EARTHJUSTICE

FINANCIAL STATEMENTS

June 30, 2017 and 2016

EARTHJUSTICE
BECAUSE THE EARTH NEEDS A GOOD LAWYER

EARTHJUSTICE

CONTENTS

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INDEPENDENT AUDITORS' REPORT

To the Board of Trustees
Earthjustice

Report on the Financial Statements

We have audited the accompanying financial statements of Earthjustice, which comprise the statements of financial position as of June 30, 2017 and 2016, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Earthjustice as of June 30, 2017 and 2016, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

BPM LLP

San Francisco, California
October 24, 2017

EARTHJUSTICE

STATEMENTS OF FINANCIAL POSITION

June 30, 2017 and 2016

	2017	2016
ASSETS		
Operating cash, including client trust funds	$ 695,689	$ 1,000,346
Short-term investments at fair value, including cash equivalents	31,418,392	15,659,861
Contributions receivables, net	28,439,894	6,268,635
Court awards receivable	341,045	506,188
Prepaid expenses and other assets	1,396,865	985,589
Deferred compensation asset	865,280	652,850
Split-interest gift agreements	9,284,604	8,883,904
Long-term investments at fair value	57,772,357	46,718,451
Property and equipment, net	2,756,447	3,333,189
Total assets	$ 132,970,573	$ 84,009,013
LIABILITIES AND NET ASSETS		
Liabilities:		
Accounts payable	$ 1,584,675	$ 980,281
Accrued vacation payable	2,019,721	1,671,120
Client trust funds	374,722	166,575
Deferred compensation liability	865,280	652,850
Deferred rent and lease incentive liabilities	1,305,694	1,413,776
Liabilities related to split-interest gift agreements	5,129,396	4,893,279
Total liabilities	11,279,488	9,777,881
Net assets:		
Unrestricted:		
For current operations	14,794,072	9,458,018
Board designated - Cash Flow Reserve Fund	24,994,193	15,322,571
Board designated - Sustaining Reserve Fund	31,172,411	28,779,833
Investment in property and equipment	2,756,447	3,333,189
Total unrestricted	73,717,123	56,893,611
Temporarily restricted:		
Unspent purpose restricted fund	36,418,808	10,347,283
Time restricted funds and investments	7,848,082	3,201,674
Split-interest gift reserves, net of liabilities	2,259,239	2,340,731
Total temporarily restricted	46,526,129	15,889,688
Permanently restricted	1,447,833	1,447,833
Total net assets	121,691,085	74,231,132
Total liabilities and net assets	$ 132,970,573	$ 84,009,013

The accompanying notes are an integral part of these financial statements.

EARTHJUSTICE

STATEMENTS OF ACTIVITIES

For the years ended June 30, 2017 and 2016

	2017				2016			
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Revenues:								
Contributions	$ 20,709,100	$ 64,672,670	$ -	$ 85,381,770	$ 20,707,486	$ 22,394,680	$ -	$ 43,102,166
Donated services	5,444,410	-	-	5,444,410	3,925,410	-	-	3,925,410
Bequests	4,686,713	-	-	4,686,713	4,313,250	-	-	4,313,250
Court awarded attorney fees and costs	2,419,240	-	-	2,419,240	3,529,854	-	-	3,529,854
Change in value of split-interest gift agreements	283,233	249,717	-	532,950	(458,299)	442,816	-	(15,483)
Net realized and unrealized gain (loss) from investments and split-interest agreements	4,909,876	167,811	-	5,077,687	(109,874)	8,292	-	(101,582)
Interest and dividend income	946,939	24,892	-	971,831	823,834	26,327	-	850,161
Other income	62,847	-	-	62,847	115,767	-	-	115,767
Satisfaction of program/time restrictions	34,478,649	(34,478,649)	-	-	21,870,054	(21,870,054)	-	-
Total revenues	73,941,007	30,636,441	-	104,577,448	54,717,482	1,002,061	-	55,719,543
Expenses:								
Program services:								
Litigation	29,623,655	-	-	29,623,655	27,434,948	-	-	27,434,948
Donated litigation services	3,869,850	-	-	3,869,850	3,211,199	-	-	3,211,199
Public information	10,322,753	-	-	10,322,753	9,123,811	-	-	9,123,811
Donated public information services	1,574,560	-	-	1,574,560	674,672	-	-	674,672
Supporting services:								
Management and general	4,443,714	-	-	4,443,714	3,512,344	-	-	3,512,344
Fundraising	7,282,963	-	-	7,282,963	5,564,456	-	-	5,564,456
Total expenses	57,117,495	-	-	57,117,495	49,521,430	-	-	49,521,430
Change in net assets	16,823,512	30,636,441	-	47,459,953	5,196,052	1,002,061	-	6,198,113
Net assets, beginning of year	56,893,611	15,889,688	1,447,833	74,231,132	51,697,559	14,887,627	1,447,833	68,033,019
Net assets, end of year	$ 73,717,123	$ 46,526,129	$ 1,447,833	$121,691,085	$ 56,893,611	$ 15,889,688	$ 1,447,833	$ 74,231,132

The accompanying notes are an integral part of these financial statements.

EARTHJUSTICE

STATEMENT OF FUNCTIONAL EXPENSES

For the year ended June 30, 2017

	Program				
	Litigation	Public Information	Management and General	Fundraising	Total
Salaries and related expenses:					
Salary	$ 17,211,081	$ 4,688,468	$ 1,756,220	$ 3,098,915	$ 26,754,684
Employee benefits	2,351,664	594,680	268,768	389,065	3,604,177
Payroll taxes	1,236,137	338,191	128,904	231,842	1,935,074
Retirement plan contributions	1,262,306	288,629	95,835	163,333	1,810,103
Total salaries and related expenses	22,061,188	5,909,968	2,249,727	3,883,155	34,104,038
Other expenses:					
Donated services	3,869,850	1,574,560	-	-	5,444,410
Occupancy	1,833,335	589,370	189,033	360,912	2,972,650
Direct case costs	2,369,821	1,996	-	-	2,371,817
Professional services	702,716	875,161	312,437	179,481	2,069,795
Media	13,908	1,769,714	132,506	145,658	2,061,786
Travel, conferences, and meetings	638,763	333,556	349,948	255,188	1,577,455
Depreciation and amortization	466,664	129,521	116,701	71,903	784,789
Printing, publications, and reproduction	4,597	87,287	21,033	720,226	833,143
Postage	24,928	76,106	48,768	628,448	778,250
Telephone and internet	363,837	89,987	73,818	50,159	577,801
Contracted services	-	58,089	31,508	485,580	575,177
Equipment rental and maintenance	377,393	73,266	124,473	47,108	622,240
Supplies	180,068	35,852	33,437	125,023	374,380
Miscellaneous	186,392	97,891	405,220	57,081	746,584
Grants and allocations	302,195	-	-	-	302,195
Fundraising professional services	-	-	-	258,000	258,000
Investment advisory and bank fees	-	-	325,521	-	325,521
Research	43,539	160,082	13,100	4,736	221,457
Insurance	54,311	34,907	16,484	10,305	116,007
Total other expenses	11,432,317	5,987,345	2,193,987	3,399,808	23,013,457
	$ 33,493,505	$ 11,897,313	$ 4,443,714	$ 7,282,963	$ 57,117,495

The accompanying notes are an integral part of these financial statements.

EARTHJUSTICE

STATEMENT OF FUNCTIONAL EXPENSES

For the year ended June 30, 2016

	Program				
	Litigation	Public Information	Management and General	Fundraising	Total
Salaries and related expenses:					
Salary	$ 15,508,308	$ 4,123,598	$ 1,313,489	$ 2,199,520	$ 23,144,915
Employee benefits	2,453,509	595,032	219,768	291,754	3,560,063
Payroll taxes	1,145,757	306,747	92,995	161,735	1,707,234
Retirement plan contributions	1,136,658	259,411	79,681	112,583	1,588,333
Total salaries and related expenses	20,244,232	5,284,788	1,705,933	2,765,592	30,000,545
Other expenses:					
Donated services	3,211,199	674,672	39,539	-	3,925,410
Occupancy	1,979,161	360,289	367,353	170,363	2,877,166
Direct case costs	2,142,547	669	-	-	2,143,216
Professional services	526,026	836,255	473,535	272,517	2,108,333
Media	-	1,469,882	35,815	103,628	1,609,325
Travel, conferences, and meetings	601,624	328,829	232,126	132,814	1,295,393
Depreciation and amortization	480,737	129,653	123,718	67,023	801,131
Printing, publications, and reproduction	15,894	84,770	22,890	611,143	734,697
Postage	22,224	87,137	48,841	527,580	685,782
Telephone and internet	366,000	78,254	72,506	41,545	558,305
Contracted services	17,735	55,869	28,449	429,303	531,356
Equipment rental and maintenance	307,235	68,698	74,895	41,382	492,210
Supplies	229,448	39,995	32,501	100,572	402,516
Miscellaneous	148,973	182,646	33,068	36,070	400,757
Grants and allocations	266,986	-	-	-	266,986
Fundraising professional services	-	-	-	258,000	258,000
Investment advisory and bank fees	-	-	207,529	-	207,529
Research	41,432	92,271	7,658	3,674	145,035
Insurance	44,694	23,806	5,988	3,250	77,738
Total other expenses	10,401,915	4,513,695	1,806,411	2,798,864	19,520,885
	$ 30,646,147	$ 9,798,483	$ 3,512,344	$ 5,564,456	$ 49,521,430

The accompanying notes are an integral part of these financial statements.

EARTHJUSTICE

STATEMENTS OF CASH FLOWS

For the years ended June 30, 2017 and 2016

	2017	2016
Cash flows from operating activities:		
Changes in net assets	$ 47,459,953	$ 6,198,113
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Depreciation and amortization	784,789	801,131
Amortization of discount on contributions receivable	3,973,226	272,456
Contributions and actuarial (gain) loss on split-interest liabilities	(963,541)	172,368
Net realized and unrealized (gains) loss from investments and split-interest agreements	(5,077,687)	101,582
Investment income from endowment	(26,327)	(24,892)
Bad debts	(355,528)	(844)
Changes in assets and liabilities:		
Contributions receivables	(25,788,957)	(751,805)
Court awards receivable	163,524	(465,736)
Prepaid expenses and other assets	(409,659)	(12,588)
Accounts payable	604,394	(1,292,222)
Accrued vacation payable	348,601	46,085
Client trust funds	208,147	(25,636)
Deferred rent and lease incentive liabilities	(108,082)	10,782
Total adjustments	(26,647,100)	(1,169,319)
Net cash provided by operating activities	20,812,853	5,028,794
Cash flows from investing activities:		
Proceeds (purchase) of short-term investments	1,790	(1,993)
Proceeds from sales of long-term investments	4,810,455	17,351,374
Purchase of long-term investments	(10,702,377)	(19,382,832)
Proceeds from dissolution of charitable trusts	595,358	415,850
Purchase of property and equipment	(208,045)	(503,900)
Net cash used in investing activities	(5,502,819)	(2,121,501)
Cash flows from financing activities:		
Investment income from endowment	26,327	24,892
Investment income from split-interest agreement	(107,603)	(158,737)
Payments from split-interest beneficiaries	(652,283)	(665,047)
Additions of new split-interest gifts	875,686	517,159
Net cash provided by (used in) financing activities	142,127	(281,733)
Change in cash and cash equivalents	15,452,161	2,625,560
Cash and cash equivalents, beginning of year	16,431,667	13,806,107
Cash and cash equivalents, end of year	$ 31,883,828	$ 16,431,667

The accompanying notes are an integral part of these financial statements.

1. History and Organization

Earthjustice is the premier nonprofit environmental law organization in the country, wielding the power of law to protect people's health; to preserve magnificent places and wildlife; to advance clean energy; and to combat climate change. Earthjustice achieves long-lasting protection of the environment through far-reaching, high-impact litigation, strengthened by savvy lobbying and communications. Earthjustice takes on the biggest, most precedent-setting cases across the country, partnering with thousands of groups, supporters and citizens to bring about positive change.

For over 40 years, Earthjustice has represented more than 1,000 clients, ranging from large national health and environmental organizations to smaller community groups. This free legal expertise is an essential service that helps clients think strategically about their work, participate effectively in administrative processes, challenge the government or industry in court when needed, and negotiate skillfully when litigation (or the threat of it) brings stake-holders to the bargaining table.

Earthjustice was incorporated in March 1970, under the laws of the State of California. It presently employs over 100 attorneys in thirteen locations: San Francisco, California (which also houses the organization headquarters); Washington, D.C.; Denver, Colorado; Juneau, Alaska; Anchorage, Alaska; Seattle, Washington; Honolulu, Hawaii; Tallahassee and Miami, Florida; Bozeman, Montana; New York, New York; Philadelphia, Pennsylvania; and Los Angeles, CA. This nationwide litigation effort is supported by policy and legislation experts and by the organization's communications team, which has broad experience in print and broadcast media as well as web-based advocacy and social media.

Earthjustice divides its current work into three key program areas: fighting for healthy communities, by holding polluters and the government accountable for following our nation's bedrock environmental laws that exist to safeguard the fundamentals of human health; preserving the wild, by enforcing laws to protect endangered species, sensitive habitats and threatened wildlands, while sustaining a rich and diverse natural heritage; and advancing clean energy and a healthy climate, by using the power of law to speed a transformation from dirty fossil fuels to clean energy. Earthjustice is committed to securing lasting protections and ensuring a healthy environment for all.

Recent Earthjustice victories include: preventing over one million acres of land in California from being opened for drilling and fracking; stopping a Montana mine project that would have threatened prime grizzly bear habitat; halting a proposed crude oil export facility in Washington state, setting a precedent that any oil terminal must meet stricter standards; and requiring industrial livestock operations to disclose their polluting emissions.

Earthjustice's volunteer members of the Board are active in oversight of governance, finances, investments and fundraising, and all make a contribution to the organization.

The board authorized the formation of an affiliated, but independent 501(c)(4) organization. The new organization, Earthjustice Action, was incorporated on June 23, 2017 and will help advance protection of the environment.

Continued

2. Summary of Significant Accounting Policies

Income Taxes

Earthjustice has been granted tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and Section 23701d of the California Revenue and Taxation Code. Accordingly, no provision for income taxes is included in the financial statements. Earthjustice files exempt organization returns and, if applicable, unrelated business income tax returns in the U.S. federal and California jurisdictions.

Net Asset Classifications

The accompanying financial statements have been prepared in accordance with accounting principles generally accepted in the United States of America. Under these guidelines, contributions of cash and other assets are classified as one of the following three categories:

Unrestricted – Those net assets and activities which represent the portion of expendable funds that are available to support the Earthjustice's operations. Additionally, the Board of Directors may designate a portion of these net assets for specified purposes. As of June 30, 2017, the following funds were established by the Board of Directors:

Cash Flow Reserve Fund – These funds are designated to provide a stable source of funding for anticipated and unanticipated budgetary needs, maintained at approximately three months of operating expenses.

Sustaining Reserve Fund – These funds are designated to protect Earthjustice's work commitments in the event of a longer term change in our revenue prospects. Earthjustice represents clients in legal matters that create ethical obligations to clients and courts requiring long term investments of staff and financial resources to fulfill. The fund is designed to provide stable funding to support meeting client commitments on existing work if needed.

Temporarily Restricted – Net assets subject to donor-imposed restrictions that will be met either by actions of Earthjustice and/or the passage of time. When a donor-stipulated time restriction ends or a purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statements of activities as satisfaction of program/time restrictions.

Permanently Restricted – Unconditional promises to give by a donor that specifies that the assets donated be invested to provide a permanent source of income. Permanently restricted gifts (endowments) are managed according to the Uniform Prudent Management of Institutional Funds Act ("UPMIFA") law of the State of California. If the donor does not restrict the allowed use of the income, the organization classifies income as temporarily restricted net assets until those amounts are appropriated for expenditure by Earthjustice in a manner consistent with the standard of prudence prescribed by UPMIFA.

Continued

2. Summary of Significant Accounting Policies, continued

Contributions and Receivables

Contributions of cash and other assets, including unconditional promises to give, are recorded as unrestricted, temporarily restricted, or permanently restricted support depending on the existence and/or nature of any donor restrictions. When a donor restriction expires, either through the passage of a stipulated time period or the purpose being completed, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statements of activities as satisfaction of program/time restrictions. Revenue from contractual foundation grants is recorded as a temporarily restricted contribution upon contract ratification.

Such grants normally have outlined expenditures that Earthjustice will incur upon collection of the receivable, however, the contributions are not considered conditional based on the occurrence of such costs. Contributions receivable with payment terms in excess of one year are subject to discounting using a rate of 3.5%. One multi-year pledge of $4.8 million is subject to discounting using a rate of 12%. Conditional promises to give are excluded from revenue and support until the conditions are substantially met. As of June 30, 2017 and 2016, there were no conditional promises to give outstanding.

Revenue from bequests is recognized as receivables and contributions if they are irrevocable, unconditional, and measurable. If a gift does not meet these criteria it is not recognized as contribution revenue until the will is declared valid and subject to final distribution. At that time, Earthjustice recognizes the contribution at fair value, net of a discount for likely fees and taxes, based on historical experience. Bequest amounts estimated to be received in excess of one year are subject to discounting.

Donated Services

Donated legal services are recognized as contributions and a corresponding expense at their estimated value at date of receipt, in accordance with accounting principles generally accepted in the United States of America, if the services (a) create or enhance nonfinancial assets or (b) require specialized skills, are performed by people with those skills, and would otherwise be purchased by Earthjustice. Attorneys who contribute services provide Earthjustice a detail of the dollar value of the time spent. The value of law clerks' time is estimated by management using current rates included in court filings. Total donated legal services for the years ended June 30, 2017 and 2016, was estimated to be $3,869,850 and $3,211,199, respectively. The estimate of donated administrative legal services for the years ended June 30, 2017 and 2016 totaled $0 and $39,539, respectively.

Earthjustice also receives donated space for public service announcements in various print, television, and web-based media as well as in major U.S. airport locations and various outdoor locations. The fair value of these donations has been estimated using published advertising rates for comparable space in the publications and an estimate for like kind space in airports and amounted to $1,574,560 and $674,672 for the years ended June 30, 2017 and 2016, respectively. It is Earthjustice's policy to record the value of the donated space when management becomes aware of the ad placement. In the years ended June 30, 2017 and 2016, Earthjustice received other non-legal services, the estimated value of which totaled $0 and $675, respectively.

Court Awarded Attorney Fees and Costs

Revenue from court awards is recognized when the court has approved payment and the opposing side to the case has no further avenues of appeal.

Continued

2. Summary of Significant Accounting Policies, continued

Allowance for Doubtful Accounts

Earthjustice provides for amounts that may be uncollectible on pledged contributions, grants and other receivables. After considering such factors as prior collection history, the ability of the debtor to pay, and historical trends, management concluded that an allowance of $281,240 and $109,734 was necessary as of June 30, 2017 and 2016, respectively. In the years ended June 30, 2017 and 2016, Earthjustice incurred an additional $355,528 and $844, respectively, in bad debt expenses as the result of revaluing the longer-term collectability of all pledges receivable and in forgiving certain pledges receivable in prior years.

Cash and Cash Equivalents

Cash and cash equivalents include petty cash and cash held at banks and other insured financial institutions which have an original maturity of three months or less when purchased. Client trust funds include court awards and other funds received for the possible benefit of clients that are initially deposited into separate client trust bank accounts. Once appropriately identified the funds are then refunded to the client or transferred into Earthjustice's operating fund accounts. For purposes of the statements of cash flows, cash and cash equivalents include:

	2017	2016
Operating cash, including client trust funds of $374,722 and $166,575 in 2017 and 2016, respectively	$ 695,689	$ 1,000,346
Cash equivalents included in short-term investments	31,188,139	15,431,321
	$ 31,883,828	$ 16,431,667

Short-Term Investments

Short-term investments consist of certificates of deposit, money market funds, cash equivalents and contributed investments that have not yet been sold by Earthjustice in the normal course of business (if applicable). All short-term investments are carried at fair value. At June 30, 2017 and 2016, short-term investments consisted of certificates of deposit with maturities of three months or more having a fair value of $230,253 and $228,540, respectively, and cash equivalents of $31,188,139 and $15,431,321, respectively.

Long-Term Investments

Long-term investments, which include mutual funds and money market funds, federal treasury and agency instruments, and equity securities are carried at fair value. Fair value measurements are disclosed in Note 6. Earthjustice also invests in various collective trust funds that are measured on a net asset value ("NAV") per share basis, which approximates fair value. These funds are index funds that seek investment results that correspond with the underlying assets of the funds, which the investment objectives to approximate the performance of benchmark index funds over the long term. Investments in the collective trust fund are fully redeemable and Earthjustice may make withdrawals from the fund at any time with no restrictions at the NAV per share less an exit fee. There are no unfunded commitments for these investments. Realized and unrealized gains and losses on investments, other than those held for split-interest gift agreements, are reflected in the statements of activities. Realized and unrealized gains and losses on investments held for split-interest gift agreements are reflected in the statements of activities as change in value of split-interest gift agreements.

Continued

2. Summary of Significant Accounting Policies, continued

Long-Term Investments, continued

Long-term investments consist of a pool of funds that includes both donor restricted and board-restricted reserve funds. The reserve investments are, in turn, split into two pools of funds, a Cash Flow Reserve Fund and a Sustaining Reserve Fund. The Cash Flows Reserve Fund is invested in money market funds and fixed income funds, while the Sustaining Reserves Fund is invested 80% in equity funds and 20% in a Treasury inflation-protected securities ("TIPS") fund. The asset allocation of the reserve funds follows the Investment Policy Statement, which is set by the Earthjustice Board of Trustees. To a limited extent, the Board allows reserve investments to help fund current operations. In the process, donor restrictions in the use of these funds are honored.

Fair Value Measurements

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. A framework for measuring fair value prioritizes the use of observable market-based inputs over the use of unobservable inputs when measuring fair value. The categorization of an asset or liability is based upon the lowest level of input that is significant to the fair value measurement.

Three levels of inputs are used to measure fair value:

Level l – Quoted prices in active markets for identical assets or liabilities.

Level 2 – Observable inputs other than Level l prices, such as quoted prices for similar assets or liabilities; quoted prices in markets that are not active; or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities.

Level 3 – Unobservable inputs that are supported by little or no market activity and that are significant to the fair value of the assets or liabilities.

Level 1 assets include highly liquid government bonds, actively traded mutual funds, and exchange traded equities. Level 2 assets may include fixed income investments traded in a limited market, certificates of deposit, and collective trust funds. In certain cases where Level l or Level 2 inputs are not available, assets are classified within Level 3 of the hierarchy. Level 3 assets and liabilities may include financial instruments whose value is determined using discounted cash flows methodologies or similar techniques as well as instruments for which the determination of fair value requires significant management judgement or estimation. Level 3 assets include beneficial interests in non-trusteed trusts which hold residential real estate and liabilities related to split-interest agreements.

In May 2015, the Financial Accounting Standards Board ("FASB") issued Accounting Standards Update ("ASU") 2015-07, *Fair Value Measurements: Disclosures for Investments in Certain Entities that Calculate Net Asset Value per Share (or its equivalent)*. The amendment removes the requirement to categorize within the fair value hierarchy all investments for which fair value is measured using the net asset value per share practical expedient. Earthjustice has elected to early adopt ASU 2015-07. As a result of early adoption of ASU 2015-07, all investments measured at NAV are not categorized within the fair value hierarchy (see Note 6).

2. Summary of Significant Accounting Policies, continued

Endowments

Interpretation of Relevant Law

The Board of Trustees of Earthjustice has interpreted the provisions of the California's Uniform Prudent Management of Institutional Funds Act ("CUPMIFA") as requiring the preservation of the fair value of the original gifts as of the gift date of the donor restricted endowment funds absent explicit donor stipulations to the contrary, and to allow endowment funds to be appropriated for expenditure or accumulated as Earthjustice determines is prudent for the uses, benefits, purposes, and duration for which the endowment funds were established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by Earthjustice. In accordance with CUPMIFA, Earthjustice considers the following factors in making a determination to appropriate or accumulate donor restricted endowment funds:

a. The duration and preservation of the fund
b. The purposes of Earthjustice and the donor-restricted endowment fund
c. General economic conditions.
d. The possible effect of inflation and deflation
e. The expected total return from income and the appreciation of investments
f. Other resources of Earthjustice
g. The investment policies of Earthjustice

Spending Policy and How the Investment Objectives Relate to Spending Policy

Earthjustice has adopted a policy of appropriating for distribution each year up to 4% of its endowment fund's average fair value over the prior twelve quarters through the most recent quarter end preceding the fiscal year in which the distribution is planned. In establishing this policy, Earthjustice considered the long-term expected return on its endowment. In accordance with CUPMIFA, distributions are allowed from the endowment funds even if the funds are "underwater." The endowment funds are invested in the Sustaining Reserves Fund.

Financial Statement Presentation

For financial statement purposes, Earthjustice classifies as permanently restricted net assets (a) the original value of gifts donated to the permanent endowment, (b) the original value of subsequent gifts to the permanent endowment, and (c) accumulations to the permanent endowment made in accordance with the direction of the applicable donor gift instrument The remaining portion of the donor-restricted endowment fund that is not classified in permanently restricted net assets is classified as temporarily restricted net assets until those amounts are appropriated for expenditure by Earthjustice in a manner consistent with the standard of prudence prescribed by CUPMIFA.

Aggregate Amount of Deficiencies for Donor-Restricted Endowments

From time to time, the fair value of assets associated with individual donor-restricted endowment funds may fall below the level that the donor requires Earthjustice to retain as a fund of perpetual duration. Deficiencies of this nature are reported in unrestricted net assets. For the year ended June 30, 2017 and 2016, there were no such deficiencies.

Continued

2. Summary of Significant Accounting Policies, continued

Split-Interest Gift Agreements

Earthjustice has entered into several Charitable Gift Annuity Agreements and Charitable Remainder Unitrusts whereby Earthjustice is the trustee and the donor contributes assets in exchange for distributions based on the value of trust assets for a specified period of time to the donor or other beneficiaries. At the end of the specified time, the remaining assets are available for Earthjustice's use. Assets received are recorded at fair value on the date the agreement or unitrust is recognized and, as required by state law, are invested primarily in U.S. government obligations. A liability equal to the present value of the future distributions to other beneficiaries is recorded. The difference between the fair value of the assets received and the liability to the donor or other beneficiaries is recognized as contribution revenue as change in value of split-interest gift agreements in the statement of activities.

Assets of pooled income funds are stated at fair value based on present value techniques that involve estimations of investment returns, life expectancies based on mortality tables, and discount rates. The remainder interest in the assets received is recognized as temporarily restricted contributed income in the period in which the assets are received from the donor and is measured at the fair value of the assets received, discounted for the estimated time period until the donor's death.

Property and Equipment

Property and equipment are included in the financial statements at cost when acquired by purchase and at fair value when received by gift. Earthjustice capitalizes property and equipment with an aggregate cost or fair-market value of $2,500 or more. Leasehold improvements are amortized over the lesser of the useful life of the asset or the term of the lease. Depreciation and amortization is provided using the straight-line method over estimated useful lives as follows:

Building	40 years
Furniture and equipment	7 years
Computer equipment and software	5 years
Leasehold improvements	Term of leases

Depreciation and amortization expense totaled $784,789 and $801,131 for the years ended June 30, 2017 and 2016, respectively.

Deferred Rent and Lease Incentive Liabilities

Earthjustice recognizes rent expense on a straight-line basis over the life of the lease. Leasehold improvement paid for by the landlord are recorded as a deferred lease incentive liabilities and amortized over the lease term on a straight-line basis.

Concentrations of Credit Risk

At June 30, 2017, Earthjustice maintained its investments with three investment managers, the largest constituting approximately 31% of investments. At June 30, 2016, Earthjustice maintained its investments with three investment managers, the largest constituting approximately 28% of investments. (Assets segregated for split-interest gifts are not included. Assets administered by The Vanguard Group but representing distinct registered investment companies are considered separate investments for purposes of this calculation.)

Continued

2. Summary of Significant Accounting Policies, continued

Concentrations of Credit Risk, continued

In the regular course of business, Earthjustice may maintain operating cash balances at a bank in excess of federally insured limits. Earthjustice seeks to control the risk of loss by maintaining deposits with only high quality financial institutions.

Allocations to Functional Expenses

Expenses which apply to more than one functional category have been allocated between program, management and general, and fundraising based on the time spent on these functions by specific employees as estimated by senior management. The remaining costs are charged directly to the appropriate functional category.

Lobbying

Earthjustice conducts limited lobbying activities in its efforts to provide increased public and policy-making awareness of environmental issues and the role of law in resolving them. Earthjustice incurred $230,351 in grassroots lobbying and an additional $74,779 in direct lobbying for total lobbying expenditures of $305,130 during the period ended June 30, 2017. Earthjustice incurred $102,471 in grassroots lobbying and an additional $353,669 in direct lobbying for total lobbying expenditures of $456,140 during the period ended June 30, 2016. All lobbying expenditures are included in the Public Information functional category.

Advertising

Earthjustice expenses advertising costs as incurred. For the year ended June 30, 2017, advertising and media expenses amounted to $1,924,763 and $1,047,456, respectively.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates. Significant estimates include functional allocation of expenses, net present value of split-interest gift agreements, fair value of investments and the fair value determination of contributed goods and services.

Reclassifications

Certain accounts in the prior-year financial statements have been reclassified for comparative purposes to conform with the presentation in the current-year financial statements.

Continued

3. Contributions Receivables

Contributions receivable at June 30, 2017 and 2016, include both unrestricted and temporarily restricted contributions, attributable to pledges, foundation grants, bequests, and charitable remainder unitrusts. Pledges receivable and bequests which are expected to be collected over a period of time in excess of one year are discounted using a discount rate at the date of the contribution. These receivables consist of the following:

	2017		
	Unrestricted	Temporarily Restricted	Total
Foundation grants receivable, net of discount of $488,320	$ 1,788,000	$ 8,740,623	$ 10,528,623
Pledges receivable, net of discount of $3,817,169	3,121,275	14,480,659	17,601,934
Beneficial interest in charitable remainder unitrust	-	579,336	579,336
Bequest receivables	11,241	-	11,241
Allowance for doubtful accounts	(281,240)	-	(281,240)
	$ 4,639,276	$ 23,800,618	$ 28,439,894

	2016		
	Unrestricted	Temporarily Restricted	Total
Foundation grants receivable, net of discount of $270,157	$ 265,000	$ 3,994,915	$ 4,259,915
Pledges receivable, net of discount of $332,264	327,775	1,227,481	1,555,256
Beneficial interest in charitable remainder unitrust	-	551,265	551,265
Bequest receivables	11,933	-	11,933
Allowance for doubtful accounts	(109,734)	-	(109,734)
	$ 494,974	$ 5,773,661	$ 6,268,635

The receivable from the beneficial interest in charitable unitrusts not under the control of Earthjustice represents the present value of the estimated future benefits to be received from the trust upon death of the settlers or beneficiaries of the trusts. The receivable has been estimated using published actuarial tables.

Bequests receivable are from four estates at June 30, 2017 and 2016. All bequests receivable are expected to be received within one year.

Additionally, one donor comprised of 16% and 26% of total contributions for the years ended June 30, 2017 and 2016, respectively.

Continued

3. Contributions Receivables, continued

The pledge receivable and foundation grant receivable balances at June 30, 2017, are expected to be collected as follows:

Year ending June 30:	
2018	$ 12,543,276
2019	9,492,770
2020	4,600,000
2021	2,200,000
2022	350,000
Thereafter	3,250,000
Less discount	(4,305,489)
	$ 28,130,557

4. Split-Interest Gift Agreements

In the regular course of fund development, Earthjustice enters into various split-interest gift agreements with donors. Earthjustice currently has three different categories of such agreements:

Pooled Income Fund – Donors contributing to this category are assigned a specific number of units in the pool based on their contribution and receive a life interest in any income earned on those units. Upon the donor's death, the value of the units held by the donor within the fund becomes available to Earthjustice for its unrestricted use. The liabilities at June 30, 2017 have been estimated using applicable published actuarial tables and the estimated average rate of return on the fund, which was approximately 2.6%.

Charitable Remainder Unitrusts – Earthjustice held five trusts at June 30, 2017, whereby the donors have contributed assets to Earthjustice, in exchange for a life interest in the income from the trusts or a specified percentage of the fair value. Some of these trusts require Earthjustice to share the corpus upon maturity with another charity. The assets held and the corresponding liabilities are grossed up to include the amounts ultimately payable to the other charities. The liabilities associated with these trusts have been estimated using applicable published actuarial tables and an estimated average rate of return on the trusts of 6%.

Charitable Gift Annuities – Donors contribute assets in exchange for a promise by Earthjustice to pay a fixed amount to designated beneficiaries until death of the last named beneficiary. Various states in which annuitants reside require that Earthjustice maintain statutory reserves. These statutory reserves typically require that Earthjustice segregate the associated assets from other assets to the extent of the reserve requirements. While Earthjustice elects to segregate all assets associated with the annuity contracts, assets in excess of required reserve requirements are essentially unrestricted. Earthjustice has computed the reserve requirements based upon the most restrictive computation, which exceeds the liability due to annuitants by $1,250,126 and $1,174,006 for June 30, 2017 and 2016, respectively. As a result, this amount constitutes temporarily restricted net assets. It is Earthjustice's practice not to liquidate the net asset value of annuity contracts until such time as the contracts mature. Liabilities estimating the present value of the expected annuity payments have been estimated using applicable published actuarial tables and an estimated average rate of return on the trusts of 6%.

Continued

4. Split-Interest Gift Agreements, continued

Split-interest gift agreements as of June 30, 2017 are as follows:

	Pooled Income Fund	Charitable Remainder Unitrusts	Charitable Gift Annuities	Split-Interest Gifts Total
Investments, beginning of year	$ 839,488	$ 929,211	$ 7,115,205	$ 8,883,904
Added split-interest gifts:				
Gifts creating annuity trusts	-	-	875,686	875,686
Amounts withdrawn at death of planned giving donors	(5,074)	(303,138)	(287,146)	(595,358)
Annuity and beneficiary payments	(27,487)	(21,727)	(603,069)	(652,283)
Investment returns (net of expenses and fees):				
Dividends, interest, rents, and expenses	10,869	10,006	86,728	107,603
Realized and unrealized gains	1,520	49,890	613,642	665,052
Investments, end of year	$ 819,316	$ 664,242	$ 7,801,046	$ 9,284,604
Liabilities related to split-interest gift agreements	$ 173,633	$ 300,812	$ 4,654,951	$ 5,129,396
Comprising of:				
Mutual funds	$ 815,660	$ 659,385	$ 7,732,997	$ 9,208,042
Cash equivalents	3,656	4,857	68,049	76,562
Total	$ 819,316	$ 664,242	$ 7,801,046	$ 9,284,604
Split-interest gift investment classifications:				
Temporarily restricted	$ 819,316	$ 664,242	$ 1,250,126	$ 2,733,684
Unrestricted	-	-	6,550,920	6,550,920
Total	$ 819,316	$ 664,242	$ 7,801,046	$ 9,284,604

Continued

4. **Split-Interest Gift Agreements**, continued

Split-interest gift agreements as of June 30, 2016 are as follows:

	Pooled Income Fund	Charitable Remainder Unitrusts	Charitable Gift Annuities	Split-Interest Gifts Total
Investments, beginning of year	$ 840,529	$ 1,002,036	$ 7,412,570	$ 9,255,135
Added split-interest gifts:				
Gifts creating annuity trusts	-	-	517,159	517,159
Amounts withdrawn at death of planned giving donors	(6,448)	-	(409,402)	(415,850)
Annuity and beneficiary payments	(28,217)	(65,561)	(571,269)	(665,047)
Investment returns (net of expenses and fees):				
Dividends, interest, rents, and expenses	19,622	626	138,489	158,737
Realized and unrealized gains	14,002	(7,890)	27,658	33,770
Investments, end of year	$ 839,488	$ 929,211	$ 7,115,205	$ 8,883,904
Liabilities related to split-interest gift agreements	$ 233,873	$ 616,836	$ 4,042,570	$ 4,893,279
Comprising of:				
Mutual funds	$ 831,900	$ 913,630	$ 6,717,016	$ 8,462,546
Cash equivalents	7,588	15,581	398,189	421,358
Total	$ 839,488	$ 929,211	$ 7,115,205	$ 8,883,904
Split-interest gift investment classifications:				
Temporarily restricted	$ 839,488	$ 929,211	$ 1,174,006	$ 2,942,705
Unrestricted	-	-	5,941,199	5,941,199
Total	$ 839,488	$ 929,211	$ 7,115,205	$ 8,883,904

Continued

5. Long-Term Investments

The following table details long-term investments by category for the years ended June 30, 2017 and 2016:

	2017	2016
Investments, beginning of year	$ 46,718,451	$ 44,788,575
Net transfers due to portfolio balancing, fulfillment of operating (requirements)/surpluses, and reclassification to short-term investments	5,116,002	1,563,450
Investment returns (net of expenses and fees):		
Dividends, interest, rents, and expenses	775,919	670,503
Realized and unrealized gains	5,161,985	(304,077)
Investments, end of year	$ 57,772,357	$ 46,718,451
Long-term investment classifications:		
Permanently restricted	$ 1,447,833	$ 1,447,833
Temporarily restricted	2,366,000	2,073,475
Unrestricted	53,958,524	43,197,143
Total	$ 57,772,357	$ 46,718,451

Continued

6. Fair Value Measurements

The following table presents the fair value measurements of assets recognized in the accompanying statements of financial position measured at fair value on a recurring basis and the level within the fair value hierarchy in which the fair value measurements fall at June 30, 2017 and 2016.

	2017			
	Level 1	Level 2	Level 3	Total
Assets:				
Receivables - contributions, net:				
Beneficial interest in unitrust	$ -	$ -	$ 579,336	$ 579,336
Short-term investments:				
Cash equivalents	31,105,520	312,872	-	31,418,392
Deferred compensation assets:				
Fixed income mutual funds	471,354	-	-	471,354
Domestic equity mutual funds	276,953	-	-	276,953
International term bond fund	116,973	-	-	116,973
Total deferred compensation assets	865,280	-	-	865,280
Long-term investments:				
Reserves:				
Money market fund	2,548	-	-	2,548
Fixed income mutual funds	9,588,588	-	-	9,588,588
Domestic equity mutual funds	13,004,793	-	-	13,004,793
Treasury inflation protected securities fund	8,757,310	-	-	8,757,310
International equity mutual funds	4,865,128	-	-	4,865,128
Real estate fund	3,502,257	-	-	3,502,257
Developed ex-fossil fuel funds - NAV	-	-	-	18,051,733
Total long-term investments	39,720,624	-	-	57,772,357
Split-interest gifts:				
Cash and cash equivalents	76,562	-	-	76,562
Fixed income mutual funds	1,188,627	-	-	1,188,627
International equity mutual funds	445,715	-	-	445,715
Real estate mutual fund	149,314	-	-	149,314
Exchange traded mutual funds	2,204,867	-	-	2,204,867
Government obligations	448,102	-	-	448,102
Common Collective Trusts - NAV:				
Fixed income	-	-	-	877,197
International equity	-	-	-	2,264,839
Real estate	-	-	-	157,421
Exchange traded funds	-	-	-	978,289
Government obligations	-	-	-	493,671
Total split-interest gifts	4,513,187	-	-	9,284,604
Total for assets measured at fair value	$ 76,204,611	$ 312,872	$ 579,336	$ 99,919,969

Continued

6. **Fair Value Measurements**, continued

	2016			
	Level 1	Level 2	Level 3	Total
Assets:				
Receivables - contributions, net:				
Beneficial interest in unitrust	$ -	$ -	$ 551,265	$ 551,265
Short-term investments:				
Cash equivalents	15,349,074	310,787	-	15,659,861
Deferred compensation assets:				
Fixed income mutual funds	254,071	-	-	254,071
Domestic equity mutual funds	304,159	-	-	304,159
International term bond fund	94,620	-	-	94,620
Total deferred compensation assets	652,850	-	-	652,850
Long-term investments:				
Reserves:				
Fixed income mutual funds	16,520,009	-	-	16,520,009
Domestic equity mutual funds	9,844,359	-	-	9,844,359
International equity mutual funds	3,688,478	-	-	3,688,478
Real estate fund	3,390,223	-	-	3,390,223
Developed ex-fossil fuel funds - NAV	-	-	-	13,275,382
Total long-term investments	33,443,069	-	-	46,718,451
Split-interest gifts:				
Cash and cash equivalents	421,358	-	-	421,358
Fixed income mutual funds	1,775,803	-	-	1,775,803
Domestic equity mutual funds	2,396,815	-	-	2,396,815
International equity mutual funds	122,976	-	-	122,976
Alternatives mutual funds	2,089	-	-	2,089
Real estate mutual fund	2,703	-	-	2,703
Exchange traded mutual funds	1,660,309	-	-	1,660,309
Government obligations	2,501,851	-	-	2,501,851
Total split-interest gifts	8,883,904	-	-	8,883,904
Total for assets measured at fair value	$ 58,328,897	$ 310,787	$ 551,265	$ 72,466,331

Continued

6. Fair Value Measurements, continued

The following table provides a reconciliation of assets measured at fair value using significant unobservable inputs (Level 3) on a recurring basis during the periods ended June 30, 2017 and 2016:

	Beneficial Interest in Trusts
Balance, June 30, 2015	$ 360,657
Unrealized gain on investments, included in realized and unrealized gain (losses) from investments	190,608
Balance, June 30, 2016	551,265
Unrealized gain on investments, included in realized and unrealized gain (losses) from investments	28,071
Balance, June 30, 2017	$ 579,336

While management believes its valuation methods are appropriate and consistent with those used by other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different estimate of fair value at the reporting date. Those estimated values may differ significantly from the values that would have been used had a readily available market for such investments existed, or had such investments been liquidated, and these differences could be material to the financial statements.

Transfers to or from Level 3 measurements are based on relevant accounting guidance and are assessed during the period of the transfer and are recognized at the end of the fiscal year. No such transfers occurred for the years ended June 30, 2017 and 2016.

Inputs used for valuation of remainder interests trust is based on qualified appraisals provided by the trustee, the life expectancy of the income beneficiaries, and an applicable discount rate determined by the organization. The fair value of beneficial interests is reviewed and updated annually by adjusting the current life expectancies of the income beneficiaries, applicable discount rate and market value of the trust. There was no change in valuation methods during the current fiscal year.

Continued

7. Property and Equipment

The major classes of property and equipment at June 30, 2017 and 2016 are as follows:

	2017	2016
Computer equipment and software	$ 2,343,314	$ 2,473,803
Furniture and equipment	2,133,411	2,070,702
Leasehold improvements	2,647,734	2,622,094
Building	444,222	444,222
Land - Alaska office	153,880	153,880
Land - Alaska (donated)	79,000	79,000
	7,801,561	7,843,701
Less accumulated depreciation and amortization	(5,045,114)	(4,510,512)
	$ 2,756,447	$ 3,333,189

8. Lease Commitments

Earthjustice has entered into various lease agreements having initial terms greater than one year for office space which expire through 2025. Rental expense under these leases totaled $2,918,477 and $2,815,638 for the years ended June 30, 2017 and 2016, respectively. Most lease agreements provide for periodic adjustments based on fixed percentage increases in rent.

Additionally, Earthjustice has entered into various lease agreements for the use of office equipment ranging in lease terms from 3 to 5 years, with total annual payments approximating $52,900.

The aggregate future minimum rental payments under these leases are as follows:

Year ending June 30:	
2018	$ 2,878,432
2019	2,910,790
2020	2,672,813
2021	2,173,709
2022	1,558,613
Thereafter	1,040,047
	$ 13,234,404

Continued

9. Restricted Net Assets

Temporarily restricted net assets at June 30, 2017 and 2016, are restricted for the following purposes:

	2017		2016	
	Balance	Releases	Balance	Releases
Program activities	$ 36,418,808	$ 31,935,850	$ 10,347,283	$ 19,737,491
Time restricted funds and investments	7,848,082	2,239,661	3,201,674	2,132,563
Charitable remainder trusts and pooled income fund agreements	1,009,113	303,138	1,166,725	-
Annuity agreements, segregation required by state law	1,250,126	-	1,174,006	-
	$ 46,526,129	$ 34,478,649	$ 15,889,688	$ 21,870,054

Permanently restricted net assets are restricted to endowment investments and contributions and are entirely donor restricted endowments. However, the earnings on these investments can be spent either on general operations, specific programs, or must be added to endowment principal, depending on donor restrictions. The composition and changes in the endowment net assets as of June 30, 2017 and 2016 are as follows:

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total Endowment Net Assets
Endowment net assets, June 30, 2015	$ -	$ 249,003	$ 1,447,833	$ 1,696,836
Investment income	-	26,327	-	26,327
Net appreciation	-	8,292	-	8,292
Amounts appropriated for expenditure	-	(64,946)	-	(64,946)
Endowment net assets, June 30, 2016	-	218,676	1,447,833	1,666,509
Investment income	-	24,892	-	24,892
Net appreciation	-	167,811	-	167,811
Amounts appropriated for expenditure	-	(66,389)	-	(66,389)
Endowment net assets, June 30, 2017	$ -	$ 344,990	$ 1,447,833	$ 1,792,823

10. Retirement Plans

Earthjustice has established a retirement annuity plan and a tax-deferred annuity plan for its employees under Section 403 (b) of the Internal Revenue Code. The retirement annuity plan provides for an employer contribution to a defined contribution retirement plan of 9% of an employee's gross earnings, with an increase to 10% of gross earnings provided the employee contributes at least 3% to the tax deferred annuity plan. Contributions to the retirement annuity plan of $1,813,652 and $1,588,332 have been expensed for the years ended June 30, 2017 and 2016, respectively.

Continued

10. Retirement Plans, continued

On August 1, 2010, Earthjustice established an eligible deferred compensation plan for a select group of highly compensated employees under Section 457(b) of the Internal Revenue Code. The plan allows pre-tax contributions of the maximum amount allowed by law per year through payroll deduction. At June 30, 2017, 8 employees had elected to participate in the plan. The investments in this plan remain as assets of the organization until the employees retire.

11. Subsequent Events

Earthjustice evaluated subsequent events for recognition and disclosure through October 24, 2017, the date which these financial statements were available to be issued. Management concluded that no material subsequent events have occurred since June 30, 2017 that required recognition or disclosure in such financial statements.