

SESSIONS

ASSET RECOVERY AMERICAS: WELCOME DRINKS - 18/09/2019

Asset Recovery America

September 18 - 20, 2019
Convene at 810 Seventh Avenue
New York, USA

Welcome Drinks Reception

7:00pm - 9:00pm

**cloudM Rooftop Bar - citizenM New York Times
Square Hotel**

218 W 50th St,

New York,

NY 10019,

USA

*Rise above the hustle and bustle of the city that never
sleeps at this midtown rooftop bar. Drink in the view
and marvel at Manhattan.*

SCHEDULE

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ASSET RECOVERY AMERICAS: DAY 1 - 19/09/2019

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Convene at 810 Seventh Avenue
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Registration & Welcome Refreshments

8:30am - 9:00am

Breakfast briefing – what can jurisdictions with new bankruptcy codes learn from the US bankruptcy code?

9:00am - 9:40am

This panel will discuss how the US courts interpret key provisions of the US bankruptcy code, and how other jurisdictions with new bankruptcy legislation based on the code might use US case law to interpret their new laws. In particular, the panel will consider how Brazilian Courts might look to US case law to interpret their new laws. This panel will discuss how the US courts interpret key provisions of the US bankruptcy code, and how other jurisdictions with new bankruptcy legislation based on the code might use US case law to interpret their new laws. In particular, the panel will consider how Brazilian Courts might look to US case law to interpret their new laws.

Participants

Caio Machado Filho - Partner, Chediak Lopes Da Costa Cristofaro Menezes Cortes Simoes (Brazil)

Fabio Weinberg Crocco - Associate, Sullivan & Cromwell LLP (New York, USA)

Illana Volkov - Partner, McGrail & Bensinger LLP (New York, USA)

Chairs opening Remarks

9:40am - 9:55am

Participants

Ros Prince - Partner, Stephenson Harwood (UK)

Keynote Address

9:55am - 10:35am

Long before it became fashionable, the original 'rogue trader' lost £860m of Barings' money - and spent four years in a Singapore jail. Nick tells his compelling and still cautionary tale without making any excuses for his wrong-doing.

Participants

Nick Leeson, The Original Rogue Trader

Morning Refreshment Break

10:35am - 11:05am

View from the Bench - Asset Recovery in a Globalized World

11:05am - 11:45am

Current and former judges from different jurisdictions discuss their views of international fraud litigation - the interim remedies available to claimants, whether they are effective, and how the law will evolve

Participants

Justice Ian Kawaley, Financial Services Division, Cayman Islands Grand Court (Former Chief Justice of Bermuda)

Daniel Carnio Costa - Judge, First Bankruptcy Court of Sao Paulo, Sao Paulo State Court of Justice (Brazil)

Hon. Allen L. Gropper - United States Bankruptcy Judge, Southern District of New York (retired) (USA)

Whistleblowers – friend or foe? How to assess and manage whistle blowers

11:45am - 12:25pm

This panel will introduce our case study, involving a fraud/corruption scenario of a Latin American subsidiary of a US parent company. Our panel will discuss different jurisdiction's approaches to dealing with a whistleblower, including 'dos & don'ts' when assessing and managing a whistle blower on an international fraud.

Participants

Stephen Kohn - Partner, Kohn, Kohn & Colapinto LLP (Washington D.C., USA)

Bobby Friedman - Barrister, Wilberforce Chambers (UK)

Networking Lunch

12:25pm - 1:40pm

What is 'fraud' anyway? Good faith, jurisdictions without it, and how to plead claims in jurisdictions that do not have that and other US laws normally used to recover assets

1:40pm - 2:20pm

Using the case study, this panel will consider what amounts to fraud in different legal systems. Panellists from jurisdictions that do not have good faith obligations will discuss how to get around this, for example by relying on the duties of employees or fiduciary duties.

Participants

Mark Russell - Head of Insolvency and Restructuring, KSG Attorneys (Cayman Islands)

Charlie Sorensen - Senior Associate, Baker & Partners (Jersey)

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

Henrique Forssell - Partner, Duarte Forssell Advogados- DFA (Brazil)

Julia Beskin - Partner, Quinn Emanuel Urquhart & Sullivan, LLP (New York, USA)

Liar, liar – the courts' approach to evidence in civil, US and common law systems

2:20pm - 3:00pm

Witness evidence is often central in fraud and asset tracing claims, but legal systems differ significantly in how they treat this. Similarly, many jurisdictions do not have discovery. This panel will consider if and how witness evidence is prepared, given and tested, how the Courts evaluate it, and how lawyers working internationally can get the best out of each system.

Participants

Matthias Gstoehl - Partner, Lalive (Switzerland)

Gabriel Bluestone - Partner, Bluestone Law International (DC, USA)

Julian Chediak - Partner, Chediak Lopes Da Costa Cristofaro Menezes Cortes Simoes (Brazil)

Mary Young - Partner, Kingsley Napley (UK)

Afternoon Refreshment Break

3:00pm - 3:30pm

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Whose fault is it anyway? Balancing the need to recover assets with criminal and regulatory risks

3:30pm - 4:10pm

This panel considers the liability of directors, employees, and a company's group for fraud and corruption, and how to balance the need for asset recovery with the need not to incur regulatory, civil or criminal liabilities.

Participants

Pedro Serrano Espelta - Partner, Marval, O'Farrell & Mairal (Argentina)

Justin McClelland - Partner, Stephenson Harwood (UK)

Brian Morris - Department of Justice,, Eastern District of New York

Abbe Lowell - Partner, Winston & Strawn (DC and New York, USA)

3 scandals – lessons learned?

4:10pm - 4:50pm

This panel will consider Lava Jato in Brazil, Danske Bank in the Baltics, and 1MDB in Malaysia – what can companies, practitioners and states learn from these scandals which share common themes, despite having happened in different systems on different continents?

Participants

Paulius Docka - Of Counsel, Primus Derling (Lithuania)

Rogério Taffarello - Partner, Mattos Filho (Brazil)

Steven Molo - Partner, MoloLamken LLP (New York, USA)

Unusual assets, unusual remedies? Asset recovery efforts involving assets other than cash

4:50pm - 5:30pm

This panel gives practical examples of asset recovery involving unusual assets such as art works, and considers the challenges and how to overcome them. This panel gives practical examples of asset recovery involving unusual assets such as art works, and considers the challenges and how to overcome them.

Participants

Eden Burgess - Partner, Cultural Heritage Partners (DC, USA)

Laura Patten - Former Specialist Leader, Deloitte Art & Finance Initiative, Deloitte Art & Finance Initiative (USA)

Christopher Weil - Partner, Mintz Group (Washington D.C., USA)

Jane Mitnick - Founder and President, SM Financial Services Corporation (New Jersey, USA)

Ben Davies - Partner, Byrne and Partners LLP (UK)

Chair's Summation & Close of Conference

5:30pm - 5:40pm

Drinks Reception hosted by

5:40pm - 7:00pm

Conference Dinner

7:00pm - 9:00pm

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ASSET RECOVERY AMERICAS: DAY 2 - 20/09/2019

Asset Recovery America

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Welcome Coffee

9:00am - 9:30am

Chairs' Opening Remarks

9:30am - 9:45am

Participants

Katherine Catanese - Partner, Foley & Lardner (New York, USA)

Mark Shaw - London Head of Restructuring, BDO (UK)

Insolvency – pandora's box, or a key litigation advantage?

9:45am - 10:25am

This panel considers, with reference to our case study, the pros and cons of pursuing the insolvency route as against litigating through the Courts.

Participants

Marcelo Lamego Carpenter - Senior Partner, Sergio Bermudes Advogados (Brazil)

Leiza Blanco - Shareholder, Sequor Law (Miami, USA)

Margot MacInnis - Partner, Grant Thornton Specialist Services (Cayman Islands)

Douglas E. Spelfogel - Partner, Foley & Ladner (New York, USA)

Morning Refreshment Break

10:25am - 10:55am

Offshore insolvency, onshore assets

10:55am - 11:35am

Does an offshore insolvency work, if the underlying assets are onshore? This panel considers domestic challenges that trustees face in actually getting in assets in challenging jurisdictions – from dealing with courts that are slow to grant recognition, through to onerous local obligations on trustees to safeguard employees

Participants

Yves Klein - Partner, Monfrini Bitton Klein (Switzerland)

Joel Cohen - Managing Director, Stout (New York, USA)

Mark McDonald - Partner, Grant Thornton (BVI)

Stephen Peters - Partner, BDO (UK)

Working together (and how to pay for it)

11:35am - 12:15pm

This panel considers the different professionals who are often involved in asset recovery litigation, how to maximise the benefits they can bring, and how to fund asset recovery litigation

Participants

Annabel Kerley - Partner, StoneTurn (UK)

Tracey Kenworthy - Forensic Director, BDO (UK)

Caroline Moran - Partner, Maples Group (Cayman Islands)

David Kerstein - Chief Risk Officer and Senior Investment Manager, Validity Finance (USA)

Lunch

12:15pm - 1:30pm

When the law changes – new bankruptcy codes in different jurisdictions

1:30pm - 2:10pm

This panel will discuss the effects of new bankruptcy codes that have been introduced recently in their jurisdictions – how their courts have dealt with interpreting them, challenges practitioners have faced, and where the future likely lies

Participants

Alex Hatanaka - Partner – Litigation, Restructuring and Insolvency, Mattos Filho Advogados (Brazil)

Elizabeth Mason - Associate, Reed Smith (UK)

Receiverships and provisional liquidators – international experiences

2:10pm - 2:50pm

This panel will consider the advantages and disadvantages of receiverships, from a US and international perspective, along with practical experiences of how receiverships can help in litigation and asset recovery. This panel will consider the advantages and disadvantages of receiverships, from a US and international perspective, along with practical experiences of how receiverships can help in litigation and asset recovery.

Participants

Jason Weiner - Attorney and Fellow, INSOL International, Schafer & Weiner PLLC (Detroit, USA)

Hadley Chilton - Director, FFP (BVI)

Tameka Davis - Partner, Conyers (BVI)

Afternoon Refreshment Break

2:50pm - 3:20pm

Roles reversed – fraudulent bankruptcies

3:20pm - 4:00pm

This panel discusses local approaches to judgments obtained by fraud (for example in reliance on fraudulent documents), how and when these can be appealed, and how their courts treat allegations that foreign judgments were obtained by fraud in the enforcement context

Participants

Sheryl Giugliano - Partner, Diamond McCarthy LLP (New York, USA)

Nicholas Fox - Partner, Mourant (Cayman/ BVI)

Farrington Yates - Lawyer, Kobre & Kim (USA)

Steven Haynes - Director, Greyhawk

Chair's Summation & Close of Conference

4:00pm - 4:15pm

Participants

Katherine Catanese - Partner, Foley & Lardner (New York, USA)

Mark Shaw - London Head of Restructuring, BDO (UK)

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2:00PM	2:10pm - Receiverships and provisional liquidators – international experiences 2:50pm - Afternoon Refreshment Break
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