



International
Insolvency
Institute

INTERNATIONAL INSOLVENCY INSTITUTE'S 12TH ANNUAL CONFERENCE

June 21-22, 2012
Supreme Court of France
Paris, France

Conference Co-Chairs

Reinhard Dammann
CLIFFORD CHANCE EUROPE LLP
PARIS

E. Bruce Leonard
CASSELS BROCK & BLACKWELL LLP
TORONTO

Mr. Justice Yves Merlat
PARIS

John A. Barrett
FULBRIGHT & JAWORSKI LLP
HOUSTON



The International Insolvency Institute presents its 12th Annual Conference in the Supreme Court of France in Paris.

The finest international insolvency Faculty and Delegates in the world will convene in Paris on June 21–22, 2012 at the III's 12th Annual Conference. The III Paris Conference will feature reports and analyses of the most important current international insolvency issues and controversies described by speakers who are recognized as preeminent in their field from countries around the world.

COUR DE CASSATION (SUPREME COURT OF FRANCE)

The Conference venue will be the historic chambers of the spectacular Supreme Court of France. The Cour de Cassation was instituted during the French Revolution but its roots go back to the middle ages when the King's Courts gave relief to those who felt they had been denied justice in lower courts. From the 16th Century to the time of the French Revolution, the Palais du Justice in which the Cour de Cassation is located was the seat of the Parliament of Paris. The Cour de Cassation is located adjacent to Paris' magnificent Notre Dame Cathedral (completed in 1345) and is close to the famed Sainte Chapelle which was built by King Louis IX (1226–1270) and features the oldest and loveliest stained glass windows in Paris. Also nearby is the Famous *Conciergerie*, a prison facility in which, during the French Revolution, Queen Marie Antoinette was imprisoned as she awaited her final journey to the guillotine. The Cour de Cassation is a French national monument and is subject to military security which must be observed by all visitors. We are very fortunate to have this historic venue for our Conference.

CERCLE DE L'UNION INTERALLIÉE

The III's famous Legendary Paris Dinner will take place on the evening of Friday, June 22, 2012 at one of the most exclusive, prestigious and historic private clubs in Paris. Our venue will be the *Cercle de l'Union Interalliée* which is an historic mansion adjacent to the residences of the United States and British Ambassadors on Paris' famous "Embassy Row" and close to the Elysee Palace, the Official Residence of the President of France on Rue du Faubourg Saint Honoré. The Union Interalliée was founded 1917 under the auspices of Marshall Ferdinand Foch and is within walking distance of the Conference hotel. Refreshments will be served in the Estate's gardens (weather permitting which it surely will) and the Legendary Dinner will be held in the fabulous Salon Marc de Beaumont Room of the Club. The Legendary Dinner will be a glittering Parisian event and is not to be missed.



Cour de Cassation, Paris



Cercle de l'Union Interalliée

Conference Faculty

The Faculty for the Paris Conference (subject to change) includes:



Hon. Louise DeCarl Adler
UNITED STATES BANKRUPTCY COURT | SAN DIEGO

Hon. Allan L. Gropper
UNITED STATES BANKRUPTCY COURT | NEW YORK

Mr. Justice Yves Merlat
PRÉSIDENT, ASSOCIATION FRANÇAISE EN FAVEUR DE
L'INSTITUTION CONSULAIRE 91 | PARIS

Mr. Justice Eberhard Nietzer
AMTSGERICHT HEILBRONN | HEILBRONN

Madam Justice Brigitte Petiet
COMMERCIAL COURT OF NANTERRE | NANTERRE

Mr. Justice David Richards
ROYAL COURTS OF JUSTICE | LONDON

Hon. Charles G. Case II
UNITED STATES BANKRUPTCY COURT | PHOENIX

Mme le Président Claire Favre
PRÉSIDENT OF THE COMMERCIAL CHAMBER OF THE
SUPREME COURT OF FRANCE | PARIS

Justice W.A.H. Melissen
DISTRICT COURT OF AMSTERDAM | AMSTERDAM

Mr. Justice Luciano Panzani
DISTRICT COURT OF TURIN | TORINO

M. le Conseiller Jean-Pierre Remery
CONSEILLER OF THE COMMERCIAL CHAMBER OF THE
SUPREME COURT OF FRANCE | PARIS

Hon. Elizabeth S. Stong
UNITED STATES BANKRUPTCY COURT | NEW YORK

Mr. Justice Miodrag Dordevic
SUPREME COURT OF SLOVENIA | LJUBLJANA

Hon. Burton R. Lifland
UNITED STATES BANKRUPTCY COURT | NEW YORK

Mr. Justice Geoffrey B. Morawetz
ONTARIO SUPERIOR COURT OF JUSTICE | TORONTO

Hon. James M. Peck
UNITED STATES BANKRUPTCY COURT | NEW YORK

Madam Justice Barbara Romaine
COURT OF QUEEN'S BENCH OF ALBERTA | CALGARY

Mr. Justice Jean-Luc Vallens
COURT OF APPEAL, COLMAR | FRANCE



Professor Stefania Bariatti
CHIOMENTI STUDIO LEGALE | MILAN

Agustin Berdeja-Prieto
BERDEJA Y ASOCIADOS, S.C. | MEXICO CITY

Dominique Bompont
SULLIVAN & CROMWELL | PARIS

Professor Hon. Samuel L. Bufford
PENNSYLVANIA STATE UNIVERSITY | UNIVERSITY PARK,
PENNSYLVANIA

Cédric Colaert
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CLIFFORD CHANCE EUROPE LLP | PARIS

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Professor Ian Fletcher
UNIVERSITY COLLEGE LONDON | LONDON

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Olivier Chavane de Dalmassy
SELARL SMJ | VERSAILLES

Carmen Corrales
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WEIL, GOTSHAL & MANGES | PARIS

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FELSBERG E ASSOCIADOS | SAO PAULO

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Pernille Bigaard
PLESNER SVANE GRONBORG | COPENHAGEN

Hélène Bourbouloux
SELARL FHB - FACQUES HESS BOURBOULOUX | PARIS

Zack A. Clement
FULBRIGHT & JAWORSKI LLP | HOUSTON

Michael Crystal, Q.C.
3-4 SOUTH SQUARE | LONDON

Ronald DeKoven
3-4 SOUTH SQUARE | LONDON

Jacques Ferry
PARIS

Lori R. Fife
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Lucio Ghia

STUDIO LEGALE GHIA | ROME

Vincent Gladel

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KARGMAN ASSOCIATES | NEW YORK

Richard B. Levin

CRAVATH, SWAINE & MOORE LLP | NEW YORK

David Marks, Q.C.

3-4 SOUTH SQUARE | LONDON

Professor Irit Ronen-Mevorach

UNIVERSITY OF NOTTINGHAM | NOTTINGHAM

Barry O'Neill

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TOZZINIFREIRE ADVOGADOS | SÃO PAULO

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DUKE UNIVERSITY | DURHAM

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BÉCHERET THIERRY SÉNÉCHAL GORRIAS | PARIS

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LATHAM & WATKINS | HAMBURG

Rebecca J. Simmons

SULLIVAN & CROMWELL LLP | NEW YORK

Professor Bob Wessels

LEIDEN UNIVERSITY | LEIDEN

Conference Program



WEDNESDAY, JUNE 20, 2012

- 12:00 – 5:00** **III NextGen Leadership Program**
(See page 9)
(Program Delegates Only Please)
Offices of Clifford Chance Europe
9, place Vendôme, 75001 Paris, France
- 4:00 – 6:00** **III Judicial Committee Meeting**
(Members Only Please)
- CO-CHAIRS** **Justice Eberhard Nietzer**,
Amtsgericht Heilbronn, Heilbronn
Justice Geoffrey B. Morawetz,
Ontario Superior Court of Justice,
Toronto
Justice David Richards,
Royal Courts of Justice, London
Offices of Clifford Chance Europe
9, place Vendôme, 75001 Paris, France
- 6:00 – 7:30** **Opening Reception**
(Generously Sponsored by IWIRC)
Winter Garden/Jardin d’Hiver
The Westin Paris – Vendôme
3, Rue de Castiglione, 75001 Paris, France
- 7:30 – 10:30** **III-Fest: Welcome to Paris Dinner**
*(Ticketed Event: III Members and
Guests Only Please)*
Musée du Vin, 5, Square Charles
Dickens, Rue des Eaux, 75016 Paris
*(The III-Fest includes a tour of
the Museum, a wine tasting and
a delightful private dinner in the
Museum’s Wine Cellar. Space is limited
to 60 Members and guests)*
Dress Code: Smart Casual

THURSDAY, JUNE 21, 2012

(COUR DE CASSATION)

- 8:30 – 9:00** **Registration and Continental
Breakfast for Registered Delegates**
Entry at 5 Quai de l’Horloge
*(Passport I.D. Required for Delegates
each day)*
*Please note that the Cour de Cassation
opens at 8:30 a.m. and closes at 7:00 p.m.*
- 9:00 – 9:15** **Welcome Address:**
Mme le Président Claire Favre
Président of the Commercial Chamber
of the Supreme Court of France, Paris
- 9:15 – 10:30** **Showcase Presentation:**
Rethinking Chapter 11
- CO-CHAIRS** **Professor Kenneth N. Klee**,
University of California, Los Angeles
Richard B. Levin,
Cravath, Swaine & Moore LLP, New York
- SPEAKERS** **Michael Crystal, Q.C.**,
3-4 South Square, London
Burkard Göpfert,
Gleiss Lutz, Munich
Olivier Puech,
Gide Loyrette Nouel, Paris
- 10:30 – 10:45** **Refreshment Break**

THURSDAY, JUNE 21, 2012 CONTINUED

10:45 – 11:45 Challenges for Sovereign Debt Restructuring: The Eurozone Debt Crisis and Beyond

(Presented by the Committee on Sovereign Insolvencies)

CO-CHAIRS **Professor Christoph G. Paulus**,
Humboldt University, Berlin

Steven T. Kargman,
Kargman Associates, New York

SPEAKERS **Professor Alberto Mazzoni**,
Catholic University of Milan, Milan

Barry O'Neill,
Eugene F. Collins, Dublin

Stathis Potamitis,
Potamitisvekris, Athens

Professor Steven L. Schwarcz,
Duke University, Durham, N.C.

11:45 – 12:30 Recognition and Coordination of International Domestic Cases and Obstacles to Recognition of Foreign Proceedings under the Model Law

CHAIR **Robin E. Phelan**,
Haynes and Boone LLP, Dallas

SPEAKERS **Lucio Ghia**,
Studio Legale Ghia, Rome

Gerhard Gispén,
Simmons & Simmons, Amsterdam

Thomas S. Heather,
Heather & Heather, Mexico City

Daniel M. Glosband,
Goodwin Procter LLP, Boston

Arnaud Pérès,
Davis Polk & Wardwell LLP, Paris

Fabio Rosas,
TozziniFreire Advogados, São Paulo

12:30 – 1:30 Buffet Lunch for Registered Delegates: Barreau de Paris

1:30 – 2:15 Developments and Issues in the E.U. Regulation on Insolvency Proceedings

(Presented by the Committee on the E.U. Regulation)

CO-CHAIRS **Professor Stefania Bariatti**,
Chiomenti Studio Legale, Milan

Martin Prager,
PLUTA Rechtsanwälts GmbH, Munich

SPEAKERS **Vincent Gladel**,
BGM Bauland Gladel & Martinez, Paris

Professor Christoph G. Paulus,
Humboldt University, Berlin

Professor Bob Wessels,
Leiden University, Leiden

2:15 – 3:00 Prospective Principles for Coordination of Multinational Corporate Group Insolvencies

(Presented by the Committee on International Jurisdiction and Coordination)

CHAIR **Hon. Ralph R. Mabey**,
Stutman, Treister & Glatt, P.C.,
Salt Lake City

SPEAKERS **Justice Eberhard Nietzer**,
Amtsgericht Heilbronn, Heilbronn

Hon. James M. Peck,
United States Bankruptcy Court,
New York

Justice Jean-Luc Vallens,
Court of Appeal, Colmar, France

Susan P. Johnston,
Covington & Burling LLP, New York

Professor Irit Ronen-Mevorach,
University of Nottingham, Nottingham

THURSDAY, JUNE 21, 2012 CONTINUED

3:00 – 3:45 **Directors' and Officers' Responsibilities in Insolvencies**
(Presented by the Committee on Directors' and Officers' Responsibilities)

CHAIR **Justice Yves Merlat,**
Président, Association Française en Faveur de l'Institution Consulaire 91, Paris

SPEAKERS **Justice Miodrag Dordevic,**
Supreme Court of Slovenia, Ljubljana

Justice Luciano Panzani,
District Court of Turin, Torino

J. William Boone,
Alston & Bird LLP, Atlanta

Olivier Chavane de Dalmassy,
Selarl SMJ, Versailles

Michael Jaffé,
Jaffé Rechtsanwälte
Insolvenzvenwalter, Munich

David Marks, Q.C.,
3-4 South Square, London

3:45 – 4:30 **Rights and Roles of Unsecured Creditors**
(Presented by IWIRC)

CHAIR **Judith Elkin,**
Haynes and Boone LLP, New York

SPEAKERS **Justice Brigitte Petiet,**
Commercial Court of Nanterre, Nanterre

Justice Barbara Romaine,
Court of Queen's Bench of Alberta, Calgary

Pernille Bigaard,
Plesner Svane Gronborg, Copenhagen

Patricia Godfrey,
Nabarro LLP, London

Debra Grassgreen,
Pachulski Stang Ziehl & Jones LLP, San Francisco

Annerose Tashiro,
Schultze & Braun, Archern

4:30 – 4:45 **The 2012 III Gold Medal Prize in International Insolvency Studies**
(Presented by the Committee on International Insolvency Studies)

CO-CHAIRS **Professor Christoph Paulus,**
Humboldt University, Berlin

Professor Hon. Samuel L. Bufford,
Pennsylvania State University, University Park, Pennsylvania

(A presentation by the Gold Medal Winner of the Institute's 2012 Prize in International Insolvency Studies)

5:00 – 5:45 **III Academic Committee Meeting**
(Members Only Please)

CO-CHAIRS **Professor Christoph Paulus,**
Humboldt University, Berlin

Professor Hon. Samuel L. Bufford,
Pennsylvania State University, University Park, Pennsylvania

7:30 – 10:30 **III Leadership and Sponsor Dinner (Ticketed Event: By Invitation Only)**

Restaurant Macéo, 15 rue des Petits Champs, 75001 Paris

(Wine tasting and private dinner in appreciation to the Platinum and Gold Sponsors of our wonderful Paris Conference)

FRIDAY, JUNE 22, 2012

(COUR DE CASSATION)

8:00 – 9:00 **III Annual Members' Meeting,
Barreau de Paris**

(Members Only Please)

Bibliothèque du Barreau de Paris,
Salle Haute (Library of the Paris Bar
located in the Palais de la Justice,
Upstairs Room)

*A continental breakfast will be available
for Members.*

9:00 – 9:45 **Keynote Address**

Dr. Olli Rehn, Vice-President,
European Union Commission and
Directorate for Economic and
Monetary Affairs, Brussels

9:45 – 10:45 **Showcase Presentation: Planning
for Failure: Use of Insolvency
Proceedings for Systemically
Important Financial Institutions**

CHAIR **Edwin E. Smith**,
Bingham McCutchen LLP, Boston

SPEAKERS **Donald S. Bernstein**,
Davis Polk & Wardwell LLP, New York

Carlos Mack,
BBL Bernsau Brockdorff, Munich

Hideyuki Sakai,
Bingham McCutchen Murase,
Sakai Mimura, Tokyo

Nicholas A. Segal,
Freshfields Bruckhaus Deringer, London

Rebecca J. Simmons,
Sullivan & Cromwell LLP, New York

10:45 – 11:00 **Refreshment Break**

11:00 – 11:45 **International ADR 2.0: Big Solutions
for Big Problems**

*(Presented by the International ADR
Committee)*

CO-CHAIRS **Hon. Elizabeth S. Stong**,
United States Bankruptcy Court,
New York

Jacques Ferry,
Paris

SPEAKERS **Hon. Allan L. Gropper**,
United States Bankruptcy Court,
New York

Zack A. Clement,
Fulbright & Jaworski LLP, Houston

Jean Dominique Daudier de Cassini,
Weil, Gotshal & Manges, Paris

Dennis C. O'Donnell,
Milbank, Tweed, Hadley & McCloy LLP,
New York

Sebastian Seelman-Eggebert,
Latham & Watkins, Hamburg

11:45 – 12:30 **Lessons from Lehman**

CO-CHAIRS **Harvey R. Miller**,
Weil Gotshal & Manges, New York

Hon. James M. Peck,
United States Bankruptcy Court,
New York

SPEAKERS **Lori R. Fife**,
Weil Gotshal & Manges, New York

Rutger J Graaf Schimmelpenninck,
Houthoff Buruma, Amsterdam

Mike Jarvis,
PricewaterhouseCoopers, London

12:30 – 1:30 **Lunch Buffet for Registered
Delegates: Barreau de Paris**

1:30 – 2:15 **Judicial Communications
between Common Law and
Civil Law Jurisdictions**

(Presented by the III Judicial Committee)

CO-CHAIRS **Justice Eberhard Nietzer**,
Amtsgericht Heilbronn, Heilbronn

Justice Geoffrey B. Morawetz,
Ontario Superior Court of Justice,
Toronto

Justice David Richards,
Royal Courts of Justice, London

SPEAKERS **Hon. Burton R. Lifland**,
United States Bankruptcy Court,
New York

Justice Jean-Luc Vallens,
Court of Appeal, Colmar, France

Justice W.A.H. Melissen,
District Court of Amsterdam,
Amsterdam

FRIDAY, JUNE 22, 2012 CONTINUED

2:15 – 3:00 **III/ALI Project on Principles of Co-operation in International Insolvencies**

CO-CHAIRS **Professor Bob Wessels**,
Leiden University, Leiden
Professor Ian F. Fletcher,
University College London, London

3:00 – 3:45 **Sovereign Insolvency Experiences in Latin America**

(Presented by the III Latin American Committee)

CO-CHAIRS **Thomas Benes Felsberg**,
Felsberg e Associados, São Paulo
Ricardo W. Beller,
Marval, O'Farrell & Mairal,
Buenos Aires

SPEAKERS **Agustin Berdeja-Prieto**,
Berdeja y Asociados, S.C., Mexico City
Carmen Corrales,
Cleary Gottlieb Steen & Hamilton,
New York

3:45 – 4:45 **Insolvency à la française**

CHAIR **Reinhard Dammann**,
Clifford Chance Europe LLP, Paris

SPEAKERS **M. le Conseiller Jean-Pierre Remery**,
Conseiller of the Commercial Chamber
of the Supreme Court of France, Paris

Hélène Bourbouloux,
Selarl FHB - Facques Hess Bourbouloux,
Paris

Cédric Colaert,
Eight Advisory, Paris

Marc Sénéchal,
President, National Counsel of Judicial
Administrators, Bécheret Thierry
Sénéchal Gorrias, Paris

4:45 – 5:00 **Consumer Insolvency Issues and Developments**

CO-CHAIRS **Luis Manuel C. Mejan**,
Haynes and Boone LLP, Mexico City
Hon. Louise DeCarl Adler,
United States Bankruptcy Court,
San Diego

5:00 – 5:30 **III Business and Planning Meeting**

5:30 **Conference Adjourns**

7:30 – 10:30 **III Legendary Paris Dinner**

Cercle de l'Union Interalliée
33 rue du Faubourg Saint Honoré
75008 Paris

7:30 p.m. **Reception**

8:00 p.m. **Legendary Paris Dinner**
Presentation of the III 2012
Outstanding Contributions Award

INTRODUCTION **Hon. Charles G. Case**
United States Bankruptcy Court,
Phoenix

HONOUREE **John A. Barrett**
Fulbright & Jaworski LLP,
Houston

PRESENTED BY **Ronald DeKoven**
3-4 South Square, London

APPRECIATION BY **Ben B. Floyd**
Munsch Hardt Kopf & Harr PC,
Houston

III NextGen Leadership Program Class I



WEDNESDAY, JUNE 20, 2012
(OFFICES OF CLIFFORD CHANCE EUROPE)

12:00 – 1:00 Welcome Lunch

(Compliments of Clifford Chance Europe LLP, Paris)
Offices of Clifford Chance Europe
9, place Vendôme, 75001 Paris, France

1:00 – 1:15 Welcome and Introduction

Bruce Leonard,
Cassels Brock & Blackwell LLP,
Toronto
Chair, International Insolvency
Institute

1:15 – 1:55 Rethinking Restructuring Systems

Professor Kenneth N. Klee,
University of California, Los Angeles

1:55 – 2:30 Operating Under the E.U. Regulation

Martin Prager,
PLUTA Rechtsanwälts GmbH,
Munich

Miguel Torres,
EBAME & Associates, Barcelona

**2:30 – 3:00 Is the EIR Ready for a Cross-Border
Rescue Culture?**

Professor Bob Wessels,
Leiden University, Leiden

3:00 – 3:15 Refreshment Break

3:15 – 3:50 Sovereign Defaults and Insolvencies

Hon. Samuel L. Bufford,
Pennsylvania State University,
University Park, Pennsylvania

**3:50 – 4:25 Coordination of International
Insolvencies**

Professor John A.E. Pottow,
University of Michigan Law School,
Ann Arbor, Michigan

**4:25 – 5:00 Arbitration in International
Insolvencies**

Zack A. Clement,
Fulbright & Jaworski LLP, Houston

5:00 – 5:15 Discussion and Wrap Up



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The International Insolvency Institute gratefully acknowledges the generous support for the 12th Anniversary Conference in Paris from the following Sponsors.



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YVES MERLAT



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**Union Professionnelle des Mandataires Judiciaires
(UPMJ)**
MARC SÉNÉCHAL

III Conference Registration



The finest international insolvency Faculty and Delegates in the world will convene at the Supreme Court of France in Paris on June 21–22, 2012 at the III's 12th Annual Conference. The III Paris Conference will feature reports and analyses of the most important current international insolvency issues and controversies described by leading speakers who are recognized as preeminent in their field from countries around the world.

CONFERENCE REGISTRATION

	Fee	VAT (19.6%)	Total
III Member Registration	US\$1575 x _____	US\$308	_____
Non-Member Registration	US\$1750 x _____	US\$343	_____
Full-time Public Service (Government/Academic) Registration	US\$575 x _____	US\$113	_____
Early Bird Registration After 15% reduction on registrations received before May 18, 2012	US\$ _____ x _____	_____	_____
Paris III-Fest (III Members and Guests Only Please)			
<i>Wednesday, June 20, 2012</i>			
Musée de Vin Rue des Eaux, 75016 Paris			
Member Registration	US\$150 x _____	(included)	_____
Full-time Public Service Registration (Government/Academic/Judicial)	US\$75 x _____	(included)	_____
<i>7:30 p.m. Arrival and Museum visit</i>			
<i>7:50 p.m. Wine tasting</i>			
<i>8:20 p.m. Dinner in the Wine Cellar</i>			
III Legendary Paris Dinner (Conference Delegates and Guests)			
Cercle de l'Union Interalliée <i>Friday, June 22, 2012, 7:30 p.m.</i>	US\$235 x _____	(included)	_____
Full-time Public Service Registration (Government/Academic/Judicial)	US\$115 x _____	(included)	_____

Registration for full-time serving Judges is complimentary (apart from the Legendary Paris Dinner). Delegates from Members' firms who are not III Members may register at III Member rates if their registrations are processed at the same time as the Member's registration or by the Member.

A conference registration discount of 15% is available for three or more Delegates who are registered at the same time from the same firm.

TOTAL \$ _____

NOTE: Registration and government photo identification is required for access to the Supreme Court. Space at the Court is limited and early registration is advised.

CANCELLATION POLICY

Refunds will be available for cancellations if written notice is received by May 25 at 5 p.m. (Eastern Time). No refunds will be honoured after May 25, but substitutions will be allowed.

REGISTRATION

Name: _____ Firm: _____
Address: _____ City: _____
Phone: _____ Fax: _____
Email: _____
Names of Attendees: _____
(for nametags) _____
Dietary Restrictions: _____

PAYMENT METHOD

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Your registration includes Conference attendance for both days, continental breakfast and lunch both days at The Cour de Cassation, all Conference materials and coffee and refreshment breaks during the Conference.

The Institute is a non-profit international association dedicated to improving international insolvency systems and procedures. We appreciate everyone's interest and support for the Institute's projects and activities.



The International Insolvency Institute



The International Insolvency Institute of Toronto and Washington, D.C., is a non-profit organization comprised of leading insolvency professionals, judges, academics and insolvency regulators from over 65 countries around the world. Its goals are to enhance and promote fair and effective international insolvency systems and procedures. Please visit our website at www.iiiglobal.org. Contributions of insolvency-oriented materials to the Institute's website resources are most welcome.

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