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**