

PRIVATE CLIENT & TRUST Private Client & Trust

CONYERS

Contents

Private Client & Trust

Why Bermuda, BVI & Cayman?

International Capability

Legal Services For Long-Term Wealth Management

Trust Litigation & Dispute Resolution

Trust Services

Global Lifestyle Services



Private Client & Trust

Private client and trust work is an intimate business, where financial and personal considerations are inextricably entwined. Now more than ever, wealthy individuals and families need legal advisers whose judgment and experience they can rely on for the protection of their assets and their privacy. They need lawyers whose advice they trust, with whom they feel at ease and in whom they are willing to place their confidence. Such respect and confidence must be earned.

Longevity and experience

Conyers' Private Client and Trust team has a long established reputation for providing intelligent, dependable and solutions-driven advice to some of the world's wealthiest private clients. Many of our clients have been with us for 40 years or more, because they trust us and value our judgment as one of the most experienced international offshore private client and trust teams in the world.

International scope

Specialising in both trust structures and contentious work, Conyers advises on the laws of Bermuda, the British Virgin Islands and the Cayman Islands. Through our global network of offices and close relationships with leading onshore tax and legal advisers, we serve a diverse international group of clients ranging from individuals and families to corporate entities. These include significant net worth and high-profile business owners, family-owned businesses, entrepreneurs, charitable entities and professional trustees.

Intelligent solutions

Our depth of experience allows us not only to deliver a high level of technical advice on trust law and structures, but also to add value by sensitively providing creative solutions to the challenging dynamics of managing family and business assets in the complex modern world, across international borders.

Comprehensive offering

Conyers has the expertise to meet all your private client needs, from establishing trusts, to restructuring in response to changing tax or family circumstances, and to ongoing trust administration. Our private client team is complemented by experienced trust litigators who are regularly involved in substantial trust litigation, acting for trustees, protectors and beneficiaries.

Why Bermuda, BVI & Cayman?

As UK Overseas Territories, Bermuda, the British Virgin Islands and the Cayman Islands offer a number of important advantages as jurisdictions for efficiently managing and protecting international wealth.

- The islands' legal systems are based on that of England, with final appeal to the Privy Council of the House of Lords in the UK. Each jurisdiction offers modern and flexible trust law based on the English model.
- They are economically and politically stable, with sophisticated infrastructure and high standards of living. All are English-speaking.
- The jurisdictions are tax-neutral, with minimal income taxes on local earning only and no profit or capital gains tax.
- They are all OECD 'white-listed' and compliant with internationally-recognised standards for combatting tax evasion, money laundering and terrorist financing.
- As premier international financial centres, they each offer world-class expertise across multiple business sectors, including service providers such as auditors and accountants.
- Immigration in each island generally allows the transfer of key employees from overseas.

Bermuda

"They have an amazing talent pool and a great reputation." "One of the leading international trust firms, by quite a measure."

- Chambers HNW

Cayman & BVI

"For trust work they are very prominent and involved in the community. They are always very useful, practical and responsive. I have been impressed with their speed and proactivity."

- Chambers HNW



International Capability

Conyers has one of the largest and most experienced offshore private client and trust and litigation teams in the Atlantic region and beyond. In addition to our jurisdictional bases in Bermuda, the British Virgin Islands and the Cayman Islands, our network of offices around the globe includes the key financial centres of London, Hong Kong and Singapore. Offering seamless, responsive service worldwide, this global reach means that the expertise of our firm is available to you in your own time zone, at your own convenience.

We have strong connections with onshore law firms in major cities internationally, some going back as long as 50 years, who consistently recognise our team as the leader for private client and trust advice in our jurisdictions.

UK, Europe and MENA

London is one of the world's prime hubs for international private clients. For over 20 years, Conyers has had an office in the City and has built long-lasting relationships with

London law firms. Our London lawyers work closely with our private client teams in Bermuda, BVI, Cayman, Hong Kong and Singapore. Beyond London, we work with firms in Geneva and Zurich, and have many years of experience serving clients from the MENA region through our close ties with Dubai.

North America

Conyers provides private client and trust services to many clients who are based in North America and have international interests. In serving these clients we work with a strong roster of onshore law firms in the United States, particularly in New York, Boston, Washington DC, Miami, Connecticut, Chicago, Houston and Los Angeles. We also provide ongoing advice to some of Canada's wealthiest families and entrepreneurs.

Latin America

For many years our Private Client and Trust teams in Bermuda and the Cayman Islands have worked with some of Latin America's wealthiest families from Brazil, Colombia and Ecuador.

Asia-Pacific

As a pioneer of offshore law in Asia, Conyers has had a presence in Hong Kong for over 30 years and in Singapore since 2001. We understand that our Asia-based private clients need lawyers who understand the culture of the region and how it does business, and who speak Mandarin and/ or Cantonese as well as English. From our Hong Kong and Singapore offices, we provide advisory services and offshore trustee services to ultra high net worth individuals and families from across the Asia-Pacific region.

Legal Services For Long-Term Wealth Management

High net worth individuals and families have a wide range of wealth management needs, frequently with a cross-border dimension as lifestyles become more international. At the same time, tax and financial planning are increasingly regulated. The need for trusted, professional advice and multi-jurisdictional expertise has never been greater.

Our lawyers regularly advise on the creation of offshore trusts for international clients, ranging from one generation succession planning trusts to more complex dynasty trusts designed to preserve a family's wealth for many generations. The team also advises on the reorganisation of trusts and corporate structures for the preservation of capital and long-term planning for family businesses.

In addition, we have long experience in assisting individuals and families in creating structures to further their philanthropic endeavours, with the establishment of charitable trusts and foundations.

Where interests in Bermuda, the BVI or the Cayman Islands are part of a global portfolio, we work alongside other advisers to ensure our clients receive the most appropriate holistic advice.

Our Services include:

- Dynastic estate planning
- Designating ownership structures of substantial family businesses
- Corporate governance of crossborder structures for private trust companies to bolster the substance of family and business succession planning
- Restructuring trusts to extend the duration of a trust or to improve tax efficiencies or adapt to changes in family circumstances
- Creation of charitable and philanthropic foundations, purpose trusts, employee benefit trusts, BVI VISTA trusts and Cayman STAR trusts
- Advising on fiduciary decision-making and related issues and trustee liability issues
- Advising on regulatory issues affecting trusts
- Prenuptial agreements and protection of trusts from divorce
- Customising reporting solutions for both FATCA and CRS compliance

Types of Trusts & Their Uses

Private Trustee Companies

These are companies established specifically to act as trustee for one trust or a group of related trusts, for example, for those trusts established for the benefit of a particular family or for a particular commercial transaction.

Purpose Trusts

Unlike a conventional trust, purpose trusts are created for the fulfilment of a non-charitable purpose, not for the benefit of a person. They can hold assets for that purpose, for example holding shares in a private trust company.

Employee Benefit Trusts

An EBT is a discretionary trust set up by a company or group of companies to hold cash and other assets, for example shares, to provide benefit to employees and their families.

BVI VISTA Trusts

A VISTA trust is designed to hold shares in a BVI-incorporated company, and has the effect of removing the trustee's duty to monitor and intervene in the conduct of the directors and the management of the trust's underlying BVI company, notwithstanding that his trust shareholding gives him a controlling interest in the company. VISTA trusts can be useful in effective succession planning, the preservation of family wealth and continuity of family business.

Cayman Islands STAR trusts

A Cayman STAR trust is an alternative form of trust with a few special features that do not apply to ordinary trusts. One of the key features of a STAR trust is that it facilitates separation of

the right to benefit under a trust from the right to enforce the terms of the trust. This means that a beneficiary will not be able to sue the trustee or obtain information concerning the trust. Instead, the only people who can do so are those appointed as "enforcers" under the trust deed or by order of the court. A STAR trust can be an effective family business succession vehicle and may also be useful as a substitute for a charitable trust in some circumstances. do not apply to ordinary trusts. One of the key features of a STAR trust is that it facilitates separation of the right to benefit under a trust from the right to enforce





“Trust matters are particularly well represented within the firm’s caseload, including a wide range of related litigation, and various trustees and family trusts number among its clients.”

– Chambers & Partners

Trust Litigation & Dispute Resolution

Conyers’ trust litigation team is one of the most experienced and respected worldwide. Advising trustees and beneficiaries, settlors and third parties, our lawyers are at the forefront of both contentious and non-contentious trust litigation in all the markets in which we operate.

Our lawyers are regularly involved in substantial international trusts disputes, instructed by substantial high net worth individuals and families, business owners, investors, entrepreneurs, professional and institutional trustees and their advisers, banks, and charitable entities.

With a global presence, depth of experience and expertise in complex, multi-jurisdictional matters, we can provide responsive, timely and thorough litigation advice, bringing significant value to our clients.

Our aim is to help clients avoid litigation wherever possible and our team has considerable experience in the resolution of trust disputes through arbitration and mediation. We are proud of our reputation for achieving speedy resolutions and compromises satisfactory to all parties.

Where litigation is unavoidable, we are adept at focusing on our clients’ critical objectives and providing pragmatic advice on their potential legal, commercial and reputational risks.

Conyers’ trusts disputes team is renowned for its expertise in:

- Advice to trustee and beneficiaries in trust disputes
- Breach of trust claims
- Asset fraud and tracing claims
- Applications for resettlement of trusts
- Disclosure of documents
- Capacity issues and directions by trustees or beneficiaries
- Removal of trustees
- Construction and rectification of trust deeds
- Representing minor beneficiaries
- Contentious probate matters

Trust Services

Conyers Trust Services administers trusts for private clients, corporations and charitable entities established in Bermuda, the British Virgin Islands and the Cayman Islands. We professionally handle every aspect of administering your trust, avoiding the need to employ your own staff. Our trust managers can be relied upon to take fiduciary responsibility for beneficiaries' interests and ensure that all regulatory responsibilities are met. Our emphasis is on close communication, responsiveness, efficiency and dependability. We conduct business discreetly and fully respect the need for strict confidentiality of our clients' affairs.

Independent of any investment management firms, Conyers Trust Services is very much a "law firm" trust company, specialising in confidential personal service tailored to our clients' particular requirements. The close affiliation between Conyers Trust Services and the Conyers law firm greatly augments the quality of the trustee services we provide.

The law firm's oversight has built an in-depth understanding of fiduciary principles which apply to our role as a prudent trustee and enables Conyers Trust Services to be flexible in decision making and proactive in finding appropriate solutions to the various unforeseen problems that may arise.

Our trust managers are highly qualified and most are members of recognised professional organisations, including the Society of Trust and Estate Practitioners and the Institute of Chartered Accountants. We have particular expertise in the administration of private trustee companies, and are also experienced in managing a wide range of entities, including discretionary trusts, fixed interest trusts, charitable and non-charitable purpose trusts and commercial trust structures.

Our professional trustee service includes:

- Working with professional advisers, investment managers and custodians to coordinate and oversee the affairs of the trust and any related companies

- Keeping proper records and accounts of all trust assets, including expenditures, distributions, income and investment performance
- Approving and recording in minutes all substantive decisions relating to the trust
- Holding at least one formal trustee meeting each year to review and consider the accounts, the affairs of the trust and the financial position of the trust as a whole
- Our affiliate, Conyers Management Services, can produce annual financial statements for trusts
- Ensuring that the trust's business is conducted in accordance with regulatory requirements, including Know-Your-Customer rules, Anti-Money Laundering and Counter-Terrorist Financing procedures and beneficial ownership reporting

Global Lifestyle Services

Family Offices and Residency in Bermuda, the British Virgin Islands or the Cayman Islands

The British Overseas Territories of Bermuda, BVI and Cayman are highly attractive locations for wealthy individuals and families to establish a family office, or to acquire residency. Aside from their natural beauty, comfortable climate and relaxed pace of life, the islands are all English speaking and have sophisticated infrastructures. The jurisdictions levy no corporation, income or capital gains tax, nor stamp duty other than relating to local real estate. They offer a range of vehicles, such as private trust companies, exempted companies and partnerships, for holding assets and employing staff. The absence of exchange controls, rapid incorporation, and fairly low establishment and ongoing regulatory fees are also part of the attraction.

Eligibility requirements for residency certificates vary by jurisdiction. Those

who are retired and own or rent property in the islands are usually granted indefinite residence. Those intending to work will require a work permit and immigration laws vary by jurisdiction.

Our Private Client & Trust team can make the process of acquiring residency or setting up and running a family office in Bermuda, Cayman or BVI as smooth as possible. We offer a full suite of services ranging from assisting with buying or renting property to advice on employment law, immigration, contracts and employer responsibilities such as payroll tax, pensions and health insurance. When it comes to running a family office, we can provide ongoing corporate, trust and management services via our Client Services group.

Aircraft & Yacht Registration

The efficient management of major assets such as aircraft and yachts is an important part of an overall wealth management plan. Our lawyers have extensive expertise in

advising on effective financing and ownership structures for such assets. Bermuda is a world-renowned centre for shipping and aircraft registration:

- The Bermuda Shipping and Maritime Authority, which is a category 1 member of the prestigious Red Ensign Group, has over 200 yachts on its registry, aggregating over 67,000 gross tons.
- Bermuda's Aircraft Registry, operated by the Bermuda Civil Aviation Authority, has an excellent reputation internationally for being safe and well-regulated. It accepts Type Certificates from the EASA, the FAA and Transport Canada. As a result, an aircraft from another registry can be registered in Bermuda with minimal inconvenience and expense, and if subsequently sold it can be easily exported to another jurisdiction. Our lawyers can advise on all aspects of the registration process.



CONTACTS

Contacts

Craig W. MacIntyre

Director, Co-Head of Bermuda Private Client & Trust

Helen E. Cooper

Director, Co-Head of Bermuda Private Client & Trust

Robert Lindley

Partner, Head of Cayman & BVI Private Client & Trust

Ben Adamson

Director, Bermuda

Anna Bruce-Smith

Director, Bermuda

Karen Corless

Director, Bermuda

Peter Ch'ng

Partner, Hong Kong

Jeffrey P. Elkinson

Director, Bermuda

Scott Pearman

Director, Bermuda

Peter A.S. Pearman

Consultant, Bermuda

CONYERS

Follow Us

To find out more, please contact our
Private Client and Trust Group at conyers.com

