2009 Delaware Trust Conference
The Delaware Difference
December 2nd & 3rd - Wilmington

Daily Agenda

WEDNESDAY, DECEMBER 2nd
Day One: Identifying the Delaware Difference

8:00 – 9:45 a.m.
Registration – Hotel du Pont – Gold Ballroom Upper Foyer

8:45 – 9:45 a.m.
Pre-Conference Overview – (1 hour) – du Barry Room
Inside the Delaware Difference
An interactive presentation highlighting the differences between Delaware personal and corporate trust products and those of other states.
Interviewer: **Cornelia Spring**, Managing Director, JP Morgan
Interviewee: **Thomas M. Forrest, CPA**, President, Personal Trust Division, Charles Schwab Bank

9:50 – 10:00 a.m.
Welcome To The Conference And General Remarks - du Barry Room
William T. LaFond, J.D., Managing Director and Private Client Advisor, Wealth Advisory Service, Wilmington Trust, Chairman, Delaware Bankers Association Trust Committee

10:00 – 11:30 a.m. – Day 1 Session 1 (1.5 hours) – du Barry Room
Delaware vs. the World
A panel discussion featuring outside trust experts explaining comparing and contrasting international trust planning options versus those available in Delaware.
MODERATOR: **Ellisa Opstbaum Habbart, Esq.**,
The Delaware Counsel Group LLP
PANEL:
Liam Brazil, Esq., Partner,Mason Hayes & Curran, Ireland
Willem Calkoen, Esq., Partner, NautaDutilh N.V., The Netherlands
Carine Feipel, Esq., Partner, Arendt & Medernach, Luxembourg

11:30 a.m. – 1:50 p.m. – Delaware Difference Lunch & Learn - Day 1 - Sessions 2 & 3

11:30 – 11:45 – Pick Up Boxed Lunch – Gold Ballroom Upper Foyer - and proceed to first session
11:45 – 12:45 – Breakout One (1 hour)
12:50 – 1:50 – Breakout Two (1 hour)

Lunch & Learn Topics – (Select Two)

The Delaware Tax Difference: Delaware Incomplete Non-Grantor Trusts And Their Tax Advantages - Kent/New Castle Room

A practical overview of Delaware Incomplete- Gift, Non-Grantor Trusts including planning opportunities, drafting and structuring considerations.

Discussion Leader: **Anne Marie Levin, J.D., LLM, CTFA**, VP, Delaware Advantage Trust Specialist, PNC Bank

"Come On In, The Taxes Are Great!" - Domesticating An Offshore Trust To Delaware – du Barry Room

An overview of the advantages of relocating a trust to Delaware, including filing requirements and the new expatriation laws.

Discussion Leader: **Susan Fisher, CTFA, CPA**, Vice President, Trust Operations, Commonwealth Trust Company

Marketing Delaware Corporate Trusts In A Difficult Economy - Sussex/Georgetown Room

Strategies for selling the Delaware corporate trust difference in light of recent economic conditions.

Discussion Leader: **Matthew J. O'Toole, Esq.**, Shareholder, Stevens & Lee

Avoiding Regulatory Audit Pitfalls – Odessa Room

A practical review of common regulatory compliance issues, including how to identify and resolve potential audit problems

Discussion Leader: **Victor A. Smith**, Senior Vice President, SunTrust Banks, Inc.

1:50 p.m. – 2:00 p.m. – Break

2:00 p.m. – 3:30 p.m. – Day 1 - Session 4 (1.5 hours) – du Barry Room

The Delaware Difference in Trust Legislation – Do the Uniform Trust Acts Matter?

A point/counterpoint discussion contrasting the unique trust legislation enacted in Delaware versus the provisions of the Uniform Trust Acts.

MODERATOR: **Cynthia Brown, Esq.**, Vice President - Legal Affairs, Commonwealth Trust Company

PANEL:

Ellisa Opstbaum Habbart, Esq., American Bar Association Advisor
Thomas R. Pulsifer, Esq., Partner, Morris Nichols Arsht & Tunnell LLP
Robert H. Sitkoff, John L. Gray Professor of Law, Harvard Law School
Edward M. Watters, III, Esq., Partner, Pepper Hamilton LLP

3:30 p.m. – 3:45 p.m. – Break

3:45 p.m. – 5:15 p.m. – Day 1 - Session 5 (1.5 hours) – du Barry Room

The Delaware Difference Vs. A Recessionary Economy

A panel discussion highlighting the recent economic challenges, current conditions, forecasts, and how they impact the wealth management industry.

MODERATOR: **David G. Bakerian**, President & CEO, Delaware Bankers Association

PANEL:

Dr. William Poole, Senior Fellow, Cato Institute, Former President and CEO Federal Reserve Bank of St. Louis

Michael P. Ryan, CFA, Head Wealth Management Research - Americas, UBS

Luke A. Tilley, Regional Economic Advisor, Federal Reserve Bank of Philadelphia

5:15 p.m.– 6:00 p.m. – Reception – Brandywine/Christina Room

6:00 p.m.– 7:00 p.m. – Dinner - Brandywine/Christina Room

7:00 p.m. – 8:00 p.m.– Guest Speaker (1 hour) –

John H. Langbein, Sterling Prof. Of Law & Legal History, Yale Law School

Total hours for the day: 8.5

THURSDAY, DECEMBER 3rd

Day Two: Applying the Delaware Difference

7:30 a.m. - 8:00 a.m. – Continental Breakfast - du Barry Room

8:00 a.m. – 9:00 a.m. – Day 2 - Session 1 (1 hour) - du Barry Room

"How to Talk Tax When You're Not a Tax Expert"

A practical discussion between a tax accountant, a trust professional and a tax lawyer to provide the knowledge needed to answer questions posed by trust clients

Interviewer: **Charles J. Durante, Esq.**, Partner, Connolly Bove Lodge & Hutz

Interviewees:

Diane M. Burke, CPA, MBA, AEP, Director, Cover & Rossiter

Juliet Kascsak Furch, Vice President, Tiedemann Trust Company

9:00 a.m. – 9:10 a.m. – Break

9:10 a.m. – 10:40 a.m.– Day 2 – Session 2 (1.5 hours) – du Barry Room

"Creditor Protection: How to Use, Not Abuse"

A discussion on red flags, pitfalls, and problems encountered when planning for creditor protection and strategies to help avoid them.

MODERATOR: **Todd A. Flubacher, Esq.**, Partner, Morris Nichols Arsht & Tunnell LLP

PANEL:

William H. Lunger, Esq., Martin & Lunger, P.A

Marion M. Quirk, Esq., Member, Cole, Schotz, Meisel, Foreman, & Leonard, P.A.

Gregory J. Weinig, Esq., Partner, Connolly Bove Lodge & Hutz LLP LLP

10:40 a.m.– 10:50 a.m.– Break

10:50 a.m. – 11:50 a.m. – Day 2 – Session 3 (1 hour) – du Barry Room

"Making Recent Trust Litigation and Decisions In The Delaware Courts Work to Your Client's Advantage"

Delaware attorneys and judges discuss how recent personal and corporate trust litgation can affect Delaware trusts

MODERATOR: **W. Donald Sparks, II, Esq.**, Director,
Richards, Layton & Finger, P.A.

PANEL:
Peter S. Gordon, Esq., LL.M, Director, Gordon, Fournaris & Mammarella, P.A.
Richard J. A. Popper, Esq., Partner, Young Conaway Stargatt & Taylor, LLP
Michael A. Weidinger Esq., Partner, Pinckney, Harris & Weidinger, LLC

11:50 a.m. – 2:10 p.m. – Delaware Difference Lunch & Learn - Day 2 - Sessions 4 & 5

11:50 – 12:00 – Pick Up Boxed Lunch – Gold Ballroom Upper Foyer - and proceed to first session
12:00 – 1:00 – Breakout One (1 hour)
1:10 – 2:10 – Breakout Two (1 hour)

Lunch & Learn Topics – (Select Two)

Valuation Challenges: Practical Concerns of Specialty Assets - Kent/New Castle Room

Everything a Delaware Professional Advisor Needs to Know About Accepting, Managing and Transacting Specialty Assets.

Discussion Leader: **Steven Faulkner**, Managing Director,
Specialty Assets, J.P. Morgan Chase

Uniform Prudent Management Of Institutional Funds Act – Odessa Room

A practical guide on understanding the new Uniform Prudent Management of Institutional Funds Act, and developing appropriate policies, especially for "underwater funds" in a difficult economy.

Discussion Leaders: **R. Samuel Fraundorf, CFA, CPA**, President, Wilmington Trust Investment Management; **Carol Kroch**, VP and Managing Director, Wilmington Trust Company

What To Do When a Corporate Trust Goes Into Default – Newark Room

A review of the default triggers, contractual duties, fiduciary duties and administrative concerns of the trustee.

Discussion Leader: **Doneene Keemer Damon, Esq.**, Director,
Richards, Layton & Finger, P.A.

How To Amend Your Trust – Sussex/Georgetown Room

A discussion highlighting amendment options for trusts created in or moved to Delaware through reformation, decanting, and otherwise.

Discussion Leader: **Michael M. Gordon, Esq.**,
Gordon, Fournaris & Mammarella, P.A.

The Delaware Difference: Delaware Trust Beneficiaries' Right to Know – du Barry Room

An overview comparing beneficiary notification and reporting requirements for Delaware trusts and trusts governed by the Uniform Trust Act (and variations).

Discussion Leader: **Beverly J. Wik, Esq.**, Director, Old Capital Law Firm

2:10 p.m.– 2:20 p.m. – Break

2:20 p.m.– 3:40 p.m. – Day 2 - Session 6 (1 hour 20 minutes) – du Barry Room

Trust Legislative Update

A Review of 2009 Delaware Trust Legislation and a Preview of Anticipated Delaware Trust Legislative Initiatives in 2010

MODERATOR: **David S. Swayze, Esq.**, Director, Parkowski,Guerke & Swayze, P.A.

PANELISTS:

Phoebe Papageorgiou, Esq., Counsel, American Bankers Association

Michael Stein, Esq., 2008/2009 Chair, Estates & Trusts Section, Delaware State Bar Association

Norris P. Wright, Esq., President & Trust Counsel, U.S. Trust Company Of Delaware

3:40 p.m.– 3:50 p.m. - Break

3:50 p.m.– 5:50 p.m.– Day 2 – Session 7 (2 hours) - du Barry Room

Trust Ethics in Delaware

An Examination of Particular Responsibilities and Concerns of Trust Counsel in Guiding the Relationships Among Trustee, Beneficiaries and Pertinent Regulatory Overseers

MODERATOR: **Lawrence A. Hamermesh**, Ruby R. Vale Professor of Corporate and Business Law, Institute of Delaware Corporate Law, Widener School of Law

PANELISTS:

Roger G. Coffin, Associate Director, Weinberg Center for Corporate Governance, Associate Professor of the Practice, Lerner College of Business and Economics, University of Delaware

Robert A. Glen, Bank Commissioner, State of Delaware

Daniel F. Lindley, President, The Northern Trust Company of Delaware

Patricia Bartley Schwartz, Esq., Disciplinary Counsel, Office of the Disciplinary Counsel of the Supreme Court of Delaware

Thomas P. Sweeney, Esq., TPS Consulting LLC

5:50 p.m.– 6:00 p.m. – Closing Remarks & Conference Adjournment - Chairman

Total hours for the day: 8.5

Total hours for the conference: 17.0