



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.

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

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.

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.

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 – 15.45. Real Property: A practical look at sale and purchase contracts under Spanish law with reference to the principal differences with English law.

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.

15.45 – 16.15. Discussion and Questions to the Panel.

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

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.

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. Closing Session.



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.**

Organizers:



Partners: BSLA



Sponsors:



CPD:

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.