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21st Century Challenges in Financial Services at **RM200.00** per pax.

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21st CENTURY CHALLENGES IN FINANCIAL SERVICES

1st September 2009 at
 Concorde Hotel, Kuala Lumpur

PRESENTED BY:



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SPEAKERS' PROFILES

PROGRAMME



Eva Lomnicka obtained an MA and LLB from Cambridge University, qualified as a barrister and then came to King's as a lecturer in 1975. She became professor in 1993.

In recent times she has been an expert on the UK's delegation to UNCITRAL's Convention on Receivables Financing (Vienna and New York, 1997-2001) and has sat on the DTI's Consumer Credit Steering Group reviewing consumer credit law which led to the Consumer Credit Bill 2006. She is a trustee of Money Advice Trust, a charity concerned with the provision of free debt advice.

Professor Lomnicka is on the editorial board of a number of journals, including the *Journal of Business Law* and *Company Lawyer*. She is also on the Advisory Board of the *Financial Services Lawyer Association*.

She is also a practising barrister (at 4 New Square Chambers) with an advisory practice in consumer credit and financial regulation.

RESEARCH

Professor Lomnicka's research interests lie in financial services regulation and consumer credit law, as reflected in her principal publications. She has been co-editor (with Professor A.G. Guest) of Sweet & Maxwell's *Encyclopedia of Consumer Credit* for over 30 years and of Sweet & Maxwell's *Encyclopedia of Financial Service Law* since 1986. She is also co-author of *Ellinger's Modern Banking Law* (5th Edition in preparation). She also contributes chapters to *Chitty on Contracts* (Chapter 38: Credit & Security), *Palmer's Company Law* (Part 11: Investor Protection) and *Benjamin's Sale of Goods* (Chapter 24: Export Credit Guarantees).

Most recently she collaborated with Professors Beale, Bridge and Ms Gullifer on a new OUP book "*The Law of Personal Property Security*".

John L. Powell QC specialises in heavy commercial litigation and arbitration in the UK and overseas, especially related to complex investments and schemes, and claims against banks, financial professionals, lawyers and valuers, including related insurance and reinsurance disputes. Current and very recent cases have included several multimillion investment fraud and hedge fund claims, professional liability claims and judicial review proceedings against an overseas regulator.

He frequently acts as expert as to English law issues in overseas litigation and arbitration, including recently in US litigation arising from a hedge fund fraud.

He has an extensive advisory practice relating to structured investment schemes, financial services regulation and professional liability issues.

He is a Deputy High Court Judge (Chancery, QBD & Administrative Court) and also occasionally sits as an arbitrator.

His practice reflects his main publications: *Lomnicka & Powell, Encyclopedia of Financial Services Law* and *Jackson & Powell on Professional Liability*. Major instruction over his career have included claims related to Barlow Clowes, Maxwell, BCCI and other banking and investment frauds in the UK and abroad, especially in the USA, Caribbean, Middle East and Far East. Earlier in his career he drafted Jersey's collective investment funds legislation and was specialist editor of *Palmer's Company Law*.

He frequently presents papers on subjects within his expertise in the UK and abroad.

He is a former Head of his Chambers, former Chairman of the Bar Law Reform Committee and former President of the Society of Construction Law.



Tuesday, September 1, 2009

- 3.30 p.m. Registration
- 4.00 p.m. **Challenges for Financial Regulation by PROF. EVA LOMNICKA**, chaired by Gopal Sundram, Assistant Governor, Bank Negara Malaysia
- The (limited) role of regulation in preventing and dealing with a financial crisis
 - The different regulatory approaches: 'risk-based', 'principles-based', and 'rules-based'
 - The problem of 'global finance without global government' (the mismatch between domestic fiscal and regulatory powers and the international nature of financial activity)
 - The lessons learnt and the regulatory responses needed
- 5.00 p.m. **Claims arising from the World Financial Crisis Risk and the Frontiers of Liability and Containment by JOHN L POWELL QC** chaired by Philip TN Koh, Chairman of King's College Alumni Malaysia Branch
- The legacy of "irrational exuberance"
 - Claims: the pantheon of claimants and targets
 - A moral evaluation of defaults and causes of action
 - Investment fraud claims: challenges and analysis
 - New frontiers of accessory liability, professional liability & investment liability
 - Allocation of risk and loss containment
 - Litigation in a Brave New World
- 6.00 p.m. Q & A Session
- 6.30 p.m. Buka Puasa Dinner
- Venue Ballroom, Concorde Hotel, 2 Jalan Sultan Ismail, Kuala Lumpur