

SPEAKER'S CORNER

UPCOMING EVENTS

NOVEMBER/DECEMBER

November 3, 2003

23rd Annual Advanced Tax Institute

Location: Columbia, MD

Speaker: **Lloyd Mayer**

Mr. Mayer will speak on current tax developments for non-profits.

November 3-4, 2003

New Developments in Foreign Tax Credit Planning

Location: Doubletree Guest Suites, Chicago, IL

Speaker: **Neal Kochman**

Mr. Kochman will speak on foreign tax credit redeterminations under Section 905(c).

November 4, 2003

The Marc Steiner Show

Location: WYPR 88.1FM

Speaker: **Trevor Potter**

On this radio show, Mr. Potter will address the issue as to whether or not the U.S. political system is set up to prevent citizen participation.

November 6-7, 2003

28th Annual Insurance Tax Conference

Location: Chicago Marriott O'Hare Hotel, Chicago, IL

Speaker: **Richard Skillman**

Mr. Skillman will give an employee benefits products update.

November 9-11, 2003

2003 Third Circuit Judicial Conference

Location: Hyatt Regency at Penn's Landing, Philadelphia, PA

Speaker: **Elihu Inselbuch**

On November 10th, Mr. Inselbuch will be discussing mass tort litigation and bankruptcy at this conference.

November 14, 2003

Federalist Society's Annual Lawyers Convention

Location: Mayflower Hotel, Washington, DC

Speaker: **Trevor Potter**

Mr. Potter will speak on campaign finance reform in the Supreme Court.

November 14, 2003

Virginia Tax Study Group

Location: UVA Law School, Charlottesville, VA

Speaker: **Mortimer Caplin**

Mr. Caplin will be chairing a session on the "Washington Scene."

November 12, 2003

Council of Michigan Foundation's 31st Annual Conference: Building Opportunities Together

Location: Amway Grand Plaza Hotel, Grand Rapids, MI

Speaker: **Douglas Varley**

Mr. Varley will give an update on how foundations are dealing with IRS Audits and the impact of the Sarbanes-Oxley Act.

December 4-5, 2003

ALI-ABA's Tax Exempt Charitable Organizations Conference

Location: Hilton Embassy Row, Washington, DC

Co-Planning Chairs: **Marcus Owens** and **Douglas Varley**

Speakers: **Diara Holmes, Kirk Jowers, Lloyd Mayer, and Richard Skillman**

The conference will provide a comprehensive review of this year's key developments affecting the legal framework for charities. On December 5th, Kirk Jowers and Lloyd Mayer will speak on lobbying and politicking; Mr. Skillman will discuss tax developments relating to deferred compensation in the charitable sector; and Ms. Holmes will give a report on significant but underappreciated developments affecting tax exempt organizations. Also, on December 4th, Caplin & Drysdale will be hosting a cocktail reception for all conference participants.

For more information, see:

<http://www.ali-aba.org/aliaba/CJ039.htm>

RECENT PUBLICATIONS

November 3, 2002

“An Awakening Giant: China and the New Civil Society”
Tax Notes International

By: **Milton Cerny** and **Yan Zhang (Summer Associate)**

The article provides a historical overview of the law and regulation of social organizations in the People’s Republic of China along with a survey of the various tax laws and regulations that grant preferential treatment to those organizations.

(The article also appeared in the October 2003 issue of The Exempt Organization Tax Review.)

To read a copy of the article, go to:

<http://www.capdale.com/db30/cgi-bin/pubs/China%20and%20the%20New%20Civil%20Society.pdf>

November 2003

“Tax Accounting Monthly Column”
Corporate Business Taxation Monthly

By: **James Salles**

This month’s column discusses the Tenth Circuit’s recent decision in *United States v. Brown*, which upholds the regulations issued under section 468(g) governing “qualified settlement funds.”

October 21, 2003

“Attorney Takes Issue with Proposed Rules on Capitalization of Costs of Intangibles”
Tax Notes Today

By: **Richard Skillman**

In a published letter addressed to the IRS, Mr. Skillman submits comments on proposed regs that would provide a framework for capitalization of expenditures incurred in acquiring, creating, or enhancing intangible assets.

NOTES AND NOTABLES

October 2003

Attorney Appointment

Brian Lynn was named the co-chair of the D.C. Bar Association’s New Tax Practitioner Committee.

Summer 2003

Fellow in the News

Fellows News

Mortimer Caplin’s delivery of the commencement address to the 2003 graduates of the University of Virginia is mentioned.

IN THE NEWS

November 3, 2003

“Inadmissible: Tax Trouble”

Legal Times

Preston Burton and the firm are mentioned in a case we are representing involving a criminal defense lawyer who was recently sentenced for tax evasion. The case is pending an appeal.

October 29, 2003

“Lack of Reference to Stock Options Provokes Speculation Among Practitioners”

Tax Management Transfer Pricing Report

Patricia Lewis comments on the IRS’s broad definition of total services costs under the proposed services rules which do not specifically name employee stock options as an item to be included.

For more information, please contact the Marketing Department at (202) 862-5000 or e-mail bcg@capdale.com.

IN THE NEWS

October 28, 2003

“Soros, Lewis Push Campaign Law Limits in Effort to Defeat Bush”

Bloomberg News

In the article, **Trevor Potter** discusses how the McCain-Feingold bill is intended to drive corrupt fundraising from politics.

October 27, 2003

“One Hand Giveth...”

Forbes

Marcus Owens is quoted in the article about how private foundations pays their trustees and the risk of abusive behavior by those trustees.

October 20, 2003

“House Admin Requests BCRA Symposium”

Roll Call

October 16, 2003

“Congress May Take Class on Law It Passed”

Associated Press

In the articles, **Trevor Potter** criticizes the House Administration Committee’s failure to include watchdog agency witnesses its recent hearing concerning FEC issues.

October 6, 2003

“Tax Practice: IRS May Propose Circular 230 Rules in Fall, But Not For Shelter Opinions”

Tax Management Weekly Report

Scott Michel recommends, as a defense against due diligence challenges, to use independent “opinions committees” to review their tax shelter opinions.

(The article also appeared in the September 30th issue of the Daily Tax Report.)

September 29, 2003

Tax Notes International

Rebecca Rosenberg summarizes the international tax policy changes in President Bush’s 2004 budget, the Jobs and Growth Tax Relief Reconciliation Act of 2003.

September 29, 2003

“Tax Amnesties on Rise as Economic Woes Intensify, IBA Panelists Say”

Tax Notes International Magazine

Rebecca Rosenberg is quoted in the article about how the United States does not offer broad tax amnesty programs, even though according to the IRS, these amnesties are usually successful in netting millions of dollars.

(The article also appeared in the September 23rd issue of Tax Notes.)

September 27, 2003

“An Important Alliance”

The Washington Times

In a letter to the editor, **Milton Cerny** comments on how the summit between President Bush and Russian President Vladimir Putin is extremely important because of the potential dangers that exist today in many parts of the world.

September 17, 2003

“Services, Intangibles Proposals Focus on Results, Not Character”

Tax Management Transfer Pricing Report

In the article, **Patricia Lewis** mentions how there is not going to be any easy way to deal with intercompany services that are fairly routine under the “simplified cost based method” of the IRS proposed regulations.

(Similar articles also appeared in the September 9th issues of the Daily Tax Report and the International Tax Monitor.)

September 2003

“IRS Expands View of Privilege to Defend Nondisclosure of Guidance”

The Insurance Tax Review

Christopher Rizek explains that the July 1 chief counsel notice which revised procedures for processing tax-payer specific chief counsel advice is incompatible with section 6110.