

Legislating for Personal Insolvency in Ireland

International Developments & Domestic Issues

19 April 2012, Radisson Blu Hotel, Dublin 8

Conference Programme

8.30 – Registration/Tea & Coffee

9.15 – Introductory remarks – Peter Ward SC
FLAC Chairperson

Conference opening – Minister for Social
Protection **Joan Burton TD**

**9.40 – Session One: The principles of debt
settlement**

Chair – Noeline Blackwell, Director General, FLAC

Speaker:

Paul Joyce, Senior Policy Researcher, FLAC:
*The rationale for debt settlement legislation in
Ireland*

Keynote speaker:

Professor Jason Kilborn, John Marshall Law
School, Chicago, U.S.A.:
*A comparative consumer insolvency perspective:
Key lessons from thirty years of pitfalls and
best practices'*

Followed by Questions & Answers session

11.20 – 11.40: Tea/Coffee break

**11:40 – Session Two: Debt Settlement in the
context of the Irish Constitution and the
economy**

Chair – Colin Daly, Northside Community Law Centre

SPEAKERS

Professor Gerry Whyte, Law School, Trinity
College, Dublin:
Property rights of creditors in light of the public interest

Tom McDonnell, TASC:
Personal debt write-off from an economic perspective

Followed by Questions & Answers session

12.55 – 1.40: Lunch

**1.40 – Session Three: Including Mortgage Debt
in Personal Insolvency Legislation**

Chair – Paul Joyce, Senior Policy Researcher, FLAC

Keynote speakers:

Egil Rokhaug, Lawyer, Ministry of Children,
Equality and Social Inclusion, Oslo, Norway
*The Norwegian experience of maintaining the family
home in debt settlement*

Melina Mouzouraki, Lawyer, Mouzouraki &
Partners Law Office, Athens, Greece
The 2010 Greek adjustment law

Followed by Questions & Answers session

**3.00 – Session Four: The Future for Personal
Insolvency in Ireland**

3.00 – 4.00 Panel discussion and Q & A

Chair – Noeline Blackwell, FLAC

Panellists:

- * **Prof Jason Kilborn**
- * **Egil Rokhaug**
- * **Melina Mouzouraki**
- * **Paul Joyce**, FLAC
- * **Tom McDonnell**, TASC
- * **Eimer O'Rourke**, Irish Banking Federation
- * **Finola Flanagan**, Law Reform Commission
- * **Colette Bennett**, MABS
- * **Ross Maguire SC**, New Beginning
- * **Barry Lyons**, Solicitor & ISIP
- * **Jill Kerby**, Personal Finance Journalist

4.00 - Reception

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Speaker Biographies

Noeline Blackwell is Director General of FLAC. Before that, she worked in general practice as a solicitor, with a particular interest in family law and in human rights law in general, refugee law in particular. She is a former chairperson of the Law Society's Human Rights Committee and of the Irish section of Amnesty International. Noeline is a trustee of Front Line, the Dublin-based international foundation for human rights defenders at risk, and is on the Board of the Immigrant Council of Ireland.

Paul Joyce BCL, BL is Senior Policy Researcher with FLAC. Paul is the author of both FLAC reports on debt and the legal system in Ireland, *An End based on Means?* published in May 2003 and *To No One's Credit* published in July 2009, as well as numerous policy submissions. He is a former member of the Financial Services Ombudsman's Council and served as a member of the Cooney Expert Group on Mortgage Arrears and Personal Debt in 2010.

Professor Jason Kilborn has taught at John Marshall Law School, Chicago since 2007. Prior to his academic career, he was a bankruptcy associate with Cleary, Gottlieb, Steen & Hamilton in New York and at Wilmer, Cutler & Pickering in Washington, DC. His academic research has focused on comparing bankruptcy and insolvency in the U.S. with similar systems in Europe and elsewhere. He has written numerous articles and a book on comparative bankruptcy for individuals (including an analysis of Islamic law, shari'a), he co-authored a book on international cooperation in cross-border business bankruptcy, and he is a national reporter and co-editor of a series of detailed comparative analyses of business reorganization practices around the world (the latter two items published by Oxford University Press). Professor Kilborn chairs a drafting group for a World Bank project on the treatment of insolvency of natural persons, and he has advised several national governments on their development of personal insolvency laws. He served a two-year term as the Van der Grinten Chair in International and Comparative Insolvency Law at the Radboud University in Nijmegen, The Netherlands, as well as a one-semester term as the Robert M. Zinman Scholar in Residence at the American Bankruptcy Institute. See more at <http://www.jmls.edu/directory/profiles/kilborn-jason/>

Tom McDonnell is Policy Analyst with the leading Irish think-tank, TASC. He is currently completing his PhD in Economics

at NUI Galway, where he also lectured in Economics between 2005 and 2010. Tom's doctoral work is on the Economics of Innovation with a particular focus on the development and diffusion of telecommunications in Ireland since Independence. Tom is currently working on an analysis and critique of how the Government allocates money to different areas of expenditure.

Melina Mouzouraki is an Athens-based lawyer specialising in consumer protection, civil and commercial law. She was legal adviser with the Hellenic Consumers' Association (E.K.PI. ZO) from 1993 to 2009. She was on the National Consumer Council of Greece from 1995 to 2001 and on the Hellenic Competition Committee from 1995 to 2000. Melina was a member of the European Consumer Law Group (ECLG) until 2002 and of the Steering Committee of the European Association for Consumer Participation in Standardization (ANEC) from 1994 to 1999. Melina has been an Expert on the European Commission's FIN-USE panel (DG Trade) with a mandate to strengthen the role of consumers and small businesses in the evolving EU financial services sector. She participates in the non-governmental European Consumer Debt Net and has been deeply involved in the enforcement of the new Greek law on over-indebtedness.

Egil Rokhaug is a lawyer from the University of Oslo. He is senior adviser in the Norwegian Ministry of Children, Equality and Social Inclusion. Egil's main areas of interest are debt settlement legislation, debt counseling services and financial law in general. He is the author of the Norwegian Debt Settlement Act and its preambles. He is also a part time law-teacher, and has written several books concerning financial law, debt reorganization and counseling. Egil is a member of the Norwegian Banking Law Commission.

Prof Gerry Whyte is Associate Professor in Trinity College Dublin Law School and a Fellow of Trinity College and Dean of Students. He has published extensively in the areas of public interest law, constitutional law (including his seminal Irish constitutional text, co-authored with Mr Justice Gerard Hogan), trade union law, social welfare law and labour law. He is active in a number of social justice and legal rights organisations. Prof Whyte is on the Commission on Assisted Human Reproduction and is a former member of the Steering Group of Irish Council of People with Disabilities. See more at <http://www.tcd.ie/Law/gerrywhyte/>