

# Serle Court International Trusts and Commercial Litigation Conference

## When

Monday 14 November 2016  
9.30am - 4.30pm

## Where

The Peninsula New York Hotel

first rate from  
top to bottom



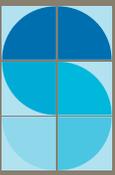
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& commercial

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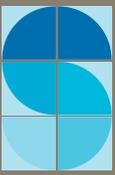
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# Programme

9.00	Registration and coffee
9.30	Opening remarks - Dominic Dowley QC
9.45	<b>Panel session:</b> <b>Tracing and finding assets: law and practice</b>
10.30	<b>Talk:</b> <b>Freezing Injunctions: Around the World in 30 Minutes</b>
11.00	Coffee
11.30	<b>Keynote speech:</b> <b>Private international law in the onshore and offshore worlds</b>
12.00	<b>Breakout sessions:</b> <ul style="list-style-type: none"><li>• Investment structures: holding directors/partners to account</li><li>• Removal and replacement of trustees, PTCs and charitable status</li><li>• Cross-border Insolvency and Assistance</li></ul>
12.45	Lunch
1.45	<b>Juniors session:</b> <b>3 key cases of 2015/2016</b>
2.15	<b>Panel session:</b> <b>Litigation funding and offshore disputes</b>
2.45	<b>Breakout sessions:</b> <ul style="list-style-type: none"><li>• Trustees: How limited is their liability?</li><li>• International Company Law</li><li>• The Life-Cycle of an Anti-Suit Injunction</li></ul>
3.30	<b>Panel session:</b> <b>Challenging Firewalls</b>
4.15	Closing remarks - Dominic Dowley QC
6.00	Evening reception



# Sessions

## Panel session:

### **Tracing and finding assets: law and practice**

This session, which will be chaired by Philip Jones QC, will consider recent developments in the law on tracing assets and the practical issues that arise when trying to find assets in international fraud cases.

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- *Philip Jones QC*
  - *Emma Jordan*  
Taylor Wessing LLP
  - *Keith Oliver*  
Peters & Peters  
Solicitors LLP
- 

## Talk:

### **Freezing Injunctions: Around the World in 30 Minutes**

Matthew Morrison and Robin Rathmell survey the availability and scope of freezing orders in support of foreign proceedings against defendants and third parties in England and Wales and the principal offshore jurisdictions.

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- *Matthew Morrison*
  - *Robin Rathmell*  
Kobre & Kim LLP
- 

## Keynote speech:

### **Private international law in the onshore and offshore worlds**

This session considers important recent developments relating to jurisdiction, enforcement and choice of law in England and offshore; and reflects more broadly on the practical implications of the similarities and differences between jurisdictions. It also considers how, if at all, Brexit may affect the future of cross-border dispute resolution.

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- *Prof. Jonathan Harris*  
QC (Hon.)
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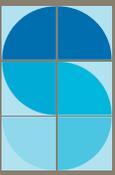
## Breakout sessions:

### **Investment structures: holding directors/partners to account**

This session will look at various company and partnership/LLP law issues that arise in an investment structure context, including directors' powers and authority; conflicts of interests; duties of care; unfair prejudice and just and equitable winding up; and privilege and rights to information.

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- *John Machell QC*
  - *Timothy Collingwood*
  - *Rachael Reynolds*  
Ogier
-



# Sessions

## Removal and replacement of trustees, PTCs and charitable status

This session will be based on a case study raising questions as to the removal, retirement and replacement of trustees, with consideration being given to the suitability of PTCs and to indemnities, releases, and security. The charitable status of an institution founded by the settlor will also be examined in the context of whether the current trustee might have refused to make a distribution to it on the ground that it was not a charity.

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- *Frank Hinks QC*
  - *Will Henderson*
  - *Emily Exton*  
Forsters LLP
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## Cross-border Insolvency and Assistance

The breakout session will work through a practical example of a multi-jurisdictional insolvency case, following the Privy Council's decision in *Singularis Holdings Ltd v PricewaterhouseCoopers* with a view to examining what assistance can be obtained from different courts and how to go about obtaining such assistance.

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- *Lance Ashworth QC*
  - *Marc Kish*  
Harneys
- 

## Juniors session:

### 3 key cases of 2015/2016

In this session, some of the junior barristers at Serle Court will briefly discuss three important cases handed down in the last 12 to 18 months which have changed the legal landscape and which every litigator specialising in international trusts and/or commercial litigation needs to know.

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- *James Weale (Chair)*
  - *Emma Hargreaves*
  - *Zahler Bryan*
  - *Amy Proferes*
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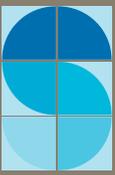
## Panel session:

### Litigation funding and offshore disputes

This session will explore the issues, practical and legal, that arise in the use of litigation funding for disputes with an offshore dimension.

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- *James Mather*
  - *Bruce Lincoln*  
Mourant Ozannes
  - *James Price*  
Farrer & Co LLP
  - *Neil Purslow*  
Therium Capital  
Management Limited
-



# Sessions

## Breakout sessions:

### **Trustees: How limited is their liability?**

The *Investec v Glenalla* case has highlighted the statutory limitations on trustees' liability that have been introduced in Jersey and Guernsey. This session will consider whether these provisions will give effective protection in cross-border litigation, as well as the question of trustees' liability in multi-jurisdictional claims more generally.

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- *Richard Wilson QC*
  - *John Greenfield*  
Carey Olsen
  - *Jenny McKeown*  
Stephenson Harwood  
LLP
- 

### **International Company Law**

Led by company law expert Daniel Lightman QC, this panel discussion will cover current issues in cross-border derivative claims, including the availability of double derivative claims, and jurisdiction and choice of law issues at the permission stage.

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- *Daniel Lightman QC*
  - *Gareth Tilley*
  - *Brian Lacy*  
Ogier
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### **The Life-Cycle of an Anti-Suit Injunction**

Anti-suits injunctions are an important weapon in the arsenal of commercial litigators. This interactive case study covers the principles surrounding anti-suit injunctions from the cradle to the grave, including highs and lows and issues of comity.

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- *Hugh Norbury QC*
  - *Andrew Lafferty*  
Fieldfisher
  - *Maxine Mossman*  
Clifford Chance LLP
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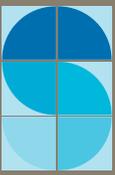
## Panel session:

### **Challenging Firewalls**

This session will consider how effective firewall legislation is in practice in protecting offshore trusts from attack, both in the local jurisdiction and overseas. It will consider the position from the perspective of a number of offshore and onshore jurisdictions.

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- *Prof. Jonathan Harris*  
QC (Hon.)
  - *Dakis Hagen*
  - *Morven McMillan*  
Maples and Calder
  - *Keith Robinson*  
Appleby
-



# Speakers



## Frank Hinks QC

Frank has a specialist domestic and international trusts practice (advisory, drafting and litigation) and a more general Chancery practice appearing in court in England, Cayman, Bermuda, Bahamas and Hong Kong. Cases include *Re Nina Wang Dec'd* [2012-14] (Hong Kong): effect of will of wealthiest woman in Asia; *BQ v DQ* [2011] WTLR 373 (Bermuda): declaring trusts void as testamentary dispositions; *Executors of HM Queen Mother and HRH Princess Margaret v Brown* [2008] (CA England): resisting claims for unsealing Royal Wills.



## Dominic Dowley QC

Dominic is a commercial and contentious chancery silk with a wide and lengthy experience of chancery and commercial litigation, including disputes in overseas jurisdictions such as Guernsey, Jersey, Bermuda, the Bahamas, St Christopher and Nevis, the Isle of Man, the BVI, the Cayman Islands, Liechtenstein, Switzerland, Qatar, Abu Dhabi and various of the United States.



## Philip Jones QC

Recommended as a 'Star at the Bar' for over 10 years and in 8 different practice areas, Philip has a broad commercial and chancery practice and considerable experience of advising on all aspects of public law, human rights and judicial review. He frequently advises on the commercial, company, trusts and insolvency laws of Jersey, Guernsey, the Isle of Man, Bermuda, Cayman Islands, and the British Virgin Islands. He has been called to the Bar in the BVI, Cayman Island and Isle of Man and frequently appeared in the BVI High Court and the Court of Appeal.



## Lance Ashworth QC

Lance is a commercial and insolvency silk, whose practice takes in both UK and international cases. Among recent international cases, Lance has appeared in the Grand Court of Cayman in the matter of *Palm Beach Offshore Ltd* getting a redeemed shareholder admitted as a creditor. Legal directories describe him as being "excellent at multi-jurisdictional insolvency cases", "absolutely fantastic with clients ... He also retains knowledge to an incredible extent - he knows documents inside out the second he reads them."



## John Machell QC

John was called in 1993 and took Silk in 2012. He has a broad chancery / commercial practice, with a particular emphasis on partnership, LLP and trust cases. He has appeared in two of the most important English LLP cases of recent years: *Clyde & Co v Bates van Winkelhof* in the Supreme Court and *Flanagan v Liontrust* before Henderson J. In Cayman, John appeared in *AB Jnr v MB*, which raised a number of important trust issues; and has recently appeared in *Liongate SPV v Dillard*, a case involving directors' fiduciary duties in a fund context.



## Hugh Norbury QC

Hugh's practice ranges from trusts disputes to pure contractual construction, with a large element of commercial fraud litigation, generally with an international component. Current cases include the £100m+ Accident Exchange litigation (where he is defending one of three firms of solicitors alleged to have been complicit in a conspiracy to doctor evidence), anti-suit proceedings to prevent Australian litigation and acting as an expert on English conflicts of law principles for a Russian court.



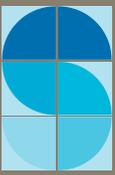
## Daniel Lightman QC

Daniel has a broad commercial chancery practice, with a particular expertise in shareholder litigation. A contributor to *Joffe on Minority Shareholders*, his recent cases include *C v C* [2016] Fam Law 20, *Al Saud v Apex* [2015] 2 All ER 206, *Abouraya v Sigmund* [2015] BCC 503, *In re DNick Holding plc* [2014] Ch 196 and *Prest v Petrodel* [2013] 2 AC 415. Chambers & Partners 2016 says: "He is a genius. He lives and breathes company law and his written work is second to none."



## 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.



# Speakers



## Prof. Jonathan Harris QC (Hon.)

Jonathan has a pre-eminent reputation in the field of private international law and specialises in cross-border commercial and chancery disputes raising issues of jurisdiction, enforcement and applicable law. He is joint general editor (with Lord Collins) of the leading work *Dicey, Morris and Collins, The Conflict of Laws*. He has been instructed in numerous landmark cases in England (including in the Supreme Court and Privy Council) and offshore; and drafted firewall legislation for various offshore jurisdictions (including BVI and Gibraltar).



## Will Henderson

Will acts for private clients, trustees, trust companies, H.M. Attorney General and HMRC, principally in relation to disputes concerning domestic and international trusts, probate, the administration of estates, charities, and associated professional negligence. He is Junior Counsel to the Treasury in Charity Matters. He is happy to accept instructions from foreign lawyers and to assist them in or out of court in any jurisdiction. His most well-known recent case is *Pitt v Holt* [2013] UKSC 26, where he acted for Mrs Pitt throughout the litigation.



## 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*.



## Dakis Hagen

Dakis specialises in Chancery/commercial litigation with a strong emphasis on contentious trusts cases. Chambers Global has ranked him in Band 1 in Commercial Chancery, Trusts and Offshore. In 2014 he was named Chancery Junior of the Year. Dakis is instructed not just by London solicitors but often directly from overseas law firms (USA, Caribbean, Channel Islands and Bermuda).



## 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 the Cayman Islands, Jersey, Guernsey and the Isle of Man 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 a member of the Attorney General's panel of counsel to the crown and is recommended as a leading junior in both Legal 500 and Chambers & Partners.



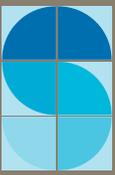
## Gareth Tilley

Gareth's practice focuses on fraud and company law, particularly the breakdown of long term business relationships. He has acted in just and equitable winding-ups, unfair prejudice actions and derivative claims before the courts of England and the BVI. He is currently acting in the *Spartan* litigation set down for a 9 week trial in 2017, involving a just and equitable winding up petition and a derivative claim relating to a BVI company being heard in England.



## James Weale

James has a broad commercial / chancery practice with experience in trustee disputes and general commercial litigation. His recent/current cases include *Van Der Merwe v Goldman* [2016] 4 W.L.R. 71; *Keown v Nahoor* [2015] EWHC 3418 (Ch); *Tseitline v Mikhelson* [2015] EWHC 3065 (Comm); and *Cotton v Earl of Cardigan* [2015] WTLR 39; [2015] WTLR 373, CA. James is ranked as a leading commercial chancery junior, Chambers & Partners UK Bar 2016.



# Speakers



## Emma Hargreaves

Emma has a commercial chancery practice with particular emphasis on domestic and offshore trust litigation, civil fraud, commercial and company disputes. She also advises on chancery issues arising in matrimonial proceedings. She appears led and unled in the High Court and County Court and was last year granted special admission to appear before the Supreme Court of Bermuda in proceedings relating to substantial purpose trusts. She recently won the "rising star" competition at the IBC Transcontinental Trust Conference in Bermuda.



## 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, and has appeared both led and unled in the County Court and the High Court. Zahler recently acted for The Crown Estate in the Supreme Court on a case concerning the construction of ancient grants.



## 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.

## Guest Speakers



## Emily Exton

Emily is head of Forsters' dispute resolution department and a key partner in the firm's contentious trust and probate group. She has over 20 years of experience advising trustees, trust companies and high net worth individuals on a wide variety of contentious matters both on and offshore. Emily also regularly handles Court of Protection matters and is recognised by both Chambers UK and the Legal 500 as a leader in the field of contentious trust and probate work.



## John Greenfield

John is managing partner of Carey Olsen's Guernsey office and advocate in the litigation and dispute resolution group. He undertakes the complete range of major litigation and advocacy work including asset tracing, multi-jurisdictional disputes and commercial and trust litigation. John has been Counsel in many of the major litigation cases before the Royal Court of Guernsey and the Guernsey Court of Appeal and is one of the few Guernsey advocates to have appeared as counsel in the Privy Council.



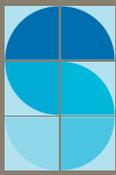
## Emma Jordan

Emma is a partner and head of Contentious Trusts within the Private Client group at Taylor Wessing. She specialises in all aspects of contentious trusts work with a particular focus on advising and representing trustees and high net worth individuals on a range of trust issues in litigation. Emma also advises on civil fraud work, asset tracing and recovery within the context of offshore trusts and structures and helps clients with alternative dispute resolution strategies, including mediation. Emma is an English Barrister and a Jersey Advocate and can represent clients in the Jersey Courts.



## Marc Kish

Marc is a partner and head of Harneys' Cayman Islands Litigation and Insolvency Group. His practice combines insolvency, trusts, commercial litigation and asset tracing claims and he was heavily involved in Cayman Islands distressed funds arising out of the 2008/9 financial crisis. Harneys has one of the largest litigation and insolvency groups in the Cayman Islands and handles a broad spectrum of financial services disputes and advisory work.



# Speakers



## Brian Lacy

Brian is a partner and the head of dispute resolution at Ogier in the BVI. He is a commercial litigation barrister, with considerable experience of civil fraud, insolvency and trust disputes, who successfully represented Microsoft in the first statutory derivative permission claim to be considered by the BVI Court of Appeal. He is a director of RISA (the BVI chapter of INSOL), has been recommended in Chambers & Partners Global and Legal 500 and is a scholar of Lincoln's Inn.



## Andrew Lafferty

Andrew is a partner at Fieldfisher advising on a range of commercial disputes in arbitration and litigation proceedings with significant international/cross-border elements. He has particular recent experience in disputes in the financial institutions sector having advised the Administrators of Lehman Brothers Finance AG (the Swiss Lehman affiliate) on a number of substantial claims involving derivatives counterparties, and with other Lehman affiliates. He is the co-author of the second Edition of *Commercial Enforcement* Tottel 2008.



## Bruce Lincoln

Bruce is a Partner in Mourant Ozannes' Jersey office and head of the litigation practice in Jersey. He is a specialist in contentious trusts work. In addition to hostile trust litigation, Bruce also regularly advises trustees and beneficiaries on issues arising in the course of the administration of trust structures (both contested and non-contested), including requests for the provision of trust information, transfers of trusts to other providers, restructurings, rectification, mistake, Public Trustee -v- Cooper applications etc. Bruce is recognised as a leading individual within the Legal 500 and Chambers directories and is a Prominent Figure for Contentious Trusts in the Citywealth Leading Lawyers List.



## Jenny McKeown

Jenny is an established name in the contentious trusts arena, widely recognised for her experience in complex, high value, trust disputes. She acts for corporates, trustees, financial services firms, financial institutions, insurers and private individuals, representing clients in complex high value trust disputes, often in a fraud context. Jenny has particular expertise in applications to construe, rectify and vary trust documents.



## Morven McMillan

Morven is co-head of Maples and Calder's Trusts & Private Client practice in the Cayman Islands and is regarded as one of the private client world's leading practitioners. She advises on all aspects of trusts law including contentious and non-contentious issues. Her practice encompasses technical legal and practical advice for institutional and individual trustees as well as beneficiaries, settlors, protectors and enforcers at any stage in the life of a trust. Morven joined Maples and Calder in 2016 from another leading international law firm.



## Maxine Mossman

Maxine is a Partner in Clifford Chance's L&DR practice. Maxine has over 15 years experience in international commercial litigation. Maxine focuses on contentious trusts and estate matters together with funds litigation. She has acted for a variety of clients including trustees, high net worth individuals, financial institutions and private equity funds. She has advised on a number of high value complex matters, both in England and offshore, and has considerable experience of Cayman, Jersey and BVI proceedings.



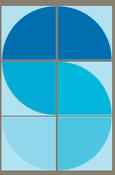
## Keith Oliver

Keith specialises in commercial, regulatory, sports and trust litigation, and heads the specialist commercial litigation and civil fraud and asset freezing team at Peters & Peters Solicitors. He 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 and major international disputes with a reputation for addressing and resolving the most intractable of disputes and crises faced by individuals and companies.



## James Price

James has extensive experience of large scale trusts and estates disputes in England and many off shore jurisdictions. He has also acted for both trustees and for beneficiaries in a number of investment claims against banks and other financial institutions. James lectures widely and in the last 12 months has spoken in the UK and abroad on contentious trusts and probate matters. James is in Chambers 2016 and the Legal 500 for Contentious Trusts and has also been ranked as an expert in his field by Who's Who Legal's 2015 Private Client Analysis.



# Speakers



## Neil Purslow

Neil is Chief Investment Officer and a co-founder of Therium. Neil is a founder member of the board of the Association of Litigation Funders, the self-regulatory body for the litigation funding industry in England and Wales. Neil speaks regularly at conferences and is often quoted in the media on issues related to litigation funding. Prior to founding Therium, Neil was in-house Litigation Counsel for Marsh & MacLennan Companies, Inc. (MMC) and prior to that, he was in practice in the City of London and with US firm Reed Smith. Neil gained an MA in jurisprudence from the University of Oxford.



## Robin Rathmell

Robin is a dually-qualified English barrister and New York attorney. He is a partner at Kobre & Kim, a conflict-free global law firm that focuses exclusively on disputes and investigations. Robin focuses his practice on cross-border commercial and trusts disputes, representing clients in arbitrations, litigation and contentious offshore trusts matters. He is an experienced advocate in the English High Court and Court of Appeal, US federal courts, and international arbitrations. Robin is a Door Tenant of Serle Court.



## Rachael Reynolds

Rachael is a partner and head of Ogier's Cayman Islands Dispute Resolution team. She joined the firm in 2007. Rachael previously practised at Clyde & Co in London from 2001-2007 and at the English Bar from 1999-2001. She received her Bachelor of Arts in Jurisprudence from Oxford University in 1998 and completed the Bar Vocational Course at the Inns of Court School of Law in 1999. Rachael has a particular focus on international trusts disputes and regularly acts for trustees, protectors and beneficiaries. She also has considerable experience in contentious restructuring and insolvency matters and is a member of the firm's restructuring and insolvency group. Her practice regularly involves fraud and international asset tracing claims.



## Keith Robinson

Keith is a partner in Appleby's Dispute Resolution department in Bermuda. Keith's practice focuses on high value trust disputes and restructurings often with a multi-jurisdictional element. He has advised and represented trustees, beneficiaries and other fiduciaries. Keith has been involved in many of the major trust cases in Bermuda over the last number of years and in the last year has appeared in a number of legally significant reported decisions.

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 international trusts and commercial litigation. Chambers & Partners notes that Serle Court is a "quality set from top to bottom", stating that it "has a superb reputation in general commercial chancery, offshore and civil fraud cases" and is a "highly renowned commercial chancery set whose members act in cases across all the traditional offshore jurisdictions and beyond"; whilst The Legal 500 refers to Serle Court as "the go-to set for offshore trust litigation", "a tremendous chambers housing numerous leaders in their fields" which "has really raised its profile in major commercial litigation in recent years".

## 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.

Serle Court is accredited by the Bar Standards Board to provide CPD for barristers at the Bar of England & Wales. Serle Court's Provider ID is 1799.

This Conference is accredited with 5 CPD hours for barristers at the Bar of England & Wales. It can also provide 5 CPD hours for solicitors.

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

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