

Tim George of Law Firm Withers on The Importance of Being Earnest & Professional

Tim George is a law firm partner in demand. Even before the pandemic hit, more and more wealthy Asian private clients and their families had realised the importance of properly structured estate and legacy planning. George is an expert in the field of wills and testaments, but much more broadly in estate and succession planning. When he met up with Hubbis by video call recently he explained how the intimations of mortality in the world of Covid-19 had further accelerated the demand amongst Asian clients to get their affairs in order. George advises high net worth individuals and families in relation to estate and succession planning, particularly those with complex international affairs. He gave his insights into the world of estate, succession and legacy planning, commenting that it is absolutely essential to handle clients with sincerity, empathy and absolute professionalism.

George's expertise

includes advising entrepreneurs in relation to the structuring of their businesses, considering issues including business continuity, succession, investment treaty planning and remuneration strategies; advising families in relation to the protection of their wealth, using trusts, foundations, partnerships, companies and funds; assisting with the establishment and operation of family offices; defining sophisticated strategies for individuals moving between jurisdictions; and advising multi-jurisdictional estate planning with single or multiple wills.

Joining Withers in 2004, becoming a Partner in 2012 and relocating to Hong Kong in 2018, George is today recognised as a leading private client lawyer in the field of wealth and legacy planning. "Most people understand the importance of having a Will," he begins. "But families are becoming increasingly international, with foreign citizenship and investments, and one simple Will drafted by lawyers in their country of residence is often not enough, especially when the individual and the family have assets in different countries, or when they have multiple residencies, citizenships or domiciles, perhaps when they married abroad, or possibly if they wish to leave assets to family or friends overseas. These issues raise numerous common problems and potential solutions. Issues might include estate tax, income tax, forced heirship rules, matrimonial property regimes, or even capacity issues and disputes amongst the family."

Local and global

He explains that Withers is skilled at taking account of such different, often conflicting, regimes, providing advice and expertise via the firm's international footprint and global experience to ensure that a client's estate transfers to the right people, as efficiently as possible in terms of tax and administrative expense, and as quickly as possible.

"We are a global law firm dedicated to the personal and private capital needs of high net worth individuals and families and has represented successful individuals and families for over a century," George reports. "With offices across Europe, the United States and Asia-Pacific, Withers provides coverage that many other private client law firms cannot match. In Europe Withers has represented 60% of The Sunday Times top 100 Rich List, in the US over 25% of The Forbes World Billionaires List, and in Asia Withers acts for 30% of the top 20 Hong Kong billionaires on Forbes World Billionaires List. That is quite a track record."

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Far from boring

George modestly describes himself as a "rather boring wealth planner", but he is considerably more than

that. He worked before as a private equity lawyer and tends to have a strong connection with clients who are perhaps owner-entrepreneurs, hedge fund founders and others who are mainly first-generation wealth creators.

"I started off 20 years ago in a very tax heavy practice," he recalls, "but then sort of morphed into more of a trust drafting and trust practice, and today I do a lot more family governance work. Perhaps another feature of my background and inclination is that given my background in private equity, I do quite a lot of work in alternative structures. I don't just put every single client into a discretionary trust and say job done; I work with foundations, companies, partnerships, different entities that might suit families better than the more traditional trust structure."

Hong Kong as the hub

He explains that most of his clients will have some Hong Kong connection but are from a wide variety of Asian countries and beyond. "They span a broad

range of ages," he reports, "but a common feature is often that they are first-generation wealth creators and entrepreneurs."



TIM GEORGE
Withers

The big theme tying them to him is transition. “They are facing up to the future, considering how to transition this first generation of wealth down to the next generations,” he says. “And I suppose the biggest challenge that we all face in this industry is persuading, encouraging, cajoling the top generation to just let go of the reins somewhat.”

Fear of grasping the nettle

He cautions that inaction or fear of entering into these conversations can lead to crisis later on. “There are risks of the next generations not being able to cope with sudden wealth, or the families ending up squabbling amongst themselves if there’s no proper planning. There is always the real risk of the fortunes being whittled down or being split up, and we all know how the courts are littered with cases like this.”

But a too rapid and ill-considered approach is just as dangerous. “The quick and easy and off-the-shelf solutions aren’t always appropriate,” he warns, “as these clients must put in place some careful structuring, and

Getting Personal with Tim George

George is British, but was born in Bermuda and his parents hail from Wales originally. He moved to Jersey when quite young and later studied law at Southampton University, then completed his law studies at Oxford and in London.

His career has been in law throughout and he reports the highlights as becoming a partner in 2012 and moving out to Hong Kong in 2018 “I have really enjoyed this role here, and the whole environment,” he reports, “and the work involves both very local and thoroughly global matters and people.”

Although not married, George has been with his partner Sandar for some 17 years. “This is what happens when you’re a private client lawyer and you spend your life sat next to a team of family lawyers,” he quips, jovially.

He spends a lot of time in sports when on his down time, with triathlons and Iron Man competitions something he professes to truly enjoy. “I did the Challenge Roth in Germany last year, for example,” he reports. “I saw a video of it, and incredibly there were crowds of about 300,000 people. I never thought I would even get into the competition, usually one waits years, but I got in first time, then ensued a year of very hard training and even a few months of complete abstinence from alcohol. But honestly, while it was amazing to participate, I can genuinely say never again!”

He is also an avid fan of the Welsh rugby team, and has tickets for the British Lions tour of South Africa in 2012, pandemics permitting.

Although he has only been in Asia about two years thus far, George has grown to love the culture, the dynamism, and the energy. “I have been meeting some amazingly interesting clients and others outside work,” he reports. “It is incredible to see up close wealth made so rapidly and by people who are then genuinely appreciative of the professionalism and competence we bring to the table. It has been very rewarding.”

address some major risks, for example liability from one part of your business rolling over into the other, a risk of a divorce, or bankruptcy, so on and so forth.”

See the big picture

George advises that those involved in wealth management who might not see immediate financial returns from pointing their clients to such

solutions should see the wider-angle perspective.

“First, it is the right thing to do with valued clients, second it demonstrates trust and genuine value, looking beyond the portfolio to estate and legacy planning, and thirdly from a more monetary perspective, you have encouraged your clients to put in place multigenerational structures, so the chances of that client and the client’s family remaining your client for longer are better. You can build bridges between multiple generations, if you can encourage your clients to use structures which are there, so very simply you’re more likely to have a stickier relationship.”

Maintaining the profile

His practice is driven by recommendation, word of mouth. “One thing that I have definitely noticed in Asia that sort of differs from my background in the UK and Europe is that whereas in the UK in particular clients used to or tended to look at their lawyer as that trusted advisor role, it has tended to be a lot more transactional in nature in Asia. That is a huge generalisation. But it does mean that actually the private bankers, some of the better trustees, they have more and better day to day contact with the client, they attend family functions, they are out on the yacht tasting the wine, and this means that lawyers are more reliant on other intermediaries to bring us into the fold at the appropriate time. And that is also why we stress how important it is for these trusted advisors to address these vital issues with their clients.”

Stressing the need for stress testing

George explains that even those clients who have structures and

plans in place should regularly stress test those structures.

“Looking at your current structure be it the corporate structure, your personal structure, be it your wills, be it everything around estate and legacy planning, you need to assess if these are up to date and fit for purpose. Is a trust the right structure? Am I in the right jurisdiction? Do I have the right protection mechanism? Am I able to withstand a revenue attack, a creditor attack? Am I able to withstand divorce? These are all the questions that you ask, and there are of course more. The fact that there are highly publicised cases going on encourages people to spend the time and the effort and of course the money in order to critically review what they’ve already done to date.”

Being inclusive

He also observes that the art and craft of Will writing is something that Asian clients are realising more and more must encapsulate so much of their lives, families and assets that the old 2-page type of document is far insufficient.

“When you have assets in 20 different jurisdictions and children spread around the world and perhaps from different spouses, a simple Will just isn’t going to do the job,” he states. “In one country, they might have different succession laws, in another they might have forced heirship rules. There will be different tax rules, of course, so you may have something as incredibly tax inefficient in a particular jurisdiction, but not actually fit for task relating to all the key assets. So, you need to recognise that you need either a Will or a series of Wills that are efficient from a perspective of





succession, from a position of tax and from enforceability.”

Multi-faceted families

Another key theme George is witnessing is the increasing geographical and jurisdictional fluidity of wealthy Asian clients, many of whom have alternative homes or residence or citizenship around the globe. “As the tax, immigration and succession rules in different countries are almost made to not get on with each other,” he cautions, “these clients really need professional support to structure things properly from a wide variety of aspects around to ensure international mobility is properly managed.”

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The law firm as lynchpin

As to how the client should engage with Withers and with George himself, he explains that there is inevitably some overlap involved as there are often different parties involved, including lawyers, accountants, tax advisors, trustees, wealth planners, private bankers, or others. “We are the equivalent to the quarterback in US terminology or the playmaker type role in soccer, so we can act as the go-to, the hub, and make sure that the different strands come together and everything is neatly tied up.”

Key Priorities

George’s first objective is to keep building the clientele and the business. “Globally, around 25% of global revenues come from Asia, and this aim is to increase that to one-third,” he reports. Hong Kong, Singapore, Tokyo, and Australia are the main offices, and those are where we are growing intently.”

Training of the associates is another key area. “We’ve got a fantastic group of associates and we are now about 15-strong in our private client team in Hong Kong. All of our associates have language skills that I don’t have and so we are able to provide our advice in

Chinese so that we are both truly localised and global in capability.”

Governance is also vital

He draws the discussion towards a close by remarking that documents and structures aside, governance is a key area that he and the firm focus on.

“There is amongst the clients and the advisors out there a growing appreciation,” he says, “that having somebody that has seen lots of families go through these issues and challenges, and having somebody that can put some

process around it, and coming out with a proper family constitution, family creed, getting all the family to sit down, getting everybody aligned, is incredibly important. This might be incredibly painful, but it is truly a worthwhile process. This is something that most of the very wealthy or UHNW families in Europe and in

the US have been through, but it's a fairly new concept here in Asia. In short, the whole concept of governance and formalising family constitutions are becoming more accepted here."

Embracing the future

His final word is that timely planning, transparency and an

inclusive approach are both essentials in this process. "Without openness and without the desire to address and solve these issues early, before it is too late, families often struggle. Conflicts cannot always be avoided, but the right planning and processes can be put in place. And sooner rather than later." ■

