

Educational Materials

Monday, October 9, 2017 | 3:30 – 5:00 PM



NCBJ 2017
LAS VEGAS

NCBJ – International
Insolvency Institute: Joint
International Program

Cross Border Alchemy:
Jurisdictional Predicates for
Effective Restructurings

Presented by:

NCBJ | National Conference
of Bankruptcy Judges

NCBJmeeting.org

Program Description for NCBJ 2017 Annual Conference International Program

“Cross Border Alchemy: Jurisdictional Predicates for Effective Restructurings”

International Program Co-Sponsored by the International Insolvency Institute and the NCBJ
International Judicial Relations Committee

Moderator: James M. Peck, Esq., Morrison & Foerster
(Former U.S. Bankruptcy Judge for Southern District of New York)

Speakers: Justice Richard Snowden
(High Court of Justice of England and Wales)

Judge Nicholas Segal
(Grand Court of the Cayman Islands)
(Also Freshfields Bruckhaus Deringer)

Debra Grassgreen
(Pachulski Stang Ziehl & Jones)

Adrian Walters
(Ralph L. Brill Professor of Law and Director of Program in Business Law
Chicago-Kent College of Law, Illinois Institute of Technology)

The International Program will include a discussion of the themes set forth in Professor Walters' most recent law journal article: “United States’ bankruptcy jurisdiction over foreign entities: exorbitant or congruent?” The abstract of the article states:

Alarmed at the ease with which global bankruptcy jurisdiction can be engineered in the US through a combination of the Bankruptcy Code’s low bar to entry and the worldwide effects of a bankruptcy case, critics argue that the US promotes abusive bankruptcy forum shopping and harmful imposition of US norms on overseas stakeholders. This article advances a revised account of US bankruptcy jurisdiction over non-US debtors from a distinctively Anglo-American standpoint. The article’s central thesis is that critics overemphasise formal jurisdictional rules and pay insufficient attention to how US courts actually exercise jurisdiction in practice. It compares the formal law ‘on the books’ in the US and UK for determining whether or not a domestic insolvency or restructuring proceeding relating to a

foreign debtor can be maintained in each jurisdiction and provides a functional account of how US bankruptcy jurisdiction over foreign entities is exercised in practice using the concept of jurisdictional congruence as a benchmark.

The full article is published by Routledge Taylor & Francis Group, *Journal of Corporate Law Studies*, 2017 <http://dx.doi.org/10.1080/14735970.2017.1299841>. Participants may obtain a copy of the full article for a fee of \$42.00 through the website: www.tanfonline.com.