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# Morris, Nichols, Arsht & Tunnell LLP

## Morris, Nichols, Arsht & Tunnell LLP

is ranked in Chambers High Net Worth 2016 as follows:

### DELAWARE

#### PRIVATE WEALTH

Private Wealth
Delaware
Leading Firms
Band 1
Morris, Nichols, Arsht & Tunnell LLP
Leading Individuals
Band 1
Flubacher Todd A Morris, Nichols, Arsht & Tunnell LLP
Pulsifer Thomas R Morris, Nichols, Arsht & Tunnell LLP
Band 2
Gill McKinnon Kimberly Morris, Nichols, Arsht & Tunnell LLP

#### Morris, Nichols, Arsht & Tunnell LLP

*"Morris Nichols has a very fine reputation as a leading Delaware firm,"* enthuses a market source. The firm acts for wealthy individuals, families and trust services companies both nationally and internationally. It often serves as Delaware counsel for major wealth management firms and large financial institutions. The firm also represents clients in fiduciary litigation matters, and advises on tax issues for non-profits and estate administration. A market source praises the firm's *"high quality people,"* adding: *"They do a lot of sophisticated work with corporate fiduciaries."* A client describes Morris Nichols as *"an exceptional group,"* adding that *"they are one of the larger firms in the state and have a lot of very good lawyers who work together. I think they have a very good platform."*

The Morris Nichols attorneys often act for out of state law firms, large fiduciary organisations and financial institutions, and sources regard the team as *"true experts."* A source says: *"They are very dependable, knowledgeable, they have a keen insight into the workings of Delaware law generally and also the broader application of trust principles. I think they are exceedingly smart and focused."* Another interviewee says: *"They're also very active in the local Bar and national organisations, so they have really helped promote the availability of Delaware laws for trust matters. They are good ambassadors for Delaware."*

#### Notable practitioners

The *"very bright, personable and quick"* **Todd Flubacher** is *"highly regarded not just in Delaware, but also across the country."* Flubacher represents beneficiaries, executors and trustees on trusts matters. He also assists clients with migrating trusts to Delaware. Clients say he has *"a deep knowledge, listens carefully and is responsive."* He also has experience representing clients before the

Delaware Court of Chancery on trusts issues. *"In a very challenging and unexpected situation Todd was able to counsel clients every step of the way,"* enthuses one source, *"and he did a phenomenal job representing the clients' interests and at the same time explaining what was happening and why."* The source continues: *"Everyone was impressed and I couldn't be happier. I unconditionally recommend him to other clients."* **Thomas Pulsifer** is a *"super bright guy"* who advises on estate planning, trusts, trust litigation and federal and state income tax law. He wins significant praise for his *"encyclopaedic knowledge"* of Delaware law. Peers regard Pulsifer as a *"phenomenal lawyer,"* with one source saying: *"It is astounding how good he is."* Another interviewee reports that *"clients rely heavily on him because of his expert opinions and his reputation."* His practice includes taxation of exempt organisations and the administration and creation of trusts, private foundations and public charities. A market peer concludes: *"He is a good combination of a learned lawyer who is also pragmatic and willing to be creative. He knows Delaware law backwards and forwards, he's very pleasant to deal with, and I would certainly give him my highest recommendation."* **Kimberly Gill McKinnon** advises individual clients and families on their estate plans and business succession planning, and also helps with drafting and reviewing wills and trusts. A client source reflects: *"She is a very technical drafting person. I had a very good experience working with her – she's good at explaining complex things in a straightforward manner."* She also acts for non-profits and tax exempt organisations on tax issues. A fellow lawyer commends McKinnon's performance on a recent matter and says: *"She has been excellent."*

## Leaders

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**FLUBACHER, Todd A.**

Morris, Nichols, Arsht & Tunnell LLP,  
Wilmington  
+1 302 351 9374  
tflubacher@mnat.com

**Practice Areas:** Trusts, Estates & Tax Group. Represents trustees, beneficiaries, law firms and individuals on all matters involving Delaware trusts and estates.

**Professional Memberships:** ABA (Business Law, Real Property, Probate & Taxation Sections); ACTEC (Fellow); Delaware Trust Conference Planning Committee; DSBA (Past Chair, Estates & Trusts and Taxation Sections); Estate Planning Council of Delaware (Past President, Board Member).

**Publications:** “Directed Trusts: Panacea or Plague?” Trusts & Estates Magazine (2015); “The Non-Judicial Settlement Agreement Wrapper—An Alternative to Directed Trusts,” Trusts & Estates Magazine (2013).

**Personal:** University of Maryland School of Law (JD 1999); Drexel University (BS 1992).

**GILL MCKINNON, Kimberly**

Morris, Nichols, Arsht & Tunnell LLP,  
Wilmington  
+1 302 351 9102  
kmckinnon@mnat.com

**Practice Areas:** Trusts, Estates & Tax Group. Represents institutional fiduciaries, privately-owned family companies, high net-worth individuals and families, and other attorneys regarding Delaware trust law and federal estate, gift and generation-skipping transfer taxation. Advises tax-exempt organizations on federal tax matters, formation and governance under Delaware law.

**Professional Memberships:** ABA (Business Law, Real Property, Trust & Estate Law Sections); ACTEC (Fellow); DSBA (Elder Law Section; Past Chair, Estates & Trusts and Taxation Sections); Estate Planning Council of Delaware (Secretary, Board Member); Forum of Executive Women Delaware; STEP.

**Personal:** Dickinson School of Law (JD 2003); Towson University (BS 2000).

**PULSIFER, Thomas R**

Morris, Nichols, Arsht & Tunnell LLP,  
Wilmington  
+1 302 575 7226  
tpulsifer@mnat.com

**Practice Areas:** Trusts, Estates & Tax Group. Focus on trust law, estate planning, state and federal income tax law, and taxation of exempt organizations. Practice includes advising institutional fiduciaries on matters of Delaware trust law, and individuals and institutions regarding Delaware trust law litigation and establishment and administration of Delaware trusts, public charities and private foundations.

**Professional Memberships:** ABA; ACTEC (Fellow); DSBA (Estates & Trusts Section, Past Chair; Taxation Section); Estate Planning Council of Delaware.

**Publications:** “Taking Advantage of the Delaware Advantage,” Morris Nichols publication.

**Personal:** New York University School of Law (LLM 1985; JD 1983); Middlebury College (BA 1980).



# Morris, Nichols, Arsht & Tunnell LLP

## MORRIS, NICHOLS, ARSHT & TUNNELL LLP

www.mnat.com tel: +1 302 658 9200 fax: +1 302 658 3989

**Trusts, Estates & Tax Partners:** Todd A Flubacher, Thomas R Pulsifer

### Firm Overview:

Morris, Nichols, Arsht & Tunnell LLP combines a broad national practice of corporate, intellectual property, business reorganisation and restructuring, commercial law and litigation with a general business, trust, tax, estate planning and real estate practice within the State of Delaware. The firm acts as lead counsel or co-counsel in matters of national and international significance as well as those affecting its immediate community. Morris Nichols is the Delaware representative of TerraLex, a global network of 155 independent law firms and 17,000 attorneys in 100 countries.

### Main Areas Of Practice:

#### Trusts, Estates & Tax Overview:

Morris Nichols has a national reputation representing settlors, beneficiaries, attorneys, banks and trust companies in the specialised area of Delaware trust law. The firm regularly works as Delaware trust counsel with attorneys at AmLaw 200 firms around the world and many of the largest financial institutions who have Delaware trust offices, advising through the process of creating Delaware trusts, migrating trusts to Delaware, and modifying, administering and terminating trusts. Firm attorneys routinely work with clients on matters involving petitioning the Delaware Court of Chancery, decanting, trust mergers, legal opinions, releases, and all areas of trust administration.

#### Delaware Trust Counsel:

Delaware is widely regarded as one of the most advantageous jurisdictions in the world in which to create a trust. For more than 50 years, the Morris Nichols Trusts, Estates & Tax Group has acted as Delaware trust counsel to settlors, beneficiaries, attorneys, banks and trust companies. Firm attorneys regularly advise clients on issues pertaining to Delaware trust law and trust administration, moving existing trusts to Delaware, modifying trusts, drafting and reviewing trust agreements, legal opinions and tax and asset protection planning. They also routinely petition the Delaware Court of Chancery in trust matters. The team has unique knowledge and experience that comes from decades of working on complex matters involving large trusts on behalf of trustees, beneficiaries, advisors and wealthy families.

#### Estate Planning & Administration:

Firm attorneys work with Delaware clients to help implement estate planning goals ranging from straight-forward to very complex. With many years of experience implementing tax and wealth transfer strategies for its clients, the team has served as personal representa-

tives of Delaware estates, helping them navigate the Delaware probate process and related tax and administrative issues. The Morris Nichols Trusts, Estates & Tax Group advises wealthy individuals and families on all matters of estate planning, wealth transfer, business succession planning, and estate, gift and generation skipping transfer tax issues. Attorneys prepare estate plans utilizing complex gift and estate planning techniques and regularly assist clients with complex planning strategies such as grantor retained annuity trusts (GRATs), installment sales to intentionally defective grantor trusts, dynasty trust planning, charitable gifts, qualified personal residence trusts, qualified domestic trusts, special needs trusts, and sophisticated life insurance planning techniques. The Group also represents executors of Delaware estates, assisting them through the complicated probate process and related accounting, tax and administrative issues.

#### Non-Profit:

The Morris Nichols Trusts, Estates & Tax Group represents all forms of non-profit companies. With experience working with public charities, foundations and other non-profit entities, the group has handled the process of forming charitable entities and qualifying them as tax-exempt organisations. They also have advised non-profit boards on regulatory and compliance issues.

#### Opinions:

Morris Nichols attorneys are often called upon to provide third-party legal opinions on a wide array of Delaware law issues. Leveraging the Firm's experienced opinion practice with deep knowledge of Delaware law, Morris Nichols is able to provide various opinions on complicated transactions, including Delaware trust law and transactions involving Delaware trusts.

### PRACTICE AREAS

Trusts, Estates & Tax  
Delaware Trust Counsel  
Estate Planning & Administration  
Non-Profit  
Opinions  
Trusts & Estates Litigation

### OFFICES:

#### UNITED STATES OF AMERICA

**DELAWARE:** 1201 North Market Street,  
PO Box 1347, Wilmington DE 19899  
Tel: +1 302 658 9200  
Fax: +1 302 658 3989

#### Trusts & Estates Litigation:

The Morris Nichols Trusts & Estates Litigation practice is comprised of a team of nationally-recognised fiduciary litigators and trust and estates attorneys that have a deep understanding of Delaware's highly-specialised trust laws. The group has represented individual and corporate trustees, as well as beneficiaries, charitable organisations and executors in all types of trusts and estates litigation including, for example: defense of directed trusts, choice of law issues, breach of trust, capacity, undue influence and validity challenges, construction of governing instruments, removal of trustees, creditor claims, and trustee compensation. With extensive experience in both Chancery Court and Delaware Supreme Court cases, the team is well-equipped to handle every stage of litigation from pre-litigation fact review and counseling to settlement negotiations, trial, and appellate proceedings.

#### Key Clients:

BNY Mellon Trust of Delaware, Citicorp Trust Delaware, N.A., Commonwealth Trust Company, Deutsche Bank Trust Company Delaware, Fiduciary Trust International of Delaware, The Goldman Sachs Trust Company, J.P. Morgan Trust Company of Delaware, Northern Trust Company of Delaware, PNC Delaware Trust Company, The Rockefeller Trust Company, Tiedemann Trust Company, Wilmington Trust Company

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