



NONPROFIT ORGANIZATIONS

SERVING NONPROFIT CLIENTS FOR
MORE THAN 100 YEARS

WE BRING OUR COLLECTIVE KNOWLEDGE, UNDERSTANDING, AND SENSITIVITY TO SOLVE TRADITIONAL AND EMERGING CHALLENGES FOR NONPROFITS. WE HELP CLIENTS TACKLE THEIR SPECIALIZED ISSUES AND DAY-TO-DAY OPERATIONAL CONCERNS, FOR NOW AND INTO THE YEARS AHEAD.

Comprehensive service

Meeting the challenges encountered by today's nonprofit institutions requires experience in diverse areas of the law. Our Nonprofit Practice draws on the firm's size, diversity, and advanced technological resources enable us to offer comprehensive legal services — from highly specialized issues to day-to-day operational concerns.

Our nonprofit attorneys serve as general counsel to nonprofit entities and as special counsel to more than 250 charitable and tax-exempt clients on a wide variety of issues and concerns. Our goal, put simply, is to support your mission and help you succeed. We offer comprehensive services in such diverse areas as:

- Corporate governance
- Tax-exempt financing
- Charitable giving
- Endowment and restricted fund management
- Labor, employee benefits, and immigration
- Grants and contracts
- Civil rights/affirmative action policies
- Real property and land use management
- Environmental compliance
- Procurement
- Intellectual property and technology transfer
- Export controls
- Student privacy rights



HISTORICALLY DEVOTED TO NONPROFIT CLIENTS

Supporting your mission

Nonprofit organizations differ widely in their purposes and ways of working, but they share special financial and organizational challenges. Nixon Peabody is one of only a few law firms with a practice devoted specifically to nonprofit clients. We have over a century of experience working with nonprofits and today regularly provide general or special counsel to more than 250 organizations.

Our dedicated team represents a broad spectrum of charitable and other tax-exempt institutions, including internationally renowned colleges and universities, health care organizations, foundations, museums, religious institutions, social clubs, and trade associations. We bring knowledge, understanding, and sensitivity to all matters.

General counsel — Keeping you informed

When we serve as external general counsel, our practice members serve as your institution's principal legal advisors. In this role, we help clients anticipate and avoid legal problems whenever possible and deal effectively with any issues that arise. Our attorneys help key decision-makers, such as board members and senior administrators, stay current on relevant legal developments that may have an impact on policy.

Emerging issues and special projects

In addition to serving as counselors or litigators, we regularly serve as consultants on a broad range of matters, providing timely advice on specific issues.

Emerging issues — Nonprofit institutions deal with new issues every day. For example, you may be establishing or expanding on-line education programs or looking for ways to venture into nontraditional activities while protecting your tax exemptions. We can help ensure that boards and administrators understand their rights and choices, even when the issues are novel.

Structure and governance — We understand both the traditions of and new developments in nonprofit governance and can assist in your institution's smooth functioning. We also provide counsel on board policies, such as those related to conflicts of interest. Our attorneys are skilled in establishing corporate structures, including affiliates, joint venture agreements with both business and other institutions, and multicorporate systems. Nixon Peabody has been at the forefront of developments in nonprofit governance in the post-Sarbanes environment.

Finance — Nonprofit institutions often want experienced corporation counsel to help in negotiations, tax considerations, and other financial matters. Our attorneys are skilled at facilitating all types of financial transactions. We are experienced in negotiating and securing traditional financing from banks and other lending sources, as well as tax-exempt bonds. We also provide guidance on alternative investment or endowment spending issues.

Labor — Our labor and employment attorneys are dedicated to keeping nonprofit clients up to date on the latest legislative, regulatory, and judicial developments in this dynamic area of law. Our regularly published alerts, live briefings, and customized training programs inform clients about new challenges and enable them to respond rapidly and effectively. From employment litigation to workplace training to labor management relations, we offer guidance on all types of employment, labor, and benefit issues.

Charitable giving — Our attorneys regularly counsel organizations in establishing and operating all forms of planned giving programs, including pooled income funds, charitable gift annuities, and charitable remainder trusts. We are familiar with the laws concerning investment, use and spending of endowments, quasi-endowments, charitable trusts, support foundations, and other restricted funds. Our long-standing and varied experience dealing with endowment issues gives us a unique perspective on structuring restrictions and using and investing donated funds, and we also have experience with the accounting and auditing professions that may be helpful to your institution.



Intellectual property and technology

transfer — Our attorneys have extensive experience and depth in all aspects of obtaining and protecting intellectual property rights, with a special emphasis in the areas of patent prosecution, trademark protection, intellectual property litigation and licensing, and technology transfer transactions. We also advise technology-focused entities on the provisions of the Bayh-Dole Act, the commercialization of new technological advances, and compliance with a broad range of export control regulations.

Tax matters — We often counsel nonprofits on ways to avoid or minimize the impact of unrelated business income and on defending transactions on audit. Our attorneys are familiar with and have successfully resolved tax issues surrounding private benefit, political activity, lobbying, and the use of subsidiaries and joint ventures. We also have experience with state tax exemptions available to nonprofit organizations.

Diversity — Supporting diversity-related goals in legally sustainable ways is a concern for every institution. Nixon Peabody attorneys provide consulting and evaluation services on issues such as affirmative action, civil rights, and Title IX to facilitate your organization's short- and long-term decision-making.

Environmental issues — Our nationally recognized environmental attorneys offer compliance advice on issues such as construction permitting, hazardous waste handling, asbestos management, and laboratory safety policies. We also regularly counsel clients on the environmental implications of receiving real property donations. Our environmental engineers can conduct environmental audits and, as lawyers, share the results within the protection of attorney-client privilege.

Museums and libraries — When you need advice on acquisitions, dispositions, and other aspects of collection management, we can assist. We also understand issues concerning copyright permissions, registration, and licensing, as well as the fair-use doctrine, in the context of museums and libraries.

CHARITABLE GIVING –

When the Queen of Sweden looked to expand the reach of her multi-national foundation dedicated to the interests of the world's children, she looked to Nixon Peabody to provide counseling to establish a public charity here in the United States. Working closely with its affiliates abroad, including Brazil, the U.S. charity embarked on a number of worldwide initiatives while also structuring corporate sponsorship relationships throughout the U.S.

Respecting your time and budget

Nixon Peabody is aware that our clients do not have unlimited resources to resolve legal issues, so we strive to provide targeted, efficient counsel at reasonable cost. Some clients find it advantageous to keep our firm on retainer so expenses are predictable and can be built into budgets. If a more intensive effort is needed for a particular matter, the firm can offer additional services under a separate fee arrangement.

Helping you achieve more Our Nonprofit Organization Practice provides excellent legal counsel to the charitable and tax-exempt community. Whether you require one-time or ongoing legal advice, we can help your organization achieve new levels of success.

ABOUT NIXON PEABODY LLP

At Nixon Peabody, we see 21st century law as a tool to help shape our clients' futures. We are constantly thinking about what is important to our clients now and next so we can foresee obstacles and opportunities in their space and smooth the way. We work together to handle complex challenges in litigation, real estate, corporate law, intellectual property and finance anywhere in the world.

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