

Invites you to

Insolvency Issues Arising in Arbitration in Cross-Border Contexts

FRIDAY, MARCH 6, 2009

A one-day conference featuring leading international and Swedish experts discussing the impact of insolvency issues on arbitral proceedings from a cross-border perspective. In the current economic environment, the arbitration community will increasingly encounter insolvency laws and policies which create a conflict between the principle of party autonomy and private adjudication and the principle of universality and centralized public administration in a collective procedure. The recent High Court of Justice opinion in the *Elektrim v. Vivendi* case highlights this conflict as well as the complex choice of law issues which arise when arbitration meets insolvency.

Speakers Include:

**Domitille Baizeau, Olle Flygt, Lars Heuman, James Hope,
Jernej Sekolec, Stefan Kröll, Victoria Orlowski,
Jakob Ragnwaldh, Patrik Schöldström, Patricia Shaughnessy,
Christer Söderlund, Philipp Wagner**

Venue: Stockholm Chamber of Commerce (SCC) Västra Trädgårdsgatan 9

Organized by: the Arbitration Section of the SCCL

Sponsored by: the Law Firm Friends of the SCCL (Advokatvännerna)

Thanks to the generous sponsorship of the Law Firm Friends of the SCCL,
there is no charge for attending this event.

Please register at: sccl@juridicum.su.se **by Friday, February 26.**

INSOLVENCY ISSUES IN ARBITRATION IN A CROSS-BORDER CONTEXT

PROGRAM

- 9:30 - 9:45** **Welcome and Introduction**
Ulf Franke and Patricia Shaughnessy
- 9:45 - 11:15** **Introduction to Insolvency Issues in Arbitration: An overview
of the policies, issues, and legal framework**
Chair - *Patrik Schöldström*
- Introduction to the Issues - *Domitille Baizeau*
 - Introduction to the Legal Framework - *Philipp Wagner*
 - Presentation of Elektrim v. Vivendi case – *James Hope*
 - Comments: *Lars Heuman, Stefan Kröll, Jernej Sekolec*
- 11:15 - 11:30** **Coffee break**
- 11:30 - 12:45** **Insolvency of a Party – the Impact on Arbitral Proceedings**
Chair - *Jakob Ragnwaldh*
- Identifying, characterising, and dealing with the issues:
arbitrability, validity of the arbitration agreement, capacity of a
party, stay of proceedings - *Stefan Kröll*
 - Discussion of various national law approaches to the issues -
Domitille Baizeau, Jernej Sekolec, James Hope, Philipp Wagner
- 12:45 - 14:00** **Lunch break**

14:00 - 15:15

Resolving the Issues in Practice – what do and should arbitrators do?

Chair - *Patricia Shaughnessy*

- Developing a coherent strategy for dealing with the range of issues triggered by insolvency – *Philipp Wagner*
- Discussion of cases and awards – *Domitille Baizeau, Stefan Kröll, Victoria Orlowski, Christer Söderlund*

15:15 - 15:30

Coffee break

15:30 - 16:15

Special Issues

Chair - *Domitille Baizeau*

Special Issues from a German and International Perspective: *Philipp Wagner*

Special Issues from a Swedish Perspective: *Olle Flygt*

Special Issues from the ICC Perspective: *Victoria Orlowski*

Discussion of issues including:

- Guarantors, surety, indemnity
- Assignees or assignors related to an insolvent (debtor and non debtor derived-claims)
- Court proceedings, stays, lis pendens
- Court assistance to tribunals continuing despite bankruptcy

16:15 - 16:45

Enforcement of the Award During or After Insolvency

Chair - *James Hope*

The limitations of remedies and problems of enforcement of an Award during or after insolvency – *Stefan Kröll*

Comments: *Philipp Wagner, Olle Flygt*

16:45 - 17:15

The Future – where are we heading?

Possibilities and limitations of increased use of arbitration in cross-border insolvency cases

Jernej Sekolec

Open Discussion

