

Legal Assistance Program for Newly Forming Non-Profits

Terms and Conditions

Rev 8/27/13

In order to be eligible to participate in the Center's legal assistance program for newly forming non-profits, you must agree to the following terms and conditions:

Scope and Limitations of Program

Enrollment in this program entitles the organization to **up to 4 hours of attorney services, over a period of up to 2 years**, to provide guidance in applying for state incorporation and federal 501(c)(3) tax-exempt status. This time allotment is adequate for the majority of start-up non-profits. *(If the attorney realizes, at any point, that your case will require additional time, she will notify you and the Center and we can negotiate adding more time for a discounted additional fee.)*

Our **Legal Assistance Program** makes high quality legal assistance from a knowledgeable exempt organizations attorney available at a fraction of the market rate. However, unlike a conventional attorney-client relationship:

- You are responsible for initiating contact with the consulting attorney when you are ready.
- It is your responsibility to draft documents for attorney review. The Center provides templates for a certificate of incorporation and by-laws for your use in drafting your documents for attorney review. The Legal Assistance Program, including the 4-hour allotment of attorney review time, is structured on the assumption that you will use the Center's templates as the basis for your drafts. If you do not use the Center's templates, there is a high likelihood that you will exceed the allotment of attorney time and incur additional fees.
- It is your responsibility for filing your documents with the appropriate government entities at the appropriate time.
- You are responsible for paying all applicable government filing fees and your own out of pocket expenses (e.g., mailing, copying, telephone).

Although the Center and its consulting attorney are highly experienced in helping organizations secure New Jersey non-profit status and federal 501(c)(3) tax exemption, the Center cannot guarantee a favorable outcome with respect to your application.

Membership Required

Only Center **members** can enroll in the **Legal Assistance Program**. If your organization's membership expires before the legal assistance is completed, you will be required to renew your membership at the applicable rate before additional services will be provided. Another legal assistance fee is NOT required within the 2-year period. *(See the cancellation policy on page 2 of this document.)*

Working with the Consulting Attorney

The consulting attorney is available to answer questions via phone, e-mail or fax throughout the legal assistance process. To make this process efficient for all concerned, you are strongly encouraged to **designate a single individual to serve as the regular liaison** with the consulting attorney throughout this process. It is also best to **develop a list of questions wherever possible** rather than initiating separate calls or e-mails for each. Due to the high demand for the program and the large number of organizations enrolled in the program at any given time, the consulting attorney generally responds to inquiries and reviews paperwork in the order received, unless extenuating circumstances warrant. *Although*

we try to be as expedient as possible in this program, we do not make guarantees regarding turn-around time.
Please note that the consulting attorney is not available on Wednesdays or weekends.

NOTE: Organizations who wish to designate **attorneys, accountants or other consultants** to assist with this process are only eligible for the Legal Assistance Program under very specific circumstances. See the enclosed policy and additional conditions starting on page 3 for more information.

Cancellation/Refund Policy

The Legal Assistance program is reserved for members in good standing of the Center for Non-Profits. Please note the following deadlines with respect to cancellation and refunds. If cancellation occurs within:

First 30 days after enrollment

Membership (<i>if <u>no</u> direct services received</i>)	Refund – Minus \$25 processing fee*
Legal Assistance	
(<i>if no services received and tool kit is returned</i>)	Refund - Minus \$25 processing fee*
(<i>If took kit not returned</i>)	Refund - Minus \$175 (\$150 + \$25 processing fee)
* <i>If both membership and legal package are cancelled simultaneously within 30 days of enrollment and toolkit is returned, a single \$25 processing fee will apply to both cancellations.</i>	

1-3 months after enrollment

Membership	No refund
Legal Assistance	
(<i>if no services received and tool kit is returned</i>)	Refund - Minus \$25 processing fee
(<i>If took kit not returned</i>)	Refund - Minus \$175 (\$150 + \$25 processing fee)

3-24 months after enrollment

Membership	No refund
Legal Assistance	No refund (legal services will continue to be available if membership is current)

2 years after enrollment

Membership	No refund
Legal Assistance	No refund available; availability of legal assistance <u>expires</u> two years after enrollment. Clients wishing legal assistance after the expiration period will need to enroll again in the legal assistance program and pay the applicable membership and legal assistance fees in effect at that time.

_____ I understand and agree to the above terms and conditions.

Signature of authorized organization representative

Name of organization

Print name and title

Date



Policies for Non-Profit Organizations that Wish to Designate an Attorney or Accountant as liaison for the Legal Assistance Program for Newly Forming Non-Profits

The Center for Non-Profits provides low-cost legal assistance to newly forming New Jersey non-profits with the non-profit incorporation and 501(c)(3) tax exemption application processes. Because we recognize that forming a 501(c)(3) organization requires time, expense and specialized expertise that is frequently out of affordable reach for many people, our **Legal Assistance Program for Newly Forming Non-Profits** provides high quality legal assistance at a fraction of the market rate, by an attorney with extensive exempt organization experience. This is generally done under the condition that the Center's consulting attorney communicates and works directly with the leadership of the client organization.

Organizations may designate an attorney or accountant (or similar professional) for the legal assistance package purposes and remain eligible for the special legal assistance and membership rate for this program **ONLY** under one or more of the following conditions:

- The attorney or accountant is a member of the organization's Board of Trustees, and is serving as a liaison for the organization in such capacity and at no charge to the organization; or
- The attorney or accountant is strictly a volunteer of the organization, receives no compensation from the organization and the organization is not a client of the attorney, accountant or related professional with respect to any other matters; or
- The attorney or accountant is a bona fide employee of the member organization and is not engaged in providing legal or accounting services to other clients; or
- The attorney is an employee of a bona fide 501(c)(3) organization which provides free legal services to organizations, and is providing services free of charge to the organization in such capacity.

Communications between the Center for Non-Profits and the organization's attorney or accountant representative will be copied to the Board chair or a designated organization officer in addition to the attorney/accountant.

Attorneys or accountants who wish to join the Center on behalf of their paying clients, OR organizations that intend to designate an attorney or accountant who does not meet the conditions cited above, are not eligible for the special legal assistance fee for newly forming non-profits. The Center may, however, provide assistance at more marketable rates or refer to other service providers in the field. Any such person or organization should contact the Center for additional information.



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Confirmation of Organization Liaison Status

for

Center for Non-Profits' Legal Assistance Program for Newly Forming Non-Profits

As a condition for eligibility of _____ (organization name) in the Center for Non-Profits' Legal Assistance Program for Newly Forming Non-Profits, I confirm the following with respect to the individual who will serve as the organization's designated liaison to the Center for Non-Profits' consulting attorney: *(check as many as apply)*

___ The organization's designated liaison to the Center for Non-Profits' consulting attorney is neither a licensed attorney nor a licensed accountant.

___ The organization's designated liaison to the Center for Non-Profits' consulting attorney is a licensed (attorney/accountant), is a member of the organization's Board of Trustees, and is serving as a liaison for the organization in such capacity and at no charge to the organization.

___ The organization's designated liaison to the Center for Non-Profits' consulting attorney is a licensed (attorney/accountant), is strictly a volunteer of the organization, receives no compensation from the organization and the organization is not a paying client of the individual with respect to any other matters.

___ The organization's designated liaison to the Center for Non-Profits' consulting attorney is a licensed (attorney/accountant), is a bona fide employee of the member organization and is not engaged in providing legal or accounting services to other clients.

___ The organization's designated liaison to the Center for Non-Profits' consulting attorney is a licensed (attorney/accountant), is an employee of a bona fide 501(c)(3) organization which provides free legal services to organizations, and is providing services free of charge to the organization in such capacity.

I further understand that communications between the Center for Non-Profits and the organization's attorney or accountant representative will be copied to the Board chair or a designated organization officer in addition to the attorney/accountant.

Signature of Board Chairperson

Print Name of Board Chairperson

Date