

**International Association of Asset Recovery**  
**CSAR Prep Seminar Outline**  
**June 2, 2011 – New York, New York**

**Asset Recovery – Chapter 1**

- Money as a motivator
- The Asset Recovery team
- Liability of third parties
- Laying the groundwork for pursuit of third parties
- Breach of duty to creditors
- Lawyers as a source of recovery
- US weapons available for asset recovery and repatriation
- Recovering assets in the UK
- Other weapons available to fraud victims
- Deciding where and how to proceed
- Limitations on recovery and “innocent owners”
- Tracing rules, forfeiture and substituting assets
- Discovery rules in the US and UK
- Asset forfeiture
- Presenting asset forfeiture cases for prosecution

**Bankruptcy and Insolvency – Chapter 2**

- Chapters 7, 11 and 15 of US Bankruptcy
- Asset recovery mechanisms in bankruptcy
- Bankruptcy and insolvency as asset recovery tools
- Insolvency in the UK and common law countries
- Insolvency Act (IA 1986) remedies
- Other US appointed fiduciaries

**Asset Freezing – Chapter 3**

- Examples of preemptive or extraordinary relief
- Asset arrest
- Identifying assets to be frozen
- System of valuation of assets
- What freezing orders are and what they do
- What freezing orders are not
- Discharge of asset freezing orders
- Asset holding and jurisdiction issues
- The idiosyncracies and players in offshore jurisdictions
- Should I apply for a freezing order?
- Traditional grounds for courts to grant a freezing order
- Obtaining relief from freezing orders
- Other considerations for seeking a freezing order

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**Legal Considerations in Asset Recovery – Chapter 4**

- Common Law vs. Civil Law jurisdictions
- Equity and equitable powers of the court
- Criminal law and civil law
- Treaties
- Information sharing and MLATs
- MLAT requirements
- MLATs for the private sector
- Getting what you want from your MLAT
- Letters rogatory
- Remedies under common law
- Other avenues of international assistance
- Available court orders
- Legal restraints on investigations
- In pari delicto defense
- Other defenses to anticipate

**Financial Flow Analysis – Chapter 5**

- Introduction to Financial Flow Analysis
- Forward and reverse tracing
- Analysis of bank records
- Analyzing business books and records
- Analysis of tax returns
- Obtaining tax returns
- Bank Secrecy Act forms and reports
- FinCEN Forms
- Indirect methods of financial profiling
- Methods of financial movement

**Investigative Techniques - Chapter 6**

- Public sector vs. private sector investigations
- Asset Recovery actions
- No cost records searches
- Interviewing techniques
- Documenting interviews
- Physical surveillance
- Electronic surveillance
- Curtillage
- Intelligence vs. evidence
- UNCAC Article 23
- Asset forfeiture investigations
- Gathering facts with judicial assistance

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- Layering
- Multi-jurisdictional implications
- Analytic methodologies in data compilation
- Deductive and inductive analysis

**Working with the Rules of Analysis – Chapter 7**

- Admissibility of evidence and the best evidence rule
- Particularity
- Privileged communication
- Classification of evidence
- Burdens of proof
- Probable cause
- Hearsay

**Information and Document Management – Chapter 8**

- Document management and retention policies
- Drawing conclusions from data
- Basic steps an analyst should take
- Witness statements
- Complexities of analysis
- The role of an analyst in a search warrant

**Asset Recovery Team Management – Chapter 9**

- Developing a written manual
- Legal basis for asset recovery
- Safeguards
- Policies and procedures
- Seizure procedures
- Asset types
- Private sector considerations for the team
- Building the team

**Ethics – Chapter 10**

- What are ethics?
- Essential code of conduct
- Making ethical decisions
- Ethical challenges
- Understanding the client's role
- Conflicts of interest
- Third party funders
- Building conflict of interest policies