

Recognizing and Working with Form 990's Priority Pressure Points (Breakout – Master Class B)

Eve Rose Borenstein, J.D.

The University of Texas School of Law

38th Annual Nonprofit Organizations Institute

Be Aware of the 990's Audience

1. IRS (primarily the Exempt Organizations function within the Services' TEGE Operating Division)
2. States (and District of Columbia) – Attorneys General and agencies with “charity oversight” or other sphere of review (for example re the latter, Gaming Boards)
3. Court of Popular Opinion – the public overall, investigative reporters, naysayers (for example, disgruntled employees or competitors), funders, constituents (including employees), etc.
4. Trustees/Directors, Officers, and Key Employees (a pool referred to as “**TDOKEs**”) – these are the folks who hope to NEVER down-the-road find themselves wishing they had more effectively reviewed the Form before it was filed!

990 Preparation Pitfalls

- Insufficient resources are available for 990 preparation tasks and “same-as-last-year” is all-too-frequent fallback
- Instructions are voluminous at ~60 pages (counted here are relevant pages of Core Form’s instructions plus key Schedules’)
- Face of form often fails to state, or worse, misstates the applicable instructions’ imperatives.
- Filers utilizing paid preparer often unduly rely on preparers’ “organizer” as basis for data-pulls and ‘answers;’ also, paid preparers may not emphasize need for filers to have and maintain documentation for info provided via “organizer”
- Prior Form years’ priorities and learning curve typically demand attention that eventually becomes misplaced, further draining resources away from other necessary review arenas

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Recognizing and Working with Form 990's Priority Pressure Points

Also available as part of the eCourse

[2021 Nonprofit Organizations eConference](#)

First appeared as part of the conference materials for the 38th Annual Nonprofit Organizations Institute session "Forms 990 and 990-PF: Practical Considerations"