



LAW REFORM
COMMISSION/COIMISIÚN UM
ATHCHÓIRIÚ AN DLÍ

ANNUAL CONFERENCE 2009

REFORMING THE LAW ON PERSONAL DEBT

WEDNESDAY 18 NOVEMBER 2009

MAIN CONFERENCE HALL,
DUBLIN CASTLE, DUBLIN 2

PROGRAMME

8.30 – 9.30	Registration
9.30 – 9.40	Chairperson's Address Mrs Justice Catherine McGuinness President of the Law Reform Commission
9.40 – 9.50	Opening of Annual Law Reform Conference Minister Dermot Ahern, TD Minister for Justice, Equality and Law Reform
9.50 – 10.25	Consumer Debt in Irish Society Paul Joyce Senior Policy Researcher FLAC (Free Legal Advice Centres Limited)
10.25 – 11.00	Financial Regulation Mary O'Dea Consumer Director and Acting Chief Executive Financial Regulator
11.00 – 11.30	Coffee
11.30 – 12.05	Role and Experience of MABS in Money Advice Michael Culloty Social Policy and Communications Officer MABS (Money Advice & Budgeting Services)
12.05 -12.50	Debt Enforcement: Law Reform Commission's Recommendations Patricia T Rickard-Clarke Commissioner, Law Reform Commission
12.50 – 1.00	Q and A
13.00 – 14.00	Lunch
14.00 – 14.40	Credit Law in development: Socio-legal perspectives Professor Iain Ramsay Kent Law School, University of Kent, England
14.40 – 15.20	Credit Reporting: The Future Marc Rothemund Research Fellow Centre for European Policy Studies (CEPS) European Credit Research Institute (ECRI) Brussels
15.20 – 16.00	A Debt Enforcement Office? Dr David Capper Reader, School of Law, Queen's University Belfast NI
16.00 – 16.15	Panel discussion
16.15	Concluding remarks by President of the Law Reform Commission

BIOGRAPHIES

Iain Ramsay

Iain Ramsay is Professor of Law at the University of Kent, and was previously Professor of Law at Osgoode Hall Law School, Toronto (1986-2007). His primary areas of research are regulation of consumer markets and consumption relations at the national and international level. From 2003-2007, he was President of the International Association of Consumer Law. He has written several empirical studies of consumer bankruptcy and consumer redress. He is author of a number of texts, including *Consumer Bankruptcy in Global Perspective* (2003) and *Consumer Credit, Debt and Bankruptcy* (2009). He has also acted as a consultant on consumer law to various governments and NGOs worldwide.

Dr David Capper

Dr David Capper is Reader in Law at Queen's University Belfast. His main teaching and research interests are in Private Law, Insolvency Law and Civil Procedure. He is author of *Mareva Injunctions* (1988) and *The Enforcement of Judgments in Northern Ireland* (2004). He has also written numerous articles on the merits of Northern Ireland's distinctive judgment enforcement system.

Marc Rothemund

Marc Rothemund is Research Fellow at the European Credit Research Institute (ECRI) which is managed and staffed by the Centre for European Policy Studies (CEPS). He joined the ECRI in May 2007, having specialised in International Economics, Empirical Economic Research and Theory of Financial Markets at the University of Regensburg, Germany. Having worked on international research projects for the European Commission, private entities and the World Bank, he has also has extensive experience in the areas of credit reporting, credit statistics, payment systems and over-indebtedness. Since 2007, he has been responsible for the production of the ECRI's "Statistical Package" on consumer credit and lending to households.

Michael Culloty:

Michael Culloty is the Social Policy and Communications Officer in the Money Advice and Budgeting Service (MABS). He has been involved for many years in the voluntary and community sector in the UK and Ireland. He has worked for over eight years in front line money advice in Dublin both as a money adviser and service manager. Since 2004 he has national responsibility in MABS for social policy. He is also responsible for media management for MABS. He is a frequent contributor to national press, radio and TV discussing issues of interest to the MABS service particularly in relation to people on low incomes and welfare and their access to affordable credit.

Paul Joyce

Paul Joyce is Senior Policy Researcher with Free Legal Advice Centres Ltd (FLAC). In the areas of debt and credit, he is the author of two detailed reports on the law relating to debt enforcement in Ireland, *An End based on Means?* (2003) and *To No One's Credit* (2009)

and numerous submissions and publications, including *Moneylending and the Law* (republished 2008). He served as a member of the Council of the Ombudsman for Financial Services from 2004 to 2008 and acts on FLAC's behalf as a specialist support advisor and trainer to MABS.

Mrs Justice Catherine McGuinness

Mrs Justice Catherine McGuinness is the President of the Law Reform Commission and has been a judge of the Circuit Court (1994-1996), of the High Court (1996-2000) and of the Supreme Court (2000-2006). She was called to the Irish Bar in 1977 and to the Inner Bar in 1989. Her main practice as a barrister was in the family law area. In addition to her legal and judicial career, she has served on An Bord Uchtála (the Adoption Board), the Voluntary Health Insurance Board, the National Economic and Social Council, the Second Commission on the Status of Women, and has chaired the National Social Services Board, the Board of the National College of Art and Design, the Employment Equality Agency, the Kilkenny Incest Investigation and the Forum for Peace and Reconciliation.

Patricia T Rickard-Clarke

Patricia Rickard-Clarke is the full time Commissioner with the Law Reform Commission since 2001, having been a part-time Commissioner since 1997. Until 2002 she was a partner in McCann FitzGerald Solicitors specialising in taxation and trusts. Over the years she has contributed to a number of publications on Trusts, Settlements and Succession Law and has contributed to the publication *Older People in Modern Ireland: Essays on Law and Policy* (2006). She is the Chair of the Law Society of Ireland's Mental Health and Capacity Task Force and a member of NUI Maynooth Law Council.

Mary O'Dea

Mary O'Dea was the first Consumer Director to be appointed at the Financial Regulator in 2003. She was appointed acting chief executive of the Financial Regulator in January 2009. As Consumer Director she developed processes for consumer focused inspections of banks and insurance companies and the introduction of a legally enforceable code of conduct setting out requirements for how firms deal with their customers, including suitability of lending. She is also Chair of the National Steering Group on financial education. Prior to her appointment as Consumer Director, she held a number of senior positions in financial regulation areas. She is also a member of the Personal Injuries Assessment Board.

Minister Dermot Ahern

Dermot Ahern became Minister for Justice, Equality and Law Reform in May 2008. Some of his prior appointments include; Minister for Foreign Affairs (September 2004-May 2008), Minister for Communications, Marine and Natural Resources (June 2002 to September 2004), and Minister for Social Community and Family Affairs (June 1997 to June 2002).

Minister Ahern has been a member of the Dáil since 1987 and is a qualified solicitor.

REGISTRATION

Please complete in full and in BLOCK CAPITALS only. Please use for one person only. For additional people please photocopy.

www.lawreform.ie

Title

First Name

Last Name

Organisation/Firm

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Telephone

E-mail Address

Fax

The €40 fee which includes lunch may be paid by cheque or EFT (electronic fund transfer). As places are strictly limited to 300 please contact Legal Support to ensure a place is still available before making your payment. Please tick chosen method

Cheques to be made payable to the Law Reform Commission and forwarded to:

Legal Support

Law Reform Commission
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1-4 Lower Baggot Street,
Dublin 2.

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Contact number for the
Main Conference Hall on
18 November 2009

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LAW REFORM

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ABOUT THE CONFERENCE

Reforming the Law on Debt is the sixth Annual Conference of the Law Reform Commission. The 2009 Conference provides a platform for a discussion of the provisional recommendations made by the Commission in its September Consultation Paper on Personal Debt Management and Debt Enforcement, and forms part of the Commission's consultative process.

The Consultation Paper, published under the Commission's *Third Programme of Law Reform 2008-2014*, examined the law relating to personal debt, and in particular proposed provisional recommendations for reform in the areas of personal insolvency law and debt enforcement procedures. In order to place its provisional recommendations for reform in a proper context, the Commission engaged in a wide-ranging examination of the existing legal setting relating to personal indebtedness. The same approach has been followed in the format and content of the Annual Conference.

The Conference will present a picture of the existing legal and policy responses to personal indebtedness by describing the current position of consumer debtors in Irish society. It will also consider the extent to which the system of financial regulation seeks to prevent over-indebtedness by ensuring the observance of responsible borrowing, lending and arrears management practices. It will also include a discussion of the related topic of the role of credit reporting in promoting responsible lending. The Conference will also examine the role of money advice in complementing legal solutions to over-indebtedness. The Conference will also consider the Commission's key provisional recommendations for reform, including the introduction of a non-judicial debt settlement system for over-indebted individuals, and the streamlining and modernisation of debt enforcement procedures through the establishment of a centralised debt enforcement office.

REGISTRATION

The €40 fee which includes lunch may be paid by cheque or EFT (electronic fund transfer). As places are strictly limited to 300 please contact Legal Support to ensure a place is still available **before** making your payment.

Call: 01 637 7600
or email legalsupport@lawreform.ie

SUBSTITUTE ATTENDANCE

If you are unable to attend, a substitute can attend in your place. Notification of any substitution should be made in advance of the Conference.

UNAVOIDABLE CHANGES

It may be necessary to make changes to the content and timing of the Conference Programme or to substitute speakers.

VENUE

The Main Conference Hall is in the Upper Yard of Dublin Castle.

CAR PARKING

There are a number of public car parks nearby. The nearest is that of Jury's Inn Christchurch, which is located in Werburg Street: Tel. 00353 1 454 0000, Fax 00353 1 454 0012.

A map of Dublin Castle indicating the location of public car parks is available on the Dublin Castle website www.dublincastle.ie

Further information is also available on our website www.lawreform.ie