

How to Make Directed Trusts Work

What are they and how are they used?

Both Massachusetts and our neighbor to the north, New Hampshire, allow trusts to be directed by persons other than the trustee. This can include a Trust Protector or Special Trustee, or can divide actions amongst trustees. Under the right circumstances, this can be beneficial when it is desirable for the trustee to have supervision, or when different trustees will perform different tasks. It can also be a logistical nightmare if the needs are not well matched to the trust's provisions.

If drafting a Directed Trust, should we consider using New Hampshire law? What are the implications of drafting a New Hampshire trust for a Massachusetts resident? Which state has the better Directed Trust statute?

Learn from the faculty the common types of Directed Trusts in Massachusetts, and the pros and cons of each. Review Massachusetts G.L. c. 203E, § 808 as compared to New Hampshire RSA 564-B:7-711 to identify which statutes have which characteristics. Determine what state law should apply to your trust to meet your clients' goals. Gain insight on how to attain the right Directed Trust structure for your clients' needs.

Agenda

- Overview of the Types of Directed Trusts in Massachusetts
- Review M.G.L. c. 203E, § 808
- Review and Compare RSA 564-B:7-711
- Evaluate Whether You Can Draft for RSA 564-B:7-711 Without Being a New Hampshire Trust
- Picking the Right Law for Your Directed Trust

Speakers



KAREN B. JOHNSON is a co-founder of the law office of Madge & Johnson, PC, a law firm concentrating on estate planning and elder law, located in Westford, Massachusetts. Karen is a graduate of Duke University School of Law and holds an advanced degree (LLM) in Taxation from Boston University School of Law. She has been a practicing attorney since 1994. As an Elder Law and Estate Planning attorney, Karen offers her clients a wide array of planning services, from planning for incapacity and simple wills to helping multi-generation millionaire families utilize their estate tax credits efficiently. Karen advises clients on how best to transfer and protect their assets. She also helps clients apply for Medicaid and other governmental assistance programs.

As an educator, Karen has taught lawyers how to draft estate plans as an Adjunct Professor at Western New England School of Law, one of the few law schools in the country offering an advanced law degree in Elder Law and Estate Planning. Karen has been designated as a *Massachusetts Super Lawyer* from 2015 to present.



T. MICHAEL SULLIVAN of Robinson, Boesch, Sennott & Daly P.A., Portsmouth, NH, focuses his practice on Estate and Trust Administration, Estate Planning and Elder Law; serving clients in Essex and Middlesex County and throughout the Commonwealth of Massachusetts and Southern New Hampshire. Attorney Sullivan is a graduate of the University of New Hampshire and New England School of Law. Michael is also a member of the Board of Directors for the Lawrence Bar Association, Past-President of the Merrimack Valley Estate Planning Council, member of the National Academy of Elder Law Attorneys (NAELA), the Essex County Bar Association, and Vice President of the Board of Directors for the German Home, a home for

individuals with mental health challenges in Lawrence, Massachusetts. Thomson Reuters has selected Michael as a Super Lawyers Rising Star for 2016, 2017, 2018, 2019 and 2020.



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RECORDED WEBCAST

Tuesday, March 9, 2021
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Tuesday, March 16, 2021
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