

## **INSOL Europe Anti-Fraud Forum**

### **File note of Annual Meeting on 22 September 2016**

#### **Attendees**

David Ingram  
Carmel King  
Catherine Ottaway  
Steffen Koch  
Jeannine Delabursi-Franssen  
Peter Schimmel  
Dick Alblas  
Neil Griffiths  
Gavin Cunningham  
John Cullen

#### **Apologies**

Eitan Erez

The meeting convened at 5pm.

Attendees discussed potential ways to increase the profile of the Anti-Fraud Forum. Steffen Koch emphasised that in his experience, the working group requires a project that attracts existing and new members and enables the promotion of both the participating individual and the group.

Conversation was around the following topics, both in general with attendees discussing their experience by jurisdiction and private / public sector, and as potential suitable projects for the Anti-Fraud Forum:

- Litigation Funding

A paper could be prepared on litigation funding by jurisdiction. The input of the funders with whom David Ingram currently has a relationship could assist in identifying the best jurisdictions to focus on, and Anti-Fraud Forum members could also be consulted.

The attendees discussed their relative experience in the UK, the Netherlands, France and Germany. It appears that the UK market, although relatively young, is much more developed than other jurisdictions, with French and German attendees unfamiliar with the process entirely. This is possibly due to differences between common and civil law systems. In the UK, legislation has been passed in the last few years to render champerty and maintenance less of an issue when it comes to involving third parties in litigation. Jeannine Delabursi-Franssen suggested that the topic could be expanded to consider empty estates, and how a practitioner can find funding for investigations and litigation from jurisdiction to jurisdiction. Potential solutions include state funding, litigation funding, involving a state curator, forum shopping, enlisting creditor support and the sale of claims.

- Injunctive relief by jurisdiction

David Ingram set out the idea of preparing a paper on this topic. Steffen Koch advised that in his experience, a project such as this may require a review and advisory committee. When the Turnaround Wing prepared the Guidelines for Restructuring and Turnaround Professionals it used a similar structure. The project was coordinated by a

someone from the University of Leiden who collated contributions and produced a draft.

Gavin Cunningham suggested that Professor Michael Levi at Cardiff University may be of assistance for an Anti-Fraud Forum project.

The attendees agreed that a list of simple questions should be put together to kick off the paper and circulated to Anti-Fraud Forum members with 2/3 months for a reply. Steffen Koch suggested that the Council can suggest a volunteer for any jurisdiction not covered by the Anti-Fraud Forum. Carmel King suggested that if volunteers were not forthcoming by way of general request, David Ingram might approach people individually for assistance.

– Anti-Fraud Forum / Young Members Group conference

A joint conference will be held in November 2016 in London. The theme will be centred around fraud, and speakers will be drawn from both working groups and externally. An agenda is almost finalised for circulation shortly after the Congress. The list of delegates is at 20 or so and is expected to grow once the programme is circulated. As this is a small conference designed to raise the profile of both groups, there will be no cost for delegates to attend. Grant Thornton has offered to host the event, which will include a networking reception on 8 November, and the conference on 9 November.

– Anti-Fraud Forum One-Day seminar 2017

Steffen Koch advised that the Council considered the Anti-Fraud Forum should host a one-day seminar in April 2017 or so in Tel Aviv. Eitan Erez, the new co-chair of the forum, has proven enthusiastic and involved to date and it is anticipated that this will be a success with his input.

The meeting concluded around 6.45pm.