

Online Will-Writing Programs
Do They Have A Place in Your Planned Giving
Marketing Program?

●●● About Me



- Legacy Giving Director at Mal Warwick Donordigital since January 2018.
- JD, Case Western Reserve School of Law, former securities litigator.
- MWD is a full-service, integrated fundraising and advocacy agency serving leading charitable organizations from offices in Washington, DC and the San Francisco Bay Area. We focus on organizations that foster social and economic justice.
- 20 years of experience in fundraising for advocacy and social justice organizations, including the ACLU, International Planned Parenthood Federation, and International Rescue Committee, with a primary focus on planned giving and major gifts.
- Clients include Special Olympics, Ocean Conservancy, City of Hope, International Planned Parenthood Federation, Anti-Defamation League, PETA, and others.
- Lives in Hudson Valley, New York; mom to 11-year-old science nerd and a lot of rescued animals.
- Hobbies: obsessing about planned giving, gardening, knitting, CrossFit, and reading dreary Scandinavian murder mysteries.

●●● Disclaimers

- There are a number of companies and vendors that are partnering with charities now. Nothing I say relates to any particular company, not everything will be applicable to every vendor, and we won't be discussing any of them by name.
- My perspective is as a consultant who helps charities put together the pieces of their planned giving marketing programs into an effective and cohesive whole and as a former director of planned giving programs.
- All opinions are my own!
- None of my clients are currently partnering with any vendor but many charities have approached me for my thoughts. This webinar reflects the conversations I'm having with clients and others and is offered to expand the conversation, not to recommend a specific course of action or partner.



●●● What's the Appeal? Convenience.

- For individuals:
 - Easy
 - Private
 - Inexpensive
 - People like self-service and convenience. In a world of information abundance, people like to gather their own information.
- For charities
 - Expanded pipeline (majority of Americans don't have a will)
 - Clear opportunity to ask for gift
 - Can seem like a simple solution for expanding legacy society, especially when the charity lacks a comprehensive marketing plan
 - Can aid disclosure of gift intentions, given that most donors historically don't disclose.

●●● Raising Legacy Gifts Takes Work

- There is no quick fix, for donors or for your organization
- Effectively supporting donors in their planning journeys and raising legacy gifts takes time, good strategy, a long view, resources, etc.
- “There are no silver bullets. There are always options and the options have consequences.” — Ben Horowitz





●●● Use at Your Own Risk



- Some respected members of our planned giving community feel strongly that charities should not partner with these companies.
 - Significant liability concerns
 - Charitable beneficiaries paying for the donors' wills
 - Data privacy issues
 - Undue influence/unauthorized practice
 - Maryland ethics case (more at mcf.pgdc.com/pgdc/attorney-cannot-participate-churchs-legacy-committee-and-provide-pro-bono-estate-planning-services-donors)
 - Will contests
 - Stepping on other professionals' toes
- Don't even think about partnering on a program like this without excellent counsel.
 - In-house counsel and finance team
 - Outside counsel with specialized experience
 - If you don't have/can't afford good counsel, then you can't afford these programs
 - If you can't afford a possible will contest, then you can't afford to do this



tomorrow

(noun)

a mystical land where 99% of all
human productivity, motivation and
achievement is stored

Credit: Professional Growth Lab

●●● Why Won't People Plan??!!!!!!

- It's not enough to just tell people all the good reasons they need to plan. And it's especially not useful to highlight the negative impacts of not planning.
- Facts don't change behavior.
- Roadblocks:
 - **Procrastination** - It's about avoiding pain (which includes shame, fear, vulnerability). Estate planning makes us feel vulnerable because we have to talk with someone about money, and the end of our life, and perhaps challenging family dynamics. Talking and even thinking about death and/or incapacity makes us fearful.
 - **Omission bias** - The tendency to prefer inaction to action.
 - **Inertia** – Doing nothing is often the easiest choice.
 - **Myopia** – A focus on the near term prevents an individual from visualizing future needs.
Present bias: Tendency to underestimate the importance of future consequences when making decisions.
 - **Choice overload:** decision fatigue

●●● Nudging Donors to Act

- If they don't plan, you can't get in their plans.
- Even more challenging when we're looking at carefully considered giving decisions vs impulse giving decisions. We need to find ways to increase deliberative giving.
- Goal is to remove the behavioral barriers blocking people from following through on their planning and giving intentions.
- Assumption is that an act with long-term benefits (planning) can be encouraged by making it easy and making it feel good.
- Once a donor has taken that initial step, more likely to continue that forward-looking planning momentum.
- In my opinion, these will-writing programs are “first step” initiatives.

●●● Is a DIY Will Better than No Plan at All?

- Not necessarily!
 - Lawyers can make mistakes too, but they do have training and personal engagement with clients.
 - A mucked-up DIY will can still subject donors' estates to intestacy laws.
 - Higher likelihood that it won't be executed properly or at all.
- Increasingly, assets are POD/TOD – including real estate
- Can miss critical information/be unsuitable for complex situations:
 - Guidance on choosing executor
 - Guidance on choosing guardians
 - Guidance on providing for pets
 - Determining how to allocate assets/beneficiary designations
 - Family issues/tough conversations/leaving family out
 - Family members with special needs
 - Mental health/capacity issues
 - HNW people
 - Blended families

●●● My Experience

- Completed about 10 wills online.
- Number executed? 0
- This week, explored several online programs. My situation: Married, spouse owns small business, all assets titled jointly, 1 minor child, pets, assets include mortgaged house, retirement plans, term life insurance, and misc. personal property (car, computers, etc.)
 - Didn't ask about special needs
 - Didn't ask how assets were titled
 - Couldn't make a contingent bequest or a residuary bequest; others wouldn't allow specific bequest
 - No discussion of business succession/issues
 - Didn't let me know that TOD/POD assets might be better for charitable gifts.
 - Didn't even ask about TOD/POD assets
 - Didn't ask about previous spouses, stepchildren, blended family
- A cautionary donor story

Where to Put Your Marketing Resources

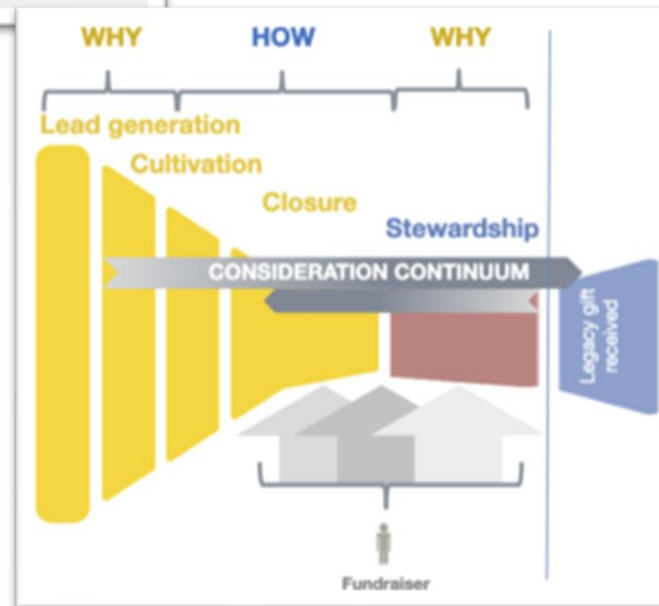
●●● Don't Put All of Your Eggs in One Basket

- Campaigns don't exist in a vacuum.
- Will-writing tools are meant to 1) get people to act and 2) get people into your pipeline early-ish. They cannot constitute your entire program!
- What marketing touches do you have in place to identify donors as their needs change, offer useful resources that match changing life planning needs, provide opportunities to reconfirm intentions and/or notify you of changes?
- Lot of assumptions when you use as primary marketing technique:
 - That you'll get another whack at assisting them with their plans/updating their plans
 - That getting people into your marketing pipeline earlier is a good use of resources
 - That these will-writing tools are the best way to get people into your pipeline or that this particular mechanism is the best for the donor.

●●● Gifts Are Not Final Until They Are

- What is the “consideration continuum”? This is a phrase coined by outstanding planned giving consultant and fundraising maven Phyllis Freedman. In a nutshell, it means that your donors will continue to consider whether to leave your organization a gift in their will or other plan over and over again.
- Reminder: Attrition rate for bequests is about 45% for donors over age 50.
- Donors revise their plans during their lifetimes: There is no “one and done.” Where they are on the continuum constantly changes, and your marketing needs to address this. Greg Warner, CEO of MarketSmart, writes that “[S]upporters’ needs and interests are fluid. Major life events effect their interests, perceptions, and decisions. If you aren’t engaging them, listening to understand their needs, and providing them with highly relevant and personalized value, another charity will.”

●●● The Consideration Continuum





Our goal for effective legacy gift marketing is to create marketing touchpoints across this continuum, offering value, resources and stewardship throughout the donors' lives as their plans and planning needs change.

●●● Measuring Attrition

Revocable Pipeline			Year 1	Year 1
Last Updated 7.31.2019	FY2018	FY2018	FY 2019	FY 2019
	Proj	Actual	Proj	YTD (as of)
Based on households				
Legacy Society				
Number of continuing Legacy Society members	1061	1075	1182	
New from Marketing this FY	86	80	84	
New Legacy Society Members Other Sources (gift officer, etc.	46	50	53	
New Legacy Society from Intends Conversion	11	25	42	
New Legacy Society from Considering Conversion	12	21	29	
Total New Legacy Society this year	154	176	208	
Annual Legacy Society Attrition (died, removed)	53	69	71	
Net New Legacy Society	101	107	137	
Total Net Legacy Society	1182	1182	1319	
Intends				
Donors saying they intend to leave a gift at start of year	626	628	813	
New Intends	100	239	245	
Total # of Intends	726	867	1058	
Attrition (Suppression + No gift intended)	87	29	127	
Conversion to Legacy Society over time	11	25	42	
Net Intends	628	813	889	
Considering				
Donors considering a gift at start of year	4055	4198	5500	
New Considerings	622	1587	1682	
Total # of Considerings	4677	5642	7182	
Attrition (Suppression + No gift intended)	468	121	718	
Conversion to Legacy Society over time	12	21	29	
Net Considering	4198	5500	6435	
Unknown Donors				
Pipeline of unknown donors				
# Annual Unknown Donor Gifts (estimated)	101	107	137	
Totals				
Total Pipeline in \$ Known Donors	\$6,284,577	\$6,630,540	\$8,464,909	\$0
Total Pipeline in \$ Unknown Donors	\$13,171,234	\$13,896,304	\$17,740,778	\$0
Total Annual Pipeline Created	\$19,455,811	\$20,526,844	\$26,205,687	\$0
				\$294,301,532
Cum Total Pipeline	\$247,569,001	\$268,095,846	\$294,301,532	2

●●● Do You Have Sufficient Resources?

- Even the most well-resourced planned giving programs I work with do not have the ability to reach every donor at every age sufficiently. And most programs are not even close to being well-resourced. For them, it's a constant shell game, trying to make do with very little. So understanding where to focus your dollars (while also advocating for more!) is critical.
- Sharpe: “[A] mailing or e-communication that generates a few quality responses from constituents age 70 and above should be considered more successful than a communication that results in a large number of responses from people in their 40s and 50s. A high response rate from this demographic will require you to spend a lot of time following up on inquiries and could possibly result in decades of stewardship...” Are you sure that you have the resources to do this?
- Don't put all of your resources into something that should be narrowly targeted or that will generate leads that you don't have the resources to manage. Are you paying for a lot of people to NOT put you in their plans??

●●● Audiences for Will-Writing Platforms

- Maybe:

- Younger donors/first time planners
- Less capacity
- No children
- Donors who indicate an interest in a gift to your organization but can't seem to follow through.

- Probably Not:

- Mass audience
- Donors with children
- Donors with complex assets
- Business owners
- Donors with family members with special needs
- High net worth donors
- Older donors (75+)
- Donors whose primary assets are in TOD/POD accounts

Do you even know this information? If you've put some resources into extensive surveys (done well), you will have a group of donors for whom you have information about family, business ownership, assets, etc. You can also invest in some wealth screening. Consider a follow up survey/questionnaire for donors with past interest that asks them about their planning roadblocks and timeline.

●●● I Got a Bunch of Gift Disclosures! What Now?

- Do you have a plan to reach out and confirm these gift intentions?
- Ways to learn if the will was in fact executed?
- Are you going to be buried in following up with lots of people with smaller, more attenuated gifts? Will you even know the size of the gifts?
- Do you have the information you need to engage with these donors? (i.e., their story, not just their intention)? Will this take away from your focus on highly qualified, high capacity prospects?
- Do you have a long-term stewardship plan?
- How many donors stayed anonymous?

●●● Can You Handle the Stewardship?

- Remember, estate plans are not stable. It's the last plan that matters. Dr. Russell James reminds us: "Unlike other charitable gifts, charitable bequests can occur at only one point in time – at the death of the donor. Correspondingly, although a person may sign several wills during his or her life, only one will document – the final one – can actually transfer assets to charity." (True of beneficiary designations as well)
- How many of your current legacy society members have you had personal contact with?
- Do you have a plan to reach out and confirm these gift intentions, including whether they were executed?
- How many gift intentions have your reconfirmed over time?
- Do you know your legacy society attrition rate?
- Do you have touches that help donors share their roadblocks and problems that need to be addressed?
- Are you prepared to steward donors for decades?
- Do you have a plan to reach out and confirm these gift intentions?
- Are you going to be buried in following up with lots of people with smaller, more attenuated gifts? Will you even know the size of the gifts?
- Do you have the information you need to engage with these donors? (i.e., their story, not just their intention)? Will this take away from your focus on highly qualified, high capacity prospects?
- Do you have staffing, data hygiene, marketing dollars for this?

●●● Online Will Programs Aren't For Me: What Can I Do?

- Embrace technology – make it easy for donors to engage, monitor digital body language and engagement.
- Use surveys (the right way) to encourage intention disclosure, generate qualified leads, uncover higher capacity donors, target follow up strategically, and collect information that makes it more likely donors will engage.
- Uncover existing bequest/beneficiary designation intentions (matching gift? Other strategies?)
- Create useful offers/campaigns that speak to donor needs, roadblocks, and life stage.
- Provide on-ramps for donors to share information with you.
- Prioritize donor outreach correctly.
- Point donors to helpful/convenient resources
- Appeal to positive benefits of planning; use the right language!



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The information we gather from supporters who care deeply about our work to create inclusion of all people.



Would you like to visit specialolympics.org?

We respect your privacy and confidentiality. It will not be shared with anyone.

1. Do you believe that Special Olympics' work to provide year-round sports training and athletic competition for children and adults with intellectual disabilities?

☐ Yes ☐ No

2. In what ways have you engaged with Special Olympics? Please select all that apply.

- ☐ A family member or loved one has participated in a Special Olympics event
- ☐ I have volunteered with Special Olympics
- ☐ I am a Special Olympics coach or official
- ☐ I participate in the Law Enforcement Torch Run® or other events
- ☐ I follow on Social Media and/or read the website
- ☐ I donate through the mail/online
- ☐ I give through a donor advised fund or family foundation
- ☐ I subscribe to Special Olympics newsletters and publications
- ☐ Other - Please specify: _____

How frequently do you engage with Special Olympics?

- ☐ Weekly
- ☐ Yearly
- ☐ Other - Please specify: _____
- ☐ Monthly
- ☐ Rarely or never

50 Special Olympics
Sponsored - 3

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Dear Sabrina,

Our memories are a gift, an opportunity to share our hopes, values and life lessons. Our complimentary book makes it easy. With *My Story: A Gift for My Loved Ones*, you can create a keepsake for loved ones that expresses your story of your life.

I hope completing this book reminds you of the richness of your life story. Thank you for allowing City of Hope to be a part of it.

Sincerely,



Amy Goldman
Vice President
Planned Giving
plannedgiving@coh.org
800-232-3314

P.S. Download your complimentary copy of *My Story* here.

Join the IPPF/WHR Legacy Challenge



You can activate an immediate donation in your name to make an even greater impact for human rights.

Goal: \$1 million in new legacy gifts by November 30th to provide vital health services throughout the Americas and Caribbean.

Ensure Human Rights Today and for Future Generations.

By letting us know now that you have included a gift in your will for IPPF/WHR, you will activate an immediate donation - 10% of your future gift's value, up to \$50,000 - in your name. Sharing your gift intention with us now will increase your impact - today and for future generations.

Legacy gifts planned with generosity and foresight decades ago are now playing a critical role in sustaining our current work in a challenging economic and political environment. Our work today would simply not be possible without gifts planned years ago: these meaningful gifts are now supporting programs that ensure access to quality care for the most vulnerable communities in our region.

ACTIVATE MY DONATION

How the IPPF/WHR Legacy Challenge Works



Include a gift in your will for IPPF/WHR



Let us know



Activate an immediate donation



Save and improve lives - today and in the future



A Gift in Your Will Can Transform Lives for Generations

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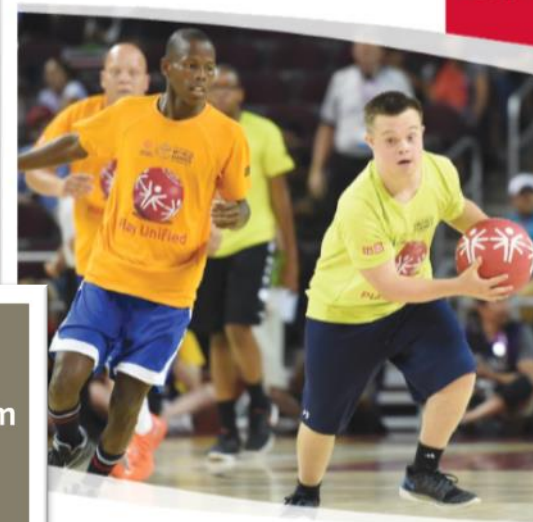
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Planning when Someone You Love Has Special Needs



Securing the Necessary Documents, People and Other Resources.



You Can Get Good Results With or Without a Will-Writing Offer

	Total responses	Qualified leads	Gift notification	interested	may consider	Publication request	CGA info	Known Beq. Potential	Unknown Beq. Potential	Conversion of Might Consider	Potential Pipeline
2017 Totals	1743	87	42	6	39	459	53	\$2,100,000	\$6,300,000	\$337,500	\$8,737,500
2019 Totals	2804	896	87	218	592	836	182	\$4,350,000	\$13,050,000	\$6,075,000	\$23,475,000

In 2018, we overhauled a new client's legacy marketing program. They did not have any additional budget – we took what they were doing, added in multichannel marketing and technology, and aligned the messaging and audiences correctly (including cutting mail volume and increasing email volume and social media). With one quarter still to go in 2019, the results are clear.

●●● Get in Touch

Tracy Malloy-Curtis, JD, Legacy Giving Director

She/Her/Hers

Mal Warwick Donordigital

direct: (202) 250-2052

mobile: (646) 287-6825

email: tcurtis@MWDagency.com

website: www.MWDagency.com