin Knopf, Attorney-Advisor, Office of Benefits Tax Counsel, Department of Treasury, Washington, DC; Russell E. Weinheimer, Senior Counsel, Health and Welfare Branch, Office of Division Counsel/Associate Chief Counsel (TE/GE), IRS, Washington, DC.

**10:00AM – 2:00PM**

*Royal Ontario Museum*

**Companions’ Tour: The Warrior Emperor and China’s Terracotta Army: Royal Ontario Museum Tour and Luncheon (Ticketed Event)**

See page 75 for a full description. Buses will depart promptly at 9:30am from the Richmond Street exit of the Sheraton.

**10:00AM – 11:00AM**

*Conference Room H, Mezzanine*

**Employee Benefits International Update**

Presented by the Subcommittee on Foreign and International Issues

**CHAIR/VICE-CHAIR:** Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA; Sandra Cohen, Osler Hoskin & Harcourt LLP, New York, NY; Mark C. Jones, Pillsbury Winthrop Shaw Pittman LLP, New York, NY (*Young Lawyer Liaison*)
At this meeting we will discuss compensation and benefits developments affecting multinational employers, including: Hot Topics in Canada-US Cross-Border Benefits and Compensation, update on EU prospectus requirements and section 877A expatriation rules.

PANELISTS: Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA; Sandra Cohen, Osler Hoskin & Harcourt LLP, New York, NY; Mark C. Jones, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; David Vincent, Ogilvy Renault, Toronto, ON.

10:30AM – 12:15PM  Dominion Ballroom, 2nd Floor

Joint Session of FAUST, Transfer Pricing and USAF TT

10:30am  Joint International Developments Panel. The panel will review and analyze the most recent important international developments. The FAUST portion of the panel will address the new international tax provisions enacted on August 10, 2010 as part of the Education Jobs and Medicare Act.

MODERATOR: William Chip, Covington & Burling LLP, Washington, DC.

PANELISTS: David Shapiro, Dechert LLP, Philadelphia, PA; Alexey Manasuev, KPMG (Canada), Vancouver, BC; Al Meghji, Osler Hoskin & Harcourt LLP, Toronto, ON; Mark A. Melton, Hunton & Williams LLP, Dallas, TX; Rebecca Rosenberg, Caplin & Drysdale Chartered, Washington, DC; Cyndi Lafuente, Joint Committee on Taxation, US Congress, Washington, DC; Manal Corwin, International Tax Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC; Steven A. Mushar, Associate Chief Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC.

11:00AM – 12:15PM  Conference Room H, Mezzanine

Employee Benefits Distributions Update

Presented by the Subcommittee on Distributions

CHAIR/VICE-CHAIR: Professor Kathryn J. Kennedy, The John Marshall Law School, Chicago, IL; Jose Juan Valcarce, Shell Oil Company, Houston, TX; Anne M. Meyer, Snell & Wilmer LLP, Phoenix, AZ (Young Lawyer Liaison)

This meeting will focus on the Request for Information Regarding Lifetime Income Options for Participants and Beneficiaries in Retirement Plans, issued in February 2010 by the Department of Labor and Department of Treasury. Over 700 comments were made. We will be discussing not only the policy implications for lifetime income streams and what is being discussed in Washington, DC, but also some of the technical issues that must be reconciled (e.g., portability issues on the tax side and insurer insolvency on the labor side).

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

PANELISTS: Pamela Perun, The Aspen Institute, Washington, DC; Robert Toth, The Law Office of Robert J. Toth, Jr., Fort Wayne, IN; J. Mark Iwry, Senior Advisor and Deputy Assistant Secretary—Retirement and Health Policy, Office of Assistant Secretary (Tax Policy), Department of Treasury, Washington, DC.

11:00AM – 12:00PM  Peel, Mezzanine

Employee Benefits ESOP Update

Presented by the Subcommittee on ESOPs

CHAIR/VICE-CHAIR: W. Waldan Lloyd, Callister Nebeker & McCullough, Salt Lake City, UT; Erin Turley, Morgan Lewis & Bockius LLP, Dallas, TX; Douglas W. Dahl II, Lathrop & Gage LLP, Kansas City, MO (Young Lawyer Liaison)
PROGRAM SCHEDULE
FRIDAY, SEPTEMBER 24

PANELIST: Robert E. Gertner, Tax Law Specialist, Employee Plans (TE/GE), IRS, Washington, DC.

11:00AM – 12:15PM Conference Room G, Mezzanine
Employee Benefits Government and Tax Exempt Plans Update
Presented by the Subcommittee on Exempt Organization and Governmental Plans
CHAIR/VICE-CHAIR: David W. Powell, Groom Law Group Chartered, Washington, DC; Craig R. Pett, Alston & Bird LLP, Atlanta, GA
In anticipation of the issuance of a Revenue Procedure opening the new 403(b) prototype program by the date of the meeting, we have scheduled an IRS representative to cover the new guidance. Other anticipated guidance on 414(d) governmental plans, church plans and 457(f)/409A arrangements will be added to the agenda if issued by the time of the meeting.
PANELISTS: Andrew E. Zuckerman, Director, Employee Plans Rulings and Agreements, IRS, Washington, DC; David W. Powell, Groom Law Group Chartered, Washington, DC; Craig R. Pett, Alston & Bird LLP, Atlanta, GA.

11:00AM – 12:15PM Windsor Room East, Mezzanine
Employee Benefits Mergers & Acquisitions Update
Presented by the Subcommittee on Mergers & Acquisitions
CHAIR/VICE-CHAIR: Jeffrey Lieberman, Clifford Chance, New York, NY; Jennifer M. Wolff, Weil Gotshal & Manges LLP, New York, NY; Kevin Burch, Holme Roberts & Owen LLP, Denver, CO (Young Lawyer Liaison)
This meeting will focus on employee benefit trends affecting mergers, acquisitions and other business transactions, including discussion regarding certain issues arising in the context of international transactions.

11:00AM – 1:00PM York, Mezzanine
Tax Shelters
Chair: Cary D. Pugh, Skadden Arps Slate Meagher & Flom, Washington, DC

11:30AM – 12:30PM Oxford, Mezzanine
Appointments to the Tax Court (Executive Session)
Chair: Elizabeth A. Copeland, Oppenheimer Blend Harrison & Tate Inc, San Antonio, TX

11:30AM – 12:30PM Wentworth, 2nd Floor
Publications
Chair: Douglas M. Mancino, McDermott Will & Emery LLP, Los Angeles, CA

11:30AM – 1:30PM Carleton, Mezzanine
Public Service Fellowship (Executive Session)
Chair: Susan Serota, Pillsbury Winthrop Shaw Pittman LLP, New York, NY

12:00PM – 1:00PM Norfolk, Mezzanine
Employee Benefits Corporate Counsel Forum
Chair: Vicki D. Blanton, American Airlines, Ft. Worth, TX
**FRIDAY, SEPTEMBER 24**

**12:00PM – 1:00PM**  
Conference Room F, Mezzanine  
**Employee Benefits Fiduciary Responsibility Regulatory Update**  
Presented by the Subcommittees on Fiduciary Responsibility/Plan Investments and Litigation  
**CHAIR/VICE-CHAIR:** Andrew L. Oringer, Ropes & Gray, New York, NY; Erin M. Sweeney, Dickstein Shapiro LLP, Washington, DC  
**PANELIST:** Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC.

**12:00PM – 1:00PM**  
Elgin, 2nd Floor  
**Membership & Marketing**  
**Chair:** Rudolph R. Ramelli, Jones Walker Waechter Poitevent Carrere & Denegre LLP, New Orleans, LA

**COMMITTEE LUNCHEONS**

**12:00PM – 1:30PM**  
Grand Ballroom East, Lower Concourse  
**Corporate Tax and Affiliated & Related Corporations (Ticketed Event)**

**12:15PM – 1:30PM**  
Civic Ballroom, 2nd Floor  
**Exempt Organizations (Ticketed Event)**  
**INTRODUCTION:** Terrance S. Carter, Carters Professional Corporation, Orangeville, ON  
**SPEAKER:** Cathy Hawara, Acting Director General, Charities Directorate, Canada Revenue Agency, Ottawa, ON

**12:15PM – 1:30PM**  
Dominion Ballroom, 2nd Floor  
**FAUST, Transfer Pricing and USAFTT (Ticketed Event)**  
**LUNCHEON SPEAKERS:** Manal Corwin, International Tax Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC; Steven A. Musher, Associate Chief Counsel, Office of Associate Chief Counsel (International), IRS, Washington, DC  
**SPONSORED BY:** Blake Cassels & Graydon LLP

**12:30PM – 1:30PM**  
Grand Ballroom West, Lower Concourse  
**Administrative Practice and Court Procedure & Practice (Ticketed Event)**  
**CO-SPONSORED BY:** Hochman Salkin Rettig Toscher & Perez PC and Kostelanetz & Fink LLP

**12:30PM – 1:30PM**  
Conference Room C, Mezzanine  
**Banking & Savings Institutions, Financial Transactions, Insurance Companies, Investment Management and Tax Exempt Financing (Ticketed Event)**
**Program Schedule**

**Friday, September 24**

**12:30PM – 1:30PM**

**Simcoe/Dufferin, 2nd Floor**

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

**Co-sponsored by:** Hochman Salkin Rettig Toscher & Perez PC and Kostelanetz & Fink LLP

**Conference Room B, Mezzanine**

**12:30PM – 1:30PM**

**Estate & Gift Taxes (TX) and Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group (TE)** *(Ticketed Event)*

*The Perils of Provenance: Restitution of Plundered Art.* Lucian Simmons is the head of Sotheby’s Worldwide Restitution team, investigating restitution and provenance issues to art works from around the world. Mr. Simmons has spoken widely on the international legal issues surrounding wartime displacement of art, restitution to rightful owners and investigation of provenance. Mr. Simmons has addressed the International Bar Association in Durban, South Africa, and the Permanent Court of Arbitration in the Hague in his efforts, and given evidence to the Select Committee on Culture, Media and Sport of the House of Commons, London, 2000, to the European Parliament, Brussels, 2003 and to the Prague Conference on Holocaust Era Assets, 2009. He will address the issues that trusts and estates attorneys encounter arising from the historic ownership of works of art, using examples from more than a decade of practice in the field.

**Speaker:** Lucian Simmons, Sotheby’s, New York, NY

**Sponsored by:** Miller Thomson LLP

**Essex Ballroom, Mezzanine**

**12:30PM – 1:30PM**

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

*How Canada’s Experience with the General Anti-Abuse Rule Might Inform Us* How to Live with the Codified Economic Substance Doctrine

**Speakers:** Honorable Donald G.H. Bowman, Fraser Milner Casgrain LLP, Toronto, ON; Professor Martin J. McMahon, Jr., University of Florida, Fredric G. Levin College of Law, Gainesville, FL

**Sheraton Hall C, Lower Concourse**

**12:30PM – 1:30PM**

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

*New Breed of Amazon “Taxes”—Colorado’s Clever Twist.* Since New York enacted its “Amazon Tax” law in 2008, other states have enacted “click-through nexus” legislation creating a nexus presumption or have adopted a notice and reporting regime intended to burden the remote vendor such that it begins collecting tax. Colorado, Rhode Island, North Carolina and Oklahoma have all joined the movement. Our speaker will address the constitutionality of these new notification and reporting requirements and the legal challenges that are being mounted. Do the new laws escape scrutiny under the U.S. Constitution’s Commerce Clause? Do they regulate commercial speech in violation of a retailer’s First Amendment rights? Will the notice regime lead to an overturn of *Quill* vs. *North Dakota*?

**Moderator:** Debra S. Herman, Roberts & Holland LLP, New York, NY

**Speaker:** Stephen Kranz, Sutherland Asbill & Brennan LLP, Washington, DC
**12:15PM – 1:00PM**  
**Employee Benefits New Employee Benefits Attorneys Forum**  
**CHAIRS:** Gary J. Chase, Towers Watson, New York, NY; Jennifer M. Wolff, Weil Gotshal & Manges LLP, New York, NY

**1:00PM – 2:30PM**  
**Employee Benefits Litigation Update**  
Presented by the Subcommittees on ESOPs, Fiduciary Responsibility/Plan Investments and Litigation  
**CHAIRS/VICE-CHAIR:** Andrew L. Oringer, Ropes & Gray, New York, NY; Susan A. Wetzel, Haynes & Boone LLP, Dallas, TX; Benjamin J. Evans, Greenebaum Doll & McDonald PLLC, Louisville, KY; Erin M. Sweeney, Dickstein Shapiro LLP, Washington, DC; Professor Joshua Erlich, Georgetown University Law Center, Arlington, VA *(Young Lawyer Liaison)*

**1:15PM – 2:30PM**  
**Employee Benefits Defined Benefit Plans Update**  
Presented by the Subcommittee on Defined Benefit Plans  
**CHAIRS/VICE-CHAIR:** Harold J. Ashner, Keightley & Ashner LLP, Washington, DC; Stuart A. Sirkin, Ernst & Young LLP Tax Services, Washington, DC; Serena G. Simons, Segal, Washington, DC; Sarah E. Fry, Morgan Lewis & Bockius LLP, Dallas, TX *(Young Lawyer Liaison)*

This meeting will start with presentations from a Canadian lawyer on significant defined benefit plan issues in Canada and from PBGC’s Chief Counsel on recent PBGC enforcement activity and other developments. In addition, Department of Treasury and IRS speakers will address regulatory and compliance issues affecting defined benefit plans, including issues relating to the recent funding relief legislation.  
**PANELISTS:** Harold J. Ashner, Keightley & Ashner LLP, Washington, DC; William Bortz, Associate Benefits Tax Counsel, Office of Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Israel Goldowitz, Chief Counsel, PBGC, Washington, DC; Serena G. Simons, Segal, Washington, DC; Stuart A. Sirkin, Ernst & Young LLP Tax Services, Washington, DC; Paul Timmins, Towers Watson, Toronto, ON; Harlan Weller, Senior Actuary, Office of the Benefits Tax Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Seth H. Tievsky, Senior Technical Advisor to the Director, Employee Plans Ruling & Agreements, IRS, Washington, DC.

**1:30PM – 2:30PM**  
**Court Procedure & Practice Roundtable**  
**Chair:** Christopher S. Rizek, Caplin & Drysdale Chartered, Washington, DC  
**1:30pm**  
*What Works and What Doesn't? Resolving Tax Disputes in the US and Canada.* This panel will provide a comparative procedural overview of the administrative and judicial systems for resolving civil tax controversies in the US and Canada. Panelists will discuss what works, what doesn't, and how these realities affect tax practice in each country.  
**MODERATOR:** Matthew C. Hicks, Caplin & Drysdale Chartered, Washington, DC.
PANELISTS: Sandra Phillips, Acting Assistant Deputy Attorney General, Department of Justice Canada, Ottawa, ON; Alexandra Brown, Osler Hoskin & Harcourt LLP, Toronto, ON; Peter K. Reilly, Special Counsel, Office of Special Counsel (Tax Practice & Procedure), IRS, Washington, DC.

1:30PM – 2:30PM  Conference Room H, Mezzanine
Distinguished Service Award (Executive Session)

1:30PM – 2:30PM  Norfolk, Mezzanine
Employee Benefits Controlled Groups and Employee Status Update
Presented by the Subcommittee on Controlled Groups, Affiliated Service Groups and Employee Status
CHAIRS: Peter J. Hunt, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; Daniel L. Morgan, Dickstein Shapiro LLP, Washington, DC; Sarah J. Touzalin, Seyfarth Shaw LLP, Chicago, IL (Young Lawyer Liaison)
In addition to recent developments generally, our subcommittee will be discussing recent litigation regarding whether the IRS can recharacterize dividends paid to the sole owner of an S corporation as wages. We will also discuss proposed legislation that would treat S corporation earnings as self employment income.

1:30PM – 4:30PM  Huron, 2nd Floor
Employment Taxes
Chair: William Hays Weissman, Littler Mendelson PC, Walnut Creek, CA
1:30pm  Federal Update. An overview of developments affecting employment taxation from the Department of Treasury and the IRS.
MODERATOR: Dan Boeskin, PricewaterhouseCoopers LLP, Washington, DC.
PANELISTS: Marie Cashman, Special Counsel, Office of Division Counsel/Associate Chief Counsel (Tax Exempt Government Entities) IRS, Washington, DC; Mary C. Gorman, Assistant Division Counsel—Prefiling, Office of Division Counsel (Small Business/Self-Employed), IRS, Washington, DC.
2:15pm  Advanced Employment Tax Audit Techniques. As the IRS ramps up its audit activity in the area of employment taxes, audit veterans will divulge their secrets for handling employment tax audits.
MODERATOR: Chaya Kundra, Kundra & Associates PC, Rockville, MD.
PANELISTS: Mary C. Gorman, Assistant Division Counsel—Prefiling, Office of Division Counsel (Small Business/Self-Employed), IRS, Washington, DC; Anthony G. Arcidiacono, Ernst & Young LLP, Iselin, NJ; Tom Meyerer, Ernst & Young LLP, Washington, DC; Marianna G. Dyson, Miller & Chevalier Chartered, Washington, DC.
3:00pm  Canadian and Cross Border Employment Tax Issues. Our host country’s employment tax system has a variety of similarities and differences from US employment taxes. Come learn basics on Canadian employment taxes, and a discussion of cross-border employment tax issues focused on Americans working in Canada and Canadians working in the US.
MODERATOR: William Hays Weissman, Littler Mendelson PC, Walnut Creek, CA.
PANELIST: Lisa Mills, Hicks Morley, Ottawa, ON.
3:45pm **Payments of US Source Income to Non-US Persons.** As workers become more mobile as the economy improves, the number of non-residents performing services as both employees and independent contractors in the United States will likely rise. Learn the proper way to handle employment tax issues associated with making payments of US source income to non-residents, including understanding treaty implications.

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

**PANELISTS:** Grace Fleeman, Senior Technical Reviewer, Branch 1, Office of Associate Chief Counsel (International), IRS, Washington, DC; GJ Stillson MacDonnell, Littler Mendelson PC, San Francisco, CA.

---

**1:30PM – 2:30PM**

Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee

**Estate & Gift Taxes and Fiduciary Income Tax Young Lawyers Subcommittee**

1:30pm **How to Develop an Estate Planning Practice.** Accelerating from zero to 100 mph in the shortest time and on the straightest line.

**SPEAKERS:** John F. Bergner, Winstead PC, Dallas, TX; W. Birch Douglass III, McGuire Woods LLP, Richmond, VA; Barbara A. Sloan, McLaughlin & Stern LLP, New York, NY; Stefan F. Tucker, Venable LLP, Washington, DC.

---

**1:30PM – 3:00PM**

Litigation, Ethics & Malpractice Group

**Litigation, Ethics & Malpractice Group**

Chair: Gerard G. Brew, McCarter & English LLP, Newark, NJ

1:30pm **Same-Sex Spouses, Partners and Adult Adoptions: Trust Administration Issues Presented by Beneficiary Relationships.** This program will discuss fiduciary and trust administration issues when a beneficiary has a same-sex spouse or partner. The program will address: 1. How recognition of a beneficiary’s marital status and descendants can affect the trustee’s powers and duties in the context of UTC and common law principles, state support obligations and the settlor’s intentions. Because the laws recognizing same-sex marriage differ by jurisdiction and the federal DOMA allows a state to disregard same-sex marriages, a trustee may face conflicting rules when a trust is situated in one state and has beneficiaries residing elsewhere; 2. Discuss two high profile adult adoption cases, one of which was a substitute for gay marriage. Issues include challenges to recognition as descendants and interpretation of trust language; 3. Discuss ways attorneys and fiduciaries can mitigate litigation risks as they navigate the complex and changing legal landscape of laws governing nontraditional relationships.

**MODERATOR:** Linda L. Kotis, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC.

**SPEAKERS:** Matthew J. MacLean, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC; David G. Keyko, Pillsbury Winthrop Shaw Pittman LLP, Washington, DC; Richard S. Franklin, Law Office of Virginia A. McArthur, Washington, DC.
1:30PM – 4:00PM

Standards of Tax Practice

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

1:30pm  Ethical Issues in Federal Administrative Tax Practice. Ethical questions abound in the field of federal administrative tax practice. The panelists will provide a update on recent proposed guidance from the IRS and Treasury on ethical issues, including recent proposed amendments to Circular 230, and will discuss ethical issues involving due diligence, meritorious claims and contentions, standards with respect to preparation of tax returns and other ethical issues that may arise in a federal administrative tax practice.

PANELISTS: Karen L. Hawkins, Director, Office of Professional Responsibility, IRS, Washington, DC; Deborah A. Butler, Associate Chief Counsel, Office of Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC; Bryon A. Christensen, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Matt Cooper, Senior Technical Reviewer, Office of Associate Chief Counsel Procedure and Administration, IRS, Washington, DC; Richard Goldstein, Special Counsel, Office of Associate Chief Counsel (Procedure and Administration), IRS, Washington, DC.

2:20pm  Ethical Issues Presented by the Estate and Gift Tax Conundrum: Advising Clients in an Uncertain Legislative Environment. This panel will explore the ethical ramifications presented by the one year elimination of the estate tax, the reduced gift tax rate, and other anomalies resulting from Congress’s failure to resolve the legislative stalemate over these issues. This climate presents a challenging set of questions for any practitioner who advises clients in the context of a situation where Congress could simply decide not to act, or to move ahead with something that may or may not be retroactive, and if changes were made retroactive, where there would likely be significant judicial challenges that would take years to resolve.

MODERATOR: Martin Hall, Ropes & Gray LLP, Boston, MA.


3:10pm  Ethics and the Codification of Economic Substance. Now that the economic substance doctrine is part of the Code, practitioners are beginning to focus on ethical and practice issues that may develop. This panel will evaluate the extent to which codification may have changed the ethical landscape for tax practitioners, whether new due diligence or other Circular 230-related obligations may be triggered, and how both tax planning and tax controversy lawyers might see changes in the approach to problems that may present economic substance issues.

MODERATOR: Peter H. Blessing, Shearman & Sterling LLP, New York, NY.

PANELISTS: Professor Linda Galler, Hofstra University School of Law, Hempstead, NY; Bryan Skarlatos, Kostelanetz & Fink LLP, New York, NY; Steve Suarez, Osler Hoskin & Harcourt LLP, Toronto, ON.
1:30PM – 3:00PM  
Sheraton Hall E, Lower Concourse

Teaching Taxation ⭐

Chair: Professor Tracy A. Kaye, Seton Hall University School of Law, Newark, NJ

1:30pm Opening Remarks by the Chair. ⭐

1:35pm Employing Stock: US and Foreign Taxation of Employee Stock Options. ⭐

Employee stock options and grants of equity ownership are often used in long term incentive programs to attract, retain and reward executives and other key employees. The focus of this presentation will be on compensating key personnel, who work for several years on foreign soil, with stock options or equity grants. The panel will discuss a very basic primer on executive compensation and some international issues employers face with compensating employees; tax policy and wider public policy factors that influence the way a country decides to tax grants of stock or stock options to employees; the difference between the US and Canadian income tax regimes in regards to stock options and equity grants as well as the way that the borderless nature of the world is changing how tax treaties are being reassessed and renegotiated and competing interests within the US government of international tax policy objectives and constraints with benefits and compensation policy.

MODERATOR: Professor Barry Kozak, Associate Director of the Graduate Employee Benefits Programs, The John Marshall Law School, Chicago, IL.

PANELISTS: Andrew C. Liazos, McDermott Will & Emery LLP, Boston, MA; Professor Lisa Philipps, York University, Osgoode Hall Law School, Toronto, ON; Professor Jinyan Li, York University, Osgoode Hall Law School, Toronto, ON; Stephen B. Tackney, Special Counsel to the Division Counsel/Associate Chief Counsel (TE/GE), Office of Chief Counsel, IRS, Washington, DC.

1:30PM – 3:30PM  
Dominion Ballroom, 2nd Floor

US Activities of Foreigners & Tax Treaties ⭐

Chair: Alan I. Appel, Bryan Cave LLP, New York, NY

1:30pm Pitfalls and Benefits of Foreign Corporation using LLCs in the US. ⭐

This panel will review the issues to be considered by foreign corporation using LLCs to make both active and passive investments in the US, or to just have a US “name”. It will deal with both traps and planning opportunities. Traps will include loss of treaty benefits, withholding tax, permanent establishments, branch tax and special issues for Canadian investors will be addressed. The panel will use practical case studies to review the issues.

MODERATOR: Jack Bernstein, Aird & Berlis LLP, Toronto, ON.

PANELISTS: Joan C. Arnold, Pepper Hamilton LLP, Philadelphia, PA; Stuart Leblang, Akin Gump, New York, NY; Ginny Chung, Attorney-Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; Roger Conlon, Attorney-Advisor, Office of Chief Counsel (International), IRS, Washington, DC.
2:30pm  **Codification of Economic Substance—Can we Predict the Future by Looking at the Past?**  Section 7701(o) codifies the economic substance doctrine of US tax law. Under the provision, a transaction is treated as having economic substance only when (i) it changes in a meaningful way the taxpayer’s economic position and (ii) the taxpayer has a substantial purpose for entering into the transaction, both determined apart from Federal income tax effects. Comparable legislation exists in Canada, where General Anti-Avoidance Rule (“GAAR”) is applied by the Canada Revenue Agency to prevent abusive tax avoidance transactions from achieving the desired tax benefits. The IRS has advised practitioners that Section 7701(o) is not intended to expand the case law, but the scope of this assurance remains in doubt as penalties are severe—40% if a transaction without economic substance is undisclosed and 20% if disclosed—and reasonable cause is not a defense. The panel will explain the application of new rules in the context of existing case law, focusing on plans that may be in jeopardy. It will also provide an overview to Canadian experience with GAAR. The codification of economic substance in the outbound context will be discussed in the immediately following FAUST panel discussion.

**MODERATOR:** Stanley C. Ruchelman, The Ruchelman Law Firm, New York, NY.

**PANELISTS:** Sam Kaywood, Jr., Alston & Bird LLP, Atlanta, GA; Leonard Schneiderman, WTAS LLC, Boston, MA; Kathleen V. Penny, Blake Cassels & Graydon LLP, Toronto, ON; Kristine Roth, IRS Detailer, Joint Committee on Taxation, US Congress, Washington, DC.

2:00PM – 5:30PM  
City Hall Room, 2nd Floor

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

**Closely Held Businesses (TX) Chair:** Gregory R. Wilson, Attorney-at-Law, San Francisco, CA

**Business Planning Group (TE) Chair:** William S. Forsberg, Leonard Street & Deinard, Minneapolis, MN

2:00pm  **Practical and Tax Issues in Shutting Down a Closely Held Business with Tax and Non-Tax Debts.** This panel will review practical legal and tax issues in closing down a closely held business, including legal dissolution issues, shareholder/partner basis issues, IRS lien issues and insolvency.

**PANELISTS:** Eric L. Green, Convicer & Percy LLP, Glastonbury, CT; Marcia Pereira, Attorney-at-Law, Doral, FL.

3:00pm  **Primer on Tax Aspects and Mechanics of Entity Conversions.** This session will focus on the practical aspects of converting from one form of entity to another and back again in some cases. Legal and tax nuances of converting from disregarded entities (e.g., single-member LLCs) to partnerships (e.g., multi-member LLCs) and from those entities to corporations (and back) will be discussed.

**PANELISTS:** Lisa M. Rico, Gilmore Rees & Carlson PC, Wellesley, MA; Allen Sparkman, Sparkman Shaffer Perlick LLP, Denver, CO; Cassady V. Brewer, Morris Manning & Martin LLP, Atlanta, GA.

4:15pm  **Co-Ownership in Professional Practices—A Taxing Problem.** The tax risks associated with admitting a new or buying out a departing owner in a professional practice will be examined under three business and tax structures.
PANELISTS: Mary C. Gorman, Assistant Division Counsel, Office of Chief Counsel, Small Business, IRS, Washington, DC; William P. Prescott, Wickens Herzer Panza Cook & Batista Co, Avon, OH.

5:15pm  Closely Held Businesses Committee Planning Meeting.

2:30PM – 5:30PM  Sheraton Hall AB, Lower Concourse
Court Procedure & Practice  🇨🇦

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

2:30pm  Opening Remarks by the Chair.
2:35pm  Comparing US and Canadian Court Practice. This panel will compare and contrast litigating a tax case in Canada and the US, including pretrial motion practice and discovery, the role of expert witnesses, the use of stipulations and trial practice.

MODERATOR: Grover Hartt III, Senior Litigation Counsel, Tax Division, Department of Justice, Dallas, TX.

PANELISTS: The Honorable Eugene Rossiter, Associate Chief Justice, Tax Court of Canada, Ottawa, ON; Thomas Kane, Special Counsel, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC; Ian MacGregor, Osler Hoskin & Harcourt LLP, Ottawa, ON.

3:15pm  Remarks on Behalf of the Tax Court.

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

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

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

3:45pm  US and Canada Approaches To Litigating Cross-Border Transactions. This panel will discuss issues that arise in US and Canada in litigating transfer pricing and other cross-border disputes, including increased tax authority cooperation, consistency in transfer pricing documentation and restrictions on competent authority discretion.

MODERATOR: Brian Trauman, KPMG LLP, New York, NY.

PANELISTS: The Honorable Karen Sharlow, Canada Federal Court of Appeal, Ottawa, ON; David Ernick, Associate International Tax Counsel, Office of International Tax Counsel, Department of Treasury, Washington, DC; Al Meghji, Osler Hoskin & Harcourt LLP, Toronto, ON; John Hildy, Mayer Brown LLP, Chicago.

4:30pm  Recent Developments.

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

4:45pm  Litigating The Application of Anti-Tax Avoidance Statutes—Learning From The Canada Experience. For a number of years Canada has had statutory provisions arguably similar to the recently enacted IRC section 7701(c). This panel will explore how Canadian Courts and practitioners have dealt with these provisions (known as the General Anti-Abuse Rules) and how the new US legislation may change how US Courts and practitioners approach “tax planned” transactions.

MODERATOR: Richard J. Sapinski, Sills Cummis & Gross PC, Newark, NJ.
2:30PM – 6:30PM

Employee Benefits

Chair: John Utz, Utz Miller & Eickman LLC, Overland Park, KS

2:30pm Opening Remarks by the Chair.

2:35pm Implementing Health Care Reform. The Patient Protection and Affordable Care Act continues to evolve as the Department of Treasury, Department of Labor and Department of Health and Human Services release the first wave of guidance on grandfathering, the age 26 requirements, pre-existing condition provisions, annual limit rules and other Act provisions - with more to come. Employers are grappling with the implications of the Act on their healthcare arrangements. This panel of practitioners and government representatives will discuss what’s new with respect to PPACA, what the guidance means for employer plans, how employers are reacting and what’s next.

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

PANELISTS: Andy R. Anderson, Morgan Lewis & Bockius LLP, Chicago, IL; Greta E. Cowart, Haynes & Boone LLP, Dallas, TX; Kevin Knopf, Attorney-Advisor, Office of Benefits Tax Counsel/Office of Tax Policy, Department of Treasury, Washington, DC; James Mayhew, Office of Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, Health and Human Services, Baltimore, MD; Helen Morrison, Deputy Benefits Counsel, Office of Benefits Tax Counsel/Office of Tax Policy, Department of Treasury, Washington, DC; Amy Turner, Senior Health Specialist, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Washington, DC; John Utz, Utz Miller & Eickman LLC, Overland Park, KS; Russell E. Weinheimer, Senior Counsel, Office of Chief Counsel, Department of Treasury, Washington, DC.

4:35pm Hot Employee Benefits Topics. A discussion of late breaking tax and ERISA developments, including guidance from the Department of Treasury, IRS, EBSA and other agencies, significant court cases and legislative developments not covered elsewhere.

MODERATOR: Eleanor Banister, King & Spalding LLP, Atlanta, GA.

PANELISTS: George H. Bostick, Benefits Tax Counsel, Department of Treasury, Washington, DC; J. Mark Ivry, Senior Adviser to the Secretary and Deputy Assistant Secretary, Retirement and Health Policy, Department of Treasury, Washington, DC; Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; Alan N. Tawshunskey, Deputy Division Counsel/Deputy Associate Chief Counsel (Employee Benefits), Office of Division Counsel/Associate Chief Counsel (TE/GE), IRS, Washington, DC; Andrew E. Zuckerman, Director, EP Rulings & Agreements (TE/GE), IRS, Washington, DC.

5:35pm Fireside Chat. Informal discussion with Department of Treasury and IRS representatives on topics of interest to attendees.
6:30pm  Government Guest Reception and Cash Bar.  
Grand Foyer, Lower Concourse

2:30PM – 3:30PM  
Grand Ballroom East, Lower Concourse

Estate & Gift Taxes (TX) and Income & Generation Skipping Transfers Committee of the Income & Transfer Tax Planning Group (TE)

Estate & Gift Taxes (TX) Chair: Paul E. Van Horn, McLaughlin & Stern LLP, New York, NY
Generation Skipping Transfers Committee (TE) Chair: Amy E. Heller, Weil Gotshal & Manges LLP, New York, NY

2:30pm  Tax Apportionment Clauses: Friend or Foe.  Topics will include: state laws governing the apportionment of taxes in the absence of a specific direction in the dispositive instrument; drafting an apportionment clause when an estate plan includes a revocable trust; special considerations when an estate plan includes a Roth IRA conversion; tax apportionment clauses and GST tax planning and traps for the unwary.
SPEAKER: Barbara Sloan, McLaughlin & Stern, New York, NY.

2:30PM – 5:30PM  
Windsor Room West, Mezzanine

Financial Transactions

Chair: Lucy Farr, Davis Polk & Wardwell LLP, New York, NY

2:30pm  Section 1256: Marking to Market the World?  This panel will address recent market and legislative developments affecting the scope of section 1256.
MODERATOR: William Pomierski, McDermott Will & Emery LLP, Chicago, IL.
PANELISTS: Phoebe Mix, Special Counsel to the Associate Chief Counsel, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC; Erika Nijenhuis, Cleary Gottlieb Steen & Hamilton LLP, New York, NY.

3:30pm  Anschutz and Calloway: Finding the Owner of Publicly Traded Stock.  This panel will address the recent cases regarding the tax ownership of publicly traded stock and securities.
MODERATOR: Matthew Stevens, Alston & Bird LLP, Washington, DC.
PANELISTS: Richard M. Lipton, Baker & McKenzie LLP, Chicago, IL; Mark Price, KPMG LLP, Washington, DC; Karl Walli, Senior Counsel (Financial Products), Department of Treasury, Washington, DC.

4:30pm  Swaps and Stock Loans: The Latest on Dividend-Equivalent Payments.  This panel will address recent developments concerning the treatment of cross-border dividend-equivalent payments.
MODERATOR: Michael Shulman, Shearman & Sterling LLP, Washington, DC.
PANELISTS: Bruce Kayle, Milbank Tweed Hadley & McCloy LLP, New York, NY; Mark Perwien, Special Counsel to Associate Chief Counsel, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC; Elissa Shendelman Johnson, Bank of America, New York, NY.
2:30PM – 5:30PM

Insurance Companies

Chair: Craig R. Springfield, Davis & Harman LLP, Washington, DC

2:30pm Opening Remarks by the Chair. General update and discussion.

2:35pm Canadian Taxation of Insurance Companies and Current Cross-Border Insurance Issues. This panel will provide an overview of the Canadian taxation of insurance companies (including the Canadian insurance industry’s experience with principles-based reserving) and discuss current issues arising in the context of cross-border insurance, reinsurance and investment activities.

MODERATOR: Michael R. Miles, Sutherland Asbill & Brennan LLP, Washington, DC.

PANELISTS: Hemant Tilak, Osler Hoskin & Harcourt LLP, Toronto, ON; John Van Ogtrop, Manulife Financial, Toronto, ON; Robert Moncrieff, Ernst & Young LLP, New York, NY.

4:00pm Update on Recent Tax Guidance Affecting Insurance Companies and Products. This panel will provide a roundtable discussion on the American Financial case and recent tax guidance from the IRS and the Department of Treasury affecting insurance companies and products.

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

PANELISTS: Sean M. Akins, Latham & Watkins LLP, Washington DC; Mark S. Smith, Attorney-Advisor, Tax Legislative Counsel, Department of Treasury, Washington, DC.

2:30PM – 5:30PM

Real Estate

Chair: Andrea Whiteway, McDermott Will & Emery LLP, Washington, DC

2:30pm Opening Remarks by the Chair.

2:35pm Real Estate Roll-Up Transactions—How Much Has Changed? UPREIT roll-up transactions, as well as roll-ups of TICs and other real estate assets, are once again becoming common. This panel will provide a primer on the issues that typically arise in roll-up transactions, as well as new issues that should be taken into account in the current economic environment.

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


3:25pm The Grass Is Greener—Inbound and Outbound Investments in US and Canadian Real Estate. This panel will discuss the structuring issues that arise when Canadian entities invest in US REITs and US real estate, as well as issues faced by US REITs and other US investors making investments in Canadian real estate. The panel will focus on issues under the US-Canada tax treaty, as well as structuring issues faced by particular types of investors such as Canadian pension funds and governmental entities.

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

PANELISTS: Jack Bernstein, Aird & Berlis LLP, Toronto, ON; Michel M. Ranger, Ernst & Young srl/SENCRL, Vancouver, BC.
4:15pm  **Holding Real Estate in Series LLCs—The Smoke Begins to Clear.** This panel will discuss the anticipated regulations related to the taxation of series LLCs and the utility of such a structure in real estate transactions. It will also focus on the state tax aspects of holding real estate through series LLCs.

**MODERATOR:** Thomas E. Yearout, Holme Roberts & Owen LLP, Denver, CO.

**PANELISTS:** Curtis G. Wilson, Associate Chief Counsel, Office of Associate Chief Counsel (PSI), IRS, Washington, DC; Carolyn Joy Lee, Jones Day, New York, NY; Howard J. Levine, Roberts & Holland LLP, Washington, DC.

5:00pm  **Debt Modifications—New Developments in a Still Recovering Economy.**

This panel will focus on recently proposed changes to the significant modification regulations and other tax issues facing lenders and debtors undergoing debt workouts.

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

**PANELIST:** Karl Walli, Senior Counsel (Financial Products), Office of Tax Policy, Department of Treasury, Washington, DC.

2:30pm – 6:00pm

**State & Local Taxes**

**Chair:** Stewart Weintraub, Chamberlain Hrdlicka White Williams & Martin, West Conshohocken, PA

2:30pm  **Current and Thorny Unclaimed Property Issues.** The panel will address several problematic unclaimed property audit issues, including credit balances, extrapolations, and the much despised “uninvoiced vendor payables” issue that many Delaware audits have presented. Recent unclaimed property legislative developments and litigation in the Delaware Chancery Court also will be examined. And, since we will be north of the border, the panel will round things off with a rousing discussion of Canadian unclaimed property laws.

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

**PANELISTS:** Janet Korey Gagliano, PricewaterhouseCoopers LLP, Atlanta, GA; Angela Swan, Aird & Berlis LLP, Toronto, ON.

3:20pm  **Purchasing Digital Products—A Comparison of Canadian and US Taxes.**

Acquisition of business software and related goods and services provides the basis for a comparison of the US and Canadian taxes on such purchases. While some of the largest Canadian provinces move toward a harmonized taxing regime, US states continue to add to a variety of approaches to taxing such purchases. Our panel will explore the systemic differences between the two countries’ taxes focusing on issues relating to what it is that is subject to tax and the two countries’ differing approaches to sourcing and situs.

**MODERATOR:** John R. Shaughnessy, Robinson & Cole LLP, Hartford, CT.

**PANELISTS:** Carolynn S. Iafrate, Industry Sales Tax Solutions LLC, Washington, DC; Alan Kenigsberg, Stikeman Elliott, Toronto, ON.
4:15pm  Recent State Challenges to Related Party Transactions and the Success or Lack Thereof: Business Purpose, Sham and Economic Substance Assertions Abound. As the economy continues to challenge both state and corporate budgets, attacks by state taxing agencies against transactions between affiliated corporations continue and are evolving. This panel will review some of the recent attacks being made by various state taxing agencies and the successes and failures of such attacks.

MODERATOR: Craig B. Fields, Morrison & Foerster LLP, New York, NY.
PANELISTS: John Barrie, Bryan Cave, Washington DC; Joe W. Garrett, Jr., Administrator of Tax Policy, Alabama Department of Revenue, Montgomery, AL.

5:10pm  Executive Committee Reports on Current SALT Issues Part 1: Current Developments and State Tax Updates. A summary of recent developments in the states presented by the SALT Committee subcommittees at each meeting. The Panel will focus on those items of greatest interest to the Committee members in states, cities and local jurisdictions.

MODERATOR: William B. Prugh, Polsinelli Shughart PC, Kansas City, MO.
PANELISTS: Various Subcommittee Chairs.

5:35pm  Executive Committee Reports on Current SALT Issues Part 2: Are We There Yet?: Getting to 50 State Tax Tribunals—An Update on the Model Tax Tribunal Act. Over the past 40 years, many states have established independent Tax Courts or Tribunals for the purpose of adjudicating state tax matters. Yet despite this trend, about 20 states still lack any impartial forum to resolve state tax disputes. This panel will present an analysis of what's working (and what's not) in those states that have adopted the independent Court or tribunal paradigm and the issues facing the states that have either not or are presently considering legislation that would establish an independent state tax Court or tribunal. Additionally, the panel will also provide an update on the ABA's Model Tribunal Act, including testimony recently prepared by the SALT Committee for use in the upcoming legislative year.

MODERATOR: Jaye Calhoun, McGlinchey Stafford PLLC, New Orleans, LA.
PANELISTS: Shone Pierre, Assistant Secretary, Office of Legal Affairs, Department of Revenue, Baton Rouge, LA; David J. Clark, Boerio & Company CPAs, Novato, CA; Kelley Cooper Miller, Reed Smith, Philadelphia, PA.

2:30PM – 5:30PM  Conference Room G, Mezzanine

Chair: Ellen McElroy, Pepper Hamilton LLP, Washington, DC

2:30pm  Recent Developments in Tax Accounting Methods. This panel will cover important recent administrative, judicial and legislative developments in the tax accounting method area since the 2010 May Meeting in Washington, DC, with commentary and input from the Department of Treasury’s Office of Tax Policy and the IRS.

MODERATOR: Rich Shevak, Grant Thornton LLP, Washington, DC.
3:15pm **Accounting Method Issues Arising with Respect to Losses and Bad Debts.**
In the current climate, many companies are facing a myriad of loss, bad debt and receivables issues. This panel will discuss selected current issues including, for example, losses subject to the CERT rules, determining the recognition point for distinguishing partial and wholly worthless bad debts and when a change in treatment is a change in method of accounting, or the subject to the extended statute for bad debts and deductions for losses and reimbursed by a related party.

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

**PANELISTS:** Scott Dinwiddie, Special Counsel, Income Tax & Accounting, IRS, Washington, DC; Scott Wiggins, Deloitte Tax, Washington, DC; Jan Skelton, Deloitte Tax, Washington, DC.

4:00pm **Method Considerations in Section 381 and Other Transactions.**
This panel will consider a variety of accounting methods issues that arise in the context of transactions, including stock and asset acquisitions and tax-free reorganizations. Specifically, the panel will explore a number of fact patterns involving the application of the section 381(c)(4) and (c)(5) rules, as well as timing issues including the treatment of deferred revenue, contingent liabilities, prepaid and recurring items and deferred compensation.

**MODERATOR:** Colleen O’Connor, Ernst & Young LLP, Washington, DC.

**PANELISTS:** Eric Lucas, Attorney-Advisor, Tax Legislative Counsel, Department of Treasury, Washington, DC; Scott Dinwiddie, Special Counsel, Income Tax & Accounting, IRS, Washington, DC; P. Val Strehlow, Ernst & Young LLP, Chicago, IL.

4:45pm **Distinguishing Non-Deductible Fines and Penalties from Deductible Business Expenses.**
When companies make settlement payments under a federal statute such as the False Claims Act, a question arises whether all or some portion of the settlement payment is subject to the provisions of section 162(f). This panel will provide the framework for approaching and resolving tax allocation between deductible expenses and non deductible fines. The panel will discuss and review existing guidance in the area, including case law developments and IRS rulings.

**MODERATOR:** Lew Fernandez, PricewaterhouseCoopers LLP, Washington, DC.

**PANELISTS:** Brandon Carlton, Attorney-Advisor, Tax Legislative Counsel, Department of Treasury, Washington, DC; Chris Kane, Branch Chief, Income Tax & Accounting, IRS, Washington, DC; Michael Desmond, Bingham McCutchen LLP, Washington, DC.
2:35pm **Department of Treasury and IRS Update.** This panel will discuss current developments in tax-exempt and direct pay (to the bond issuer) tax credit bonds such as BABs, QSCBs, CREBs, etc., including recently released guidance, FAQs and IRS Forms, pending legislation and questions relating to the interpretation and implementation of the bond provisions of the ARRA and the 2010 Hiring Incentives to Restore Employment Act.

**MODERATOR:** John O. Swendseid, Sherman & Howard LLC, Reno, NV.

**PANELISTS:** John J. Cross III, Associate Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Clifford J. Gannett, National Director, Tax-Exempt Bonds, IRS, Washington, DC; James A. Polfer, Branch Chief, Branch 5, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC; Jeremy A. Spector, Mintz Levin Cohn Ferris Glovsky & Popeo PC, New York, NY.

3:20pm **Legal Issues Related to the Paid Preparer Requirements for Forms 8038.**

This panel will discuss legal issues arising from the new Forms 8038 for Build America Bonds (BABs), tax credit bonds and the other new 8038s that require a paid preparer to sign the Forms and the proposed regulations for paid preparers. Some of the topics will include who is a paid preparer, requirement to obtain a PTIN (including renewals and user fees), attorney-client privilege, disclosure of a tax return, application of Circular 230 to paid preparers, reliance on issuer/borrower information, penalties.

**MODERATOR:** Nancy M. Lashnits, Ballard Spahr LLP, Phoenix, AZ.

**PANELISTS:** Clifford J. Gannett, Director, Tax-Exempt Bonds, IRS, Washington, DC; Timothy L. Jones, Senior Attorney, Office of Chief Counsel (Financial Institutions & Products), IRS, Washington, DC; Michael G. Bailey, Foley & Lardner LLP, Chicago, IL; Richard Kornblith, Fulbright & Jaworski LLP, Los Angeles, CA.

4:00pm **Bond Financing of Grants.** This panel will address the use of proceeds of tax-exempt bonds and tax credit bonds to finance grants to other governmental entities, charitable organizations and for-profit recipients. It will consider the appropriate term of the bond issue, private activity and arbitrage concerns.

**MODERATOR:** Maxwell D. Solet, Mintz Levin Cohn Ferris Glovsky & Popeo PC, Boston, MA.

**PANELISTS:** John J. Cross III, Associate Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; James A. Polfer, Branch Chief, Branch 5, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC; Charles C. Cardall, Orrick Herrington & Sutcliffe LLP, San Francisco, CA; Linda D’Onofrio, Day Pitney LLP, New York, NY; David A. Walton, Jones Hall PC, San Francisco, CA.
4:40pm **The Issue Price Conundrum.** This panel will discuss the interpretive problems raised by the 17-year-old “issue price” regulation, particularly in the context of BABs. The panel will touch on aspects of the existing arbitrage regulation definition, as well as on the way in which recent IRS pronouncements, including Notice 2010-35, IRS Form 8038-B and the BABs compliance questionnaire, have affected the way in which practitioners have recently interpreted the regulation and the way in which the certification practice has evolved. The distinction between negotiated and competitive sales will be highlighted, particularly in light of the recent draft BAB compliance questionnaire.

**MODERATOR:** Clifford M. Gerber, Sidley Austin LLP, San Francisco, CA.

**PANELISTS:** John J. Cross III, Associate Tax Legislative Counsel, Office of Tax Policy, Department of Treasury, Washington, DC; Clifford J. Gannett, National Director, Tax-Exempt Bonds, IRS, Washington, DC; James A. Polfer, Branch Chief, Branch 5, Office of Associate Chief Counsel (Financial Institutions and Products), IRS, Washington, DC; Justin R. Pica, Director, Uniform Practice Policy, Municipal Securities Rulemaking Board, Alexandria, VA; Leslie M. Norwood, Managing Director and Associate General Counsel Co-Head of Municipal Securities, SIFMA, New York, NY; John O. Swendseid, Sherman & Howard LLC, Reno, NV.

---

**3:00PM – 5:00PM**

**Nominating** *(Executive Session)*

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

**Conference Room H, Mezzanine**

**3:00PM – 4:00PM**

**Sponsorships**

**Chair:** Fred Witt, Deloitte Tax LLP, Phoenix, AZ

**Wentworth, 2nd Floor**

**3:30PM – 5:30PM**

**Foreign Activities of US Taxpayers**

**Chair:** Mark Harris, The Coca Cola Company, Atlanta, GA

**Dominion Ballroom, 2nd Floor**

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

3:35pm **Economic Substance Codification—Issues for US Multinational Taxpayers.** FAUST will present a panel on issues under new section 7701(o) that will continue the dialogue begun by the previous USAFTT panel. The FAUST panel will focus on the issues presented for outbound cross-border transactions.

**MODERATOR:** Robert Stack, Ivins Philips & Barker Chartered, Washington, DC.

**PANELISTS:** Brian Davis, Viacom, New York, NY; Rachel Kleinberg, Davis Polk & Wardwell LLP, Menlo Park, CA; Kristine Roth, Legislation Counsel—IRS Detallee, Joint Committee on Taxation, US Congress, Washington, DC.

4:30pm **Doing Business in Canada: What US Multinationals Need to Know.** This panel will focus on the latest developments on US investment in Canada. The panel will consist of experienced US and Canadian attorneys, government officials and corporate in-house counsel who will discuss both US and Canadian developments including treaty issues and changes in Canada tax law that impact such investment.
MODERATOR: Elinore Richardson, Borden Ladner Gervais LLP, Toronto, ON.
PANELISTS: Philip Jolie, Director Income Tax Rulings, Directorate, Canada Revenue Authority, Toronto, ON; Patrick Brown, General Electric, Fairfield, CT; Ginny Chung, Attorney-Advisor, Office of International Tax Counsel, Department of Treasury, Washington, DC; Jeffery Mitchell, Special Counsel, Branch 2, Office of Associate Chief Counsel (International), IRS, Washington, DC; Marjorie A. Rollinson, Ernst & Young LLP, Washington, DC.

3:30PM – 5:30PM Osgoode Ballroom, Lower Concourse
Non-Tax Estate Planning Considerations Group
Chair: Laura Towmey, Simpson Thacher & Bartlett LLP, New York, NY
3:30pm Toxic Asset Protection Planning: No Bailouts for the Greedy.
Identify clients who may encounter super creditors like the SEC or IRS. Normal asset protection measures may be powerless in light of an SEC disgorgement order. The program identifies which individuals fall subject to securities regulations and regulatory enforcement powers. Although it may be obvious to most attorneys that an investment advisor is subject to those rules, it might not be as obvious if the client happens to sit on a board of directors for a publicly traded company. The program will review how super creditors have pierced through various asset protection techniques, including the "powerful" homestead exemption.
MODERATOR: Laura M. Towmey, Simpson Thacher & Bartlett, New York, NY.
SPEAKERS: David J. Slenn, Porter Wright Morris & Arthur LLP, Naples, FL; Christopher Riser, Riser Adkinsson LLP, Athens, GA; Richard Nenno, Wilmington Trust Company, Wilmington, DE; Thomas O. Gorman, Porter Wright Morris & Arthur, Washington, DC.

3:30PM – 5:30PM Conference Room C, Mezzanine
Tax Practice Management
Chair: Jill L. Miller, Jill Miller & Associates PC, New York, NY
3:30pm Opening Remarks by the Chair.
3:35pm Beyond the Basics: Understanding Financial Statements for Tax Lawyers.
This program will provide participants with a practical approach to reading, understanding and interpreting financial statements.
MODERATOR: Professor Michael B. Lang, Chapman University School of Law, Orange, CA.
PRESENTER: James C. Bitter, Wilmington Trust Corporation, Wilmington, DE.

4:00PM – 6:30PM Conference Room F, Mezzanine
Young Lawyers Forum & Diversity
Young Lawyers Forum Chair: Robb A. Longman, Joseph Greenwald & Laake PA, Greenbelt, MD
Diversity Chair: Juan F. Vasquez, Jr., Chamberlain Hrdlicka White Williams & Martin, Houston, TX
4:00pm  Are You (Too) Confident About Your Tax Opinions? ★ Feel confident about your tax advice? This speaker will discuss the hierarchy of tax opinion confidence levels, the degree of protection from penalties for the taxpayer at each level, and the impact of Circular 230 on practitioners providing tax opinions.
MODERATOR: Derek Disbrow, Smith Hanley Consulting Group, Kenilworth, NJ.
SPEAKER: Bob Woodward, King & Spalding LLP, Atlanta, GA.

5:00pm  Diversity: A Comparative Analysis of the Canadian and US Tax Bars. ★
This panel will explore diversity issues encountered in the Canadian tax practice as contrasted with diversity issues in the US tax practice. Panelists from the Canadian and US tax bench and bar will discuss issues including: how the definition of “diverse” differs between the two countries; how diversity issues are viewed and approached by tax attorneys (and the bench) in each of the two countries; the level of diversity in the tax practice in each country, and its impact on the practice as a whole and best practices for increasing the number of diverse tax practitioners and judges in each country.
MODERATOR: Cathy Fung, Attorney, Office of Associate Chief Counsel (Financial Institutions & Products), IRS, Washington, DC.
PANELISTS: Honorable Valerie Miller, Judge, Tax Court of Canada, Ottawa, ON; Professor Vern Krishna, University of Ottawa, Ottawa, ON; Vanessa A. Scott, Sutherland Asbill & Brennan LLP, Washington, DC.

5:30pm  Networking Reception. ★
Pinnacle Room, 43rd Floor

5:00PM – 6:00PM  Kent, 2nd Floor
Professional Services ★
Chair: John O. Tannenbaum, John O. Tannenbaum Attorney-at-Law, Hartford, CT

5:00PM – 6:00PM  Carleton, Mezzanine
Programs & Meetings ★
Chair: Fred T. Witt, Deloitte Tax LLP, Phoenix, AZ

5:00PM – 6:00PM  Conference Room DE, Mezzanine
Task Force on Patenting Tax Strategies ★
Co-Chairs: Dennis B. Drapkin, Jones Day, Dallas, TX; Professor Ellen P. Aprill, Loyola University School of Law, Los Angeles, CA
The program will be devoted to a discussion of the Supreme Court's decision in the Bilski case.

5:30PM – 6:30PM  Wentworth, 2nd Floor
Foreign Activities of US Taxpayers and Young Lawyers of FAUST Business Meeting ★

5:45PM – 6:30PM  Kenora, 2nd Floor
US Activities of Foreigners & Tax Treaties Business Meeting ★
6:30PM – 8:00PM
Joint Section Reception ★ (Ticketed Event)
Buses begin departing at 6:15pm from the Richmond Street exit of the Sheraton. Tickets must be purchased in advance at the Registration desk. Tickets will not be available at the Art Gallery of Ontario.

7:45PM – 10:00PM
International Committees Dinner ★ (Reservation Required)
Members of the International Committees will meet for cocktails and dinner at Diverso, 328 Dupont Street (416.929.3388). The price for the dinner will be USD $100.00. The cash bar will begin at 7:45pm and dinner will follow at 8:30pm.
7:00AM – 4:00PM  
Hospitality Center (Complimentary)
Complimentary continental breakfast will be served in the morning. Snacks, coffee, sodas and water will be available in the afternoon.

7:00AM – 9:00AM  
Conference Room BC, Mezzanine

Low Income Taxpayers
Chair: Professor Kathryn J. Sedo, University of Minnesota Law School, Minneapolis, MN

7:00am  Opening Remarks by the Chair.
7:05am  Recent Developments Affecting Low Income Taxpayers. Our speaker from the Office of Chief Counsel will update the committee on new developments, emphasizing those that impact low income taxpayers.
PANELIST: Charles A. Hall, Senior Technician Reviewer, Office of Chief Counsel, IRS, Washington, DC.
7:25am  History of Low Income Tax Clinics. The panel will give a brief history of low income tax clinics in the US.
MODERATOR: Professor Keith Fogg, Villanova University School of Law, Villanova, PA.
PANELISTS: The Honorable Peter Panuthos, Special Chief Trial Judge, US Tax Court, Washington, DC; Nina E. Olson, National Taxpayer Advocate, Office of National Taxpayer Advocate, IRS, Washington, DC; Professor Nancy Abramowitz, American University Washington College of Law, Washington, DC; Professor Kathryn Sedo, University of Minnesota Law School, Minneapolis, MN.
8:25am  How to Start a Low Income Tax Clinic. The panel is composed of three individuals who recently set up low income tax clinics as part of a legal aid office, a law school and a community organization. They will share their experiences and offer advice for those who are interested in starting a clinic, or improving the one they have.
MODERATOR: William P. Nelson, Director, Low Income Taxpayer Clinic Program Office, IRS, Washington, DC.
PANELISTS: Vijay Raghavan, Prairie States Legal Services, Waukegan, IL; Professor Nicole Appleberry, University of Michigan Law School, Ann Arbor, MI; Douglas Smith, Central Pennsylvania Low Income Taxpayer Clinic, Lancaster, PA.

7:15AM – 9:30AM  
Essex Ballroom, Mezzanine
ACTC Fellows Breakfast (Registration Required; Only Open to ACTC Fellows)

7:15AM – 8:30AM  
Sheraton Hall AB, Lower Concourse
Partnerships & LLCs/Real Estate/S Corporations “Shop Talking” Breakfast (Ticketed Event)
Members of the Partnerships & LLCs, Real Estate and S Corporations Committees will gather for the traditional “open mic” breakfast to share ideas and war stories and to seek input on technical issues.
PRoGRAM SCHEDULE
SATURDAY, SEPTEMBER 25

7:30AM – 8:15AM
Grand Ballroom Centre, Lower Concourse
Section of Taxation Committee Chairs, Vice-Chairs, Officers and Council Breakfast

7:45AM – 9:00AM
Conference Room G, Mezzanine
Court Procedure & Practice Officers and Subcommittee Chairs Breakfast
(Ticketed Event)

8:30AM – 11:30AM
Grand Ballroom East, Lower Concourse
Employee Benefits
Chair: John Utz, Utz, Miller & Eickman, LLC, Overland Park, KS
8:30am Opening Remarks by the Chair.
8:35am Current Fiduciary and Fees Issues. This panel will survey legislative and regulatory developments related to fee disclosure requirements, including discussion of guidance under 404(c) and 408(b)(2), as well as the regulatory initiative to revisit who is a fiduciary for ERISA purposes.
MODERATOR: Robert Miller, Calfee Halter & Griswold LLP, Cleveland, OH.
PANELISTS: Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Office of Regulations and Interpretations, Employee Benefits Security Administration, Department of Labor, Washington, DC; Erin M. Sweeney, Dickstein Shapiro LLP, Washington, DC; Alec T. Dike, Towers Watson, Chicago, IL; Bret Hamlin, Hill Ward Henderson, Tampa, FL.
9:30am Form 5500 Update: EFAST2 Electronic Filing System, Expanded Schedule C Reporting and Other Important Changes. All Form 5500 and Form 5500-SF annual employee benefit plan return/report filings made after January 1, 2010, must be filed using the new EFAST2 electronic filing system. This panel will discuss the new electronic filing procedure, including using filing preparation software, attaching documents to the Form 5500 filing, registering for EFAST2 credentials and signing options. Included in this discussion will be a review of special characteristics applicable to 403(b) plan filings, filings for short plan years and delinquent Form 5500 filings made under EFAST2. The panelists will provide an overview of important changes to the 2009 Form 5500 and related schedules, including a review of the expanded disclosures of service provider fees and compensation on Schedule C. Current issues related to the independent qualified public accountant opinion filed with the Form 5500 and Department of Labor enforcement related to annual reporting and filing requirements will also be highlighted.
MODERATOR: Martha L. Hutzelman, Kruchko & Fries, McLean, VA.
PANELISTS: Christina Crockett, Hunton & Williams LLP, McLean, VA; Lisa C. Germano, Actuarial Benefits & Design Company, Midlothian, VA; Stefan P. Smith, Locke Lord Bissell & Liddell LLP, Dallas, TX.
10:30am **Executive Compensation—A Review of Selected Issues.** The panel will discuss selected executive compensation issues of interest as we approach the end of 2010 and prepare for 2011. These issues include Roth IRA conversions, medical benefits subject to Code section 105(b) and the impact of the recently enacted Affordable Care Act, the options and pitfalls of “unwinding” deferred compensation arrangements, both those subject to Code section 409A and “grandfathered” arrangements and an overview of the executive compensation provisions in the recently enacted Dodd-Frank Wall Street Reform and Consumer Protection Act.

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

**PANELISTS:** Alden J. Bianchi, Mintz Levin Cohn Ferris Glovsky & Popeo PC, Boston, MA; Althea R. Day, Morgan Lewis & Bockius LLP, Washington, DC; David A. Berek, Credit Suisse Securities (USA) LLC, Chicago, IL.

### Fiduciary Income Tax

**8:30AM – 11:30AM**

**Sheraton Hall C, Lower Concourse**

**Chair:** Jeanne L. Newlon, Venable LLP, Washington, DC

**8:30am** **Opening Remarks.** Report on committee chairs and vice-chairs breakfast topics and other committee business.

**MODERATOR:** Lisa M. Stern, Proskauer Rose LLP, New York, NY.

**8:35am** **Recent Developments.** Report on recent developments affecting the income taxation of trusts and estates.

**MODERATOR:** Judith K. Tobey, K&L Gates, Dallas, TX.

**8:50am** **The Intersection of IRD, the Separate Share Rule and Making Charitable Bequests—Be Sure to Look All Ways Before Crossing.** Proper pre-mortem planning can be crucial in maximizing the client's distributable estate while effectuating his or her wishes. One area of particular interest is the client who wants to leave a substantial legacy to a charitable beneficiary, but provide for non-charitable beneficiaries as well. This session will review some of the planning considerations that might help maximize the client's gifts to both sets of beneficiaries.

**MODERATOR:** Marc S. Bekerman, Law Office of Marc S. Bekerman, Woodbury, NY.

**9:40am** **Rethinking Roth IRA Conversions in 2010.** The year 2010 is the first year that wealthy taxpayers have access to a Roth IRA. It may also prove to be the best year for many taxpayers to do a Roth IRA conversion since it is the last year of the low “Bush tax rates.” Examine the pros and cons of a Roth IRA conversion in light of recent tax changes and future income tax rates.

**MODERATOR:** Professor Christopher R. Hoyt, University of Missouri (Kansas City) School of Law, Kansas City, MO.
**10:30am** Grantor Trust Section 674. This panel will briefly review grantor trust powers generally to lay the groundwork for an in-depth discussion of the powers under § 674 to control beneficial enjoyment. The panel will discuss the parameters of the general rule, its primary exceptions and the exceptions to the exceptions. As part of this, the panel will discuss situations where it initially appears a trust falls under the grantor trust rules of § 674 but an exception negates the application of the rule such that the trust is not a grantor trust. This session will help the drafting attorney consider when and how to rely on § 674 to create a grantor trust and will help the administering attorney identify if grantor trust status applies.

**SPEAKERS:** Stephen R. Akers, Bessemer Trust, Dallas, TX; Rachel D. Burke, Sutherland Asbill & Brennan LLP, Washington, DC; Marya P. Robben, Lindquist & Vennum PLLP, Minneapolis, MN.

**8:30AM – 10:30AM**
LLCs and LLPs Subcommittee of Partnerships & LLCs  
Chair: Paul D. Carman, Chapman & Cutler LLP, Chicago, IL

**8:30am** LLCs and Partnerships: Recent Canadian Tax Developments—What Works and What Does Not. US investors into Canada have for many years preferred to use US LLCs to make investments into carry on branch business activities in Canada. Canadian investors have also been encouraged by their US co-venturers to use US LLCs to invest or carry on business operations in the US. Partnerships formed in Canada or the US, under applicable provincial or state laws, and sometimes in conjunction with US LLCs outbound from Canada or with Canadian ULCs in the inbound context, have also been used for cross-border financing, investment or for purposes of conducting business operations. This panel will lead a discussion examining some of the structuring that has occurred cross-border in the context of recent developments in Canadian jurisprudence and in Canadian government interpretative and administrative practice, particularly as it relates to amendments introduced in the Fifth Protocol to the Canada-US Income Tax Convention.

**PANELISTS:** Elinore Richardson, Borden Ladner Gervais LLP, Toronto, ON; Christopher Steeves, Fasken Martineau LLP, Toronto, ON.

**8:30AM – 11:30AM**
Sales, Exchanges & Basis  
Chair: Paul L.B. McKenney, Varnum Riddering Schmidt Howlett LLP, Novi, MI

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

**8:35am** Current Non-Section 1031 Developments. Case law and guidance on sale, exchange and basis issues other than like-kind exchanges will be explored.

**MODERATOR:** Professor Erik M. Jensen, Case Western Reserve University School of Law, Cleveland, OH.
8:55am  The 2011 Tax Increases Are Coming—Carpe Diem!  This is the once in a generation tax year-end when traditional planning is probably not the answer. Individual dividend rates more than double on New Year’s Day, and capital gain and ordinary income rates for higher bracket individual taxpayers also increase. This panel will explore year-end strategies to accelerate income and gains and defer losses.

MODERATOR: Adam Handler, PricewaterhouseCoopers LLP, Los Angeles, CA.
PANELIST: Paul L. B. McKenney, Varnum Riddering Schmidt Howlett LLP, Novi, MI.

9:35am  Section 1033—Back to the Basics.  Condemnations and threats of condemnation continue to present tax issues to property owners. This panel will explore the basics and proactively suggest what taxpayers should, and should not, do. Application to the Gulf oil spill victims will also be addressed.

MODERATOR: Kelly E. Alton, NES Financial Corp, San Jose, CA.
PANELIST: Todd D. Keator, Thompson & Knight, Dallas, TX.

10:20am  Codification/Clarification of Economic Substance—the Rubber Meets the Road in Common Transactions.  This panel will examine the “chilling effect” created by codification of the economic substance doctrine on various common transactions. The panel will address what can be expected from the Department of Treasury in terms of future guidance on application of the doctrine. The panel will also address issues regarding application of the 40% penalty for nondisclosed noneconomic substance transactions and disclosure requirements to avoid application of the penalty.

MODERATOR: Mark E. Wilensky, Roberts & Holland LLP, New York, NY.
PANELISTS: Bryon A. Christensen, Deputy Tax Legislative Counsel (Legislative Affairs), Office of Tax Legislative Counsel, Department of Treasury, Washington, DC; Julian Y. Kim, Latham & Watkins LLP, Washington, DC.

11:00am  Like-Kind Exchange Current Developments.  Recent developments in the like-kind exchange arena will be addressed.

MODERATOR: Professor Bradley T. Borden, Brooklyn Law School, Brooklyn, NY.
8:45am – 11:45am

**Civil & Criminal Tax Penalties**

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

**Reports of Subcommittees on Important Developments:** Update on IRS Voluntary Disclosures Involving Previously Undeclared Offshore Accounts - Kevin Thorn, Thorn Law Group, Washington, DC; Important Developments (Criminal) - Megan Brackney, Kostelantz & Fink LLP, New York, NY; Michel Stein, Hochman Salkin Rettig Toscher & Perez PC, Beverly Hills, CA; Important Developments (Civil) - Tom Cullinan, Sutherland Asbill & Brennan LLP, Atlanta, GA; Shane Lord, Sutherland Asbill & Brennan LLP, Atlanta, GA; IRS Investigations and Practices - Josh Ungerman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX; Legislative and Administrative Developments - John M. Colvin, Chicoine & Hallett PS, Seattle, WA; Monetary Violations and Forfeitures - David F. Axelrod, Axelrod LLC, Columbus, OH; Michael Sheppard, Deloitte Financial Advisory Services LLP, New York, NY; Sentencing Guidelines - Niles Elber, Caplin & Drysdale Chartered, Washington, DC; International Tax Enforcement - Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC.

**9:15am**

**The Quiet Revolution—FATCA and Bank Secrecy.** The panel will provide an introduction to the key provisions of the Foreign Account Tax Compliance Act (FATCA) and discuss the implications for US taxpayers holding various types of foreign accounts, as well as how the statute will likely affect voluntary disclosures and civil and criminal tax investigations in the context of increasing international transparency regarding disclosure of financial account information.

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

**PANELISTS:** Michael Shepard, Deloitte Financial Advisory Services, Philadelphia, PA; Philip R. West, Steptoe & Johnson LLP, Washington, DC; Bruce Zagaris, Berliner Corcoran & Rowe LLP, Washington, DC.

**10:00am**

**Sensitive Issue Examinations—is Tweel Still Relevant?** IRS enforcement efforts have increased dramatically in the civil and criminal context. A distinguished panel of experts will discuss methods of handling difficult civil examination practice situations and defending the indefensible position. Should the practitioner explain the impossible? Is it all about the misrepresentations in the return? What can you expect if the taxpayer invokes their 5th Amendment rights in response to an IRS interview?

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

**PANELISTS:** Rick Raven, Deputy Chief, IRS Criminal Investigation, Washington, DC; Larry A. Campagna, Chamberlain Hrdlicka White Williams & Martin, Houston, TX; Marshall J. Greene, Marshall J. Greene CPA, Washington, DC; Bryan Skarlatos, Kostelanetz & Fink LLP, New York, NY.

**10:45am**

**Civil Tax Penalty Abatements—Fact or Fiction?** Civil tax penalties are designed to encourage voluntary compliance. There are more than 130 potentially applicable civil penalties set forth within the Internal Revenue Code. How “reasonable” does reasonable cause have to be?
MODERATOR: Josh Ungerman, Meadows Collier Reed Cousins Crouch & Ungerman LLP, Dallas, TX.

SPEAKERS: Ruth Perez, Deputy Chief, Office of Appeals, IRS, Washington, DC; Caroline D. Cirao, Rosenberg Martin Greenberg LLP, Baltimore, MD; Diana L. Erbsen, DLA Piper LLP, New York, NY; Tom Cullinan, Sutherland Asbill & Brennan LLP, Atlanta, GA; Martin A. Press, Gunster, Ft. Lauderdale, FL.

8:45AM – 11:30AM
Corporate Tax

Chair: Roger Ritt, WilmerHale, Boston, MA

8:45am  **Current Developments.** This panel will review recent developments in corporate taxation, including recent guidance relating to section 382.

     MODERATOR: Devon M. Bodoh, KPMG LLP, Washington, DC.

     PANELISTS: Lee Kelley, Deputy Associate Chief Counsel, Office of Associate Chief Counsel (Corporate), IRS, Washington, DC; Donald Bakke, Attorney-Advisor, Department of Treasury, Washington, DC; Jonathan Forrest, Deloitte Tax LLP, Washington, DC; Sean McKeever, Dewey & LeBoeuf LLP, Washington, DC; Derek Cain, PricewaterhouseCoopers LLP, Washington, DC.

10:00am  **US-Canadian Cross-Border Transactions.** This session will address issues of current interest in US-Canadian cross-border M&A and securities transactions and financings, with particular attention paid to the aspects arising from the differing tax and legal systems. While the session will focus on Subchapter C issues raised, a Canadian perspective will help frame the transactions and provide context.

     MODERATOR: Peter H. Blessing, Shearman & Sterling LLP, New York, NY.

     PANELISTS: William D. Alexander, Associate Chief Counsel, Office of Associate Chief Counsel (Corporate), IRS, Washington, DC; Kirsten L. Simpson, Ernst & Young LLP, Washington, DC; Robert Kopstein, Blake Cassels & Graydon LLP, Vancouver, BC.

9:00AM – 10:30AM
Pro Bono

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

9:00am  **US and Canadian Approaches to Tax Litigation Involving Unrepresented Taxpayers.** This session will explore the approaches taken by the tax courts of the US and Canada to address the special challenges presented in litigation involving self-represented and low-income taxpayers, as well as the role, conduct and effect of pro bono programs in Canada and the US to assist such taxpayers.

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

     PANELISTS: The Honorable Gerald J. Rip, Chief Justice, Canada Tax Court, Ottawa, ON; The Honorable John O. Colvin, Chief Judge, US Tax Court, Washington, DC; Nina E. Olson, National Taxpayer Advocate, Office of National Taxpayer Advocate, IRS, Washington, DC; Catherine Engell, DLA Piper LLP, New York, NY; Serena Sial, Counsel, Canada Department of Justice, Ottawa, ON; Professor Andre Lareau, Laval University, Quebec, QC.
10:00AM – 11:30AM  
**SECTION PROGRAM: THE ROAD AHEAD…the Use of Annuities in Estate Planning.**

We live in a “hybrid” world. As resident estate and tax planning professionals, it’s indigenous to our terrain where change is a matter of course. Consider the evolution of our work with IRAs. However, a seismic shift is occurring which cannot be disregarded or dismissed. The migration of clients to insurance based financial and estate planning solutions compels practitioners to adopt new ways of thinking and operating. For some the challenges will prove daunting; for others, a mere bump in a road paved with opportunity. The presentation will examine the impact of annuity promotions and sales on the counsel and drafting work of estate and tax planning attorneys. The practice implications are considerable. Annuities are complex legal contracts with their own unique tax, dispositive and distributive provisions which will grow in importance and composition of our clients’ estates. Attendees can expect to be guided over unsettled and unchartered pathways via the following signposts: the promotion of annuities as the all-terrain financial, tax and wealth transfer vehicle; the intersection of annuity contract provisions with the client’s estate plan; avoiding head-on collisions with the IRS; the role and responsibilities of attorneys as tour guides; driving without a license and ignoring rules of the road; working with clients who fail to “buckle up” and a road paved by regulatory, legislative, tax and market developments.

**SPEAKERS:**  
Douglas A. Ewing, John Hancock Special Markets, Boston, MA  
Mark E. Griffin, Davis & Harman LLP, Washington, DC  
David F. Sterling, Sterling Capital Resources of Sarasota, Sarasota, FL

**SPONSORED BY:** Non-Tax Estate Planning Considerations Group

10:30AM – 12:00PM  
**Top Fifteen Tips Tax and Estate Planners Need to Know About Special Needs Trusts.** Special Needs Trusts (SNTs) are an important planning tool for families that wish to secure the future of a family member challenged by a disability. This occurs when a carefully prepared and administered SNT allows an individual’s government benefits to coexist with funds in the SNT. The presenters will explain important differences between first-party and third-party SNTs so that tax and estate planning professionals will know when each type should be used. Critical considerations in preparing and administering estate plans that benefit persons with disabilities will be discussed, including income tax issues, designation of IRA benefits, apportionment issues, using a spousal SNT, inter-vivos versus testamentary SNTs and many practical tips.
### TX 10:30AM – 11:30AM

**Civic Ballroom North, 2nd Floor**

**State and Local Taxes Subcommittee: The Tax Lawyer—The State and Local Tax Edition & The State and Local Tax Lawyer-Symposium Edition**

Meeting of interested parties to discuss current and future issues of these publications.

---

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:30AM – 11:30AM</td>
<td>Civic Ballroom North, 2nd Floor</td>
<td><strong>State and Local Taxes Subcommittee: The Tax Lawyer—The State and Local Tax Edition &amp; The State and Local Tax Lawyer-Symposium Edition</strong>&lt;br&gt;Meeting of interested parties to discuss current and future issues of these publications.</td>
</tr>
</tbody>
</table>

### TX 1:30PM – 3:30PM

**Grand Ballroom East, Lower Concourse**

**SECTION PROGRAM: Don't Let the Door Hit You on the Way Out—Terminated Employees and Employee Benefits**

This program will examine the dizzying array of employee benefit issues that must be considered in the context of employee terminations. Some of the issues to be considered include: strategies for crafting and enforcing releases, government filings such as 8-Ks and Title I of ERISA filings, drafting and enforcing a clawback policy, post-employment noncompetition and nonsolicitation covenants, section 409A issues, continuing welfare benefit obligations such as medical, life and disability, severance pay as compensation under employee benefit plans, special issues in change-in-control situations, issues that may arise long after termination, such as the effect of a release in favor of the employer and related entities in subsequent 401k plan stock drop or plan expense litigation.

**MODERATOR:** Thomas C. Moukawsher, Moukawsher & Walsh LLC, Groton, CT

**PANELISTS:**
- Ethan Lipsig, Paul Hastings, Los Angeles, CA
- Charles F. Plenge, Haynes & Boone LLP, Dallas, TX
- David C. Preminger, Keller Rohrback LLP, New York, NY
- Gail Stewart, Baker Botts LLP, Houston, TX

**CO-SPONSORED BY:** Employee Benefits (TX) and American College of Employee Benefits Counsel

---

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30PM – 3:30PM</td>
<td>Grand Ballroom East, Lower Concourse</td>
<td><strong>SECTION PROGRAM: Don't Let the Door Hit You on the Way Out—Terminated Employees and Employee Benefits</strong>&lt;br&gt;This program will examine the dizzying array of employee benefit issues that must be considered in the context of employee terminations. Some of the issues to be considered include: strategies for crafting and enforcing releases, government filings such as 8-Ks and Title I of ERISA filings, drafting and enforcing a clawback policy, post-employment noncompetition and nonsolicitation covenants, section 409A issues, continuing welfare benefit obligations such as medical, life and disability, severance pay as compensation under employee benefit plans, special issues in change-in-control situations, issues that may arise long after termination, such as the effect of a release in favor of the employer and related entities in subsequent 401k plan stock drop or plan expense litigation.</td>
</tr>
</tbody>
</table>

### TE 1:30PM – 2:30PM

**Sheraton Hall AB, Lower Concourse**

**SECTION PROGRAM: Informal Interview? Or Daunting Deposition?: Case Study on Preparing and Presenting Witnesses for IRS Interviews.**

As the IRS requests more and more interviews of taxpayers and their representatives, practitioners are well advised to understand the informal interview and summons processes, particularly with an eye toward tough and surprise questions. This panel will conduct mock interviews to exemplify tips helpful to practitioners in various circumstances.

**MODERATOR:** Charles E. Hodges II, Chamberlain Hrdlicka White Williams & Martin, Atlanta, GA

**SPEAKERS:**
- Keri D. Brown, Baker Botts LLP, Houston, TX
- Stephanie Loomis-Price, Winstead PC, Houston, TX

**SPONSORED BY:** Income & Transfer Tax Planning Group

---

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30PM – 2:30PM</td>
<td>Sheraton Hall AB, Lower Concourse</td>
<td><strong>SECTION PROGRAM: Informal Interview? Or Daunting Deposition?: Case Study on Preparing and Presenting Witnesses for IRS Interviews.</strong>&lt;br&gt;As the IRS requests more and more interviews of taxpayers and their representatives, practitioners are well advised to understand the informal interview and summons processes, particularly with an eye toward tough and surprise questions. This panel will conduct mock interviews to exemplify tips helpful to practitioners in various circumstances.</td>
</tr>
</tbody>
</table>

---

65
2:00PM – 4:00PM  
**SECTION PROGRAM: Innocent Spouse**  
Simcoe/Dufferin, 2nd Floor

**2:00pm**  
**Administrative and Litigation Issues on Innocent Spouse Cases.** The panel will discuss the state of the current litigation taking place across the Circuit Courts on innocent spouse issues. It will discuss setting your innocent spouse case up for litigation as you approach the administrative process and move into litigation given the current state of case law and IRS approaches.

**MODERATOR:** Professor Chris Pietruszkiewicz, Louisiana State University Law Center, Baton Rouge, LA

**PANELISTS:**  
Charles A. Hall, Senior Technical Reviewer, Branch 1, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC  
Professor David L. Rice, Taxation—School of Business Cal Poly Pomona, Torrance, CA  
Professor Scott Schumacher, Tax Program and Tax Clinic, University of Washington, Seattle, WA  
Jamie Vasquez, Chamberlain Hrdlicka White Williams & Martin, Houston, TX

**3:00pm**  
**Legislative Solution to Issues Raised in Innocent Spouse Cases.** The panel will discuss possible legislative solutions to the issues that have been raised in the ongoing litigation over innocent spouse status.

**MODERATOR:** Professor Alice Abreu, Temple University Law School, Philadelphia, PA

**PANELISTS:**  
Bryon A. Christensen, Attorney-Advisor, Office of Tax Legislative Counsel, Department of Treasury, Washington, DC  
Jill MacNabb, Attorney, National Taxpayer Advocate, IRS, Washington, DC  
Professor Carl Smith, Cardozo Law School, Brooklyn, NY

**CO-SPONSORED BY:** Low Income Taxpayers, Administrative Practice, Court Procedure & Practice, Individual & Family Taxation and Pro Bono

---

2:00PM – 4:00PM  
**SECTION PROGRAM: Structuring Innovative Management Contracts for Bond Financed Projects**  
Civic Ballroom North, 2nd Floor

There are few revenue procedures as well known, widely relied upon and in critical need of revision as Revenue Procedure 97-13, which has application to most service and management agreements with respect to tax-exempt bond, Build America bond and Recovery Zone Economic Development bond financed projects. This program will discuss the requirements and limitations of Revenue Procedure 97-13 and the need for updated guidance concerning when a management or service contract will not give rise to private business use. Panelists will discuss, among other things: when a bond financed project is subject to Revenue Procedure 97-13; elements of a compliant contract, alternative compensation arrangements; IRS private letter rulings, the role of borrower’s counsel, IRS reporting and opinion practices. The panelists will also discuss recommendations for proposed revisions.
2:30PM – 3:30PM

SECTION PROGRAM: Donee Selection and Practical Considerations Under Petter Formula Allocation Clauses

This program will cover: 1) inter-family sale and gift transactions will increase following recent taxpayer victories using formula allocation clauses. These cases provide a roadmap to mitigate the gift tax risk associated with such transactions. Sale transactions are also likely to increase if a 10-year minimum GRAT term is imposed. 2) This program will focus on the alternatives for the “donee” of the excess value under a Petter type of formula allocation clause, which include among others a public charity, donor advised fund (DAF), private foundation, zeroed out CLAT, inter vivos QTIP, GRAT, defective gift trust, and spouse. 3) Representatives from two large DAFs will review issues and requirements of a DAF to participate in a transaction. 4) Review other practical considerations, including the risk of IRS challenge and the exercise of ownership rights and tax reporting during the determination period.

MODERATOR: Richard S. Franklin, Law Office of Virginia A. McArthur, Washington, DC

SPEAKERS: David Bradt, WTAS LLC, McLean, VA
Karla D’Alleva Valas, Fidelity Investments Charitable Gift Fund, Boston, MA
John W. Porter, Baker Botts LLP, Houston, TX

CO-SPONSORED BY: Estate & Gift Taxes (TX and TE)

2:30PM – 3:30PM

SECTION PROGRAM: ILITS: Ethical and Liability Issues of Trustees, Grantors and their Advisors

It’s simple enough the client and the Trustee sign the ILIT Agreement, the policy somehow ends up in the trust and that’s it; we’ve taken care of the taxes. Well, not really, although many practitioners and their clients think ILITS begin and end with the tax planning. They seem to forget that this is a trust that needs to be administered that there is a fiduciary minefield when it comes to policy choice and acquisition, policy maintenance and disposition, and collection of proceeds and to date many have been walking through it blindfolded. With new case law regarding UPIA (the Cochran case), expanded theories of liability and new developments in life insurance policies, you might be shocked at what you as an attorney have been overlooking all these years, to the financial detriment of your clients and possibly you.

MODERATOR: Melvin A. Warshaw, Financial Architects Partners, Boston, MA

PANELISTS: Gerard G. Brew, McCarter & English LLP, Newark, NJ
David S. Neufeld, Law Office of David S. Neufeld, Princeton, NJ

SPONSORED BY: Non-Tax Estate Planning Considerations Group
AFFILIATED ORGANIZATIONS

AMERICAN COLLEGE OF TAX COUNSEL

FRIDAY, SEPTEMBER 24

8:30AM – 9:30AM
ACTC Board of Regents Meeting (Executive Session)

SATURDAY, SEPTEMBER 25

7:15AM – 9:30AM
ACTC Fellows Breakfast (Registration Required; Only Open to ACTC Fellows)

AMERICAN COLLEGE OF EMPLOYEE BENEFITS TAX COUNSEL

SATURDAY, SEPTEMBER 25

1:30PM – 3:30PM
SECTION PROGRAM: Don't Let the Door Hit You on the Way Out—Terminated Employees & Employees and Employee Benefits
SECTION PROGRAM: THE ROAD AHEAD...The Use of Annuities in Estate Planning

We live in a “hybrid” world. As resident estate and tax planning professionals, it’s indigenous to our terrain where change is a matter of course. Consider the evolution of our work with IRAs. However, a seismic shift is occurring which cannot be disregarded or dismissed. The migration of clients to insurance based financial and estate planning solutions compels practitioners to adopt new ways of thinking and operating. For some the challenges will prove daunting; for others, a mere bump in a road paved with opportunity. The presentation will examine the impact of annuity promotions and sales on the counsel and drafting work of estate and tax planning attorneys. The practice implications are considerable. Annuities are complex legal contracts with their own unique tax, dispositive and distributive provisions which will grow in importance and composition of our clients’ estates. Attendees can expect to be guided over unsettled and unchartered pathways via the following signposts: the promotion of annuities as the all-terrain financial, tax and wealth transfer vehicle; the intersection of annuity contract provisions with the client’s estate plan; avoiding head-on collisions with the IRS; the role and responsibilities of attorneys as tour guides; driving without a license and ignoring rules of the road; working with clients who fail to “buckle up” and a road paved by regulatory, legislative, tax and market developments.

SPEAKERS: Douglas A. Ewing, John Hancock Special Markets, Boston, MA
Mark E. Griffin, Davis & Harman LLP, Washington, DC
David F. Sterling, Sterling Capital Resources of Sarasota, Sarasota, FL

SPONSORED BY: Non-Tax Estate Planning Considerations Group
SECTION PROGRAMS

PANELISTS:  Ethan Lipsig, Paul Hastings, Los Angeles, CA  
Charles F. Plenge, Haynes & Boone LLP, Dallas, TX  
David C. Preminger, Keller Rohrback LLP, New York, NY  
Gail Stewart, Baker Botts LLP, Houston, TX

CO-SPONSORED BY: Employee Benefits (TX) and American College of Employee Benefits Counsel

1:30PM – 2:30PM  Sheraton Hall AB, Lower Concourse

SECTION PROGRAM: Informal Interview? Or Daunting Deposition?: Case Study on Preparing and Presenting Witnesses for IRS Interviews

As the IRS requests more and more interviews of taxpayers and their representatives, practitioners are well advised to understand the informal interview and summons processes, particularly with an eye toward tough and surprise questions. This panel will conduct mock interviews to exemplify tips helpful to practitioners in various circumstances.

MODERATOR:  Charles E. Hodges II, Chamberlain Hrdlicka White Williams & Martin, Atlanta, GA

SPEAKERS:  Keri D. Brown, Baker Botts LLP, Houston, TX  
Stephanie Loomis-Price, Winstead PC, Houston, TX

SPONSORED BY: Income & Transfer Tax Planning Group

2:00PM – 4:00PM  Simcoe/Dufferin, 2nd Floor

SECTION PROGRAM: Innocent Spouse

2:00pm  Administrative and Litigation Issues on Innocent Spouse Cases. The panel will discuss the state of the current litigation taking place across the Circuit Courts on innocent spouse issues. It will discuss setting your innocent spouse case up for litigation as you approach the administrative process and move into litigation given the current state of case law and IRS approaches.

MODERATOR:  Professor Chris Pietruszkiewicz, Louisiana State University Law Center, Baton Rouge, LA

PANELISTS:  Charles A. Hall, Senior Technical Reviewer, Branch 1, Office of Associate Chief Counsel (Procedure & Administration), IRS, Washington, DC  
Professor David L. Rice, Taxation—School of Business Cal Poly Pomona, Torrance, CA  
Professor Scott Schumacher, Tax Program and Tax Clinic, University of Washington, Seattle, WA  
Jamie Vasquez, Chamberlain Hrdlicka White Williams & Martin, Houston, TX

3:00pm  Legislative Solution to Issues Raised in Innocent Spouse Cases. The panel will discuss possible legislative solutions to the issues that have been raised in the ongoing litigation over innocent spouse status.

MODERATOR:  Professor Alice Abreu, Temple University Law School, Philadelphia, PA
SECTION PROGRAMS

2:00PM – 4:00PM
Civic Ballroom North, 2nd Floor

SECTION PROGRAM: Structuring Innovative Management Contracts for Bond Financed Projects

There are few revenue procedures as well known, widely relied upon and in critical need of revision as Revenue Procedure 97-13, which has application to most service and management agreements with respect to tax-exempt bond, Build America bond and Recovery Zone Economic Development bond financed projects. This program will discuss the requirements and limitations of Revenue Procedure 97-13 and the need for updated guidance concerning when a management or service contract will not give rise to private business use. Panelists will discuss, among other things: when a bond financed project is subject to Revenue Procedure 97-13; elements of a compliant contract, alternative compensation arrangements; IRS private letter rulings, the role of borrower’s counsel, IRS reporting and opinion practices. The panelists will also discuss recommendations for proposed revisions.

MODERATOR: Wendy T. Salinas, Vinson & Elkins LLP, Dallas, TX

PANELISTS: Michael G. Bailey, Foley & Lardner LLP, Chicago, IL
Lauren Mack, Sonnenschein Nath & Rosenthal LLP, Chicago, IL
Christie Martin, Edwards Angell Palmer & Dodge LLP, Boston, MA
Elizabeth M. Mills, Proskauer Rose LLP, Chicago, IL
James A. Polfer, Branch Chief, Branch 5, Office of Associate Chief Counsel, IRS, Washington, DC

2:30PM – 3:30PM
Civic Ballroom South, 2nd Floor

SECTION PROGRAM: Donee Selection and Practical Considerations Under Petter Formula Allocation Clauses

This program will cover: 1) inter-family sale and gift transactions will increase following recent taxpayer victories using formula allocation clauses. These cases provide a roadmap to mitigate the gift tax risk associated with such transactions. Sale transactions are also likely to increase if a 10-year minimum GRAT term is imposed. 2) This program will focus on the alternatives for the “donee” of the excess value under a Petter type of formula allocation clause, which include among others a public charity, donor advised fund (DAF), private foundation, zeroed out CLAT, inter vivos QTIP, GRAT, defective gift trust, and spouse. 3) Representatives from two large DAFs will review issues and requirements of a DAF to participate in a transaction. 4) Review other practical considerations, including the risk of IRS challenge and the exercise of ownership rights and tax reporting during the determination period.

MODERATOR: Richard S. Franklin, Law Office of Virginia A. McArthur, Washington, DC
It’s simple enough the client and the Trustee sign the ILIT Agreement, the policy somehow ends up in the trust and that’s it; we’ve taken care of the taxes. Well, not really, although many practitioners and their clients think ILITS begin and end with the tax planning. They seem to forget that this is a trust that needs to be administered that there is a fiduciary minefield when it comes to policy choice and acquisition, policy maintenance and disposition, and collection of proceeds and to date many have been walking through it blindfolded. With new case law regarding UPIA (the Cochran case), expanded theories of liability and new developments in life insurance policies, you might be shocked at what you as an attorney have been overlooking all these years, to the financial detriment of your clients and possibly you.

MODERATOR: Melvin A. Warshaw, Financial Architects Partners, Boston, MA
PANELISTS: Gerard G. Brew, McCarter & English LLP, Newark, NJ
David S. Neufeld, Law Office of David S. Neufeld, Princeton, NJ
MEETING MATERIALS

Meeting materials for the 2010 Joint Fall CLE Meeting are available in the attendee area of the meeting website at: https://meetings.abanet.org/meeting/tax/FALL10/attendee/.

You’ll also receive copies of the materials in PDF format on the CD-ROM or USB you receive with your registration packet. Should you wish to print out any materials, convenient print stations are located in Vide, Lower Concourse. Please note that materials not provided in advance to the Section will be available in hard copy on-site and will not be on the CD-ROM or USB. These materials, to the extent they are provided to the Section, and those included on the Meeting Materials CD-ROM or USB will also be made available to Tax Section members following the meeting as an exclusive membership benefit at www.abanet.org/tax/taxiq.

CLE AND ETHICS CREDIT

You must be registered for the meeting in order to attend and be eligible to receive CLE or ethics credit. Accreditation has been requested for this meeting from every state with Mandatory Continuing Legal Education (MCLE) requirements for lawyers. However, please note that each state has its own rules and regulations, including its definition of “CLE” and requirements for approval. Therefore, the Section cannot guarantee all CLE or ethics credits will be approved by each state. The Section has requested CLE credit for subcommittee meetings that include a program description and names of panelists. Eligible subcommittees are listed on the Uniform Certificate of Attendance. The Uniform Certificate of Attendance is included on the Meeting Material CD-ROM and USB and is available at the CLE Information Booth for both attendees and speakers.

Please note the symbol indicates that Ethics credit has been requested for this program, and the symbol indicates that CLE credit is NOT available for this program. Call the ABA Section of Taxation at (202) 662-8670 with any questions pertaining to the number of credit hours granted by each state.

CLE REQUIREMENTS FOR NEW YORK ATTORNEYS

You are responsible for signing in and out of each session you attend so a New York Uniform Certificate of Attendance can be customized for you. The New York sign-in/out sheets are available in each meeting room, and the Uniform Certificate of Attendance Form is available at the CLE Information Booth during the Meeting. In order to receive full credit for all sessions attended, you MUST stop by the CLE Information Booth before you leave the Meeting and give your contact information so your NY certificate can be mailed to you after the Meeting.
CLE INFORMATION BOOTH

The CLE Information Booth, located in the Concourse Foyer, Lower Concourse will be open during the following hours:

**Thursday:** 12:00pm – 7:30pm  
**Friday:** 8:00am – 6:30pm  
**Saturday:** 8:00am – 5:30pm

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

AUDIO CDs AND MP3 INSTANT DOWNLOADS

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

To place an order, visit the Digital Conference Providers (DCP) booth located in Vide, Lower Concourse. After the meeting visit: www.dcporder.com/abatx/ for mail order audio CDs, or www.dcpprovidersonline.com/abatx/ for instant downloads.

20% MEETING DISCOUNT ON SECTION PUBLICATIONS

Stop by the Publications Display, located in Vide, Lower Concourse to preview the most popular titles from the Section of Taxation and receive a 20% discount on all publication orders. Drop off your completed order form on-site at the Meeting Registration Desk, or fax it to the Section Office at 202-662-8682 to take advantage of this special discount. Please note that the offer expires October 1, 2010.

ABA OPEN MEETINGS POLICY

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

Note that by attending the Conference, attendees have agreed to the terms of the American Bar Association Image/Audio/Video Release Form which allows images, audio and video recorded on site to be used for educational and promotional issues.

REFUND POLICY

All cancellations and refund requests must have been received in writing and postmarked, faxed or emailed by **September 16, 2010** to receive a refund. **Refunds will not be granted at or after the meeting.**

DRESS

Dress for the **2010 Joint Fall CLE Meeting** is business casual.
FRIDAY, SEPTEMBER 24TH

10:00AM – 2:00PM
The Warrior Emperor and China’s Terracotta Army: Royal Ontario Museum Tour and Luncheon (Ticketed Event: $165)

In 1974, farmers in northern China accidentally unearthed fragments of a terracotta figure—the first evidence of what would turn out to be one of the greatest archaeological finds in history: the terracotta army pits of the Warrior Emperor Ying Zheng.

Come explore the largest collection of artifacts related to the warrior emperor ever displayed in North America, alongside 10 life-sized terracotta figures from the pits of the First Emperor’s Terracotta Army. The private, docent-led tour will lead you through key moments in history before, during and after the lifetime of Ying Zheng, as well as the broad historical and social context surrounding these events and the dramatic change from war to peace that took place during various dynasties.

The ROM is showcasing over 250 artifacts from the first millennium BC, on loan from more than a dozen archaeological institutes and museums in Shaanxi Province. Nearly a third of the artifacts on display have never been shown outside of China, and some have never been publicly displayed anywhere, making the ROM’s exhibition a landmark event. Often referenced as the eighth wonder of the world, these warriors and this exhibit are a once-in-a-lifetime opportunity not to be missed.

After spending the morning at the Royal Ontario Museum, guests will enjoy a gourmet lunch at c5 Restaurant. After lunch, a motorcoach will transport guests back to the Sheraton Centre Hotel.

Buses will depart promptly at 9:30am from the Richmond Street exit of the Sheraton.

SATURDAY, SEPTEMBER 25TH

9:30AM – 11:30AM
Casa Loma Tour (Ticketed Event: $70)

Visit Canada’s Majestic Castle, Casa Loma, and step back in time to a period of European elegance and splendor. Explore elegantly decorated suites, secret passageways, stately towers, an 800 foot underground tunnel linking to luxurious stables and beautiful 5-acre estate gardens on a private, docent-led tour. Learn about Sir Henry, his family, his noted architect E.J. Lennox and his vision behind his life-long dream—the creation of a medieval castle.

Casa Loma took three years and $3.5 million to build. Sir Henry spared no expense and used the castle for extensive entertaining and philanthropic events. The castle stood as a monument to its creator—it surpassed any other private home in North America. With its soaring battlements and secret passageways, it paid homage to the castles and knights of days gone by. Financial misfortune forced Sir Henry and his family to abandon their home less than ten years after its creation. Though he lost a great fortune, Sir Henry never lost his spirit of philanthropy and was honored and revered for all he did for the city of Toronto.

Buses will depart promptly at 9:00am from the Richmond Street exit of the Sheraton.
| A | Civil & Criminal Tax Penalties (TX) |
| Committee Meeting | 62 |
| Luncheon (Ticketed) | 38 |

| | Closely Held Businesses (TX) |
| Joint Session with S Corporations (TX) and Business Planning Group (TE) AM | 28 |
| Joint Session with Business Planning Group (TE) PM | 44 |

| | Committees (TX) |
| Committee NOT MEETING |

| | Companions’ Activities (JT) |
| Breakfast (Complimentary) | 28 |
| Tour (Ticketed) | 75 |

| | Corporate Tax (TX) |
| Committee Meeting | 63 |
| Luncheon with Affiliated & Related Corporations (TX) (Ticketed) | 37 |

| | Court Procedure & Practice (TX) |
| Committee Meeting | 45 |
| Luncheon with Administrative Practice (TX) (Ticketed) | 37 |
| Officers & Subcommittee Chairs Breakfast (Ticketed) | 58 |
| Roundtable Discussion | 39 |
| SECTION PROGRAM: Innocent Spouse | 66 |

| B | Distinguished Service Award (TX) |
| Committee Meeting (Executive Session) | 40 |

| | Diversity (TE) |
| Joint Session with Diversity (TX) | 64 |

| | Diversity (TX) |
| Joint Session with Diversity (TE) | 64 |
| Joint Session with Young Lawyers Forum (TX) | 54 |
| Networking Reception with Young Lawyers Forum (TX) | 55 |

| | Administrative Practice (TX) |
| Committee Meeting | 25 |
| Dinner (Invitation Only) | 22 |
| Luncheon with Court Procedure & Practice (TX) (Ticketed) | 37 |

| | Affiliated & Related Corporations (TX) |
| Committee Meeting | 26 |
| Luncheon with Corporate Tax (TX) (Ticketed) | 37 |

| | Appointments to the Tax Court (TX) |
| Committee Meeting (Executive Session) | 36 |

| | Bankruptcy & Workouts (TX) |
| Committee NOT MEETING |

| | Business Cooperatives & Agriculture (TX) |
| Committee NOT MEETING |

| | Business Planning Group (TE) |
| Joint Session with Closely Held Businesses (TX) and S Corporations (TX) AM | 28 |
| Joint Session with Closely Held Businesses (TX) PM | 44 |

| | Capital Recovery & Leasing (TX) |
| Committee Meeting | 24 |
E

Employee Benefits (TX)
Committee Meeting Friday 46
Committee Meeting Saturday 58
Government Guest Reception/Cash Bar 47
SECTION PROGRAM: Don't Let the Door Hit You on the Way Out—Terminated Employees and Employee Benefits 65

Employee Benefits Subcommittees and Task Force Update Programs (TX)
Corporate Counsel Forum 36
Controlled Groups, Affiliated Service Groups and Employee Status 40
Defined Benefit Plans 39
Defined Contribution Plans 24
Distributions 35
EEOC Issues/FMLA, Military and Other Leaves 25
Employee Benefit Legislation 33
ESOPs 35
ESOPs, Fiduciary Responsibility/Plan Investments and Litigation 39
Executive Compensation and Fringe Benefits and Federal Securities Laws Issues 25
Exempt Organization and Governmental Plans 36
Fiduciary Responsibility/Plan Investments and Litigation 37
Foreign and International Issues 34
Mergers & Acquisitions 36
New Employee Benefits Attorneys Forum 39
Self-Correction, Determination Letters and Other Administrative Practices 33
Welfare Plan Design and Funding, Cafeteria Plans and Reimbursement Accounts and HIPAA, COBRA & State Insurance Regulation of Welfare Plans 34

Employment Taxes (TX)
Committee Meeting 40

Energy & Environmental Taxes (TX)
Committee NOT MEETING

Estate & Gift Taxes (TX)
Joint Session with Income & Generation Skipping Transfers Committee of the Income & Transfer Tax Planning Group (TE) 47
Joint Session with Income & Transfer Tax Planning Group (TE) 28
Luncheon with Fiduciary Income Tax (TX) and Income & Transfer Tax Planning Group (TE) (Ticketed) 38
SECTION PROGRAM: Donee Selection and Practical Considerations Under Petter Formula Allocation Clauses 67
Young Lawyers Subcommittee ★ 41

Exempt Organizations (TX)
Committee Meeting 32
Luncheon (Ticketed) 37
Networking Hour (Cash Bar) 33
SECTION PROGRAM: Structuring Innovative Management Contracts for Bond Financed Projects 66

Exempt Organizations Subcommittees (TX)
Audits and Appeals 23
Health-Care Organizations 23
Political and Lobbying Organizations and Activities 23
Private Foundations, Unrelated Business Income and International Philanthropy 23
Religious Organizations 24

F

Fiduciary Income Tax (TX)
Committee Meeting 59
Luncheon with Estate & Gift Taxes (TX) and Income & Transfer Tax Planning Group (TE) (Ticketed) 38
Young Lawyers Subcommittee ★ 41

Financial Transactions (TX)
Committee Meeting 47
Luncheon with Banking & Savings Institutions (TX), Insurance Companies (TX), Investment Management (TX) and Tax Exempt Financing (TX) (Ticketed) 37
INDEX

First-Time Attendees (JT)
Joint Orientation Dinner (Reservation Required) 22

Foreign Activities of US Taxpayers (TX)
Business Meeting 55
Committee Meeting 53
Dinner with Transfer Pricing (TX) and USAFTT (Reservation Required) 56
Joint Session with Transfer Pricing and USAFTT (TX) 35
Luncheon with Transfer Pricing (TX) and USAFTT (TX) (Ticketed) 37

Foreign Lawyers Forum (TX)
Committee NOT MEETING

G

Government Relations (TX)
Committee NOT MEETING

Government Submissions (TX)
Committee NOT MEETING

H

Hospitality (JT) 23, 57

I

Income & Transfer Tax Planning Group (TE)
Income & Generation Skipping Transfers Committee Joint Session with Estate & Gift Taxes (TX) 47
Luncheon with Estate & Gift Taxes (TX) and Fiduciary Income Tax (TX) (Ticketed) 38
Joint Session with Estate & Gift Taxes (TX) 28
SECTION PROGRAM: Informal Interview? Or Daunting Deposition?: Case Study on Preparing and Presenting Witnesses for IRS Interviews 65

Individual & Family Taxation (TX)
Committee Meeting 29
SECTION PROGRAM: Innocent Spouse 66

Insurance Companies (TX)
Committee Meeting 48
Luncheon with Banking & Savings Institutions (TX), Financial Transactions (TX), Investment Management (TX) and Tax Exempt Financing (TX) (Ticketed) 37

Investment Management (TX)
Committee Meeting 30
Luncheon with Banking & Savings Institutions (TX), Financial Transactions (TX), Insurance Companies (TX) and Tax Exempt Financing (TX) (Ticketed) 37

J, K

Joint Section Breakfast/Plenary Session (JT) (Ticketed) 23

Joint Section Reception (JT) (Ticketed) 56

L

Litigation, Ethics & Malpractice Group (TE)
Committee Meeting 41

Low Income Taxpayers (TX)
Committee Meeting 57
SECTION PROGRAM: Innocent Spouse 66

M

Membership & Marketing (TX)
Committee Meeting 37

N, O

Nominating (TX)
Committee Meeting (Executive Session) 53

Non-Tax Estate Planning Considerations Group (TE)
Committee Meeting 54
SECTION PROGRAM: THE ROAD AHEAD… The Use of Annuities in Estate Planning 64
SECTION PROGRAM: ILITS: Ethical and Liability Issues of Trustees, Grantors and their Advisors 67

News Quarterly Editorial Board (TX)
Committee NOT MEETING

P, Q

Partnerships & LLCs (TX)
Breakfast with Real Estate (TX) & S Corporations (TX) (Ticketed) 57
Committee Meeting 30
Dinner with Real Estate (TX) (Reservation; Advanced Payment Required) 22
LLCs and LLPs Subcommittee 60
Luncheon with Real Estate (TX) (Ticketed) 38

Pro Bono (TX)
Committee Meeting 63
SECTION PROGRAM: Innocent Spouse 66

Professional Services (TX)
Committee Meeting 55

Programs & Meetings (TX)
Committee Meeting 55

Publications (TX)
Committee Meeting 36

Public Service Fellowship (TX)
Committee Meeting (Executive Session) 36

R

Real Estate (TX)
Breakfast with Partnerships & LLCs (TX) and S Corporations (TX) (Ticketed) 57
Committee Meeting 48
Dinner with Partnerships & LLCs (TX) (Reservation; Advanced Payment Required) 22
Luncheon with Partnerships & LLCs (Ticketed) 38

Resolutions (TX)
Committee NOT MEETING

S

S Corporations (TX)
Breakfast with Partnerships & LLCs (TX) and Real Estate (TX) (Ticketed Event) 57
Joint Session with Closely Held Businesses (TX) and Business Planning Group (TE) 28

Sales, Exchanges & Basis (TX)
Committee Meeting 60

Section of Taxation Officers & Council Meeting (TX) (Executive Session) 22

Section of Taxation Committee Chairs, Vice-Chairs, Officers and Council Breakfast (TX) 58

Special Projects (TX)
Committee NOT MEETING

Sponsorships (TX)
Committee Meeting 53

Standards of Tax Practice (TX)
Committee Meeting 42

State & Local Taxes (TX)
Committee Meeting 49
Luncheon (Ticketed) 38
Practitioners’ Roundtable (Executive Session) 61
The Tax Lawyer—The State and Local Tax Edition & The State and Local Tax Lawyer-Symposium Edition 65

T

Task Force on Patenting Tax Strategies (TX)
Committee Meeting 55

Tax Accounting (TX)
Committee Meeting 50

Tax Exempt Financing (TX)
Committee Meeting 51
Luncheon with Banking & Savings Institutions (TX), Financial Transactions (TX), Insurance Companies (TX) and Investment Management (TX) (Ticketed) 37
SECTION PROGRAM: Structuring Innovative Management Contracts for Bond Financed Projects 66

Tax Policy & Simplification (TX)
Committee NOT MEETING

Tax Practice Management (TX)
Committee Meeting 54

Tax Shelters (TX)
Committee Meeting 36

Teaching Taxation (TX)
Committee Meeting 43

Transfer Pricing (TX)
Committee Meeting 31
Dinner with FAUST (TX) and USAFTT (TX) (Reservation Required) 56
Joint Session with FAUST (TX) and USAFTT (TX) 35
Luncheon with FAUST (TX) and USAFTT (TX) (Ticketed) 37

Committee Meeting 43
Dinner with FAUST (TX) and Transfer Pricing (TX) (Reservation Required) 56
Joint Session with FAUST (TX) and Transfer Pricing (TX) 35
Luncheon with FAUST (TX) and Transfer Pricing (TX) (Ticketed) 37

W

Welcome Reception (JT) ★ (Complimentary) 22

Y

Young Lawyers Forum (TX)
First-Time Attendees Orientation Dinner (JT) ★ (Reservation Required) 22
Joint Session with Diversity (TX) ★ 54
Networking Reception with Diversity (TX) ★ 55

U, V

US Activities of Foreigners & Tax Treaties (TX)
Business Meeting 55
Thank you for joining us. We look forward to seeing you at a future event.

< Please fold back page to the left to find the hotel floorplan.
FOR THE BEST RESULTS, YOU NEED THE PERFECT MIX.

**Checkpoint®** offers the perfect mix of outstanding research and guidance, primary source materials, access to tax software, helpful tools and so much more, all on one platform.

This unique integration means that, with Checkpoint, you can easily get to everything you need to complete your tax and accounting research.

**The perfect mix on Checkpoint includes:**

- Expert guidance from RIA, WG&L, PPC, EBIA and more
- Customizable packages to save you time and money
- Direct links to primary source materials and analysis
- Links to even more content and compliance software
- Unique time-saving tools, checklists and forms
- Unprecedented online education with Checkpoint Learning

Get a free sample: call or visit today to try Checkpoint **FREE** for 30 days.

1.800.950.1216 - ria.thomsonreuters.com/perfectmix