Challenges to Asset Tracing and Recovery

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Finding Assets in Civil Cases

Stage of relationship:
- pre-contract: due diligence
- In anticipation of litigation
- During litigation
- Enforcement of judgment
- Bankruptcy proceedings

countervailing factors:
- Due process
- Protection of property
- Data protection
- National sovereignty
- Treaty obligations
- Other factors (history, inertia etc.)

Sources of information:
- Registries
- Defendant/debtor
- Third parties (incl. banks)
- Governmental agencies
- Internet searches

Domestic vs. transnational
Finding Assets in Criminal Cases

Stage of proceeding:
- Pre-investigation
- investigation
- judgment
- Post judgment

countervailing factors:
- Due process
- Protection of property
- Data protection
- National sovereignty
- Treaty obligations
- Other factors (history, inertia etc.)

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Important principles throughout:
- Probable cause
- No fishing expeditions