

# International Asset Tracing and Recovery



## Course Description and Aims

Our International Asset Tracing and Recovery course is a five 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:

- 5 days over 5 consecutive weeks in November 2021 (2, 9, 16, 23 and 30)
- Morning session: 10:30 to 13:00
- Lunch session: 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:

- Lectures, seminars, workshops.
- 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 theft 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 43 years, has been a Partner at Mishcon de Reya LLP for nearly 30 years and is Head of Mishcon's Asia Desk.



### Anthony Peto QC, Blackstone Chambers

Anthony Peto QC is joint Head of Chambers at Blackstone Chambers and has been involved in international asset tracing and recovery for over 25 years.



### 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.



### Leona Powell, Blackstone Chambers

Leona is a leading junior at Blackstone Chambers specialising in civil fraud and asset recovery and has been involved in asset recovery for over 20 years.

## Day 1: Preparation

### Morning – Legal framework:

- Privilege
- Confidentiality
- Other investigations
- Criminal liability
- Regulatory issues
- Insurance

### Afternoon – Practical issues:

- Case theory
- Target identification
- Cost-benefit assessment
- Resources
- Urgent injunctive relief

## Day 2: Investigation

### Morning – Legal framework:

- Evidence vs intelligence
- Ownership/control of data
- Monitoring emails/calls
- Computer imaging
- Physical/video surveillance
- Investigators
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### Afternoon – Practical issues:

- Witnesses
- Quantum
- Scope of IT review
- Public source information
- Pressure points
- Strategy and timing

## Day 3: Liability and Recoverability

### Morning – Legal framework:

- Causes of action
- Evidencing claims in fraud
- Limitation
- Joint & several liability
- International aspects
  - Jurisdiction
  - Applicable law
  - Proving foreign law
  - Forum shopping/piggy backing

### Afternoon – Practical issues:

- Target prioritisation
- Evidence of liability & quantum
- Forum selection
- Parallel foreign proceedings
- Third parties
- Strategy
- Stress test
  - case theory
  - costs
  - ROI

## Day 4: Preparation for Application

### Morning – Legal framework:

- Statement of claim
- Without notice orders
- Proprietary tracing orders
- Evidencing risk of dissipation/destruction
- Full and frank disclosure
- Undertaking in damages & fortification
- Foreign aspects:
  - Permission for service out
  - Preserving foreign assets

### Afternoon – Practical issues:

- Timing
- Interrogation of data
- Use of evidence overseas
- Service – UK & overseas
- Surveillance
- Settlement strategy
- Contingency planning

## Day 5: Execution of Orders

### Morning:

- Review of case study outlining events which occur during execution
- Role play – Team A executing and Team B responding

### Afternoon:

- Role play – Team B executing and Team A responding
- Review and conclusions

This course brings together a unique mix of experts from the legal profession who are currently practicing 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 ranked as a Tier 1 practice in the leading directories, 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 2020.

**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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