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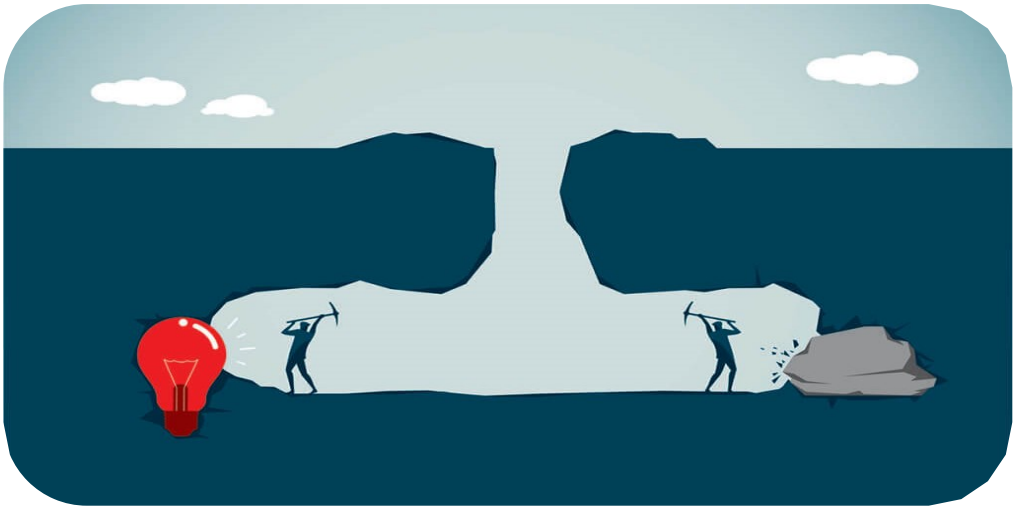
WHAT'S INSIDE

The Possibilities and Pitfalls of Asset Recovery in The Bahamas

Tara Archer-Glasgow and Sharon Rahming-Rolle



It is definitely better in The Bahamas for the asset recovery specialists, as the jurisdiction has a robust judiciary and a myriad of legal avenues available to be utilised by litigants when attempting to recover assets via the court.

The Bahamas boasts of being home to nearly 25,000 International Business Companies (IBCs) and over 270 licensed banks and trust companies, inclusive of some of the world's top private and global banks; with North American banks utilising the jurisdiction for more than a century, and European and Swiss banks also establishing significant connections with the jurisdiction for more than 70 years. The jurisdiction's entrenched connections to such major financial centres from around the globe have resulted in a wide range of professional investment and management services being available in The Bahamas; comparable only to those found in the world's leading financial centers such as New York, London and Hong Kong. As such, The Bahamas is an extremely favourable jurisdiction for investors and those seeking to take advantage of wealth and asset management services, while navigating increased regulations and complex issues of taxation, distribution planning and charitable giving.

As a result of the various tools available to global investors and individuals alike, coupled with the beauty of The Bahamas' archipelagic nation, it is no surprise that persons select this

destination not only for investment and vacation; but for many, for the creation of a second home.

Possibilities

Against the foregoing background it is not unusual when disputes occur around the globe, that litigants often find that they have to seek enforcement assistance from the judicial system in The Bahamas. A multitude of mechanisms exist under the Rules of the Supreme Court, which may be used by litigants to recover assets. Liquidations, the appointment of receivers, obtaining interlocutory injunctions, bankruptcy proceedings, garnishee proceedings and writs of execution remain favourites in this space. These types of asset recovery tools are also usually aided by specific legislation.

Additionally, litigants who obtain judgments in various commonwealth countries are able to enjoy an expedited process in The Bahamas, when seeking to enforce their foreign judgments, by utilising the Reciprocal Enforcement of Judgments Act, 1924. For those countries not covered by this Act litigants would be able to attempt the enforcement of those foreign judgments by suing upon the same at common law.

Recent Developments

An interesting development in the realm of asset recovery can be seen in the recent ruling that was rendered by the Privy Council on 29 July, 2019 in an appeal emanating from The Bahamas in the case of **AWH Fund Ltd. (In Compulsory Liquidation) v. ZCM Asset Holding Company (Bermuda) Ltd. [2019] UKPC 32**. (”AWH case”) This ruling created new international cross-border jurisprudence.

The question for determination in the AWH case was whether a liquidator was able to serve proceedings on a creditor outside of the jurisdiction to prevent, what amounted to a preferential payment. Under consideration was the extraterritorial effect of what is termed “the clawback provision” of section 160 of the Bahamian International Business Companies Act 2000 (the IBC Act). The section provides, inter alia:

- “(1) Any conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property as would, if made or done by or against any individual trader, be deemed in the event of his bankruptcy to have been made or done by way of undue or fraudulent preference of the creditors of such traders, shall, if made or done by or against any company, be deemed, in the event of such company being wound up …, to have been made or done by way of undue or fraudulent preference of the creditors of such company, and is invalid accordingly….”

The background facts of the case, in summary, were that ZCM Asset Holding Company (Bermuda) Ltd (ZCM), a company resident and incorporated in Bermuda, acquired shares in AWH Fund Ltd. (AWH), a Bahamian IBC company, in January 2002, on behalf of AMEX. In April 2002, ZCM requested, and in July 2002, received payment for the redemption of those shares, three months before AWH went into compulsory liquidation in October 2002. The liquidator successfully applied to the Supreme Court to set aside the redemption payment pursuant to section 160 of the IBC Act and to serve proceedings on ZCM outside of the jurisdiction. This Order was subsequently set aside upon application by ZCM and thereafter, upon application by the liquidator, successfully reinstated by the Court of Appeal. ZCM then appealed to the Privy Council, who upheld the Court of Appeal decision, ruling, inter alia, that it could be implied that section 160 of the IBC Act was capable of having extraterritorial effect.

The Privy Council held that, for the exercise of the Court’s jurisdiction in the manner contemplated, the applicant would have to establish, inter alia, a sufficient connection between the jurisdiction of the Court granting leave for service out of the jurisdiction and the Respondent on whom service was ordered.

Further, in this case, the Court found that, at the time of payment to ZCM, AWH must have known itself that it would be insolvent and therefore, the payment could be seen as being one made with the intent to prefer ZCM over other creditors. The Court further held that, while the redemption took place outside of The Bahamas, it related to shares in a Bahamian company. Therefore, where a person voluntarily enters into a transaction, the results of which he becomes a creditor of a company, that person must anticipate that, if the company is wound up, the liquidation may be conducted in the place of its incorporation. The case demonstrates, amongst other things, how far the courts are prepared to go in protecting the rights of creditors against illegal actions.

Pitfalls

Along with the possibilities discussed for asset recovery in The Bahamas, there are quite a few pitfalls that litigants should avoid in the quest for successful recovery. The asset recovery process of course, continues

to require a team effort by various specialists in the area that are often called upon to work together, such as forensic accountants, multi-lingual attorneys, investigators and the police. Often times, asset recovery efforts are carried out upon an expedited basis, with limited time, which could make a case susceptible to fatal errors. There are also different avenues that persons can utilise in asset recovery. Identifying the correct avenue to take is paramount.

Some of the pitfalls that can occur in asset recovery could be recently discerned from a Court of Appeal ruling in the case of **The Attorney General v Jonathan Reid and David Valdez-Lopez et al SCCiv App. No.127of2019**, which was an appeal from a decision rendered by the Supreme Court in October 2019, **The Attorney General v. Jonathan Reid and David Valdez-Lopez et all CLE/GEN/752 of 2017**. In summary, this case involved an attempt by the United States Attorney for Washington to restrain substantial funds and the eventual criminal forfeiture of the same to the US. The avenue utilised was pursuant to Mutual Legal Assistance (Criminal Matters) Act (the "MLAT"). The purpose of the MLAT is to provide mutual assistance in the investigation, prosecution and suppression of offences between sovereign states. The foreign state therefore applied through the competent authority of The Bahamas, that is, the Attorney General ("the Applicant"), for a restraint over a Bahamian bank account. The hearing was heard ex parte at first instance, at which time the court granted an ex parte MLAT order, restraining funds in two bank accounts. The application was based upon a large multi-national corporation that was allegedly defrauded of US$2.2 million by persons using stolen identities, a shell corporation and forged fraudulent documentation.

During the inter partes application, the ex parte restraint order was lifted upon the grounds, among others, that the MLAT application was an abuse of process. This was found as the Applicant had attempted to obtain a restraint through both a civil and criminal process, based upon the same facts which the court considered to be an attempt to re-litigate the same issues. Prior to the MLAT application, a similar action was brought by the Director of Public Prosecutions for a restraint order pursuant to section 26 of the Proceeds of Crime Act (POCA). At that time, the court granted both the criminal restraint order and a production order relative to the facts relied upon by the Commissioner of Police. Subsequent to that order being granted, the same respondents in the case had the criminal restraint and protection order discharged for the failure and delay in the mater being prosecuted.

After the criminal case was set aside the Applicant advanced the MLAT request and sought assistance to restrain the same funds which were previously the subject of the criminal restraint. Accordingly, the MLAT order was lifted, as it was held, inter alia, that there was not a sufficient nexus between the parties and the original action. The court further found that the original action was also a fishing expedition. The ex parte injunction was therefore discharged and the Applicant applied for a stay pending appeal. The application for a stay was denied by the Supreme Court. As a result, the applicant applied to the Court of Appeal for a stay and for an order that the order granting the discharge of the restraint order be set aside and that the restraint order be reinstituted.

The appeal in this instance was ultimately denied, with one of the main bases for the denial being as a result of the court's finding that the appellant failed to disclose material that had the potential to destroy the substratum of the appellant's application, pursuant to the MLAT. The appellant had made an error with respect to the date that the account in the foreign bank was allegedly closed and failed to correct the mistake at its earliest possible opportunity. The Court of Appeal found that this failure to recognise inconsistency in the evidence was not excusable. The court also reiterated the principles of full and frank disclosure by an applicant making an ex parte application, which principles rest upon the foundation of those enunciated in the case of ***Brink's-Mat Ltd. v. Elcombe [1988] 3 All ER 188***,. In brief, the principles relied upon were:

- the applicant must make proper inquiries before making the application. The duty of disclosure therefore applies not only to material facts known to the applicant but also to any additional facts that he would have known if he had made such inquiries;
- if material non-disclosure is established, the court will be astute to ensure that a plaintiff who obtains … an ex parte injunction without full disclosure is deprived of any advantage he may have derived by that breach of duty;

- whether the fact not disclosed is of sufficient materiality to justify or require immediate discharge of the order without examination of the merit depends on the importance of the fact to the issues that were to be decided by the judge on the application…; and
- it is not for every omission that the injunction will be automatically discharged…; the court has a discretion, notwithstanding proof of material non-disclosure, which justifies or requires the immediate discharge of the ex parte order, nevertheless to continue the order, or to make a new order on term.

When the Court of Appeal considered the allegation of non-disclosure against the principles summarized above, it found that the failure of the appellant to bring the issue, as to which date was correct to the attention of the trial judge, was fatal to the application; and that the appellant must suffer the consequences of what flowed from the lapse of the duty to give full and frank disclosure. The Court of Appeal therefore dismissed the appeal against the trial judge's order to discharge the restraint order and awarded costs to the respondents of the appeal.

Recommendations

Emanating from the recent Court of Appeal and Supreme Court decisions, along with consideration of other topical cases in relation to asset recovery in which the authors have been involved this year; asset recovery lawyers, or potential litigants, when pursuing assets in The Bahamas, would benefit from the following recommendations:

- identify the correct rules of the Supreme Court or statute in which to ground any application;
- consider whether the cost of litigation outweighs the benefit in pursuing a civil and criminal remedy at the same time;
- ensure that the correct party is identified and that there is a reasonable belief with respect to the location of the assets;
- ensure an awareness of all of the facts surrounding a claim and that if an application is being brought ex parte, that the claimant gives full and frank disclosure to the court;
- utilise a multi-disciplinary team for complex tracing exercises;
- remember that in The Bahamas free standing mareva injunctions, solely to aid foreign proceedings, are still not possible without more; and
- conduct asset and company searches prior to commencing a court action.

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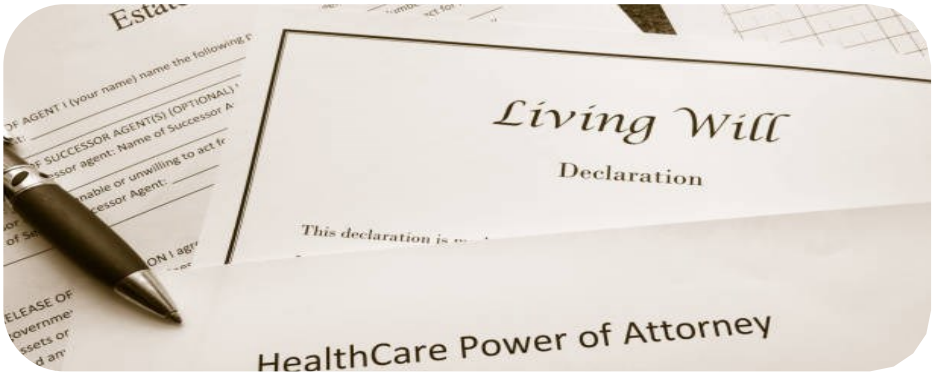
Estate Planning: Certainty in Uncertain Times

Sharmon Y. Ingraham



In the wake of the uncertainty generated by the pandemic, persons have taken greater interest in obtaining certainty in other aspects of life. In particular, persons have made it a priority to organise their affairs, take steps to ensure their wishes are documented and can be effected if necessary. Many persons consider the only necessary document in the organisation of their estate to be the creation of wills. While the creation of wills is a prudent step, a will is effective from the date of death until the estate is wound up. To address any period where a person's wishes cannot be effectively obtained other documents are necessary. In particular, consideration should be given to the creation of powers of attorney, enduring powers of attorney and heath care or personal welfare, declarations as a part of proper estate planning.

With its foundation in the law of agency, a power of attorney gives a person appointed by its terms authority to deal with the financial and business affairs of another. Such power of attorney could be used to complete a business transaction or other financial matters in circumstances where a person is prevented from attending to the transaction or matter personally. A power of attorney can be granted generally or limited to a specific transaction or time frame. A power of attorney, in its original format and usage, is terminated by any period of mental incapacity of the donor, including but not limited to mental disorders, dementia and Alzheimer's disease.

An enduring power of attorney, created by the Powers of Attorney Act, Chapter 81, Statute Law of The Bahamas (the "Act"), makes it possible for a power of attorney to remain in existence and valid after a person has become mentally incapacitated. The use of powers of attorney and enduring powers of attorney permit the financial and business affairs of a person to continue uninterrupted during periods of absence, confinement or quarantine and enables the donee of the power to act on behalf of such person. A health care or personal welfare declaration enables a person to convey wishes and desires regarding medical treatment, the extent of any medical intervention and personal care. Faced with periods of confinement or quarantine, whether as a result of health concerns, restricted movement or otherwise, these additional documents can enable the plans and aspirations of the donor to be fulfilled.

An Enduring Power of Attorney

Section 4 of the Act, which introduced enduring powers of attorney into the law of The Bahamas, provides:

"(1) The authority of a donee given by an instrument creating a power of attorney that –

provides that the authority is to continue notwithstanding any mental incapacity of the donor; and

is signed by the donor and a witness to the signature of the donor, other than the donee or the spouse of the donee,

is not terminated by reason only of the subsequent mental incapacity of the donor that would but for this Act terminate the authority."

In addition to the provisions of the Act, the Powers of Attorney Rules, established pursuant to the Act, mandates conditions for the valid and effective execution of enduring powers of attorney.

To ensure the validity of an enduring power of attorney created in accordance with the Act, the instrument must, with certain permissible deletions and adaptions provided for in the Act and its accompanying rules, be in the prescribed form under the legislation. To the extent the instrument creating the enduring power of attorney purports to exclude any required provision of the

Act or its rules, the instrument would be invalid as an enduring power of attorney under the statute. In that event, if such instrument becomes necessary upon a person becoming mentally incapacitated, the invalid document would be ineffective. The Act and its rules also require that the instrument be signed by both the person appointing another to deal with her financial and business affairs and the person being appointed. The duly executed and properly witnessed instrument must also be lodged at the Supreme Court Registry.

After the enduring power of attorney has been fully executed and lodged with the Supreme Court Registry, it may be properly relied upon and utilised by the person(s) appointed to deal with the financial and business affairs of the appointor.

Where however there are health care and personal care decisions to be made, or will likely need to be made, a power of attorney or an enduring power of attorney is inapplicable. Under section 2 of the Act, mental incapacity is defined as meaning in relation to the "person that the person is incapable … of managing and administering his property and affairs". On that basis, considering the definition of "mental incapacity", the scope of the authority derived from an enduring power of attorney thereunder would be limited to property, business and financial matters. The authors of Butterworths Wills, Probate & Administration Service (issue 119, June 2021) note at paragraph 2.3 that the English Court of Protection has deleted from enduring powers of attorney provisions directed at health care or personal care matters. Accordingly, where it is desirable to convey wishes or instructions for medical or health care decisions or other personal matters, such wishes or instructions ought to be set out in a statement declaring the person's directions.

Health care and Personal Welfare Declaration

Many persons consider it unthinkable and/or inhumane to be placed on machines or other treatment methods to sustain bodily functions where there is no detectable brain function while other persons prefer that every medical resource available should be pursued to sustain life for as long as possible. In order to assist family members to determine a person's position with regard to such treatment, a health care and personal welfare statement or declaration could be helpful. In some jurisdictions such documents are termed 'living wills' or 'advanced directives' and are supported by legislation enacted for that purpose. At present, in The Bahamas there is no legislation that specifically addresses or permits the creation of such instruments. However, the creation of a declaration of a person's wishes may be made in accordance with the Oaths Act, Chapter 60, Statute law of The Bahamas to help to avoid family uncertainty and conflict.

In creating a health care declaration, one may derive guidance from decisions of the courts in the U.K. In considering the issue of such instruments regarding medical treatment, the English Court of Appeal in **In Re T. (Adult: Refusal of Treatment) [1993] Fam 95**, per Lord Donaldson of Lymington M.R., held:

"… An adult patient who, like Miss T., suffers from no mental incapacity has an absolute right to choose whether to consent to medical treatment, to refuse it or to choose one rather than another of the treatments being offered. … This right of choice is not limited to decisions which others might regard as sensible. It exists notwithstanding that the reasons for making the choice are rational, irrational, unknown or even non-existent …"

In another English case, **Re C (adult: refusal of medical treatment) [1994] 1 All ER 819,** it was held that the court, exercising its inherent jurisdiction, may via injunction or declaration rule that an individual was capable of refusing or consenting to medical treatment, and that could include future medical treatment. Finally, Mr. Justice Munby in **HE v A Hospital NHS Trust and another [2003] EWHC 1017 (Fam)** summarised the law at paragraph 46 thereof as follows:

"… I can summarise the law as follows:

(i) There are no formal requirements for a valid advance directive. An advance directive need not be either in or evidenced in writing. An advance directive may be oral or in writing.

(ii) There are no formal requirements for the revocation of an advanced directive. …

(iii) An advance directive is inherently revocable. Any condition in an advance directive purporting to make it irrevocable … and any provision in an advance directive purporting to impose formal or other conditions upon its revocation, is contrary to public policy and void. …

(iv) The existence and continuing validity and applicability of an advance directive is a question of fact. Whether an advance directive has been revoked or has for some other reason ceased to be operative is a question of fact.

(v) The burden of proof is on those

who seek to establish the existence and continuing validity and applicability of an advance directive.

(vi) Where life is at stake the evidence must be scrutinised with especial care. Clear and convincing proof is required. …

(vii) If there is doubt that doubt falls to be resolved in favour of the preservation of life."

In light of the above, it is clear that it is permissible to designate, in some form, directions for medical and health care as well as personal care. For certainty and ease of reference, it is advisable that the authorisation regarding medical, healthcare and personal care matters be addressed in a writing which can be produced and consulted as necessary. There is at present, no reported Bahamian case law on the issue; so it remains to be determined what guidance the court would give in the circumstances. However, setting out in an official document a person's wishes, instructions and directions for medical treatment and the scope of treatment to be administered when such instructions cannot be verbally communicated would provide guidance to family members and medical professionals when determining a treatment plan. Where the declaration addresses personal care, the wishes of the person for matters like living arrangement, home care versus residential institutions, would assist in avoiding family conflict as to where grandma should live.

Good estate planning addressing the avoidance of issues in the event of a prolonged absence, an inability to move freely or difficulty in communicating, can be achieved through the creation of a will, an enduring power of attorney and a health care and personal care declaration. The combination of these documents would ensure that a person's wishes and directions are clearly discerned and effected during any periods of incapacity, whether physical or mental. The existence of such estate planning documents can also avoid family conflict and discord. The use of a combination of these essential planning documents can give persons comfort and certainty in the midst of an uncertain and unsettling time.

***First published in Wealth Briefing (2021)**

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Rule Against Perpetuities: Supreme Court Guidance

Jonathan Deal

The reader may be familiar with the common law concept known as the rule against perpetuities (and sometimes less formally called the rule against dead hand control) which invalidates future interests in property which vest too remotely.

The Rule Against Perpetuities (Abolition) Act, 2011 (the "RAPAA") which came into force in The Bahamas on 30 December 2011 abolished "the rule against perpetuities" (which is defined by that statute as including "the rule of law prohibiting trusts of excessive duration and any rule of law restricting the period during which income may be accumulated") in respect of dispositions of an interest in property made on or after 30 December 2011.

For dispositions of an interest in property made before 30 December 2011, (i) the RAPAA does not automatically dis-apply the rule against perpetuities; and H(ii) an application may be made to the Supreme Court by petition under section 4 of the RAPAA for an order declaring that the RAPAA shall apply to the disposition.

Earlier this year, the Supreme Court of the Commonwealth of The Bahamas delivered a judgment on an application made under section 4 of the RAPAA which has been reported at [2021] 1 BHS J. No. 3. This is understood to be the first reported judgment which gives detail consideration to section 4 of the RAPAA. Higgs & Johnson acted for the applicant trustees.

The facts of the case were, in summary, that:- The assets of a pre-30 December 2011 settlement (i.e.

the "A Settlement") were subject to the perpetuity period applicable to an earlier settlement and the trust period was set to expire in 2026. The co-trustees of the A Settlement sought to abolish the rule against perpetuities insofar as it applied to that settlement to provide the trustees with additional flexibility in their administration of the settlement and to enable the trustees to continue to advance the interests of the beneficiaries, a number of whom were entities established to pursue charitable causes/purposes.

In considering the exercise of its discretion under section 4 of the RAPAA, the Court had regard to Bermudian jurisprudence concerning comparable legislative provisions and expressed its approval of the following principles:

1. The Court has an unfettered discretion whether to make an order and, if so, on what terms. The statute does not impose any specific requirement or standard before an order can be made.
2. The Court will not act as rubber stamp. The Court will exercise its discretion judicially and not capriciously. The Court will act in a principled way upon a consideration of all of the facts.
3. The Court should have regard to the best interests of all interested parties, broadly defined and looked at as a whole. Where abolishing the rule against perpetuities would be in the interests of the beneficiaries as a whole, this would undoubtedly justify the Court making an order.
4. However, having regard to the width of the Court's discretion, it is not a necessary requirement in every instance that abolishing the rule against perpetuities be in the interests of the beneficiaries as a whole. The litmus test is simply that the Court must think it fit to make the order.
5. The fact that extending the duration of a trust will dilute the economic interests of existing beneficiaries will ordinarily be an irrelevant consideration.

On the facts before it, the Court found that the reasons for dis-applying the rule against perpetuities on the facts of the case were sufficiently compelling to make it appropriate to make an order under section 4(1).

The Supreme Court has now provided clear guidance to trustees on the approach that it will take when presented with an application made under section 4 of the RAPAA. Trustees that are desirous of making such an application should ensure they are able to provide good reasons for dis-applying the rule against perpetuities.

Jonathan Deal is an Associate in the Firm's Litigation Practice Group. His areas of practice include Trust and Estates, complex commercial disputes and Employment Law.
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Top Ranking by Chambers High Net Worth

Higgs & Johnson is praised for its 'knowledgeable and efficient team' according to 2021 edition of Chambers High Net Worth Guide. Published by Chambers & Partners, the Guide ranks in the area of international private wealth and notes that the firm handles 'significant instructions from wealthy individuals, families and fiduciaries.' The firm received the highest ranking (Band 1) and is recognized for having 'decades of experience in trust and estate law, both locally and internationally.'

Chambers High Net Worth Commentary for Ranked Partners

Recognized as a 'leader in the legal community', **Philip C. Dunkley QC** acts for wealthy individuals, families and fiduciaries on major international litigation. According to industry insiders he is 'a very capable advocate' with extensive experience in trust disputes and restructuring matters.

Well respected locally and internationally, **Earl A. Cash, Ph.D.** is praised by market commentators as a 'trusts and estates expert with decades of experience and vast legal knowledge.' He advises high net worth individuals and major trust companies with sources stating that he is 'one of the best in the business.'

N. Leroy Smith is described as 'a quick mind with a sharp grasp of the law.' He advises high net worth individuals, trustees and banks on a range of trust and private client litigation matters with clients noting that he provides 'excellent service every time with a response time that is second to none.'

Ranked Tier One by IFLR1000 for 15 Consecutive Years

Higgs & Johnson has been ranked as a tier 1 Firm in The Bahamas for the 15th consecutive year in the 31st edition of the IFLR1000 directory of the world's leading financial and corporate law firms. The Guide, noted in particular, the Firm's capabilities in the areas of banking, leveraged finance, capital markets, structured finance and securitisation, project development in the energy and transport industries, securities law and maritime commercial law. The Firm is applauded by Finance clients for its 'continuity of service and responsiveness,' with the Securities Team being lauded for its 'proactive service and timeliness.' Within the transport industry, the Firm is recognized for being 'very responsive to the need to meet deadlines.' The Guide also highlights the Firm's 'knowledge of the local marketplace' with commentators praising its ability to 'maintain excellent relations with other law firms, banks, accounting firms and consultants.'

IFLR1000 Ranked Partners

Freeport Partner and Chair of the Maritime & Aviation Practice Group, **Vivienne M. Gouthro**, is ranked in the 'highly regarded' category. She is a seasoned corporate and commercial lawyer with over 25 years of experience specialising in ship and international finance with extensive experience in real estate and development and private client and wealth management. She is also recognized in the IFLR1000 Women Leader's List.

Ranked for the last decade in the 'highly regarded' category, Partner and Chair of the Firm's Financial Services and Securities Practice Groups, **Christel Sands-Feaste**, is praised by clients for 'showing great skill and capability in working with multidisciplinary teams of both local and foreign personnel'. Clients commented that Christel is 'knowledgeable and adept at explaining complicated concepts in accessible way.' Christel is also recognized in the IFLR1000 Women Leader's List.

Partner and Chair of the Government & Regulatory Affairs practice group, **Alexandra T. Hall** is ranked in the 'Rising Star Partner' category. She has assisted in numerous multi-jurisdictional commercial transactions and has significant experience in local tax law, corporate and commercial law, legal and regulatory issues relating to resort development and operations, gaming law and government affairs.

Of Counsel, **Surinder Deal**, has more than 35 years of transactional experience and is ranked in the 'highly regarded' category. She has represented clients ranging from small privately held companies to multinational companies in diverse industries including banking and finance, manufacturing, real property development, hospitality and gaming.

IFLR1000 Client Commentary on Attorneys

Zarina M. Fitzgerald, Partner and Chair of the Commercial Transactions Practice Group, is lauded for being 'very thorough in her review of issues and is careful and meticulous in her advice provided.'

Partner and Real Estate Chair, **Stephen J. Melvin**, is praised as a 'top lawyer in his field of real estate and development work' with clients further stating that he is 'technically strong and very experienced.'

Tara Archer-Glasgow, Partner and Chair of the Litigation practice group, is commended for her 'innovative legal strategies' and applauded for 'giving great advice regarding the merits of any litigation'. Clients refer to Tara as their 'go-to' lawyer for commercial work and litigation matters in which she does 'a great job' and praise her for 'being a well-rounded and knowledgeable lawyer.'

Commercial Partner, Chair of the Tax Practice Group and Deputy Chair of the Securities and Government & Regulatory Affairs Practice Groups, **Portia J. Nicholson**, was praised by clients for 'finding creative ways to meet objectives and understanding what is being asked.'

Audley D. Hanna, Jr., Partner and Deputy Chair of the Intellectual Property practice group, was recognized as being 'a very responsive, well-rounded and knowledgeable lawyer and described by clients as a 'smart attorney with a welcoming demeanour who always provides excellent service.'

Recognised In Who's Who Legal

Congratulations to litigation partner, ***Tara Archer-Glasgow*** on being ranked by Who's Who Legal in the area of Asset Recovery (2021).

WWL states, Tara is described by her peers as a 'strong asset recovery lawyer' with over 20 years' experience in high value commercial litigation.

WWL

Asset Recovery 2021

Recognised In

Lexology Getting The Deal Through - Air Transport in The Bahamas

LEXOLOGY Getting The Deal Through NATIONAL EXPERT

Higgs & Johnson provided The Bahamas chapter in the 2022 edition of Lexology Getting the Deal Through – Air Transport. The contributing authors include Partner and Chair of the Maritime & Aviation practice group, Vivienne M. Gouthro, Associate and Deputy Co-Chair of the Maritime & Aviation practice group, Keith O. Major and Associate and Deputy Chair of the Government & Regulatory Affairs practice group, Andre Hill. This quick reference guide enables a side-by-side comparison of local insights into a number of factors in the aviation industry. To access the chapter, click here.

Chambers Global Practice Guide - Banking & Finance in The Bahamas

CONTRIBUTOR Chambers Global Practice Guides Banking & Finance 2021

The Banking & Finance practice guide published by Chambers Global covers 46 jurisdictions and provides the latest legal information in the banking and finance industry. Partner and Chair of the Financial Services practice group, Christel Sands-Feaste, along with Partner and Chair of the Government & Regulatory Affairs practice group, Alexandra T. Hall and Commercial Associate, Ian S. Winder provided the article for the Trends & Development section. They highlighted the recent legislative changes aimed at modernizing the regulatory framework applicable to financial institutions, discussed the introduction of digital currency and identified the ways in which The Bahamas has complied with global standards. To access the article, click here.

Thomson Reuters - Securities & Banking Update for The Bahamas

THOMSON REUTERS

REGULATORY INTELLIGENCE

Partner and Chair of the Financial Services practice group, Christel Sands-Feaste, along with Partner and Chair of the Government & Regulatory Affairs practice group, Alexandra T. Hall and Commercial Associate, Ian S. Winder provided the country update on securities and banking published by Thomson Reuters Regulatory Intelligence. The Bahamas chapter focuses on capital reserve requirements, product specific legislation, enforcement and investigation, financial promotion, market abuse, corporate governance and data protection with respect to the securities and banking industries in The Bahamas. To access the update, click here.