

# PLAYBILL®

Entertain2Educate  
Chicago, IL

**59**<sup>1/2</sup>  
**MINUTES**



**59 1/2 MINUTES**

**presented by**

**ENTERTAIN 2 EDUCATE**

# Section 1 | Bequests to Animals | Animals as Asset Holders

This section interrogates four cases globally of bequests made to animals: Karl Lagerfeld and Choupette, Majel Rodenberry, who's husband Gene, was the creator of Star Trek, The Templeton Estate, that indicates the importance of exact and specific language in a will, and a Florida court case, Phillips v. Estate of Holzmann, with similar approach and findings.

It examines consequences of not fully thinking through language and approach, which include the distinction between animals as assets and asset holders, crimes, like embezzlement by pet care givers and kidnapping for ransom and costs like excessive taxation in some countries.

The section recommends approaches to advising clients that include the following:

## 1. Trusts

- Checks and balances are often managed by a trustee, often court appointed
  - Advisors can help clients understand risks and the need for accountability
  - Creation of criteria for caretakers like a job description
  - Ensure clients understand costs of care for a pet over their expected life span
- ## 5. Other sources like life insurance policies can be used to fund the welfare of individual animals
- ## 6. Philanthropy
- Gifts for the benefit of an indefinite number of animals are typically upheld and enforced as charitable gifts. .... However, gifts for the care of specific animals do not benefit the community in general and thus are consistently held to be noncharitable.
  - Scholarship programs almost always require a frame work for arms length accountability and a private letter ruling
  - Philanthropic gifts can be made in the name of animals, to protect similar breeds
  - Most effective are organizations that help at risk people, like incarcerated youth, learn empathy by training and working with animals that are then given to other at-risk people as support animals or seeing eye dogs.

Thomas, Dana, What Happened to Choupette, 1/21/2020 New York Times <https://www.nytimes.com/2020/01/21/style/karl-lagerfeld-choupette.html>

Beyer, Gerry W., Majel Barrett's Pet Trust, May 6, 2009 [https://lawprofessors.typepad.com/trusts\\_estates\\_prof/2009/05/majel-barretts-pet-trust.html](https://lawprofessors.typepad.com/trusts_estates_prof/2009/05/majel-barretts-pet-trust.html)

Beyer, Gerry W., Pet Animals: What Happens When Their Humans Die? School of Law, Santa Clara University, 200 <https://v> Copyright © 2022 Playbill Online Inc. All marks used by permission. [their-humans-die](#)

## Section 2 | Estates and Fine Art

In this section we investigate two cases, one divorce and one bequest with very specific donor intent

1. The sale of a world class art collection, part of an agreement in the very public and acrimonious divorce of Harry and Linda Macklowe who spent more than half a decade building it.
2. The bequest and donor intent revolves around the decades long struggle of the Barnes Museum and a number of petitions to alter donor intent which included equity for people of color.
  - The Barnes Museum case, began in 1922 and focused on the Dilemma of Dead Hand Control, which was elevated in 2010...when curators wanted to move the museum into Philadelphia to make it more accessible.
  - In 1960, The PA Attorney General's office ruled that the collection was not adequately available to the public to make it charitable The case looked at breaking donor intent in a will in order to better protect and make available the collection.
  - In an article entitled, The Controversy of Moving the World's Best Art Collection You Haven't Heard of, The Atlantic examines challenges of the case against moving the museum to Philadelphia, revealed the questionable stewardship of funds over decades, leaving the collection vulnerable. Low on cash and high in controversy, the move was finally approved by the PA AG and included support of three major foundations, PEW, Lenfest, and Annenberg to pay for legal and moving expenses.
  - The ultimate deal gave Lincoln University, an HBCU, five seats on the Barnes 15 member board of Directors. Lincoln's involvement was pivotal to obtaining funding.

Porterfield, Carley, Maclow Divorce Art Trove, Forbes, 2/28/2022 <https://www.forbes.com/sites/carlporterfield/2022/02/18/macklowe-divorce-art-trove-see-the-highlights-from-the-collections-second-auction-photos/?sh=3726bcff6871>

Kennerly, Maxwell, The Barnes Museum and the Dilemma of Dead Hand Control, Litigation and Trail, 6/1/2010 <https://www.litigationandtrial.com/2010/06/articles/the-law-for-non-lawyers/the-barnes-museum-and-the-dilemma-of-dead-hand-control/>

<https://www.litigationandtrial.com/2010/06/articles/the-law-for-non-lawyers/the-barnes-museum-and-the-dilemma-of-dead-hand-control/>

Commonwealth vs The Barnes Foundation, Case Text Jan – March 1960  
<https://casetext.com/case/com-v-the-barnes-foundation>

Keller, Jared, The Atlantic, The Controversy of Moving the World's Best Art Collection You Haven't Heard Of, 6/8/2010 <https://www.theatlantic.com/culture/archive/2010/06/the-controversy-over-moving-the-world-s-best-art-collection-you-haven-t-heard-of/345289/>

## Section 3 | Advising Clients in the Tech Sector on Philanthropy

Donations to DAFs without a plan can cause reputational problems.

1. In 2014 Jill and Nicolas Woodman, GoPro's founders funded donor advised funds at the Silicon Valley Community Foundation to the tune of \$500MM each
  - The gift of stock was released from "lockup" restrictions on the shares by lead IPO underwriter JPMorgan.
  - Gave them a significant tax benefit, caused the price of GoPro stock to fall some 12 percent. A spokesperson for SVCF told the Wall Street Journal that the foundation had no immediate plans to sell the shares.
  - The donation pushed SVC's DAF assets past the \$6B mark. The SVF said the couple was developing their strategy for giving through the DAF
4. In Donor Advised Funds the donor is not the fiduciary, the administrator is.
  - There isn't the kind of accountable transparency on giving through DAFs that there is with through Private Foundations.
2. Types of Administrators for DAFs
  - Community Foundations which have fundamentally changed from an initial focus on raising money to be distributed by the CF to the community and are now administering DAFs as a significant portion of their scope and financial obligations.
  - Designed for community support
  - Had internal funds that were distributed by staff and governed by board
  - DAFs changed the nature of community foundations
    1. Funds can go anywhere
    2. Decisions are specified by donors
    3. No minimum distribution
  - Public Charity –Hospitals or universities
  - Financial Institutions – Fidelity, Schwab, JP Morgan
7. Designed for payout
  - Average 20% payout
  - Unlike PFs not set up as endowments in perpetuity
  - Question about the responsibility of the donor and the administrator
  - Several pieces of legislation in discussion that would create a higher level of accountability
  - Silicon Valley Community Foundation imploded shortly after the gift, with accusations of a toxic culture more focused on generating revenue than serving the public

## Trends in Philanthropy

1. Donors are questioning the importance of funds endowed in perpetuity
2. Tax planning consider donating closely held company securities prior to the sale to maximize tax benefit
3. High Tech/Billionaire Divorces
  - The divorces of both Bill and Melinda Gates and Mackenzie Scott and Jeff Bezos are shaking up the philanthropic world
  - Macenzie Scott chose to give away nearly \$8.6 billion to 780-plus organizations focused on gender equality, racial justice, public health and more.
  - Scott is worth \$59.2 billion
- 2020 using trust-based philanthropy
  - Multi-year unrestricted
  - Do your homework and understand issues and field
  - Streamline paperwork
  - Be transparent and responsive
  - Solicit Feedback
  - Offer support beyond the check
  - Bill and Melinda are thinking through how they jointly manage the Gates Foundation
  - Questions about whether such a vast sum should be handled by two board members or should become, an independent foundation with independent board members
- Women Give
  - 1 in 4 households supported or were actively engaged in racial justice issues
  - 1 in 7 households financially supported causes
  - Women are more likely than men to support causes related to racial justice
  - The Women's Philanthropy Institute data on women's giving and racial justice noting that
  - More women are giving using technology
  - Race is not a factor in size of gift as a percentage of income
- The future is one that's integrated
  - Advisors see this
  - Investors want to do good and do well
  - ESG and social impact aren't just buzz words, they're activated, in investment and endowment portfolios where investors are using levers to make the world a better, safer, more sustainable place for the generations coming after us.

Horn, Patricia, The Philadelphia Enquirer, Barnes Lincoln Reach an Agreement 9/13/2003  
[http://www.barnesfriends.org/download/news\\_091303\\_barnes\\_lincoln\\_reach\\_an\\_agreement.pdf](http://www.barnesfriends.org/download/news_091303_barnes_lincoln_reach_an_agreement.pdf)

Go Pro Funders Donate \$500M to Community Foundation Philanthropy News Digest 8/6/2014  
<https://philanthropynewsdigest.org/news/gopro-founders-donate-500-million-to-community-foundation>

Labosco, Katie, GoPro Angers Investors with Charity Gift, CNN Business, 10/2/2014  
<https://money.cnn.com/2014/10/02/investing/gopro-charity-shares/index.htm>

DiMento, Maria, GoPro Founders Donated \$500M to Community Foundation, 10/6/2014  
Chronicle of Philanthropy [https://www.philanthropy.com/article/no-6-nicholas-and-jill-woodman/?cid2=gen\\_login\\_refresh#:~:text=Nicholas%20Woodman%2C%2039%2C%20and%20his%20](https://www.philanthropy.com/article/no-6-nicholas-and-jill-woodman/?cid2=gen_login_refresh#:~:text=Nicholas%20Woodman%2C%2039%2C%20and%20his%20)

Gates, French Gates, Offer Post Divorce Philanthropic Plans, Associated Press, 12/1/2021 i.  
<https://apnews.com/article/technology-business-philanthropy-bill-gates-warren-buffett-d4a1ccccf9d35d3d22208fdaf0429087>

---

# CAST

---

## Cast Members

Chet Brinkley .....	James Sherman
Zakiya Guinier .....	Whitney Dottery
Colleen Maloney .....	Hannah Green
Arthury Brody .....	Michael J. Mitchell
Lisa Mango .....	Emily Rose Miller
Barry Landers .....	Ric Walker
Avery Sanderson .....	Joe Janes
Tyler Buffington .....	David Stobbe
Gideon .....	Mary Lou

## Production / Creative

Presenter .....	Caren Yanis
Producer .....	Ruth Goran
Photographer & Videographer .....	James Green
Project Management & Script Editor .....	My Really Big Corporation
Editing .....	Zipline Corp.
Research .....	Evan Goran-Dry

# WHO'S WHO



## Caren Yanis

*Presenter*

Caren is a philanthropy sherpa, helping families plan a philanthropic journey that brings them together, ensures they have the tools they need, and prepares them for collective success.

She honed her skills running the Oprah Winfrey Foundations during the period of Oprah's Angel Network. The Oprah Winfrey Foundations partnered with the Nelson Mandela Foundation on Oprah's school building projects in South Africa, and worked with cross sector resources on recovery and rebuilding efforts in the Midsouth following Hurricane Katrina that helped 1400 families move back into homes.

Caren understands the social change landscape and ways to build diverse and equitable organizations. She has a passion for listening deeply, navigating challenges, and guiding people who have a commitment to purpose and the ability to change the world in effective and sustainable ways.



## James Sherman

*as Chet Brinkley*

James Sherman is the author of the plays MAGIC TIME, THE GOD OF ISAAC, MR. 80%, THE ESCAPE ARTIST, BEAU JEST, THIS OLD MAN CAME ROLLING HOME, JEST A SECOND!, ROMANCE IN D, FROM DOOR TO DOOR, THE OLD MAN'S FRIEND, AFFLUENZA!, HALF AND HALF, RELATIVELY CLOSE, JACOB AND JACK, and THE BEN HECHT SHOW.

James' new play "Chagall In School" is having its premier at the Theater Wit on 9/3/22.



## Whitney Dottery

*as Zakiya Guinier*

Whitney studied at Ohio Northern University and then Columbia College Chicago where she completed her undergraduate studies and earned a BA in Musical Theatre. Her work has primarily been stage and voiceover, with a few film credits under her belt.



## Hannah Green

*as Colleen Maloney*

Recent Chicago credits include "Bowl of Trouble" & "Jake's Women" (Oil Lamp Theater), "(Non)Fiction" (Right Brain Project), "My Dear Watson" (CMTF), "Everybody" (Brown Paper Box Co.), "The Volitive Effect..." (Theatre Evolve). International: "Bad Shakespeare" (Edinburgh Fringe Festival). Represented by BMG Talent Group and proud OCU grad. [www.hannahgperformingartist.com](http://www.hannahgperformingartist.com)



---

# WHO'S WHO

---



## Michael J. Mitchell

*as Arthur Brody*

Michael has performed in commercials, television programs, numerous films, and in various theatrical performances in addition to his voice over work. He has also done numerous live industrial shows nationally and internationally.



## Emily Rose Miller

*as Lisa Mango*

Emily Miller is an actress earning her BFA in performance from DePaul University. Emily is currently a troupe member with the American Immersion Theater's Murder Mystery Company and Princess Party Company. Emily is trained in both theatre and film acting, having performed in plays, musicals, commercials, and films.



## Ric Walker

*as Barry Landers*

As a performer, Ric has had the pleasure of working on stage and on camera. His credits include performing at The Goodman, in Chicago, the Alliance in Atlanta and for The Second City Chicago, among many other stages. On Camera, he has been seen on *Chicago Fire* and *Chicago PD* and for a season on Fox TV's *APB*. He is also an ensemble member and current director of The Improvised Shakespeare Company in Chicago. He is a Professor in the Comedy Writing and Performance department at Columbia College Chicago, the nation's first BA in Comedy. He is also an active member of Chicago's storytelling community.

# WHO'S WHO



## Joe Janes

*as Avery Sanderson*

Joe Janes is an *Emmy award-winning* writer and teaches comedy writing and improvisation at The *Second City* and Columbia College. He has written for **SNL's "Weekend Update"** and Jellyvision's "You Don't Know Jack."

He has *published* three books of his staged work: *365 Sketches*, *50 Plays* and *Seven Deadly Plays*. His full-length plays include *Metaluna* and *the Science of the Mind Revue*, *A Hard Day's Journey Into Night*, *Our Christian Nation*, *The Incident*, and *Always Never*.

He is a *regular contributor* to the on-line magazine *Literate Ape* with his weekly satirical column *The Minutes of Our Last Meeting*.



## David Stobbe

*as Tyler Buffington*

David Stobbe is Chicago based, actor, writer and singer. Hailing from Joliet, Illinois he's an artist in residence with the prestigious Cliffdwellers Club of Chicago. He's worked across the country and on Chicago stages such as Nashville Children's Theater, Porchlight Music Theater, The Story Theater, Theo Ubique Cabaret Theater and the Minneapolis Fringe Festival. You can stay updated with David's current projects at [DavidDStobbe.com](http://DavidDStobbe.com)



## Mary Lou

*as Gideon*

Works for food



## James Green

*Photographer & Videographer*

---

# WHO'S WHO

---

**Ruth Goran**

*Producer*

**Evan Goran-Dry**

*Research*

**Zipline Corp.**

*Editing*

**My Really Big Corporation** *Project Management & Script Editor*

**Special thanks to  
Nelson Cash  
Foundation for their  
continued support**