

**SUPERVISORY JURISDICTION AND ARBITRATION IN TRUSTS:
Support for Administration and Dispute Resolution**

Villa Principe Leopoldo, Via Montalbano 5, Lugano

CONFERENCE PROGRAMME LUGANO CENTRE

DATE **Thursday, 17 October 2024 / 9.45 – 17.00**

FIRST PART: SUPERVISORY JURISDICTION

09:45 REGISTRATION and COFFEE

10:00 **SUPERVISORY JURISDICTION IN COMMON LAW: ORIGIN, SCOPE, AND NATURE / Session 1**

- A brief historical introduction to the supervisory jurisdiction over trust administration
- The evolution (and fragmentation) of the supervisory jurisdiction over trust administration
- The nature of the supervisory jurisdiction over trust administration in common law jurisdictions
- Implications for the administration of trust disputes

Speaker: Daniel CLARRY, Gerard Brennan Chambers

10:45 **SUPERVISORY JURISDICTION IN CIVIL LAW: SWITZERLAND / Session 2**

- Swiss rules on supervisory jurisdiction
- Powers of Swiss judges
- Recognition of foreign supervisory decisions
- A case in point: the Stingray trust

Speaker: David W. WILSON, Schellenberg Wittmer Ltd.

11:30 REFRESHMENTS

11:45 **SUPERVISORY JURISDICTION IN CIVIL LAW: ITALY AND SAN MARINO
Session 3**

- The supervisory jurisdiction over trusts administration: limits of the judge's powers in Italy and San Marino.
- Supervisory jurisdiction and non contentious jurisdiction in Italy and San Marino.
- The legal grounds for supervisory jurisdiction in civil law: domestic law or trust law under The Hague Convention?

Speaker: Andrea VICARI, Vicari Avvocati (Milan)

12:30 **SUPERVISORY JURISDICTION IN CIVIL LAW: LIECHTENSTEIN / Session 4**

- Which is the origin of the supervisory jurisdiction in Liechtenstein?
- How broad is the supervisory jurisdiction in Liechtenstein as compared to other legal systems?
- Which are the competences of the Court?
- Which are the limits of the supervisory jurisdiction?

Speaker: Francesco A. SCHURR, University of Liechtenstein

13:15 Stand-up LUNCH and NETWORKING

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SECOND PART: ARBITRATION AND TRUSTS

14.00 ARBITRABILITY AND ARBITRATION CLAUSES: ISSUES UNDER ITALIAN AND SAN MARINO LAW / Session 5

- Arbitrability of supervisory jurisdiction matters and conflicts in Italy and San Marino.
- Arbitration clauses and the requirement of written agreement under Italy and San Marino law.

Speaker: **Andrea VICARI, Vicari Avvocati (Milan)**

14.45 LEGAL PRACTICE IN ARBITRATION IN THE ESTATE PLANNING / Session 6

- Binding parties to trust arbitration clauses
- Representation of beneficiaries in arbitral proceedings
- Conflict of law issues and the Hague trust convention
- Enforceability of trust arbitration awards

Speaker: **Andrea MOJA, SLCLEX Studio Legale Commerciale**

15:30 REFRESHMENTS

15.45 TRUST AND ESTATE ARBITRATION IN SWITZERLAND: UPDATE AND RECENT EXPERIENCES / Session 7

- Estate litigation in Switzerland: a myth or a reality?
 - Is arbitration a useful tool to settle Swiss and or international inheritance disputes?
 - What are the pros/cons of estate arbitration
 - What are the procedural difficulties linked to estate arbitration?
- Trust arbitration: Challenges and need for institutional rules?
 - What is trust arbitration?
 - Is Switzerland a suitable venue for trust arbitration?
 - What are the difficulties related to trust arbitration?
 - Is the current legal framework sufficient to successfully conduct trust arbitration proceedings in Switzerland?

Speakers: **Werner JAHNEL and Sébastien ZULIAN, LALIVE**

17:00 CLOSE OF THE DAY