C5’s 4th Miami Forum on
Fraud, Asset Tracing & Recovery

October 26th & 27th, 2015 | Fontainebleau Miami Beach, Florida, USA

Ground Breaking Remedies, Novel Tactics and Innovative Strategies for Asset Recovery

Benchmark and Network with:
Andrews International
Astigarraga Davis
Baker & Partners
Bär & Karrer AG
BDO LLP
Bennett Jones LLP
Bird & Bird LLP
Brown Rudnick LLP
Carey Olsen
Davies Ward Phillips & Vineberg LLP
Dolus Counter-Fraud Advisors
Edmonds Marshall McMahon
Essex Court Chambers
Freeborn & Peters LLP
Grant Thornton
Hays Financial Consulting
Herbert Smith Freehills LLP
Hughes Hubbard & Reed LLP
Jade & Fountain PRC Lawyers
Jenner & Block
Kelley, Wolter & Scott, P.A
K&L Gates LLP
Kobre & Kim LLP
LALIVE
Martin Kenney & Co., Solicitors
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Paul Hastings LLP
Paulo Freitas Ribeiro Advogados
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PwC
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XXIV Old Buildings
U.S. Securities and Exchange Commission
Stephane & Johnson LLP
Veirano Advogados
3 Verulam Buildings
White & Case LLP
William L. Richey P.A

New for this year

• Tracing the Proceeds of Fraud Between Caribbean and Far Eastern Jurisdictions
• A Comparative View of Corporate Criminal Liability
• Lifting the Lid on the Petrobras Fraud
• Mediating Fraud Disputes: A Round Peg for a Square Hole?
• A Day in the Life of a Receiver Appointed in a Fraud Case
• Managing Ethical Considerations in Fraud Litigation
• Does a Final Judgment Mean Anything Anymore?

Conference Co-Chaired by:
Edward Davis
Founding Shareholder
Astigarraga Davis

Martin Kenney
Founding Partner
Martin Kenney & Co., Solicitors

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

Robert Hunter
Head of Fraud and Trust Litigation
Herbert Smith Freehills LLP

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Welcome Dinner Sponsors

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Despite the global economy emerging from recession, levels of fraud and corruption show little sign of abating. The ease with which fraudsters can move funds across borders and the range of tools at their disposal to frustrate the recovery process, means that asset recovery specialists need to be increasingly innovative in order to obtain results for their clients.

Now in its fourth year, and the 30th event in the global series, C5’s Fraud, Asset Tracing & Recovery forum is an essential event for those who work in this highly specialized area. Attended by a distinguished audience of the most senior practitioners from North America, the Caribbean, Latin America, the UK and Continental Europe, this engaging forum offers extensive learning and networking opportunities.

Why you should be part of this leading industry event:

• Gain practical insights on the latest tools being used to recover the proceeds of fraud
• Confidential Voting Technology - Share opinions and gain valuable insights from your peers in an anonymous environment
• Hear from and network with an international selection of experts from the USA, China, Switzerland, UK, Brazil, BVI, Cayman Islands, Canada, Jersey, Panama and Trinidad and Tobago
• Establish valuable new contacts through our unparalleled networking opportunities: join your peers at our welcome reception and dinner on 25th October and the drinks reception on 26th October

Be Part of C5’s Fraud, Asset Tracing and Recovery Community

Participant Breakdown by Title/Function

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Participant Breakdown by Region

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Plus! Optional Afternoon Networking Cruise in Miami Biscayne Bay, 2pm Sunday 25th October 2015
JOIN DELEGATES AND SPEAKERS FOR 2 HOURS OF UNINTERRUPTED NETWORKING
Complemented by Beverages, a Buffet and many of Miami's coastal sights, this unique opportunity is limited on a first come first served basis to registered delegates and speakers only.

For further details and information please contact Nathan Denham on N.Denham@C5-Online.com

“High level conference, excellent attendees”

Karyn Harty
Partner, McCann Fitzgerald
(Fraud Miami 2014)
Main Conference Day One:
Monday 26 October 2015

8.00 Registration and Welcome Breakfast
Hosted by: ESSEX COURT CHAMBERS

9.00 Co-Chairs’ Opening Remarks
Edward Davis, Founding Shareholder Astigarraga Davis (USA)
Martin Kenney, Founding Partner Martin Kenney & Co., Solicitors (BVI)

9.10 Where two Worlds Collide: Tracing the Proceeds of Fraud between Caribbean and Far Eastern Jurisdictions
Ben Mays, Partner Carey Olsen (BVI)
Stephon Grey, Director BDO LLP (Trinidad and Tobago)
Judy Deng, Partner Jade & Fountain PRC Lawyers (China)
David Walker, Partner PwC (Cayman Islands)
- Investigations in the Caribbean - Tracing and recovering assets in the BVI and Cayman Islands arising from fraud and corruption cases in Asia
  - Dealing with distressed Chinese companies in the BVI and Cayman Islands
  - Enforcement outside of China
- Investigations in Asia relating to frauds involving Caribbean holding companies
  - Investigations in China by Liquidators of BVI/Cayman holding companies
  - Collaborating with experienced professionals in Asia to form a multi-disciplinary team
  - How to trace assets located in China and how the process differs from other jurisdictions
  - Recognition in Chinese Courts for the first time that a legal representative appointed by liquidators of a foreign holding company should be accepted in China

10.00 A Day in the Life of a Receiver Appointed in a Fraud Case
Moderator:
Neal Levin, Partner Freeborn & Peters LLP (USA)

Panellists:
Douglas A. Kelley, Partner, Kelley, Wolter & Scott, P.A (USA)
Ira Bodenstein, Member Shaw Fishman Glantz & Towbin LLC (USA)
Gregory Hays, Founder and Managing Principal Hays Financial Consulting (USA)
Michael Leeds, Director Grant Thornton (UK)
Ronald Peterson, Partner Jenner & Block (USA)

This session will examine the key considerations in the week prior and subsequent to a receiver being appointed to secure assets in a fraud case. The panel will explore a range of issues including:
- Why appoint a Receiver?
- The first call: understanding the appointment
- Initial tasks and mobilizing the team
- Breadth of Receiver's powers
- The Order
- Receiver's Motions
- Qualified immunity for Receivers
- Receiver's Fees

11.30 A Comparative View of Corporate Criminal Liability
Benjamin Borsodi, Partner Schellenberg Wittmer (Switzerland)
Jay Darden, Partner Paul Hastings LLP (USA)

- Which model of corporate liability for fraud is most effective?
  - The UK Model
  - The US Model
  - The Civil Law Model
- How does the model of corporate liability affect how fraud is investigated
  - By law enforcement authorities
  - Internally by corporations
- Too big to jail?
- Cap to financial sanctions or the death penalty for the corporation?
- Recent trends and major cases in corporate criminal liability

12.30 Networking Lunch

1.45 Investigative Nightmares and their Solutions
Moderator:
Stephen Moverley Smith QC XXIV Old Buildings (UK)
Panellists:
Glenn Pomerantz, Consulting Partner, Global Forensics Practice, BDO LLP (USA)
Sophie Eyre, Partner Bird & Bird LLP (UK)
Munaf Mohamed, Partner, Co-Head of Fraud Law Calgary, Bennett Jones LLP (Canada)

Obtaining relevant documents and pre-action information to build a case – impediments
Attorney interaction with Forensic Accountants
Cross-border investigative complications: admissibility of evidence, privacy issues
Forensic analysis of corporate records – uncovering hidden fraud

2.45 Mediating Fraud Disputes: A Round Peg for a Square Hole?
Robert Hunter, Head of Fraud and Trust Litigation Herbert Smith Freehills LLP (UK)
Ethical issues in fraud mediations
Authority to represent: a persistent problem
Negotiating tactics with dishonest parties in mediations
Avoiding “face” issues in emotive mediations

3.15 Afternoon Refreshments
3.30 Leadership and Management of People in Asset Recovery
Moderator: Martin Kenney, Founding Partner Martin Kenney & Co., Solicitors (BVI)
Panellists:
Dr Alexander Stein, Founder Dolus Counter-Fraud Advisors LLC I Principal, The Boswell Group LLC (USA)
DC Page, Senior Vice President Andrews International (USA)
Alex D. Moglia, President Moglia Advisors (USA)

Successful asset recovery investigations and litigations often require multi-jurisdictional teams of investigative professionals and lawyers working together in tandem. This session will highlight the issues that arise when coordinating such cases from the perspective of leadership and management of a diverse team of people spanning multiple boundaries, cultures and disciplines
How different teams from diverse cultures and jurisdictions can work more effectively as one team
Does a senior Asset Recovery lawyer need a certain personality to be successful?
How we lead and make decisions
What holds a team together? And what pulls it apart?

4.30 Lifting the Lid on the Petrobras Fraud
Moderator Mark Beardsworth, Partner Brown Rudnick LLP (UK)

Panellists:
Saverio Lembo, Partner Bär & Karrer AG (Switzerland)
Elizabeth Robertson, Partner K&L Gates LLP (UK)
André Fonseca, Partner Veirano Advogados (Brazil)
Paulo Freitas Ribeiro, Partner Veirano Advogados (Brazil)
Paulo Freitas Ribeiro Advogados (Brazil)
Impact on the economy in Brazil
Efforts being made to prosecute key individuals and recover $2.1 billion of public funds
Hurdles for the authorities
Quality of the cooperation with Switzerland and UK
Risks for the companies implicated
National proceedings started locally in Switzerland and in the UK
Plea agreements, leniency agreements

5.30 Co-Chair’s Closing Remarks and Conference Adjourns
5.45 Networking Drinks Reception
Hosted by: BDO

Main Conference Day Two: Tuesday 27 October 2015
8.30 Coffee
9.00 Co-Chairs’ Opening Remarks
Keith Oliver, Senior Partner and Head of Commercial Fraud Litigation Peters and Peters (UK)
Robert Hunter, Head of Fraud and Trust Litigation Herbert Smith Freehills LLP (UK)
9.10 Keynote Address
Judge Barry Leon, High Court Judge (Commercial Division), Eastern Caribbean Supreme Court, Territory of the Virgin Islands
9.40 Managing Ethical Considerations in Fraud Litigation
Moderator: Keith Oliver, Senior Partner and Head of Commercial Fraud Litigation Peters and Peters (UK)
Panellists:
Derek J.T. Adler, Partner Hughes Hubbard (USA)
William L. Richey, Founding Partner William L. Richey P.A (USA)
William Brock, Partner Davies Ward Phillips & Vineberg LLP (Canada)
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- Prosecuting and settling civil fraud cases
- Privilege and confidentiality – warning bells?
- Witness preparation - practice and dangers
- The Judge – friend or foe?

10.40 Morning Refreshments

11.00 Does a Final Judgment Mean Anything Anymore?

Moderator:
Edward Davis, Founding Shareholder
Astigarraga Davis (USA)

Panellists:
Carrie A. Tendler, Partner
Kobre & Kim LLP (USA)

John Silbermann, Trial Attorney, Office of
Collections Enforcement Division,
U.S Securities and Exchange Commission (USA)

Stephen Baker, Senior Partner
Baker & Partners (Jersey)

Successfully obtaining a judgment from a court is all too often not the end of the contentious process. This session will debate the challenges of post-judgment enforcement in fraud cases.

- Why winning is only half the battle
- Why final judgments are not always viewed as the ultimate order of the court
- How best to gain judicial assistance in enforcing orders
- How and when to commence summary proceedings against alter egos and nominees of the judgment debtor

12.00 A Multi-Jurisdictional Roundup of Critical Developments in Fraud Litigation

David J Molton, Partner
Brown Rudnick LLP (USA)

Paul McGrath QC
Essex Court Chambers (UK)

- Freezing Orders and the disclosure of trust information in light of JSC Mezhdunarodny Promyshlenniy Bank v Pugachev
- Ponzi Scheme Roundup – updates on Madoff, Petters, Stanford and Rothstein
- Corporate Attribution – implications of Jetivia SA and another v Bilta (UK) Limited
- The long (or not so long) arm of avoidance claims: the issue of extraterritorial application
- What legal developments can we expect in the near future?

12.50 Networking Lunch

2.00 Arbitrating Fraud Cases: A Fraud Practitioner’s Perspective

Lincoln Caylor, Partner
Bennett Jones LLP (Canada)

Daniel Fridman, Partner
White & Case LLP (USA)

Peter de Verneuil Smith, Barrister
3 Verulam Buildings (UK)

- What are the differences for advocates in pursuing fraud claims in arbitration and court?
- The extent to which arbitration tribunals are equipped to handle fraud cases
- Differences in advocacy and in procedure in arbitrations in the UK, US and Canada

3.00 A Comparative View of Private Prosecutions in the US and UK

Michael C. Miller, Partner
Steptoe & Johnson LLP (USA)

Kate McMahon, Solicitor/Director
Edmonds Marshall McMahon (UK)

- How private criminal prosecutions are being utilised in the UK to assist in asset recovery and compensation
- Does the US legal system permit private criminal prosecutions? How do they work in the UK?
- What remedies are available to private citizens in the US to recover assets?
- How does the asset recovery process differ between the UK and US? A comparative analysis
- How do the two countries differ in terms of obtaining evidence for asset recovery proceedings and private prosecutions?

3.45 Fraud and Asset Recovery in Latin American and Caribbean Jurisdictions

David Mizrachi, Senior Partner
Mizrachi, Davarro & Urriola (Panama)

Sandrine Giroud, Counsel
LALIVE (Switzerland)

- The types of fraud cases occurring in Panama and Haiti
- Barriers to investigations in these countries and how to overcome them
- The Swiss Act on the freezing and restitution of illicitly acquired assets of politically exposed persons against the background of the Duvalier Case – asset recovery in the context of a “Failed” State
- The difference between civil and common law requirements to seek discovery of evidence

4.30 Co-Chair’s Closing Remarks and End of Conference

Who Will Attend?

- Attorneys/Lawyers 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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CONFERENCE ADMINISTRATIVE DETAILS

Date: 26-27 October 2015
Time: Day 1: 9:00 - 17:45 / Day 2: 9:00 - 16:45
Venue: Fontainebleau Miami Beach, Florida, USA
Address: 4441 Collins Avenue Miami Beach, Florida, 33140, USA
Telephone: +1 (0)305-538-2000

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To find out how to position your firm as an industry leader by sponsoring this event, please contact Chris Murphy on +44 (0)20 7878 6955 or email c.murphy@c5-online.com

Excellent meeting of the biggest players and names in the fraud world. Great learning and networking opportunities.

Warren Gluck
Senior Associate, Holland & Knight
(Fraud Miami 2014)
C5’s 4th Miami Forum on Fraud, Asset Tracing & Recovery
October 26th & 27th, 2015 | Fontainebleau Miami Beach, Florida, USA

YOUR REGISTRATION

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Conference materials are available 2 working days post event.

*ELITEPASS is recommended for maximum learning and networking value.

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