

## **SUPERVISORY JURISDICTION AND ARBITRATION IN TRUSTS: Support for Administration and Dispute Resolution**

**Villa Principe Leopoldo, Via Montalbano 5, Lugano**

CONFERENCE PROGRAMME LUGANO CENTRE

DATE **Thursday, 17 October 2024 / 9.45 – 17.00**

### **FIRST PART: SUPERVISORY JURISDICTION**

09:45 REGISTRATION and COFFEE

10:00 **SUPERVISORY JURISDICTION IN COMMON LAW: ORIGIN, SCOPE, AND NATURE / Session 1**

- A brief historical introduction to the supervisory jurisdiction over trust administration
- The evolution (and fragmentation) of the supervisory jurisdiction over trust administration
- The nature of the supervisory jurisdiction over trust administration in common law jurisdictions
- Implications for the administration of trust disputes

**Speaker: Daniel CLARRY, Gerard Brennan Chambers**

10:45 **SUPERVISORY JURISDICTION IN CIVIL LAW: SWITZERLAND / Session 2**

- Swiss rules on supervisory jurisdiction
- Powers of Swiss judges
- Recognition of foreign supervisory decisions
- A case in point: the Stingray trust

**Speaker: David W. WILSON, Schellenberg Wittmer Ltd.**

11:30 REFRESHMENTS

11:45 **SUPERVISORY JURISDICTION IN CIVIL LAW: ITALY AND SAN MARINO  
Session 3**

- The supervisory jurisdiction over trusts administration: limits of the judge's powers in Italy and San Marino.
- Supervisory jurisdiction and non contentious jurisdiction in Italy and San Marino.
- The legal grounds for supervisory jurisdiction in civil law: domestic law or trust law under The Hague Convention?

**Speaker: Andrea VICARI, Vicari Avvocati (Milan)**

12.30 **SUPERVISORY JURISDICTION IN CIVIL LAW: LIECHTENSTEIN / Session 4**

- Which is the origin of the supervisory jurisdiction in Liechtenstein?
- How broad is the supervisory jurisdiction in Liechtenstein as compared to other legal systems?
- Which are the competences of the Court?
- Which are the limits of the supervisory jurisdiction?

**Speaker: Francesco A. SCHURR, University of Liechtenstein**

13:15 Stand-up LUNCH and NETWORKING

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### **SECOND PART: ARBITRATION AND TRUSTS**

- 14.00 **ARBITRABILITY AND ARBITRATION CLAUSES: ISSUES UNDER ITALIAN AND SAN MARINO LAW / Session 5**
- Arbitrability of supervisory jurisdiction matters and conflicts in Italy and San Marino.
  - Arbitration clauses and the requirement of written agreement under Italy and San Marino law.

**Speaker:** **Andrea VICARI, Vicari Avvocati (Milan)**

- 14.45 **LEGAL PRACTICE IN ARBITRATION IN THE ESTATE PLANNING / Session 6**
- Binding parties to trust arbitration clauses
  - Representation of beneficiaries in arbitral proceedings
  - Conflict of law issues and the Hague trust convention
  - Enforceability of trust arbitration awards

**Speaker:** **Andrea MOJA, SLCLEX Studio Legale Commerciale**

15:30 **REFRESHMENTS**

2

15.45 **TRUST AND ESTATE ARBITRATION IN SWITZERLAND: UPDATE AND RECENT EXPERIENCES / Session 7**

- Estate litigation in Switzerland: a myth or a reality?
  - Is arbitration a useful tool to settle Swiss and or international inheritance disputes?
  - What are the pros/cons of estate arbitration
  - What are the procedural difficulties linked to estate arbitration?
- Trust arbitration: Challenges and need for institutional rules?
  - What is trust arbitration?
  - Is Switzerland a suitable venue for trust arbitration?
  - What are the difficulties related to trust arbitration?
  - Is the current legal framework sufficient to successfully conduct trust arbitration proceedings in Switzerland?

**Speakers:** **Werner JAHNEL and Sébastien ZULIAN, LALIVE**

17:00 **CLOSE OF THE DAY**

October 2024