17 – 18 March 2016 | Grand Hotel Kempinski | Geneva, Switzerland

10th Anniversary Edition

FRAUD, ASSET TRACING AND RECOVERY
GENEVA

Europe’s Leading Legal Conference on
Civil Fraud Investigations, Litigation and
Asset Recovery

New Topics and Themes for 2016 Include:

• In-House Perspectives on Global Fraud Threats and Asset Recovery
• Overcoming the Challenges of Recognition and Enforcement of Judgments in Asset Recovery
• The Evolving Role of Technology in Fraud and Asset Recovery

Chaired By:

Robert Hunter
Solicitor

Keith Oliver
Head of Commercial Fraud Litigation
Peters and Peters

Up to 11.4
CPD

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The nature and scale of fraudulent activity has changed significantly over time. The ease with which the proceeds of fraud are now moved across borders and hidden in increasingly opaque, complex and layered structures means that the challenges facing those tasked with recovering assets on behalf of their clients are greater than ever before. Professionals involved in such cases must have an understanding of the very latest legal developments, tactics and strategies if they are to be successful.

In what is the 10th anniversary edition of C5’s Fraud Geneva conference, there has never been a better time to join your peers at Europe’s leading gathering of asset tracing and recovery specialists. This practical conference will offer real case experiences and insights from those at the forefront of global fraud litigation and asset recovery.

Why you cannot miss our 10th anniversary edition:

- Hear the very latest tactics and strategies being used in global fraud litigation cases through a range of incisive case studies and lively panel sessions
- Be part of a truly international conference. Network with and hear from experts from around the world including Switzerland, UK, BVI, USA, Ireland, Singapore, Guernsey, China, Cayman Islands, Monaco and Jersey
- Engage in live polling: vote anonymously on topical polls and submit questions in this interactive conference
- A unique opportunity to establish and build new contacts: join your peers at the networking drinks reception, the informal dinner and on the ski slopes after the event!

C5 Group, comprising C5 in Europe, American Conference Institute and The Canadian Institute, will unite under one central brand image, appropriately a globe. See how bringing together the power of people and the power of information can accelerate your growth and success.

Our new brand look and language will be fully revealed soon. Stay tuned for more exciting changes.
Main Conference Day One: 17 March 2016

8:00 / Registration and Networking Breakfast
Hosted by: LITTLETON

8:45 / Chair’s Opening Remarks
Robert Hunter
Solicitor (UK)

9:00 / The Science of the Unexpected – What can Fraud Lawyers Learn from Disasters or Flashes of Insight?
Robert Hunter
Solicitor (UK)

We have all hit highs and lows in the course of fraud work. Yet mostly we analyse them with tunnel vision. Other disciplines study them more broadly, believing that there are useful lessons to be learned about how risks were ignored or problems were resolved in different fields. This year Robert’s session will look at analysis from other disciplines of major calamities and breakthroughs using examples of major frauds, medical breakthroughs, airline disasters and bush fires.

- Is it possible to generalise on how man-made disasters happen?
- Are some professionals truly accident prone?
- Are rare moments of brilliance as unpredictable as they seem?
- What kind of organisations engender disasters or breakthroughs?

Drawing on his experience of how lawyers organise themselves, Robert will seek to identify some of the key characteristics of organisations that render them likely to suffer mishaps or enjoy spectacular success.

9:45 / In-House Perspectives on Global Fraud Threats and Asset Recovery

Moderator / Benjamin Borsodi
Managing Partner, Schellenberg Wittmer (Switzerland)

Panelists /
Jean-Baptiste Leclercq
Chief Legal Officer
Gunvor SA (Switzerland)

Richard Bennison
Group Head Fraud & Investigations
DBS Bank (Singapore)

Therese Draper
Head of EMEA Fraud Risk Management
Procter & Gamble (Switzerland)

11:10 / Overcoming the Challenges of Recognition and Enforcement of Judgments in Asset Recovery

Steven Philippsohn
Partner
PCB Litigation LLP (UK)

Karen Le Cras
Partner
Carey Olsen (Guernsey)

Paul Gully-Hart
Partner
Schellenberg Wittmer (Switzerland)

David Tiang
Partner
King & Wood Mallesons (China)

- Latest trends in the recognition, enforcement and execution of foreign court judgments
- Enforcement in challenging jurisdictions
- Issues arising in enforcement in offshore jurisdictions
- Recognition and enforcement in civil law jurisdictions
- Recent case studies of successful enforcement
- Recent developments in relation to the Hague Convention
- Enforcement under DIFC practice direction N° 2 of 2015
- Enforcement of foreign judgments as part of a global asset recovery strategy

11:45 / Morning Refreshments
Hosted by: Martin Kenny & Co Solicitors

13:00 / Networking Luncheon
Hosted by: SCHENENBERG WITTMER

13:45 / Prest for an Answer: what to Do When you Can’t Pierce the Corporate Veil

Stephen Atherton QC
20 Essex Street (UK)

Blair Leahy
Barrister
20 Essex Street (UK)

Mark Goodman
Partnership
Campbells (Cayman Islands)

Annabel Thomas
Partnership
Mishcon de Reya LLP (UK)

Kambiz Larizadeh
Addleshaw Goddard LLP (UK)

The panel will consider the limited circumstances in which the corporate veil may be pierced, and the alternative legal bases and strategies available to recover assets when the principle does not apply.

14:15 / Asset Recovery Developments in the MENA Region

Therese Draper
Head of EMEA Fraud Risk Management
Procter & Gamble (Switzerland)

Moderator / Sandrine Giroud
Counsel, LALIVE (Switzerland)

Panelists /
Pierre-Yves Morier
Head Task Force Asset Recovery, Directorate for International Law
Swiss Federal Department of Foreign Affairs

Dr. Claire A. Daams
Head of Legal and Case Consultancy
Basel Institute on Governance
(with effect from 1st January 2016)

- Current type of fraud matters being experienced
- When and how would they appoint external counsel and/or an investigator in a fraud case?
- How do they determine whether to pursue a case, how do they weigh up risk vs reward?
- The paper trail – document creation and retention
- The aftermath: dismissals, civil actions, remedial steps
- Managing the legal, operational and reputational aspects of uncovering fraud within their organisation
- Insights in dealing with banks in attempting to recover monies in a timely manner
- Special considerations when dealing with organisations, financial institutions, law enforcement and regulators in Asian destinations
Main Conference Day Two: 18 March 2016

Ongoing efforts by Arab Spring countries (Egypt, Syria, Tunisia and Libya) to recover illicit assets
Procedures to recover these assets from financial centres
Role of Switzerland in returning billions of illicit assets from politically exposed persons – and the new Swiss Act in future restitution
Best practices for the recovery of illicit assets in the MENA region

16:10 / Afternoon Refreshments
Hosted by:

16:30 Receivership Orders and the use of Powers of Attorney in Respect of Assets held by Offshore Companies in Aid of Asset Recovery
Philip Marshall QC Serle Court (UK)
Marc Henzelin Partner LALIVE (Switzerland)

• Rules as to appointment of Receivers in key offshore jurisdictions
• The use of Powers of Attorney by Receivers to seize assets
• Recognizing or enforcing receivership orders out of the jurisdiction

17:10 Charles Ponzi: then and Now
Neal Levin Partner, Freeborn & Peters LLP (USA)

Though we all know that fraud and even Ponzi schemes existed well before the namesake financial crime, this presentation looks at how Charles Ponzi came to be etched into history and celebrity. Understanding the economic landscape and mind set of the Roaring 20s and how Ponzi tried to cash-in on that boon presents a fascinating overlay to the mad rash of fraud cases seen over the past 9 years.

17:40 Chair's Closing Remarks and End of Day One

18:00 / Networking Breakfast
Hosted by: LITTLETON

9:00 Chair's Opening Remarks
Keith Oliver Senior Partner and Head of Commercial Fraud Litigation Peters and Peters (UK)

9:15 The Evolving Role of Technology in Fraud and Asset Recovery
Keith Oliver Senior Partner and Head of Commercial Fraud Litigation Peters and Peters (UK)
Audrey Byrne Partner McCann FitzGerald (Ireland)

Jeffrey Gruder QC Essex Court Chambers (UK)
Gavin Williamson Partner BDO LLP (UK)
Sophie Eyre Partner Bird & Bird LLP (UK)

• Data theft and the interaction with cybercrime
• Increasing co-operation between jurisdictions in countering cyber fraud/attacks
• National measures to mitigate risk and jurisdictional issues
• Tick box culture of banks facilitates fraud
  - A case study of an identity fraud September/October 2015
  - Know your client
• Legal position in traditional and online banking
• The increasingly important role of technology and data analytics in detecting fraud and catching fraudsters
• Legal and technical barriers to obtaining evidence on individuals and companies through open source methods
• Investigating and locating evidence in the cloud

11:00 Madoff 7 Years On – What Lessons Can be Applied to Other Cases?
Moderator / Nigel Le Masurier Partner BDO SA (Switzerland)
Panelists /
Dominic Offord Partner Browne Jacobson LLP (UK)
Gonzalo Zeballos Partner BakerHostetler (USA)

• How to manage a case and its complexities: practical and legal issues
• Work of enquiry agents and investigators in unearthing and obtaining intelligence
• Examining the relationships between parties which resulted in monies being transferred from one place to another
• Bringing actions outside of the US – identifying causes of action amidst a changing legal landscape
• Parameters of investigations, data protection issues in the UK and other jurisdictions
• What investigative techniques are there for Ponzi schemes and what challenges people might face tactically/practically in trying to pursue these sorts of claims?

12:00 Corruption and Sport
This session will examine a number of ongoing corruption cases affecting the world of sport.

Moderator / Saverio Lembo Partner – Head of White Collar Crime Department Bär & Karrer (Switzerland)
Panelists /
Alasdair Bell Co-Managing Partner
Quinn Emanuel Urquhart & Sullivan LLP (USA)

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Panelists /
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Quinn Emanuel Urquhart & Sullivan LLP (USA)
• Ongoing procedures against former officials of FIFA and other international football organizations following bribery scandals that have seen 14 people arrested by US law enforcement authorities
• The extraterritorial application of US RICO law to activities involving FIFA and other international football organizations
• The individual liability provided for in FCPA: risk and consequence
• The work of the FIFA 2016 Reform Committee
• When international enforcement authorities cooperate...and when they don’t

13:00 / Networking Luncheon
Hosted by: ESSEX COURT CHAMBERS

14:15 Knowing Your Limits: Limitation Periods in Multi-Jurisdictional Fraud Cases
Elizabeth Jones QC
Serle Court (UK)
Stephen Baker
Senior Partner
Baker & Partners (Jersey)

• Dealing with limitation periods by agreement
• The impact of insolvency events on limitation periods and recognition of liquidations in different jurisdictions
• Other time bars to take into account
• Limitation periods and fiduciary relationships

14:50 Asset Tracing and Recovery in Matrimonial Disputes
Edward Davis
Founding Shareholder
Astigarraga Davis (USA)
Elizabeth O’Brien
Counsel
Martin Kenney & Co., Solicitors (BVI)

Donald Manasse
Owner
Donald Manasse Law Offices (Monaco)

• The implications of the recent Supreme Court cases of Sharland and Gohil
• Are matrimonial cases a “new frontier” for Asset Recovery practitioners?
• Specialised aspects to asset identification, verification and tracing in matrimonial cases
• Ethical issues which arise when representing the spouse and children
• A human rights based approach to tackling offshore asset protection trusts in matrimonial proceedings
• Where to bring the divorce claim – does it matter?
• The use of contempt and coercive measures as a tactic in such cases

15:50 Respect the Trust or Respect the Freezing Injunction – Where are we Now?
Mona Vaswani
Partner
Allen & Overy LLP (UK)

• Defeating offshore trust protection laws
• The English standard WWFO, Commercial court form and extensions to these
• Disclosures about the trust
• Enforcement issues:
  - Validity of the trust
  - Challenging transfers into the trust
  - Using S. 423 Insolvency Act 1986
  - Receivers
• JSC Mezhdunarodniy Promyshlenniy Bank & Anr -v- Sergei Pugachev [2015] EWCA Civ 139
• JSC BTA Bank -v- Ablyazov [2015] UKSC 64
• Tasarruf -v- Merrill Lynch Bank [2011] UKIPC 17

16:20 Chair’s Closing Remarks and End of Conference
orders as well as a track record of successfully obtaining and discharging injunctive relief.

Members have particular and lengthy expertise in disputes involving freezing and search orders, as well as a breadth of experience in asset tracing and recovery and misappropriation of confidential information.

The expertise of members covers a broad spectrum of international and domestic disputes, jurisdictional issues, high value and complex fraud, asset tracing and recovery. Members are regularly instructed in significant fraud cases including Constantin Medien v Ecclestone, Aeroflot v Berezovsky and JSC BTA Bank v Mukhtar Abyzov.

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Essex Court Chambers is a leading set of barristers’ chambers specialising in commercial, international and European law. Members advise and act in a broad range of litigation, arbitration and dispute resolution worldwide, including commercial fraud, asset tracing and recovery.

Martin Kenney & Co., Solicitors, based in the British Virgin Islands, is recognised as a preeminent law firm in the highly specialised field of fraud investigation, asset-tracing and recovery. Our team of lawyers, investigators and forensic accountants is happy to support C5’s annual forum on fraud and asset recovery which brings together the very best specialists in the field.

The expertise of Littleton’s members covers a broad spectrum of international and domestic disputes, jurisdictional issues, high value and complex fraud, asset tracing/ recovery and misappropriation of confidential information. Members have particular and lengthy expertise in disputes involving freezing and search orders as well as a track record of successfully obtaining and discharging injunctive relief.

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- 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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FRAUD, ASSET TRACING AND RECOVERY
GENEVA

17 – 18 March 2016 | Grand Hotel Kempinski | Geneva, Switzerland

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All Delegates will receive an online link to access the conference materials as part of their registration fee. Conference materials are available 2 working days post event.

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Telephone: +41 22 908 9081

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The program, all program materials, refreshment breaks and lunches.

Terms and Conditions

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