



## CONTACT

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## SERVICES

Nonprofit Organizations  
Arts & Cultural Institutions  
Nonprofit Governance Matters  
Charitable Giving, Fundraising,  
Restricted Fund Management &  
Investments  
Finance - Endowments &  
Investments

## EDUCATION

University of Virginia, J.D.,  
Managing Editor, *Virginia Journal  
of International Law*  
Hamilton College, B.A., *magna  
cum laude* (Senior Fellow)

## ADMISSIONS

District of Columbia  
Florida  
New York

## MICHAEL J. COONEY

Counsel to a wide range of charitable and other nonprofit entities, and those who support them, Mike Cooney provides the nonprofit corporate and tax-exempt context in which these organizations can drive mission and margin. He directs the firm's focus in higher education and exempt organizations.

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## What do you focus on?

### Focus on opportunities

My work optimizes the ability of nonprofits to accomplish their mission by identifying opportunities for enhanced fundraising and grant access, project management, governance and legal compliance. The approach benefits from the widest array of institutions and geographies, with a fundamental understanding of what makes nonprofit institutions successful in today's competitive environment. The focus is largely structural, with an emphasis on sustainable and organic growth through systems that align the client's resources and goals.

### Museums and Cultural Institution

I have had the privilege of working with some of the world's most esteemed museums and cultural centers, including the Whitney Museum, the Smithsonian Institution, the George Eastman Museum, the San Francisco Museum of Modern Art and the Corning Museum of Glass. I advise on acquisitions, dispositions and other aspects of collection management, and help clients navigate issues concerning copyright permissions, registration and licensing, as well as the fair-use doctrine. Some examples of experience include:

- Successfully represented The San Francisco Museum of Modern Art (SFMOMA) in the historic SFMOMA-Fisher Agreement. Nixon Peabody attorneys served as counsel and advisors to the parties to craft the unprecedented agreement to showcase the renowned 1,100 piece Fisher Collection of modern and contemporary artwork. The work involved working with the collectors' family and foundation, as well as a major arts institution in order to structure a comprehensive agreement which ensures the public enjoyment of the collection for decades to come.
- A private operating foundation sought counsel on the creation of a separate museum entity to occupy the last remaining piece of undeveloped real estate on Pennsylvania Avenue. We worked with the charity to structure the acquisition of the parcel, financing of construction and planning for residences

and signature restaurant facilities for the newest and most exciting museum in Washington, D.C.

Industry involvement is vital to comprehensively understanding the issues museums, libraries and other cultural institutions face, so I also regularly participate in national programs and conferences, leading discussions such as the American Law Institute's CLE program, "Legal Issues in Museum Administration."

### **Tax benefits**

Charitable institutions and their donors have an array of tax benefits available to help advance their mission. We understand those incentives and advise on how to increase their impact. Close attention to even long-held tax benefits is a necessity in today's political environment.

### **Governance and Risk Management**

Good governance is vital to operations and fashion approaches that make the most of precious volunteer time and resources. That includes the use of multicorporate environments and joint ventures to accomplish exempt purposes. At the same time, we appreciate that success involves a degree of risk, so that when challenges arise our work involves the identification of a plan and resources necessary to continue the focus on success. In the highly regulated environment in which our clients exist, it is essential to be able to marshal such resources quickly and efficiently.

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## **What do you see on the horizon?**

The capacity of our nonprofit institutions to provide needed services and perspectives is being fundamentally challenged by economic forces and an increasingly hostile regulatory environment. Success will be rooted in new collaborations and new partners, drawing on the best practices of the business and governmental sectors, but making them our own.

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## **Recognition**

Mike has been selected by his peers for inclusion in *The Best Lawyers in America*© 2017 in the fields of Nonprofit/Charities Law and Tax Law, and was named Non-Profit/Charities Law "Lawyer of the Year" in Washington, DC. He has been listed in *Best Lawyers in America* since 2007. He has also been recognized in *Super Lawyers New York—Metro* in Nonprofit, Schools & Education, and Health Care (2012). A Thomson Reuters publication, *Super Lawyers* evaluates lawyers based on a peer-review surveys and independent research. Mike was personally involved in two of the top 25 gifts described in *The Chronicle of Philanthropy's* recent "50 Most Generous Donors in America."

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## **Affiliations**

Mike is currently a board member of the George Eastman Museum and Eastern Association of College and University Business Officers. Mike is honored to have served on New York Attorney General Eric Schneiderman's Leadership Committee to Revitalize Nonprofits.