

Warwick | Law School

**Symposium on Financial Crisis
Management & Bank Resolution**

16 – 17 April 2009

**School of Law,
University of Warwick**

Organized by:

John Raymond LaBrosse (Honorary Visiting Fellow, Warwick University)

Dr. Rodrigo Olivares-Caminal (University of Warwick)

Dr. Dalvinder Singh (University of Warwick)

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THE UNIVERSITY OF
WARWICK

The University of Warwick
School of Law
Coventry, CV4 7AL
United Kingdom

Symposium on Financial Crisis Management and Bank Resolution

The current financial crisis originated as a result of the US sub-prime mortgage market and has exposed both the banking industry and financial system safety net players (central banks and regulators) in many countries to considerable level of distress and economic and reputational damage. The research into bank distress generally highlights several key factors for their problems: mismanagement and illiquidity or deterioration of capital. As a consequence, questions of a legal and political nature arise if an ill thought out bank resolution system is in place prior to a financial crisis hitting, with the respective stakeholders namely, shareholders, management, creditors, central banks, deposit insurance agencies, regulators and governments clambering to protect their interests causing untold costs and reputational damage to the banking system.


These circumstances have heightened the need for policymakers to consider corrective policy options under the broad umbrella of bank resolution and restructuring techniques. The issue of bank resolution is at the forefront of current proposals in a number of countries to deal with the problems recently faced, just to mention a few (1) the bail-outs of Northern Rock plc., Bear & Sterns, Bradford & Bingley, AIG, Hypo Real Estate Bank, Roskilde, RBS; (2) the mergers of Bank of America-MLPF&S and Lloyd's-HBOS; and the collapse of Lehman and several SIVs. Notwithstanding this, the US financial crisis has brought to the fore the need for a possible new special resolution regime for financial conglomerates so authorities can effectively deal with investment banks for instance that may experience financial distress.

This Symposium will provide a new and important contribution to research in this area, at a crucial time in the debate around banking resolution and crisis management regimes. This scholarship will go some way to plug the gap in our knowledge and understanding of the law of bank resolution and restructuring, through the production of an innovative, international and interdisciplinary collection of work which links both the law and policy surrounding crisis management, and bank resolution and restructuring.

Please find the program on the next page. The Symposium sessions will take place in the Lecture Theatre at the Ramphal Building on Library Road (no. 47 on the campus map).

SYMPOSIUM PROGRAMME	
9.30	Registration
10.00	<p style="text-align: center;">Welcome Head of School of Law: Prof. Julio Faundez</p>
10.15	<p style="text-align: center;">Opening Remarks Dr. Dalvinder Singh & John Raymond LaBrosse</p>
<p>Session I 10.30- 11.10</p>	<p style="text-align: center;">The International Financial Crisis in its Legal & Economic Context Chair: Bryan P. Davies Canada Deposit Insurance Corporation</p> <p style="text-align: center;"><i>Keynote Address</i> Prof. Philip Wood Senior Global Counsel, Allen & Overy; Visiting Professor University of Oxford <i>Financial Crisis: Predictions for the Future of Finance Law and Lawyers</i></p> <p style="text-align: center;">Prof. George G. Kaufman Loyola University, Chicago <i>The Financial Crisis of 2007-08: Causes, Culprits and Consequences</i></p>
11.10- 11.30	Coffee Break
<p>Session II 11.30- 12.10</p>	<p style="text-align: center;"><u>The Official Safety Net Players</u> <u>What would a more coherent Crisis Management Mandate look like?</u> Chair: Karen Gibbons Financial Services Compensation Scheme</p> <p style="text-align: center;">Prof. Geoffrey Wood Cass Business School, City University London <i>Towards a Coherent Crisis Resolution Mandate</i></p> <p style="text-align: center;">Prof. Marcus Miller</p>

	<p>University of Warwick and Bank of England</p> <p><i>Leverage and Asset Bubbles: Averting Armageddon with Chapter 11?</i></p>
12.10-1.30	Lunch
Session III 1.30-2.10	<p><u>Overt or Covert Emergency Support</u></p> <p>Chair: Larry D. Wall Federal Reserve Bank of Atlanta</p> <p>Simon Gleeson Clifford Chance LLP</p> <p><i>Liquidity, Credit or Markets - What Should Government Financial Support Support?</i></p> <p>Colin Bamford Barrister, 3-4 South Square, Gray's Inn, UK</p> <p><i>Transparency and the End of Doing Good by Stealth</i></p>
Session IV 2.10 – 3.30	<p><u>The Deposit Insurance System</u></p> <p>Chair: Sibel Beadle European Bank for Reconstruction and Development</p> <p>Keynote Address Jean Pierre Sabourin Malaysia Deposit Insurance Corporation</p> <p><i>Rethinking the Role of Deposit Insurance: Lessons from the Recent Financial Crisis</i></p> <p>Dalvinder Singh & David K. Walker University of Warwick; Chair of the International Association of Deposit Insurers Guidance Group & Director, Policy and International Affairs, Canada Deposit Insurance Corporation</p> <p><i>European Guarantee Arrangements: Lessons Learned</i></p>

	<p style="text-align: center;">Ganiyu A. Ogunleye Nigeria Deposit Insurance Corporation <i>Lessons Learned from the Financial Crisis for Developing Deposit Insurance Systems</i></p> <p style="text-align: center;">Speaker: David S. Hoelscher International Monetary Fund <i>Title of Paper: tbc</i></p>
3.30-4.00	Coffee Break
4.00-5.00	Q&A Session
5.00 pm	End of Day One
7.00 pm	Dinner Sponsored by 

DAY TWO

	<p>17th April 2009 Day Two</p>
9.00	<p>Keynote Address</p> <p>Malcolm D. Knight, Vice Chairman of Deutsche Bank Group and Visiting Professor in Finance, London School of Economics and Political Science <i>Too Big to Fail -- too Complex to Fail: What Policy Concerns and Issues do they Individually Give Rise to</i></p>
<p>Session V 9.30- 10.10</p>	<p><u>Financial Services Regulation: Scope and Intervention</u></p> <p>Chair: Richard Button Bank of England</p> <p>Prof. John McEldowney University of Warwick <i>Defining the Public Interest: Public Law Perspectives on Regulating the Financial Crisis</i></p> <p>Prof. Patrick McAuslan Birbeck College <i>Whose Mortgage is it Anyway? Producers, Consumers and the Law in the UK Mortgage Market</i></p>
10.10— 10.30	<p>Coffee Break</p>
<p>Session VI 10.30- 11.30</p>	<p><u>EU and International Initiatives on Bank Insolvency</u></p> <p>Chair: Prof. Dr. Harald A. Benink Tilburg University</p> <p>Dr. Eva Hupkes Head of Regulation of the Swiss Federal Banking Commission <i>Resolving Crises in Global Financial Institutions: the Functional Approach Revisited</i></p>

	<p style="text-align: center;">Maïke Luedersen International Monetary Fund <i>Legal, Institutional, and Regulatory Framework for Bank Insolvency: Key Issues</i></p> <p style="text-align: center;">Guillian G. H. García, Prof. Rosa M. Lastra and María J. Nieto International Monetary Fund Queen Mary University of London Banco de España <i>Bankruptcy and Reorganization Procedures for Cross-border Banks in the EU: Towards an Integrated Approach to the Reform of the EU Safety Net</i></p>
<p>Session VII 11.30— 12.30</p>	<p style="text-align: center;"><u>Creditors Rights:</u> <u>How should the rights of different types of creditors' be best managed?</u></p> <p style="text-align: center;">Chair: Lai Wai Keen General Manager Policy and International, Malaysia Deposit Insurance Corporation</p> <p style="text-align: center;">Andrew Campbell University of Leeds <i>Protecting Creditors of Insolvent Banks</i></p> <p style="text-align: center;">Prof. Peter Cartwright University of Nottingham <i>Deposit Insurance and Consumer Policy: Practical and Theoretical Considerations</i></p> <p style="text-align: center;">Dr. Dalvinder Singh University of Warwick <i>The FSA Risk Based Model & Heightened Supervision</i></p>
<p>12.30— 1.30</p>	<p style="text-align: center;">Lunch</p>
<p>Session VIII 1.30— 2.30</p>	<p style="text-align: center;"><u>Bank Restructuring:</u> <u>The techniques to restructure a bank in trouble.</u> <u>Is a single financial services resolution regime a viable option?</u></p> <p style="text-align: center;">Chair: Dr. Jorge Guira University of Warwick</p> <p style="text-align: center;">Prof. Robert Bliss Wake Forest University, USA</p>

	<p><i>The Limits of Bankruptcy: The Problem of Large, Complex, Multinational Financial Institutions</i></p> <p>Prof. Rosa M. Lastra and Dr. Rodrigo Olivares-Caminal Queen Mary University of London University of Warwick</p> <p><i>Cross Border Insolvency: The Case of Financial Conglomerates</i></p> <p>Dr. Ioannis Kokkoris Office of Fair Trading, UK,</p> <p><i>The Lessening of Competition Law Policy upon Financial Crises. The Case of Mergers</i></p>
<p>2.30— 3.00</p>	<p style="text-align: center;">Coffee</p>
<p>Session IX 3.00— 3.40</p>	<p style="text-align: center;"><u>Special Resolution Regimes: Bridge Bank:</u> <u>What has been the experience of using bridge banks? Is it the magic solution?</u></p> <p style="text-align: center;">Chair: John Whitehead, Deloitte</p> <p style="text-align: center;">David G Mayes Europe Institute, University of Auckland</p> <p style="text-align: center;"><i>Keeping Vital Functions Operating: the Role of Bridge Banks and Related Resolution Techniques</i></p> <p style="text-align: center;">John Raymond LaBrosse Patterson & LaBrosse Financial Consultants, Canada</p> <p style="text-align: center;"><i>Policy Issues Concerning Bridge Banks</i></p>
<p>3.40— 4.40 Session X</p>	<p style="text-align: center;"><u>Individual Case Studies: Domestic and International Experience:</u></p> <p style="text-align: center;">Chair: Javier Ruz-Cerezo University of Warwick</p> <p style="text-align: center;">Dr. Jorge M. Guira University of Warwick</p> <p style="text-align: center;"><i>Reflections on Hedge funds Dimension of Crisis</i></p> <p style="text-align: center;">Dr Lorraine Talbot University of Warwick</p> <p style="text-align: center;"><i>Keeping Bad Company: Building Societies a Case Study</i></p> <p style="text-align: center;">Masahiro Kawai Asian Development Bank Institute</p>

	<i>Lessons from Japan's Banking Crisis, 1991-2004</i>
4.40- 5.30	Q&A Session
	Closing Remarks

For more information, please visit the following link:

<http://www2.warwick.ac.uk/fac/soc/law/events/symposium/financialcrisismanagement/>

SYMPOSIUM INFORMATION

Registration

To take part in this Symposium please complete the attached Booking Form as soon as possible. Places will be allocated on a first-come, first-served basis.

Cost:

Corporate Fee: £350

Academic Fee: £150

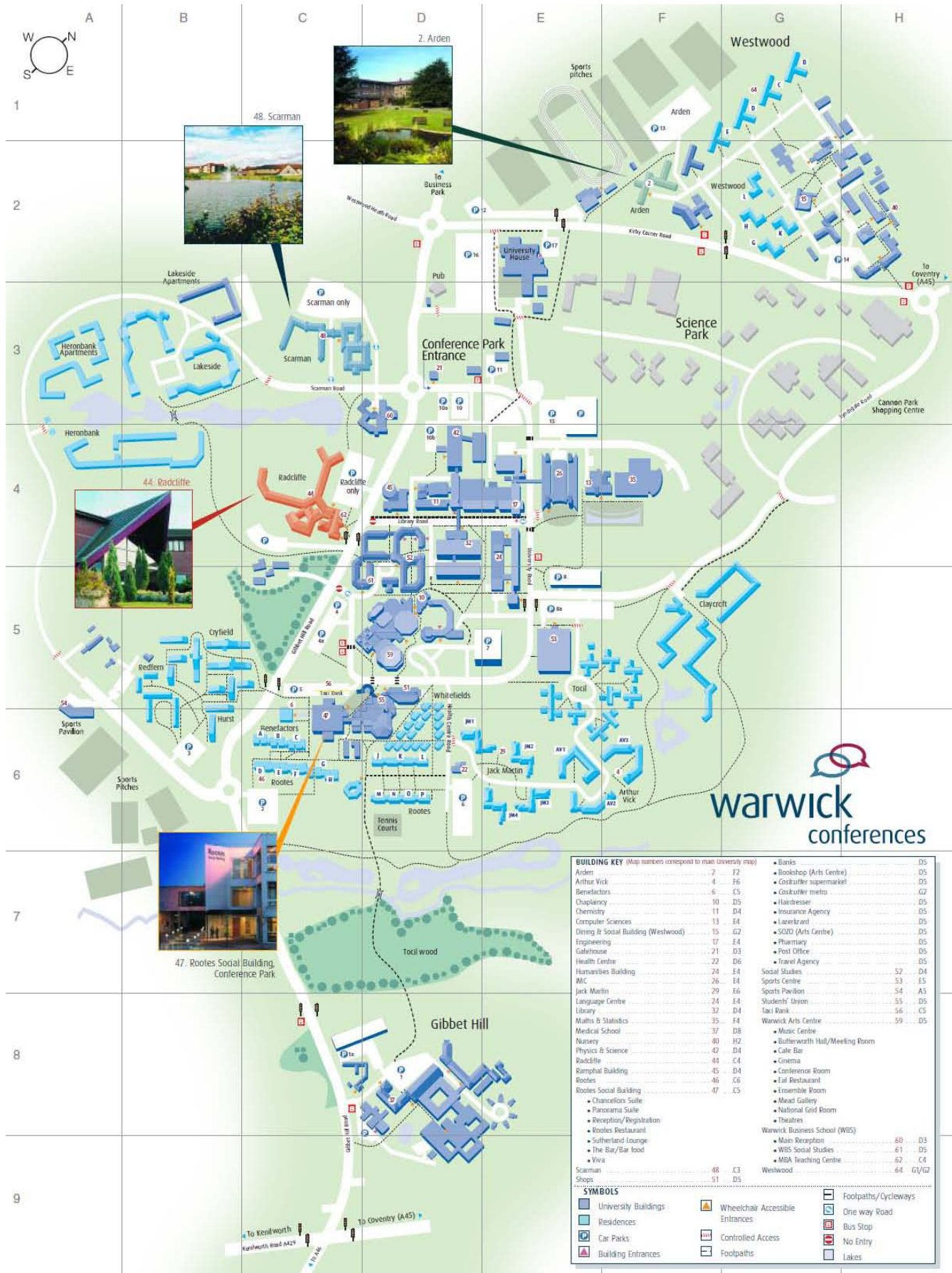
Student Fee: £75

Accommodation

On-campus accommodation (payable separately) may be reserved on the booking form if available. The University has a series of venues equipped with state-of-the-art facilities that are perfect all year round for residential meetings and academic/training events including a choice of 33 meeting rooms and 90 syndicate rooms with comfortable en-suite bedrooms. Additionally there are inviting bars, relaxing lounges and award winning food all located in stylish surroundings.

Please contact Margaret Parker for more details: m.k.parker@warwick.ac.uk





Symposium on Financial Crisis Management and Bank Resolution

16 & 17 April 2009

Deloitte.



Perbadanan Insurans Deposit Malaysia
Malaysia Deposit Insurance Corporation

Booking Form

Please complete the form below to confirm your requirements for the Warwick Symposium on 16 & 17 April 2009 as soon as possible. Places will be allocated on a first-come, first-served basis.

Participant Details	
Name:.....	Job Title:
Department:	
Organisation:	
Address:	
Postcode:	Country:
Tel:	E-mail:
Special requirements - note any special dietary, accessibility or other requirements below:	
<p>Data Protection Act 1998 - details included here will be stored in the Symposium administration database.</p> <input type="checkbox"/> I consent to my details being included on the participants list and on the Symposium contacts database	
Confirmation of Attendance	
I will attend the Warwick Symposium on 16 & 17 April 2009 (please tick one box) -	
<input type="checkbox"/> Corporate Rate £350	<input type="checkbox"/> Academic Discounted Rate £150
<input type="checkbox"/> Student Rate £75	
This fee includes all meals on both days from morning coffee to evening dinner	
<input type="checkbox"/> Day Delegate £80 per day, not including evening dinner (please indicate which day -.....)	
Accommodation requirements (not included in the Symposium fee, cost approx £100 per night)	
I require Bed & Breakfast on campus (please tick all that apply) –	
<input type="checkbox"/> Wednesday 15 April	<input type="checkbox"/> Thursday 16 April
<input type="checkbox"/> Friday 17 April	
NB: Accommodation will be reserved, if possible, but delegates are responsible for their own accommodation costs, including any cancellation charges	
Payment (please tick one box)	
<input type="checkbox"/> I have raised an authorised purchase order number:.....for £....., please send me an invoice	
<input type="checkbox"/> I am sending a cheque made payable to University of Warwick for £.....(send to Margaret Parker, address below)	
<input type="checkbox"/> I will pay by bank transfer (we will send you details)	
NB: If an invoice is required you must send an authorised purchase order number.	
Cancellations – 20% of the fee. Non-arrival at the event 100% of the fee. Another person may be substituted from the same institution/organisation as long as the details of the substitute are received in writing.	
All bookings will be acknowledged by e-mail - if you do not receive confirmation of receipt within three working days contact Margaret Parker (email m.k.parker@warwick.ac.uk). Joining instructions will be sent by e-mail nearer the date of the event.	

Please send completed booking form as soon as possible.

Places will be allocated on a first-come, first-served basis.

Margaret Parker, School of Law, University of Warwick, Coventry CV4 7AL (e-mail: m.k.parker@warwick.ac.uk)

FAX: 024 7652 4105

Travelling to the University of Warwick

Comprehensive information on how to get to the University of Warwick can be found at <http://www2.warwick.ac.uk/conferences/aboutus/gettinghere> . Please find below a brief description on how to get here by rail, car or air.

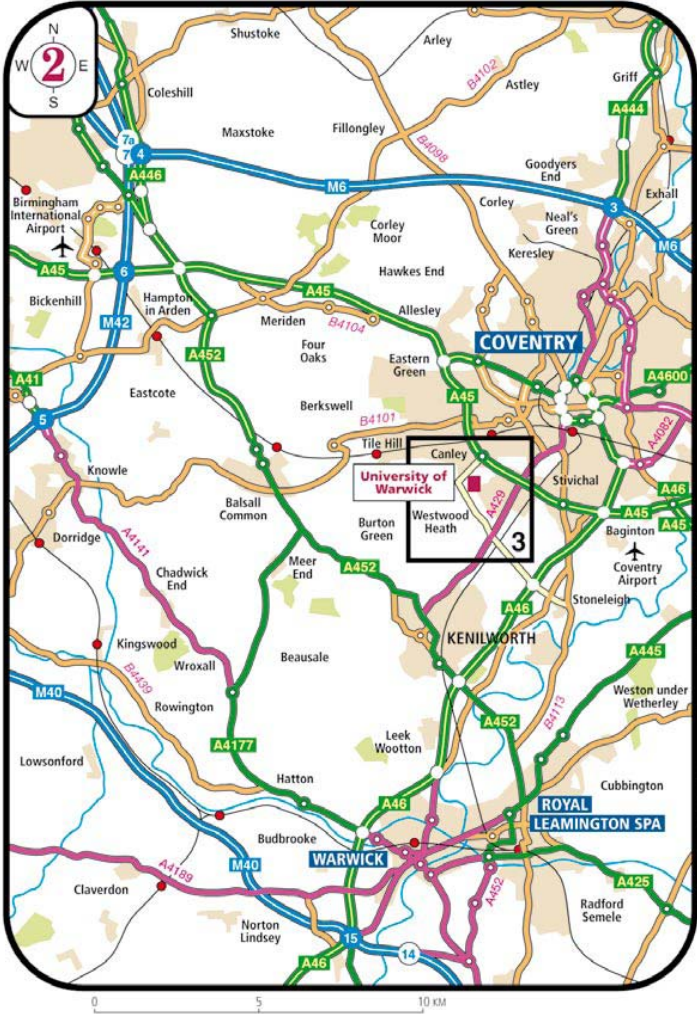
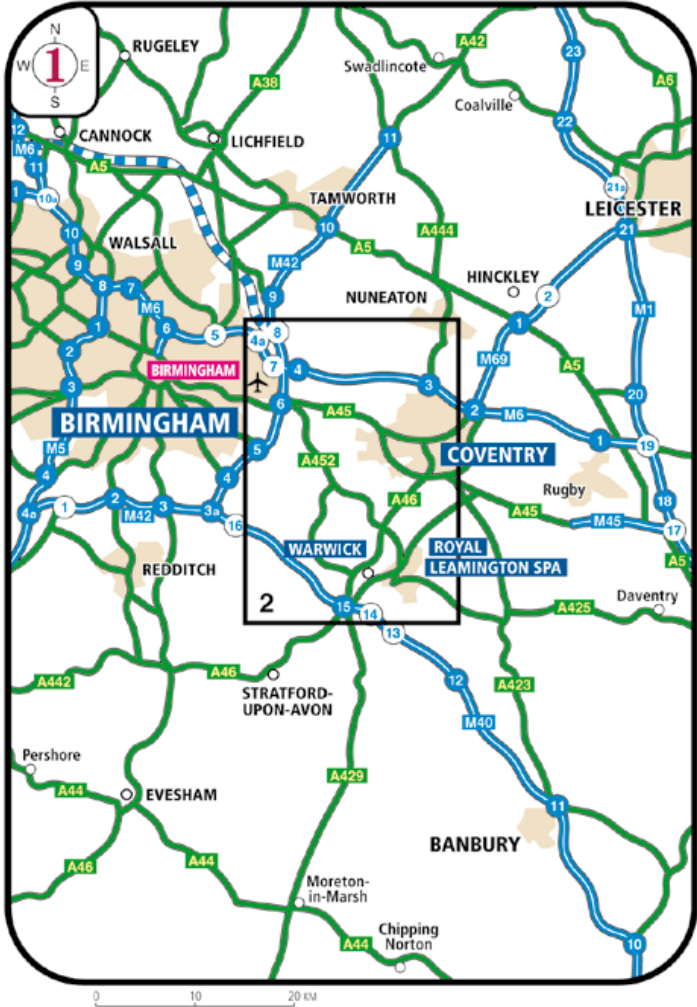
By Rail

The nearest station is Coventry however the Chiltern line runs from Warwick Parkway and Leamington Spa stations from which you will have to get a taxi to campus, approximate journey times 15 minutes from Warwick Parkway and 25 minutes from Leamington Spa. Approximately 12 minutes by taxi from Coventry Railway Station.

Alternatively, take the Travel West Midlands number 12 from the Warwick Road Bus Stop. When you pass through the ticket barrier at Coventry Station please take your first left following a footpath to the bus stop on the bridge of Warwick Road. Buses leave this bus stop frequently for the University and the journey time is approximately 20 minutes.

The number 12 bus travels through central campus. If your destination is the Rootes Building, once on central campus get off at the third stop and the Rootes Building is directly in front of you.

For further information please see: <http://www.travelwm.co.uk/>



By Car

From the North/East

- From M69 /M6 interchange (M6 Jct 2) take A46 towards Warwick and Coventry S & E.
- After approx 3.5 miles you will reach Tollbar End roundabout (junction with A45). At the roundabout, follow signs for A45 Birmingham.
- After approx 3 miles you will cross the A429 (Kenilworth Road). Half a mile after this junction take the left-hand turn signposted 'University of Warwick' (Fire Station on left, Police Station on right). Follow signs for University of Warwick (and Warwick Arts Centre) across two roundabouts. You are now approaching The University of Warwick from Kirby Corner Road.

From the South East

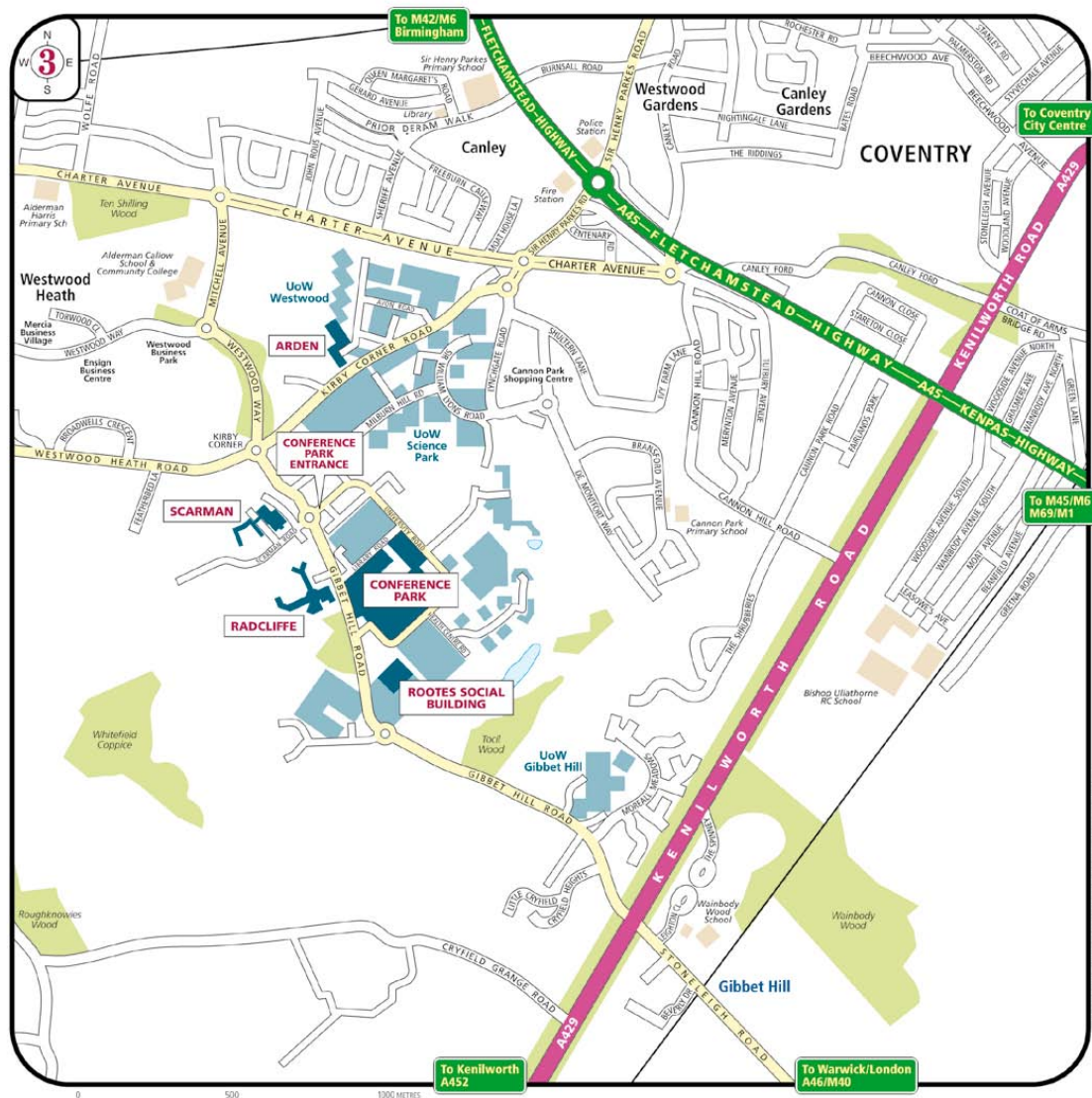
- From M45 Jct 1 take A45 towards Coventry.
- After approx 7 miles you will reach Tollbar End roundabout (junction with A46) follow signs for A45 Birmingham.
- Now follow the directions given in the third bulletpoint above.

From the South

- From M40 Jct 15 take A46 towards Coventry.
- After approximately 8 miles leave A46 at junction signposted 'University of Warwick' and turn left.
- Take the second exit at the mini roundabout and continue for a further mile on the Stoneleigh Road, crossing the A429 Kenilworth Road.
You are now approaching The University of Warwick from Gibbet Hill Road.

From the West

- From M42 Jct 6 take A45 towards Coventry.
- After approximately 9 miles you will pass a large Sainsbury's store on your left. At the next roundabout (Fire Station on right, Police Station on left), take the right-hand exit, signposted 'University and Canley'.
- Follow signs for University of Warwick (and Warwick Arts Centre) across two roundabouts. You are now approaching The University of Warwick from Kirby Corner Road.



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By Air

Approx 30 mins by road from Birmingham International Airport, 1 hour from Nottingham East Midlands Airport, 2 hours from Luton Airport and 15 mins from Coventry Airport. If you arrive at Heathrow or Gatwick, you will have to either get a National Express coach from the airport to Coventry and then a taxi or combine with the train option described above. For times and fares of National Express, please visit:

<http://www.nationalexpress.com/coach/index.cfm>