



serle court

20<sup>TH</sup> ANNIVERSARY

Raises the bar in Chancery & Commercial

# Serle Court 4<sup>th</sup> International Trusts and Commercial Litigation Conference 2019

## WHEN

Monday, 11<sup>th</sup> November 2019  
8.30am - 4.50pm

## WHERE

Rainbow Room  
30 Rockefeller Plaza, 65<sup>th</sup> Floor  
New York  
NY 10112

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8.30 - 9.15	Registration
9.15 - 9.30	Opening remarks: Alan Boyle QC ( <i>Head of Chambers</i> )
9.30 - 10.30	<b>Panel Session:</b> Around the world in 60 minutes: hot topics from various jurisdictions
10.30 - 11.15	<b>Panel Session:</b> Netting the non-participating defendant: when has a litigant submitted to the jurisdiction?
11.15 - 11.35	Coffee break
11.35 - 12.20	<b>Panel Session:</b> Confidentiality and open justice in trust and commercial cases
12.20 - 1.15	<b>Commercial Breakout Session</b> <i>Don't be dazzled by the reflection! Reflective loss and its implications for commercial litigation including: effect of the principle beyond shareholder claims; the limits explored offshore; and ways around the problem.</i>
	<b>Trusts Breakout Session</b> <i>Issues arising from a disputed exercise of a trustee's power of appointment: The limits of trustees' power of appointment; Public trustee v Cooper application: Hot Topics; Trustee exemption clauses: Where are we now?</i>
1.15 - 2.15	Lunch
2.15 - 3.00	<b>Panel Session:</b> Alleging Fraud - A comparative and practical guide to the requirements and pitfalls involved
3.00 - 3.20	Tea break
3.20 - 3.45	<b>Juniors Session:</b> 'Hidden Gems': the most important cases you may never have heard of...
3.45 - 4.45	<b>Panel Session:</b> Litigation – a brave new world? What does dispute resolution hold for the future/where will we be in 20 years?
4.45	Closing remarks: Alan Boyle QC
6.30 - 9.30	Cocktail reception at Upstairs at the Kimberly Hotel, Penthouse Level, 145 East 50 <sup>th</sup> Street

9.30 - 10.30

### Panel Session:

**Around the world in 60 minutes: hot topics from various jurisdictions**

The panel members, whose expertise spans a number of jurisdictions, will present and discuss key recent developments which are likely to have international impact.

10.30 - 11.15

### Panel Session:

**Netting the non-participating defendant: when has a litigant submitted the jurisdiction?**

Examining the conundrum of the non-participating defendant, the panel, chaired by Dakis Hagen QC, will look at when it matters and when it does not whether a litigant has submitted to the jurisdiction of the court, what the phrase actually means, and differing approaches to submission to the jurisdiction both onshore and offshore.

Constance McDonnell QC

 Jennifer Fox  
*Ogier, Cayman*

 Scott Pearman  
*Conyers, Bermuda*

 Keith Oliver  
*Peters & Peters, London*

 Steven Molo  
*MoloLamken, New York*

 Christian Hay  
*Collas Crill, Guernsey*

Dakis Hagen QC

 Bruce Lincoln  
*Mourant, Jersey*

 Gemma Willingham  
*Baker McKenzie, London*

 Monica Asher  
*McDermott Will & Emery, New York*

11.35 - 12.20

## Panel Session:

### Confidentiality and open justice in trust and commercial cases

The panel will examine the approach to privacy and confidentiality in different common law jurisdictions, and will discuss recent developments and what the future may have in store.

John Machell QC  
Gareth Tilley  
Geoffrey Kertesz  
*BDB Pitmans, London*  
George Hani  
*Miller & Chevalier, Washington*  
Bernadette Carey  
*Carey Olsen, Cayman Islands*

12.20 - 1.15

## Commercial Breakout Session:

### Don't be dazzled by the reflection! Reflective loss and its implications for commercial litigation

The session will explore the current position in England and Wales as regards reflective loss and will seek to anticipate the Supreme Court's decision in *Marex Financial v Garcia*, now expected at the end of the year. We will look at the effect of the principle as applied to shareholders (including within minority shareholder claims) and how it has been applied beyond shareholder claims. The position offshore and how it differs (at least for the time being) in some jurisdictions from the position in England and Wales will be investigated. Additionally we will seek to suggest ways in which the issue might be worked around.

Lance Ashworth QC  
Matthew Morrison  
Guy Manning  
*Campbells, Cayman Islands*  
Maxine Mossman  
*Clifford Chance, London*

12.20 - 1.15

## Trusts Breakout Session:

### The limits of trustees' powers of appointment and of trustees' liability

Disputes surrounding the exercise of a trustee's power of appointment are a fertile source of litigation across the common law world. This session explores three inter-related issues concerning the exercise of such powers. First, the session will consider whether a trustee's powers are limited only by the express terms of the trust or whether there are implied limitations on the exercise of powers including a requirement to maintain the "substratum" of the trust. Secondly, it will consider some issues that might arise where an application is made to Court for the approval of such an exercise pursuant to the *Public Trustee v Cooper* jurisdiction. Thirdly, it will consider the extent to which trustees are protected by standard form exemption clauses and what a disgruntled beneficiary must establish in order to overcome them.

James Brightwell  
James Weale  
Matthew Sperry  
*Katten Muchin Rosenman, Chicago*  
Alasdair Davidson  
*Bedell Cristin, Guernsey*

2.15 - 3.00

## Panel Session:

### Alleging fraud - A comparative and practical guide to the requirements and pitfalls involved

Making allegations of fraud in litigation has long involved a number of potential pitfalls. The panel will describe and analyse the main professional and technical difficulties surrounding the pleading and pursuit of a claim involving fraud. Hugh Norbury QC chairs the panel of experienced litigators, with perspectives from the US, Jersey and England.

Hugh Norbury QC  
Dan McCourt Fritz  
Catherine Naylor  
*Gowling, London*  
Addy Schmitt  
*Miller & Chevalier, Washington*  
Craig Swart  
*Dickinson Gleeson, Jersey*

3.20 - 3.45

## Juniors Session:

**'Hidden Gems': the most important cases you may never have heard of...**

In this session, junior barristers at Serle Court will briefly discuss four 'hidden gem' judgments handed down in the last 12 to 18 months. Some or all may have escaped your notice, but each offers valuable insights to litigators specialising in international trusts and/or commercial litigation.

3.45 - 4.45

## Panel Session:

**Litigation – a brave new world? - What does dispute resolution hold for the future/where will we be in 20 years?**

Over the past 20 years, the litigation landscape around the World has changed significantly. Substantive and procedural changes, the rise of ADR, new markets for litigation and increased technology have all featured largely in the past two decades. In this session the panel will share their ideas on what things might look like in the next 20 years for international commercial and trust litigation. Issues for discussion will include:

Where will we be litigating disputes? (In court, arbitration or other ADR, or perhaps online?) For whom will we be litigating? (Where do we think our clients will come from in the future?) How will we be litigating? (What impact is technology likely to have? What will our role as lawyers be?) What sort of disputes will we be litigating? (What are the problems we think are stored up for the future?) Who will be paying for litigation (What might the future of funding look like?)

The panel will use their expertise from a range of jurisdictions and practice areas to give their predictions, but the session is intended to be as interactive as possible with the audience being called upon to offer their ideas as to what the future might hold, with the advantage that no-one can be proved wrong for 20 years!

Amy Proferes (Chair)  
Sophia Hurst  
Charlotte Beynon  
Jamie Randall

Richard Wilson QC  
Timothy Collingwood  
Timothy Mayer  
*Therium, London*  
Joanne Verbiesen  
*HSBC, Hong Kong*  
Jeff Butler  
*Clifford Chance,  
New York*  
Caroline Emslie  
*Burges Salmon, London*



**Alan Boyle QC - Chair**

Alan is one of the most senior and distinguished silks at the chancery and commercial bar, and is Head of Chambers at Serle Court. Chambers and Partners describes him as *"a colossus on the chancery stage, he has to be one of the most authoritative barristers in the country .... A brilliant advocate and fierce opponent."* He has previously been awarded Chancery Silk of the Year for both The Legal 500 Awards (2013, Traditional Chancery Silk of the Year) and the Chambers and Partners Bar Awards (2010).



**Lance Ashworth QC**

Lance is a chancery, commercial and insolvency silk, whose practice takes in both UK and international cases. His clients hail from the USA, Ethiopia, Saudi Arabia, Bahrain, Malaysia, Jersey, Cayman and Australia as well as many in the UK. He is very happy to travel abroad to meet clients. Since 2016 he has sat as a Deputy High Court Judge in the Chancery Division. Legal directories describe him as having *"remarkable clarity of thought, and picks up points others miss."* *"Lance is an authoritative advocate who commands respect from the bench."* *"Very hardworking, fantastic on detail and unquestionably a fighter."*



**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. John is regarded as one of the leading partnership and LLP silks and has experience of a wide range of both contentious and non-contentious matters across the whole range of business sectors. John also undertakes a substantial amount of largely offshore trust work and has appeared in a number of cases in Cayman in the last few years.



### Hugh Norbury QC

Hugh has a broad commercial and chancery practice with a particular emphasis on cases involving fraud or breach of fiduciary duty. He is recommended by the leading directories in all his principal practice areas. Recent cases include a £100m+ conspiracy claim brought against three firms of solicitors (*Accident Exchange v Autofocus and others*), a breach of confidence dispute over control of a hugely profitable “back-office” payment services software platform, a bribery and anti-suit injunction claim involving Fiat Chrysler and a dispute relating to the participation of Guernsey companies and trusts in investing in the London property market.



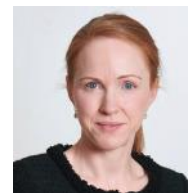
### Richard Wilson QC

Winner of the award for ‘Advocate of the Year’ at the 2019 STEP Private Client Awards and ranked by Chambers and Partners as a leading silk in the fields of trusts, offshore, and traditional chancery work, Richard is primarily a trusts and estates litigator, dealing with both contentious and non-contentious matters. He frequently appears in many of the leading cases in England, Bermuda, Gibraltar, BVI and Cayman as well as assisting advocates in Jersey and Guernsey, where he has also given expert evidence on English Law.



### Dakis Hagen QC

Described in Chambers and Partners as an “*excellent advocate*” with “*commercial intelligence*” and “*formidable analytical skills*”, Dakis specialises in Chancery litigation, both commercial and traditional. His cases usually involve international structures, most often trusts, allegations of fraud or professional negligence and asset tracing. The international nature of Dakis’ practice has meant that he is instructed both by London solicitors and also directly from overseas (including from the USA, the Caribbean, Bermuda, Luxembourg, Gibraltar and the Channel Islands). He has appeared as leading counsel in courts in the Cayman Islands, BVI, Bermuda and Gibraltar as well as frequently in London. Before taking silk Dakis won Chancery Junior of the Year at the Chambers Bar Awards and was nominated for Chancery Silk of the Year in 2018. He is co-chairman of the Trusts & Estates Litigation Forum.



### Constance McDonnell QC

Constance took Silk in 2019. She has a traditional chancery practice specialising in trust disputes, contentious probate, 1975 Act claims, administration of estates, and removal of trustees and personal representatives. Her practice also includes constructive trusts and proprietary estoppel, Court of Protection (property and affairs), and professional negligence. Constance is ranked as a New Silk in the field of Traditional Chancery by Chambers and Partners (2019) and was the most highly regarded junior in Private Client by Who’s Who Legal 2018. In 2017 she appeared in the landmark case of *Ilott v The Blue Cross* in the Supreme Court.



### Timothy Collingwood

“*Extremely responsive, diligent and clever*”, “*he has a fantastic attitude and is a complete team player*” (Chambers and Partners, 2020). Tim has a broad commercial chancery practice, with extensive experience in shareholder disputes, contractual disputes, breach of duty claims (against directors and trustees) and related fraud and negligence claims. He is recommended in Chambers and Partners, The Legal 500 and Citywealth Leaders’ List. Prior to commencing practice in England, Tim practised as an attorney-at-law in the Cayman Islands and he continues to be involved in cases with an international element. He is called to the Bar in the BVI. He is a contributor to Joffe on Minority Shareholders.



### James Brightwell

James specialises in contentious trust and estate disputes, frequently offshore and especially in the Channel Islands, and is one of the authors of *Lewin on Trusts*, whose 20th edition is forthcoming at the end of the year. He is regularly involved in high-profile trust disputes, including the Tchenguiz litigation in Guernsey, which continues after the decision in the Privy Council appeals handed down in 2018. He was also recently instructed by India in her successful defence of a claim by Pakistan to beneficial ownership of a fund frozen since 1948.



### Matthew Morrison

Matthew has a broad commercial chancery practice, with a particular emphasis on civil fraud, company and partnership, insolvency, and trust litigation. Matthew has been instructed as sole counsel on matters before the High Court, the Court of Appeal, the Grand Court of the Cayman Islands and the Cayman Islands Court of Appeal. He is also regularly instructed as junior counsel in large-scale commercial and chancery litigation both onshore and offshore, and has significant experience of assisting advocates in first instance and appellate appearances before the courts of Jersey and Guernsey. Matthew is recommended in the legal directories for civil fraud, commercial chancery, commercial litigation and company. They have recently described him as a barrister who “has moments of genius and always has a fresh approach to a case” who “fights his corner hard and knows what will play well with judges”.



### Dan McCourt Fritz

Dan McCourt Fritz has a broad commercial chancery practice with a particular focus on domestic and international commercial and commercial fraud disputes, often involving alleged defaults by trustees or other fiduciaries. He is one of a handful of juniors listed in Who's Who Legal: UK Bar (Fraud Civil). In addition to his core fraud practice, Dan has a growing company law practice, and has developed specialist interests in civil contempt proceedings and breach of confidence claims. Dan has substantial experience handling trials and heavy applications in both the Chancery Division and the Commercial Court as sole or lead counsel, but is equally comfortable working as part of a larger counsel team.



### Gareth Tilley

Gareth Tilley is acting in some of the most high-profile commercial chancery cases of the day. In addition to the long running *Glenn v Watson* dispute – in which he is on the team representing the successful claimant Sir Owen Glenn in seeking to enforce a judgment of some £40m against assets in various jurisdictions around the world – Gareth is representing HMRC in proceedings to rescind a tax settlement with the GE Group under which some £700m of tax is in issue, and in 2020 will be junior counsel for the Official Receiver in a seven-week trial seeking disqualification of the board of Kids Company following its dramatic collapse in 2015. He is also representing the claimants in the action to restrain the Bahamian government from evicting residents of shantytowns in New Providence and the Abaco Islands.



### James Weale

James has a broad international Commercial and Chancery litigation practice. He was identified by Chambers UK Bar as a ‘Star of the Bar’ and is recognised in that directory as a leading Commercial Chancery junior and as ‘brilliant on his feet’ and in Who's Who Legal 2019 as a ‘superstar’. He frequently acts in disputes with a cross-border element and in offshore jurisdictions including the BVI, Jersey, Gibraltar, Bermuda and Cyprus. He has been involved in some of the most high profile cases in the last year including *Filatona Trading Ltd v Navigator Equities Ltd* [2019] EWHC 173 (Comm), a claim against Oleg Deripaska involving an armed takeover (which is now the subject of an appeal to be heard in December 2019), *Sofer v Swissindependent Trustees* [2019] EWHC 2071 (Ch), which clarified the law on trustee exemption clauses, and *Scarle v Scarle* [2019] 4 W.L.R. 119, the leading modern case on *commorientes*.



### Amy Proferes

Amy's practice focuses on property, wills and probate, and civil fraud; she is particularly interested in cases where these areas overlap. She appears regularly in the High Court as well as county courts throughout the jurisdiction and has been involved in a number of international disputes featuring large counsel teams.



### Sophia Hurst

Sophia has a broad commercial chancery practice encompassing civil fraud, shareholder and joint venture disputes, banking and financial services, and contentious trusts litigation. She is called to the bar in BVI and a registered DIFC practitioner, and is frequently instructed in disputes with a cross-border element. Sophia's recent work includes acting in the British Airways data breach group litigation, in respect of substantial worldwide freezing orders in *Renova v Emmerson* in the BVI Commercial Court, and as sole counsel in the DIFC Court of Appeal in *Grand Valley v Sunteck*, a property development joint venture dispute. She was also instructed in *Yukos Finance v Lynch*, one of The Lawyer's Top 20 Cases of 2019.

**Charlotte Beynon**

Charlotte has a broad commercial chancery practice with particular experience in the fields of contentious trusts, civil fraud and commercial litigation. She frequently deals with complex, high-value cases, both onshore and offshore, often with international elements. She is currently instructed in several offshore trust disputes, a multi-million dollar foreign-law governed Commercial Court dispute concerning allegations of bribery, and a high-profile piece of UK insolvency litigation concerning directors' misfeasance claims. Charlotte regularly appears in the High Court and County Court both led and as sole counsel. She also appears as specialist chancery counsel in matrimonial proceedings in the Family Division.

**Jamie Randall**

Jamie joined chambers in 2018 and is developing a practice which encompasses the principal areas of commercial chancery, including civil fraud, contentious trusts and company and partnership disputes. Since joining chambers, Jamie has been instructed as sole counsel on interlocutory applications in both the High Court and the County Court, including several applications for injunctive relief. He has also been instructed as junior counsel in more complex commercial and chancery matters. Prior to becoming a barrister, Jamie worked in the financial services sector as a consultant for Oliver Wyman and he retains a particular interest in litigation related to this industry.

**Guest Speakers****Monica Asher**

Monica S Asher focuses her practice on private client and complex commercial litigation. Monica has a broad range of experience in estate and probate proceedings and has represented US and international clients in will contests, trust disputes, and guardianship proceedings, among other matters. On the commercial side, she has represented clients in a similarly broad range of disputes, including partnership disputes, breach of contract, real estate, and trademark infringement matters.

**Jeff Butler**

Jeff Butler is a partner of Clifford Chance based in New York. He is a trial lawyer with experience litigating commercial cases in US federal and state courts, including substantial experience coordinating cross-border litigation and other litigation in multiple jurisdictions. Jeff has particular experience representing non-US clients with respect to contentious matters in the US, including complex contract disputes, M&A litigation and bankruptcy-related litigation. He is a graduate of Williams College and the University of Michigan Law School, where he was Notes Editor of the Michigan Law Review. He clerked for Judge Thomas P Griesa in the Southern District of New York. Before joining Clifford Chance, Jeff was a litigation associate at Cravath, Swaine & Moore LLP.

**Bernadette Carey**

Bernadette Carey is a partner in Carey Olsen's Cayman Islands office. She has a broad private client practice advising on wealth structuring and estate planning matters, including the administration, restructuring, and termination of trusts, as well as probate and testamentary issues. She also has significant experience in trust litigation, regularly appearing before the Grand Court of the Cayman Islands on multi-party contentious trust disputes, estate litigation, and other cross-border private client disputes. Bernadette is recognised for her trusts and private client work by Chambers, Who's Who Legal, and The Legal 500 with market sources describing her as 'incredibly hard-working' and 'really first class'.

**Alasdair Davidson**

Alasdair is a partner and the head of the litigation and private wealth and fiduciary teams for Bedell Cristin in Guernsey. He has been in practice for over 25 years and, before qualifying in Guernsey, not only practised as a barrister in England but also spent several years working in the Caribbean. He is instructed by law firms and institutional clients based worldwide and has acted for most of Guernsey's leading fiduciaries, fund providers and banks.

Alasdair has a genuine depth of experience having handled a great variety of contentious and non-contentious matters covering most corporate, insolvency and fiduciary fields including appearing before a wide variety of courts and tribunals worldwide. He has particular expertise and established track record in conducting complex high value cross-border work.

**Caroline Emslie**

Caroline is an associate in the dispute resolution team at Burges Salmon LLP and operates from their Bristol and London offices.

Caroline specialises in disputes relating to trusts, wills, tax planning and the administration of estates, both domestic and those spanning multiple jurisdictions. Caroline also has experience of professional negligence disputes relating to wills, trusts, tax and occupational pension schemes (both single and multi-employer).

Caroline's recent experience involves complex litigation between husband and wife estates, involving potential estate insolvency, complications arising from the sale of claims in the Madoff liquidation, a dispute regarding the ownership of a valuable art collection, capacity issues and undue influence. She is currently advising on *Public Trustee v Cooper* applications, an appeal from a Beddoe Order, a disputed protector appointment, proprietary estoppel and tax planning negligence.

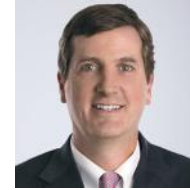
Caroline acts for a broad range of clients, including beneficiaries, personal representatives and trustees.

**Jennifer Fox**

Jennifer Fox TEP is a Partner at Ogier in the Cayman Islands and has practised offshore in both the Cayman Islands and British Virgin Islands since 2008 having previously been an advocate at the English Bar.

Jennifer has a broad practice encompassing complex and multi-jurisdictional commercial and insolvency litigation and international contentious trusts and estates matters. Jennifer regularly advises trustees, protectors, and beneficiaries on issues arising during the administration of offshore trust structures inside and outside of court and is particularly skilled in enabling clients to avoid unnecessary escalation. Jennifer is a recognised fraud and asset tracing specialist and has worked on many of the most significant offshore fraud and insolvency cases in the past decade. She is presently grappling with the fallout from the recent collapse of the largest ever middle eastern private equity house, the Abraaj Group, which at one time was said to have US\$14bn in assets under management.

Jennifer is recommended for both her contentious private client and commercial litigation practices in the leading legal directories including The Legal 500, Who's Who Legal, the Citywealth Leaders List and Private Client Global Elite.

**George Hani**

George Hani is a Member and former Chair of the Tax Department at Miller & Chevalier and concentrates his practice on the resolution of tax controversies at the administrative level. He has represented clients in traditional Internal Revenue Service (IRS) examinations and administrative appeals, as well as in connection with a number of IRS dispute resolution programs, such as the Advanced Pricing Agreement (APA) program, the Pre-Filing Agreement (PFA) program, the Compliance Assurance Process (CAP), Fast Track Appeals and Accelerated Issue Resolution (AIR). Mr Hani has assisted taxpayers to secure consents for changes in methods of accounting, private letter rulings and favorable technical advice memos from the IRS National Office. When necessary, he has represented taxpayers in United States Tax Court and the United States Court of Federal Claims. He has also represented individuals in collection matters, criminal investigations and the off-shore voluntary disclosure programs.

**Christian Hay**

At Collas Crill Christian heads up the Guernsey dispute resolution practice, leading a team of talented commercial litigators with strong expertise in financial services related disputes.

If there is a high value dispute between trustees and beneficiaries; between bank and customer/investor; between commercial entities; between majority/minority shareholders; against directors; or within a contentious liquidation Christian and his team are likely to be acting for one of the parties.

He is among the leading commercial litigation practitioners at the Guernsey Bar with a particular expertise in contentious trust related matters, and corporate disputes. Christian is a member of ACTAPS and STEP and is also a CEDR accredited mediator.

On any given matter Christian advises on matters of strategy, settles Court papers and takes the lead in any Court appearances.





### Geoffrey Kertesz

Geoff is the head of BDB Pitmans' Will and Trust Disputes team. He has a wealth of experience in resolving the most troublesome issues in trusts and estates, both in domestic and international cases, as well as those involving professional negligence. He acts for individuals, families, trustees, beneficiaries and charities, and has a particular interest in cases involving constructive trusts and proprietary estoppel.

Geoff originally qualified in California and was a litigator in San Francisco before qualifying in England. He is a frequent speaker at UK and international conferences and contributes to a number of leading publications in the field.



### Bruce Lincoln

Bruce is a Partner in Mourant's Jersey Litigation and International Trusts & Private Client practices. Having practised for more than 20 years (initially in the City of London and then in Jersey) he has gained extensive experience of a wide range of contentious areas, including insolvency, banking, fraud and professional negligence.

Since moving to Jersey in 2004, Bruce has had a particular focus on contentious trusts and private client work. He regularly acts and appears as Advocate for institutional clients (including trustees, banks, insolvency practitioners and fund service providers), as well as wealthy individuals (such as beneficiaries and private equity investors), and has been involved in some of the largest and most complex trust and private client-related cases to have come before the Jersey court. Alongside dealing with hostile litigation, Bruce frequently advises trustees and beneficiaries on the various issues which can arise in the course of the administration of private wealth structures, in contentious and non-contentious circumstances alike.

Bruce qualified as an English solicitor with City firm Gouldens (now Jones Day) and practised as a litigator there, before joining Mourant in December 2004. He became a Partner in February 2010 and, in 2015, was made the local practice group head for Jersey Litigation.



### Guy Manning

Guy is a partner and head of Campbells' Litigation Group. He has acted for creditors, shareholders, provisional and official liquidators, directors, managers and other professional service providers in relation to the restructuring and liquidation. His general litigation practice involves widely varying commercial contexts and structures, with a particular emphasis on shareholder and investment fund disputes. He has been involved in most of the jurisdiction's highest profile disputes, liquidations and restructurings over the last decade.

He is described as "*an excellent technical lawyer who writes very well, is practically minded and is terrific to work with*" in Chambers' 2019 rankings. Guy is a keen adventurer and has climbed the Seven Summits, skied to the South Pole and cycled across the US.



### Timothy Mayer

Tim is a Senior Investment Officer at Therium Capital Management Limited in London and has been in the third-party funding market since 2008 having previously practised at the Chancery and Commercial Bar. He is a highly experienced funder, having managed investments in disputes with a collective value of several billion pounds sterling. He has funded a broad array of disputes, including both domestic and offshore litigation and international arbitration (commercial and treaty claims).

Tim is a former director of the Association of Litigation Funders of England & Wales, the UK's voluntary funding regulator, and helped draft the funding Code of Conduct endorsed by the Civil Justice Council and Sir Rupert Jackson.

He is also a member of the International Council for Commercial Arbitration (ICCA) – Queen Mary Task Force on Third Party Funding.

He speaks and writes extensively on all things funding. Tim graduated with a Double First from Oriel College, Oxford.



### Steven Molo

Steven Molo is a founding partner of the US litigation boutique MoloLamken LLP. He represents corporations, boards, funds, investors, inventors, and individuals in complex business litigation, white collar criminal and regulatory matters, and IP litigation. His client base is international.

Chambers and Partners calls him a *“fabulous courtroom litigator who lights up the room with his presence”*; *“very bright, imaginative, and creative in his approach”*; and *“one of the most talented lawyers in the city.”* Benchmark Litigation – which named him one of the top 100 Trial Lawyers in America – calls him *“revered”*; *“an outstanding advocate and fearless in court.”* The Legal 500 says he is *“smart, creative, responsive, knowledgeable, and engaging; he has an excellent mix of traits that set him apart from his peers.”*



### Maxine Mossman

Maxine Mossman has extensive experience in commercial and corporate litigation, high net worth disputes and fund-related matters. Her clients include financial institutions, private equity funds, trustees and high net worth individuals. Maxine has advised on a number of high value complex matters, both in England and offshore. Maxine co-leads the London Private Wealth and Trusts Disputes team and has considerable experience of Cayman, Jersey and BVI proceedings.



### Catherine Naylor

Catherine is a Partner at international law firm Gowling WLG, based in London. She specialises in resolving complex disputes, usually with a cross-border aspect. Her particular expertise is working on high value cases in the financial services sector, in particular fraud and asset tracing claims and trusts litigation. She acts for corporates, investment banks, corporate trustees, their individual directors and trust companies on a range of commercial litigation in England, as well as in the United States, the Bahamas, Bermuda, Cayman, the British Virgin Islands, the Channel Islands and the Isle of Man.

Catherine has been involved for many years with the Kingate Funds litigation, which are high-profile proceedings arising out of the Madoff Ponzi scheme fraud. She acts for two corporate trustees. Catherine also acted on the £75 million Chancery Division claim that gave rise to the Z Trusts litigation in the Jersey Royal Court, and she is currently advising a client on recovery options in relation to a cryptocurrency fraud.

Catherine is recognised as a “rising star” in The Legal 500, 2020 (Commercial Litigation) and is described as a “stand out partner” “who is efficient and offers sound pragmatic advice”.



### Keith Oliver

Keith specialises in commercial, regulatory and trust litigation. A renowned litigator and excellent practitioner, Keith is recognised as one of the world’s best investigative lawyers and leads the firm’s international strategy.

Keith has spent his career specialising in international disputes and the location, freezing and recovery of misappropriated assets involving emergency relief procedures and the management of legal teams from many jurisdictions. His work often involves multi-jurisdictional actions in the USA, continental Europe and worldwide. He is widely recognised as one of the UK’s leading lawyers in civil fraud with a reputation for addressing and resolving the most intractable of disputes and crises faced by individuals and companies.

Keith is consistently ranked as a ‘leading lawyer’ in both The Legal 500 and Chambers and Partners legal directories in the Commercial Litigation, Civil Fraud and Fraud categories.

Keith lectures and has delivered papers on asset freezing, financial regulation, insider trading, money laundering, whistleblowing, international asset tracing, abuse of process, jurisdictional issues and media coverage of high-profile trials and is the joint chair of the annual C5 Asset Tracing Conference held in London, Geneva, Hong Kong and Miami.



### Scott Pearman

Scott Pearman is a Director in the Litigation department in the Bermuda office of Conyers Dill & Pearman. He joined Conyers in 2012 from Ely Place Chambers in London, where he was a barrister for 13 years specialising in commercial litigation. Scott provides advocacy and advice on all aspects of civil and commercial law, with a focus on dispute resolution relating to business and commerce, trusts, employment and discrimination, arbitration, and the law relating to media and information. Since returning to Bermuda, Scott has focused predominantly on high value contentious trust cases. He is also a Fellow of the Chartered Institute of Arbitrators and a CEDR accredited Mediator.



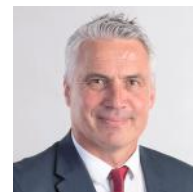
### Addy Schmitt

Addy R Schmitt is a Member of the law firm Miller & Chevalier, where she serves as Vice Chair of the Litigation Department. Ms Schmitt represents individuals and corporations, including trust services companies and trustees, in criminal and civil litigation. She has significant trial experience, as well as extensive experience representing clients facing parallel proceedings in multiple jurisdictions. She also conducts sensitive internal investigations. Before joining the firm, Ms Schmitt served as an Assistant United States Attorney in the Civil Division of the US Attorney's Office for the District of Columbia, where she represented federal executive agencies and employees at all stages of litigation in matters pending before the federal trial and appellate courts. Ms Schmitt speaks and writes frequently on litigation-related topics, particularly in the area of white collar criminal defense.



### Matthew Sperry

Matthew Sperry, a partner in Katten's Private Client Services group resident in the firm's New York City and Chicago offices, is an international private client lawyer who represents ultra-high-net-worth individuals and families, trust companies and family offices in the US and around the world. He routinely addresses complex tax issues confronted by these clients as they interact with the United States. Matthew regularly designs family trust structures optimized for global taxation challenges, privacy, wealth transfer, asset protection and global information reporting compliance (including obligations under the Foreign Account Tax Compliance Act (FATCA) and the global common reporting standards (CRS)). He often assists clients in structuring and operating family offices. Matthew's client base includes individuals and families resident throughout the world, including Asia, Latin America, the Middle East, Europe, and Canada. Chambers USA recognizes Matthew as a leading individual in the area of Private Wealth Law, lauded by commentators for his *"practical and commercial approach,"* emphasizing that he is an adviser who *"takes the time to understand the client's needs and is willing to invest in the relationship."* Matthew regularly travels within the United States and throughout the world to provide his clients with personal attention and superior service. He often works with other advisers (including accountants, trustees and other lawyers) in representing clients that interact with multiple countries.



### Craig Swart

Craig Swart TEP is an Advocate of the Royal Court of Jersey and a partner of the firm. He is also a qualified South African attorney (non-practising) and English Solicitor (also non-practising). Craig joined Dickinson Gleeson in January 2014 from Mourant Ozannes. Craig advises trustees, directors, fiduciaries, settlors and beneficiaries in relation to a wide range of non-contentious and contentious matters involving trusts, companies, foundations and partnerships. He also has extensive insolvency and asset tracking experience.

Craig acted for the defendants in the long running Consolidated Resources Armenia v Global Gold Consolidated Resources Limited and two others ([2015] JCA061 and [2015] JRC233A); an unfair prejudice action where the plaintiff, CRA, tried unsuccessfully to side-step an arbitration agreement. He also continues to act for the incoming trustee in the ongoing proceedings concerning the "Z Trusts" [2015 (2) JLR 175], [2018]JRC119, two trusts that are "insolvent" and which face a multitude of claims; and separately for the outgoing trustee of the Tchenguiz Discretionary Trust, [2017]JRC178A.

Craig has for many years been ranked in leading directories including Chambers and Partners, The Legal 500 and the IFC Citywealth Leaders List.



### Joanne Verbiesen

Joanne is senior legal counsel at HSBC in Hong Kong where she provides legal support to the Private Wealth Solutions business, with a particular focus on the management of contentious matters and non-contentious legal processes, offshore regulatory issues and complex trusts and estate planning. Prior to joining HSBC, Joanne practiced as a barrister in New Zealand and the Cayman Islands specialising in commercial litigation, contentious trusts and complex fraud cases before moving to Hong Kong to join a leading offshore law firm as a partner in the disputes, insolvency and restructuring team.



### Gemma Willingham

Gemma is a Partner at Baker McKenzie in London. Gemma specialises in international trust and wealth management related litigation, in which she acts for both trustees and beneficiaries. Gemma has been shortlisted for The Legal Week's Rising Star of the Year 2019 in their Commercial Litigation & Arbitration Awards. Chambers cite clients who describe her as *"extremely pleasant but also tough as nails,"* *"very bright and is a joy to work with,"* and *"incredibly talented, hard-working and a delight to be around"*.



## John Petrie MBE

John is the Chief Executive of Serle Court and is responsible for the business development programme and management of the administrative services of Chambers. He is a member of all Chambers committees and supported by excellent staff in delivering a high quality service to both members of Chambers and clients. John has been with Serle Court for 4.5 years having previously worked as Chief of Legal Operations in an international war crimes tribunal and as Chief Executive of a national governing body, this following a career in the armed forces.

John can be contacted at [jpetrie@serlecourt.co.uk](mailto:jpetrie@serlecourt.co.uk)



## Steve Whitaker

Steve is Serle Court's Head Clerk. His clerking reputation spans 47 years; 44 of those in allegiance to chambers. Steve has principal responsibility for all aspects of the clerking function including diary management, fee negotiation, work allocation and business development for all members of chambers. Steve sits on the full range of chambers committees; including the Management, Marketing, Strategy and Tenancy committees. He has managed Serle Court through the various stages of modernisation within the profession over the past 44 years – growing from 11 members with only one Silk to the current level of 69 members including 27 Silks. Steve has an excellent team of clerks that support his ethos of client care where nothing is too much trouble. Chambers and Partners acknowledges that Steve *“is well liked among instructing solicitors.”* *“You can have a conversation with him, whether it is about the right person for the job or about fees,”* explains one source, continuing: *“He’s a person you can do business with.”*

Steve can be contacted at [swhitaker@serlecourt.co.uk](mailto:swhitaker@serlecourt.co.uk)



## Daniel Wheeler

Dan joined Chambers in 2000, having previously worked at 1 Hare Court. He started as a Junior Clerk in 1999 and was promoted to First Junior Clerk in 2010 Team Leader in 2013 and Senior Clerk in 2018. Dan is responsible for the management and development of members' practices, including diary management, work allocation, fee negotiation, business development, client relationship management and the listing of cases at Court. In 2016 Dan completed his Level 5 Diploma in Leadership and Management. The Legal 500 and Chambers and Partners describes Dan as follows: *“commercial and a pleasure to deal with”*; *“always recommends a barrister suitable for the job and generally makes life easier”*; *“responsiveness and willingness to accommodate complicated requests.”*

Dan can be contacted at [dwheeler@serlecourt.co.uk](mailto:dwheeler@serlecourt.co.uk)



## Shana Garioch

Shana joined the marketing team at Serle Court in June 2019. She is a member of chambers' marketing committee and is responsible for implementing chambers' marketing strategy alongside the Chief Executive, John Petrie and Business Development Manager, Charlotte Davidson.

Shana brings a diverse and substantial Bar marketing experience, having worked at Landmark Chambers, one of the UK's leading planning sets, and most recently, at 9 Gough Square, a leading common law set. Shana has a Business Management degree completed in Brazil, her home country. She speaks fluent Portuguese, intermediate Italian and has a good understanding of Spanish.

Shana can be contacted at [sgarioch@serlecourt.co.uk](mailto:sgarioch@serlecourt.co.uk)

### The firms in attendance are:

Aballi Milne Kalil	FFP (Fund Fiduciary Partners)	Mishcon de Reya LLP
Appleby (Bermuda) Limited	Forsters LLP	MJM Limited
ATM Capital Partners	Genesis Trust & Corporate Services Ltd	MoloLamken LLP
Baker & McKenzie	Gowling WLG (UK) LLP	Mourant Ozannes
Baker Hostetler LLP	Higgs & Johnson	Nelson & Co
BDB Pitmans LLP	Holland & Knight	Ogier
Bedell Christin	Hughes Hubbard & Reed LLP	Payne Hicks Beach
Bluestone Law International	Intertrust	Peters & Peters LLP
Boodle Hatfield LLP	K2 Intelligence	Rawlinson & Hunter
Bove & Langa	Katten Munchin Roseman LLP	Richards & Company
Burges Salmon LLP	Kingsley Napley LLP	Skadden, Arps, Slate, Meagher & Flom LLP
Campbells	Kobre & Kim LLP	Stanbrook Law
Carey Olsen	Kozusko Harris Duncan	Stewarts Law LLP
Charles Russell Speechlys LLP	Kris Sen Solicitors	Stout Risius Ross LLC
Clifford Chance LLP	KRYS Global	Taylor Wessing LLP
Collas Crill	Lennox Paton	HSBC
Conyers	LGL Trustees	<a href="#">Therium Capital Management Limited</a>
Cox Hallett Wilkinson	Macfarlanes LLP	Travers Thorp Alberga
Dickinson Gleeson Advocates	Maples & Calder	Walkers
Duff & Phelps	McDermott Will & Emery	Wedlake Bell
Ernst & Young	McKinney Bancroft & Hughes	Withers Worldwide
Estera	Memery Crystal LLP	Zuill & Co
Excello Law Ltd T/A SPG Law	Miller & Chevalier	



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