



SINGAPORE ACADEMY OF LAW

Certificate
Issued on
Completion*

VISITING FELLOWS PROGRAMME International Insolvency Law

by **Professor Ian Fletcher**

26 – 27 August 2009, 9.30am – 5.00pm, Supreme Court Viewing Gallery

Introduction

In this course we will study the special problems that are encountered when a debtor's insolvency occurs in circumstances where the laws of two or more different countries may be applicable, or where insolvency proceedings can potentially take place in more than one country. This can come about where assets, business interests and/or creditors of an insolvent enterprise are located in two or more jurisdictions, or where there have been dealings or transactions which are governed by the laws of different countries from those to which the debtor is primarily subject. The insolvency laws of every country tend to have some aspects which are unique to that jurisdiction. It is also the case that the rules applicable to international cases exhibit important variations as between one jurisdiction and another. Hence, depending on the circumstances, such factors as the venue of the insolvency proceedings, and the way in which the international aspects of the case are dealt with under the law of that system, can materially affect the outcome for all parties with an interest in the case. In the case of an attempted rescue of a financially troubled company or group of companies, elements of incompatibility between the different legal systems concerned may ultimately defeat the best endeavours of those concerned. Although the main emphasis of the course is on the insolvency of companies, some aspects of individual insolvency will also be examined.

The first part of the course traces the progressive evolution and refinement of the Common Law in insolvency cases arising in international commercial activities, including

- rules governing the exercise of jurisdiction over foreign companies and individual debtors;
- the mode of conducting such insolvency cases;
- the recognition of foreign insolvency proceedings and their effects over persons and property;
- case law originating from England, Australia, New Zealand, Canada, and the United States;
- the Common Law's facilitation of cross-border judicial cooperation using the inherent powers of the court;
- the effect of national legislative provisions covering aspects of cross-border cases.

The second part of the course examines the development of formal international arrangements to bring about a more effective and efficient resolution of international insolvency matters, with a focus on

- the EU Regulation of May 2000 on Insolvency Proceedings;
- the UNCITRAL Model Law on Cross-Border Insolvency, adopted by the United Nations in May 1997;
- legislation to enact the Model Law in the U.S.A., the U.K., Australia, New Zealand, South Africa, and Canada;
- the varying approaches to enactment among these and other enacting states.

The course concludes with a survey of other international developments relating to insolvency law. These include several conventions and recent initiatives intended to bring about a general enhancement of the technical quality of the insolvency laws of emerging, as well as developed economies. These include

- the American Law Institute's Transnational Insolvency Project;
- programmes conducted by the IMF, the World Bank, the Asian Development Bank and UNCITRAL.

Supported by:



Daily Programme

9:00am	Registration	2:00pm	Presentation III + Q&A
9:30am	Presentation I + Q&A	3:15pm	Afternoon Tea
10:45am	Morning Tea	3:45pm	Presentation IV + Q&A
11:15am	Presentation II + Q&A	5:00pm	End
12:30pm	Lunch		

Speaker



Professor Ian F. Fletcher

MA, LL.M, PH.D, LL.D (Cantab.),
MCL (Tulane), Barrister-at-Law

Professor Fletcher is the Professor of International Commercial Law at University College London (UCL). He was appointed to this newly established Chair in January 2001. He is a graduate of Cambridge University, where he was awarded the degrees of LL.M (1966), MA (1969), PhD (1979), and LL.D (1993). During 1966-67 he held a Graduate Fellowship at Tulane University School of Law where he was awarded the degree of MCL. He was called to the Bar by Lincoln's Inn in 1971, of which he was elected a Bencher in 2003, and currently practises from Chambers at 3-4 South Square, Gray's Inn. He is a member of the American Law Institute, the Insolvency Lawyers' Association (U.K.), the International Insolvency Institute, INSOL Europe, and INSOL International. In 2002 he was elected an International Fellow of the American College of Bankruptcy. He was the Chairman of the United Kingdom National Committee of Comparative Law from 1987 to 1991, and was the convener of the Conflict of Laws Section of the Society of Legal Scholars (formerly the Society of Public Teachers of Law) between 1986 and 1996. Since 1996 he has been Chair of the Academics' Group of INSOL International.

Between 1967 and 1991 Professor Fletcher held a succession of appointments on the Faculty of the Law School of the University of Wales at Aberystwyth. He was awarded a Readership by the University of Wales in 1983 and a Personal Chair in Law in 1986, and was Head of the Aberystwyth Law School from 1985 to 1988. From January 1991 until December 2000 he held the Chair of Commercial Law at the Centre for Commercial Law Studies, Queen Mary and Westfield College, University of London. He was Director of the Centre for Commercial Law Studies from 1994 until his departure for UCL.

Professor Fletcher's principal research and teaching interests are in the fields of Bankruptcy and Insolvency Law, Commercial Law, European Community Law, Conflict of Laws, and Comparative Law. Books of which he is the sole author include: *Law of Bankruptcy* (1978); *Conflict of Laws and European Community Law* (1982); *Insolvency Act 1985* (1986); and *Law of Insolvency* (1st Edn.1990; 2nd Edn. 1996; 3rd Edn. 2002, 4th Edn. 2009, Sweet & Maxwell), and *Insolvency in Private International Law* (1999, Oxford University Press; 2nd Edn 2005, with Supplement 2007). He is the co-author of numerous works including: *The Conditions for the Opening of Proceedings in Bankruptcy* (1979, also published in French); *Insolvency Act 1986* (1986), and *The EC Regulation on Insolvency Proceeding: A Commentary and Annotated Guide* (2002, 2nd Edn. 2009, OUP). He is the Editor of *Cross-Border Insolvency: Comparative Dimensions (The Aberystwyth Papers)* (1990), and of *Cross-Border Insolvency: National and Comparative Studies (Papers from the Montreal Congress)* (1991). He is one of the joint editors and authors of *Lightman and Moss: The Law of Administrators and Receivers of Companies* (4th Edn. 2007, Sweet & Maxwell). He has been a specialist contributing editor to *Palmer's Company Law* since 1985 and to the *Journal of Business Law* since 1980, with responsibility for Bankruptcy and Insolvency law matters. He has been Editor-in-Chief of the *INSOL International Insolvency Review* since 1992; has been a member of the editorial board of *Insolvency Intelligence* since the foundation of the journal in 1987; and of the editorial board of the *Tijdschrift voor Insolventie Recht* since 1998. Other published writings include over 60 law review articles and case comments, and more than 25 chapters contributed to books. These include: "The Genesis of Modern Insolvency Law" [1989] *Journal of Business Law* 365-376; "International Insolvency: The Way Ahead" (1993) 2 *International Insolvency Review* 7-28; "Bridges to the Future - building tomorrow's solutions for international insolvency problems" [2000] *The Company Financial and Insolvency Law Review* 161-179; "The Quest for Global Insolvency Law: A Challenge for Our Time" [2002] 55 *Current Legal Problems* 427-445; and "Maintaining the Momentum: The Continuing Quest for Global Standards and Principles to Govern Cross-Border Insolvency" 32 *Brooklyn Journal of International Law* 767-784 (2007).

During Spring Semester 1994 Professor Fletcher was in residence as Visiting Professor at the Law School of the University of Texas at Austin, and returned there as Visiting Scholar in Spring Semesters 1998, 2003 and 2008. In 2006 he was named as joint Reporter of the American Law Institute project to develop Global Principles for Cooperation in International Insolvency Cases. This project is being conducted under the joint auspices of the A.L.I. and the International Insolvency Institute.

*Certification

A "Certificate of Completion" will be issued to participants who achieve full attendance at this programme. In the event that a participant is unable to attend one of the days for which he is registered, we reserve the right to accept a replacement from the organisation/firm. Please note, however, that no certificate will be issued in this case to either the participant or the replacement as full attendance is not considered to have been achieved.

Registration Form

- Registration for the event may be made:
 - a) online by logging on to www.sal.org.sg
 - b) by fax to: (65) 6334 4940
 - c) by mail to: LES Department, Singapore Academy of Law, 1 Supreme Court Lane, Level 6 Singapore 178879
- Registrations received on or before the closing date are confirmed unless otherwise notified.
- A sum of **S\$21.40 (inclusive of 7% GST)** will be levied for administrative charges for any cancellation received in writing on or before the closing date.
- For enquiries, please call Tel: (65) 6332 4149 or email les@sal.org.sg
- SAL's usual terms and conditions apply. See <http://www.sal.org.sg/RegistrationTermsNConditions.aspx> for more details

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(Closing date: 21 Aug 2009)

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