

The NACDL Foundation for Criminal Justice Gift Acceptance Policies

The NACDL Foundation for Criminal Justice (NFCJ) preserves and promotes the core values of the National Association of Criminal Defense Lawyers (NACDL) and the United States criminal justice system. To meet its mission, NFCJ solicits and accepts gifts from individuals, corporations, and foundations.

The following guidelines govern the acceptance and processing of gifts as approved by the Board of Trustees for the NFCJ. The Foundation President can appoint a Gift Review Committee (GRC), comprised of members of the Board of Trustees and NACDL staff, to review, and make recommendations to the full board regarding special gifts when necessary.

DONOR RIGHTS

NACDL complies with the Association of Fundraising Professionals Donor Bill of Rights which is listed on the Foundation webpage. Donations made to the NFCJ will be acknowledged in a timely fashion and will include any relevant information related to the gift including any tangible benefits. The tax deductibility of gifts is the responsibility of the donor. Requests to remain anonymous will be honored for public disclosures.

CONFLICTS OF INTEREST

The NFCJ does not provide legal or financial counseling to donors. Donors and prospective donors are encouraged to seek advice from their own professional advisors in matters relating to the gifts and any possible tax and/or estate planning consequences.

RESTRICTION ON GIFTS

The NFCJ accepts unrestricted gifts, and gifts for specific programs and purposes, provided that such gifts are consistent with the stated mission, purposes, and priorities of the NFCJ. The NFCJ will not accept gifts that are outside of the mission of the NFCJ. NFCJ may also decline any gift that contains conditions or restrictions that negatively affect the integrity or reputation of the NFCJ and/or NACDL.

All final decisions on the restrictive nature of a gift and its acceptance or refusal may be subject to review by the GRC.

TYPES OF GIFTS

NFCJ will accept many types of gifts. Conditions for acceptance may vary depending upon the form of the gift, as highlighted below.

Cash and Cash Equivalents. Cash gifts are accepted in any form. Cash gifts may be made in person, by credit card, by mail, or online. There is no minimum donation amount.

Securities/Stock. Unrestricted marketable securities may be transferred to an account maintained by the NFCJ. Securities are sold upon receipt as a general rule. If the securities are restricted by applicable laws, the GSC shall review the restrictions and make a recommendation on acceptance or rejection to the full Board of Trustees.

Gifts-In-Kind. NFCJ accepts donations of tangible personal property.

If questions arise, and before the gift is accepted, the GRC will review to determine:

- If the property helps fulfill the mission of NFCJ.
- Whether the property is marketable.
- If there are restrictions for the use, display, or sale of the property.
- If ownership of the property is clear.

In the case of real estate, additional questions may be addressed including any possible liens or whether or not an environmental audit finds any issues such as damage to the property.

If the gift is accepted, written acknowledgement will be provided to the donor with a description, but not the value of such property. It is the duty of the donor to complete an IRS form 8283 if they wish to claim this gift as a charitable donation. In instances where the IRS may require an independent appraisal, it is the responsibility of the donor to find a qualified appraiser and have the appraisal completed.

Matching Corporate Gifts. The NFCJ accepts matching corporate gifts and urges donors who have access to this benefit to apply for such gift. The NFCJ defers to company policy in designating matching corporate gifts either to its unrestricted general fund or to the fund supported by the original donor gift.

Outright Bequests. Donors are encouraged to make bequests in their estate plans. Sample bequest language can be made available to donors and their legal representative to ensure the bequest is properly designated. The NFCJ

reserves the right to reject any bequest that may not comply with the standards of NFCJ and/or NACDL. Any restricted bequest must comply with the mission of the NFCJ and must be reviewed by the GRC and approved by the full Board of Trustees.

Life Insurance. Life Insurance policies can benefit the charity through:

- Contributing a fully-paid policy and designating the NFCJ as the owner and beneficiary of the policy.
- Designating the NFCJ as the beneficiary on a life insurance policy that is owned and maintained by the donor.

Retirement Plans. The NFCJ may be listed as a beneficiary of retirement plan assets, such as Retirement Accounts (IRA 's), 401 (k), 403(b) and defined contribution plans.

Honoraria and Speaker Fees. Honoraria and speakers' fees can be transferred to the NFCJ provided the event does not conflict with the mission of the NFCJ. Any conflict will be reviewed the GRC.

Book Royalties. Book royalties, in full or in part, can be donated to the NFCJ. Gifts can be made after a donor has received royalties, or the donor can make arrangements through the publisher to have the donations made directly to the NFCJ.

Other Types of Gifts. Currently the NFCJ does not accept gift annuities. If a donor proposes a type of gift not covered by this policy, such as a Charitable Remainder Trust or a Charitable Remainder Unitrust, the GSC will review the proposed gift in a timely manner and make a recommendation to the full Board of Trustees.

Creation of an Endowed Fund Account

Endowment Gift: The NFCJ requires an outright gift, a signed pledge, or documentation of an irrevocable planned gift intention to agree to establish a new named endowed fund. A minimum commitment of \$50,000 is required to establish a new endowed account. Until such time as this minimum has been reached, donors' gifts for the fund are placed in the NFCJ's general account to be invested properly but retain their identity. The Foundation President may, in their discretion, approve the creation of a named fund or as a memorial for less than \$50,000, but only in such cases where this minimum required funding for the account may be achieved with minimal staff effort.

Funding Period. The Foundation allows the donor a maximum of five years from the date of the signing of the pledge to complete the gift commitment. If the original donor and others do not complete the gift commitment within five years, the President will distribute the accumulated corpus to a Foundation restricted account as close in purpose as possible to the intent of the original donor commitment. Such an account may or may not be endowed. The donor should expect that the President will not extend the funding period except in very unusual circumstances. Should special circumstances warrant a funding period of more than five years, a new gift commitment is established with an upward adjustment to reflect the impact of inflation. This ensures that the endowment when fully funded will have an historic value of at least the net present value of the original gift intention.

PLEDGES

Multi-Year Pledges. The NFCJ encourages multi-year pledges to allow donors to make larger commitments than they might otherwise. The NFCJ does not, as standard practice, extend pledge payment periods beyond five years.

Requirements for Booking Pledges. All pledge commitments must have written documentation before being entered into the NFCJ's records. Oral pledges are not reported in giving totals nor are such donors included in donor lists. Deferred commitments and bequest intentions can be recorded in donor giving records and counted in giving totals only if the donor provides written confirmation of the anticipated value of the gift intention. This includes ensuring appropriate copies of relevant estate documents are included with the donor's gift/pledge record.

SPECIAL EVENTS AND FUNDRAISING BY OTHER GROUPS

This section applies to activities undertaken by a third-party on behalf of the NFCJ for the Foundation's benefit any NFCJ special event organized by NACDL staff. These guidelines apply whether the third-party is a company or firm (e.g. a law firm), an organization (e.g. an affiliated organization or association) or an individual.

Approval for Fundraising Projects. In order for gifts to be booked by the NFCJ and for donors to receive charitable gift credit from the Foundation, any such fundraising activity must have prior approval by the GRC, the Foundation President, or the Board of Trustees. The request for approval should include the purpose for which the funds are to be raised. In the case of a third-party vendor, the request should also indicate staff, publications, and office supply

needs expected from the Association and/or Foundation, roles and responsibilities of the third-party vendor, and a proposed budget.

Donor Acknowledgement. The NFCJ is authorized to acknowledge only those gifts from individuals made directly to it; and only checks payable to the NFCJ are eligible for individual donor recognition. Otherwise, the Foundation accepts gifts as from the group. It encourages the group to thank those who responded to its fundraising efforts.

Fundraising Costs. Of paramount concern to the NFCJ are finances concerning fundraising projects and it will only enter into agreements that incur reasonable costs and limited overhead.

Tax-Deductibility of Fundraising Event Ticket Purchases. Tickets, receipts and acknowledgements given to donors by the party responsible for the event (either NCFJ or the third-party fundraising group) should state the amount of their donation which may be taken as a tax-deductible contribution. In calculating this figure, the group determines the fair market value of any tangible benefit to the donor.

LEGAL AND RECOGNITION GIFT CREDIT

Legal and Recognition Credit Serve different Purposes. Legal or “hard” credit is given to the entity actually making the gift. If a donor makes a gift through a business they own, or through a personal charitable foundation, the business or foundation rather than the individual receives the Foundation’s official gift acknowledgment, and the donor receives a copy of that acknowledgment.

Recognition or “soft” credit may be given to a donor related to the gifts, and for non-legal acknowledgement purposes. For instance, an individual donor receives soft credit for gifts made through his/her business or foundation. Soft credit is given to show appreciation for a gift.

Donor-Directed Third-Party Support. The donor receives soft credit for income such as a donor advised fund, or as an honorarium that they direct to the Foundation as a charitable gift.

USE OF LEGAL COUNSEL

NFCJ will seek advice from legal counsel in relation to gift acceptance when appropriate. Examples of when review by counsel might be necessary include:

- Administration of any estate in which NFCJ is named as a beneficiary
- Any transactions with potential conflicts of interest
- Gifts of patents or intellectual property

- Gifts that are subject to restrictions or buy-sell agreements
- Other circumstances in which use of counsel is deemed appropriate by NFCJ's Board of Trustees.

MISCELLANEOUS

Accounting Principles. The principles of the Financial Accounting Standards Board (FASB) and the Generally Accepted Accounting Standards (GAAP) govern all gift accounting practices of the NFCJ.

Lacking written notification from the donor to the contrary, all pledges are considered unconditional. However, the Foundation recognizes that they are revocable until fulfilled and that it is responsible for effective stewardship of the pledges to keep them secure. Verbal commitments for which there is no documentation are regarded as expectancies.

Authority. These guidelines supersede all prior policies and guidelines governing gifts made to the NFCJ with the understanding that any prior restricted gift will be honored. If conflict arises, the NFCJ will contact the original donor to resolve such issues. Once these guidelines have been accepted as NFCJ policy, the Foundation Board of Trustees may from time to time amend and interpret this document.

This policy was reviewed, and approved, by the Board of Trustees and will be reviewed and updated as needed.

Lisa M Wayne, Foundation President

Date