

## SPEAKER'S CORNER

### UPCOMING EVENTS

#### MAY

**May 8-10, 2002**

**Salk Institute Conference on Private Foundations**

Location: La Costa Resort and Spa, Carlsbad, CA

Speaker: **Thomas Troyer**

On May 8<sup>th</sup>, Mr. Troyer will speak on "Fiscal Agents and Other Intermediary Grantees: Avoiding Conduit Traps in Foundation Grantmaking." On May 9<sup>th</sup>, he will give an overview of what private foundations can and can't do in the public policy process.

**May 9, 2002**

**ABA Tax Section Exempt Organizations Committee Meeting**

Location: Washington, DC

Host: **Catherine Livingston**

Ms. Livingston will host the delegation for a working lunch in order to prepare for the annual meeting with the IRS.

**May 9, 2002**

**Campaign Finance Reform: The Internet Impact**

Location: Willard Hotel, Washington, DC

Speaker: **Trevor Potter**

Mr. Potter will take part in a lively discussion on "The Specifics of Campaign Finance Reform."

**For more information, see:**

<http://e-voterinstitute.com/docs/req.event.html>

**May 9-10, 2002**

**National Association of Bond Lawyers Washington Seminar**

Location: Marriott at Metro Center Hotel, Washington, DC

Speaker: **Lloyd Mayer**

On May 9<sup>th</sup>, Mr. Mayer will be a panelist discussing "Ethical Considerations in Tax Audits."

**For more information, see:**

<http://www.nabl.org/seminars/washington/2002/wash02index.html>

**May 9-11, 2002**

**ABA Section of Taxation May Meeting**

Location: Grand Hyatt, Washington, DC

Speakers: **Milton Cerny, Catherine Livingston, and H. David Rosenbloom**

On May 10<sup>th</sup>, Mr. Cerny will speak on international philanthropy, Ms. Livingston will moderate a panel on the termination of private foundations, and Mr. Rosenbloom will speak on transfer pricing.

**For more information, see:**

<http://www.abanet.org/tax/meetings/may02/>

**May 13-14, 2002**

**USC Center on Philanthropy and Public Policy Conference**

Location: Biltmore, Hotel, Los Angeles, CA

Speakers: **Thomas Troyer and Douglas Varley**

Mr. Troyer and Mr. Varley will participate in a forum on "Leveraging Philanthropic Assets for Public Problem Solving."

**May 21, 2002**

**Church and Society Building**

Location: Washington, DC

Speakers: **Lloyd Mayer, Milton Cerny and Kirk Jowers**

The speakers will be conducting a workshop on "Tax Law, Election Law and Advocacy."

**May 22-24, 2002**

**World Tax Conference**

Location: Church House Conference Centre, Westminster, London, England

Speaker: **H. David Rosenbloom**

On May 23<sup>rd</sup>, Mr. Rosenbloom will speak on U.S. Treaty Developments.

**For more information, see:**

[www.worldtaxconference2002.com](http://www.worldtaxconference2002.com)

**May 30, 2002**

**The Associated: Jewish Community Federation of Baltimore**

Location: Baltimore, MD

Speaker: **Catherine Livingston**

Ms. Livingston will speak at a planned giving luncheon on the topic of donor-advised funds and supporting organizations.

## SPEAKER'S CORNER

### JUNE

**June 3-4, 2002**

**Mealey's Asbestos Bankruptcy Conference**

Location: The Four Seasons Hotel, Chicago, IL

Speakers: **Elihu Inselbuch** and **Peter Lockwood**

For more information, see:

[http://www.mealeys.com/sem\\_agen.html#ABK](http://www.mealeys.com/sem_agen.html#ABK)

**June 4, 2002**

**The Conference Board**

Location: New York, NY

Speaker: **Catherine Livingston**

**June 6, 2002**

**UVA Federal Tax Institute**

Location: Charlottesville, VA

Speaker: **Catherine Livingston**

**June 11-12, 2002**

**IRS's Office of Research, Analysis and Statistics**

Location: George Washington University, Washington, DC

Speaker: **Catherine Livingston**

**June 14, 2002**

**AICPA Not-for-Profit Industry Conference**

Location: TBA

Speaker: **Catherine Livingston**

**June 23-25, 2002**

**The Election Law Summit: Meeting the Challenges of the Coming Elections**

Location: Renaissance Hotel, Washington, DC

Speaker: **Trevor Potter**

For more information, see:

<http://www.bioconferences.com/el/>

## NOTES AND NOTABLES

**May 29, 2002**

**Attorney to Receive Outstanding NFPO Symposium Speaker Award**

**Catherine Livingston** will be honored during the GWSCPA Breakfast and Awards Presentation at the Ritz Carlton in Pentagon City, VA. Ms. Livingston received the highest scores on the speaker evaluations (for both her knowledge and presentation skills) when she gave a presentation at the 13<sup>th</sup> Annual Not-for-profit Organizations Symposium on December 12, 2001. Ms. Livingston spoke on the "Current Developments in Federal Law Affecting Nonprofits."

**April 29, 2002**

**Attorney Returns to the Firm**

**Richard Skillman** has rejoined the firm as a member in the firm's Washington, D.C. office. Mr. Skillman originally joined the firm in 1972. He left the firm in October 1999 to join the Office of the IRS Chief Counsel first as Deputy Chief Counsel and most recently as Acting Chief Counsel.

**April 2002**

**New Appointment**

**Mortimer Caplin** has been invited to join the Governing Council of UVA's Miller Center of Public Affairs. This prestigious center is one of the nation's leading research institutions studying and informing the public on the national and international policies of the United States, with a special emphasis on the American presidency. Among his fellow Council members are Lt. Gen. Brent Scowcroft, former Virginia Governor Linwood Holton, Bob Woodward, Alan Murray, and Michael Beschloss.

## HEAD OF THE CLASS

**May 2002**

Location: University of Utah

Faculty: **Kirk Jowers**

Mr. Jowers will be teaching part of a two-week intensive course on the "U.S. Presidency."

**July 22-26, 2002**

Location: University of Pretoria, South Africa

Faculty: **H. David Rosenbloom**

Mr. Rosenbloom will be teaching a course through the Harvard program.

## RECENT PUBLICATIONS

**April 22, 2002**

**"New Law Follows Supreme Court Ruling"**

*Money & Politics Report*

By: **Trevor Potter**

**April 22, 2002**

**"Deconstructing Section 905(c): An Examination of The Redetermination Rules After TRA 1997"**

*Tax Notes International*  
*Worldwide Tax Daily*

By: **Neal Kochman** and **H. David Rosenbloom**

The article discusses Section 905(c) of the U.S. Internal Revenue Code that deals with redeterminations of tax liability when there are changes in foreign taxes claimed as U.S. tax credits. It summarizes the FTC system and explains how the new rules will affect the use of pooling adjustments, the translation of foreign taxes into U.S. dollars, and the nonpayment of accrued taxes.

**April 22, 2002**

**"New Law Follows Markers Set Out by Supreme Court"**

*Daily Report for Executives*

By: **Trevor Potter**

**April 12, 2002**

**"Tax Alert"**

*Caplin & Drysdale Tax Alert*

By: **Christopher Rizek** and **Daniel Rosenbaum**

This Tax Alert discusses recent procedural developments in the tax shelter area and suggests possible actions to control risk in this rapidly changing area.

To read the article, see:

<http://www.caplindrysdale.com/db30/cgi-bin/pubs/taxAlert4-02.pdf>

## IN THE NEWS

**April 29, 2002**

**"Issues In Post Article 'Boil Down' To Reasonable Compensation, Says Owens"**

*Tax Notes*

**Marcus Owens** is quoted on the subject of reasonable compensation in response to a recent article featured in *The Washington Post* about the success of a local nonprofit loan business.

(This article also appeared in the April 19, 2002 issue of *Tax Notes Today*.)

**April 29, 2002**

**"Final Corporate Sponsorship Regs Retain Exclusive Provider Language"**

*Tax Notes*

**Catherine Livingston** is quoted in the article about the final regulations on the tax treatment of payments from corporate sponsors to tax-exempt organizations on exclusive provider arrangements. The regulations also make changes to the disregarded benefit standard and clarifies that an exempt organization's web site can link to a corporate sponsor's web page provided the sponsor's product is not endorsed by the exempt organization.

(This article also appeared in the April 25, 2002 issue of *Tax Notes Today*.)

**April 29, 2002**

**"IRS EO Unit Evaluating Coordinated Exams, Developing New Compliance Programs"**

*Daily Tax Report*

**Marcus Owens** is mentioned in the article about how it would be helpful to the donors and founders of an organization if the IRS informed the organization under audit that it was contacted for a market segment study.

## IN THE NEWS

**April 26, 2002**

**“IRS Will Contact 9/11 Charities, Friedlander Says”**  
*Tax Notes Today*

**Catherine Livingston’s** recent speech on disaster relief charities is highlighted in this article. The presentation was made jointly with IRS’s Marvin Friedlander during a conference sponsored by the Georgetown University Law Center.

**April 25, 2002**

**“IRS to Let Firms Hurt by Sept. 11 Get Tax-Free Gifts”**

*The Wall Street Journal*

In the article, **Catherine Livingston** discusses the importance of a recent IRS letter which clears the way for businesses hurt by September 11<sup>th</sup> attacks to receive gifts from charities on a tax-free basis.

**April 17, 2002**

**“Appeals Court Rules Tax Court Erred on Foreign Trademark Issue”**

*Tax Management’s Transfer Pricing Report*

**Patricia Lewis** commented on the 9<sup>th</sup> Circuit’s reversal of Tax Court’s decision in DHL Corp. v. Commissioner regarding application of section 482 transfer pricing rules to foreign trademarks.

**April 12, 2002**

**“Now, Fewer Tax Cheats in IRS Net”**

*Christian Science Monitor*

In the article, **Mortimer Caplin** estimates that in the early 1960s, the IRS missed collecting \$100 billion in due taxes each year because of tax fraud and the IRS audited only about 5 or 6 percent of returns. Since then, Mr. Caplin has been supportive of the IRS’s move in the direction of more tax compliance.

**April 12, 2002**

**“IRS Does Good Turn For Donors, Donees By Relaxing Substantiation Rules”**

*Tax Practice & Controversies*

**Catherine Livingston** and **Marcus Owens** praises the IRS Notice 2002-25 that relaxes the substantiation rules a bit for donors who gave to charities in the wake of the September 11<sup>th</sup> terrorist attacks.

*(This article also appeared in the March 28, 2002 issues of Highlights & Documents and Tax Notes Today.)*

**April 10, 2002**

**“Silencing the Speech Guys”**

*National Review Online*

**Trevor Potter** comments on the FEC Chairman and Commissioner, who are questioning the constitutionality of the proposed campaign finance reform bill pending in Congress.

**April 8, 2002**

**“Weinberger to Step Down From Top Treasury Tax Post”**

*Tax Notes International*

**Christopher Rizek** is quoted in the article about Mark Weinberger’s accomplishments while he served as Treasury Assistant Secretary for Tax Policy.

*(This article also appeared in the March 28, 2002 issue of Worldwide Tax Daily and the March 27, 2002 issue of Tax Notes Today.)*

**April 8, 2002**

**“Arthur Andersen Reaches Agreement to Transfer Tax Group to Rival”**

*Tax Notes*

In the article, **Christopher Rizek** praises Arthur Andersen’s announcement of its agreement in principle to transfer a large part of its tax accounting group to another Big 5 accounting firm.

*(This article also appeared in the April 5, 2002 issue of Tax Notes Today.)*

**April 7, 2002**

**“Campaign Reformers Eye Elimination of the FEC”**

*The Washington Post*

**Trevor Potter** is mentioned as being among the members who is pushing the campaign finance legislation through Congress and developing proposals to overhaul the FEC.

**April 5, 2002**

**“NFTC Reports on U.S. International Tax Policy”**

*Tax Notes Today*

The Executive Summary and parts of the National Foreign Trade Council report on international tax policy is published.

**H. David Rosenbloom** is listed as a member of the reviewers group for this report.

## IN THE NEWS

**April 1, 2002**

**“FEC Recess; Appointment; Irks Democrats”**

**Roll Call**

**Trevor Potter** praises President Bush’s appointment of Michael Toner to the Federal Election Commission.

**April 2002**

**“Art of the Possible”**

**Bloomberg Wealth Manager**

In the article, **Thomas Troyer** comments on the challenges faced by private foundations when making grants to public charities.

**April 2002**

**“IFA Discusses New U.S.-U.K. Treaty, Simplification, and FSC Dispute”**

**The Insurance Tax Review**

In the article, **H. David Rosenbloom** discusses the relationship between the OECD transfer pricing guidelines and the U.S.-U.K. Treaty.

**April 2002**

**“Releasing EO Closing Agreements Can Be Beneficial, Owens Says”**

**The Exempt Organization Tax Review**

The article discusses **Marcus Owens’** recent remarks at a program sponsored by the DC Bar Section of Taxation’s Tax Audits and Litigation Committee that focused on closing agreements between the IRS and taxable and tax-exempt organizations. Mr. Owens mentioned some benefits to the IRS in releasing closing agreements or information about closing agreements and the tools for settling exempt organization issues, such as determination letters and private letter rulings.

*(The article also appeared in the March 4, 2002 issue of Tax Notes and the February 22, 2002 issue of Tax Notes Today.)*

**April 2002**

**“EO Conference Covers Intermediate Sanctions, September 11 Charities”**

**The Exempt Organizations Tax Review**

This article describes **Marcus Owens** and **Catherine Livingston’s** presentations at the Washington Non-Profit and Legal Tax Conference. At the conference, Mr. Owens discussed how exempt organizations practitioners need to pay particular attention to the IRS Exempt Organization Division’s auditing function in the year ahead. He also advised practitioners to watch pending litigation involving joint ventures between EOs and for-profits and distinctions between donor-advised and donor-directed funds for guidance on structuring joint venture transactions and permissible donor-advised funds. Also at the conference, Catherine Livingston advised exempt organization representatives to apply traditional tax rules to exempt organizations’ Internet activities by looking to rules and safe harbors that normally apply to EOs’ non-Internet activities to resolve Internet-related issues.

*(This article also appeared in the March 25, 2002 issue of Tax Notes.)*

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