

Judicial Round Table
Monday 27 June 2022
Old Court Room, Lincoln's Inn, London

8.30-9.00

Registration

9.00-9.45

Welcome from INSOL International, the World Bank and UNCITRAL

What do I bring?

Discussion led by:

Sir Alastair Norris, High Court of England & Wales

Participants can give short accounts of recent experiences of insolvency proceedings and restructurings and of adapting procedures in a changed world.

Update on the "*UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective*"

9.45 - 11.00

Visit to insolvency courts and comment

11.00-11.15

Coffee and conversation

11.15-12.30

What is the role of the judge in ensuring fairness in restructuring?

Discussion led by:

Sir Richard Snowden, Court of Appeal of England & Wales
CJ Geoffrey Morawetz, Superior Court of Ontario, Canada
Judge Elspeth de Vos, District Court of Amsterdam, Netherlands

What fairness tests do we apply? Are practitioners pushing the boundaries of what can be achieved by restructurings?

Are judges being pressured to approve restructurings

because of the apparent consequences of refusing sanction?

12.30-13.45

Lunch in the Great Hall, Lincoln's Inn

13.45-15.00

Dealing with enterprise groups.

Discussion led by:

Sir David Richards, Court of Appeal of England & Wales

Have we developed techniques for domestic groups? How do we deal with multinational groups? Are parallel schemes or synthetic proceedings the answer? Would enacting the UNCITRAL Model Law on Enterprise Group Insolvency (2019) assist?

15.00-16.00

Dealing with cross-border insolvencies without the UNCITRAL Model Law on Cross-Border Insolvency.

Discussion led by:

Hon. Mr Justice Jonathan Harris, High Court of Hong Kong

The UNCITRAL Model Law on Cross-Border Insolvency provides an established framework: but what of those jurisdictions where the Model Law has not been enacted? What can the common law offer? How does the principle of comity work in civil law jurisdictions? Are any patterns emerging within the EU for dealing with UK insolvency proceedings after Brexit?

16.00-16.30

Tea and conversation

16.30-17.15

Crypto-assets in insolvency

Discussion led by:

Hon. Mr Justice Antony Zacaroli, High Court of England & Wales

What is our judicial experience of crypto-assets in insolvencies? Have we the appropriate conceptual tools to address issues of property, title and ownership? Do we have appropriate procedural tools to deal with tracing and realisation? Do smart contracts raise any issues for insolvencies?

17.15-17.20

Conclusion

17.30-18.30

Drinks reception

19.00

Judicial Dinner

Bleeding Heart Restaurant, London EC1