

IBC's 3rd Annual

Only Trust
Litigation Conference
to Feature the Bailiff
of Jersey

Trust Litigation Symposium

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26th August 2011
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A Complete Case-By-Case Analysis of Trust Disputes & Solutions

INCORPORATING THESE HOT TOPICS

KEY PLENARY SESSIONS

- ✓ **Trust Law Developments**
This session will be a case overview from the Bailiff and Chief Justice of Jersey
- ✓ **Contentious Aspects of Modern Trusteeships**

INTERACTIVE SESSIONS

- ✓ **Divorce, Disclosure & Disruption**
- ✓ **Conflicts in Succession**
- ✓ **Caught in the Wrong & Possibly Putting it Right**
- ✓ **What are the Threats to Trusts?
Updates & Strategies for 2012**

**Plus an Interactive Case Study on
Why Did My Grandfather Set Up a Trust?**
This session led by Rupert Ticehurst will go through a family dispute and the effect to the trust.

**Features 20+ Speakers
including 6 QCs!**

CHAired BY:

- Dawn Goodman, Partner, **WITHERS**

YOUR PANEL OF EXPERT SPEAKERS INCLUDES:

- Michael Birt, Bailiff & Chief Justice of Jersey
- Rupert Ticehurst, **Berwin Leighton Paisner**
- Gilead Cooper QC, **3 Stone Buildings**
- Shan Warnock Smith QC, **5 Stone Buildings**
- David Alexander QC, **3-4 South Square**
- Nicholas Le Poidevin QC, **New Square Chambers**
- Eason Rajah QC, **Ten Old Square**
- David Brownbill QC, **XXIV Old Buildings**
- Stewart Leech QC, **QEB**
- Julian Washington, **RBC**
- Dakis Hagen, **Serle Court**
- Charles Lloyd, **Macfarlanes**
- Christopher Edwards, **Mourant Ozannes**
- Joshua Rubenstein, **Katten Munchin Rosenman LLP**
- Blaise Stucki, **Schellenberg Wittmer**
- Tina Wüstemann, **Bär & Karrer**
- Alan Binnington, **RBC**
- John Freeman, **Families in Business**
- Frances Hughes, **Hughes Fowler Carruthers**
- Jeremy Kosky, **Clifford Chance**
- Alan Pearce, **RBC**
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Trust Litigation Symposium

Dear Fellow Professional,

Since the recession, legal disputes over trusts containing assets including property jumped 238% according to city law firms.

Tens of thousands of families have property and other assets held in trust. These range from a simple trust over the family home to trusts holding valuable investments.

Henceforth, IBC and I return to showcase the key decisions for 2011 at the annual **Trusts Litigation Symposium**. This is a unique event that covers the judiciary, the Bar and Common and Civil law systems. With the special guest of the bailiff and chief justice of Jersey Michael Birt - the conference promises to be a dynamic event.

Dawn Goodman, Partner, **WITHERS**

8th November 2011, Crowne Plaza London St James, London

09.00 Registration and coffee

09.30 **Chair's Opening Remarks**

Dawn Goodman, **WITHERS**

09.35 **Trust Law Developments**

The Bailiff will discuss some of the recent decisions in Jersey concerning trusts.

Michael Birt, **Bailiff (Chief Justice) of Jersey**

10.05 **Contentious Aspects of Modern Trusteeships**

- Disputes between beneficiaries
- Tensions with other parties
- Trustee liability
- Difficult assets
- Fees

Julian Washington, **RBC**

Alan Pearce, **RBC**

10.35 **Divorce, Disclosure & Disruption**

- Coping with a fractured family
- Aspects of divorce - *Radmacher v Granitino* - the precedent?
- Fiduciary duties - a modern context
- When litigation fails - the advantage of mediation
- Psychology of conflict - putting out anxieties

Panel Members:

Stewart Leech QC, **QEB**

Alan Binnington, **RBC**

John Freeman, **Families in Business**

Frances Hughes,
Hughes Fowler Carruthers

Shân Warnock Smith QC, **5 Stone Buildings**

11.35 Coffee

11.55 **Conflicts in Succession**

- Resolving conflicts in civil law/common law cross border estates
 - general (Swiss/civil law) conflict of law principles, jurisdiction in international inheritance disputes
 - treaty US/CH of 1850 - the US and Swiss approach
 - right of heirs to access information - disclosure orders

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A Complete Case-By-Case Analysis of Trust Disputes & Solutions

- interim relief (provisional measures, attachment)
- trusts/Foundations and *forced heirship* under Swiss law - claw back claims
- recognition of foreign probate orders/foreign judgment
- How trustees fulfill duties of tax - personal vulnerability - the US Case Update
 - *Matter of Renard*, 437 N.Y.S. 2d 860 (N.Y.Sur. 1981)
 - *Matter of Meyer*, 2009 Slip Op 1932, 4-5 (N.Y.App. Div. 1st Dep't 2009)
 - *In re Schneider's Estate*, 198 Misc. 1017 (N.Y. Sur. Ct. 1950)
 - *Watts v. Swiss Bank Corp.*, 27 N.Y.2d 270 (N.Y. 1970)
 - *Alvares-Correa v. Cornea*, 726 N.Y.S.2d 668 (2d Dep't 2001)

Panel Members:

Joshua Rubenstein,
Katten Munchin Rosenman LLP
Blaise Stucki, **Schellenberg Wittmer**
Tina Wüstemann, **Bär & Karrer**

12.55 Lunch & Networking

14.10 **Caught in the Wrong & Possibly Putting it Right**

- *In the matter of the S Trust*
- *Futter v Futter*
- *Pitt v Holt*
- *Sinclair v Versailles*

Panel Members:

Eason Rajah QC, **Ten Old Square**
Charles Lloyd, **Macfarlanes**
Christopher Edwards, **Mourant Ozannes**
David Brownbill QC, **XXIV Old Buildings**
John Sullivan, **WeirFoulds LLP**

15.00 **What are the Threats to Trusts? Updates & Strategies for 2012**

- Firewall legislation – *RBS Coutts v W* (2010)
- Transactions at an undervalue
- Receivers – *TMSF v Merrill Lynch* (2011)
- Forced heirship again – *Rothschild Trust v Pateras* (2011)
- Proceeds of crime – *SOCA v Szepietowski* (2009)

Panel Members:

David Alexander QC, **3-4 South Square**
Dakis Hagen, **Serle Court**
Nicholas Le Poidevin QC, **New Square Chambers**

15.50 Afternoon Tea & Networking

16.10 **Why Did My Grandfather Set Up A Trust?**

The Natalin family (fictional) are locked into the bitterest dispute concerning the control and administration of the family wealth. The panel will examine the dispute and explain why, notwithstanding the bitter and expensive dispute, the trust has served the family well.

Panel Members:

Rupert Ticehurst, **Berwin Leighton Paisner**
Jeremy Kosky, **Clifford Chance**
Gilead Cooper QC, **3 Stone Buildings**

17.10 Close of Conference

Who will you Meet?

(Companies that attended the conference in 2010 included:)

- 24 Old Buildings • 7 Bedford Row • Appleby
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Testimonials from 2010's Conference

"Excellent presentations addressing diverse and topical issues that had a universal appeal to any family litigation"

James Pricer, Farrer & Co

"Excellent Update on the Law and litigation practice"

Graham Huelin, Royal Bank of Canada

"Covered all aspects of Trust Litigation"

Jane Oldfield, Hotham Services Ltd

Due to unforeseen circumstances and updated cases going through the court the programme may change and IBC reserves the right to alter the venue and or the speakers.

Trust Litigation Symposium

8th November 2011, Crowne Plaza London St James, London

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WHEN AND WHERE

KW5207
8th November 2011

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