

SESSIONS

WELCOME BBQ HOSTED BY THE BDA - 03/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

Welcome BBQ Hosted by The BDA

19:30 - 21:30
Main agenda

SCHEDULE

Transcontinental Trusts: International Forum 2017

WELCOME BBQ HOSTED BY THE BDA - 03/05/2017

4-5 May 2017
The Fairmont Southampton
Bermuda

TIME	MAIN AGENDA
19:00	19:30 - Welcome BBQ Hosted by The BDA

SESSIONS

DAY 1 - 04/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

Welcome BBQ Hosted by The BDA at 7.30pm on the Great Lawn, The Fairmont Southampton on Wednesday 3rd May

00:00 - 20:00
Main agenda

Registration

08:00 - 08:30
Main agenda

The Demise of Traditional Philanthropy: Breaking down the Walls Between The Non-Profit and For-Profit Sectors

08:30 - 09:10
Breakfast Briefing - Room 1

Today's philanthropy is moving beyond traditional notions of charity at an unprecedented scale in an effort to tackle social and environmental issues. Faced with increasing domestic and international regulation coupled with the demand for demonstrated impact and sustainability, more and more donors are turning toward for-profit structures and practices to guide and facilitate their investments. No longer mutually exclusive worlds, Gina Pereira and Ed Granski will explore the convergence of for-profit and non-profit organisations to effect change in society as demonstrated by the use of:

- i. for-profit vehicles to facilitate social investment such as the work undertaken by Mark Zuckerberg;
- ii. philanthropic capital to launch social enterprises;
- iii. hybrid revenue generation models by operating charities to achieve greater sustainability; and
- iv. programme related investments by US private foundations and their immense potential in the social enterprise arena.

Participants

Gina Pereira - Founder, Dāna Philanthropy
Edmund Granski - Senior Advisor, Meritus Trust Company

How to Hold Property

08:30 - 09:10
Breakfast Briefing - Room 2

- Buying property - what are the issues for trustees and how to overcome them
- If you are acting for a overseas investor how would you hold the property?
- How do different jurisdictions deal with real estate
- Trading companies, speculative or risky investments, trophy assets and wasting assets
- Suitable structures
- Tax considerations

Participants

Robert Brodrick - Partner, Payne Hicks Beach
Roderick Balfour - Co-Founder, Virtus Trust
Randall Krebs - Director, Harbour International Trust Company Limited

Bartlett revisited

08:30 - 09:10
Breakfast Briefing - Room 3

Revisiting Bartlett in the light of the Gestrust case. How do proactive trustees differentiate themselves today. Looking at the legal and practical issues when trustees want to flex their muscles. A formal presentation and role play.

Participants

Jeremy Kosky - Partner, Clifford Chance LLP
Simon Graham - Group Managing Director, Lancaster
Marie McNeela - Director, Lancaster

The Asian approach to Trusts

08:30 - 09:10
Breakfast Briefing - Room 4

A discussion of the cultural differences to be aware of when dealing with Asian clients and their approach to choosing their advisors as well as towards Trusts. Discussion will include a focus around the reluctance to talk about death, reluctance to hand over control, and also the difficulty of getting close enough for the client's to trust you.

Participants

Catriona Syed - Partner, Charles Russell Speechlys
Richard Norridge - Head of Private Wealth and Trusts, Herbert Smith Freehills

Chairmen's Opening Remarks & History of the America's Cup

09:30 - 09:50
Main agenda

Participants

Mr Jonathan Conder - Partner, Macfarlanes
Basil Zirinis - Partner, Sullivan & Cromwell LLP

Opening Welcome from the Government of Bermuda

09:50 - 10:00
Main agenda

Participants

The Hon. Michael Dunkley - Premier, The Government of Bermuda
Ross Webber - Chief Executive officer, BDA

Keynote Address: Economic & Political Update Including the Impact of Brexit and the US Election Update

10:00 - 10:40
Main agenda

Participants

Daniel Silke, Political Analyst

Refreshment Break

10:40 - 11:00
Main agenda

International Trust Litigation Update

11:00 - 11:50
Main agenda

Participants

Nicholas Le Poidevin QC - Barrister, New Square Chambers
Robert Ham QC - Barrister, Wilberforce Chambers
Jonathan Speck - Managing Partner, Mourant Ozannes

SESSIONS

DAY 1 - 04/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

LATAM - Discussion of the Tax Amnesty

11:50 - 12:30
Main agenda

- amnesties: are they successful?
- loss of privacy: how will clients react?
- tightening tax systems – potential developments
- moving to the U.S.: panacea or trap

Participants

Moderator: Robert Reymond - Partner, Stikeman Elliott

Hal Webb - Partner, Bilzin Sumberg

Jose Chiarella - Partner, Garrigues

Martin Litwak - Partner, Litwak & Partners

Alessandro Amadeu da Fonseca - Partner, Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados

Lunch

12:30 - 13:30
Main agenda

Practical Consequences of CRS & FATCA: TIEAs, Disclosures & Amnesty Program

13:30 - 14:20
Main agenda

- Technical issues arising in connection with the new rules (e.g. classification of protectors, appointors, enforcers, PTCs)
- Privacy and data protection implications of the new transparency rules.
- How families are approaching the increased level of transparency and whether the new rules are leading to change in attitudes/governance/internal communication.

Participants

Moderator: Mary Duke - Family Wealth Advisor

Filippo Noseda - Partner, Withers

John Riches - Partner, RMW Law

Extracting Information from Trusts

14:20 - 15:00
Main agenda

This lively session will take the form of a trustee posing a number of tricky questions to legal advisors who will be under the spot to provide advice concerning various information requests. Topics covered will include protector consent, on-shore data protection laws, automatic reporting and TIEA orders as well as divorce within the family

Participants

Elsbeth Talbot - Rice QC - Barrister, XXIV Old Buildings

Paul Hodgson - Managing Director, Butterfield Trust (Guernsey) Limited

Moderator: Keith Robinson - Partner, Appleby

Refreshment Break

15:00 - 15:20
Main agenda

Designer Legislation

15:20 - 16:00
Main agenda

- Hastings Bass/mistake and the new offshore statutory frameworks post-Pitt v Holt/Futter v Futter
- Reserved powers
- Specialist trusts created by statute (including STAR and VISTA trusts)
- The US perspective on designer legislation
- Practical hints and tips for those setting up or litigating structures that take advantage of these provisions

Participants

Moderator: Vanessa Schrum - Group Head of the Private Client and Trusts Department, Appleby

Jonathan Arr - Partner, Macfarlanes

Peter Pearman - Director, Conyers Dill & Pearman

Family Governance

16:00 - 16:40
Main agenda

Participants

Mary Duke - Family Wealth Advisor

Mr Joseph Field - Of Counsel, Withers Bergman LLP

Nicholas Jacob - Partner, Forsters

Michael Farrant - Partner, Project Associates

Chairmen's Summation

16:40 - 16:50
Main agenda

Participants

Mr Jonathan Conder - Partner, Macfarlanes

Basil Zirinis - Partner, Sullivan & Cromwell LLP

Rising Stars Drinks Reception (for Rising Stars only - everyone else may change prior to the beach party)

17:00 - 18:00
Main agenda

For Rising Star Entrants only

Beach Party Hosted by Meritus Trust

18:30 - 20:30
Main agenda

Please note this will be on the beach so please wear appropriate footwear.

Participants

Introduced by: Michelle Wolfe - Partner, Meritus Trust Company

Dinner on the Beach

20:30 - 22:00
Main agenda

SCHEDULE

DAY 1 - 04/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

TIME	MAIN AGENDA	BREAKFAST BRIEFING - ROOM 1	BREAKFAST BRIEFING - ROOM 2	BREAKFAST BRIEFING - ROOM 3	BREAKFAST BRIEFING - ROOM 4
00:00	00:00 - Welcome BBQ Hosted by The BDA at 7.30pm on the Great Lawn, The Fairmont Southampton on Wednesday 3rd May				
01:00					
02:00					
03:00					
04:00					
05:00					
06:00					
07:00					
08:00	08:00 - Registration	08:30 - The Demise of Traditional Philanthropy: Breaking down the Walls Between The Non-Profit and For-Profit Sectors	08:30 - How to Hold Property	08:30 - Bartlett revisited	08:30 - The Asian approach to Trusts
09:00	09:30 - Chairmen's Opening Remarks & History of the America's Cup 09:50 - Opening Welcome from the Government of Bermuda				

SCHEDULE

DAY 1 - 04/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

TIME	MAIN AGENDA	BREAKFAST BRIEFING - ROOM 1	BREAKFAST BRIEFING - ROOM 2	BREAKFAST BRIEFING - ROOM 3	BREAKFAST BRIEFING - ROOM 4
10:00	10:00 - Keynote Address: Economic & Political Update Including the Impact of Brexit and the US Election Update 10:40 - Refreshment Break				
11:00	11:00 - International Trust Litigation Update 11:50 - LATAM - Discussion of the Tax Amnesty				
12:00	12:30 - Lunch				
13:00	13:30 - Practical Consequences of CRS & FATCA: TIEAs, Disclosures & Amnesty Program				
14:00	14:20 - Extracting Information from Trusts				
15:00	15:00 - Refreshment Break 15:20 - Designer Legislation				
16:00	16:00 - Family Governance 16:40 - Chairmen's Summation				
17:00	17:00 - Rising Stars Drinks Reception (for Rising Stars only - everyone else may change prior to the beach party)				
18:00	18:30 - Beach Party Hosted by Meritus Trust				
19:00					

SCHEDULE

DAY 1 - 04/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

TIME	MAIN AGENDA	BREAKFAST BRIEFING - ROOM 1	BREAKFAST BRIEFING - ROOM 2	BREAKFAST BRIEFING - ROOM 3	BREAKFAST BRIEFING - ROOM 4
20:00	20:30 - Dinner on the Beach				

Matrimonial Property Regimes

08:30 - 09:10

Breakfast Briefing - Room 1

- New EU Regulation on jurisdiction, applicable law and enforcement in matters of matrimonial property regimes
- Brexit's impact on divorce capital London: less attractive for cases with assets in EU? Larger magnet for cases with offshore ties?
- Latest judgments round-up

Participants

David Wilson - Partner, Schellenberg Wittmer Ltd

Alison Hayes - Partner, Levison Meltzer Pigott

Family Office

08:30 - 09:10

Breakfast Briefing - Room 2

Participants

Patricia Woo - Of Counsel, Squire Patton Boggs

Valerie Wu - Partner, Pinsent Masons

The Pressures on Offshore Jurisdictions

08:30 - 09:10

Breakfast Briefing - Room 3

CRS

FATCA

Public registers of ownership

Onshore tax reform

Public relations problem

Participants

Dianne Mehany - Partner, Caplin & Drysdale

Mr. Nicholas Holland - Partner, McDermott Will & Emery

Jim Edmondson - Mourant Ozannes, Mourant Ozannes

Andrew Needham - Deputy Managing Director, Sackville Bank and Trust Company Limited

To Trust or not to Trust – When Trustees Turn Bad

08:30 - 09:10

Breakfast Briefing - Room 4

- Trustees are fiduciaries and therefore beneficiaries and settlors expect to be able to trust them. This gives rogue trustees a head start when committing fraud
- Many trusts center on tax efficiency issues. This can sometimes involve component parts of the trust being set up in somewhat less established and less regulated jurisdictions.
- Privacy/confidentiality is a two edged sword. Settlers and beneficiaries may want it, but when things go bad it can cause problems.
- Will victim beneficiaries/cheated settlors be willing to avail themselves of public law remedies?
- If rogue trustees control trust assets and have apparent rights of indemnity against the trust a beneficiary/settlor victim can suffer serious depletion of trust assets which are used to resist his attempts to frustrate the rogue trustee. Ascertaining rogue trustee assets before commencing action can be important, if this depletion is to have chance of being remedied, upon ultimate victory.
- Most large trusts are, to some extent, involved in jurisdictional, tax and regulatory arbitrage. This can preserve assets but poses its own difficulties when mounting an asset recovery effort. Project managing/leading such an effort especially given the above is a challenge in itself.

Participants

Dan Wise - Head of Litigation, Martin Kenney & Co Solicitors

Christian Hay - Partner, Collas Crill

Natasha Kapp - Partner, Carey Olsen

Thomas Fletcher - Barrister, New Square Chambers

Chairman's Opening Remarks

09:30 - 09:40

Main agenda

Participants

Mr Jonathan Conder - Partner, Macfarlanes

Basil Zirinis - Partner, Sullivan & Cromwell LLP

Trans Trusts International Supreme Court

09:40 - 10:50

Main agenda

Participants

Gilead Cooper QC - Barrister, Wilberforce Chambers

Shân Warnock-Smith QC - Barrister, ICT Chambers

In front of: The Honourable Justice David Hayton, The Caribbean Court of Justice

Her Honour Hazel Marshall QC - Lieutenant Bailiff, States of Guernsey

The Hon. Geoffrey Bell, Bermuda

Justice Robin McMillan, Cayman

What impact does the anti-establishment/anti-globalisation political trends in the west have on the clients we look after?

10:50 - 11:30

Main agenda

- Are UHNWs concerned?
- Where might this lead?
- Might these trends create opportunities?
- What might the impact be on the products and services we provide?

Participants

Mr Jeremy Franks - CEO - Private Clients, Knox Private Office

Gary Heynes - Partner, UK Head of Private Client and Family Wealth, RSM Tax and Advisory Services LLP

Mr Jonathan Burt - Partner, Marcus Sinclair

Refreshment Break

11:30 - 11:50

Main agenda

Chair's Opening

11:50 - 11:55

Stream 1 - EU

Participants

Arabella Murphy - Partner, Maurice Turnor Gardner

UK Non Dom Tax Changes: What Do We Do Now?

11:55 - 12:35

Stream 1 - EU

Participants

Mr Jonathan Burt - Partner, Marcus Sinclair

Xavier Nicholas - Partner, Forsters

Glen Atchison - Managing Partner, Harbottle & Lewis

SESSIONS

DAY 2 - 05/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

EU session - Panel of French, Italian, Spain and UK (Planning Update) Tax Competition & Mobility in Europe

12:35 - 13:15

Stream 1 - EU

Participants

Ms Beatrice Puoti - Partner, Burges Salmon

Ms Sonia Velasco - Partner, Cuatrecasas Gonçalves Pereira

Arabella Murphy - Partner, Maurice Turnor Gardner

Chair's Opening

11:50 - 11:55

Stream 2 - US

Participants

Joshua Rubenstein - Head of Trusts & Estates, Katten Muchin Rosenman LLP

Discussion of the Possible Tax Law Changes Coming out of the US as a Result of the New Trump Administration

11:55 - 12:35

Stream 2 - US

How is the Trump Administration impacting the income, capital gains, gift, estate, GST and property taxes for:

(i) domestic family offices with international holdings or beneficiaries,

(ii) CEOs with stock options and

(iii) large international family foundations.

Participants

Michael Silva - Partner, DLA Piper

Renee Gabbard - Partner, Bryan Cave

Migrating Trusts to the US

12:35 - 13:15

Stream 2 - US

- Why should a trust be moved to the U.S?
- What are the best U.S. trust jurisdictions and why?
- Special features found in U.S. trust law
- Use of U.S. trusts for non-U.S. families
- Use of U.S. trusts to buy U.S. real estate

Participants

Warren Whitaker - Partner, Day Pitney LLP

Robert Colvin - Principal, Robert D. Colvin & Associate

Chair's Opening

11:50 - 11:55

Stream 3 - Trust Litigation

Participants

Jim Edmondson - Mourant Ozannes, Mourant Ozannes

Should the Courts Exercise their Discretion to Assist Tax Planning?

11:55 - 12:35

Stream 3 - Trust Litigation

- When the court has discretion to grant relief, should it take into account the tax planning context?
- Is it right that courts permit variations of trusts which are motivated solely to achieve a tax advantage?
- Should the courts grant rescission when a mistake has been made in a tax planning scheme?
- Is there a different attitude between "onshore" and "offshore" courts?

Participants

Rupert Ticehurst - Partner, Berwin Leighton Paisner

Craig MacIntyre - Director, Conyers Dill & Pearman

Emma Hargreaves - Barrister, Serle Court

Unexpected beneficiaries : The Issue about Issue

12:35 - 13:15

Stream 3 - Trust Litigation

Participants

James Brightwell - Barrister, Serle Court

Elsbeth Talbot - Rice QC - Barrister, XXIV Old Buildings

Chair's Opening Remarks

11:50 - 11:55

Main agenda

Participants

Sue Medder - Chambers Director, XXIV Old Buildings

Practical Advice on how to Excel in the Private Client Field

11:55 - 12:35

Main agenda

A masterclass in skills all aspiring private client practitioners will need from leader in the field.

Participants

Sue Medder - Chambers Director, XXIV Old Buildings

How to deal with a difficult Client

12:35 - 13:15

Main agenda

Participants

James Price - Partner and Head of Trust and Probate Litigation department, Stewarts Law

Jonathan Speck - Managing Partner, Mourant Ozannes

Lunch

13:15 - 14:15

Main agenda

Keeping Assets Safe in an Uncertain World: Asset Protection, Where Are We Now?

14:15 - 14:55

Main agenda

Participants

Anthony Poulton - Partner, Baker & McKenzie

Dawn Goodman - Partner, Withers

James Price - Partner and Head of Trust and Probate Litigation department, Stewarts Law

Crystal Ball Gazing: 5 Year Plan for the Offshore Jurisdictions

14:55 - 15:25

Main agenda

- Taxation: how will Governments fund their ever-increasing budgets
- Reputational issues: is the morality around tax planning being re-cast?
- "Offshore" jurisdictions - will they have a place in the new world order?
- Disclosure - how far with the current move to transparency go? (And where sits the US in all of this?)
- Trusts - the development of case law attacking trusts
- The rise of populism: will this continue, and what effect will it have on our clients and industry

Participants

Jonathan Dunlop - Vice President, Butterfield Trust (Bermuda) Limited

Russell Cohen - Partner, Farrer & Co

Joshua Rubenstein - Head of Trusts & Estates, Katten Muchin Rosenman LLP

Refreshment Break

15:25 - 15:45

Main agenda

SESSIONS

DAY 2 - 05/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

Judgement of the Trans Trusts International Supreme Court

15:45 - 16:20

Main agenda

Participants

The Honourable Justice David Hayton , The Caribbean Court of Justice

Her Honour Hazel Marshall QC - Lieutenant Bailiff, States of Guernsey

The Hon. Geoffrey Bell , Bermuda

Jusice Robin McMillan , Cayman

Rising Star Winner's Presentation

16:40 - 17:00

Main agenda

Close of Conference & Final Remarks from the Chairs

17:00 - 17:10

Main agenda

Participants

Mr Jonathan Conder - Partner, Macfarlanes

Basil Zirinis - Partner, Sullivan & Cromwell LLP

Farewell Drinks Reception

17:00 - 18:00

Main agenda

SCHEDULE

DAY 2 - 05/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

TIME	MAIN AGENDA	BREAKFAST BRIEFING - ROOM 1	BREAKFAST BRIEFING - ROOM 2	BREAKFAST BRIEFING - ROOM 3	BREAKFAST BRIEFING - ROOM 4	STEAM 2 - US	STEAM 3 - TRUST LITIGATION	STREAM 1 - EU
08:00		08:30 - Matrimonial Property Regimes	08:30 - Family Office	08:30 - The Pressures on Offshore Jurisdictions	08:30 - To Trust or not to Trust – When Trustees Turn Bad			
09:00	09:30 - Chairman's Opening Remarks 09:40 - Trans Trusts International Supreme Court							
10:00	10:50 - What impact does the anti-establishment/ anti-globalisation political trends in the west have on the clients we look after?							
11:00	11:30 - Refreshment Break 11:50 - Chair's Opening Remarks 11:55 - Practical Advice on how to Excel in the Private Client Field					11:50 - Chair's Opening 11:55 - Discussion of the Possible Tax Law Changes Coming out of the US as a Result of the New Trump Administration	11:50 - Chair's Opening 11:55 - Should the Courts Exercise their Discretion to Assist Tax Planning?	11:50 - Chair's Opening 11:55 - UK Non Dom Tax Changes: What Do We Do Now?

SCHEDULE

DAY 2 - 05/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

TIME	MAIN AGENDA	BREAKFAST BRIEFING - ROOM 1	BREAKFAST BRIEFING - ROOM 2	BREAKFAST BRIEFING - ROOM 3	BREAKFAST BRIEFING - ROOM 4	STEAM 2 - US	STEAM 3 - TRUST LITIGATION	STREAM 1 - EU
12:00	12:35 - How to deal with a difficult Client					12:35 - Migrating Trusts to the US	12:35 - Unexpected beneficiaries : The Issue about Issue	12:35 - EU session - Panel of French, Italian, Spain and UK (Planning Update) Tax Competition & Mobility in Europe
13:00	13:15 - Lunch							
14:00	14:15 - Keeping Assets Safe in an Uncertain World: Asset Protection, Where Are We Now? 14:55 - Crystal Ball Gazing: 5 Year Plan for the Offshore Jurisdictions							
15:00	15:25 - Refreshment Break 15:45 - Judgement of the Trans Trusts International Supreme Court							
16:00	16:40 - Rising Star Winner's Presentation							

SCHEDULE

DAY 2 - 05/05/2017

Transcontinental Trusts: International Forum 2017

4-5 May 2017
The Fairmont Southampton
Bermuda

TIME	MAIN AGENDA	BREAKFAST BRIEFING - ROOM 1	BREAKFAST BRIEFING - ROOM 2	BREAKFAST BRIEFING - ROOM 3	BREAKFAST BRIEFING - ROOM 4	STEAM 2 - US	STEAM 3 - TRUST LITIGATION	STREAM 1 - EU
17:00	17:00 - Close of Conference & Final Remarks from the Chairs 17:00 - Farewell Drinks Reception							