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

TWELFTH MULTINATIONAL
JUDICIAL COLLOQUIUM
ON INSOLVENCY

in

Sydney, Australia

at the

The Sydney International Convention Centre
18th and 19th March 2017
Multinational Judicial Colloquium on Insolvency,  
Sydney, Australia  
Saturday 18th and Sunday 19th March 2017

Since 1995, INSOL International and UNCITRAL have jointly sponsored a series of unique and important international Judicial Colloquia. 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 Colloquia have taken place in Toronto (March 1995); New Orleans (March 1997); Munich (October 1999); London (July 2001); Las Vegas (September 2002); Sydney (March 2005); Cape Town (March 2007); Vancouver (June 2009); Singapore (March 2011); The Hague (May 2013) and the Eleventh Judicial Colloquium was held in San Francisco (March 2015) prior to the INSOL Quadrennial Congress.

The World Bank Group has held Global Judges Forums in Malibu, CA (2003), Rio de Janeiro (June 2004), Washington, DC (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 also 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 sixth time The World Bank Group has joined with INSOL International and UNCITRAL to present the Multinational Judicial Colloquium on Insolvency, and the Twelfth Joint Multinational Judicial Colloquium on Insolvency will take place in Sydney, Australia in March 2017, prior to the INSOL 2017 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.

Delegate Fee
There is a nominal charge of £375 for registrations received before 12th December 2016 and £425 for those received after the early booking deadline, in addition to which delegates are responsible for their own hotel and travel costs and arrangements. The registration fee goes towards the cost of the Colloquium including refreshments and lunches on Saturday 18th and Sunday 19th March and dinner on Saturday 18th March. Each attendee should complete a copy of the enclosed form. The Colloquium precedes INSOL 2017 the tenth Quadrennial Congress of INSOL International. If you would like to attend the Congress in addition to the Colloquium the registration fee will be waived. All other additional costs need to be covered by the delegate. The full registration brochure for the Congress will be available in July. Please register your interest in attending with Penny Robertson at pennyr@insol.ision.co.uk

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, pennyr@insol.ision.co.uk
Judicial Colloquium Programme

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, is continually increasing. 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 practices in dealing with practical and theoretical issues arising in cross-border insolvency cases in a number of jurisdictions representing all major legal systems.

Saturday 18 March 2017
9.00 am - 5.30 pm

Introduction and Welcome
Welcome by representatives of INSOL International, UNCITRAL and World Bank Group. The aims and aspirations of the Colloquium and an introduction to the participants. The first two sessions are intended as foundation building for the rest of the programme.

Bases of cross-border co-operation
What are the issues and what resources are available to judges?
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 resources available to assist judges and practitioners, including the UNCITRAL Model Law on Cross-Border Insolvency, which has now been enacted in over forty countries including the UK, the USA and Japan and its developments regarding economic interest groups. Additional developments will be discussed including the UNCITRAL Practice Guide on Cross-border Insolvency Co-operation, the revision of the Guide to Enactment of the UNCITRAL Model Law and recent work of UNCITRAL on recognition of insolvency related judgments and the responsibilities of directors of insolvent group companies.

Introduction to judicial aspects of cross-border insolvency
This session offers a systematic review of the various stages that courts will experience in the recognition of foreign insolvency proceedings and the granting of relief. The session will discuss the roles of courts and judges in dealing with applications in cross-border insolvency cases, including applications from office-holders in other jurisdictions, applications in domestic insolvency proceedings and will consider practical solutions to the issues raised.

Lessons from recent cases
The majority of cross-border insolvency cases can be resolved using the techniques discussed in the session on cross-border insolvency recognition. This session will consider the practical problems that had to be resolved in a number of recent cross-border cases.
Breakout groups – The role of judges considering whether to grant applications for assistance
Delegates will work in discussion groups, using a hypothetical model to consider the role of judges in considering whether it is appropriate to grant applications for assistance from foreign courts and insolvency representatives. Practices vary enormously between nations that have and have not adopted the UNCITRAL Model Law and in both emerging and developed markets, varying from a purely passive role to one in which the judge plays an active role in assisting the parties. The delegates will consider ways in which they can provide assistance to foreign courts and practitioners. The need for prior recognition of foreign proceedings will also be discussed.

Judicial Dinner for participants and registered accompanying persons

Sunday 19 March 2017
9.15 am - 5.00 pm

Discussion of court-to-court communication
A panel of judges will discuss the practical aspects of providing assistance to foreign representatives and their courts in the absence of any treaty or EU obligations or the adoption of the Model Law.

Abuse of Process
Delegates will discuss the role of the judge in insolvency cases where there appears to be an abuse of process by one of the parties, including forum shopping.

Breakout groups – The role of judges in considering the relief to be given where there appears to be abuse of process
This discussion group follows on from the preceding session. Judges will also consider the extent to which they are obliged to maintain respect for judgments of other courts.

Feedback and discussion of points arising from the breakout groups
A panel discussion with the delegates

Secured lending and enforcement of collateral in insolvency
This panel will consider the widening gulf between the practices encountered in different jurisdictions. How to balance the rights of secured creditors with the potential enhanced outcome for creditors as a whole in collective proceedings without eroding the importance of access to credit.

Open discussion on the challenges facing courts and judges
Would the task of judges be assisted by, for example, the development of standard forms and orders and how practical is this? How can we share practice experience? Would judges tasks be assisted by more jurisdictions adopting the Model Law?

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.

The following evaluations are available on the INSOL website at www.insol.org:

First Judicial Colloquium - Toronto, March 1995  
Second Judicial Colloquium - New Orleans, March 1997  
Third Judicial Colloquium - Munich, October 1999  
Fifth Judicial Colloquium - Las Vegas, September 2003  
Sixth Judicial Colloquium - Sydney, March 2005  
Seventh Judicial Colloquium – Cape Town 2007  
Eighth Judicial Colloquium – Vancouver 2009  
Ninth Judicial Colloquium – Singapore 2011  
Tenth Judicial Colloquium – The Hague 2013  
Eleventh Judicial Colloquium – San Francisco 2015

Regional Judicial Round Tables

INSOL/UNCITRAL/World Bank Group have started to hold smaller regional judicial round tables, in between colloquia, to enable more focused discussions on judicial co-operation within a region and giving the opportunity for more judges to attend. Reports on the following round tables are also available on the INSOL web site www.insol.org

Caribbean Region – Cayman Islands, November 2013  
Asia Pacific Region – Hong Kong, March 2014

The following UNCITRAL documents are available on the UNCITRAL web site in the 6 official languages of the United Nations:

(a) UNCITRAL Model Law on Cross-Border Insolvency: the judicial perspective; UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation; UNCITRAL Model Law on Cross-Border Insolvency with Guide to Enactment and Interpretation; UNCITRAL Legislative Guide on Insolvency Law, including parts three and four at http://www.uncitral.org/uncitral/en/uncitral_texts/insolvency.html;  
(b) Reports on previous judicial colloquia at http://www.uncitral.org/uncitral/en/commission/colloquia_insolvency.html


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  

For more information about receiving information or joining the INSOL Judicial Group please contact Penny Robertson, Project Development Manager at pennyr@insol.ision.co.uk

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TWELFTH MULTINATIONAL JUDICIAL COLLOQUIUM
18th-19th March 2017

Please complete the form together with payment details in order to confirm your delegate place to the Colloquium. There is a nominal fee of £375 for registrations received prior to 12th December 2016 and £425 for those received after the early booking deadline to cover course fees, lunch on 18th and 19th March 2017, dinner on Saturday 18th March.
The accompanying person fee for dinner on Saturday 18th March is £120.00.

Delegate’s Name: ………………………………………… Title: …………………
Accompanying Person’s Name…………………………………………………………
Affiliation/Court, etc: ………………………………………………………..………………………………
Address: …………………………………………………………………………………………
………………………………………………………………………………………………………………..
Telephone: …………………………………………………Fax:……………………………………………
E mail:………………………………………………………

Before 12th December 2016 After 12th December 2016
Judicial Colloquium fee £375.00 Judicial Colloquium fee £425.00

I would like to attend the INSOL Quadrennial Congress 19th-22nd March 2016

Accompanying Person Judicial Dinner 18th March 2017 £120.00

Dietary requirements:  _____________________________________________________________
INSOL will try their best to accommodate any special dietary requests. Please identify yourself to the staff at each event.

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. Payment by Mastercard/Visa/AMEX will be charged a 2% surcharge to cover the credit card transaction fee. The additional charge will be added to your final invoice. Direct debit cards do not incur any additional surcharges.

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:
Penny Robertson, INSOL International, 6-7 Queen Street, London EC4N 1SP, U.K.
Tel: +44(0)207248 3333 Fax: +44(0)207248 3384 Email: pennyr@insol.ision.co.uk