SYMPOSIUM BIBLIOGRAPHY: Selected Insolvency and Bankruptcy Resources

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SYMPOSIUM BIBLIOGRAPHY

SELECTED INSOLVENCY AND BANKRUPTCY RESOURCES

Jean J. Davis*
Victoria J. Szymczak**

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INTRODUCTION

This issue of the Brooklyn Journal of International Law discusses cross-border insolvencies, international insolvency projects, and various nations' insolvency laws. To complement this issue, we have prepared a bibliography of selected insolvency and bankruptcy resources, including (1) materials published from 1994 to the present, and (2) regularly updated treatises and collections of laws published prior to 1994. The bibliography refers to useful print and Internet resources, focusing on sources discussed at the “Bankruptcy in the Global Village” symposium held at Brooklyn Law School on September 19, 1996. Speakers at the symposium highlighted the domestic insolvency laws of the Commonwealth of Australia (“Australia”), Canada, the Federal Republic of Germany (“Germany”), the Territory of Hong Kong (“Hong Kong”), Japan, the United Mexican States (“Mexico”), the People's Republic of China (“China”), the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”), and the Socialist Republic of Vietnam (“Vietnam”). This bibliography offers suggestions for locating these laws.

I. GUIDES TO LOCATE PROFESSIONALS


   Bankruptcy Creditors' Service, Inc. and Beard Group,
Inc. maintain this Internet site. It includes a link to *Worldwide Directory of Bankruptcy & Insolvency Professionals* (“last modified” date varies based on region and profession selected) <http://bankrupt.com/dir.html>.

II. SELECTED ORGANIZATIONS AND THEIR PUBLICATIONS

A. INSOL International
18-19 Long Lane
London EC1A 9HE
England
Telephone: (+44) 171 796 4344
Fax: (+44) 171 796 2353
C. Garth MacGirr, President
This organization focuses on international issues of insolvency practice.
*INSOL INTERNATIONAL* (last modified Dec. 17, 1996) <http://www.insolvency.co.uk/ipbodies/insol.htm> describes this organization's goals, member associations, and upcoming events.
*INSOL INTERNATIONAL Member Organisations by Headquarters* (last modified Dec. 14, 1996) <http://www.insolvency.co.uk/ipbodies/insolmem.htm> includes names, addresses, telephone numbers, and fax numbers of contact persons worldwide. Publications include:
*International Insolvency Review: Journal of the International Association of Insolvency Practitioners* (biannual journal — formerly *INSOL International Insolvency Review*).
*INSOL WORLD* (periodic newsletter distributed without charge to “member professionals” of INSOL International)

B. International Bar Association
271 Regent Street
London W1R 7PA
England
Paul Hoddinolt, Executive Director
Telephone: (+44) 171 629 1206
Within the Section on Business Law, there is an Insolvency and Creditors’ Rights Committee (“Committee J”). Committee J (last modified Dec. 12, 1996) <http://www.casselsbrock.com/jbase.html> is the World Wide Web version of the Committee J International Insolvency Database. This fee-based database currently includes 1) many articles and papers presented at Committee J functions during the past ten years, 2) additional papers provided by Committee J members, and 3) selected documents, such as Committee J’s April 1996 Report on the UNCITRAL Insolvency Project. Currently, researchers may search for material in this database by author, title, and country or jurisdiction discussed in a particular document.

Publications of Committee J include:
International Insolvency and Creditors’ Rights Report; Newsletter of Committee J: Insolvency and Creditors’ Rights.

The Annex to Jonathan Pratter’s International Insolvency Bibliography: Commentary in Books and Journals (described in Section V below) includes a helpful list of Committee J publications. This list is current through 1994.

C. American Bar Association, Section of Business Law, Business Bankruptcy Committee, International Bankruptcy Subcommittee.


Publications of the Section of Business Law include:
Business Law Today (bimonthly magazine); The Business Lawyer (quarterly business and financial law journal).

D. American Bankruptcy Institute
44 Canal Center Plaza, Suite 404
Alexandria, Virginia 22314
USA
Telephone: (+1) (703) 739 0800
Fax: (+1) (703) 739 1060
E-mail: abi@pipeline.com
Robert E. Feidler, Chair, International Committee
Mary Jo Heston, Chair, INSOL Subcommittee

See Committees of the American Bankruptcy Institute
Publications include:
Cracking the Code: A Newsletter of Insolvency Issues
American Bankruptcy Institute Journal (10 issues/yr.).
American Bankruptcy Institute Law Review (biannual law review).

Note: The American Branch of the International Law Association also has an international insolvency committee. The January 1997 issue of the ILA Newsletter of the American Branch and the 1995-1996 Proceedings of the American Branch of the International Law Association indicate that the position of international insolvency committee “organizer” is vacant.

III. ELECTRONIC MAILING LISTS

A. Unmoderated Discussion Group for Bankruptcy Professionals, Law Students, and Finance Students
BANKRLAW@polecat.law.indiana.edu

B. Unmoderated Forum for Bankruptcy Professionals
ROUNDTABLE@bankrupt.com

C. Bankruptcy and Insolvency Newswire
TWN (T & W Newswire)

Note: Descriptions of, and subscription instructions for, these lists appear at the electronically accessible guide Law Lists (last updated Oct. 15, 1996) <http://www.lib.uchicago.edu/cgi-bin/law-lists>. Lyonette Louis-Jacques, Foreign and International Law Librarian and Lecturer in Law at the University of Chicago D'Angelo Law Library, maintains this extremely useful resource. A researcher needs an electronic mail account with Internet access to subscribe to an electronic mailing list.
IV. LEGAL PERIODICALS

A. Annual Survey of Bankruptcy Law. Wilmette, IL: Clark Boardman Callaghan, 1979-. (Law Rev. — P An933)


Volume 64, Issue no. 6 (May 1996) is a survey issue regarding international insolvencies.


Note: Researchers may obtain citations to additional useful legal periodical articles by consulting indexes such as: Current Index to Legal Periodicals (primary focus: United States — WESTLAW database CILP contains the eight most recent issues of this weekly publication), Current Law Index (primary focus: United States), Index to Legal Periodicals and Books (primary focus: United States), Index to Foreign Legal Periodicals, European References (CD-ROM product), European Legal Journals Index, Canadian Current Law: Canadian Legal Literature and Legal Journals Index (primary focus: United Kingdom).

V. BIBLIOGRAPHIES


Jonathan Pratter is the Foreign and International Law Librarian at the Tarlton Law Library, Jamail Center for Legal Research, University of Texas at Austin. Pratter’s bibliography provides comprehensive coverage of secondary sources on international insolvency through 1994. It will greatly benefit those who are building international insolvency collections. Pratter describes the contents of collective works.


This work includes a brief section (p. 18) on cross-border insolvency. Available in the library’s United Nations Documents and Publications Law Library
VI. RESEARCH AND PRACTICE GUIDES


Within the entry for a particular country or jurisdiction, consult the subject heading BANKRUPTCY (INSOLVENCY) to obtain titles of, and citations to, relevant legislation. (Latest update: Feb. 1997).


This guide provides titles of, and citations to, primary and secondary sources in Chapter IV, pp. 57-61, BANKRUPTCY. (Latest update: Aug. 1995).


The Guides to Doing Business series is a key part of the Hieros Gamos World Wide Web site. This series includes guides to over 50 jurisdictions, written in English. These guides provide helpful overviews for business professionals. Hong Kong is one of the jurisdictions that researchers may select by scrolling down the Hieros Gamos World Wide Web page. Johnson, Stokes & Master, a large Hong Kong law firm, prepared the Hong Kong Guide in December 1995. The publication includes a 2½ page summary of the Hong Kong insolvency law. This guide explains that the insolvency laws of Hong Kong companies, and the operations of foreign corporations, appear in the Hong Kong Companies Ordinance and subsidiary legislation. Researchers may download the entire document, without charge, from this site. Although gaining access to the Hieros Gamos World Wide Web site can take five minutes or longer, the “zipped” Hong Kong Guide file downloads quickly. The Hieros Gamos World Wide
Web site provides unzip software.


Chapter 20 of this guide for practitioners discusses creditors' rights and bankruptcy.


This multivolume treatise focuses on United States laws and practice. One useful section is: Volume 2, Chapter 304 (“Cases Ancillary to Foreign Proceedings”). Additional helpful references appear in the index under headings such as: FOREIGN PROCEEDINGS and FOREIGN REPRESENTATIVES. (Latest update: Feb. 1997).


This multivolume treatise primarily concerns United States laws and practice. Volume 6A, Chapter 152 concerns international insolvencies. This volume includes Appendix 152, which reproduces, in English, the Mexican Law of Bankruptcy and Suspension of Payments. (Latest supplement: Feb. 1997).


Chapter 31 focuses on bankruptcy. (Latest supplement: 1996).

VII. COMPARATIVE LAW ENCYCLOPEDIA


VIII. PRINT SOURCES OF LAWS


This multivolume reference work includes citations to, and abstracts of, the commercial laws of Australia, Canada, China, England, Germany, Hong Kong, Japan, Mexico, the Republic of Ireland, and Scotland. Within the entry for a particular country or jurisdiction, consult the section: BANKRUPTCY AND COMPOSITION. (Latest release: Mar. 1997).


Currently, this multivolume compilation includes selected, full-text commercial laws of Australia, Canada, Germany, Hong Kong, Japan, Mexico, and the United Kingdom. Foreign Tax Law Publishers translates into English laws of countries whose official language is not English. Publication dates of specific volumes vary. Researchers may update information in this compilation with the publisher’s *Foreign Tax Law Bi-Weekly Bulletin*, which covers selected new, and proposed, commercial laws and tax laws. For example, volume 1995, number 1 of the *Bi-Weekly Bulletin* states that a new German insolvency law (Insolvenzordnung) will become effective on January 1, 1999, and explains that this law appeared in the October 18, 1994 Bundesgesetzblatt. Volume 1995, number 8 of the *Bi-Weekly Bulletin* provides English translations of
1994 amendments to the German Bankruptcy Ordinance (Konkursordnung) of February 10, 1877.

   This multivolume work includes selected foreign investment laws of China, Mexico, and Vietnam. (Latest update: Mar. 1997).

   This multivolume compilation includes selected, full-text tax laws of Australia, Germany, Hong Kong, Japan, and the United Kingdom. Foreign Tax Law Publishers translates into English laws of countries whose official language is not English. Publication dates of specific volumes vary. Researchers may update information in this treatise with the publisher's Foreign Tax Law Bi-Weekly Bulletin. For example, volume 1997, number 3 of the Bi-Weekly Bulletin contains highlights of the 1997 Mexican Tax Reform Law.

   This work includes chapters on German and Japanese insolvency laws.

Note: Researchers could identify official and unofficial sources of a country's laws by consulting Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World and Transnational Law Research, previously described in Section VI of this guide.

IX. LEXIS-NEXIS SOURCES OF LAWS

A. Library: ASIAPC (Asia and Pacific Rim Library), files: CHINAL (China Laws and Regulations from the People's Republic of China), BBCSWB (BBC Summary World Broadcast)
   Researchers may be able to update information in
CHINAL by conducting the following search in the BBCSWB file: HLEAD (insert keywords from a Chinese law)

B. Library: AUST (Australia Library), files: HALSAU (Hal- sbury’s Laws of Australia), COMACT (Australian Common- wealth Acts), COMREG (Australian Commonwealth Regulations)

C. Library: EUROPE (Europe Library), file: ECLAW (European Communities Law)

D. Library: MEXICO (Bienvenidos a la Biblioteca de Mexico/Mexico Library), file: MXFED (Leyes Federales, Diario Oficial)
   Data is in Spanish.

E. Library: UNITED KINGDOM (United Kingdom/British Isles), file: STATIS (A group file of current General Public Acts and Statutory Instruments of England and Wales, which also includes selected Scottish Acts relevant to England)


G. Library: LAWREV (Law Review Library); ALLREV (Com- bined Law Review Files)
   Subject-specific law reviews and law journals sometimes reproduce, and often describe, new foreign laws.

Note: To determine how frequently LEXIS-NEXIS updates the previously described libraries and files, researchers should consult the appropriate LEXIS-NEXIS online guide and should contact a LEXIS-NEXIS representative.
X. WESTLAW SOURCES OF LAWS

A. CODMEX (Códigos Civil y de Comercio Mexicanos)
   Data is in Spanish.

B. MEXCODE (Mexican Civil and Commercial Codes translated by Abraham Eckstein and Enrique Zepeda Trujillo)

C. INT-EEUROPE (Commercial Laws of Eastern and Central Europe)

D. VIETNMOG (Documents from Vietnam Official Gazette)

XI. INTERNET SOURCES OF LAWS

   AustLII includes Australia’s Commonwealth Consolidated Acts and Commonwealth Consolidated Regulations. It provides the Bankruptcy Act 1966, updated through February 28, 1996. The Faculties of Law at the University of Technology, Sydney and the University of New South Wales operate AustLII.

   The publication "Mexico Business Opportunities And Legal Framework" is one of many resources on Mexico and Latin America available through the Bancomext World Wide Web home page. From this home page, researchers could select "Mexico Business Opportunities" to access the table of contents for "Mexico Business Opportunities and Legal Framework." The law firm Goodrich, Riquelme y Asociados completed this guide on June 30, 1995; however, it appears that an unnamed "Editor" subsequently added Sections XIX through the Conclusion. Section XVI of the guide, "Dissolution of Business Entities," includes a description of the Mexican Federal Bankruptcy and Suspension of Payments Law of 1943. Researchers can down-

This site contains English translations of selected Chinese laws. The Bureau of Legislative Affairs of the State Council of the People’s Republic of China provides the data, and China Expo Inc.’s editors revise the material. Category 3, “Accounting and Taxation Laws,” includes The General Rules Governing Enterprise Financial Affairs approved by the State Council on November 16, 1992, and promulgated by Decree No. 4 of the Ministry of Finance on November 30, 1992. These rules include Chapter X, Enterprise Liquidation.

D. Foreign and International Law Web (last modified Mar. 22, 1997) <http://lawlib.wuacc.edu/forint/forintmain.html>

This keyword searchable site, provided by Washburn University School of Law Library, offers links to foreign and international law primary sources and research tools.

E. A Guide to Japanese Law (last modified Apr. 21, 1997) <http://home.highway.or.jp/JAPANLAW>

This site includes “Frequently Asked Questions About Conflict of Laws” by Tatsuo Shigeta, “Frequently Asked Questions About Contract Law” by Mami Karatsu, “International Commercial Litigation in Japan” by Kenji Nakashima, and “The Legal Profession in Japan” by the Kitahama Law Office. Many of the authors of documents available at this site are lawyers licensed to practice in Japan.


In the United Kingdom, HMSO is part of the Machinery of Government and Standards Group of the Cabinet Office (Office of Public Service). HMSO’s site currently includes Public General Acts from 1996, as
originally passed by Parliament. It also contains Stat-
utory Instruments from 1997.

**G. InterNet Bankruptcy Library Worldwide Troubled Company Resources** (previously described in Section I of this guide).
This site includes a link to *Bankruptcy & Insolvency Resource Materials* (last modified Apr. 17, 1997) <http://bankrupt.com/about.html>. This link contains some foreign law resources.

**H. Internet Chinese Legal Research Center** (last modified Nov. 27, 1996) <http://www.siu.edu/offices/lawlib/chinalaw>.
Wei Luo, Assistant Technical Services Librarian and Assistant Professor at Southern Illinois University School of Law, maintains this useful site. It contains links to legal resources on China, Hong Kong, and the Republic of China on Taiwan. Luo also provides helpful suggestions for updating the laws of China.

This fee-based service of Asian Information Resources Ltd. includes laws of China and Hong Kong. The Information Centre of the State Council Legislative Affairs Bureau provides the Chinese laws, in Chinese and English.

This commercial site provides electronic or "snail mail" delivery of primary materials. NLCIFT offers the Mexican Law of Bankruptcy and Suspension of Payments in English for US$147.50 to those who are not member subscribers. For subscribers, the price is US$75.75. This site is easy to use and provides quick access to data.

The Parliament of Canada's World Wide Web site includes recent, official publications of the Canadian
Parliament. For example, this site currently provides the text of Bill C-5, An Act to amend the Bankruptcy and Insolvency Act, the Companies’ Creditors Arrangement Act and the Income Tax Act, as passed by the House of Commons on October 23, 1996. Under “Status of House Business” and the subheading “Government Bills,” a researcher may also obtain status information on Bill C-5, such as the date of Royal Assent. Researchers should use this site in conjunction with the Government of Canada Primary Internet Site (last modified Apr. 1, 1997) <http://canada.gc.ca>.

L. The UK Bankruptcy & Insolvency Website (last modified Apr. 2, 1997) <http://www.insolvency.co.uk>.
This site includes the text of the United Kingdom’s Insolvency Act 1994, the Insolvency Act (No. 2) 1994, and excerpts from the Insolvency Act of 1986. This site also offers a “Summary of Insolvency Procedures.” These are charts containing options available for companies, partnerships, and individuals, according to the Insolvency Act of 1986. This site also contains recent issues of Dibb Lupton Alsop’s Insolvency Law Update. Insolvency Solutions, Ltd. is the listed contact for responses to questions.


Pham Thuc Truong Luong is the creator and editor of Vietnam Information. This site provides links to Vietnamese legal documents, such as Vietnam Legal Documents: Enterprise (last modified June 18, 1996) <http://coombs.anu.edu.au/~vern/vninfo/docs/e.htm>. Vietnam Legal Documents: Enterprise includes English translations of the December 23, 1994 Decree of the

XII. INTERNATIONAL AND REGIONAL DOCUMENTS DISCUSSED AT THE SYMPOSIUM

   The May 23, 1995 deadline for signing this convention has expired. The United Kingdom did not sign the convention by this deadline. The authors obtained the text of this convention (in English) from the Press Office of the Council of the European Union in Brussels. Additionally, this text (in English) appears in: 35 International Legal Materials 1223 (1996); the “Documentation” section of International Insolvency Review: Journal of the International Association of Insolvency Practitioners, Volume 5, Issue 2 (Winter 1996); and this issue of the Brooklyn Journal of International Law at p. 75. See also footnote number 8 in Ian F. Fletcher’s article, “The European Union Convention on Insolvency Proceedings: An Overview and Comment, With U.S. Interest in Mind,” in this issue at p. 27.

   As of February 27, 1997, the Council of Ministers had not approved this report, therefore, this document was not available for public distribution. Future updates on the status of a revised, approved report might be available from the Public Inquiries Section, Office of Press and Public Affairs, Delegation of the European Commission in Washington, DC.

C. European Convention on Certain International Aspects of Bankruptcy/Convention Européenne sur Certains Aspects


This work includes the text of the Istanbul Convention.

E. *Cross-Border Insolvency Concordat 1995.*

Reprinted in the 1996-1997 edition of the *Annual Survey of Bankruptcy Law* (previously described in Section IV of this guide).


Available in the library's *United Nations Documents and Publications Law Library Collection* on micro-


XIII. INSOLVENCY AND BANKRUPTCY BOOKS (RECENT PUBLICATIONS APPEAR FIRST)


Includes explanatory materials and text of two German insolvency laws.


