

Since its recommendation in 2006, forty-six states have adopted the Uniform Prudent Management of Institutional Funds Act (UPMIFA). UPMIFA, like its predecessor the Uniform Management of Institutional Funds Act (UMIFA), governs the investment and management of donations to non-profit organizations. UPMIFA updates and modernizes the approach taken by UMIFA, in the process making significant changes to the way in which donations are managed and invested. In theory, the changes made in updating UMIFA could have a substantial impact on the ability of donors to enforce restrictions or conditions placed upon the gifts that they make to colleges and universities. This Note argues, however, that very few changes will in fact take place on that front in states that adopt UPMIFA. An examination of cases employing UMIFA will demonstrate the minimal use of UMIFA in donor-initiated lawsuits and reluctance on the part of courts to rely upon UMIFA in their rulings. Furthermore, this Note will show that donor-initiated lawsuits tend to turn on matters of donor standing and interpretation of donative documents, two areas unchanged by UPMIFA. Ultimately, this Note concludes that the adoption of UPMIFA is likely to have a minimal impact on colleges and universities when they are involved in litigation with dissatisfied donors.