

KHRISTA MCCARDEN

6329 Freret Street
New Orleans, LA 70118

kmccarden@tulane.com
504.865.5159

EDUCATION

HARVARD LAW SCHOOL, J.D. *cum laude* June 2003
Activities: Freshman Resident Advisor for Harvard College, Women's Law Association, Christian Fellowship, International Law Society, Consortium on Global Leadership.

HARVARD COLLEGE, A.B. *magna cum laude in English* June 1998
Honors: John B. Harvard Scholarship for Academic Achievement of the Highest Distinction. Elizabeth Cary Agassiz Scholar. Harvard Faculty Scholarship. Dean's List. University Endorsement for the Rhodes Scholarship. Radcliffe College Presidential Commendation. Kappa Alpha Theta Scholarship Award.

ACADEMIC EXPERIENCE

TULANE UNIVERSITY LAW SCHOOL, New Orleans, LA August 2018- Present
Hoffman Fuller Associate Professor of Tax Law.
Courses: Federal Income Taxation; Taxation of Business Entities; International Taxation; Tax Policy Seminar; Regulatory Workshop (co-convener)
Research: Primarily in areas of international tax and nonprofits
Service: Intellectual Life Committee; 2019 Tulane Law School and Boston College Law School Tax Roundtable organizer; Faculty Advisor for Christian Legal Society; Faculty Advisor for the Volunteer Income Tax Assistance ("VITA") Program; Black Law Students Association ("BLSA"); Planning Committee for the 68th Tulane Tax Institute; Attended the 27th Tulane Estate Planning Institute; Selected by International Law Society and Women's Law Society boards to present annual Professor's Lecture; Advised Public Interest Law Foundation ("PILF") on tax issues; Meet with Office of Advancement regarding philanthropy and gift planning for Tulane University.

PEPPERDINE UNIVERSITY SCHOOL OF LAW, Malibu, CA January 2011- July 2018
Associate Professor.
Courses: Federal Income Taxation; Taxation of Business Entities; International Taxation; Criminal Law
2019 Critical Tax Symposium organizer; Faculty Advisor for Children's Rights Student Organization, Curriculum Committee, Student Life Committee Vice-Chair, Faculty Advisor for Tax Clinic, Faculty Advisor for 2017 ABA Tax Writing Competition. Assisted with organizing the first joint Harvard Law School-Pepperdine Law School networking event entitled *A Judge's View: Do's and Don'ts For Effective Advocacy* held at Morrison and Foerster, Los Angeles.

PEPPERDINE UNIVERSITY SCHOOL OF LAW, London, UK April 2009- January 2010
Adjunct Professor. Prepared lectures and conducted classes for Federal Income Taxation as part of the London Program.

PROFESSIONAL EXPERIENCE

MORGAN, LEWIS & BOCKIUS, London, UK April 2009- November 2010

- Advise U.S. persons conducting business or residing abroad on all aspects of international taxation (corporate, estate planning, trust planning, information reporting)
- Advise on U.S. and cross-border charitable giving and structuring

- Coordinate pension planning and loan structuring

WITHERS LLP, London, UK

January 2007- February 2009

- Advise high net worth individuals on U.S. estate tax and income tax planning
- Drafted U.S./U.K. planning documents
- Advise individuals and charitable entities on optimizing cross-border charitable giving and structuring

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT, New York, NY

2005-2006 Term

Judicial Law Clerk to the Honorable Barrington D. Parker.

- Composed bench memoranda on cases presented at oral argument each month
- Drafted and edited opinions, orders, and memoranda of law

LATHAM & WATKINS LLP, Los Angeles, CA

October 2003- September 2005

Associate.

- Conducted review of, and collaborated with Global Chair of Tax Department, on tax aspects of acquisitions and dispositions
- Prepared opinions and certificates associated with mergers, the issuance of collateralized debt obligations, and REIT offerings
- Drafted instruments and conducted negotiations associated with estate planning
- Composed and presented policy paper on single-member LLCs before Internal Revenue Service and Treasury Department on behalf of the State Bar of California

LATHAM & WATKINS LLP, Washington, D.C.

Summer 2001 & 2002

Summer Associate.

- Conducted legal research on tax, telecommunications, federal and state statutes, international law, and constitutional law
- Composed tax memorandum on independent contractor status
- Collaborated on brief submitted to Supreme Court

STEPTOE & JOHNSON LLP, Washington, D.C.

Summer 2002

Summer Associate.

- Conducted legal research on state statutes, communications, contracts, and international trade
- Composed memorandum used in writing brief for antidumping case before Department of Commerce

SCHOLARSHIP

Offshore Tax Enforcement and Divorce, 80 OHIO ST. L.J. (forthcoming 2019).

- Selected for presentation at the 2018 Critical Tax Symposium

Till Offshore Do Us Part: Uncovering Assets Hidden from Spouses and Tax Authorities, 62 ST. LOUIS U. L. J. 19 (2018).

- Selected for presentation at the 2017 Sanford E. Sarasohn Conference on Critical Issues in Comparative and International Taxation II: Taxation and Migration/Critical Tax Symposium

The Charitable Deduction Games: Mimicking Impact Investing, 17 U. PA. J. BUS. L. 1257 (2015).

- Named as a top scholar in the field of social entrepreneurship and impact investing by an Oxford University/SAID Business School study sponsored by the MacArthur Foundation, *The Landscape of Impact Investment Research: Trends and Opportunities* (March 2016), available at <https://www.sbs.ox.ac.uk/sites/default/files/research-projects/CRESSI/docs/the-landscape-of-social-impact-investment-research.pdf> [under married name Johnson].
- Ranked in top 10 scholars in the field of social entrepreneurship and impact investing by New York University School of Law at legal scholars' convening entitled *Legal Issues in Social Entrepreneurship and Impact Investing – in the US and Beyond* (June 2018) [under married name Johnson].

The Charitable Deduction Games: Catching Change, 31 GA. ST. U. L. REV. 289 (2014).

- Selected for presentation at the 2013 Junior Tax Scholars Workshop

The Charitable Deduction Games: Are the Laws in Your Favor?, 5 COLUM. J. TAX L. 69 (2014).

- Selected for presentation at the 66th Congress of the International Fiscal Association, International Tax Research Symposium, Boston, MA (September 30, 2012).

The Charitable Deduction Games is a three-part series proposing a framework for a new U.S. cross-border giving law that will enable the United States to make a historic impact on alleviating the most pressing humanitarian and global problems of our time. Specifically, the series introduces the concept of an *efficient charitable market* whereby philanthropic investment is put to its most productive use.

- Trilogy selected for panel presentation at 2016 AALS Annual Meeting, Nonprofit and Philanthropy Law Section, *The Philanthropic Sector and Radical Reform*, New York, New York

Article one identifies the first step toward an *efficient charitable market*: revision of U.S. cross-border giving law to allow deductions for contributions to non-US charities through analysis of the 2009 landmark European Court of Justice case, *Hein Persche v. Finanzamt Ludenscheid*.

Article two proposes solutions to the problems associated with implementing a new U.S. cross-border giving law: (a) determining what types of charitable purposes (i.e., work) of non-U.S. charities will entitle them to take in U.S. deductible donations (i.e., investment); (b) providing non-U.S. charities with a standardized charitable form that outlines relevant U.S. charitable requirements; and (c) ensuring charitable funds donated to non-U.S. charities do not end up in the hands of terrorists.

Article three looks to impact investing to remove another roadblock to an *efficient charitable market*, uninformed giving. Impact investing is a newly developed U.S. business sector designed to show results in terms of profits and social impact, i.e., the double bottom line. This Article argues that impact investing provides a system for measuring “return” on investment or social impact and for selecting charities based upon a comparison of their level of social impact.

WORKS IN PROGRESS

A Royal Invitation to Global Change

- Selected for presentation at the 2018 Junior Tax Scholars Workshop at the University of Colorado

Will Impact Investing Replace Charitable Giving in the U.S. and Abroad?

- To be presented at the 22nd Annual Critical Tax Theory Conference (spring 2019)
- Selected for presentation at the 2019 Southeastern Association of Law Schools (SEALS) Annual Conference, Works-In-Progress Workshop (summer 2019)

Impact Investing and Cryptocurrency

- To be presented at Georgia State University Law School (spring 2019)

Family Tax Fraud and Foundations

- To be submitted for presentation at the 2019 Annual Conference of the National Center on Philanthropy and the Law (NCPL), New York University School of Law

Philanthropy in the Age of Getty and Today

- Selected for presentation at the 2019 Southeastern Association of Law Schools (SEALS) Annual Conference, Tax Workshop entitled *Tax Policy in the 21st Century* (summer 2019)

PEER REVIEW OFFERS/OTHER PUBLICATIONS

2018 Invitation to Conduct Peer Review: International Bureau of Fiscal Documentation (IBFD) Academic Chairman's Manuscript on Cross-Border Giving

2018 Invitation to Conduct Peer Review: Article in the leading U.S. tax publication, Tax Notes, the top provider of daily tax articles (*see infra*), regarding a solution to the problem of U.S. corporate tax avoidance through overseas profit shifting

Dual-Qualified Structures: A Tax-Efficient Solution for Charitable Giving in the US and UK, FAMILY FOUNDATION ADVISOR, September/October 2008.

Charitable Uses in the US, Richard Cassell and Khrista McCarden, OFFSHORE INVESTMENT, July/August 2007 (published in association with 17th Oxford Offshore Symposium, Jesus College, Oxford University).

The Deductibility of Contributions to Single-Member LLCs Owned by Tax-Exempt Organizations, 2005 TAX NOTES TODAY, 115-36 (2005), available at <http://www.lacba.org/showpage.cfm?pageid=5466>.

European Commission Extends State Aid Regime for Film Production, 34 TAX NOTES INT'L, 1112 (2004), reprinted in 2004 WORLDWIDE TAX DAILY, 111-11 (2004).

California Legislation Affecting Nonprofits-The "Nonprofit Integrity Act of 2004," available at <http://www.venulex.net/firms/authordetails.asp?activityid=3&authorID=2477>.

SELECTED PRESENTATIONS

The Rapid Rise of Impact Investing as part of the Investing in Positive Social Impact Panel (originator), 2019 American Bar Association ("ABA") Tax Section Mid-Year Meeting, New Orleans (January 5, 2019)

Offshore Tax Enforcement and Divorce, 2018 Critical Tax Symposium, University of South Carolina School of Law, Columbia, South Carolina (April 14-15, 2018)

A Royal Invitation to Global Change, 2018 Junior Tax Scholars Workshop, University of Colorado, Boulder, CO (June 15-16, 2018)

“The Offshore Whistle During Divorce: An Examination of the Whistleblower Program and Innocent Spouse Relief” 2017 Junior Tax Scholars Workshop, University of Toronto Faculty of Law, Toronto, Canada (June 16, 2017)

“Till Offshore Do Us Part: Uncovering Assets Hidden from Spouses and Tax Authorities” – The Sanford E. Sarasohn Conference on Critical Issues in Comparative and International Taxation II: Taxation and Migration, St. Louis University School of Law/2017 Critical Tax Symposium, St. Louis, Missouri (March 31, 2017)

“The Philanthropic Sector and Radical Reform” Panelist/Presenter, AALS Annual Meeting, Nonprofit and Philanthropy Law Section, New York, New York (January 2016)

“The American Exodus: An Examination of Expatriation” – 2016 Junior Tax Scholars Workshop, UC Irvine School of Law, Irvine, California (June 11, 2016-invited)

“The Charitable Deduction Games: Building a More Efficient Charitable Market” – 2014 Junior Tax Scholars Workshop, American University, Washington, D.C. (June 6-7, 2014)

“The Charitable Deduction Games: Catching Change” – 2013 Junior Tax Scholars Workshop, University of Miami, Miami, Florida (May 23-24, 2013)

“The Charitable Deduction Games: Are the Laws in Your Favor?” – 66th Congress of the International Fiscal Association, International Tax Research Symposium, Boston, MA (September 30, 2012); Loyola Tax Policy Colloquium, Los Angeles, CA (October 15, 2012); and Washburn University School of Law Tax Law Colloquium, Topeka, KS (April 20, 2012)

“What if you have US donors?” – Major Gift Tax Issues, Interactive Workshop for Fundraisers and Advisers, European Association for Planned Giving, London, UK (November 2007, March 2008, and September 2008)

“Transatlantic Giving” – STEP Philanthropy Conference, London, UK (September 2008)

PROFESSIONAL LEADERSHIP POSITIONS

AALS Section on Nonprofit and Philanthropy Law

Executive Committee, Treasurer, 2018

Elected 2013

Southeastern Association of Law Schools (SEALS), Selected as 2019 presenter for *Tax Policy in the 21st Century* workshop and for Works-In-Progress Workshop

National Center for Philanthropy and the Law (NCPL), New York University School of Law, Annual Conference Auditor

Junior Tax Scholars Group, Selected for membership in 2012 and selected participant in Junior Tax Scholars Workshops in 2013, 2014, 2016, 2017, and 2018.

Critical Tax Scholars Group, Selected participant for 2017-2019 Annual Critical Tax Theory Conferences; Assisted with organizing 2019 Annual Critical Tax Theory Conference

Nonprofit Law Professors Blog, Selected as Contributing Editor

International Fiscal Association (IFA) Member, Selected Participant in at the 66th Annual Conference-International Tax Research Symposium in Boston, Massachusetts

American Bar Association (ABA) Tax Section Member, Selected to Design and Participate in 2019 Midyear Conference on Impact Investing Panel and as a Presenter for 2019 Annual Meeting

Tulane Tax Institute Planning Committee, Selected as Member in 2018

New Orleans Planned Giving Council, Selected as Presenter for June 2019 meeting

BAR ADMISSIONS AND ACTIVITIES

MEMBER OF THE STATE BAR OF CALIFORNIA

December 2003

State Bar Taxation Section and Los Angeles County Bar Association of Tax-Exempt Organizations Committee. Selected as 2005 Washington, D.C. Delegate.

GREATER NEW ORLEANS LOUIS A. MARTINET LEGAL SOCIETY, INC.

Participate in chapter events with Tulane Law School's Black Law Students Association.

COMMUNITY SERVICE AND VOLUNTEERING

- Harvard Law School Class of 2003 Reunion Committee
- Harvard Club of Southern California, Prospective Board Member and College Interviewer
- Lay Pastor, Holy Trinity Brompton (HTB)
- Harvard Law School Alumni of the UK, Board Member
- Harvard Class of 1998 Reunion Officer and Fundraising Committee Member
- Harvard Alumni Marshall for 2008 Commencement
- Harvard Law School Class Agent
- Integrity, Inc., *Young Professionals Committee*. Organized and participated in fundraising activities for substance abuse prevention and related service programs.
- Served as presenter at 2015 Med-Air concert for Syrian and Iraqi children relief efforts
- Organized fundraiser in support of water pump purchase through collaboration with Med-Air
- Organized inter-church social fundraiser in support of Med-Air's Haiti relief effort
- Organized event to raise awareness on homelessness; participated in Global Poverty Project meetings
- Collaborated on elderly projects, including Concerts for the Elderly, visits to nursing homes, and teas
- Participated in activities for low-income families residing in housing developments in London