

Legacy Fundraising: The Best of Times or the Worst of Times?

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The death media currently inundate us with panic-inducing news. Ubiquitous reports about the spreading coronavirus (COVID-19) pandemic. Daily death tolls. Images of people in masks or complete hazmat suits. Talk of overwhelmed hospitals. News of quarantined regions and nations.

What should a legacy fundraiser do in the midst of a societal crisis? Stop communicating altogether? Make a last-minute push to get into a donor's Will before it's too late? Something in between? All of the above?

To get some guidance, it helps to start with a bit of social-science theory, a look at recent financial history, and early empirical data.

Social-Science Theory

We start with social-science theory because it's actually quite useful to first understand what we know about how people react to reminders of death.

An entire field of experimental psychology focuses on this very topic. Scientists call it *Terror Management Theory*. This field has produced many hundreds of experimental results. Therefore, we know quite a lot about what happens when you remind people that they are going to die.

There are many technical books and papers on the subject. Google Scholar lists 12,500 of them. Here's a quick summary. Death is a problem. People use two solutions: 1) ignore the problem, or 2) live on after death. Allow us to explain.

The Two Defenses to Death Reminders

People respond to death reminders with two stages of defense. The first stage (proximal) defense is *avoidance*. Avoidance comes from a desire to suppress the reminder. This suppression can be expressed in many ways. For example, it might involve physically moving away from the reminder (e.g., avoiding strolling past a hospital or cemetery when taking a walk). It might involve denigrating a mortality reminder's validity or personal applicability (e.g., it can't happen to me). It might be dismissing the subject with humor (e.g., the film *Death at a Funeral*).

The second stage (distal) defense is pursuit of *symbolic immortality* or *lasting social impact*. When avoidance doesn't work, then we must somehow deal with our own earthly impermanence. We deal with this by latching on to those things that will remain after we are gone. In other words, I may disappear, but some part of my identity – my family, my values, my in-group, my people, my story, my causes – will remain.

People don't treat personal death reminders in the same way they treat other pieces of objective information. In legacy fundraising, it has always been important to understand this. These two underlying defensive responses help to explain how people will respond.

Death Just Got Way More Offensive

In experiments, personal death reminders ramp up avoidance responses. The more death reminders, the more avoidance people will exhibit. Right now, COVID-19 news engulfs our audiences in personal death reminders. For many people, this will make any death-related communications aversive.

(Interestingly, people will gladly read the latest news headlines as a means of *pursuing* avoidance. People hunger for details on how to avoid the death risk. They will support strong action that promises the same. Others may even pursue avoidance by putting unwarranted faith in untested treatments or unproven protocols.)

In addition to people living in an environment that stimulates greater levels of death avoidance, current conditions cause individuals to feel less of an emotional sense of wellbeing.

Dr. Jen Shang, a philanthropic psychologist and co-founder of the Institute for Sustainable Philanthropy, among other social scientists, believes that *wellbeing* involves three essential characteristics:

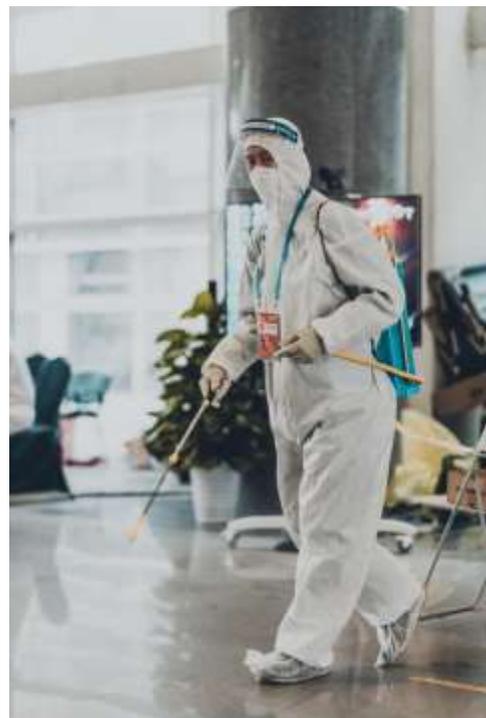
- autonomy – a sense of control
- connectedness – the quantity and quality of relationships
- competence – effectiveness

The more autonomous, connected, and competent people feel, the greater sense of personal wellbeing they will feel. Conversely, when people feel those qualities eroding, they will feel a decline in wellbeing.

In addition to the physical health risks associated with the novel coronavirus pandemic, people are experiencing psychological stress. Many individuals feel that current events are overwhelming them, knocking them out of their routines, and causing them to lose control of their professional and personal lives. With the uncertainty of the near-term, it's not surprising that people would feel they have lost a great deal of control over their lives.

As the pandemic leads government officials to suggest or order people to stay at home, practice social distancing, and limit even essential activities such as grocery shopping, people are losing their sense of connection to other people including neighbors, extended family members, friends, colleagues, and more.

During the coronavirus pandemic, people are grappling with their feeling of competency when facing new conditions. Many have set-up a home workspace for the



first time. Others are learning new technologies to communicate more effectively with others.

People want to have a sense of wellbeing. The more autonomy, connectedness, and competency they feel, the better they will feel. Generally, people will seek to engage in behaviors that enhance their sense of wellbeing. Furthermore, they will appreciate individuals and organizations that help them obtain greater wellbeing.

So, what does all of this mean for legacy fundraising (i.e., a key type of planned giving)? To begin, it means the following:

1. Legacy fundraising communications that “lead with death” need to be shelved.

Many fundraising professionals are accustomed to being direct. Being blunt. Making the ask. Making it early and often. That may be fine for some types of fundraising. While this type of approach was often less than ideal for legacy fundraising prior to the pandemic, this is even more true right now. This is not the time to lead with death. In normal times, this will create some pushback. In these times, expect it to create massive pushback.

Yes, you should absolutely communicate with your organization’s supporters. Moreover, those communications should be about delivering value to the donor. Through your outreach, you should strive to enhance each individual donor’s sense of wellbeing.

2. Now is the time to be “top of mind.”

Most people tend to put off estate planning in normal times. For example, in the U.S., most adults over 50 have no Will or Trust documents. From what we know about avoidance, such delay is no surprise. But, from a massive longitudinal study in the U.S., we also know when those plans are made and changed. The typical triggers for planning fall into one of two camps, family structure changes or “death becomes real.” Family structure changes include marriage, divorce, birth of first child, birth of a first grandchild, and widowhood. “Death becomes real” includes diagnosis of cancer, heart disease, stroke, moving to a nursing home, or actually approaching death (measured retrospectively).

Right now, many people are living the “death becomes real” experience. Consequently, there is a major upsurge in Will document completions – particularly online. Some sites are reporting greater than 100 percent week-over-week increases in completed documents.¹ The Remember a Charity website, which promotes legacy giving for the U.K. charity sector, has experienced twice as many people visiting its “Making A Will” page as would do so normally.²

As “death becomes real,” people are also increasingly expressing interest in life insurance.³ One online life insurance agency saw the most ever monthly applications and sales in March 2020 as the coronavirus pandemic gained traction. Another online life insurance agency saw an increase in applications of more than 50 percent since February.

We know from experimental research that the charitable component of an estate plan is, for many people, highly fluid. In one experiment with British solicitors (lawyers), simply asking the question, “Would you like to leave any money to charity?” more than doubled the share of people including charitable gifts in their Will documents. Even small alterations in the wording used to describe such gifts results in dramatic changes in both charitable intentions and actual document contents.

For a charity, being “top of mind” at the moment in which people are actually planning is absolutely critical. More people are planning right now than in any normal time. Clearly, this is the ideal time for your charity to be communicating about gifts in Wills and even beneficiary designations. However, the language of how you communicate is most critical.



When viewed through the social scientist’s lens of individual wellbeing, the enhanced interest in estate planning is not surprising. Drafting a Will or purchasing a life insurance policy is a way for someone to feel a sense of autonomy or control over the current situation. Through these actions, they can enhance the feeling of attachment from relationships with those they love as they make plans to take care of these people.

When successfully achieving their estate planning objectives, including supporting values and causes that have been important in their lives, individuals will feel an elevated sense of competency. In other words, a major reason we now see a spike in interest in Wills and life insurance is that it gives people an enhanced sense of wellbeing.

If communications from charities also enhance a donor’s sense of wellbeing, organizations may find that their donors will have greater interest in supporting them with a commitment in a Will or through a life insurance beneficiary designation. In other words, helping a donor feel better may ultimately benefit the charity.

The Best of Times, the Worst of Times

Is this the best time or the worst time to be communicating about legacy gifts? Actually, it is both.

People are planning like never before because they seek to take care of their families, usually the first priority of those doing estate planning even in the best of times. The challenge for charities is that we need to be at the top of their minds when people are ready to make their plans. It’s definitely the best time for legacy fundraising. Furthermore, by engaging people, fundraisers have an opportunity, like never before, to perform a real service by helping donors enhance their feeling of wellbeing.

On the other hand, talking about legacy planning can be offensive like never before. People are emotionally-poised to lash out strongly against such death reminders. Take one step in that direction and the risk-averse herd animal known as your executive director will be ready to end your career. It can very-well seem like the worst time for legacy fundraising, particularly when done the wrong way.

We're not talking about opposing camps. Instead, individual donors are experiencing *both of these* paradoxical orientations to one degree or another.

The Direct Route is Closed. Now What?

So, now what? The answer is simple. Just simultaneously pursue two apparently contradictory goals. Keep legacy giving “top of mind,” but don't lead with death. Yes, this is possible. This is not simply, “The first rule of fight club is: don't talk about fight club.” This is still about communicating. But communication doesn't have to be blunt. It can be intelligent. It can be oblique. It can be compassionate. It can be loving. And it can still be effective.

Bluntness, at this particular time, is out unless your relationship with a particular donor and the point in the cultivation process makes that approach appropriate. Even then, fundraisers should take great care to avoid appearing opportunistic or callous. More often than not, leading with the ask may need a temporary hiatus. This is not necessarily a bad thing because many will not be able to act quickly on a decision to write or redraft a Will given current stay-at-home guidelines or orders. (However, as one example, transfer-on-death designations for 1-accessible accounts such as IRAs may be a different matter.)an

So, how can we stay “top of mind” if we don't lead with an ask? How can we encourage gifts in Wills without leading with death?

If the direct route is, at least temporarily closed, it helps to look at alternatives. However, before we pull out the road map to find those indirect routes, let's define our destination. What is the core message we want to communicate to prospective legacy donors? For that, we need to go back... to scientific theory.

Theory, the Sequel

You may recall that theory suggests *death reminders* can lead to two responses. So far, we've only talked about the first one – *avoidance*. The problem with avoidance is that it doesn't always work. It's leaky. We can engage in adamant, angry, emotional avoidance. However, the reality of personal mortality never quite goes away.

Unfortunately, it's often fundraisers who are more committed to avoiding legacy-giving conversations than donors. In good times, we know from Dr. Adrian Sargeant and Dr. Elaine Jay that 88.7 percent of donors to nonprofit organizations “indicated they believe it is appropriate for nonprofits to ask for legacy gifts.”²⁴ So, why aren't more fundraisers talking about legacy giving with more donors?

Stephen Pidgeon, author of *How to Love Your Donors (To Death)*, offers a possible answer:

“Because THEY don’t like to think about death, [fundraising professionals] assume everyone else is the same. Well, older people (those in their late 50’s and older) do think about death, and they do it perfectly maturely and with no fuss. And the older they get the more unexceptional it becomes. Indeed, supporters are often hugely grateful for the opportunity to make such a major contribution, albeit after they have died. It is a matter of immense pride to them that they have made the decision and sorted their affairs.

“I’d ask what right has some well-paid, youthful charity executive (meaning in their mid-50s or younger!) to deny their best supporters the opportunity of such deep satisfaction. That’s patronising age-ism and when you get into your 60’s or older, nothing is more irritating. Casually mentioning the possibility of a bequest in a newsletter that is read by less than 20 percent of its circulation is NOT ‘...giving your best supporters the opportunity...’!”

As Pidgeon recognizes, this is where the second stage comes in. Death is a problem. People use two solutions to death as a problem: 1) ignore the problem, or 2) live forever. Individuals can’t completely ignore their mortality. The older they get, the more likely they are to think about it. So, the second solution becomes more meaningful as avoidance becomes less of a viable option.

The second solution (distal) defense is pursuit of “symbolic immortality” or “lasting social impact.” When avoidance doesn’t work, then we must somehow deal with our own earthly impermanence. We deal with this by latching on to those things that will remain after we are gone. In other words, I may disappear, but some part of my identity – my family, my values, my in-group, my people, my story, my causes – will remain.

Where are We Trying to Get to Anyway?

When it comes to planned giving, fundraisers are trying to close the gift. That’s the destination for the fundraiser. However, for the donor, the legacy gift is a means that will help them reach their desired destination. Donors want to know:

- People like me do things like this.
- I’m part of something that will last.
- I can help perpetuate my values.

When we understand that the gift itself is not really the destination for the donor, it becomes easier for us to develop creative ways to help donors reach their destination and make the gift commitment. By being creatively donor focused, fundraisers can still communicate about legacy giving while minimizing the risk of offending anyone.

So, what can you do now?

Thank Donors, the Right Way

Thanking donors is always an essential part of the fundraising process. Unfortunately, thank-you letters seldom receive the attention they deserve from fundraising professionals. By taking greater care with the writing of thank-you letters, nonprofit organizations can more effectively strengthen their relationships with donors.

Typically, the best legacy-giving prospects for a charity are frequent, long-time donors. So, rather than simply thanking these donors for their current gifts, express gratitude for the longevity of their support. Show appreciation to donors as people, not simply as a source of money. For example, research shows that thanking donors for being caring, thoughtful, concerned, etc. can make donors feel better about their support, which can positively affect future giving.⁵



In addition to developing creative ways to thank donors privately, look for opportunities to thank your donors publicly. Thanking is far less likely to be offensive than asking. Furthermore, it provides a way to make such a gift “top of mind.” It provides a social example. It can suggest that “people like me do things like this.”

Check In

A great way to show donors that you appreciate them for the people they are is to simply check in with them. For example, you can call supporters and simply say, “I’m calling to thank you for your support. And with everything going on now, I also wanted to ask, how are you doing?”

In other words, be a human being instead of an institution. Lead with your heart. Reach out to your supporters in a warm, personal, genuine way to let them know you’re there for them and that you sincerely care about them. Don’t ask them for anything in this contact. Just be friendly and listen. If you can offer them something, do so. For example, you could invite them to your organization’s online town hall that will give supporters a chance to chat with your organization’s Chief Executive Officer.

Collect and Share Stories

A great way, a special way to thank legacy donors is to share their stories with others. When you recognize donors in this way, you are creatively showing gratitude while inspiring others to make a similar gift. In your organization’s newsletters, emails, direct mail, phone calls, and website, share stories. These stories can take a variety of forms. For example, you can share a

story about a living donor who has included your charity in her Will and her reasons for doing so. Stories don't have to be lengthy to be effective. In a story about an annual-gift donor's support, you can mention in passing that the individual has also included the charity in his Will, assuming it's true. Even this quick mention can still serve to keep legacy giving "top of mind." The key is to show that people like the prospective donor are making legacy commitments.

Show the Impact of Legacy Giving

There is another type of story you can share. Share a story about how your organization is able to fulfill its mission, perhaps providing a particular service that has been made possible with the support from a previous gift in a Will. The key is to show the real impact of legacy gifts.

Use a Laundry List Approach

When seeking a current gift, mention the variety of ways someone can support your organization. For example, on your transmittal card, you can provide checkboxes for a gift by check, credit card, stock, gift in a Will, IRA transfer, real estate, or Donor Advised Fund. See how a list can bury the death reference? Even if the donor doesn't check the "gift in a Will" box, the individual will still be reminded of that giving option. It's another way to keep legacy giving "top of mind."

Ask for Permission First

With permission marketing, you advance a variety of options from which donors may make a selection. For example, in an email recognizing a gift from a new current donor, you can ask the recipient if they would like to know more about monthly giving, gift in a Will, real estate, or Donor Advised Fund. The idea is that you get the donor to ask you, or grant you permission, for a communication about particular giving options. It's a way to offer information without forcing it on people.

Offer Assistance

There are a variety of ways your organization can help donors. Make sure your website contains information that donors might find useful when writing their Wills. For example, provide suggested language that donors can use to include the charity in their Wills. Another idea is to offer donors a legacy journal workbook, an estate planning checklist, useful webinars, or other tools that donors will find helpful.

Donors are hungry for information about writing a Will. We mentioned above that the Remember a Charity⁶ Will page has seen a spike of traffic from people seeking useful insights and tips. Make sure your website, and other communications, provide the information people need and want.

Engagement

When developing a relationship with supporters, it's important to look for meaningful opportunities for engagement. We've already mentioned the ideas of a town hall and a check-in call. We've seen symphony orchestras offering online concerts. We've seen a horticulture organization provide free online tutorials. We've seen museums and universities deliver online courses. We've seen charities host virtual happy hours and online poker tournaments. We've seen professional associations offer virtual conferences.

There are ways to engage supporters as ambassadors. For example, we've seen charities that have invited their supporters to set up a Go-Fund Me campaign, organize a peer-to-peer fundraising activity, and more.

Look beyond the appeal and thank-you letter engagement dynamic to think more creatively and deeply about how you can interact with your supporters in a way that provides value to them and allows them to experience enhanced autonomy, connectedness, and competence.

Survey Supporters

A powerful way to engage supporters is to ask them for their thoughts. You can do this in a variety of ways through a variety of media. You can host a focus group, you can ask for stories about what people find meaningful about what your organization does, you can survey your supporters.

Not only will these engagement devices make people feel valued, it will give you useful, important information about the individual.



MarketSmart has been working for years with charities to survey supporters and gauge their interest in legacy giving. They now can tell us how the survey results compare pre-coronavirus (July 19, 2019 - Feb 5, 2020) to the mid-coronavirus period (March 18 - 26, 2020) for the same charities. While the analysis is earlier in the life of the pandemic, the sample size is large enough to provide some valuable insights.

Typically in the pre-COVID-19 period, their charity clients achieved an email survey response rate average of 6.35 percent. (That's the rate of completed surveys not email open rates.) During the mid-COVID-19 period, the survey response rate jumped to an average of 7.30 percent. This 15 percent increase in survey response rate could be due to recipients having more time to complete a survey. Or, the increase could be due to greater interest in the charity and/or legacy giving. Regardless of the reason, the increase in response rate is further evidence that people are willing to engage with charities in legacy-giving

conversations, if approached in the right way. They're even more willing, and may have more time to focus attention, now than they have been.

In the pre-COVID-19 surveys, 31.89 percent of respondents expressed some level of interest in pursuing legacy giving. Among the mid-COVID-19 respondents, the percentage was 34.59 percent, just somewhat greater and with some qualitative variance. Interestingly, the pre-COVID cohort had 6.49 percent say they had already included the charity in their Will while the mid-COVID-19 group had just 4.06 percent. This suggests that the mid-COVID-19 survey engaged more marginally-interested donors, something not surprising with the greater survey response rate.

Nevertheless, the same rule still applies: Don't lead with death. Even if the survey contains a question about a gift in a Will, it should not be *about* a gift in a Will. It should be about other important issues you need to know from your donors. What do they think is the most important part of the organization's work? How are they personally connected to the cause or the organization? Where can we do better as an organization? Only toward the end might we also include a question about their interest in different types of support, including a gift in a Will.

Conclusion

You'll notice that all of the above action tips will enhance one or all of the elements of wellbeing that the donors experience: autonomy, connectedness, competence. The more you can help donors feel a stronger sense of wellbeing, the more they will appreciate you and your nonprofit organization.

While a blunt ask for a legacy gift might be inappropriate for most donors, at this time, organizations can still be direct with specific supporters who have been appropriately cultivated and where a strong relationship exists allowing an ask to be organic and inoffensive despite the current environment.

However, when looking at most donors, charities should adopt a more subtle approach that recognizes the increased tension the donors may be feeling at this time. Normally, tension exists between an individual's desire to avoid thoughts of their own mortality versus their desire for establishing an enduring legacy. At times of crisis, currently the coronavirus pandemic, this tension becomes even greater. Therefore, the challenge for fundraisers is to find constructive ways to keep legacy giving at the top of the donor's mind without causing offense. Giving, should always be framed as a means for donors to feel in control, appreciated, and impactful.

By considering marketing actions through the lens of wellbeing (i.e., autonomy, connectedness, and competence), fundraisers have a special opportunity to craft legacy messages and engagement that will make people feel better at a time when people desperately need to feel better.

People are seeking Will information, drafting online Wills, purchasing life insurance, and completing legacy-giving questions within larger surveys in record numbers. Clearly, people are willing to think about their own deaths given the correct context. If fundraisers provide the

appropriate context, they can engage people in legacy-giving conversations and lay the groundwork for a future ask. However, because of the heightened tension that exists between death avoidance and the desire for immortality, it is still possible that some people will be negatively triggered by even the gentlest communication involving legacy giving. Therefore, if the charity leads with its heart, far more people will be helped by legacy-giving communications than may be offended.

A successful legacy-giving marketing strategy does not mean that no one will be offended, no matter how desirable that would be. Instead, an appropriate legacy-giving communications strategy will provide value to the majority of people contacted while minimizing, though not eliminating, the risk of offending some. By avoiding insensitive, crass, creepy, mercenary, self-serving, institution-focused communications, charities will greatly reduce their risk of offending people.



By understanding and responding to the tension that donors feel, by delivering value to donors, by engaging donors in ways they will find meaningful, charities can have legacy-giving conversations that will benefit the organization in the long-term and that donors will appreciate.

In the short-term, charities should expect a decline in revenue from completed legacy gifts. This will have little, if anything, to do with the organization's interactions with donors. Instead, legacy giving is likely to decline in the short-term because the stock market has seen a massive drop in value and a possible recession could erode real estate values. Therefore, donors who die in the near-term may have estates with diminished value. As stock market and real estate values rebound as a potential recession ends, estate values will once again increase, resulting in larger legacy gifts. In any case, gifts in a Will are likely to remain within or near the range of eight to nine percent of overall philanthropy as has been the case for decades.

Despite any temporary drop in estate values, legacy giving will remain a vital source of philanthropy benefitting charities. The best way for a charity to experience poor legacy-giving performance is to stop engaging supporters and stop promoting legacy giving.

By understanding donor motivations and concerns, charities can adopt a legacy-giving communication strategy that will meet its needs today while building meaningful relationships that will continue to benefit the organization for years to come. This is a rare opportunity for charities. The approaches that work today will be even more effective once the current health crisis has passed.

For legacy giving, is this the best of times or the worst? It's really up to you. The bottom line for success: Keep talking about legacy giving, but do it in the right way!

End Notes and Photo Credits

¹ <https://www.cnn.com/2020/03/25/coronavirus-pandemic-triggers-rush-by-americans-to-make-online-wills.html>

² <https://www.institute-of-fundraising.org.uk/blog/5-ways-the-coronavirus-is-changing-the-legacy-market-and-what/>

³ <https://www.businessinsider.com/personal-finance/life-insurance-applications-surge-coronavirus-2020-3>

⁴ Adrian Sargeant and Elaine Jay, “Determinants of U.S. Donor Behaviour: The Case of Bequests, Part 1,” Report. Association of Fundraising Professionals, June 2004, 11.

⁵ Jen Shang, Adrian Sargeant, Kathryn Carpenter and Harriet Day, “Learning to Say Thank You: The Role of Donor Acknowledgment,” Institute for Sustainable Philanthropy, September 2018.

⁶ <https://www.remembercharity.org.uk/making-a-will/>

Free Will and Testament, public domain

Hazmat Suit by Tedward Quinn via Unsplash

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Thank You Card by Aaron Burden via Unsplash

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Prior to his career as an academic researcher, James worked as the Director of Planned Giving for Central Christian College in Moberly, Missouri for six years and later served as president of the college for more than five years, where he had direct and supervisory responsibility for all fundraising. During his presidency the college successfully completed two major capital campaigns, built several new debt-free buildings, and more than tripled enrollment.

James has published research in over 40 different peer-reviewed scientific journals and has been quoted on charitable and financial issues in a variety of news sources including The Economist, The New York Times, The Wall Street Journal, CNN, MSNBC, CNBC, ABC News, US News & World Report, USA Today, the Associated Press, Bloomberg News and the Chronicle of Philanthropy and his financial neuroimaging research was profiled in The Wall Street Journal's Smart Money Magazine.

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Rosen has served as President of the Planned Giving Council of Greater Philadelphia, Board Chair of the national AFP Political Action Committee, Board Member of the AFP Foundation, and Vice President of the AFP Greater Philadelphia Chapter. Active in the community, Rosen has served on the Board of Directors of the Holocaust Awareness Museum and Education Center, the Board of Trustees of the Jewish Federation of Greater Philadelphia, and the Board of Directors of the Philadelphia Children's Alliance.

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At Mal Warwick Donordigital, we have over 40 years of experience managing integrated direct marketing fundraising programs, from acquisition to high-dollar fundraising to legacy giving, from regional nonprofits to large national organizations. We are a founding member of the Social Venture Network and B-Corp, organizations advancing the concept of socially responsible business practices. MWD's legacy-giving program is led by Tracy Malloy-Curtis, JD, who has more than 20 years of experience in legacy giving and major gifts. She can be reached at 202-250-2052 or tcurtis@MWDagency.com. You can also follow at facebook.com/MWDagency and twitter.com/MWDagency.