Jurisdiction Issues & Conflict of Laws

Issues and opportunities for trustees and fiduciaries

Key Program Highlights Include:

- Trusts and Private International Law in the Onshore and Offshore Worlds Update
- Jurisdiction over Trusts Disputes
- Arbitration Agreements and Trusts
- Offshore “Firewall” Legislation
- The Hague Trusts Convention and Recognition of Trusts
- Effects of Divorce and Foreign Matrimonial Property Rules on Trusts
- Effects of Foreign Succession Laws on Trusts
- Insolvency and the Law Applicable to Trusts
- Cross-Border Planning between Common Law and Civil Law Jurisdictions

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Wednesday 10th December 2014 • Kensington Close Hotel, London

Keynote speaker:
Justice David Hayton
Judge
CARIBBEAN COURT OF JUSTICE

Chairman:
Prof Jonathan Harris
Barrister
SERLE COURT

Expert speaker panel:
David Alexander QC
Barrister
SOUTH SQUARE

Nicholas Le Poidevin QC
Barrister
NEW SQUARE CHAMBERS

David Brownbill QC
Barrister
XXIV OLD BUILDINGS

Richard Frimston
Partner
RUSSSELL COOKE

Toby Graham
Partner
FARRER & CO.

Richard Pease
Counsel
LENZ & STAEHELIN

Mark Renouf
Partner
HANSON RENOUF

Chris Moorcroft
Senior Associate
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Dear Private Client Practitioner,

The application and relevance of trust law is no longer confined to common law jurisdictions. With that comes fresh challenges such as jurisdictional squabbles and conflicts of laws considerations, giving rise to difficulties and uncertainties for practitioners. Advisors must also ensure trusts are structured efficiently to ensure they do not leave their clients open to costly trust disputes.

Attend this conference to minimise uncertainty & overcome these difficulties.

Benefit from expert guidance & recent international trust litigation updates to ensure your trust structure is bulletproof to the multitude of issues that could impact your client’s bank balance.

Key topics include:

- Trusts and Private International Law in the Onshore and Offshore Worlds Update
- Jurisdiction over Trusts Disputes
- Arbitration Agreements and Trusts
- Offshore “Firewall” Legislation
- The Hague Trusts Convention and Recognition of Trusts
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- Effects of Foreign Succession Laws on Trusts
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- Cross-Border Planning between Common Law and Civil Law Jurisdictions

I urge you to look through the agenda for a detailed breakdown of the topics to be discussed and the esteemed speaker line-up.

The speakers and I look forward to welcoming you on the day.

With kind regards

Rosie Graham
Conference Producer
IBC CONFERENCES

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**8.30** Registration

**9.00** Chairman’s Opening Remarks

[Prof. Jonathan Harris]
Barrister
SERLE COURT

**9.10** Trusts and Private International Law in the Onshore and Offshore Worlds

[The Hon. Mr Justice Hayton]
JUDGE
CARIBBEAN COURT OF JUSTICE

**10.00** Jurisdiction over Trusts Disputes

- Service out of the jurisdiction: rules and reform
- Jurisdiction under the revised Judgments Regulation EU 1215/2012 applicable to proceedings commenced on/after 10 January 2015
- Jurisdiction clauses in trust instruments: construction and effect
- Offshore perspectives
- Crociani case in Jersey

Moderated by:

[Prof. Jonathan Harris]
Barrister
SERLE COURT

[The Hon. Mr Justice Hayton]
JUDGE
CARIBBEAN COURT OF JUSTICE

[Toby Graham]
Partner
FARRER & CO.

[Nicholas Le Poidevin QC]
Barrister
NEW SQUARE CHAMBERS

**11.00** Refreshment Break

**11.20** Arbitration Agreements and Trusts

- Arbitration clauses in trusts: are they effective and who do they bind?
- Are they desirable?
- Offshore perspectives

[David Brownbill QC]
Barrister
XXIV OLD BUILDINGS

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**“Excellent presentations which were extremely informative”**

Lawrence Graham

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12.10 Offshore “Firewall” Legislation
- Jersey perspective
- Cayman perspective
- BVI perspective
- English law perspective on firewall legislation

Mark Renouf  
Partner  
HANSON RENOUF

1.00 Lunch

2.00 The Hague Trusts Convention and Recognition of Trusts
- Choice of law rules & recognition of trusts
- Recognition of trusts in civil law contracting states under the Convention

Richard Pease  
Counsel  
LENZ & STAEHELIN

2.40 Effects of Divorce and Foreign Matrimonial Property Rules on Trusts
- Types of foreign matrimonial property law and their potential interaction with trusts
- Applicable law and application in the English courts and offshore
- Family law perspectives on the role of foreign law
- The proposed EU Matrimonial Property Regulation

Mark Harper  
Partner  
WITHERS

3.20 Refreshment Break

3.40 Effects of Foreign Succession Laws on Trusts
- Jurisdiction over cross-border successions
- Choice of law rules and clawback
- Offshore perspectives
- The EU Succession Regulation and its impact

Richard Frimston  
Partner  
RUSSELL COOKE

4.20 Insolvency and the Law Applicable to Trusts
- Jurisdiction
- Applicable law rules
- The impact of the EU Insolvency Regulation

David Alexander QC  
Barrister  
SOUTH SQUARE

4.50 Cross-Border Planning Between Common Law and Civil Law Jurisdictions
- Achieving dual recognition where civil and common law systems collide
- Foundations acting as trustees
- Use of nominee arrangements

Chris Moorcroft  
Senior Associate  
HARBOTTLE & LEWIS

5.30 Chairman’s Summation

Testimonials from IBC Private Client events
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- “Lively and relevant, with very concentrated content”  
  ALBECQ TRUST CO.
- “An interesting range of topics - all highly relevant with lively presentations and discussions.”  
  WITHERS
- “A vast array of eminent speaker covered a wide range of topical issues which resulted in an interesting and worthwhile day away from the office”  
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Jurisdictional issues and conflict of laws

10th December 2014 • Kensington Close Hotel, London

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