



CHESHIRE

LAW GROUP

COUNSEL FOR GOOD

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A few words for today's tomorrow.

In the midst of yesterday's news regarding the federal funding freeze – and the many other rapid-fire developments in the last week that are directly impacting nonprofits – we wanted to share with you that we are hard at work, right behind you on the frontlines. We are monitoring the shifting legal landscape and providing real-time guidance for nonprofits reaching out, as they anticipate and encounter new challenges each day.

In the meantime, we want to share a few action items and takeaways from yesterday's news, which underscored for us that **nonprofits are strong together:**

1. Find the helpers. If your organization is not already a member of its state association of nonprofit organizations, we encourage you to join (in Pennsylvania, that's [PANO](#); in New Jersey, that's the [New Jersey Center for Nonprofits](#); in New York, that's [NYCON](#)). These are all state associations of the [National Council of Nonprofits](#) (NCN), which is keeping apace of the current legal challenges and meeting those challenges with swift and effective action. **For the latest updates on the [Executive Orders](#) impacting nonprofits, NCN has got you covered.** We also saw NCN in action yesterday on behalf of the sector, as it filed a motion for temporary restraining order, and successfully blocked (at least for the moment) the Trump administration's "pause" on federal grants and loans. NCN and its state affiliates will help nonprofits coalesce, which is critical. **We recommend that [you sign up for NCN's free email updates](#).**

2. Help the helpers. Help NCN and its state affiliates, which will be doing more groundwork in the days ahead, get a better sense of the real-world effects of the Trump administration’s Executive Orders (those already issued and any forthcoming), and any other developments that may come as agency memoranda or from other sources. **Use this [NCN form](#) to share the effects of these developments on your nonprofit’s mission and the people your organization serves** (before sending in your feedback, see our note no. 5 below about data collection). Your organization’s input is vital for supporting NCN’s work and the work of its state affiliates. **Be sure to share the link to this form with other nonprofits in your network, too!**

3. Join an association or alliance. If your nonprofit is not already a member of an association or alliance serving similarly situated organizations – i.e., the kind of organizations that do the same type of work your organization does – we encourage you to join that association as well, as this will be another critical access point for getting information, taking coordinated action, and sharing and leveraging resources.

4. Find professional peer support & remember self-care. Be sure to do those things that keep you at your best and most functional – like sleeping, eating well, going on that walk, etc. Also, if you are not already a member of an informal peer group, we encourage you to connect with other leaders who share your strife and organization’s values and priorities. Having an informal professional peer group can help you stay centered, help you keep things in perspective, and provide you with valuable support during challenging times. For some organizations, being a member of an association or alliance and participating in the forums it provides will suffice, but there are times when a less formal connection may be needed.

5. Track down your data. Make sure you have a solid handle on how any new developments impact your organization – and not simply in a high-level way, but in a dollars and cents way. You’ll need this information to advocate to the legislators in the areas you serve (federal, state, and local), your governor, your state attorney general, donors, and many others. Tracking down the data right away can help your organization make data-informed decisions and can make the work lighter for

the helpers, and for your organization’s advocates (like your board, NCN, your lawyers, your fundraisers, etc.).

6. Assemble your team. Round out your network of advisors, so that you have the support you may need in a moment’s notice. For now, you may just need general counsel to help you think out loud, strategize, train your team, and develop plans; later, you may need a litigator or an attorney who specializes in a certain area of law – either to confer with directly, or to refer people to.

7. Identify your organization’s vulnerabilities and shore them up, best you can by considering a range of measures. There are likely many considerations your organization should be focusing on as it proactively considers scenarios and roadmaps its strategies. These considerations will be unique to your organization, based on its unique circumstances, its tolerance for risk, and its capacity. Confer with counsel in confidence. Phone calls are best these days. Mark emails asking for legal advice with the heading “CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS.”

8. Understand your rights as an organization. Work with counsel to understand what the law currently provides regarding procedures that must be followed by law enforcement and other agencies (whether the IRS or ICE, etc.), and be sure your team is in the know (see point no. 9 below).

9. Train your team on risk mitigation strategies. Help your team (staff and board) know what to be thinking about in terms of risk and communications, and when to take a pause and check in with your organization’s legal team as issues and questions emerge.

10. Don’t forget to communicate and stay in close connection with your board. Your board can help make connections, help you see blind spots, share counter points and perspectives – and help you ensure that action taken by the organization is backed by the strategic leaders of the organization. You’ll want to be sure that your board is aware of the impact certain developments will have on

your organization – and hears from you about how they can be most helpful during these times.

We're here to help, knowing that each of your organization's challenges will be a bit different these days.

Please note: This alert is a general overview and does not constitute legal advice.

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