

61st Annual Taxation Conference
December 4-5, 2013 • AT&T Conference Center • Austin, TX

Wednesday Morning, Dec. 4, 2013

Presiding Officer:

Dennis B. Drapkin, Dallas, TX

8:00 am	Registration Opens Includes continental breakfast.
8:35 am	Welcoming Remarks
8:45 am 2.00 hrs	Recent Developments in Federal Income Taxation A discussion of the significant court decisions, rulings, and statutory and regulatory developments of the past year. Daniel L. Simmons, UC Davis School of Law - Davis, CA
10:45 am	Break
11:00 am 1.25 hrs	State and Local Franchise and Sales Tax Update Learn about the sweeping changes made by the 83rd Legislature to the Texas franchise and sales taxes, the Comptroller's corresponding rule changes, the litigation that generated these changes, and pending cases that may result in future changes. Lacy Leonard, Martens, Todd & Leonard - Austin, TX
12:15 pm	Pick Up Lunch Included in registration.

Wednesday Afternoon, Dec. 4, 2013

Presiding Officer:

Robert D. Probasco, Thompson & Knight LLP - Dallas, TX

Luncheon Presentation

12:30 pm 0.75 hr	State of the Tax World Coverage of federal tax reform with an analysis of its policy and politics. John L. Buckley, Former Chief of Staff of the Joint Committee on Taxation and Former Chief Tax Counsel for the House Ways and Means Committee - Washington, DC
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1:15 pm	Break
1:30 pm 1.00 hr ethics	<p>"It's Not My Fault:" Scope of Reasonable Cause and Good Faith Exception to Tax Penalties</p> <p>Presenting a successful reasonable cause and good faith defense is an increasingly complex and multi-faceted challenge for taxpayers. A focus on the reasonable cause defense as it has developed in recent litigation with discussion of the substantive accuracy standards as they apply to taxpayers and the professional standards governing tax advice from tax practitioners.</p> <p>Grover Hartt III, United States Department of Justice Tax Division - Dallas, TX M. Todd Welty, Dentons US LLP - Dallas, TX</p>
2:30 pm 1.00 hr	<p>Finding Hidden Treasure: How to Use the Freedom of Information Act (FOIA) and Other Tools to Uncover Valuable Evidence</p> <p>In most tax controversies, the taxpayer is in possession of the relevant evidence because it is the taxpayer's return that is being contested. However, there are times when key pieces of information come from the government's own files, but it can be hard to find that information without engaging in full-blown discovery in litigation. FOIA can be a valuable tool to unlock that evidence during the early phases of a controversy. Learn how to use FOIA in your next case to make a difference for your clients.</p> <p>Frank Agostino, Agostino & Associates - Hackensack, NJ Materials By: Tara Krieger, Agostino & Associates, PC - Hackensack, NJ Fred F. Murray, Grant Thornton LLP - Washington, DC</p>
3:30 pm	Break
3:45 pm 1.00 hr 0.50 hr ethics	<p>Foreign Account Tax Compliance Act (FATCA)</p> <p>Consideration of the implications of the Foreign Account Tax Compliance Act (FATCA) for taxpayers—and their advisors and fiduciaries—in the U.S. and abroad, how FATCA fits into the U.S. government's continuing efforts to pursue taxpayers with unreported offshore assets, and options for non-compliant taxpayers to come into compliance in order to avoid serious sanctions that may be forthcoming once FATCA is implemented, if not beforehand.</p> <p>Scott D. Michel, Caplin & Drysdale, Chartered - Washington, DC</p>
4:45 pm 1.00 hr	<p>Repair Regulations</p> <p>The most important aspects of the recently issued tangible property regulations ("repair regulations") are discussed, including opportunities and challenges relating to repairs, dispositions, asset groupings and the <i>de minimis</i> rules. In addition, the transition rules to make changes in methods of accounting under the new regulations are covered.</p> <p>David B. Auclair, Grant Thornton LLP - Washington, DC</p>
5:45 pm	Adjourn

Thursday Morning, Dec. 5, 2013

Presiding Officer:

Maxine Aaronson, Attorney at Law - Dallas, TX

8:00 am	Conference Room Opens Includes continental breakfast.
8:30 am 1.00 hr	Lobbying and Political Campaign Activity Tax-exempt organizations are subject to strict limits on the amount of lobbying and political campaign activity they conduct. An explanation of the limitations and how even well-intentioned organizations can run afoul of the rules. Katherine E. David, Strasburger Price Oppenheimer Blend - San Antonio, TX
9:30 am 1.00 hr	Compensation Reclassification Risks for S and C Corporations Discussion of how the IRS and the Courts are addressing the reclassification of compensation and other payments to shareholders as dividends (unreasonably high compensation) in the context of C corporations, as well as how the IRS and the Courts are addressing the reclassification of distributions as compensation (unreasonably low compensation) subject to payroll tax liability in the context of S corporations. The increasing application by the IRS and Courts of the so-called "independent investor test" to determine reasonable compensation is also addressed. Ronald A. Levitt, Sirote & Permutt, PC - Birmingham, AL Stephen R. Looney, Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A. - Orlando, FL
10:30 am	Break
10:45 am 1.25 hrs	Net Investment Income Tax and Its Specific Impact on Rental Real Estate Analysis of the new net investment income tax in the context of rental real estate investments, with a focus on what it means for rental real estate to be held in a "trade or business" and on the rules and exceptions for determining whether such activity is passive or non-passive under Section 469. Todd Keator, Thompson & Knight LLP - Dallas, TX
12:00 pm	Pick Up Lunch Included in registration.

Thursday Afternoon, Dec. 5, 2013

Presiding Officer:

Kelli H. Todd, Martens, Todd & Leonard - Austin, TX

Luncheon Presentation

12:15 pm 0.75 hr	View from the Tax Court Bench An insider's view of the operations and cases litigated before the Court. Hon. Juan F. Vasquez, United States Tax Court - Washington, DC
1:00 pm	Break

1:15 pm 1.00 hr	<p>Oil and Gas Tax Update</p> <p>Review of current trends in oil and gas transactions covering leasing and subleasing, sales and exchanges including like kind exchanges, farmouts and farmins, sharing arrangements, carried interests and the pool of capital doctrine as it applies to these transactions.</p> <p>Denney L. Wright, Exxon Mobil Corporation - Houston, TX</p>
2:15 pm 1.00 hr ethics	<p>Commonly Charged Tax Crimes and Emerging Trends</p> <p>Criminal tax prosecutions are on the rise. An examination of the most commonly charged tax crimes, including review of the elements of each offense, potential defenses, and recent cases. Emerging trends, including offshore prosecutions and aggravated identity theft, are also explored.</p> <p>Caroline D. Ciraolo, Rosenberg Martin Greenberg, LLP - Baltimore, MD Charles J. "Chad" Muller, Chamberlain, Hrdlicka, White, Williams & Aughtry - San Antonio, TX</p>
3:15 pm	Break
3:30 pm 1.00 hr 0.50 hr ethics	<p>Using Estate Planning Techniques for Income Tax Planning</p> <p>With the \$5M exemption, far fewer individuals will feel the need for traditional estate planning. These very same individuals, however, will still have a need for income tax planning. Learn the available income tax planning techniques to consider and introduce to clients, including examples to illustrate these techniques.</p> <p>Jerome M. Hesch, Of Counsel, Berger Singerman LLP - Miami, FL</p>
4:30 pm	Adjourn