



NATIONAL CENTER FOR
FAMILY PHILANTHROPY



FIDELITY Charitable®

LEGACY IN FAMILY PHILANTHROPY:

A MODERN FRAMEWORK

TABLE OF CONTENTS

INTRODUCTION 1

SECTION I:

Legacy in Family Philanthropy: A Modern Framework 3

SECTION II:

Levers, Components, and Building Blocks 6

Lever 1: Values

Lever 2: Intent

Lever 3: Place

Lever 4: Family

Lever 5: Action

- *Long-term Flexible Support*
- *Using Privilege to Share Power*
- *Authentic Relationships & Trust*

SECTION III:

Legacy & Legal Considerations 17

SECTION IV:

Conclusion 20

INTRODUCTION

Legacy is a fundamental consideration in the practice of effective family philanthropy, yet it remains one of the most ambiguous and often overlooked concepts in our field.

Many families approach legacy with a retrospective lens—one that reflects on a philanthropic effort across a number of years or even generations. However, legacy is emergent and iterative. It ought to be considered regularly, throughout the lifecycle of the family philanthropy. It must be a formative practice that roots itself in shared values and guides each and every action with intention.

Legacy also begins at home—it's within your power to define. The way that the world will view you and your philanthropy is a mirror of what you set out for yourself. Step back and explore what motivates you. There is something so powerful about coming together as a family to explore the work you choose to do, whether you're the first generation creating the effort or subsequent generations.

Legacy has both internal and external implications. All philanthropic families must consider a number of important questions.

Among them:

- **What is the change we most want to see and help make in the world?**
- **How might current and future generations view the actions of the family?**
- **What are the values that will translate across giving practices?**
- **For those with a public profile, there are considerations that carry additional weight—how will the family be defined and remembered by the public at large?**

And of course, many families are navigating all of these dynamics simultaneously.

We are in a period of significant transition in the family philanthropy community, and legacy is not exempt. Questions of relevance, equity, and power are taking center stage for philanthropists. Perhaps for the first time, donors are being asked to justify their giving.

Families are reconsidering their motivations for giving and how their philanthropy carries forward their values, aims, and objectives. It's promoting deeper intentionality, humility, empathy, understanding, and trust. These shifts are prompting families to reflect on what they seek to build now and how it informs their legacy.

It's our hope that the sector will begin to embrace legacy as a formative effort—one that is done with intentionality, that is ever-evolving, borne of values, and reflects the needs of the family as well as the end beneficiaries. We must shift legacy from a reactive construct to an emergent one that serves as a guide and measure of accountability.

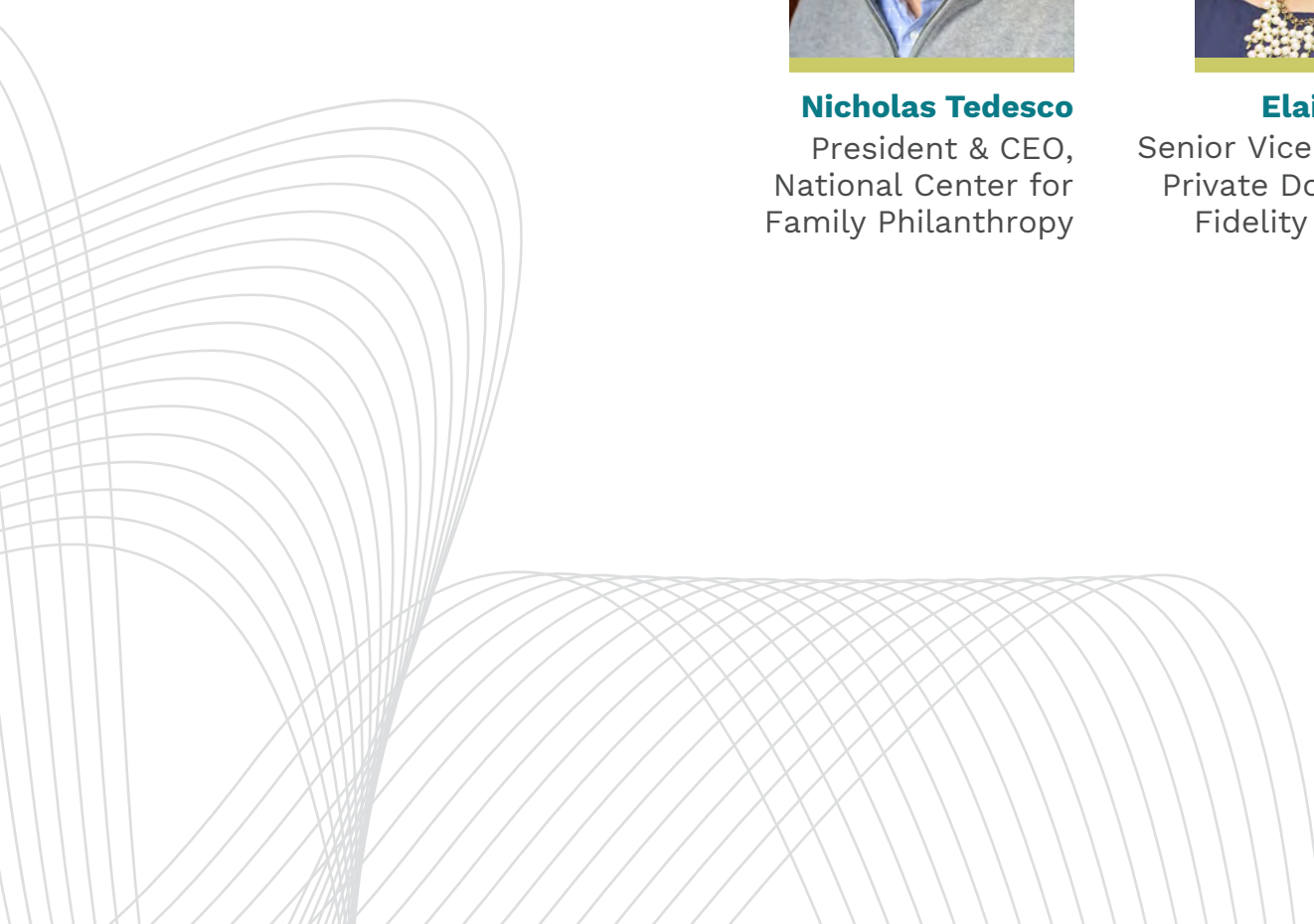
As such, we are pleased to share with you a modern framework for legacy. Within this publication and its companion workbook, you'll find guidance and strategies, as well as stories from giving families and questions for your own reflection to help bring this framework to life. We hope you'll find inspiration, motivation, and practical tools for application.



Nicholas Tedesco
President & CEO,
National Center for
Family Philanthropy



Elaine Martyn
Senior Vice President,
Private Donor Group
Fidelity Charitable



I. LEGACY IN FAMILY PHILANTHROPY: A MODERN FRAMEWORK



Historically, legacy in family philanthropy has been considered from a retrospective point of view. From an external vantage point, legacy has often been seen as the sum philanthropic impact of a family, the culmination of its efforts. That is, what building did you build, what initiative did you start, what mission did you stand for, what change-making did you contribute to? Within giving families themselves, legacy has often been understood as how a family looks back at what has been passed down to them, from stories to values, from mission to broader guidance or direction in their giving.

But based on research with dozens of giving families of all sorts, from fifth generation foundations to younger first time donors using donor-advised funds, we have seen a fresh understanding emerge. This new perspective offers a new way of thinking about and approaching the complex notion of legacy.

Amongst emerging leaders in the next generation of philanthropists, the prevailing understanding of legacy interweaves why and how we give.

“I think it’s important to think outside of ourselves first and foremost. Why are we doing philanthropy? The way we craft our giving, wherever it’s directed, should be about the people we’re trying to impact and how we’re trying to make change. Then your legacy comes naturally. We are better for thinking first about that and then about how we get that done. People talk about the vehicles you use. I think first think about what you’re trying to accomplish and then everything falls backward from there...how do you do that work?”

–**Sapphira Goradia**, Executive Director, Vijay and Marie Goradia Foundation

This notion of looking outside ourselves to consider legacy rang true across leaders of both longstanding and newer giving families.

Building upon this new understanding, the moment is ripe to assert a proactive modern framework for legacy, one that is creative and formative, that encourages clarity of values and deliberate choice-making, and that results in increased impact in the world, as well as greater satisfaction for giving families. This is a framework that is inclusive of and accessible for all sorts of donors, new and longstanding, from myriad backgrounds, identities, and levels of giving. Legacy is not just for large institutional givers; it can be a powerful and meaningful framework for families working at all scales.

This is not to suggest the field abandon retrospection—but rather to combine looking back with looking forward, while meeting present needs head-on. In many ways, legacy is perception. But you can—and should—own the notion of legacy in an active way. Let it not be something that happens to philanthropic families—rather, ***let it be something you craft with intentionality, reflect upon, and continually refine.*** Legacy can be something you actively define, evolve, and carry forward. And this is true whether you are a multi-generational giving family or one taking a time-bound, or spend-down, approach to your philanthropy.

So how do you do this?

You are warmly invited to consider the levers that can be pulled, or building blocks that can be creatively combined, to create your family giving legacy. These levers are not an exhaustive catalogue of all the possible component parts of legacy, but rather, a selective menu of the most compelling high level ideas that emerged out of many amazing conversations with real giving families.

LEGACY LEVERS



LEVER 1
Values



LEVER 2
Intent



LEVER 3
Place



LEVER 4
Family



LEVER 5
Action

Some of these concepts may resonate immediately as familiar and relevant, while others may be new or even challenging for you. Over time, the relative importance of different levers may shift as your family grows, you learn and explore, and social issues change.

This modern framework views legacy as a malleable and evolving concept. And reflecting upon these levers provides a helpful framework for the proactive consideration of legacy.

For you and your family, there may be one lever that is central to activate in your legacy creation—or ongoing development. For others, a composite sum of many of these levers may be the right fit. It is up to you and your family to determine what is most important to you, and what you wish to hold yourselves accountable to.

In the pages to follow, read more about each of these levers and how different giving families activate them as they think and talk about legacy—and how it guides them. In the companion workbook, you'll find stories of how different giving families activated these levers, as well as conversation starters designed to help you evaluate what makes sense for your unique family giving enterprise as you define and craft or refine and revisit your legacy.

There are many paths and many journeys. May these questions help further your own exploration!

II. LEVERS, COMPONENTS, & BUILDING BLOCKS



LEVER 1: VALUES

A common thread in giving families is their rootedness in shared values. While the particular giving focus and structure may change with the times and with different family engagement, values anchor the family. At times, these values are tethered to a particular faith or shared belief system; just as often, they are simply connected to a family’s modeling and explicit recognition of what is important to them based on their own journey.

For Liz Simons and Caitlin Heising, mother and daughter who give together through their family foundation as well as through a donor-advised fund (DAF) and other tools, values are top of mind and crystal clear:

“Our values—justice, humility, relationships, and sustainability—really guide all of our work, and also, we hope, knit it all together.”

For many donors the core values that carry through their giving were never explicitly stated; rather, they were shown and modeled by prior generations in their actions, behaviors, and approaches.

One family foundation tries to emulate its founder's famous open-door policy. Their professional staff will accept a meeting with anyone in their community, much like their founder did.

The Millerberg family in Salt Lake City, with school-aged kids, has focused on a few core values that are important to the parents as founder/donors, but that they hope are expansive enough to open the door wide to whomever their kids grow up to be, and whatever their philanthropic passions might become.

“Where we landed on as our values was hard working, kind, and faithful—if you do that to the best of your ability in all realms of life, great! These values give kids the ability to blossom in their own realm.” The Millerbergs have already gotten their kids involved as volunteers working on local food security, helping them to live and experience these values from a young age.

Centering and furthering of a family's values can be a meaningful core lever in legacy creation. Even when individual family members' values seem at odds with one another, most often, some shared underlying values can be found, allowing a focus on where there is commonality rather than difference.

LEVER 2: INTENT

For many families, the desires and vision of the donor to the family's giving enterprise is still a central lever in legacy development. Written (or perceived) intent can help explain where a giving family began, highlight the initial desires and visions of the founders, and establish a baseline for the family's giving. But intent also typically allows for flexibility and families are increasingly understanding the need for interpretation.

In speaking with philanthropic families, an interesting observation emerged—donor intent is often misunderstood across generations. Many first generation wealth creators are eager to see the subsequent generations interpret their interests and efforts; at the same time, successive generations too often are paralyzed by a sense of obligation to adapt the approach of the founders, particularly after the passing of the controlling generation.

Navigating this dynamic with care and respect ultimately rests on communication. Families must ask themselves if they are clear in their communications to discuss hopes and expectations, commitments and intentions, and ultimately, flexibility and openness to change and evolution. This clarity of communications will prove a gift for all involved.

Even in families that have a strong, clear, and sometimes even legally-mandated statement of donor intent, where the concept of legacy is truly seen as instructions, there can be found a balance between staying connected to the founding donor's wishes and stewarding them while also remaining dynamic in response to contemporary needs and passions.

Two generations from the Arthur Vining Davis Foundations, share how this lever is both honored—and evolving—in their family foundation. First, we hear from third generation trustee Dow Davis:

“We try to stay true to donor intent. Every year, we do a reading of sections of the will and take turns reading different sections aloud. We read in the donor's own words so we can maintain what he wanted us to do. Conversations about engaging our next generation started about ten years ago. That's when we really had the bigger conversation about ‘how are we going to introduce the foundation to the future trustees?’ Is this something they will want to spend their time on? How can we start crossing the boundary between the third generation and how they view philanthropy, and how the first generation, historically, did it, and the second generation who have been pushing it forward to where it is today, and how this (third and fourth) generation can move it forward—**how can we ‘follow the traditions that have been, and bring their new perspectives to this?’**”

Dow's daughter and fourth generation trustee Alicia Jaworski shares: “We've been looking at how our educational grants—to HBCUs (Historically Black Colleges and Universities) and supporting first generation college students—can get into social justice issues.”

Dow continues, “That's the beauty of having change in generations and leadership. We get new ideas and rely on the next generation to tell us what's important.”

“Knowing where you come from is very important as you go on your journey to discover who you are.”

–Next-gen Family Foundation Trustee

LEVER 3: PLACE

For many philanthropic families, connection to a place centers their notions of legacy—“place-based giving,” as it is frequently termed. In many cases, families feel deep investment in and even responsibility to maintain giving and a consistent presence in a specific geographic location, often the place where the wealth was generated. This can provide a meaningful focal point and powerful central lever for a family’s philanthropic legacy.

For younger family members, place can be powerful in helping to keep emerging leaders connected to where they—or their family—came from, and not losing sight of connection to that community.

The Kemmons Wilson Family Foundation, whose business was built in Memphis where they are still deeply rooted, has proudly supported a number of brick-and-mortar projects, from a school at the university to a specialized medical facility to a community grief support center. These concrete investments in the community they call home—in buildings and organizations that reflect their values, passions, and stories—provide a powerful sense of legacy for this giving family.

NCFP’s 2019 study, [*Pride of Place*](#), provides a rich exploration of this lever; an excerpt is included below.

Founders and others describing the founding spoke candidly about the profound emotional connections to place that their families have. Gratitude, love, and giving back to a city or region that had given so much to the family were the most frequent motivations cited. Others spoke of a “love for the land” and a deep sense of belonging... For others, the commitment to place is equally sincere but more practically grounded. This is true in three very different types of motivation:

- 1. Giving back where the funds were created:** *“This is where the dollars were made; it is right to keep the dollars here.” While perhaps not a motivation that donors operating in a more global economy might understand, this motivation was vital to several of the donors in this sample.*
- 2. Example for next generation:** *For several founders, the focus on place is grounded in their hopes for their children. Some founders/parents want to be able to model their charitable activity for their children, even involving them in hometown volunteering and giving. A few indicated they did not intend to leave considerable wealth to their children and giving locally helped the children understand and even actually see how the money was being spent.*

3. Guiding strategy: Finally, and most overwhelmingly, funders spoke of a place basis as supporting their goals for strategic philanthropy. Having deep knowledge and connections in a community, the ability to get to know needs, circumstances and possibilities, and the opportunity to develop partnerships over a period of time all enhanced their ability to be thoughtful, purposeful, and effective donors.

RECKONING WITH HISTORY

For some families, legacy is all about continuing to model the values or behaviors that were part of the wealth creation—whether about supporting entrepreneurship and bold risk-taking, identifying a problem and solving it, or investing in people or collaboration. Sometimes the notion of legacy is directly aligned with the individual or company that created the wealth. Interestingly, however, sometimes the very opposite is true.

Sometimes a giving family’s philanthropy and legacy can be a place where families’ ambivalence about the source of their wealth creation can become a positive. For instance, there are a number of family enterprises giving in the environmental space that made their wealth in the energy sector.

For John Sant, a third generation trustee of his family’s Summit Foundation, there is a tension between how the foundation’s wealth was generated and the good that it does.

“I have a conflicted relationship with how our money was made. I know it was a different time, but the history of our wealth is much more complicated than the history of the foundation. The foundation feels much less complicated and more positive, playing an important symbolic role in the world, demonstrating that good can come from wealth. The way our giving has always been framed, it provides an enclosed space where we can be our best selves.”

Other foundations have engaged in strategies including divestment and impact investing to make particularly mission-aligned use of their assets as an intentional choice around their legacy.

One such family foundation is the John Merck Foundation. As they put it, “We are demonstrating that it is possible to shift investments to more socially responsible companies without sacrificing return. Our goal is to invest 100 percent of our assets in ways that at the very least do not contradict our grantmaking, and wherever possible advance progress on our issues of concern.”



LEVER 4: FAMILY

Bringing family together and sustaining family connections, relationships, and the opportunity to do good together in the world is sometimes the explicit motivation, purpose, and intended legacy of a philanthropic family enterprise, or a central part of it. This is a legitimate lever at the heart of many giving families' understanding of legacy.

For the Dobbs Fund, which provides training opportunities for younger family members of the R. Howard Dobbs, Jr., Foundation, the opportunity to bring together relatives from across a large family has proven meaningful unto itself—and the annual connected grantmaking cycle creates regular learning opportunities for the family.

Roger Sant, founder of the Summit Foundation and now in his 80s, raises up the importance of **fun** as a value for him in his thinking about giving and legacy:

“I think it’s clear that the strongest thing I came away from with my upbringing is a set of values that I care a lot about. They are integrity, fairness, respect, dignity. The one thing I would say—I had to add “fun” to that. The previous generation wasn’t having a lot of fun. They took everything so seriously that they didn’t realize that life was about having fun.”

Brooke Freeland, who gives together with her parents and sisters, shares a similar intention:

“Something we aspire to do more is to celebrate! How do we take stock of the significance of what we’re able to do and what that means as a whole, larger family— to share what we are proud of in our giving.”

Ashley Blanchard, a family foundation trustee, ruminates on the balance she sees as essential for a healthy family giving endeavor:

“We think a lot about what’s the benefit of having us [family] involved in this? What do we bring to this? Is our involvement worth it? How do we justify a public trust for the purposes of family unification? Can we justify it? I think we feel confident that the scales are balanced, that we are doing really important work in the world, but we think about what would happen if we got off balance.”



LEVER 5: ACTION

Increasingly, giving families—and especially younger donors—speak about the importance of how they do their philanthropy as a central lever in defining their legacy. This lever is the grounded manifestation of values and intent, and represents a notable evolution in how donors think and speak about their legacy. Some of the striking—and inspiring—themes around legacy as action that emerged in conversation with giving families are highlighted in this section.

Long-term Flexible Support

Long-term partnership and flexible dollars is a legacy lever that has gained increasing momentum in recent years. These seemingly simple moves—giving to the same organization for multiple years, and making unrestricted grants—are powerful investments in an organization, issue, or movement’s success.

Sapphira Goradia works with her parents’ foundation, based in Texas, with giving focused in the US and India. Here’s how she explains the value of being with grantees for the long haul and providing general operating support as part of her family’s intentional legacy:

“We provide multi-year general operating support grants, because we’re often working with organizations that are earlier stage or new to India who need time and space and a runway to test out their concepts and validate and grow their evidence base. Often, they need all of that in order to access larger grants. We have really tried to be a partner as much as possible and honor that they are the ones with expertise—once we build trust on both sides we have a level of comfort to trust them to do what they need to do with those funds.”

While the shift to more unrestricted general operating support giving is still a conversation for many family foundation boards, this is less the case for DAFs. For instance, 94% of gifts that go out from Fidelity Charitable(R) are essentially unrestricted grants, directed to “where it’s needed most.”

Using Privilege to Share Power

For many families, central to the legacy they wish to put forward into the world is using their privilege to create power for others—a commitment to social justice and equity. For these families, this looks like shifting the focus from their own family philanthropy out into the communities they’re most invested in as change-makers. Caitlin Heising, a donor-advised fund doner and vice chair of the Heising-Simons Foundation, explains:

“It’s about how we can use this wealth that none of us created and none of us have the right to have in order to support communities that have been underserved and left out of decision-making tables for generations. Our goal should be to support them in building leadership and making the world a more just and fair place.... I don’t like to think about it as centering us; it’s about the partners doing the work and the people impacted by that work.”

Her mom, Liz Simons, continues:

“What I would want to be left when I’m gone from this world is to have these groups be well-resourced, to have the power they need to stay and be sure the changes they’re fighting for actually happen, where we get to the point where we don’t need foundations.”

This lever has emerged as a powerful theme in both newer and multi-generational giving families. Jaimie Mayer, chair of the Nathan Cummings Foundation Board, wrote in a recent NCFP blog post, [“Not Throwing Away This Shot,”](#) that she and the rest of the board and staff are working to parlay their privilege into action, particularly around issues of racial justice—a legacy she is sure her grandmother would be proud of.

She writes about her grandmother Buddy’s modeling of this approach to family philanthropy:

“Buddy is the reason I’m so committed to using my own privilege to empower others, and creating space for anyone to call me out when I’m falling short.”

Authentic Relationships & Trust

Many contemporary philanthropists—voices of emerging leaders in particular—center the importance of creating more open, honest, and trusting relationships with grantees and partners as a central lever in the legacy they aim to create.

Gabriela Citrone, who works with her family’s philanthropic efforts in Pittsburgh, remembers when she woke up to the reality of power dynamics in giving and doubled down on being in authentic relationship with her grantees as part of her intentional legacy.

“Maverick Next is a philanthropy accelerator for women leaders who are passionate about changing themselves and the world through the power of women and girls. I took so much away from my engagement with Maverick Next that I can apply to my work with my foundation; it was there that for the first time the idea of power and power dynamics was really brought to my attention.

I was sitting in my Maverick circle recapping the day with the girls, and someone said to me, ‘in our nonprofit relationships, the donors always hold the power.’

That didn’t sit well with me—we work very closely with the groups we fund; we’re constantly on the phone with them. I raised my hand and said ‘I have good relationship with my grantees’ and she said, ‘Have they ever told you no?’ Since then I’ve really tuned in and learned more about power dynamics.

I’ve been wanting to understand those power dynamics more, because of course you need the donor, you need the implementer, and you need those you’re serving to make that impact sustainable.

The organizations we give large gifts to, we have open relationships with. It’s one where I can get on the phone and say ‘I have an idea but tell me if it sucks’ and really mean that. I know we have the dollars, but we share the goals, you’ve been doing the work in the field.

I’m hoping we are at the place where we can have honest conversations and we’re allowed to say yes (and no) to each other.”

Kerry Serini McHugh is a program officer at her family’s foundation, the Helen J. Serini Foundation. She spells out how this approach connects to her ideas of family legacy:

“Our approach all goes back to our values—we do mostly general operating support because we value trust and partnership; we try to reflect that in our grantmaking process, though we don’t always get it right. We revisit those conversations pretty often.

Modeling this approach of trust and partnership is the legacy that I hope we leave behind.

As a small funder, there’s a flexibility and nimbleness, and we can take feedback and be transparent, and model that for others. Rather than sitting up in our ivory tower, we’re willing to get our hands dirty and truly be a partner in doing the work.

The money is only part of the solution. This generation can help shift the model from a top-down approach of ‘I’m going to put money towards this problem’ to a trust-based approach of ‘I’m going to show up as a partner and dollars are one part of what I bring.’ To show up in that way requires funders to be vulnerable, to admit they don’t know everything, and to be transparent. We can talk about those things all we want but if we don’t actually shift our practices accordingly, then it’s for naught. I would be proud to help move the sector to how we give differently.”

LEGACY THROUGH INVESTING IN GRASSROOTS COMMUNITY LEADERSHIP

The very specific concept of investing in grassroots leaders emerged multiple times in the research. Three family givers explain why they see centering their philanthropic investments in community organizers and grassroots leaders as a concrete way to share power in the long-term as a powerful and lasting part of their legacy.

“We have a commitment to community organizing—our acknowledgement that we don’t know what the right solutions are for marginalized people in this country. It is not appropriate for us to determine the policy solutions—rather, we must support others in doing so.

I can share one experience that crystalized our focus on organizing: a site visit to Tunica Teens in Action, a tiny organization in a tiny town in the Mississippi Delta. In 2001, right after September 11th, we went on a site visit to the Delta. We were in a van driving around, meeting with many small organizations—all volunteer or with just one staff person.

We learned so much about the systemic racism in the Delta, and the intersectionality of environmental justice, education, and multiple oppressions. I remember sitting down with Tunica Teens in Action talking about trying to end corporal punishment in their schools. That site visit was formative—we funded them for 14 years. And we learned so much, and we learned so much together.”

–Ashley Blanchard

“As we move forward, I’d like us to increasingly prioritize organizations that center the voices of those in the communities where they work. While we’ve tried to do this since the beginning, it’s important to do more work to fund local organizations that create long-term local employment opportunities and honor the knowledge people innately have about their own communities. In India there’s a whole host of local expertise that often gets missed—we have a duty to find and leverage those organizations and honor the reality that people know best what’s needed to solve the problems they see around them every day. This is easier said than done; but we are trying to make more of a concerted effort to do that.”

–Sapphira Goradia

“It’s considered riskier to fund smaller organizations, but we feel they’re doing critical work, and hopefully other funders will come on board if they see we are funding them.”

–Liz Simons & Caitlin Heising



Caitlin Heising and Liz Simons

“In our human rights program, we did an analysis of our portfolio, and one of our goals was to support grassroots organizations. Interestingly, we found that the majority of our dollars weren’t going to grassroots—they were going to established organizations. Now we’ve really prioritized those grassroots organizations—and it takes a conscious effort to do so. It’s inherently easier to know about the more established organizations with development staffs.”

–Caitlin Heising

“There’s a myth in philanthropy that you’re going to fix a problem and it’ll go away. What we need to do is shift power to communities closest to the problems, so they can keep going when well-resourced opponents try to stop their progress and stymie their accomplishments. We need to shift power to people on the ground who’ll be there long term.”

–Liz Simons

HARNESSING INNOVATIVE TOOLS

Donors also are increasingly using a range of innovative levers—tools and approaches to giving, investing and change-making—as part of how they are crafting a new concept of legacy. These tools include:

- Time-bound (or “limited life”) giving is increasingly common for donors who want to give more now rather than planning for perpetuity or the long haul, and the conversation around the timeframe for your giving is a powerful one for many families, regardless of the conclusion. To learn more, see [NCFP’s Knowledge Center](#), or read about the experiences of two limited life family giving endeavors — [The Chorus Foundation](#) and [The Quixote Foundation](#).
- Impact or Mission-Aligned Investing is another huge trend, and to a great extent being led by emerging next generation leaders. It’s really coming to life and fulfilling the idea of purposeful capital, of using all of your gifts and all of your portfolio in a purposeful way. For more information on impact investing, check out [Confluence Philanthropy](#) and [Mission Investors Exchange](#).
- Use of a c4, that is, a nonprofit organization permitted to engage in a wider range of political activity than 501(c)(3) organizations. Multiple donors interviewed for this guide have launched c4 entities to engage in different sorts of change-making alongside their traditional grantmaking. For more information, see the Alliance for Justice and their [Bolder Advocacy](#) initiative.

III. LEGACY & LEGAL CONSIDERATIONS:

Q&A WITH ANDRAS KOSARAS –
COUNSEL, ARNOLD & PORTER



Donor legacy is about stewardship, not control. You want future generations to be good stewards of the legacy and wealth you built and put to charitable use. That requires trusting and empowering future generations to make good choices, rather than controlling their choices.

1. When considering the concept of legacy from a legal framework, what should donors/philanthropists bear in mind?

Be clear about what is important to you, what is not, and why.

Nonbinding letters of wishes (or even just an explanation) are a great way for a donor to pass on to future generations what they hold important, but without making it legally binding and potentially creating difficulties for future generations

in implementing certain needed changes. I find that future generations give great deference to letters of wishes when possible and try to honor donor intent.

If there are certain things that you want to lock down (potentially forever), then be clear about that and do all the things within your legal power to accomplish that. For example, a foundation could include a sunset provision if something is changed that you want to lock down. Including a sunset provision clearly signals it is a nonnegotiable for the donor. Similarly, you can do this for restricted/endowed gifts (e.g., to a university).

Interestingly, but not surprisingly, the most striking example where I have seen a trend in pushback from grantees (mostly schools) is in naming rights of physical buildings that extend in perpetuity. Grantees are finally making donors face the fact that buildings don't last forever and that when the grantee has to build a replacement building, it will need to find new donors to fund it and those new donors will also want naming rights. So there is more negotiation about what kind of naming rights the "original" donor can retain in future/replacement buildings.

2. What advice do you have on doing bequests and other planned giving well?

Be sure to discuss bequests as you're considering them with the intended recipient organization.

Bequests that include restrictions that a donor does not discuss with the grantee are bound to create confusion and difficulties for the grantee—as well as for the executor of the estate. Ultimately, it may require that the executor of the estate make changes to the bequest, whether or not through court approval, as may depend on the specific process. No grantee wants to reject a gift, but no grantee wants to accept a gift either that it cannot reasonably implement or does not know how to implement.

A necessary part of doing gifts well is to make informed decisions and calibrate the gift to the purposes you are trying to achieve. An unexpected unrestricted gift might be an amazing catalyst to a grantee to propel itself to growth and success or it might create chaos if the organization gets bogged down in trying to figure out what to do with the unexpected windfall.

3. How does flexibility in your foundation, trust, or DAF set things up well for future generations?

I think "dead hand control" is a fool's errand and ultimately bound to fail. The absolutely worst scenarios are the ones that involve an overbearing and controlling founder that never trusted the children and never allowed any input or shared

governance by the children during their lifetime and who then tries to impose “dead hand control” over the future generations governing the foundation.

By its legal nature, the donor has the least control over a DAF. Usually, the DAF remains within the family’s control by the ability to appoint successor advisors to the DAF. I think the best thing for a DAF is for the donor to create a process in how the DAF is governed and how the family generally uses it. That process and use can then be passed down to future generations as part of the donor’s legacy—again, not locked in, but it would be more engrained in the family. For example, some families use DAFs for discretionary grantmaking. Some use it to involve future generations in grantmaking before moving them to the foundation’s board/governance.

4. Other advice?

A donor should think holistically and think through all the legal vehicles for giving.

None of these vehicles are mutually exclusive and you can use multiple ones. In addition to private foundations, DAFs, and direct giving (including organizing philanthropic and other impact driven work through LLCs), you could also set up a restricted/designated fund at a community foundation that is designated to a single grantee, but the community foundation is now in an oversight role. Articulate your objectives and prioritize the issues that matter to you most (time horizon, flexibility, control, tax, privacy/anonymity, name recognition, etc.) and then use your trusted advisors to find the right tools to implement them.

I would say my professional bias is to counsel donors to recognize that they should have reasonable expectations about how much control they can exert on future generations and to have reasonable expectations on how far in the future they can expect such control to remain.

If donors are passionate about something, you should work on those issues during your lifetime, rather than trying to find complex ways to dictate how someone else must continue implementing your passion—someone who might not share that passion. Ultimately, things change, whether it takes 10 years or 50 years and future generations will have to figure out how to respond to those changes.

IV. CONCLUSION:

THE URGENCY OF NOW



Recent years have brought dramatic changes to our communities and the world—a global pandemic, new evidence of climate change, a clearer awareness and uprisings against racial injustice, and more. Our nation is being pushed to ask new questions, challenge old assumptions, explore new ideas. Indeed, it sometimes seems as though the whole United States is struggling with the concept of legacy, especially as it pertains to wealth, power, race, and privilege. To some extent, many of us are currently engaged in both a long overdue, national, courageous conversation, as well as parallel—and equally important—conversations within our own families.

Where to go from here?

With this context in mind and a modern framework for reflecting and acting on your legacy in hand, which levers will you pull? Which questions will you ask? Which conversations will you enter into in the coming months and years?

For stories from giving families about how they wrestle with the concept of legacy, along with discussion starters and practical tips, please see the [companion workbook](#) to this publication.

Giving as a family is a journey, with twists and turns and inflection points and peaks and valleys. Exploring the topic of legacy—and what it means for you and your family—is not a one-time conversation. Rather, it is iterative, ongoing, and ever-evolving. It is a dynamic force that can help you stay connected to past, present, and future.

“At least for us, it’s a continuous ongoing conversation that ebbs and flows. I like structure so that’s hard for me, but I try to understand—I wish these were buttoned up conversations, but that isn’t how life or families work.”

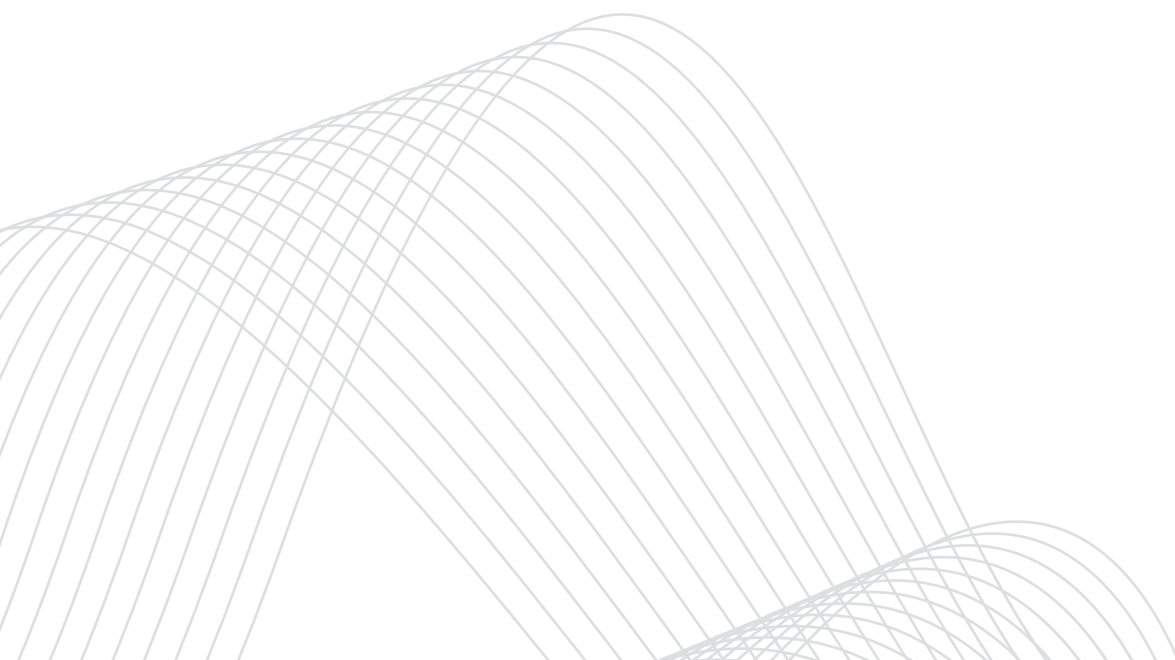
–Sapphira Goradia

And in this moment, the opportunity presents itself to boldly revisit these questions, and dive into our giving with fervor and dedication. It is a moment of opportunity and a chance for each of us, donors small and large alike, to do more, better, and bolder.

Your legacy is your own to create. Go forth with intention, with care, with partnership and with love.

Make big plans; aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing insistency. Remember that our [grandchildren] are going to do things that would stagger us.

Attributed to Daniel H. Burnham, American architect and urban planner



CREDITS

About the National Center for Family Philanthropy

Established in 1997, the National Center for Family Philanthropy (NCFP) is a catalyst for the greater good; it provides donors and their families with comprehensive resources, expertise, compassionate support, and community. We are rooted in the belief that family participation enriches philanthropy and that philanthropy strengthens families. We empower donors and their families to define and pursue their purpose, establish thoughtful policies and practices, and build community to make a positive impact through their giving. NCFP is a national network of donors and their families, community foundations, and philanthropy-serving organizations. For additional information about joining NCFP's network of funders and partners, please email ncfp@ncfp.org or visit ncfp.org/join.

About Fidelity Charitable

Fidelity Charitable is an independent public charity that has helped donors support more than 328,000 nonprofit organizations with more than \$51 billion in grants. Established in 1991, Fidelity Charitable launched the first national donor-advised fund program. The mission of the organization is to grow the American tradition of philanthropy by providing programs that make charitable giving accessible, simple, and effective.

About the Author

Janice Simsohn Shaw is an adept, high-energy facilitator with nearly 25 years of experience helping philanthropic and social change leaders to be better partners, listeners, and givers. She is a passionate and vocal advocate for the power of communal learning and action, proudly serving a diverse range of inspiring groups in helping move their work forward in meaningful ways.

About the Research Partner

Shira Saperstein is consultant with expertise in social justice philanthropy. Shira works with private and family foundations and nonprofits, focusing on program strategy and capacity building; meeting design and facilitation; leadership, board and organizational development and transitions; and strategic planning and organizational positioning.

Special Thanks

We express our deep gratitude to the donors and experts who agreed to contribute their perspectives and stories to this paper. NCFP also offers special thanks to Fidelity Charitable for funding this publication and being invaluable thought partners.

© 2021 National Center for Family Philanthropy and Fidelity Charitable. All rights reserved. This essay may be reproduced or excerpted with source credit to the National Center for Family Philanthropy and Fidelity Charitable. The information in this paper should not be taken as qualified legal advice. Please consult your legal advisor for questions about specific legal issues discussed in this essay. The information presented is subject to change, and is not a substitute for expert legal, tax, or other professional advice. This information may not be relied upon for the purposes of avoiding penalties that may be imposed under the Internal Revenue Service.