

Business Brief interview with Josephine Howe

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Josephine has been named in the Citywealth Leaders List and the Citywealth Future Leaders List, and was noted for her "measured and technically sound advice" in the latest Legal 500 Directory.

This interview feature first appeared in Business Brief magazine.

What's your story to becoming a lawyer?

I chose law as a degree at the University of Glasgow because I saw it as being a solid academic foundation for any future career, but during the course of studying, I decided that I wanted to be a lawyer. I continued on to do my diploma in legal studies - the Scottish equivalent to the LPC - at Glasgow Graduate School of Law, and subsequently did my training contract with Bishops LLP, now Brodies. Others on my law course went on to do accountancy or consultancy work, and some became teachers - a law degree is a door-opener to a number of careers.

What brought you to Jersey?

After graduating I went travelling and was in Japan for the 2002 World Cup where I met my now-husband, who is from Jersey. Once I had completed my training contract we decided to make the move from Scotland to Jersey and I arrived at Ogier - that was 11 years ago and I've been here ever since. When I started studying Scottish law I certainly didn't envisage ending up in Jersey via Japan! However, Jersey is an excellent move for lawyers who have qualified in other jurisdictions and are interested in an offshore career. The quality and variety of the work and the highly qualified professionals that you work with here mean that it's somewhere that you can continue to develop your career and technical skills. The work and the people are the best that you would find anywhere in the offshore world and that has certainly been one of the key factors in my decision to go on to qualify as a Jersey Advocate and to stay in Jersey, not to mention Island life and living by the sea.

Do you still go to court? What is the appeal of appearing in court for you?

During my time in Scotland I spent a year doing litigation. I'm glad to have had that grounding and to have had the experience of going to court on a near daily basis and handling litigious matters. However, my current practice is in non-contentious private client and trust work, so I don't currently go to court other than for ceremonial sittings. I do work closely with my dispute resolution colleagues in particular in relation to applications for the Court to bless momentous trustee decisions or non-contentious variation applications, but I am happy to let them do the talking!

What gives you satisfaction in your career?

I get to work with some of the top offshore private client lawyers - people like Steve Meiklejohn and Sally Edwards - and as part of a great team in a supportive environment with high quality and interesting work. What I do is very varied, and each instruction and each structure and the circumstances behind them are different. I also enjoy being able to build relationships with the local trust companies - the structures might be different but the fiduciaries and administrators that I deal with are professionals to whom I speak to on a daily basis and over time you get to know well.

How have you seen the trust and legal sector develop in your time in the island?

I have been offshore for 11 years and I think that the main noticeable change has been the increase in regulatory and reporting requirements. For example, when I first started there were no anti money-laundering requirements for the law firms - they were purely for the trust and company service provider, no FATCA, no CRS. Whilst this is a global development, Jersey is now ahead of many other onshore and offshore jurisdictions in relation to its compliance, cooperation and transparency. From a legal perspective we have seen the growth of very bespoke structures such as Reserved Powers Trusts, and we've seen the introduction of foundations in to Jersey law and the growth of private philanthropic structures. The other trend is that the value of the trusts is increasing. A large proportion of the smaller structures have been wound up over the last few years partly because of the administrative and compliance burden. There are probably fewer trusts, but the trusts that are being set up are often carefully considered, high value structures.

What developments - positive or negative - do you anticipate in the future?

As a jurisdiction, Jersey is very flexible and responsive to client needs. As such, we are able to develop our legislation and continually improve it in line with what we think potential settlors and trustees need, and in line with the judgments of the courts. One of the key attributes of Jersey as a trusts jurisdiction is that where we see a gap or see something working against us, we can very quickly make amendments to the law. In my time there have been several amendments, and every one of them has brought real improvements. The days of just churning out discretionary trusts are

probably over - our work is increasingly about establishing bespoke trusts and structures for high net worth and international families, and their motivation is not purely tax-driven - they are more conscious about things like asset protection, the stability of the Island, the high quality of professional services and the respected judiciary.

Do you see yourself as a ‘future leader’ - and how might that materialise?

I've had the benefit of working with some of the offshore world's top private client lawyers in Steve and Sally to mention just two. They have been supportive of me since I arrived here 11 years ago, they have mentored me, and I have learned a lot from them. I see my role now as doing the same for the junior lawyers who are coming through. Growing and nurturing our own talent here, and providing the same support for them, is the way to develop them into future leaders in ten years' time, and I think that's very important. I also hope to promote and maintain both Ogier and Jersey's legal and technical excellence in the offshore arena, and that's done by providing practical and clear advice and working with our clients to provide the best legal solutions for their needs.

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