

Resolution Updating the National Lawyers Guild Policy Regarding Planned Giving & Donor Solicitations Within Chapters

Submitted by: The National Lawyers Guild - New York City Chapter

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Susan Howard will present the proposal in the two plenaries

Purpose: At the 2011 National Convention, a resolution was passed to Clarify Planned Giving and Bequest Allocations between the National Organization and Chapters.

The resolution called for the National Executive Board and the National Lawyers Guild Foundation, in consultation with the Chapters, to produce an updated proposed Memorandum of Understanding between The National Lawyers Guild and The National Lawyers Guild Foundation, Inc., which will govern the solicitation of major donors, handling of endowment funds and bequests, which will include their allocation between the National organization and its chapters. The final Memorandum of Understanding was to be submitted to the 2013 or 2014 National Convention for vote. Although a draft policy was produced, there has been no agreement on a policy that would provide a fair and equitable structure for the Chapters.

THEREFORE,

BE IT RESOLVED that the Memorandum of Understanding Regarding Planning Giving & Donor Solicitations Within Chapters be updated to read:

All potential donors of bequests and other planned gifts to the National Lawyers Guild are to be informed clearly and prominently that they may designate their gift for use by the Guild as a whole or for the use of a particular chapter. *They are to be encouraged to designate explicitly in the relevant documents how they wish their gift to be used.* It is expected that this encouragement will result in most gifts and bequests being designated by the donors.

The NLG Foundation and the national NLG may conduct planned giving solicitation activities in a chapter's geographic catchment area once per year at a time agreed upon with the chapter, and additional times in any year with the agreement of the chapter.

It is understood by the NLG Foundation and the national NLG that names and leads provided by a chapter, or generated as a result of solicitations to a chapter, belong to the chapter, and the NLG Foundation and national NLG may not independently solicit said persons for funds without the consent of the chapter.

Potential donors will also be informed that absent an explicit designation allocating their gift, the gift will be allocated as follows:

1. Subject to the provisions concerning supporters set forth in paragraph "2", if the donor is not a member of the NLG or is a member at large (affiliated with no active chapter), 100% of the bequest or gift will be given to the National Lawyers Guild Foundation (NLGF) for use to strengthen the Guild as a whole. (For purposes of this

Policy, “member” and “member at large” shall include Guild members and former members with a demonstrated connection to the chapter, their survivors, spouses, companions or domestic partners.)

2. Funds received from Guild members’ undesigned gifts or bequests, as well as a chapter’s supporters, allies and friends within a chapter’s catchment area, will be allocated 60% to the NLGF, 40% to the relevant chapter. In making the allocation set forth in this paragraph, the NLGF shall deem its 60% allocation to include all fiscal agent and processing fees for gifts and bequests being allocated with the chapter, and shall not levy an additional fiscal agent processing fee from the chapter’s portion of the allocation or other administrative processing fee.
3. If a Guild member gives a specific amount to a chapter and another to the NLGF, the NLGF’s designated amount is not subject to reduction per #2 above.
4. If controversies arise under this policy, such as the rare but conceivable situation in which more than one chapter claims a member, the donor or his/her family will be asked for clarification. In the event that is not possible, disputes will be adjudicated by the NLG Executive Committee (EC). The EC will resolve disagreements guided by the principle that allocation of gifts should reflect the known relationships and priorities of the donor, which can often be discerned by reviewing the donor’s history with each chapter. All EC decisions will be final.

Implementation Clause: MOU to be implemented by the National Lawyers Guild Executive Board & National Lawyers Guild Foundation, with notification to all Chapters.

Consent Clause: the proponents have contacted the National Executive Director, National Executive officers and National Lawyers Guild Foundation officers and Managing Director, NLG Massachusetts, Detroit, Los Angeles, San Francisco and Chicago Chapters and officers.

The results of the consultations follow:

Disapproved: The NLG Foundation

No response received: National Executive Director, National Executive officers, NLG Massachusetts, Los Angeles, San Francisco and Chicago Chapters and officers