Divorce and the Family Business

Advising business owners and their spouses following relationship breakdown

Hang on to the family silver! CLT brings you the best brains in divorce and business to ensure that breaking up doesn't lead to winding up.

London - 14 September 2012

6 CPD Hours

CLT Essential legal knowledge

OUTLINE

Divorce can be tricky and never more so than when financial remedy proceedings centre on a business.

Preserving the value of that business is paramount, but this is often easier said than done when emotions are running high. Clients need robust commercial advice at the earliest possible opportunity.

This conference brings together experts in divorce law and experienced business and tax advisors to offer advice on steps that can be taken to protect a business prior to any separation and on what to do if the worst happens.

It will be invaluable for lawyers advising clients who own (or whose spouse owns) a business or a significant share in a business.

CHAIR/SPEAKERS

CHAIR: Alison Hawes is head of Irwin Mitchell's family law team in Bristol. Her practice centres on financial issues on divorce, especially where there are significant assets and/or business interests. She contributes to Butterworths Encyclopaedia of Forms and Precedents, sits on Resolution's Standards Committee and is described by *Legal 500* as *"One of the most senior, able and respected solicitors on the circuit."*

Jane Keir heads the family law team at Kingsley Napley LLP. Jane was included in the Citywealth Leaders List 2012 as a leading Family lawyer. She is listed as an expert in her field in the current *Legal Experts Guide*, the *Legal 500* and Chambers UK directories and is a Fellow of the International Academy of Matrimonial Lawyers.

Adrian Pym is a Fellow of the Institute of Chartered Accountants, a member of the Academy of Experts and the Chartered Institute of Arbitrators and an accredited commercial mediator. Adrian is a former partner of RSM Tenon and now runs his own niche practice, Adrian Pym & Co. which provides financial advice to litigants, disputants, businesses and individuals.

Mike Mason, forensic accountant and Barrister, heads BDO's Forensic Services team in the South and South West. Mike has been conducting forensic assignments in matrimonial disputes for over 21 years. He is the Chairman of BDO's national family law group and an accredited Collaborative Expert. He has given evidence in various different courts and has also assisted in arbitrations and mediations.

Simon Denton is a tax practitioner with considerable experience in forensic cases, especially those involving professional indemnity claims and matrimonial ancillary relief proceedings. As well as giving evidence to the court, Simon also provides advice to divorcing parties in relation to tax efficient means of achieving separation of inter-linked complex financial affairs.

Hamish Dunlop specialises in financial remedy proceedings. His recent work in financial claims between cohabiting couples has included applications under the Law Reform (Miscellaneous Provisions) Act 1970 and MWPA 1882 as well as TLATA 1996. He regularly conducts seminars on matrimonial finance. He is chair of the Money and Property Committee of the Hampshire Family Justice Council.

Andrew Breakwell is recognised as a leading expert in family finance. He specialises in representing high net worth clients in financial claims, including attacking or defending trusts on or off shore and locating hidden assets. His largest case to date involved assets worth well in excess of £1bn. Andrew has regular exposure to trusts, companies or nominee structures and pensions. He is an MCIArb Family Law Arbitrator and Resolution Accredited Specialist Solicitor.

PROGRAMME

9.00 Registration and Coffee

9.30 Chair's Welcome and Introduction
Alison Hawes, Irwin Mitchell

9.45 Preserving the Family Business: Steps that can be taken in Advance of Marriage
- Pre- and Post -Nuptial Agreements
- Articles of Association
- Use of Trusts

Jane Keir, Kingsley Napley LLP

10.30 The Role of the Business in the Financial Remedy Settlement
- Treatment of the Business as a Matrimonial Asset
- The role of the business as provider of an income stream
- Releasing capital

Hamish Dunlop, 3 Paper Buildings

11.15 Coffee

11.30 Valuing the Business: An Accountant's Perspective
- When do you need a valuation?
- Basis of valuation
- Valuing minority shareholdings
- Valuing a business in a recession

Adrian Pym, Adrian Pym & Co

12.30 Hidden assets? Where to Find them in Business Accounts
- The techniques for hiding assets through the manipulation of the accounts
- What tools can you use to analyse the accounts and spot manipulation
- Spot the tell-tale signs of hiding assets
- Where might the assets be and how can you find them?

Mike Mason, BDO Stoy Hayward

1.15 Lunch

2.15 Tax and Financial Remedy
- Gift relief
- Purchase of own shares
- Group reconstructions
- Principal private residence issues
- Entrepreneur's relief issues

Simon Denton, Milsted Langdon

3.00 Protecting the Value of the Business
- Joinder of the company to proceedings
- Protection of the company's assets
- Director's conduct
- Unfair prejudice

Andrew Breakwell, Harvey Ingram LLP

3.45 Tea

4.00 Looking to the Future: Practical Solutions to Difficult Problems
- Collaborative law/mediation
- Financing a clean break settlement
- Post-divorce shareholder agreements
- Pension issues

Alison Hawes, Irwin Mitchell

4.45 Chair's Concluding Remarks and Questions

5.00 Conference Close

FORTHCOMING CONFERENCES

Divorce and the Farm - 2 October

International Family Finance - 19 October

BOOKING FORM

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Divorce and the Family Business 14 September 2012, London

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