

Chairman's welcome and opening remarks

09:30 - 09:35

Participants

Adam Cloherty - Barrister, XXIV Old Buildings

Going Gently into that Good Night?

09:35 - 10:20

- What happens when a settlor or power holder loses capacity

Participants

Peter Steen - Partner, Mishcon de Reya

Emilia Piskorz - Managing Associate, Mishcon de Reya

Through the Looking Glass

10:20 - 11:05

- The latest on the duties of trustees and corporate trust providers in relation to underlying corporate structures
- How far we have moved since *Bartlett v Barclays Bank* [1980] Ch 515
- *Zhang Hong Li and another v DBS (Hong Kong) Ltd and others* appeal:
 - Judgement implications
 - anti-Bartlett clauses and their future
- How trustees can protect themselves
- Permission to appeal

Participants

Andreas Kistler - Partner, Carey Olsen

Marcus Staff - Barrister, XXIV Old buildings

Morning coffee break

11:05 - 11:25

All is Well that Ends Well

11:25 - 12:05

- How should trustees tackle historical shortcomings in trust management?
- Can they seek to right mistakes of the past
- Consideration of the recent decision in *C Trust* [2019] SC (Bda) 44 Civ

Participants

Hannah Mantle - Senior Associate, Forsters

Sandie Lyne - Partner, Ogier

Robert Gardner - Partner, Bedell Cristin

What do you Want? Information

12:05 - 12:45

- Issues around disclosure and confidentiality of information relating to trusts
- What can a beneficiary do if they know nothing about a trust - save that they are suspicious about its trustee?
- Life after *TDT* and the "*Guernsey 2*" proceedings
- Where does it leave trustees and third parties who deal with them?
- Obscuring the truth or protecting legitimate rights?
- Exploiting differing understandings of open justice to obtain information

Participants

Olga Boltenko - Managing Partner, Boltenko Law

Benoît Mauron - Counsel, LALIVE

We Are Family...

12:45 - 13:30

- Modern concepts of 'the family' continue to evolve
- How **settlers, trustees and beneficiaries** alike can effectively tackle the issues that arise
- International family provision claims:
 - impact across different jurisdictions
 - issues surrounding the domicile of the deceased
- Legitimate children, trusts and human rights:
 - European human rights principles within offshore jurisdictions
 - new interpretations of trusts and testamentary instruments
 - constitutional prohibitions against non-discrimination

Participants

Joseph Steadman - Barrister, Wilberforce Chambers

Dawn Goodman - Senior Counsel, Withers

Luncheon

13:30 - 14:40

Breaking up is never easy ... Is enforcement easier?

14:40 - 15:10

Robert will look at some recent cases relevant to international trustees and fiduciaries arising from decisions of the English courts, including *Akhmedova* and *Behbehani*, including:

- the limits of anti-avoidance legislation (under the Insolvency and Matrimonial Causes Acts)
- the English courts' approach to extraterritoriality
- joinder and findings against third parties

Participants

Robert Avis - Counsel, Charles Russell Speechlys

Insolvent Trusts

15:10 - 15:50

- Z Trust litigation – and the Privy Council
- Clarity at last?
- Recent onshore tax changes and implications for insolvent trusts
- Just what is the scale of insolvent trusts?

Participants

Clare Usher-Wilson - Deputy Managing Director, Summit Trust International

James Sheedy - Senior Associate, Baker & Partners

Afternoon coffee

15:50 - 16:10

Remains of the Day: Massively Discretionary Trusts

16:10 - 16:55

- Issues that can arise with black hole or Red Cross trusts
 - who are the beneficiaries?
 - who can bring the trusts to an end?
 - what other issues can arise?
- Personal ramifications for holding office in the new age of international tax collection
- Beneficiaries right to terminate trusts:
 - *Saunders v Vautier*
 - the recent Court of Appeal hearing in *Rusnano v Molard*

Participants

Rupert Morris - Partner, Walkers

Steven McDonald - Partner, Enyo Law

Chairman's summary and close of Litigation day

16:55 - 17:05

SESSIONS

TRANS TRUSTS – LITIGATION DAY - 13/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021
Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

Drinks reception hosted by Athena Art

17:05 - 18:35

SCHEDULE

TRANS TRUSTS – LITIGATION DAY - 13/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021
Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

TIME	
09:00	09:30 - Chairman's welcome and opening remarks 09:35 - Going Gently into that Good Night?
10:00	10:20 - Through the Looking Glass
11:00	11:05 - Morning coffee break 11:25 - All is Well that Ends Well
12:00	12:05 - What do you Want? Information 12:45 - We Are Family...
13:00	13:30 - Luncheon
14:00	14:40 - Breaking up is never easy ... Is enforcement easier?
15:00	15:10 - Insolvent Trusts 15:50 - Afternoon coffee
16:00	16:10 - Remains of the Day: Massively Discretionary Trusts 16:55 - Chairman's summary and close of Litigation day
17:00	17:05 - Drinks reception hosted by Athena Art

SESSIONS

TRANS TRUSTS MAIN CONFERENCE, DAY - 14/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021

Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

Registration

09:00 - 09:30

Welcome from the Co-Chairs

09:30 - 09:40

Stella & Jess will set the scene for the next two days, highlighting key themes and topics which will be discussed over the course of the conference.

Participants

Stella Mitchell-Voisin - Managing Director, Summit Trust International SA

Jessica Henson - Partner, Payne Hicks Beach

The Keynote address: Money Launderer: Psychology of lying

09:40 - 10:40

- Meet Ken Rijock
- Twice decorated Vietnam veteran
- High flying lawyer
- And one of the world's biggest money launderers

- Discover:
 - how he got 'sucked in'
 - how bad it got
 - whether he thinks today's transparency/AML measures would have stopped the criminal fraternity that he knew
 - what he thinks the issues are today

- And how that affects you!

Participants

Ken Rijock - Financial Crime Consultant & Author, 'The Laundry Man - Memoirs of a multi-million money launderer'

Morning Espresso: A Shot in the Arm - What happened yesterday?

10:40 - 11:10

- Distilling the key issues arising out of yesterday's litigation day
- Highlighting issues likely to dominate the next 12 months in the arena of trust litigation

Participants

Adam Cloherty - Barrister, XXIV Old Buildings

Morning Refreshment Break hosted by Hassium Asset Management LLP

11:10 - 11:45

In Loco Parentis: Understanding Younger or More Vulnerable Beneficiaries

11:45 - 12:15

- When to introduce the financial conversation
- Navigating substance abuse problems
- Access to funds
- When is that appropriate?
- How do you know if someone is lying to you?

Participants

Diana Chambers - The Family Wealth Mentor and Founder, The Chambers Group Sàrl

Substance, Regulation and other initiatives

12:15 - 12:35

An update from around the offshore world...

Participants

James Quarmby - Partner, Stephenson Harwood

Lunch hosted by Katten Law

12:35 - 13:45

An Introduction to the Omar Akhbar Trust

13:45 - 13:50

- The Omar Akhbar family, are a wealthy entrepreneurial family with:
 - roots in the Middle East
 - business enterprises in various parts of the world
 - an extensive property portfolio in Switzerland, the UK and the Far East
- The family are undertaking a complete health-check on their structures
- Various industry experts:
 - look at different trust and tax issues as pertains to the various asset classes
 - point out the common issues and pitfalls from their own unique perspectives

Participants

Jessica Henson - Partner, Payne Hicks Beach

The Omar Akhbar Trust Part 1: What are the key issues to look for from a tax perspective?

13:50 - 14:35

- Omar Akhbar, the Settlor, who is a Middle Eastern entrepreneur, was detained (and later released without charge) at the Ritz in Riyadh
- His son, Karim is 22 and has been studying in London, and now looks set to settle there
- His daughter, Amina, is 20 and is considering taking up a position with a bank in Geneva
- Mr Akhbar is keen to consider his options as to residence and is particularly drawn to either the UK or Switzerland, but is also considering other options
- Mr Akhbar and his children all receive distributions from the trust from time to time.

Participants

MIDDLE EAST:: Marianne Kafena - Partner, Harbottle & Lewis

SWITZERLAND:: Fouad G. Sayegh - Partner, Walder Wyss Ltd.

ITALY:: Alessandro Bavila - Partner, Maisto e Associati

The Omar Akhbar Trust Part 2: Contentious Issues, Insolvency, Intra Structure Lending and Anti Bartlett Clauses

14:35 - 15:20

- The trust owns operating businesses:
 - two of which are healthy, profit making operations
 - and one of which is struggling financially
- Cover off insolvency within trust
- Loans between entities
- How much overview trustees need
- Anti Bartlett's etc
- Glenalla/Z Trusts/DBS

Participants

Emma Jordan - Partner, Taylor Wessing

Sarah Aughwane - Senior Associate, Withers Worldwide

Afternoon Refreshment Break hosted by Hassium Asset Management LLP

15:20 - 15:40

SESSIONS

TRANS TRUSTS MAIN CONFERENCE, DAY - 14/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021

Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

Set out Your Pitch – Where Should I Set Up My New Trust Structure?

15:40 - 16:30

- Panellists pitch for a piece of new business....

Participants

What the Client is Looking for:: Christopher Potter - Senior Counsel, Societe d'Etudes Techniques et Economiques SA

Singapore:: Jill Carpenter - Partner, Rawlinson & Hunter Singapore

Isle of Man: Paul Blake - Head of Banking and Fiduciaries, Finance Isle of Man

Liechtenstein:: Hannes Arnold - Senior Partner, Gasser Partner (Liechtenstein)

New Zealand:: Geoffrey Cone - Founder of Cone Marshall, New Zealand and Teton Trust Company, Jackson, Wyoming, USA, Cone Marshall

Philanthropy & Giving: War Stories and Making a Difference

16:30 - 17:10

Part I - The International Committee of the Red Cross:

- Development economics
- Humanitarian action
- International trade and co-operation:
 - economic dynamics of armed conflict
 - nexus between natural resources and development
- Humanitarian bonds and the global aid market

Part II: - Trusts:

- Facilitating philanthropic giving through trusts
- Why many wealthy people do not give to institutions like the red cross but set up their own foundations etc.
- What can go wrong if they do
- Regulatory framework

Participants

Gilles Carbonnier - Vice-president, International Committee of the Red Cross (ICRC)

Matthew Smith - Barrister, Maitland Chambers

Chairs' Closing Remarks & End of Day One

17:10 - 17:20

Participants

Stella Mitchell-Voisin - Managing Director, Summit Trust International SA

Jessica Henson - Partner, Payne Hicks Beach

Tour of the Red Cross Building, Geneva (Limited Spaces Available)

18:30 - 19:30

Tour of the museum 6.15 to 7.15.

Drinks 7.15 to 8.30.

Dinner at the Red Cross Building, Geneva - hosted by MIRABAUD & CIE SA, and Summit

19:30 - 21:30

Dinner 8.30 to 10.30

SCHEDULE

TRANS TRUSTS MAIN CONFERENCE, DAY - 14/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021

Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

TIME	
09:00	09:00 - Registration 09:30 - Welcome from the Co-Chairs 09:40 - The Keynote address: Money Launderer: Psychology of lying
10:00	10:40 - Morning Espresso: A Shot in the Arm - What happened yesterday?
11:00	11:10 - Morning Refreshment Break hosted by Hassium Asset Management LLP 11:45 - In Loco Parentis: Understanding Younger or More Vulnerable Beneficiaries
12:00	12:15 - Substance, Regulation and other initiatives 12:35 - Lunch hosted by Katten Law
13:00	13:45 - An Introduction to the Omar Akhbar Trust 13:50 - The Omar Akhbar Trust Part 1: What are the key issues to look for from a tax perspective?
14:00	14:35 - The Omar Akhbar Trust Part 2: Contentious Issues, Insolvency, Intra Structure Lending and Anti Bartlett Clauses
15:00	15:20 - Afternoon Refreshment Break hosted by Hassium Asset Management LLP 15:40 - Set out Your Pitch – Where Should I Set Up My New Trust Structure?
16:00	16:30 - Philanthropy & Giving: War Stories and Making a Difference
17:00	17:10 - Chairs' Closing Remarks & End of Day One
18:00	18:30 - Tour of the Red Cross Building, Geneva (Limited Spaces Available)
19:00	19:30 - Dinner at the Red Cross Building, Geneva - hosted by MIRABAUD & CIE SA, and Summit

SESSIONS

TRANS TRUSTS MAIN CONFERENCE, DAY 2 - 15/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021

Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

Pre-Conference Coffee

09:00 - 09:30

Opening Remarks from the Co-Chairs

09:30 - 09:40

Participants

Stella Mitchell-Voisin - Managing Director, Summit Trust International SA

Jessica Henson - Partner, Payne Hicks Beach

The Great Debate: Are Swiss Trusts a Good Thing or a Distraction?

09:40 - 10:20

- Switzerland is proposing to introduce a trust law to allow for a 'Swiss Trust'
- Practitioners are divided as to the merits
- Our speakers will debate the issue so that you can decide....

Participants

Luc Thevenoz - Director of the Centre for Banking and Financial Law, Professor of Law, Geneva University

Sandrine Giroud - Partner, LALIVE

What the Crypto?!

10:20 - 11:00

- Younger benefs are asking trustees to consider 'investing' in things like:
 - CRYPTO
 - SUSTAINABLE INVESTMENT
- Can you possibly make a trustees decision that these are appropriate investments for a trust fund?
- What are the pitfalls?
- Does it matter anyway?

Participants

Moderator:: Joe Donohoe - Director - Jersey, Asset Risk Consultants

John-Maximilian de Salis - Executive Director and member of the Group Investment Committee, PWM Division, Mirabaud

Esmund Brown - Counsel, Appleby

Niklas Schmidt - Partner, Wolf Theiss

Morning Refreshment Break

11:00 - 11:20

Jurisdiction Update

11:20 - 12:10

- Jurisdiction updates: What's new in the zoo?
 - what's in the pipeline?
 - where jurisdictions are seeing growth
 - what keeps jurisdictions awake at night
- Comparing different trust regimes:
 - which is better, which is best?
 - what we have that others don't
- Jurisdiction's record and approach to:
 - comparing various jurisdictions' trust regimes and court processes
 - responding to information requests from foreign governments
 - the court using firewall legislation to protect from divorce / forced heir ship proceedings
 - beneficiary rights to information

Participants

Jersey: Nigel Sanders - Partner, Walkers

Liechtenstein: Hannes Arnold - Senior Partner, Gasser Partner (Liechtenstein)

Caribbean: Fred Milner - Counsel, Mourant Ozannes

Asia:: Nicholas Jacob - Partner, Forsters

Transparency at Any Cost? The Fallacy of Privacy

12:10 - 12:40

- Where do we stop with the transparency agenda?
- How does it play into the need to preserve privacy?
- A look at global information sharing in today's world by various tax authorities
- Most clients and advisors underestimate the amount of data sharing and the use of data
- Switzerland has become the only country to stop exchanging under CRS
- Reciprocal security arrangements are needed between all exchanging countries
- Problems in holding operating businesses as trust assets

Participants

Dawn Register - Partner, BDO

Lunch

12:40 - 13:40

The Omar Akhbar Trust Part 3: Practical Structuring Issues for luxury assets

13:40 - 14:20

- Continuing the theme of yesterday afternoon
- The Omar Akhbar Trust:
 - owns 2 yachts (one in construction and one berthed in Antibes)
 - is building a seriously valuable art collection
- Mr Akhbar would like to ensure that the yachts are held in a tax efficient manner
- He has decided that he would like to display some of the art currently in Port Franc on his walls
- Our experts look at the issues for the trustee to grapple with e.g.
 - VAT issues
 - paying crew
 - charter arrangements
 - no kids, no pop stars and no Russians!
 - art on yacht walls?

Participants

Joanne Morse - Director, Family Office Services, Summit Trust International SA

Nic Arnold - Head of JTC Private Office - UK, JTC Group

The Omar Akhbar Trust Part 4: the Economics of Marriage

14:20 - 15:00

- An excited Mr Akhbar calls to update you on the family
- His daughter has fallen in love with a French man who has swept her off her feet
- The wedding is taking place in Paris on 30th June
- His son meanwhile has been dating an American TV star
- His son is proposing a move to the US at the beginning of 2021
- What headaches will the trustee encounter here?
- Can we divorce proof for the future?...

Participants

Joshua Rubenstein - Partner, Katten Muchin Rosenman

Marine Dupas - Partner, Arkwood SCP

Simon Blain - Partner, Forsters

Afternoon Refreshment Break

15:00 - 15:20

SESSIONS

TRANS TRUSTS MAIN CONFERENCE, DAY 2 - 15/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021

Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

Infamy, Infamy, Offshore Under Attack

15:20 - 16:00

- Current perception of offshore, the industry's evolution and future
- Can and should the industry take steps to change the perception of the general public?

Participants

Moderator: Alona Golling - Senior Trust Officer, Summit Trust International SA

Chris Moorcroft - Partner, Harbottle & Lewis

Naomi Rive - Group Director, Highvern

Jonathan Riley - Head of Private Wealth, Partner, Fladgate LLP

Chairpersons Summation

16:00 - 16:10

Participants

Stella Mitchell-Voisin - Managing Director, Summit Trust International SA

Jessica Henson - Partner, Payne Hicks Beach

SCHEDULE

TRANS TRUSTS MAIN CONFERENCE, DAY 2 - 15/10/2021

Transcontinental Trusts: Geneva Forum 2021

13 - 15 October 2021

Fairmont Grand Hotel Geneva (formerly Grand Hotel Kempinski Geneva)
Geneva, Switzerland

TIME	
09:00	09:00 - Pre-Conference Coffee 09:30 - Opening Remarks from the Co-Chairs 09:40 - The Great Debate: Are Swiss Trusts a Good Thing or a Distraction?
10:00	10:20 - What the Crypto?!
11:00	11:00 - Morning Refreshment Break 11:20 - Jurisdiction Update
12:00	12:10 - Transparency at Any Cost? The Fallacy of Privacy 12:40 - Lunch
13:00	13:40 - The Omar Akhbar Trust Part 3: Practical Structuring Issues for luxury assets
14:00	14:20 - The Omar Akhbar Trust Part 4: the Economics of Marriage
15:00	15:00 - Afternoon Refreshment Break 15:20 - Infamy, Infamy, Offshore Under Attack
16:00	16:00 - Chairpersons Summation