



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

ASA Annual Conference

Thursday & Friday, 28-29 January 2021

Arbitration and Insolvency

Online Event



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

ABOUT THE CONFERENCE

Conference Topic

Arbitration and Insolvency

COVID-19 and related restrictions have caused significant economic disruption, which is likely to lead to an increase in the number of corporate insolvencies worldwide. This conference will explore the effects of insolvency on arbitration agreements and pending arbitral proceedings from a comparative law perspective. Following a keynote address dealing with the competing policies in the intersection between insolvency and arbitration, a first panel will discuss the question whether and when an arbitral tribunal lacks jurisdiction as a result of a party to the proceedings becoming insolvent. A second panel will focus on the practical consequences of an insolvency on the conduct of arbitral proceedings.

Schedule at a Glance

Thursday, 28 January 2021

17:30	WELCOME ADDRESS & INTRODUCTION TO THE CONFERENCE TOPIC
17:45	SETTING THE SCENE – CONFLICTING POLICIES OF INSOLVENCY LAWS AND INTERNATIONAL ARBITRATION LAWS
18:30	ONLINE NETWORKING

Friday, 29 January 2021

14:00	PANEL 1: EFFECTS OF INSOLVENCY ON ARBITRAL JURISDICTION
15:15	ONLINE NETWORKING BREAK
16:15	PANEL 2: EFFECTS OF INSOLVENCY ON ARBITRAL PROCEEDINGS
17:30	CLOSING REMARKS
17:45	ONLINE NETWORKING



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

Conference Programme

Thursday, 28 January 2021

- | | | |
|---------------|--|---|
| 17:30 – 17:45 | WELCOME ADDRESS AND INTRODUCTION TO THE CONFERENCE TOPIC | Diana Akikol, Walder Wyss, Geneva
Noradèle Radjai, LALIVE, Geneva |
| 17:45 – 18:30 | SETTING THE SCENE – CONFLICTING POLICIES OF INSOLVENCY LAWS AND INTERNATIONAL ARBITRATION LAWS | Hon. Judge Allan L. Gropper, (Ret.) United States Bankruptcy Judge at Southern District of New York, New York |
| 18:30 – 20:00 | ONLINE NETWORKING
An informal opportunity to catch up with old colleagues and friends – and make new ones – in small groups using the online platform. | |

Friday, 29 January 2021

- | | | |
|---------------|---|---|
| 14:00 – 15:15 | PANEL 1 – EFFECTS OF INSOLVENCY ON ARBITRAL JURISDICTION

Conflict of laws issues

The potential impact of insolvency on the validity of an arbitration agreement

The potential impact of insolvency on the capacity of the debtor to be a party to an arbitration

Insolvency-related claims and remedies that are excluded from the arbitration realm | MODERATION:

Silvia Dahlberg, Vinge, Göteborg

SPEAKERS:

Prof. Dr. Stefan Kröll, Bucerius Law School, Hamburg

Fernando Mantilla-Serrano, Latham & Watkins, Paris

Dr. Georg Naegeli, Homburger, Zurich

Sophie Nappert, 3 Verulam Buildings, London |
| 15:15 – 15:45 | ONLINE NETWORKING BREAK
Catch up with those gathered online using the platform. | |



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

15:45 – 17:30

**PANEL 2: EFFECTS OF INSOLVENCY ON
ARBITRAL PROCEEDINGS**

Recognition of an insolvency by the tribunal
Stay of the arbitration: when and for how long?
Interactions with the bankruptcy court or trustee
Security for costs
Relief on the merits

MODERATION:

Patricia Nacimiento, Herbert Smith Freehills, Frankfurt

SPEAKERS:

Dr. Martin Bernet, Bernet Arbitration, Zurich

Jennifer Kirby, Kirby, Paris

Debby Lim, BlackOak, Singapore

Alexis Mourre, ICC International Court of Arbitration, Paris

17:30 – 17:45

CLOSING REMARKS

Felix Dasser, ASA & Homburger, Zurich

17:45 – 19:00

ONLINE NETWORKING

An informal opportunity to catch up with old colleagues and friends – and make new ones – in small groups using the online platform.



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

ABOUT THE CONFERENCE

Who should attend?

All professionals involved in dispute resolution: lawyers, arbitrators, corporate counsel, and academics.

Sponsorship Opportunities

The ASA Conference provides a meaningful opportunity to gain visibility and build partnerships within the global arbitration business network. For further information, please contact alex.mclin@arbitration-ch.org.

CPD/CLE Credits

England/Wales, France (CNB), New York CLE and California MCLE credit may be available upon request. If applicable, please enquire at info@arbitration-ch.org.

Join the ASA Conversation

Use social media to network and stay in touch with ASA activities. See who is attending the 2021 ASA Conference by searching the hash tag **#ASAConf2021** and even post your own thoughts or photos. Just use the handles **@ASAArbitration** (Twitter) and **@ASA - Swiss Arbitration Association** (LinkedIn) and follow, like and share.

ABOUT THE ORGANIZERS

ASA – Swiss Arbitration Association

The Swiss Arbitration Association (ASA) has over 1000 members, practitioners and academics engaged and/or interested in domestic and international arbitration, from Switzerland and abroad. ASA contributes to the development of arbitration law and practice through regular conferences and workshops, including this Annual Conference; the Arbitration Practice Seminar; ASA Local Group meetings; ASA below 40 events for young practitioners, and the publication of the ASA Bulletin, a renowned arbitration quarterly, and of the ASA Special Series. For more information and membership enquiries, see www.arbitration-ch.org.

Conference Organisation

Diana Akikol, Walder Wyss
Noradèle Radjai, LALIVE, Geneva

Alexander McLin, ASA, Geneva/Zurich