

MINUTES

DSBA ESTATES AND TRUSTS SECTION MEETING

May 1, 2018

In accordance with notice duly given, a meeting of the Estates and Trusts Section of the Delaware State Bar Association was held on May 1, 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, James J. Gallagher, Jocelyn Margolin Borowsky, Justin P. Duda, Trisha Williams Hall, J. Zachary Haupt, Vincent C. Thomas, and Gregory J. Weinig and associate member Anthony Smedley.

In attendance via conference call were: David J. Ferry, Michael A. Friedberg, Mary B. Hickok, Alexander J. Lyden-Horn, Alex Mili, and Richard W. Nenno 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 April 3, 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 for the Committee this month. Mr. Mili did remind the Section that the New Castle County Register of Wills is holding a closing ceremony for “Operation Backlog” on May 9 at 10:30 a.m., at The Louis L. Redding City/County Building, 1st Floor, 800 N. French St., Wilmington. The event will feature a short ceremony followed by refreshments.
 - b. Trust Act Committee – Report of Committee. On behalf of the Committee, Ms. Borowsky reminded the Section that Trust Act 2018 was provisionally approved by the DSBA Executive Committee in March, subject to the final draft Act being submitted to the Court of Chancery for review and comment. Ms. Borowsky reported that the Court raised a question about the removal of the acknowledgment requirement from the decanting statute but was satisfied by the Committee’s response. Beyond that, the Court wanted to take no stance on the legislation. With the Act now fully approved by the DSBA, lobbyist Mary Davis has been working on generating support for the Act. Mr. Weinig reported that Senator Bushweller was secured as a sponsor, and it was anticipated that the bill would be in Senate Committee – if not up for a full Senate vote – as early as the second week of May. Mr. Doyle stated that he learned that even if the Act clears the Senate that early, the ensuing House Committee and full votes should not be anticipated before June.

Ms. Borowsky reminded the Section members that they should pass along ideas for next year's Trust Act to herself or to another Committee member for consideration.

- c. CLE Committee – Report of Committee. No report.
- d. Notice Committee – Report of Committee. On behalf of the Committee, Mr. Thomas stated that there was no report this month.
- 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. Mr. Doyle noted that Harold W.T. Purnell contacted him to let him know there was no Committee 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. Haupt stated that there will be no report until the first draft of a model act for electronic Wills is issued by a Uniform Law Commission committee. His conversations with Suzy Walsh at the Uniform Law Commission suggest that the model act will be issued in the next couple of months, at least by the July annual meeting. The Committee will reconvene once there is a model act to review and from which to work.

3. Old Business

- a. Status of Trust Act 2018. The update on the status of the draft 2018 Trust Act was provided during the Trust Act Committee report.
- b. Officer Nominations. Ms. Borowsky informed the Section that nominations are still being taken for a Secretary of the Section for the coming year. Two nominations have been received, and any other nominations should be made promptly. The nominating committee, composed of the last three Chairs of Section, will be meeting soon to prepare a recommended slate of 2018-2019 officers in time for the June Section meeting. 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.

4. New Business. No new business was presented for discussion.

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, June 5, 2018, 12:00 noon, 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