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Charities and Tax-Exempt Organizations

Pryor Cashman represents a wide variety of charities, private foundations, employee welfare groups, educational institutions, philanthropic organizations and other tax-exempt organizations. Although a substantial aspect of this representation involves tax advice, these clients also draw on other practice groups of the firm on a regular basis, including attorneys in our Trusts and Estates, Corporate, Real Estate, Employee Benefits and Litigation groups.

A principal aspect of our work for charities and non-profit organizations is advising them on sophisticated tax and other issues critical to their tax-exempt status. Examples include ensuring that the structure and operation of the organization is in compliance with applicable IRS regulations, engaging with the IRS when revocations of exempt status are threatened, and seeking private letter rulings from the IRS on difficult or sensitive matters.

Pryor Cashman has provided counsel to charities and tax-exempt organizations on the:

- Creation, operation and use of for-profit subsidiaries
- Intermediate sanctions/excess benefit rules
- Program-related investments
- Public disclosure requirements
- Rules applicable to supporting organizations and donor-advised funds
- Self-dealing and other special rules applicable to private foundations
- Special problems of restrictions on their legislative and political activities
- Structuring affiliations among tax-exempt and for-profit entities

Pryor Cashman regularly advises individual, corporate and foundation donors and charitable organizations on complex structured gifts and how to maximize the benefits of planned future gifts. We also address donor-control issues which may arise, such as with donor-advised funds.

In addition, we represent tax-exempt organizations and trusts – as well as their individual directors, officers, trustees and fiduciaries – in a variety of corporate governance matters specific to not-for-profit organizations, including evolving standards of fiduciary duties.