

# LAWS70343 International Corporate Insolvency

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) or phone +61 3 8344 6190. Alternatively, visit our website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	As a result of the recent financial and economic crisis around the world, numerous companies have been confronted with financial difficulties. Sometimes those difficulties resulted in a bankruptcy or comparable insolvency proceedings. Due to globalisation, such insolvency could have cross-border effects, such as the insolvency of Lehman Brothers in 2008. International Corporate Insolvency raises issues on substantive insolvency law as well as on conflict of laws, and explores those effects from various perspectives, especially on a multilateral level. Its relevance can be found in the attempts to facilitate restructuring of financially distressed companies worldwide. Professor Vriesendorp, from Tilburg University, The Netherlands, has previously taught the subject and is a well-known scholar with practical experience in the field of (international) insolvency law. Principal topics will include: # Introduction/recapitulation: What is insolvency/insolvency law? # Causes of insolvency: External, fraud and mismanagement

	<ul style="list-style-type: none"> <li># Creditor oriented system (United Kingdom, Netherlands, Australia) versus debtor oriented system (United States, France)</li> <li># Proceedings from an international perspective: European insolvency regulation/UNCITRAL Model Law on Cross-Border Insolvency and relevant forums</li> <li># Role and position of trustee/administrator versus debtor-in-possession</li> <li># Role and position of creditors</li> <li># Role and position of the court</li> <li># Position of the bank, security interests and financing restructuring</li> <li># Transfer of assets to Newco/composition and rescheduling of debt</li> <li># Fraudulent/wrongful trading and director's liability</li> <li># Termination of the proceedings.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Have acquired knowledge of insolvency law in an international context</li> <li># Have become familiar with the structure and principles of UNCITRAL Model Law on Cross-Border Insolvency and EU Insolvency Regulation 2000/1346</li> <li># Have obtained basic knowledge of principles of private international law in the context of international corporate insolvency</li> <li># Have received an insight in insolvency law from a civil law perspective with respect to various topics such as director's liability and secured creditors.</li> </ul>
<b>Assessment:</b>	10,000 word research paper (100%) (24 May) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5207">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5207</a>