

**67<sup>th</sup> Annual Taxation Conference**  
**December 4-5, 2019 • AT&T Conference Center • Austin, TX**

**Wednesday Morning, Dec. 4, 2019**

**Presiding Officer:**

**Jimmy Martens**, Martens, Todd, Leonard & Ahlrich - Austin, TX

7:30 am	<b>Registration Opens</b> Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>
8:30 am 2.00 hrs	<b>Recent Developments in Federal Income Taxation</b> Review significant court decisions, rulings, and statutory and regulatory developments of the past year. Stanley L. Blend, Clark Hill Strasburger - San Antonio, TX
10:30 am	<b>Break</b>
10:45 am 1.00 hr	<b>Partnership Audits</b> George Hani, Miller & Chevalier Chartered - Washington, DC
11:45 am 0.75 hr	<b>Law and Order: STC (State Tax Cases)</b> Hear opposing views from two lawyers whose practices focus on Texas franchise and sales tax cases. Jack Hohengarten, Chief of the Tax Division representing the Comptroller, explains the Comptroller's litigating positions from significant 2018 and 2019 state tax cases. Lacy Leonard, a law partner in an Austin, Texas firm focusing exclusively on the trials and related appeals of the same cases, explains the taxpayers' positions. They can't both be correct. So, you be the judge. Jack Hohengarten, Office of the Attorney General - Austin, TX Lacy Leonard, Martens, Todd, Leonard & Ahlrich - Austin, TX
12:30 pm	<b>Pick Up Lunch</b> Included in registration.

**Wednesday Afternoon, Dec. 4, 2019**

**Presiding Officer:**

**Catherine C. Scheid**, Attorney at Law - Houston, TX

**LUNCHEON PRESENTATION**

12:50 pm 0.75 hr	<p><b>Tax After 2017: Requiem for Ability to Pay</b></p> <p>Enactment of the TCJA was followed by a mad dash to understand its effects; the speed and process of enactment left no time for serious attempts to analyze whether the TCJA transformed the income tax system in any fundamental way. But it has, and Professor Abreu explains how.</p> <p>Professor Alice G. Abreu, Temple University Beasley School of Law - Philadelphia, PA</p>
1:35 pm	<p><b>Break</b></p>
1:50 pm 0.75 hr	<p><b>A Multistate View of SALT</b></p> <p>Learn about the latest legislation, cases, and developments in other states and at the federal level affecting state and local tax responsibilities and enforcement. Address practical state and local tax issues for businesses operating in a changing multistate and international environment.</p> <p>Christina A. Mondrik, Mondrik &amp; Associates - Austin, TX Nancy L. Prosser, Texas Comptroller of Public Accounts - Austin, TX</p>
2:35 pm 1.00 hr	<p><b>Voluntary Disclosure Practice and Hot Topics in IRS Enforcement</b></p> <p>This presentation discusses both the IRS and practitioner views of the revised voluntary disclosure practice, as well as hot topics and trending issues in IRS enforcement. Explore the key ethical considerations in navigating the decision between making voluntary disclosures, using the Streamlined Filing Compliance Procedures, and making quiet disclosures.</p> <p>Charles J. "Chad" Muller III, Chamberlain, Hrdlicka, White, Williams &amp; Aughtry - San Antonio, TX Daniel N. Price, Internal Revenue Service - Austin, TX</p>
3:35 pm	<p><b>Break</b></p>
3:45 pm 1.50 hrs ethics	<p><b>Obligation to Report Tax-Related Misconduct</b></p> <p>Is there an ethical or legal obligation upon attorneys and/or judges to report tax misconduct such as fraud, false verification, etc. of the parties? Explore the obligations imposed upon the courts and the attorneys when there is evidence of tax-related misconduct and developing trends in that area.</p> <p>Moderator: Frank Agostino, Agostino &amp; Associates, P.C. - Hackensack, NJ Panelists: Daniel Fannin, Internal Revenue Service, Criminal Investigation - Austin, TX Marilea W. Lewis, Duffee + Eitzen - Dallas, TX</p>
5:15 pm	<p><b>Adjourn</b></p>

## Thursday Morning, Dec. 5, 2019

### Presiding Officer:

**Maxine Aaronson**, Attorney at Law - Dallas, TX

7:30 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
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9:00 am 1.00 hr	<p><b>Qualified Opportunity Zones</b></p> <p>Established by the Tax Cuts and Jobs Act to generate development and growth in low-income communities, this presentation focuses on the tax benefits of investing in a qualified opportunity fund and the statutory requirements, including formation, funding, testing, and ongoing compliance considerations of the program.</p> <p>Katherine Noll, Chamberlain, Hrdlicka, White, Williams &amp; Aughtry - San Antonio, TX</p>
10:00 am 1.00 hr	<p><b>New Rules on Section 461(l): Limitations on Excess Business Losses</b></p> <p>While partnerships and LLCs are “flow-through” entities, a series of rules restrict the “flow” of losses. Examine the latest restriction—Section 461(l)—and the loss limiters before it—Sections 704(d)(basis), 465 (at-risk) and 469 (PALs).</p> <p>R. Brent Clifton, Winstead PC - Dallas, TX</p>
11:00 am	<p><b>Break</b></p>
11:15 am 1.00 hr	<p><b>Analysis of the Financial and Income Tax Aspects When an Earnout is Used for the Sale of a Business</b></p> <p>When a buyer and seller cannot agree upon a price for a business, an earnout is used and may result in selling the business for less than its true value. The materials discuss how earnout formulas can be adjusted to ensure that true value is paid. Because earnouts can result in adverse income tax treatment to the seller, the materials apply the installment sale and OID rules to illustrate the income tax treatment of earnouts and how to eliminate these adverse income tax results.</p> <p>Jerome M. Hesch Esq., Adjunct Professor of Law - Miami, FL</p>
12:15 pm	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Thursday Afternoon, Dec. 5, 2019

### Presiding Officer:

**Patrick L. O’Daniel**, Norton Rose Fulbright - Austin, TX

### LUNCHEON PRESENTATION

12:35 pm 0.75 hr ethics	<p><b>Ethical Issues Relating to the Use of Social Media and Blogging by Lawyers and Law Firms</b></p> <p>Social media is a great new tool—we are bombarded with messages about the benefits for us as lawyers in credentialing and marketing ourselves, and educating the public with our blogs on legal issues. Many lawyers and judges use it successfully. Of course, it’s so easy to use these tools that we sometimes don’t remember that we can also make missteps. Also, our clients use (misuse) their accounts to talk about us. And when we or others do, social media is also there to show the resulting gaffe to (potentially) thousands if not millions of people.</p> <p>Fred F. Murray, Washington, DC</p>
1:20 pm	<p><b>Break</b></p>

1:35 pm  
1.00 hr

**Is Time Up On Auer? The Application of Authority in the Changing World of Deference**

Courts continue to consider whether and to what extent agencies are entitled to deference with respect to their interpretation of statutory provisions and legislative intent. Review the history of the Administrative Procedure Act, various forms of agency guidance, and key judicial decisions addressing deference. Against this backdrop, discuss how the current landscape and recent developments may impact tax administration and enforcement.

Caroline D. Ciraolo, Kostelanetz & Fink, LLP - Washington, DC  
Abbey B. Garber, Thompson & Knight LLP - Dallas, TX

2:35 pm  
0.75 hr

**Section 199A: Nuts and Bolts**

Learn about the Section 199A qualified business income deduction, from the statutory basics to the recently issued Treasury and IRS guidance. Discuss qualified trade or business income, rental real estate and the safe harbor, the various limitations on the 199A deduction, the aggregation rules under the regulations, and other key practical aspects of 199A.

Jessica L. Kirk, Thompson & Knight LLP - Dallas, TX

3:20 pm  
1.25 hrs

**Section 199A: Planning**

Hear a brief overview of Section 199A concepts and discuss how to structure existing and new businesses to maximize the deduction and offer a comparison to operating a business as a C corporation.

Daniel H. McCarthy, Wick, Phillips, Gould & Martin, LLP - Fort Worth, TX

4:35 pm

**Adjourn**