



Wilberforce Annual **TRUST LITIGATION DAY**

Guest Speaker - The Honourable Mr. Justice David Hayton

Monday 1 February 2016
9am - 5pm 5.5 CPD

The Dorchester, Park Lane, London, UK

The Fourth Annual Wilberforce Trust Litigation Conference will look at topical issues in the trust world through a series of talks and workshops from leading trust experts.

This year we are delighted to welcome The Honourable Mr Justice David Hayton as our guest speaker. Mr Justice David Hayton has been a Judge of the Caribbean Court of Justice since its inception in 2005, having formerly been a part-time judge in London and in Nassau, a Professor of Law at King's College London, a Fellow of Jesus College Cambridge and a barrister.

He will be discussing his thoughts on future trust law developments after 50 years as a trust lawyer.

Following the conference and drinks reception we are inviting guests to join us for an exclusive dinner at China Tang (at The Dorchester), options and prices are shown on the booking form below.

Early booking for the dinner is advised, as places at the restaurant are limited.

Wilberforce Annual TRUST LITIGATION DAY

Monday 1 February 2016 - Timetable

| | | | |
|-----------|--|-----------|--|
| 9.00am | Registration | | |
| 9.40am | Welcome from the Joint Chairmen Andrew Mold and Jonathan Hilliard | | |
| 9.50am | Disputes over trusts that hold corporate structures Andrew Child and Jonathan Hilliard <ul style="list-style-type: none"> What can go wrong? The validity and effectiveness of anti-Bartlett clauses, in light of <i>Appleby v Citco</i> (2014)(BVI) Using trust company employees as directors- problems and solutions Getting information- <i>The B, C and D Settlements</i> (2010)(Jersey CA) and <i>In the Matter of R&RA Settlements</i> (2014)(Guernsey CA) | W3 | Tracing and proprietary remedies: current practical controversies Jonathan Hilliard, Clare Stanley QC, Sebastian Allen, Michael Ashdown <ul style="list-style-type: none"> Allowing backwards tracing: how far does Republic of <i>Brazil v Durant</i> [2015] UKPC 35 really go? Tracing through security rights: subrogation and unjust enrichment following <i>Menelaou v Bank of Cyprus UK Ltd</i> [2015] UKSC 66 Tracing through mixed funds: has the century-old rule in <i>James Roscoe (Bolton) Ltd v Winder</i> [1915] 1 Ch 62 (CA) finally been killed off? What sort of trusts do third party recipients hold on - and does it matter? <i>ITS v Susan Morris</i> [2013] Ch 91 (CA) |
| 10.30am | Trustee Decision Making: Unpacking the duty of proper consideration Mark Studer <ul style="list-style-type: none"> Is there a duty to consider, and, if so how is it to be exercised? May beneficiaries have justicable expectations? Is there a trustee decision, and, if so, what is involved in reviewing it? What are the remedies for trustee failures to consider? | | 12.50pm LUNCH |
| 10.50am | Tax, Trusts and the courts Robert Ham QC <ul style="list-style-type: none"> How should courts deal with trusts and tax avoidance? Does it make a difference whether it is domestic or foreign tax? What are the risks for trustees? | | 2.10pm Insolvent trusts Tom Lowe QC <ul style="list-style-type: none"> <i>Glenalla</i>: risks of insolvent trusts to trustees Pitfalls in statutory limitation of trustees liability in BVI and Guernsey Managing and distributing assets for creditors |
| 11.10am | BREAK | | 2.30pm Spotlight on probate and estates cases Judith Bryant and Tiffany Scott <ul style="list-style-type: none"> Recent developments Identifying trends What's hot and what's not? What might the future hold? |
| 11.40am | Workshops (Please select one) | | 3.10pm BREAK |
| W1 | Injunctions and interim remedies in trust litigation Edward Sawyer, Fenner Moeran QC, James McCreath, Elizabeth Houghton <ul style="list-style-type: none"> A stitch in time: injunctions to prevent anticipated breaches of trust Follow the money: freezing injunctions and the cross-undertaking in damages in trust litigation Holding the ring: interim removal/suspension of trustees and administration of the trust pending resolution of the dispute; what to do where the appointment/removal of trustees is challenged Costs: payment of trustee costs from the fund where beneficial ownership of the assets is disputed | | 3.40pm Workshops (Please select one) <small>Workshops in the morning are repeated in the afternoon, therefore alternative choices are recommended</small> |
| W2 | Breaking up is hard to do: the consequences of relationship breakdown for trustees Andrew Mold, Robert Ham QC, Gilead Cooper QC, Jonathan Chew <p>We will look at the practical issues that arise when</p> <ul style="list-style-type: none"> a married beneficiary's relationship breaks down an unmarried beneficiary's relationship breaks down the relationship between trustee and beneficiary breaks down | | W1 Injunctions and interim remedies in trust litigation Edward Sawyer, Fenner Moeran QC, James McCreath, Elizabeth Houghton |
| | | | W2 Breaking up is hard to do: the consequences of relationship breakdown for trustees Andrew Mold, Robert Ham QC, Gilead Cooper QC, Jonathan Chew |
| | | | W3 Tracing and proprietary remedies: current practical controversies Jonathan Hilliard, Clare Stanley QC, Sebastian Allen, Michael Ashdown |
| | | 4.50pm | Trust Law Developments - After 50 years as a trust lawyer The Honourable Mr. Justice David Hayton <p>Questions & Closing</p> |
| | | 5.30pm | Drinks Reception |
| | | 7.30pm | Dinner at China Tang (pre-booked guests only) |

BOOKING FORM

By Email

Scan and email us a copy of the booking form to seminars@wilberforce.co.uk
You can also download this form from our website www.wilberforce.co.uk

By Post

Alternatively you can post a hard copy of the booking form and cheque to:
Seminar Bookings, Wilberforce Chambers, 8 New Square, Lincoln's Inn, London WC2A 3QP, (DX: 311 Chancery Lane)

Booking Contact: Vanessa Hadebe (+44 (0) 207 306 0102) seminars@wilberforce.co.uk

We regret that no refunds will be made in the event that delegates are unable to attend, please see Terms and Conditions for further information. Please contact us directly for Group Booking Discounts for 5 or more delegates.

Payment:

Conference only: **£299 + VAT (£358)**

Conference and Dinner at China Tang: **£360 + VAT (£432)**

I will be paying by:

Cheque* BACS

*Please make cheques payable to 'Wilberforce Chambers'.

An invoice will be sent out upon receipt of your booking, it will include our BACS payment details

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| I enclose a cheque for £ | to reserve | (places) |
| Name(s) | Position | |
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| Firm | | |
| Email | Telephone | |
| Address | | |
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| Special Requirements | | |
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WORKSHOPS

Please select your choices for the morning and afternoon workshops, full details of the workshops are shown on the timetable on the previous page. Workshops in the morning are repeated in the afternoon, therefore alternative choices are recommended.

Please write **AM** or **PM** against your two choices below:

- WORKSHOP 1 - Injunctions and interim remedies in trust litigation
- WORKSHOP 2 - Breaking up is hard to do: the consequences of relationship breakdown for trustees
- WORKSHOP 3 - Tracing and proprietary remedies: current practical controversies

ACCOMMODATION

There are a number of rooms available at a discounted rate (£305 per night) at The Dorchester, please contact their reservations team directly using the following CODE: WILB310116. Rooms must be booked by 1st January 2016 in order to secure the discount. Email: reservations.tdl@dorchestercollection.com Tel: +44 (0) 20 7317 6530