

Updating Charities and Not-For-Profit Organizations on recent legal developments and risk management considerations.

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Cross-Over Liability: Principles From The Residential Schools Cases
Legal Risk Management Checklist for Charities & Not- for-Profits (Newly Revised)
Primer for Directors of Not-for-Profit Corporations
Key Legal Responsibilities of Charities in Planned Giving

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NEW PUBLICATIONS

Cross-Over Liability: Principles From The Residential Schools Cases

by Esther S.J. Oh and Terrance S. Carter in Charity Law Bulletin No. 19, January 31, 2003

A number of large Canadian charitable organizations, especially national denominations of religious bodies, have an organizational structure composed of separately incorporated yet affiliated entities which are located across the country but overseen by a national governing entity.

Such multiple corporate organizational structure results in insulating assets from liabilities, as well as generally reflecting, where applicable, the ecclesiastical connection between the affiliated entities. However, recent case law suggests that a multiple corporate structure could still leave affiliated corporate entities exposed to liability where a member or employee of either an affiliated member entity or a governing entity is found liable for damages in a lawsuit. This type of liability between corporations is generally referred to as "cross-over liability".

Read more:

[PDF] www.carters.ca/pub/bulletin/charity/2003/chylb19.pdf

[WEB] www.carters.ca/pub/bulletin/charity/2003/chylb19.htm

Legal Risk Management Checklist for Charities & Not-for-Profits (Newly Revised)

by Terrance S. Carter and Jaqueline M. Connor, February, 2003

The operations of charities have become complex and the possibility of litigation against charities is greater than ever before. The exposure of charities to liability goes further than the loss of charitable assets and/or the insolvency or winding up of a charity. Directors of charities may also face possible legal action against them personally by donors, members, third parties and governmental authorities for breach of their fiduciary duties or even breach of trust in failing to adequately protect or apply the assets of a charity. Given the increased risks to both charities and their directors, there is an increasing need to protect charitable assets from lawsuits and creditors on a pro-active basis.

Read more:

[PDF] www.carters.ca/pub/checklst/feb03charlist.pdf

Primer for Directors of Not-for-Profit Corporations

Now available through Industry Canada's website, strategis.ic.gc.ca, with Contributions from Carter & Associates lawyers Terrance S. Carter and Jacqueline M. Connor.

[English] www.strategis.ic.gc.ca/epic/internet/incilp-pdci.nsf/vwGeneratedInterE/h_cl00688e.html

[French] www.strategis.ic.gc.ca/epic/internet/incilp-pdci.nsf/vwGeneratedInterF/h_cl00688f.html

"Rights and Powers", Chapter 4, by Terrance S. Carter & Jacqueline M. Connor

[PDF] www.carters.ca/pub/article/charity/2002/dirprimch4.pdf

"Risk Protection", Chapter 6, by Terrance S. Carter

[PDF] www.carters.ca/pub/article/charity/2002/dirprimch6.pdf

IN THE PRESS

Latest issue of the Charity Law Bulletin deemed "an excellent overview" of legal liability and charity affiliations according to the **Canadian Centre for Philanthropy** publication "In the Know", February 13th, 2003. View the excerpt or get the entire issue at www.ccp.ca.

[Excerpt] www.carters.ca/news/2003/ccp/13feb03.htm

RECENT AND UPCOMING EVENTS

Carter & Associates is pleased to sponsor "Voices" with Carol Ann Cole speaking on what we can do to work towards equality and musical performances by Leslie Arden along with the Orangeville Chorus of Sweet Adelines in Celebration of **International Women's Day and in support of Family Transition Place**, on Tuesday, March 4th, 2003.

[PDF] www.carters.ca/news/2003/local/VOICES%20-%20Mar%204%2003.pdf

Presentations from Terrance S. Carter at the Charitable and Nonprofit Primer presented by **Pro Bono Law Ontario & Charitable Organization** Representation Project (CORPO) on February 28th, 2003.

"Advising the Charitable Client"

[PDF] www.carters.ca/pub/seminar/charity/2003/tsc0228a.pdf

[WEB] www.carters.ca/pub/seminar/charity/2003/tsc0228a.htm

"Lawyers' Due Diligence (Legal Risk Management Checklist)"

[PDF] www.carters.ca/pub/seminar/charity/2003/tsc0228b.pdf

[WEB] www.carters.ca/pub/seminar/charity/2003/tsc0228b.htm

"Key Legal Responsibilities of Charities in Planned Giving" presented By Terrance S. Carter for the **CANADIAN CANCER SOCIETY**, February 13th, 2003.

[PDF] www.carters.ca/pub/seminar/charity/2003/tsc0213.pdf

[WEB] www.carters.ca/pub/seminar/charity/2003/TSC0213.htm

CONTRIBUTORS



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Jacqueline M. Connor – Practices in Charity and Not-for-Profit Law, including Incorporation and Corporate Restructuring, Legal Risk Management Reviews, as well as Wills, Estate Planning and Estate Administration. She is a contributing author to Industry Canada’s *Primer for Directors of Not-For-Profit Corporations*, and has written numerous articles on Charity and Not-for-Profit issues for the *Charity Law Bulletin*. Ms. Connor is also a regular speaker at the annual Church & the Law™.



Esther S.J. Oh – Practices primarily in Charity and Not-for-Profit Law, as well as in Immigration Law. Ms. Oh is also a frequent contributor to www.charitylaw.ca and the *Charity Law Bulletin*, and has spoken at the annual Church & the Law™ Seminar as well as at the Canadian Bar Association/Ontario Bar Association’s 2nd National Symposium on Charity Law.

ACKNOWLEDGEMENTS, ERRATA AND OTHER MISCELLANEOUS ITEMS

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