

NEWS RELEASE

**AMERICAN BAR ASSOCIATION
BUSINESS LAW SECTION
NONPROFIT ORGANIZATIONS COMMITTEE**

FOR IMMEDIATE RELEASE

CONTACT: Michael E. Malamut
Nonprofit Organizations Committee Vice Chair
Nonprofit Awards Subcommittee Chair
(617) 654-1712
mmalamut@k-plaw.com

**OUTSTANDING NONPROFIT LAWYER AWARD
RECIPIENTS ANNOUNCED FOR 2009**

VANCOUVER, April 17, 2009 — The Nonprofit Organizations Committee of the American Bar Association Section of Business Law announces five accomplished and civic-minded lawyers as recipients of its annual Outstanding Nonprofit Lawyer Awards for 2009.

The 2009 recipients are:

Vanguard/Lifetime Achievement Award for distinguished lifetime achievement in the nonprofit sector: *Marion R. Fremont-Smith*, Senior Research Fellow, Hauser Center for Nonprofit Organizations, JFK School of Government, Harvard University (Cambridge, MA)

Outstanding Lawyer Award for distinguished service by an attorney practicing nonprofit law at a law firm or as a solo practitioner: *Seth I. Perlman*, Perlman & Perlman, LLP (New York City, NY)

Outstanding In-House Counsel Award for distinguished service by an attorney employed in a legal role at a nonprofit organization: *Douglas S. Brown*, Senior Vice President and General Counsel, UMass Memorial Healthcare, Inc. (Worcester, MA)

Outstanding Academic Award for distinguished academic achievement contributing to the nonprofit sector through scholarly work: *Stephen Schwarz*, University of California, Hastings College of the Law (San Francisco, CA)

Outstanding Young Lawyer Award for distinguished service to the nonprofit sector by a young lawyer under 35 years of age or in legal practice for less than 10 years: *Melissa C. Tai*, Patton Boggs, LLP (Washington, DC)

VANGUARD/LIFETIME ACHIEVEMENT AWARD RECIPIENT

Marion Fremont-Smith has been associated with the Hauser Center for Nonprofit Organizations at Harvard University's John F. Kennedy School of Government since

1998, where she directs research on governance and accountability of nonprofit organizations. She is also a Lecturer in Law at Harvard Law School where she teaches a course on Nonprofit Law. She is the author, most recently, of *Governing Nonprofit Organizations: Federal and State Law and Regulation*. She has published two other books and numerous papers on government regulation of nonprofit organizations. Fremont-Smith's interest in nonprofit organizations began in the 1960s when she served as Assistant Attorney General and Director of the Division of Public Charities in Massachusetts. In 1964 she joined the Boston law firm of Choate, Hall and Stewart where she specialized in tax and nonprofit law. She was elected partner in 1971 and retired from the firm in 2004. Fremont-Smith received a BA from Wellesley College and a JD from Boston University School of Law.

Mrs. Fremont-Smith is a Fellow of the American Bar Foundation and the American College of Tax Counsel. She is a member of the American Law Institute and a former Director of the Federal Tax Institute of New England, Independent Sector, the Council on Foundations, and the Foundation Center. She served as Chairman of the American Bar Association Committee on Exempt Organization in the Tax Section and continues as an active member of that group as well as of the Non-Profit Tax Forum. She was a founding member of the Massachusetts Attorney General's Advisory Committee on Public Charities, and a member of the Internal Revenue Service Commissioner's Advisory Group on Exempt Organizations. She serves on the Board of Advisors to the New York University School of Law Program on Philanthropy and the Law and was a Co-convenor of the Expert Advisory Group established by Independent Sector to assist its Panel on the Nonprofit Sector which was established in late 2004 to respond to Senate Finance Committee Staff proposals on tax-exempt organizations.

Mrs. Fremont-Smith is also actively engaged in a number of national and international exempt organizations. She is a trustee of the Massachusetts Environmental Trust and Cambridge at Home, and she serves as Honorary Trustee of the Carnegie Endowment for International Peace (having been an active trustee from 1971 to 1997). She also serves as Overseer of the New England Baptist Hospital, the New England Conservatory, the Cambridge Community Foundation and the Museum of Fine Arts, Boston. In addition, Mrs. Fremont-Smith is a Fellow of the American Academy of Arts and Sciences.

OUTSTANDING LAWYER AWARD RECIPIENT

Seth I. Perlman is senior partner in the New York law firm, Perlman & Perlman. For the past 25 years, Mr. Perlman has been devoted to the practice of nonprofit law. He is a frequent lecturer and has authored articles regarding both public charities and private foundations, as well as issues relating to the Internet and relationships between for-profit entities and charities.

Mr. Perlman is an experienced litigator and appellate author. For example, as lead counsel for The American Charities for Reasonable Fundraising Regulation, Mr. Perlman successfully litigated a constitutional suit seeking to overturn the onerous and overbroad fundraising regulatory scheme in Pinellas County, Florida. Much of his best work,

however, is behind the scenes. For example, as special counsel for a nonprofit medical research organization, he advised the board on how to remove certain individuals engaged in highly questionable practices while re-organizing the entity to provide greater transparency and enabling the organization to continue to thrive.

Mr. Perlman has been invited by Congress and state governments to advise on regulatory compliance issues relevant to the nonprofit sector, and has also worked with several state Attorneys General on state regulatory issues for the nonprofit sector. He was also invited by the Government of Hungary to assist with the formation of a vibrant nonprofit sector. In addition, Mr. Perlman is a frequent commentator and lecturer on regulations regarding charitable solicitations, cause marketing, and charitable governance. He has written two books, including the two-volume handbook *Fund-Raising Regulation*.

Mr. Perlman is a member of the Association of Fundraising Professionals; the American Bar Association, Tax Section, Exempt Organizations Committee; and the New York City Bar Association. Mr. Perlman currently holds an International Board position with the International Association for Medical Assistance to Travelers in Canada, the Internationale Stichting Alzheimer Onderzoek in The Netherlands, Stichting voor Alzheimer Onderzoek in Belgium, Alzheimer Forschung Initiative e.V. in Germany and is the Chairman of the Board of the Ligue Europeene contre la Maladie d'Alzheimer in France. He was admitted to the New York Bar in 1985. He holds a J.D. degree from the University of Houston and a B.S. from Beloit College.

OUTSTANDING IN-HOUSE COUNSEL AWARD RECIPIENT

Douglas S. Brown is senior vice president and general counsel of UMass Memorial Health Care, Inc., in Worcester, Massachusetts, the second largest city in the state and the hub of Central Massachusetts. Mr. Brown previously worked as a litigator at two large law firms and spent almost 10 years in leadership roles in Massachusetts state government, including service at the state Attorney General's office; as general counsel of the State Senate Ways and Means Committee; and as general counsel, deputy commissioner and the acting commissioner of the state Medicaid agency.

In one of his most significant recent accomplishments, Mr. Brown established and now chairs a Governance Advisory Group for the health care system. The goals of this multidisciplinary group are to: (1) assist the boards and senior management identify good governance practices; (2) provide greater education and training to trustees and managers; and (3) promote best practices within the system. The group initially identified 10 key governance priorities for the UMass Memorial system and it develops and tracks progress on goals each year to further these priorities. As a result of these efforts, Mr. Brown, along with UMass Memorial CEO John O'Brien, were awarded excellence awards last year as "leaders in quality" by the Massachusetts Medical Law Report. Mr. Brown was also recently selected as a *New England In-House Leader in the Law* by *Massachusetts Lawyers Weekly* and *New England In-House* magazine.

In addition to the work and improvement within his organization, Mr. Brown is a frequent speaker at local and national conferences on governance and other healthcare

related legal issues. He has recently spoken at three national conferences, including the annual symposium on the American Hospital Association's Center for Health Care Governance; the American Health Lawyers Association—Academic Medical Center conference; and at the Associations of Healthcare Administrative Professionals annual conference. He is scheduled to speak in May on the keynote panel at the Massachusetts Continuing Legal Education—Annual Healthcare conference on board conflicts of interest.

Mr. Brown has also written significant articles in the popular press on maintaining high standards in nonprofit governance: *Shining a Light on Cardiac Surgery Results*, an op-ed in the *Boston Globe*, and *Pilot Program: A Preflight Checklist Can Reduce Deadly Infections in Hospitals*, in *CommonWealth* magazine, where he relates his personal experiences as a private pilot to the use of a checklist in his hospital to dramatically reduce central line infections.

Mr. Brown has graciously assisted other organizations as well, including the Massachusetts Hospital Association; the American Hospital Association; and the Alliance for Advancing Nonprofit Healthcare, for which he serves as a board member. He is also active in his church, the Unitarian Universalist Area Church in Sherborn, serving as Past President, a member of the Board of Directors and a member of the capital campaign committee.

OUTSTANDING ACADEMIC AWARD RECIPIENT

Stephen Schwarz is Emeritus Professor of Law at the University of California, Hastings College of the Law. From 1969 to 1973, he served as an attorney with the U.S. Department of Justice in Washington, D.C. In 1974, after a year in private practice, Professor Schwarz joined the faculty of the University of San Francisco School of Law. He also has taught as a Visiting Professor in the graduate tax programs at the University of Florida College of Law and New York University School of Law, and at UCLA School of Law and Arizona State University College of Law. He joined the Hastings faculty in 1981 and served as Associate Academic Dean from 1983 to 1985. At Hastings, he has taught *Federal Income Tax*, *Non-Profit Organizations*, *Federal Income Taxation of Corporations and Partnership*, and *Estate Planning*. Professor Schwarz is the co-author of several law school casebooks, including *Nonprofit Organizations* (with James J. Fishman). He is also the author of the *Handbook for Attorneys, Accountants, and Financial Advisors*, published by the San Francisco Jewish Community Endowment Fund and serves as secretary of The Eucalyptus Foundation and chief operating officer of Eucalyptus Associates, a San Francisco family office. Professor Schwarz received his B.A. from Brown University and his J.D. from Columbia Law School.

OUTSTANDING YOUNG LAWYER AWARD

Melissa C. Tai is an associate with Patton Boggs in Washington, D.C., where she focuses her practice on advising nonprofit organizations, such as public charities, private foundations, trade associations, and social clubs. Ms. Tai is experienced in working with

clients to form new nonprofit organizations, applying for and obtaining tax-exempt status for these organizations and advising nonprofit organizations on compliance with federal and state regulations. She has helped form and/or advised organizations that respond as first responders in international conflict zones, offer palliative care to children with life-limiting illnesses, protect animal welfare, conserve our environment, educate our youth and the general public and promote peace.

She has counseled nonprofit organizations on matters such as “rebuttable presumption” procedures, public support calculations, expenditure responsibility procedures, generation of unrelated business taxable income, permissible lobbying activities and exempt scientific and educational research (as opposed to commercial research). She also advised on structuring joint ventures, permissible individual retirement arrangements provided by exempt organizations, selection procedures for scholarship programs, international grant-making, anti-terrorism procedures and parsonage allowances. Before joining Patton Boggs, Ms. Tai served as an associate at another Washington, D.C. firm, where she won the firm’s Pro Bono Attorney of the Year in 2004.

In addition, Ms. Tai is a key component of Patton Boggs’s success in meeting the Pro Bono Institute’s Law Firm Pro Bono Challenge. She supports this work by assisting new organizations in obtaining recognition of tax-exempt status and creating operational guidelines and grant templates that permit these organizations to comply with applicable laws. Ms. Tai also mentors and trains other lawyers without nonprofit backgrounds and serves as a critical resource for them, allowing the firm to assist far more nonprofit organizations than it otherwise could serve. In addition, Ms. Tai also writes in-house primers that are instructive on the key factors to be considered when forming and operating certain types of organizations. She dedicated approximately 500 hours to 28 different pro bono nonprofit organization clients during the 2008 year.

Ms. Tai is a member of the American Bar Association’s Section of Taxation. She obtained her B.A. with honors from Brown University, an M.A. from the University of California at Los Angeles and her J.D. from Georgetown University Law Center.

For more information contact:

Michael E. Malamut, Attorney-at-Law

Kopelman and Paige, P.C.

101 Arch Street, 12th Floor

Boston, MA 02110-1162

617-556-0007 (main)

617-654-1712 (direct)

617-838-8657 (mobile)

617-654-1735 (fax)

mmalamut@k-plaw.com

www.k-plaw.com