This year marks 30 years since the inception of C5 Group. It is time to match our brand with the dynamic strides we have made. See inside for details…

6th & 7th June 2016 | Mandarin Oriental, Hong Kong, China

2nd Annual

FRAUD, ASSET TRACING AND RECOVERY ASIA

Asia’s Leading Legal Conference on Civil Fraud Investigations, Litigation and Asset Recovery

Benchmark and Network With Leading Fraud Experts:
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- Providence Law Asia LLC
- Rajah & Tann Singapore LLP
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- Skrine
- Tanner De Witt Solicitors
- Wong Partnership
- Zhong Lun Law Firm

Leading experts will share innovative strategies and cutting edge methods for regional and global asset recovery including:
- Utilising Insolvency Tools and Interim Remedies in Chinese and International Fraud Cases
- Overcoming Asset Protection Strategies in Key Offshore Jurisdictions
- Overcoming Fraud Litigation and Enforcement Challenges in Indonesia and Malaysia
- Lifting the Lid on Investment Frauds and Ponzi Schemes: Lessons Learnt from International Recoveries
- A Comparative View of Pretrial Evidence and Disclosure in Aid of Foreign Main Proceedings
- Fraud and Asset Tracing in Myanmar

Conference Co-Chaired by:
- Jeff Lane
  Partner, Tanner De Witt Solicitors
- Robert Hunter
  Partner, Edmonds Marshall McMahon

Disa Sim
Partner, Rajah & Tann Singapore LLP
Keith Oliver
Senior Partner, Head of Civil Fraud and Commercial Litigation, Peters and Peters

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With major incidents of fraud on the rise in Asia, lawyers and forensic experts require the know-how and contacts on the ground in order to achieve the best results for their clients. As well as understanding the nuances of asset tracing and recovery in the Asia region, the global nature of fraud means that increasingly remedies need to be sought in jurisdictions beyond Asia where assets are hidden, including the Caribbean, US and Europe.

In what is the leading event of its kind taking place in the region, C5’s 2nd Fraud, Asset Tracing and Recovery Asia conference will bring together an international array of experts involved in fraud litigation and asset recovery to share their unique experiences and insights in this growing area.

In addition to extensive coverage of how the key legal challenges can be overcome in different jurisdictions, you will also receive practical examples of innovative tools and methods that will assist you when planning your strategy for fraud litigation.

This conference is part of C5’s unrivalled series of Civil Fraud events that also take place each year in Geneva and Miami. As well as the learning opportunities, the high level of attendees ensures unrivalled networking with decision makers in a practice area where referral work is common.

Top Reasons to attend this leading event:

- Hear from and network with an international line up of experts from China, Singapore, Malaysia, Jersey, USA, Myanmar, Hong Kong, Indonesia, Australia, Switzerland, Canada and the UK
- Experience a mock hearing in relation to an application for freezing orders against third parties
- Extensive networking opportunities including the pre-conference drinks, networking luncheons and the evening drinks reception on 6th June

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Sunday, 5 June 2016

19.00 Pre-Conference Registration Drinks

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Main Conference Day One
Monday, 6 June 2016

8.00 Coffee and Registration

9.00 Co-Chairs’ Opening Remarks

Jeff Lane
Partner
Tanner DeWitt Solicitors (Hong Kong)

Robert Hunter
Partner
Edmonds Marshall McMahon (UK)

9.10 Utilising Insolvency Tools and Interim Remedies in Chinese and International Fraud Cases

Judy Deng
Partner
Jade & Fountain PRC Lawyers (China)

Mat Ng
Managing Director
JLA Asia (Hong Kong)

Ian Mann
Partner
Harneys (BVI and Cayman Islands)

Steven Philippsohn
Partner
PCB Litigation LLP (UK)

• The overlay of insolvency in fraud cases – how and when can insolvency proceedings be used?
• Recognition of foreign liquidators and receivership orders in China

10.00 Morning Refreshments

10.50 A Comparative View of Pretrial Evidence and Disclosure in Aid of Foreign Main Proceedings

Disa Sim
Partner
Rajah & Tann Singapore LLP (Singapore)

Benjamin Borsodi
Managing Partner
Schellenberg Wittmer (Switzerland)

Ed Davis
Founding Shareholder
Astigarraga Davis (USA)

Kate Yin
Partner
Fangda Partners (China)

• Exploring different ways of obtaining pretrial evidence and disclosure in different jurisdictions
• What are the factors which determine whether a court/other authority is going to try and assist or not?
• The difference between civil and common law requirements to seek disclosure of evidence
• Production of documents and issues of data privacy
• Criminal proceedings: a piggyback ride
• The specific case of the State as a victim of the predicate offence
• The use of Chapter 15 in the US for discovery
• The use of 28 U.S. Code §1782 in the US to obtain pretrial evidence
• Disclosure in financial institutions: a bank’s perspective – what are the most effective means of disclosure available where there are reasonable grounds to believe that a bank has received the proceeds of fraud?
• To what extent is disclosure inhibited by concerns of banking secrecy?
## Overcoming Asset Protection Strategies in Key Offshore Jurisdictions

**Moderator**  
Catherine Newman QC  
Maitland Chambers (UK)

**Panellists**
- J. Ross McDonough  
  Senior Partner, Managing Partner Hong Kong  
  Campbells (BVI and Cayman Islands)
- Stephen Baker  
  Senior Partner  
  Baker & Partners (Jersey)
- Michael Redman  
  Director, Global Judgment Enforcement  
  Burford Capital (UK)

- What assistance can offshore jurisdictions provide in fraud investigations?
- Information which can be obtained from public sources
- New OECD rules on compulsory disclosure of tax information and its impact on investigations
- How to avoid “fishing expeditions”
- Why confidentiality will not get in the way of a fraud claim
- Lifting the corporate veil, the latest decisions
- In what circumstances will the assets of a trust be treated as the property of the victim of a fraud?

## Networking Lunch

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## Winding Up; Oppression, and Shareholder Disputes – Parallel Proceedings in Court and Arbitration in Fraud Cases

**David Joseph QC**  
Essex Court Chambers (UK)

- Stay of minority shareholder oppression/unfair prejudice/winding up actions in favour of arbitration
- Recent decisions including in England (Fulham Football Club); Singapore (Tomolugen v Silica); in Hong Kong (Re Quicksilver Glorious Sun JV), and in Cayman (Cybernaut)
- Differences between parallel proceedings in court and parallel proceedings in court and arbitration – review of Donohue v Armaco
- Impact of Hague Convention on Exclusive Choice of Court Agreements once in force

## The Latest Developments in Injunctive Relief

**Robert Hunter**  
Partner  
Edmonds Marshall McMahon (UK)

**Michael Withington**  
Partner  
Howse Williams Bowers (Hong Kong)

- Looking behind companies in freezing disclosure orders
- The ultimate purpose of ancillary disclosure orders relating to trusts
- When and how to obtain an injunction restraining settlers or beneficiaries in relation to trust assets
- When and how to seek an injunction against trustees in relation to trust assets personally
- Defeating offshore trust protection laws which can inhibit injunctive relief
- Challenging transfers into trusts

## Afternoon Refreshments
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## Overcoming Fraud Litigation and Enforcement Challenges in Indonesia and Malaysia

**Andi Kadir**  
Partner  
Hadiputranto, Hadinoto & Partners (Indonesia)

**Lim Chee Wee**  
Partner  
Skrine (Malaysia)

- Overview of recent fraud cases in Indonesia and Malaysia
- What is the legal framework in these countries to assist in asset recovery?
- Money laundering and domestic legislation relevant to asset recovery
- Legal and procedural challenges in fraud investigations
- Overcoming barriers to asset recovery
- How best to gain judicial assistance in recognising and enforcing judgments
- The role of enforcement agencies in compensating victims
- Corporate liabilities in fraud litigation

## Proprietary Remedies – Making them Effective and Problems with Limitation

**Amanda Tipples QC**  
Maitland Chambers (UK)

**Koh Swee Yen**  
Partner  
Wong Partnership (Singapore)

- Williams v Central Bank of Nigeria – the wider consequences of the Supreme Court’s decision
- Knowing recipients – can they be constructive trustees?
- Liability for dishonest assistance and knowing receipt – should the same limitation period apply?
- ‘Backwards tracing’ following the Privy Council’s decision in Brazil v Durant International Corporation
- Some problems with Bitcoin and other cybercurrencies – can they be the subject of proprietary claims?
- Interim injunctive relief in proprietary claims

## Co-Chair’s Closing Remarks and Conference Adjourns

## Networking Drinks Reception
<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tr>
<td>8.30</td>
<td>Coffee</td>
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<tr>
<td>9.00</td>
<td><strong>Co-Chairs’ Opening Remarks</strong></td>
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<td></td>
<td>Disa Sim, Partner, Rajah and Tann Singapore LLP (Singapore)</td>
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<td>Keith Oliver, Senior Partner, Head of Civil Fraud and Commercial Litigation, Peters and Peters (UK)</td>
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<tr>
<td>9.10</td>
<td><strong>Strategies for Managing Internal Fraud Investigations</strong></td>
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<td><strong>Moderator</strong></td>
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<td>Keith Oliver, Senior Partner, Head of Civil Fraud and Commercial Litigation, Peters and Peters (UK)</td>
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<td><strong>Panellists</strong></td>
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<td>Dr. Haixiao Zhang, Partner, Zhong Lun Law Firm (China)</td>
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<td>Stuart Leach, Managing Director – Crisis and Litigation, Bell Pottinger (UK)</td>
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<td>Abraham Vergis, Managing Director, Providence Law (Singapore)</td>
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<td>- Defining the appropriate scope of an internal investigation and establishing reporting lines</td>
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<td>- How to conduct an internal investigation without breaching statutory or regulatory requirements</td>
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<td>- Legal issues in obtaining evidence, fact finding and intelligence gathering</td>
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<td>- Ensuring due process is observed vis-a-vis all persons under investigation</td>
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<td>- Retrieval of documents and data protection laws</td>
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<td>- Overcoming political/cultural obstacles to asset tracing and fraud investigations</td>
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<td>- Impact of investigations on reputation</td>
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<td>- Identifying and assessing risks</td>
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<td>- Managing the risks</td>
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<td>- Managing the outcome</td>
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<td>10.10</td>
<td><strong>Morning Refreshments</strong></td>
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<tr>
<td>10.30</td>
<td><strong>Lifting the Lid on Asian Investment Frauds and Ponzi Schemes: Lessons Learnt from International Recoveries</strong></td>
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<td><strong>Moderator</strong></td>
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<td>Lincoln Caylor, Partner, Bennett Jones LLP (Canada)</td>
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<td><strong>Panellists</strong></td>
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<td>Dr Nanping Liu, Founding Partner, Liu &amp; Wang, Attorneys at Law (China)</td>
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<td>Jessica Pyman, Director, Mintz Group (Hong Kong)</td>
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<td>Martin Kenney, Founding Partner, Martin Kenney &amp; Co., Solicitors (BVI)</td>
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<tr>
<td></td>
<td>- Common types/indicators of fraud and red flags</td>
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<td>- Assessing the mechanisms of “pump and dump” share funds</td>
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<td>- Recent cases including the £5.3 billion Ezubao Ponzi scheme defrauding 1 million investors</td>
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<td>- Actions being taken by the Chinese authorities to recover the proceeds of fraud</td>
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<tr>
<td>11.30</td>
<td><strong>Mock Hearing: Application for Freezing Orders against Third Parties</strong></td>
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<td>The ability to obtain a freezing order is of critical importance in fraud and asset tracing litigation to ensure that there can be a recovery at the end of the day. In a world of increasingly sophisticated arrangements to hide the true ownership and control of assets, it is often not enough to obtain relief solely against the defendant. This mock hearing will feature experienced fraud litigators arguing for and against the issue of a freezing order against third parties, the so-called Chabra jurisdiction. The hearing will be presided over by a pre-eminent member of the Hong Kong Judiciary who will give their ruling on the merits of the application, and their reasoning will offer exclusive insights into the most pertinent issues arising in this difficult area.</td>
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<td><strong>Presiding Judge</strong></td>
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<td>Nigel Meezon QC, Partner, Conyers Dill &amp; Pearman (BVI and Cayman Islands)</td>
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<td><strong>Justice</strong></td>
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<td>Kevin Zervos SC, Judge of the High Court of Hong Kong</td>
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<td><strong>Barrister</strong></td>
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<td>David Peters, Barrister, Essex Court Chambers (UK)</td>
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<td>13.00</td>
<td><strong>Networking Lunch</strong></td>
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<td>Sponsored by: <strong>JLAasia</strong></td>
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<tr>
<td>14.15</td>
<td><strong>Fraud and Asset Tracing in Myanmar</strong></td>
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<td>James Finch, Partner, DFDL (Myanmar)</td>
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<tr>
<td></td>
<td>- Overview of fraud in Myanmar</td>
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<td>- What is the legal framework in Myanmar to assist in asset recovery?</td>
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<td>- Pre-emptive steps that need to be taken in fraud actions</td>
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<td>- Legal and procedural challenges in fraud investigations</td>
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<td>- Identifying the main barriers to asset recovery—compliance issues</td>
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<td>- Recognition of judgments and arbitral awards</td>
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<td>- Best practices for obtaining assistance in Myanmar with respect to transnational fraud cases</td>
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<td>14.45</td>
<td><strong>Asset Recovery in Matrimonial Disputes</strong></td>
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<td>Caroline McNally, Chris Wong, Partner, Head of Matrimonial Practice Gall (Hong Kong), Gall (Hong Kong)</td>
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<td>- Common techniques used for asset identification, verification and tracing in matrimonial cases and how they compare with asset recovery cases</td>
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<td>- The extent to which disputes involving matrimonial assets is a growth area for asset recovery practitioners</td>
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<td>- Unique investigative issues arising from matrimonial asset recovery cases in Asia</td>
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<td>- Enforcing matrimonial awards</td>
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<td>15.45</td>
<td><strong>Advanced Interviewing Techniques in Fraud Investigations</strong></td>
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<td>Paul Curby, KordaMentha Forensic (Australia)</td>
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<td>- Which questioning techniques are most effective in leading interviewees and witnesses?</td>
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<td>- Examining techniques used by law enforcement officers to obtain information from witnesses</td>
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<td>- Investigative techniques and deception in language, red flags when determining whether someone is being deceptive with the information they are giving or whether they are withholding information</td>
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<td>- What methods are used to evade questions in an investigation and what factors determine their success?</td>
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<td>16.30</td>
<td><strong>Co-Chair’s Closing Remarks</strong></td>
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Venue: Mandarin Oriental Hotel
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