Syllabus for:

**TAX AND SOCIAL JUSTICE SEMINAR**

**(Course: Law 6936) (S2024)**

Professor: David A. Brennen Office Hours: T (9:15-9:45 or by appointment)

Office: HH 312E Email: [brennen@law.ufl.edu](mailto:brennen@law.ufl.edu)

Phone: 352-273-0968 Class: T (10:00 am-12 noon) (Room HH 355A)

**Description of the Course:** This seminar will focus on the use of tax-exempt nonprofit organizations (primarily 501(c)(3)'s) as a vehicle for accomplishing social justice missions. We will cover the basics of forming and operating a 501(c)(3), along with many of the tax related issues that arise, including but not limited to: filing form 1023, charity versus social welfare, private foundation versus public charity, annual 990 filing, private inurement prohibition, private benefit restriction, unrelated business income tax and various excise taxes. Some social justice areas of emphasis will include the following: race relations, religion, education, healthcare, political campaigning and legislative lobbying. These are all just examples. This seminar provides an opportunity to satisfy the Advanced Writing Requirement and students will work on a group project that involves forming a 501(c)(3) charity.

**Recommended Prerequisite:** Federal Income Tax

**Grading:** Elements of your grade include the following:

1. **Classroom Participation/Attendance/Preparation –** Attendance will be taken at each class meeting. Students are responsible for ensuring that they are not recorded as absent if they come in late. Attendance in class is required by both the ABA and the Law School. If you miss more than two classes, your grade for the semester may be adversely affected. If you have a legitimate reason for missing class, you should contact me before or soon after class ends for your absence to be excused. Less than satisfactory on-time attendance, participation and/or preparation will have a negative effect of as much as one full letter grade for the course. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policies on grading and attendance can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>
2. **Writing Assignments -** The bulk of your grade will be based on the quality of an original analytical paper prepared by you that addresses an issue of tax-exempt organizations law or policy. The purpose of this paper is to allow me to assess your ability to critically analyze an aspect of tax-exempt organizations law or policy with an eye towards its betterment. I will post handouts on Canvass describing this project in greater detail.
3. **Accommodations -** The Law School policy on accommodations can be found here: https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form
4. **Class Demeanor -** Please do not arrive late to class, leave early or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

**Recording of Lectures:** The Office of Student Affairs will record all classes via Media-site in case you must miss class for health reasons. The Office of Student Affairs will determine when you may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time, and it is your responsibility to contact the Office of Student Affairs as soon as possible after an absence.

**Students with Disabilities:** Students requesting accommodations for disabilities must first register with the Disability Resource Center (https://disability.ufl.edu/). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

**Communicating Assignments:** All assignments will be either announced in class, posted to Canvas or both. Thus, each of you should check Canvas for Tax & Social Justice daily.

I may provide you with an anticipated assignment list; however, the list is only a guide and may not accurately reflect actual coverage in the course.

**Course Workload and Class Preparation:** Students should expect to spend at least two hours outside of class reading and preparing for every hour of class. This is in addition to work on your analytical paper

**Online Course Evaluations:** Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students here: https://[www.law.ufl.edu/life-at-](http://www.law.ufl.edu/life-at-) uf-law/office-of-student-affairs/current-students/uf-law- student-handbook-and-academic-policies.

**Diversity, Equity and Inclusion**:

1. **Preferred Name and Pronouns**

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name. I welcome you to the class and look forward to a rewarding learning adventure together.

You may also change your “Display Name” in Canvas. Canvas uses the ""Dis- play Name"" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as ""Ally"" instead of ""Allison."" To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select ""Directory Profile."" Click ""Edit"" on the right of the name panel, uncheck ""Use my legal name"" under ""Display Name,"" update how you wish your name to be displayed, and click ""Submit"" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

1. **Civil Discourse and Inclusive Excellence in the Classroom**

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may trigger strong emotions.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personal and professional identities, I encourage each of us to:

* + commit to self-examination of our values and assumptions
  + speak honestly, thoughtfully, and respectfully
  + listen carefully and respectfully
  + reserve the right to change our mind and allow for others to do the same
  + allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers

**Course Materials:**

1. regular access to a computer with WEB browsing capabilities
2. an electronic mail address issued by University of Florida College of Law
3. The Tax Law of Charities & Other Exempt Organizations: Cases, Materials, Questions & Activities, (4th ed. Carolina Academic Press 2021) by Brennen, Moran, Jones, and Willis;
4. Selected Federal Taxation Statutes and Regulations, (2024 Ed., West) by Lathrope\*

\* All University of Florida students can receive 15% off the cost of any print or electronic books purchased from the West Academic online store by clicking this link - https://[www.westacademic.com/Lathropes-Selected-Federal-Taxation-](http://www.westacademic.com/Lathropes-Selected-Federal-Taxation-) Statutes-and-Regulations-2023-with-Motro-Tax-Map-9781636592633 - and using the school-specific discount code WAUF at checkout. If you choose to create an account (via the “Create an Account” link at the top of the page) and sign in prior to completing the purchase, students can also receive free shipping within the US by using that code. Finally, students ordering a print copy on this website will receive automatic 14-day digital access while they await delivery of the title. If you have any issues using the online store or require technical support, you can reach our support team at 1-877-888-1330 (option 4) or via email to [support@westacademic.com.](mailto:support@westacademic.com) You can expect to receive the hard copy approximately 5-7 business days after you order.

**Anticipated Reading and Writing Assignments**

NOTE: Each item listed below is subject to change and/or addition. “Code”, “Reg” and “Handouts” are available either on either on Canvas or via Lexis and Westlaw. Please print them out and bring them to class when indicated.

Week 1: 1/16/24 **Mechanics of (and Theories about) the Charitable Tax Exemption**

**Text:** none

**Code:** §§ 501(c)(3); 170(a)(1); 170(c)

**Reg:** none

**Handout(s):** Brennen, David A., *A Diversity Theory of Charitable Tax Exemption*, 4 Pitt Tax Rev. 1 (2006) [available at https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1465&context=law\_facpub]; IRS Form 1023 (with instructions)

**Library Research (10:00 am – noon)**

**Giannina Arney, Legal Research Faculty**

**352-273-0719 | arney@law.ufl.edu**

**[MORE DETAILS FORTHCOMING]**

Week 2: 1/23/24 **Mechanics of and Theories About the CTE** (cont.)

Exempt Purposes: Religious, Educational and Charitable

**Ongoing Writing Project: Initial Letter from Client due at beginning of class**

Week 3: 1/30/24 Exempt Purposes: Religious, Educational and Charitable

**Analytical Writing Project: Thesis, Outline, and Initial Bibliography due at beginning of class**

Week 4: 2/5/24 Exclusivity and Commerciality

Week 5: 2/13/24 Private Inurement and Private Benefit

Week 6: 2/20/24 Lobbying Activities and Political Activities

**Analytical Writing Project: First Drafts Due at beginning of class**

Week 7: 2/27/24 The Unrelated Business Income Tax

Week 8: 3/5/24 Private Foundations

**Ongoing Writing Project: Response from Attorney Due at beginning of class**

**3/12/24 No Class – Spring Break**

Week 9: 3/19/24 Non-Charitable Exempt Organizations – Social Welfare & Social Clubs

Week 10: 3/26/24 **Project Presentations**

**Analytical Writing Project: Second Drafts Due at beginning of Class**

Week 11: 4/2/24 TBD

Week 12: 4/09/24 Paper Presentations (Attendance Required)

Week 13: 4/16/24 Paper Presentations (Attendance Required)

**Analytical Writing Project: Final Drafts Due at beginning of Class**