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December 4–5, 2013

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December 6, 2013

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61ST ANNUAL
TAXATION CONFERENCE

December 4–5, 2013 ▪ AT&T Conference Center ▪ Austin, Texas

WEDNESDAY MORNING, DEC. 4, 2013

Presiding Officer:
Dennis B. Drapkin, Dallas, TX

8:00 a.m. Registration Opens
Includes continental breakfast.

8:35 a.m. Welcoming Remarks

8:45 a.m. 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.

Martin J. McMahon Jr., University of Florida Levin College of Law, Gainesville, FL
Daniel L. Simmons, UC Davis School of Law, Davis, CA

10:45 a.m. Break

11:00 a.m. 1.25 hr

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 p.m. Pick Up Lunch
Included in registration.

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WEDNESDAY AFTERNOON

Presiding Officer:
Robert D. Probasco, Thompson & Knight LLP, Dallas, TX

LUNCHEON PRESENTATION

12:30 p.m. .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

1:15 p.m. Break

1:30 p.m. 1.00 hr ethics

"It's Not My Fault:" Scope of Reasonable Cause and Good Faith Exception to Tax Penalties
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.

Grover Hartt III, United States Department of Justice Tax Division, Dallas, TX
M. Todd Welty, Dentons US LLP, Dallas, TX

2:30 p.m. 1.00 hr

Finding Hidden Treasure: How to Use the Freedom of Information Act (FOIA) and Other Tools to Uncover Valuable Evidence
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.

Frank Agostino, Agostino & Associates, Hackensack, NJ
Fred F. Murray, Grant Thornton LLP, Washington, DC

3:30 p.m. Break

3:45 p.m. 1.00 hr | .50 hr ethics

Foreign Account Tax Compliance Act (FATCA)
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.

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

4:45 p.m. 1.00 hr

Repair Regulations
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 *de minimis* rules. In addition, the transition rules to make changes in methods of accounting under the new regulations are covered.

David B. Auclair, Grant Thornton LLP, Washington, DC

5:45 p.m. Adjourn

THURSDAY MORNING, DEC. 5, 2013

Presiding Officer:
Catherine C. Scheid, Attorney at Law, Houston, TX

8:00 a.m. Conference Room Opens
Includes continental breakfast.

8:30 a.m. 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

ABOUT THE COVER

Antenna Farm Sunset, 24" x 48" oil, is by David Kucko. For more information, email dkart@sbcglobal.net.

9:30 a.m. 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 a.m. Break

10:45 a.m. 1.25 hr

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 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:
Kelli H. Todd, Martens, Todd & Leonard, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. .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 p.m. Break

1:15 p.m. 1.00 hr

Oil and Gas Tax Update

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.

Denney L. Wright, Exxon Mobil Corporation, Houston, TX

2:15 p.m. 1.00 hr ethics

Commonly Charged Tax Crimes and Emerging Trends

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.

Caroline D. Ciraolo, Rosenberg Martin Greenberg, LLP, Baltimore, MD
Charles J. "Chad" Muller, Chamberlain, Hrdlicka, White, Williams & Aughtry, San Antonio, TX

3:15 p.m. Break

3:30 p.m. 1.00 hr | .50 hr ethics

Using Estate Planning Techniques for Income Tax Planning

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.

Jerome M. Hesch, Of Counsel, Berger Singerman LLP, Miami, FL

4:30 p.m. Adjourn

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2013 STANLEY M. JOHANSON

ESTATE PLANNING WORKSHOP

December 6, 2013 ▪ AT&T Conference Center ▪ Austin, Texas

FRIDAY MORNING, DEC. 6, 2013

Presiding Officer:
Stanley M. Johanson, The University of Texas School of Law, Austin, TX

7:30 a.m. Registration Opens
Includes continental breakfast.

8:15 a.m. Welcoming Remarks

8:30 a.m. 1.25 hr

Recent Developments Affecting Estate Planning
Recent cases, regulations and rulings related to valuation issues, family limited partnerships, marital and charitable deductions, administration expense deductions, IRAs, and other "hot" estate planning topics.

Stanley M. Johanson, The University of Texas School of Law, Austin, TX

9:45 a.m. Break

10:00 a.m. 1.00 hr | .25 hr ethics

Untying the *Windsor* Knot
The Supreme Court's decision that it is unconstitutional to treat legally married same sex couples differently for federal law purposes set off a revolution in how such couples are treated, but left many questions unanswered. An analysis of the effects of the *Windsor* decision through its progeny and government agency pronouncements, and the profound conflicts it now creates between Texas law and federal law.

Alvin J. Golden, Ikard Golden Jones P.C., Austin, TX

11:00 a.m. 1.00 hr

Piercing of Spendthrift Trusts, Family Limited Partnerships, and Other Threats to Estate Planning Structures
No matter how well drafted, often by some of the best estate planning attorneys in America, U.S. Courts are becoming more likely to pierce estate planning structures for the benefit of creditors or in divorce settlings despite the statutory protections such structures enjoy. Courts are no longer willing to respect any estate planning structure that the settlors, beneficiaries or even trustees do not themselves respect.

Mark E. Osborne, Osborne, Helman, Knebel & Deleery, L.L.P., Austin, TX

12:00 p.m. Pick Up Lunch
Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Stanley M. Johanson, The University of Texas School of Law, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. .75 hr

With Apologies to David Letterman, the Top Twenty (or so) List of Estate Planning Insurance Mistakes—and How to Avoid (or at Least Fix) Them
Identify common mistakes in life insurance planning in an estate planning context, and hear suggestions on how to avoid them.

Lawrence Brody, Bryan Cave LLP, Saint Louis, MO

1:00 p.m. Break

1:15 p.m. 1.00 hr

Trust and Estate Planning in a High-Exemption World and the 3.8% "Medicare" Tax: What Estate and Trust Professionals Need to Know
With new "permanent" estate and gift tax laws, planning techniques continue to evolve as estate planning professionals and their clients adapt. Explore the new rules along with some new twists, as we reevaluate estate planning tools while wrestling with issues like portability and the 3.8% net investment income tax.

Mickey R. Davis, Davis & Willms, PLLC, Houston, TX
Melissa J. Willms, Davis & Willms, PLLC, Houston, TX

2:15 p.m. Break

2:30 p.m. 1.50 hr | .75 hr ethics

Estate Planning Workshop
The Workshop addresses practical and ethical concerns commonly faced by practitioners in the estate planning area, covering hot-button issues stemming from recent cases, rulings and regulations (final and proposed). Gain insight on current "hot" estate planning techniques.

Moderator:
Stanley M. Johanson, The University of Texas School of Law, Austin, TX

Panelist:
Lawrence Brody, Bryan Cave LLP, Saint Louis, MO
Mickey R. Davis, Davis & Willms, PLLC, Houston, TX
Alvin J. Golden, Ikard Golden Jones P.C., Austin, TX
Jerome M. Hesch, Of Counsel, Berger Singerman LLP, Miami, FL
Mark E. Osborne, Osborne, Helman, Knebel & Deleery, L.L.P., Austin, TX
Melissa J. Willms, Davis & Willms, PLLC, Houston, TX

4:00 p.m. Adjourn

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Houston, TX

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Ikard Golden Jones P.C.
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Earn up to 5.00 credits in Specialized Knowledge and Applications

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Program Level: Overview
Advance Prparation: None

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Taxation Conference Registration Total . . . . . $______

ESTATE PLANNING WORKSHOP—December 6, 2013
Includes Course Materials and Friday Luncheon Presentation

1. Select Registration Type

- ❑ Registration by Friday, November 22. . . . . $300
- ❑ Registration after Friday, November 22 . . . . . $350

2. Select Course Material Format

- ❑ Electronic Course Binder on USB Key ONLY
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- ❑ eBinder Download (PDF) $125
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TAXATION CONFERENCE
December 4–5, 2013

KEY DATES

November 22, 2013
last day for early registration
add $50 for registrations received after this time

November 22, 2013
last day for full refund

December 2, 2013
last day for partial refund
$50 processing fee applied

December 4, 2013, 8:35 a.m.
Conference begins

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ESTATE PLANNING WORKSHOP
December 6, 2013

KEY DATES

November 22, 2013
last day for early registration
add $50 for registrations received after this time

November 22, 2013
last day for full refund

December 2, 2013
last day for partial refund
$50 processing fee applied

December 6, 2013, 8:30 a.m.
Workshop begins

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