

Charitable Planning

Our Services to Charitable Donors

Our attorneys have significant experience representing donors who make charitable gifts and regularly advise on the legal aspects and tax benefits of charitable giving. We assist donors making charitable gifts of appreciated securities and cash, and “complex assets” such as real estate, life insurance and artwork, and in negotiating naming rights, drafting gift agreements, and addressing other issues associated with major gifts.

We regularly counsel in the creation and funding of new charitable giving vehicles, including charitable remainder trusts, charitable lead trusts, private foundations, donor advised funds, supporting organizations and other public charities.

Our Services to Charitable Institutions

We represent not-for-profit institutions in the health care, social services, arts and educational areas, and provide advice to the legal, development and planned giving staffs of these institutions on organizational, tax and regulatory issues.

Our attorneys routinely draft gift agreements, pledge agreements, split-interest trusts and charitable gift annuities on behalf of charities. We consult on the tax and legal aspects of a particular gift during the solicitation process, participate directly in planning discussions with donors and their advisors, and prepare donor communications about specific giving techniques or relevant changes in the law.

Our service areas include:

- [Estate Planning & Administration](#)
- [Fiduciary & Family Office Services](#)
- [Trust Investment & Administration Services](#)

For further information about the Goulston & Storrs [Private Client & Trust Group](#), please contact one of our group Co-Chairs, [Michelle Porter](#) or [Andy Rothstein](#).

Representative Matters

Charitable Disposition Estate Plans

Estate plans involving major charitable dispositions.

Family Charitable Foundation and Strategic Grant-Making Program Creation

Creation of family charitable foundations and guidance to clients regarding the formulation and implementation of strategic grant-making programs, including international grants, matching grant programs and policy-driven grants with associated lobbying activities.

Income Tax Strategies

Income tax strategies for complex asset transactions and negotiation with donor advised funds.

Planned Giving Programs

Representation of charities with respect to their planned giving programs, including the preparation of charitable gift annuities, charitable remainder trusts and charitable lead trusts.

Charity Complex Assets Acceptance

Representation of charities on the potential acceptance of “complex assets” such as real estate, closely-held business interests and life insurance.

Regaining Tax-Exempt Status

Representation of small volunteer-driven charities in regaining tax-exempt status after their inadvertent loss of that status.

Operation and Maintenance of Donors' Private Grant-Making Foundation

Operation and maintenance of donors’ private grant-making foundations in conjunction with their private operating foundations, including fulfilling all expenditure responsibility requirements.

International Philanthropy

Representation of donors and their private foundations on fulfilling their international philanthropic goals through the use of international donor advised funds, expenditure responsibility or equivalency testing.

Scholarship Organization, Public Charity and Private Operating Foundation Creation

Creation of scholarship organizations, public charities and private operating foundations that provide unique fellowship grants, including mid-career training for workers in building and construction trades, and foundations making “random acts of kindness” grants to individuals.

Alternatives to a Private Foundation

Review of alternatives to a private foundation that may provide preferred mission-driven or tax results, including the creation of operating foundations and client-controlled public charities.

Teaching Hospital Clinical and Research Institute Grant Negotiation

Negotiation of large grants to create clinical and research institutes housed at various teaching hospitals.

Closely-Held Company Negotiations and Design of Strategic Amendments to Governing Instruments

Representation of a closely-held company in negotiations with potential charitable recipients of interests in the company prior to its sale, and the design of strategic amendments to company's governing instruments to enhance the feasibility of the charitable gifts and their valuation.

Foreign-Based Religious Organization Establishment of International Research and Publishing Entity

Representation of a major foreign-based religious organization establishing an international research and publishing entity, including tax-exemption, corporate and real estate transactions.

Family Office Maximization of Individual Charitable Deductions Through Appreciated Property Gifts

Representation of a family office with maximization of individual charitable deductions through the use of appreciated property gifts of both non-traded and traded property.

Development and Funding of Working Farm and Educational Center

Representation of a founder in development and funding of a working farm and educational center, including creation of conservation restriction, donation of land and buildings and financing of operations.

Corporate Donor Architectural Collection Gift to Metropolitan Museum

Representation of a corporate donor in connection with its gift of a significant architectural collection to a major metropolitan museum.

University Gift Agreement for Construction of Educational Center

Representation of a university in connection with gift agreement for construction of educational center.

Survey of Historical Gift Documents and Classification of Endowment Funds

Representation of a charity in survey of historical gift documents and classification of endowment funds.

National Donor Advised Fund Operations and Administration Counsel

Representation of a national donor advised fund on all aspects of its operation and administration, including corporate governance, donor relations, gift intake policies and review of grant recommendations.

Sports Team Private Foundation Conversion to Public Charity

Representation of a charity operating a non-professional sports team in converting from a private foundation to a public charity.

IRS Approval of Co-Investment Relationship

Preparation of private letter ruling request seeking IRS approval of co-investment relationship between family members and their trusts and private foundations.

Charitable Remainder Trust Development of Real Estate

Representation of a charitable remainder trust on development of real estate.

144 Stock Gift to Private Foundation and Major Public Company Acquisition Structuring Counsel

Representation of a donor on a large gift of 144 stock to his private foundation in a manner to avoid deduction being limited to basis, including advice on structuring a major public company acquisition to accommodate the gift in a tax efficient manner.

Donor Advised Fund Rule 144 Stock Deductibility Preservation

Representation of a donor and a major donor advised fund on the formation of a supporting organization that could function as an alternative to a private foundation and preserve the full deductibility of rule 144 stock.

501(c)(3) Compliance, Design of Endowment and Other Planned Giving Vehicles

Ongoing advisor to Oxfam America, YouthBuild USA and dozens of large institutions and smaller organizations with respect to 501(c)(3) compliance, design of endowment and bequest programs, and negotiation of split-interest gifts and other planned giving vehicles.

Publications

September, October 2021

Big Potential Tax Changes on the Horizon for Clients

August 2021

Do You Have a College Student? Important Health Care, Financial and Educational Documents That They (and You) Need

August 2, 2021

Five Keys to Creating a Successful Family Entity

May 2021

Wealth Planning and the New Administration: Potential Individual Income & Transfer Tax Changes

April 8, 2020

Estate Planning Opportunities in the Current Environment

April 2, 2020

Low Interest Rates and Asset Values Create Unique Opportunity for Gift Planning Starting the Conversation: Discussing Family Wealth and Values with Children

August 28, 2019

Health Care, Financial, and Educational Records Protections for Your College Student

May 2019

For Law Firms, Newly Wealthy Startup Clients Bring in Big Business

The American Lawyer

December 4, 2018

A Legacy Plan That Fulfills Your Vision

Crain's New York

December 2017

Tax Reform Advisory: Exempt Organizations

April 2017

Charitable Giving in Times of Uncertainty

November 2016

Charitable Giving Before Tax Law Changes Under the New Administration

August 2016, 2013

Chapter 1 - Estate and Gift Tax Issues Relating to Irrevocable Trusts. In Drafting Irrevocable Trusts in Massachusetts, MCLE New England