

Enforcing Charitable Agreements: Who Has the Right?

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Major donors often make charitable gifts subject to explicit conditions or terms. Traditionally, the job of making sure those terms were honored belonged exclusively to the Attorney General's office in the various states. However, in an increasing number of cases, major donors are looking to insert more specific enforcement mechanisms directly into their charitable agreements. Recent changes in the law, including both statutory and case law, have made room for some of those changes, but the contours of those changes are not terribly clear. This breakout session will address this topic in three points:

- (1) It will describe the current state of the law, including a review of relevant case law;
- (2) It will discuss possible policy issues that charities might want to address within those legal contours; and
- (3) It will include a broader discussion with participants about ways to address donors' underlying concerns around long-term implementation of their charitable agreements.