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MIA WEBINAR SERIES

# Navigating Company Litigation:

## Recovering Debts, Resolving Disputes and Distressed/Insolvent Debtors

21 September 2023 (Thursday), 9.00 am – 1.00 pm

This programme aims to provide participants with an overview on debt recovery, enforcement of judgments, and dealings with insolvent and distressed corporate debtors. It will also provide practical guidance on navigating the legal landscape and crafting strategies on handling insolvent debtors.

The prelude to litigation is as important as the litigation process itself. Hence, we will review the elements essential towards achieving efficient and reliable litigation outcomes.

### OBJECTIVES

This programme seeks to help you to:

- Review the elements essential towards achieving efficient and reliable litigation outcomes
- Understand the considerations to take in deciding between arbitration or the Courts to resolve a dispute
- Gain an overview on the insolvency regime in Malaysia
- Understand the modes of enforcement/execution most used in Malaysia

### METHODOLOGY

A webinar led by the Speaker/Trainer, followed by a Q&A Session

### WHO SHOULD ATTEND

- Company Directors and Managers
- Senior and/or Junior Executives
- In-house Counsels
- Legal, Compliance and Risk Assessment Executives

### PROGRAMME OUTLINE

8.30 am – 9.00 am	Participants' login to join the webinar
9.00 am – 10.00 am	<p>SESSION 1</p> <ul style="list-style-type: none"> <li>• Pre-Litigation: Self-help and Early care <ul style="list-style-type: none"> <li>&gt; Spotting Red Flags <ul style="list-style-type: none"> <li>– What to look out for</li> </ul> </li> <li>&gt; Building a Paper Trail <ul style="list-style-type: none"> <li>– Importance of documenting communications</li> </ul> </li> <li>&gt; Document Collation and Witness Identification <ul style="list-style-type: none"> <li>– Why original documents are important</li> <li>– Persons in your company you could consider as potential witnesses</li> </ul> </li> <li>&gt; Legal Privilege <ul style="list-style-type: none"> <li>– The concept of legal privilege, specifically client-solicitor privilege</li> </ul> </li> </ul> </li> </ul>
10.00 am – 11.30 am	<p>SESSION 2</p> <ul style="list-style-type: none"> <li>• Dispute Resolution: An Overview <ul style="list-style-type: none"> <li>&gt; Modes of Resolving Disputes <ul style="list-style-type: none"> <li>– The various modes of resolving disputes—session is limited to a discussion on arbitration and court proceedings <ul style="list-style-type: none"> <li>» compare and contrast each mode of dispute resolution</li> <li>» the pros and cons of each mode of dispute resolution</li> </ul> </li> </ul> </li> <li>&gt; Deciding between Arbitration or the Courts <ul style="list-style-type: none"> <li>– The considerations to take in deciding between arbitration or the Courts to resolve a dispute</li> </ul> </li> <li>&gt; Intersection between Arbitration and Courts <ul style="list-style-type: none"> <li>– Instances where both arbitration and the court process will be utilised</li> </ul> </li> <li>&gt; Dispute Resolution Clause (DRC) <ul style="list-style-type: none"> <li>– The different considerations involved in crafting a DRC?</li> </ul> </li> <li>&gt; Limitation under the Law <ul style="list-style-type: none"> <li>– When will an action be time barred?</li> </ul> </li> </ul> </li> <li>• Q&amp;A Session</li> </ul>
11.30 am – 1.00 pm	<p>SESSION 3</p> <ul style="list-style-type: none"> <li>• Enforcement <ul style="list-style-type: none"> <li>&gt; Enforcing an Arbitration Award <ul style="list-style-type: none"> <li>– An overview on how an arbitration award may be enforced</li> </ul> </li> <li>&gt; Modes of Enforcement/Execution <ul style="list-style-type: none"> <li>– Examining the following modes of enforcement/execution which are most commonly used in Malaysia: <ul style="list-style-type: none"> <li>» Writ of seizure and sale</li> <li>» Garnishee proceedings</li> <li>» Charging Orders</li> <li>» Appointment of Receivers</li> <li>» Insolvency</li> </ul> </li> </ul> </li> <li>&gt; Distressed/Insolvent Debtors <ul style="list-style-type: none"> <li>– A general overview on the insolvency regime in Malaysia, and will delve into the following: <ul style="list-style-type: none"> <li>» Judicial Management and Corporate Voluntary Arrangement</li> <li>» Scheme of Arrangements/Restructuring</li> <li>» Receivership</li> <li>» Liquidation/Winding Up</li> </ul> </li> </ul> </li> <li>• Q&amp;A Session</li> </ul> </li></ul>
1.00 pm	End of Webinar

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NOTE: The order of topics to be covered may be revised at the trainer/speaker's discretion.

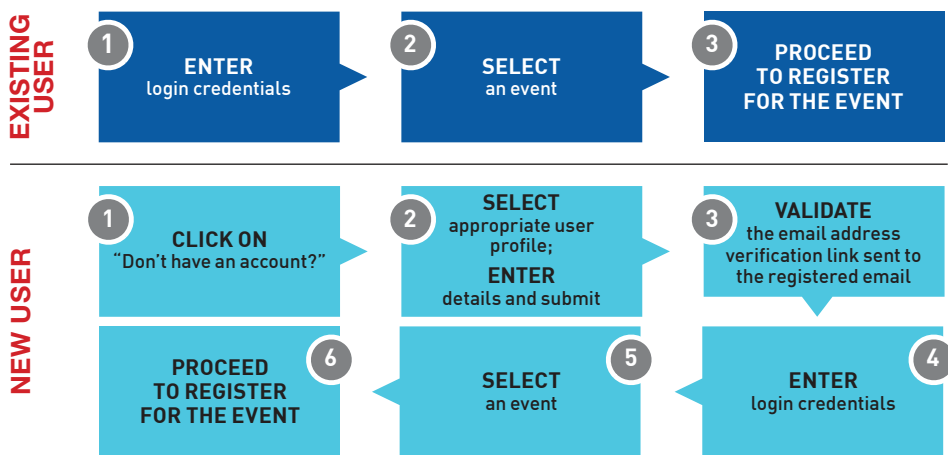
# Navigating Company Litigation: Recovering Debts, Resolving Disputes and Distressed/Insolvent Debtors

With immediate effect, enrolment for all CPE programmes will be

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- To view more events and download the full brochure, please visit: [pd.mia.org.my](http://pd.mia.org.my)
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For any assistance, please call (8.45am-5.30pm, Monday-Friday)  
**MIA Help Desk @ 603-2722 9000**

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  - Individual Registration:** Full payment shall be made at the point of online registration.
  - Corporate Registration:** Full payment shall be made within thirty (30) days from the date of the Invoice or 1 day before the webinar, whichever earlier.
- Access to join the webinar shall be granted only upon full payment as per the above requirement.

### WEBINAR ACCESS LINK

- The Access Link will be emailed at least 24-hours before the commencement of the webinar.
- The Access Link is unique and should not be forwarded/shared with others.

### PAYMENT MODE

- Payment must be made through the **electronic channels i.e. online payment via the MIA member service portal and electronic fund transfer (EFT).**
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- For written cancellation received with minimum seven (7) days' notice from the date of the webinar, no penalties will be imposed and full refund will be made to participants who have paid.
  - For written cancellation received less than seven (7) days from the date of the webinar, an administrative charge of 20% of the registration fee will be imposed. Unpaid registrations will also be liable for a 20% administrative charge.
  - No refunds will be made for written cancellations received on the day of the webinar or for participants who failed to join the webinar. Unpaid registrations will also be liable for full payment of the registration fee.
  - Replacing registered participants is not allowed.
  - Paid registration that is cancelled can opt to transfer the paid amount to future event(s) after deducting any applicable administrative charges.
  - The transfer request to future event(s) should be confirmed by Corporate/Individual within three (3) days after cancellation otherwise the cancellation will be confirmed with refund action. Transfer request will not be entertained after the refund is processed.
  - Corporate/Individual is required to top-up the balance amount if the amount to be transferred to the future event is insufficient.

- Any excess amount after transfer will be refunded to the Corporate/Individual's bank account as provided in the EFT form.
- Corporate/Individual is required to provide the EFT form each time when a refund is requested.

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#### Category: Corporate/Individual

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- The information on Corporate/Individual provided shall be deemed true and correct. No alteration will be allowed upon registration.

### METHODOLOGY, CERTIFICATE OF ATTENDANCE AND CPE CREDIT HOURS

- Live Q&As, quick polls/surveys will be carried out throughout the webinar.
- For selected webinars, pre and/or post course materials will be shared with participants.
- Self-assessment quizzes at the beginning as well as at end of the webinar will be given to enable participants to self-evaluate themselves on their learning performance and level of understanding of the programme content.
- Participants will be issued with an e-certificate of attendance and awarded CPE credit hours upon strict compliance of the following terms:**
  - Remain logged in at least 80% of the time allocated for the webinar,**
  - Submit the post-course evaluation on learning outcome within 3 days after the completion of the webinar (late submission of the post-course evaluation will not be entertained).**

- CPE credit hours will be credited into the MIA Member Services Portal within 14 days of the webinar for participants who have complied with all terms and conditions stipulated herein.

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## SPEAKER/TRAINER

### MARK YU KEE LA BROOY

Insolvency litigation being his principal practice area, Mark advises and appears in Court for financiers, creditors, stakeholders of distressed companies, and insolvency specialists on issues concerning corporate rescue, schemes of arrangement, judicial management, informal debt restructuring and liquidation. Mark is a Partner in the Dispute Resolution Group at Raja, Darryl & Loh. The 2023 edition of The Legal 500 Asia Pacific named Mark as a Recommended Lawyer.

## WEBINAR FEES

Member/Member Firm	RM 300
Non-member	RM 350

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## WEBINAR DETAILS & REGISTRATION

21 September 2023 (Thursday)

Session 1: 9.00am – 10.00am

Session 2: 10.00am – 11.30am

Session 3: 11.30am – 1.00pm

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