

Insolvency Litigation – Effective strategies to maximise recoveries



2015

LONDON // 8 OCTOBER 2015 // COPTHORNE TARA KENSINGTON
CHELTENHAM // 8 DECEMBER 2015 // CHELTENHAM CHASE

9.30 – 16.30

Registration starts at 9.00

5 Hours CPD
accreditation

One day
course



David Leibowitz
Berwin Leighton Paisner LLP



Richard Baines
Druces LLP

Law and practice in insolvency litigation is changing fast. This course will provide practitioners with an essential update on relevant changes. Speakers will cover the key topical developments and trends that have emerged over recent months. This practical course will aim to help practitioners to maximise recoveries cost effectively.

Why you should attend this course:

- A talk by HMRC will give delegates a good understanding of the current HMRC priorities in terms of insolvency with some useful practical advice as to how best to address the HMRC issues that arise in your caseload
- IPs are increasingly on the receiving end of litigation or the threat of litigation. We have a session which will look specifically at the conflict that IPs face between assisting and cooperating with statutory investigations and potential liability for disclosure of information
- Early cost effective collection and collation of evidence is key to a successful practice. You need to know when to use pre-action disclosure and when to use s234-236. In addition, a sound understanding of how to preserve assets pending resolution of litigation by use of interim remedies is also a key part of our required skillset. We provide a practical guide for you through these two key and interconnected topics
- You don't want to find that as a result of delay, you are out of time to bring an action or that you allow a creditor to prove when his claim is statute barred. Therefore we have introduced a standalone session to draw together all of the limitation issues that you need to know about in the context of insolvency litigation
- A practical insolvency litigation case study led by an IP, including hints and tips to help you maximise recoveries
- A legal update will provide delegates with a summary of all the key cases and changes in practice and procedure that you need to know about
- The costs landscape in civil litigation continues to change rapidly. This course will let you know the key developments that insolvency litigators and IPs need to know about in relation to budgeting, Jackson, Mitchell, security for costs, CFA's and funding

Who is this course aimed at?

This is an advanced level course for IPs, lawyers and bankers who have a good working knowledge of insolvency litigation practice and procedure.

Speakers

- **Adam Deacock** is a commercial litigator with particular emphasis on business disputes in the areas of insolvency, real estate and fraud. He has extensive experience in all aspects of corporate insolvency and associated recovery.
- **Daniel Bayfield** is a chancery commercial barrister of distinction and a junior of choice for the biggest and most high profile insolvency cases. He has acted for the administrators of Lehman Brothers International (Europe), since their appointment in 2008 and has been involved in numerous restructurings.
- **David Leibowitz** is an insolvency litigation specialist. He acts regularly for banks, IPs, creditors, directors, shareholders, the Insolvency Service and foreign lawyers on both domestic and cross border insolvencies.
- **David Pomeroy** is head of the restructuring and insolvency team at Ashfords and advises in contentious and non-contentious corporate and personal insolvency. David works alongside IPs, secured lenders and unsecured creditors, businesses, directors and shareholders, debtors and their families.
- **James Forsyth** is a partner and leads TL's banking and restructuring team nationally. He has over 17 years' experience in insolvency and restructuring, specialising in contentious insolvency matters, complex recoveries, trading and security issues and personal insolvency.
- **James Money** has specialised in insolvency since 1988 and his experience includes banking, aviation, energy, transport, travel, pubs and clubs, and the property sector. He has acted as court-appointed receiver in fraud investigations and has a variety of cross-border insolvency experience.
- **Joanna Harris** is an associate in the Berwin Leighton Paisner's litigation and dispute resolution department. Joanna advises a variety of clients from financial institutions to individuals and deals with a wide range of general commercial and contractual disputes, as well as regulatory matters.
- **Julian Cahn** is a commercial litigation and insolvency partner at Stephenson Harwood. His contentious insolvency practice focuses on advising IPs, creditors and other stakeholders in the insolvency process.
- **Louise Bell** is a partner in Olswang's commercial litigation group and specialises in contentious insolvency. Louise's practice has a considerable focus on substantial claims brought by IPs, often involving fraud and complex multi-jurisdictional recovery options.
- **Nigel Boobier** is a core partner in Osborne Clarke's restructuring and insolvency group with over 20 years' experience advising clients on all types of restructuring situations, including corporate restructuring, turnarounds and insolvency, disputes, litigation and arbitration.
- **Patrick Cook** is head of the corporate turnaround and insolvency practice at Burges Salmon and specialises in restructuring, corporate insolvency, banking within the hotels and leisure, agriculture, health care and pensions sectors.
- **Philip Hinks** has a strong commercial practice and is regularly instructed in high-value, complex matters, particularly in relation to general commercial, civil fraud and insolvency disputes. Philip specialises in commercial litigation and fraud, insolvency, banking and financial services and company law.
- **Richard Hopwood** is a former insolvency practitioner and now manager of the finance professionals unit at HM Revenue & Customs. His team provides insolvency governance, training and consultancy across all of HMRC's enforcement activity.
- **Sarah Clarke** is a commercial chancery barrister specialising in company, insolvency and commercial litigation. She has extensive experience and detailed procedural knowledge of all aspects of administration, voluntary arrangements, liquidation and bankruptcy.
- **Sophie Taylor** is a principal knowledge development lawyer for the restructuring and insolvency team at Berwin Leighton Paisner with more than ten years' experience in restructuring and insolvency. Sophie is responsible for the team's knowledge management and training strategy.

9.00	Registration and coffee
9.30	Chairman's introduction David Leibowitz, Berwin Leighton Paisner LLP (London) Patrick Cook, Burges Salmon LLP (Cheltenham)
9.35	Legal update – key recent developments This session will bring insolvency litigators and IPs right up to date with a summary of the key cases and changes in practice and procedure that you need to know about. Daniel Bayfield, South Square (London) Nigel Boobier, Osborne Clarke (Cheltenham)
10.20	Dealing with the regulators This presentation will look at the conflict IPs face between assisting and cooperating with statutory investigations and potential liability for disclosure of information. For example, the request for assistance may be coming from HMRC, BIS, the Insolvency Service, another government department, SFO or the Charities Commission. The session will cover: • The statutory duties of cooperation placed on IPs • A summary of the various restrictions on information disclosure, including privilege, data protection legislation and the civil procedure rules • Practical guidance for IPs Sophie Taylor, Berwin Leighton Paisner LLP Joanna Harris, Berwin Leighton Paisner LLP (London)
11.00	Litigation costs and funding – some key developments • Aspects of the Jackson reforms and insolvency proceedings • Costs budgeting and Mitchell – where are we now? • Security for costs and ATE issues in an insolvency context • CFAs in light of <i>Sevensdrake v Hunt</i> • Litigation funding in light of <i>Excalibur Ventures v Texas Keystone</i> Julian Cahn, Stephenson Harwood LLP (London) James Forsyth, TLT LLP (Cheltenham)
11.40	Coffee break

12.00	Overcoming limitations - a practical guide to the limitation period issues that arise in the context of insolvency litigation • Officeholder claims vs company claims • When is a director out of the woods? • When do creditors have to worry about limitation and what should IPs do about it? Adam Deacock, 11 Stone Buildings Philip Hinks, 11 Stone Buildings (London) Sarah Clarke, 11 Stone Buildings (Cheltenham)
12.45	Lunch
13.45	Insolvency litigation from the IP's perspective – stories from the front line This session will provide an overview of insolvency litigation from an IP's perspective. Current practical issues will be drawn out from various case studies. James Money, BDO LLP
14.35	How to collect in the information to ascertain whether you have a case? How do you protect documents from destruction and assets from dissipation? • How to use s236 to maximum effect? • How to use pre-action disclosure to maximum effect? • Can you use everything you find out? • Preservation of documents and assets Louise Bell, Olswang LLP (London) David Pomeroy, Ashfords LLP (Cheltenham)
15.20	Coffee break
15.40	The insolvency landscape – a perspective from HM Revenue & Customs • Who does what at HMRC – how is insolvency work organised? • What are the current priorities for HMRC in insolvency work? • Changes on the way – both HMRC and in the profession • Top tips for IPs and lawyers in working with or opposite HMRC Richard Hopwood, HM Revenue & Customs
16.25	Chairman's round up and close



Please tick appropriate membership category
The fee includes all refreshments

London

8 October 2015 – Copthorne Tara Kensington

- £335 + VAT (£402) Fellows
- £350 + VAT (£420) Members / New professionals
- £400 + VAT (£480) Associates
- £450 + VAT (£540) Non-members

Cheltenham

8 December 2015 – Cheltenham Chase

- £285 + VAT (£342) Fellows
- £300 + VAT (£360) Members / New professionals
- £350 + VAT (£420) Associates
- £400 + VAT (£480) Non-members

Can't make the course?

Pre-order the course DVD*

- DVD £110 + VAT (£132): DVD training package (plus p&p)
- £25 additional handbooks (plus p&p at cost)*

*We aim to release DVDs within three months of the date of the filmed course.
Please refer to the website for release dates.



courses@r3.org.uk

- I will be making payment by credit card
- Please invoice me
- I enclose a cheque payable to 'Association of Business Recovery Professionals'

Application form

Surname _____ First name _____
 Surname _____ First name _____
 Surname _____ First name _____
 Firm _____
 Address _____

 _____ Postcode _____
 Tel no. _____ Fax no. _____
 Email _____
 Contact name (if not delegate) _____
 P.O. number _____

How did you hear about this course?

- Post Email LinkedIn Recovery Magazine Other (please specify)
 Tick to receive R3 membership information

Credit/debit payment form

We accept any of the following payment methods (please tick):

- Visa Mastercard Maestro Visa Electron

Card holder's name _____

*Card no

*Card issue no or valid from / *Expiry date /

Payment amount £ _____

*Security code (last 3 numbers on the back of the card)

Signature: _____

Date _____ / _____ / _____ (*indicates mandatory field)

R3 takes your privacy seriously. We will retain and use your personal data to provide you with information on our services. Your name and firm will be published in the delegate pack for every course you attend, unless otherwise requested.

Cheques to be made payable to 'Association of Business Recovery Professionals'. Bookings will only be accepted on receipt of registration form by post, fax, email (courses@r3.org.uk) or through the R3 website, www.r3.org.uk.

Delegate substitutions are permitted but a supplement will be charged where there is a difference in membership category. Credit notes will only be issued if cancellations are received in writing no less than two working days prior to the date of the course. Refunds will not be available. A VAT receipt will be issued.

R3 reserves the right to change the programme should circumstances dictate.

