



ANNUAL REPORT

2020

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LETTER FROM THE EXECUTIVE DIRECTOR

Dear Friends,

To say 2020 was a challenging year is self-evident. Between a global pandemic, civil unrest, and a tumultuous election, many people were tested in ways they had seldom been tested before. It reminded us that there is always work to be done in pursuit of the common good.

For the Napa Legal team, 2020 was a fulfillment of that work. It required a sense of perspective that we found in our theme verse, Galatians 6:9, which we chose at the beginning of last year when launching our lay apostolate:

“Let us not grow tired of doing good, for in due time we shall reap our harvest, if we do not give up.”

GALATIANS 6:9

The harvest we reaped included a significant expansion of our online library for the benefit of spiritual entrepreneurs. This included the launch of our COVID-19 resource page designed to educate faith-based nonprofits on what they need to know legally, financially, and strategically to successfully navigate the consequences of the pandemic. For example, one of our most widely read white papers this year provided a comprehensive overview of the Coronavirus Aid, Relief, and Economic Security Act, which is more commonly known as the “CARES” Act. This relief package included federal loans that were made available to religious organizations—but not without concerns regarding religious liberty, reporting requirements, and loan forgiveness. Our CARES Act white paper, and the resources that followed, helped faith-based leaders navigate a complex and evolving federal assistance program. As one board member of a Catholic Montessori school told us after reading our resources:

“Napa Legal has been a game changer—instead of wandering around the internet looking up information wondering if it’s correct or would work for faith-based organizations, they have it all in one place.”

In addition to our COVID-19 work, Napa Legal also published several white papers, self-assessment tools, webinars, and blog posts on a litany of issues that impact faith-based nonprofits. None of this would have been possible without the assistance of our working group members, whom we call “Good Counselors.” These volunteers include attorneys, accountants, and nonprofit professionals who have taken on projects and produce resources that are designed to educate and assist faith-based missions. In order to enhance the capacity of our Good Counselors and further integrate them into Napa Legal’s theory of social change, I am excited to announce that we are preparing to launch *The Good Counselor Project*. It will include three comprehensive programs that you can read more about in this report and on our website.

Thank you again for your support and interest in Napa Legal. We will not grow tired of doing good, for it has already begun to produce a harvest that benefits both faith and country. We look forward to 2021 as a result and hope you will continue to join us on that journey.

With Gratitude,



JOSH HOLDENRIED
VP & Executive Director



“LET US NOT GROW TIRED
OF DOING GOOD,
FOR IN DUE TIME WE SHALL
REAP OUR HARVEST,
IF WE DO NOT GIVE UP.”

Galatians 6:9

A YEAR IN REVIEW

Napa Legal met all of its 2020 goals and objectives that were defined at the start of the year. Through written, video, and interactive content, Napa Legal accompanied faith-based nonprofits so that they could continue to their important work even as we all faced unforeseen difficulties. As Executive Director, Joshua Holdenried wrote in the [National Catholic Register](#), 'Now more than ever is the time to empower evangelization by building and supporting the institutions dedicated to the common good. Of this we are certain.'



12 MEDIA APPEARANCES

including EWTN News Nightly and 2 NCR Op-Eds

OBJECTIVES

12 BLOG POSTS

2 WEBINARS

12 E-BLASTS

80 WORKING GROUP MEMBERS

10 WHITE PAPERS

ACHIEVEMENTS



50 PUBLISHED



4 WEBINARS PRODUCED



40 EMAIL CAMPAIGNS



87 WORKING GROUP MEMBERS



13 WHITE PAPERS PUBLISHED

NAPA LEGAL 2020 IMPACT AND CONTENT



With faith-based nonprofits facing particular challenges this year, Napa Legal focused content and resource production on working to ensure that organizations had the tools they need to both prepare for and respond to evolving circumstances. As a result, Napa Legal rapidly expanded our operations and accelerated the pursuit of our mission. Thanks to the support of donors, allies, and professionals, Napa Legal was able to double our working group membership, increase our content output exponentially, and launch a new website designed to capture and share our growing library of resources.

And God's First: Most Read Posts in 2020

- *Leadership: Leading Your Faith-Based Organization Through a Crisis* by Alan Sears
- *CARES Act Sec. 2204: An Incentive for Charitable Donations* by Kevin Stidham
- *What You Need to Know: Faith Based Organizations and the Coronavirus Pandemic* by NLI Staff
- *Known Unknowns: Faith-Based Organizations and the CARES Act Loan Programs* by John Peiffer and Maggie Beecher
- *Endurance: Taking Care of Yourself as a Leader* by Alan Sears

Napa Legal focused content production on three key areas identified as priorities for strengthening faith-based nonprofits and empowering religious liberty allies. These issues each provide a lens through which faith-based organizations operate in and relate to the public square. The COVID-19 situation, ongoing legal developments resulting from recent Supreme Court opinions, and the foundational requirements of religious identity all continued to impact faith-based nonprofits' abilities to carry out their missions in 2020 and will continue to do so in 2021 and beyond.

PROTECT YOUR ORGANIZATION TO ACHIEVE YOUR MISSION

CIRCUMSTANCE: RESPONDING TO COVID-19

For many faith-based nonprofits, the coronavirus pandemic created incredible financial and operational challenges. Yet, as the American public faced more hardship, the role of faith-based organizations as sources of support within their communities has only grown. Consistent with our vision, Napa Legal has sought to strengthen community and society by strengthening the organizations that help build and sustain it.

Crisis Navigation

Key to the strength of faith-based nonprofits during times of crisis are leadership, faith, creative thinking, and adaptability.

Strategic Resources:

- *To Rebuild After COVID, Look to Faith-Based Organizations* by Ian Lindquist
- *Endurance: Taking Care of Yourself as a Leader* by Alan Sears
- *Stewardship: Protecting Your Faith-Based Organization During A Crisis* by Napa Legal Staff

Legal Protection

The pandemic has also presented questions of liability and employment-related concerns. To help faith-based nonprofits navigate the legal questions surrounding reopening, Napa Legal published the following resources authored by working group members.

Strategic Resources:

- For Employers:
 - *Returning to Mission: Five Steps to Prepare to Reopen* by National Risk Control Team, Gallagher and Dan Romanski
 - *Considerations for Nonprofit Employers Beginning to Re-Open* by Lee Cotugno
- For Schools:
 - *Considerations and Resources for Reopening Catholic K-12 Schools* by Gabrielle Merucio and Michael Kenney

Understanding Legal Opportunities

With evolving federal, state, and local coronavirus aid packages being established and many nonprofits facing tough financial obstacles, understanding the impact of government assistance on an organization's religious freedom is essential for leaders to make informed strategic decisions.

Strategic Resources:

- *Applying for Loan Forgiveness Under the Paycheck Protection Program* by Bonnie Wyllie
- *CARES Act Sec. 2204: An Incentive for Charitable Donations* by Kevin Stidham
- *Introduction to Title I Loan Relief Under the CARES Act* by Maggie Beecher

LEGAL DEVELOPMENTS: THE IMPACT OF SUPREME COURT OPINIONS

Recent and upcoming Supreme Court opinions continue to have a direct impact on the practice of faith-based nonprofits. Napa Legal, through white papers, webinars, and blog posts, offers analysis on these opinions, with a particular focus on what the Supreme Court's 2020 opinions might mean for the employment practices of faith-based nonprofits in particular.

Strategic Resources:

- *The Ministerial Exception: How Catholic Nonprofits Can Safeguard Their Right to Choose Their Own Leaders* by Kaitlyn Roholt Lane
- *Religious Liberty, Employment, and Recent Supreme Court Opinions* by Napa Legal Staff
- *Fulton v. City of Philadelphia: What Nonprofit Leaders Should Know about the Case and its Impact* by Napa Legal Staff

FUNDAMENTALS: ESTABLISHING RELIGIOUS IDENTITY TO SECURE RELIGIOUS LIBERTY

While Supreme Court decisions that protect the right of faith-based organizations to practice their faith are important, these opinions are only the first step for faith-based nonprofits seeking to protect their religious liberty. To benefit from these legal developments and related protections, organizations must take concrete steps. One of the most essential steps is securing the religious identity of a faith-based organization.

Documenting an organization's religious identity is fundamental to securing religious liberty. Informal factors, such as an organization's belief in a specific faith or the founder's association with the Church generally are not enough to be legally considered a religious organization and, therefore, generally are not enough to qualify for the religious liberty protections necessary to operate as a faith-based organization. Instead, an organization must "hardwire" its religious identity into all aspects of the organization's operations—from corporate governance to employment matters to scheduling and program content. In other words, organizations must practice what they preach in order to enjoy continued religious freedom. Napa Legal has been producing resources to educate organizations on the specific steps they should take to establish their religious identity to they can secure their religious liberty.

Strategic Resources:

- *Sample Employment Handbook for Catholic Schools* developed in cooperation with Lee Cotugno and John C. Peiffer II
- *Practice What You Preach: Securing and Communicating Religious Identity in Cancel Culture* Napa Legal Staff webinar

MEMBER SPOTLIGHT

Napa Legal has been able to increase our content output and offer a wide variety of resources largely due to the support of our working group members, or *Good Counselors*.

This year, we are pleased to highlight the work of Lee Cotugno. Lee is in private practice in Los Angeles, California, where a substantial portion of his current practice is in the area of employment law.

In 2020, Lee's contributions have been vital to our effort of supporting faith-based nonprofits through crisis and evolving circumstances. He authored several pieces we published this year:

- *Considerations for Nonprofit Employers Beginning to Re-Open*
- *Sample Employment Handbook for Catholic Schools*
- *It's Time for an Audit*
- *Consider Mediation*
- *The Employment Self-Audit: Putting Religious Liberty & Employment Protections into Action*
- *Considerations and Resources for Reopening Catholic K-12 Schools*

"I feel truly blest being associated with Napa Legal. It has given me the chance to work with other Catholic professionals to provide legal education that can greatly benefit Catholic institutions, especially those which often cannot afford legal services. Napa Legal has also given me the ability to learn from other Catholic professionals about what are the most crucial challenges facing Catholic institutions, especially non-profit institutions, and how their needs can be met."



For information on how to support or get involved with the project, contact info@napalegalinstitute.org.



LOOKING TO THE FUTURE: THE GOOD COUNSELOR PROJECT

This year, Napa Legal also has been laying the groundwork for the official 2021 launch of its flagship programming for attorneys: *The Good Counselor Project*.

The goal of the Good Counselor Project is to recruit, develop, and engage a national network of attorneys ready to educate and assist faith-based nonprofits with complex issues such as corporate governance, tax compliance, and employment law. Mastering these issues, and many more like them, is necessary if lay apostolates hope to protect their organizations and achieve their missions.

In providing both an educational study of virtue and the opportunity to habituate in the integration of faith and professional life, Napa Legal champions a theory of social change based in subsidiarity and the strength of our institutions. The world is a better place when faith-based nonprofits are able to protect and carry out their missions; the Good Counselor Project invests in the ongoing formation of the individuals who can help organizations achieve this.

The GOOD COUNSELOR PROJECT

The GOOD COUNSELOR FELLOWSHIP

The Fellowship recruits and develops practicing attorneys who are recently admitted to the bar. Through a series of lectures and seminars, Fellows will participate in facilitated discussions on the cardinal, civic, and theological virtues of the Western tradition.

The GOOD COUNSELOR WORKING GROUPS

Selection into the Fellowship is contingent on an agreement to actively participate in one of the Project's twelve Working Groups. Through these Working Groups, Good Counselors serve on a volunteer basis to produce resources and take on important cases and projects.

The GOOD COUNSELOR CAPSTONE RETREAT

The Capstone Retreat will offer both new and current Good Counselors the opportunity for continuing education, community building, and spiritual formation.

BOARD OF DIRECTORS

Napa Legal's board features influential leaders from business, law, and faith-based organizations. Inspired by their faith and committed to religious liberty, our board members provide counsel and guidance to the Napa Legal team as we continue to protect and educate faith-based nonprofits.



Timothy R. Busch, The Busch Group

Tim Busch is co-founder and chairman of Napa Legal. He is the founder of the Busch Firm, which specializes in estate and tax planning, and the representation of religious organizations. He is the CEO of the Pacific Hospitality Group, a company that owns and operates twelve hotels throughout the United States. Tim and his wife are involved in many Catholic organizations, including the Magis Institute and the Napa Institute, which was co-founded with Fr. Robert J. Spitzer, S.J. Long time advocates of Catholic education, Tim and Steph co-founded St. Anne School in Laguna Niguel and JSerra Catholic High School in San Juan Capistrano. In 2016, the Catholic University of America named the Tim and Steph Busch School of Business and Economics in recognition of Tim and Steph's generous support of the school.

Leonard Leo, Federalist Society

Leonard Leo is Co-Chairman of The Federalist Society, joining the organization over 25 years ago. Since that time, he has been instrumental in helping the organization top 70,000 members, focusing on the growth of membership, operations, and activities advancing limited, constitutional government. In addition to his work at the Society, Leonard has advised President Trump on judicial selection, assisted with the Gorsuch, Kavanaugh, and Coney Barrett Supreme Court selection and confirmation process, and served as a member of the transition team. He also organized the outside coalition efforts in support of the Roberts and Alito U.S. Supreme Court confirmations. Leonard was appointed by President George W. Bush to three terms on the U.S. Commission on International Religious Freedom as its chairman. He was also a U.S. Delegate to the UN Council and UN Commission on Human Rights during the Bush Administration. Leonard holds degrees from Cornell University and Cornell Law School. He presently resides in Northern Virginia, where he and his wife Sally have raised their seven children.



Alan Sears, KSG, Alliance Defending Freedom

Alan Sears is the founder of Alliance Defending Freedom (ADF) and ADF International. As the first president, CEO, and general counsel, Sears led all strategic initiatives from 1993-2017. Alan is the author of several books, including his most recent title, *The Soul of an American President: The Untold Story of Dwight D. Eisenhower's Faith*. Sears has received many awards including the Edwin Meese III Originalism and Religious Liberty Award and the Colson Center's William Wilberforce Award. In 2017, Pope Francis invested Alan as a Knight of the Equestrian Order of St. Gregory the Great (KSG), the highest award given by the Pope to a lay person.



Bill Mumma, Becket

Bill Mumma is CEO and Board Chairman of Becket, a role in which he has served as a full-time volunteer since 2011. He ended a 30-year career on Wall Street as CEO of Mitsubishi UFJ Securities (USA), with prior executive roles at Nomura Securities International and the Bankers Trust Company. Bill also serves as Trustee on the boards of the Witherspoon Institute, FOCUS (The Fellowship of Catholic University Students) and PRAF (Patients' Rights Action Fund). He has degrees from Georgetown University's School of Foreign Service and Columbia University Business School. Mr. Mumma lives in Summit, New Jersey with his wife Kathy, to whom he has been happily married since 1983, and with whom he has six children and nine grandchildren.



Amy Shepard, Arizona State University's School of Historical, Philosophical, and Religious Studies

Amy Shepard advises Arizona State University's School of Historical, Philosophical and Religious Studies. She previously served as Executive Vice President of Strategic Advancement for the Augustine Institute. She also served as Vice President of Ecumenical Relations for Alliance Defending Freedom (ADF), where she focused on fundraising and enhancing the ministry's impact and visibility. Prior to joining ADF, Shepard was vice president of healthcare content solutions for McMurry/TMG where she created strategic partnerships with hospitals and healthcare foundations across the United States and Canada, generating millions of dollars in new business. She was also a principal for Optimum Marketing, where she developed integrated television broadcast strategies for television stations across the nation. Shepard also serves on the boards of Bosco Classical School and Knights of Columbus Charitable Fund. She is also an allied member of Catholic Medical Association. Shepard earned her B.A. in communications from Canisius College in New York.



Stephen C. Payne, Columbus School of Law, The Catholic University of America

Steve Payne began his tenure as Dean of the Columbus School of Law and Knights of Columbus Professor of Law on July 1, 2019. He had been a partner and the Chair of the FDA and Health Care practice group at the global law firm, Gibson, Dunn & Crutcher LLP, where his practice focused on regulatory compliance, investigations, and enforcement litigation, and an adjunct professor at the Antonin Scalia Law School at George Mason University, where he taught FDA Regulation and Health Law & Policy. Prior to that, Dean Payne had practiced at Sidley Austin LLP as a partner and associate in the Washington, D.C. office, and had previously served as a Captain in the U.S. Army Judge Advocate General's Corps at the U.S. Army Infantry Center at Fort Benning, Georgia. Dean Payne holds a J.D. from Yale Law School, where he was a John M. Olin Fellow in Law and Economics and a Prize Finalist in the Thomas Swann Barristers' Union Mock Trial Competition. He graduated from Cornell University with a B.S. from the School of Industrial and Labor Relations, where he finished first in his class.



Fr. Dominic Legge, O.P., Thomistic Institute

Fr. Dominic Legge, O.P. is the Director of the Thomistic Institute and Assistant Professor in Systematic Theology at the Pontifical Faculty of the Immaculate Conception in Washington, D.C. He holds a J.D. from Yale Law School, a Ph.L. from the School of Philosophy of the Catholic University of America, and a doctorate in Sacred Theology from the University of Fribourg in Switzerland. He entered the Order of Preachers in 2001, after having practiced constitutional law for several years as a trial attorney for the U.S. Department of Justice. He has also taught at The Catholic University of America Law School and at Providence College. He is the author of *The Trinitarian Christology of St. Thomas Aquinas* (Oxford University Press, 2016).



Bishop Robert Vasa, Diocese of Santa Rosa

Bishop Vasa has served in his current ecclesiastical office since 2011, when he was installed as the Sixth Bishop of Santa Rosa. Bishop Vasa was Ordained a Priest in 1976 in Lincoln, Nebraska, and was Ordained a Bishop in 2000 in Baker, Oregon. Bishop Vasa plays a very active role in the education and spiritual formation of his Diocese, communicating Catholic Teaching through a variety of media.



**Michael P. Warsaw (Board Member Emeritus),
The Eternal Word Television Network (EWTN)**

Mike Warsaw is the Chairman of the Board & Chief Executive Officer of EWTN Global Catholic Network. He joined EWTN in 1991 and has held senior management positions in the areas of television production, satellite operations, and technical services, working directly with Mother Angelica, the network's founder, on all of her major initiatives. Michael was named President of EWTN in 2000 and assumed the post of chief executive officer in 2009. With the Network's 2011 acquisition of the National Catholic Register, he became its publisher. Michael assumed the post of chairman of the board of EWTN in 2013. In that capacity he oversees the network's strategic direction and mission around the world. In 2017, Pope Francis appointed him as a Consultor to the Vatican's Dicastery for Communications.

We would love to hear from you!

We are incredibly grateful for the continued support of our mission. This support comes in many ways—through involvement in our Good Counselor working groups, sharing our resources with community members, keeping up with us on social media, and giving financially—we are thankful for the generosity of our supporters and welcome those who would like to get involved.



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