



INSOL San Diego Conference 22 - 24 May 2024

Wednesday 22 May

18.30 - 20.30 Welcome Cocktail Reception

Thursday 23 May

09.30 - 10.00 Conference Welcome & Opening Remarks

10.00 - 11.15 **AI and Big Data - What are they really doing and what are we learning?**

We are now unquestionably living in a “big data” era, with ChatGPT and other generative AI transforming what we do and raising real questions about the future of work and our society. In this session, experts will provide an account of how generative AI “learns” and produces such powerful outputs and will showcase through a practical demonstration how these models can be leveraged to perform substantial tasks we encounter in our careers and everyday lives. This session will also feature a broader discussion of big data – opening our eyes to just how much it is already embedded in the business world, and what we can learn from big data that cannot be replicated from other sources.

Maurice Conti, Alpha, USA
Felicity Toubé KC, South Square, UK

11.15 - 11.45 Networking Coffee Break

11.45 - 13.00 **BREAKOUT SESSIONS**

Cross-border investigations, fraud and asset tracing: What works and why?

Cross-border insolvency investigations are becoming significantly more complex in a digital age, where misappropriated assets can be moved freely with ease. With reference to recent cases, this session will explore the strategic considerations in determining how to run a major cross-border investigation and the tools that can be used to assist insolvency practitioners in locating, securing and distributing assets to stakeholders. Discover how they were investigated, the assets traced, and recoveries achieved. What works and why?

Chair: Thomas Everett-Heath, Kroll, UK
Christopher DeLise, Delta Capital Partners, USA
Nicholas Kennedy, Baker McKenzie, USA
Nina Ross, Societe General, USA



The future of crypto - can it survive the regulatory eye?

Rapid digital and technological advances have seen the continued growth of online payment systems and digital currency. This panel will consider how new regulatory obligations concerning licensing, registration, reporting and other matters may impact the ability of distressed crypto companies to reorganise and raise capital in an insolvency scenario. The panel will also consider the future of crypto, and its role in leading the de-dollarisation of the world economy and a movement towards decentralised finance.

Chair: Harriet Territt, Addleshaw Goddard LLP, UK
Deborah Kovsky-Apap, Troutman Pepper LLP, USA
Amit Levin, Chairman of the Money Laundering Committee in the Central District of the Israel Bar Association, Israel

13.00 - 14.15

Networking Lunch

14.15 - 15.30

BREAKOUT SESSIONS

Confidence in a crisis: Controlling the narrative in a financial storm

We live in a world of constant media content, from traditional print newspapers, television, radio, instant streaming, specialist publications, and social media. When a story about a company's precarious situation hits the media, it can spread fast and wide - and can have a devastating impact. Controlling sensitive information and containing misinformation can be challenging but is vital to minimize reputational and financial risk to the company and its officers and maximise the probability of a successful restructuring.

An expert panel will guide you through an interactive and dynamic crisis scenario and give insights on best practices to handle the communications process, understand your various stakeholders, and provide real-life examples from key cases.

Chair: Fiona Micallef-Eynaud, Brunswick Group, UK
Emma Woollcott, Mishcon de Reya LLP, UK
Cari Turner, Alvarez & Marsal, USA
Ben Clarke, Global Restructuring Review (GRR), UK



Liability management and “creditor-on-creditor violence”

Distressed companies have been undertaking a variety of liability management transactions in recent years, seeking to utilize flexibility in credit documentation to prime existing secured creditors through “up-tier”, “drop-down” and other arrangements in distressed situations. Many of these transactions have been successful - but they also have engendered substantial litigation and controversy. This panel will discuss the structure of liability management transactions, their impact on credit markets and bankruptcy cases, the latest judicial decisions and the ability to export these strategies across different jurisdictions.

Chair: Austin Witt, Kirkland & Ellis LLP, USA
Chris Beatty, Sullivan & Cromwell LLP, Australia
Surbhi Gupta, Houlihan Lokey, USA
Darren Klein, Davis Polk & Wardwell LLP, USA
William Spratt, PJT Partners, UK

15.30 - 16.00 Networking Coffee Break

16.00 - 17.15 **Tomorrow’s world: Disruptive trends and the impact for restructuring and insolvency**

A number of disruptive trends are gathering pace. Advancements in generative AI, as well as continued geopolitical tension, cybersecurity threats, regulatory change, the transition to renewable energy and net zero emissions, are placing significant stress on businesses across multiple sectors. Many businesses will need to restructure successfully in order to adjust to tomorrow’s world - or risk facing the prospect of a future insolvency filing. This session explores these key disruptive trends, with our expert panellists forecasting on what we can expect to see for key industry sectors.

Chair: John Kelleher, McKinsey, Canada
Kevin Kajiwara, Teneo, USA
Cristina Mihailescu, ING Capital LLC, USA

17.15 - 17.30 Conference Close

17.30 - 19.30 Cocktail Reception



Friday 24 May

9.40 – 9.45 Welcome Back

9.45 – 11.30 **Negotiating the impossible**

Some negotiations are easy. Others are more difficult. And then there are situations that seem entirely hopeless. The parties are deadlocked, conflict is escalating, people are behaving aggressively, and neither side seems willing to back down. To make matters worse, you don't have enough power or resources to force a resolution. In this session, Prof. Deepak Malhotra will leverage a wide range of negotiation stories and examples in order to identify principles, tactics, and habits that will help you tackle your most difficult deals and disputes more effectively.

Chair: Deepak Malhotra, Harvard Business School, USA

11.30 – 12.00 Networking Coffee Break

12.00 – 13.15 **BREAKOUT SESSIONS**

What is new and developing in Latin America?

Latin America has been at the forefront of insolvency reform and emerging market trends in recent times. This session explores a number of key issues relevant to practitioners – including insolvency of corporate group of entities; the use of asset tracing and recovery tools by IPs to combat financial crime and fraud in the region, ESG regulatory and restructuring trends, and lessons learned from recent sovereign debt restructurings in Argentina and Venezuela.

Chair: Cristina Gómez-Clark, Alvarez & Marsal, Colombia
Ruchita Chaudhary, International Finance Corporation, USA
Alex Hatanaka, Mattos Filho, Veiga Gilho, Marrey Jr e Quiroga Advogados, Brazil
Gianfranco Lotito, Cautrecasas, Chile
Jessika Rocha, Von Wobeser y Sierra, Mexico

How much is too much? Channeling mass tort claims through an insolvency proceeding.

In the United States, companies are increasingly using Chapter 11 proceedings to resolve mass tort claims (including those arising from opioid, talc and asbestos injuries) – isolating the claims in a subsidiary entity which is then restructured under Chapter 11, while the main parent entity and directors' benefit from third-party releases. These releases have also been allowed in other jurisdictions, but to a much more limited extent.



This session explores the latest judicial decisions and regulations on third-party releases in a mass tort context. Our experts will also consider the policy debates, advantages and limitations of using the insolvency process to channel mass tort claims.

Chair: Greg Gordon, Jones Day, USA
Deborah E. Greenspan, BlankRome LLP, USA
Sharon Hamilton, EY, Canada
Craig Montgomery, INSOL Fellow, Freshfields Bruckhaus Deringer, UK

13.15 - 14.30

Networking Lunch

14.30 - 15.45

BREAKOUT SESSIONS

Cross-border update: latest cases and techniques

The past year has seen a substantial increase in cross-border restructurings under the new formal restructuring tools implemented in the United Kingdom, Singapore and the European Union. This session analyses key recent matters involving parallel restructuring schemes to showcase how these new tools are enhancing the scope to maximise value for stakeholders and achieve viable cross-border restructurings. The case studies explored in this session will also provide a snapshot of the challenges and practicalities involved in cross-border recognition proceedings, and the means for achieving the judicial cooperation envisaged by the Model Law and supporting judicial protocols. The panel will provide a range of tips and identify what to look out for in major cross-border matters.

Chair: Thomas Kessler, Cleary Gottlieb Steen & Hamilton LLP, USA
Samuel Aguirre, FTI Consulting, Brazil
Eleanor Fisher, EY, Cayman Islands
Lucas Kortman, INSOL Fellow, RESOR, Netherlands

Resolving the energy trilemma: crises and opportunities in the energy transition

The “energy trilemma” is the international quest for energy sustainability, security and affordability. As the energy transition from “old-world” fossil fuels to renewables continues apace amidst a global backdrop of geopolitical uncertainty, restructuring professionals are increasingly encountering opportunities throughout the full spectrum of energy industry participants. It is clear that the old adage of “out with the old, in with the new” does not always apply in the case of the energy transition. This session examines the difficulties presented by the energy transition for industry players. The panellists will outline the approaches that restructuring professionals can take in tackling the energy trilemma, based on their own experiences of distressed situations in the energy transition.



Chair: Rebecca Roof, AlixPartners LLP, USA
David Gray, Eversheds Sutherlands LLP, UK
Ligia Schlittler, Felsberg Advogados, Brazil

15.45 - 16.15 Networking Coffee Break

16.15 - 17.30 **Before, during or after the gold rush: investing in distressed businesses**

In this fireside chat with Lisa Pollina a global financial services executive, we learn first-hand from Jamie Weinstein a well-known distressed debt investor on the prevailing landscape for investing in distressed and insolvent businesses across a variety of geographies, with insights into “loan-to-own” and other strategic plans designed to help maximise returns.

Mr Weinstein will provide observations on the current state of the market and give his predictions for where cash will be deployed in the coming months and years. He will also explain how financing structures and restructuring techniques can be leveraged to the benefit of the investor and share cautionary tales of the pitfalls to avoid.

Lisa Pollina, Ares Management/Munich RE, USA
Jamie Weinstein, PIMCO, USA

17.30 - 17.45 Conference Close

17.45 - 19.00 Closing Cocktail Reception