



THE CANADIAN
BAR ASSOCIATION

CBA NATIONAL **INSOLVENCY CONFERENCE**

SEPTEMBER 29-30, 2016 | CHICAGO, IL

THURSDAY SEPTEMBER 29, 2016

18:00 – 20:00 **OPENING RECEPTION – CHICAGO ARCHITECTURAL RIVER CRUISE** *Sponsored by Gowlings LLP and MNP LLP*

Come join us for the opening reception on a river tour of downtown Chicago! Named one of the top ten tours in the US, the architectural boat tour will take us through Chicago's colourful history as we sip cocktails and network with fellow insolvency practitioners. All attendees and their spouses or guests* are welcome but space is limited so book early.

**Maximum 1 guest per attendee*

FRIDAY SEPTEMBER 30, 2016

8:15 – 8:45 **REGISTRATION AND BREAKFAST** *Sponsored by Kronis, Rotsztain, Margles, Cappell LLP*

8:45 – 8:55 **CO-CHAIRS OPENING REMARKS**

Speakers: **Frank Spizzirri**, Baker & McKenzie LLP, Co-Chair
Gerry Apostolatos, Langlois Lawyers LLP, Co-Chair
Patrick Shea, Gowlings LLP, Co-Chair

8:55 – 9:10 **MORNING DEBATE** **Be it resolved that: “The threshold for the court to authorize a debtor to hold a meeting of creditors under the CCAA is low”** (0.25 hours – substantive content)

Moderator: **Philippe Bélanger**, McCarthy Tétrault (*Montreal, QC*)

Speakers: **PRO: Jay A. Carfagnini**, Goodmans LLP (*Toronto, ON*)
CON: Linda Galessiere, McLean & Kerr LLP (*Toronto, ON*)

Each debater will have 5 minutes to make his or her case. An audience vote will be taken at the end to select a winner.

9:10 – 9:45 **UNRAVELLING CORPORATE GROUP INSOLVENCIES AND INTER-CORPORATE DEBT** (0.5 hours – substantive content)

Moderator: **Bobby Sachdeva**, Pallett Valo LLP (*Toronto, ON*)

Speakers: **S. Richard Orzy**, Bennett Jones LLP (*Toronto, ON*)
R. Shayne Kukulowicz, Cassels Brock Lawyers (*Toronto, ON*)
Huey Lee, Deloitte Restructuring Inc. (*Vancouver, BC*)

Corporate group insolvencies represent a challenge to insolvency professionals. Unravelling combined or comingled assets and inter-corporate transfers – especially where there are different creditors for each member of the insolvent corporate group – pits competing interests against competing principles of law. The first panel of the day will outline the current state of the law with respect to group insolvencies and the impact of inter-corporate debt, and then discuss best practices to tackling whether to unravel and, if so, how to do it.

9:45 – 10:30

“IT’S ALL ABOUT THE PAPER!” (0.75 hours – substantive content)

Loan Agreements, Security Agreements, Inter-Creditor Agreements, Interim Financing Charges and Insolvency

Sponsored by McMillan LLP

Moderator: **Bill Kaplan, Q.C.**, Blakes LLP (*Vancouver, BC*)

Speakers: **Michael Hanlon**, McMillan LLP (*Montreal, QC*)
Dan Wooton, Grant Thornton LLP (*Toronto, ON*)
Alison D. Bauer, Torys LLP (*New York, NY*)
David J. Kroft, Fillmore Riley LLP (*Winnipeg, MB*)
L.M. Junior Del Brocco, BMO Harris Bank N.A. (*Chicago, IL*)

Debtors’ rights, creditors’ rights, priorities, and validity and enforceability of security are all driven by the documents and the Orders that create them. What are the key aspects of these documents and how can they protect clients and improve positions in an insolvency? The panel will also discuss some of the differences of practice and procedure across Canada and the US.

10:30 – 10:45

REFRESHMENT BREAK

10:45 – 12:10

CROSS-CANADA CASE LAW UPDATE (1.5 hours – substantive content)

Moderator: **Edmund Lamek**, Borden Ladner Gervais (*Toronto, ON*)

Speakers: **Genevieve Cloutier**, Gowlings (*Montreal, QC*)
Carole Hunter, Burnett Duckworth & Palmer (*Calgary, AB*)
Ian Sutherland, McDougall Gauley (*Saskatoon, SK*)
Tony Richardson, McInnes Cooper (*Fredericton, NB*)

From the Supreme Court of Canada, to the Courts of Appeal from every province, to the everyday decisions of the superior courts and registrars, the annual Cross-Canada Case Law Update will review and discuss some of the most interesting and valuable recent cases from across Canada and provide insight into the impact of some of the key decisions on practice and procedure.

12:10 – 13:30

NETWORKING LUNCHEON AND PRESENTATION OF THE LIFETIME ACHIEVEMENT AWARD

Sponsored by Baker & McKenzie LLP

Introduction: Mr. Justice Fred Myers

Award winner: Mr. Justice Geoffrey B. Morawetz

13:30 – 14:00

CONSTRUCTION LIENS AND INSOLVENCIES (0.5 hours – substantive content)

“What are they, how do they affect Priorities and can we get rid of them?”

Sponsored by FTI Consulting Inc.

Moderator: **Gavin Macdonald**, Cox and Palmer (*Halifax, NS*)

Speakers: **Kyle Kashuba**, Norton Rose LLP (*Calgary, AB*)
Brendan Bissell, Goldman, Sloan, Nash & Haber LLP (*Toronto, ON*)
Doug Chivers, The Bowra Group (*Vancouver, BC*)

Builders and suppliers of goods and services to a construction project are treated differently than other creditors under provincial law with respect to priority claims, trust claims, etc. Insolvency lawyers should be aware of these differences and the impact in an insolvency. The afternoon’s first panel will discuss the special treatment for builders and suppliers of goods and services and what insolvency lawyers need to know to act for such creditors and the receivers and trustees who must sort out their claims.

14:00 – 14:40

INSOLVENCY IN THE RESOURCE AND OIL & GAS SECTORS (0.75 hours – substantive content)

“What do you do and what’s next for the industry?”

Sponsored by Lawson Lundell LLP

Moderator: **Jeff D. Scobie**, Lawson Lundell LLP (*Calgary, AB*)

Speakers: **Deryck Helkaa**, FTI Consulting Inc. (*Calgary, AB*)
Deborah D. Williamson, Dykema Gossett PLLC (*San Antonio, TX*)
Bruce Grant, Q.C., Stewart McKelvey LLP (*St. John’s, NL*)
Darren R. Bieganeck, Q.C. Duncan & Craig LLP (*Edmonton, AB*)

The panel will discuss the impact of lower prices on the sector and the stakeholders that supported and benefited from the industry and the higher prices, and how insolvency professionals can assist. The panel will also discuss what is next for the industry and the impact it will have on the Canadian and North American economy.

14:40 – 15:15

A JUDGMENT IS NICE, “NOW, WHERE’S MY MONEY?” (0.5 hours – substantive content)

Turning Judgments into Recovery

Moderator: **Ian Aversa**, Aird & Berlis (*Toronto, ON*)

Speakers: **Jessica C.K. Boelter**, Sidley Austin LLP (*Chicago, IL*)
Neil A. Paden, Woods (*Montreal, QC*)
Greg Draper, MNP (*Calgary, AB*)
Vicki Tickle, Fasken Martineau DuMoulin (*Vancouver, BC*)

Clients, whether they be creditors, insolvency professionals or victims of fraud, are ultimately only interested in getting recovery. The panel will discuss recent cases, best practices and procedures in connection with investigating and overturning transactions, asset recovery in both Canada and across the border, and ethical considerations.

15:15 – 15:30

REFRESHMENT BREAK

15:30 – 16:30 **CROSS-BORDER INSOLVENCY PROCEEDINGS** (1.0 hour – substantive content)

Moderator: **Judge Timothy A. Barnes**, United States Bankruptcy Court – Northern District of Illinois Justice

Speakers: **Malhar S. Pagay**, Pachulski Stang Zeihl & Jones (*Los Angeles, CA*)
Mahesh Uttamchandani, World Bank Group (*Washington, DC*)
Terry Czechowskyj, Miles Davidson (*Calgary, AB*)
Jeffrey Carhart, Miller Thomson (*Toronto, ON*)

Several high profile cross-border cases have dominated headlines in Canada and abroad. From Bitcoins to the continuing saga of the giant pot of Nortel cash waiting to be distributed, the last panel of the day will review three of the most interesting cross-border cases and how they are important for day-to-day practice.

16:30 – 16:45 **CLOSING REMARKS**

Speakers: **Frank Spizzirri**, Baker & McKenzie LLP, Co-Chair
Gerry Apostolatos, Langlois Lawyers LLP , Co-Chair
Patrick Shea, Gowlings LLP , Co-Chair

16:45 – 18:00 **CLOSING COCKTAIL RECEPTION**

To obtain accreditation information for the entire conference in each Canadian jurisdiction, please visit the [conference webpage](#).