

FINAL EXAM

3 Hours

This examination covers “Good Counsel” Chapters 1-13.

This examination will test your knowledge of the materials that we covered in class. Please answer each question concisely. Please use headings, underline issues and rules, as this will help you organize your thoughts, spot and frame the legal issues, and present the rules and doctrines clearly. Try to answer all questions with complete sentences. Do not use abbreviations, other than those commonly used. Answer all questions presented. If you cannot answer a question completely, answer as best you can. Partial answers will be given partial credit. Please write clearly. **Good luck!**

PART I (50 POINTS)

Answer the following questions:

1. What are some good habits and protocols for non-profit counsel to inform security personnel and maintenance/facility staff about service of legal documents, and generally reduce the organization’s exposure to risk?
2. What is the difference in taxation of a public benefit non-profit organization and a mutual benefit non-profit organization?
3. List and explain the three main fiduciary duties of trustees, officers and other key players of non-profit organizations.
4. How much are 501(c)(3) organizations allowed to lobby, and what are some ways to determine if you are lobbying too much?
5. Explain what Form 5768 is.
6. List the steps for assessing, cataloguing and prioritizing the legal needs of a non-profit.
7. What six things is it advisable that you do if you want to position yourself to get a job providing legal advice for a non-profit?

8. What is a non-legal route to become legal counsel in the nonprofit sector?
9. List at least five (5) websites and references to consult when incorporating a non-profit, and when providing legal advice to non-profits.
10. What are some of the characteristics of a religious non-profit organization we discussed in class?

PART II (50 POINTS)

In 2015, Adam, Bob and Cindy, former college roommates at Sonoma State University celebrate Bob's 45th birthday with a dinner at ZAZU in Sebastopol. While catching up on what they have been doing professionally since graduating, they start talking about their personal lives, and realize they all have one child with autism. They find it hard to juggle their day jobs and ensure all their children get the education and care they need. Adam suggests they leave their current jobs, and use their professional skills to solve their own problems. They share a passion for supporting children with autism; their own and others. They are excited about trying to bring more services and support to families with children with autism and begin talking about working together. If possible, they also want to partner with other agencies already in existence.

The three college friends now come to you, a seasoned lawyer, asking you for advice, and to incorporate their organization as a nonprofit organization.

Please write a memo to the clients outlining the steps of planning for, and incorporating, as a nonprofit organization.

END OF EXAMINATION