

# WILBERFORCE AND JIREHOUSE Nevis Seminar & Lunch

Friday 25 September 2015  
11.30am - 2.00pm  
The Four Seasons Resort, Nevis (Ballrooms A&B)

## Programme

- 11.30pm **Registration**
- 12.00pm **New departures in Tracing**  
**Tom Lowe QC**
- Expanding the Proprietary Base - *FHR European Ventures LLP and others v Cedar Capital Partners LLC*
  - Broadening the tracing techniques - *Brazil v Durant International*
  - Narrowing the defence of bona fide purchaser - *Credit Agricole v Papadimitriou*
- 12.15pm **What you need to know when suing offshore corporations in onshore derivative actions**  
**Graeme Halkerston**
- International litigants often seek to bring derivative actions in US Courts for wrongs done to offshore companies. Many of these claims run into early difficulties.
  - There are important differences to the laws of the leading Caribbean jurisdiction, specifically the Cayman Islands, the BVI, Bermuda and the Bahamas. How do these differences affect litigation strategies and which cases are suited to onshore litigation?
  - What assistance can the onshore litigant obtain from the offshore Courts to assist onshore claims?
- 12.30pm **FATCA: The Practitioner's Perspective**  
**Stephen David Jones - Jirehouse**
- 12.45pm **The Freedman case - mistake in practice after *Pitt v Holt***  
**Clare Stanley QC**
- What does "causative ignorance" mean?
  - What is a "mistaken tacit assumption"?
  - Importance of evidence
  - Mistakes exclusively about tax
  - Is "but for" causation required?
- 1.00pm **Lunch will be served**

## BOOKING

If you would like to book a place on this conference please email Vieoence Prentice:  
vieoence.prentice@jirehouse.com

**Tom Lowe QC**  
Wilberforce Chambers

Tom has acted in numerous reported and high-profile cases in a wide range of cross-border disputes, and has applied his advocacy before a large variety of tribunals in a number of different jurisdictions.

Tom's main areas of expertise are insolvency, trusts and probate. He has had to apply this knowledge in cases in which the primary focus might be as diverse as fraud, professional negligence, financial services, a shareholder dispute or even judicial review.

He has acted for a variety of different parties in hedge fund disputes. Recent examples of his cases include in the Cayman Islands *Bear Stearns, Re Sphinx, AHAB v SAAD, Re Medley Opportunity Fund*, in Bermuda *Kingate Global Fund v Kingate Management Ltd* and in the UK *Kaupthing v Isis*.

Tom has also been involved in a number of leading trust and probate cases. Reported examples of which include *Walker v Stones* in the UK; *Re A v N* and *Re Circle Trust* in the Cayman Islands and *Wang Din Shan v Nina Wang* in Hong Kong.

He is described in the legal directories as an "extremely impressive and intelligent advocate who always sees the big picture".

**E:** [tlowe@wilberforce.co.uk](mailto:tlowe@wilberforce.co.uk)

**Graeme Halkerston**  
Wilberforce Chambers

Graeme is an offshore specialist, advising on matters in all the major offshore jurisdictions. He was described by Chambers and Partners as having "vast strength and experience in offshore matters" and by The Legal 500 as knowing "the Cayman Islands courts, their operation and players like the back of his hand". He is the only former partner of a leading Caribbean offshore firm in private practice at the London bar, having formerly been a partner at Appleby and worked in the Cayman Islands for 5 years.

Graeme regularly provides expert evidence on offshore issues in litigation in the United States and England. His recent expert evidence work has included evidence for US courts on directors' duties, shareholder rights, derivative actions, duties owed by professional service providers and Cayman insolvency practice and procedure.

His recent work has included defending major accountancy firms from claims arising out the Madoff fraud, acting in claims on behalf of the estate of Lehman Brothers, litigation arising out of the collapse of the BancoVelox/Disco group and acting on offshore and onshore litigation arising from the insolvency of the American Leisure Group. He has wide ranging experience of disputes involving hedge funds, private equity structures, corporate joint ventures and other alternative investment vehicles, both in the context of shareholder and insolvency litigation onshore and offshore. He also undertakes professional liability work, particularly in relation to claims associated with financial services, including claims against directors, auditors, investment managers and other professional service providers.

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**Stephen David Jones**  
Jirehouse

Stephen is a practising English solicitor and the founder and principal of Jirehouse, a discrete London based corporate, tax and trusts legal practice which has affiliated trust businesses in London, Nevis and Switzerland. Stephen leads the firm's international corporate, tax and trusts team. His practice focuses on corporate, banking, finance, international trusts and taxation.

Prior to establishing Jirehouse in 1995, Stephen worked as a senior solicitor at two of the pre-eminent corporate law firms based in the City of London, first in London then latterly Hong Kong until 1994.

Stephen has advised the Nevis government in relation to various financial services legislation and regulatory matters. Notably, he drafted the Nevis Multiform Foundations Ordinance 2004 and the Regulations. He was admitted as a English solicitor in 1986 and has been a member of STEP London since 2008. He also holds a certificate in Investment Management (2003) and is a Fellow of the Chartered Institute for Securities and Investment Management (2006).

**E:** [stephendavid.jones@jirehouse.com](mailto:stephendavid.jones@jirehouse.com)

**Clare Stanley QC**  
Wilberforce Chambers

Clare is a specialist in commercial disputes including cross-border insolvency actions and fraud, trust and probate litigation and associated professional liability claims. Many of her cases involve offshore proceedings and Clare is well used to appearing and advising on matters before the Courts across many of the major offshore jurisdictions including Cayman and the BVI.

In Cayman Clare recently for the successful defendants in *Hinds v Hinds* (limitation, laches and acquiescence). In England she has recently acted for the successful professional trustee in the widely reported High Court trial of *Earl of Cardigan v Moore*, she acted for the successful claimant in *Freedman v Freedman* (the most recent English case to consider the ability of a settlor to set aside a trust for mistake), and for the successful appellant in *Bellis v Challinor* in which the Court of Appeal clarified the law on Quistclose trusts. Clare is also consistently recommended the leading directories and has recently been described by Chambers & Partners as "very, very smart and easy to deal with.", "... an adept litigator who frequently acts in offshore jurisdictions." and as a "... powerful advocate".

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