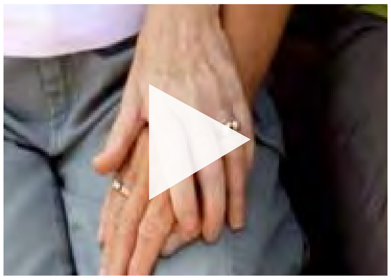
market, the age-group that would have been toddlers in the post-war period.

To view the hospice legacy video, click on the following image.



4. Don't be afraid to brand your legacy program

As a Director of Development at the BC SPCA, I oversaw the creation of a number of different program brands, none of which conflicted with, or undermined the integrity of the SPCA's organizational brand. The largest special event was branded (it brought in $1 million annually), the animal sponsorship program was branded (it brought in $1.2 million annually) the monthly giving program was branded (it brought in $2 million annually). I therefore had no anxiety in branding the legacy program, which brought in $6 million annually.

Can your organization have a legacy brand as well as an overall organizational brand? Of course!

5. Develop your brand today

Invest time in understanding your vision, donor motivation and gift impact. To develop a legacy brand you need to have a clear idea of your organization's vision. What does your charity want to achieve? How will you make the world a better place? How will you be of service? You also need to understand what will motivate donors to leave you a legacy and what impact legacy gifts will have.

6. Include the essence of your brand in all communications

Donors need to be constantly reminded of what your program stands for. Develop your marketing strategies with this in mind and make sure the essence of your brand is in everything you create. Repetition is a good thing.

Be consistent

It's crucial that your brand remain consistent over time. Altering a brand every few years will create confusion. Donors will have less trust in your program if the brand is constantly changing.

To see more legacy brands, http://www.stlegacygroup.com/see%20our%20work.htm and scroll down to "Legacy Brands and Advertisements."On the same webpage you can see how program brands are integrated into the legacy videos and case for support documents we have created.

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Rights and Duties of Charitable Beneficiaries

– KAREN L. WESLOWSKI

A person can create a legacy by leaving a portion of their estate to charity. Such a gift can reflect a testator's personal values and beliefs while making a difference in the lives of others. To ensure that charitable gifts are realized, charities must understand their rights and duties with respect to such gifts and take steps accordingly. Charities should be mindful of the following issues:

Rights as a beneficiary

Charities are treated the same as any other beneficiary, with the exception that the law imposes a fiduciary duty upon a charity to ensure that it receives its intended interest in the estate. As part of that duty, a charity must ensure that all estate assets have been accounted for, all liabilities have been properly discharged and that the compensation claimed by the trustee and the legal fees claimed are appropriate.

Role as a beneficiary

As a matter of practice, charities should obtain a complete copy of the will and determine the expected value of its interest, the expected distribution date and any debts or liabilities which may reduce the value of its gift. It is good practice to follow up with the trustee or solicitor on a regular basis to monitor the administration of the estate.

Role of Directors

Directors of a charity are required to act diligently, prudently, in good faith and in the best interests of the charity. They must also manage the charity and act within the scope of their authority. Directors are under a fiduciary duty to use the charity's funds for charitable purposes only.

Dealing with charitable gifts generally

A charity is accountable for the use of gifts received and has a duty to its members and to the donor in this regard. When issues arise as to how the charity has used its property, the Public Guardian and Trustee in some provinces has statutory powers to investigate a charity pursuant to the applicable provincial legislation. The court also retains inherent jurisdiction over the affairs of a charity.

Public image

A good public image is obviously necessary to allow a charity to continue its work and promote further donations. In dealing with an estate, a charity should be aware of how it is viewed by the public. The deceased's family, as well as the general public, may not be aware of the charity's legal obligations. To prevent confusion, disagreement or litigation, the charity should contact the personal representative of the estate, outline its role and communicate its expectations early on in the process.

Estate accounts

As part of their duty to review the estate accounting, charities should obtain copies of all estate accounts. Trustee fees should not exceed set guidelines. Lawyers' fees should be reasonable and properly documented. Where the lawyer also acts as executor, they should document and bill executor's work and legal work separately.

Conflicts of interest

Conflicts of interest may arise in the administration of an estate. Charities should be aware of this possibility and raise the issue if there is a concern in this regard.

Trustees

In some cases, the named trustee is unable to act. In this instance, all beneficiaries will be notified of the appointment of an alternate trustee. The charity may be asked to take the appointment. As charities have no expertise with respect to administering estates, the charity should seek the guidance of a lawyer with respect to its power to take on this responsibility and its duties in so acting, if it decides to act.

Litigation

Charities may become involved in estate litigation by virtue of being the beneficiary of an estate. Common issues that involve a charity are challenges to the will, applications for interpretation of the will and passing of the executor's accounts.

Charities are not always sure what role, if any, it may have in estate litigation. As a beneficiary of an estate, a charity is entitled to notice of any estate proceedings which may affect its entitlement or require its consent. Charities are also entitled (or, in some instances, may be required) to fully participate in the litigation, including settlement of the proceedings.

The duty to defend a donor's charitable gift through litigation can affect the charity's public image. As discussed above, charities will want to protect this image. In a fight with disinherited family members, the charity may be perceived as greedy. This may cause a charity to be less assertive in defending a testator's gift. Further, it may not be practical to defend the gift where the amount is small relative to the cost of litigation. Charities may choose to decline a bequest where the public relations issues resulting from litigation would have adverse effects disproportionate to its value.

Final distribution of the estate

The trustee is required to ensure that all debts have been paid out of the estate before distributing gifts. Sometimes at this stage, beneficiaries are asked to give an indemnity in favour of the trustee. Upon giving an indemnity, a beneficiary agrees to reimburse the trustee for future liabilities if no assets remain in the estate, thereby relieving the trustee of any personal liability. Giving an indemnity can be risky for a charity because it could result in incurring an indeterminate liability. For these reasons, charities may wish to avoid giving indemnities. In the event that an indemnity is necessary, or appropriate in the circumstances, the charity should make sure is legally permitted to do so.

Conclusion

By taking note of these issues, a charity should be able to act professionally, maintain a positive public image and meet its charitable aims all the while protecting its interest in testamentary gifts.

__Karen Weslowski__ is a litigation partner in the Vancouver office of __Miller Thomson__. Part of her practice involves wills and estates litigation, which includes Wills Variation Act claims, claims related to testamentary capacity and the interpretation of Wills.

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Valuable insights from a major donor

Michael Rosen invited a major donor into his graduate class "Advanced Fund Development" at **Drexel University**. Out of this session he shares some valuable reminders for all development professionals.

"Daniel" and his wife personally contribute generously to a variety of nonprofit organizations and serve on a number of nonprofit boards. Daniel also administers a family foundation established by his parents. He generously spoke about his experiences; demonstrating a number of insights about how some philanthropists think.

Donors see their giving as an extension of themselves

Daniel indicated that the more involved he is with an organization, the more personally he's connected, the more likely he is to donate. In addition,
he said that he is motivated by the notion of "giving back." If he, or a family member, has benefited from the services of an organization in a significant way, he's more likely to contribute.

However, for Daniel, it's not all about involvement and reciprocity. He needs to also have confidence in an organization's leadership before he'll provide a significant gift. Two of the things that help build his confidence in the leadership are:

1. the quality of the organization's products or services,
2. the demonstrated efficiency with which the organization provides those products or services.

Daniel understands nonprofit organizations

He expects to be asked for financial gifts. If he's asked for too much, he simply lets the development professional know. He doesn't get offended because he assumes the development professional has made a good-faith attempt to ask for something