



Joint International Insolvency Conference

25-26 June 2015 • Djanogly International Centre
Nottingham Trent University, Nottingham, UK

Re-Imagining Rescue

Co-hosted by the Centre for Business and Insolvency Law at
Nottingham Law School and the Business and Law Research
Centre at the Faculty of Law at **Radboud University Nijmegen**



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Welcome: Ey up duck!*

I am very pleased and delighted that the INSOL Europe Academic Forum is co-hosting this conference with the Nottingham and Nijmegen Law Schools. This marks the second time we are in Nottingham following in the wake of a successful event here in 2012.

Nottingham and Nijmegen have recently begun a collaboration which has seen the introduction of a new "Dual" LLM Programme and other initiatives. Both Universities are justifiably earning a reputation as centres of excellence in insolvency, witness the many academics on their staff engaged in the discipline, and the Academic Forum welcomes this opportunity to once again collaborate with the Law Schools.

At this conference, the central theme of papers and the panels will be on the theme of "Re-imagining Rescue". As insolvency is once again a hot topic (was it ever not?), Governments and legislatures seek to introduce new procedures and reinvigorate existing processes for dealing with firms in difficulties. Even the European Union, whose foundation contained a strong economic objective of creating a Single Market, has come to the table with a Recommendation to member states to assess their preparedness for the insolvency of small- and medium-enterprises. This also means that the possibility of convergence and perhaps even harmonisation of substantive insolvency law in Europe is on the agenda, alongside the many reforms that will undoubtedly occur to influence the shape and structure of domestic insolvency law in time to come.

**From the Old English: Eyes up (= watch out), Duke!*

All this will no doubt inform the debate in Nottingham. Undoubtedly, the musings of academics, offering a blend of the theoretical and pragmatic, will offer the basis for further understanding of these topics, so crucial for the insolvency profession and the development of insolvency law in times to come. I am sure that the conference will offer an opportunity to exchange views and experiences, to meet new colleagues, to refresh existing contacts and to take a moment to appreciate the wealth and depth of scholarship in insolvency represented by the many papers to be provided at the conference, particular those being presented (some for the very first time) by younger academics and doctoral researchers.

I am sure that colleagues and friends will also appreciate the many sights of Nottingham and its rich history as a centre for commerce from mediaeval times through the Industrial Age to today. I also hope that you will have a chance to explore the city and the rich countryside that surrounds it. Once again, may I offer a warm welcome to you all to this conference, sponsored by SGH Martineau, whom we thank for their support of the Academic Forum's initiatives from 2014 onwards.



Paul Omar,
Secretary,
INSOL Europe
Academic Forum



INSOL Europe Academic Forum



The **INSOL Europe Academic Forum**, founded in 2004, is a constituent body of INSOL Europe, a Europe-wide association of practitioners in insolvency. The Academic Forum's primary mission is to engage in the representation of members interested in insolvency law and research, to encourage and assist in the development of research initiatives in the insolvency field and to participate in the activities organised by INSOL Europe. The membership of the Academic Forum includes insolvency academics, insolvency practitioners with recognised academic credentials as well as those engaged in the research and study of insolvency. The Academic Forum meets annually in conjunction with the main conference of INSOL Europe and also arranges half-yearly conferences around suitable themes of interest to the practice and academic communities. Previous meetings have taken place in Prague (2004), Amsterdam (2005), Monaco (2007), Leiden and Barcelona (2008), Brighton and Stockholm (2009), Leiden and Vienna (2010), Milan, Venice and Jersey (2011), Nottingham and Brussels (2012), Trier and Paris (2013) as well as Leiden and Istanbul (2014).

At Paris, Professor Christoph Paulus (Humboldt University Berlin, Germany) was elected Chair of the Academic Forum for a three-year term. Paul Omar (Nottingham Trent University, the United Kingdom) serves as Secretary to the Board, while Florian Bruder (Max Planck Institute, Germany), Jessica Schmidt (University of Jena, Germany), Rolef de Weijts (Chair of the Young Academics Network), Emmanuelle Inacio and Myriam Maily (INSOL Europe Technical Officers) as well as Professor Michael Veder (Radboud University Nijmegen, the Netherlands) are ordinary members of the Board. Professor Rebecca Parry (Nottingham Trent University, the United Kingdom) is the Editor of the Conference Proceedings series and *ex officio* a

member of the board. A Supervisory Committee has also been established as a consultative board for Academic Forum projects whose membership includes senior insolvency academics and practitioners.

The Academic Forum is sponsored by SGH Martineau, who took over sponsorship from Edwin Coe LLP in 2014. With the sponsorship received, the Academic Forum offers travel grants to enable up to 5 young scholars to attend and deliver papers at each conference, in some cases speaking to an international audience for the very first time. The funding has also permitted the inauguration of a series of lectures given by judges, practitioners and academics of international repute and eminence. A series of publications arising from Academic Forum conferences began in 2009 by reports from the Leiden and Barcelona events, the intention being to publish conference proceedings booklets from all of the conferences listed above. The Academic Forum has recently reached a milestone with the publication of the 21st volume in the series titled "International Insolvency Law: Future Developments".

The Academic Forum's next meeting is scheduled to take place in conjunction with the INSOL Europe conference in Berlin on 30 September-1 October 2015, with further conferences being planned for 2016 and beyond. Details of academic conferences will be posted at the Academic Forum website at: www.insol-europe.org/academic/ as and when available. An on-line registration facility for academic conferences as well as further information about the work of the Academic Forum can also be obtained via the website as well as a dedicated Facebook page.



Programme

Thursday 25 June 2015

- 12:30-13:15 **Registration**
- 13:15-13:30 **Welcome**
 Prof Janine Griffiths-Baker (Dean, Nottingham Law School); Robert van Galen (INSOL Europe President); Prof David Burdette (NLS); Prof Michael Veder (RUN)
- 13:30-14:00 **Key-note address: To be announced**
- 14:00-15:30 **First Session: Why rescue? A critical analysis of the current approach to corporate rescue**
 This session will look at the current approach to corporate rescue across a number of jurisdictions and also from the perspective of international agencies such as the World Bank.
Chair: Neil Cooper (Zolfo Cooper, UK; Visiting Professor, Nottingham Law School, UK)
Speakers: Mahesh Uttamchandani (World Bank; Honorary Professor, Nottingham Law School, UK)
Further speakers to be announced
- 15:30-16:00 **Coffee and Networking Break**
- 16:00-17:30 **Second Session: Corporate rescue: Experiences and insights from the bench (panel discussion)**
 In this session eminent judges from a range of international jurisdictions will share their experiences and insights on corporate rescue.
Chair: To be announced
Panellists: Mrs Justice Desiree Staal (District Court Central Netherlands, Insolvency Division, Utrecht, Netherlands); Mr Justice Heinz Vallender (Chief Judge, Cologne Bankruptcy Court, Germany); Mrs Justice Jeanette Melchior (Senior Deputy Judge, Maritime and Commercial Court, Copenhagen, Denmark)
Further panellists to be announced
- 17:30-18:30 **Comfort Break**
- 18:30 **Bus leaves from DICe for Riverbank Restaurant at 18:30 sharp**
- 19:00-late **Reception followed by Dinner at Riverbank Restaurant, Nottingham**
After-Dinner Speaker: Sijmen de Ranitz (RESOR, Netherlands)

Friday 26 June 2015

- 08:30-09:00 **Retrieval Registration**
- 09:00-10:30 **Third Session: Corporate rescue and the practitioner**
 This session will focus on corporate rescue from the perspective of the practitioner, dealing with aspects such as what practitioners need in order to conduct a successful rescue.
Chair: To be announced
Speakers: Nicolaes Tollenaar (RESOR, Netherlands); Adrian Thery (Garrigues, Spain)
Further speakers to be announced
- 10:30-11:00 **Coffee and Networking Break**
- 11:00-12:30 **Fourth Session: Pre-insolvency arrangements: a comparative perspective**
 With pre-insolvency arrangements being high on the agenda of the EU Commission, this session will contain a discussion of pre-insolvency arrangements in selected jurisdictions.
Chair: Prof Michael Veder (Radboud University Nijmegen; RESOR, Netherlands, Visiting Professor, Nottingham Law School, UK)
Speakers: Joe Bannister (Hogan Lovells, UK; Visiting Professor, Nottingham Law School, UK); Prof Juana Pulgar Ezquerro (Universidad Complutense de Madrid, Spain); Prof Melissa Vanmeenen (University of Antwerp, Belgium)
Further speakers to be announced
- 12:30-13:30 **Lunch**
- 13:30-15:00 **Fifth Session: Re-imagining cross-border rescue in the EU**
 This session will contain a critical analysis of the amended European Insolvency Regulation.
Chair: Richard Sheldon QC (South Square; Visiting Professor, Nottingham Law School)
Speakers: Prof Gerard McCormack (University of Leeds, UK); Prof Francisco Garcimartin (Universidad Autónoma de Madrid, Spain)
Further speakers to be announced
- 15:00-15:10 **Closing Address:** Professor David Burdette, NLS

Please note that speakers listed or topics may be subject to alteration.



Conference Partners

Nottingham Law School

Nottingham Law School is one of the largest university law schools in the UK with over 100 full-time lecturers and 2,800 students. We have a reputation for innovation, delivering legal education and training to the highest of standards. Our taught courses cover all areas of legal education including: undergraduate LLB courses, vocational training for aspiring solicitors and barristers and continuing career development courses for all legal professionals. The School recently celebrated 50 years in legal education.

Our research work is internationally recognised and academic staff have an established reputation for expertise in the areas of insolvency law, legal education, advocacy, conflict, rights and justice, and health law.

The School has four active research centres:

- Centre for Business and Insolvency Law
www.ntu.ac.uk/businessinsolvencylaw
- Centre for Legal Education
www.ntu.ac.uk/legaleducation
- Centre for Conflict Rights and Justice
www.ntu.ac.uk/conflictrightjustice
- Centre for Advocacy
www.ntu.ac.uk/advocacy

For full details of the research carried out by these centres please visit their web pages. Active researchers have many links in the UK and across the globe. The Law School has received external income for research from a number of sources, including the research councils, Government departments and the European Union.

In the field of Insolvency Law we work closely with a number of international agencies including: INSOL International, INSOL Europe, the Insolvency Service (UK), and the World Bank. Nottingham Law School host insolvency conferences and seminars in partnership with other agencies.

Our taught courses in insolvency include the LLM in Corporate and Insolvency Law and the Postgraduate Diploma in International Insolvency Law which is an online distance learning course. The School has a strong partnership with Radboud University Nijmegen in the Netherlands, and together we run a dual LLM in insolvency law (LLM Corporate and Insolvency Law/LLM European and Insolvency Law) which is taught in both Nijmegen and Nottingham by leading academics from both universities. All of these courses attract a number of international students bringing a diversity of experience to the School.

Nottingham Law School is based at Nottingham Trent University, on the city site, where outstanding teaching, learning and conference facilities are available. As well as state-of-the-art

lecture theatres and an extensive library, we have a suite of mock courtrooms and moot rooms, all enhancing our students' experience.

For more information on Nottingham Law School visit:
www.ntu.ac.uk/nls

Business and Law Research Centre

The Business and Law Research Centre ('OO&R') conducts academic research in the field of 'business and law'. In addition to the Faculty of Law, a number of renowned, mostly international law firms and companies participate in the centre. The strength of the centre is that the academic excellence which has long been available within the Faculty is combined with the expertise and practical experience of law firms and companies. This unique cooperation has led to a structural cross-fertilisation between legal practice and the academic world, generating results that are important both for academic research and for legal practice. It also offers the centre the opportunity to benefit from the extensive international network of these law firms and companies, giving the centre the opportunity to internationalize its research.

In the view of the Faculty of Law, research and education are closely connected with one another. The centre is not only focused on research but also concerns itself intensively with the provision of academic education. Researchers affiliated with the centre are usually staff members of one or more of the following departments: Private law, Private Procedural law, Private International law, Company law, Financial law and Labour law.

The centre is accredited by the Royal Netherlands Academy of Arts and Sciences as a centre of excellence.

Faculty of Law, Radboud University

The Faculty of Law in Nijmegen has a long standing reputation for quality in research, teaching and organisation. The faculty's policy is to continue exploring options for international cooperation and strengthening existing contacts. Incorporating international and European law in legal research is crucial in a world of interwoven legal systems. The Faculty aims to get involved with European consortia in certain key areas: Insolvency Law, Financial Law, European Private Law, Migration Law, Fundamental Rights and Security issues.

The faculty cooperates closely with - and advises - external partners such as civil-law notary offices and law firms, financial organisations, international businesses, courts, government bodies, ministries, NGOs and European organisations. Publications, such as professional journal papers and case notes, are written with the legal practice in mind. One element of the research centres' mission is to make academic research more practical, for example by preparing best practices, legislative proposals and EU directives.



Other Information

Joining instructions

Final joining instructions will be sent by email mid June 2015.

Hotel Information

The closest hotels in the area are shown below, however we recommend early reservation to avoid disappointment.

Premier Inn, Goldsmith Street, Nottingham

2 minute walk from conference venue
www.premierinn.com/en/hotel/NOTMTI/nottingham-city-centre-goldsmith-street

Hilton Hotel, Milton Street, Nottingham

5 minute walk from the conference venue
www3.hilton.com/en/hotels/united-kingdom/hilton-nottingham-EMANOHN/index.html

For information on alternative hotels, please contact wendycooper@insol-europe.org

Cancellation of attendance

Refunds will not be given for any cancellations received after 10 June 2015.

Travel & health insurance

INSOL Europe and Nottingham Law School shall not be responsible for, and shall be exempt from, all liability in respect of any loss, damage, injury, accident, delay or inconvenience to any person during the conference. It is the delegate's own responsibility to be adequately insured in case of claims pertaining to travel/accidents for the duration of their visit.

How to get to Nottingham Trent University

Nottingham Trent University is centrally located in England and benefits from excellent national and international transport links.

At the heart of the UK, Nottingham is well served by the motorway network. The M1 passes close to the west of the city, the A42/M42 link to the south-west of the city and the A1 (M) to the east of the county.

Nottingham East Midlands Airport is only 30 minutes from the city centre, offering national and international flights. Getting to Nottingham from the airport is easy and fast by train, car or the Skylink Express bus service.

There are frequent rail services from most UK cities including a high speed train every 30 minutes connecting Nottingham to the capital in less than two hours. A full directional note will be issued with the final Conference Joining Instructions.

For further information, please contact carolinetaylor@insol-europe.org or telephone +44 (0) 115 8780584.

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