

# Mastering Trusts

## Blending the key factors of success for an efficient trust in Switzerland

13th & 14th February 2007, Hotel Renaissance\*\*\*\*, Zürich, Switzerland



Conference Chairman

**Jean Mandelbaum**  
President  
**Financial Events International**

*Consultant both  
in International Development and ideas' engineering.  
Professor in International Marketing and Oriental Civilization  
Published several books on Geo Strategy, International  
Development... Moderated over 2000 events*

With the collaboration of

**Dr Ariel Sergio Goekmen**  
Director  
**Credit Suisse, Head Office**



*Member of the Society of Trust and Estate Practitioners  
Member of the International Fiscal Association and  
the International Tax Planning Association*

### DAY ONE 13th February 2007

**Dr Ariel Sergio Goekmen** (Switzerland)  
Director, **Credit Suisse, Head Office**

**Mr Elie Hatem** (France)  
Barrister-at-Law, **Paris Bar Association**

**Mr Koen Lozie** (Luxembourg)  
Tax and Estate Planner,  
**Aver Associates Luxembourg S.A**

**Mrs Justine Markovitz** (Switzerland)  
Head of Geneva Office, **Withers LLP**

**Mr Rupert Ticehurst** (United Kingdom)  
Partner, **Herbert Smith LLP**

**Dr Anthony Cremona** (Malta)  
Senior Associate, **Ganado & Associates, Advocates**

**Dr Nedim Peter Vogt** (Switzerland)  
Partner, **Bär & Karrer**

**Mrs Stella Mitchell-Voisin** (Switzerland)  
Founder and Client Services Director, **Close Trustees SA**

**Mr Rogelio Tribaldos-Alba** (Switzerland)  
Founder and CEO, **MMG Panazur Zürich**

### DAY TWO 14th February 2007

**Dr Ariel Sergio Goekmen** (Switzerland)  
Director, **Credit Suisse, Head Office**

**Dr Ludovic Verbist** (Switzerland)  
Managing Director, **Aamil ltd**

**Mr Richard Moyse** (United Kingdom)  
Partner, **Boodle Hatfield**

**Mr Ian Marsh** (United Kingdom)  
Mediator, Managing Director,  
**Family Dispute Resolution Ltd**

**Mr Robert Colvin** (United States)  
Partner, **Baker & McKenzie LLP**

**Mr Peter Cotorceanu** (Switzerland)  
Wealth Planner for "Key Clients", **UBS**

**Mr Nicholas Jacob** (United Kingdom)  
Partner, **Lawrence Graham LLP**

**Mr Marnin Michaels** (Switzerland)  
Principal, **Baker & McKenzie**

**Dr. Heinz Frommelt** (Liechtenstein)  
Partner, **Negele Sele Frommelt & Partner**



# Programme

## DAY ONE 13th February 2007

### 09:00 Chairman's welcome & opening remarks

**Mr Jean Mandelbaum**

President, Financial Events International

### 09:10 The "Hague Convention" on trusts and its impact on Switzerland

- What is it and where are we ?
- Important aspects in a Swiss context
- Effects of an implementation in Switzerland
- Current affairs: foundations - out of fashion ? Swiss EU tax and trusts

**Dr Ariel Sergio Goekmen** (Switzerland)

Director, Credit Suisse, Head Office

Vice President of the British Swiss Chamber of Commerce

Member of the Society of Trust and Estate Practitioners

Member of the International Fiscal Association and the International Tax Planning Association

### 09:55 The role of Switzerland in international tax planning

- Difficulties faced by International Tax Planning:
  - Tax avoidance and money laundering
  - International and EU regulation regarding tax avoidance
  - Bank secrecy and International Tax Planning
- The Swiss alternative:
  - Switzerland: a tax heaven or a secure location?
  - Legal security for clients (Trusts and "Fiduciaries")
  - Banking system and facilities
  - An ideal location for individuals and companies
  - International tax treaties signed by Switzerland
- Comparison between Switzerland as an ideal jurisdiction for Trusts and Tax Planning with other jurisdictions (Luxembourg, Jersey, Cyprus)

**Mr Elie Hatem** (France)

Barrister at Law, Paris Bar Association

Professor at the Free Faculty of Law and Economics of Paris

### 10:40 Coffee

### 11:00 Trust administration jurisdictions compared (and interplay): Malta – Mauritius:

- General (registration of trusts, confidentiality laws, information disclosure to beneficiaries, other rights of beneficiaries, trustee Code of Conduct ...)
- Immigration and emigration of trusts
- Converting trusts into foundations (and other entities) and vice versa
- Managing foreign trusts (confidentiality, impact of local (trustee and other) law, court awards, forced heirship planning ...)
- Asset protection planning (fraudulent dispositions, time limits, foreign court awards, interplay ...)

**Mr Koen Lozie** (Luxembourg)

Tax and Estate Planner, Aver Associates Luxembourg S.A

Prior: Worked as a tax counsel for Ernst & Young & Tiberghien

### 11:45 Offshore jurisdictions and recent changes

- Recent developments in offshore trust laws
- Which jurisdiction to choose
- Pitfalls to avoid in drafting and administering trusts
- New developments in Jersey, Cayman Islands and British Virgin Island

**Mrs Justine Markovitz** (Switzerland)

Head of Geneva Office, Withers LLP

### 12:30 Lunch

### 14:00 Who protects the trust from the protector?

- What are protectors ?
- Who can/should be a protector ?
- What powers can/should they have ?
- What is the nature of the protector's powers ?
- Who has jurisdiction to contest the protector's actions ?
- Drafting points

**Mr Rupert Ticehurst** (United Kingdom)

Partner, Herbert Smith LLP

Member of the Association of Contentious Trusts and Probate Specialists

Prior: Worked for Baker & McKenzie

### 14:45 The resignation and removal of trustees: some considerations

- Procedures for resigning
- Circumstances in which trustees may be removed
- Indemnities sought by retiring trustees
- Considerations of the new trustee/s
- Re-domiciliation of trustees from one jurisdiction to another

**Dr. Anthony Cremona** (Malta)

Senior Associate,

Ganado & Associates, Advocates

Member of the Malta Chamber of Advocates

Member of the Malta Institute of Taxation

Member of the Malta Institute of Financial Services Practitioners

### 15:30 Coffee

**09:00 Chairman's Introduction**

**Mr Jean Mandelbaum**

President, Financial Events International

**09:10 Make or buy: independent, multi-family or bank family office**

- Introduction and overture
- Comparison of the three possibilities
- Which family prefers which solution ?
- Other aspects to consider: content and over-arching structure

**Dr Ariel Sergio Goekmen** (Switzerland)

Director, Credit Suisse, Head Office

Vice President of the British Swiss Chamber of Commerce

Member of the Society of Trust and Estate Practitioners

Member of the International Fiscal Association and the International Tax Planning Association

**09:55 Private trusts companies**

- Concept of private trusts companies
- Benefits
- How to set up ?
- Its administration
- Comparison with: Trusts and Hybrid Companies

**Dr Ludovic Verbist** (Switzerland)

Managing Director, Aamil Ltd

Prior: Managing Officer and Secretary General of Pargesa Holding S.A in Geneva

Managing Director of former Banque Privée Edmond de Rothschild in Mauritius

**10:40 Coffee**

**11:00 Trust litigation (especially in case of divorce):**

- Liability of the Trustees / Foundation Board / Insurance Company for badly managed investments, for example by the bank ?
- What if the donator / settler wish to keep control and manage his former assets in the trust / foundation / insurance ?

**Mr Richard Moyse** (United Kingdom)

Partner, Boodle Hatfield

**11:45 Saving the family silver - managing conflict involving family trusts:**

- The best way to avoid litigation is to assume it is inevitable
- Peace is more than the absence of war
- Mediation is to litigation what diplomacy is to war

**Mr Ian A Marsh** (United Kingdom)

Mediator, Managing Director, Family Dispute Resolution Ltd

Member of the Chartered Institute of Arbitrators

Founder member of the Association of Contentious Trust and Probate Specialists

Chartered Tax Adviser and a member of the Society of Trust and Estate Practitioners

Prior: Private client partner with law firms in London and New York

**15:45 Spouses, Heirs and Trusts – Creating a Level Playing Field to Build an Effective Trust from a (Swiss) Civil Law Perspective**

- Creating a Level Playing Field
- Failure to Create a Level Playing Field with regard to Matrimonial Property Rights and Forced Heirship Rights
- Failure to Deal with (Swiss) Civil Law Rules against Perpetuities
- Trusts violating Forced Heirship Rights from a (Swiss) Civil Law Perspective

**Dr Nedim Peter Vogt** (Switzerland)

Partner, Bär & Karrer

**16:30 Evolution of risk from the start to the end of the trust relationship (strategies for managing your risk as a trust company)**

- Risk assessment at the initial stages of meeting a potential client
- Managing the risk at stake on the business
- Administrative strategies for mitigating risk on a day-to-day basis
- Common pitfalls to avoid
- Remedies if all else fails and problems emerge

**Mrs Stella Mitchell-Voisin** (Switzerland)

Founder and Client Services Director, Close Trustees (Switzerland) SA

Associate of the Chartered Institute of Bankers (ACIB)

Associate Member of the Society of Trust and Estate Practitioners (STEP)

**17:15 Offshore Vehicles in the Swiss Financial, Estate & Tax Planning**

- Declared and non-declared asset management
- Low Tax Solutions vs. Zero-Tax Solutions
- Offshore Jurisdictions and Tax Havens
- The Republic of Panama as an example

**Mr Rogelio Tribaldos-Alba** (Switzerland)

Founder and CEO, MMG Panazur Zurich

Honorary Consul General of Panama in Zurich

Senior Partner of the Morgan & Morgan Group in Panama

**18:00 Cocktail**



**12:30 Lunch**

**14:00 Trusts & Insurance: a comparative analysis**

- Similar frameworks & familiar concepts
- Critical distinctions such as fiduciary duties, retained interests, & assignability
- Differing tax treatments
- When are they substitutes ?
- When are they complements ?
- Practical planning applications

**Mr Robert Colvin** (United States)  
 Partner, Baker & McKenzie LLP  
 Member of the Management Committee of Baker & McKenzie's North America Private Banking Practice Group

**Mr Peter Cotorceanu** (Switzerland)  
 Wealth Planner for "Key Clients", UBS

Prior: Professor at Washburn Law School  
 Worked in the International Private Banking group of Baker & McKenzie in Zürich

**14:45 Latest trust case round-up**

- Only reality will help choose the relevant cases

**Mr Nicholas Jacob** (United Kingdom)  
 Partner, Lawrence Graham LLP

**15:30 Coffee**

**15:45 Tax Amnesties and Tax exchange agreements**

- The QI, the EUSD and Amnesties
- The efficacy of amnesties--why some work and some don't
- The "tax fraud and the like" standard...good or bad for Switzerland
- Uses of MLAT vs Tax Exchange of Information Agreements

**Mr Marnin Michaels** (Switzerland)  
 Principal, Baker & McKenzie

**16:30 Recent developments regarding Trusts and Trust law in Liechtenstein**

- Liechtenstein - a civil law jurisdiction having implemented the trust into its own law
- Recent developments/decisions on rights of instruction of Liechtenstein courts to trustees
- Duty of equal treatment of beneficiaries
- Duties of trustees regarding the administration of underlying companies
- Duty to diversify
- Supervisory powers of Liechtenstein courts

**Dr. Heinz Frommelt** (Liechtenstein)  
 Partner, Negele Sele Frommelt & Partner  
 Partner, Sele Frommelt & Partner  
 Prior: Minister of Justice

**17:15 Close of the conference**

**Financial Events *International***

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 Please contact us for special hotel rates – e-mail: l.plumet@financial-events.ch

Registration fee 1950 € / 3100 CHF / 2500 US\$ / 1320 GB£  
 20% discount if registration by January 1st, 2007.  
*Additional discount will be granted for additional delegates from the same company*

Please register the following delegate for this conference:

Name : .....

Title : .....

Company : .....

Address : .....

City/State/Zip Code : .....

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