

JACLYN FABEAN CHERRY

1525 Senate Street
Columbia, South Carolina 29208
803-777-3394 (office)

Academic Experience:

University of South Carolina School of Law, Columbia, South Carolina
2008 – Present

Professor of Law, January 1, 2020-present

Courses: Contract Law, Nonprofit Organizations Clinic, Nonprofit Organizations/Tax Exempt Organizations, Small Business Capstone.

Director of Clinical Legal Education, July 2019-April 2022

Responsible for the overall management of the Law School Clinic (eight clinics), ranked 15th nationally by USNWR among clinical programs at public universities, and the Externship program. Included supervision of staff, case management systems and compliance with professionalism rules.

Associate Dean for Academic Affairs, July 2014-June 2018

Responsible for all matters related to the operation of the academic program of the Law School including ABA site visit and supervision of several related offices including the office of the Registrar, Academic Success and Bar Prep, Externships, Clinics and Pro Bono.

Associate Professor of Law (with tenure), August 2013-December 2019

Assistant Professor of Law, May 2008-August 2013

Duquesne University School of Law, Pittsburgh, Pennsylvania
1997 - 2007

Professor and Associate Director Clinical Legal Education
Director of Economic & Community Development Law Clinic

- Taught and managed Economic & Community Development Law Clinic providing legal services to 50 nonprofit organizations per year throughout the community.
- Oversaw and managed six in-house clinics, several mini-clinics, and clinical externships (approximately 150 students per year). Supervised faculty, supervising attorneys and staff. Prepared and administered grant proposals and reports. Established and directed several clinic outreach offices.
- Taught Tax Exempt Organizations and other courses.

University of San Diego School of Law, San Diego, California
June - August 2003

Visiting Professor - Taught Nonprofit Tax Exempt course to J.D. and L.L.M. students.

Publications:

Articles:

Nonprofit Governance: Who Should be Watching? A Look at State, Federal and Dual Regulation, 13 Ohio St. Bus. L.J. 145 (2019)

Commercial Activity and the Operational Test, 29 Tax'n Exempts 9 (2018) (invited)

Property Tax Exemption for Charitable Nonprofit Organizations: A Uniform Possibility, 18 Wake Forest J. Bus. & Intell. Prop. L. 1 (2017)

Charitable Organizations and Commercial Activity: A New Era, Will the Social Entrepreneurship Movement Force Change, 5 J. BUS. ENTREPRENEURSHIP & L. 345 (2012)

The Current Status of Nonprofit Director Liability, 50 DEF. L. J. 611 (2001)

The Current State of Nonprofit Director Liability, 37 DUQ. L. REV. 557 (1999)

Books:

• UNDERSTANDING NONPROFIT AND TAX EXEMPT ORGANIZATIONS LexisNexis 3d ed. (forthcoming 2022)

• TAX EXEMPT ORGANIZATIONS: CASES AND MATERIALS LexisNexis 3d ed. (2015)

• TAX EXEMPT ORGANIZATIONS: CASES AND MATERIALS, TEACHER'S MANUAL LexisNexis 3d ed.

• SOUTH CAROLINA NONPROFIT CORPORATE PRACTICE MANUAL, SOUTH CAROLINA BAR ASSOCIATION, co-author (2015)

• UNDERSTANDING NONPROFIT AND TAX EXEMPT ORGANIZATIONS LexisNexis 2d ed. (2012) TAX EXEMPT ORGANIZATIONS: CASES AND MATERIALS LexisNexis 2d ed. (2008)

• TAX EXEMPT ORGANIZATIONS: CASES AND MATERIALS, TEACHER'S MANUAL LexisNexis (2008) UNDERSTANDING NONPROFIT AND TAX EXEMPT ORGANIZATIONS LexisNexis (2006)

• TAX EXEMPT ORGANIZATIONS: CASES AND MATERIALS LexisNexis (2003).

• TAX EXEMPT ORGANIZATIONS: CASES AND MATERIALS, TEACHER'S MANUAL LexisNexis (2003)

Book Chapters: South Carolina Nonprofit Corporate Practice Manual, 3rd ed., co-author, South Carolina Bar Association (forthcoming 2022)

Other:

American Law Institute:

-Members Consultative Group, Restatement of the Law of Corporate Governance, 2021- present

-Advisor, Restatement of the Law of Charitable Nonprofit Organizations, 2014-2019

-Associate Reporter, Principles of the Law of Charitable Nonprofit Organizations, 2013

-Editor, Principles of the Law of Nonprofit Organizations, 2011- 2013

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Education:

Duquesne University School of Law, Pittsburgh, Pennsylvania
J.D. June 1988. Admitted to Bar: November 1988

Seton Hill University, Greensburg, Pennsylvania
B.A. Magna Cum Laude, Major: English Minor: Business Management

Honors and Awards:

“Two Thumbs Up Award”, Delta Alpha Pi Honor Society, University of South Carolina Student Disability Services, 2015-2016.

Fellow, American Bar Foundation (elected), 2014.

Fellow - Inaugural Pipeline for Academic Leadership, (PAL), University of South Carolina, 2014.

“G.G. Dowling Faculty Award” (presented to a faculty member who typifies to fellow faculty outstanding qualities of integrity, concern for others, and legal scholarship), presented by the University of South Carolina School of Law, 2012.

“Woman of the Year” by the Duquesne University School of Law Women’s Law Association 2003.

“Regional Partnership Award” presented by the Mon Valley Initiative, October 1998.

Select Presentations:

“Nonprofit Board of Directors: Legal Accountability and Transparency”, Presenter, Blueprint for Leadership, United Way of the Midlands, April 2022.

“The IRS and a Phi Alpha Phi Fraternity – Legal Parameters of 501(c)(3) and 501(c)(7) Entities”, Co-Presenter, Webinar, December 11, 2021.

“Nonprofit Board of Directors: Fiduciary Duties”, Presenter, United Way of the Midlands and the Midlands Business Leaders Group, November 2021

“Navigating the Complexities of the Clinical Teaching Market”, Assist Working Group, AALS CLEA Conference, Chicago, Illinois, April 2014.

“Museums and Nonprofit Law”, South Carolina Federation of Museums, Camden, South Carolina, (March 2014).

Testimony, before SC Senate Judiciary Subcommittee on S-552 Revised Uniform Unincorporated Nonprofit Association Act, March 2014, Columbia, South Carolina.

“ALI, Principles of the Law of Charitable Nonprofit Organizations”, Advisor/Members Consultative Group meetings, Philadelphia, PA, October 2013.

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“Principles of Nonprofit Law: Standing and Related Issues – Mini Conference”, Invited Participant, New York University School of Law National Center on Philanthropy and the Law, New York, New York, November 2011

“*Transactional Law and the Curriculum*,” Leader, AALS and CLEA Conference, Seattle, Washington, June 2011

“*Bridging the Gap between Clinical and Nonclinical Courses: Nonprofit and Economic and Community Development Law*,” Nonprofit and Philanthropy Law Section of the American Association of Law Schools, Annual Meeting, New Orleans, Louisiana, January 2010

University of South Carolina Law School and University Service

Committee member, UofSC Tenure and Promotion Committee, 2022

Chair, Law School Curriculum Committee, 2021-2022

Law School Curriculum Committee, 2020-2021

Law School Faculty Advisory Committee, 2020-present

Law School Strategic Planning Committee, 2020-present

Law School Re-Opening Committee, spring/summer 2020

Chair, Law School Veterans Law Clinic Director Hiring Committee, 2017-2018, 2021

University of South Carolina Academic Program Liaison Committee, 2014-2018

University of South Carolina Assessment Advisory Committee, 2014-2018

Law School Faculty Advisory Committee, 2011-2013 (elected), 2014-2018

Law School Faculty Selections Committee, 2013-2014, 2012-2013, 2011-2012, 2014-2018

Law School Admissions Committee, 2010-2011

USC Law School Curriculum Committee, 2009-2010, 2014-2011

President, Law School Order of the Coif 2011-2015

Memberships/Boards include:

Committee Member “ad hoc”, SC Unincorporated Nonprofit Association legislation

Advisory Member, Nelson Mullins Riley Scarborough Center on Professionalism, 2013-present

Member, the American Law Institute (elected), 2012-present

Founding Member, SC Volunteer Lawyers for the Arts 2010-present

Co-Chair, Governance Review Committee, CLEA 2010-2012

Member, SC Secretary of State Nonprofit Advisory Council 2009-2012

Legal Advisor, United Way Collaboration for Community Change (“C3”) 2009-2011

South Carolina Bar Association

American Bar Association (member Nonprofit and Business Law sections)

Past Board Service:

Board President, Bethlehem Project

Board Member, Pittsburgh Neighborhood Legal Services Association

Board Member, Redstone Highlands Presbyterian Seniorcare

Other Legal Experience:

Allegheny Conference on Community Development – Pittsburgh 250
Pittsburgh, Pennsylvania
General Counsel

Bethlehem Haven of Pittsburgh, Pittsburgh, Pennsylvania
Legal Counsel

Mellon Mortgage Company, Mellon Bank, N.A. Pittsburgh, Pennsylvania
Attorney/Senior Compliance Officer

Jaclyn Fabean Cherry, Attorney-at-Law, Greensburg, Pennsylvania

Lawyers Abstract Company, agent Commonwealth Land Title Insurance Company
Greensburg, Pennsylvania
Attorney

Mistick, Sittig & Weiss, Attorneys at Law, Pittsburgh, Pennsylvania
Attorney

Court of Common Pleas, Allegheny County, Pittsburgh, Pennsylvania
Judicial Law Clerk to the Honorable Lee J. Mazur

Bar Admissions:

US Supreme Court
Supreme Court of Pennsylvania
US District Court for the Western District of Pennsylvania
Supreme Court of South Carolina