



THE CANADIAN
BAR ASSOCIATION
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BARREAU CANADIEN

INFLUENCE. LEADERSHIP. PROTECTION.

Seventh Annual Pan-Canadian Insolvency and Restructuring Law Conference

September 23, 2011

The Hyatt Regency, Toronto, ON

The National Bankruptcy, Insolvency and Restructuring Section of the Canadian Bar Association will be hosting the Seventh Annual Pan-Canadian Insolvency and Restructuring Conference on Friday September 23, 2011 at the Hyatt Regency in Toronto.

Join members of the judiciary and leading insolvency practitioners from across the country as they present the year's top insolvency topics on both the national and local level. Now an annual fixture on the insolvency calendar, the 2011 program is not to be missed.

La Section nationale de la faillite, de l'insolvabilité et de la restructuration de l'Association du Barreau canadien présentera la septième Conférence annuelle pancanadienne sur le droit de l'insolvabilité et de la restructuration, le vendredi 23 septembre 2011, à l'hôtel Hyatt Regency de Toronto.

Venez vous joindre à des juges et aux plus éminents spécialistes en droit de l'insolvabilité de tous les coins du pays, alors qu'ils discuteront des sujets de la plus grande actualité dans ce domaine, tant sur le plan national que sur le plan local. Désormais une composante immuable du calendrier annuel des spécialistes de l'insolvabilité, il ne faut surtout pas manquer cette nouvelle édition 2011 de la Conférence.

Thank you to our conference sponsors
Nous tenons à remercier les commanditaires d'événements suivants

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Accreditation Information

The time spent attending this program may be applied towards the annual CPD requirements as follows:

- British Columbia, New Brunswick, Northwest Territories, Quebec, and Saskatchewan: 5.75 hours
- Ontario: 6.75 hours. For members with 2+ years of practice, please note that 1.75 hours of the program is eligible for Professionalism credit. This program has also been accredited by the Law Society of Upper Canada for 6.75 hours toward the annual New Member Requirement.

For members in other provinces with Professionalism CPD requirements, please note that this program offers 1.75 hours of content on ethics, professional responsibility and practice management issues.

Program Agenda



THURSDAY, SEPTEMBER 22

19:00 **Opening Cocktail Reception and Registration**

Join us for the Welcome Reception at the Gowling Lafleur Henderson LLP office (1 First Canadian Place, 100 King Street West, suite 1600)
Cocktail Reception sponsored by Gowling Lafleur Henderson LLP

FRIDAY, SEPTEMBER 23

8:30 | 9:00 **Registration and Continental Breakfast**

Breakfast sponsored by Dickinson Wright LLP

9:00 | 9:15 **Opening Remarks**

9:15 | 10:00 **Development and Implementation of Model Orders Across Canada**

A number of provinces have adopted model orders for use in connection with "typical" matters such as the commencement of proceedings under the CCAA, the appointment of a receiver and the sale of assets in an insolvency proceeding. This panel will provide insight into the process by which these Model Orders were developed and the proper use of the model orders in practice. Why were the Model Orders developed? What was the process for developing the Model Orders? When should the Model Order be used? Does the development of Model Orders change the burden of proof? When is it appropriate to make changes/amendments to the Model Order and how should changes be identified to the Court?

Chair:

A. John Page, *A. John Page & Associates Inc.*

Speakers:

Denis Ferland, *Davies Ward Phillips & Vineberg LLP*

Scott Bomhoff, *Torys LLP*

10:00 | 11:15 **Annual Cross Country Legal Update**

A regular panel at the Pan-Canadian, this Cross-Country Update provides a review of significant developments in the law from various jurisdictions. The panelists will review significant cases from their respective jurisdictions and how they impact the practice of insolvency. It is expected that the panel will discuss the Ontario Court of Appeal's decision in Indalex (Re) and other significant cases from across the country and the perspective of the panel on how these cases might impact the practice.

Chair:

Frank Spizzirri, *Baker & McKenzie LLP*

Speakers:

David R.M. Jackson, *Taylor McCaffrey LLP*

Jean-Yves Simard, *Lavery, de Billy LLP*

Gavin D.F. MacDonald, *Cox & Palmer LLP*

Christopher Ramsay, *Fraser Milner Casgrain LLP*

11:15 | 11:30 Morning Coffee Break

Coffee Break sponsored by Deloitte & Touche LLP

11:30 | 12:30 Cross-Border Insolvency – Acting for an Unsecured Creditors' Committee

Panel Discussion sponsored by Fraser Milner Casgrain LLP

One of the more interesting roles for Canadian counsel in a cross-border insolvency can be acting as special counsel to the Unsecured Creditors' Committee appointed in a Chapter 11 proceeding. This panel, all of whom have extensive experience acting for UCC's, will provide insight into how Canadian counsel are selected and retained. The issues discussed will include the retainer process, what conflicts can disqualify counsel from acting, and what it takes to get retained and paid. The panel will also discuss the role that Canadian counsel to the UCC can play in Canadian insolvency proceedings, including issues of standing.

Co-Chairs:

Alex L. MacFarlane, *Fraser Milner Casgrain LLP*

Robert J. Feinstein, *Pachulski Stang Ziehl & Jones LLP*

Speakers:

Mark A. Berkoff, *Neal, Gerber & Eisenberg LLP*

Kevin Zych, *Bennett Jones LLP*

12:30 | 14:00 Luncheon with Guest Speaker

Agathe Côté, *Deputy Governor of the Bank of Canada*

Luncheon sponsored by Baker & McKenzie LLP and McLean & Kerr LLP

14:00 | 14:45 Conflicts in Insolvency

Panel Discussion sponsored by PricewaterhouseCoopers LLP

Panelists will consider some of the complex conflict-related issues that can arise in an insolvency file. Can the court officer always be "neutral" or is s/he just required to be unbiased? Who is the "client"? How does one deal with unrepresented stakeholders in an insolvency? Is it appropriate for the court officer and the secured creditor to be jointly represented by the same counsel? How are the "know your client" rules applied in an insolvency? How can the conflicts that arise in an insolvency file be managed?

Chair:

Renée Brosseau, *Heenan Blaikie LLP*

Speakers:

Greg Prince, *PricewaterhouseCoopers*

Jeffrey K. Spiegelman, *Fogler, Rubinoff LLP*

Jean-Yves Fortin, *Davis LLP*

14:45 | 15:30 Judges Panel

Judges from across Canada will provide insight into the management of a "typical" insolvency matter,

from initial filing to discharge of the professionals involved in the matter. This is an excellent opportunity for professionals to hear from the Court with respect to the process and procedure matters involving an insolvency file. What are the "best practices" being employed by practitioners? Where is there room for improvement? How can we "case manage" insolvency files more effectively?

Co-Chairs:

Heather Ferris, *Lawson Lundell LLP*

Lisa Corne, *Dickinson Wright LLP*

Speakers:

The Honourable Mr. Justice Robert P. Stack, *Supreme Court of Newfoundland and Labrador, Trial Division*

The Honourable Mr. Justice Clément Gascon, *Quebec Superior Court*

The Honourable Madam Justice K.M. Horner, *Alberta Court of Queen's Bench*

The Honourable Mr. Justice Colin Campbell, *Ontario Superior Court of Justice*

15:30 | 15:45 Afternoon Coffee Break

Coffee Break sponsored by Borden Ladner Gervais LLP

15:45 | 16:30 Marketing and Selling Property

Panel Discussion sponsored by Chaitons LLP

In 2009, the BIA and the CCAA were amended to provide for the sale of assets by reorganizing debtors and bankruptcy trustees. With 2 years of practice under our belts, this panel will look at the sale of assets and how the amendments may have changed the practice. Are "quick flips" viable? What kind of evidence is necessary to get them approved? When is the Court likely to reject approval of a "quick flip"? What are the different considerations in a CCAA proceeding, BIA proposal proceeding, receivership and bankruptcy? What are the key components of a marketing process? Should you get the process approved in advance? To what extent should agents be retained (eg, for real estate)? What are the different types of appraisals? Are they necessary? Are they useful? In what circumstances are "stalking horse" offers useful and/or appropriate? In what circumstances are "credit" bids useful and/or appropriate? Who should get notice of the motion to approve the sale and vest the assets in the purchaser? How much notice is sufficient?

Co-Chairs:

Daniel Weisz, *Deloitte & Touche*

George Benchetrit, *Chaitons LLP*

Speakers:

Josh J.B. McElman, *Cox & Palmer LLP*

Marc Kelly, *Hardie & Kelly Inc.*

16:30 | 16:45 Closing Remarks

17:00 Closing Cocktail Reception

Cocktail Reception sponsored by Kronis, Rotsztain, Margles, Cappel LLP

Registration Form



MEETING VENUE

Hyatt Regency Toronto
370 King Street West, Toronto, ON
Telephone: 1-800-233-1234 / 416-343-1234

HOTEL RESERVATION

Please contact the hotel directly at 1-800-233-1234 to make your reservation. Refer to the group: CDN BAR ASSN when reserving to obtain the preferred rate. The preferred room rate is available until **August 23, 2011**.

TRAVEL

Book online at www.aircanada.com to take advantage of a 10% discount on Tango Plus, Latitude and Executive airfares to **Toronto City Airport (YTZ)**. You must quote promotion code **FNMFUQNI** at the time of booking and must book online.

CAR RENTAL

AVIS, the official rental car supplier of the CBA, offers several special rates. Call 1-800-331-1600 or visit www.avis.com to reserve your car. You must quote discount number **C136498**.

REGISTRATION

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

Leslie Huard
PD Coordinator, Canadian Bar Association
865 Carling Ave., Suite 500
Ottawa, ON, K1S 5S8 or
Fax: 613-237-0185
Email: leslieh@cba.org

All receipts will be sent after the conference. Payment must be received prior to the conference.

REFUND POLICY

There will be a 20% administrative charge for any cancellation received in writing prior to **August 23, 2011**. No refund will be given after **August 23**. **There will be no refunds for "no-show" registrants.**

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SEVENTH ANNUAL PAN-CANADIAN INSOLVENCY AND RESTRUCTURING LAW CONFERENCE September 23, 2011

	FEE	TOTAL
<input type="checkbox"/> CBA Members	\$385 + tax	\$435.05
<input type="checkbox"/> Students (CBA Members)	\$210 + tax	\$237.30
<input type="checkbox"/> Non-Members	\$435 + tax	\$491.55

Yes, I would like attend the Cocktail Reception, being held Thursday September 22, at the Gowling Lafleur Henderson LLP office (1 First Canadian Place, 100 King Street West, suite 1600) at 7pm

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

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