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January 16*, 17–18, 2013

*Wednesday Afternoon Optional Sessions

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WEDNESDAY AFTERNOON, JAN. 16, 2013

*Optional Sessions

Please select on registration form—additional fee.

Presiding Officer:
Richard W. Meyer, Texas Association of Nonprofit Organizations, Austin, TX

2:30 p.m. Registration Opens

3:00 p.m. .75 hr

A Basic Framework of the Nonprofit Sector

An overview of common issues facing private foundations and public charities, as well as non-exempt entities.

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

3:45 p.m. .75 hr including .25 hr ethics

Fiduciary Duties: Nuts and Bolts

Discussion of the duties governing directors and officers of charitable organizations and what charity managers should do to ensure that they comply with the fiduciary standards by which their conduct is evaluated.

Johnny Rex Buckles, University of Houston Law Center, Houston, TX

4:30 p.m. .75 hr

Taxes—It's Not Just Federal Income Tax

Application of franchise tax, sales tax, local property taxes, excise taxes and payments in lieu of taxes to nonprofit organizations.

T. Chuck Campbell, Baker Botts L.L.P., Houston, TX

5:15 p.m. Break

Concurrent Sessions

PRIVATE FOUNDATION PRIMER

5:30 p.m. 1.00 hr

Private Foundation Primer

An examination of the life cycle of a private foundation from formation, through maintenance and growth, and to termination. The session covers the basics of the private foundation excise taxes from Internal Revenue Code Sections 4940 through 4945 and identifies ways to avoid common mistakes and ethical quagmires encountered by private foundations and private foundation managers.

Amanda M. Adams, Blazek & Vetterling LLP, Houston, TX
Darren B. Moore, Bourland, Wall & Wenzel, P.C., Fort Worth, TX

6:30 p.m. Adjourn

PUBLIC CHARITY PRIMER

5:30 p.m. 1.00 hr

Public Charity Primer

An overview of the tax-exemption requirements affecting public charities, including public charity classifications, unrelated business income, private inurement and private benefit concepts, excess benefit transactions, limitations on lobbying and political campaign activities, and key filing and disclosure requirements.

Brian W. Crozier, Brorby Crozier & Dobie, P.C., Austin, TX

6:30 p.m. Adjourn

THURSDAY MORNING, JAN. 17, 2013

Presiding Officer:
David M. Rosenberg, Thompson & Knight LLP, Dallas, TX

7:45 a.m. Registration Opens

Includes continental breakfast.

8:35 a.m. Welcoming Remarks

8:45 a.m. 1.00 hr

View from the IRS

Coverage of the key issues facing the IRS Exempt Organizations Division including the Work Plan. The Exempt Organization Work Plan highlights accomplishments in the prior year and provides the Division's priorities in the year to come. Hear about the many elements that make up a project and get a better sense of which elements the IRS will be taking on within a particular fiscal year.

Lois G. Lerner, Director of Exempt Organizations Division, Internal Revenue Service, Washington, DC

9:45 a.m. .75 hr including .25 hr ethics

Critical Board Policies

Boards bear fiduciary responsibility for a nonprofit organization's policy process. Learn the critical policies needed to address legal, ethical and mission-critical responsibilities of a nonprofit organization board.

Shelley Koltnow, Via Christi Health, Wichita, KS

10:30 a.m. Break

10:45 a.m. .50 hr

The Meteoric Rise of Donor Advised Funds

Donor Advised Funds are the fastest growing charitable giving platform in the United States and have been for the last several years, largely due to the ease and flexibility such funds offer to donors. This session includes a concise overview of the most salient features of such funds, as well as a discussion of their limitations. The speaker presents three case studies to explore real-world uses in the context of unique family or financial circumstances.

Stephen D. Maislin, Greater Houston Community Foundation, Houston, TX

11:15 a.m. .75 hr

Donor Care Kit

This session focuses on what nonprofits should do to attract and retain donors, distinguish their grant application from others', and help donors meet the IRS rules for claiming a charitable deduction. It also discusses the part of the Form 990 that private foundations examine most when determining whether to award a grant. The panelists offer perspectives from each side of the donor equation.

Moderator:
Nicola Fuentes Toubia, Fuentes Toubia, PLLC, Houston, TX

Panelists:
Emelda Douglas, Neighborhood Centers, Inc., Bellaire, TX
David L. Nelson, Attorney at Law, Houston, TX

12:00 p.m. Pick Up Lunch

Included in conference registration fee.

THURSDAY AFTERNOON

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LUNCHEON PRESENTATION

12:15 p.m. .75 hr

Legislative Update

The elections in November set the stage for what could be among the most important legislative sessions in the history of the nation. Find out what issues are on the table for the non-profit sector and what is likely to happen as the 113th Congress convenes in early January. Topics reflect the issues that are most likely to emerge and may include the future of charitable giving; estate, income and gift tax reform; the role of nonprofits in the election process; and implications from changes in government funding for nonprofits.

Andrew Schulz, Foundation Source, Fairfield, CT

1:00 p.m. Break

Concurrent Sessions

PRIVATE FOUNDATION TRACK

Presiding Officer:
Carol Yonack, Foundation Source, Dallas, TX

1:15 p.m. .75 hr

International Grantmaking and Charitable Investments

Issues and trends in a risk-based approach to charitable investments and grants in an international environment.

Lori A. McLaughlin, KPMG LLP, Greenville, SC

2:00 p.m. 1.00 hr

Investment Return and Impact

Review of the global economic environment and the impact on capital markets. This session discusses specific investment strategy ideas for 2013.

Ronald Florance, Wells Fargo Bank, Scottsdale, AZ

3:00 p.m. Break

3:15 p.m. .50 hr

All-Weather Spending Policies

A discussion of spending policies and how a well-designed policy can help an organization weather bad (and good) economic times.

Sheryl L. Johns, Houston Endowment Inc., Houston, TX
Tina Lundy Melo, Fizer Beck Webster Bentley & Scroggins, Houston, TX

3:45 p.m. .75 hr

Program-Related Investments and New Regulations

A practical approach to understanding and working with Program-Related Investments.

Tomer Inbar, Patterson Belknap Webb & Tyler LLP, New York, NY

4:30 p.m. 1.00 hr

Strategic Tax Private Foundation Planning

This session includes ideas for helping private foundation creators achieve best results and enhance their deductions; using a Section 507(b) termination to bring family harmony; achieving an average 1½% tax rate; valuing assets for Minimum Investment Return (MIR) calculations; applying flexible rules for individual grants; planning direct charitable programs; identifying advocacy versus lobbying; teaching private foundation disqualified persons (DPs) the sanctions rules; documenting potential self-dealing transactions (DP expense reimbursements or compensation); avoiding sanctions with good documentation for permissible self-dealing and Expenditure Responsibility (ER) grants; doing effective year-end planning and more using checklists.

Jody Blazek, Blazek & Vetterling LLP, Houston, TX

5:30 p.m. Adjourn to Reception

PUBLIC CHARITY TRACK

Presiding Officer:
Michaela J. Cromar, Sanford, Baumeister & Frazier, PLLC, Fort Worth, TX

1:15 p.m. .75 hr

Cause-Related Marketing

From pink ribbons to polar bears, cause-related marketing has exploded into a billion dollar a year industry. Cause-related marketing alliances between for-profit companies and charitable organizations are increasingly common and appear to be a "win-win" situation for everyone involved. However, charitable organizations need to be mindful of potential business, legal and tax-related risks of cause-related marketing alliances. This session examines best practices for cause-related marketing alliances and potential unrelated business income tax (UBIT) and private benefit concerns involving cause-related marketing activities.

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

2:00 p.m. 1.00 hr

Doing More with Less: Public/Private Collaboration as a Key Nonprofit Trend

In today's economy, nonprofits have been innovative at serving client and community needs by partnering with government and for-profit businesses to advance their cause. Learn from an MBA and a JD what works and what is legal in this workshop.

Tyree Collier, Thompson & Knight LLP, Dallas, TX
Suzanne N. Smith, Social Impact Architects, Dallas, TX

3:00 p.m. Break

3:15 p.m. .50 hr

Endowments

This presentation addresses the legal aspects of establishing an endowment foundation, both under federal tax laws and state laws regarding asset protection.

Jeffrey T. McClean, Fizer Beck Webster Bentley & Scroggins, Houston, TX

3:45 p.m. .75 hr

Compensation for Public Charities: Strategies and Compliance

A focus on compensation strategies for tax-exempt organizations, including particular strategies that minimize compliance and reporting risks.

R. Todd Greenwalt, Bracewell & Giuliani LLP, Houston, TX

4:30 p.m. 1.00 hr including .25 hr ethics

When Things Go South: The Collision of Law and PR

High-profile clients mean high-profile crises. Lessons from the headlines on how to plan for crisis and survive it. This session examines Boy Scouts and Komen for the Cure and their recent experiences.

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

5:30 p.m. Adjourn to Reception

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FRIDAY MORNING, JAN. 18, 2013

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

7:45 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.50 hrs

Exempt Organizations Update

A review of current developments, including legislation, regulations, IRS rulings and court opinions with emphasis on these aspects of the law: qualification for exemption, public charity rules, IRS audit and compliance check activity, governance developments, unrelated business, joint ventures, private inurement and private 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

"Content, topics, format and speakers were excellent.

I liked the variety of topics—legal, practical, tax-related—that had application to all kinds of organizations large and small.

One of the best CLE events I've ever attended.

Good variety of topics and high quality speakers. Very impressive!"

10:00 a.m. **.75 hr**

Regulation of Charitable Organizations: A Chat with the Attorney General's Office

AG concerns and recommendations—Questions asked and answered in a conversation between practitioner and regulator.

Susan K. Staricka, Office of the Attorney General, Austin, TX
Michael V. Bourland, Bourland, Wall & Wenzel, P.C., Fort Worth, TX

10:45 a.m. **Break**

11:00 a.m. **1.00 hr including .25 hr ethics**

Internal Warfare: Addressing and Resolving Board Discord

An examination of reasons for board discord, the responsibilities and duties of board members in these circumstances and ways to resolve conflict.

Moderator:
David M. Rosenberg, Thompson & Knight LLP, Dallas, TX

Panelists:
William H. Caudill, Fulbright & Jaworski L.L.P., Houston, TX
Cory Halliburton, Weycer, Kaplan, Pulaski & Zuber, P.C., Arlington, TX

12:00 p.m. **.50 hr**

Affordable Care Act

Learn the implications of the Supreme Court's recent ruling on the 2010 health care law, the Affordable Care Act (ACA). This session addresses issues that organizations should consider in light of the Court's ruling and reviews the changes that are targeted for 2013 and 2014 as the ACA is phased in.

Joyce Hellums, Ernst & Young LLP, Austin, TX

12:30 p.m. **.75 hr including .25 hr ethics**

Hot Topics in Employment Law, Including Technology in the Workplace

This session explores the next generation of legal issues being created by modern technology in the workplace. From privacy concerns created by enhanced monitoring capabilities to FLSA issues created by mobile workers, and from the application of the Stored Communications Act to employee email and social media usage to the evolving scope of employer liability for remote-employee safety and third-party injuries, this session provides a look at the latest cases and trends and provides practical considerations for corporate professionals and employees alike.

Jason Boulette, Boulette & Golden L.L.P., Austin, TX

1:15 p.m. **Adjourn**

ABOUT THE COVER

No Moral Judgment Stands Alone, 32" x 40", mixed media collage of paper soufflé cups, old law books and acrylic, is by Philip Durst. For more information, visit **davisgalleryaustin.com/artists.durst.html.**

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January 16*, 17–18, 2013

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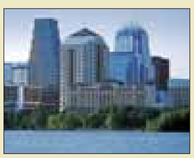

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