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CPD
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Trust Disputes & Resolution

1 April 2014 - St. Pierre Park Hotel, Guernsey

14 May 2014 - L'Horizon Hotel, Jersey

The Courts are currently the setting for a litigation “boom” involving not only trustees but frequently their directors as well as other associates. Recent cases have seen much novelty and long-standing practices have been called into question. Litigants are showing increasing creativity and determination in pursuing trustees. In turn, trustees are having to be increasingly creative themselves in their own defence with such rights as those as to indemnity being of paramount importance.

The speakers are amongst those in local practice who are at the frontiers of these developments.

The conference provides an essential update for trustees, trust company directors, managers, senior administrators and all those responsible for risk management within the trust industry.

TRUST DISPUTES & RESOLUTION

1 APRIL 2014 – ST. PIERRE PARK HOTEL, GUERNSEY

CHAIRMAN: St. John Robilliard, Partner,
Mourant Ozannes

8.30 REGISTRATION

9.00 CHAIRMAN'S INTRODUCTION

9.05 **The face of recent Trust Litigation**

- Multiple defendants
- Multiple actions
- Outmanoeuvring exoneration clauses
- Circumventing prescription periods
- Derivative claims

SPEAKER: St. John Robilliard, Partner,
Mourant Ozannes

9.50 **Defendants' tactics**

- Application for security
- "Nominal claimants"
- The use of indemnities to counter-attack
- Third party claims

SPEAKER: Paul Richardson, Partner,
AFR Advocates

10.40 MORNING COFFEE

11.00 **How actions against trustees are funded
and possible responses**

- Utilizing the trust fund
- Arrangement with lawyers
- Third party funding

SPEAKER: Ian Swan, Partner, Babbé

11.45 **Situations likely to lead to long-term
difficulties**

- Interconnected companies
- Intergroup and "soft" loans
- Abdication of investment powers

SPEAKER: Karen Le Cras, Partner,
Carey Olsen

12.30 PANEL DISCUSSION AND QUESTIONS

12.40 LUNCH

13.50 **Beneficiary opposition to trustees' decisions**

- How trustees should reach decisions
- Letters of wishes
- Settlor's wishes
- *The Public Trustee v Cooper Jurisdiction*

SPEAKER: Alison Ozanne, Partner,
A O Hall

14.35 **Putting right trustee mistakes**

- Rectification v mistake
- Following *Pitt & Holt: Futter & Futter* what trustee decisions may now be set aside?

SPEAKER: Jon Barclay, Of Counsel,
Bedell Cristin

15.20 AFTERNOON TEA

15.40 **Settling disputes**

- The role of mediation
- Settlement agreements
- Indemnities

SPEAKER: Mathew Newman,
Partner, Ogier

16.25 PANEL DISCUSSION AND QUESTIONS

16.45 CLOSE OF CONFERENCE

TRUST DISPUTES & RESOLUTION

14 MAY 2014 – L'HORIZON HOTEL, JERSEY

**CHAIRMAN: Christopher Scholefield,
Partner, Viberts**

8.30 REGISTRATION

9.00 CHAIRMAN'S INTRODUCTION

9.05 The face of recent trust litigation

- Multiple defendants
- Multiple actions
- Outmanoeuvring exoneration clauses
- Circumventing prescription periods
- Derivative claims

**SPEAKER: St. John Robilliard, Partner,
Mourant Ozannes**

9.50 Defendants' tactics

- Application for security
- The use of indemnities to counter-attack
- Third party claims

**SPEAKER: Jean-Marie Renouf, Partner,
Hanson Renouf**

10.40 MORNING COFFEE

**11.00 How actions against trustees are funded
and possible responses**

- Utilizing the trust fund
- Arrangement with lawyers
- Third party funding

SPEAKER: Giles Baxter, Associate, Viberts

**11.45 Situations likely to lead to long-term
difficulties**

- Interconnected companies and conflicts
- Imprudent/inappropriate borrowing
- Abdication/improper exercise of investment powers
- Jeopardising statutory/trust limitations on liability

SPEAKER: Nigel Sanders, Partner, Ogier

12.30 PANEL DISCUSSION AND QUESTIONS

12.40 LUNCH

13.50 Beneficiary opposition to trustees' decisions

- How trustees should reach decisions
- Letters of wishes
- Settlor's wishes
- *The Public Trustee v Cooper Jurisdiction*

**SPEAKER: Michael Cushing,
Office Managing Partner,
Appleby**

14.35 Putting right trustee mistakes

- Rectification v mistake
- Following *Pitt & Holt: Futter & Futter* what trustee decisions may now be set aside?

**SPEAKER: Rebecca McNulty,
Senior Associate,
Bedell Cristin**

15.20 AFTERNOON TEA

15.40 Settling disputes

- The role of mediation
- Settlement agreements
- Indemnities

SPEAKER: David Benest, DavidBenestLaw

16.25 PANEL DISCUSSION AND QUESTIONS

16.45 CLOSE OF CONFERENCE

BOOKING INFORMATION

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REFRESHMENTS

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

VENUES

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

L'Horizon Hotel, St. Brelades Bay, Jersey JE3 8EF
Tel: 01534 743101 Fax: 01534 746269

SRA CPD ACCREDITATION

SRA CPD accreditation has been applied for and each conference will carry 6 hrs per day.

Written confirmation of attendance will be available on the day.

REGISTRATION FORM

TITLE: Trust Disputes & Resolution
1 April 2014 – St. Pierre Park Hotel, Guernsey []
14 May 2014 – L'Horizon Hotel, Jersey []

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