32nd Annual Nonprofit Organizations Institute
January 15-16, 2015 • Four Seasons Hotel • Austin, TX

Thursday Morning, Jan. 15, 2015

Presiding Officer:
Joyce Hellums, Ernst & Young LLP - Austin, TX

7:30 am	**Registration Opens** Includes continental breakfast.
8:10 am	**Welcoming Remarks**
8:15 am 1.00 hr	**A View of the Sector from the Trenches** In-house counsel, former legislation counsel for the Joint Committee on Taxation and the former IRS Exempt Organizations manager share their views on current trends and developments to come. Moderator: Robert A. Wexler, Adler & Colvin - San Francisco, CA Panelists: Stephen M. Clarke, Ernst & Young LLP - Washington, DC Alexander L. Reid, Morgan, Lewis & Bockius LLP - Washington, DC
9:15 am 0.75 hr	**Public-Private Partnerships: Why and How?** A discussion of real-world experiences in how innovative use of public-private partnerships can help spur community development, expand entrepreneurial engagement and enhance the nonprofit sector's delivery of quality service. Tracy Kartye, The Annie E. Casey Foundation - Baltimore, MD John Tyler, Ewing Marion Kauffman Foundation - Kansas City, MO
10:00 am	**Break**

CONCURRENT TRACKS

Charitable Giving
Presiding Officer:
Joyce Hellums, Ernst & Young LLP - Austin, TX

10:15 am 0.75 hr	**Structured Charitable Giving Strategies: From Plain Vanilla to Rocky Road** Explore the key charitable giving structures used by charitable organizations to attract donors in an increasingly competitive donor environment, including the varied flavors of the charitable remainder trust and charitable lead trust and the challenges and opportunities these structures present for charities and their donors. John Sare, Patterson Belknap Webb & Tyler LLP - New York, NY

11:00 am 0.75 hr	**Gifts from Cousin Eddie: Acceptance, Ownership and Management by Charities of Unusual Assets** Learn about the donation of unusual assets and how best to handle them. The elements of a gift acceptance policy and structures for limiting liability that might be associated with these assets once contributed are also explored. Michael V. Bourland, Bourland, Wall & Wenzel, P.C. - Fort Worth, TX David M. Rosenberg, Thompson & Knight LLP - Dallas, TX
11:45 am	**Pick Up Lunch** Included in registration.

Investment Management
Presiding Officer:
Tomer Inbar, Patterson Belknap Webb & Tyler LLP - New York, NY

10:15 am 0.75 hr	**Understanding Your Investment Portfolio** Understanding the elements of a prudent investment portfolio, terminology, the role of alternative investments and risk mitigation strategies. Christopher E. Blume, Goldman Sachs Institutional Client Solutions - New York, NY
11:00 am 0.75 hr	**Investment Management and Oversight of Institutional Funds: Developing a Process for Fiduciaries** Identify the responsibilities of Boards and investment committees in overseeing investment decisions and examine the anatomy of an investment policy and applicable state regulation. William F. Jarvis, Commonfund Institute - Wilton, CT Norman E. Nabhan, Graystone Consulting - Houston, TX
11:45 am	**Pick Up Lunch** Included in registration.

Thursday Afternoon, Jan. 15, 2015

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

LUNCHEON PRESENTATION

	Thank You To Our Luncheon Sponsor Thompson & Knight LLP

12:05 pm 0.75 hr	**A View from the IRS: A Year of Change** An overview of the changes at the IRS and in the nonprofit sector over the past year. **Note: The Internal Revenue Service and the U.S. Department of the Treasury are not sponsoring the luncheon and their participation in the luncheon is not intended as an endorsement of the luncheon or the sponsors.* Sunita B. Lough, TE/GE Commissioner, Internal Revenue Service - Washington, DC
12:50 pm	**Break**

CONCURRENT TRACKS

Private Foundation Issues
Presiding Officer:
Nicola Fuentes Toubia, Fuentes Toubia, PLLC - Houston, TX

1:05 pm 1.00 hr	**Life Cycle of a Private Foundation** Advanced issues facing private foundations from creation to spend-down. Andrew Schulz, Arabella Advisors - Washington, DC Carolyn O. "Morey" Ward, Ropes & Gray LLP - Washington, DC
2:05 pm 1.00 hr	**Self-Dealing and Other Complex Compliance Issues** How to face violations of the self-dealing, mandatory payout, and taxable expenditure sanctions imposed on private foundations. Learn how violations arise, how to prevent them, how to fix (correct) them, and strategies for reporting them on the Form 990-PF and 4720. Jody Blazek, Blazek & Vetterling - Houston, TX
3:05 pm	**Break**
3:15 pm 1.00 hr	**The Private Foundation Audit: Strategies for Coping** An overview of the revised examination guidelines, some recent IRS exam history, how to be prepared for examination and the needed documentation for compliance, with comments from both the organization and external advisor perspectives. Tricia Johnson, Ernst & Young LLP - Cincinnati, OH Coleith Molstad, The Roy F. & Joann Cole Mitte Foundation - Austin, TX

Open Discussion

4:15 pm 1.00 hr	**Transparency and Compliance: A General Counsel's View** Learn about the challenges with creating a culture of openness, transparency and compliance at nonprofit organizations while protecting privacy and confidentiality. Moderator: Frank Sommerville, Weycer Kaplan Pulaski & Zuber, P.C. - Arlington, TX Panelists: Beverly Jones, American Society for the Prevention of Cruelty to Animals - New York, NY Angela F. Williams, YMCA of the USA - Chicago, IL Ellen D. Willmott, The Susan G. Komen Breast Cancer Foundation, Inc. - Dallas, TX
5:15 pm	**Adjourn to Reception** Join us for a networking opportunity with faculty and colleagues. THANK YOU TO OUR RECEPTION SPONSOR Frost Wealth Advisors

CONCURRENT TRACKS

Structuring and Operating
Presiding Officer:
MariBen Ramsey, Austin Community Foundation - Austin, TX

1:05 pm 1.00 hr	**Alternative Operating Structures, Governance Best Practices and Fraud Risk Management** Nonprofit organizations have many organizational options for their mission-driven activities. Weigh the pros and cons of various options in the context of managing risk—both to the assets of the organization as well as its tax-exempt status—and explore the important role of governing boards in establishing fraud deterrence, prevention and detection programs in order to assure stakeholders that their assets and interests are secure. David L. Cotton, Cotton & Company LLP - Alexandria, VA Darren B. Moore, Bourland, Wall & Wenzel, P.C. - Fort Worth, TX
2:05 pm 1.00 hr	**The Increasingly Virtual Nonprofit: Big Data—The Beginning of the End** Gain insight into the nascent movement to bring data-driven analytical rigor to employment decision-making and the effect “big data” HR practices are expected to have on the prosecution and defense of employment-related legal claims. Jason Boulette, Boulette & Golden L.L.P. - Austin, TX
3:05 pm	**Break**
3:15 pm 1.00 hr	**Navigating the Lobbying Rules for Effective Advocacy: An In-House Perspective** An in-house counsel perspective on the lobbying rules for public charities and foundation funders, including a brief overview of the rules with a focus on what is essential for staff and volunteers to know, what an effective training program looks like, and how public charities can work with private foundation funders on advocacy programs. Katherine L. Karl, American Cancer Society, Inc. - Washington, DC Elizabeth Peters, The William and Flora Hewlett Foundation - Menlo Park, CA Commentator: Tomer Inbar, Patterson Belknap Webb & Tyler LLP - New York, NY

Open Discussion

4:15 pm 1.00 hr	**Managing Your Brand in a Social Media World** How nonprofits increasingly use social media to engage with the world and accomplish their missions, what tools are out there and how best to manage the legal risks and traps for the unwary. Tim Isgitt, Humanity United - San Francisco, CA Lawrence K. Mendenhall, Humanity United - San Francisco, CA
5:15 pm	**Adjourn to Reception** Join us for a networking opportunity with faculty and colleagues. THANK YOU TO OUR RECEPTION SPONSOR Frost Wealth Advisors

Friday Morning, Jan. 16, 2015

Presiding Officer:
Jody Blazek, Blazek & Vetterling - Houston, TX

7:30 am	**Conference Room Opens** Includes continental breakfast.
8:00 am 1.00 hr ethics	**Ethics Breakfast: Ethical Considerations in Representing Nonprofit Organizations** Fundamental principles and rules of professional responsibility governing legal counsel in their representation of charities and other nonprofit organizations. Johnny R. Buckles, University of Houston Law Center - Houston, TX
9:00 am 1.00 hr	**State Trends in Governance and Regulatory Oversight** Explore significant regulatory initiatives, enforcement actions and governance trends from both the governmental and private sector perspective. Jason R. Lilien, Zuckerman Spaeder LLP - New York, NY Susan K. Staricka, Office of the Attorney General - Austin, TX
10:00 am	**Break**
10:15 am 1.00 hr	**Healthcare and Your Organization: Understanding and Complying with the Affordable Care Act** What every nonprofit organization needs to know about complying with the Affordable Care Act and its impact. Catherine E. "Cathy" Livingston, Jones Day - Washington, DC
11:15 am	**Pick Up Lunch** Included in registration.

Friday Afternoon, Jan. 16, 2015

Presiding Officer:
Norman E. Nabhan, Graystone Consulting - Houston, TX

LUNCHEON PRESENTATION

11:35 am 1.00 hr	**Year in Review** Review current developments, including legislation, regulations, IRS rulings and court opinions with emphasis on: qualification for exemption, application process, public charity rules, IRS audit and compliance check activity, governance, unrelated business, joint ventures, private inurement and private benefit, intermediate sanctions, legislative and political activity, supporting organizations, donor-advised funds, endowments, and planned and other charitable giving. Bruce R. Hopkins, Polsinelli PC - Kansas City, MO
12:35 pm	**Break**

CONCURRENT TRACKS

Effective Oversight
Presiding Officer:
Norman E. Nabhan, Graystone Consulting - Houston, TX

12:50 pm 0.75 hr	**Fiduciary Duty: The Dos and Don'ts of Nonprofit Board Service and Their Advisers** Discuss the basic fiduciary duties and obligations applicable to Board members of a nonprofit corporation, training new Board members on their fiduciary duties and advising Boards on their obligations. Jay M. Chadha, Norton Rose Fulbright - Houston, TX
1:35 pm 0.75 hr	**Risky Business: A Guide to Minimizing the Perils of Nonprofit Management** Identify the most risky areas of nonprofit operations, discuss internal controls to mitigate these risks and outline the role that good governance plays in risk management. Rachel Luna, Southwest Key Programs - Austin, TX Nicola Fuentes Toubia, Fuentes Toubia, PLLC - Houston, TX
2:20 pm 0.75 hr	**Executive Compensation, Related Party Transactions and Intermediate Sanctions** Analyze the issues organizations face in reviewing, deciding and documenting executive compensation and related party transactions. Edward T. Chaney, Schell Bray PLLC - Chapel Hill, NC James F. Wynn II, Quatt Associates - Washington, DC
3:05 pm	**Adjourn**

New Frontiers
Presiding Officer:
Andrea L. March, Texas Rio Grande Legal Aid - Austin, TX

12:50 pm 0.75 hr	**Commercializing and Protecting Intellectual Property in an Increasingly Open and Fluid World** Charities are faced with many opportunities to license their intellectual property in fundraising and fulfilling their missions. Learn best practices for licensing and protecting a charity's intellectual property, and the potential unrelated business income tax implications to a charity from licensing its intellectual property. Terri Helge, Texas A&M University School of Law - Fort Worth, TX Deborah L. Lively, Thompson & Knight LLP - Dallas, TX
1:35 pm 0.75 hr	**The Tensions at the Frontiers of Charitability: Education, Agriculture, Energy and Social Entrepreneurship** Evolving approaches to charitable behavior in the charitable sector and finding the end of the envelope. James P. Joseph, Arnold & Porter LLP - Washington, DC
2:20 pm 0.75 hr	**Outcome-Based Philanthropy** How do we know if the dollars we invest actually make a difference in the lives of those we reach? A look at the processes and practices around meaningful measurement—using the Michael and Susan Dell Foundation as a case-study—including strategies for measuring the success of grant-making efforts and the role of data collection and dissemination in achieving real and thoughtful results. Semonti Basu, Michael & Susan Dell Foundation - Austin, TX
3:05 pm	**Adjourn**