



European Bank
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THE LONDON SCHOOL
OF ECONOMICS AND
POLITICAL SCIENCE ■



FINANCIAL MARKETS LAW AND REGULATION FOR TRANSITION ECONOMIES

25-27 March 2013

A three day series of seminars in London jointly hosted by the London School of Economics and Political Science and the European Bank for Reconstruction and Development



Law and Financial
Markets Project

Conference Co-Chairs:
Frederique Dahan and **Roger McCormick**

FINANCIAL MARKETS LAW AND REGULATION FOR TRANSITION ECONOMIES

This series of seminars is held over a three day period at the London School of Economics and Political Science (LSE) and the European Bank for Reconstruction and Development. It offers the opportunity to examine in depth, with leading academics and experienced practitioners, the key issues of particular sensitivity for transition economies in areas related to the regulation of financial markets. The seminars, which will be designed to stimulate open discussion (with delegate numbers being limited to approximately 35) will be of interest to all lawyers based, or practising in, transition economies as well as regulators and judges involved in the issues.

Background

Law and regulation are a fundamental part of the toolkit for economic and political change. Countries that wish to make the transition from "command" economies to something akin to a market economy need to implement legal changes in order to facilitate the necessary economic and political changes. This is not an easy or straightforward process and it takes time. Time is itself a precious commodity in countries that wish to establish and maintain securities markets and financial systems that serve the needs of their citizens.

The situation is made more complex by the advent of global markets across the entire world – especially in banking and finance – and the accompanying demands for more globally consistent laws and regulations to serve and regulate those markets.

The seminars will explore these topics. The sessions will take into account both the common law regimes that often apply to financial market systems and transactions and the civil law tradition of transition countries.

Delegates will be presented with a Certificate of Attendance at the conclusion of the seminars.

LSE's Law and Financial Markets Project

These seminars are being arranged as part of the ongoing programme of LSE's Law and Financial Markets Project. Any profits from these

seminars will be used to fund the Project's activities and other Law Department activities at LSE. More information about the project and opportunities to participate in its activities can be found at its website lse.ac.uk/collections/law/projects/lfm

The EBRD Legal Transition Programme

The EBRD is associated with these seminars as part of its Legal Transition Programme, an initiative to contribute to the improvement of the investment climate in transition countries. Programme activities focus on the development of legal rules and establishment of the legal institutions and culture on which a vibrant market-orientated economy depends. More information about the programme can be found at www.ebrd.com/law

Public event

What should economists and policymakers learn from the financial crisis?

It is intended that attendance on this course will give participants the opportunity to attend a public event at LSE on 25 March which will feature Dr Ben S Bernanke, chairman the board of governors of the US Federal Reserve System and Olivier Blanchard, economic counsellor and director of the Research Department at the International Monetary Fund.



SPEAKER PROFILES

Tony Besse

has 32 years' experience as a finance lawyer with Freshfields Bruckhaus Deringer, including 22 years as a partner

Tony is a French national educated in the UK, and qualified as an English Solicitor and a French Avocat. Much of Tony's career at Freshfields was spent in Paris, where he specialised for several years in derivatives, securitisation and banking work. He also advised on a number of major credit derivative and CLO transactions. Most recently, Tony specialised in cross border insolvency, and was a lead adviser in the restructurings of Alstom, Eurotunnel and Technicolor. Tony is now a legal training and development consultant and is based in Oxford. He has worked with the Oxford University Faculty of Law and has lectured to postgraduate students on the Masters in Law and Finance course. He is also a careers adviser for the Oxford University Careers Service and the Oxford University Faculty of Law.

Professor Julia Black

is a worldwide recognised expert in financial markets regulation. Julia joined the Law Department at the London School of Economics and Political Science in 1994

Julia completed her first degree in Jurisprudence and her DPhil at Oxford University. Her primary research interest is regulation. In 2001-02 she received a British Academy/Leverhulme Trust Senior Research Fellowship and in 2007-08 was a Visiting Fellow at All Souls College, Oxford. She has written extensively in the area of regulation, and also advised policy makers, consumer bodies and regulators on issues of institutional design and regulatory policy. She is also a research associate of the ESRC Centre for the Analysis of Risk and Regulation (CARR), based at LSE.

Gian Piero Cigna

an Italian qualified attorney, is the corporate governance specialist in the Legal Transition Team

Prior to joining the EBRD, Gian Piero worked on corporate governance and capital markets related issues at the European Commission and at the Italian Ministry of Economy. He practices law in international law firms in Italy, Albania and Romania and acted as consultant to international organisations and various state institutions and ministries in Eastern Europe. In Albania he was advisor to the Ministry of Economy for the privatization of state owned enterprises in strategic sectors. In the Czech Republic he worked as "Pre Accession Advisor" to the Ministry of Justice and the Czech Securities Commission for the approximation of the Czech legislation with EU standards. He graduated in law in Italy and attended postgraduate studies in the Netherlands and US focusing on European and International business law. Publications include several essays on corporate governance, capital markets and banking law most recently with a focus on emerging markets in Eastern Europe and Central Asia.

Frederique Dahan

serves as Lead Counsel and Head of the Financial Law Unit in the Legal Transition Team of the EBRD, which provides legal reform assistance to the countries of central and Eastern Europe and the former Soviet Union

Frederique oversees all of the FLU legal reform projects concerning secured transactions and access to credit, insolvency and creditors' rights, corporate governance and securities markets. She personally leads all secured transactions projects – with country-specific projects currently on-going in Mongolia, Russia and Ukraine. Frederique is a recognised expert in the subject matter, having personally worked on some of the key EBRD standards setting projects on secured transactions, collateral registers and mortgage lending. Prior to joining the EBRD in 2000, Frederique worked as a Lecturer at the University of Essex, in the United Kingdom, teaching Comparative law, European Company Law, Cross-Border Insolvency and Business and Corporate Law Issues in Central and Eastern Europe. She was also a Research Fellow at the Institute of Advanced Legal Studies in London, UK. Frederique has published numerous articles on secured transactions, including in the *Butterworths Journal of International Banking and Financial Law*, *Law and Financial Markets Review*, *Penn State International Law Review*, *Uniform Law Review*, *European Business Law Review* and *Uniform Commercial Code Law Journal*. She is also the Editor (with John Simpson) of the work on *Secured Transactions Reform and Access to Credit*, 2008, Elgar. Frederique is a qualified French solicitor. She received her Doctorate in Law from the University of Paris I Panthéon-Sorbonne.

David Ereira

is a partner in Linklaters LLP

David is based in London. He has extensive experience of working on resolution of reorganisation of financial institutions both in the UK and internationally and is one of the team of Linklaters partners representing the administrators of Lehman Brothers (Europe) International. He has advised banks, regulators and investors on various aspects of bank insolvency and resolution including current proposed reforms. He has also been involved advising sovereigns and others on various aspects of the eurozone crisis. He is a member of the Financial Law Committee of the City of London Law Society and he served on the experts committee advising HM Treasury on development of the Special Administration Regime for investment firms. Before joining Linklaters he was a partner at Freshfields for many years and, before that, a partner at Wilde Sapte, where his earliest experience of bank resolution related to the demise of Banco Abrosiano. He has a law degree from Manchester University and a master's in mathematics. He is an occasional lecturer at the London School of Economics and Political Science and Manchester University. He is chairman of the board of the Insolvency Service of England and Wales and a trustee of Marie Curie Cancer Care.

Jeffrey Golden

is chairman of the **PRIME Finance Foundation** in The Hague, and a member of the Foundation's Panel of Recognised International Market Experts in Finance, a Visiting Professor in the Law Department at LSE and a Governor of the School, and a Director of MFX Solutions, Inc, an industry initiative providing currency hedging for microfinance

Jeffrey recently retired from international law firm Allen & Overy LLP, which he joined as a partner in 1994 after 15 years with the leading Wall Street practice of Cravath, Swaine & Moore. He was the founding partner of Allen & Overy's US law practice and senior partner in the firm's global derivatives practice and has extensive experience of a wide range of capital markets matters. He acts for the International Swaps and Derivatives Association, was a principal author of ISDA's master agreements and has appeared as an expert witness in several high profile derivatives cases.

Jeffrey is Chair of the Society of English and American Lawyers (SEAL), a former Chair of the American Bar Association's Section of International Law, an elected member of the American Law Institute and a Life Fellow (Co-Chair, International) of the American Bar Foundation. He also serves on the Steering Committee of the ABA/UNDP International Legal Resource Center, on the ABA Commission on Ethics 20/20 and as a member of the ABA House of Delegates.

He studied at Duke University, the London School of Economics and Political Science and Columbia University School of Law, from which he received his JD. degree with honours in 1978. He is General Editor of the *Capital Markets Law Journal* (Oxford University Press), a trustee of the International Bar Association Foundation, Chairman of the LSE Alumni Association, and a member of the International Advisory Board of Columbia Law School and the International Lawyers for Africa (ILFA) Advisory Committee.

Cally Jordan

is a full-time faculty member at Melbourne Law School in Australia specialising in international capital markets

Cally has degrees in civil and common law (LLB/BCL) from McGill University and a graduate degree in civil law (DEA) from the Université de Paris I (Panthéon-Sorbonne) where she studied with Jacques Ghestin, Genevieve Viney and Paul Lagarde

Prior to her legal studies, Cally received an MA from the University of Toronto. She is admitted to practice in Canada, New York, California and Hong Kong.

She spent several years in the New York office of Cleary, Gottlieb, Steen & Hamilton practising international finance and has spent over a decade working in many capacities with the World Bank, the ADB, UNDP, CIDA and the IFC. Her practice has taken her to Indonesia, Vietnam, Tunisia, China, Chile, Korea, Slovakia, Armenia, Macedonia, Lithuania, Egypt, Kenya, Uganda, Tanzania, Bahrain, Mauritius and Cambodia.

She is a full time faculty member at Melbourne Law School in Australia and prior to that at McGill University where she was also a member of the Institute of Comparative and Private Law. She teaches Business Associations, International Capital Markets Regulation, International Perspectives on Corporate Governance and Comparative Law.

In 2010, she was a Visiting Professor at Duke Law School, followed by a semester at Georgetown's Center for Transnational Legal Studies in London. In 2012, she was a visiting fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg, Germany and in 2013 is visiting at the London School of Economics and the British Institute of International and Comparative Law. Currently, she is writing a book, *International Capital Markets: Law and Institutions*, for Oxford University Press (UK). She was elected to the American Law Institute in 2004 and to the European Law Institute in 2012.

David Kershaw

is a Professor of Law at the London School of Economics and Political Science specialising in corporate law, takeover law and accounting regulation

David joined the LSE in 2006. Prior to joining the LSE he was a Lecturer in Law at the University of Warwick between 2003-06. He is admitted to the New York Bar and is a qualified UK solicitor. Prior to his academic career, he qualified as a solicitor at Herbert Smith, London and practised corporate laws in the Mergers and Acquisitions Group of Shearman & Sterling in New York and London. He holds an LLM and a doctorate from the Harvard Law School and a LLB from the University of Warwick. His primary areas of research are corporate law, takeover law and accounting regulation. His most recent book, *Company Law in Context*, was published by Oxford University Press in 2009.

Jacek Kubas

is a Legal Specialist in the Financial Law Unit of Legal Transition Team of EBRD, involved in EBRD's Local Currency and Local Capital Markets Initiative

Jacek specialises in debt capital markets and derivatives, focusing on legal and regulatory reform in EBRD's countries of operations: Russia, CIS (including Central Asia), Turkey and North Africa. Prior to joining EBRD, Jacek worked as a legal counsel in the Financial Law Division of the European Central Bank, Frankfurt; Germany, providing legal advice on monetary policy implementation and crisis related measures, and at Warsaw office of Allen & Overy LLP. Jacek graduated from the University of Gdansk School of Law, obtained an LLM. in Financial Services Law from Chicago Kent College of Law and a postgraduate law degree in International Trade Law from European Institute of University Studies in Turin, Italy. In addition, he completed various courses in banking at German leading universities. Jacek is a New York qualified attorney.

André Küüsvek

is a Director of EBRD's Local Currency and Local Capital Market Initiative

André's earlier experience includes being the Ukraine country manager for EBRD (2008-13), the largest foreign investor to Ukraine and the EBRD Country Director for Kazakhstan in 2004-08. Earlier in his career, André was leading project teams investing equity and debt in financial institutions across the Central and Eastern Europe and the CIS in 1996-2004. At that time he was also the EBRD's bank-wide coordinator for capital markets and stock exchanges, as well as the financial sector coordinator for several countries.

André had started his banking career as one of the first commercial bankers in Estonia, heading the international departments in Tartu Kommertspank and Tallinna Pank in the early 90's. He has also lived in Germany, working for a private bank Schröder Münchmeyer Hengst in 1992, and for Dresdner Bank in 1995-96. André has served in the boards of over 30 banks, insurance companies, equity funds and enterprises. André is a regular contributor to policy initiatives and conferences, promoting market economy principles and reforms.

Born and grown up in Tallinn, Estonia, André graduated from the Tallinn Technical University, having attended courses in Hungary and Finland and writing his theses in Germany. He is also a graduate of Estonian Business School and Stockholm School of Economics in Sweden.

Isabelle Laurent

is the Deputy Treasurer and Head of Funding at EBRD

Isabelle spent 13 years in London and Hong Kong in treasury, fixed income origination, and swaps trading and marketing with Swiss Bank Corporation International, Nomura International and NatWest Markets where she became Director of Debt and Derivatives Marketing in 1996.

She joined EBRD in 1997 as Deputy Head of the Treasury Funding team, and was promoted to Deputy Treasurer and Head of Funding in 2003. In addition to overseeing EBRD's issuance in the capital markets, Isabelle also focuses on capital markets' development in EBRD's countries of operations.

Isabelle studied Russian and French at Oxford and the Sorbonne.

Jelena Madir

is a principal Counsel at EBRD, where her practice focuses on a variety of international financing transactions in Central and Eastern Europe, Russia, Central Asia and Turkey

Prior to joining EBRD, Jelena worked as a finance and capital markets lawyer at Cleary Gottlieb Steen & Hamilton LLP in Washington, DC; Shearman & Sterling LLP in Frankfurt, Germany; and Privredna Banka and DLA Piper LLP in Zagreb, Croatia. She is a graduate of Dartmouth College (BA Government and Asian Studies) and Columbia University School of Law (JD) and is qualified in Washington, DC and England and Wales. Jelena also lectures at the Zagreb School of Economics and Management in Croatia. She has published a number of articles and books in Croatia on capital markets and corporate governance issues.

Roger McCormick

is a Visiting Professor at the London School of Economics and Political Science, where he is also the Director of its Sustainable Finance Project

Roger retired from full-time private legal practice in 2004, having practised law in the City of London for nearly thirty years. The second edition of his book, *Legal Risk in the Financial Markets* was published by Oxford University Press in December 2010. This is the topic of an LLM course that he teaches at LSE (where he also teaches a course on Project Finance and PPPs). He is also an external examiner at University College, Dublin and an occasional lecturer on project finance (for the BCL course) at Oxford University.

Roger is a past co-chairman of the IBA's Banking Law Committee and recently contributed the UK chapter to the IBA's *Task Force Report on the Financial Crisis* (October 2010). He was the founder, and General Editor, of *Law and Financial Markets Review* (Hart), retiring as General Editor, after four years, in December 2010.

Roger works as a consultant from time to time, advising on legal risk management and other matters, and is frequently asked to act as an expert witness or as an arbitrator. He has acted as an expert witness in connection with court proceedings in the UK and also New Zealand. He is currently acting as an arbitrator in connection with a number of disputes that are subject to the London Court of International Arbitration. He also recently advised the Guernsey Financial Services Commission on various aspects of legal risk management and the preparation of a Guidance Note on that topic. Roger's charity work includes acting as Chairman of Save The Children Cricket.

Joanna Perkins

is secretary of the Financial Markets Law Committee (FMLC) from 2004 to 2010 and is now the Director of the FMLC

Joanna's role involves directing initiatives to tackle legal uncertainty affecting the wholesale financial markets. She also participates in expert groups established by HM Government and has acted as a UK delegate to working groups of the UN and the Council of the European Union.

After completing a Doctorate in Law at Oxford University, where she worked as a lecturer, Joanna was called to the Bar in 2001. She recently appeared for the third respondent in *Lomas & Ors v JFB Firth Rixson & Ors* [2010] EWHC 3372.

In 2011, Joanna was appointed to the Panel of Recognized International Market Experts In Finance (also known as "PRIME Finance"), which was created by the World Legal Forum foundation.

Joanna previously managed an unfair contract terms project for the Law Commission. She has held lectureships at Durham University, Université Panthéon-Assas (Sorbonne) and Birkbeck College (University of London). She is an occasional guest lecturer at the London School of Economics and Political Science and at University College Dublin.

She has published articles on, inter alia, financial law and the conflict of laws.

Peter Tabak

is Senior Economist and Advisor at EBRD's Local Currency and Local Markets Initiative

After senior economic policy roles at the Prime Minister's Office and the Ministry of Finance as Head of the Economic Policy Department Mr Tabak returned to the Magyar Nemzeti Bank as Head of Financial Stability responsible for preparing the Financial Stability Report of the Magyar Nemzeti Bank, doing stress testing of financial institutions and liaising with international organisations on financial stability issues. Peter joined the Chief Economist's Office at EBRD as a Senior Economist and Advisor and now works at EBRD's Local Currency and Local Capital Markets Initiative.

Rüdiger Woggon

is Chief Counsel at EBRD's Office of the General Counsel and heads up the Finance Team

Rüdiger and his team advise on EBRD's funding operations, derivatives, repos, cash and custody accounts and a variety of other Treasury matters. Rüdiger joined EBRD in 1999. After graduation from law school and admittance to the bar in 1987 in Germany, he worked as an associate for a law and tax firm and afterwards as a research fellow at the University of Konstanz (Germany) where he earned his doctorate in law. Prior to joining EBRD, he worked in the capital markets department of Bankgesellschaft Berlin AG in Berlin and London.

OUTLINE OF PROGRAMME

Please note that the details below are subject to change. Details of venues (conference rooms etc) will be made available following registration.

Registration

If you would like to register for attendance please contact:

Amanda Tinnams

Email: A.Tinnams@lse.ac.uk

A place will be reserved for you once you have been registered and on receipt of your payment by no later than 15 March 2013, but please note that LSE and EBRD reserve the right to refuse to accept any person for regulation. As places are extremely limited you are advised to register as soon as possible.

Fees

The cost of attendance for the Financial Law Issues for Lawyers on Transition Economies, not including accommodation, will be £1,750. This fee will include lunches and a drinks reception. The registration fee must be paid five days before commencement of the course.

Discount: If you register before 1 March 2013, an early booking discount will be offered and the course cost will be £1,600

Methods of Payment

By cheque – sterling cheque only made payable to “The London School of Economics”

By invoice – please contact Amanda Tinnams for details

By credit/debit card – please register using the online system

http://eshop.lse.ac.uk/browse/extra_info.asp?compid=1&modid=2&prodid=132&deptid=191&catid=20

Subsidised places may be available for delegates working for regulators, courts or official organisations. Please register your interest

Cancellation Policy

No refunds under any circumstances except cancellation of the seminars.

Disclaimer Policy

If participants numbers are low the course may be cancelled. Refunds for the course registration fee only will be applicable.

Tickets to attend the public event at LSE on 25 March cannot be guaranteed (see introduction page).



Monday 25 March 2013

Objectives, structures and the role of law and regulation in financial markets

Co-Chairs for the day: **Jacek Kubas** and **Roger McCormick**

9.30am – 11am: SESSION ONE

An overview of the role of law and regulation in financial markets

Roger McCormick and Jacek Kubas

What does the law need to “deliver” for financial markets to function safely and effectively

Legal Certainty

- How can it be achieved and preserved
- The role of sound law and regulation in creating and preserving markets and market confidence
- Common law and Civil law approaches

Trusts and their application in the market (and their alternatives)

Soft law

- Particular advantages in global regulation
- Differences between “law” and “regulation”

Prudential regulation and conduct regulation

- Financial stability
- Approaches to regulation used in the UK and EU
- The limits of what regulation can achieve
- Regulatory arbitrage
- “Global in life, national in death”

Overview of key areas of substantive law, in particular

- Set-off and netting, financial collateral, other kinds of security (and quasi-security) for indebtedness
- Principles of insolvency law, multi-tiered holding systems for securities, “resolution” regimes, protection of depositors and consumers; fiduciary duties and “caveat emptor”

11am – 11.30am: COFFEE

11.30am – 1pm: SESSION TWO

General trends in global financial regulation: architecture and rationales

Julia Black and Peter Tabak

What has changed since the crisis

Anticipated future directions

“Going it alone” and the dangers of regulatory arbitrage

The new EU and international bodies

1pm – 2.15pm: LUNCH

2.15pm – 3.45pm: SESSION THREE

Financial regulation in the aftermath of the crisis – a UK perspective

Julia Black

UK reforms – what went wrong?

Is “twin peaks” the right way forward?

Coordinating macro and micro financial regulation

Consumers and professionals: time for a new approach?

3.45pm – 4pm: TEA

4pm – 5pm: SESSION FOUR

Lessons from Lehman (1): the general issues raised by the insolvency with particular focus on client money protection

David Ereira

The different Lehman “estates”

Personal claims and property claims

Practical issues compared with legal issues

The client money case

What the administrators wanted; and what they got

Practical consequences of client money decision

Client asset protection

Comparison of UK and New York regimes

Reforms

Tuesday 26 March 2013

The content of key regulatory measures and key elements of financial law

Co-Chairs for the day: **André Küüsvek** and **Julia Black**

9.30am – 11am: SESSION ONE

Re-thinking market abuse in emerging economies

Jelena Madir and Cally Jordan

The role of financial institutions in combating financial and “serious” crime

Financial Action Task Force (FATF) and anti-money laundering and counter-terrorist financing measures of EBRD, ECB, IMF, Interpol, IADB, OECD and UNODC

Internationalisation of anti-corruption measures (Agreement for Mutual Enforcement of Debarment Decisions, EBRD's Offshore Jurisdiction Policy and enforcement procedures of the World Bank, EBRD, ADB and IADB)

European Union Directives on Market Abuse and Money Laundering

Reporting requirements

Market abuse
Anti-money laundering
Erosion of duties of confidence

Intelligence agencies: Interpol, Europol, Egmont

Delineating the boundaries of insider dealing and market manipulation

Enforcement

Civil sanctions
Criminal prosecutions

Internationalisation of compliance procedures and governance measures (Chinese walls, anti-money laundering, anti-corruption, fraud prevention, the influence of the Development Banks)

11am – 11.30am: COFFEE

11.30am – 1pm: SESSION TWO

General issues relating to derivatives

Jeffrey Golden

Documenting derivatives transactions and derivatives trading relationships

Introducing the ISDA Master Agreement: key principles, provisions and issues; local law and local language contracts

The contract as statute

Differences between the legal analysis of derivatives contracts and loan relationships

Derivatives market infrastructure

Over the counter (OTC) trading versus trading platforms and derivatives exchanges

Central clearing counterparties; payments and securities settlement systems

Role of trade bodies

Developing a legal and regulatory framework for derivatives

Systemic risk

Role of regulation; regulatory reform and challenges

Complementary role of courts and judges

Questions and challenges for transition economies

1pm – 2.15pm: LUNCH

2.15pm – 3.45pm: SESSION THREE

Risk mitigation and dealing with legal uncertainty

Joanna Perkins and Jeffrey Golden

Why Financial Markets dislike legal uncertainty

Why banks take security

The importance of certainty in security interest law

Commercial law risk mitigation tools

Security interests, quasi security interests and financial collateral
Set-off and netting
Recharacterisation risk

The backdrop of general insolvency law principles

General/domestic view
Cross-jurisdictional view

The need for harmonisation

The role of the Financial Markets Law Committee in the UK (and similar bodies in other jurisdictions)

Dispute settlement in the financial markets, including arbitration, mediation and the role of expert witnesses

PRIME Finance, an innovative collaboration and its potential relevance to transition economies

3.45pm – 4.15pm: TEA

4.15pm – 5.15pm: SESSION FOUR

The corporate governance of companies and banks

David Kershaw and Gian Piero Cigna

Composition themes:

NEDS – knowledge versus independence
The role of the chairman

Why treat banks differently through governance regulation

UK approach to bank governance

Corporate Governance Code: comply and explain or comply or else
Fit and proper purpose regime

Governance lessons from the crisis

Regulatory response to the crisis – Governance and risk management
Don't always comply? Experience; CEO to Chairman; former employees
Enhanced fit and proper purpose regime

6pm: DRINKS RECEPTION AT LSE

(kindly sponsored by Squire Sanders (UK) LLP)

Wednesday 27 March 2013

Regulating, Enabling and Learning from Experience

Co-Chairs for the day: **Rüdiger Woggon** and **Roger McCormick**

9.15am – 11am: SESSION ONE

Credit derivatives: the good, the bad and the ugly

Tony Besse

What credit derivatives are, how they work and how they are used

How credit derivatives are documented.

The legality of credit derivatives – are they contracts of insurance?

The key elements of a credit default swap.

A look at the role of credit default swaps in the financial collapse of 2008.

How credit default swaps can affect financial restructurings.

11am – 11.30am: COFFEE

11.30am – 1pm: SESSION TWO

General derivatives issues: a banker's perspective

Isabelle Laurent

Derivatives – what are they, why are they needed and how are they used?

Risk transfer: hedging, speculation, arbitrage and market-marking

Use of derivatives in bank finance, capital markets issues, securitisations and structured financings

Derivatives as funding transactions

The use of derivatives: criteria for distinguishing legitimate from illegitimate uses of derivatives

Derivatives market infrastructure

Over the counter (OTC) trading versus trading platforms and derivatives exchanges

Central clearing counterparties

1pm – 2.15pm: LUNCH

2.15pm – 3.45pm: SESSION THREE

What financial markets expect from secured transactions law

Roger McCormick and Frederique Dahan

Assets that can be secured

Who can benefit from security

Specific issues relating to future assets and circulating assets

Position on insolvency

Quasi-security

Negative pledges

Registration and publicity

Priority

Legal certainty

Transaction costs

3.45pm – 4.15pm: TEA

4.15pm – 4.45pm: SESSION FOUR

Lessons from Lehman (2) : a study of recent case law related to the Lehman collapse and the lessons to be learned

Roger McCormick

Problems with “client assets”(other than client money): re-hypothecation, rights of use and regulatory issues;

Dematerialised securities and added layers of complexity

“Global in life, national in death”: legal risk and practical implications

Questions of invalidity and interpretation with market standard documents

The importance of the “anti-deprivation principle”

Behaviour of banks: what we learn from the law reports and recent LIBOR scandals

4.45pm – 5.30pm: SESSION FIVE

Round-up and round table discussion

For further information please contact:
Michel Nussbaumer: **nussbaum@ebrd.com**
or Amanda Tinnams: **A.Tinnams@lse.ac.uk**

The information in this brochure can be made available in alternative formats, on request. Please email: **A.Tinnams@lse.ac.uk**

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