

Register by  
15th January 2010  
& save £50

"Interesting, informative and illuminating"

(J Hunter, RBC Trustees (Guernsey Ltd))

# Fiduciary Risk Conference



Successfully Roll the Dice and Discover the  
Leading Risk Strategies for Trustees and their Advisors

## Key Reasons to Attend

Ensure compliance by navigating complex  
Fiduciary Risk challenges including both Internal &  
External factors such as:

- Investment Risk
- Active Trading Companies
- Taxation Issues
- Risk of Regulation
- Trust Accounting
- Succession Law Impact
- Marital Risks & Divorce
- Capacity Issues
- Family Trust Dispute Resolution

Prepare for and address risk issues so that  
trustees can reduce:

- Scope of exposure of trust assets
- The trustee's own potential liability for fiduciary actions

Understand the important recent regulatory  
agreements:

- Liechtenstein Disclosure Agreement and the OECD and G20 attacks

Get ready for changes resulting from the movement  
towards a more Transparent Trust Industry for Europe

## Chaired by:

John Riches, *Principal*  
**WITHERS LLP**

## Expert speakers include:

Patrick O'Hagan, *Director*  
**UBS**

Guy Paterson, *Managing Director*  
**UNIGESTION**

Graeme Kleiner, *Partner*  
**SPEECHLY BIRCHAM LLP**

Jonathan Burt, *Managing Director*  
**BARCLAYS WEALTH**

Edward Buckland, *Partner*  
**BEDELL GROUP & Chairman STEP Jersey**

Richard Frimston, *Partner*  
**RUSSELL COOKE**

Mark Harper, *Partner*  
**WITHERS LLP**

Edgar H Paltzer, *Partner*  
**NIEDERER KRAFT & FREY**

Rosemary Marr, *Chairman*  
**STEP WORLDWIDE**

Philip Prettejohn, *Senior Partner*  
**RAWLINSON & HUNTER**

Markus Summer, *Partner*  
**MARXER & PARTNER RECHTSANWÄLTE**

Prof. Dr. Hans Rainer Künzle, *Partner*  
**KENDRIS PRIVATE AG**



Media Partners:

**Trusts&Estates**

Financial advice is the exclusive responsibility of the law

**WealthBriefing.com**



**IBC Global Conferences**  
Investing business with knowledge

an **informa** business

2nd February 2010 • Zurich, Switzerland

Register Today: Call: +44 (0)20 7017 7790 Fax: +44 (0)20 7017 7824  
Email: [kmregistration@informa.com](mailto:kmregistration@informa.com) Website: [www.ibc-events.com/fidrisk](http://www.ibc-events.com/fidrisk)

# Fiduciary Risk Con

2nd February 2010  
Zurich, Switzerland

08.30 Registration & Coffee

## 08.50 Chairman's Welcome & Introduction

**John Riches**

*Partner*

**WITHERS LLP**

## External Factors

### 09.05 Investment Risk - Devising And Implementing An Overall Investment Strategy

- Investment risk
  - correlation and diversification
  - currency
  - the cult of equity and definition of "long term"
  - establishing the appetite for volatility
  - the pursuit of absolute returns
- Structural damage
  - safe custody
  - counterparty risk
  - security of deposits
- Implementation risk
  - manager selection
  - avoiding blow ups and frauds
- Legal risk
  - fiduciaries and portfolio theory
  - regulation
  - conflicts and self dealing
  - reserved/delegated powers and fiduciary duties
  - indemnities waivers and exculpations

**Guy Paterson**

*Managing Director*

**UNIGESTION**

**Patrick O'Hagan**

*Director*

**UBS (Zurich)**

### 09.50 Active Trading Companies

- Trustee risks holding family companies
- Finding ways to minimise future pitfalls and difficulties
- Devolution issues
- Considering diversification
- Company management issues
- Trying to defuse family tensions

**Graeme Kleiner**

*Partner*

**SPEECHLY BIRCHAM**

10.35 Morning Coffee

### 10.50 Taxation Issues – What Should Trustees Be Concerned About?

- Trustees' appetite for tax risk
- Assessment of tax and reputational risk
- Impact of disclosure regimes
- Importance of understanding what is proposed
- Importance of training
- What if the tax planning goes wrong?
- International cooperation in tax matters: the world in 2008, 2010 and 2012
  - Personal liability of the trustee/fiduciary: How realistic is it?
  - Applying the value-at-risk approach to trustees/fiduciaries
  - Risk management strategies used by practitioners - can they work?
  - The Liechtenstein Disclosure Facility

**Jonathan Burt**

*Managing Director*

**BARCLAYS WEALTH**

**Markus Summer**

*Partner*

**MARXER & PARTNER RECHTSANWÄLTE**

### 11.30 Dealing with the Risk of Strangulation by Regulation

- The increasing burden upon the trustee
- The cost of a failure to comply
- The hidden risks
- Solutions for survival

**Edward Buckland**

*Partner*

**BEDELL GROUP**

### 12.10 Trust Accounting – The Role For External Audits/Reviews

- Why do trustees need accounts?
- The need to go beyond the basics
- What information for beneficiaries?
- Why have an audit?
- When an audit committee can help manage risk

**Philip Prettejohn**

*Senior Partner*

**RAWLINSON & HUNTER**

12.45 Lunch

Register Today: Call: +44 (0)20 7017 7790 Fax: +44 (0)20 7017 7824  
Email: [kmregistration@informa.com](mailto:kmregistration@informa.com) Website: [www.ibc-events.com/fidrisk](http://www.ibc-events.com/fidrisk)

# ference 2010

## Internal Factors

### 14.00 Succession Law Impact – Designing a Structure to Accommodate Risk

- Historic Conflicts of Laws/ Private International Law position
- Renvoi cream – single, double or total
- The EU
  - Proposed Brussels III same sex and mixed sex
  - Brussels IV succession and inheritance
  - UK and Ireland opt outs
  - Where next?
- Territoriality and State Protectionism – do City walls work?
- Some defences

**Richard Frimston**

*Partner*

**RUSSELL-COOKE**

### 14.30 Divorce Related Attacks and How to Minimise the Risks

- Community property rights/claims and lack of title to settle
- Divorce attacks
  - varying nuptial settlements
  - trusts as a resource
- How to respond to a beneficiary's divorce
- Enforcement issues
  - submission to jurisdiction
  - vulnerability of onshore assets
  - effectiveness of asset protection legislation
- Prevention
  - proper law, location of trustees and administration
  - update Letters of Wishes and proper exercise of duties
  - pre-nuptial and post-nuptial agreements for all beneficiaries
  - family management/governance rules requiring pre-nuptial agreements

**Mark Harper**

*Partner*

**WITHERS LLP**

#### Conference documentation is available:

If you are unable to attend, why not pass the brochure on to a colleague? Don't forget you need not miss out; the conference notes are available after the event for only £199.

### 15.10 Capacity Issues – Dealing With The Incompetent Or Non-Comprehending Settlor

- Capacity in relation to trusts and fiduciary obligations: the legal test
- Assessment of capacity under the Mental Capacity Act 2005
- Decision-making on behalf of incapacitated adults under the Mental Capacity Act 2005
- New Swiss Custodianship Law
  - Recent Swiss court practice to powers by incapacitated persons
  - International Overview

**Barbara Rich**

*Barrister*

**5 STONE BUILDINGS**

**Prof. Dr. Hans Rainer**

**Künzle**

*Partner*

**KENDRIS PRIVATE AG**

15.55 Tea

### 16.15 Structures in the Face of Family Conflicts

- Measures to mitigate the chances of dispute
- Signals that a dispute may be on the horizon
- Reducing exposure of assets to conflicts
- Control over handling of fiduciary responsibilities
- Methods of dispute resolution
- Exit strategies

**Dr. Edgar H Paltzer**

*Partner*

**NIEDERER KRAFT & FREY AG**

**Rosemary Marr**

*Trust Consultant &*

*Chairman of*

**STEP WORLDWIDE**

17.15 Chairman's closing remarks

#### How are you differentiating yourself from your competitors?

#### Have you got a service, a unique expertise or a compelling pricing structure that sets you apart from the crowd?

....If so, do your customers actually know about it?

IBC Conferences can offer you the golden trinity of:

- Brand exposure (so your clients think of you first)
- Thought leadership (demonstrate how good you are by presenting to your target market)
- Networking (meet, discuss and do business with your new clients)

There is no other marketing medium available that can offer you these three features together. For more information on how IBC can help you meet your marketing objectives, call **David Gold** on +44 (20) 701 77243 or email **david.gold@informa.com**

**Register Today: Call: +44 (0)20 7017 7790 Fax: +44 (0)20 7017 7824**  
**Email: kmregistration@informa.com Website: www.ibc-events.com/fidrisk**