

International Asset Tracing and Recovery



Course Description and Aims

Our International Asset Tracing and Recovery course is a three day programme that will help you build upon your existing expertise in this area by focussing on the legal and practical aspects which are of critical importance to the practitioner.

Our programme will prepare you to:

- Instinctively identify the key issues that arise at each stage of the asset tracing and recovery exercise.
- Improve your leadership skills by enabling you to direct and lead your team more effectively.
- Help you prioritise what is both urgent and important.
- Give you the tools to reduce the time and costs spent in asset tracing and recovery exercises.

Course Information

Dates of delivery:

- 3 days over 3 consecutive weeks in February and March 2023 (28 February, 7 and 14 March)
- Morning session: 10:30 to 13:00
- Lunch: 13:00 to 14:30 (provided by host)
- Afternoon session: 14:30 to 17:00
- 15 min tea breaks: 11:45 and 15:45

Registration and pricing information:

<https://www.qmul.ac.uk/ccls/executive-education/open-programmes/international-asset-tracing-and-recovery>

Location:

Centre for Commercial Law Studies
Queen Mary University of London
67/69 Lincoln's Inn Fields, London, WC2A 3JB

Method of delivery:

In person.

Delivery format:

- Interactive seminars, workshops and case study discussions
- English legal system centric but with reference to civil law countries.
- The course structure reflects the entire process which legal professionals have to go through from the moment of discovery of a fraud up to the execution of interlocutory orders as part of the recovery process.

Audience:

- The course is designed for practitioners, FIU representatives, judges, practitioners, university graduates in Law, International Relations, Economics, and other relevant disciplines. It is also suited to professionals working in governmental institutions, local authorities, international and non-governmental organisations.
- Upon full completion of the course the CCLS will grant a Certificate of Participation.

Instructors



Gary Miller, Mishcon de Reya

Gary Miller has been involved in international asset tracing and recovery for over 45 years, has been a Partner at Mishcon de Reya LLP for over 31 years and is Head of Mishcon's Asia Desk and Chair of the International Fraud Group.



Luka Krsljanin, Blackstone Chambers

Luka regularly acts in civil fraud disputes, with extensive injunctive expertise. Recent work includes *Harrington v Mehta*, a US\$1 billion civil fraud claim in the Chancery Division, and *Jafar v Abraaj Holdings*, a Cayman Islands claim concerning the collapse of a \$13.6 billion private equity platform.



Philippa Rees, Mishcon de Reya

Philippa Rees has over 15 years' experience of commercial fraud cases, both as a solicitor, and more recently as a Professional Support Lawyer, providing specialist expertise on injunctive relief and asset recovery.



Ajay Ratan, Blackstone Chambers

Ajay is a leading junior barrister with a specialism in civil fraud disputes. He has experience in a number of offshore jurisdictions as well as before the Commercial Court, Privy Council and Court of Appeal. Current work includes *Renova v Emmerson*, a BVI claim for c.US\$1 billion.

Day 1: Investigation

The course will centre around an asset recovery case study, which will form the focal point of the course and develop as the course progresses. On Day 1, you will be introduced to the initial facts of the case study, and we will explore the critical first stages of a fraud investigation, looking at what is and is not permissible in internal and external investigations, and the relief that is available through the courts to further those investigations.

- Internal investigations
- Ownership/control of data
- Monitoring emails/calls
- Computer imaging
- Physical/video surveillance
- Instructing external investigators
- Obtaining immediate disclosure through Norwich Pharmacal and Bankers Trust orders
- Case theory and target identification
- Cost-benefit assessment

Day 2: Injunctive Relief

Armed with the results of the internal and external investigations you advised the client to carry out on Day 1, together with the court-ordered disclosure you obtained, we will explore the next stages in the fraud investigation – obtaining urgent injunctive relief to protect and preserve assets and evidence. We will consider the practicalities of preparing successful applications to court, how to anticipate and avoid the pitfalls, and strategic tactics regarding target prioritisation.

- Freezing, Search and Imaging Orders
- Without notice orders
- Proprietary orders
- Evidencing risk of dissipation/destruction
- Full and frank disclosure
- Cross-undertaking in damages and fortification
- Foreign aspects
 - Permission for service out
 - Preserving foreign assets
- Service – UK and overseas
- Target prioritisation

Day 3: Execution of Orders and Recovering Assets

On the final day, the focus shifts to the practicalities of executing the orders you obtained on Day 2, and maximising their impact. We will look at effective preparation for execution of search orders, logistics on the day, managing and monitoring freezing orders, as well as preparing for the unexpected, and maintaining the upper hand in the litigation. To conclude the course, we will explore how we achieve the best strategic result for the client, converting the claim into recovered assets.

- Preparation for execution of orders
- Practicalities on the day
- Securing compliance
- Ongoing monitoring of the order
- Liaising with banks and third parties
- The return date
- Continuation of the order
- Converting the claim into recovered assets
- Settlement strategy
- Summary judgment

This course brings together a unique mix of experts from the legal profession who are currently practising in the field of international asset recovery.

The Centre for Commercial Law Studies (CCLS) has a long history of contributing to the training of practitioners and industry professionals, as well as providing seminars and lectures that count towards continuing professional development. CCLS's objective is to respond to the needs of practitioners in developing and novel areas of law, to contribute to the work of domestic and international bodies undertaking law reform, to offer consultancy to governments, agencies and practitioners, and to engage in debate through seminars and conferences.

Mishcon de Reya is one of London's leading commercial law firms which specialises in International Asset Tracing and Recovery. Their Civil Fraud group is consistently highly ranked in both Chambers & Partners and Legal500, with several partners highlighted as stand-out experts in this field. This includes Gary Miller who, consistently recognised for over a decade, entered the Legal500 Hall of Fame in October 2022.

Blackstone Chambers, as one of London's pre-eminent sets of commercial chambers, has a long held reputation for its international fraud and asset tracing practice. Members of Chambers have particular specialist expertise in utilising the coercive powers of the courts for the securing of evidence and the preservation, tracing and recovery of assets. Blackstone and Mishcon de Reya have together been responsible for devising and obtaining cutting edge interim injunctive relief over the last 10 years and are still leading the way in developing the law to combat risks presented by the emergence of cyber crime and identity theft.

The International Fraud Group (IFG) has been operating successfully for the last 25 years as the oldest and the most experienced international network of fraud lawyers specialising in all aspects of international asset tracing and recovery in both the civil and criminal arenas. Every member of the IFG is committed to a return on investment philosophy that focusses on the commercial dynamics of asset recovery programs to ensure that clients are able to recover a multiple of what they spend.

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