



WILBERFORCE MIAMI SEMINAR 2015

09/23/15

Location: 1 SE 3rd Avenue, 10th Floor, Miami, FL 33131
Date: Wednesday 23 September 2015
Time: 4.30pm – 7.00pm followed by a drinks reception

Booking: To reserve a place on this seminar please email your full details to:
Janet Betancourt Email: JBetancourt@aballi.com
(there is no fee for attending this conference, however places are limited)

In association with

Wilberforce
CHAMBERS

Aballí Milne Kalil
International Lawyers

Mishcon de Reya

Wilberforce Chambers presents to The International Law Section of The Florida Bar

4.30pm Registration

4.55pm Welcome and Introduction

Hendrik Milne, Aballi Milne Kalil, P.A. (Moderator)

5.00pm What you need to know when suing offshore corporations in onshore derivative actions

Graeme Halkerston

- International litigants often seek to bring derivative actions in US Courts for wrongs done to offshore companies. Many of these claims run into early difficulties.
- There are important differences to the laws of the leading Caribbean jurisdiction, specifically the Cayman Islands, the BVI, Bermuda and the Bahamas. How do these differences affect litigation strategies and which cases are suited to onshore litigation?
- What assistance can the onshore litigant obtain from the offshore Courts to assist onshore claims?

5.15pm Developments in Cross-Border insolvency

Tom Lowe QC

- Support in offshore jurisdictions for onshore restructuring through light touch Caribbean liquidations
- Hostile attacks by vulture fund creditors on offshore entities to disrupt restructuring
- Chapter 15 and COMI manipulation in offshore jurisdictions
- Common law offshore cooperation with foreign bankruptcies and Chapter 15

5.30pm Availability of freezing order and other Interlocutory relief to support US action in the Cayman Islands or England

Terence Mowschenson QC

- Injunctive relief pending trial in a jurisdiction other than the one where the trial is to take place
- Cause of action and non-cause of action defendants
- Types of relief available: Freezing and disclosure orders (e.g. the appointment of receivers)
- When will relief be available

5.45pm Multi-Jurisdictional Enforcement and Funding Strategies

Annabel Thomas and Hannah Blom-Cooper

- The importance of injunctive relief as part of successful enforcement strategy
- Recognition of US judgments and arbitral awards
- UK domestic enforcement options and case study
- European enforcement options and case study
- Litigation Funding – Availability and the UK Market

SPEAKERS



Graeme Halkerston
Wilberforce Chambers

Graeme is an offshore specialist, advising on matters in all the major offshore jurisdictions. He was described by Chambers and Partners as having "vast strength and experience in offshore matters" and by The Legal 500 as knowing "the Cayman Islands courts, their operation and players like the back of his hand". He is the only former partner of a leading Caribbean offshore firm in private practice at the London bar, having formerly been a partner at Appleby and worked in the Cayman Islands for 5 years.

Graeme regularly provides expert evidence on offshore issues in litigation in the United States and England. His recent expert evidence work has included evidence for US courts on directors' duties, shareholder rights, derivative actions, duties owed by professional service providers and Cayman insolvency practice and procedure.

His recent work has included defending major accountancy firms from claims arising out of the Madoff fraud, acting in claims on behalf of the estate of Lehman Brothers, litigation arising out of the collapse of the BancoVelox/Disco group and acting on offshore and onshore litigation arising from the insolvency of the American Leisure Group. He has wide ranging experience of disputes involving hedge funds, private equity structures, corporate joint ventures and other alternative investment vehicles, both in the context of shareholder and insolvency litigation onshore and offshore. He also undertakes professional liability work, particularly in relation to claims associated with financial services, including claims against directors, auditors, investment managers and other professional service providers.

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Terence Mowschenson QC
Wilberforce Chambers

Terence specialises in company, insolvency and banking and financial services matters. Recent cases include appearing for the Orient Express Group in Bermuda and successfully arguing that under Bermuda Company law a publicly quoted company could be controlled by its wholly owned subsidiary, and for the liquidators of Lehman Bros International Ltd in their successful application for leave to distribute \$19 billion.

Terence is a deputy High Court Judge sitting in the Queen's Bench and Chancery Divisions and in the Administrative Court. He is also a part time judge of the Financial Services and Markets Act Tribunal and Pensions Tribunal. He is a qualified mediator and Fellow of the Chartered Institute of Arbitrators.

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Tom Lowe QC
Wilberforce Chambers

Tom has acted in numerous reported and high-profile cases in a wide range of cross-border disputes, and has applied his advocacy before a large variety of tribunals in a number of different jurisdictions.

Tom's main areas of expertise are insolvency, trusts and probate. He has had to apply this knowledge in cases in which the primary focus might be as diverse as fraud, professional negligence, financial services, a shareholder dispute or even judicial review.

He has acted for a variety of different parties in hedge fund disputes. Recent examples of his cases include in the Cayman Islands *Bear Stearns*, *Re Sphinx*, *AHAB v SAAD*, *Re Medley Opportunity Fund*, in Bermuda *Kingate Global Fund v Kingate Management Ltd* and in the UK *Kaupthing v Isis*.

Tom has also been involved in a number of leading trust and probate cases. Reported examples of which include *Walker v Stones* in the UK; *Re A v N* and *Re Circle Trust* in the Cayman Islands and *Wang Din Shan v Nina Wang* in Hong Kong.

He is described in the legal directories as an "extremely impressive and intelligent advocate who always sees the big picture".

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Annabel Thomas
Mishcon de Reya

Annabel is a Partner in the Dispute Resolution department. She is an experienced litigator with a strong background in all aspects of civil fraud including asset tracing and injunctive relief; competition law; partnership disputes; shareholder disputes; and regulatory/disciplinary litigation. Annabel's practice covers litigation in the high court, as well as arbitral proceedings.

Her clients include UK and overseas-based high net worth individuals and corporations from a range of sectors including media; finance; real estate; IT; manufacturing; and retail. She is experienced in both defending and bringing claims, often involving a number of jurisdictions.

Annabel is a regular speaker on litigation, including the Institute of Barristers' Clerks Annual Conference 2014, the Chancery Bar Conference 2014, CDR Conference 2013, and the IBC Financial Institutions Litigation Conferences 2012 and 2013.

She is a member of the Association of Regulatory and Disciplinary Lawyers, the Financial Services Lawyers Association, London Solicitors Litigation Association and Arbitral Women.

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Hannah Blom-Cooper
Mishcon de Reya

Hannah is an Associate in the Dispute Resolution department. She is an experienced commercial litigator who specialises in representing individuals and corporations in relation to serious allegations of fraud and misconduct. She has particular expertise in advising in the context of business rescue and formal insolvency proceedings.

Hannah frequently acts for directors particularly in relation to proceedings or allegations concerning delinquent business affairs including claims for wrongful or fraudulent trading. She also acts for insolvency practitioners, both pre and post-appointment, bankrupts and companies subject to debt recovery.

Hannah has built a successful practice in providing clear and practical advice on asset recovery and asset protection both for creditors and debtors.

Hannah is a member of the Fraud Lawyers Association (FLA), Fraud Women's Network (FWN) and Professional Women's Network.

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