

**Minutes of the IPCC Business meeting
held in NYC Grand Hyatt Hotel Shubert Boardroom – NY, USA
Thursday April 14th 2016 - 6 pm**

Participants:

Caroline Abela (Toronto, Canada)
Jean-Louis Collart (Geneva, Switzerland)
Lutz-Peter Gollnisch (Luckau, Germany)
Annie Jacobs (USA)
Audrey Kucia (USA)
Henrietta Mason (UK)
Mark Palermo (USA)
Michael Parets (Switzerland)
Agnès Proton (France)
Neil AJ Sullivan (USA)

Excused : Markus Zwicky (Switzerland)

The **call notice** and the meeting agenda was sent on March 21st 2016 as follows:

- Review of ABA-SIL Panel in NYC
- 2016 Europe Forum in Rome 30-31 May 2016
- ABA SIL Tokyo Fall Meeting 18-22 October 2016
- Future projects
- Committee housekeeping & miscellaneous

The meeting took place as scheduled and was conducted by the IPCC Co-Chair Agnès Proton.

1 – Review of ABA-SIL IPCC Panel in NYC

Our program took place on Thursday April 14th 2016 - 4: 30 pm – 6: 00 pm : “ *Trusts in Family Wealth and the 3D Problem – Is It Child’s Play ?*”

It was introduced by our IPCC Immediate Past Chair Markus Zwicky, who was also the Program Chair, and has been perfectly moderated by our member Henrietta Mason. The panelists were our IPCC vice-chairs Caroline Abela (Canada), Jean-Louis Collart (Switzerland) and Michael Parets (Switzerland/USA), along with Ziva Robertson (UK).

This session was very well attended and quite successful, as were our IPCC Programs last year both in Washington then in Montreal.

The panelists’ presentations related to a mock case that triggered a lot of interest and several inter-active discussions with the audience. Eventually, there was not enough time to cover all aspects of such a broad topic. Here again, like it was said in Montreal, the substantial issues addressed during that program could be used as “spin off” for future programs as well.

As an example, the issue of enforcing provisions from matrimonial regimes and/or (pre/post) nuptial agreements in foreign jurisdictions could certainly be a possible topic for another IPCC proposal.

As it happened during last Fall Meeting, the session was again the highlight of our IPCC NYC events, around which were articulated other successful IPCC gatherings:

- Dinner at the trendy ABC Cocina, located in the trendy Flat Iron District in Manhattan, organized on Wednesday night by and with the International Family Law Committee (IFLC). Eventually, over 30 attendants enjoyed a sophisticated and delicious tapas menu in a beautiful setting, all mingled in a most welcoming and friendly atmosphere. One more time, our many thanks go to Eliza Hebditch, Co-Chair of the IFLC, and to her Assistant Susan Whybrow, for having done all the work here!
- Committee Breakfast and then Lunch on Wednesday, organized jointly with the International Family Law Committee: we had full tables that gave us plenty networking opportunities.
- Thursday evening, the IPCC business meeting was also very well attended; thanks to all participants we held a very efficient and fruitful session.

We could also attend various programs co-sponsored by our IPCC during this Spring Meeting, to wit: *“Till Death Do Us Part ... or Not? International Issues in Marriage, Divorce, and Custody”* (IFLC, on Thursday morning); *“When Kids are Held Hostage in Separation or Divorce: How to Implement the Hague Convention Worldwide”* (IFLC, on Thursday afternoon); and *“Art Law II : Transfer of Title in Art : Best Practice to Avoid a Rude Awakening”* (Art & Cultural Heritage Law Committee, on Friday morning).

2 – 2016 Europe Forum in Rome 30 – 31 May 2016

It is reminded that our Panel on EU Succession Regulation will take place during the Europe Forum in Rome, Italy, on May 30-31st 2016, at the Parco dei Principi Hotel.

Registration is still open and discounted rates are available to book a room at the Parco dei Principi Hotel, on line at http://www.americanbar.org/groups/international_law.html.

For all participants' information, copies of the full event Program and Flyers were circulated around during this meeting. All further details can be retrieved on line at <http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=237345198>.

Frederick K. Shoenbrodt, who is also our Liaising Officer with the ABA-RPTE Section, is chairing this joint SIL-RPTE panel : *“The New EU Regulation (Brussels IV): Understanding the Impact on Cross-Border Estate Planning and Administration”*, which is scheduled on Monday May 30th 2016, 2:00 pm – 3:30 pm.

We are proud to point out that the SIL IFLC is also sponsoring this session.

3 – ABA-SIL Tokyo Fall Meeting 18-22 October 2016

Our proposal for the upcoming Fall Meeting in Japan has been accepted! Our program will deal with “*Differences of Culture and Family Dynamics: Consequences for International Succession and Estate Planning*”.

The International Family Law, the International Ethics, the International Tax and the International Immigration Committees are co-sponsoring our Program. This proposal is also co-sponsored by ABA-RPTE section, through its Non-Tax Issues Affecting the Planning and Administration of Estates and Trusts Committee.

Jean-Louis Collart is organizing this panel, along with Annie Jacob’s help. For the time being, they are looking for potential speakers. The assigned deadline is May 13, 2016.

Audrey Kucia suggests to reach out for our active member John Strohmeyer in Houston ¹; Neil Sullivan mentions that he has a contact in China that could be helpful. All further suggestions are most welcome, given the short amount of time left before that deadline elapses (please email Jean-Louis at jl.collart@mentha.ch).

4 - Future projects

We will submit a proposal for the 2017 Spring Meeting that will be organised in Washington DC, April 25 – 29 2017.

The topic will fit within the scope previously defined for our IPCC during the 2015 Washington Spring Meeting, covering:

- *Estate/Tax Planning;*
- *Family Law-related topics involving pre-nups and children;*
- *Real Estate issues;*
- *Trusts;*
- *Fiduciary Companies;*
- *Family Owned Businesses;*
- *Family Constitutions;*
- *Responsibilities of Trustees;*
- *Litigation aspects of Estate Planning;*
- *Litigated Estates*

It could also be a “spin off” from our “Game of Thrones” Montreal program, *ie* :

- *Validity of Wills*
- *Corporation and Family owned enterprises*
- *Corporate assets : hidden/disguised dividends, interests on corporate loans*
- *Trust and Foundations and other asset entities*
- *Lessons to be learned from large family held enterprises crisis*
- *Family Constitutions and cultural differences in family business planning*

¹ Since that meeting, John has most kindly accepted to moderate our Tokyo Panel.

And also, as previously mentioned, it could be a spin-off of our 2016 NYC Spring Meeting program.

IPCC Vice-Chair Michael Parets has kindly offered to be “the one in charge” as to our 2017 Washington proposal(s)/panel(s), along with Henrietta Mason’s help : for questions, suggestions, follow up etc. please contact Michael at : michael.parets@withersworldwide.com

As to other future events:

It is reminded that ABA-SIL policy is to promote world regional meetings rather than stand-alone seminars.

So, besides Spring and Fall Seasonal Meetings, Committees are encouraged to propose programs to be run during those regional events.

Among them, we will thus hold a program in Rome, during the Europe Forum next month.

The next Regional Forum will occur on September 30th 2016. It will take place in Moscow, Russia as the “8th Annual Conference on the Resolution of CIS-Related Business Disputes”.

Our committee has not submitted a program for that Forum yet. Of course, all our IPCC members are more than welcome to come forward with suggestions/proposals if they wish to do so. ²

Last, it is pointed out that the Section Leadership encourages us to team up with other SIL committees, as well as other ABA Sections (see our current joint projects with the RPTE Section’s representatives).

Given this policy, Agnès Proton has approached Mark Gould, co-chair of SIL Cross Border and Real Estate Practice (CBREP) Committee, to work on a joint proposal for the 2017 Washington Spring Meeting.

It will be related to Private Housing in the frame of Apartments, and the legal status of the buildings that are sheltering them: condominium, cooperative, others ...? The discussion will be a comparison between different systems: Common Law / Civil Law; USA / Europe ...

Our IPCC would co-sponsor that proposal. This would be another opportunity for our committee to team up with CBREP members, following up the joint ABA-SIL / AIJA Cannes Seminar that took place right after the 2013 MIPIM edition. For further information, if interested please email Agnès at aproton@ap-avocats.fr.

² Since our IPCC business meeting occurred in NYC, we have been informed that there will also be another Americas Forum in Bogota, Columbia, on November 14, 2016. The focus of this Forum will be “*Emerging Markets*” so that we will have to frame our proposal(s) accordingly. Members were informed through our list serve that the deadline for submitting such proposals is set on April 29, 2016. Again, all initiatives are most welcome.

6 – Committee housekeeping

For the record, the “*Committee housekeeping*” is about updating our website page, elaborating our IPCC business plan, issue a Newsletter, liaising with other Committees...

Regarding the publication of our IPCC Newsletter:

Extracts from the panelists’ contributions will be gathered in a special IPCC Newsletter Issue to be coming soon, under the supervision of Annie Jacobs & Agnès Proton (content) and Caroline Abela (formatting).

This material will be published in this Newsletter along with an article written by John Strohmeyer, who is also an ABA-RPTE active member.

7 - Miscellaneous

Neil Sullivan confirmed that he will organize a non-CLE Teleconference after our IPCC 2016 NYC Program. For this, he will liaise with the Moderator and the Panelists and set up a date according to their availabilities.

No further topics being discussed, the meeting was adjourned.

Agnès Proton
IPCC Co-Chair
Cannes, April 22nd 2016.