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2019

Morris, Nichols, Arsht & Tunnell LLP

Morris, Nichols, Arsht & Tunnell LLP

is ranked in Chambers High Net Worth 2019 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

Morris, Nichols, Arsht & Tunnell LLP

Morris, Nichols, Arsht & Tunnell is described as “absolutely top-notch” by one interviewee. The firm advises high net worth clients on estate planning and administration, trusts, tax and fiduciary litigation.

Sources praise the quality of the team. “The team is extremely professional, courteous and efficient,” says one source; “they provide great customer service.” Another interviewee says Morris Nichols “are outstanding in all respects, I can go to them with any matter. They have very good people – very smart, intelligent, good people.”

Notable practitioners

Todd Flubacher is “an expert in sophisticated matters of estate planning,” according to one market commentator, who adds that “he’s

very well versed in fiduciary litigation matters and is extraordinarily responsive.” One wealth professional enthuses: “He is always very helpful at finding creative solutions to complex issues.”

Thomas Pulsifer has “the deepest knowledge of the Delaware trust code of any lawyer in Delaware,” says a fellow attorney. Another interviewee describes him as “one of the smartest guys,” adding: “He’s at the cutting edge of innovative changes to the law. He’s a very creative guy.” A further source says he is “the best in the state at what he does – he has an excellent and very detailed understanding of any issue you might present.”

Leaders

FLUBACHER, Todd A.

Morris, Nichols, Arsht & Tunnell LLP,
Wilmington

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tflubacher@mnat.com

*Featured in Private Wealth Law
(Delaware)*

Practice Areas: Todd works with national, international and local clients on the creation, migration, modification and administration of Delaware trusts. He represents Delaware trustees, beneficiaries, law firms and individuals throughout the country on all matters involving Delaware trusts and estates. Todd's practice primarily emphasizes the unique advantages of Delaware trust law, including directed trusts, dynasty trusts, tax planning, asset protection trusts, and all aspects of trust validity, construction and administration. He frequently serves as Delaware trust counsel to many of Delaware's

corporate trustees, providing guidance on all aspects of trust administration and fiduciary risk.

Professional Memberships:

American Bar Association (Business Law, Real Property, Probate & Taxation Sections); American College of Trust and Estate Counsel (Fellow); Delaware Trust Conference Planning Committee; Estate Planning Council of Delaware (Past President, Board Member).

Publications: "Where There's a Will, There's Family: Pre-mortem validation and no-contest clauses to the rescue!" *Trusts & Estates Magazine* (March 2019). "If You Can't Beat 'Em, Join 'Em: UDTA and Directed Trust Statutes Come of Age," *Trusts & Estates Magazine* (November 2018).

Personal: University of Maryland School of Law (J.D., with honors, 1999); Staff and Associate Editor, *The Business Lawyer* (1997-1999); Drexel

University (B.S., summa cum laude, 1992).

PULSIFER, Thomas R

Morris, Nichols, Arsht & Tunnell LLP,
Wilmington

+130 2575 7226

tpulsifer@mnat.com

*Featured in Private Wealth Law
(Delaware)*

Practice Areas: Tom concentrates his practice on trust law, estate planning, state and federal income tax law, and the taxation of exempt organizations. For more than 30 years, he has advised institutional fiduciaries on matters of Delaware trust law, and individuals and institutions regarding Delaware trust law litigation and the establishment and administration of Delaware trusts, public charities and private foundations. He often advises clients on complex issues concerning trust modification and moderniza-

tion, decanting, generation-skipping transfer taxes, and governance. In his fiduciary litigation practice, Tom has advised co-counsel, banks, high net-worth families and beneficiaries, trust fiduciaries and trust settlors in proceedings before the Delaware Court of Chancery, as well as out-of-court negotiations and settlements.

Professional Memberships:

American Bar Association; American College of Trust and Estate Counsel (Fellow); Delaware State Bar Association (Estates & Trusts Section, Past Chair; Taxation Section); Estate Planning Council of Delaware; Wilmington Tax Group.

Personal: New York University School of Law (LL.M., taxation, 1985; J.D., 1983); Middlebury College (B.A., magna cum laude, 1980).

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), instalment 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

USA

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

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 counselling to settlement negotiations, trial, and appellate proceedings.

Key Clients:

BNY Mellon Trust of Delaware, Brown Brothers Harriman Trust Company of Delaware, N.A., 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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