

**Two-Day Conference**  
**21st and 22nd September 2010**  
**Central London**

**11 CPD Hours**

**Featuring the SFO, U.S. SEC, former U.S. DOJ Deputy Chief, Fraud Section, Criminal Division and the National Fraud Authority**

**2nd Annual conference:**

# Fraud Prosecution and Asset Recovery

**Expert perspectives on plea negotiations, deal making with the prosecutors, the latest developments in international jurisdictions and case studies of global settlement deals**

- ▶ Hear first hand the latest developments in investigations from the UK and US prosecutors
- ▶ Discuss the mechanisms of the plea negotiation framework for serious fraud cases and how to make deals with the prosecutors
- ▶ Hear an update on the Bribery and Corruption Act and what will constitute adequate systems and controls
- ▶ The latest case studies of global settlement deals from the US and the Middle East

## Discuss and debate with the key players:

- ▶ **Glyn Powell**, Head of the City, Corporate and Public Funds Domain, **Serious Fraud Office**
- ▶ **Alberto Arevalo**, Assistant Director, Enforcement Matters, Office of International Affairs, **U.S. Securities and Exchange Commission**
- ▶ **Mark Mendelsohn**, *(Former Deputy Chief, Fraud Section, Criminal Division, U.S. Department of Justice)*
- ▶ **Stephen Harrison**, Director of Enforcement, **National Fraud Authority**
- ▶ **Rt Hon Lord Justice Thomas**, Royal Courts of Justice, **Her Majesty's Court Service**

## Expert perspectives from:

- Kingsley Napley**
- The Chambers of Andrew Mitchell QC**
- Steptoe & Johnson**
- 23 Essex Street Chambers**
- PCB Litigation**
- Herbert Smith**
- 18 Red Lion Court**
- Edwin Coe**
- Schellenberg Wittmer (Switzerland)**
- Baach Robinson & Lewis (US)**
- University Carlo Cattaneo (Italy)**
- Kirkland & Ellis**
- Lovells**
- Baker and McKenzie**

**NEW!** Interactive Q&A session with the regulators Tuesday 21st September 2010

**THE LAWYER**  
 C O N F E R E N C E S

# Strategies to help navigate the current regulatory environment

## Day One - Tuesday 21st September 2010

09:00 Registration and coffee

09:30 Opening remarks from the Chair

### 09:40 **KEYNOTE PRESENTATION: A SFO update – latest developments**

- The latest developments in investigations
- Self reporting to the SFO – a guide
- Plea discussions and disclosure

**Glyn Powell**, Head of the City, Corporate and Public Funds Domain, **Serious Fraud Office**

### 10:20 **KEYNOTE PRESENTATION: Anti-corruption and anti-fraud regulations in the US and international reach**



Latest FCPA developments and enforcement trends

- Developments in anti-fraud enforcement
- FCPA compliance and the impact of the UK Bribery Act
- The co-operation taking place between national authorities

**Mark Mendelsohn**, Partner, **Paul, Weiss, Rifkind, Wharton & Garrison LLP** (Former Deputy Chief, Fraud Section, Criminal Division, U.S. Department of Justice)

11:00 Morning coffee and networking

### 11:20 **KEYNOTE PRESENTATION: U.S. SEC update and civil anti-fraud and anti-corruption developments in the US**



**Alberto Arevalo**, Assistant Director, Enforcement Matters, Office of International Affairs, **U.S. Securities and Exchange Commission**

### 12:00 **Interactive Q&A session with the regulators**

*This session will give you the chance to question the keynote speakers, discuss ideas and share information in an informal setting. Your questions will be collated before the event and there will be facilities for you to pose questions anonymously on the day. Chatham House Rule will apply.*

**Glyn Powell**, Head of the City, Corporate and Public Funds Domain, **Serious Fraud Office**

**Alberto Arevalo**, Assistant Director, Enforcement Matters, Office of International Affairs, **U.S. Securities and Exchange Commission**

And experiences from:

**Mark Mendelsohn**, Partner, **Paul, Weiss, Rifkind, Wharton & Garrison LLP** (Former Deputy Chief, Fraud Section, Criminal Division, U.S. Department of Justice)

12:40 Lunch and networking

### 13:40 **Plea negotiation framework for serious fraud cases**

*There has been a change of emphasis since 2009 in fraud matters with the Serious Fraud Office increasingly considering alternative processes for dealing with corporate criminal misconduct. The case against Balfour Beatty in Oct 2008 began the trend for self-reporting. AMEC, Mabey and Johnson, BAE Systems Plc and Innospec Inc. have followed. In all cases, the self-reporting from the companies triggered an informal leniency process from the SFO. This session will examine:*

- The mechanisms of the corporate guilty plea
- Serious crime prevention orders and monitors
- The reality of the deals – the pros and cons of self-reporting
- How to achieve a once-and-for-all settlement for global companies

**Stephen Gentle**, Partner, **Kingsley Napley**

### 14:20 **PANEL DISCUSSION: Deal making with prosecutors**

- Deals that have been done to date – enforcement cases and settlements
- Which circumstances led to such deals?
- Guidelines and Plea bargaining

- Negotiating with multiple agencies
- Managing individual employee / management vs. corporate liability risk in negotiations

**Andrew Mitchell QC**, The Chambers of Andrew Mitchell QC

**Alberto Arevalo**, Assistant Director, Enforcement Matters, Office of International Affairs, **U.S. Securities and Exchange Commission**

**Mark Mendelsohn**, Partner, **Paul, Weiss, Rifkind, Wharton & Garrison LLP** (Former Deputy Chief, Fraud Section, Criminal Division, U.S. Department of Justice)

**David S. Lorello**, Partner, **Step toe & Johnson**

**Stephen Gentle**, Partner, **Kingsley Napley**

15:00 Afternoon tea and networking

### 15:20 **A judicial perspective**

**Rt Hon Lord Justice Thomas**, Royal Courts of Justice,

### 16:00 **Corporate criminal liability**

- The general position
- Emerging trends, Primary liability and attribution
- Vicarious liability

**Charles Thomson**, Lawyer, **Baker & McKenzie**

### 16:40 **Investigating and prosecuting fraud and financial crime - should there be one unified law enforcement body in the UK?**

- The existing landscape and the case for change
- Separating investigation from prosecution
- A unified body for serious cases

**Jonathan Fisher QC**, **23 Essex Street Chambers**

17:20 Closing of Day One

## Day Two – Wednesday 22nd September 2010

09:00 Registration and coffee

09:30 Opening remarks from the Chair

### 09:40 **KEYNOTE PRESENTATION: The work of the National Fraud Authority and its partners**

*Achievements and future plans under the National Fraud Strategy's priorities:*

- Building and sharing knowledge about fraud
- Tackling the most serious and harmful fraud threats
- Disrupting and punishing more fraudsters
- Improving support to victims
- Improving the nation's long-term capability to prevent fraud

**Stephen Harrison**, Director of Enforcement, **National Fraud Authority**

### 10:20 **Asset recovery: constructive trusts and tracing**

*Constructive trusts enable victims of fraud to recover stolen monies from not only the fraudster but also those who have assisted in its commission. This case study presentation will examine the elements necessary to establish a constructive trust and the remedies that follow.*

- Proceeds of crime
- Confiscation and compensation
- Constructive trusts

**Stephen Philipsohn**, Partner, **PCB Litigation**

11:00 Morning coffee and networking

### 11:20 **An update on the Bribery and Corruption Act and what will constitute adequate systems and controls**

- How does the new Act apply to overseas subsidiaries?
- For foreign companies, what constitutes doing business in the UK?

- If individuals have paid bribes, the company will not be prosecuted if it has adequate systems in place but what constitutes adequate systems and controls?

**Peter Burrell**, Partner, **Herbert Smith**

## 12:00 Criminal investigations - Insider dealing, market manipulation and market abuse

- What anti-fraud measures does the Financial Services Authority expect to see in banks?
- What are the Financial Services Authority's plans regarding anti-corruption systems and controls?
- Exposure of hedge funds and asset management
- What new tools are being used to prevent fraud?

**Peter Carter QC**, 18 Red Lion Court


12:40 Lunch and networking

## 13:40 Group litigation in fraud claims

- Finding victims
- Claim, organisation and funding
- Pursuit of the action and settlement

**David Greene**, Partner, **Edwin Coe**


## 14:20 MINI PRESENTATIONS AND PANEL DISCUSSION Developments in different jurisdictions

 Tracing, freezing and confiscating assets that are suspected of being proceeds of crime

- The significance of international mutual assistance in criminal matters
- Repatriation of looted assets and agreements between governments to share the proceeds of crime
- Civil recovery of damages caused by fraud and other financial crimes

 Recent developments in the Italian legislation on confiscation of the proceeds of crime

- Organized crime and confiscation outside of the criminal proceeding: the system of the "preventive measures"

 Obtaining pre-judgment relief through state remedies  
Use of US discovery procedures to obtain asset information

- Establishing status as a victim entitled to forfeited proceeds of crime

**Paul Gully-Hart**, Partner, **Schellenberg Wittmer (Switzerland)**

**Mario Zanchetti**, Professor of Criminal Law, **University Carlo Cattaneo (Italy)**

**Eric L. Lewis**, Partner, **Baach Robinson & Lewis (US)**

15:00 Afternoon tea and networking

## 15:20 Global investigations and settlements: continued extension of international co-operation

- Foreign corruption case studies - Siemens AG, Kellogg, Brown & Root LLC (Halliburton Co.), BAE Systems Plc, Innospec Inc. and Daimler AG
- Goldman Sachs: the shot heard round the world
- The next wave: insider trading and other market abuses

**Charles J. Clark**, Partner, **Kirkland & Ellis LLP**

## 16:00 Shifting sands? The evolving landscape in the Middle East

- The BCCI story
- The new world players
- Adapting to the revised international scene
- Regulation and asset recovery

**Crispin Rapinet**, Partner, **Lovells**

16:40 Closing remarks from the Chair

16:50 Close of Conference

**Serious fraud cases totalling £1.3bn reached the courts last year, the highest for 22 years. Some £335m of cases involving frauds by company managers were also heard by the courts compared with £129m in 2008.\***

Over the last couple of years, fraud allegations have been regularly springing to the fore worldwide. With increased international co-operation between the SFO and its US and European counterparts; the successful prosecution of **Mabey & Johnson** using US style plea bargaining; and a shake-up in the legal profession with the passing of the Bribery Bill – more historic prosecutions will take place in the near future. Attend **The Lawyer's 2nd annual Fraud Prosecution and Asset Recovery conference** to hear up-to-the minute responses from the SFO, U.S. SEC as well as from the former Deputy Chief, Fraud Section Criminal Division of the U.S. DoJ on the latest developments worldwide. Moving on from last year's conference, discuss the hottest issues within fraud: plea negotiations, deal making with the prosecutors, the developments in different jurisdictions and case studies of the latest global settlement deals.

- An update from **Glyn Powell**, Head of the City, Corporate and Public Funds Domain, SFO on the latest developments and a guide to self-reporting

- Gain a strategic view of anti-corruption and anti-fraud regulations in the US and international reach from **Mark Mendelsohn**, Partner, **Paul, Weiss, Rifkind, Wharton & Garrison LLP (Former Deputy Chief, Fraud Section, Criminal Division, U.S. Department of Justice)**

- Hear the latest developments within the SEC from **Alberto Arevalo**, Assistant Director, Enforcement Matters, Office of International Affairs, SEC

- Review the future plans under the National Fraud Strategy's priorities with **Stephen Harrison**, Director of Enforcement, **National Fraud Authority**

- Discuss the plea negotiation framework for serious fraud cases as well as deal making with the prosecutors with **Andrew Mitchell QC**, SEC, **Steptoe & Johnson** and **Kingsley Napley**

- **Peter Burrell**, Partner, **Herbert Smith** will cover the latest on the Bribery and Corruption Act and what will constitute adequate systems and controls

- Analyse the latest criminal investigations - insider dealing, market manipulation and market abuse with **Peter Carter QC**, 18 Red Lion Court

- Hear the developments in the jurisdictions of Switzerland, Italy and the US from **Schellenberg Wittmer (Switzerland)**, **Baach Robinson & Lewis (US)** and **University Carlo Cattaneo (Italy)**

- Cover case studies of global settlement deals from the US and the Middle East with **Crispin Rapinet**, Partner, **Lovells** and **Charles J. Clark**, Partner, **Kirkland & Ellis LLP**

With the SFO becoming more aggressive and exercising new US-style tactics and the sea-change in the way UK businesses can be held accountable by the new Bribery and Corruption Act – make sure you're on top of your game to help your clients fight fraud during this period of change.

\*FT, Jan 25 2010

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2nd Annual conference:

# Fraud Prosecution and Asset Recovery

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