



Trust & Estate Controversy Forum

September 19, 2019 | Chicago, IL

Time	Activity/Topic	Speakers
8:30 – 8:55 am	Breakfast and Registration	
8:55 – 9:00 am	Welcome	
9:00 – 9:45 am	Recent Developments Overview of significant cases and statutory development since August 2018.	Peter B. Allport Monica S. Asher David A. Baker Margaret Elizabeth Sanne
9:45 – 10:30 am	Before a Lawsuit Strikes: Helping Private Trust Company Decision-Makers Sleep at Night This presentation will explore the risks facing private trust company decision-makers. We will discuss the risk profiles of individuals in the structure and potential avenues for attack. Finally, we will address mitigation tactics that will help private trust company decision-makers sleep at night.	Nicholas Holland Nicole K. Mann Elise J. McGee Joseph J. Viviano
10:30 – 10:45 am	Break	
10:45 – 11:30 am	Three Monkeys: Trust-Owned Family Businesses and the Fiduciary Risks of Seeing, Hearing and Speaking No Evil Does a trustee not directly involved in management of the business have a duty to scrutinize the details of the business operations and finances beyond overall performance as an investment? How much information about the business are the trust beneficiaries entitled to receive? How must a trustee-director or trustee-officer balance the interests of the business and all shareholders with the interests of individual trust beneficiaries? This panel will discuss the often conflicting fiduciary duties to different groups of stakeholders that may apply to trustees of trusts that hold family businesses in the US and in offshore jurisdictions.	Jared R. Cloud Nicholas Holland Jane Zhao

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11:30 am – 12:15 pm	Offshore Roundup The panel will discuss essential offshore trust controversy applications and recent developments in them (including the court blessing of momentous trustee decisions, court approval of the trustee engaging in third party controversy, court correction of trustee error) with an emphasis on their relevance and importance for US based fiduciaries.	Bernadette Carey, <i>Carey Olsen</i> Nicholas Holland Fozeia Rana-Fahy, <i>MJM</i> Hector Robinson QC, <i>Mourant Ozannes</i>
12:15 – 1:15 pm	Luncheon Presentation: What Will People Think? This presentation will discuss the unanticipated problems that snare the rich and famous.	Monica S. Asher David A. Baker Jared R. Cloud Jay E. Rivlin
1:15 – 2:00 pm	Directed Trusts: With Little Power Comes Great Liability The panelists will discuss the fundamentals of directed trusts and the current landscape of directed trustee liability. Topics will include the Uniform Directed Trust Act; the fiduciary duties of directed trustees and investment advisors generally, and when conflicts arise; the effect of evolving state laws on the liability of directed trustees; exceptions to directed trustee protection; and the impact that the scope of the direction has on directed trustee liability.	Lisa A. Linsky Jay E. Rivlin Joseph J. Viviano
2:00 – 2:45 pm	There Goes What's-His-Name: Capacity Issues In Estate and Trust Controversies Addressing capacity issues most concerning practitioners and clients, with emphasis on preventative measures.	David A. Baker Nicole K. Mann Hallie Ritzu
2:45 – 3:00 pm	Break	
3:00 – 3:45 pm	How to Modernize Irrevocable Trusts: Decanting, Wrappers and Trust Powers In this session, our panel explores how to make effective use of existing trust powers and Non-Judicial Settlement Agreements to change the terms of irrevocable trusts or decant assets into new trusts to make them fit for purpose. The panel will also provide practical guidance to fiduciaries on how to avoid traps and pitfalls in the process, from both the US and offshore perspective.	Christen Douglas Lynsey McIntyre Margaret Elizabeth Sanne

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3:45 – 4:30 pm	Arbitration Clauses in Testamentary Instruments: Tribulations and Triumphs This panel will discuss issues, recent trends and statutory developments relating to the use of arbitration clauses—and unique questions posed by the inclusion of such clauses—in testamentary instruments.	Peter B. Allport Lisa A. Linsky Jennifer Ronz
4:30 – 5:15 pm	No Footprints When We Go: Leaving and Taking Office Without Liability A summary of developing laws addressing liability for accepting fiduciary office and terminating status without trailing liability	David A. Baker Hallie Ritzu Steven S. Scholes
5:15 – 6:30 pm	Cocktail Reception	