

TAX SECTION YEAR IN REVIEW

I am extremely honored to have had the opportunity to serve as the Chair of The Florida Bar Tax Section for its 2003 through 2004 fiscal year. The theme of my administration was "Back to Basics". I believe the best tax lawyers are those who have the most knowledge and technical expertise in tax law, communicate with their clients and do the "right thing". In this regard, the primary emphasis of Tax Section workshops and CLE programs during my term was to analyze current trends, developments and hot topics pertaining to substantive and procedural tax law issues and matters involved in the practice of tax law, and to encourage attendees to interact and share planning ideas, practice aids and drafting tips which can assist other Section members in their practices.

The goals of my administration were as follows: (i) educate Section members on current developments, trends and changes in the practice of tax law; (ii) focus on the ethical duties and responsibilities owed by lawyers engaging in ancillary business activities to their clients; (iii) provide CLE programs which can assist tax lawyers in their practices; (iv) create continuity and guidelines for the mutually beneficial relationship between the Tax Section and its sponsors; (v) utilize the Tax Section's website to provide value to the membership; (vi) restructure the certification process to encourage more Bar member tax lawyers to obtain a sufficient level of expertise to become Board Certified; and, (vii) continue to comment on changes and developments in the federal tax and state law.

I cannot express how lucky a Chair I am to have had such high caliber tax lawyers serving during my term as members of the Executive Council and Board of Directors. I would like to personally thank each one of them for their time, effort and commitment to the Tax Section. I know that the success of my administration in implementing my goals and aspirations was a direct result of their efforts.

The key factor in why the Tax Section is such a well-respected and recognized Section of The Florida Bar is the continued active involvement and participation of its past-Chairs in Section activities and programming. The heart and soul of the Tax Section is the continuing leadership and guidance provided by past-Chairs who take time out of their busy practices to assist in membership activities and programming. Their spirit and inspiration energize the Tax Section and serve as mentors to its younger members.

The hard work and perseverance of the Tax Section Certification Committee, which consisted of Mark Holcomb, Mitch Horowitz, David Burke, David Pratt, Rick Josepher and Jim Davis, restructured and implemented a new format for the Tax Certification Review Course. I believe the restructuring should encourage more Bar member tax lawyers to sit for the certification exam and become a Board Certified Tax Lawyer, thereby enhancing the quality of services provided by the Florida tax bar to their clients. In addition, Guy Whitesman, the Co-Chair of our Federal Tax Division, chaired the Tax Certification Committee of the Board of Legal Specialization and Education of The Florida Bar, which revised the structure of the certification exam in response to suggestions and recommendations made by Tax Section members. The Tax Section Certification Review Course is certain to be successful due to the esteemed group of tax law experts who have agreed to become part of the faculty. Many thanks

to Jerry Hesch and Elliott Manning for their years of dedicated service and devotion to the annual review course on behalf of the Tax Section.

I cannot thank Dominick Lioce enough for his herculean effort in assisting me in formalizing and developing guidelines for a well-organized Tax Section sponsorship program, and Ken Hackett, of Kenneth F. Hackett & Associates, Inc. for his leadership, enthusiastic support, and creative ideas as Chair of the Tax Sections's Sponsors Committee. With their assistance, the relationship between the Tax Section and its sponsors has improved to a level beyond my greatest expectations.

The Tax Section has reached out to other members of the Council of Sections to determine how the Sections of The Florida Bar can better work together to achieve common goals. In this regard, the Tax Section joined forces with the Health Care Section to sponsor a CLE Program titled "Representing the Physician — 2004", at the Winter Meeting of The Florida Bar. In addition, the Tax Section has partnered with the Business Law and the Real Property, Probate and Trust Law Sections of The Florida Bar on the Florida Revised Uniform Limited Partnership Act ("RE-FRULPA") project, and assisted the Real Property, Probate and Trust Law and the Elder Law Sections on the Ad Hoc Florida Uniform Trust Code Revision Committee.

The relationship between the Tax Section and the LL.M. Tax Programs at Florida law schools has never been better. In this regard, I appointed members of the Tax Section to serve as liaison with each LL.M. Tax Program and have continued the annual ethics and tax practice workshops for the Programs; moreover, the Tax Section is in the process of creating a "Tax Hot Line" to assist LL.M. tax students in the recruiting process and of developing programs to incentivize LL.M. tax students to join the Tax Section after their graduation. In addition, law school professors participated in our CLE programs and have agreed to become part of the faculty of the Tax Certification Review Course.

A significant number of new projects have been engaged in by the Tax Section, which has substantially increased the active involvement of its membership in Tax Section activities. For example, Bill Lane has been appointed as our representative to the Ad Hoc Florida Uniform Trust Code Revision Committee, a joint committee of the Real Property, Probate and Trust Law, the Tax and the Elder Law Sections. Mike Kosnitzky and Jim Barret prepared Tax Section comments to proposed Internal Revenue Service regulations in the area of reverse like-kind exchanges and the Section 1446 foreign partner withholding requirements, respectively. Robert Panoff, a past-Chair of the Tax Section, prepared Tax Section comments on a recommended standard of behavior for accountants preparing tax returns with tax shelter items under Section 6694. Joe Schimmel, with the assistance of Steve Willis, has been working on a project to create a "state of the art" web site for the Tax Section.

In response to Todd Aronovitz's "Dignity in the Law" initiative, the Tax Section would like to "let the word out" about the numerous programs it provided during the past year for the

betterment of the legal community and the public. The Tax Section hosted a Moot TaxCourt Competition for law schools throughout the country, commented on two proposed treasury regulations, granted scholarships to students in Florida LL.M. Tax Programs and made presentations to them on legal ethics and the practice of tax law; coordinated CLE programs for tax lawyers, young lawyers and general practitioners; and had Section members assume leadership roles on drafting committees which reviewed, revised, and are in the process of changing Florida's business, tax, and trust laws. Joseph Schimmel, in his role as the Tax Section's liaison to the Counsel of Sections, has been leading the Section's efforts to assist Miles A. McGrane, III, in his efforts to promote the Standing Committee for the Legal Needs of Children. In this regard, Tax Section members have agreed to assist in the formation of new tax-exempt organizations created to help children in need.

My term as Chair began at our July 4th Organizational Meeting at Amelia Island Plantation at which there were over 350 attendees. The record attendance at Amelia is an example of the overwhelming support and enthusiasm I received during my Chair year from the Section members. I am certain the members who attended our CLE programs and workshop meetings during the past year added a tremendous amount of value to their practices. A special thank you needs to be given to Mike Jorgensen, the Chair of the Organizational Meeting at Amelia Island, who is the type of person that makes the Tax Section a family of friends rather than just a group of tax lawyers. The social interaction and collegiality among the members of the Tax Section fosters a family-like atmosphere which makes attendance at our meetings a memorable experience. I was especially excited about the first-time attendance of so many young tax lawyers and the experienced tax practitioners who have rekindled their involvement in the Tax Section.

The Organizational Meeting at Amelia Island included a workshop in which Greg Marks, the Chair of the RE-FRULPA Task Force, updated Section members on the status of this Tax Section led project to enact RE-FRULPA which is based upon the Model Act recently adopted by The National Conference of Commissioners on Uniform State Laws. One of my goals as Chair was for the Tax Section to spearhead the drafting of a Florida statute for submission to the Legislature. In this regard, I am proud to announce that, with the support and assistance of the Business Law and the Real Property, Probate and Trust Sections of The Florida Bar, such a statute will be submitted to the Florida Legislature this year.

The Organizational Meeting also featured a State Tax Law Forum in which presentations were made by Kevin O' Donnell, Chief Tax Counsel, Florida Department of Revenue; Alan Johansen, Staff Director, Florida Senate Finance and Tax Committee; and Jeff Kielbasa, the Deputy Executive Director, Florida Department of Revenue as well as a workshop on "What All Tax Lawyers Should Know About Sarbane/Oxley" and "New SEC Tax Audit Rule. Representation Restrictions on Auditors". In addition, Sam Ullman with the help of eight past-Chairs of the Tax Section and our Chair-Elect coordinated the Annual Ullman Year-End Review,

which program summarized changes, trends and developments during the prior twelve (12) months in federal and state tax law.

The Tax Section's Fall Meeting was held on Friday, October 24th and Saturday, October 25th at the Grand Hyatt Tampa Bay. The weekend started with a CLE Program titled "Family Limited Partnerships — Transfer Tax Planning During Good, Bad, Ugly and Uncertain Times". Tax practitioners have informed me that this program was of the most beneficial CLE program on family limited partnerships they had ever attended. The Fall meeting also included a Breakfast Workshop on "A Long Range Planning View for The Florida Bar Tax Section".

The Tax Section Agenda at the January 16, 2004 Winter Meeting of the Board of Directors at the Miami Hyatt Hotel was so extensive that the meeting lasted for three hours. Prior to the Board meeting, I met with Chair-Elect Bill Townsend and Chair-Elect Designee Mitch Horowitz to review the goals, aspirations and visions for the Tax Section, and to make sure there will be a smooth transition in our administrations. Bill and Mitch have assured me that they would complete any project not finished during my administration, and implement the ever-expanding list of goals and aspirations for the Tax Section.

Members of the Tax Section had a wonderful evening on January 20th, when the Tax Section and the FICPA squared-off for a basketball game during half-time at the Miami Heat vs. Boston Celtics game at the American Airlines Arena in Miami at the "First Annual Florida Bar Tax Section Night at the NBA". The event was organized by Ken Hackett of Kenneth F. Hackett & Associates, Inc., and featured such well known Florida basketball legends as Michael Rosenberg and Richie Comiter.

I am super excited about the Annual Meeting to be held on April 22 through 24 at the PGA Resort in Palm Beach Gardens, Florida. The Annual Meeting will feature an Education Institute on April 23rd titled "A Tax Planning Throughout the Life Cycle of a Family Business". Presentations will be made by nationally known speakers and highly respected Florida tax lawyers. The Annual Meeting will include: (i) a workshop on the management and administration of a tax practice and personal planning for a tax lawyer (your most important client who receives the least attention); (ii) a "toy show" featuring the latest technology and gadgets utilized in the practice of tax law; and, (iii) a presentation by an architectural design firm in designing and implementing space plans for the use of the latest technology in law offices.

Larry Gragg will be honored at the Annual Meeting as the 2004 Gerald T. Hart Outstanding Tax Attorney. Larry is extremely, highly regarded and respected by his peers as a tax lawyer's tax lawyer, and is well known for his integrity and high moral character.

Additionally, I would be remiss not to mention the Tax Section's Program Administrator, Donna Byrd. Without Donna's guidance, assistance and pleasant attitude, I could not have come close to accomplishing my goals and aspirations. In short, Donna is a consummate professional.

Tax Law
April 1, 2004
Page 5

Before closing, I would like to use this forum to regrettably inform the Board of Governors of the passing of Shepard King. Shep was a caring, giving, sincere, bright and fun-loving human being that loved his family dearly. He will be missed by the members of the Tax Section who knew and loved him. He was a tax lawyer's lawyer who loved the practice of tax law. I will forever remember Shep as a mentor who, along with Dennis A. LaRussa, taught me how to practice tax law.

Richard B. Comiter, *Chair*