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## ***Fourteenth Joint INSOL/UNCITRAL/World Bank Group Multinational Judicial Colloquium on Insolvency***

### **Technical Programme for San Diego**

**Tuesday 21 May 2024**

*The morning session will split judges into two groups:*

*A primer session for those judges who have not attended a previous Judicial Colloquium and those from jurisdictions with little experience of cross-border cases.*

*The second group will attend the ADR Colloquium.*

- |               |  |
|---------------|--|
| 09.00 - 09.25 | <i>Delegate registration and welcome tea and coffee</i>  |
| 09.25 - 09.30 | <b>Opening remarks for primer session*</b><br>Hon. Sir Alastair Norris, High Court of England and Wales, Chair, INSOL Judicial Group<br>Hon. Justice Geoffrey Morawetz, Chief Justice, Ontario Superior Court of Justice, Co-chair Judicial Colloquium   |
| 09.30 - 10.45 | <b>Insolvency in the domestic and the global context</b><br>This session looks at the function of insolvency law, and particularly its role in rescuing viable businesses. It will look at the important role of judges in building a restructuring culture: and the approach to addressing issues raised by global supply chains and industries.  |
| 10.45 - 11.15 | <i>Networking coffee break</i>   |
| 11.15 - 12.30 | <b>Judicial aspects of cross-border insolvency</b><br>This session looks at the need for co-operation between jurisdictions and at the resources available to assist judges in dealing with cross-border cases, including the UNCITRAL Model Law on Cross-Border Insolvency and the World Bank ICR Principles. The interactive session will look at the applications which arise in cross-border cases and will discuss the roles of courts and judges in dealing with them. |
| 12.30 - 13.30 | <i>Networking lunch</i>  |

*\*The organisers will determine which sessions judges will attend.*



- 13.30- 13.40      **Full Colloquium welcome and introduction**  
Welcome by representatives of INSOL International, UNCITRAL and the World Bank Group.
- 13.40 - 15.10      **Peer-to-peer discussion**  
Looking at the period of and following the pandemic, what problems have you encountered and what developments have occurred in your jurisdiction? What lessons have you learned and would like to share?
- Hon. Justice Simon Amobeda, Federal High Court, Nigeria  
Hon. Justice Francis Obiri, Commercial Court 2, Ghana  
Hon. Judge June Young Chung, Seoul High Court, Rep. of Korea  
Hon. Judge Andrea G. Palma, Sao Paulo State Court, Brazil  
Hon. Justice Tan Sri Nallini Pathmanathan, Federal Court of Malaysia  
Hon. Justice Ramalingam Sudhakar, National Company Law Tribunal, India  
Hon. Judge Misako Takada, Tokyo District Court, Japan
- 15.10 - 15.30      *Networking coffee break*
- 15.30 - 16.45      **Case management considerations in domestic insolvency proceedings: and managing cross border applications under and outside the Model Law on Cross-Border Insolvency.**
- Chair: Hon. Judge Elizabeth Stong, US Bankruptcy Court, Eastern District of New York, USA  
Hon. Justice Aedit Abdullah, Supreme Court of Singapore  
Hon. Judge Fatima Faisal Hubail, Supreme Judicial Council, Bahrain  
Hon. Justice Musa Ssekaana, High Court of Uganda  
Hon. Justice Wan Muhammad Amin bin Wan Yahya, High Court of Malaysia
- 16.45 - 17.15      **Judicial training**  
An update on the work of the Judicial Training College run by INSOL International and World Bank Group with feedback from delegates; a discussion of training methods that are used and delegates feedback on future training needs.
- Antonia Menezes, World Bank Group  
Hon. Judge Kazimbe Chenda, High Court, Commercial Division, Zambia
- 17.15 - 17.30      **Closing remarks for day 1**
- 19.00 - 22.00      **Judicial Colloquium dinner**  
For participants and registered accompanying person



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**Wednesday, 22 May 2024**

08.30 - 08.50 *Welcome coffee*

08.50 - 09.00 **Welcome back**

09.00 - 09.45

**Dealing with Group Enterprises in a domestic and a cross-border context**

Many businesses now operate on a group basis using holding companies, treasury companies and operating companies, often located in different jurisdictions. If the group itself or one or more of its companies encounters financial difficulties is a co-ordinated approach possible? Are there any models?

Co-Chairs: Hon. Chief Justice Geoffrey Morawetz, Superior Court of Justice, Ontario, Canada

Hon. Sir Alastair Norris, High Court of England & Wales, UK

Hon. Judge Andrea G. Palma, Sao Paulo State Court, Brazil

Hon. Justice James Peck, Singapore International Commercial Court

09.45 - 11.00

**Micro and Small Enterprises and Small and Medium Enterprises**

Do we need special procedures? If so, what should be their characteristics? If we do not have special procedures, how may we adapt our existing procedures?

Chair: Hon. Judge Christopher Klein, U.S. Bankruptcy Court, Eastern District of California, USA

Hon. Justice Ashley Black, Supreme Court of New South Wales, Australia

Hon. Madam Justice Barbara Romaine, Court of Queen's Bench of Alberta, Canada

Hon. Justice Rajiv Shakhder, Delhi High Court, India

11.00 - 11.30

*Networking coffee break*

11.30 - 12.45

**Stretching insolvency**

Insolvency procedures in unusual contexts. The insolvency of financial institutions, state-owned enterprises, companies facing mass claims: the problem of third-party releases.

Chair: Hon. Chief Judge Martin Glenn, US Bankruptcy Court, Southern District of New York, USA

Hon. Justice Linda Chan, High Court of Hong Kong

Hon. Judge Veronica Martinez, 9th Court of Appeal in Civil and Commercial matters, Córdoba, Argentina

Hon. Justice Nick Segal, Grand Court of The Cayman Islands

Hon. Justice Christopher Sontchi, Singapore International Commercial Court



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- 12.45 - 13.45      *Networking lunch*
- 13.45 - 15.00      **The role of the Court in restructuring**  
Does the judge have a role in formulating the plan, in assessing procedural fairness or in assessing substantive fairness?
- Chair: Lord Justice Richard Snowden, Court of Appeal of England & Wales, UK  
Hon. Justice Ong Chee Kwan, High Court of Malaysia  
Hon. Justice Michael Robinson, High Court of New Zealand  
Hon. Judge Elsbeth de Vos, Amsterdam District Court, Netherlands
- 15.00 - 15.30      *Networking coffee break*
- 15.30 - 16.30      **A case study in breakout groups**  
Moderators:  
Hon Justice Tan Sri Nallini Pathmanathan, Federal Court of Malaysia  
Hon. Associate Chief Justice Blair, Nixon, Alberta Court of King's Bench, Canada
- 16.30 - 17.00      **Open discussion** on any matters arising from the above or other matters of concern to delegates
- 17.00 - 17.15      **Colloquium evaluation and close**

The Technical Programme may be subject to change.  
It is intended that all sessions will provide adequate opportunity for delegate contribution.