

FIRE STARTERS GLOBAL SUMMIT 2022

FIRE

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Good craic, towering cultural heritage, and the wandering ghost of sweet Molly Malone - Dublin is a city of legendary charms.

It should come as no surprise therefore that the launch of the FIRE Starters Global Summit to Ireland's capital after two years of Covid misery was a hotly anticipated event in the conference calendar.

The late February conference got off to an 'invigorating' start: Flights from all across Europe juddered and jolted their way over the Irish sea on the morning of 23 February, nosecones pressed hard against the tail-end of storm Franklin, converging on Dublin for a white-knuckle set-down on the tarmac. Of course, it takes more than a bit of turbulence to put the willies up your seasoned FIRE practitioner, and so onward, shaken but not stirred, to the Conrad Hotel in the hip yet hospitable Portobello area, for a brief repose before proceedings were called to order.

The Conrad Hotel is a handsome institution. A two minute stroll from St Stephen's Green or a quick march to Grafton Street and up to the Liffey, the venue was ideally located for those wanting to get out and see some of the City during their stay (or to find the way back to after an evening sampling the rare old mountain dew). The supremely comfortable rooms promised a good night's sleep for those in the market for that sort of thing, while the hearty breakfasts were capable of remedying just about any problem you might have created for yourself in the preceding hours. A special mention must be given to the Conrad's staff for catering to the needs of the scores of excitable, occasionally delicate delegates, with the customary warmth and good-humour for which the city's natives are so well known.

The business of the conference began shortly after check-in, as we were shown through to the hotel's ballroom, decked out to seat the 225 in attendance. FRP's David Hinrichsen and Molly Sandquest, with the assistance of Mark Biggs, CEO of Eminent Crisis Management Group kicked off the event with a highly engaging workshop – the purpose: to

delve into the murky factual matrix of a contentious high-value bankruptcy case with multi-jurisdictional elements - inspired by a number of real-life cases. The hosts pulled out all the stops with a view to stirring up the collective grey-matter in the room, producing a veritable tome of materials to grapple with as the workshop scenario unfolded, and guiding us through the steps of a developing investigation.

The session proved to be a tremendous ice-breaker, with each table striking up lively conversations from the get-go, exchanging ideas from different fields of expertise and jurisdictional perspectives. By the end of the session, the FIRE Starters were firing on all cylinders, ready for a refreshing Guinness at the bar.

Wednesday evening's entertainment took many forms – TL4 FIRE's Swiss stalwarts, Monfrini Bitton Klein, hosted drinks in the Conrad's chic bar, Lemuel's, which kept many entertained for the whole night, while providing an onward springboard for others. After some scheduled visits to a couple of local hosteries, I met up with the forces of the ACROSS fraud group at Sophie's Restaurant, a hugely popular event which has now become a firm fixture outside the conference. I, like many of the other conference veterans, called it quits after dinner, but a plucky few could be seen joining the queue to the night club next door...

Thursday started with a welcome address from the FIRE Starters committee: Sam Ouriach of Grant Thornton, proudly staking his Firestarter credentials by delivering his own lyrical riff on The Prodigy classic, much to everyone's approval.

The format for the rest of the day was comprised of panel discussions and workshops, kicking off with a cross-border comparison of the Court's "Nuclear Weapons" in Serbia, Brazil, Kenya and the US. The session was chaired by the ebullient Tomislav Šunjka of ŠunjkaLaw, who advanced the Serbian perspective, and who facilitated an intriguing discussion between panel members as to how the victims of fraud may best use the "Nuclear Weapons" available to them within their given jurisdictions – a key contrast that emerged from this discussion was the amount of effective weaponry available to a private party in civil litigation (for example, Kenya's common law regime compared well in this regard, being broadly comparable with England & Wales), whereas in other jurisdictions, a party may be better served by seeking the assistance of state bodies in order to obtain effective redress (such as the US, which has no direct equivalent of the Mareva Injunction, but where the Department of Justice, and the various entities under its purview such as the FBI and SEC, have extensive powers to tackle financial crime).

Delegates then split up for a series of workshops. Following on from the theme of the morning's panel discussion, I attended a workshop chaired by Antonia Mottironi of Swiss firm, Ardenter Law, who was joined by attorneys from Poland, the Netherlands and the US. The session considered the use of criminal process in civil matters, covering a range of topics including the ability to use evidence obtained in criminal proceedings in civil proceedings (in respect of which, Switzerland appeared to be relaxed), the willingness and ability

of law enforcement and prosecutors to assist victims of fraud (with Poland's authorities being well trusted in this regard), and the availability of private prosecutions and remedies within such prosecutions (for example which, in the US, varies from state to state).

After the lunch break, the next panel workshop on my itinerary focussed on management of investigations the civil litigation context – a topic which could easily have taken up its own 2 day conference - comprising an expert multidisciplinary panel featuring Ryan Ferro of 3VB and Jessica Lee of Brown Rudnick, and Tobias Vollmer of Raedas and Alexander Pisemski of Kalita Partners. It is always fascinating to hear anecdotal accounts of the reach of modern cyber-investigations and to gain the insights of other lawyers in terms of the deployment and cross-examination of evidence gained through cyber-investigation.

The rest of Thursday afternoon saw a whistle-stop tour through two shorter, but no less insightful, multidisciplinary and multi-jurisdictional sessions discussing the sensitivities of acting against states, and insolvency tools for FIRE practitioners. With the formalities over, the afternoon finished off with a topical "Big Fat Quiz of the Year", pitting the wits of TL4 FIRE's advisory board against each other, while delegates were able to watch on with varying measures of admiration and pity, drink in hand.

The pinnacle networking event of the conference took place on Thursday evening – a 'Cops and Fraudsters' themed drinks reception, followed by dinner in the hotel's ballroom. The theme had caused a degree of concern ahead of the day. The offerings of most fancy dress shops along these decorative lines would not, I understand, have met with HR approval. However, the ingenuity of the FIRE community won the day – there was a good helping of Sherlock Holmes, an unmistakable Poirot (well done, Caitlin Bruce), an abstract take on a pyramid scheme (plaudits, Amy Harvey, with your pointy headwear), but the winner of the fancy dress competition went to the Channel Islands' own Jack Sparrow, James Gleeson, in his full pirate garb (I discovered James had travelled to Dublin with his infant son, and so suspect the outfit was not necessarily a new purchase for the event). The dinner itself was a jolly occurrence, and a great opportunity to catch up with friends, new and old (and still in fancy dress). Delegates then reconvened in Lemuel's for nightcaps, or refuelling for those intent on braving the chilly Dublin night.

Friday morning was a steady affair. The first panel of the day featured a discussion on Crypto-tracing from Sam Goodman of Twenty Essex, Syedur Rahman of Rahman Ravelli and Carmel King of Grant Thornton – a timely topic in light of Mr Rahman's recent success in obtaining a third-party debt order over a crypto account used to carry out a fraud. We then heard from two multi-jurisdictional panels for an around the world update, and innovative ways to identify, recover and enforce against assets.

The conference's valedictory spot was given to the FIRE Starters essay competition winner, Caitlin Bruce of Collas Crill (and Poirot fame), who delivered her prize winning formula on the topic of Désastre in Paradise (Jersey), as astute and entertaining in person as in the original paper. Suffice to say that it was eye-opening from an onshore lawyer's perspective to learn that Jersey does not yet have an equivalent to a creditor initiated insolvency process through which creditors can appoint their own choice of specialist liquidator – the process of liquidation falls to a public office holder, although reform is on the cards. Likewise Jersey's law of trusts is evolving to recognise the concept of an "insolvent trust", which in turn places an obligation upon a trustee to administer the trust for the benefit of the trust's creditors, not its beneficiaries. Caitlin's essay can be found here.

With the taxis queuing up in the street to take the delegates back to the airport, the conference came to an end for all but the lucky few staying on for a tour of the Jameson distillery later in the afternoon - an enviable way to welcome in the weekend.

The conference chalks up another great win for the team at TL4, who managed the event organisation seamlessly, and each put in a sterling effort for the fancy dress – Sarah Barton (TL4 Head of Operations)'s prohibition era gangster outfit may have channelled Bugsy Malone more than Al Capone, but as it transpired, it was her dad's suit...

For me, the highlight of the conference came from the key note speakers: Clare Rewcastle Brown, an investigative journalist and author of the Sarawak Report blog, who has been instrumental in exposing corruption in Malaysia, in particular the 1MDB scandal; and Jonathan Taylor, the whistle-blower responsible for shining a light on corruption throughout the global oil industry, which amongst other things, ultimately led to the impeachment of the then Brazilian president, Dilma Rousseff. On their face, the experiences recounted by the key note speakers were very different: Ms Rewcastle Brown's fight to expose corruption began somewhat incrementally – using her skills as an investigative journalist to take up the cause of those harmed by corruption linked to deforestation in the Malaysian State of Sarawak, where she grew up – this, in turn, led her to make further discoveries of fraud going right to the top of the Malaysian state; Mr Taylor, by contrast, found himself thrust into the midst of a scandal by mere dint of his role as an in-house lawyer for the Dutch company, SBM Offshore. Almost

overnight, Mr Taylor's world was blown apart as a result of his discovering a colossal fraud, and being ultimately forced to blow the whistle after the matter was covered up. What unifies these different stories is the immense bravery, and terrifying isolation, experienced by their protagonists. The price of telling the truth has cost Ms Rewcastle Brown and Mr Taylor dearly. They have been threatened and intimidated; they have been pursued through Courts in various different jurisdictions; they have been the subject of Interpol red notices; they have had their professional reputations and integrity called into question. In certain instances, they have been hung out to dry by those that should have rallied around them. To this day, they both live under the long shadows cast by the powerful interests they have offended. Ms Rewcastle Brown cannot return to Sarawak; Mr Taylor faces a summons to appear before the Courts of Monaco (the jurisdiction home to SBM Offshore's operational base) on bribery and corruption charges. Their experiences emphasise the critical role that we as FIRE practitioners play in combatting

corruption – and in the light of the events unfolding on Europe's borders, we must also face up to the ways in which our respective industries may facilitate kleptocracy, and put an end to it. The examples of Ms Rewcastle Brown and Mr Taylor highlight that now, perhaps more than ever, accountability and the rule of law are hard won, and though it be a thankless and gruelling task, must be fought for.

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