



Fund Litigation – dealing with disputes

8 July 2009, am – L’Horizon Hotel, Jersey

9 July 2009, am – St. Pierre Park Hotel, Guernsey

CPD 3 hrs per half day

Crashing stock markets, investment fraud and regulators are all placed under intense scrutiny. Fund professionals are now at the centre of a legal whirlwind in which these elements collide. Leading local speakers provide practical advice on handling liabilities from the viewpoint of the professionals including managers, investment advisors, custodians and the investors seeking to make good losses. The Regulator’s role will also be examined.

An essential conference for all fund professionals and their advisors including those advising on insolvencies.

Corporate Insolvency and Restructuring

8 July 2009, pm – L’Horizon Hotel, Jersey

9 July 2009, pm – St. Pierre Park Hotel, Guernsey

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The greatest economic downturn of many decades has led to a rush of financial failures. This half day update is designed to inform directors, executives, lawyers and accountants of the procedures involved and the responsibilities that may result and how assets are divided out in corporate insolvencies. Restructuring considerations and the position with other insolvency procedures will also be examined.

Aimed at all fund professionals utilising corporate vehicles, executive and non-executive directors, lawyers, accountants and insolvency practitioners.

FUND LITIGATION –DEALING WITH DISPUTES
8 JULY 2009, AM – L’HORIZON HOTEL, JERSEY

	CHAIRMAN: Mark Temple, Partner, Ozannes
8.30	REGISTRATION
9.00	CHAIRMAN’S INTRODUCTION
9.05	LIABILITY FOR THE PROSPECTUS <ul style="list-style-type: none">● Prospectus requirements● Fund Guides● Statutory liability● Judicial authority SPEAKER: Justin Harvey-Hills, Senior Associate, Mourant du Feu & Jeune
9.40	INTER FUND DISPUTES: MANAGERS/ INVESTMENT ADVISERS/CUSTODIANS <ul style="list-style-type: none">● Roles of Managers, investment advisors and custodians● Typical complaints and proving them● Resolving the dispute: who, how, where?● Spreading blame: auditors● Minimising risk SPEAKER: Nigel Sanders, Managing Associate, Ogier
10.15	INVESTORS’ RIGHTS/REDEMPTION/ SUSPENDED DEALINGS <ul style="list-style-type: none">● Cause and effect: Market volatility● Combating Caveats● Liquidity Performance Risk and the <i>Springwell Navigation case</i>● Judgment calls: The Decisions in<ul style="list-style-type: none">-<i>Strategic Turnaround Master Partnership (2008) (Cayman Islands)</i>-<i>In the Matter of Stewardship Credit Arbitrage Fund (2008) (Bermuda)</i>-<i>SV Special Solutions v. Headstart Class F Holdings (2008) (BVI)</i>● Problems of Election SPEAKER: William Grace, Partner, Carey Olsen
10.50	MORNING COFFEE
11.05	LIQUIDATORS AND WINDING UP OF FUNDS <ul style="list-style-type: none">● Choice of liquidator● Cross jurisdictional experience of liquidation team (including lawyers)● Competing agendas of law, investors, creditors● Directors conduct● Funding of litigation● Approach of the regulator(s) SPEAKER: Alan Roberts, Partner, Begbies Traynor Channel Islands
11.40	REGULATORY ASPECTS OF FUND DISPUTES <ul style="list-style-type: none">● Overview of the regulatory framework● Regulatory powers of the JFSC in relation to fund functionaries● Examples of fund disputes● Examples of regulatory responses to fund disputes● Dealing with a regulatory investigation SPEAKER: Mark Temple, Partner, Ozannes
12.15	PANEL DISCUSSION AND QUESTIONS
12.30	CLOSE OF CONFERENCE

CORPORATE INSOLVENCY & RESTRUCTURING
8 JULY 2009, PM – L’HORIZON HOTEL, JERSEY

	CHAIRMAN: Daniel Richards, Partner, Ogier
13.30	REGISTRATION
14.00	CHAIRMAN’S INTRODUCTION
14.05	THE “COMPULSORY” AND COMPANIES LAW REGIME IN JERSEY <ul style="list-style-type: none">● Bankruptcy (Desastre) Law 1990 procedure & Viscounts Powers● Summary Windings Up● Creditors’ Winding Up SPEAKER: Alan Roberts, Partner, Begbies Traynor Channel Island
14.45	CRIMINAL & CIVIL LIABILITIES FOR DIRECTORS AND OFFICERS OF INSOLVENT COMPANIES <ul style="list-style-type: none">● Setting the scene – who do directors owe their duties to and does this change upon insolvency?● The Company is insolvent – what shall I do?● Responsibility for wrongful trading● Fraudulent trading● Director’s disqualification● Ratification for breach of directors’ duties – will this help?● Distributions, redemptions and buybacks where the Company is Insolvent● Indemnification from the Company –is it worth the paper it is written on?● Power of the Court to grant relief will this help if the company is insolvent? SPEAKER: Mark Lewis, Partner, Appleby
15.25	AFTERNOON TEA
15.45	CORPORATE RESTRUCTURING CONSIDERATIONS <ul style="list-style-type: none">● The “Twilight Zone”● Directors and Stakeholders Agendas● Pre Procedure Advice<ul style="list-style-type: none">- Importance of documentation OTHER INSOLVENCY PROCEDURES APPLICABLE IN COMPANY SITUATIONS <ul style="list-style-type: none">● S125 Schemes of Arrangement● Remise des Biens● Cession Generale● Degrevement and Realisation● Cross Border issues SPEAKER: Adrian Rabet, Partner, Begbies Traynor Channel Islands
16.45	PANEL DISCUSSION AND QUESTIONS
17.00	CLOSE OF CONFERENCE

FUND LITIGATION –DEALING WITH DISPUTES
9 JULY 2009, AM – ST. PIERRE PARK HOTEL, GUERNSEY

	CHAIRMAN: St. John Robilliard, Partner, Ozannes
8.30	REGISTRATION
9.00	CHAIRMAN’S INTRODUCTION
9.05	LIABILITY FOR THE PROSPECTUS <ul style="list-style-type: none">● Responsibility for prospectuses<ul style="list-style-type: none">- General law- Guernsey regulatory regime and new rules● Verification<ul style="list-style-type: none">- Trends- The process● Key areas for potential claims<ul style="list-style-type: none">- Investment restrictions and objectives- Inconsistencies- Risk warning- Tax disclosures SPEAKER: Paul Wilkes, Senior Associate, Collas Day
9.40	INTER FUND DISPUTES: MANAGERS/ INVESTMENT ADVISERS/CUSTODIANS <ul style="list-style-type: none">● Eligible investors and product mis-selling● Investment management “vires” and the role of the vigilant custodian● Spread of risk and policing diversification● Risk warnings● Role of designated manager/administrator● Role of auditor● Outsourcing of functions; custody, management SPEAKER: Paul Richardson, Partner, Atkinson Ferbrache and Richardson
10.15	INVESTORS’ RIGHTS/REDEMPTION/ SUSPENDED DEALINGS <ul style="list-style-type: none">● Cause and effect: Market volatility● Combating Caveats● Liquidity Performance Risk and the <i>Springwell Navigation case</i>● Judgment calls: The Decisions in<ul style="list-style-type: none">-<i>Strategic Turnaround Master Partnership (2008) (Cayman Islands)</i>-<i>In the Matter of Stewardship Credit Arbitrage Fund (2008) (Bermuda)</i>-<i>SV Special Solutions v. Headstart Class F Holdings (2008) (BVI)</i>● Problems of Election SPEAKER: Tim Corfield, Senior Associate, Carey Olsen
10.50	MORNING COFFEE
11.05	LIQUIDATORS AND WINDING UP OF FUNDS <ul style="list-style-type: none">● Grounds for winding up● Applications by the Fund itself● Applications by investors and creditors● The role of the liquidator● Who controls the liquidation?● Alternatives including administration● Jurisdictional issues and comity SPEAKER: Jeremy Wessels, Partner, Ozannes
11.40	REGULATORY ASPECTS OF FUND DISPUTES <ul style="list-style-type: none">● Overview of the regulatory framework● Regulatory powers of the GFSC in relation to fund functionaries● Examples of fund disputes● Examples of regulatory responses to fund disputes● Dealing with a regulatory investigation SPEAKER: Alasdair Davidson, Associate, Babbé
12.15	PANEL DISCUSSION AND QUESTIONS
12.30	CLOSE OF CONFERENCE

CORPORATE INSOLVENCY & RESTRUCTURING
9 JULY 2009, PM – ST. PIERRE PARK HOTEL, GUERNSEY

	CHAIRMAN: St. John Robilliard, Partner, Ozannes
13.30	REGISTRATION
14.00	CHAIRMAN’S INTRODUCTION
14.05	COMPULSORY WINDINGS UP <ul style="list-style-type: none">● Unpaid debt● Winding-up petition● Application to Royal Court● Liquidators powers● Directors’ conduct● Appointment of a Commissioner● Conclusion of the winding up SPEAKER: Alan Roberts, Partner, Begbies Traynor Channel Islands
14.45	CRIMINAL & CIVIL LIABILITIES FOR DIRECTORS AND OFFICERS OF INSOLVENT COMPANIES <ul style="list-style-type: none">● Who is a director/officer?● Fraudulent trading● Wrongful trading (and defences)● Solvency test and recovery of distributions● Directors’ duties under common law● Indemnification of directors and officers for criminal/civil liabilities SPEAKER: Jon Barclay, Partner, A O Hall
15.25	AFTERNOON TEA
15.40	CORPORATE RESTRUCTURING CONSIDERATIONS <ul style="list-style-type: none">● The “Twilight Zone”● Directors and Stakeholders Agendas● Pre Procedure Advice<ul style="list-style-type: none">- Importance of documentation SPEAKER: Adrian Rabet, Partner, Begbies Traynor Channel Islands
16.15	OTHER INSOLVENCY PROCEDURES APPLICABLE AGAINST COMPANIES <ul style="list-style-type: none">● Saisie – outline of procedure● Case Study: The Royal Hotel● Desastre – a simple liquidation of assets● Priorities● Foreign bankruptcies, information seeking, Midvale Vineries 1995● UK Insolvencies● Others SPEAKER: St. John Robilliard, Partner, Ozannes
16.50	PANEL DISCUSSION AND QUESTIONS
17.00	CLOSE OF CONFERENCE

BOOKING INFORMATION

BOOKING DETAILS

Bookings should be made on this registration form or by letter/e-mail and should be accompanied by the appropriate fee. Payment can be made by sending a cheque payable to Offshore Professional Conferences Ltd. or by bank transfer to: Barclays Bank, 208 Kensington High Street, London W8 7RJ, Account No: 10172480, Sort Code: 20 47 39, quoting Ref: 1236-1239 and the delegate(s) name.

Joining instructions will be sent and will include an admission letter, and invoice (receipted if payment has been received). If you do not receive your joining instructions before the event, please telephone our office to ensure that your booking has been received.

CANCELLATIONS.

We appreciate that occasionally difficulties do arise and the nominated delegate may not be able to attend. However, as late cancellations can cause considerable difficulties, the following conditions will apply when reserving places at our events.

1. Substitution of an alternative delegate is allowed at any time, just inform our office. Email Julie at: julie@opconferences.co.uk
2. For cancellation of a booking there will be no charge, provided the request is received not less than 14 working days before the conference.
3. Thereafter, no refund will be sent.

FEES

The fee is £350 per delegate per half day

PROGRAMME DETAILS

The details on the programme are correct at the time of the brochure printing. Offshore Professional Conferences Ltd reserves the right to make alterations to the programme, date and venue should the need arise.

There may be occasions when a speaker will present a paper but not take questions.

DOCUMENTATION

All delegates are provided with folders containing comprehensive notes/slides when registering at the conference. Every effort is made to collect in advance speakers' notes/slides, but this is not always possible; any papers missing will be distributed on the day. This documentation will serve as a valuable tool to use after the event.

REFRESHMENTS

a.m. events: Coffee/tea on arrival, mid-morning coffee

p.m. events: Coffee/tea on arrival, mid-afternoon tea

Delegates attending both am and pm events will be provided with a light sandwich lunch.

VENUE

L'Horizon Hotel, St. Brelades Bay, Jersey JE3 8EF

Tel: 01534 743101 Fax: 01534 746269

St. Pierre Park Hotel, St. Peter Port, Guernsey GY1 1FD

Tel: 01481 728282 Fax: 01481 712041

The conference fee does not include accommodation.

CPD ACCREDITATION

SRA (Law Society) accreditation has been applied for and each conference will carry 3 hours per half day. The conference could contribute towards other investment/financial institution's accreditation.

Written confirmation of attendance will be available on the day.

REGISTRATION FORM

TITLE: Fund Litigation – dealing with disputes

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PLEASE USE CAPITAL LETTERS WHEN FILLING IN FORM

We wish to register the following delegate(s) and enclose payment for:

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You may also send this completed form by fax to: 0208655 1070

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