THE CONFERENCE OF SOUTHWEST FOUNDATIONS
THE UNIVERSITY OF TEXAS SCHOOL OF LAW

28TH ANNUAL

NONPROFIT ORGANIZATIONS INSTITUTE

The Southwest's leading gathering of executives, attorneys, accountants, trustees, CEOs and CFOs of private foundations and nonprofit organizations.

January 12*, 13–14, 2011

*Optional Wednesday Afternoon Sessions

Four Seasons Hotel ▪ Austin, Texas

MAJOR SPONSORS

The Frost Financial Management Group
Thompson & Knight LLP
Wells Fargo Philanthropic Services
Baird Private Wealth Management

Full Sponsor list on back cover

Earn up to 13.50 Hours of Credit including 1.00 Hour of Ethics Credit
Includes 16.00 Hours of CPE Credit for Accountants
Specialization Credit Approved for Estate Planning and Probate Law, and Tax Law

Earn up to 13.50 Hours of Credit including 1.00 Hour of Ethics Credit

Includes 16.00 Hours of CPE Credit for Accountants

Specialization Credit Approved for Estate Planning and Probate Law, and Tax Law

WEDNESDAY AFTERNOON, JAN. 12, 2011

3:30 p.m. Registration Opens

*Optional Concurrent Sessions

Please select on registration form (additional fee). Each track includes a 15-minute break.

TRACK A

4:00 p.m. 2.00 hrs

Form 990 Workshop: A Guide for Board Members, Executive Directors and Financial Officers

This session provides a basic overview of the Form 990 for the non-expert, focusing on fundamental concepts and key line items, with special attention to liability associated with the return and accurate data gathering and reporting. Guidance, recommendations and pitfalls on preparation of the required narrative statements related to governance, conflicts, key officers, compensation issues, pensions and reporting are addressed, and potential problem areas are highlighted. The often overlooked opportunities to use statements in the 990 in publicizing and promoting an organization's goals and governance, e.g., www.guidestar.org, are also explored, in particular the opportunities to describe the organization's program services. This is the ideal introduction for beginners and refresher for the more advanced.

Michaela Cromar, Sproles Woodard L.L.P., Fort Worth, TX

TRACK B

4:00 p.m. 2.00 hrs including .50 hr ethics

Primer on Nonprofit Organizations, including Nonprofit Governance

This session covers choice of entity and governance issues common among nonprofit organizations, and offers a brief overview of non-501(c)(3) tax-exempt organizations. It offers a crash course to private foundations and public charities with a discussion of obtaining tax-exempt status, and maintaining that status by avoiding transactions prohibited by the Internal Revenue Code such as private benefit, prohibited transactions for private foundations, and excess benefit transactions for public charities. The session also provides an introduction to the unrelated business income tax.

Michael V. Bourland, Bourland, Wall & Wenzel, P.C., Fort Worth, TX
Darren B. Moore, Bourland, Wall & Wenzel, P.C., Fort Worth, TX

6:15 p.m. Adjourn

THURSDAY MORNING, JAN. 13, 2011

Presiding Officer:
P. Mike McCullough, Thompson & Knight LLP, Dallas, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Fraud: What's the Worst that Can Happen?

Due to the economy, more and more charities and foundations have become victims of fraud. Yet most charitable organizations have no idea about the negative effects fraud will have on the organization beyond the loss of funds. This session assists charitable organizations in identifying their worst-case scenarios and developing governance policies and procedures to minimize these overlooked adverse effects of fraud.

Frank Sommerville, Weycer, Kaplan, Pulaski & Zuber, P.C., Arlington, TX

9:30 a.m. 1.25 hrs including .50 hr ethics

Better Governance to Protect Your Organization: Law vs. Reality

Two practitioners and a state regulator discuss nonprofit governance: the rules, the reality and how to bring the latter closer to the former, with practical tips for helping boards to live up to their duties of loyalty, care, obedience and common sense.

Michael V. Bourland, Bourland, Wall & Wenzel, P.C., Fort Worth, TX
Betsy Buchalter Adler, Adler & Colvin, San Francisco, CA

Commentator:
Susan K. Staricka, Office of the Attorney General, Austin, TX

10:45 a.m. Break

11:00 a.m. 1.25 hrs

Form 990: The Challenges Continue

As we face the second and third years for the incredibly expanded Form 990 filed by many public charities, many questions remain unanswered. Some mysteries remain unsolved by the often vague and incomplete instructions. Presenters share interpretations, suggestions and solutions.

Jody Blazek, Blazek & Vetterling, Houston, TX
David M. Rosenberg, Thompson & Knight LLP, Dallas, TX

THURSDAY AFTERNOON

Presiding Officer:
P. Mike McCullough, Thompson & Knight LLP, Dallas, TX

12:15 p.m. Break for Lunch

Lunch included in conference registration fee.

KEYNOTE LUNCHEON PRESENTATION

12:45 p.m. .75 hr

Key Legislative, Regulatory and Policy Issues for the Nonprofit Sector

Severe government budget shortfalls, policymakers' frightening lack of understanding about nonprofits, and the excessive external focus on internal paperwork rather than meaningful external impact are just a few of the dangerous trends threatening nonprofits across our nation. From his unique perspective as a former partner in a national law firm, solicitor general of his state, founder of an ethical leadership center, and now President and CEO of the National Council of Nonprofits, Tim Delaney identifies dangerous yet too often invisible trends about public policy issues that threaten not only local nonprofits but also communities across America, and offers action steps every attorney can take to help.

Tim Delaney, National Council of Nonprofits, Washington, DC

1:30 p.m. Break

Concurrent Sessions

PRIVATE FOUNDATIONS TRACK

Presiding Officer:
Ronald S. Webster, Fizer Beck Webster Bentley & Scroggins, Houston, TX

1:45 p.m. .50 hr

Pitfalls, Tips and Traps involving Grants

What are the advantages and disadvantages of a private foundation? How to steer clear of the self-dealing rules and avoid excise tax. This session provides guidance in working effectively with grants.

Jeffrey Thomas McClean, Fizer Beck Webster Bentley & Scroggins, Houston, TX

2:15 p.m. .50 hr

Charitable Trusts vs. Nonprofit Corporations

A discussion of choice of entity issues related to the formation, operation and governance of nonprofit organizations highlighting the distinctions between nonprofit organizations formed as charitable trusts and nonprofit organizations formed as nonprofit corporations. This session compares management responsibilities, fiduciary duties and potential liabilities of charitable trustees and directors; modifications of charitable trusts and nonprofit corporations; and public disclosure of requirements of charitable trusts and nonprofit corporations.

Terri Lynn Helge, Texas Wesleyan University School of Law, Fort Worth, TX

2:45 p.m. .75 hr

Private Foundations: Succession and Legacy Issues

This session addresses management succession and legacy issues at formation and years later, as well as discusses the complications in management and succession when opinions differ and personalities clash. The presentation also includes information on how to handle a problem director or family member.

Moderator:
Shannon G. Guthrie, Benenati Law Firm, Bedford, TX

Panelists:
C. Stephen Saunders, Saunders, Norval, Nichols & Atkins, LLP, Austin, TX
Andrew S. White, KLE Foundation, Austin, TX

3:30 p.m. Break

3:45 p.m. 1.50 hrs

Investment Challenges for Private Foundations, Returns, Payouts, Investment Policies, Social Investing and More

An examination of the investment challenges and options facing private foundations, including the challenge of recovering from the 2007-2008 stock market losses; expected rates of return; the proper alignment of foundation mission, investment strategy and spending/payout policy; socially-responsible investing; and more.

Lloyd Kurtz, Nelson Capital Management LLC, Palo Alto, CA
Christopher G. Didier, Robert W. Baird & Co. Inc., Milwaukee, WI

Commentators:
Tyree Collier, Thompson & Knight LLP, Dallas, TX
Don Snider, The Flinn Foundation, Phoenix, AZ

5:15 p.m. Adjourn to Sponsored Reception

CHARITABLE ORGANIZATIONS TRACK

Presiding Officer:
Kenneth L. Gladish, The Seton Foundations and Seton Family of Hospitals, Austin, TX

1:45 p.m. .50 hr

Unanswered Questions under UPMIFA and FASB

The enactment of UPMIFA among most states, including Texas, has modernized the regulation of institutional funds. Notwithstanding its helpful innovations, UPMIFA in general—and the Texas version of UPMIFA in particular—raises several legal questions. This session identifies and explores the answers to these legal questions.

Johnny Rex Buckles, University of Houston Law Center, Houston, TX
Mariben Ramsey, Austin Community Foundation, Austin, TX

2:15 p.m. .50 hr

Alliances and Mergers: Why They Succeed and Why They Fail

The issue of nonprofit organization alliances and mergers has long been of interest. In most times there has been much talk but little action. In the midst of the current economic crisis there is a renewal of interest in these topics. What should leaders and advisors know about the law, practice and experience of nonprofit alliances and mergers right now?

Moderator:
Kenneth L. Gladish, The Seton Foundations and Seton Family of Hospitals, Austin, TX

Panelists:
Karen J. Bartoletti, Graves Dougherty Hearon & Moody, Austin, TX
Matt Kouri, Greenlights for NonProfit Success, Austin, TX

2:45 p.m. .75 hr

Evaluating Nonprofit Organizations: Understanding the Grantmaker's Perspective

An introduction of the basics of program evaluation from a grantmaker's perspective including key terminology, tips and resources. The session's focus explores grantmaker expectations for evaluation, and also briefly explores valuable tools and concepts such as logic models and "evaluative learning" as a goal for any nonprofit context.

Erin A. Brackney, OneStar Foundation, Austin, TX
Jennifer Esterline, KDK Harman Foundation, Austin, TX

3:30 p.m. Break

3:45 p.m. .75 hr

Telling Your Story including Effective Use of Social Media: A Primer for Charitable Organizations

A next-generation ad agency explains how the same narrative techniques, high-tech tools and smart methodology that drive big-client campaigns, especially in fast-changing landscapes like mobile digital and social media, can be employed to present charitable organizations and other nonprofits to potential audiences effectively, efficiently and in the best possible light.

Keith Blanchard, Story Worldwide, New York, NY

Commentator:
Bart W. Huffman, Cox Smith Matthews Inc., San Antonio, TX

4:30 p.m. .75 hr

Developing Resources in Troubled Times: Moving Beyond the Gala

How does a nonprofit move from galas and golf tournaments to transformational giving? How do nonprofits develop the resources to fund future expansion? How can donors be properly cultivated to respond with both current gifts and estate gifts? This session addresses all of these resourcing questions and more.

Gregory A. Ring, Fulcrum Philanthropy Systems, Colorado Springs, CO

5:15 p.m. Adjourn to Sponsored Reception

THANK YOU TO OUR RECEPTION SPONSOR

The Frost Financial Management Group

FRIDAY MORNING, JAN. 14, 2011

Presiding Officer:
Nicola Fuentes Toubia, Fuentes Toubia, PLLC, Houston, TX

7:15 a.m. Conference Room Opens

Includes continental breakfast.

HEALTH CARE REFORM

8:00 a.m. .33 hr

Health Care Reform: Top Five Issues for Nonprofits

The Health Care Reform Act created a major overhaul of the health care system that will affect everyone including exempt organizations and their employees. Learn how the Act will transform business operations and affect employers' overall compensation and retention strategies.

Joyce Hellums, Ernst & Young LLP, Austin, TX
Ed Pudlowski, Ernst & Young LLP, Dallas, TX

8:20 a.m. Break

"I love coming to this conference!

Great format. Very thoughtful content and organization of presentations.

This is a great program with outstanding speakers.

Topics are timely and relevant, and speakers are very knowledgeable.

I really like this conference. It's great that we have such high quality like this in Texas."

8:30 a.m. .50 hr

IRS Update

A discussion of the key litigation in the exempt organization sector over the past year, including cases regarding matters such as the unrelated business income tax, qualification under section 501(c) and status as a public charity.

Philip Thomas Hackney, Office of the Chief Counsel of the IRS, Washington, DC

9:00 a.m. 1.50 hrs

Current Tax and Legislative Developments for Nonprofit Organizations

A review of current developments including legislation, regulations, IRS rulings and court opinions with emphasis on these aspects of the law: qualification for exemption, new public charity rules, IRS audit and compliance check activity, governance developments, unrelated business, joint ventures, private inurement and benefit, intermediate sanctions, legislative and political activity, supporting organizations, donor-advised funds, endowments, private foundations, and planned and other charitable giving.

Bruce R. Hopkins, Polsinelli Shughart PC, Kansas City, MO

10:30 a.m. Break

10:45 a.m. .75 hr

Strategies for Donors and Best Practices for Donees

An overview of what is working and not working in current and past charitable gift strategies, as well as coverage of basic principles and policies for responsible donees. A case study providing a current gift scenario is presented and viewed from a standard split-interest gift illustration and an alternative approach.

Paul L. Comstock, Paul Comstock Partners, Houston, TX
Brian Wallace Crozier, Brorby Crozier & Dobie, P.C., Austin, TX

11:30 a.m. .75 hr

Employment Issues for Nonprofit Organizations: No Good Deed Goes Unpunished

An employment primer for nonprofits, including wage and hour, leave and equal employment opportunity issues.

Ann Abrams Price, Boulette & Golden, Austin, TX

12:15 p.m. .75 hr

The Economic Realities after the Great Recession

The capital markets have created financial turmoil for philanthropic portfolios. This session addresses strategies around asset allocation, sustainable distributions and fundraising in the post-Great Recession environment.

Ronald Florance, Wells Fargo Bank, N.A., Charlotte, NC

1:00 p.m. Adjourn

CONFERENCE FACULTY

BETSY BUCHALTER ADLER
Adler & Colvin
San Francisco, CA

KAREN J. BARTOLETTI
Graves Dougherty Hearon & Moody
Austin, TX

KEITH BLANCHARD
Story Worldwide
New York, NY

JODY BLAZEK
Blazek & Vetterling
Houston, TX

MICHAEL V. BOURLAND
Bourland, Wall & Wenzel, P.C.
Fort Worth, TX

ERIN A. BRACKNEY
OneStar Foundation
Austin, TX

JOHNNY REX BUCKLES
University of Houston Law Center
Houston, TX

TYREE COLLIER
Thompson & Knight LLP
Dallas, TX

PAUL L. COMSTOCK
Paul Comstock Partners
Houston, TX

MICHAELA CROMAR
Sproles Woodard L.L.P.
Fort Worth, TX

BRIAN WALLACE CROZIER
Brorby Crozier & Dobie, P.C.
Austin, TX

TIM DELANEY
National Council of Nonprofits
Washington, DC

CHRISTOPHER G. DIDIER
Robert W. Baird & Co. Inc.
Milwaukee, WI

JENNIFER ESTERLINE
KDK Harman Foundation
Austin, TX

RONALD FLORANCE
Wells Fargo Bank, N.A.
Charlotte, NC

KENNETH L. GLADISH
The Seton Foundations and Seton Family of Hospitals
Austin, TX

SHANNON G. GUTHRIE
Benenati Law Firm
Bedford, TX

PHILIP THOMAS HACKNEY
Office of the Chief Counsel of the IRS
Washington, DC

TERRI LYNN HELGE
Texas Wesleyan University School of Law
Fort Worth, TX

JOYCE HELLUMS
Ernst & Young LLP
Austin, TX

BRUCE R. HOPKINS
Polsinelli Shughart PC
Kansas City, MO

BART W. HUFFMAN
Cox Smith Matthews Inc.
San Antonio, TX

MATT KOURI
Greenlights for NonProfit Success
Austin, TX

LLOYD KURTZ
Nelson Capital Management LLC
Palo Alto, CA

JEFFREY THOMAS MCCLEAN
Fizer Beck Webster Bentley & Scroggins
Houston, TX

DARREN B. MOORE
Bourland, Wall & Wenzel, P.C.
Fort Worth, TX

ANN ABRAMS PRICE
Boulette & Golden
Austin, TX

ED PUDLOWSKI
Ernst & Young LLP
Dallas, TX

MARIBEN RAMSEY
Austin Community Foundation
Austin, TX

GREGORY A. RING
Fulcrum Philanthropy Systems
Colorado Springs, CO

DAVID M. ROSENBERG
Thompson & Knight LLP
Dallas, TX

C. STEPHEN SAUNDERS
Saunders, Norval, Nichols & Atkins, LLP
Austin, TX

DON SNIDER
The Flinn Foundation
Phoenix, AZ

FRANK SOMMERVILLE
Weycer, Kaplan, Pulaski & Zuber, P.C.
Arlington, TX

SUSAN K. STARICKA
Office of the Attorney General
Austin, TX

ANDREW S. WHITE
KLE Foundation
Austin, TX

PLANNING COMMITTEE

KENNETH L. GLADISH—CO-CHAIR
The Seton Foundations and Seton Family of Hospitals
Austin, TX

NICOLA FUENTES TOUBIA—CO-CHAIR
Fuentes Toubia, PLLC
Houston, TX

NANCY BAXTER
Wells Fargo Private Bank
Los Angeles, CA

JODY BLAZEK
Blazek & Vetterling
Houston, TX

MICHAEL V. BOURLAND
Bourland, Wall & Wenzel, P.C.
Fort Worth, TX

JOHNNY REX BUCKLES
University of Houston Law Center
Houston, TX

BRIAN WALLACE CROZIER
Brorby Crozier & Dobie, P.C.
Austin, TX

LUCILLE DIDOMENICO
Conference of Southwest Foundations, Inc.
Dallas, TX

NORBERT DITTRICH
The Welch Foundation
Houston, TX

MICHAEL J. ESPOSITO
The University of Texas School of Law
Austin, TX

JOYCE HELLUMS
Ernst & Young LLP
Austin, TX

D'ANN JOHNSON
Texas Community Building with Attorney Resources
Austin, TX

MITCHELL A. LONG
The Long Foundation
Austin, TX

P. MIKE MCCULLOUGH
Thompson & Knight LLP
Dallas, TX

RICHARD WAYNE MEYER
Texas Association of Nonprofit Organizations
Austin, TX

COLEITH MOLSTAD
The Roy F. & Joann Cole Mitte Foundation
Austin, TX

DAVID L. NELSON
Houston, TX

DAVID M. ROSENBERG
Thompson & Knight LLP
Dallas, TX

GEORGE WILLIAM SCOFIELD
Fulbright & Jaworski L.L.P.
San Antonio, TX

RONALD S. WEBSTER
Fizer Beck Webster Bentley & Scroggins
Houston, TX

HOW TO REGISTER

Mail your registration to:
The University of Texas
School of Law
Attn. CLE—NO11
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Or register online:
www.utcle.org

Questions? Call us at 512-475-6700

YOUR ONLINE ACCOUNT SPECIAL BENEFITS

Don't miss out on **special benefits**—take advantage of your online account.

Conference registrants with online accounts have access to all PowerPoint presentations and late papers—a few days after the conference—using the Lookback feature.

In addition, all conference sessions are available (at least 30 days after the program) in your member account as online courses—so *you can claim full credit for any sessions you may have missed* at the live conference.

If you don't already have an online account, sign up today.

It's quick. It's easy. All it takes is your email address and a password.

Visit www.utcle.org

ABOUT THE COVER

#138 Pyracantha, 30" x 30", oil on wood, is by Stella Alesi. For more information, visit **www.alesiart.com.** Image acquisition by Sandra Gregor, art consultant, 512-477-2827.

REGISTRATION FOR NO11

Mail this registration form to:
The University of Texas School of Law, Attn. CLE—NO11
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

PLEASE PRINT CLEARLY

Bar Card# ______ ❑ TX ❑ Other State: ______ ❑ N/A

Name [Mr. / Ms.] ______

Firm ______

Address ______

City ______ State ______ Zip ______

Telephone ______ Fax ______

Registrant's Email (required) ______

Assistant's Email (optional) ______

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION

Includes Course Binder, Thursday Luncheon Presentation and Thursday Evening Sponsored Reception

❑ Early Registration Fee due by Wednesday, January 5, 2011 .... $475

❑ Registration Fee after Wednesday, January 5, 2011 .... $525

Optional Wednesday Afternoon Session – Select One: $75

❑ Track A: Form 990 Workshop

❑ Track B: Primer on Nonprofit Organizations

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

❑ Course Binder WITHOUT Conference Registration $225
Note: Conference registration includes Course Binder.

❑ Audio MP3 Speeches on CD $130

❑ Audio CD Set $210

❑ eBinder on CD (PDF format) .... $225/$50
($225 purchased alone, $50 with registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 3–5 weeks from the conference date for delivery.

❑ In-House CLE for 2—Includes Audio CD Set and Course Binders $825

______ Add participants (includes Course Binder) for $225 each .... $______

TOTAL ENCLOSED .... $______

METHOD OF PAYMENT

❑ Check (make checks payable to: The University of Texas at Austin)

❑ VISA or ❑ MasterCard (sorry, no AMEX or Discover)

Card number ____ - ____ - ____ - ____

X ______
Authorized Signature

__ / __
Exp. Date (mm/yy)

UTCLE

The University of Texas at Austin
THE UNIVERSITY OF TEXAS SCHOOL OF LAW
P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

28TH ANNUAL NONPROFIT ORGANIZATIONS INSTITUTE

January 12*, 13–14, 2011 ▪ Four Seasons Hotel ▪ Austin, Texas

*Optional Wednesday Afternoon Sessions

NON-PROFIT-ORG
U.S. Postage
PAID
U T School of Law

E-mail us at
utcle@law.utexas.edu
or call us at
512-475-6700
for more information

AUSTIN

January 12, 13–14, 2011

CONFERENCE LOCATION

Four Seasons Hotel
98 San Jacinto Blvd.
Austin, TX 78701
512-685-8100

Special Room Rate: $230
good through December 21, 2010
(subject to availability)

Parking:
Valet $12 per day, $29.25 overnight;
Self-parking $8 per day
(subject to change)

KEY DATES

January 5, 2011, 5 p.m.
last day for early registration
add $50 for registrations received after this time

January 7, 2011, 5 p.m.
last day for full refund

January 10, 2011, 5 p.m.
last day for partial refunds
$50 processing fee applied

January 12, 2011, 4 p.m.
optional Wednesday afternoon sessions begin

January 13, 2011, 9 a.m.
Institute begins

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 1.00 credit hour will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

THANK YOU TO OUR SPONSORS

MAJOR SPONSORS

The Frost Financial Management Group

Thompson & Knight LLP

Wells Fargo Philanthropic Services

Baird Private Wealth Management

SPONSORS

Bourland, Wall & Wenzel, P.C.

Ernst & Young LLP

Fizer Beck Webster Bentley & Scroggins

Fuentes Toubia, PLLC

The Kelsey Nabhan Group at Graystone Consulting

Weycer, Kaplan, Pulaski & Zuber, P.C.