MNAT

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

Trusts, Estates and Tax

Areas of Concentration

- Trusts, Estates and Tax
  - Trusts & Estates Litigation

Related Practices

- Trusts & Estates Litigation

Partners

- Todd A. Flubacher
- Thomas R. Pulsifer

Special Counsel

- Kimberly Gill McKinnon

Associates

- Kenneth F. Hunt

Trusts

Delaware is widely regarded as one of the most advantageous jurisdictions in which to settle trusts. Accordingly, attorneys, financial planners and wealthy families throughout the world regularly settle large trusts in Delaware. The Trusts, Estates & Tax Group acts as Delaware trust law counsel to numerous federal and Delaware banks and trust companies. The Group also regularly advises attorneys, wealth planners and individual clients throughout the world on issues pertaining to Delaware trust law, drafting trust agreements, and tax and asset protection planning. The Group routinely petitions the Delaware Court of Chancery regarding Delaware trust matters.

Estate Planning

The Trusts, Estates & Tax Group advises wealthy individuals and families on all matters of estate, gift and generation skipping transfer tax issues and prepares estate plans utilizing complex gift and estate planning techniques.

Tax

The Trusts, Estates & Tax Group advises individuals and businesses concerning all aspects of federal and Delaware state income tax law as well as matters involving state and local franchise and gross receipts taxes. Such matters include planning and transaction structuring as well as contest representation before the Internal Revenue Service, Delaware state and local taxing authorities and appropriate courts. The Group also advises large corporate clients on the creation and operation of Delaware holding companies designed to minimize state income taxation incurred with respect to intangible assets such as trademarks, patents and investment property. In addition, the Group represents tax-exempt organizations in connection with their formation, qualification for tax-exempt status and ongoing business operations. The Group also counsels a wide variety of clients on employee benefits matters, including compliance with ERISA and other compensation planning and employment related matters.

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REPRESENTATIVE MATTERS

- BNY Mellon Trust of Delaware
- Christiana Bank & Trust Company
- Commonwealth Trust Company
- J.P. Morgan Trust Company of Delaware
- Lehman Brothers Trust Company of Delaware
- Legacy Trust Company, N.A.
- NatCity Trust Company of Delaware
- Northern Trust Company of Delaware
- PNC Bank, Delaware
- The Rockefeller Trust Company
- Rodney Trust Company
- Tiedemann Trust Company

NEWS

- **Morris Nichols Wins 2014 Corporate INTL Magazine Global Award: Trust Litigation Law Firm of the Year in Delaware**
  Morris Nichols' Trust and Estates Group has won the 2014 Corporate INTL Magazine Global Award: Trust Litigation Law Firm of the Year in Delaware.

- **Todd Flubacher, Kenneth Hunt Are Featured Authors in Trusts & Estates Magazine: The Non-Judicial Settlement Agreement Wrapper**
  Todd Flubacher and Kenneth Hunt authored The Non-Judicial Settlement Agreement Wrapper – An Alternative to Directed Trusts featured in the December 2013 edition of TRUSTS & ESTATES.

- **Todd Flubacher Presents at Estate Planning Council of Atlanta on DING Trusts**
  Todd Flubacher presented DING Trusts to the Atlanta Estate Planning

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Council on November 5, 2013, in Atlanta, Georgia.

- **18 Morris Nichols Practice Areas Named in U.S. News/Best Lawyers 2014 Rankings of Best Law Firms in Delaware**
  Morris, Nichols, Arsht & Tunnell LLP is pleased to announce its selection to the U.S. News & World Report/Best Lawyers 2014 “Best Law Firms” rankings for Delaware.

- **Morris Nichols Attorneys Named to 2014 Best Lawyers in America – 60 Practice Specialty Selections; 22 Top-Listed Practice areas; 5 Delaware Lawyers of the Year**
  Morris Nichols is pleased to announce that two thirds of the firm's partnership have been selected for inclusion in the 2014 edition of The Best Lawyers in America.

- **22 Morris Nichols Attorneys Selected for Inclusion in Super Lawyers – Delaware Edition 2013**
  22 Morris Nichols attorneys have been selected for inclusion in Super Lawyers - Delaware Edition 2013.

- **28 Morris Nichols Attorneys Named to The Best Lawyers in America 2013**
  28 Morris Nichols attorneys have been named to The Best Lawyers in America 2013 in twenty two practice areas.

- **Morris Nichols’ Kimberly Gill Selected as 2012 Delaware Rising Star by Thomson Reuters/Super Lawyers**
  Kimberly Gill has been chosen for inclusion on the 2012 Delaware Rising Stars list published by Thomson Reuters/Super Lawyers.

- **Twenty-One Morris Nichols' Practice Areas Named in U.S. News/Best Lawyers 2011-2012 Rankings of Best Law Firms**
  Morris, Nichols, Arsht & Tunnell LLP has been recognized in twenty-one practice areas in the U.S. News & World Report/Best Lawyers 2011 - 2012 "Best Law Firms" rankings.

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- **Taking Advantage of the Delaware Advantage: Why and How to Settle Trusts in Delaware and Move Trusts to Delaware**
  UPDATES for 2011

- **Morris Nichols Releases Delaware Trust Companion for iPad and iPhone – Free to download from the App Store**
  Morris Nichols is pleased to announce that its newest application, Morris Nichols' Delaware Trust Companion for iPad and iPhone, is now available as a free download from the App Store.

- **Morris Nichols Releases iPad App to Help Legal Professionals Navigate Delaware Law and Practice**
  Morris Nichols is pleased to announce that its new iPad application, Morris Nichols' Delaware Bankruptcy Companion for iPad, is available as a free download from the App Store. It is the first in a series of Delaware practice-specific apps produced by Morris Nichols tailored for legal professionals. Morris Nichols becomes the first U.S. law firm to release a legal practice and procedures app for the iPad.

- **Todd Flubacher, Randolph Herndon, Jr. Featured Authors in Estate Planning: Delaware Asset Protection Trusts and Creditors' Rights**
  Todd Flubacher and Randy Herndon authored Delaware Asset Protection Trusts and Creditors' Rights featured in the September 2010 edition of Estate Planning magazine.

- **Thomas Pulsifer Presents at Chicago Estate Planning Council: Taking Advantage of the 'Delaware Advantage': Why and How to Settle Trusts in Delaware and Move Trusts to Delaware**
  Thomas Pulsifer presented at the May 2010 meeting of the Chicago Estate Planning Council.

- **Todd Flubacher Elected to American College of Trust and Estate Counsel**
  Todd Flubacher has been elected a Fellow of the American College of Trust and Estate Counsel.

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- **Todd Flubacher Featured Author in Delaware Banker: Planning to Avoid Pitfalls – Asset Protection Trusts Thirteen Years After Enactment**
  Todd Flubacher authored Planning to Avoid Pitfalls – Asset Protection Trusts Thirteen Years After Enactment featured in the Winter 2010 edition of Delaware Banker magazine.

PRESENTATIONS

- Todd A. Flubacher, Thomas R. Pulsifer, *Todd Flubacher and Thomas Pulsifer Present at 2013 Delaware Trust Conference* Wilmington (October 2013)
- Todd A. Flubacher, *Directed Trusts- Everything You Need to Know- Delaware Bankers* Wilmington (November 2011)
- Todd A. Flubacher, *Todd Flubacher Presents at 2010 Delaware Trust Conference* Wilmington (December 2010)
- Todd A. Flubacher, Thomas R. Pulsifer, *Todd Flubacher and Thomas Pulsifer Present at 2009 Delaware Trust Conference* Wilmington (December 2009)
- Todd A. Flubacher, Thomas R. Pulsifer, *The Pursuit of Innovative Trust Strategies in an Uncertain Estate Planning Environment* Wilmington (Summer 2007).

PUBLICATIONS

- Todd A. Flubacher, *The Non-Judicial Settlement Agreement Wrapper – An Alternative to Directed Trusts* TRUSTS & ESTATES Magazine (December 2013)
- Todd A. Flubacher, Thomas R. Pulsifer, *Todd Flubacher and Thomas Pulsifer Present at 2013 Delaware Trust Conference* Wilmington (October 2013)

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Trusts, Estates and Tax

- Todd A. Flubacher, *Todd Flubacher Featured Author in Trusts & Estates Magazine: DINGed, But Not Dented* TRUSTS & ESTATES Magazine (July 2013)
- Todd A. Flubacher, *DINGed: But Not Dented* TRUSTS & ESTATES Magazine (July 2013)
- Todd A. Flubacher, *What's Good For The Goose Is Good For The Gander* Delaware Banker Magazine (Spring 2013)
- Todd A. Flubacher, *Todd Flubacher Featured Author in Delaware Banker Magazine: Trust Merger – What's Good For The Goose Is Good For The Gander* Delaware Banker Magazine (May 2013)
- Todd A. Flubacher, *Don't Tread On Me - How Delaware Courts Review Trustee Discretion* Delaware Banker Magazine (January 2012)
- Todd A. Flubacher, *Todd Flubacher Featured Author in ESTATE PLANNING Magazine: Put Decanting to Work to Give Breath to Trust Purpose* ESTATE PLANNING Magazine (January 2011)
- Todd A. Flubacher, *Put Decanting to Work to Give Breath to Trust Purpose* ESTATE PLANNING Magazine (January 2011)
- Todd A. Flubacher, *Todd Flubacher Featured Author in TRUSTS & ESTATES: The Trustee's Role in Directed Trusts* TRUSTS & ESTATES Magazine (December 2010)
- Todd A. Flubacher, *The Trustee's Role in Directed Trusts* TRUSTS & ESTATES Magazine (December 2010)
- Todd A. Flubacher, *Delaware Asset Protection Trusts and Creditors' Rights* ESTATE PLANNING Magazine (September 2010)
- Todd A. Flubacher, *Planning to Avoid Pitfalls - Asset Protection Trusts Thirteen Years After Enactment* Delaware Banker Magazine (Winter 2010)
- Todd A. Flubacher, Thomas R. Pulsifer, *Dynasty Trusts* Thompson/RIA

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(2007)

- Thomas R. Pulsifer, *Income Tax Consequences of Trust Situs Selection* Presented at The American College of Trusts & Estates Counsel Fall Meeting, 2006 , Providence, RI (October 14, 2006)
- Todd A. Flubacher, Thomas R. Pulsifer, *Eliminate A Trust's State Income Tax* TRUSTS & ESTATES Magazine (May 2006)
- Thomas R. Pulsifer, *Recent Developments In The Federal Estate, Gift and Generation-Skipping Transfer Tax Areas (Case Law Developments)* Presented at The 38th Annual Delaware Tax Institute, Newark, DE (November 30, 2005)
- Thomas R. Pulsifer, *Recent Developments In Delaware Trust Law* Presented at J.P. Morgan Trust Company of Delaware Seminar, New York, NY (Nov. 16, 2005)
- Thomas R. Pulsifer, *Delaware Asset Protection Trusts* Presented at Estate Planning Council of Delaware Seminar, Wilmington, DE (Nov. 15, 2005)
- *Delaware State and Local Tax (SALT) Developments* Committee on State Taxation (COST), Semi-Annual, www.statetax.org
- Todd A. Flubacher, Thomas R. Pulsifer, *Minimizing Income Taxation of Trust Income: The Delaware Advantage* 108 Probate and Trust Law Section Newsletter 8, Philadelphia Bar Association Probate and Trust Law Section (Winter 2003-04)
- Thomas R. Pulsifer, *Delaware Dynasty Trusts: Bigger and Better Than Ever Under EGTRRA* Presented at The 34th Annual Delaware Tax Institute, Newark, DE (Nov. 29, 2001)
- Thomas R. Pulsifer, *Tax Planning With Delaware Asset Protection Trusts* Presented at the 33rd Annual Delaware Tax Institute, Newark, DE (Nov. 29, 2000)

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- Thomas R. Pulsifer , *Delaware Developments* Distributed at The Committee on State Taxation Annual State Tax Law Update, Section of Taxation, 1995 Spring Audit Session, Newport Beach, CA (May 1-3, 1995)