



ANNUAL REVIEW OF INSOLVENCY LAW

18TH ANNUAL REVIEW OF INSOLVENCY LAW CONFERENCE

FEBRUARY 26, 2021

CONFERENCE CO-CHAIRS

Kelly Bourassa

Blake, Cassels & Graydon LLP, Calgary, IIC

Edward Sellers

Black Swan Advisors Inc, Toronto, FIIC

Justice Darrell Stephenson

Court of Queen's Bench of New Brunswick,
Saint John

CO-EDITORS

Professor Jill Corraini

School of Business, Camosun College, Victoria

Justice Blair Nixon

Court of Queen's Bench of Alberta, Calgary

ARIL AT-A-GLANCE

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VIRTUAL CONFERENCE HOST EVENT MOBI:

Information to access the virtual conference site will be provided three days before the event

PODCAST PROGRAM:

Available through the virtual conference site and will be available to all attendees as part of the conference fee

CONFERENCE PAPERS:

Available on CanLII; access information to be sent to attendees. The Papers will also be available on Westlaw/InsolvencySource for existing subscribers

PRICING:

General Registrant: \$300 (plus applicable tax)

Judges, Articling Students, CQP Students, Full-time

Academics: \$100 (plus applicable tax)

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THE HONOURABLE DONALD BRENNER MEMORIAL KEYNOTE



VIRTUAL CONFERENCE AGENDA (ALL TIMES EASTERN)

FEBRUARY 26, 2021

11:00am - 11:15am	<p>Opening Remarks and Welcome from the Conference Co-Chairs: Kelly Bourassa, Blake, Cassels & Graydon LLP, Calgary (IIC), Edward Sellers, Black Swan Advisors Inc, Toronto (FIIC), Justice Darrell Stephenson, Court of Queen's Bench of New Brunswick, Saint John</p> <p>Greetings: CAIRP Board Chair Mark Rosen (IIC) and IIC President Robert Thornton (FIIC)</p>
11:15am - 11:45am	<p>Dr. Janis Sarra Opening Plenary: COVID Pandemic – Global and Canadian Perspectives Dr. Janis Sarra, University of British Columbia, Peter Allard School of Law, Vancouver (IIC), <i>Circuit Break: Insights on Global Insolvency Developments during the COVID-19 Pandemic</i> Antonia Preciosa Menezes, World Bank, Washington, District of Columbia Dr. Riz Mokal, South Square, London, United Kingdom Justice Barbara Romaine, Court of Queen's Bench of Alberta, Calgary</p>
11:45am - 12:15pm	<p>Practice Innovations: Reverse Vesting Orders Bradley Wiffen, Goodmans LLP, Toronto, <i>Reverse Vesting Transactions: An Innovative Approach to Restructuring</i> Karen Kimel, Richter, Toronto Vicki Tickle, McMillian LLP, Vancouver (IIC)</p>
12:15pm - 12:30pm	Break
12:30pm - 1:10pm	<p>The Honourable Donald Brenner Memorial Keynote: Engaging with First Nations in Insolvency Cases - A Dialogue with Grand Chief Phil Fontaine Justice Blair Nixon, Court of Queen's Bench of Alberta, Calgary Edward Sellers, Black Swan Advisors Inc, Toronto (FIIC)</p> <p>Thought Leadership Introduction by Leanne Williams, Thornton Grout Finnigan, Toronto (IIC)</p>
1:10pm - 1:40pm	<p>Social Consequences of Business Failures: Navigating Environmental Liabilities Michael Nowina, Baker McKenzie LLP, Toronto, <i>Insolvency and Contamination: Navigating Liabilities</i> co-authored with Jonathan Cocker, Borden Ladner Gervais LLP, Toronto, Gary Abrahamson, Fuller Landau LLP, Toronto, David Filice, Fuller Landau LLP, Toronto, Jan Nato, Baker McKenzie LLP, Toronto Vanessa Allen, MNP Ltd., Calgary Peter Rubin, Blake, Cassels & Graydon LLP, Vancouver (IIC)</p>
1:40pm - 1:50pm	Break
1:50pm - 2:20pm	<p>Thought Leadership Address: Professional Performance-Maintaining Well-being and Resiliency Dr. Robyne Hanley-Dafoe, is a multi-award-winning psychology and education instructor who specializes in resiliency, navigating stress, change, and personal wellness.</p> <p>Thought Leadership Introduction by Michelle Grant, PwC, Vancouver (IIC)</p>
2:20pm - 2:50pm	<p>Conduct Developments: Exercise of Judicial Discretion; Duties of Good Faith Sam Babe, Aird & Berlis LLP, Toronto, <i>Recent Use of Statutory Discretion and Inherent Jurisdiction in Insolvency and Restructuring</i> Julien Morissette, <i>Being a Good Sport – A Comparative Analysis of Good Faith as a Statutory Obligation in Insolvency Proceedings</i> co-authored with Cristina Cosneanu and Ilia Kravtsov, Osler Hoskin & Harcourt LLP, Montréal Ari Sorek, <i>Good Faith in Insolvency and Restructuring: At the Intersection of Civilian and Common Law Paradigms, at a Fork in the Road, or in a Merging Lane?</i> co-authored with Charlotte Dion, Dentons LLP, Montréal</p>

VIRTUAL CONFERENCE AGENDA (ALL TIMES EASTERN)

2:50pm – 3:00pm	Break
3:00pm – 3:30pm	<p>Conduct Developments: Evolving Role of the Monitor Arad Mojtahedi, <i>The Evolving Role of the Eyes and Ears of the Court: Empowering the CCAA Monitor to Initiate Legal Proceedings</i> co-authored with Julie Himo, Norton Rose Fulbright LLP, Montréal Professor Alfonso Nocilla, University of Western Ontario, London, <i>Bestriding the Narrow World: Is It Time to Bifurcate the Role of the CCAA Monitor?</i> co-authored with Vern DaRe, Fogler, Rubinoff LLP, Toronto Josef Krüger, QC, Borden Ladner Gervais LLP, Calgary (IIC)</p>
3:30pm – 4:00pm	<p>Conduct Developments: Estate Litigation - Governance & Finance Daniel Richer, <i>Chasing the “Pot of Gold”: Pursuing Litigation Claims in CCAA Proceedings</i> co-authored with Aubrey Kauffmann (FIIC), Fasken Martineau DuMoulin LLP, Toronto Virginie Gauthier, Gowling WLG (Canada) LLP, Toronto (IIC) Martin Rosenthal, Ernst & Young Inc., Montréal (IIC)</p>
4:00pm – 4:15pm	Break
4:15pm – 4:45pm	<p>Simplified Process for Insolvency of Small and Medium Business Examined- Demystifying an UNCITRAL Discussion Paper André Bolduc, BDO Canada Limited, Ottawa Chantal Gingras, Ginsberg, Gingras & Associés Inc., Ottawa Paul Morrison, Innovation, Science and Economic Development Canada, Ottawa</p>
4:45pm – 5:15pm	<p>Thought Leadership Address: OSB/ISED Discussion on Hot Topics Elisabeth Lang, Office of the Superintendent of Bankruptcy, Ottawa Mark Schaan, Innovation, Science and Economic Development Canada, Ottawa Guylaine Houle, Pierre Roy & Associés Inc., Montréal Thought Leadership Introduction by Sharon Hamilton, Ernst & Young Inc., Toronto (IIC)</p>
5:15pm – 5:45pm	<p>Judicial Panel: Justice Glenn Hainey, Ontario Superior Court of Justice, Toronto Justice Karen Horner, Court of Queen’s Bench of Alberta, Calgary Justice Darrell Stephenson, Court of Queen’s Bench of New Brunswick, Saint John</p>
5:45pm – 6:00pm	<p>Closing Remarks and Appreciation: Kelly Bourassa, Blake, Cassels & Graydon LLP, Calgary (IIC), Edward Sellers, Black Swan Advisors Inc, Toronto (FIIC), Justice Darrell Stephenson, Court of Queen’s Bench of New Brunswick, Saint John</p>

ARIL PODCAST PROGRAM

The Cannabis Papers:
Jared Enns, *The High and the Low: The Unique Challenges and Opportunities for Restructuring Cannabis Companies in CCAA Proceedings* co-authored with Mary I.A. Buttery, QC, (IIC), Cassels Brock & Blackwell LLP, Vancouver and Ben Goodis, Cassels Brock & Blackwell LLP, Toronto
Maria Konyukhova, (IIC), *The Crash After the High: Managing Insolvency in the Cannabis Sector* co-authored with Nicholas Avis, Stikeman Elliott LLP, Toronto
James Reid, *Burnt Out: Lessons from the Cannabis Crash* co-authored with Morgan Crilly, Parkland Corporation, Calgary and Chris Nyberg, Blake, Cassels & Graydon LLP, Calgary

ARIL PODCAST PROGRAM

Receivership v CCAA in Real Property Development – Constructing a Framework for Analysis

Jeremy Opolsky co-authored with Jake Babad and Mike Noel, Torsys LLP, Toronto
Cassie Riglin, Alvarez & Marsal Canada ULC, Calgary
Mitch Vininsky, KSV Advisory Inc., Toronto

A Tale of Two Interests:**Reframing Dynex to Account for Surrounding Circumstances in Determining Whether a Gross Overriding Royalty is an Interest in Land**

Elisa Stewart, Rose LLP, Calgary, co-authored with Joel Henderson, Canada Deposit Insurance Corporation, Ottawa

Sean Collins, McCarthy Tétrault LLP, Calgary (IIC)

Mark Wentzell, Grant Thornton Limited, Vancouver (IIC)

Caught in the Rye:**The Canada Grain Act, Security, Title, and Insolvency Proceedings**

Lance Williams, (IIC), co-authored with Forrest Finn, Cassels Brock & Blackwell LLP, Vancouver

David Gerecke, QC, Miller Thomson LLP, Saskatoon

Michael Vermette, PwC, Vancouver (IIC)

THANK YOU!

2021 Conference Planning Committee

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Milly Chow, Blake, Cassels & Graydon LLP

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Justice Darrell Stephenson, Court of Queen's Bench of New Brunswick

Thank you to all of the attendees, authors, speakers and sponsors for your continued dedication and support of the ARIL conference. Special thank you to the Co-Editors, ARIL Society Board of Directors and the Editorial Advisory Board for all your efforts. We hope to see everyone next year!