

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW



COMMISSION DES NATIONS UNIES POUR
LE DROIT COMMERCIAL INTERNATIONAL

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The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the Permanent Mission of Turkey to the United Nations and has the honour to refer to the Eleventh Multinational Judicial Colloquium, which is to take place on 21 and 22 March 2015 in San Francisco, California, United States of America. The Colloquium is jointly sponsored by the United Nations Commission on International Trade Law (UNCITRAL), INSOL International and the World Bank.

Topics for the Eleventh Colloquium will continue the theme of cross-border cooperation and coordination in insolvency proceedings. Information on previous colloquiums, in particular the evaluation reports, can be obtained from the UNCITRAL website at www.uncitral.org/uncitral/en/commission/colloquia_insolvency.html.

To facilitate discussion and to assist delegates, the Colloquium is restricted to judges, judicial administrators, regulators and justice officials. The Colloquium will be conducted in English.

The Secretary-General would be grateful if the Government could bring the Eleventh Multinational Judicial Colloquium to the attention of judges, judicial administrators, regulators and justice officials who deal with insolvency matters in the Government's country.

..... Enclosed is the programme and registration form, which should be completed and returned to the address indicated on the form.

29 August 2014

A handwritten signature in black ink, appearing to be the initials 'AB' or similar, enclosed in a circular scribble.

His Excellency
Mr. Yasar Cevik
Permanent Representative of the Permanent Mission of Turkey to the United Nations
10th Floor, 821 United Nations Plaza
New York, N.Y. 10017
United States of America



United Nations
UNCITRAL



INSOL INTERNATIONAL



WORLD BANK GROUP

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

***ELEVENTH MULTINATIONAL
JUDICIAL COLLOQUIUM
ON INSOLVENCY***

in

San Francisco

at the

*The Fairmont, San Francisco, California
21st and 22nd March 2015*

**Multinational Judicial Colloquium on Insolvency,
San Francisco, California, USA**

Saturday 21st and Sunday 22nd March 2015

Since 1995, INSOL International and UNCITRAL have jointly sponsored a series of unique and important international Judicial Colloquia. These Colloquia 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) and the Tenth Judicial Colloquium was held in The Hague (May 2013) prior to the INSOL Quadrennial Congress.

The World Bank 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 fifth time The World Bank has joined with INSOL International and UNCITRAL to present the Multinational Judicial Colloquium on Insolvency, and the Eleventh Joint Multinational Judicial Colloquium on Insolvency will take place in San Francisco, California in March 2015, prior to the INSOL San Francisco annual conference. 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 £350 for registrations received before 15th December 2014 and £400 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 refreshments and lunches on Saturday 21st and Sunday 22nd March and dinner on Saturday 21st March. 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, pennyr@insol.ision.co.uk

Judicial Colloquium Program

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 21 March 2015

9.00am-5.30pm

9.00am-12.30pm – Morning Refresher Program

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.

Introduction and Welcome

Welcome by representatives of INSOL International, UNCITRAL and World Bank.
The aims and aspirations of the Colloquium and an introduction to the participants

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 twenty countries including the UK, the USA and Japan. Additional developments will be discussed including the UNCITRAL Practice Guide on Cross-border Insolvency Co-operation and the revision of the Guide to Enactment.

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 and applications in domestic insolvency proceedings and will consider practical solutions to the issues raised.

12.30pm-1.30pm - Lunch

Lessons from recent cases

The majority of cross-border insolvency cases can be resolved using the techniques discussed in the morning introduction on cross-border insolvency recognition. This session will consider a number of recent cross-border cases and the practical problems that had to be resolved.

COMI (Centre of Main Interest)

Discussion of recent developments in the interpretation of COMI, including the revision of the UNCITRAL Guide to Enactment and the proposed revision of the EU Insolvency Regulation. The problem of locating the “home country” in a world of complex business structures will also be considered.

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 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, as well as the bases for such recognition following on from the general discussion of COMI in the previous session.

Judicial Dinner for participants and registered accompanying persons

Sunday 22 March 2015

9.15 am - 5.00 pm

Discussion of court-to-court communication

A panel of judges will discuss the practical aspects of court-to-court communication and the special consideration that the courts need to take into account including when such an approach is appropriate.

Breakout groups – The role of judges in considering the relief to be given in court-to-court applications

This discussion group follows on from the Day 1 breakout session to consider the types of relief that may be granted by courts hearing applications for assistance from foreign courts and insolvency representatives.

The role of the Model Law in promoting effective cross-border insolvencies

Delegates will consider the extent to which problems arising from the two breakout sessions could be reduced by greater adoption of the UNCITRAL Model Law on Cross-border Insolvency or otherwise by improving domestic frameworks inspired by concepts enshrined in the Model Law.

1.00pm-2.30pm - Lunch

“Forum Shopping is bad – Choice of forum is good”

A panel discussion.

Cross-border aspects of the bankruptcy of natural persons

A panel discussion.

Open discussion on the challenges facing courts and judges

Colloquium Evaluation and Close



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ELEVENTH MULTINATIONAL JUDICIAL COLLOQUIUM
21st – 22nd March 2015

Please complete the form together with payment details in order to confirm your delegate place to the Colloquium. There is a nominal fee of £350 for registrations received prior to 15th December 2015 and £400 for those received after the early booking deadline to cover course fees, lunch on 21st and 22nd March 2015, dinner on Saturday 21st March.

The accompanying person fee for dinner on Saturday 21st March is £100.00.

Delegate's Name: Title:

Accompanying Person's Name:

Affiliation/Court, etc:

Address:

.....

Telephone: Fax:

E mail:

Before 15th December 2014

After 15th December 2014

Judicial Colloquium fee £350.00

Judicial Colloquium fee £400.00

Accompanying Person Judicial Dinner 21 March 2015 £100.00

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

Participants should note

- *The program 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
Fourth Judicial Colloquium - London, July 2001
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

Regional Judicial Round Tables

INSOL/UNCITRAL/World Bank 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; UNCITRAL Legislative Guide on Insolvency Law 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

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

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, Project Development Manager at penny@insol.ision.co.uk



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