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Trust Disputes, Litigation and Alternative Dispute Resolution

28 March 2012 -
St Pierre Park Hotel, Guernsey

CPD
6HRS

Each time relevant professionals are surveyed they report not only an increase in litigation involving trusts, but also that this trend is likely to continue to grow.

The effects on trustees caught up in such disputes are not to be underestimated and can involve much time and cost that is unrecoverable as well as considerable personal pressure. However there is much that any professional trustee can do to minimise these risks, including understanding what they are, taking measures at the outset of the relationship to avoid them and by employing alternative dispute resolutions.

Together with guest speakers many of Guernsey's leading trust litigators will set out these risks and the best techniques for dealing with them.

TRUST DISPUTES, LITIGATION AND ALTERNATIVE DISPUTE RESOLUTION

28 MARCH 2012 - ST PIERRE PARK HOTEL, GUERNSEY

CHAIRMAN: St. JOHN ROBILLIARD, PARTNER, MOURANT OZANNES

8.30 REGISTRATION

9.00 CHAIRMAN'S INTRODUCTION

9.05 GUERNSEY TRUSTEES AS PARTY TO ENGLISH COURT PROCEEDINGS

- Technical jurisdiction of the English Court
- Cases where this occurs:-
 - Bankruptcy
 - Tax
 - Matrimonial

- Offshore trustees as claimants
- Sanctions for non appearance

SPEAKER: Nicholas Le Poidevin QC, New Square Chambers

9.55 KEY TRUST CLAUSES THAT DISCOURAGE LITIGATION

- Exoneration clauses
- Directed Investments
- Legal advice/engage in litigation
- Non contest
- Arbitration/mediation

SPEAKER: St. John Robilliard, Partner, Mourant Ozannes

10.40 MORNING COFFEE

11.00 TRUSTEES DRAGGED INTO SETTLORS' AND BENEFICIARIES' BANKRUPTCIES

- Rights to information against trustees
- Setting aside dispositions into trusts
- Impounding beneficiaries' interests
- Exercise of reserve powers

SPEAKERS: Elspeth Talbot Rice QC, XXIV Old Buildings

&

Stephen Moverley Smith QC, XXIV Old Buildings

11.45 DIVORCE AND TRUSTS

- Summary of recent cases
- What effects are the Guernsey/Jersey "override" sections having?
- Inter Island divorces

SPEAKER: Paul Buckle, Group Partner, A O Hall

12.30 PANEL DISCUSSION AND QUESTIONS

12.40 LUNCH

13.50 MANAGING THE TRUST THROUGH A DISPUTE

- Relationship with 'hostile' settlor/beneficiaries
- Relationship with other beneficiaries
- Decision making: beneficiaries/capital appointments/investment
- Contact with and the role of the regulator
- Fees and costs

SPEAKER: Mark Ferbrache, Partner, AFR Advocates

14.35 PUTTING RIGHT MISTAKES VERSUS 'HOSTILE' LITIGATION

- The remedies
- Current status of Hastings-Bass and mistake
- The alternatives

SPEAKER: Ian Swan, Partner, Babbé

15.20 AFTERNOON TEA

15.40 ARBITRATION/MEDIATION

- When will alternative dispute resolution be used?
- Procedures and costs that can be expected
- Advantages and disadvantage
- Section 3 of the Trusts (Guernsey) Law, 2007 – sleeping giant or damp squib?

SPEAKER: Toby Graham, Partner, Farrer & Co

16.25 PANEL DISCUSSION AND QUESTIONS

16.45 CLOSE OF CONFERENCE

BY ATTENDING THIS EVENT YOU WILL BENEFIT FROM:

- Up to the minute information from experts in this field
- Opportunities for questions and answers with the panellists
- Comprehensive documentation, which is specially prepared for this conference, and will be a useful reference document afterwards
- The opportunity to network with your colleagues and peers in a situation away from the distractions of the office

BOOKING INFORMATION

BOOKING DETAILS

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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.
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FEES

The fee is £475 per delegate

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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

Coffee/tea on arrival, mid-morning coffee, lunch and mid-afternoon tea are included in the fee.

VENUE

St. Pierre Park Hotel, Guernsey GY1 1FD
Tel: 01481 728282 Fax: 01481 712041

SRA CPD ACCREDITATION

SRA CPD accreditation has been applied for and each conference will carry 6 hrs per 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: Trust Disputes, Litigation and Alternative Dispute Resolutions
28 March 2012 – St. Pierre Park Hotel, Guernsey

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