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8th Edition

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Southern District of Florida



Richard P. Foelber
Chief, Office of Cooperative Enforcement
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William Brown
Unit Chief | Economic Crimes Unit, Criminal Investigative Division
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YOU ARE INVITED! Exclusive Sunset Drinks & Dinner on Sunday

DO PRACTITIONERS WALK AN ETHICAL TIGHTROPE? Q&A Style Discussion on Tuesday

WHAT'S IN STORE FOR THE FRAUD and ASSET RECOVERY WARRIOR? Networking Drinks Roundtables on Monday

PSYCHOLOGY OF FRAUD IN CASE MANAGEMENT: Early-Riser Working Group on Tuesday

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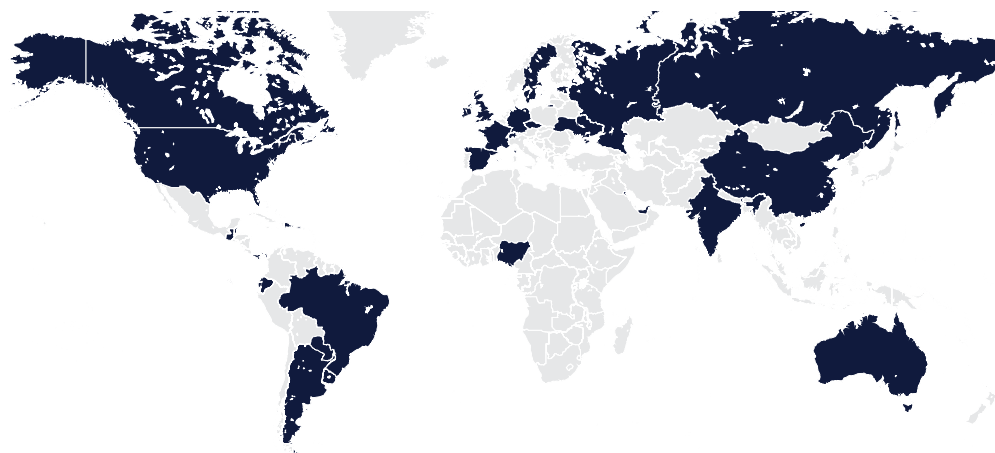
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CONTINENTS



Why do attendees come to C5's Miami conference?

It was wonderful. The sessions were informative, and the conference presented an excellent opportunity to network with experts in fraud and asset recovery.

Ashanti Martin, Balderamos Arthurs (Belize)

This conference brings together the people I need to network with and provides some meaningful education. The venue is always very good and it is well organised.

Glenn Pomerantz, BDO (USA)

Great venue, great variety of talks and attendees.

Richard Morgan QC, Maitland Chambers (UK)

The organisation was first class and the conference ran extremely smoothly. The networking opportunities were superb.

Louise McNamee, Baker and Partners (Jersey)

Flawless organisation. Excellent location of the hotel and good service.

Benjamin Borsodi, Schellenberg Wittmer (Switzerland)

Sunset Drinks & Dinner By The Ocean

Sunday, October 27th, 2019 | The Cabana Pool (located on the 3rd floor)

YOU ARE INVITED!

Traditionally the highlight of the Miami event, this "welcome-to-the-conference" evening offers attendees an exclusive opportunity to mix with people you know and people you would like to get to know better.

18.30

Conference Registration Opens. Sunset Welcome Drinks

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19.30

Sunset Welcome Dinner

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Conference Day One Monday, October 28th, 2019

08.00 **Registration, Refreshments and Networking**

09.00

Opening Remarks from Conference Co-Chairs

 **Ed Davis**
Founding Shareholder
Sequor Law (USA)

 **Martin Kenney**
Managing Partner
Martin Kenney & Co. (BVI)

09.05

Fraud and Corruption: The Year in Review

 **Rebekah Poston – Session Leader**
Senior Partner
Squire Patton Boggs (USA)

 **Glenn M. Pomerantz,**
CPA, CFE, CFF
Partner
BDO (USA)


 **Marcos Daniel Jiménez**
Managing Partner
Marcos D. Jiménez P.A. (USA)


This session will provide a review of the prior year’s most notable fraud and corruption related enforcements, settlement, monitorships and legislative changes including an interactive frank conversation on how critical events and regulatory changes in fraud and corruption impact corporate behavior now and in the future. Through geographic presentations, moderator/panelist Q&As and panelist dialogue, speakers will share their personal insights and predictions for the future of fraud and corruption and asset recovery and solicit audience feedback along the way.

10.00

Recovery Actions in LATAM Jurisdictions

 **Ed Davis – Session Leader**
Founding Shareholder
Sequor Law (USA)

 **Alejandro Pignataro**
Partner
Pignataro Abogados (Costa Rica)

 **Joao A. Accioly**
Managing Partner
Advocacia Sobrosa & Accioly (Brazil)

11.00 **Refreshments and Networking**

Hosted by **SCHELLENBERG WITTMER**


11.30

Tax & Financial Fraud, Money Laundering & Anti-Money Laundering (AML) – A Law Enforcement Perspective for Commercial Litigation Application

 **Chuck Pine – Session Leader**
Partner
BDO (USA)

 **Benjamin Borsodi**
Partner
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 **Thomas Bishop**
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 **Adil Raza**
Risk & Regulatory
Advisory Director
BDO (USA)

- Offshore – law enforcement focus and litigation trends:
- Ultimate Beneficial Ownership
- Financial & Designated Financial Institutions
- Recent litigation: Updates from Switzerland, USA and BVI

12.30


Spotlight on Jersey: The Latest Cases Coming Out of the British Crown Dependency


 **Stephen Baker**
Senior Partner
Baker & Partners (Jersey)

12.50 **Networking Luncheon**

14.00

Do’s and Don’ts of Fraud Litigation and Asset Recovery in the Caribbean Offshore Jurisdictions

 **Jonathan Addo – Session Leader**
Partner
Harneys (BVI)

 **Alain Choo Choy QC**
Barrister QC
One Essex Court (UK)


 **Radford Goodman**
Partner
Norton Rose Fulbright LLP (UK)

- Latest developments in fraud cases
- What could and could not be done in the Caribbean offshore hotspots
- Tools, remedies and tactics in asset recovery cases
- Significant recent and expected judgements


14.45

A Shield and Sword? – Confidentiality Clubs, Privacy Orders and Trade Secrets

 **Sophie Eyre – Session Leader**
Partner
Bird & Bird (UK)

 **Stephen Baker**
Senior Partner
Baker & Partners (Jersey)

 **Antenor Madruga**
Partner
FeldensMadruga (Brazil)

 **Saverio Lembo**
Partner
Bär & Karrer (Switzerland)



- Keeping information in a public trial private – comparison of jurisdictions
- How can secrecy be used as a tool to find and preserve concealed assets? Ways to circumvent usual secrecy provisions which frustrate asset tracing?
- Keeping trade secrets a secret when misappropriated- a comparative cross border view

15.45 Refreshments and Networking

Hosted by



16.15

Litigation Funding: Cut out the Middleman/ Best Practices in Raising Capital for Asset Recovery Cases



Martin Kenney – Session Leader
Managing Partner
Martin Kenney & Co. Solicitors (BVI)



Matthew Palamountain
Special Assets Group –
Litigation Finance
Cowen and Company LLC (USA)



Robert Jennings
Director
Asset Recovery International Limited (Bermuda)

"It is well-known what a middleman is: he is a man who bamboozles one party and plunders the other", Benjamin Disraeli

17.00

Legal and Psychological Perspectives on Fraudsters, Victims and Law



Alexander Stein – Session Leader
Managing Principal, **Dolus Advisors**
Principal, **The Boswell Group LLC (USA)**



Ed Davis
Founding Shareholder
Sequor Law (USA)



Brad Edwards
Board Certified Trial Attorney
Edwards Pottinger LLC (USA)

Featuring a conversation among a sitting U.S. judge, a victim of fraud, and an expert in the psychodynamics of fraud and white-collar misconduct, the session will probe factors at the nexus of law, psychology, and human nature, including: Do fraudsters exploit characteristic vulnerabilities or is anyone a potential mark? Are some people more susceptible than others? Do levels of education or commercial savvy matter? Contributory negligence, pari delicto, ex turpi causa, and the Eggshell Skull doctrine are legal concepts relating to the human mind, but are they psychologically accurate?

18.00 – 19.00

What's In Store for the Fraud and Asset Recovery Warrior?

EXECUTIVE DRINKS ROUNDTABLES

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Wind down and sample a selection of drinks as you end the first day by networking, comparing notes and sharing visions around industry trends and developments.

- Next big trends in fraud schemes
- Next big trends in fraud investigations
- Next big trends in fraud prosecution
- Next big trends in asset recovery

The roundtables will be held under the 'Chatham House Rules.'



Neal Levin
Partner
Freeborn (USA)



Michael S. Budwick
Partner and Co-Chair, Financial Fraud Group
Meland Russin & Budwick (USA)



Mark Forte
Partner, Head of BVI Litigation & Restructuring and Office
Conyers (BVI)

Conference Day Two

Tuesday, October 29th, 2019

07.45 – 09.15

EARLY-RISER WORKING GROUP

Strategic Applications of the Psychology of Fraud in Case Management

This advanced Working Group offers cutting-edge perspectives on the psychological dimensions of fraud and fraudsters and provides innovative, actionable tools to assist fraud litigators and asset recovery professionals in case management and prosecution. Following a brief overview of key points, the Leader will facilitate discussion with the participants focused on human behavior/psychological questions and issues from their own cases.

- Surveying the human ecosystem in a fraud case
- Minding the gap between jurisprudential definitions and psychological realities of mens rea to navigate challenges in white-collar criminal prosecution
- Myth-busting outmoded and inaccurate accountings of "fraudster psychology and psychopathology"
- Looking beyond Cressy's Fraud Triangle: understanding the matrix of catalysts and dynamic drivers of criminal fraud and white-collar misconduct
- Practical applications of psychodynamics in advancing case conceptualisation, management and prosecution

To ensure a meaningful and interactive benchmarking experience attendance will be limited.

LED BY:



Alexander Stein
Managing Principal, **Dolus Advisors**
Principal, **The Boswell Group LLC (USA)**

Conference Day Two Tuesday, October 29th, 2019

08.45 Refreshments and Networking

09.15

Co-Chairs' Opening Remarks



Keith Oliver
Head of International
Peters & Peters (UK)



Robert Hunter
Solicitor Advocate (UK)

09.20

Why do Fraud Lawyers Dislike Arbitration?



Keith Oliver – Session Leader
Head of International
Peters & Peters (UK)



Stuart Leach
Communications Consultant (UK)



Richard Gillis QC
Barrister QC
One Essex Court (UK)



Massimiliano Danusso
Managing Partner of the London office
BonelliErede (Italy)



Steven Davidson
Partner
Step toe (USA)

- Issues when there is an arbitration clause with an alleged fraudster
- Interim remedies
- Can the arbitration agreement be challenged? Is the arbitration clause enforceable?
- What can lawyers do to make the best of arbitration

10.45

What do You Have to Prove in Dishonest Assistance Cases



Mary Young
Partner
Kingsley Napley (UK)



Steven Law
Partner / Forensic Services
BDO London (UK)

- Causes of action an intermediary liability claims against third parties (banks, lawyers, accountants and other facilitators)
- Group litigation orders and collective actions

11.15 Refreshments and Networking

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11.45

US Government Enforcement Agencies Roundtable



Luis Perez
Chief, Economic Crimes Section
U.S. Attorney's Office, Southern District of Florida



Richard P. Foelber
Chief, Office of Cooperative Enforcement
U.S. Commodity Futures Trading Commission



William Brown
Unit Chief | Economic Crimes Unit,
Criminal Investigative Division
Federal Bureau of Investigation

12.45

FIRESIDE CHAT WITH



Eric I. Bustillo
Regional Director
US Securities and Exchange Commission
Miami Regional Office (USA)



13.15 Lunch and Networking

14.15

Defrauding US-Federal Programs: Recent Developments Impacting False Claims Act (FCA) Related Litigation and Investigations

This session will focus on what should every lawyer should know about protecting themselves and their clients against a whistleblower lawsuit or FCA investigation



Brian Mahany
Managing Partner
MahanyLaw (USA)

14.45

Do Practitioners Walk an Ethical Tightrope? The Good, the Bad and the Grey Areas



Robert Hunter – Session Leader
Solicitor Advocate (UK)



Bhavesh Patel
Senior Counsel
Travers Thorp Alberga
(Cayman Islands)

End this year's edition with this interactive Q&A style, "no power point" lounge chair discussion on some of the most controversial ethical challenges encountered by practitioners during fraud litigation and asset recovery as well as the possible solutions.

- From around the world – what are the key areas in which our ethical judgments are tested?
- Is distrust hard wired into rule laden, adversarial systems – views from civil law jurisdictions?
- Do rule breakers get away with it?
- Walking the tightrope – do judges believe in ethical uncertainty

15.30 Co-Chair's Closing Remarks

15.45 Conference Ends



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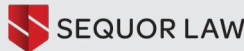
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Davis, Gregory Grossman, another founding shareholder, and all members of the Astigarraga Davis top-ranked asset recovery team. Davis has been recognized for the past four years by Who's Who Legal and recognized as the Asset Recovery Lawyer of the Year. Grossman, who heads our firm's international insolvency and financial services litigation practice, filed the first Chapter 15 Petition in Florida, is recognized as a thought leader in the use of cross-border insolvency proceedings on behalf of creditors and fraud victims.

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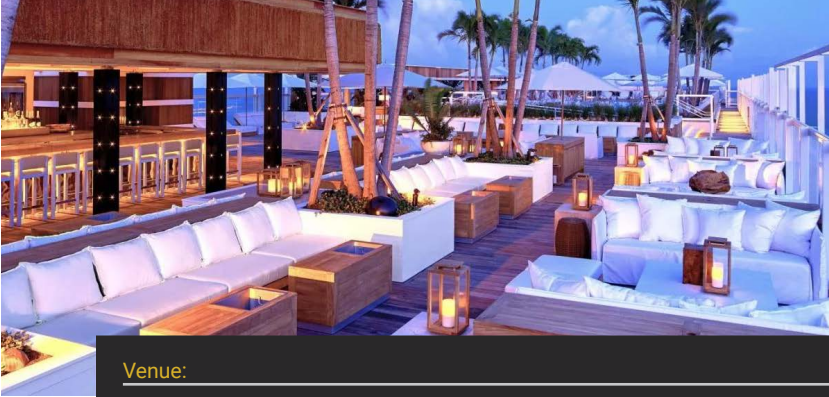
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