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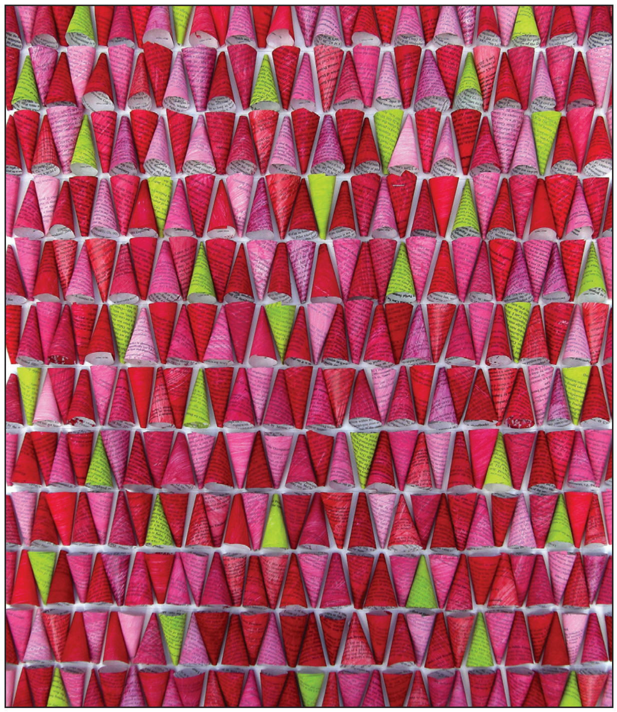

WORKSHOP
January 13, 2016

INSTITUTE
January 14–15, 2016

Four Seasons Hotel
Austin, Texas

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2016

NONPROFIT ORGANIZATIONS COMPLIANCE AND INTERNAL REVIEW WORKSHOP

January 13, 2016 ▪ Four Seasons Hotel ▪ Austin, Texas

Earn up to 3.25 Hours CLE Credit Including 0.50 hr Ethics, and 3.50 Hours CPE Credit (NASBA)

WEDNESDAY AFTERNOON, JAN. 13, 2016

3:00 p.m. Registration Opens
Includes light refreshments.

Concurrent Tracks

PRIVATE FOUNDATIONS

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

3:55 p.m. Welcoming Remarks

4:00 p.m. .75 hr

Grant-Making:
Process Issues for Private Foundations

Grant-making requires rigorous administrative processes to ensure effective impact, legal compliance, and financial accounting controls. Review the basics of grant-making processes and administration, including sourcing and the due diligence process, internal review and approvals, electronic signatures and other logistics, maintaining grant records, release of payments and other financial controls, and how good processes can help when grants go bad.

Mia Hsu Burton, Michael & Susan Dell Foundation
Coleith Molstad, The Roy F. & Joann Cole Mitte Foundation

4:45 p.m. .75 hr

Chapter 42 Excise Taxes and UBIT

Explore the restrictions applicable to private foundations under Chapter 42 of the Internal Revenue Code, including the prohibition against self-dealing, investment restrictions, and the 5% payout requirement, as well as the unrelated business income tax as it applies to private foundations.

Tyree Collier, Thompson & Knight LLP

5:30 p.m. .75 hr

Form 990-PF:
Clues to Interpret Significant Parts

Walk through a mock-up of a private foundation annual IRS return for clues to areas that need serious attention to avoid common mistakes. Consider appropriate depth of disclosures, strategies for correcting problems, annual compliance review, and steps to avoid penalties.

Jody Blazek, Blazek & Vetterling

6:15 p.m. Break

PUBLIC CHARITIES

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

3:55 p.m. Welcoming Remarks

4:00 p.m. .75 hr

The New World of Grant-Seeking

The grant-writing world has changed dramatically for nonprofit organizations. Grant-making organizations have shifted priorities, revised processes, and refocused their investments in unexpected ways. Grant-seekers are often caught off guard by these changes, with disastrous budgetary consequences. Consider grant-making trends, paying special attention to the increasingly rigorous requirements imposed on grant recipients.

Ronnie Hagerty, United Way of Greater Houston
Bob Weiss, Carl B. and Florence E. King Foundation

4:45 p.m. .75 hr

Selected Operational Issues for Public Charities

Using various case studies, reexamine certain operational issues applicable to public charities, including *ultra vires* activities, non-charitable activities, private benefit issues, intermediate sanctions, and UBIT.

Jeffrey T. McClean, Fizer Beck

5:30 p.m. .75 hr

Form 990:
Red Flags and Common Pitfalls

Learn how to put your best foot forward on Form 990 by being prepared, including what to look for, what to worry about, things to avoid, and mitigating risk through disclosure.

Michaela J. Cromar, CliftonLarsonAllen LLP

6:15 p.m. Break

6:30 p.m. 1.00 hr | .50 hr ethics

Assessing Governance Risk from the Board Perspective

Identify and analyze areas of risk that boards should consider, including responsibilities for understanding internal control, whistleblower procedures, financial reporting transparency, compensation policies, and other areas of financial risk.

Rudolph R. Ramelli, Jones Walker LLP
Kay Walther, Blazek & Vetterling

7:30 p.m. Adjourn

WELCOME RECEPTION
THANK YOU TO OUR SPONSOR

Frost BANKING INVESTMENTS INSURANCE

7:30 p.m. – 8:30 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

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Michael & Susan Dell Foundation
Austin, TX

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January 14–15, 2016 ▪ Four Seasons Hotel ▪ Austin, Texas

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THURSDAY MORNING, JAN. 14, 2016

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

7:30 a.m. Registration Opens

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

Shifting Tides in the Exempt Organizations Sector

A look at current challenges and pressure points in the exempt organizations sector, including fallout from the IRS Exempt Organizations realignment, legislative initiatives, and other trends and developments.

Stephen M. Clarke, Ernst & Young LLP
David A. Shevlin, Simpson Thacher & Bartlett LLP

9:15 a.m. 1.00 hr | .50 hr ethics

A Practical Approach to Cybersecurity for Nonprofits: Assessing the Legal, Regulatory, and Headline Risks of a Data Breach

It seems barely a day goes by without a "cyber breach" headline in the news. Examine two separate, but equally important, issues: the legal, regulatory, and corporate governance issues every nonprofit should consider, and how best to prepare for, and remediate, a cybersecurity breach.

Spencer Baretz, Hellerman Baretz Communications
Craig A. Newman, Patterson Belknap Webb & Tyler LLP

10:15 a.m. Break

Concurrent Tracks

1A: ADVOCACY

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

10:35 a.m. .75 hr

Lobbying and Political Campaign Activities in an Election Year

Learn when you can, cannot, and what it means to lobby, engage in issue advocacy, express an opinion on proposed legislation, propose legislation, and give a call to action—including all the caveats, exceptions to the rules, and exceptions to the exceptions that apply—without losing your exempt status!

Alexander L. Reid, Morgan, Lewis & Bockius LLP

11:20 a.m. .75 hr

Making 501(c) Connections for Advocacy

Is your 501(c)(3), 501(c)(4), 501(c)(5), or 501(c)(6) ready for the upcoming election or the next legislative session? Hear practical lessons on permissible lobbying and election-related activity and how to create and operate affiliated organizations to expand the scope of your legislative and electoral advocacy.

John Pomeranz, Harmon, Curran, Spielberg + Eisenberg, LLP

12:05 p.m. Pick Up Lunch
Included in registration.

1B: INVESTMENT

Presiding Officer:
Karey Dubiel Dye, Goldman, Sachs & Co., Houston, TX

10:35 a.m. .75 hr

Investment Management and Oversight

Review the fiduciary duties and standards applicable to management and oversight of charitable assets and explore the methods and approaches—from both a legal and a practical perspective—for crafting an investment strategy, including the role and function of investment committees and advisors, the key elements of an effective investment policy, and tactics for smaller organizations.

Megan E. Bell, Patterson Belknap Webb & Tyler LLP
Christopher E. Blume, Goldman Sachs Institutional Client Solutions

11:20 a.m. .75 hr

The Value of Investing with Impact

Explore the full spectrum of impact solutions available, navigate the implementation process, and learn why applying an impact lens to investment decisions does not mean choosing mission over financial performance.

Norman E. Nabhan, Morgan Stanley Graystone Consulting
Lily Scott, Morgan Stanley Wealth Management

12:05 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

Presiding Officer: Lucille DiDomenico, Philanthropy Southwest, Dallas, TX

12:35 p.m. .75 hr

Compassionate Careers:
Strategies for Attracting, Developing, and Retaining Talent in Cause-Focused Organizations

Gain insight on how to inspire, engage, and align your most important asset—your people—and learn the "secret sauce" to helping your organization be ready for the talent transfusion of the 21st Century.

Jeffrey W. Pryor, Pathfinder Solutions
Alexandra Mitchell, Pathfinder Solutions

1:20 p.m. Break

1:35 p.m. 1.00 hr

The Role of the CEO, CFO, and GCO: Managing the Relationship between the Executive Branch, Finance, and Legal

An interactive discussion among C-Suite officers about the issues that cause them the most concern through the lens of each officer's perspective. Hear thoughts on how to successfully collaborate and utilize each skill set, and the challenges and successes of working with C-Suite colleagues.

Moderator:
Robin Krause, Patterson Belknap Webb & Tyler LLP

Panelists:
Earl Maxwell, St. David's Foundation
Cyndi Roberts, American Heart Association
Andrew Schulz, Arabella Advisors

2:35 p.m. Break

Concurrent Tracks

2A: EMPLOYMENT AND HR ISSUES

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

2:55 p.m. .75 hr

Employment Issues for Nonprofit Organizations

Review employment issues for nonprofits, including managing employees, independent contractors, unpaid interns, and volunteers; social media issues for employees; and background checks and hiring issues.

Katrina Grider, Attorney at Law

3:40 p.m. .75 hr

Current Affordable Care Act Issues for Nonprofit Employers and Social Service Providers

Having survived another Supreme Court challenge, the Affordable Care Act (ACA) is here to stay, expanding coverage and also creating other consequences that affect nonprofit organizations, both as employers and as social service providers. Review what nonprofit employers must do to avoid penalties and handle new information reporting responsibilities, and learn how the ACA is affecting nonprofits that serve those in need of health care.

Catherine E. Livingston, Jones Day

4:25 p.m. Break

2B: FOUNDATION STRUCTURING

Presiding Officer:
Amanda M. Gyeszly, Texas Crude Energy, LLC, Houston, TX

2:55 p.m. .75 hr

Structuring, Restructuring, and Breaking Up Private Foundations

Considering forming a private foundation or altering the structure of an existing private foundation? Weigh the pros and cons of available options to accomplish your goal(s) and possible alternatives, including donor-advised funds and supporting organizations. Identify when separation may be a viable option, gain best practice tips for negotiating and implementing the separation, and review important considerations and traps for the unwary, including fiduciary considerations, the role of donor intent, and the perspectives and involvement of the Attorney General's Office.

Michael V. Bourland, Bourland, Wall & Wenzel, P.C.
David M. Rosenberg, Thompson & Knight LLP
Susan K. Staricka, Charitable Trusts Financial Litigation and Charitable Trusts Division, Office of the Attorney General

3:40 p.m. .75 hr

Private Foundation Relationships with Businesses and Family Offices

Learn about considerations that can arise when affiliating a private foundation with a business or family office; plus explore key foot faults and complex issues, such as structuring relationship, staffing the foundation (including whether to employ Grandma, Junior, and Rover), special grant-making concerns, purchasing tickets or tables to fundraising events, co-investing, and more.

Edward T. Chaney, Schell Bray PLLC

4:25 p.m. Break

Concurrent Tracks

3A: IP AND SOCIAL MEDIA

4:35 p.m. .75 hr

Social Media for Nonprofits: Possibilities and Pitfalls

Explore some of the myriad possible ways that nonprofit organizations have been utilizing social media to advance their charitable missions, examine some of the legal pitfalls that may arise from social media usage by nonprofits and their employees, and learn how a well-designed social media policy can help mitigate some of this risk.

Adam Price, Michael & Susan Dell Foundation
Jean L. Tom, Davis Wright Tremaine LLP

5:20 p.m. .75 hr

The Innovative Nonprofit (That's You!)

The creative energy you pour into accomplishing your mission usually results in protectable intellectual property. Gain a better understanding of your intellectual property and how you can use it to strengthen your organization while avoiding risks common to nonprofits.

Derrick A. Pizarro, The Pizarro Firm

6:05 p.m. Adjourn to Reception

3B: CHARITABLE GIVING

4:35 p.m. .75 hr

Gift Agreements and Gift Restrictions

Learn what to consider when you are offered a gift and what to consider offering in return, what you should address in a gift acceptance policy, and tips for drafting gift agreements.

Jennifer I. Reynoso, Simpson Thacher & Bartlett LLP

5:20 p.m. .75 hr

Living with Gift Agreements: Managing Living Donors and the Dead Hand

Explore various challenging legal and practical issues related to the ongoing management of restricted gifts, including problematic gift restrictions, endowment gifts, meddlesome donors, outdated restrictions, and publicity and privacy requirements.

Morey Ward, Ropes & Gray LLP

6:05 p.m. Adjourn to Reception

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NICOLA FUENTES TOUBIA
Fuentes Toubia, PLLC
Houston, TX

FRIDAY MORNING, JAN. 15, 2016

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

7:00 a.m. Conference Room Opens
Includes continental breakfast.

8:00 a.m. .50 hr

Texas State Legislative and Regulatory Update
Hear the latest developments affecting nonprofits, including updates from the 2015 Texas Legislature and state regulatory agencies, and look ahead to interim legislative committee activity for the 2017 session.

Richard W. Meyer, Attorney at Law

8:30 a.m. 1.00 hr

Year in Review
Review current developments, including federal 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, Bruce R. Hopkins Law Firm

9:30 a.m. Break

Concurrent Tracks

4A: STRATEGIES/STRUCTURES FOR SHARING

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

9:50 a.m. 1.00 hr

Joint Ventures and Other Organizational Structures (Big and Small)
Nonprofits of all varieties and sizes increasingly have opportunities for which they need to consider how organizational structures can enhance their results, ensure clarity of purpose and direction, and protect their exemptions. Learn when spinning out a program, asset, or initiative might be wise and, if so, how to do it. Understand when, why, and how to go beyond contracting to more formally structuring relationships using joint ventures and other collaborative vehicles. Finally, address issues associated with operating or maintaining these enterprises, subsequent exit strategies and the potential need to unwind the relationships.

James P. Joseph, Arnold & Porter LLP
John Tyler, Ewing Marion Kauffman Foundation

10:50 a.m. 1.00 hr

Public–Private Partnerships: More Useful than You Thought
Explore governments' use of private organizations to provide public goods—whether housing, infrastructure, healthcare, work force preparedness, or other social services—focusing on the role that nonprofits play in these partnerships. Examine how to identify local, regional, and national opportunities and outline how these relationships work.

Moderator:
Nicola Fuentes Toubia, Fuentes Toubia, PLLC

Panelists:
Mary Lawler, Avenue Community Development Corporation
Neal Rackleff, City of Houston Housing and Community Development Department

11:50 a.m. Pick Up Lunch
Included in registration.

4B: SHOW ME THE MONEY

Presiding Officer:
Lucille DiDomenico, Philanthropy Southwest, Dallas, TX

9:50 a.m. 1.00 hr

First You Need to Find It: Accessing New Forms of Capital to Finance Your Work
Regardless of an organization's size, financing the mission requires strategy, effort, and a willingness to consider new and different alternatives to standard fundraising. Examine different alternatives available, including nonprofit involvement in commercial activities and the emerging convergence between for-profit and nonprofit business models; social venture and social entrepreneurship; earning revenue and capturing value with missional consistency, including through strategic corporate sponsorships and cause-related marketing; and the role of impact investments as a new source of financial capital for the mission.

Matt Kouri, Mission Capital
Darren B. Moore, Bourland, Wall & Wenzel, P.C.

10:50 a.m. 1.00 hr

Then You Need to Keep It: Complex UBIT Issues and Strategies for Coping
When does a money-making idea cross the line to create potential problems for a tax-exempt organization? Consider both the critical business and legal issues—and learn strategies to address potential UBIT concerns—of selected fundraising ventures, including licensing, corporate sponsorships, advertising, unrelated debt-financed income, facilities rentals, and commercial services.

Terri Helge, Texas A&M University School of Law

11:50 a.m. Pick Up Lunch
Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Lucille DiDomenico, Philanthropy Southwest, Dallas, TX

LUNCHEON PRESENTATION

12:20 p.m. .75 hr

Outcome-Based Philanthropy: Tracking, Measuring, and Promoting Impact
Gain useful guidance, tools, and real-life examples about how funders and nonprofit agencies can answer the question, "are we making a difference?" Learn how evaluation in philanthropy can strengthen both grant-making and grantee performance in mutually beneficial and reinforcing ways.

Tim Wilmot, San Antonio Area Foundation

1:05 p.m. Break

1:20 p.m. 1.25 hrs | .25 hr ethics

Anatomy of a Fraud
Examine a case study that demonstrates the importance of having sound systems of internal control in which it quickly becomes obvious that internal control procedures were either missing or broke down in several important areas. But, were more sinister forces at play? Who had motive, access, opportunity? Did someone misappropriate funds? Did someone funnel funds to cronies? If so, who did it? Participants have the opportunity to cross-examine the key suspects in the case in order to arrive at *The Truth*.

David L. Cotton, Cotton & Company LLP

2:35 p.m. Break

Concurrent Tracks

5A: STATE AND LOCAL ISSUES

Presiding Officer:
Richard W. Meyer, Attorney at Law, Austin, TX

2:55 p.m. .75 hr | .50 hr ethics

State Lobbying and Ethics Laws

The involvement of nonprofits in the political process is becoming one of the most scrutinized areas of both campaign finance and corporate law. Different jurisdictions are approaching regulations in a variety of ways. Learn about current trends in Texas and beyond, and how to comply with lobbying, ethics, and disclosure rules for nonprofit corporations.

Ross Fischer, The University of Texas School of Law and Gober Hilgers PLLC

3:40 p.m. .75 hr | .25 hr ethics

State Tax and Cross-Border Issues: Traps for the Unwary

Explore state and local tax issues unique to nonprofit organizations, including taxes imposed by Texas and differences in other states, and identify best practices as well as traps to avoid.

Kirk R. Lyda, Jones Day
Davila Niesen, Ernst & Young LLP

4:25 p.m. Adjourn

5B: GOVERNANCE

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

2:55 p.m. .75 hr | .50 hr ethics

Advising the Organization: Advanced Issues in Corporate Governance

Balancing the roles and responsibilities of the board of directors, individual board members, and staff can be an interesting exercise in corporate governance. In some cases, the individuals step out of their roles and into governance problems.

Jonathan S. Blum, Polsinelli PC

3:40 p.m. .75 hr | .25 hr ethics

Protecting the Fiduciaries: Board Liability and Protections

An overview of the potential legal exposures faced by board members and other fiduciaries of nonprofit organizations and how they can be protected. Review volunteer immunities available under the law, director indemnification, and D&O insurance.

Shane W. Hudson, Fizer Beck

4:25 p.m. Adjourn

WORKSHOP ACCREDITATION

CLE CREDIT

Approved in Texas, California and Oklahoma

Texas Legal Specialization Credit Approved for Estate Planning and Probate Law and Tax Law

CPE CREDIT

Earn up to 3.50 credits in Taxes (NASBA)
Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None

INSTITUTE ACCREDITATION

CLE CREDIT

Approved in Texas, California and Oklahoma

Texas Legal Specialization Credit Approved for Estate Planning and Probate Law and Tax Law

CPE CREDIT

Earn up to 18.00 credits in Taxes (NASBA)
Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None

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Includes Course Materials and Wednesday Evening Welcome Reception

1. Select Registration Type

❑ Individual registration by January 6 . . . . . $100
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2. Select Course Materials Format

❑ Electronic Course Binder Download (PDF) ONLY
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3. Select Workshop Concurrent Track

❑ Private Foundations
❑ Public Charities

Workshop Registration Total . . . . . $__________

INSTITUTE—NO16

Includes Course Materials, Wednesday Evening Welcome Reception, Thursday and Friday Luncheon Presentations and Thursday Evening Reception

1. Select Registration Type

❑ Individual registration by January 6 . . . . . $575
❑ Individual registration after January 6 . . . . . $625

2. Select Course Materials Format

❑ Electronic Course Binder Download (PDF) ONLY
❑ Printed Course Binder ONLY (available through January 6)

3. Select Institute Concurrent Tracks

❑ 1A: Advocacy ❑ 2A: Employment and HR ❑ 3A: IP and Social Media
❑ 1B: Investment ❑ 2B: Foundation Structuring ❑ 3B: Charitable Giving

❑ 4A: Strategies/Structures for Sharing ❑ 5A: State and Local Issues
❑ 4B: Show me the Money ❑ 5B: Governance

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__________ Additional participant(s) for $110 each . . . . . $__________

Workshop In-House Total . . . . . $__________

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❑ In-House CLE for 2 . . . . . $850
__________ Additional participant(s) for $275 each . . . . . $__________

Institute In-House Total . . . . . $__________

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❑ Audio Download (MP3) $75
❑ Audio CD Set $125

Workshop ConferenceComplete Materials† Total . . . . . $__________

†Texas customers add 8.25% sales tax, or include Exemption Certificate . . . . $__________
Sales tax will be invoiced separately on taxable materials orders for which payment does not include tax.

INSTITUTE—NO16

❑ eBinder Download (PDF) $225
❑ Printed Binder $275
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Institute ConferenceComplete Materials† Total . . . . . $__________

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❑ Check (make check payable to The University of Texas at Austin) ❑ VISA ❑ MasterCard ❑ American Express ❑ P.O.

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January 13, 14–15, 2016 ■ Four Seasons Hotel ■ Austin, Texas

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NP16-NO16

AUSTIN

January 13, 14–15, 2016

CONFERENCE LOCATION

Four Seasons Hotel
98 San Jacinto
Austin, TX
512.685.8100

Special Room Rate: $249
good through December 14, 2015
reference "UT Law Nonprofits Institute"
(subject to availability)

Parking:
$12 daily self-parking; $16 valet
$32.50 overnight self or valet

KEY DATES

January 6, 2016

last day for early registration
add $50 for registrations
received after this time

January 8, 2016
last day for cancellation (full refund)

January 11, 2016
last day for cancellation (partial refund)
$50 processing fee applied

January 13, 2016, 3:55 p.m.
Workshop begins

January 14, 2016, 8:20 a.m.
Institute begins

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