

• ALHAMRANI -V- ALHAMRANI

Collas Crill acted for Sheikh Abdullah Ali Alhamrani in the hard-fought Alhamrani trust litigation.

Proceedings were brought by Sheikh Abdullah's siblings against J P Morgan (Jersey) Trust Company and Russa Management Limited as trustees of two family trusts and against Sheikh Abdullah as protector of the trusts. In broad terms the proceedings raised allegations of breach of trust/fiduciary duty. They were eventually settled, part way through the first of two scheduled stages of the trial, and after some one hundred days of submissions and witness examination.

The Alhamrani litigation will perhaps not be remembered for having bristled with scintillating legal points. The most notable reported interlocutory hearings, appropriately enough, concerned costs – as the case in general will, however, be remembered as involving arguably the longest continuous trial in Jersey's legal history and almost certainly the most expensive. Though the trial itself started in October 2008, the proceedings had their genesis in Jersey as far back as 2003. During the five years leading up to the trial (and even during it) there were countless interlocutory skirmishes and appeals.

During the trial, the main protagonists were each represented not just by a single advocate but by a team of lawyers. For

example, for a considerable part of the trial Sheikh Abdullah's legal team consisted of nine lawyers – four from Collas Crill and five from London – all working basically full-time. Part of the reason for this was the sheer volume of evidence and documentation involved, spanning many years and including a huge volume of Arabic documents, some of which was only held in electronic form. All of this material, in respect of which there was considerable subsidiary argument in the course of the trial, had to be found, extracted, translated and assimilated. The trial bundle, which was still growing even as the case moved towards settlement, ran to several hundred volumes.

Whilst it is true to say that the legal fees incurred by the parties in the Alhamrani case were way beyond the means of most people, it is important to note that it is extremely rare for any piece of litigation in this jurisdiction to require anything like the same devotion of resources.

Despite the obvious benefit of the legal fees generated for their respective practices, it is to be expected that most if not all of the lawyers involved would not relish the prospect of dealing with another case like Alhamrani, which was physically and mentally challenging for everyone involved: lawyers, parties, witnesses and the Court. Several of the witnesses suffered ill-health during the trial and the proceedings certainly cannot have helped their ailments.

In terms of collateral benefits, the Alhamrani litigation gave a not-insignificant boost to Jersey's tourism industry, not least because most of the trial was conducted in a local hotel due to the lack of existing courtroom availability for such a lengthy and document-heavy action. The parties and their respective entourages, their non-Jersey lawyers and the witnesses, who stayed in the Island for the trial and who visited in the years leading up to it often over long spells, had to be accommodated, fed and watered by the Island's hospitality businesses and ferried about by the taxi companies.

Are there any lessons to be learnt from the Alhamrani litigation? The short answer is 'probably not'. Sadly, family wealth will continue, as it always has, to have the potential to give rise to strong feeling and to be a cause of feuding among family members leading to court proceedings. Experience suggests that, where there is such strong feeling, settlement of proceedings is inevitably made more difficult – but not impossible, as witness the outcome of the Alhamrani litigation.

For trustees there are certainly salutary reminders of the need, for example, at all times to give – and to be able should the need arise to demonstrate clearly the giving of – informed, independent and objective consideration to the interests of the beneficiaries as a whole in the administration of trusts for their benefit.

Although in its closing judgment the Court observed that it looked like none of the main protagonists would have emerged 'wholly unscathed' from the proceedings had they continued to judgment, we have no way of knowing precisely what the outcome of the Alhamrani litigation would have been if it had not settled. Maybe next time!

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