



International Association
for **Asset Recovery**

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Certified Specialist in Asset Recovery (CSAR) Exam Outline

Become a CSAR

Prove Your Worth, Show Your Skills, Advance Your Career

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I. Financial Flow Analysis

A. Forward Trace

- 1) Bank account and related documentations (checks, safe deposit box, statements, etc.)
- 2) Wire transfers
- 3) Brokerage accounts and statements (CUSIP)
- 4) Company Financial records and statements
- 5) Tax Returns
- 6) Currency transaction reports (CTR), Currency and monetary instrument report (CMIR) (8300)

B. Reverse Trace

- 1) Identify assets
- 2) Identify the source of origin
- 3) Trace sources of assets
- 4) Identify the holder of records relating to the assets
- 5) Identify the beneficial owner of the asset
- 6) Identify the nominal owner of the asset
- 7) Indicia of ownership
- 8) Net worth analysis

C. Indirect Methods of Financial Profiling

- 1) Bank deposit analysis
- 2) Account for redeposit
- 3) Account for nonincome

D. Methods of Financial Movement

- 1) Where they hide the money
- 2) How they put it there (banks, HAWALAS, MSBs, IBCs, brokerage, internet banks, casinos, insurance companies, stored value cards)

II. Legal

A. Understanding of Legal Systems

- 1) Treaties (MLATs)
- 2) Civil vs. Criminal
- 3) Common Law vs. Civil Law
- 4) Orders obtainable from the court for asset recovery (house search, break and search warrants, search warrants, gagged and sealed subpoena, execution, writ of attachment)
- 5) Legal limits to investigative techniques
- 6) Privileged documents vs. discoverable documents
- 7) Determine appropriate targets and techniques

III. Investigative Techniques

- A. Private vs. Public Investigative Techniques
- B. Internet and Public Record Data Searches
- C. Interview Techniques
 - 1) Understand different types of interview techniques
- D. Documentation of Interview
 - 1) Methods to document interview
 - 2) Methods to use different types of documentation
- E. Surveillance
 - 1) Physical
 - 2) Electronic
 - 3) Garbage
- F. Intelligence vs Evidence
- G. Identifying Information and Documents needed to Support Contemplated Action
 - 1) Witness
 - 2) Documents
- H. Gathering Facts using Basic Judicial Assistance
 - 1) Anton Pillar Order (Stand and Deliver)
 - 2) Banker's Trust (Production Order)
 - 3) Norwich Pharmacal (Pure Bill of Discovery)
 - 4) 28 USC 1782
 - 5) Production Order
- I. Layering
 - 1) Fronts
 - 2) Hiding of Assets
 - 3) Bearer share Corps
 - 4) LLC and other corporate vehicles, trusts, partnerships
 - 5) Nominees/ alias
 - 6) Shell corporation
- J. Multijurisdictional Implications
 - 1) Understanding how a jurisdiction's law may impact judicial action in other jurisdictions
- K. Electronic Data
 - 1) Computer forensic analysis (mirror imaging)
 - 2) Protecting the integrity of the data
 - 3) Data Mining

- L. Analysis of Data
 - 1) Means of linking data
- M. Virtual Currency (Commodities Flow Analysis)
 - 1) Understanding emerging trends in virtual currency and electronic value transfer
 - 2) Understanding how commodities are used for substitute currencies

IV. Skills Around the Rules of Evidence

- A. Particularity
 - 1) Determine which legal claims require additional proof
- B. Burdens of Proof
 - 1) Evidence requirement needed for proof of fraud
 - 2) Know the legal standard that applies to a particular case
- C. Chain of Custody
 - 1) Knowing and establishing appropriate procedures for custody and control
 - 2) Properly document the chain of custody
 - 3) Appropriate person to introduce or explain the document
- D. Identifying the most effective Witnesses
 - 1) Understand the rules for admissibility for evidence

V. Ethics

- A. Conducting a Fair Cost-Benefit Analysis of Elements of the Investigation
 - 1. Communicate to the client the costs and likely recoveries involved in assets being sought.
- B. Communication with Clients
 - 1. Educate clients on the process and progress
- C. Conflicts of Interest
 - 1. Third-party funders
 - 2. Multiple clients
 - 3. Former clients

VI. Information and Document Management

- A. Information Management (Database Control)
 - 1. Understand and employ proper systems to control the document management process.
 - 2. Complying with legal requirements
 - 3. Means of indexing the data
- B. Managing and Evaluating Witness Statements
 - 1. Establish a plan to determine what information is needed from what witnesses

2. Manage, find, extract the data from witness statements so it can be used
- C. Communication Between Team Members
1. Ensuring security of information
 2. Limiting access to sensitive information including the creation of firewalls when needed

VII. Asset Recovery Team Management

- A. Constructing the Team
- 1) Determining the objective of the project. Defining “win.”
 - 2) Determine which types of team members are needed
- B. Managing the Team
- C. Establishing Minimum Operational Standards
- 1) Setting common standards for document management, operational procedures, administrative procedures, billing.

VIII. Asset Freezing

- A. Asset Arrest
- 1) Identify assets that need to be frozen
 - 2) System for valuation of assets
 - 3) Determine which court and which legal action can be used to freeze the asset
 - 4) Determine a program to manage the asset
- B. Methods of Freezing Multijurisdictional Assets
- 1) Attachment
 - 2) Lis Pendens
 - 3) Garnishment
 - 4) Injunction
 - 5) Mareva

IX. Asset Recovery

- A. Insolvency
- 1) Use of insolvency proceedings to recover assets
 - 2) Insolvency of the target
- B. Receivers, Monitors, and Conservators
- 1) Understanding the powers of receivers, monitors, and conservators
- C. Repatriating Assets
- 1) Understand the challenges of repatriating assets
 - 2) Sharing agreements (money and information) between government
 - 3) Coordination agreement between private and government attorneys

D. Avoidance Periods

- 1) Recognize when time limits will bar recovery of assets
- 2) Understanding look-back periods allowing recapture of assets

E. Statute of Limitations

- 1) Understand the statute of limitation periods that will apply to the actions being contemplated for asset recovery

F. Discovery Rules

- 1) Understanding the difference between civil and criminal rules and how rules may change in different jurisdictions
- 2) Understand the panoply of discovery options

G. Victim Rights

- 1) Understanding of different means for victims to recovery, limitations of recovery
- 2) Understanding “innocent ownership” and mitigation

H. Judgment Enforcement

- 1) Understand the different powers in enforcing and obtaining judgment

I. MLAT (Mutual Legal Assistance Treaties)

- 1) Understand how to use this as a recovery tool

J. Third-Party Liability

- 1) Conduct an analysis to determine which third parties may be targets for recovery of assets (bank, CPA, lawyers, landlords, etc.)

K. Substituting Assets

- 1) Forfeiture Context