

**HARNEYS**

# **Trusts & Private Client Advisory Group – Asia**

**Global Issues: Promising Solutions**

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# 01

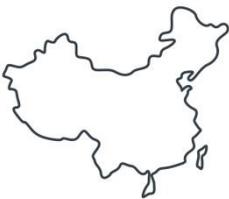
## About Us

Harneys is a leading international offshore law firm. We offer the full range of transactional, litigation, insolvency, and restructuring advice on BVI, Cayman Islands, Bermuda\*, Anguilla, Luxembourg and Cypriot law, alongside our associated corporate and private wealth business which provides the full complement of fiduciary services.

### About us



**Our office network is one of the largest of any offshore law firm with more than 12 locations around the world.**



**Our Greater China team now has more than 60 fee earners, by far the largest representation of any offshore law firm.**



**Our objective is simple: to deliver swift and pragmatic advice for our clients. We offer an integrated, multi-disciplinary and seamless service.**

### Recognition & Awards

Harneys is consistently ranked as the leading law firm by independent legal directories. The firm is also recognised for its client service, innovative deals and strategic vision through a number of high-profile awards programmes annually.

- Law Firm of the Year (Offshore) – CBLJ China Business Law Awards 2019
- Best Offshore Law Firm – HFM Hedge Funds Asia Awards 2019
- International Law Firm of the Year – China Offshore Awards 2018
- Offshore Law Firm of the Year – Asia Legal Business Awards 2017
- Top-ranked in Chambers Global: BVI, Cayman, Bermuda, Anguilla 2017
- Top-ranked in Chambers Global: BVI, Cayman, Bermuda, Anguilla 2017
- Top ranked in Legal 500: the only law firm with a Tier 1 ranking for trusts/private law in the BVI; also ranked as Tier 1 firm in Cayman
- Top ranked in Chambers HNW: the sole firm ranked in Band 1 in the BVI; ranked Band 2 in Cayman
- Ranked as Leading Firm in the Legal 500 EMEA

*\* Bermuda legal services are provided through an exclusive association with Zuill & Co, an independently owned and controlled Bermudian law firm.*

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## Our Asia Trusts & Private Client Advisory Group

Harneys' Trusts and Private Client Advisory Group in Asia has earned an international reputation for excellence due to our personal, commercially sensitive, and pragmatic approach.

In Asia, the Group has a unique offering in that it operates as a single integrated team across all three of our Asia based offices: Hong Kong, Singapore and Shanghai.

Our highly regarded trusts and private client lawyers are specialists in matters involving the establishment, administration and structuring of all types of BVI and Cayman Islands trusts, cross-border probate, succession planning and private wealth matters and are market leaders in contentious international trust and estate disputes.

We regularly advise many of the world's leading trust and fiduciary companies, international and local law firms, multinational corporations, major financial institutions and high net worth individual private clients.

While we do not advise on local law, we are aware of its implications, allowing us to provide offshore legal advice that complements and complies with local regulatory requirements.

Our trusts lawyers also work alongside Harneys Fiduciary, which provides a full complement of corporate, wealth and fiduciary services in the BVI and the Cayman Islands.



**Our Asia Trusts & Private Client Advisory Group works closely with the Harneys global private wealth team to provide expert advice on both contentious and non-contentious matters.**



For more information about our Asia Trusts & Private Client Advisory Group, please contact **Nicola Roberts** who leads our Trusts and Private Client Advisory Group in Asia.

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## Trust In Our Expertise

- Harneys is frequently instructed to advise institutional, commercial and private trustees (including private wealth banks and trust companies) in relation to a range of issues, from the establishment, administration, restructuring and termination of various types of trusts to high-value complex multi-jurisdictional contentious trust and estate litigation.
- We also regularly act for fiduciaries, principal beneficiaries, settlors, protectors, as well as family offices and their advisers and high-net worth individuals.
- Having offices in Hong Kong, Shanghai and Singapore, we are focused on providing the right advice to each client depending on their personal circumstances, whether it relates to succession planning, asset protection, tax efficiency, confidentiality, family business governance or a trust dispute. We work together to deliver a discreet and professional service.
- With our team's decades of experience, Harneys has unparalleled expertise in matters involving offshore trusts, inheritance, succession, investment loss, wills and mental capacity issues and our international reach enables us to service our clients across the globe 24/7.
- Our experience includes the whole life cycle of a trust, from the simple to the most sophisticated structures, covering pure advisory work to applications for directions relating to momentous decisions to hostile litigation involving allegations of breach of trust, incapacity, undue influence, invalid appointments, and fraud.
- Our approach is both strategic and holistic: when we advise trustees or beneficiaries, we take into account the local regulatory regime. We do not advise on local law but we regularly work with local law firms to find the best solution for our clients.
- Our specialists also advise on contentious and non-contentious probate and administration matters, including ad colligenda bona applications; and we regularly advise on matters with a multi-jurisdictional element.
- In recent years, many of our lawyers have acted successfully in many of the headline international trust and private client matters offshore.
- Over time, our team has also developed strong relationships with other key service providers in this area, including onshore counsel, proxy solicitors, public relations specialists and other professionals. Our deep business networks enable collaboration with the leading industry professionals, ensuring we secure the best possible outcomes for our clients.

### Our track record shows that:

- We are mindful of the importance of confidentiality and the delicate nature of trust disputes.
- Our approach is to work towards finding a resolution at the earliest opportunity.
- When conflicts are unavoidable, we provide strong advice and advocacy.
- We are focused on reaching effective outcomes with minimal costs.

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## Our Services

- Trust litigation
- Non-contentious court applications:
  - Mistake and rectification applications
  - Trust variations
  - Directions applications (e.g. to bless a momentous decision)
- Representation for minor/unborn beneficiaries
- Drafting trust documents
- Advising trustees, settlors, beneficiaries, enforcers and protectors
- Advising on trust restructuring and administration issues
- Estate litigation
- Obtaining probate and letters of administration and
- Resealing foreign grants
- Drafting wills

### A snapshot of our experience

- We frequently advise on trustees' obligations and regularly act for trustees in applying for and obtaining Court sanction and indemnity orders (*Beddoe relief*) or directions (*Public Trustee v Cooper* applications). We have also assisted in the transfer of trusteeships in contentious cases.
- Representing the Hong Kong High Court-appointed Joint Administrators of the Estate of the late Nina Wang, a high-profile property investor who was at one point rumoured to be Asia's richest woman.
- Advising on one of the largest and most complex trust matters in BVI history involving an asset hunt for a US\$70 million trust estate and related declaration proceedings.
- Advising in relation to the removal of a BVI-based trust corporation as trustee of four Cayman Islands trusts, the assets of which include interests in businesses in the PRC and the USA, with a total combined value of more than USD200 million.
- Advising HNW individuals and families throughout Asia, Europe and the Middle East on a range of succession and asset protection strategies and associated issues, including: the use of private trust companies and bespoke trust structures for succession planning; pre and post-IPO trust planning; and structures with EU, Canadian and US beneficiaries.
- Acting for the joint official liquidators of SIFCO5, one of the defendants, on a high-profile and much publicised US\$9.2 billion claim involving allegations of fraud arising from one of the largest corporate collapses of the financial crisis.
- Acting for many of the leading trust companies on a number of complex and high profile matters, particularly during the last decade.

# Key members of our Asia Trusts and Private Client Advisory Group

## Nicola Roberts

Partner | Hong Kong

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Nicola is a partner in Hong Kong and leads the Trusts and Private Client Advisory Group in Asia. She specialises in international contentious trust and estate disputes and global commercial litigation. She also advises on non-contentious international private wealth matters.

## Ian Mann

Partner | Hong Kong

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Ian is the long-term head of our Litigation, Insolvency and Restructuring practice group in Hong Kong. Ian specialises in restructuring, insolvency, shareholders' disputes and contentious trusts matters.

## Vicky Lord

Partner | Greater China

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Vicky is a partner in our Greater China team. Vicky has experience in multi-jurisdictional contentious trust matters and is a trusted advisor to ultra-high net worth individuals.

## Raymond Ng

Partner | Hong Kong

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Raymond is a partner Hong Kong and advises on cross-border mergers and acquisitions, private equity transactions and IPOs. He also assists with pre and post-IPO trust planning. Raymond is fluent in Cantonese, English and Mandarin.

## Mirza Manraj

Counsel | Hong Kong

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Mirza is based in Hong Kong and a member of our Investment Funds and Regulatory practice. Mirza specialises in contentious and non-contentious financial services and regulatory work, and regularly advises trustees.

## Henno Boshoff

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Henno is one of our non-contentious lawyers and specialises in advising institutional trustees and private individuals on BVI and Cayman law aspects of trust and private client transactions. He is based in our Singapore office.

## Aleisha Brown

Senior Associate | Hong Kong

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Aleisha regularly advises both institutional trustees and private clients on all aspects of BVI and Cayman trust law. She is also an experienced litigator and therefore is able to advise our clients on both contentious and non-contentious matters. She is based in our Hong Kong office.

## Lucy Hickmet

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Lucy is based in Hong Kong and has a particular focus on contentious trust disputes. As part of her practice she has acted for trustees seeking costs protection in litigation, and in seeking Court clarification on trust deeds and trustee's powers. Lucy was closely involved in drafting the INSOL Model Case Management Directions for insolvent trusts.

## Jayesh Chatlani

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Jayesh regularly advises on private client matters, and has experience in advising clients in relation to disputes between prospective beneficiaries and clients seeking appointments ad colligenda bona. In addition, Jayesh advises on trusts disputes and on non-contentious probate administration.

## James Granby

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James is an associate in our Hong Kong team and has experience with a broad range of trust-related disputes. He regularly acts for trustees and beneficiaries on contentious trust and estate disputes.

## Crystal Cheung

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Crystal is an associate in our Hong Kong office and specialises in contentious and non-contentious trusts and probate matters. Crystal is fluent in English, Cantonese and Mandarin.

## Laura de Heer

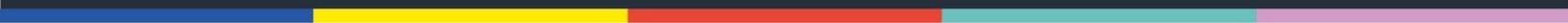
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Laura is a professional support lawyer in our Hong Kong team. She has previously acted for trustees and beneficiaries, as well as representatives of minor and unborn beneficiaries, in relation to contentious trusts disputes.



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