

MINUTES

DSBA ESTATES AND TRUSTS SECTION MEETING

April 3, 2018

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held on April 3, 2018, beginning at 3:30 p.m. at the offices of Bessemer Trust Company of Delaware, N.A., 1007 N. Orange Street, Suite 1450, Wilmington, Delaware 19801.

In attendance were: Mark E. Doyle and James J. Gallagher.

In attendance via conference call were: Trisha Williams Hall, Mary B. Hickok, Alex Mili, Richard W. Nenno, Harold W.T. Purnell, W. Donald Sparks, Michael R. Stein, and Scott E. Swenson and associate member, Janet Pilling Jolles.

Mark E. Doyle, Chair, called the meeting to order.

1. Minutes. Upon motion duly made and seconded, the minutes of the meeting of March 6, 2018 were unanimously approved.
2. Committee Reports and Activity.
 - a. Estate Administration Committee – Report of Committee. On behalf of the Committee, Mr. Mili stated that there was no report this month stated that there was no report this month.
 - b. Trust Act Committee – Report of Committee. On behalf of the Committee, Mr. Nenno reminded the Section members that they should pass along ideas for next year's Trust Act to a Committee member for consideration.

Mr. Doyle reminded the Section that the Committee is in the process of establishing a subcommittee that will oversee possible revisions to 12 *Del. Code* section 3322 regarding the hiring of agents by fiduciaries. Section members who are interested in participating or who wish to provide thoughts on the issue should contact Thomas R. Pulsifer at tpulsifer@mnat.com.

Mr. Doyle updated the Section of the status of 2017 Trust Act. He attended a DSBA Executive Committee meeting on March 6 in order to handle questions raised regarding the committee's consideration of the draft Act. At that meeting, the Executive Committee gave conditional DSBA-level approval to the Act, the condition being the submission of the final draft Act to the Court of Chancery and confirmation that the Court wishes to take no position. The Committee has followed up with a submission of the draft Act to the Register in Chancery, and a Committee representative will call into the Court to confirm its receipt and to determine if the Court wishes to take a position.

An update on the Court's response and follow-up communications with the Executive Committee will be provided at the next Section meeting.

- c. CLE Committee – Report of Committee. On behalf of the Committee, Mr. Swenson stated that there was no report this month.
 - d. Notice Committee – Report of Committee. No report.
 - e. Access to Digital Assets Committee – Report of Committee. On behalf of the Committee, Ms. Hall stated that there was no report this month.
 - f. Publications Committee – Report of Committee. No report.
 - g. Power of Attorney/Health Care Directive Committee – Report of Committee. No report.
 - h. Trust Accountings Committee – Report of Committee. No report.
 - i. Guardianship Committee – Report of Committee. On behalf of the Committee, Mr. Purnell stated that there was no report this month.
 - j. Trust Litigation Committee – Report of Committee. No report.
 - k. Electronic Wills and Trusts Committee – Report of Committee. On behalf of the Committee, Mr. Doyle noted that J. Zachary Haupt contacted him to report that the Committee is awaiting the first draft of a model act for electronic Wills, which is expected to be issued by a Uniform Law Commission committee in the next couple of months. The Committee will reconvene once there is a model act to review and from which to work.
3. Old Business – Status of Trust Act 2018. Mr. Doyle's update on the status of the draft 2018 Trust Act was provided during the Trust Act Committee report.
 4. New Business – Officer Nominations – Secretary, Estates & Trusts Section, 2018-2019 Legislative Year. Mr. Doyle informed the Section that nominations were needed for a Secretary of the Section for the coming year. Any Section members interested in serving in this role, or in nominating another Section member to serve, should contact Mr. Doyle at doyle@bessemer.com. Once nominations are collected, the last three Chairs of Section will meet to decide on the slate of officer nominees for 2018-2019.

There being no further business to come before the meeting, the meeting was adjourned at 3:40 p.m. The next meeting of the Section is scheduled for Tuesday, May 1, 2018, 3:30 p.m., at the offices of Bessemer Trust Company of Delaware, N.A., 1007 N. Orange Street, Suite 1450, Wilmington, Delaware 19801.

Respectfully submitted,

James J. Gallagher, Secretary