

# J. Barclay Collins

## Partner

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## OVERVIEW

Barclay Collins is a partner in the firm's Tax and Nonprofit Organizations practice groups.

He advises tax-exempt clients on a wide range of operational and organizational matters, including establishing nonprofit and for-profit affiliated entities and addressing governance, benefits, taxation (including Form 990 compliance and federal and state tax audits), fiduciary responsibilities, conflicts of interest, executive compensation, and other regulatory, tax, and corporate aspects related to the operation of sophisticated exempt organizations. He also advises on establishing and monitoring grant-making programs, negotiating gift agreements, establishing joint ventures, negotiating investment agreements, and evaluating related structural issues to support charitable endeavors in the United States and internationally. His clients include universities, research institutes, foundations, and non-governmental organizations.

Barclay has assisted multinational companies in planning with respect to US operations, obtaining regulatory guidance, and seeking legislative solutions for federal income and excise tax issues. He also represents clients (taxable and tax-exempt) in federal and state tax audits, including with respect to the unrelated business income tax, executive compensation, donor advised funds, employee classification, and tax-exempt bonds.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Barclay was a partner at an international law firm and focused his practice in the areas of tax and executive compensation and employee benefits.

## ACHIEVEMENTS

- Recognized in *The Best Lawyers in America*® for Tax Law, 2018-2022

## EDUCATION

- J.D., Columbia Law School, 1993 *(Editor-in-Chief, Columbia Journal of Environmental Law; Harlan Fiske Stone Scholar)*

- A.B., Brown University, 1989 *(magna cum laude)*

## ADMISSIONS

- Bar of District of Columbia
- Bar of New York

## THOUGHT LEADERSHIP *POWERED BY HUB*

- June 2025, Handbook for Directors of Nonprofit Corporations in the United States
- 20 December 2017, Just-Passed Tax Cuts and Jobs Act Will Significantly Impact Higher Education
- 14 November 2017, Tax Cuts and Jobs Act Could have Far-reaching Effects on Higher Education

## OTHER PUBLICATIONS

- Contributor, *The Law of Higher Education: A Comprehensive Guide to the Legal Implications of Administrative Decision Making*, 6h Edition, 2019

## NEWS & EVENTS

- 3 May 2023, K&L Gates Strengthens Public Policy and Law Practice With Washington, D.C., Additions
- 14 February 2023, Former Senate Energy and Natural Resources Committee Chief Counsel Joins K&L Gates as Washington, D.C., Partner
- 21 December 2022, K&L Gates Adds Energy, Infrastructure, and Resources Partner in Washington, D.C.
- 26 October 2022, Former Senate Finance Committee Chief Counsel Returns to K&L Gates as Washington, D.C., Partner
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 3 August 2022, K&L Gates Adds Antitrust, Competition, and Trade Regulation Partner in Washington, D.C.
- 14 December 2021, K&L Gates Adds Antitrust, Employee Benefits Partners to Washington, D.C., Office
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 4 May 2021, K&L Gates Adds Second New Washington, D.C., Partner in a Week With Hire of U.S. Department of Labor Director
- 7 July 2020, K&L Gates Continues Health Care Practice Growth With Washington, D.C., Partner Addition

- 6 April 2020, K&L Gates Adds U.S. Deputy Assistant Attorney General as Investigations, Enforcement and White Collar Partner in Washington, D.C., Office

## AREAS OF FOCUS

- Tax
- Academic Medical Centers (AMCs)
- Benefits and ESOPs
- Corporate Governance
- Executive Compensation
- Healthcare and FDA
- Nonprofit Organizations

## INDUSTRIES

- Consumer Goods and Services
- Healthcare
- Higher Education Institutions
- Life Sciences

## REPRESENTATIVE EXPERIENCE

- (J.B. Collins) Advised universities, trade associations and other tax-exempt organizations on exemption, unrelated business income tax and domestic and international fundraising issues.
- Advised boards of public and private educational institutions on Presidential and other senior executive compensation and in the negotiation of employment agreements and deferred compensation benefits.
- Advised educational institutions on tax and benefits considerations relating to foreign campuses, affiliations and other activities.
- Advised technology companies and educational institutions on reporting and compliance procedures for vendor and employee payments and benefits, including correction of practices as necessary.
- Defended tax-exempt organizations in IRS and state audits on matters that relate to tax-exempt status, unrelated business income tax, tax-exempt bond qualification, employee classification, tax withholding and reporting compliance for employees and foreign payments.
- Formed and obtained exemptions for major new organizations in the fields of medical research, housing, education and government defense research.

- Counseled tax-exempt organizations regarding the formation or acquisition of for profit activities, subsidiaries and joint ventures.
- Prepared public comments seeking limitations and exceptions on foreign financial account disclosure rules for major educational institutions and their employees.
- Advised on the public offering of taxable and tax-exempt debt securities.
- Advised on and formed affiliated organizations to accomplish exempt and commercial goals of tax-exempt institutions.
- Advised private foundations on grant-making, excise tax and self-dealing issues.
- Provided tax advice relating to litigation settlements, including establishing qualified settlement funds, tax reporting and the deductibility of payments.
- Advised foreign businesses on the U.S. tax considerations of establishing operations in the United States.
- Advised organizations and individuals on compliance and reporting practices for foreign financial accounts.
- Obtained a ruling for a real estate development enterprise permitting an extension of time to file an accounting election resulting in substantial tax savings.
- Advised on the sale of a multi-national business by a major U.S. financial institution.
- Provided tax advice in connection with the first effective SEC registration of public debt securities of a peer-to-peer lending site.