

Welcome Drinks

17:00 - 19:00

TIME

17:00

17:00 - Welcome Drinks

Registration & Pre- Breakfast Briefing Tea & Coffee

08:00 - 08:30

Breakfast Briefing

08:30 - 09:30

Chairs Opening Remarks

09:30 - 09:40

Keynote Speaker

09:40 - 10:30

Morning Break

10:30 - 11:15

Insolvency in a post-pandemic world – the international outlook

11:15 - 11:55

After two years of enforced absence from New York, our panellists are back and will start by surveying the state of the insolvency market in their jurisdictions – has state support now ended, and if so is there a rise in insolvencies? Are these likely to be uncontentious insolvencies of small businesses – or are large asset recovery claims, like the ones that followed 2008, likely to emerge as well? And in a world of heightened geopolitical tensions, will cross border insolvencies continue as usual or are new complications on the horizon?

Participants

Jose Carrizo - Partner , Morgan & Morgan (Panama)

Regulators, SIPC trustees, and crashing cryptocurrencies

11:55 - 12:35

Just as the SEC has doubled the size of its Crypto Assets and Cyber Unit, the value of a number of crypto currencies have plummeted. At a time of unprecedented uncertainty, in a new market, insolvencies of crypto exchanges appear to be on the horizon. Our panel considers how bankruptcy legislation will apply in this context: what protections to investors have? Will trustees be able to recover crypto assets?

Lunch

12:35 - 14:00

View from the bench

14:00 - 14:50

I say discovery, you say disclosure (and that's before we get to 1782 and Norwich Pharmacal)

14:50 - 15:30

When witnesses are willing to lie, documents are critical to building a case. Our panellists compare the routes to obtaining documents in their jurisdiction – before and after proceedings, and indeed from third parties. When will the Courts assist, what orders will they grant, can orders be obtained without the knowledge of the defendant, and what is the scope of discovery? And how does this differ from a trustee's power to obtain documents?

Participants

Scott Berman - Partner , Friedman Kaplan Seiler & Adelman (USA)

Afternoon Break

15:30 - 16:00

Spotlight on practicalities

16:00 - 16:50

Chair's Closing Remarks

16:50 - 17:00

Post Conference Drinks

17:00 - 19:00

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Welcome Refreshments

08:15 - 08:45

Breakfast briefing

08:45 - 09:30

Chairs Opening Remarks

09:30 - 09:40

David vs Goliath – enforcement actions against states and state owned entities

09:40 - 10:20

This panel considers the unique challenges in enforcement actions against states. From state immunity to the challenges to awards that are often based on allegations of dishonesty, to the question of assets owned by state owned entities, our panel will walk us through an enforcement action from beginning to end – with a special mention of how claimants can address enforcement against sanctioned assets.

Participants

Margarita R. Sánchez - Practice Lead, International Arbitration , Miller & Chevalier (USA)

Bruno Barreto - Partner , Leonardo De Campos Melo Advogados (Brazil)

Daniel Rodriguez - Partner , CMS (Colombia)

Morning Break

10:20 - 11:00

When big companies tell big lies...

11:00 - 11:40

At a time when ESG is the buzzword in big business, this panel considers the legal ramifications of corporate dishonesty. What causes of action are there, and who has standing to bring claims? And who is liable – the company itself, or its directors? Our panel will also gaze into their crystal ball and predict what class actions and shareholder litigation lies on the horizon in light of the current interest in ESG.

Participants

Alex Hatanaka - Partner , Mattos Filho (Brazil)

Evidence: your rules or mine?

11:40 - 12:20

This panel considers the difficulties that arise where evidence is used concurrently in different proceedings, as frequently happens in asset recovery cases. What happens when a witness has been prepared for trial in one forum, and their evidence is later required in another forum where rules on witness preparation rules are more restrictive? What will courts do about documentary evidence from foreign proceedings, where the means by which it was obtained differ from their own? And how can lawyers go about using evidence from jurisdictions where there are restrictions on use or the proceedings are not public?

SCHEDULE

ASSET RECOVERY AMERICAS DAY 2 - 02/12/2022

Asset Recovery Americas

December 1-2 2022
ETC 601 Lexington Avenue
NYC, USA

Attachment orders, freezing orders, and other means of securing assets

12:20 - 13:00

This panel considers the means by which assets can be secured, before and after judgment – from real estate, to bank accounts, each panel will discuss the types of order their court can grant, and what the legal requirements are to obtain them. Our panel will also consider the particular difficulties that attach to assets held in the name of third parties, and how to get over this.

Participants

Aimee Prieto - Partner , Prieto Cabrera & Asociados (Dominican Republic)

Lunch

13:00 - 13:45

Whistleblowers – the good, the bad, and the ugly

13:45 - 14:25

This panel considers the whistleblower regimes in their jurisdictions, and how these can help (or hinder claimants). It also considers how companies can deal with employees who are not real whistleblowers, and are trying to use whistleblowing provisions to avoid liability or being dismissed.

Spotlight on jurisdictions

14:25 - 15:05

Chairs Closing Remarks and End of Conference

15:05 - 15:15

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