



Business Information
In A Global Context

21st Forum on

Fraud, Asset Tracing and Recovery

The UK's Leading Event on Civil Fraud Investigation,
Litigation and Asset Recovery

Up to
10.0 CPD

28 – 29 September 2011 • Guoman Charing Cross Hotel, London, UK

HEAR FROM THE EXPERTS:

Financial Services Authority
Serious Organised Crime Agency
XXIV Old Buildings
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Peters & Peters
Sinclair Investments
Taylor Wessing
Zolfo Cooper

THE HOTTEST ISSUES FOR 2011:

- How will the forthcoming Europe-wide freezing order affect asset tracing efforts?
- Are there real sanctions for non-compliance with overseas defendants?
- How to obtain and respond to anti-suit injunctions
- Defeating planned asset-protection strategies
- Recovering assets from increasingly complex trust structures
- Assessing the impact of criminal law; restraint and confiscation orders in Re Stanford International
- The use of civil remedies to aid victims in of fraud in Africa
- The impact of the Bribery Act and the relationship with the Proceeds of Crime Act on civil fraud
- How SOCA's civil recovery toolkit has reduced corporate crime
- The FSA's approach to dealing with unauthorised financial business
- The latest on fraud by non-disclosure and fraud by abuse of position
- Do any safe havens from extradition still exist?

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To register call +44 (0) 20 7878 6888 or register online at www.C5-Online.com/Fraud

“What more can one ask for? An informative event, combined with excellent networking opportunities.

Marc Keidan, Partner, Cooke, Young Keidan LLP

2011 is already providing significant headlines within the financial world. With political unrest in the Middle East and North Africa, bailouts of members of the “Eurozone” and some of the world’s biggest Fraud cases heading for the High Court this Autumn, the stakes are high.

There has never been a more important time for fraud practitioners to be fully versed in the latest case-law, legal developments, tactics and strategies to enable the successful recovery of assets on behalf of your clients. As you know, a global network of contacts, colleagues and potential business partners is essential for your practice and, as C5’s loyal delegates tell us, there is no better place to meet the leading names in the field!

CHAired BY:

Robert Hunter
Partner
Herbert Smith

Keith Oliver
Senior Partner and Head of Commercial Fraud Litigation
Peters & Peters

C5’s Fraud, Asset Tracing and Recovery is the original and most consistently well-attended civil fraud event, being the number one choice for practitioners over the past 15+ years.

As the high-level attendees of our recent Geneva conference found out, we bring together the leading lawyers, forensic accountants and other fraud professionals and provide excellent opportunities for in-depth learning through case study presentations, regulatory and legislative updates, as well as expert advice and unparalleled networking opportunities.

The profitable and challenging work is out there. Are you in a position to capitalise?

Professionals involved in asset recovery cases must have an up-to-the-minute, in-depth understanding of the hottest offshore jurisdictions, latest cases before the Courts and innovative ways their peers are getting over increasingly difficult hurdles. Creative thinking and solutions for uncovering information and tracking money is what’s required. Yesterday’s knowledge is simply not enough if you want to maintain your competitive edge.

Reasons to attend this industry leading event:

- **Leading experts** from amongst some of the world’s preeminent law firms, barrister’s chambers, insolvency practitioners and forensic accountants.
- **Regulator perspectives:** Including SOCA and the FSA.
- **Case Studies:** Including the impact of *Sinclair Investments (UK) Ltd v Versailles Trade Finance Ltd (in administration)*.
- **Cross-border Issues:** Asset recovery using insolvency claw-back powers.
- **Hot Topics: What is the Future for International Injunctive Relief?**
 - how will the forthcoming Europe-wide freezing order affect asset tracing efforts?

In addition to extensive coverage of how the key legal challenges can be addressed, our expert faculty will provide you with examples of solutions and strategies that will help you build your plan for fraud litigation, monitor increased fraud activity and maximise the array of potential opportunities available at this challenging juncture.

No other Fraud conference is so detailed or well respected within the industry – just ask one of the hundreds of senior professionals who have returned year-on-year.

Be where your industry will be on 28th & 29th September 2011. This event is always successful and places are limited.

BOOK NOW TO AVOID DISAPPOINTMENT

To register call +44 (0) 20 7878 6888 or register online at www.C5-Online.com/Fraud



Main Conference Day One: 28 September 2011

8.30 **Coffee and Registration**

9.00 **Chair's Opening Remarks**

Robert Hunter
Partner
Herbert Smith

9.05 **What is the Future for International Injunctive Relief?**

Robert Hunter
Partner
Herbert Smith

- How will the forthcoming Europe-wide freezing order affect us all?
- What is left of *Credit Suisse v Cuoghi*?
- Are there real sanctions for non-compliance with overseas defendants?
- What does the “*Babenaft proviso*” actually mean?

9.55 **Defeating Planned Asset Protection Strategies and Recovering Assets in Opaque Jurisdictions**

Ian Hargreaves
Partner
Addleshaw Goddard

- Why have fraudsters turned to specific jurisdictions after the economic crisis?
- Analysing specific legal frameworks to assist asset tracing?
- How can “ask no questions” cultures be overcome?
 - legal changes?
 - cultural shifts?
- How have international money laundering regulations changed to assist fraud lawyers?
 - what difference will this make in practice?

10.40 **Morning refreshments**

11.10 **Trusts Under Attack: Recovering Assets from Increasingly Complex Trust Structures**

Alan Steinfeld QC
XXIV Old Buildings

- Obtaining information under *Norwich Pharmacal* and using this in tracing assets
- Managing the appointment of receivers
- Obtaining injunctions to restrain distribution of trust assets
- Attaching settlor's powers
 - *TMSF v Merrill Lynch Trust*
- Attacking trusts as “shams”
- Attacking trusts under cross border insolvency legislation

11.55 **Cross-border Asset Recovery Using Insolvency Claw-back Powers**

Neil Cooper
Partner
Zolfo Cooper

Nick Segal
Partner
Freshfields Bruckhaus Deringer

- What are the advantages of having an insolvency practitioner bring the claim?
- Using the enhanced power to investigate and obtain documents
- Examining the extraterritorial effect of the statutory right of recovery in respect of English preferences and undervalues
 - under the general law
 - the UNCITRAL Model Law
 - the EU Insolvency Regulation
- Assessing the impact of the criminal law: domestic and international restraint and confiscation orders
 - *Re Stanford International, 2010, CA*

12.45 **Lunch**

14.15 **The Madoff Fraud and Recovery Actions by the Madoff Trustee**

David de Ferrars
Partner
Taylor Wessing

Gonzalo Zeballos
Partner
Baker Hostetler

- A brief summary of the fraud
- An update on litigation by the Trustee
- Issues of interest arising including in relation to recognition of judgments and jurisdiction

CASE STUDY

15.00 **Asset Recovery in Africa: Do European Lawyers Give Up Too Easily?**

Babajide O. Ogundipe
Partner
Sofunde, Osakwe, Ogundipe & Belgore (Nigeria)

- Assessing the criminal and civil remedies available to victims of fraud in Nigeria and how effective they have proved in the past
- Using bank secrecy and professional privilege
- The impact of foreign decisions/judgments in civil and criminal proceedings in Nigeria
- Analysing the use of anti money laundering legislation to combat corruption
 - *Bonny Island*
 - *Siemens*
 - developments in Nigeria flowing from enforcement action taken in Germany and the USA

15.45 **Afternoon Refreshments**

16.15 **Recovering Assets from Complex Trusts: Examining the Impact of *Sinclair Investments (UK) Ltd v Versailles Trade Finance Ltd (in administration)***

Matthew Collings QC

Maitland Chambers
Counsel for Versailles Trade Finance Ltd

Richard Hill

Barrister
4 Stone Buildings – Counsel for Sinclair Investments

Liam Hemmings

General Counsel
Sinclair Investments

- *Sinclair v VTFL*: a missed opportunity?
- What now for bribery/unauthorised profit cases?
- Are property law concepts artificially limiting the development of equitable remedies against defaulting fiduciaries?
- *Attorney General v Reid*: where now?
- Extending equitable compensation
- Practical considerations for practitioners

17.30 **Chair's Closing Remarks and End of Day One**

WHO SHOULD ATTEND?

- Solicitors and barristers specialising in fraud, banking litigation and insolvency litigation
- Forensic accountants and litigation support accountants
- In-house lawyers, risk analysts and heads of financial crime from:
 - banks and other financial institutions
 - public enforcement bodies
 - insurers
 - corporates
- Private investigators and other recovery specialists

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For more information about this program or our global portfolio, please contact: Jonathan Price on +44 (0)20 7878 6907 or email j.price@C5-Online.com

Main Conference Day Two: 29 September 2011

9.00 **Chair's Opening Remarks**

Keith Oliver

Partner
Peters and Peters

9.05 **Using Criminal Law Remedies to Assist Asset Recovery**

Keith Oliver

Partner
Peters & Peters

Michael Kim

Partner
Kobre & Kim

Andrew Mitchell QC

The Chambers of Andrew Mitchell QC

- Advantages of following the civil route as opposed to the criminal/regulator route in various jurisdictions
- Tactical reasons for taking civil and criminal remedies across different jurisdictions
 - when to use criminal action to aid civil asset recovery
 - how does that fit with varying regulatory regimes?
 - the dangers vs rewards of forum shopping
 - using powerful local civil remedies
 - using arrest warrant provisions in asset recovery
- Interaction between criminal restraint orders and injunctions
 - are restraint orders still being obtained in civil cases?
- Tackling the problem of the length of criminal investigations
 - which factors impact criminal process timetable?
 - distinction between jurisdictions
 - methods for streamlining the process

10.05 **The Impact of the *Bribery Act* and the Relationship with the *Proceeds of Crime Act***

Kathleen Harris

Partner
Arnold & Porter
Former head of the Fraud Business Group at the UK Serious Fraud Office

- Examining the extra territorial reach of the *Bribery Act*
 - is this likely to significantly contribute to global changes in combating Bribery and Corruption?
- What are the new offences and how are they likely to be interpreted?
 - are there any synergies with other potential criminal offences?
- Assessing the links between compliance with anti-money laundering regulations and the *Bribery Act*
 - does this provide a suitable model for compliance structures?
- What is the likely approach by Investigative Agencies in the UK to the enforcement of the *Bribery Act*?

10.50 **Morning Refreshments**

11.20 **Maluf Case Study: Tracing and Recovery of Assets Across Jurisdictions**

Stephen Baker
Senior Partner
Baker & Partners

- Assessing co-operation between jurisdictions
- The cross over between criminal and civil asset-tracing and recovery
 - choosing the right path
- Disclosure of information
 - how to get disclosure and how to use it
- Potential actions
 - non conviction based claims in Jersey law
- Forum arguments

12.05 **Civil Recovery of the Proceeds of Crime**

Jemma Clamp
Lawyer – Civil Recovery Team
Serious Organised Crime Agency

The Serious Organised Crime Agency reviews some real-life civil recovery case studies, and gives an update on recent developments, including the Fraud Act including:

- How has the civil recovery toolkit been instrumental in reducing crime thus far?
- Practical examples of real-life cases in which civil recovery has been used effectively to date
- How is civil recovery likely to fare with today’s new challenges, including the effect of the *Fraud Act*?

12.50 **Lunch**

14.20 **Fraud and the Financial Services and Markets Act 2000**

Guy Wilkes
Manager – Unauthorised Business Department
Financial Services Authority

- The FSA’s financial crime objective
- The FSA’s approach to dealing with unauthorised financial business
- FSA powers of investigation and enforcement
- Recent trends in unauthorised business
 - boiler rooms
 - collective investment schemes
 - land banking
 - unlawful deposit taking
- The use of FSMA causes of action by private litigants

15.05 **On the Very Boundaries: Questionable Business Practices and their Vulnerability to Criminal and Civil Liability**

Peter Binning
Partner
Corker Binning

Kathryn Garbett
Partner
Mishcon de Reya

- Differences between civil and criminal jurisdiction
 - does it matter where you did it?
- Are false statements always criminal?
 - when can you be sued for just lying?
- Fraud by non disclosure
 - “...surely that’s just a civil breach of warranty?”
- Fraud by abuse of position
 - “...you mean if I’m unreasonable and domineering...?”
- Civil contempt or perverting the course of justice/perjury
- Consequences of handling the proceeds of crime
 - corruption
 - criminal cartels
 - tax evasion
- Other things to watch out for in relation to criminal/civil liability

15.55 **Extradition: Do any Safe Havens for Criminals Remain?**

Stephen Gentle
Partner
Kingsley Napley

- Picking apart the details of the *Extradition Act 2003*
 - the European arrest warrant
 - non European extradition
 - special extradition arrangements
- Assessing the effectiveness of cross-border cooperation: Interpol, Europol and Schengen
 - red notices
 - intelligence sharing
- The future – the shrinking world of the cross border criminal

16.40 **Chair’s Closing Remarks and End of Conference**

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Baker & Partners is a Jersey law firm specialising in civil & commercial litigation, contentious trusts, financial services regulation, crime, international co-operation & asset recovery. The firm has been involved in many highly complex cases involving cross-border crime.

These cases have included the most serious instances of political corruption, large-scale fraud, drug trafficking and money laundering. The firm currently act for the Federal Republic of Brazil in a civil fraud action seeking to recover \$22million. www.bakerandpartners.com

KOBRE & KIM LLP

Kobre & Kim LLP, a litigation firm with offices in New York, London, Hong Kong, Washington DC and Miami, focuses on international insolvency and offshore trusts litigation. Kobre & Kim LLP is made up of an integrated team of U.S.-qualified lawyers (many formerly from the U.S. Department of Justice and the U.S. Securities & Exchange Commission) and English barristers. www.kobrekim.com

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Maitland Chambers the leading Commercial Chancery set and has extensive expertise in the pursuit and defence of civil fraud claims including the various techniques of asset protection and recovery both here and Internationally. Maitland’s fraud practice is complemented by cross-disciplinary expertise in other related areas, such as equitable remedies, financial services and regulation, company, insolvency, partnership, property and jurisdictional issues. www.maitlandchambers.com

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ADMINISTRATIVE DETAILS

Date: 28 – 29 September 2011

Time: 8.30 – 17.30

Venue: Guoman Charing Cross Hotel

Address: The Strand, London, WC2N 5HX, United Kingdom

Telephone: 0871 376 9012

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DOCUMENTATION IS PROVIDED BY CD

The documentation provided at the event will be available on CD only. If you are not able to attend, you can purchase a CD of the presentations provided to delegates on the day of the event. Please send us this completed booking form together with payment of £350 per copy requested. For further information please call +44 (0) 207 878 6888 or email enquiries@C5-Online.com.

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10.0 hours towards Continuing Professional Developments hours (Solicitors Regulation Authority). Please contact C5 for further information on claiming your CPD points.

PAYMENT POLICY

Payment is due in full upon your registration. Full payment must be received prior to the event otherwise entry will be denied. All discounts will be applied to the Main Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organisation.

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