

**Minutes of the IPCC Business meeting
held in Montreal – Quebec Canada
October 23rd 2015 11 am**

Participants:

Caroline Abela (Canada)
Carmina Y. D’Aversa (USA)
Jean-Louis Collart (Switzerland)
Agnès Proton (France)
Neil AJ Sullivan (USA)
Markus Zwicky (Switzerland)

The **call notice** and the meeting agenda were sent on October 15th 2015.

Here is a quick reminder of our IPCC programs scheduled in Montreal:

- **Committee business meeting on Friday morning October 23rd 2015 11:00 am - 12:30 pm** at the Fairmont in the **CHAUDIERE Room** (located on the convention floor where the sessions are being held)

The agenda will mainly address the following items:

- Review of IPCC ABA-SIL Panel in Montreal
- ABA-SIL NYC Spring Meeting 12-16 April 2016
- 2016 European Forum (June_ tbc)
- ABA SIL Tokyo Fall Meeting 18-22 October 2016
- Future projects
- Committee housekeeping
- Miscellaneous

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

1 – Review of ABA-SIL IPCC Panel in Montreal

Our program took place on Thursday 22nd 2015 11:00 – 12:30: “*Game of Thrones: Jousting for Power in the Family Enterprises – the Planning and Litigation of Closely Held Corporations*” .

It has been masterfully chaired and moderated by IPCC Vice-Chair Caroline Abela.

Indeed, this session was very well attended and quite successful.

The audience was most impressed with the lively slides presentation that Caroline had put together, and with the density of the numerous legal issues that were addressed during the discussions on the panel.

Last, we have been able to distribute to all participants our panelists' written contributions, here joined for your information, which had been printed in fancy brochures generously sponsored by Caroline's Firm.

This surely added both a touch of glamour and high professionalism standard which made this session exemplary as to its scientific quality and its presentation creativity.

Thank you again Caroline for all your fantastic work here!

The session was certainly the highlight of our IPCC Montreal events, around which were articulated other very successful IPCC gatherings:

- Dinner at Gibby's in Old Montreal organized by and with the International Family Law Committee: good food, great attendance and a friendliest atmosphere naturally ended up in all participants having a wonderful time! A big thank you to Eliza Hebditch, Co-Chair of that Committee, for having done all the work here! Unfortunately, Eliza had not been able to finally make it to Montreal, due to a last minute setback. We missed her very much, but she kindly took care of her replacement, and we had the pleasure to meet her partner Mark Fenton from London, who participated to the dinner on her behalf.
- Committees Breakfasts on Thursday morning, Oct. 22nd: again, this was organized jointly with the International Family Law Committee (IFLC). Our immediate past IPCC Co-Chair Markus Zwicky, now Co-Chair of that IFLC, hosted our breakfast joint table. Thank you Markus for volunteering on that one ... it's a team work indeed!
- IPCC lunch on Thursday, Oct 22nd: we had a full table of attendees with our session panelists and IPCC members; this was also a great opportunity to network and get to know each other better.
- Friday working session: we had a very nice room booked for us on the Conference Floor; participants enjoyed the "face to face" brain storming which is an efficient alternative to the Conference calls as well.

2 – ABA-SIL NYC Spring Meeting 12-16 April 2016

The IPCC will proudly present another program in New-York during the next ABA-SIL half-year seasonal meeting:

“Trust in Family Wealth and the 3D problem – is it child's play”?

The 3Ds stand for Dispute, Divorce and Death. The full Proposed Program Description is stated in the document attached to these minutes (see Appendix).

IPCC member Henrietta Mason from London will lead this 90 min. program; she is now actively following up on this: all interested members may contact her to get more information.

Our program is co-sponsored by the International Tax, the International Family Law and the International Litigation Committees.

Again for us, this session will be the highlight of that coming NYC conference, around which we will plan our IPCC social events and organize another committee business meeting.

3 – 2016 European Forum (in Rome - Italy, June_ tbc)

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

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

Among them, there has been an Africa Forum in Nairobi, Kenya, on June 4-5 2015, during which our IPCC held a Morning Roundtable Session on “*Family Law Issues for ExPats in Africa _ International Family Law and Africa: Much More Our Business than you Think*” (Thursday, June 4th 2015, 8:00 – 8:50 am).

Markus did a tremendous (and time-consuming...) work on organizing this session, especially in getting local panelists on board. We also had to adapt to last minute unforeseen panel organizational incidents on the spot (!); but as always with Markus, everything turned great in the end!

Since then, our Committee had not submitted proposals for the upcoming Asia Regional Forum in Beijing – China (Nov 16-17, 2015).

We do not plan to do it either for the Americas Regional Forum in Miami – FL (Feb 28-March 1st 2016).

However, we have submitted a proposal to organize a panel during the European Regional Forum to be held in Roma (Italy) in June 2016 (location and dates tbc). It will deal with:

“Implementation of the New EU Regulation 650/2012 (“EU Succession Regulation”): Impact on European Cross-Border Estate Planning & New Questions for US/European Estates.”

This proposal is attached in the above mentioned Appendix, for members’ review. It has already received the International Family Law Committee’s sponsoring, and will be jointly organized with our ABA RPTE Section counterpart(s).

All questions regarding this program can be addressed to Agnès Proton, although to that day we have not received any feedback since sending that proposal out on September 28th 2015, which was the assigned deadline.

The International Family Law Committee is also considering organizing a panel during that European Forum.

Of course, the IPCC will sponsor this program.

All questions regarding this IFLC’s proposal can be addressed to Markus.

4 - ABA-SIL Fall Meeting in Tokyo 18-22 October 2016

We will submit at least one proposal for this seasonal meeting.

Possible topics have been discussed under the “Future Projects” agenda item; see report below.

IPCC Vice-Chair Jean-Louis Collart has kindly accepted to be “the one in charge” as to our Tokyo proposal(s)/panel(s): for questions, suggestions, follow up etc. please contact Jean-Louis.

5 – Future projects

There is no doubt to everyone that the various substantial issues addressed during our “*Game of Thrones*” session could all be used as “spin off” for future programs/panels; they include:

- 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

Markus pointed out that some of these topics would be pertinent opportunities to team up with Business Law, Insolvency and Fraud Committees as well.

Jean-Louis proposed another project on estate planning and tax optimization.

Again, such topic would be fit for teaming up with other Committees, which is to be encouraged and promoted.

Then Agnès suggested that we could also keep “in the box” a possible program on children and money, named here after a previous AIJA similar program that was run during its annual Congress in 2004. The idea came after talking with IPCC Vice-Chair Carmina d’Aversa.

Eventually, as a general guidance to our selection, we are collecting ideas that are consistent with our Committee program policy. As a reminder, in order to define this policy we have identified and listed last Spring in Washington the following topic areas:

- 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
- Other.

6 – Committee housekeeping

One more time, Markus kindly reminded everyone what the “*Committee housekeeping*” is about: updating our website page, elaborating our IPCC business plan, liaising with other Committees...

As to our IPCC business plan and IPCC corresponding assignments:

1°) Carmina does not wish to serve as VC for communications. Therefore we will ask our IPCC member Annie Jacobs to take the lead here. This is because Annie has already and most kindly offered to help us out with these tasks (incl. updating our website page, supervising publications such as newsletter, YIR articles etc.).

2°) Neil Sullivan confirmed that he will follow up on possible non-CLE Teleconferences projects, as well as Brown Bags programs (...Thank you Neil for your most welcome help on these!)

7 - Miscellaneous

No further topics being discussed, the meeting was adjourned.

Agnès Proton
IPCC Co-Chair
Cannes, October 29th 2015.