

Serle Court Trusts and Commercial Litigation Conference

When

Thursday 15 June 2017
2.00 - 6.00 pm

Where

The Royal Yacht Hotel
Jersey

first rate from
top to bottom



serle court

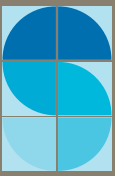
chancery
& commercial

www.serlecourt.co.uk



Programme

1.30	Registration and coffee	
2.00	Welcome by the Chair	<i>John Machell QC</i>
2.10	Talk: Developments in Interim Relief In this session, Richard Wilson QC and Matthew Morrison will discuss recent developments in interim relief in various jurisdictions and how they may be relevant for practitioners in Jersey.	<i>Richard Wilson QC Matthew Morrison</i>
2.40	Breakout sessions: Privacy and confidentiality in trust litigation This session will consider the circumstances in which trustees are obliged to provide disclosure in the context of hostile litigation and the extent to which trustees can safeguard confidentiality. The issues that will be discussed include: whether trust proceedings, and documents disclosed in the course of those proceedings, can be kept confidential; practical guidance for protecting privacy in trust litigation; and the ability of beneficiaries to obtain disclosure under Data Protection legislation following the recent English Court of Appeal decision of <i>Dawson-Damer v Taylor Wessing LLP</i> . Corporate governance in trusts This session will examine issues that arise in respect of the use of companies within trust structures, looking at the onus on trustees, what active steps may need to be taken by them and when, the duties owed by directors of underlying companies and holding them to account and the impact of the risk of insolvency.	<i>James Brightwell Sophie Holcombe Timothy Collingwood Zahler Bryan</i>
3.40	Coffee	
4.15	Talk: Illegality after <i>Patel v Mirza</i> This panel session will consider the law on illegality in the light of the Supreme Court's decision in <i>Patel v Mirza</i> [2016] 3 WLR 399, and in particular its effect on resulting and constructive claims, and claims involving sham trust allegations.	<i>John Machell QC Amy Proferes</i>
4.45	Breakout sessions: Full and frank disclosure in trustees' applications Is there a difference between what the courts do or should require in <i>Public Trustee v Cooper category (2)</i> (blessing) cases and in category (3) surrender of discretion cases? If there is a difference in theory, is there one in practice? <i>Tamlin v Edgar</i> [2011] EWHC 3849, <i>Cotton v Earl of Cardigan</i> [2014] EWCA Civ 1312, <i>National Westminster Bank v Lucas</i> [2014] EWCA Civ 1632. What about the cost? Busting trusts and piercing veils In this session, Kathryn Purkis and James Mather examine where the law now stands on looking through trust and company structures and strategies for attacking and defending such structures.	<i>Will Henderson Jonathan McDonagh Kathryn Purkis James Mather</i>
5.45	Closing remarks	<i>Richard Wilson QC</i>
6.00	Drinks and canapés	



Speakers



John Machell QC

John was called in 1993 and appointed QC in 2012. His practice spans the chancery and commercial fields, with an emphasis on partnership, LLP, trusts and fraud work, particularly with an international dimension.



Richard Wilson QC

Having been ranked by Chambers & Partners as a leading junior in the fields of trusts, offshore, and traditional chancery work, as well as being one of the 'Chambers 100' best barristers across all disciplines, Richard took silk in February 2016. He is primarily a trusts and estates litigator, and appears in many leading cases in England, BVI and Cayman as well as assisting advocates in Jersey and Guernsey, where he has also given expert evidence on English Law.



Will Henderson

Will acts for private clients, trustees, trust companies, and H.M. Attorney General, principally in relation to disputes concerning onshore and offshore trusts, probate, the administration of estates, charities, and associated professional negligence. He is Junior Counsel to the Treasury in Charity Matters. He enjoys working with lawyers outside England and Wales, either in or out of court in any jurisdiction, though to date Jersey is the offshore jurisdiction with which he has had the closest connection. His most well-known recent case is *Pitt v Holt* [2013] UKSC 26, where he acted for Mrs Pitt throughout the litigation.



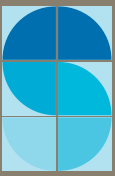
Kathryn Purkis

Kathryn practised as an Advocate in Jersey from 2005 until 2014, appearing in many notable Jersey cases. After a period as joint managing partner at Collas Crill, from 2012 she headed up the firm's pan-jurisdictional integrated contentious and non-contentious fiduciary team. She rejoined her original chambers, Serle Court, in April 2016 and is now redeveloping a wide-ranging commercial chancery practice, with particular focus on contentious trusts and estates issues and fraud and asset-tracing claims, both onshore and offshore. She is highly recommended in successive years of the "offshore" sections of the various legal directories, which describe her as a "fearless advocate" and "outstanding lawyer".



Timothy Collingwood

"A real fighter" and "a go-to senior junior" (Chambers & Partners, 2016). Tim has a broad commercial chancery practice, with extensive experience in respect of shareholder disputes, claims concerning breaches of duty (both by directors and by trustees) and related negligence claims. He has acted in various claims concerning investment funds and hedge funds (offshore and onshore). Prior to commencing practice in England, Tim practised as an attorney-at-law in the Cayman Islands. Tim is a contributor to *Joffe on Minority Shareholders*.



Speakers



James Brightwell

James specialises in contentious trust and estate disputes, principally offshore, and is also one of the editors of *Lewin on Trusts*. He is regularly involved in high-value, complex trust disputes, including the *Tchenguiz* litigation in Guernsey. Other recent cases include a successful probate undue influence claim (*Schomberg v Taylor*), the further *Alhamrani* litigation in the BVI which was recently before the Privy Council, and proceedings in England concerning the beneficial ownership of a fund in which James acts for the Union and President of India.



Matthew Morrison

Matthew has a broad commercial chancery practice with a particular emphasis on civil fraud, company and partnership, insolvency and trust litigation. He has been instructed in Jersey, Guernsey, the Isle of Man, the Cayman Islands and the Bahamas and is recommended as a leading junior for civil fraud (Chambers & Partners), and commercial litigation, company and partnership (Legal 500). Matthew is described as “*extremely bright, responsive, great on the detail and very user-friendly*”, and “*very approachable, extremely hardworking and good on the law*”.



James Mather

James has a broad commercial chancery practice as advocate and adviser. In recent years his work has focused increasingly on litigation in the areas of civil fraud, fiduciary duties, LLPs and partnerships. He has wide experience of trial advocacy and applications for pre-emptive and interlocutory relief. He is recommended as a leading junior in both Legal 500 and Chambers & Partners.



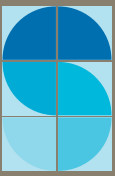
Sophie Holcombe

Sophie has a commercial chancery practice, with a particular focus on contentious domestic and offshore trusts and civil fraud. Sophie previously acted in the *BTA v Ablyazov* enforcement proceedings and on behalf of trustees in the *Z Trusts I to VIII* litigation in Jersey, involving issues of insolvent trusts. Sophie is currently instructed on behalf of beneficiaries in relation to mismanagement of a major investment portfolio in Switzerland.



Jonathan McDonagh

Jonathan's practice has an emphasis on civil fraud and trust disputes. There is an international dimension to much of Jonathan's work. His current instructions include defending a claim brought against the Government of The Gambia in respect of an oil contract; acting for the claimant in the *Al-Mojil v Protiviti* litigation in the DIFC; and acting in the long-running 'Hyderabad Fund' dispute, involving India, Pakistan and the heirs of the 7th Nizam of Hyderabad. His experience in Jersey includes: *Trilogy Management v YT*; and *Walker v Egerton-Vernon & Ors*. Jonathan also appears regularly in the English family division in ancillary relief proceedings involving trust assets.



Speakers



Zahler Bryan

Zahler has a varied commercial chancery practice, with a particular focus on international trust, commercial and company litigation. Since her return to chambers following a year spent acting as judicial assistant to Lord Neuberger, Zahler has advised on a broad range of commercial chancery matters with an emphasis on large-scale offshore trust and company disputes. Led by Richard Wilson QC, Zahler will be appearing in a forthcoming Privy Council appeal about the nature of a trustee's duty to account.



Amy Proferes

Amy has a broad commercial chancery practice across the range of Chambers' specialities, with a particular interest in traditional chancery work. She became a tenant at Serle Court in October 2014 following the successful completion of pupillage. Before coming to the Bar, Amy worked at a mergers and acquisitions advisory firm specialising in aerospace and industrials, following postgraduate studies in History & Middle Eastern Studies at Harvard University.

Serle Court is one of the largest commercial / chancery chambers offering genuine expertise across a broad range of both chancery and commercial disciplines covering the whole range of 'business' law, from offshore litigation about the world's largest companies to domestic advice on probate matters, servicing a similarly disparate lay and professional client base at home and abroad.

Serle Court and its members are highly recommended by the legal directories for their work in trusts and commercial litigation. Chambers & Partners notes that Serle Court is *"a definite go-to chambers for contentious trust work"* which *"offers unrivalled expertise for those with cases in the Channel Islands and is also a key player in Bermuda and the wider Caribbean offshore jurisdictions"*; whilst The Legal 500 identified Serle Court as the *"Private client: trusts and probate – Set of the Year"* in their 2017 Awards and refers to Serle Court as *"the 'go-to set for offshore litigation involving trusts"*, *"one of the top commercial Chancery sets"* with *"strength in depth and barristers suitable for whatever the need"*.

The conference is FREE to attend

It will appeal to those involved in trust and commercial litigation and those involved in private client work including lawyers, trust companies, accountants and other advisors.

This conference is accredited with 3 CPD hours by the Law Society of Jersey.

To request a place please send your name, firm and contact details to **Lorraine Lister** at rsvp@serlecourt.co.uk

