



STUDENT CONNECT

SUMMER 2008

NEWS

SCHOLARSHIPS

Scholarship applications are due on or before Tuesday 15 July, 2008. Application forms may be downloaded from our website http://www.chw.com/the_firm_scholarship.html or may be collected from our main reception at 18 Parliament Street.

SAVE THE DATE

CHW's annual law student reception will be held on Tuesday 12 August from 5:30 – 7:30 p.m. at BUEI. RSVP's – Sarah Fox 295-4630 x571 or sfox@chw.com

The (Not So Stressful) Scholarship Interview

Congratulations! You have been invited to interview for a legal scholarship. If you have made it to this stage of the application process then you are a serious contender. Now is not the time to let your nerves get the better of you. Follow our 10 basic tips below and remember to...relax!

1. Be Punctual: Don't be late, being late sends the worst possible message to the committee.

2. Dress Appropriately: Nothing makes a better first impression (or a worse one) than your personal appearance. Choose conservative, semi-formal wear – trousers, dress shirt and jacket for men; dresses, skirts or trousers and jacket for women. No jeans, t-shirt, sneakers, or tight, revealing clothing.

3. Be Polite: This is time to remember to say your 'please' and 'thank you's'. Be pleasant and smile, but don't try to be funny. Practice your handshake, it should be firm and confident. Remember to make eye contact.

4. Bring Your Resume: Even though you may have provided this with your application, bring a resume along anyway. Be prepared to reiterate the basic information you supplied in your application. Review your application before the interview to jog your memory.

5. Listen: Really listen to the interviewer's questions and concerns. Stay focused on the question at hand instead of your next answers.

6. Answer the Interviewer's Questions: Always. Never ignore something that the interviewer is interested in. Talk about it even if you think it's relevant or not.

7. Be Informed: Know something about the firm. Find out who makes up the committee and those persons positions/titles.

8. Have Some Questions Ready for the Committee: This shows that you are interested in them and their organization and want to know more.

9. Sell yourself: Make yourself as interesting as you can. This is very important. It's unusual that you will not have the chance to talk about yourself, so take that oppor-

tunity to talk about your experiences in law school, your extra curricular activities and any jobs that you have held. Be observant to any opening the interviewer gives you to speak freely. You should have something to say, whether it's a story, an anecdote or a quality you'd like to highlight.

10. Be Positive: Remember you want to make a positive impression. Present yourself as someone who deserves to be awarded a scholarship.

Things to Consider When Choosing a Training Contract or Pupilage

by Janice Gutteridge

The hunt for a training contract or pupilage can be the most challenging aspect of your law studies. It can be a very competitive and frustrating search but as a Bermudian law student you have an alternative solution... undertake the training contract at home. Bermuda's reputation as one of the top offshore jurisdictions and international business centre make it the ideal place to undertake your pupilage. Local firms have expanded and have employed highly trained and experienced lawyers from a worldwide pool of applicants, while an international client base will demand that you co-ordinate with their global advisors on various matters.

Consider the firms: what are they offering in terms of training; who am I going to be training under; what was the underlying impression that I had of them; and can I see myself working here and enjoying it? Now is the time to determine what the key aspects

in a law firm are for you. It will be important to ensure that you and the firm you choose are compatible. Try to find out about the firm ethos – you can generally find out about this to some degree by reading through their website - but ensure that you ask around for information. Although other employees will generally offer their own views, it is important to ask others outside the firm, as they will offer an unbiased view as to the firm's reputation and strengths and weaknesses. Remember that while the firm is interviewing you, you are also interviewing them.

Big firms do not offer more: A lot of potential trainees are under the mistaken conception that the bigger firms offer more in terms of training. However, the size of the firm does not necessarily equate to better training. The bigger firms do offer information session training to their pupils – however, these sessions often occur at inconvenient times and interfere with clients and your schedule. Additionally, the sessions are often conducted in a lecture style format and can be uninteresting and hard to follow, when your mind is racing ahead to what is waiting on your desk! In a mid-size firm you may not have the opportunity to attend information sessions, however you may find that you are asked to assist on a wider variety of matters thereby nullifying the need to rely on such sessions. Instead of listening to a lecture, you can adopt the see one, do one, teach one methodology (as used in teaching hospitals). CHW is a general law firm and the associates must be prepared to deal with any matter that crosses their desk. This means that your mentor is dealing with a wide range of matters and, will most likely be looking to you to assist on a variety of things. As a consequence you may find yourself drafting agreements or other documents and meeting with clients far sooner than you may have expected from a larger firm.

Specialties: Each of you probably has some idea on what specialty you want to pursue, the type of firm that you think best suits, and various other pre-conceived notions on how you anticipate your training will go. If you have picked a specialty, research the firms that deal in that area, however, you should note that the smaller firms work on a general basis. Although they may not have a team dedicated to that particular specialty, they may have an excellent client base and reputation in your field of interest.

Reputation & Expertise: The partners and associates at CHW have the international expertise and client base to attract even the most discerning trainee. Our firm benefits from the leadership and expertise provided by attorneys acknowledged as leaders in their areas of practise, including David Kessaram (commercial litigation), Ernest Morrison (telecommunications and mergers & acquisitions), and Lorren Wilson (private client). CHW's senior associates trained and practiced in the UK for several years before joining CHW and their wealth of knowledge and the influx of new associates adds to the international expertise of our firm as a whole and increases the potential exposure for trainees to new perspectives and an ingrained emphasis on training.

Mentors: These will be the most important people throughout your pupillage and early career. You will rely on them for advice, support and feedback throughout. A successful mentor is someone who not only exceeds in their field, but who shows a real interest in assisting others to expand their knowledge in the field. Not every attorney is a successful mentor. CHW has a number of qualified mentors to assist you throughout your pupillage.

Litigation: Craig Rothwell is a senior associate who spent six years building a strong knowledge in employment law with Eversheds. Craig joined CHW in 2003 and accepted a position in litigation. Craig is a skilled litigator who leads with a quiet confidence. Craig's patience makes him an ideal mentor for a trainee looking to acquire the skills required by a budding litigator.

Corporate: Jonathan Betts, a former private equity lawyer with SJ Berwin, provides a valuable source of knowledge for all trainees undertaking their corporate seat. His friendly demeanor puts all trainees at ease as he guides you through the twists and turns of his various commercial deals. Although you may face the occasional pop (music) quiz, you will receive great tutorial in drafting a variety of documentation and a thorough grounding in all aspects general corporate law.

Corporate: Natalie Town moved to CHW from DLA Piper Rudnick Gray Cary. Her demanding schedule would bury many under a tonne of paperwork, but Natalie's determination and fast paced approach ensure that high quality service is provided quickly and efficiently.

Despite the demands on her time, Natalie gives clear concise instructions for the tasks assigned and is available for assistance if needed.

Other Opportunities: The training scheme at CHW also extends beyond topics studied in law school. CHW provides exposure to various marketing tools to assist in firm recognition and recruitment. Opportunities may include:

- Writing and organizing the publication of Student Connect on a quarterly basis;
- Research & assist with articles for legal journals;
- Research for firm precedents;
- Attendance at the Coldwell Bank Home Show;
- Attendance at student career fairs; and
- Attendance at client events/ receptions.

These are events that would be restricted to either marketing personnel or senior associates and partners at the larger firms. However, such experience is a valuable tool for any young professional and such skills should be developed at an early stage in your career.

CHW is committed to the development of its employees as a whole and provides a nurturing environment in which you can learn. However, they also have some of the most respected (and demanding) attorneys that will push you to exceed your expectations and challenge your abilities.

CHW is committed to the continued development of its pupillage programme. If you are interested in learning more about the requirements for a pupillage position, visit http://www.chw.com/thefirm_pupilage.html or contact Alyson Tuxworth, our Firm Administrator, for more information.

Wills

by Kleita Pitcher

Recently a husband and wife came into the office to sign their wills and after the wife signed her name she said, "I guess now I will walk outside, get knocked over and die since I have finally made my will". In actuality many people feel the same way and prefer NOT to think or discuss anything to do with the one thing that people fear the most, the unknown, the next life, yes...DEATH. Ok...I said it.

Why People Don't Write Wills

Due to the power of fear, a lack of understanding or a combination of both people continue to avoid seeking legal advice on estate planning and having their wills drawn up. This avoidance could be detrimental to the family members left behind forcing them to spend majority of their inheritance on legal fees and other expenses in connection with getting the estate of the deceased in order.

If a person does not make a Will before they die they die intestate and their estate would be distributed based on the legal provisions in Bermuda governing Wills, which is found in the Successions Act 1974. Depending on the person's wishes dying intestate and having their property disposed following the Act in fact may not be such a bad thing as their estate will end up being distributed to the people they intended to inherit their property.

A Will is a declaration of the testator's (if person is a male) or testatrix (if person is a female) intentions, which becomes operative on the person's death meaning the person died testate. Due to the nature of a Will this allows changes in full or part to be made to the document during the testator's lifetime. It is recommended that every five years a testator should review their Will to reflect their circumstantial changes.

Capacity to Make A Will

The Act sets out the legal provisions on making Wills in Bermuda. Before a person can dispose of their real or personal property they must be of legal age (18 years old or older). To prove legal age any form of identification showing the person's name and date of birth would be acceptable but preferably a passport would be the best form

of identification along with a driver's licence or special persons card to show their place of residence. The testator also must be of sound mind at the time they give their instructions and execute their Will.

To establish the appropriate amount of competence the testator should have during the time when their instructions are taken to have their Will drafted they must satisfy the sound mind element by fulfilling each criteria of the 3 part legal test set out below:

1. The testator must understand that they are creating a will, which is a legal instrument that will dispose their estate (real and/or personal) on death.
2. The testator must know the extent of their estate and/or assets of which they are able TO DISPOSE.
3. The testator must be aware of people they ought to consider (ie next of kin, blood relatives) and if these persons are not considered then the consequences that will follow during distributing their assets.

If there is any reasonable doubt of the competence of the potential testator their doctor should be contacted in order for them to make a medical determination of the person's mental capacity. Having a medical assessment prepared in these circumstances is good practice to avoid future problems such as the Court setting aside the Will during probate due to the testator's lack of mental capacity during the time they created their Will.

Knowledge & Approval

By now you are aware that the basis of making a Will is determined by the law but you must also keep in mind that common sense, intuition and the ability to observe is also important. Many people, especially the elderly are forced or threaten to have their Wills drawn up to benefit the person or persons making such demands. If the influencer in fact succeeds and the Will is made to benefit them this vital information should be drawn to the Courts attention before the testator's Will is probated. The Court must determine if the testator was in fact under duress at the time they created their Will. If the Court proves duress was a factor in the creation of the deceased's Will they have the power to set aside the Will and distribute the deceased

estate under the Wills Act 1988, allowing those who were not mentioned in the Will to inherit the estate.

Tax Planning

Whether you clients make a Will or not they may want to embark on another method of estate planning by taking advantage of the Primary Family Homestead Exemption (PFH), which comes under The Stamp Duties Amendment Act 2005. Any Bermudian who has an interest in a residential property can apply for PFH. It is advisable if the person has interest in more than one residential property they select the most expensive property ie the one they have the most interest in. Applying for PFH is straightforward and best of all it is FREE. The applicant must be able to show their proof of Bermudian status (ie passport), identity (ie driver's licence or special person's card) and their proof of interest (Conveyance or Voluntary Conveyance) in their residential property. Once the required documentation is filed and assessed at the Tax Commissioners Office (F.B. Perry Building) they should receive their exemption certificate within 4-6 weeks. The exemption certificate will exempt the value of their interest in their chosen property upon your death. PFH does not cost a single penny but will save your inheritors thousands of dollars on your death, this is truly an investment that one could not refuse regardless if you make a Will or not.

Help us to keep our student database current:

Send your name, address (abroad and local), telephone number(s), e-mail address, current school and estimated completion date to our Firm Administrator, Alyson Tuxworth, at

atuxworth@chw.com

Attorney Profile

Jonathan Betts:
Senior Associate Corporate Department

by Janice Gutteridge



Jonathan attained a degree in Banking and Finance before undertaking his law studies. Having

trained with Clifford Chance, Jonathan moved to the private equity group at SJ Berwin with a side interest in Sports Law. Jonathan moved to CHW in 2004 and is the training mentor for the Corporate Department.

You left a successful career in London, when you decided to move to Bermuda to take a position at CHW. What factors led to this decision?

I was keen to move out of London and to find an appropriate balance between work and family life. I wanted to work in a premier offshore jurisdiction and Bermuda seemed ideal for corporate law. Having worked at Clifford Chance and SJ Berwin I wanted to join a smaller firm where I could be a key part of a smaller team, rather than being “swallowed up” in a larger firm. CHW presented the ideal opportunity to enable me to meet these

career / life goals and continue to get involved in high quality work with a wide range of clients.

As a mentor for the Corporate Department, how should a trainee approach their pupillage?

During your training it is important to take advantage of all opportunities that present themselves. Remember that things do not generally just come to you; you have to seek them out. Showing initiative will result in greater opportunity. This must be balanced against the realities of a busy practise where you will often wait for a client or a colleague to respond. Focus on the task that has been assigned and ensure that it is completed to the best of your ability. This will increase the confidence that others have in you and will ultimately lead to more challenging assignments.

What are the advantages of a small to mid-size firm?

Generally, there is a broader range of work on offer in contrast to being pigeonholed in a larger firm as, for instance, purely an M&A, insurance or fund lawyer. The exposure to a wide client base provides greater opportunity to take on work that would not be possible in a larger, more rigidly structured environment. I often have to step outside of my “comfort zone” and deal with new areas of law, something that I personally find makes my working

life more interesting and challenging. Finally as a trainee or junior lawyer you receive more direct exposure to a number of partners and are able to learn how they operate their practices and deal with clients.

You are involved in marketing the firm both internationally and locally and in the recruitment drives put on by the firm. What aspects do you most enjoy?

As well as raising the profile of the firm internationally through publications and marketing trips, I have the opportunity to promote the firm locally to ensure that people know CHW is an integral player in the local legal market. As a firm, CHW is committed to recruiting young Bermudians and I have had the privilege of attending events in which I am able to meet many of aspiring attorneys.

You often play music while you work – name your favourite band and the most played song(s) on your ipod / itunes.

Favourite Band: *Deacon Blue* (a band which you would only know if you grew up in the UK in the 80's!)

Favourite song: Right now my kids and I dance around the house to *Don't Stop the Music* and *Umbrella* by Rihanna.



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