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Morris, Nichols, Arsht & Tunnell LLP

Morris, Nichols, Arsht & Tunnell LLP is ranked in Chambers High Net Worth 2017 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, Arsht & Tunnell is “a nationally renowned firm for Delaware-specific matters,” says a source. Multiple interviewees describe the team as “excellent,” with one explaining that “they are knowledgeable, practical, results-orientated and very responsive.” The trusts, estates and tax team works with local, national and international clients on Delaware trust planning, trust formation, administration and modification of trusts and fiduciary litigation matters.

As well as advising wealthy clients on estate planning and asset transfers, the firm also acts as counsel for private banks and trust companies in Delaware and for the Delaware arms of international wealth managers and financial institutions. The team works with these firms on a range of issues, often advising on the migration of trusts to Delaware, and the lawyers win extensive praise from trusts professionals in Wilmington and further afield. “They are extraordinary,” enthuses one source, adding that “their work product is always pristine. We always breathe a sigh of relief when we find out the work has been done by them.”

Notable practitioners

Kimberly Gill McKinnon is special counsel for the firm’s trust, estates and tax group. She is held in high esteem by her peers in Delaware. One interviewee considers her to be “very efficient and very knowledgeable in the trusts area,” and another says: “I find her to be excellent, pleasant, easy to work with and very knowledgeable about law.” McKinnon advises affluent individuals and families on estate and trust planning, asset protection and business succession planning. Another

Delaware source describes McKinnon as “very practical and an excellent draftsman,” adding: “I have always had a good experience when she is involved.” **Todd Flubacher** is held in high esteem by his peers. “I think highly of him,” says one source, adding: “He provides very practical advice on a timely basis and he is well versed in the nuances of the planning aspects of Delaware tax law.” Flubacher acts for trustees, beneficiaries and individuals. He advises clients on estate and trust planning and has expertise in dynasty, asset protection and directed trusts. An interviewee highlights Flubacher’s analytical ability and says he is “practical, very direct and gives his recommendations with reasons. His advice is clear and his drafting is pristine.” Another market commentator says: “He is a very strong, knowledgeable trusts attorney and a lot families across the country trust him.” Interviewees say **Thomas Pulsifer** is “an excellent lawyer.” He is “terrific and extremely knowledgeable,” a “lawyers’ lawyer” who is “very much in demand” for trusts and estates work. Pulsifer works with trustees, families and family offices to modify existing trusts and create new structures. He also assists with the migration of trusts into Delaware. Sources reserve particular praise for Pulsifer’s trusts drafting ability: one interviewee describes him as a “great resource,” noting that “he has creative solutions to complex problems,” and another says he is “incredibly knowledgeable about Delaware statutes.” “He is a very good draftsman, turns matters around quickly and is very practical in how he handles things,” elaborates one commentator.

Leaders

FLUBACHER, Todd A.

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

Practice Areas: Trusts, estates and 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; Estate Planning Council of Delaware (Past President, Board Member).

Publications: "Build It and They Will Come: Why Delaware Trusts Lead the League" Delaware Banker Journal (Spring 2017). "How To Deal With Repeal –Dynasty Trust Planning Will Be an Essential Tool" Trusts & Estates Magazine (March, 2017).

Personal: University of Maryland School of Law (J.D. 1999); Drexel University (B.S. 1992).

GILL MCKINNON, Kimberly

Morris, Nichols, Arsht & Tunnell LLP,
Wilmington
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kmckinnon@mnat.com

Practice Areas: Trusts, estates and 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 (President, Board Member); Forum of Executive Women Delaware; STEP.

Personal: Dickinson School of Law (J.D. 2003); Towson University (B.S. 2000).

PULSIFER, Thomas R

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

Practice Areas: Trusts, estates and 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 (LL.M. 1985; J.D. 19

Morris, Nichols, Arsht & Tunnell LLP

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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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 and 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. Attorneys 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 representatives of

Delaware estates, helping them navigate the Delaware probate process and related tax and administrative issues.

The Morris Nichols trusts, estates and 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 utilising 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 and 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. The group also has 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

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Trusts & Estates Litigation:

The Morris Nichols trusts and 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 of Delaware, J.P. Morgan Trust Company of Delaware, Northern Trust Company of Delaware, PNC Delaware Trust Company, The Rockefeller Trust Company (Delaware), Tiedemann Trust Company, US Trust Company of Delaware, Wilmington Trust Company

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