

Dear Fellow Tax Section Members:

Welcome to 2020. The future is NOW and the Texas Tax Section is here to celebrate it!

Thanks to Our Editor

A big THANK YOU to **Michelle Spiegel**, our long-time editor of the *Texas Tax Lawyer*, who has generously offered continued commitment and hard work to deliver an outstanding *Texas Tax Lawyer* publication three times every year. Michelle is moving on to an exciting new venture, joining her husband in his growing litigation practice at Humphrey Law PLLC, where her practice will expand into a variety of litigation projects – not just tax law. She has been grooming **Aaron Borden** to take over as editor for the next season and has graciously agreed to see us through the rest of this State Bar year, while training her successor.



Tax Section Annual Meeting

Register for the Tax Section Annual Meeting today and book your hotel room now! Internal Revenue Service Commissioner **Charles P. Rettig** has accepted the Tax Section's invitation to speak at the State Bar Annual Meeting in Dallas on **Friday, June 26, 2020, at the Hilton Anatole Hotel**. The annual meeting also features the interview of nationally-acclaimed Texas Tax Legend **Emily A. Parker** of Thompson & Knight LLP in Dallas by our favorite interviewer **William D. Elliott**, and a panel collaboration with the Immigration and Naturalization Law Section, on Pre-Immigration Tax Planning. People moving to the United States have much to learn about how the American tax system works. The panel will discuss how potential consequences of acquiring a visa or Green Card vary from client to client. This presentation will review the income tax and estate and gift tax consequences of immigration to the United States. **John Strohmeyer**, of the Tax Section, will collaborate with **Matthew Myers** of the Immigration and Naturalization Section for this informative and timely presentation.

Meeting registration is active and the hotel room block is open. Details are available at: https://www.texasbar.com/AM/Template.cfm?Section=Annual_Meeting_Home&Template=/CM/HTMLDisplay.cfm&ContentID=40322

We are also planning an off-site reception in **Dallas on June 25, 2020 at 6:00 p.m.** for speakers, past chairs of the Texas Tax Section, officers, council members, committee chairs, and committee vice-chairs who will be attending the annual meeting. Invitations and details will be coming out soon. The reception will be available to the first 50 invitees who RSVP so please watch your inboxes for the invitation!

All Tax Section members are invited to join us for the Annual Member meeting and awards ceremony **Friday, June 26, 2020, at 8:00 a.m.**, as part of the State Bar meeting. Tax Section members and attendees of the annual meeting are invited to attend our CLE program as well. You must be registered for the annual meeting to get CLE credit. This year's council retreat will not be held in conjunction with the annual meeting, reimbursement is only available for speakers.

Register Here:

[https://www.texasbar.com/AM/Template.cfm?Section=Annual Meeting Home&Template=/CM/HTMLDisplay.cfm&ContentID=40322](https://www.texasbar.com/AM/Template.cfm?Section=Annual_Meeting_Home&Template=/CM/HTMLDisplay.cfm&ContentID=40322)

Pro Bono Committee

The Pro Bono Committee has been hopping with numerous training events, calendar call appearances, and representation at settlement days under the guidance of **Rachael Rubenstein** and **Bob Probasco**. The committee has set up a SignUpGenius page for volunteers.

The VITA Adopt-a-Base program has been going strong with volunteers devoted to training at Fort Bliss, Fort Hood, Fort Sam Houston, Lackland AFB, and Goodfellow AFB. Tax Section volunteers also assisted taxpayers at Tax Court calendar calls and settlement days, as well as at various events in Houston, Dallas, and San Antonio. **Bob Probasco** attended a State Bar pro bono workgroup meeting in Austin on November 6, 2019, at which the group provided very positive feedback on an overview of the Tax Section pro bono programs.

Property Tax Committee Meeting & Legal Seminar

The Texas State Bar Property Tax Committee Meeting & Legal Seminar will be held on **Friday, March 27, 2020**, at the **Thompson Conference Center at the University of Texas at Austin**. The Conference Center is located at the Northeast edge of the UT Campus. This program will include a case law update, an overview of delinquent tax matters, chief appraisers' panel, ethics, and sessions on exhaustion of administrative remedies and presenting expert appraisers. The agenda and registration are available on the Tax Section website. Many thanks to **Daniel Smith** and the planning committee for their hard work to make this program an annual success.

International Tax Symposium

The 22nd Annual International Tax Symposium took place on November 21–22, 2019 in Houston. There were 44 attendees. The Tax Section received positive comments from attendees on the quality of speakers and topics. Thank you, **John Strohmeyer** and team!

Tax Law in a Day

The Tax Law in a Day program was held Friday, February 7, 2020 in Houston at the Westin Galleria. There were 42 attendees. They gave positive feedback on the topics and speakers covered. The audience included not only tax lawyers but also general litigators and others. Many thanks to **Renisha Fountain**, **Harriet Wessel**, **Anne Schwartz**, and everyone else who helped plan an amazing program.

First Wednesday Tax Update

The Tax Section continues its wildly popular free webcast series, "First Wednesday Tax Update." The webcasts are offered the first Wednesday of each month, focus on recent developments in federal income taxation, and are presented by **Professor Bruce McGovern**, Professor of Law and Director, Tax Clinic, South Texas College of Law Houston (and may

occasionally include other guest speakers). We hope you will make plans to watch the webcast each month, but if you miss it, check the Tax Section's 24/7 online library after a few weeks.

Congratulations Leadership Academy Graduates!

The graduation session of the 2019–2020 State Bar Tax Section Leadership Academy was held in San Antonio on January 23–24, 2020. There were 18 graduates of the program. This year's Leadership Academy graduates are: **Ira Aghai, Aaron Borden, Shannon Brandt, Carolyn Chachere Starr, Brian Clark, Stuart H. Clements, Blair Marie Green, Christopher James, Mark A. McMillan, Julio Mendoza-Quiroz, Adrian Ochoa, Ryan D. Phelps, John B. Reyna, Jameson Eliseo Sauseda, Leo Unzeitig, Joshua S. Veith, Hersh Mohun Verma, and Sarah G. Woodberry.**



Over the course of the program, the 18 graduates were addressed by two United States Tax Court Judges (**The Honorable Elizabeth Copeland, The Honorable Juan F. Vasquez**); the Comptroller's Office (**Nancy Prosser**); University of Houston Law School (**Professor Bret Wells**); University of Texas Law School (**Amber Hackett Crosby**); and professionals from Baker Botts (**Bobby Phillipott**); Chamberlain Hrdlicka (**Charles J. "Chad" Muller**); Elliott, Thomason, & Gibson (**William D. Elliott, Kevin Thomason**); Ernst & Young (**Greg Matlock**); Hayse LLC (**Roger Hayse**); Jackson Walker (**William H. "Willie" Hornberger**); Meadows, Collier, Reed, Cousins, Crouch & Ungerman, L.L.P. (**Matthew Beard**); Northern Trust (**Nolan Moule**); Norton Rose Fulbright (**Jay Chadha, Adam Harden, Steve Kuntz, Rob Morris, Todd Schroeder**); Rapid 7 (**Jeffrey Garza**); Thompson & Knight (**Abbey Garber, Emily Parker**); Vinson & Elkins (**Neil Clausen, Jason McIntosh**); and in-house tax professionals (**Jose Nogales** and **Michael Villegas**). The topics were wide-ranging and covered subjects from United States Tax Reform to Understanding Online Threats and How to Deal with Them to Taking Charge of Your Future and Reasons to Get Involved in the Tax Profession. The

graduation dinner was held at Morton's Steakhouse in San Antonio. **Emily Parker** addressed the graduates with an inspiring presentation.

A special thank you to **Rob Morris** for the outstanding job he did planning and organizing this year-long program!

Welcome to Our New Ex Officio Council Member

During our January 10, 2020, meeting of officers, council, committee chairs, and committee vice-chairs, we amended the Tax Section bylaws to allow the chair to appoint an ex-officio member to council who serves in government in the property tax area. The bylaws changes were ratified by the State Bar as part of the consent agenda later that month. I have appointed **Dustin L. "Dusty" Banks**, in-house counsel for the Travis Central Appraisal District, to fill the new role. We already are blessed with the participation of ex-officio members **Audrey G. Morris**, of the Internal Revenue Service Office of Chief Counsel, and **James D. Arbogast**, Chief Counsel for Tax Hearings and Litigation at the Texas Comptroller of Public Accounts, which allows for collaboration with those agencies; and we wanted to expand that scope to encompass our colleagues from the property tax area as well.

Committee on Governmental Submissions

Sam Megally has continued leading very effective, efficient monthly calls of the Committee on Governmental Submissions (COGS). The Tax Section has been busy issuing comments to the Internal Revenue Service and preparing to testify on proposed regulations in Washington D.C.

COGS submitted a comment letter on February 17, 2020 regarding the Proposed Regulations on Certain Employee Remuneration in Excess of \$1,000,000 under Internal Revenue Code Section 162(m). This comment letter was a joint project between COGS and the Employee Benefits Committee. The principal drafters were **Henry Talavera**, Treasurer of the Tax Section, and **Jessica Morrison**, Vice-Chair of the Employee Benefits Committee. **James Griffin**, Chair of the Employee Benefits Committee and **Mark A. Bodron** reviewed the comments and made substantive suggestions. **Sam Megally** also reviewed the comments and made suggestions on behalf of COGS. **Rafael Ramos Aguirre**, who works with Henry Talavera, but is not a member of the Texas Tax Section, also assisted with the comments.

Henry Talavera is scheduled to travel to Washington D.C. to represent the Texas Tax Section in a public hearing on the proposed regulations on March 9, 2020.

The monthly COGS conference calls are scheduled for the third Friday of each month at 11:00 a.m. The calls are very brief and efficient. It is very important for at least one representative of each substantive committee to dial in to the monthly COGS call, even if there have been no specific projects identified by the committee. It is critical for us to be able to collaborate with other committees, to ensure various stakeholders' interests are addressed. Even if you are not representing a committee, if you are interested in participating in COGS projects, please join the calls and volunteer to help. The details are included on the Tax Section calendar and in the monthly updates that each committee distributes to its members.

Law School Outreach

The Tax Section's Law School Outreach initiative is well underway. The Tax Section has provided panel presentations to law students at Texas Tech University School of Law, Texas A&M University School of Law, UNT Dallas College of Law, SMU Dedman School of Law, University of Houston Law Center, Baylor Law School, Thurgood Marshall School of Law at Texas Southern, and St. Mary's University School of Law. There is a remaining planned program at The University of Texas School of Law on March 3, 2020. Many thanks to **Audrey Morris** and **Abbey Garber** for their continued hard work and dedication to this program.

Share the News About Law School Scholarship Applications

The application period for law school scholarships opened in January 2020. Applications are available on our website. The purpose of this scholarship is to facilitate and encourage students to enter the practice of tax law in Texas, and to become active members of the Texas Tax Section, by assisting these students with their financial needs. Applications must be postmarked or received by April 4, 2020 and can be emailed to **Professor Alyson Outenreath** at Alyson.Outenreath@ttu.edu. The scholarships will be awarded at the State Bar Annual Meeting in Dallas this June.

Nominate Your Colleague for the Outstanding Texas Tax Lawyer Award

The nominations period for the annual Texas Tax Lawyer Award opened on January 1, 2020. Help us continue this long-standing tradition by nominating a candidate. Nomination forms are available on the Tax Section website. Nominations should be submitted to **Dan Baucum**, Tax Section Secretary, at dbaucum@baucumlaw.com no later than **April 1, 2020**. The award is scheduled to be presented at the annual meeting reception on Thursday, June 25 in Dallas in conjunction with the 2020 Annual Meeting of the Tax Section.

Texas Tax Section Presence at ABA Tax Section Midyear Meeting in Boca Raton, FL

The Texas Tax Section's strong presence was visible at the American Bar Association Section of Taxation's Midyear Meeting held in Boca Raton, Florida, January 30, 2020 through February 1, 2020. On Thursday afternoon, **Harriet Wessel** presented on a Tax Bridge to Practice Panel: Getting to the Truth: Fundamentals of Discovery & Public Records for SALT Lawyers sponsored by the Court Practice and Procedure Committee.

On Friday, **Abbey Garber** presented on Practical Privilege Issues for the Administrative Practice Committee. **Jeffrey Chadwick** presented on Optimizing Lifetime Gifts: Advising Clients in Uncertain Times. **Professor William Byrnes**, of the Texas A&M University School of Law, in Fort Worth participated in a panel entitled A "Quick Dip" in the Water – A Summary of Recent Transfer Pricing Issues. **Jaquelyn Meng Abbott** presented on Employee Benefits Welfare Plans and EEOC, FMLA and Leaves Issues Update with the Subcommittee on Welfare Plan and EEOC, FMLA and Leaves Issues, including a discussion of *Texas vs. United States*. **Scott C. Thompson** presented on the Employee Benefits New Employee Benefits Attorneys Forum, which he chairs. He also served on a panel covering Employee Benefits ESOP Updates with **Allison Wilkerson**. **Meredith VanderWilt** presented an update on Employee Benefits Defined Benefit Plans. **Sarah Fry** of The North American Coal Corp. in Plano, served on a panel for the Employee Benefits Corporate Counsel Forum. **Nolan A. Moule III** of Northern Trust in Houston presented with a panel of lawyers from the Estate & Gift Taxes and Fiduciary Income Tax

Young Lawyers Subcommittee and presented A Refresher on the Throwback Tax. **Jeffrey M. Glassman** moderated a panel reporting on Tax Court developments, significant IRS guidance and litigation, an update on Tax Division priorities, and a discussion of significant pending litigation. The panel included **Joshua Wu**, Deputy Assistant Attorney General (Policy and Planning), Department of Justice, Tax Division, Washington, DC. **Abdon Rangel** presented a panel on Mitigation Banking. **Adam C. Harden** participated on a panel covering Legislative, Treasury and Internal Revenue Service Updates, including the "new" Office of Tax Exempt Bonds; the status of the Final Reissuance Regulations; the proposed regulations addressing reference rates other than Interbank Offered Rates; *Indian River County v. U.S. Department of Transportation* (Dec. 20, 2019), the Internal Revenue Service Business Plan items for 2019-2020; and the Internal Revenue Service Audit Plan (Fiscal Year 2020 Compliance Program). **Brad Roe** of Grant Thornton in Houston presented on Planning Considerations and Issues for Trusts as Owners of S Corporations and Other Closely Held Business.

On Saturday morning, **Professor Bryan T. Camp** of the Texas Tech University School of Law in Lubbock participated in a panel on Innocent Spouse Litigation Under the Taxpayer First Act. **John R. Strohmeier** presented on Trust & Estate Distributions to Foreign Beneficiaries where he discussed the income tax consequences and reporting requirements when domestic trusts and estates make distributions to foreign beneficiaries. **Christopher Cunningham** served on a panel entitled "Watts This? Does No Good Deed Go Unpunished?", which covered a case involving the "Edwin Watts" chain of Florida golf stores and issues raised by that case, including when an ordinary abandonment loss can be claimed on a partnership interest, when a taxpayer can affirmatively apply the doctrine of substance over form, how foregone gain is to be treated for income tax purposes, and when reliance on an accountant's determination as to ordinary abandonment loss can be relied on to defeat penalties. **Michael A. Villa Jr., Mary Wood, Joseph M. Erwin, Professor Bruce A. McGovern, and Lewis A. Booth**, Office of Chief Counsel, Internal Revenue Service, in Houston, TX, served on panels covering important updates in the area of civil and criminal tax penalties. **Jason B. Freeman** followed by participating in a panel addressing what to do when a client with a Cryptocurrency Issue calls.

Professor Bruce A. McGovern wrapped up Saturday afternoon with his presentation on Current Developments in Individual Corporate, Partnership, and Estate & Gift Taxation. There were also many other participants, panelists and committee leaders from Texas involved in this very informative meeting. Texas has always been and continues to be a strong participant in the ABA Tax Section.

Deadline for the Spring Edition of the Texas Tax Lawyer

The deadline for submitting articles for the Spring edition of the Texas Tax Lawyer is **April 10, 2020**. Any members interested in submitting articles should contact **Aaron Borden** at Aaron.Borden@us.gt.com or **Michelle Spiegel** at michelle@humphreylawpllc.com.

Sponsorships

We are very grateful to the many sponsors of the Tax Section and our events. If your organization would like to become a sponsor, please contact Jim Roberts, Sponsorship Chair, at jvroberts@gpm-law.com, Chris Goodrich at cgoodrich@cjmlaw.com, or Crawford Moorefield at crawford.moorefield@clarkhillstrasburger.com.

Join a Committee

We have an active set of committees, both substantive and procedural. Our substantive committees include: Corporate Tax, Employee Benefits, Energy and Natural Resources, Estate and Gift Tax, General Tax Issues, International Tax, Partnership and Real Estate, Property Tax, Solo and Small Firm, State and Local Tax, Tax Controversy, Tax- Exempt Finance, and Tax- Exempt Organizations. In addition, our facilitator committees include: the Committee on Governmental Submissions, Annual Meeting Planning Committee, Continuing Legal Education Committee, Newsletter Committee, and Tax Law in a Day Committee.

Any members interested in joining a committee can do so by visiting our website at www.texassection.org. Tax Lawyers are a lot of fun!

Contact Information

Please feel free to contact me or our Tax Section Administrator, Anne Schwartz, if you have any questions or would like additional information about any of these items or the Tax Section in general:

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