100 Years of Bankruptcy and Insolvency Law, 1920-2020: Reflections on the Past and Challenges for the Future

May 22-23, 2020

Co-conveners: Thomas Telfer and Alfonso Nocilla

Friday, May 22, 2020

11:30am – 12:30pm: Lunch.

12:30pm – 12:45pm: Opening and welcome remarks by Dean Erika Chamberlain.

12:45pm – 1:30pm: Keynote address by Madam Justice Sarah Pepall, Ontario Court of Appeal, “Evolution or Revolution: 100 years of Change”.

1:30pm – 3:00pm: Historical Perspectives on Insolvency Law

Chair: Ronald Cuming, University of Saskatchewan College of Law.

- Anne Fleming, Georgetown University Law Center, “The Origins of the American Consumer Bankruptcy System”.
- Virginia Torrie, University of Manitoba Faculty of Law, “Companies’ Creditors Arrangement Act Reference Case (SCC 1934)”.
- Thomas Telfer, Western University Faculty of Law, “The New Bankruptcy ‘Detective Agency’? The Origins of the Superintendent of Bankruptcy in Great Depression Canada”.

Commentator: Jason Kilborn, John Marshall Law School, University of Illinois at Chicago.

3:00pm – 3:15pm: Health break.

3:15pm – 5:00pm: Consumer Insolvency

Chair: Master May Jean, Ontario Superior Court of Justice, Toronto Region.

- Stephanie Ben-Ishai, Osgoode Hall Law School, & Saul Schwartz, Carleton School of Public Policy & Administration, “Bankruptcy: A Partial Solution to Elder Debt in Canada”.
- Micheline Gleixner, Université de Moncton Faculty of Law, “Exploring the Historical Interfaces between Consumer Insolvency and Consumer Credit”.
- Gail Henderson, Queen’s University Faculty of Law, “Financial Literacy and Consumer Insolvency: Reflecting on Canada’s National Financial Literacy Strategy”.
- Anna Lund, University of Alberta Faculty of Law, “Deservingness and the Precarious Worker in Employment Insurance & Insolvency Law”.

Commentator: Michael Baigel, Baigel Corp., Toronto.

6:30pm – 7:30pm: Dinner and address by Prof. Charles Tabb, University of Illinois College of Law, “Reflections on the Centennial of Canadian Bankruptcy: Comparative Insights from the U.S. Experience”.

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Saturday, May 23, 2020

7:30am – 8:30am: Breakfast.

8:30am – 9:00am: Address by Prof. Iain Ramsay, Kent Law School, “The Future of Personal Insolvency”.

9:00am – 10:15am: Canadian Bankruptcy and Insolvency Law: Key Topics

Chair: Gail Henderson, Queen’s University Faculty of Law.

- Ronald Cuming, University of Saskatchewan College of Law, “Policy v. Doctrine: Family Property Regimes v. Bankruptcy Law”.
- Tamara Buckwold, University of Alberta Faculty of Law, “Beyond Third Eye Capital Corporation: The Scope of Judicial Power to Eliminate Property Interests in Non-Receivership Enforcement Proceedings”.
- Clayton Bangsund, University of Saskatchewan College of Law, “Set-Off & the Bankruptcy and Insolvency Act: An Exposition of Subsection 97(3)”.

Commentator: Anthony Duggan, University of Toronto Faculty of Law.

10:15am – 10:30am: Health break.

10:30am – 11:45am: Cross-Border and International Insolvency: Global Perspectives

Chair: Charles Tabb, University of Illinois College of Law.

- Adrian Walters, IIT Chicago-Kent College of Law, “Modified Universalism & Cross-Border Insolvency Law: A Brief History and Critique”.
- Rosalind Mason, Queensland University of Technology Faculty of Law, “Southern Lights, An Australian Perspective on International Insolvency Law”.
- Alfonso Nocilla, Western University, “Pre-packaged Administration in the U.K.”.

Commentator: John Pottow, University of Michigan Law School.

11:45am – 1:00pm: Lunch.

1:00pm – 1:45pm: Corporate Restructuring I: The Redwater Decision

Chair: Chris Nicholls, Western University Faculty of Law.

- Laura Coordes, Arizona State University, Sandra Day O’Connor College of Law, “Rethinking Redwater: Comparing the U.S. and Canadian Approaches to Environmental Obligations in Insolvency Cases”.
- Jean-Yves Fortin, Robinson Sheppard Shapiro, “The Evolution of Canadian Insolvency Law in Light of Redwater”.

Commentator: Mica Arlette, PwC, Toronto.
1:45pm – 3:00pm: Corporate Restructuring II: Key Topics

Chair: Madam Justice Lynne Leitch, Ontario Superior Court of Justice, Southwest Region.

- Janis Sarra, University of British Columbia Allard School of Law, “Brueghel’s Brush: A Portrait of the CCAA”.
- Adriana Robertson, University of Toronto Faculty of Law, & Elizabeth Rathbone, Paliare Roland Rosenberg Rothstein, “Dollars to Doughnuts: An Empirical Analysis of Restructuring Costs Under Chapter 11 and the CCAA”.
- Jassmine Girgis, University of Calgary Faculty of Law, “A Generalized Duty of Good Faith in Insolvency Proceedings: Effective or Meaningless?”.

Commentator: Mohammed Khimji, Queen’s University Faculty of Law.

3:00pm – 3:15pm: Health break.

3:15pm – 4:15pm: Insolvency Law Reform

Chair: Jassmine Girgis, University of Calgary Faculty of Law.

- Vern DaRe, Fogler Rubinoff LLP, “Imagine One Restructuring Act in Canada”.
- Stéphane Rousseau, Université de Montreal Faculty of Law, & Antoine Leduc, Lapointe Rosenstein Marchand Melançon, “Federalism, Bijuralism and Canadian Insolvency Legislation: The Final Frontier?”.

Commentator: Philippe Bélanger, McCarthy Tétrault LLP, Montreal.

4:15pm – 4:45pm: Recent Publications in Canadian Bankruptcy and Insolvency Law

Chair: Stephanie Ben-Ishai, Osgoode Hall Law School.


Commentator: Roderick Wood, University of Alberta Faculty of Law.

4:45pm – 6:00pm: Closing reception & remarks by Elisabeth Lang, Superintendent of Bankruptcy, “Canadian Bankruptcy and Insolvency Law: Views from the Superintendent of Bankruptcy on the Next 100 Years”.

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