



Keep giving!

Our clients and partners know that we “give” a lot when practicing our profession.

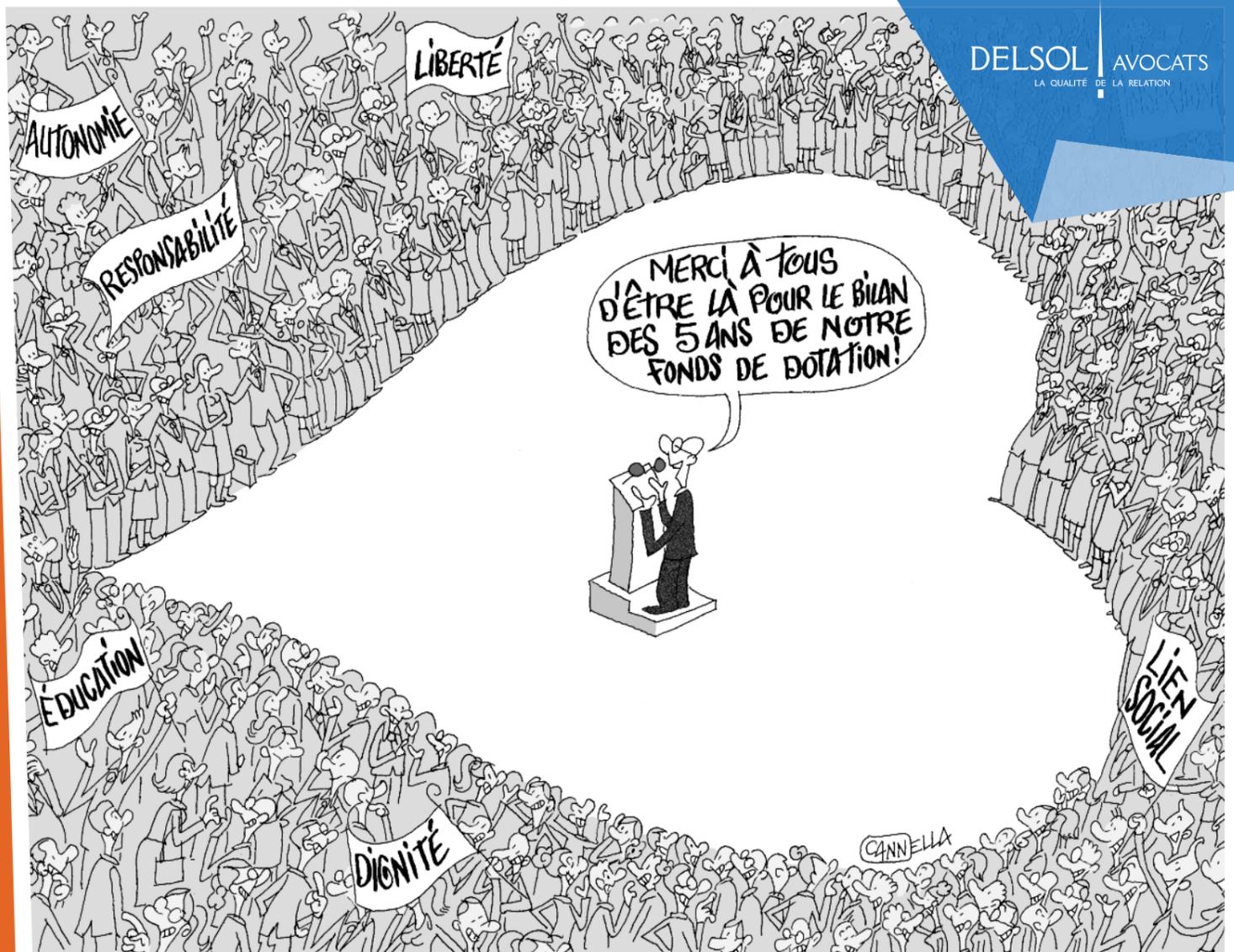
This is clearly for a number of reasons, but the three following reasons are really the most important:

- Our assistance is always requested at the time of major events in the life of both individuals and legal entities: the incorporation of a company, often for 99 years, is an historic moment for shareholders and their employees; the creation of a foundation intended to live forever; the construction of a solid building means that nothing can be forgotten; the tax structuring of family assets must conquer the passage of time in an ever-changing environment; criminal defence must be the best in the world etc.
- We act by representing our clients. This is very demanding. Everyone thinks about the robe, which only identifies us before the courts. Obviously we have to be good at the bar, not only on the content but also on the form. It is also important to bear in mind that a business lawyer often represents the client in negotiations, which may at times be stormy, when, for example, they concern redundancy plans or collective procedures.
- We are the custodians of our clients’ secrets, which is not always a simple task. We are in fact the only business professionals to whom all can be told, as we protect everything and, unless we labour under a totalitarian political regime, no-one can force us to disclose confidential information. There is a counterpart to the splendour of our profession - we leave the office each evening with important secrets.

A lawyer worthy of the name must therefore give a lot to his/her clients and partners.

In 2009, we decided that we needed to go beyond this and give more to others. We therefore created our endowment fund. For over 5 years now, it has supported and encouraged a number of not-for-profit organisations to take their altruistic projects further and further. Keep on giving!

Amaury NARDONE
Chairman of the Board of Directors



DE LA RELATION

DELSOL Avocats Newsletter - N°10 - June 2014

DELSOL Avocats’ endowment fund celebrates its 5th birthday!

DELSOL Avocat’s endowment fund, which was the first to be created in France, was the result of sustained reflection based on our Firm’s historical involvement in the legal aspects of associations and foundations. DELSOL Avocats in fact has the leading French team devoted to the third sector.

The Not-for-profit department, created by Xavier DELSOL, also a co-founder of the firm, is now recognised to be the most important and most structured on the French market, with a dedicated team of 16 people, 4 of which are partners.

Alexis BECQUART has substantial expertise in the legal and tax rules applicable to unions and professional organisations. He has also participated in the writing of several works concerning this sector.

Laurent BUTSTRAËN is involved in both consulting and litigation, with a specialisation in mutual societies and health and social service agencies. He has been a contributor to a number of publications, at times jointly with Xavier DELSOL, for *Editions Juris Service*.



Alexis BECQUART



Laurent BUTSTRAËN



Xavier DELSOL



Lionel DEVIC

Xavier DELSOL has developed a significant practice in the legal aspects of the social solidarity economy and has a solid background in this sector. As one of the founders of the firm *Juris Associations Conseils* and of *Editions Juris Service*, he has been involved in the drafting of laws which govern endowment funds and is the author of a number of works concerning corporate sponsorship and associations.

Lionel DEVIC’s practice is concerned with providing legal and tax advice to associations, foundations, endowment funds, professional organisations and religious communities, more particularly at an international level. He is also the founder and editor of a free web site devoted to endowment funds.

As the founders of the DELSOL Avocats endowment fund, the Firm’s Not-for-profit team is actively involved in the daily management and follow-up of the successful candidates. Team members participate in the selection of projects presented each year at the *Forum National des Associations et Fondations*. The fund bolsters DELSOL Avocats’ professional and human ambitions, and the intention of the Firm’s partners and associates to make a commitment beyond the walls of the Firm.

Why do we have an endowment fund?



Jean-Philippe DELSOL
Partner

Jean-Philippe DELSOL, partner and founder of the Firm, explains the decision it made five years ago: "The vocation of a business is to produce the best quality goods and services at the best possible prices. A business does not have a charitable vocation. The same is the case for a law firm like ours, which is managed like a business providing services to its clients. So, why have an endowment fund? The creation of the DELSOL Avocats endowment fund in 2009 was intended to demonstrate that we were open to a world outside our immediate environment. It's a reminder, both internally and externally, that we are not just law-producing machines, even if we do this as well as possible, but human beings at the service of other human beings. The aim of our endowment fund is to help people in France or elsewhere, who have lost the meaning of life to rediscover it through work. We strongly believe that work should not be a painful obligation but a means of personal development and well-being if carried out in an environment of mutual respect, where the abilities of each person are taken into account. An endowment fund is both a sign of humanity and a force for cohesion. It is therefore as useful inside a business as it is, through its vocation and the attainment of its objective, in the service of others. We advise a lot of our clients to create endowment funds - we have done it ourselves and we know the benefits we derive from it."

€ 111,000 in donations for 15 winners over 5 years

Association Droit Développement et Partenariat Francophone Solidarité (2009): support for the Kien Khleang orphanage in Phnom-Penh (Cambodia), by way of vocational training for young adults and French language learning for secondary school students.

APFEE (2009): see opposite.

Clair Logis (2009): help with the reinsertion and vocational rehabilitation aimed at women and children in difficulty.

CIELO (2010): combating poverty in emerging countries and assisting the victims of armed conflict.

Elevages Sans Frontières (2010): see below.

Fondation Devenirs (2010): accommodation for probationers and assisting their return to the job market by the acquisition of know-how and self-awareness.

Approche (2011): assisting people in difficulty by way of a recycling site and material recovery project.

Ares Coop (2011): helping older and sick homeless people in Paris by providing social and employment follow-up until retirement age.

Planète Enfants (2011): see opposite.

1001 Fontaines (2012): facilitating access to drinking water for isolated rural populations, by providing filtration plants managed by small local businesses.

Association Laurette Fugain (2012): financing medical research into leukaemia, "gifts of life" and assistance to patients and their families.

Association Lazare (2012): see opposite.

Les Poneys et l'Autisme (2013): see opposite.

Libres Terres des Femmes (2013): supporting foreign women who are victims of domestic violence; production of an animated training and awareness film to highlight female and male equality.

SOS Détresse (2013): moral, material or financial support to women in difficulty, regardless of race and religion, particularly pregnant women.

Focus on 5 winners

2009 APFEE

Robert BOURVIS, you are the chairman of APFEE (Association to encourage effective schooling), whose objective is to end school failure. You were the winner in 2009, the year in which the fund was created.

Can you describe the APFEE project?

APFEE has created a support programme, called the *Coup de Pouce Clé* for children in their first year of primary school who are at risk of failure.

This concerns children with reading difficulties, often because they do not benefit from the necessary family support. The *Coup de Pouce Clé* exists to help both children and their parents.

We have developed entertaining teaching activities aimed at improving children's approach to writing, encouraging them to see reading as a pleasure and increasing their self-confidence.

A contract is signed by the parents, the school and local elected officials.



APFEE provides technical assistance to local authorities to run the programme: increasing the awareness of the parties, training programme leaders, operational follow-up, respect of the ground rules etc.

We now work in 250 French towns, meaning 1,350 schools, 2,000 teachers, 10,000 children and 3,500 programme leaders. After one year with *Coup de Pouce Clé*, 80% of the children are either good or average readers, teachers think that $\frac{3}{4}$ have gained greater self-confidence and an interest in learning, and 85% of parents think that they are now able to support their children with their school work. Twenty-five per cent of our financing comes from the State and 75% from sponsorship, in particular corporate sponsorship.

Have you seen any changes to corporate sponsorship?

There have been a lot of changes over the last 5 years. Corporate sponsorship is much more structured, in terms of both quantity and quality. The creation of the endowment fund had a virtuous impact and allowed a number of businesses to increase their commitment. The operating and governance rules introduced have made corporate sponsorship much more transparent and straightforward.

Have sponsorship expectations also changed?

Private sponsors clearly want to be involved in the type of actions they wish to support. In 2009, when we won, we managed our action programme as a whole. We have changed and our sponsors can now choose where, geographically, they want their donation to be used. We have also launched a research project to extend the programme to second year primary school children and to mathematics. I think that your firm's endowment fund was the first to be created. It is proof of a fundamental movement in civil society which helps us all to move in the right direction.

2010 Elevages Sans Frontières

André DECOSTER, you are the founder and chairman of the Association Elevages Sans Frontières, which fights against hunger, poverty and the rural exodus in emerging countries by helping rural families to lead an autonomous life through stock rearing. You were the winner in 2010 and the former chairman of the association was a member of the jury in 2011.

Can you describe the work of Elevages Sans Frontières?

Elevages Sans Frontières was created at the end of 2001 and is a project providing assistance to rural families in 9 countries: Morocco, Togo, Benin, Burkina Faso, Senegal, Haiti, Kosovo, Armenia and Albania.

We initiate activities which generate income by providing breeding stock to families and to a rural collective free of charge, together with the necessary equipment, training and follow-up. The fundamental principle is "Who receives ... gives." It is an animal micro-credit, and each beneficiary family gives the animals born, as an equivalent of what they received, to other families. The projects are managed on site by partner associations.

How did you use the funds provided by our fund?

The funds you gave us in 2010 allowed us to set up our



programme in the village of Talate, in the Atlas Mountains (Morocco). 20 women from 20 different families received goats and alfalfa seed. The village built the stable and the association provided the feed troughs and doors for the boxes. As from the summer of 2011, milk was sold to a local cheese cooperative. In 2012, 15 additional families were able to start up, and now, in 2014, 61 families have goats. Not only does milk production improve diet but it provides additional income which allows children to go to school.

What do you think about the competition format and the public speaking at the Forum National des Associations et Fondations?

It's fantastic but very stressful. It was the first time we had been involved in such a selection process. The public speaking part forced us to concentrate on the essentials of our project, what makes it special and gives it strength. And then we were so proud! We have participated in other competitions since and this experience was very useful. The publicity that the firm gives to winners is also very important; it gives us visibility and legitimacy with private sponsors and other foundations which could help us.

Have you noticed any changes in corporate sponsorship?

Corporate sponsorship accounts for only 12% of our budget, and this is fairly recent. We now have someone in-house, whose task is to diversify our financing, to handle fund raising. It seems that the foundations and endowment funds currently being set up are in the main being created by businesses - they are obviously thinking about this. Corporate sponsorship is very structured and serious. The application forms are complicated to fill in, and very specific documents have to be provided. It is stringent, but that encourages associations to be more professional, which can't be bad.

The selection process

- A national call for projects is made each year. Five candidates are selected by the endowment fund's board of directors.
- The pre-selected candidates present their project in public at the *Forum National des Associations et Fondations*, which is held in Paris at the end of October.
- The jury is made up of members of the endowment fund, members of the *Forum National des Associations et Fondations* and personalities from the world of associations.
- There are three winners.

rs – the most emblematic of the endowment fund

2011 Planète Enfants

Stéphanie SELLE, you are the director of the Association Planète Enfants. You are particularly active in Nepal, the poorest country in Asia. Your aim is to help mothers develop an activity which generates income, in order to counter the exodus abroad and to help protect their children from being abandoned and exploited.

You were the 2011 winner and a member of the 2012 jury.

Can you describe Planète Enfants' activity in Nepal?

We run several programmes: educating mothers, fighting for the rights of children and women, access to justice for the victims of violence and improving living standards, especially for women. This is vital if we are to avoid children being sold to traffickers and ensure that they can go to school. The project proposed to the endowment fund involved the start up of activities generating income for 100 women, so that they could earn their own living without leaving their homes and keep their children with them.

How was the project organised?

All of the funds were used in 2012, and the selected women were helped to set up a viable economic activity – local shop, sewing, beauty care or agricultural activity. These women came from different programmes. Around thirty came from the programme combating violence against migrants. A large number of women are in fact pushed by their families to leave so that they are no longer a burden. Their children are left alone and become easy prey for traffickers. Another thirty benefited from the programme supporting women returning from abroad – women who, after emigrating to find work, return owing money to traffickers and who are rejected by their families, who also suspect them of having prostituted themselves. Around twelve come from the programme assisting women in the slums, and thirty from the programme set up in the villages to increase awareness of child trafficking, female literacy and to help them earn a living through a rural activity.



What do you think about the Firm's actions, the competition format and the public speaking at the Forum National des Associations et Fondations?

It is important to have an opportunity to explain and defend our projects. With the Forum, it's not a bottle in the sea, we are speaking to attentive people and the audience is fantastic! You know that the jury is objective, transparent and respectful. But as the selection process is rapid, there is obviously a "soft spot" aspect. To be convincing in 10 minutes, I had to work on my speech to get to the fundamentals whilst adapting to the endowment fund's criteria. I in fact re-used this presentation in my search for sponsors. One of the fund's aims, dignity through work, gave us food for thought. It was because of this that we developed projects which generated income. We now try to meet the specific expectations of private sponsors by highlighting the values which we share.

2012 Lazare

Etienne VILLEMEN, you are in charge of the Association Lazare, which offers apartments for sharing between homeless or isolated people and working people. You were the winner in 2012 and a member of the Jury in 2013.

Can you describe Lazare's activity?

As an alternative to the big homeless shelters, we offer "ordinary" single sex apartments, where between 6 and 10 people can live together, half from the street and the other half voluntary single working or retired people. Apart from the bedrooms, all rooms are shared and each person has a task: shopping, cleaning or cooking. All the costs are covered by the residents, so that each apartment is self-financing. This formula is a response to both insecurity and solitude. The working sharers undertake to be present and available, and share a joint meal at least once per week. We are also developing into the regions. We started in Paris 7 years ago with an apartment shared by 6 people, and now we have 200 people living in this way in Paris, Lyon, Marseille and Nantes, and we have projects for Angers, Toulouse, Lille, Vannes and the Paris suburbs. We have long term leases with landlords. The apartments are often in buildings in poor condition that we renovate in exchange for a long term commitment and reasonable rents.

How did you use the funds given by our endowment fund?

The entire amount was used to renovate an apartment for 8 men, including 4 homeless men; it allowed us to reorganise the space to have 8 bedrooms and appropriate bathroom facilities.

What do you think about the competition format and the public speaking at the Forum National des Associations et Fondations?

The format means that the speech must be clear and concise in order to convince the audience in a short period of time. It was a fairly unusual experience for me, as I am more used to meeting sponsors during face-to-face meetings. One of the advantages of the Forum is to give us the opportunity to make ourselves known to other structures that could put us in touch with people in insecure situations. Moreover, as an association manager, I picked

up a lot of information on good practices and how to manage our association.



Have you noticed any changes in corporate sponsorship?

Companies are currently giving less than before. Their expectations are also clearer with regard to the objectives of the associations they support. They are also asking for more systematic reports and want to visit. I have also noticed an increased interest in projects which are geographically close to them. To come back to your fund, as a member of the 2013 jury, I really appreciated the human qualities of these people. Their actions are sincere.

2013 Les Poneys et l'Autisme

Antony RIVIERE, you are the president of the Association Les Poneys et l'Autisme, which helps autistic children to progress through riding therapy, and you were the 2013 winner.

Can you explain what your association does?

Autism is a pervasive development problem which becomes apparent before three years of age, with disturbed social relations leading to extreme stress for the families concerned. This concerns some 650,000 households in France. Our association offers autistic children the opportunity to develop a special relationship with a pony in the context of learning to ride with non-autistic children. This is extremely important. To give these children the best possible chance of developing, they need to be in contact with "average" children whose behaviour they will imitate if they feel secure. These lessons are given by a specially trained instructor. The association was created at the end of 2010.



What are your short term projects?

We are currently involved with two riding schools located in Le Perche. We reach 380 autistic and non-autistic children each

week. Some parents travel from Paris every Saturday so they can bring their child. Our aim is to increase the awareness of our therapeutic project with other riding schools. We have also developed a "discovery garden", with fruit trees, a vegetable patch and chickens so that autistic children can observe, touch and taste. Here again, the naturally enthusiastic reaction of non-autistic children is a fundamental reference. The autistic children are very proud to go into the garden and take an apple, an egg or a radish home. They are happy, some come to thank us, express their feelings and it is very gratifying to see them develop like this.

How did you use the money you received from our endowment fund?

We used it to finance the association's 2013 Christmas, which gave us the opportunity to spread the word and offer a trial session to new families during the day. Part of the money was also used to purchase fruit trees, henhouses and other supplies for the "discovery garden." We also used some to finance lessons for a year for two autistic children whose families did not have the means. Finally, in May, we will finance a full week for autistic children with a specialist child psychiatrist.

What did you think about the selection process at the Forum National des Associations?

It was a great experience. We were able to express ourselves before a national public, and we met people who were willing to help us. The endowment fund also allowed us to publicise our project and to give it greater visibility, which is worth a lot. Bravo!

Strengthening of the Real Estate Law department: The arrival of Benoît BOUSSIER and his team doubles the firm's real estate capacity



In order to support the Firm's growth in the real estate and construction sector, and its intention to increase its real estate and asset management offer, DELSOL Avocats has welcomed Benoît BOUSSIER as a partner. Along with Richard BAZIN de CAIX and Pauline TORRAS, senior associates, and Aurore LAFAYE, junior associate, Benoît BOUSSIER has joined Nathalie PEYRON, a partner, to co-manage a department which now counts 8 lawyers and 3 legal assistants.

At 41 years of age, Benoît BOUSSIER has a Masters from the Carlos 3 University (Madrid) and a specialist diploma in real estate law.

After starting his career in 1999 with RAMBAUD MARTEL in Paris, Benoît joined VATIER & Associés, and then joined the DELSOL Avocats Real Estate department in 2004, where he remained for three years. Benoît then went on to join LEFÈVRE PELLETIER & Associés, and then created the firm BOUSSIER & Associés in 2009, which was entirely dedicated to the life cycle of a building.

Benoît teaches construction insurance law on the Rouen University masters course, and public procurement law at the Versailles national school of architecture. He is also a real estate agent and a member of a number of professional organisations.

Why did he join the Firm? Benoît tells us that: *"Real estate is at the heart of our clients' interest. Each and every project has associated implications. The complementarity of my approach with that of Nathalie PEYRON allows us to provide a full service offer and to strengthen the scope of our intervention in cooperation with the Firm's other departments."*

In the press...

Lionel DEVIC, partner in the Not-for-profit department, wrote in the *Tout Immobilier* of 28 April on "How to make your taxes useful?" and explained how the owner of property in France subject to the wealth tax may, to a large extent, chose to whom money will be paid: the tax collector or a project...

Thomas ROCHE, partner in the Life Sciences department, published an article in the March-April edition of the bi-monthly magazine *Fusions & Acquisitions* on strengthening the safety of health products.



Xavier DELSOL, partner in the Not-for-profit department wrote an article for the first quarter's review *Le Monde des fondations et du mécénat* on the compatibility of economic development and public usefulness of foundations. In the following edition, he looked at the temporary donation of usufruct to a foundation or endowment fund. He was also interviewed by the *Figaro Magazine* on businesses owned by foundations and how to juggle fiscal fairness and business transfers.



Mathieu LE TACON, partner in the Tax Law department, was interviewed by Yves CALVI for the TV programme "C dans l'air" broadcast on 30 April on the France 5 channel, whose subject was tax news. He spoke of the tax reasons which could explain why France is never chosen at the times of mergers-relocations. He also contributed to the June edition of the reviewed published by DFCG, "Finance & Gestion" with an article arguing against the puzzling rules which govern the deductibility of financial charges.

Philippe PACOTTE, partner in the Social Law department, published two articles in the 6 May edition of *Jurisprudence Social Lamy* entitled "Employee representation mandates and absence from work for illness – the employee representative no longer has to choose between exercising the mandate and compensation" and "Representative trade unions in the case of a change in the employer's legal situation – the prevalence of stability over legitimacy."



Alexis CHABERT, of counsel in the Litigation department, co-wrote an article on the fundamental role of consulting for the regulated professions of lawyer, notary and chartered accountant entitled "Synergy between connected professions: a guarantee of excellence" for the legal column of *Tout Lyon Affiches* of 10 May 2014.

Mathieu LE TACON, partner in the Tax Law department and Diane LASKE, interviewed by Richard PLACE for the TV programme "5 jours à la Une" on 13 May on the channel France Info, explained the complexity of the tax lawyer's job and the stakes in managing a law which is both technical and fluctuating.



Events

Philippe PACOTTE, partner in the Social Law department, and Laurent BUTSTRAËN, partner in the Not-for-profit department, led a workshop on "The group concept in associations" at the Regional Forum of Associations in Rennes on 24 June.

Lionel DEVIC, partner in the Not-for-profit department spoke on the latest developments in the law relating to foundations, during an information meeting organised by the *Centre Français des Fonds et Fondations* on 18 June.

Amaury NARDONE, partner in the Company Law – Mergers & Acquisitions department, and in charge of the stock market law group, spoke at the *Forum BIOVISION* on 5 and 6 June in Lyon on: "IPOs in Life Sciences: Why? When? How? and Then..."



Philippe PACOTTE, partner in the Social Law – Social protection department, and Anne Charlotte RENUCCI organised and led a training session on the recent Employment Security law on 14 May.



Camille ROUSSET, partner in this department, led a training session in Lyon on 8 April on informing and consulting the works council.

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