



6th Biennial **Fraud** Conference

Fraud and Financial abuse of the vulnerable:
What is its impact on your business?



Friday, 16
September 2016

La Seigneurie
Room, St Pierre
Park Hotel

The Biennial Walkers Fraud Conference will once again feature leading and highly regarded specialists in the field.

08.30 **REGISTRATION AND COFFEE**

09.00 **INTRODUCTION AND
OPENING COMMENTS**

Alison Ozanne, Chair, Walkers

09.15 **KEYNOTE SPEAKER: WHAT IS
FRAUD AND FINANCIAL ABUSE OF
THE VULNERABLE**

What is the relevant legal framework and why should you care?

Her Honour Hazel Marshall QC, Lt Bailiff of Guernsey

10.00 **THE CHANGING GUERNSEY
LEGAL FRAMEWORK, THE ISSUES THE
ROYAL COURT WILL HAVE TO ADDRESS
AND THE IMPACT IT COULD HAVE ON
YOUR BUSINESS**

Advocate Sarah Brehaut and Gregory Tee, Walkers

10.30 **COFFEE**

11.00 **KEYNOTE SPEAKER: WHAT ROLE
DOES THE MEDICAL EXPERT PLAY?**

The interplay of law and medicine in questions of determining issues of capacity and undue influence. How to get the best out of your expert.

Professor Robin Jacoby DM. FRCP. FRC Psych

11.40 **PANEL SESSION**

- The duties of the professional - what's involved?
- What standard of conduct does the Regulator expect?
- What is the impact when the system fails?

Gillian Browning, Director of Fiduciary at Guernsey Financial Services Commission, Paul Buckle, Walkers, Martyn Dorey, Dorey Financial Modelling

12.30 **LUNCH**

13.30 **BREAK OUT SESSION BASED ON
A CASE STUDY**

a) What are the danger signs and how to deal with them: Practical ways to avoid an issue arising at the outset. The case study will alert you to the problems and propose practical solutions.

Clare Stanley QC, Wilberforce Chambers, Ewan Mackay & Paul Buckle, Walkers

b) Mock Mediation: Is it possible to settle a dispute involving issues of capacity and undue influence? If so how? The case study and the mock mediation under the guidance of one of the UK's leading mediators will guide you through the process and illustrate how best to achieve a successfully negotiated outcome.

Michel Kallipetis QC, Mediator, Independent Mediators

Parties: (1) The family and (2) the Trustees and Executors - the parties to be led by Geoff Kertesz, Partner, Bircham Dyson Bell, William Christopher, Partner, Kingsley Napley

14.45 **COFFEE**

15.15 **BREAK OUT SESSION REPEATED**

16.30 **WHEN PROCEEDINGS
BECOME INEVITABLE: MANAGING THE
LITIGATION PROCESS**

Paul Nicholls, Partner, Walkers Jersey Office

17.00 **CLOSING REMARKS**

Alison Ozanne, Walkers



SPEAKERS



KEYNOTE

Her Honour Hazel Marshall QC, Lt Bailiff of Guernsey

Lt Bailiff Her Honour Hazel Marshall QC, practised at the Chancery Bar in England, became a Deputy High Court Judge in 1996 and was appointed the Senior Chancery Circuit Judge at Central London Civil Justice Centre in 2006. From 2007 she was the statutory judicial Member of the Public Guardian Board, the body set up to monitor the operation of the English Mental Capacity Act 2005 and of the Public Guardian, whose functions are to supervise the affairs of persons lacking mental capacity and those appointed as their Attorneys or Deputies. As the Senior Judge of the Court of Protection for South East England, she was also called on to decide several seminal cases on the principles of the 2005 Act. Her judicial experience thus spans the range of outright fraud and breach of trust and indirect fraud by the over-reaching of the vulnerable. She moved to Guernsey in 2012.



KEYNOTE

Robin Jacoby dm. Frcp. Frcpsych.

Robin Jacoby read Russian & French at Oxford studying medicine. He trained in psychiatry at the Bethlem Royal and Maudsley Hospitals, where he was a consultant for ten years before moving to Oxford in 1994. Currently he is Professor Emeritus of Old Age Psychiatry Oxford University. He has given expert opinions in over 250 probate cases of which 17 appear in the legal reports. He is a co-author with Martyn Frost and Stephen Lawson of Testamentary Capacity: law, practice and medicine published by OUP (2015). He shares a virtual chambers with Prof Robert Howard at www.banks-v-goodfellow.com.



Alison Ozanne – Dispute Resolution Partner, Walkers (Guernsey) LLP

Alison heads the Dispute Resolution team. She has considerable experience in relation to trust, banking, insolvency and insurance litigation, as well as general corporate disputes. She appears regularly in front of the Royal Court and Court of Appeal. Alison often speaks at conferences in Guernsey, the UK and internationally, particularly in relation to trust litigation, corporate governance and AML issues. Chambers UK 2016 described Alison as “extremely good with clients and pleasant to deal with.” And in 2015 – ‘is really hard working and never gives up. She really tries for her clients’ and ‘she is an energetic lawyer, as you’d expect from a litigator’.



Sarah Brehaut – Dispute Resolution Partner, Walkers (Guernsey) LLP

Sarah was called to the Guernsey Bar in January 2001 and in 2004 became the youngest female partner of a Guernsey law firm. Sarah has significant experience in all aspects of dispute resolution and has previously specialised in private client work involving family, civil and criminal representation. Following her move to AO Hall (Walkers predecessor firm) her focus is now on high value commercial disputes primarily trust, banking and general corporate disputes.



SPEAKERS



Gregory Tee – Consultant, Walkers (Guernsey) LLP

Gregory has a broad chancery practice covering; trusts and probate, property, commercial litigation and insolvency disputes. He is recognised by the legal directories for his “impeccable knowledge” of trusts of land matters in particular and is described as being “prepared to go the extra mile in all his cases”. He has particular experience of heavy weight offshore trust and fund disputes in the Channel Islands.



Gillian Browning – Guernsey Financial Services Commission

Gillian Browning: Director of Fiduciary Supervision Policy and Innovations Division, Guernsey Financial Services Commission (GFSC).

Gillian leads the regulatory supervision of over 300 licensees, focused on delivering high quality prudential, financial crime and conduct regulation. She welcomes an open door approach from innovative businesses and is also responsible for delivering policy developments, including most recently Lending, Credit and Finance regulation.

Gillian joined the Commission from the UK Financial Conduct Authority (FCA) where she supervised a wide range of financial institutions including, large retail banks, a large insurer and asset managers. She has extensive experience of authorisations decision-making and played a leading role in the Financial Services Authority’s ‘difficult cases’ team. Gillian joined the Financial Services Authority from the Cabinet Office, where she was a Minister’s Private Secretary and Policy Officer. Gillian graduated from Exeter University where she read History and Politics.



Paul Buckle – Group Partner, Fiduciary and Dispute Resolution, Walkers (Guernsey) LLP

Paul specialises in all aspects of contentious and non-contentious trust and pensions law. Since his qualification as a solicitor into the pensions department of a major City firm in 1995, Paul has advised institutional and individual clients on the creation, administration and termination of all manner of pension arrangements and associated litigation. He is widely regarded as Guernsey’s only longstanding pensions specialist trust and pension matters, and has been involved in many of Guernsey’s leading trust cases in recent years.



Martyn Dorey, Managing Director of Dorey Financial Modelling

Martyn is the only independent Investment Actuary in the Channel Islands. He is a Fellow of the Institute of Actuaries and has just relocated to Guernsey, having worked in London as a qualified investment actuary for nearly 15 years. Martyn has extensive UK industry experience, having worked for leading investment consultants Bacon & Woodrow, Aon, and P-Solve. Martyn’s extensive knowledge of financial markets and instruments, coupled with his unique financial modelling skills, enables him to deliver market-leading solutions to his clients.



Clare Stanley QC – Wilberforce Chambers

Clare is a specialist in commercial disputes including cross-border insolvency actions and fraud, trust and probate litigation and associated professional liability claims. Many of her cases involve offshore proceedings and Clare is well used to appearing and advising on matters before the Courts across many of the major offshore jurisdictions including Cayman and the BVI.

In Cayman, Clare acted recently for the successful defendants in *Hinds v Hinds* (limitation, laches and acquiescence). In England she has recently acted for the successful professional trustee in the widely reported High Court trial of *Earl of Cardigan v Moore*, she acted for the successful claimant in *Freedman v Freedman* (the most recent English case to consider the ability of a settlor to set aside a trust for mistake), and for the successful appellant in *Bellis v Challinor* in which the Court of Appeal clarified the law on Quistclose trusts.

Clare is also consistently recommended in the leading directories and has recently been described by Chambers & Partners as “very, very smart and easy to deal with.”, “...an adept litigator who frequently acts in offshore jurisdictions.” and as a “...powerful advocate”.



Ewan Mackay – Associate, Walkers (Guernsey) LLP

Ewan is an Associate in the Fiduciary Group in the Walkers’ Guernsey office, where his practice includes all aspects of contentious and non-contentious trust matters. He has over 10 years’ experience consisting of various legal roles in Guernsey’s finance sector including working in-house with well established Guernsey trust companies, three years in the corporate department at Mourant Ozannes and the States of Guernsey’s Finance Sector Development Unit and the Law Officers of the Crown.



Michel Kallipetis QC – Independent Mediators

Michel was the former Head of Littleton Chambers, and has 40 years’ experience as a practising barrister in the field of general commercial, professional negligence and employment work. He is now a full time mediator and recognised in The Legal Directories as an expert in his field in Mediation both in the UK and internationally. He is a Distinguished Fellow and a director of the International Academy of Mediators. He was the first Chairman of the England and Wales Bar Council ADR Committee, a member of the working party which drafted the EU Code of Practice for Mediators, and gave expert opinion to JURI, the legal service committee of the European Parliament, prior to its adopting the European ADR Directive. In 2012 he was invited to join the Singapore Mediation Centre’s International Panel of Mediators. Michel is a founder member of Independent Mediators Ltd.



SPEAKERS



Geoffrey Kertesz – Bircham Dyson Bell

Geoffrey is a partner, head of Bircham Dyson Bell's Will and Trust Disputes team, and qualified in both England & Wales and California. On the trust side, Geoffrey advises fiduciaries and beneficiaries, as well as creditors or adverse claimants, regarding domestic or multi-jurisdictional trust matters. On the succession side, he frequently advises on issues including validity claims, fraud, capacity, undue influence, construction, rectification, matters affecting charity legacies, and claims under the Inheritance (Provision for Family and Dependents) Act 1975. Geoff has a particular interest in proprietary estoppel and constructive trust claims.



William Christopher – Kingsley Napley

William is a partner in Kingsley Napley's Dispute Resolution team, based in London. He deals mainly with civil fraud litigation and asset recovery.

William has specialised in commercial litigation with a particular focus on civil fraud actions since he qualified. He has extensive and wide-ranging litigation experience, having acted in cases involving contractual disputes, breach of fiduciary duty, breach of trust, and insolvency-related litigation. He is listed in the global directory "Who's Who of Asset Recovery", and is ranked in Chambers and Partners and The Legal 500.

William has acted in many international fraud cases throughout his career, involving the recovery of assets concealed in offshore jurisdictions. He is highly experienced in using freezing injunctions, search orders and disclosure orders in international fraud investigations. He acts as a supervising solicitor in the execution of search orders.

William's main areas of expertise are civil fraud (often involving multiple jurisdictions), internal fraud investigations, general commercial litigation, (including shareholder disputes) and contentious and fraud related insolvency litigation.



Paul Nicholls – Partner, Walkers (Jersey)

Paul Nicholls practised as a solicitor, principally with the City firm Irwin Mitchell, for eight years prior to moving to Jersey in 2002, where he qualified as an Advocate in 2006. He has also previously worked as a legal researcher in the House of Commons for a former Shadow Lord Chancellor.

Paul is a partner based in Walkers' Jersey office. He is an experienced commercial litigator specialising in contentious trust litigation, asset recovery, compliance and regulatory disputes. Paul's practice is frequently of a cross border/multi-jurisdictional nature. Paul was made a partner in 2008.



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Friday, 16 September 2016
La Seigneurie Room, St Pierre Park Hotel

BOOKING + CONTACT DETAILS

Conference price £150

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Available on request after the event. If you would like a certificate please contact nikki.travis@walkersglobal.com





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