

Asset Recovery: Restraint, Confiscation and Civil Recovery

12 October 2010, London

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Asset Recovery: Restraint, Confiscation and Civil Recovery

A Sledge Hammer or a Scalpel?

12 October 2010, London

Previous delegates
have said:

*“Knowledgeable,
heavy weight
speakers with
practical & in-depth
knowledge of subject
matter”*

“Excellent conference”

*“Speakers and
content excellent”*

Your client has been arrested in connection with an alleged substantial fraud: what do you do? What action will be taken to recover assets from your client - criminal confiscation or civil remedies? What are your client's rights in relation to these actions?

Your client has lost a substantial amount of money in a fraud and wishes to recover it: what do you do? What actions will the law enforcement agencies take to help your client? What actions should your client take? What are the client's rights?

This interactive, case study based day brings together leading practitioners in this area of law, to provide insights into the options available to both defenders and prosecutors.

We are delighted that Lord Justice Hughes, Vice-President of the Court of Appeal (Criminal Division), has agreed to deliver the keynote address.

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Chairmen:

Andrew Bodnar is a specialist in all aspects of the law relating to the proceeds of crime and asset recovery. He has appeared in a number of the leading cases in the field. He is an editor of *Smith Owen and Bodnar on Asset Recovery*, published by OUP and lectures on asset recovery both here and abroad.

Ian Smith is a barrister based in London. He is a commercial litigator with specialisms in civil fraud litigation, the law relating to proceeds of crime and private international law. He is retained by many City law firms and institutions to provide anti-money laundering advice. He is an editor and co-author of the practitioners' text *Smith, Owen & Bodnar: Asset Recovery: Criminal Confiscation and Civil Recovery* (2nd Edition, Oxford University Press, May 2007).

Keynote Speaker:

The Rt Hon Sir Anthony Hughes was appointed Vice President, Criminal Division of the Court of Appeal, in 2009, having been appointed a Lord Justice of Appeal in 2006. He practised at the bar from 1971 to 1997 where his principal chambers were in Birmingham. His practice was mixed common law, crime and family, with the emphasis latterly on crime.

Speakers:

Matthew Allen, National Fraud Authority.

Andrew Bird is a barrister and tenant at 5 St Andrew's Hill. He is a specialist in asset forfeiture in both the criminal and civil jurisdictions. He is Standing Counsel to RCPO and to the DWP, as well as acting for receivers, HMRC, SOCA, the FSA, police forces, local authorities, the CPS and occasionally for the other side! His criminal practice includes both prosecution and defence of regulatory matters. He has also been involved in a number of high profile Judicial Reviews relating to search warrants and other civil litigation relating to the process of criminal investigations. He is a contributing editor to *Smith Owen and Bodnar on Asset Recovery* and has conducted seminars for the Association of Police Lawyers, SOCA, local authorities and KPMG.

Shaul Brazil is an employed barrister with BCL Burton Copeland solicitors. He specialises in business crime, contentious financial services regulation and proceeds of crime law. He regularly acts in the leading and most high profile cases in these areas.

Richard Egan has been a Police Officer for 26 years. He spent five years on the National Crime Squad and was involved in cases ranging from product contamination to bombing campaigns. He joined the Metropolitan Police in 2003 and has served on SCD8 Trident Murder Investigations, SCD6 Economic Crime Directorate. He has been a Financial Investigator for over 15 years and is currently with the Asset Confiscation Enforcement Team.

Martin Evans has a practice involving all aspects of the law relating to asset recovery, money laundering and confiscation. He is experienced in handling restraint, receivership and contempt proceedings in the High Court and has developed a particular expertise in the area of civil recovery. He is a founder member of 33 Chancery Lane.

Simon Farrell QC is leading Silk in fraud and crime. He is recognised as an expert in commercial fraud, confiscation and money laundering cases. He advises on a wide range of criminal and civil issues in these areas in Crown Court, High Court and Appellate proceedings. He is frequently consulted on matters with an international dimension and in confiscation, restraint and receivership proceedings. Simon has extensive experience of VAT and tax fraud cases. His expertise extends to the VAT tribunal.

Stephen Gentle specializes in complex fraud matters, frequently with multi-jurisdictional aspects. He has particular expertise in corruption and bribery issues, cartel matters and money laundering prevention, investigations and prosecutions. His international criminal practice covers extradition proceedings, sanctions breaches and mutual legal assistance requests. He also advises clients in FSA investigations into insider dealing and market misconduct/market abuse matters.

David Ingram is a member of Grant Thornton's recovery and reorganisation group, specialising in Court appointed receiverships and fraud based insolvencies. He is a Licensed Insolvency Practitioner, a Member of ICAEW's Fraud Advisory Panel and a Member of ICAEW's Appeals Committee.

9.00 Registration and Coffee

Morning Chairman: Andrew Bodnar, Matrix Chambers

9.30 Chairman's Welcome and Introduction

9.45 Keynote Address: Whither Draco?

Lord Justice Hughes, Vice President of the Court of Appeal, Criminal Division

10.15 Restraint - How it Works

- Investigative
- Purpose
- Principles

Tim Owen QC, Matrix Chambers, Andrew Mitchell QC, 33 Chancery Lane, and Soumya Majumdar, Proceeds of Crime Unit Crown Prosecution Service

11.00 Coffee

11.15 Restraint - Some Problem Areas

- Position of lawyers
- Parallel civil proceedings
- Position of third parties
- International considerations

Ivan Pearce, 33 Chancery Lane, Sarah Wallace, Irwin Mitchell, and David Ingram, Grant Thornton

12.00 Confiscation

- Calculating benefit
- Oppression
- Confiscation v compensation
- Confiscation v civil claims

Simon Farrel QC, 3 Raymond Buildings, and Keith Oliver, Peters & Peters

12.45 Questions

1.00 Lunch

Afternoon Chairman: Ian Smith, 11 Stone Buildings

1.45 Cash Forfeiture

- Developments
- Concurrent proceedings
- Position of victims

**Richard Egan, Metropolitan Police,
Andrew Bird, 5 St Andrew's Hill and
Ben Rose, Hickman & Rose**

2.30 Civil Recovery

- Developments
- Criminal v civil
- Victims and third parties

**Shaul Brazil, BCL Burton Copeland and
Andrew Bodnar, Matrix Chambers**

3.15 Tea

3.30 Enforcement

- Criminal and civil
- Developments
- Payments to victim

**Jeremy Outen, KPMG Forensic,
Stephen Gentle, Kingsley Napley and
Martin Evans, 33 Chancery Lane**

4.15 Panel Discussion: What Does the Future Hold?

**Ian Smith, 11 Stone Buildings with a panel of experts
including Matthew Allen, National Fraud Authority**

4.45 Chairman's Concluding Remarks and Questions

5.00 Conference Close

Soumya Majumdar is a senior lawyer with the Proceeds of Crime Unit of the Crown Prosecution Service.

Andrew Mitchell QC is head of chambers at 33 Chancery Lane. He is ranked as a leading Silk in both crime and criminal fraud in both *Chambers* and *Legal 500*. According to *Chambers*, he is "a leading expert on confiscation matters" who has an "excellent knowledge of law" and is "a fine advocate and an impressive performer". A consultant to the IMF on money laundering and confiscation, Andrew regularly lectures on a range of related issues. He has been *The Times* "Lawyer of the Week" and was recently described by a senior Government lawyer as "simply the best".

Keith Oliver is Senior Partner and Head of Commercial Litigation/Civil Fraud and Asset Tracing Team. He is recognised as one of the leading experts in civil fraud and asset tracing, with expertise in international and domestic civil and commercial fraud litigation, asset tracing/recovery, regulatory, insolvency and trust litigation.

Jeremy Outen joined KPMG Forensic in 1992 where he is now a partner, heading up the Fraud team. His work involves him in fraud and proceeds of crime investigations. His clients include the Home Office, SOCA, HMRC and the SFO. Major cases in which he has been involved include *Grupo Torras v Al Sabah*, search into assets of victims of Nazi persecution at Swiss banks, SBS-Agro and TXU. In 2000 he worked on secondment at the Cabinet Office as part of the Performance and Innovation Unit Crime Team, which led to the Proceeds of Crime Act.

Tim Owen QC is a founder member of Matrix chambers and specialises in criminal law, public law and human rights law. He is an advisory editor of Blackstone's Criminal Practice 2007 and co-editor of *Asset Recovery: Criminal Confiscation and Civil Recovery* (OUP, 2007).

Ivan Pearce is a member of 33 Chancery Lane where his practice centres around fraud, money laundering, market offences, asset forfeiture and confiscation. He is recommended as a leading junior in *Chambers*. He is a regular lecturer is a contributing author of *The Anti Money Laundering Guide* (CCH Publications) and *Smith Owen and Bodnar on Asset Recovery Criminal Confiscation and Civil Recovery* (Oxford University Press).

Ben Rose is a founding partner of Hickman and Rose Solicitors, and has worked for over 18 years on complex and serious cases involving high profile investigations and prosecutions for financial crime, organised crime, major international advance-fee frauds, confiscation proceedings and the largest ever art fraud prosecutions. Ben is member of the Times Law Panel, a Supervisor of the Serious Fraud Panel and a Member of the Law Society's AML Panel which provides special money laundering advice to other solicitors. He has lectured to the Judicial Studies Board, the Criminal Cases Review Commission, the Annual Justice Conference and the Financial Time Innovative Lawyers Awards.

Sarah Wallace is a partner in the Regulatory and Criminal Investigations Group at Irwin Mitchell London. She is a specialist in serious and complex criminal fraud litigation, confiscation and restraint, and regulatory investigations, particularly FSA Enforcement investigations.

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