

Wilberforce Annual Trust Litigation Day

Chairmen: Jonathan Hilliard QC & Andrew Mold | Guest Speaker: The Honourable Mr Justice Mostyn



Monday 30 January 2017

9.30am – 5.30pm (Dinner from 7.00pm)

**InterContinental London Park lane
One Hamilton Place,
Park Lane,
London, W1J 7QY**

The Fifth Annual Wilberforce Trust Litigation Day 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 Mostyn as our guest speaker, he will be presenting 'Variation of Nuptial Settlements: A view from Court 50'.

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

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

30 JANUARY 2017

£299 + VAT (conference only)
£360 + VAT (conference & dinner)

5.5 CPD

TRUST LITIGATION DAY TIMETABLE

8.45am	Registration and breakfast refreshments	12.45pm	LUNCH
9.30am	Welcome from the Joint Chairmen Jonathan Hilliard QC and Andrew Mold	2.00pm	"The 5 minutes pitch" Chaired by Tom Roscoe Andrew Child, Edward Sawyer, James Goodwin and Simon Atkinson will each pick a recent case and attempt to persuade you that it is the most important case from a trust law perspective. They will have 5 minutes each. Who is the most effective? You, the audience, will decide.
9.40am	Limitation periods for claims against constructive trustees Michael Furness QC and Brian Green QC <ul style="list-style-type: none"> Knowing receivers and dishonest assisters Proprietary claims against assets received in breach of fiduciary duty? What is the relation between laches and limitation? 	2.30pm	Trustee Indemnities and retention of assets Jonathan Hilliard QC and Andrew Mold <ul style="list-style-type: none"> The nature of a trustee's liability Retaining trust property to meet future claims and other expenses- how far can you go? Is a full indemnity in relation to litigation costs available and do trustees need to get a Court order for their costs? Practical considerations for trustees and beneficiaries
10.20am	Vulnerable gifts made by vulnerable people Clare Stanley QC <ul style="list-style-type: none"> Danger signs for the professional Is the Golden Rule dead and buried? Does the experience of a solicitor trump the opinion of an expert? What sort of gifts attract the presumption of undue influence? Is it easier to get home on mistake? 	2.55pm	Utter MARDness Gilead Cooper QC <ul style="list-style-type: none"> <i>Government of India v Taylor</i> EU Council Directive 2010 The MARD Regulations 2011 Council of Europe/OECD Convention 1988 The Recovery of Foreign Taxes Regulations 2007
10.40am	BREAK	3.15pm	BREAK
11.10am	The direction of travel in litigation process Emily Campbell <ul style="list-style-type: none"> Court authorised assumptions for trustees Paper hearings Open justice Costs management 	3.45pm	WORKSHOPS (Please select one) <small>Workshops in the morning are repeated in the afternoon, therefore alternative choices are recommended</small>
11.30am	WORKSHOPS (Please select one)	W1	"Sham" Trusts Robert Ham QC, Tiffany Scott, Andrew Mold, Judith Bryant, Zoë Barton, Elizabeth Houghton <ul style="list-style-type: none"> When is a trust a "sham"? What is the relevance of allegations of misconduct against the settlor? Can you rescue a sham trust? Alternatively, can a valid trust be converted into a sham? How to deal with allegations of impropriety and breach of trust made in foreign jurisdictions. A recent example: The Wyly Trusts
W2	Advice as a Defence? Paul Newman QC, Michael Tennet QC, Mark Studer, Edward Sawyer, Michael Ashdown, Jamie Holmes <ul style="list-style-type: none"> What is "advice", and how far do Trustees have to follow it? Is reliance on professional advice a universal defence to hostile claims - or is it limited to "inadequate deliberation"? Legal advice and the problem of privilege - when (and how much) should Trustees waive, and whose privilege is it anyway? Has Walker J's famous dictum that it is for "advisers to advise and for trustees to decide" gone by the board after <i>Pitt v Holt</i>? 	W2	Advice as a Defence? Paul Newman QC, Michael Tennet QC, Mark Studer, Edward Sawyer, Michael Ashdown, Jamie Holmes
W3	Trust judgments- enforcing abroad and enforcing foreign awards here Fenner Moeran QC, Jonathan Hilliard QC, Thomas Seymour, Graeme Halkerston <ul style="list-style-type: none"> Brussels and Lugano convention issues Enforcing at common law Getting round firewalls Enforcing injunctions and other interlocutory awards? 	W3	Trust judgments- enforcing abroad and enforcing foreign awards here Fenner Moeran QC, Jonathan Hilliard QC, Thomas Seymour, Graeme Halkerston
		5.00pm	Variation of Nuptial Settlements: A view from Court 50 Guest Speaker: The Honourable Mr Justice Mostyn
		5.30pm	Questions & Closing Jonathan Hilliard QC and Andrew Mold
		5.35pm	Drinks Reception
		7.00pm	Dinner at Theo Randall (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) Email: 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 6 or more delegates.

Payment:

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

Conference including Dinner at Theo Randall: **£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

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

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 - "Sham" Trusts

WORKSHOP 2 - Advice as a Defence?

WORKSHOP 3 - Trust judgments - enforcing abroad and enforcing foreign awards here

ACCOMMODATION

There are a number of rooms available at the delegate discounted rate of £295 per night at InterContinental Park Lane on both 29th and 30th January. This price is inclusive of VAT and breakfast.

Please contact the reservations team on reservations@theorandall.com,

or you can book your room directly online using the following access link <https://aws.passkey.com/e/16342267>