



THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

Third Annual Pan-Canadian Insolvency and Restructuring Conference



Presented by the National Bankruptcy and Insolvency Section and the Continuing Legal Education Committee of the Canadian Bar Association.

In collaboration with the Office of the Superintendent in Bankruptcy of Canada and the Canadian Association of Insolvency & Restructuring Professionals (CAIRP)

September 6-7, 2007
Hilton Québec, Québec City

Please join us in beautiful and historic Québec City at the Third Annual CBA Bankruptcy and Insolvency Law Section's 2007 Fall Conference on Insolvency and Restructuring Law. The Pan-Canadian Conference has quickly become the leading national event of its kind. The substantial benefits more than outweigh the low registration costs. Highlights will include the nation's top experts canvassing issues and developments in consumer and commercial insolvency arising from coast to coast. It will also provide an excellent opportunity to meet and mingle with insolvency law practitioners and restructuring professionals from across Canada. It commences with an opening night reception. The conference includes the presentation of a highly regarded keynote speaker and the granting of a recognition award for excellence to a Canadian insolvency professional.

We look forward to seeing you in Québec City!

SECTION BUSINESS MEETING

CBA National Bankruptcy and Insolvency Law Section Executive and Members

All CBA National Bankruptcy and Insolvency Law Section members are invited to attend the Section's business meeting with the CBA Bankruptcy and Insolvency Section Executive on Thursday, September 6, 2007 from 12:00 p.m. to 5:00 p.m. to discuss updates and planning for the upcoming year.

Conference Co-Chairs:

Gerry Apostolatos

Langlois Kronström Desjardins LLP, Montréal
Past Chair, CBA National Bankruptcy and Insolvency Section
Past Chair, CBA Québec Bankruptcy and Insolvency Section

Fred Myers

Goodmans LLP, Toronto



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Program Agenda

Thursday, September 6, 2007

7:00 p.m. – 9:00 p.m. **Welcoming Reception for all Registered Delegates and Speakers at the Québec City offices of Fasken Martineau Dumoulin LLP (140 Grande Allée Est, Suite 800)**

Friday, September 7, 2007

7:30 a.m. – 8:30 a.m. **Registration & Continental Breakfast — Sponsored by RSM Richter Inc.**

8:30 a.m. – 8:45 a.m. **Welcome and Introductions by Co-Chairs**
Co-Chairs: **Gerry Apostolatos**, Langlois Kronström Desjardins LLP, Montréal
Fred Myers, Goodmans LLP, Toronto

8:45 a.m. – 9:35 a.m. **Case Law Review: “Cross-Country Check-Up: What’s New Out There in Canada Land”**
Chair and Speaker: **Antoine Leduc**, Heenan Blaikie LLP, Montréal

Speakers: **Gavin MacDonald**, Cox & Palmer, Halifax
Sanjeev Mitra, Aird & Berlis LLP, Toronto
Robert P. Sloman, Farris, Vaughan, Wills & Murphy LLP, Vancouver

The members of this panel will propose a review of the case law, from coast to coast, with a view of identifying the lines of uniformity and, also, the diversity of interpretation of bankruptcy legislation from one region to another in Canada.

9:35 a.m. – 10:15 a.m. **International News**
Chair and Speaker: **Martin Desrosiers**, Osler, Hoskin & Harcourt LLP, Montréal
Survey of the Rules Applied by Canadian Courts in Matters of Cross-Border Insolvency

Speaker: **Marcia L. Goldstein**, Weil, Gotshal & Manges, LLP, New York
The New Chapter 15 of the US Bankruptcy Code Dealing with Cross-Border Insolvency

Speaker: **S. Richard Orzy**, Bennett Jones LLP, Toronto
Cross-Border Strategies to Exploit Substantive Differences in Canadian and U.S. Law

10:15 a.m. – 10:30 a.m. **Refreshment Break — Sponsored by PricewaterhouseCoopers Inc.**

10:30 a.m. – 11:30 a.m. **Secured Creditors — Perfection and Enforcement; How to Challenge Security**

Chair and Speaker: **Pamela Huff**, Blakes, Cassels & Graydon LLP, Toronto
Is There Still Time to Fix It? Don’t Get Caught by Surprise

When will courts lift a stay of proceedings in a CCAA or proposal process to permit a PPSA registration to be made?

- The importance of staying alert to changes that may occur within a restructuring to ensure a properly perfected security interest does not become unperfected
- Recent cases you should know about

Speaker: **Mary Buttery**, Fraser Milner Casgrain LLP, Vancouver
Constructive Trusts in the Insolvency Context

What’s new in constructive trusts in the insolvency context?

- Beware of resulting trusts
- Constructive trusts as the weapon to defeat secured interests



Speaker: **Sheryl Seigel**, Lang Michener LLP, Toronto

Challenges Facing Secured Creditors Realizing on Security in Ontario

- The demise of operating receiverships
- Risks in indemnifying receivers and trustees in bankruptcy
- Will non-operating liquidations and debtor-in-possession administrations be the norm?

Speaker: **Mark Schrager**, Davies, Ward, Phillips & Vineberg LLP, Montréal

Priority Pitfalls in Québec

- Consequences of the failure to publish conditional sales contracts
- *Vis-à-vis* the bankruptcy trustee, the existing and new hypothecary creditors
- Securing the creditor's legal fees

11:30 a.m. – 1:00 p.m.

Lunch — Sponsored by Ernst & Young Inc.

A distinguished keynote speaker will address all participants. In addition, a Recognition of Excellence in Insolvency & Restructuring will be awarded by the CBA Bankruptcy & Insolvency Law Section to a deserving individual.

1:00 p.m. – 1:50 p.m.

Personal Bankruptcy Hell: Your Client's Worst Nightmare

Chair and Speaker: **The Honourable Justice Stanley J. Kershman**,
Superior Court of Justice (Ontario), Ottawa

Debtor Compliance Program: Bad News For Your Client – Good News For You

Speaker: **D. Bruce Clarke**, Burchell Hayman Parish, Halifax

Gambling Your Family Away In Bankruptcy: Its Impact On The Family

Speaker: **Katherine Wellburn**, Harper Grey LLP, Vancouver

Borrowing Your Way To Higher Education And Possibly Insolvency: Tricks And Traps Of Dealing With Student Loan Debts in Proposals And Bankruptcy

1:50 p.m. – 2:30 p.m.

Proposed Amendments — Ways and Means, More Model Orders, What Else is on the Horizon?

Chair and Speaker: **David F.W. Cohen**, Gowling Lafleur Henderson LLP, Toronto

Insolvency Reform Update – Current Concerns and Where Reform Stands:

- Why has it taken so long? Current Status of the Pending Legislation
- The Good, the Bad and the Ugly: Concerns Expressed with the Legislation
- Hot Potatoes? Issues Not Addressed in the Pending Legislation

Speaker: **Mark E. Meland**, Fishman Flanz Meland Paquin LLP, Montréal

Balancing Interests: More and Less Fair Competition Among Insolvency Stakeholders:

- Judicial activism: The fate of vultures, rogue white knights, gerrymanderers and other assorted predators
- How far may Canadian insolvency courts go to level the playing field and balance the interests and agendas of competing stakeholders?

Speaker: **Tony Reyes**, Ogilvy Renault LLP, Toronto

Model Orders:

The purpose of model orders

- The process of developing them
- Types of model orders developed to date, and jurisdictions developing them

Speaker: **John Birch**, Cassels Brock & Blackwell LLP, Toronto

Insolvency and Restructuring Reform on the International Stage:

A look at the ongoing work of UNCITRAL in writing new rules for (i) multinational corporate group insolvencies and (ii) for Security interests and how the end products of those processes will impact cross border practice.



2:30 p.m. – 2:45 p.m.

Refreshment Break — *Sponsored by A. Farber & Partners Inc.*

2:45 p.m. – 3:30 p.m.

How to Chase the Bad Guys? Do White Collars Wear Ankle Bracelets?

Chair and Speaker: **Larry B. Robinson, Q.C.**, McCarthy Tétrault LLP, Calgary and Vancouver

Speakers: **Jeffrey C. Carhart**, Miller Thomson LLP, Toronto
Jeffrey B. Gollob, McMillan Binch Mendelsohn LLP, Toronto
Guy P. Martel, Stikeman Elliott s.r.l., Montréal

- Investigative powers
- Statutory and other civil remedies
- Experience from recent cases
- Criminal proceedings including compensation orders
- Managing stakeholder expectations

3:30 p.m. – 4:20 p.m.

How to Win on the Courts? How to Avoid a Donnybrook? The Ref's View?

Chair and Speaker: **The Honourable Chief Justice Donald I. Brenner**
Supreme Court of British Columbia, Vancouver

Speakers: **The Honourable Justice Eleanor Cronk**, Court of Appeal for Ontario, Toronto
The Honourable Justice Robert Mongeon, Coordinator for the Commercial Division of the Superior Court of Québec, Montréal
The Honourable Justice Sal LoVecchio, Court of Queen's Bench of Alberta, Calgary
The Honourable Justice Allisen Rothery, Court of Queen's Bench of Saskatchewan, Prince Albert

4:20 p.m. – 4:30 p.m.

Closing Remarks by the Conference Co-Chairs

4:30 p.m. – 6:00 p.m.

Post Conference Reception — *Sponsored by BDO Dunwoody LLP*

Come relax and enjoy some good food and refreshments with Canada's leading practitioners in insolvency and restructuring.



This program has been accredited by the Corporate & Commercial Law Specialty Committee of the Law Society of Upper Canada for 6 hours towards the professional development requirement for certification.

Speakers are subject to change

Registration Form

MEETING VENUE & ACCOMMODATION

Hilton Québec
1100 René-Lévesque Blvd East
Québec City, QC
Tél: 418-647-6500
<http://www.hiltonquebec.com/>

HOTEL RESERVATION

Please contact the hotel directly and refer to the **CBA Bankruptcy Law Conference** to obtain the preferred rate. The preferred room rate is available until **August 9, 2007**.

TRAVEL

Air Canada is the official carrier for all our CBA meetings. In order to receive a 10% discount, you must book your flight on-line at www.aircanada.ca and indicate the promotion code **8PYQ8HC1**. The discount is not available if you call Air Canada directly.

CAR RENTAL

AVIS, the official rental car supplier of the CBA, offers several special rates. Call 1-800-331-160 or visit www.avis.com to reserve your car. You must quote discount number **C136498**.

REGISTRATION

Pay by credit card (Visa or MasterCard **only**), or send cheque or money order made payable to the Canadian Bar Association together with this registration form to:

Tracy Antochi
CLE Program Coordinator
Canadian Bar Association
865 Carling Ave., Suite 500
Ottawa, ON, K1S 5S8 or
fax form to 613-237-0185

PAYMENT AND COMPLETED REGISTRATION FORM MUST BE RECEIVED PRIOR TO THE ACTUAL CONFERENCE.

REFUND POLICY:

There will be a 20% administrative charge for any cancellation received in writing prior to **August 24, 2007**. No refund will be given after this date.

There will be no refunds for "no-show" registrants. The program material will be shipped to registrants unable to attend the program.

INFORMATION

For further information about this program, please contact **Tracy Antochi** at the CBA National Office by telephone at **613-237-2925** or **1-800-267-8860 ext. 186**, or by e-mail at tracya@cba.org.

We encourage limited use of scented product during the conference in consideration of scent-sensitive participants. Thank you.

For updates on the program please visit our web-site at www.cba.org/CBA/CLE

BANKRUPTCY & INSOLVENCY LAW CONFERENCE

September 6-7, 2007
Hilton Québec, Québec City

	FEE	GST(6%)	TOTAL*
<input type="checkbox"/> CBA Members	\$375.00	\$22.50	\$397.50*
<input type="checkbox"/> Students (CBA Members)	\$210.00	\$12.60	\$222.60*
<input type="checkbox"/> Non-Members	\$425.00	\$25.50	\$450.50*

* **QUÉBEC RESIDENTS** please add TVQ of 7.5 % to your total

Payment due with registration application. All receipts are mailed after the conference

- Yes**, I will be attending the opening & closing receptions.
- Yes**, I would like to join the CBA now and pay the member fee to attend this program. I understand that a membership representative will be contacting me.
- No**, I cannot attend but would like to purchase the course material. The publication coordinator will contact me after the conference to discuss cost and shipping.

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The CBA's programs are supported by preferred suppliers, sponsors and exhibitors. Subject to the following paragraph, I understand that the provision of contact information on this form constitutes my consent to such information being disclosed to the preferred suppliers, sponsors and exhibitors of this program. For further information about the CBA's treatment of personal information, see members Privacy Policy at www.cba.org.

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