



UNITED NATIONS COMMISSION  
ON INTERNATIONAL TRADE LAW



INSOL International



THE WORLD BANK

*invite*

*Judges, Regulators & Justice Officials  
who have an interest in Judicial Co-operation  
and the development and improvement of  
laws dealing with insolvency proceedings including  
Multinational and Cross-Border Insolvencies,  
Rehabilitations, Reconstructions and Bankruptcies*

*to the*

***EIGHTH MULTINATIONAL  
JUDICIAL COLLOQUIUM  
ON INSOLVENCY***

*in*

*Vancouver, Canada*

*at the*

*Vancouver Convention & Exhibition Centre  
20th and 21st June 2009*

## **Multinational Judicial Colloquium on Insolvency, Vancouver, Canada**

**Saturday 20<sup>th</sup> and Sunday 21<sup>st</sup> June 2009**

Since 1995, INSOL International and UNCITRAL have jointly sponsored a series of unique and important international Judicial Colloquiums. These Colloquiums have brought together judges, regulators and judicial officials from around the world to consider a wide range of insolvency-related issues. These issues have included judicial co-operation in cases of cross-border insolvency, access to courts by insolvency practitioners and recognition of insolvency administrations by foreign courts.

The Judicial Colloquiums have taken place in Toronto (March 1995); New Orleans (March 1997); Munich (October 1999); London (July 2001); Las Vegas (September 2002), Sydney (March 2005) and the Seventh Judicial Colloquium was held in Cape Town, South Africa (March 2007) prior to the INSOL International Cape Town Conference.

The World Bank has held Global Judges Forums in Malibu, CA (2003), Rio de Janeiro (June 2004), Washington, DC in (November 2004) and Buenos Aires (June 2006). The Forums have reviewed the institutional and regulatory framework of commercial insolvency systems and worked towards developing a set of principles and recommendations for commercial courts and insolvency proceedings including: (1) the role of courts; (2) judicial selection, qualification, training and performance; (3) court organisation and efficiency; (4) transparency and accountability; (5) judicial decision making, enforcement of orders, and creating a body of jurisprudence; and (6) the system integrity. The Forum has recently addressed mediation and arbitration in insolvency proceedings, delegation of judicial functions and court-to-court communication in cross-border commercial and insolvency cases.

This is the second time The World Bank has joined with INSOL and UNCITRAL to present the Multinational Judicial Colloquium on Insolvency, and the Eighth Colloquium will take place in Vancouver, Canada, in June 2009, prior to the Eighth INSOL International Quadrennial Congress. The Colloquium has always had great support and we would expect at least 80 judges from more than 50 nations to attend.

**We invite and encourage you to send judges, regulators and justice officials who deal with insolvency and bankruptcy matters to the Colloquium.**

The Colloquium will be in English with simultaneous interpretation into French and Spanish.

### **Delegate Fee**

There is a nominal charge of £250 for each attendee towards the costs of lunches, dinner on Saturday 20<sup>th</sup> June and Sunday 21<sup>st</sup> June, in addition to which delegates are responsible for their own hotel and travel costs. Each attendee should complete a copy of the enclosed form.

To assist participants from emerging countries, a 30% discount on this Colloquium fee is offered; for details of which countries qualify for this discount please contact Penny Robertson, INSOL International.

### **Complimentary invitation to attend INSOL 2009 Quadrennial Congress**

For the first time, INSOL International invites the participants of the Judicial Colloquium to attend the INSOL 2009 Quadrennial Congress without having to pay the registration fee. This will increase the value of the Colloquium by enabling judges to participate in the wider educational sessions at the Congress and exchange views with practitioners from around the world. The Congress follows the Colloquium from 22<sup>nd</sup> to 24<sup>th</sup> June 2009. Full details of the educational program on offer is in the attached Congress registration brochure. Please complete this form with your breakout details and return to us if you are able to attend.

**Please note delegates are responsible for their own travel and accommodation costs.**

## **Judicial Colloquium Program**

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### **Introduction**

With the growth of cross-border trade, the number of insolvency cases where there are assets in more than one jurisdiction, or where there are cross-border groups, will increase. This growth has implications for the demands placed on courts, not only with respect to numbers of cases, but also to their complexity and the need for understanding of cross-border issues. This Colloquium is for judges, officials of justice ministries and regulators who hear insolvency or restructuring cases or who are involved in the development of insolvency laws and systems.

The Colloquium will assist participants to understand the developments in the handling of such cases. It will compare the judicial and juridical practice in dealing with practical and theoretical issues arising in cross-border insolvency cases in a number of jurisdictions representing all major legal systems.

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### **Saturday 20 June 2009 - Morning optional training workshop (8.30am-12.30pm)**

For the first time, an introductory half-day programme has been added to provide orientation for those participants who have not attended previous colloquia and those with little recent experience of cases involving cross-border insolvencies. This will give attendees an overview of the current status of cross-border insolvency law and practice and enable attendees to get the most out of the Judicial Colloquium that follows.

#### **Introduction and Welcome to Introductory Workshop**

The aims and aspirations of the introductory workshop and an introduction to the participants.

#### **Cross-Border Insolvency**

##### **What are the issues and approaches. The UNCITRAL Model Law on Cross-Border Insolvency: its enactment and effects?**

The objective of this session is to give participants an over-view of the characteristics and variety of cross-border cases that are occurring, the traditional approaches to dealing with them and the key features of the UNCITRAL Model Law on Cross-Border Insolvency, which has now been enacted in over a dozen countries including Japan, the UK and the USA.

#### **Cross-Border Insolvency – the Roles of Judges**

##### **A review of the roles and responsibilities of judges dealing with cross-border insolvency cases**

The objective of this session is to discuss the roles of courts and judges in dealing with applications in cross-border insolvency cases, including applications from office-holders in other jurisdictions and applications in domestic insolvency proceedings, and to consider practical solutions to the issues raised.

#### **Lunch for all delegates (12.30-1.45pm)**

### **Saturday afternoon (1.45-5.00pm) - Welcome and Introduction to 2009 Judicial Colloquium**

Welcome by representatives of INSOL International, UNCITRAL and World Bank

**Keynote address** – His Honour Mr Justice Geoffrey Morawetz, High Court of Toronto, one of Canada's leading commercial judges and an internationally recognized authority on bankruptcy and insolvency matters.

#### **Introduction to the hypothetical case study**

To assist participants appreciate the practical aspects of the sessions covered in the Colloquium, a hypothetical case study will be utilised. The facts of the case study will evolve during the Colloquium.

#### **The Gathering Storm**

##### **The roles of judges prior to the order for commencement; recognition of foreign orders; interim protection**

This session will consider the position and duties of judges faced with either an application for commencement of proceedings in a case with cross-border elements or an application for recognition of proceedings commenced in another jurisdiction and the need for interim protection orders.

#### **Concurrent Proceedings**

##### **The use of protocols and other forms of court to court cooperation**

With the growth of international trade, concurrent proceedings concerning the same debtor in different jurisdictions will become a common feature of insolvency practice. This session will explore ways of coordinating those proceedings and facilitating cooperation between the various actors.

#### **Discussion on first two parts of hypothetical**

This session will provide an opportunity for participants to develop any of the themes raised in this afternoon's sessions.

**Judicial Dinner for participants and registered accompanying persons.**

**Sunday 21 June 2009 (9.00am-4.30pm)**

**Welcome to second day; a summary of the hypothetical case study so far**

**Applications in proceedings**

**Dealing with difficult commercial issues and the judge's role in their resolution**

Following the commencement of insolvency proceedings, a variety of different applications and matters will come before the court. This morning's first session will consider the various approaches to these more difficult issues.

**Conflicts in parallel proceedings**

**Practical approaches to dealing with the stresses and strains of conflicting interests of stakeholders**

All insolvency and restructuring proceedings involve a balancing of conflicting interests. These conflicts are amplified when dealing with cross-border cases and this session will consider the roles of courts in the resolution of these types of conflicts.

**Workshop**

**Identification of current issues affecting judges and the effectiveness of courts**

The objective of this session is to look at the wide range of issues affecting the effectiveness of courts; to share information and opinions as to best practice. To ensure that all participants have adequate opportunity to express their views and to obtain the maximum advantage that the Colloquium offers, this afternoon's session will be arranged in smaller groups.

**Workshop feedback and discussion**

**Open discussion of key issues in groups and feedback**

Following the workshop in groups, there will be a plenary feedback session.

**Colloquium Evaluation and Close**

Participants should note

- *The programme is subject to alteration depending on the ability of judges to attend.*
- *Chatham House Rules apply to all discussions at the Colloquium.*
- *Only registered delegates and translators are permitted in the meeting rooms.*
- *Only registered delegates and accompanying persons who are registered with the organisers will be catered for at the dinner. Lunches are only for delegates.*

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The following evaluations are available on the INSOL website at [www.insol.org](http://www.insol.org):

First Judicial Colloquium - Toronto, March 1995  
Second Judicial Colloquium - New Orleans, March 1997  
Third Judicial Colloquium - Munich, October 1999  
Fourth Judicial Colloquium - London, July 2001  
Fifth Judicial Colloquium - Las Vegas, September 2003  
Sixth Judicial Colloquium - Sydney, March 2005

The following UNCITRAL documents are available on the UNCITRAL web site at [www.uncitral.org](http://www.uncitral.org) in the 6 official languages of the United Nations:

UNCITRAL Model Law on Cross-Border Insolvency (under UNCITRAL texts and status/insolvency)  
UNCITRAL Legislative Guide on Insolvency Law (under UNCITRAL texts and status/insolvency)  
A/CN.9/597 Developments in insolvency law: adoption and interpretation of the UNCITRAL Model Law on Cross-Border Insolvency and developments in interpretation of "centre of main interests" in the European Union (see documents for the 39th session of the Commission, 2006)  
A/CN.9/580 Developments in insolvency law: adoption of the UNCITRAL Model Law on Cross-Border Insolvency; use of cross-border protocols and court to court communication guidelines; and case law on interpretation of the "centre of main interests" and "establishment" in the European Union (see documents for the 38th session of the Commission, 2005)  
A/CN.9/580/Add.2 Developments in insolvency law: adoption of the UNCITRAL Model Law on Cross-Border Insolvency (see documents for the 38th session of the Commission, 2005)  
A/CN.9/554 Report on the 5th UNCITRAL-INSOL Judicial Colloquium on Cross-Border Insolvency, 2003 (see documents for the 37th session of the Commission, 2004)  
A/CN.9/518 Report on the 4th UNCITRAL-INSOL Judicial Colloquium on Cross-Border Insolvency, 2001 (see documents for the 35th session of the Commission, 2002)  
A/CN.9/413 Report on the 1st UNCITRAL-INSOL Judicial Colloquium on Cross-Border Insolvency (see documents for the 28th session of the Commission, 1995)

The following Reports of the World Bank Global Judges Forum are available on the World Bank Global Insolvency Law Database at [www.worldbank.org/gild](http://www.worldbank.org/gild)

Global Judges Forum 2003, Malibu, USA, May 2003  
Global Judges Forum 2004, Rio de Janeiro, Brazil, June 2004  
Global Judges Forum 2005, Washington, USA, November 2004  
Global Judges Forum 2006, Buenos Aires, Argentina, June 2006

For more information about receiving information or joining the INSOL Judicial Group please contact Penny Robertson, Communications Manager at [penny@insol.ision.co.uk](mailto:penny@insol.ision.co.uk)



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## EIGHTH MULTINATIONAL JUDICIAL COLLOQUIUM

20<sup>th</sup>-21<sup>st</sup> June 2009

Please complete the form together with payment details in order to confirm your delegate place to the Colloquium. There is a nominal fee of £250 to cover course fees, lunch on 20<sup>th</sup> and 21<sup>st</sup> June, dinner on Saturday 20<sup>th</sup> June 2009 and dinner on 21<sup>st</sup> June. INSOL International cordially invites all Colloquium attendees to join the INSOL Quadrennial Congress at no additional cost.

The accompanying person fee for dinner on Saturday 20<sup>th</sup> June and dinner on Sunday 21<sup>st</sup> June is £100.00

Delegate's Name: ..... Title: .....

Accompanying Person's Name.....

Affiliation/Court, etc: .....

Address: .....

.....

Telephone: ..... Fax:.....

E mail:.....

Judicial Colloquium fee £250.00  Accompanying Person fee £100.00

Complimentary Congress  Optional Morning Workshop Saturday 21 June

*If you wish to attend the Congress please complete the Congress registration form and return together with this form.*

### Payment Summary

If you wish to pay by cheque we can accept payment in Pounds Sterling. If you wish to pay by credit card please make the calculations and payment in Pounds Sterling. Cardholders will be charged by their credit card companies in their local currency. INSOL International is not responsible for any losses or gains in the fee due to currency changes.

**Delegates are responsible for their own hotel and travel costs.**

**Registration will not be confirmed until payment of the delegate fee has been received.**

Please debit my credit card details below for the order of: \_\_\_\_\_

American Express  Mastercard  Visa

Card Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ Security No: \_\_\_\_\_

Card billing address (if different from address on previous page): \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

To register your interest in attending this colloquium, please return this form as soon as possible to:  
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