



INSOL INTERNATIONAL

INSOL International

Member Association Report

2013 End of Year Report

To: The Member Associations of INSOL International

INSOL International is pleased to provide a review of INSOL's activities for the year 2013.

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New Member Associations

Three new member associations joined INSOL International in 2013. We warmly welcomed the members of the Finnish Insolvency Law Association (FLA), Instituto Brasileiro De Estudos De Recuperacao De Empresas (IBR) and the Association of Restructuring and Insolvency Experts (ARIES), based in the Channel Islands to INSOL. INSOL continues to strengthen its membership throughout the world.

Member Benefits

Members have received the following communications, products and e-mail alerts informing them of new publications available on the website.

Monthly Membership News E-mails

News of INSOL International events and Member Association activities was sent out at the start of each month. We would like to remind member associations to provide updates of their activities to be included in the email.

Electronic Newsletter (ENL)

The electronic newsletters for January to December covered various important case decisions and new and pending legislation and contained journal articles and recent news.

The January issue highlighted a decision from the Supreme Court of Canada released in the final weeks of 2012. The Supreme Court of Canada, in considering the effects of insolvency proceedings on environmental regulatory orders, took the opportunity to provide guidance on what constitutes a 'contingent claim' under Canadian insolvency law. This judgment will impact a number of active matters before the Canadian Courts.

The February issue main article focused on the proposed amendments to the European Insolvency Regulation ("EIR") published on 12 December 2012. The EIR has been in force since 31 May 2002 and has been reviewed after ten years in operation. The amendments encompass a number of major and minor amendments to the legislation. They are intended to eliminate a number of problem areas in cross-border insolvencies within the EU Member States. There is also an intention to bring certain common themes closer in effect to the UNCITRAL Model Law.

The highlight of the March issue was an article considering the most recent case on claims to "client money" in formal insolvencies in the UK. Grey areas have been identified in the Regulations that govern treatment of claims to such monies held by investment firms and recent cases have been addressing these. The *MF Global* case considers whether regard can be had to the "hindsight" principle in valuing claims in respect of positions that were open at the time of the primary pooling event.

The April ENL highlight looked at the issues to be considered when a retailer goes into an insolvency process and are they broadly similar to those, which have to be addressed in any other trading insolvency.

The main article in the May ENL focussed on restructuring troubled Chinese real estate companies

The June issue highlighted a recent district court decision in the United States, *CompuCredit Holdings Corp. v. Akanthos Capital Management*, which held that collective action by investors to maximize

recoveries, including the forming of negotiating blocks to advance a common interest, does not violate U.S. antitrust laws.

The July issue outlined a brief summary of the Directive Establishing a Framework for the Recovery and Resolution of Banks and Investment Firms (the "Directive"), which covers the provisions of the Directive and the EU's proposed solutions to the problems that are common to a number of our jurisdictions.

The September issue of the ENL covered the first South African Supreme Court of Appeal's first business rescue decision. The concept of "business rescue" was introduced into South African law for the first time when the Companies Act of 2008 came into effect on 1 May 2011. Since then there have been a number of decisions in the high courts of South Africa dealing with business rescue, but the Supreme Court of Appeal was recently called on for the first time to interpret and apply some of the business rescue provisions.

October's ENL highlighted recent press coverage regarding non-US shipping companies utilizing US Chapter 11 proceedings in an attempt to reorganise their businesses.

November's ENL highlighted the fact that termination clauses are not (always) permissible in Dutch bankruptcies.

Finally the December ENL highlight had particular reference to INSOL International in the case of Crumpler (as liquidator and joint representative) of Global Tradewaves Ltd (a company registered in the British Virgin Islands) v Global Tradewaves (in liquidation), in the matter of Global Tradewaves Ltd (in liquidation) [2013] FCA 1127.

Global Tradewaves Ltd was registered in the British Virgin Islands. Liquidators were appointed to the company by the Eastern Caribbean Supreme Court (the BVI Court). Mr Riaz may have been a director of Global. By the time liquidators were appointed, he was resident in Australia. The liquidators wanted to conduct a judicial examination of Mr Riaz in Australia.

To obtain orders for that examination, they adopted a two-fold approach:

- they applied to the Federal Court of Australia for recognition of their appointment under the UNCITRAL Model Law on Cross-Border Insolvency;
- they obtained a letter of request from the BVI Court to the Federal Court.

In each case, the object was to obtain a Federal Court order for the examination of Mr Riaz. It appears that Global may have had neither assets nor liabilities in Australia. That distinguished this matter from the majority of UNCITRAL recognition proceedings, which are directed at preserving the company's assets in the relevant company.

The Federal Court had no hesitation in finding that the requirements for recognition of the BVI liquidation as the foreign main proceedings were satisfied. It is noticeable that, in arriving at this conclusion, the Court relied upon INSOL International's Cross-Border Insolvency II: A Guide to Recognition and Enforcement (2012) where it quoted as follow:

*"Further guidance as to British Virgin Island insolvency law and practice and to the interpretation of its Insolvency Act 2003 is to be found conveniently in a publication, **Cross-Border Insolvency II: a Guide to Recognition and Enforcement, published by the International Association of Restructuring Insolvency and Bankruptcy Professionals, 2012.** That appears to me to be a book which would be used by the courts in the British Virgin*

Islands as a convenient summary of insolvency law and practice in that locale. One sees by reference to the Insolvency Act 2003 and that book that there is in place in the British Virgin Islands a statutory regime for the winding up of corporations which has broad analogies with the Corporations Act 2001 (Cth) so far as provision for a court order for winding up, appointment of liquidators for that purpose and provision for the examination of those having knowledge of the affairs of the company being wound up."

Technical Series 2013

The 25th paper in the technical series was posted on the INSOL website in January 2013 and was entitled "*Necessity Trumps Law: Lessons from Emerging Markets for Stressed Developed Markets*". It was written by Tim DeSieno and Katherine Dobson of Bingham McCutchen LLP, USA.

In the paper the authors examined the financial crisis experienced by the East Asian countries in the 1990s and also the sovereign debt crisis faced by Argentina in early 2000s and how the respective governments reacted. On a more global scale, leading international organisations responded to these crises by developing best practices for debt restructuring which were widely adopted in many countries and these are highlighted in the paper.

Several years later the world saw another financial crisis in 2008 and the paper covered the struggles in Europe of over-leveraged sovereign debtors such as Ireland, Greece, Spain and Iceland. In the concluding part, the authors look at the short and long term policy ramifications.

Our thanks go to the authors Tim DeSieno and Katherine Dobson for taking the time to write this excellent paper.

The 26th paper in the technical series was posted on the INSOL website in July 2013 it was titled "*The Snipping of the Golden Thread and the Sacking of the Temple of Universalism*" written by John Verrill of Chadbourne & Parke LLP, London. The paper considered the seminal decision of *Rubin & Anor v Eurofinance SA & Ors; New Cap Reinsurance Corporation (In Liquidation) & Anor v AE Grant & Ors (Conjoined Appeals)*[2012] UKSC 46 (24 October 2012).

Until recently – the principle of unity and universality was very much part of English international insolvency law particularly when recognising and enforcing foreign insolvency judgments. The UK Supreme Court has now decided that the principles that apply to the recognition and enforcement of foreign insolvency judgments are the same as those applicable to civil law judgments and that no distinction should be made thus declining to extend the concept of universalism to insolvency judgments.

This paper discussed the Supreme Court's decision and its consequences in context. We hope that our members will find the authors analysis and arguments thought provoking and useful in practice. INSOL International sincerely thanks John Verrill for writing this excellent paper.

The 27th paper in the technical series was posted on the INSOL website in September 2013, titled "*Potential Legal Issues for Bondholders Seeking Recovery on Sovereign Bond Debt in U.S.*" by Lynn P. Harrison 3rd, Fellow, INSOL International, Curtis Mallet-Prevost, Colt & Mosle LLP.

The ongoing sovereign debt crisis in Europe spurred worldwide debate regarding the implementation of a sovereign debt restructuring mechanism that would allow a country to engage in a consensual restructuring of its debt with bondholders. In certain instances however the bond contracts do not allow for amendment or modifications to the terms of such contracts without unanimous consent. Where a restructuring is not a possibility or the bondholders have otherwise refused to

engage in a consensual restructuring, such parties will likely consider commencing suit against the sovereign, provided that the contract terms permit them to do so.

This paper dealt with key issues that bondholders might consider when they decide to initiate lawsuits in the US to recover foreign sovereign debt. These include: the interpretation and application of the Foreign Sovereign Immunities Act; discussion about the “Act of State Doctrine”; the role of international comity in decisions by U.S. courts to decline ruling on issues between a foreign country and its creditors; and significant contractual provisions in bond contracts that may affect a bondholder’s ability to commence a lawsuit in the U.S. when international restructurings have failed. INSOL International sincerely thanks Lynn Harrison for writing this excellent paper.

The 28th paper in the technical series was posted on the INSOL website in October, *titled “Update on Shareholder and Equity - Related Claims in Insolvency Proceedings”* by Brian Empey, Brendan O’Neill and Caroline Descours Goodmans LLP (Canada) ; Adam Gallagher, Craig Montgomery and Dan Butler of Freshfields Bruckhaus Deringer LLP (UK) and James Millar Wilmer Cutler Pickering Hale and Dorr LLP (USA).

English law has maintained the long standing principle that shareholders are not entitled to share in the assets of an insolvent company and can only expect to have any recovery in the event that a solvent liquidation is achieved and all creditors have been paid in full. Canada has recognised a similar position and this is based on the notion that debt claims and equity investments are fundamentally different. The position in the USA is stated in the Bankruptcy Code where section 510(b) expressly provides for the mandatory subordination of a broad range of claims that arise from equity interests.

This paper discussed the exceptions to this position and also revealed some interesting differences, and how each country adapted to the problems that arose because of this legal position in all three countries.

INSOL International sincerely thanks Brian Empey, Brendan O’Neill and Caroline Descours Goodmans LLP (Canada) ; Adam Gallagher, Craig Montgomery and Dan Butler of Freshfields Bruckhaus Deringer LLP (UK) and James Millar Wilmer Cutler Pickering Hale and Dorr LLP (USA) for writing this excellent paper.

Smaller Practices Technical Papers

A ninth paper in the Smaller Practices Technical Papers series was posted on the website in February 2013 and is entitled "*Smaller Practices and Consumer Debt Issues in Singapore*". This paper was written by Mr. Edwin Tong of Allen and Gledhill LLP, Singapore.

A tenth paper was posted on the website in September 2013 entitled "*Collection of Practical Issues Important to Small Practitioners*". This paper was written by Maurycy Organa of Organa & Karbowski Insolvency Practitioners, Poland.

An eleventh paper was posted on the website in November 2013 entitled "*Smaller Practices and Consumer Debt Issues in USA*" by Prof. Lois R. Lupica, Maine Law Foundation Professor of Law, University of Maine School of Law, USA

INSOL International sincerely thanks the contributors for these very useful paper.

INSOL World

The quarterly Journal of INSOL International was mailed to all members of INSOL during the year. The first quarter's focus was the Americas. The second quarter's focus was Europe. The third Quarter focused on INSOL 2013 and the fourth quarter on Offshore. INSOL World is available on the website as well as mailed to all members.

Directors in the Twilight Zone IV

INSOL mailed to all members in July a copy of Directors in the Twilight Zone IV. This is a comparative study of the liabilities and duties of directors, officers and others and the risks they are exposed to during the "twilight zone". The publication covers 21 countries including for the first time Vietnam. Our thanks go to Gordon Stewart, Allen & Overy and his team for editing this impressive work.

International Insolvency Review - A Special Collection Celebrating 21 Years

To celebrate 21 years of the International Insolvency Review under the Editorship of Professor Ian Fletcher and kindly published by Wiley Blackwell, INSOL has printed a collection of the most notable articles written for the Review over the years. This special edition has a foreword by The Right Hon. Lord Hoffmann of Chedworth. All members were mailed a copy in May after the launch of the publication at INSOL 2013. A copy of this special edition has also been sent to each Member Association as a reference copy.

International Activities

Hong Kong Institute of Certified Public Accountants, Restructuring and Insolvency Faculty (RIF) Lunch Seminar, 29 January 2013

The President Gordon Stewart and Mark Robinson, Treasurer of INSOL International, were invited to make a presentation to members of RIF whilst in Hong Kong to attend a Group of Thirty-Six meeting.

The presentation was entitled "*Current challenges for insolvency practitioners across the world (including a comparative look at liquidators' remuneration)*". The speakers reviewed the developing role of insolvency practitioners in different parts of the world and in particular the current issues affecting liquidators' remuneration.

Over 100 members of RIF attended the seminar and the presentations were well received.

UNCITRAL, Working Group V (Insolvency Law) 15-19 April 2013 & 16-18 December 2013

INSOL was represented by Neil Cooper and Sijmen de Ranitz, Past Presidents of INSOL International at the April meeting and Neil Cooper and Gordon Stewart Immediate Past President at the December meeting. Full reports of the meetings can be found on the UNCITRAL website.

Forum on Asian Insolvency Reform, FAIR, Manila, Philippines, 3-5 December 2013

The President, James Sprayregen and Bill Courage, Board Director and member of CAIRP attended this meeting on behalf of INSOL. Over 100 attendees from the region attended the programme, which was entitled “ A discussion of key stakeholder roles in insolvency reform. Involvement. Intervention. Interaction. Implementation. INSOL helped with the planning of the meeting with The World Bank, UNCITRAL and the Bangko Sentral ng Pilipinas. We hope in the future that a new member association will be formed in the Philippines.

Presidents Agenda

The President of INSOL International James Sprayregen attended the following meetings in addition and had the opportunity to meet with many members of INSOL and give an update on INSOL's recent activities:

- R3: 23rd Annual Conference, 24-26 April, Cannes, France. (Attended by Gordon Stewart during his term of office as President)
- Canadian Association of Insolvency and Restructuring Professionals Annual Conference in St. John's Newfoundland, Canada 15-17 August.
- International Association of Insolvency Regulators Annual Conference in Edinburgh, Scotland 23-26 September.
- INSOL Europe Conference Paris, France, 26-29 September.
- TMA Brasil Conference, Sao Paulo 25-26 November

Educational Programmes

INSOL 2013

The Ninth World Congress of INSOL International took place on 19-22 May 2013 at The Hague in The Netherlands. 667 delegates attended with 66 accompanying persons. In all, 51 countries were represented. The technical programme was innovative and topical, and was well received across the board.

There was a full Ancillary Programme held over the weekend before the start of the Congress proper. There was an Insurance Meeting on 19 May. It was attended by 40 delegates and was kindly sponsored by Clifford Chance and PwC. There was a two-day Academics Colloquium on 18 and 19 May attended by over 60 delegates and, on the same days, the Tenth Multinational Judicial Colloquium was held with 80 members of the judiciary from around the world in attendance. All the Ancillary Programmes were a great success and much appreciated by the participants.

We provided an App for the main congress for the first time and over 260 delegates downloaded the App. The majority of feedback was that this was a great step forward. We are developing the App taking into account delegate comment, for use at INSOL Hong Kong.

Our thanks go to our Sponsors.

Main Sponsors: BMC Group, Begbies Traynor, Deloitte, RSM

Welcome Dinner Sponsor: BDO

Gala Dinner Sponsor: AlixPartners

Sponsors of *A tale of two businesses one good... one bad...*: Alvarez & Marsal and Skadden, Arps, Slate, Meagher & Flom LLP

General Sponsors: Company Watch, De Brauw Blackstone Westbroek, DLA Piper, Financial Times, Hermann, Houthoff Buruma, hww wienberg wilhelm, Lipman Karas, McDermott Will & Emery, Norton Rose, Ogier, Oxford University Press, PwC, RESOR, South Square

INSOL Scroll of Honour

A particular highlight of INSOL 2013 took place at the Gala Dinner when the President of INSOL International had the honour of presenting the eighth Scroll of Honour to Professor Ian Fletcher.

Professor Fletcher has worked closely with INSOL for over twenty years. His roles have included the Editorship of the International Insolvency Review and Chairmanship of the INSOL Academics Group to mention just two. But we are also deeply indebted to him for, and particularly value, his brilliant work in helping design and teaching on the INSOL Fellowship course with which he has been involved since its inception.

His role in academia in the field of insolvency is unsurpassed. He has been a Professor of Law at the University of Aberystwyth and a Visiting Professor at the University of Texas at Austin and at Tulane University. He was instrumental in developing the insolvency faculty at Queen Mary and Westfield College, University of London (**QMWC**) after becoming Professor of Law and Head of the Insolvency Law Unit, Centre for Commercial Law Studies at QMWC in 1991. He also became Director of the Centre in 1994. He is now Professor of International Commercial Law at the University of London.

He has written numerous books and articles on insolvency. His 1990 publication, *The Law of Insolvency*, is now in its fourth edition and is regularly cited by the Courts, most recently by the UK Supreme Court in the leading case of *Eurosail* [2013] UKSC, 28. Earlier this year he was awarded Queen's Counsel Honoris Causa.

It was and is a great honour for us that Professor Fletcher accepted the Scroll of Honour.

INSOL International Sao Paulo One Day Seminar, 13 June 2013

114 delegates attended the one-day seminar held in Sao Paulo, kindly hosted by Pinheiro Neto Advogados. Attendees came from Argentina, Brazil, Canada, Colombia, Mexico, Uruguay and USA. Our thanks go to the Main Organising Committee below for all their help and support in organising the seminar.

Luiz Fernando Valente de Paiva, Pinheiro Neto Advogados, Seminar Chair
Howard Seife, Chadbourne & Parke LLP, Educational Co-Chair
Salvatore Milanese, KPMG Corporate Finance Ltd, Educational Co-Chair
Roberto Barros, Campos Mello Advogados, Marketing Chair
Luis Vasco Elias, Deloitte Touche Tohmatsu Consultores Ltd, Sponsorship Chair
Thomas Heather, Heather & Heather, Regional Co-Chair
Fernando Hernandez, Marval O'Farrell & Mairal, Regional Co-chair

The seminar covered issues pertinent to the region such as *Perils for Directors of Insolvent Companies; How is Equity Treated in an Insolvency?; Trading in Distressed Debt; Buying and Selling Troubled Companies and Restructuring Challenges in Brazil – a Comparative View.*

The seminar was kindly sponsored by:

Platinum Sponsors: Chadbourne & Parke LLP, Deloitte, Pinheiro Neto Advogados

Gold Sponsor: Campos Mello Advogados

Africa Roundtable, Lusaka, Zambia, 8-9 September 2013

The establishment of the Africa Roundtable, with support of our partners, was a historic and groundbreaking initiative by INSOL. The roundtable was conceived in February 2010 at a meeting convened by INSOL and held during our Dubai Conference. Multilateral and multinational institutions engaged in insolvency reform resolved to support this INSOL initiative and to work together to develop insolvency systems in Africa. A roundtable in Abuja followed later in 2010 and was attended by representatives of eight English-speaking African countries, including policy makers and regulators, and an official representative of the Organisation pour l'Harmonisation en Afrique du Droit des Affaires (OHADA), a bloc of 17 French-speaking countries. High-level IMF and World Bank support for the Roundtable also contributed to the success of the event.

The second ART was held in Cape Town in September 2011. Some 60 people representing over 20 countries attended, comprising judges, regulators, policy makers and private practitioners.

The Third ART was held in Nairobi, Kenya in September 2012. More than 70 participants attended this roundtable.

In 2013 we had 73 attendees representing 16 African countries. The event was opened by the Hon Wynter M Kabimba, Minister of Justice. This year's programme focused on "Building Africa's Credit Environment for Growth: How insolvency regimes can improve the cost and availability of credit". There is a huge enthusiasm across the continent for pursuing law reform and for building the necessary capacity for successful restructurings and efficient insolvencies. The Fourth ART will be held in 2014 in Uganda.

INSOL would like to thank the following firms for their assistance with sponsorship to help with the event. PwC Africa organised and funded the Friday night dinner and additional sponsorship for the event was received from Bowman Gilfillan, Lex Africa, Barclays Bank, South Square, NEXIM Bank and Werksmans for which we are very grateful.

INSOL International Beijing One Day Seminar 25 October 2013

The seminar was kindly hosted for the second year running by King & Wood Mallesons. Our thanks also go to the Main Organising Committee for their assistance in organising the Seminar.

Helena Huang, King & Wood Mallesons, Seminar Co-Chair
Prof. Li Shuguang, Seminar Co-Chair, Executive Director, China University of Politics and Law,
Bankruptcy Law and Restructuring Research Centre
Rosalie Lui, KPMG
Eddie Middleton, KPMG, Fellow, INSOL International
Kathleen Wong, Allen & Overy LLP

77 Delegates attended the Seminar. Simultaneous translation was provided and the delegates were highly interactive with the speakers, asking many questions and opening about the difficulties China faces.

The technical Programme covered:- *Issues affecting a multi-national workouts; Can restructuring be useful in dealing with the economic challenge of the PRC and Dedicated bankruptcy courts – advantages and disadvantages.* After lunch we held an informal workshop where attendees could ask the panellist questions and debate issues which was well received. Further seminars will be held in the region.

INSOL International Cayman Islands One Day Seminar 7 November 2013

220 delegates attended the offshore meeting, making this our largest seminar to date. Our thanks go to the Main Organising Committee below for all their help and support in organising the seminar.

Hugh Dickson, Grant Thornton Chair
Richard de Lacy QC, Ogier Educational Co-Chair
Farrington Yates, Fellow, INSOL International, Dentons US LLP Educational Co-Chair
Michael Pearson, Fund Fiduciary Partners Limited Marketing Chair
Matthew Wright, Rawlinson & Hunter Sponsorship Chair
Andrew Thorp, Harneys, BVI Regional Co-Chair
Robin Mayor, Conyers Dill & Pearman Regional Co-Chair

The program covered four main topics: *Offshore restructuring in the region; Round table – directors and insolvency proceedings; ISDA and lessons learnt from Lehman; and Law enforcement and insolvency – a race to collect?*

We had some outstanding speakers from the various offshore jurisdictions, UK and US. The penultimate session of the day was an “X” factor session, young up and coming practitioners presented for 10-15 mins on a specific hot topic. The winner Alex Potts of Sedgewick Chudleigh was chosen by the audience at the end of the session as having given the best presentation. The feedback to the educational program was excellent.

In addition to the seminar on the day prior for the first time INSOL International, UNCITRAL and The World Bank hosted a local Judicial Roundtable Meeting. This enabled 24 judges from the region representing 10 regional Caribbean jurisdictions plus judges from UK, USA and Canada to meet and discuss cross-border co-operation.

INSOL would like to thank the following sponsors for supporting the Seminar:

Platinum Sponsors – Campbells; Conyers Dill & Pearman; Grant Thornton; Ogier; Gold Sponsors – 20 Essex Street; Baker Tilly (Cayman) Limited; Brown Rudnick; South Square, The Seaport Group LLC; lunch sponsors, KRYs Global and our dinner sponsors EY and Harneys.

A special thank you to our member association in Cayman, RISA for their help with the organisation and hosting of the cocktail reception.

INSOL International Tokyo One Day Seminar 21 November 2013

INSOL for the first time organised with members of the Japanese Federation of Insolvency Professionals a One Day Seminar in Tokyo. 90 Delegates mainly members of our local member association attended the seminar. We would like to thank the members of the Main Organising Committee for their enthusiasm and assistance in making this first event so successful.

Masahiko Chino, KPMG FAS Co., Ltd., Seminar Co-Chair
Dr. Shinjiro Takagi, Nomura Securities Co., Ltd., Seminar Co-Chair

Shinichiro Abe, Baker & McKenzie, Educational Co-Chair
Peter Gothard, Ferrier Hodgson, Educational Co-Chair
Eiji Katayama, Abe, Ikubo & Katayama
Hiroyuki Oshida, KPMG FAS Co., Ltd.
Theodore Paradise, Davis Polk & Wardwell LLP
Hideyuki Sakai, Bingham Sakai Mimura Aizawa

The Technical Programme covered topics of interest to members in the region and included: *Informal Debt Restructuring Workout in Asia Pacific Countries; The Changing Landscape of the Court Restructuring Procedure; Development in Cross-Border Insolvency and The Role of Professional Turnaround Manager*. Simultaneous translation was provided for the delegates. The feedback to the seminar was excellent and we hope to return to Tokyo in the future for further events.

A special thanks to our sponsors with out whom the seminar would not have been possible:

Platinum Sponsors: Baker & McKenzie Bingham Sakai Mimura Aizawa KPMG FAS Co.,
Ltd., Nomura Securities Co., Ltd.

Gold Sponsor: Frontier Management Inc.

Global Insolvency Practice Course - Class 2013

INSOL International is pleased to announce the fourth graduating class of the Global Insolvency Practice Course. The successful participants are now formally recognised as a Fellow, INSOL International.

Mark Craggs, Norton Rose Fulbright, UK
Zoltán Fabók, DLA Piper Horvath & Partners Law Firm, Hungary
Nicholas Fox, Maurant Ozannes, Cayman Islands
Rachelle Frisby, Deloitte & Touche Ltd, Bermuda
Lynn P Harrison III, Curtis Mallet-Prevost Colt & Mosle LLP, USA
Mariano Hernandez, MM Abogados, Spain
Johan Jol, ABN Ambro Bank N.V., The Netherlands
James Katchadurian, Epiq Systems Bankruptcy Solutions, USA
Leonard McCarthy, Henry Davis York, Australia
Antonia Menezes, World Bank Group
Friedrich von Kaltenborn-Stachau, RSM Germany – BRL, Germany
Daniel Saval, Brown Rudnick LLP, USA
Ivo-Meinert Willrodt, PLUTA Rechtsanwalts GmbH, Germany

The Global Insolvency Practice Course is the pre-eminent advanced educational qualification focusing on international insolvency.

With the fast growing number of cross-border insolvency cases and the adoption in many jurisdictions of international insolvency rules and provisions, the turnaround and insolvency profession faces increasing challenges in the current economic environment. The current outlook demonstrates that the practitioners of tomorrow need to have extensive knowledge of the transnational and international aspects of legal and financial problems of businesses in distress.

The format of the fellowship programme is intensive, carried out over three modules. The first module took place in The Hague from the 16-18 May 2013, prior to INSOL 2013. The second module was held at the St John's University, New York from the 16-18 September 2013. The last module involved the

students utilizing web enabled technology which included a virtual court and undertaking real time negotiations for a restructuring plan involving multiple jurisdictions. The platform for this module was made available through the generous support of the University of British Columbia, Vancouver, Canada. A number of senior judges from around the world took part in Module C in order for the participants to gain experience of court to court situations. The judges included The Hon. Robert Drain, US Bankruptcy Judge, Southern District of New York; Sir David Richards, Justice of the High Court, Chancery Division, Royal Courts of Justice, London; The Honourable Judge Eberhard Nietzer, Heilbronn Bankruptcy Court, Germany; The Honourable Geoffrey Morawetz, Justice of the Ontario Superior Court of Justice, (Commercial List), Toronto, Canada; Justice Maria Cristina Zucchi, Brazil.

Admission to the course is limited to a maximum of 20 candidates each year. This ensures academic excellence and the opportunity for good personal contact between students and faculty. Potential candidates must already hold a degree or equivalent to be considered for this programme and must have a minimum of 5 years experience in the field. Participants represent the different jurisdictions of the World.

The Board of Directors of INSOL would like to announce that it offers a Bursary for the Global Insolvency Practice Course which enables a member of the Judiciary or a regulator to attend the course the Bursary will be named in honour of Ron Harmer, Scroll of Honour holder who passed away in 2013.

Testimonials

Professor Ian Fletcher of University College London, a member of the Core Committee responsible for planning the programme:

"Designed and taught by an international Faculty of highly distinguished experts, the INSOL Fellowship Programme offers a unique learning experience. It answers a long-felt demand for a benchmark qualification to identify those practitioners who are in the front rank of transnational insolvency practice in today's challenging global market place."

James H.M.Sprayregen, President of INSOL International

"The global economic crisis is far from over. Businesses and countries are not out of the woods yet. Not least of the current problems are the continuing limits on the availability of finance. So it is as important as ever for those involved in cross-border financial distress – whichever stakeholder they are assisting – to have a strong understanding of the differences in restructuring and insolvency law and practice they are likely to encounter in resolving the problems faced by multinational groups. Our Fellowship course, presented by leading lecturers from around the world, covers both the financial considerations and the legal rules that must be understood in tackling such cases".

David Molton, Brown Rudnick LLP, Fellow, INSOL International

"This INSOL Fellowship course is wholly first class. It is professionally administered by INSOL International staff and taught by an exceptional, international faculty (comprised of academics and judges), all of whom are recognised as leaders in their fields of discipline. the course work is robust, challenging and rewarding, and provides material value to insolvency practitioners and attorneys involved in cross-border issues. The hidden treasure of the course is, of course, the interchange, camaraderie and lasting friendships of the Fellow candidates that inevitably develop during the course. I would strongly recommend the course as a "must do" for anyone who is interested in and serious about cross-border insolvency issues."

Farrington Yates, Dentons US LLP, Fellow, INSOL International

“The program exceeded my expectations for level of instruction, content, and the commitment of my fellow participants. It has been a pleasure to be part of this class”

Stathis Potamitis, Potamitisvakris, Fellow, INSOL International

“I found the course remarkably rewarding and interesting and the final module was perhaps the richest part of the course, overall. I consider myself fortunate to have had the opportunity to participate. I also found my fellow fellows a wonderful group, knowledgeable, friendly and energetic. The Faculty was obviously excellent, as were the judges. Overall, this course seems far better than other offerings I have come across.”

A video of testimonials from both participants and lecturers can be viewed on our web site www.insol.org

For further information contact INSOL International on 00(44) (0) 20 7248 3333, e-mail heather@insol.ision.co.uk

Core Committee:

André Boraine, Course Leader, University of Pretoria, South Africa

Ian F. Fletcher, University College, London

Adam Harris, Bowman Gilfillan, Executive Committee INSOL International

Rosalind Mason, Queensland University of Technology, Australia

Michael Veder, Radboud University Nijmegen, The Netherlands

G. Ray Warner, St John's University of Law and of Counsel, USA (Course Leader for 2014-2015)

GlobalINSOLvency Website

This is a joint venture by the ABI and INSOL International for the members of INSOL and the wider professional community with an interest in insolvency and turnaround. The site provides a global source of information. There is also the opportunity to sign up and receive daily global alerts by email. We recommend members make it one of their favourite sites: www.globalinsolvency.com.

Group of Thirty-Six

G36 Reception, Hong Kong, 28 January 2013

Davis Polk & Wardwell kindly hosted our first ever G36 reception in Hong Kong. 51 members of the G36 attended the reception. Our guest speaker was Jake Williams, Deputy Group Chief Restructuring Officer, Standard Chartered Bank. Jake gave a stimulating talk on “*What has changed since the Asian crisis*”. Delegates had many questions for him following his presentation.

G36 reception, New York, 7 March 2013

Jones Day kindly hosted the New York G36 reception on what was a very cold and snowy night. We were delighted that over 60 members of G36 braved the snowstorm to attend the event. Our guest speaker was Louis J. Freeh, Pepper Hamilton LLP. Mr Freeh gave an interesting and detailed presentation on Financial Institutions and Cyber Terrorism. Which was well received by the attendees.

G36 Breakfast Reception, 21st May, 2013, The Hague, The Netherlands

The breakfast was held at the World Forum in The Hague on 21 May prior to the start of the third day of the INSOL 2013 Technical Programme. 60 members of the G36 attended.

The guest speaker was Nils Melngailis, Managing Director of Alvarez & Marsal. We were very grateful to Nils for flying in from Cyprus to give us an update on the banking crisis in Cyprus and how its outcome may affect the banking landscape across the EU going forward. Reflecting the engagement of the audience, delegates asked many questions at the end of the presentation.

G36 London 10 October 2013

Skadden, Arps, Slate, Meagher & Flom LLP kindly hosted the London G36 reception which was held at Drapers Hall in the City of London. The event was attended by 50 members of the G36. The speaker for the evening was Justin Bickle, Managing Director, Oaktree who gave an enlightening presentation on the work and success of Oaktree in turning around organisations in difficulties.

INSOL Board of Directors

Gordon Stewart, Allen & Overy LLP retired as INSOL's President on 24 May 2013. Gordon was a truly great leader of INSOL and members will have kept up with some of his activities through his column in INSOL World. With the support of his firm, Allen & Overy, he committed a huge amount of time and effort to INSOL activities and to furthering its strategic goals.

Additionally we had one other retirement from the board, that of Howard Seife of Chadbourne & Parke LLP. Howard has championed our development into Latin America over the last five years and membership has steadily increased in the region in no small part as a result of his and his colleagues' efforts. Howard will continue to work with us in this region and our thanks go to him and his firm for their unstinting support of the work of INSOL.

We welcomed our new President James H.M. Sprayregen of Kirkland & Ellis on his appointment as President and Mark Robinson of PPB Advisory on his appointment as Vice-President in May. Mark is the nominee of the Australian IPA and is also the current Treasurer of INSOL. Adam Harris of Bowman Gilfillan was appointed to the Executive Committee as Director at Large and Julie Hertzberg of Alvarez & Marsal was appointed to the board as a Nominated Director in May 2013 and Prof Li Shuguang of China University of Politics and Law, Bankruptcy Law and Restructuring Research Centre was appointed as a Nominated Director in November 2013.

It was a sad year for INSOL with the passing of Ian Strang who was the Co-Founder of INSOL International with Richard Turton and first President of INSOL and of Ron Harmer Scroll of Honour Holder since 1993. Both contributed so much to the insolvency and turnaround profession internationally and will be missed by our community.