The 15th Annual National CAGP – ACPDP Conference
April 25th, 2008

The Elderly Donor

Albert J. McClean, Q.C.
Helen H. Low
M. Elena Hoffstein
The donor
The donor

Charities’ responsibilities

Re Diplock, [1948] Ch. 465
Identifying the risks

Misdescription

Identifying the risks

Mistake

Ogden v. Trustees of the RHS 2003 Settlement, 2008 EWHC 118 (Ch.)
Identifying the risks

- **Misrepresentation**

  *Richert v. Steward’s Charitable Foundation*,
  2005 BCSC 211, aff’d
  2006 BCCA 9
Identifying the risks

- Undue influence
  - Gifts by will
  - Gifts during the donor’s lifetime

Identifying the risks

- Incapacity
Managing the risks

Fundraising generally
Managing the risks

- Managing donors’ expectations
Managing the risks

- Legal status of the donor
Managing the risks

Legal status of the charity
Managing the risks

- Independent legal advice
Questions?