AMERICAN COLLEGE OF BANKRUPTCY

International Bankruptcy Course

2017 SYLLABUS

Each class session includes assigned reading materials, resource materials, and questions that will be posted in advance on the course’s TWEN site. PowerPoint presentations accompanying the lectures will also be posted on TWEN. The syllabus contains a short description of the subject matter of each session along with the names and affiliations of the planned lecturers.

FIRST MODULE: COMPARATIVE INSOLVENCY

WEEK 1: INTRODUCTION (January 17)
This session is divided in two parts. The first explores the importance of insolvency systems to a country’s economy and explains why many organizations such as the World Bank are expending considerable effort encouraging counties to modernize their insolvency laws. The second part sets the framework for the comparative law segment of the course by highlighting the factors that distinguish national insolvency systems and exploring the movement towards global harmonization of insolvency law.

Lecturers:
Donald S. Bernstein, Davis Polk & Wardwell LLP, New York, New York
Susan Block-Lieb, Cooper Family Chair of Urban Legal Studies, Fordham Univ. School of Law

WEEK 2: CANADA (January 24)
This session provides a comprehensive overview of the Canadian insolvency process.

Lecturer:
Justice Geoffrey B. Morawetz, Ontario Superior Court of Justice

Commentator:
Hon. Stuart M. Bernstein, U.S. Bankruptcy Court (S.D.N.Y.)

WEEK 3: BRAZIL AND MEXICO (January 31)
This session provides a comprehensive overview of the Mexican and Brazilian insolvency processes.

Lecturers:
Justice Maria Cristina Zucchi, Sao Paulo State Supreme Court
Agustin Berdeja-Prieto, Esq., Berdeja y Asociados, S.C., Mexico City, Mexico

Commentator:
Hon. Shelley C. Chapman, U.S. Bankruptcy Court (S.D.N.Y.)

WEEK 4: CHINA AND JAPAN (February 7)
This session provides a comprehensive overview of the Japanese and Chinese insolvency processes.

Lecturer:
Professor Charles D. Booth, University of Hawai‘i William S. Richardson School of Law

Commentator:
Hon. Allan L. Gropper, U.S. Bankruptcy Court (S.D.N.Y.) (Ret.)
WEEK 5: ENGLAND (February 14)
This session provides a comprehensive overview of the English insolvency process.

Lecturer:
Adrian J. Walters, Ralph L. Brill Professor of Law, IIT Chicago-Kent College of Law, formerly the Geldards LLP Professor of Corporate and Insolvency Law at Nottingham Law School, Nottingham Trent University, United Kingdom

Commentator:
Hon. Timothy A. Barnes, U.S. Bankruptcy Court (N.D. Ill.)

WEEK 6: WESTERN EUROPE (February 21)
This session provides a comprehensive overview of the Austrian, French and German insolvency processes.

Lecturer:
Alexander Klauser, Esq., Brauneis Klauser Prändl (BKP), Vienna, Austria

Commentator:
Hon. Elizabeth S. Stong, (E.D. N.Y.)

SECOND MODULE: MANAGING CROSS-BORDER CASES

WEEK 7: E.U. REGULATION ON INSOLVENCY PROCEEDINGS (February 28)
This session introduces the E.U. Regulation and analyzes the principles it establishes for cross-border coordination of insolvency proceedings in the European Union.

Lecturer:
Adrian J. Walters, Ralph L. Brill Professor of Law, IIT Chicago-Kent College of Law, formerly the Geldards LLP Professor of Corporate and Insolvency Law at Nottingham Law School, Nottingham Trent University, United Kingdom

WEEK 8: E.U. REGULATION (Continued) (March 7)
This session continues the exploration of the E.U. Regulation and adds a continental perspective of the Regulation.

Lecturers:
Professor Michael Veder, Business & Law Research Centre of the Faculty of Law, Radboud University Nijmegen, The Netherlands
Adrian J. Walters, Ralph L. Brill Professor of Law, IIT Chicago-Kent College of Law, formerly the Geldards LLP Professor of Corporate and Insolvency Law at Nottingham Law School, Nottingham Trent University, United Kingdom

WEEK 9: U.S. CHAPTER 15 – INTRODUCTION (March 14)
This session introduces the UNCITRAL Model Law on Cross-Border Insolvency, as embodied in Chapter 15 of the U.S. Bankruptcy Code. The session focuses on the history of the law and basic concepts.

Lecturers:
Daniel M. Glosband, Esq., Goodwin Proctor, Boston, Massachusetts
Professor Ralph R. Mabey, S. J. Quinney College of Law, University of Utah
WEEK 10: CHAPTER 15 – COMMENCEMENT & RECOGNITION (March 21)
This session focuses on the commencement of a Chapter 15 case and the concept of recognition of a foreign representative.

Lecturers:
Daniel M. Glosband, Esq., Goodwin Proctor, Boston, Massachusetts
Professor Ralph R. Mabey, S. J. Quinney College of Law, University of Utah

WEEK 11: CHAPTER 15 – ACCESS TO COURTS AND RELIEF (March 28)
This session focuses on the relief available to a foreign representative from the bankruptcy court and the foreign representative’s access to other U.S. courts.

Lecturers:
Daniel M. Glosband, Esq., Goodwin Proctor, Boston, Massachusetts
Hon. Allan L. Gropper, U.S. Bankruptcy Court (S.D.N.Y.) (Ret.)

WEEK 12: CHAPTER 15 – COMITY AND AVOIDANCE ACTIONS (April 4)
This session analyzes the principle of comity and the limits on assistance given by U.S. courts. It also explores the special rules for avoidance actions (e.g., preference actions) in Chapter 15 cases.

Lecturers:
Daniel M. Glosband, Esq., Goodwin Proctor, Boston, Massachusetts
Hon. Allan L. Gropper, U.S. Bankruptcy Court (S.D.N.Y.) (Ret.)

WEEK 13: FOREIGN COMPANIES FILING FOR CHAPTER 11 (April 11)
This session explores the extent to which a non-U.S. entity can use the U.S. Bankruptcy Code to restructure its worldwide operations.

Lecturers:
Zack Clement, Esq., Fulbright & Jaworski (Ret.), Houston, Texas
Hon. Allan L. Gropper, U.S. Bankruptcy Court (S.D.N.Y.) (Ret.)