

Day 1 – Wednesday, October 10, 2018

Agenda

3:00 p.m. + Check-In
7:00 p.m. Welcome Reception & Dinner

Day 2 – Thursday, October 11, 2018

7:30 a.m. Breakfast Discussion Leaders

8:45 a.m. **Welcome Remarks & Introductions**

Session 1

9:00 a.m.

Emergency Provisions

Recent events in Riyadh have seen leading officials and businessmen detained, and then told to make substantial transfers of assets to the government, with broad allegations that they had been unlawfully acquired. The authorities have avoided the need to argue their claims in foreign courts and, instead, coercive measures have been used. Commentators have made a comparison with families who have been either blackmailed or ransomed. This session will look at emergency provisions in trust deeds and more generally actions by trustees, family members and others in emergency situations. The session will also discuss how the Courts and the legal systems in the relevant jurisdictions can assist.

James Dickinson

*Dickinson Gleeson
St. Helier, Channel
Islands*

Keith Robinson

*Carey Olsen Bermuda
Hamilton, Bermuda*

10:20 a.m. Refreshments

Session 2

10:40 a.m.

Cross Border Capacity Issues

With an increasingly aged population, issues of capacity are critical in the world of private client disputes.

In this session we will consider a number of questions including:

- The different regimes and tests for capacity;
- The jurisdiction of courts to intervene to protect a party who has lost capacity;
- The issues for advisors in advising clients or representing a client in litigation when capacity comes into question;
- Proving loss of capacity;
- Is there a risk of conflicting positions across jurisdictions?

Werner Jahnel

*Lalive
Zürich, Switzerland*

Shân Warnock-Smith

*5 Stone Buildings
London, United
Kingdom*

12:00 p.m. Luncheon

Forum on
INTERNATIONAL WEALTH DISPUTES


Discussion Leaders

Session 3
1:30 p.m.

The Criminalization of Trust, Private Client and Tax Litigation

Is the world of international trust, private client and tax litigation becoming increasingly brutal and dangerous for clients, as well as their advisors? Both governments and private litigants are raising the stakes and seeking to obtain a litigation advantage by casting what were historically civil disputes and tax collection proceedings as criminal conduct. In this session, we will identify these trends and discuss how to anticipate them, defend against them or possibly use them to our clients' advantage.

Kate McMahon
*Edmonds, Marshall,
McMahon
London, United
Kingdom*

Markus Rübenstahl
*Rübenstahl
Rechtsanwälte
Frankfurt, Germany*

2:50 p.m.

Refreshments

Session 4
3:10 p.m.

Cross Border/ International Divorces

It is not unusual today for families to be based in more than one country and across the world. This is what we will call the concept of an "international family" which has repercussions if they subsequently divorce.

Divorce law varies drastically across the world. For example, in England you can divorce on the basis of the other's adultery but in Peru you will be imprisoned for committing adultery. These are wildly different stances in two very different jurisdictions.

In terms of the financial matters following a divorce, in England a provision for spousal alimony/maintenance can be made for life but in Scotland, just across the border, maintenance/alimony orders are limited strictly to three years. Again drastically diverse outcomes in sister jurisdictions.

Equally there are large differences between how unmarried couples are treated across the world when the relationship breaks down.

This session will explore these drastic differences between jurisdictions further and focus on the following key areas:

1. Approaches to divorce, power of the courts and division of assets in different jurisdictions to include England and Wales, Ukraine/ Russia and India.
2. Foreign divorces and financial claims that can be brought in other countries.
3. The treatment of unmarried families and children in different jurisdictions.

Camilla Baldwin
*Camilla Baldwin Divorce
Lawyers
London, United
Kingdom*

Mark Harper
*Hughes Fowler
Carruthers
London, United
Kingdom*

4:30 p.m.

End of Day 2

7:00 p.m.

Reception & Dinner

Day 3 – Friday, October 12, 2018

7:30 a.m. Breakfast Discussion Leaders

Session 5

9:00 a.m.

Tax Litigation Involving Structures and Advisors’ Liabilities

Tax authorities are increasingly active in attacking trust and corporate structures.

Are these types of challenges more frequent and sophisticated than in the past? Are they based on statutory provisions or case law?

This discussion will also explore the trends and issues regarding tax litigation which may arise from unreported foreign assets and which may be triggered from lists (such as Panama papers), inheritance, trust or divorce litigation, and exchange of information.

Legal and tax advisors are often involved in tax audits on the above matters. The main issues to be explored in this context are:

- Whether the liability differs depending on the type of involvement of the advisors;
- What type of liability (tax liability, administrative sanctions, criminal liability)?
- The legal basis for the liability;
- What role does legal privilege play in protecting advisors in these cases?

Marco Cerrato

*Maisto e Associati
Milan, Italy*

Fouad Sayegh

*Walder Wyss Ltd.
Geneva, Switzerland*

10:20 a.m.

Refreshments

Discussion Leaders

Session 6

10:50 a.m.

Forced Heirship Rights, Litigation and Enforcement

Forced heirship rights frequently conflict with laws of jurisdictions which permit freedom of disposition or apply Islamic Shari’a law. As wealthy individuals move from one jurisdiction to another, it is possible that what was once a valid plan of asset transfer may become subject to challenge.

Each year at the Forum we discuss various developments in forced heirship and related litigation. This year the session will focus on the practical aspects of such litigation. The discussion will include:

- The roles and strategic options of trustees and protectors of trusts in anti-forced heirship jurisdictions when faced with litigation seeking to enforce forced heirship rights.

Line-Alexa Glotin

*UGGC Avocats
Paris, France*

Pedro Pablo

Gutiérrez Philippi

*Gutiérrez, Waugh,
Jimeno & Asenjo
Abogados
Santiago, Chile*

Andrea Zavos

*Boodle Hatfield LLP
London, United
Kingdom*

Forum on
INTERNATIONAL WEALTH DISPUTES



Discussion Leaders

Session 6

10:50 a.m.

Cont'

- Strategies for using a judgment in a forced heirship jurisdiction recognizing such rights and declaring a trust invalid to attack the trust in (i) its home jurisdiction despite “firewall” protections and (ii) in other jurisdictions where trust assets are located.
- What provisions can be added to trusts to thwart forced heirship challenges and protect fiduciaries who may be subject to suit outside the trust jurisdiction?
- Is there any role for arbitration in these disputes to bridge the gap between two irreconcilable systems?

Line-Alexa Glotin

**Pedro Pablo
Gutiérrez Philippi**

Andrea Zavos

12:10 p.m.

Closing Luncheon

1:30 p.m.

Departure
