

TRUSTS LITIGATION DAY 2022

Wilberforce
CHAMBERS

Monday 17th January 2022

9am – 5.45pm, followed by drinks and dinner
InterContinental London Park Lane

6.0 CPD

Timetable

9.00am	Registration and breakfast refreshments	2.10pm	Workshop sessions repeated (please select another one from the following page)
9.30am	Welcome from the chairs Jonathan Hilliard QC and Andrew Mold QC	3.25pm	BREAK
9.35am	Trusts under attack in commercial litigation: recent developments Zoë Barton QC and Anna Littler <ul style="list-style-type: none">· <i>Akhmedova</i>: obtaining assets from a trust using s.423· To engage or not to engage? Lessons from <i>Skurikhin</i>· The <i>Broad Idea</i> of an injunction	3.55pm	Forced heirship and trusts Brian Green QC and Elizabeth Houghton <ul style="list-style-type: none">· Forced heirship claims and their impact on trusts· Which jurisdictions have forced heirship regimes, and how do they differ· How can forced heirship claims impact a trust and its management· Do forced heirship claims differ from other attacks on the validity of trusts? How?· Firewalls and enforcement issues in the context of forced heirship claims· Advice for trustees – what to do in the face of such claims
10.00am	Private and public hearings – what you need to know Jonathan Hilliard QC and Andrew Mold QC <ul style="list-style-type: none">· What does the Family Division's transparency review mean for trust litigators?· What protections does a private hearing offer (and not offer) in England?· Does a private hearing mean something different offshore and if so precisely what?· Looking over your shoulder: the role of the Revenue and other authorities	4.20pm	Litigation over foundations Michael Furness QC and Daniel Petrides <ul style="list-style-type: none">· Differences between foundations and trusts· Powers and duties of guardians· Supervision: beneficiaries or the court?
10.20am	Modern Family: Trusts in a time of rapid social change Simon Atkinson and Joseph Steadman <ul style="list-style-type: none">· What is the law's default idea of the family?· How is trusts law responding to more varied family structures?· When might the ECHR have something to say about these issues?· What practical steps can settlors, trustees and beneficiaries take to future-proof their trusts?	4.45pm	Would I lie to you: Can you tell a good argument in court? A panel of barristers will present a selection of arguments but which one succeeded in court and which are made up?
10.45am	BREAK	5.15pm	Guest speaker: Sir Alan Ward, former Court of Appeal Judge
11.15am	Workshop sessions (please select one from the following page)	5.40pm	Closing remarks from the chairs
12.30pm	LUNCH	5.45pm	Drinks reception
1.30pm	Panel discussion: The role of the protector – following X Trusts and Piedmont & Riviera Trusts Chaired by Robert Ham QC Gilead Cooper QC, Clare Stanley QC, Michael Ashdown and Jamie Holmes <ul style="list-style-type: none">· What is the proper role of the protector following recent developments in Bermuda and Jersey?· Should we now include provisions defining the role of the protector in trust instruments – and what might they say?· Should a fiduciary protector have the same rights and protections as a trustee?· Do protectors actually bring a benefit to trust administration – or are they just a marketing device for settlors who don't really believe in trusts?	7.00pm	Dinner at Theo Randall (pre-booked guests only)

Registration fee:

£299 + VAT for conference only
(in-person attendance)

£360 + VAT for conference and dinner
at Theo Randall

£60 + VAT for conference only
(virtual attendance)

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Workshops

Please choose one workshop for the session at 11.15am and another workshop for the session at 2.10pm

WORKSHOP 1: Nuptial settlements, foreign trusts and enforcement of divorce awards

Tiffany Scott QC and Lemuel Lucan-Wilson

- The latest word on when a settlement is a nuptial settlement
- The death and reincarnation of "judicious encouragement"
- Strategies for achieving your client's goals in divorce proceedings
- Practical issues on enforcement of awards

WORKSHOP 2: Investment powers and cybercurrencies

Lawrence Cohen QC, Stephen Brown, Daniel Petrides and Ram Lakshman

- Investment powers and exculpation in a nutshell – what we all know
- Cybercurrency – what is it?
- Trading cybercurrency – blockchain
- Some tentative conclusions

WORKSHOP 3: When can and when can't trustees take their costs from the trust fund – practical issues

Fenner Moeran QC, Graeme Halkerston, Edward Sawyer and James Goodwin

- Trustee costs of authorised and unauthorised transactions. What is an 'authorised' transaction?
- Trusts with no liquid assets – the costs of borrowing. When can trustees expect to be indemnified for borrowing which is not expressly authorised by the trust or under statute?
- Trustee costs in disputes: special applications – pre-emptive costs, Berkeley Applegate applications, and Beddoe applications
- Trustees with no assets – taking costs from the fund to defend hostile litigation

Email your choice of workshops to seminars@wilberforce.co.uk

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