

**AMERICAN CHARITIES FOR REASONABLE FUNDRAISING REGULATION**  
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**MEMORANDUM**

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**TO:** WHOM IT MAY CONCERN  
**FROM:** GEOFF PETERS  
**SUBJECT:** WHO IS WORKING ON THE BRIEFS IN RYAN V. TELEMARKETING ASSOCIATES?  
**DATE:** 12/4/02

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**Background**

The Supreme Court of the United States has agreed to hear the case of ‘People of the State of Illinois v. Telemarketing Associates.’ The Supreme Court of Illinois in rejecting the position of the Attorney General stated that if the complaint were upheld:

all fund-raisers in this state would have the burden of defending the reasonableness of their fees, on a case-by-case basis, whenever in the Attorney General’s judgment the public was being deceived about the charitable nature of a fund-raising campaign because the fundraiser’s fee was too high.

Because of the overwhelming importance of this case to the nonprofit and fundraising community, American Charities (“ACFRFR”) has agreed to coordinate the filing of three amicus curiae (“friend of the court”) briefs. (Brief 1 = only nonprofit organizations; Brief 2 = only umbrella organizations; Brief 3 = only commercial fundraising organizations).

There are many who have volunteered to work on this case due to its importance here is a list which is accurate only as of the date of this writing.

**Lawyers working on the case**

**Telemarketing Associates** – The lead counsel representing the party, Telemarketing Associates, in the Supreme Court will be Errol Copilevitz from Kansas City. Errol was the lawyer who successfully argued and won the Riley decision in the Supreme Court fourteen years ago. He has litigated numerous cases since then in various state and federal courts on behalf of charities and fundraisers and has established a national reputation as an expert in this field.

**Amicus Brief solely on behalf of nonprofit organizations** – The lead counsel for this brief is Bonnie I. Robin-Vergeer who is an attorney with Public Citizen, a nonprofit advocacy organization. Bonnie won a case in the Supreme Court last year on an unrelated topic and has filed other amicus briefs in the Supreme Court. Her primary litigation background is in appellate litigation, especially dealing with constitutional issues. She is the primary lawyer at Public

Citizen dealing with questions of nonprofit regulation and the 1<sup>st</sup> Amendment. She is also the lead counsel in the Pinellas II litigation on behalf of charities against Pinellas County, Florida.

**Amicus Brief solely on behalf of umbrella organizations** – The lead counsel for this brief is Geoffrey W. Peters, President, Creative Direct Marketing International, Ltd. and Attorney at Law – Admitted in States of: Colorado, Nebraska, Minnesota, Virginia, and Federal Courts and Supreme Court of the United States. A lawyer, fundraiser, and manager, Geoff was, in 1980 appointed to be the youngest dean of a major law school in the United States. He has a J.D. degree, as well as an M.A. in social research and statistics. His A.B. degree is from Northwestern University. Geoff is formerly an American Bar Foundation Research Fellow and formerly Deputy Director of the National Center for State Courts where he also served as an adjunct faculty member at William and Mary’s law school. Geoff is an expert on the regulation of nonprofits and their fund-raisers in the U.S. and Europe. He currently serves at the volunteer General Counsel of ACFRFR. His legal practice is almost exclusively in the area of federal and state regulation of nonprofits and litigation involving the use of the nonprofit mail permit.

**Amicus Brief solely on behalf of commercial fundraising organizations** – The lead counsel for this brief is Charles H. Nave. Charlie co-wrote the briefs in the successful Pinellas I litigation in the United States District Court and the 11<sup>th</sup> Circuit Court of Appeals. Charlie’s practice is in the area of nonprofit regulation and litigation involving the use of the nonprofit mail permit.

**Volunteer lawyers assisting on one or more of the previously listed amici briefs (as of the date of this memorandum and in alphabetical order) are:**

Dan Alcott, member of the Perlman & Perlman law firm of New York City. Dan devotes most of his practice to nonprofit law and the regulation of charities and fundraisers.

Janice Bloom is the General Counsel for Mothers Against Drunk Driving, headquartered in Irving, Texas. Prior to her tenure with MADD, she worked for two large Dallas law firms, specializing in commercial and employment litigation (which included some appellate work), and for a large wireless communications company, working on a number of issues regarding telecommunications.

Lackland Bloom is a Professor of Law at the Dedman School of Law at Southern Methodist University in Dallas, Texas, where he teaches Constitutional and copyright law. His specialty and area of expertise, on which he has written several articles, is First Amendment rights.

Alan Morrison, General Counsel of Public Citizen. Alan has argued some 15 cases in the Supreme Court, many in the First Amendment arena. In January, Alan will return from a leave of absence from Public Citizen to serve as a visiting professor at Stanford Law School. Alan will be working with Bonnie I. Robin-Vergeer on the brief on behalf of nonprofit organizations.

Seth Perlman, Partner of Perlman & Perlman. Seth has been involved in cases involving the legal regulation of the nonprofit community for the past 20 years. Most recently his firm was co-counsel in the litigation challenging Pinellas County, Florida’s right to regulate out of state fundraisers.

Chip Watkins, Attorney in Webster, Chamberlain & Bean. Chip has been active in nonprofit practice for 21 years and is well known both as a tax and nonprofit regulation attorney who has a large number of domestic and international nonprofit clients. He is also widely known as an expert legal commentator on the Charity Channel Cyber-Accountability List Serve.

Barnaby Zall is “Of Counsel” to Weinberg & Jacobs, LLP, a Rockville, Maryland, law firm. He practices tax-exempt organization law, constitutional and statutory litigation (including drafting and defending ballot initiatives), and commercial law. He is rated “AV” by the Martindale-Hubbell legal rating service (the highest possible rating). Barnaby wrote one of the amicus curiae briefs in the successful Pinellas County Florida litigation and is admitted to practice law before the Supreme Court of the United States, the U.S. Courts of Appeals for the Fourth, Fifth, Ninth, Eleventh, Federal and D.C. Circuits, the U.S. District Courts for Arizona, the District of Columbia and Maryland, the U.S. Tax Court, and the highest courts of Maryland and the District of Columbia. He has also appeared before the Supreme Courts of California, Colorado and Florida. Mr. Zall successfully argued the U.S. Supreme Court case, Arizonans for Official English v. Arizona, 520 U.S. 43 (1997).

**Non-lawyers assisting on one or more of the previously listed amici briefs (as of the date of this memorandum and in alphabetical order) are:**

Richard S. Steinberg, Professor at Indiana University Institute of Philanthropy. Richard is an economist who has done considerable research on fundraising costs. On the basis of his research, he was selected as an expert witness for the plaintiffs in the case of UCC vs. IRS, among others. He will be working with the lawyers in helping them understand the academic literature regarding fundraising costs and fundraising cost ratios.

Emily M. Hall, Graduate Student at Indiana University Institute of Philanthropy. Emily is a volunteer helping with literature searches to document various well known facts about the fundraising industry and fundraising practices.

*There are numerous other volunteers assisting in fundraising and other efforts on behalf of the nonprofit community but who may not be directly involved in the brief writing and whose names have therefore not been included in this memo.*