8th Annual Review of Insolvency Law Conference
FRI DAY FEBRUARY 4, 2011
WESTIN HARBOUR CASTLE HOTEL, 1 QUEEN’S QUAY,
TORONTO, ONTARIO

Thursday, February 3, Reception
Westin Harbour Castle Hotel, Pier 4 & 5, 6:00 pm to 7:00 pm
The opening reception is generously sponsored by Borden Ladner Gervais LLP and Alvarez & Marsal Canada ULC

Friday, February 4, Annual Review of Insolvency Law Conference
Westin Harbour Castle Hotel, 8:15 am–5:00 pm

CONFERENCE CO-CHAIRS:
The Honourable Geoffrey Morawetz, Ontario Superior Court of Justice
Richard Morawetz, Alvarez & Marsal Canada ULC, Toronto
Alex MacFarlane, Fraser Milner Casgrain LLP, Toronto
Dr. Janis Sarra, UBC Faculty of Law, Vancouver

7:15 am BREAKFAST
8:15 am WELCOME, CONFERENCE CO-CHAIRS
8:30 am KEYNOTE ADDRESS
9:00 am Plenary Panel—Capital Markets: Past and Current Trends, Predictions for the Future
Chair: Madam Justice Marina Paperny, Alberta Court of Appeal
Gary Franko, Brookfield Asset Management Inc., Toronto
Jonathan Levin, Fasken Martineau DuMoulin LLP, Toronto
Dean Mullett, Alvarez & Marsal Canada ULC, Toronto
10:00 am  |  CONCURRENT PANELS

**PANEL A**  
**The Impact of Long-arm Legislation on Canadian Restructurings**

Chair: Mr. Justice Robert Blair, Ontario Court of Appeal

Jay Carfagnini, Goodmans LLP, Toronto  
James Sprayregen, Kirkland and Ellis LLP, New York  
Craig Hill, Borden Ladner Gervais LLP, Toronto  
Ken Baird, Freshfields, London, UK  
Dr. Janis Sarra, UBC Faculty of Law, Vancouver

**PANEL B**  
**Restructuring of Financial Institutions**

Chair: Madam Justice Barbara Romaine, Alberta Court of Queen's Bench


Commentators: Paul Kovacs, Property and Casualty Insurance Compensation Corporation, Toronto  
Gale Rubenstein, Goodmans LLP, Toronto

11:00 am  |  HEALTH BREAK

11:15 am  |  CONCURRENT PANELS

**PANEL C**  
**Up in Smoke or Too Hot to Burn? Tobacco and Class Proceedings**

Chair: Mr. Justice Pierre Dalphond, Québec Court of Appeal

Michael MacNaughton, Borden Ladner Gervais LLP, Toronto, *Multi-party and class proceedings in the context of the CCAA*

Commentators: William Kaplan, Blake, Cassels & Graydon LLP, Vancouver  
James Grout, Thornton Grout Finnigan LLP, Toronto

**PANEL D**  
**Credit Bidding in Insolvency Proceedings**

Chair: Madam Justice Georgina Jackson, Saskatchewan Court of Appeal

Pamela Huff, Blake, Cassels & Graydon LLP, Toronto and Douglas Bartner, Shearman & Sterling LLP, New York, *Credit Bidding—Recent Canadian and U.S. Themes*, co-authored with Linc Rogers, Blake, Cassels & Graydon LLP and Craig Culbert, Shearman & Sterling LLP  
Jay Swartz and Natasha MacParland, Davies Ward Philips and Vineberg LLP, Toronto, *Canwest Publishing—A Tale of Two Plans*

Commentator: Louis Gouin, Ogilvy Renault LLP, Montréal, *Credit Bidding in White Birch*

12:15 pm  |  LUNCH

1:30 pm  |  CONCURRENT PANELS

**PANEL F**  
**Vulnerable Stakeholders, Challenging Issues: Long-term Disability, Pension and Benefit Claims in Insolvency Proceedings**

Chair: Madam Justice Lynne Leitch, Ontario Superior Court of Justice

Mark Zigler, Koskie Minsky LLP, Toronto, *LTD Claims and Other Benefits Claims in Restructuring Proceedings*  
Dr. Ronald B. Davis, UBC Faculty of Law, *Time to Pay the Piper: Pension Risk Sharing, Intergenerational Equity and Dissonance with the Conceptual Paradigm of Insolvency Law in Canada*

Commentators: The Honourable James Farley, McCarthy Tétrault LLP, Toronto  
Mary Picard, Fraser Milner Casgrain LLP, Toronto

**PANEL G**  
**Bankruptcy Related to Medical and Health Care**

Chair: Madam Justice Brenda Brown, British Columbia Supreme Court

Dr. Gordon Guyatt, McMaster University Faculty of Medicine and Dr. Stephanie Woodhandler, Harvard Medical School and Public Health School, New York University, *Bankruptcy Related to Medical Reasons, Empirical Evidence from Canada and the US*  
Professor Melissa Jacoby, University of North Carolina School of Law

12:15 pm  |  LUNCH

KEYNOTE SPEAKER

1:30 pm  |  CONCURRENT PANELS

**PANEL G**  
**Cross-Border Cooperation at Work**

Chair: Mr. Justice Clément Gascon, Québec Superior Court

The Honourable James Peck, U.S. Bankruptcy Court, Southern District of New York  
The Honourable Kevin Gross, U.S. Bankruptcy Court, District of Delaware  
Deborah Grieve, Cassels Brock & Blackwell LLP, Toronto, *The New Canadian Cross-Border Insolvency Provisions—Reflections after the First Year*

Commentators: Robert Thornton, Thornton Grout Finnigan LLP, Toronto  
Steven Golick, Osler, Hoskin & Harcourt LLP, Toronto
PANEL H
The Treatment of Intellectual Property and Executory Contracts
Chair: Madam Justice Christiane Alary, Québec Superior Court, Montréal
David Ullman, Minden Gross LLP, Toronto, Licensed to Steal: The Rights of IP licensors and licensees in an Insolvency, co-authored with Melissa McCready, Minden Gross LLP
Professor Tony Duggan, University of Toronto Faculty of Law, Disclaimer of Contracts in CCAA proceedings: Some Aspects of the 2005-2007 Amendments
Commentator: Robb English, Aird and Berlis LLP, Toronto

PANEL I
Avoidance Actions in the United States
Chair: Mr. Justice Frank Newbould, Ontario Superior Court of Justice
Timothy Barnes, Curtis, Mallet-Prevost, Colt & Mosie LLP, New York, Avoidance Actions in the U.S., Cross Border Insights
Commentator: Marc Duchesne, Borden Ladner Gervais LLP, Montréal

2:30 pm CONCURRENT PANELS
PANEL J
UNCITRAL Update on Working Group V: COMI and Other Challenging Issues
Chair: Mr. Justice Geoffrey Morawetz, Ontario Superior Court of Justice
Jenny Clift, Secretariat, UNCITRAL, Working Group V, Vienna
Chris Redmond, Husch Blackwell, Kansas City, Head, US delegation to UNCITRAL Working Group V
Juge Jean Luc Vallsens, Cour commerciale, Strasbourg, France, Head, France delegation to UNCITRAL Working Group V

PANEL K
CCAA Developments
Chair: Madam Justice Shelley Fitzpatrick, British Columbia Supreme Court
Kevin McEicharan, McCarthy Tétrault LLP, Toronto, An Open or Shut Case? Comparing the Bidding Process and Outcomes in Canwest Media and Canwest Publishing
David Bowra, The Bowra Group, Vancouver and John McLean, Gowlings LaFleur Henderson LLP, Vancouver, Forest and Marine, A Case Study
Commentators: Edward Sellers, Osler, Hoskin & Harcourt LLP, Toronto
Peter Gibson, KPMG, Vancouver

PANEL L
Challenges to Trustees and Receivers in Implementing the Reforms: Wage Earner Protection and Surplus Income Provisions
Chair: Madam Justice Juliana Topolniski, Alberta Court of Queen’s Bench
Guylaine Houle, Pierre Roy et Associés, Montréal, Consumer Bankruptcy, Changes to the Surplus Income Provisions
Jean-Daniel Breton, Ernst & Young Inc., Montréal, Employee Protection in Insolvency Proceedings—Reviewing the Performance and Setting the Objectives
Commentator: Bill Courage, BDO Canada Limited, Owen Sound

3:15 pm CONCURRENT PANELS
PANEL M
What Happened to the Money When a Borrower Says it Cannot Pay? Is it Really Because of the Economy?
Chair: Mr. Justice Colin Campbell, Ontario Superior Court of Justice
Peter Dent, Forensic & Dispute Services, Financial Advisory, Deloitte & Touche LLP, Toronto
Chris Mathers, ChrisMathers Inc., Toronto
Marc Sherman, Dispute Analysis & Forensic Services, Alvarez & Marsal, Washington DC

PANEL N
Of Paramount Importance, Insolvency and the Environment
Chair: Mr. Justice Robert Mongeon, Québec Superior Court
Mary Buttery, Davis LLP, Vancouver and Emma Irving, UBC Law student and FMC intern, Of Paramount Importance: The Treatment of Environmental Claims under Federal Insolvency Law
Richard Butler, Constitution Law, Office of the Attorney General for British Columbia, Restructuring Objectives Aren’t Always Paramount
Commentator: Sean Dunphy, Stikeman Elliott LLP, Toronto

PANEL O
Policy Issues in Commercial Insolvency
Chair: Madam Justice Sarah Pepall, Ontario Superior Court of Justice
Alexis Teasdale, Bennett Jones LLP, Calgary, Both the Money and the Mud? The Denial and Reinstatement of Deficiency Judgments in Alberta
John Grieve, Fasken Martineau DuMoulin LLP, Vancouver and Michael Vermette, PricewaterhouseCoopers, Vancouver, Strange Bedfellows: The Dysfunctional Interplay Between the CCAA, BIA and the Excise Tax Act
Professor Jassmine Girgis, University of Calgary Faculty of Law, Corporate Reorganization and Economic Theory of the Firm
Accommodation

All guests are responsible for making their own hotel reservations. Please contact the Westin Harbour Castle Hotel Reservations Department at 416.869.1600 or toll free at 1.800.WESTIN.1 by January 7, 2011. Guests can also book, modify, or cancel a reservation and learn more about the event on-line at 8th Annual Review of Insolvency Law (OR copy and paste the following link into a web browser) http://www.starwoodmeeting.com/StarGroupsWeb/res?id=1007280073&key=5D2F6. Traditional room rates are $159 for single/double accommodation. Prices do not include taxes. Rates will be honoured 3 days prior and 3 days after the event dates of February 2-February 5, 2011. Please mention that you are a guest of the University of British Columbia Annual Review of Insolvency Law (ARIL).

Registration

Conference fee is $900 (no GST), $200 for Judges, registrars, articling students, full time academics/Juges, étudiants stagiaires et professeurs à temps plein.


The complete program will qualify for 7.5 MPD hours for CAIRP members.

Development Plan as required by the Law Society of Alberta. For information on CLE credits in any other province or territory, please contact Michelle Burchill at businesslaw@law.ubc.ca.

There are a limited number of subsidized places for practitioners for whom cost is a barrier, please contact Janis Sarra (sarra@law.ubc.ca).

For more information please contact/Pour tout information n’hésitez pas à communiquer avec Michelle Burchill, 604-822-5018 or businesslaw@law.ubc.ca. Mailing address: 1822 East Mall, Vancouver, BC, V6T 1Z1.

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