



PROGRAMME

“PRIVATE CLIENT ISSUES IN ENGLISH AND SPANISH LAW”

Málaga, 13th, 14th & 15th May 2010

Auditorium Ilustre Colegio de Abogados de Málaga (Málaga Bar)
Paseo de la Farola, 13.



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Thursday, 13th May

17.00. Opening Session.

Mr. Manuel Camas Jimena. Abogado. President Málaga Bar Association.

Mr. Paul Marsh. Solicitor. Immediate Past President Law Society of England & Wales.
Consultant Downs Solicitors LLP

17.30 - 18.30. Basic overview of the principal differences in the practice of law in
England and Spain.

Speaker: Mr. Luis Martínez García. Abogado. Málaga Bar Association Board 1st Deputy

Speaker: Mr. Alfonso Valero. Abogado & Solicitor. Nockolds LLP.

Speaker: Mr. Carlos Martínez Murciano. Abogado. Vice-president Málaga Bar Association.

Speaker: Mr. John Hughes. Solicitor & Notary Public. Needham & James Solicitors.

Session chair: Mrs. Marisa Moreno Castillo. Abogado. Málaga Bar Association Board 7th
Deputy & Head of International Section.

This session is designed to give practitioners an understanding of the key differences of
practice and organisation of the legal profession in England & Spain. It is an essential



introduction for anyone wishing to carry out legal work which involves both jurisdictions. The following points will be touched upon in the discussion:

- Role of the Spanish abogado v. role of an English solicitor or barrister.
- Appointment to the judiciary and the role of the judge in civil proceedings.
- Comparison of the role of Public Notaries.
- Conduct issues:
 - The duty to the court v the duty to the client.
 - Professional secrecy and legally privileged communications.
- The structure of the profession – the role of the Law Society & SRA v the Consejo General de la Abogacía Española and the Colegios de Abogados.
- Legal Aid and accreditation schemes.
- Use of undertakings in English legal practice.

20.30. Welcome Cocktail at Malaga City Hall. Avda. Cervantes, no. 4

Friday, 14th May

10.00 – 11.00. Family Law - Part I. Introduction: a comparative study between England and Spain.

Speaker: Mr. Simon Craddock. Solicitor. Brethertons LLP.

Speaker: Mrs. Gabriela Domingo Corpas. Abogado. Spanish Family Lawyers Association. (AEAFA).

Speaker: Mrs. Carolina Marín Pedreño. Abogado & Solicitor. Dawson Cornwell.

Speaker: Mrs. Soledad Jurado Rodríguez. Judge at Malaga Provincial Court, Section 6^a

Session chair: Mrs. Rosario Génova Alguacil. Abogado. Málaga Bar Association International Section.

This session is designed as a theoretical introduction to the main legal and conceptual differences between the practice of family law in England & Spain. The bullet points below are a suggested list of topical themes.

- Jurisdiction I: Divorce and Financial arrangements between spouses.
 - Grounds for divorce.
 - Property distribution regimes and ancillary relief.
 - Grounds and the basis of calculation of an award of spousal support.
- Jurisdiction II: Children
 - Grounds for parental responsibility, residence and contact.
 - Basis for child maintenance and how child support is calculated.
 - Child abduction: relevant issues to both jurisdictions.
- Alternative dispute resolution, mediation and collaborative law.
- Prenuptial agreements.
- Civil partnerships.



11.00 – 11.30. Discussion and Questions to the Panel.

11.30 – 12.00. Coffee Break (Malaga Bar Patio)

12.00 – 13.00. Family Law - Part II: Practical Aspects of Cross-border Divorce, Ancillary Relief and Children.

Speaker: Mrs. Mercedes de los Ríos González. Abogado. Spanish Family Lawyers Association. (AEAFA).

Speaker: Mrs Sarah Lucy Cooper. Barrister. Thomas More Chambers.

Speaker: Mr José Luis Utrera Gutiérrez. Judge at Malaga 1st Instance Court nº 5 (Family)

Speaker: Mrs Teresa Cullen. Solicitor. Rochman Landau LLP.

Session chair: Mr Alberto Pérez Cedillo. Abogado & Solicitor. Alberto Perez Cedillo Spanish Lawyers & Solicitors.

This session builds upon the theoretical introduction by highlighting specific areas of conflict between English and Spanish law in cross-border divorce cases. Speakers will illustrate this through practical case studies of Anglo-Spanish divorces.

- Jurisdiction disputes.
- Variation of orders.
- Enforcement.

13.00 – 13.30. Discussion and Questions to the Panel.

13.30 – 15.00. Lunch (Malaga Bar Patio)



15.00 – 16.00. Real Property:

- **a practical look at sale and purchase contracts under Spanish law with reference to the principal differences with English law; and**
- **a discussion of current legal issues relating to property disputes in Spain and a view from England & Wales on resolving property law disputes using mediation.**

Speaker: Mr. Paul Marsh. Solicitor. Past President Law Society of England & Wales.

Speaker: Mrs. Elena Narváez Valdivia. Abogado. Málaga Bar Association Insolvency Section.

Speaker: Mr. Paul Randolph. Barrister. Lamb Building Chambers of Ami Feder.

Speaker: Mr. Alex Radford. Abogado & Solicitor. Irwin Mitchell Abogados.

Session chair: Mr Jose M^a de Lorenzo Charki. Abogado & Solicitor. Irwin Mitchell Abogados. Málaga Bar Association International Section.

This session is designed to assist English practitioners understand the legal aspects of the Spanish real property market and issues surrounding planning law and disputes with property developers. English property lawyers will also participate in the panel to give English law perspectives on property purchase transactions. The session will focus on the following points:

- Different forms of real property ownership under English and Spanish law.
- Conveyancing procedures and the key differences at:
 - the pre-contract stage.
 - the pre-completion stage.
 - the post-completion stage.
- Different functions of the Land Registry in England and Spain.
- Legal issues arising from insolvency of property developers and the use of bank guarantees in off-plan purchases.
- Legal issues relating to property disputes and the use of mediation as an alternative form of dispute resolution.

16.15 – 16.30. Discussion and Questions to the Panel.

16.15 - 17.00. Wills and Probate. A comparative study between England and Spain.

Speaker: Mr. Juan Deus Valencia. Notary.

Speaker: Mrs. Isabel Pérez-Blanco. Abogado Irwin Mitchell Abogados. Málaga Bar Association International Section.

Speaker: Mrs. Patricia Wass. Solicitor. Foot Anstey.

Session chair: Mr. Myles Jackson. Barrister. Thomas More Chambers

This session is designed to assist lawyers with cross-border probate issues. It will take a comparative look at the following areas:



- Validity of wills.
- Dealing with intestacy.
- Statutory legacies.
- Probate and Administration.
- Conflict of Laws.
- Taxation.

17.00 – 17.15. Discussion and Questions to the Panel.

17.15 – 17.30. Coffee Break (Malaga Bar Patio).

17.30 – 18.15. The concept of the Trust under English law.

Speaker: Mr. Andrew Parry. Solicitor. Hunters Solicitors.

Speaker: Mrs Gabriela Mazorra de Cos. Abogado. Díez Bastián & Truan Abogados.

Speaker: Mrs. Rocío Diéguez Oliva. Málaga Law University, Civil Law Dpt.

Session chair: Mr. Adolfo Martos Gross. Abogado. Málaga Bar Association International Section.

This session is designed to help Spanish lawyers understand how English trusts operate and how they are used. It will also take a look at equivalent but infrequently used devices under Spanish law.

18.15 – 18.30. Discussion and Questions to the Panel.

18.30 – 18.45. Closing Session.

Concluding remarks by Mr. Manuel Camas Jimena. Abogado. President Málaga Bar Association and Mrs. Marisa Moreno Castillo. Abogado. Málaga Bar Association Board 7th Deputy & Head of International Section.

21.00. Conference Closing Dinner and drinks. MR1 Restaurant, C/ Campos Elíseos, s/n (Málaga).

Saturday, 15th May

10.30. Guided Touristic Tour. Guided tour around the Historic Centre, and visit to Picasso's Birthplace, the Alcazaba and Malaga Cathedral.

15.00. Golf Tournament. Parador de Málaga Golf. (information about the course at www.paradores.es & www.opendeandalucia.com).

* The program may be subject to last minute changes.

* Conference languages: English-Spanish (simultaneous translation will be provided)

* Sign language would be available upon previous requirement.



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Attendance at this conference will be accredited with 7 hours and 45 minutes of Law Society /SRA CPD. The CPD code is APF/INTE.

Ica Málaga CPD hours will be available.