

SINELS

Sinels Advocates - Q&A

Who are you?

Jersey's premier specialist conflict resolution and avoidance firm.

What are your future plans?

To continue as Jersey's premier specialist conflict resolution and avoidance firm, to grow in strength and wisdom and to deliver better value for money.

Who do you work for?

We work for a diverse range of institutions and high net worth individuals. All are informed purchasers who appreciate the firm's independence, integrity, strategic thinking and commitment to personal service. In addition, we undertake a significant amount of pro bono work for individuals in most need, yet least able to access justice.

What areas do you specialise in?

We provide a full range of civil and commercial litigation and pre-litigation solutions, including trustee advisory services and director advisory services. We have an extensive track record in a number of specialist areas, including:

Insolvency: We have experience working successfully for both creditors and debtors within Jersey's unique insolvency precedents and statutes.

Trust Law: We act for both trustees and beneficiaries in relation to all aspects of trust law and litigation.

Banking and Financial Services: Unlike all comparable Jersey-based law firms we have no external stakeholders or partnerships with financial services companies. As a result, we are not beholden to the Jersey Financial Services Commission, or anyone other than our clients; therefore we are perfectly placed to provide truly independent advice to financial services companies, trustees and trust beneficiaries.

Fraud/Asset Tracing: We understand fraudsters and how to deal with them.

Matrimonial: At Sinels we take a holistic approach to matrimonial issues. Whilst our legal expertise is at the core of our offer, we are alive to the fact that divorce affects individuals on many levels. Our approach ensures that our clients receive all the support they require, from financial planning to counselling services, removing the stress from the process and particularly from litigation. Both avoidance and resolution of disputes are our main focus. However, litigation, should it be required, is vigorously pursued. Our day-to-day contact with the financial services community means we are also able to bring absolute clarity to complex financial situations, essential for resolving cases involving high net worth individuals.

Employment: Working for both employees and employers, we have developed a deep pool of experience in employment litigation.

Why use Sinels?

- Independent status – no external stakeholders or corporate and industry ties;
- Integrity – consistent in both word and deed, we do what we say we will;
- Strategic thinking and approach – prepared to utilise the latest legal and non-legal conflict resolution techniques;
- Intelligence based approaches to problem solving;
- Proven track record – tackled and won a range of high profile trust and matrimonial cases such as Mayo Associates & Ors v Cantrade; West & Ors v Lazard Brothers; Mubarak v Mubarik; and Caversham v Patel;
- Fearless and no nonsense approach – with the desire and will to win, we take on cases that others have deemed too complex such as the Mubarak, Caversham (Patel) and Cantrade cases;
- Review process – cases are continually monitored to ensure that the firm delivers results for its clients;
- Local knowledge – we have a thorough knowledge and understanding of Jersey, its institutions and laws;
- Litigation specialist – the firm boasts some of the most experienced Jersey-based litigators and is able to attract the brightest and best talent in the field capable of multi-jurisdictional litigation;
- Strength of team – our entire team consists of dedicated litigation specialists with expertise in all aspects of commercial, offshore trust, probate, and matrimonial litigation;
- Quality of network – an extended team of excellent barristers, forensic accountants, and investigators;
- Personal service – all clients are treated with the same measure of respect, care and attention;
- Fee earners are trained to value results over billable hours;
- Has own intelligence arm - Sintel Global Intelligence Limited.

How large is Sinels?

- Twelve-strong litigation team and twelve support staff.

What is the firm like to work for?

As a rapidly growing organisation with a distinct profile in Jersey and beyond, we are able to recruit and retain exceptionally talented lawyers. We support and fully train our employees, who individually and collectively are people that add real value to Sinels and to how we serve our clients.

How has the firm performed financially?

- Current turnover is £3m per annum;
- Financial target going forward is £4m within three years.

What external recognition has the firm received?

Philip Sinel and Paul Tracey are regular commentators on Jersey legal and constitutional issues. The firm has recently attracted a lot of additional media interest as a result of high profile successes, its advocacy of constitutional change and pro bono support for survivors of child abuse.



Advocate Philip Sinel

Principal

Qualifications

Barrister – England and Wales (1984)

Advocate – Jersey (1987)

Attorney-at-Law – Anguilla (2002)

Rights of Audience and to Conduct Litigation - Dubai 2008

Upon qualifying as an Advocate in 1987, Philip established Philip Sinel & Co.

Areas of Practice

Commercial litigation

Fraud

Trust law

Banking and financial services

Private client

Philip is regularly invited to speak at conferences in relation to various aspects of Jersey Law.

Memberships

Jersey Law Society

Jersey Family Law Society

Society of Trust and Estate Practitioners

Association of Contentious Trust and Probate Specialists

Institute of Directors

Languages

English, French

Hobbies

Family, water sports, nature

Significant Cases include the following, as well as numerous other trust cases held in private:

1. *BS West, GB West, BI West and MM West v Lazard Brothers and Company (Jersey) Limited and Lazard Brothers Trustee Company (Jersey) Limited 1993*

Landmark litigation culminating in an eight month trial and a now famous judgment. Successfully pursued the Defendant, Bank and Trustee, in respect of a thirteen year old fraud on the beneficiaries. The case made legal history on a number of levels.

2. *Mayo Associates SA, Troy Associates Limited and TTS International SA v Cantrade Private Bank Switzerland (CI) Limited and Touche Ross and Company*

Landmark litigation, pursuing to successful settlement multi million pound claims for tort, conspiracy, fraud and breach of contract against a rogue currency trader, his accountant and a division of the Union Bank of Switzerland (closed as a consequence of this litigation). It also involved satellite litigation with the regulator. The trader, the banker and the auditor were all convicted of serious criminal offences. The clients received in excess of GBP £20million.

- 3. *Bamford v Ellis & Others***
Appeared for the Trustee holding a significant portion of the estate of the late Jason Cyril Bamford. The dispute between the heirs and the mistress spawned extensive litigation in Jersey, Switzerland and England. The Trustee challenged the presumed mandatory neutrality thought to have resulted from the application of *Alsop Wilkinson (A Firm) v Neary* ([1995] 1 All ER 431, Ch D).
- 4. *Attorney General v Eichner***
Criminal trial. Serious but groundless charges brought against a doctor in respect of the alleged misuse of class A drugs. All charges dismissed with costs.
- 5. *Buxani v Buxani***
Highly complex, shareholder dispute involving applications by the minority holders seeking to take control of a Jersey company (case settled before trial).
- 6. *Re A Settlement (held largely in camera)***
Established the right of beneficiaries of Jersey Trustees to be convened to directions hearings.
- 7. *Bhander v Barclays Private Bank & Trust Co. Ltd***
Action between Trustee and disaffected beneficiaries. Established guidelines in respect of the proper conduct of Beddoes applications where litigation is contemplated by the Trustee against some of the beneficiaries.
- 8. *C v C***
High value matrimonial case, which involved looking through a foreign trust and a false identity. Claimant's wife achieved a considerable measure of success.
- 9. *Ball v King***
Successful recovery of funds from a rogue. Application to overturn a previous cost order based on the subsequent actions of the Defendant.
- 10. *Syvret v Bailache & Hamon***
Highly controversial human rights/democracy issue. Unsuccessful attempt to cause the Courts to right a denial of democracy in the States. The Court declined to assert jurisdiction over the legislature.
- 11. *Re The Eurotrust***
Highly complex, high value litigation held almost exclusively in camera involving at least fifty hotly disputed financial transactions taking place in the Middle and Far East. Settlement achieved before trial.
- 12. *Manly v Bell and PS v C***
Acting for the husband, disputed share valuations in the context of re-opened high value ancillary applications, close involvement in the methodology for valuing financial service companies.
- 13. *Caversham Trustees Ltd v Patel and Six Others***
Acted for the Trustee, beset by troublesome and ultimately dishonest beneficiaries. Numerous points of trust law involved. Case escalated into contested, but successful contempt proceedings. Client, the Trustee, made an almost complete recovery of funds.
- 14. *Sheikh Mohamed Ali M Alhamrani and Four Others v Sheikh Abdullah Ali M Alhamrani and Four Others***
Advising, in conjunction with Advocate Tracey, the incoming Trustee in relation to Jersey's highest value and most complex litigation.
- 15. *Pro Bono***
Assorted including housing hardship, disputed probate and child abuse.



Advocate Paul Tracey

Partner

Qualifications

LL.B., LL.M. (QUT), LL.M. (Qld)
Solicitor - New South Wales (1992), Queensland (1995), Victoria (2001)
and England and Wales (2003)
Advocate - Royal Court of Jersey (2008)

Areas of Practice

Commercial, chancery and banking/financial services litigation
Trust law advisory and opinions

Memberships

Association of Contentious Trust and Probate Specialists
Society of Trust and Estate Practitioners
London Solicitors' Litigation Association
Solicitors' Association of Higher Court Advocates
Society for Advanced Legal Studies

Examples of some recent and current cases:

1. *Fraud on trust powers, breach of trust and dishonest assistance*

- Acting for a beneficiary of a Jersey trust in relation to the purported exercise of a protector's power to remove Jersey trustees and to appoint new Gibraltarian trustees when the Jersey trustee was fixed with notice of the beneficiary's concerns and the trustee and the protector acted in breach of their duties.
- Also instructed to set aside new Gibraltarian trustee's and associated de facto trustee's purported exercise of powers to remove the beneficiary and to appoint all assets of the trust to the protector and thereby assist the protector in achieving the object of his breach of fiduciary duty as protector.
- Following discovery, the pleadings were widened and parties joined so as to enable the claimant to plead dishonest assistance and a de facto trusteeship bringing the nature and role of a trustee de son tort before the Royal Court for the first time.
- The claimant recently overturned an earlier order that he pay security for costs being the first applicant to apply the ground breaking decision of the Court of Appeal in *Leeds v AdMatch*.

2. *Application of the rule in Saunders v. Vautier and contempt of Court (including worldwide freezing orders)*

- Acted for a regulated Jersey trust company in its refusal to comply with a purported direction from the beneficiaries to terminate the trust and transfer the assets of the trust to the settlor until provision had been made for its fees.
- Following a fee dispute determined by expert evidence, security was provided for the trustee's fees which the settlor subsequently fraudulently sought to alienate from the trustee.
- Recovery and enforcement against the alienated security required the coordination of teams in Guernsey, the UK and the BVI and the issuance of substantive proceedings and the obtaining of injunctive relief in Jersey, Guernsey and England in aid of the Jersey proceedings.
- Achieved the successful recovery of the trustee's costs, an award of trustee indemnity costs (despite the adversarial nature of the proceedings), the confiscation of the settlor's passport and the fining of the settlor in his contempt of Court.

3. *Beddoe application and representing new trustee in high value complex breach of trust proceedings*

- Acted for a regulated Jersey trust company in relation to its intervention in major trust litigation before the Royal Court.
- This matter required the current trustee to marshal and control a significant number of trust documents, to provide ongoing assistance and support to the court and the parties in the ongoing proceedings, to participate in those proceedings as new trustee and engage in the substantive evaluation, determination and implementation of the steps the current trustee was required to take in respect of further or related breaches of trust and/or fiduciary duty.

4. *Breach of contract and associated breach of fiduciary and statutory duty*

- Acting for a well known Panamanian law firm with global reach in relation to various breaches of an agreement with a regulated Jersey company then managing the law firm's interest in a trust company business in Jersey.
- Successful application for prohibitive and mandatory injunctive relief requiring the immediate transfer of the management of the trust company business to a new service provider nominated by our client.
- This continuing matter requires the undertaking of a detailed and complex forensic accounting exercise to identify and plead to the numerous breaches of the agreement, as to fee apportionment/entitlement and treatment of operating costs, and breach of fiduciary and statutory duty, as to secret profits, the diversion of opportunities, the solicitation of clients and the depletion of the value of the business.

5. *Minority shareholder / unfair prejudice action*

- Acted for the minority shareholders of a Jersey company as to the management of a wholly-owned English subsidiary.
- Proceedings were issued alleging breach of fiduciary duty and management of the English and, therefore, Jersey companies in a manner prejudicial to the interests of, amongst other people, the minority shareholders involving misappropriation and misdirection of company funds and property. Proceedings resulted in the resolution of the matter subject to the liquidation of the English company and the making of various payments to our clients.

6. *Pauline claim*

- Acting for the claimant in a Pauline action in which the claimant (who has the benefit of a judgment setting out his contractual entitlement to monies from an Ontarian company) seeks to set aside a number of payments made by the company (valued upwards of US\$3ml to or for the benefit the alleged malefactor).
- The claim has been amended since this time such that the company is alleged to be the alter ego of the malefactor and, that being so, the claimant seeks to extend the Pauline action doctrine beyond its present limits such that it is not simply those who receive monies in a fraud on creditors who are liable to repay the same but also those who receive the benefit of those payments.
- If this matter goes to trial, its outcome will be significant in relation to the development of the civilian doctrine of the Pauline action.
- Separate but related proceedings have been issued within the normal remit of the Pauline action in which the claimant seeks to set aside payments made to an innocent recipient/trustee (not having provided value for that which it received).

7. *Ancillary relief and constructive trusts*

- Acted for third party in ancillary relief claim in respect of plaintiff's allegations thereunder of impropriety, concealment of property ownership and transfers including defending against allegations of sham transactions, constructive trusts and following or tracing value and enforcing proper adumbration of such claims against our third party client as part of the overall ancillary relief claim.



Matthew Godden

Advocate

Qualifications

LL.B. Law
Postgraduate Diploma in Legal Practice
Resolution trained Collaborative Lawyer

Areas of Practice

Family and collaborative law
Civil disputes
Private litigation
Employment law

Memberships

Jersey Law Society
Law Society of England and Wales
Jersey Family Law Association
Resolution (Associate)
Institute of Directors



Richard Wakeham

Advocate

Qualifications

Certificate in Offshore Administration
BA (Honours) Marketing & Business Administration
Postgraduate Diploma in Law
Postgraduate Diploma in Legal Practice

Areas of Practice

Commercial litigation
Trust law
Company law
Contract law
Banking and financial services law
Debt and asset recovery
Commercial advisory

Memberships

Institute of Legal Executives
Jersey Law Society



Hiren B. Mistry

Associate

Qualifications

Called to the Bar of England & Wales (2002)
LL.M. (Commercial & Corporate) (UCL) (2001)
LL.B. (Hons) (Dunelm) (2000)

Prior to moving to Sinels Hiren worked as a Barrister in London, having been called to the Bar in 2002.

Areas of Practice

Commercial dispute resolution
Employment law
Contract law
Debt and asset recovery

Memberships

Middle Temple, London
Registered Arbitrator of the International Court of Arbitration in Europe

Languages

English, Gujarati

Other appointments:

Door tenant Fleet Street Chambers, London
Module Leader for the LL.M. Business Tax Law programme and lectures on the LL.M. Company Law course, De Montfort University
MSc Tutor, Centre for Financial and Management Studies, University of London
Middle Temple Representative, Jersey

Published works include:

"Latvian and English International Business Law" [2006] The first edition of this book is out on general sale in Latvia (ISBN 9984-39-048-9).

"The Czech Gaming Market. The limitation of foreign ownership and investment". European Current Law [2005] 8 Euro C.L.

"The legality of restrictions of foreign holdings in the Czech gaming industry." Legal Magazine "Obchodni Pravo" of the Czech Republic (2005).

Co-author and co-editor of ***"English & Slovak Business Law"*** - a guide for legal practitioners and law students. Slovkonsult Law Publishers. [2004].

Contributor to ***"The Law of Investor Protection"*** 2nd Ed. Fisher J & Bewsey J. Ghost wrote a chapter on "Marketing and Financial Promotion" [2004].

"Battle of the regulators. Is the US system of securities regulation better provided for than that which operates in the UK?" J.I.F.M. Issue 4 [2002].

"Hollicourt. Bringing the Authorities Out of Disarray". Vol. 22. Issue 9 [2001] Company Lawyer.

"The Loss of Direct Parliamentary Control. Does that mean a Financial Services Regulator without Accountability?" Vol. 22. Issue 8 [2001] Company Lawyer.



Nina Gurney

Associate

Qualifications

BA (Hons) Oxon, MA Oxon, LL.M. (Business Law), Solicitor of the High Court of England and Wales.

Nina has worked with leading law firms in both London and Jersey. She has recently returned to live permanently in Jersey.

Areas of Practice

Trust law
Banking and financial services
Chancery litigation
Employment law

Memberships

Law Society of England and Wales
Association of Women Lawyers

Languages

English



Steven Chiddicks

Legal Assistant

Qualifications

BA (Honours) Business Studies
Postgraduate Diploma in Law
Postgraduate Diploma in Legal Practice

Areas of Practice

Private and commercial litigation

Memberships

Law Society of England and Wales

Languages

English



Catia Tavares

Legal Assistant

Qualifications

LL.B. (Honours) Law
Post Graduate Diploma in Legal Practice .

Areas of Practice

Civil disputes
Employment disputes
Private and commercial litigation
Family law

Memberships

Law Society of England and Wales

Languages

English
Portuguese



Lauren Gillett

Legal Assistant

Qualifications

LL.B. (Hons) (Dunelm) (2006)
Called to the Bar of England and Wales (2008)

Areas of Practice

Private client litigation

Memberships

The Honourable Society of the Middle Temple

Languages

English

Family and Collaborative Law

“Solutions to your Matrimonial Problems”

A marriage is a life-long mutual commitment until something goes wrong. There are a huge number of things to think about and arrangements to make. People are frightened about finances and their home, worried about their children, and worried about the future. The emotional consequences of the whole process can be extremely traumatising.

Helping a client with the upset, sometimes anger and acceptance of the situation is an essential part of the lawyer's role. At Sinels, we will help you work through these matters and assist you in putting things into perspective by advising you on the law and explaining what practical steps can be taken towards helping you build a new life.

Our Family Law Team will advise you on the most cost effective way of resolving your problems in the circumstances of your case, whether through mediation, negotiation, collaborative law, or through the Court.

Relationship Breakdown and Divorce

Many couples facing the breakdown of their marriage do not want to obtain a divorce immediately or if they are to divorce on the ground of one or two years separation then they will have to wait for this period to elapse. In such circumstances we can advise couples of the benefits of a separation agreement. If divorce is the only option then we can provide all the advice and guidance needed to help you through this process.

Financial Settlements

The Court can impose a time-table on the parties, requiring full disclosure of their financial situation or the parties can resolve matters themselves whether through negotiation, mediation, round table meetings or collaboration. We can assist parties to reach a settlement by the means which is most appropriate to them.

Sorting out the assets is a skilled and complex task. It is essential to assess the short term impact a split will have and thereafter to consider the longer term future needs of both spouses and children.

Children's Issues

This can be a highly emotional issue. It is important that the arrangements for the children's future care and maintenance are discussed. We can advise on the consequences of a breakdown in a relationship on the children and the best way to resolve matters, ensuring that the needs of the children are the primary consideration.

Mediation

In cases where the parties have remained on good terms it may be beneficial to instruct a trained mediator who will assist the parties reaching an agreement in relation to either financial or children matters.

Collaborative Law

Collaborative Law is a relatively new way of resolving family law disputes. Collaborative Law differs from mediation in that each party has a legal advisor present throughout the process and at all meetings. The parties and their lawyers try to sort out difficulties between the clients by discussing matters around the table, together. It is an open and transparent process that can ultimately result in a settlement that both parties are happy with.

Pre-Nuptial Agreements

The Jersey Courts retain the right to make orders disposing of financial claims even where there is a pre-nuptial agreement. However, a properly drafted pre-nuptial agreement may be pertinent to the Court's final decision. We can advise as to whether a pre-nuptial agreement is right for you.

Employment

Jersey employment law is a rapidly developing area and, with legislation in respect of redundancy procedure and statutory compensation coming into force in 2010 and discrimination legislation proposed in due course, there are many changes and challenges ahead.

Non-contentious matters

Experience has shown that fair and clearly stated employment policies can help to ensure that employees remain loyal and productive and provide certainty for employees and employers alike..

With this in mind we help our clients with the development and implementation of the policies and procedures needed to ensure compliance with current legislation and observance of best practice. We also assist with the preparation and drafting of employment contracts and staff handbooks.

Contentious matters

Employment disputes can be expensive for both employer and employee, not only in terms of tribunal awards and loss of working hours but also, as a consequence of lowered employee morale and damage to reputation due to adverse publicity.

We endeavour to minimise costs and limit damage by providing swift and practical advice, by assisting with mediation and other forms of alternative dispute resolution and by ensuring that our clients are rarely required to appear before the Jersey Employment Tribunal ("the JET").

How we can help you ?

The Sinels' employment team has a flexible and pragmatic approach and is committed to assisting with all aspects of employment including:

- Dismissal
- Redundancy
- Discrimination
- Dispute resolution
- Employment contracts
- Compromise agreements
- Grievance and disciplinary hearings
- Enforceability of restrictive covenants
- Representation in the JET and in the Royal Court
- Review, revision and drafting of policies, procedures and staff handbooks

For further information or to subscribe to our free employment updates please contact Miss Nina Gurney on 01534 620 500 or by email to nina.gurney@sinels.com

Commercial Litigation

Commercial Dispute Resolution Group

Our firm's formidable reputation is based upon an imaginative combination of technical knowledge and fresh thinking to tackle complex legal problems. We recognise that the solutions are achieved by expert and careful analysis prior to action.

We provide a complete service for specialist litigation advice and advocacy. We will deliver effective solutions whether you are involved in potential or actual legal disputes, having established a pedigree with proven success in landmark Jersey cases.

We understand the importance of our accessibility to you as a client and we consider that always being available and having clear, simple and easy lines of communication between you and us is the first and most important step in achieving your objectives.

We make the effort and invest the time to ensure that your case, once begun, will be run as quickly as possible. Our experience shows that preparation and planning, combined with punctual and direct execution of proceedings, is the most effective way for you to accomplish your objective in any commercial litigation.

Our streamlined service distinguishes us from other firms and, most importantly, benefits you both in effective results and costs.

The group's services include:

- International and Offshore Trust Litigation.
- Banking and Financial Services Litigation.
- Corporate Fraud Investigation and Asset Recovery.
- General Commercial Litigation.

International and offshore trust litigation

We have particular expertise in advising trustees and beneficiaries in respect of both contentious and non-contentious issues. Our wealth of experience enables us to provide strong and clear advice to identify the most effective course of action for your situation.

Banking and financial services litigation

Our team has broad experience working for leading investment banks and financial institutions both domestically and internationally. We have advised and acted for clients involved in a wide range of contentious matters, including investigations by the UK's Financial Services Authority and by the Jersey Financial Services Commission.

Our team can offer you comprehensive advice on all aspects of your operations including:

- Regulatory issues and disclosure requirements.
- Conflicts of interest.
- Money laundering.
- Insider dealing.
- Market conduct and rules of investment exchanges.
- Due diligence investigations of Jersey based companies.
- Collection of secured and unsecured loans including the settlement of substantial trading losses.

Corporate fraud investigation

We advise on all aspects of international and domestic fraud. We have acted for a number of clients, ranging from high net worth individuals to financial institutions, to recover misappropriated and misdirected funds and considerable experience investigating and prosecuting fraud claims, having been involved in the internationally renowned satellite litigation resulting from the collapse of Bank Credit and Commerce International (BCCI) in the 1990s and the Grupo Torras litigation.

We have fostered close working relationships with specialist counsel, forensic accountants and investigators around the world to assist in this process.

Asset recovery

We are experienced in obtaining freezing (Mareva) injunctions, disclosure orders and search and seizure (Anton Pillar) orders for local and international clients in proceedings brought in Jersey or in aid of foreign proceedings, whether in relation to proprietary or personal claims.

As an example of our experience in the Mayo et al v Cantrade Private Bank (Switzerland) C.I. Limited et al litigation, the team successfully recovered US\$38.5 million for our clients as well as convincing the Court to award:

- compensation and wasted management time costs.
- the return of initial investments, including compound monthly interest.
- a complete indemnity in respect of our clients' legal costs.

We also act in cross-border litigation and in recent years have participated in a global asset tracing and freezing operation. This resulted in the location and freezing of assets in excess of Canadian \$135 million.

General commercial litigation

In addition to specialist trust and banking dispute advice and representation we provide general commercial litigation services including:

- Company governance and shareholder disputes.
- Contract disputes.
- General commercial litigation involving multijurisdictional litigation.
- Financial and commercial regulatory issues.
- Corporate insolvency including asset recovery and general advice.

Trusts advice

We are able to provide a complete service to trustees and beneficiaries, whether acting in a professional or personal capacity and at all levels of experience. Our team can offer invaluable support from the moment a trust is established right through to dispensing expert legal advice in any situation throughout its lifetime.

Banking

We have a wide range of experience advising financial institutions and banks locally and in other offshore jurisdictions. Our lawyers regularly advise as to the taking of security, financial assistance and relevant insolvency and taxation issues. We also provide legal opinions on Jersey law.

We also offer a comprehensive service to private clients on a wide range of issues in relation to their banking requirements.

Analysis then action

Whatever size your company is, and whether your legal requirements are contentious or non-contentious, our approach is the same. At Sinels, our success has been built upon applying in-depth logical analysis to every problem before acting upon it.

This philosophy has always served us well. It enables our lawyers and paralegals to see problems before they arise and to offer advice that saves money for our clients. It also enables us to offer fresh thinking solutions because we never just go through the motions.

Trust Advisory Service

Our unique position and experience

We have an established reputation for dealing successfully with any contentious matter involving trusts or financial services in Jersey. We have run and won numerous landmark cases in Jersey for both trustees and beneficiaries that have shaped the way that trust law is now understood and applied in Jersey.

Our unique experience and position in Jersey as lawyers gives us a perspective few other firms have on the problems and difficulties of professional trustees. We understand not only the difficulties professional trustees have but how to deal with these problems quickly, efficiently and effectively and how to manage and minimise risk.

This has led us to create a specialist unit within Sinels solely designed to provide a complete advisory service to professional trustees.

What we can do for you

We can add to your ability as a professional trustee by providing to you:

- risk management reviews.
- review and audit of structures and identification of problems.
- advice on non-contentious actions.
- advice on contentious matters and conflict management.
- seminars, training and current awareness.

At the beginning: establishing a trust

Our invaluable experience in trust litigation means that we know better than most what is essential to produce watertight foundation documents that will stand up later if tested.

Whether you require a general or a bespoke trust deed, we know what provisions should be included to best protect your position and ensure your clients' goals are met.

Throughout a trust's life

Throughout the life of a trust, any number of matters can arise. Sometimes, the trust will need to adapt to meet changes.

Whether you need to draft deeds of addition, exclusion, indemnity, rectification, retirement or appointment or simply to ensure that your dealings with settlor and beneficiaries are sufficiently comprehensive, we have the experience and knowledge to ensure that you, as a trustee, can be safe in the knowledge that your position is protected.

We can also advise on interpretation of trust deeds and the law applicable to your given situation.

Problem solving

Even with the most careful work and planning, from time to time, unforeseen and unforeseeable problems arise in the administration of your trusts. Problems can be as varied as trusts, some common problems are:

- knowing your duties as trustee in a given circumstance.
- knowing the extent to which beneficiaries are entitled to trust information and documentation or distributions in a situation of conflict.
- when a non-contentious application should be made to the Court for directions and what to ask for when you do.

We will provide you with specific and timely answers to your problems.

We will tell you what you have to do and how to do it such that your problem is dealt with as quickly and with as little cost to you and the trust as possible.

Contentious matters and conflict management

We think that a constructive and sensible approach, by trying to resolve a complaint or dispute at an early stage, is the most appropriate way to proceed when such conflicts arise. We are able to provide qualified and accredited mediation services useful in this regard and we are very experienced in negotiation and other forms of alternative dispute resolution.

Should litigation become necessary, our reputation speaks for itself. What distinguishes us from other lawyers is that, not only our particular understanding of how trusts litigation is run in Jersey, but that we will provide you at the outset with a thorough analysis of the merits of your case with advice on your best options.

We can tell you:

- what the merits of any particular claim are.
- how to deal properly and successfully with beneficiaries.
- whether there has been a breach of trust and how to deal with it.
- when to go to court and what to ask for.
- how to avoid having to go to Court.
- how to protect your position on costs.
- when and how to negotiate a settlement.
- whether there are any issues as to forum or choice of law.
- how to find and secure assets in Jersey and in other jurisdictions.
- most importantly of all, the strategy you need to deal with the problem.

Business development

Given the competition Jersey now has from other offshore jurisdictions, most trust companies must look to expand their businesses elsewhere in the world or to bring in new business from outside the Island.

Our global connections can assist you in developing your business. We will arrange and co-ordinate opinions and advice from multiple jurisdictions in order to provide you with the information you need and help you evaluate the risks.

We will provide risk management reviews on how you bring in new business.

We will also review your new clients to make sure that there will not be any subsequent problems for you either generally or with particular new instructions.

Audit and risk management

We can audit and assess all of the key systems you currently employ in the administration of your trusts. We will look at how your existing trusts have been set up and how you manage your existing structures. The assessment will highlight any areas where you can enhance the service you provide to your clients both to protect you and to provide added value to your clients.

The objective is to strengthen your internal procedures so that problems either do not arise or are resolved before they turn into real difficulties.

Our audits can be tailored to go across your whole company or to address a particular problem or case.

As with everything we do, the ultimate aim of our work is to provide to you a plan of action you can immediately implement.

Our approach and what we think is important to you

We can provide you with a service that will undoubtedly reduce the risks you face as trustee in a diverse number of ways and also help you provide a better service for your clients.

Our experience has shown us that what our clients want is more than simply being told what is the problem. What clients need is a solution provided quickly so that you know what to do and have enough time within which to do it. We are direct and to-the-point with our clients. Our approach is straightforward.

We invest the time at the outset with you to ensure we understand fully what the problem is and what you want. We then tell you what you need to know and do. We will then provide full support to implement the solution.