



NONPROFIT AND TAX-EXEMPT ORGANIZATIONS

While successful nonprofit organizations have many of the same concerns as for-profit businesses, they must also continually navigate the federal and state rules that apply to them by virtue of their not-for-profit status. For this reason, Riker Danzig's Nonprofit and Tax-Exempt Organizations Group leverages the resources of the firm's Corporate and Tax Departments to assist nonprofit clients on a wide variety of matters. Our not-for-profit group attorneys are experienced in dealing with nonprofit corporations and charitable trusts from formation through dissolution, including everyday compliance and significant transactions. For example, we represent nonprofit clients in connection with:

- Incorporation
- Applying to the IRS and the states for recognition of tax-exempt status, including with respect to income taxes, property taxes and sales and use taxes
- Group exemptions
- Reinstatement of tax-exempt status following automatic revocation
- Charitable solicitation registration and compliance
- Nonprofit corporate governance, including with respect to fiduciary duties, committee powers and responsibilities, indemnification and insurance
- Conflicts of interest and avoiding forfeiture of tax-exempt status or intermediate sanctions as a result of transactions with related parties
- Complying with restrictions on campaigning, advocacy and lobbying
- Program-related investments, both domestic and offshore
- Joint ventures with other nonprofits or with for-profit partners
- Formation and operation of for-profit subsidiaries
- Private equity and hedge fund investments
- Planning to avoid or minimize unrelated business taxable income (UBTI) and private foundation excise taxes
- Employment and intellectual property policies, agreements and disputes

- Benefit plan reviews and compliance
- Endowment fund issues
- Mergers and acquisitions
- Real estate transactions
- Tax-exempt bond financing
- Audits by the IRS, state attorneys general and other agencies
- Dissolutions

We routinely advise nonprofit clients based in New Jersey, New York and elsewhere in the United States, and deal with organizations governed by New Jersey, New York or Delaware law. Unlike many nonprofit practices that are mere extensions of a firm's trusts and estates practice, we advise both public charities and private foundations, ranging in size from small family foundations to hospitals, museums, schools and other large organizations, including some with cross-border operations. Our attorneys understand the law of tax-exempt organizations: the state nonprofit corporation laws, federal and state nonprofit tax law, charitable solicitation laws and other rules that apply specifically to our nonprofit clients.

In addition, our Tax and Trusts & Estates attorneys are well versed in the many charitable planning techniques available to individuals, including working with donor-advised funds, setting up charitable lead trusts and charitable remainder trusts, establishing family foundations and other charitable gift planning.