2011 Delaware Trust Conference

Delaware Trusts: The Leader of the Pack

Agenda as of October 19, 2011

(biographies of underlined speakers are available by hitting Ctrl + click to follow link)

DAY 1 – Tuesday, November 29th:

7:45 – 9:00 – Registration

8:30 – 10:00 Session 1:
Hitting the Road. *A practical discussion between trust attorneys and professionals from outside of Delaware discussing why they recommend that clients set up their structures in Delaware versus other states and countries.*

MODERATOR: Julie Min Chayet, Managing Director and Trust Counsel, Fiduciary Trust Company International
PANELIST: Patricia M. Angus, Founder and CEO, Angus Advisory Group LLC
PANELIST: Thomas O. Hiscott, Partner, Heckscher, Teillon, Terrill & Sager, P.C.
PANELIST: Jocelyn Margolin Borowsky, Partner, Duane Morris LLP
PANELIST: Sandra Viana, Partner, Withers Bergman LLP

10:00 – 10:20 Break

10:20 – 11:50 Session 2:
Keeping Ahead of the Curve. *An update on the current developments in Delaware law to include (1) new trust legislation for 2011, (2) an update on pending and recent litigation involving Delaware trusts, and (3) current planning techniques involving Delaware trusts structured to take advantage of current state and federal regulations.*

MODERATOR: W. Donald Sparks, Director, Richards Layton & Finger
PANELIST: George W. Kern, Sr. Trust Officer/Assoc. Fid. Counsel, Bessemer Trust Company Of Delaware, N.A.
PANELIST: Peter S. Gordon - Gordon, Fournaris & Mammarella, P.A.

11:50 – 12:15 Break

12:15 – 1:00 Lunch

1:00 – 2:00
Lunch ***Speaker:*** **James Chessen, Chief Economist and Senior Vice President, American Bankers Association**

2:00 – 2:15 Break
2:15 – 3:45 Session 3:
Interactive Split Sessions

A. **Corporate Topic: Opportunities for Corporate Trustees in the Utilization of Special Purpose Entities:** A discussion of the advantages of Delaware special purpose entities, the services

that trust companies provide for them (including independent director services), and some of the issues that can arise in providing such services.
PANELIST: Scott E. Waxman, Partner, Potter Anderson & Corroon LLP
PANELIST: Sandra Battaglia, Vice President, Wells Fargo Delaware Trust Company
PANELIST: Andrea B. Unterberger, Vice President and Assistant General Counsel, Corporation Service Company

B. **Reading the Road Map - Interpreting Relevant Law:** *A discussion regarding how to interpret Delaware law to include (1) interpretation of the new Principal and Income Act, (2) interpreting what law applies to a transfer trust, (3)Decanting, (4) Durable Power of Attorney.*
MODERATOR: Daniel F. Lindley, President, The Northern Trust Company Of Delaware
PANELIST: Thomas Pulsifer – Morris, Nichols, Arsht & Tunnell
PANELIST: Norris P. Wright - U.S. Trust Company of Delaware
PANELIST: Hon. Susan C. Del Pesco, Director of the State Division of Long Term Care Residents Protection, Delaware Department of Health and Social Services

C. **Choice of Law:** *A discussion regarding whether an advisor or trustee has the responsibility to advise a client or trust beneficiary of the benefits of applying the law of a jurisdiction other than the residence of the individual or trust to best fulfill the objectives of a trust.*
MODERATOR: Anne Marie Levin, VP, Delaware Advantage Trust Specialist, PNC Wealth Management
PANELIST: Miguel Pena, Partner, Fox Rothschild LLP
PANELIST: Margaret Sager, Heckscher, Teillon, Terrill & Sager, P.C.
PANELIST: Thomas M. Forrest, President, Personal Trust Services, Charles Schwab Bank

3:45 – 4:00 Break

4:00 – 5:30 Session 4: Divided Trusteeships Across Donative and Commercial Trusts: *Learn from the experts how the concept of trustees with differing powers and authority is used in both donative and commercial trusts. There are enough elements that apply to both to help all trust professional gain a better understanding of the similarities, rather than just the differences, between the two forms of trust relationships.*

MODERATOR: Ellisa Opstbaum Habbart, Partner, The Delaware Counsel Group LLP
PANELIST: Robert H. Sitkoff, John L. Gray Professor of Law, Harvard Law School
PANELIST: Turney P. Berry, Partner, Wyatt, Tarrant & Combs, LLP

5:30 – 6:15 Reception

6:15 – 7:00 Dinner

7:00 – 8:00 ***Speaker: The Honorable Myron T. Steele, Chief Justice of the Supreme Court of Delaware***

Total Credits – Day 1 = 8.0

DAY 2 – Wednesday, November 30th:

8:30 – 10:00 Session 1:
Crossing the Bridge- Drafting v. Administration: *A panel discussion on navigating the highway between the original intent and the language contained in a trust document, including potential gaps, road-blocks and detours.*

MODERATOR: Alexander M. Popovich, Executive Director, Wealth Advisor, J.P.Morgan
PANELIST: Cynthia Brown, President, Commonwealth Trust Company
PANELIST: Karen A. Fahrner, President & CEO, Bryn Mawr Trust Company Of Delaware
PANELIST: Gregory J. Weinig, Partner, Connolly Bove Lodge & Hutz LLP
PANELIST: Zena M. Tamler, Partner, Sullivan & Cromwell LLP

10:00 – 10:20 - Break

10:20 – 11:50 Session 2:
Interactive Split Sessions

A. Who Is Working in Captive Insurance And What Are They Doing? *A panel discussion to educate the trust community on basic structure of a captive insurance transaction and show interested service providers what roles they could potentially fill.*
MODERATOR: Jeff Simpson, The Stewart Law Firm
PANELIST: Joanne Kenney Shaver, Principal, Cover & Rossiter
PANELIST: Richard Klumpp, President, CEO, and Division Manager, Wilmington Trust SP Services, Inc.
PANELIST: Trisha W. Hall, Trust and Estates Counsel, Bayard
PANELIST: Robert W. Eaddy, Senior Vice President, Bryn Mawr Trust Company
PANELIST: Matthew O'Toole, Captive Counsel, Stevens & Lee
PANELIST: Mary Jo Lopez, Director of Business Development, Bureau of Captive & Financial Insurance Products, State of Delaware

B. ***Options for Managing Trust Transfer Risk***: *A practical discussion on the risks involved in determining whether to reform, decant or amend an existing trust when moving it to Delaware. When to do what.*
MODERATOR: – Michael M. Gordon, Gordon, Fournaris & Mammarella, P.A.
PANELIST: William H. Lunger, Martin & Lunger, P.A
PANELIST: Seane Baylor, Trust Officer, UBS Trust Company, N.A.
PANELIST: Melinda Merk, Senior Vice President, Region Trust Advisor, SunTrust Bank

C. ***Directed Trust Workshop:*** *A workshop on how to draft a meaningful direction for documents with representations and warranties, etc., and how to use directed trusts for special needs trust planning.*
DISCUSSION LEADER: Todd A. Flubacher, Partner, Morris Nichols Arsht & Tunnell LLP
DISCUSSION LEADER: David Diamond, Managing Director, JPMorgan Chase

11:50 – 12:15 Break

12:15 – 1:00 Lunch

1:00 – 2:00 Lunch Speakers:

Family Conflict –

Speakers: **Daisy E. Medici – Director of Family Governance - GenSpring Family Offices; Joseph Rotella, Family Wealth Advisor/Fiduciary Director, GenSpring.**

Communication breakdowns lead to inadequately prepared heirs, making sustaining wealth across generations challenging; Crafting Family Policies can help.

2:00 – 2:15 Break

2:15 – 3:45 Session 3:

Grab Bag of Delaware Law – Hot issues and solutions: *A lively, interactive discussion of some of the Delaware advantages which are often overlooked by planners and how your clients can take advantage of them. To include (1) DINGs, (2) Purpose trusts, (3) Planning for Civil Unions, (4) Captive Insurance.*

MODERATOR: Charles J. Durante, Parnter, Connolly Bove Lodge & Hutz LLP
PANELIST: Harold W.T. Purnell, Partner, Archer & Greiner, P.C.
PANELIST: Richard W. Nenno, Managing Director & Trust Counsel, Wilmington Trust Co.
PANELIST: Mark V. Purpura, Director, Richards, Layton & Finger
PANELIST: Mary Jo Lopez, Director of Business Development, BUREAU OF CAPTIVE & FINANCIAL INSURANCE PRODUCTS

3:45 – 4:00 Break

4:00 – 6:00 Session 4:

Trust Ethics - *Keeping the Pack Pure:* *A discussion on the current attempts in Delaware to make sure that in the application of applicable law we continue to honor the intent of the grantor, while balancing that against the needs of the current beneficiaries. What should a trustee be considering when administering a trust, what will the court look at?*

MODERATOR: Barbara Larkin, Trust Administration Office, City National Bank
PANELIST: Vice Chancellor Sam Glasscock, III, Delaware Court of Chancery
PANELIST: Robert A. Glen, Bank Commissioner, State of Delaware
PANELIST: Thomas A. Varley, Senior Trust Officer, UBS Trust Company, N.A.

6:00 Closing Remarks and Conference Adjournment

Total Credits – Day 2 = 7.5
Total Credits for 2011 Delaware Trust Conference = 15.5