Conflict Review Services

The Maples Group is a market leader in the provision of fiduciary and formation and management services to investment funds, structured finance vehicles and corporate entities established in the Americas, Asia, Europe and the Middle East. We bring in-depth knowledge of a wide range of investment vehicles and structures, including regulatory and investor requirements. This expertise, backed by a robust institutional-grade infrastructure and highly responsive approach to client service, ensures that clients are comprehensively supported in navigating the complexities of today's global business landscape and that the necessary standards of corporate governance are adhered to.

In an environment where regulatory and independent oversight is increasing, large institutions are seeing a need for enhanced conflict advisory reviews on certain transactions.

Investment advisers buying or selling securities, assets or loans on behalf of their clients may need to obtain specific client consent to a transaction where it constitutes an affiliate trade (also referred to as a principal transaction) or an agency cross transaction (also often referred to as a dual agency trade). In the US market, for example, there are a number of regulations that require reviews of transactions by parties independent of the investment adviser. For example, Section 206(3) of the Investment Advisers Act of 1940 sets out this obligation for registered investment advisers. In addition, certain tax guidelines under the Internal Revenue Code require the approval of affiliated loan transactions by an independent party.

In practice, such consents are delegated to a third party service provider on behalf of the investment adviser itself, or the investment adviser's client. Conflict review services are therefore different and distinct from a full audit or valuation of assets and are needed to comply with statutory obligations, regulatory requirements or internal policies.

From time to time, investment advisers also need assistance with reviewing transactions that extend beyond loans and securities. This may include, but is not limited to, corporate restructurings or transfers of a portfolio of assets and one-off support for discretions that are within their control in investment fund documentation.

The Maples Group recognises the demand for competent service providers to review and approve affiliated transactions and has formed a dedicated Conflicts Advisory Review Services team comprised of specialists with relevant technical and operational backgrounds. Our team approach ensures that appropriate resources are available to deliver a highly responsive service.

In each case, we will work with the investment adviser from the outset to create a customised solution. The Conflicts Advisory Review Services team will determine the types of transactions that may be subject to the conflict review and agree documentation and supporting information to enable the Maples Group as a third party agent to review the trades as efficiently and effectively as possible.

Our pricing varies according to the types and volume of transactions requiring review and other client requirements such as expedited turnaround times. Please do not hesitate to contact us for indicative pricing on our standard terms and conditions, or to discuss our process in more detail and how our services can be tailored to your specific needs.

For further information on our services, please contact:

Abali Hoilett
+1 345 814 5803
abali.hoilett@maples.com

William Shaw
+1 345 814 5750
william.shaw@maples.com