

# The NED

Independent intelligence on fund director issues

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## Madoff London trial shows differences in US & UK approach to justice

In the UK Sonja Kohn and her co-defendants have been cleared of all charges but in the US, where defendants in financial fraud cases are usually guilty until proven innocent, she is supposed to be a criminal mastermind. She is, according to the Trustee for the US government's Securities Investor Protection Corporation, "Madoff's criminal soul mate whose greed and dishonest inventiveness equalled his own".

Grant Thornton, the liquidators of Madoff's London operation (MSIL), had sued its directors and Sonja Kohn, claiming that they had breached their fiduciary duties

[Continued on page 7 >>](#)

## Is Irish governance geared up for AIFMD?

Cayman has received far more attention than any other jurisdiction in matters related to reform of alternative fund governance practices over these past few years. Arguably it has received too much attention as practices elsewhere have been allowed to fall off the industry's radar screen. But the arrival of the AIFM Directive will force people to switch their focus to the way this is done in other fund domiciles. Ireland, more than any other jurisdiction, will come under the industry spotlight in this regard.

[Continued on page 9 >>](#)

## Poor governance and conflicts of interest charges in Luxembourg

Protinvest, an investor protection group that stresses its independence and political neutrality, has made some serious accusations against Luxembourg's Minister of Finance, Luc Frieden. In particular Mr Frieden has been accused of what violating what Protinvest calls the principles of good corporate governance.

[Continued on page 11 >>](#)

## Contents

Madoff London trial shows differences in US & UK approach to justice	1
Is Irish governance geared up for AIFMD?	1
Poor governance and conflicts of interest charges in Luxembourg	1
News	2
SEC to focus on directors' conflicts of interest as well as fees and expenses	2
Directors' fiduciary duty doesn't include trying to reduce tax bills	3
Solvency II to shift domiciliation patterns?	3
News from the Domiciles	4
SEC spells out what it wants from independent directors	13
Time for a governance upgrade <i>By Max Ferri, ICOS Consulting</i>	17
The NED Directory <i>Information on how to join the database</i>	21

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IFI Global Ltd.  
10 Arthur Street  
London EC4R 9AY

For additional information please contact [Tamara Sims](#) at [sims@ifiglobal.com](mailto:sims@ifiglobal.com)

IFI Global Ltd, 10 Arthur Street, London EC4R 9AY Tel: +44 (0) 207 220 9077

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London EC4R 9AY Tel: +44(0)207 220 9077

Editorial & research enquiries:

**Simon Osborn** e-mail: [osborn@ifiglobal.com](mailto:osborn@ifiglobal.com)

Directory & event enquiries:

**Tamara Sims** e-mail: [sims@ifiglobal.com](mailto:sims@ifiglobal.com)

Subscription enquiries:

**Alan Hallett** e-mail: [hallett@ifiglobal.com](mailto:hallett@ifiglobal.com)