Fundamentals Of Federal Tax Accounting
Frank L. Brunetti

clear and concise answers during volatile times

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• Key issues at play in the credit crisis litigation, including FAS 140, 157, and 159, “mark to market,” and other accounting standards
• Class actions, suits against smaller firms, and trustee actions
• The continuing impact of the Sarbanes-Oxley Act
• Convergence of IFRS and GAAP
• The nuts and bolts of restatements
• PCAOB concerns and initiatives
• SEC enforcement initiatives and trends

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Are you familiar with the unique accounting and auditing issues involved in the new subprime and credit crunch litigation?

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Accountants’ Liability: Litigation and Issues in the Financial Crisis

The current economic crisis poses new challenges and new hazards for the accounting profession. The stamping economy, increased governmental intervention, and greatly elevated legislative activity make this an especially difficult and volatile time. This highly praised annual ALI-ABA course — always a critical continuing education program (and networking event) for accounting professionals — is more timely and vital than ever.

Comprising more than 14.25 hours of instruction, this course provides an overview of the changing principles that govern the field of accounting liability, with particular emphasis on the developments that followed the major corporate failures that have been linked to fraudulent financial reporting and issues that the profession will likely face in the coming years.

No ALI-ABA course would be complete without insight and perspective from experts, and this course caps your experience with a keynote address by the Chief Counsel for the SEC’s Accounting Office and a presentation by an industry consultant and an accounting firm executive on likely changes in accounting firm structure and regulation.

Registrants are encouraged to submit questions to the faculty and to interact directly with the faculty during networking sessions and at the Thursday afternoon reception.

**Thursday, July 9, 2009 — progress subject to change**

**8:30 a.m.** Registration and Networking

**8:45 a.m.** Current Developments and Course Overview — Ms. Fornelli

The Planning Chair outlines key developments and trends affecting accounting liability today.

**9:30 a.m.** Keynote Address — Mr. Minton

The Chief Counsel for the SEC addresses current topics affecting the accounting profession.

**10:15 a.m.** Networking Break

**10:30 a.m.** The Credit Crisis — Ms. Fornelli

The Executive Director of the Center for Audit Quality discusses current and auditing issues.

**11:15 a.m.** Developments on the Horizon — Messrs. Cheffers and Kueppers

What changes in accountability firm structure and regulation are likely in the next few years? This panel offers some answers.

**12:00 noon** Subprime and Credit Crunch Issues — Ms. Rendon

The subprime and credit crises are producing claims against accounting firms. A practitioner explains how the accounting and audit issues involved in these claims.

**12:45 p.m.** Lunch Break

**2:00 p.m.** Litigating an Accountants’ Liability Case — A Plaintiff’s Perspective — Mr. Besu

A nondisputatious trial or auditing cases shares his view.

**2:45 p.m.** Litigating and Trying an Accountants’ Liability Case — Mr. Yellow and Mr. Kueppers

Three practitioners offer tips on litigating an accountant’s liability case, including motion practice.

**3:30 p.m.** Networking Break

**3:45 p.m.** Litigating and Trying an Accountants’ Liability Case (continued)

**4:15 p.m.** Class Actions — Messrs. Domain and Kueppers

Recent cases discussed include new trends in class certification, including recent cases on fee with causation. Two practitioners discuss these cases.

**5:00 p.m.** The SEC and the Profession — Ms. Gillette and Messrs. Kueppers and Minton

An SEC staffer and two former stewards discuss enforcement initiatives and trends.

**5:45 p.m.** Accountants’ Liability Involving Smaller Firms — Messrs. Eickemeyer and Swanson

This segment addresses the issues that commonly arise in suits against smaller firms.

**6:15 p.m.** Adjournment for the Day; Networking Reception for Registrants and Faculty, Hosted by Arnold & Porter LLP and Vedder Price, P.C.

**Friday, July 10, 2009**

**7:30 a.m.** Networking Session

**8:00 a.m.** The Impact of Sarbanes-Oxley — Ms. Minton, Cunningham, and Fennig

Three sessions with expertise discuss the current litigation and regulatory issues affecting the larger firms.

**8:45 a.m.** Practice Problems — Ms. Beus and Mr. Univer

Two accounting firm attorneys discuss recurrent practice problems that can generate liability, including conflict counseling, 10b-5 issues, investigations, and representation.

**9:30 a.m.** International Financial Reporting Standards — Messrs. Eickemeyer and Lowenthal

The SEC is pushing convergence of financial reporting standards, and the forward looks to the IFRS, not GAAP. This panel explains how IFRS differs from GAAP.

**10:00 a.m.** Networking Break

**10:15 a.m.** PCAOB Concerns — Messrs. Cheffers, Minton, and Kueppers

A PCAOB member and its enforcement director address auditing standards, 404 controls, and inspections.

**11:00 a.m.** The “Nuts and Bolts” of the Restatement Process — Ms. Casey and Mr. Crane

The liability risks of restatements for issuers and auditors are discussed by two accounting firm counsel.

**11:45 a.m.** Handling an SEC or PCAOB Investigation — Ms. Cheng and Mr. Schena

Three practitioners offer advice on how to handle SEC and PCAOB investigations against accountants.

**12:30 p.m.** Lunch Break

**2:00 p.m.** Trustee Actions, the In pari Delicto Defense, and Assumption of Liability — Ms. Rendon, Rudolph, and Toyota

Three practitioners discuss the practical realities of the in pari delicto defense and the doctrine of deepening involvement is cases brought by receivers and trustees against auditors.

**2:45 p.m.** Damages and Causation — Ms. Beus and Mr. Minton

An industry consultant explains how damage causation can be important: How do you prove and quantify damages? What is the accountant’s perspective?

**3:15 p.m.** Ethical Considerations — Messrs. Eickemeyer and Swanson

This segment addresses key ethical issues, including internal investigation of multiple representatives, disavowal, employer, and the accountant-client privilege.

**4:15 p.m.** Adjournment
The current economic crisis poses new challenges and new risks for the accounting profession. The slump economy, increased governmental intervention, and greatly elevated legislative activity make this an especially difficult and volatile time. This highly praised annual ALI-ABA course — always a critical continuing education program (and networking event) for accounting professionals — is more timely and vital than ever.

Comprising more than 14.25 hours of instruction, this course provides an overview of the changing principles that govern the field of accounting liability, with particular emphasis on the developments that followed the major corporate failures that have been linked to fraudulent financial reporting and issues that the profession will likely face in the coming years.

No ALI-ABA course would be complete without insight and perspective from experts, and this course caps your experience with a keynote address by the Chief Counsel for the SEC’s Accounting Office and a presentation by an industry consultant and an accounting firm executive on likely changes in accounting firm structure and regulation.

Registrants are encouraged to submit questions to the faculty and to interact directly with the faculty during networking sessions and at the Thursday afternoon reception.

Among the recent cases discussed in Fall 2009:
- Enron, WorldCom, Qwest, Tyco, and Worldcom
- AIG
- Morgan Stanley
- Lehman Brothers

The Planning Chair outlines key developments and trends affecting accounting liability today.

9:30 a.m. Keynote Address — Mr. Minton
The Chief Counsel for the SEC’s accounting office discusses current topics affecting the accounting profession.

10:15 a.m. Networking Break

10:30 a.m. The Credit Crisis — Mr. Fornelli
The Executive Director of the Center for Audit Quality discusses current and auditing issues.

11:15 a.m. Developments on the Horizon — Ms. Cheffers and Kueppers
What changes are in accounting firm structure and regulation are likely in the next few years? This panel offers some answers.

12:00 noon Suprime and Credit Crunch Issues — Ms. Rendon
The subprime and credit crisis is producing claims against accounting firms. A practitioner explains the key accounting and auditing issues involved in these claims.

12:45 p.m. Lunch Break

2:45 p.m. Developments on the Horizon — Ms. Cheffers and Kueppers (Cont.)
This segment assesses the issues that currently arise in auditors at smaller firms.

6:15 p.m. Adjournment for the Day; Networking Reception for Registrants and Faculty, Hosted by Arnold & Porter LLP and Vedral Price PC.
Accountants’ Liability Litigation and Issues in the Financial Crisis

The current economic crisis poses new challenges and new hazards for the accounting profession. The slumping economy, increased governmental intervention, and greatly elevated legislative activity make this an especially difficult and volatile time. This highly praised annual ALI-ABA course — always a critical education program (and networking event) for accounting professionals — is more timely and vital than ever.

Comprising more than 14.5 hours of instruction, this course provides an overview of the changing principles that govern the field of accounting liability, with particular emphasis on the developments that followed the major corporate failures that have led to fraudulent financial reporting and issues that the profession will likely face in the coming years.

No ALI-ABA course would be complete without insight and perspective from experts, and this course caps your experience with a keynote address by the Chief Counsel for the SEC’s Accounting Office and a presentation by an industry consultant and an accounting firm executive on likely changes in accounting firm structure and regulation.

Registrants are encouraged to submit questions to the faculty and to interact directly with the faculty during networking sessions and at the Thursday afternoon reception.

Thursday, July 9, 2009

7:30 a.m. Registration and Networking 

Webcast Segment A

8:30 a.m. Introduction — Messrs. Eckermeyer and Swanson 

8:45 a.m. Current Developments and Course Overview — Mr. Swanson 

The Planning Chair outlines key developments and trends affecting accountant’s liability today. 

9:30 a.m. Keynote Address — Mr. Minton 

The Chief Counsel for the SEC’s accounting office addresses current topics affecting the accounting profession. 

10:15 a.m. Networking Break 

10:30 a.m. The Credit Crisis — Mr. Forrelli 

The Executive Director of the Center for Audit Quality discusses recent developments and issues in auditing. 

11:15 a.m. Developments on the Horizon — Messrs. Chieffers and Kuipers 

What changes in accounting firm structure and regulations are likely in the next few years? This panel offers their views.

12:00 noon Subprime and Credit Crunch Issues — Ms. Rendon 

The subprime and credit crisis issues are producers against accounting firms. A practitioner explains the key accounting and audit issues involved in these cases.

12:45 p.m. Lunch Break

Webcast Segment B

2:00 p.m. Litigating an Accountants’ Liability Case — A Plaintiff’s Perspective — Mr. Meston

A noted plaintiff’s trial and accounting cases shares his view. 

2:45 p.m. Litigating and Trying an Accountants’ Liability Case — Mr. Hubbard and Ms. Notaro 

Three practitioners offer tips on litigating an accounting’s liability case, including motion practice.

3:30 p.m. Networking Break 

3:45 p.m. Litigating and Trying an Accountants’ Liability Case (continued) — Mr. Meston

Real client cases plus new bench to trial certification, including motion practice for class-wide cases. Two practitioners discuss these frauds.

5:00 p.m. The SEC and the Profession — Mr. Gillette and Messrs. Kuipers and Richardson

An SEC staff and two former staffers discuss enforcement initiation and trends.

5:45 p.m. Accountants’ Liability Involving Smaller Firms — Messrs. Eckermeyer and Swanson

This segment addresses the issues that commonly arise in suits against smaller firms.

6:15 p.m. Adjournment for the Day; Networking Reception for Registrants and Faculty, Hosted by Arnold & Porter LLP and Vrader Price P.C.

Friday, July 10, 2009

7:30 a.m. Networking Session

Webcast Segment C

8:00 a.m. The Impact of Sarbanes-Oxley — Ms. Wu and Messrs. Goelzer and Modesti

Three attendees with experience discussing the current litigation and regulatory issues affecting the larger firms.

8:45 a.m. Practice Problems — Mr. Baehr and Mr. Univer

Two accounting firm attorneys discuss recurrent practice problems that can generate liability, including comfort letters, 10b-5 suits, investigations, and engagements.

9:30 a.m. International Financial Reporting Standards — Messrs. Eckermeyer and Lindstrom

The SEC is packing convergence of financial reporting standards, and the winner appears to be IFRS, not GAAP. This panel explains how IFRS offers hope for GAAP.

10:00 a.m. Networking Break

10:15 a.m. PCAOB Concerns — Messrs. Kuipers and Minton

A PCAOB member and its enforcement director address auditing standards, 404 control reports, and inspections.

11:00 a.m. The “Nuts and Bolts” of the Restatement Process — Mr. Cosy and Mr. Crise

The liability risks of restatements for issuers and auditors are discussed by two accounting firm counsel.

11:45 a.m. Handling an SEC or PCAOB Investigation — Ms. Cheng and Mr. Schreiber

Three practitioners offer advice on how to handle SEC and PCAOB investigations against accountants.

12:30 p.m. Lunch Break

Webcast Segment D

2:00 p.m. Trustee Actions, the In pari Delito Defense, and Compromise Involving Insolvency — Ms. Lindsey, Mr. Jenkins, and Mr. Rudolph

Three practitioners discuss the statistical evidentiary nature of in pari delito defenses and the doctrine of deepening insolvency in cases brought by receivers and trustees against accountants.

2:45 p.m. Damages and Causation — Ms. Borucki

An industry consultant explains how damage causation can be interpreted. This panel addresses paralegal’s role in an accounting case.

3:15 p.m. Ethical Considerations — Messrs. Eckermeyer and Swanson

This segment addresses key ethical issues, including internal independence, conflicts of interest, multiple representation, deeming employees, and the accountant-client privilege.

4:15 p.m. Adjournment

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Accountants’ Liability
Litigation and Issues in the Financial Crisis

Thursday–Friday, July 9–10, 2009
Chicago (Millennium Knickerbocker) and Live Video Webcast

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