

# Creditor Rights AND THE Public Interest

*Restructuring  
Insolvent  
Corporations*

JANIS SARRA

# Creditor Rights And The Public Interest Creditor Rights And The Public Interest

**Lyndon Maither, BComm**



## **Creditor Rights And The Public Interest Creditor Rights And The Public Interest:**

**Creditor Rights and the Public Interest** Janis Sarra, 2003-08-02 Creditor Rights and the Public Interest supports the greater representation of non traditional creditors in the process of insolvency restructuring in Canada concentrating particularly on restructuring under the federal Companies Creditors Arrangement Act CCAA Arguing in favour of the representation of such non traditional creditors as workers consumers trade suppliers and local governments Janis Sarra describes the existing process of addressing their interests analyzes four case studies that focus on non creditor groups and compares the Canadian approach to that of several other countries such as Germany France and the United States Sarra draws on a comprehensive body of academic literature that covers a broad range of issues insolvency theory corporate governance theory legislative history and bankruptcy and insolvency practice She further surveys the relevant legislation and supplements her analysis with insights drawn from extensive primary research of court records and personal interviews with lawyers judges and government officials Creditor Rights and the Public Interest ultimately illustrates the way in which the concept of the public interest can be utilized to foreground the concerns of non traditional stakeholders Sarra provides a coherent account of the justification for recognizing these creditors by situating insolvency law in a legal regime that realizes a duty to maximize all of the interests and investments at stake in the corporation In an academic field where scholarship is currently scarce Sarra's text will be a welcome contribution *Railroad Reorganization Public Interest Protection Act* United States. Congress. Senate. Committee on the Judiciary, 1990 **Bankruptcy Act Revision** United States. Congress. House. Committee on the Judiciary. Subcommittee on Civil Rights and Constitutional Rights, 1974 [Bankruptcy Act Revision](#) United States. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights, 1976

**Re-examining Insolvency Law and Theory** Emilie Ghio, John M. Wood, Jennifer L.L. Gant, 2023-12-11 An original book offering a unique theoretical approach Re examining Insolvency Law and Theory analyses the important role that legal theory plays in the development of insolvency law It explores how law and theory are able to respond to issues of financial distress in the 21st century and questions how insolvency law could develop to address contemporary challenges *Why Do Banks Fail and What to Do About It* Nordine Abidi, Bruno Buchetti, Samuele Crosetti, Ixart Miquel-Flores, 2024-03-21 Banks play a crucial role in the global economy yet they are vulnerable to failures that can have catastrophic effects Key questions arise What causes bank failures What drives these failures Can we avoid a banking crisis What happens when a bank fails This book explores the causes consequences and potential prevention of banking crises It begins by examining the fundamental roles of banks in the economic system focusing on their intermediary functions like liquidity provision payment management asset transformation and borrower oversight The book then delves into the challenges facing the banking sector including cyber threats climate change and geopolitical instabilities The second chapter addresses the primary risks banks face such as liquidity credit market interest rate IT and environmental risks and how these contribute to banking failures Chapter three

shifts focus to financial statements contrasting those of commercial and investment banks with non financial companies and discusses the impact of creative accounting in recent banking collapses Governance issues and their role in banking failures are the focus of chapter four highlighting the crucial need for effective risk monitoring by bank directors The final chapter illustrates the process of bank resolution and the evolving strategies of resolution authorities in ensuring bank stability Targeted at researchers regulators and practitioners this book comprehensively covers the drivers of banking failures regulatory improvement suggestions and real world case studies It emphasizes the importance of banks in today s economy their unique risks and the aftermath of their failure aiming to provide a threefold contribution to understanding and managing banking crises

**Making Sovereign Financing and Human Rights Work** Juan Pablo Bohoslavsky, Jernej Letnar Cernic, 2014-12-01 Poor public resource management and the global financial crisis curbing fundamental fiscal space millions thrown into poverty and authoritarian regimes running successful criminal campaigns with the help of financial assistance are all phenomena that raise fundamental questions around finance and human rights They also highlight the urgent need for more systematic and robust legal and economic thinking about sovereign finance and human rights This edited collection aims to contribute to filling this gap by introducing novel legal theories and analyses of the links between sovereign debt and human rights from a variety of perspectives These chapters include studies of financial complicity UN sanctions ethics transitional justice criminal law insolvency proceedings millennium development goals global financial architecture corporations extraterritoriality state of necessity sovereign wealth and hedge funds project financing state responsibility international financial institutions the right to development UN initiatives litigation as well as case studies from Africa Asia and Latin America These chapters are then theorised by the editors in an introductory chapter In July 2012 the UN Human Rights Council finally issued its own guidelines on foreign debt and human rights yet much remains to be done to promote better understanding of the legal and economic implications of the interface between finance and human rights This book will contribute to that understanding as well as help practitioners in their everyday work The authors include world renowned lawyers and economists experienced practitioners and officials from international organisations

**The Canada Income Tax Act: Enforcement, Collection, Prosecution - 2021 Edition (slightly updated) ... I made my life on this "World" since first seeing Kim in 1987** <https://www.youtube.com/watch?v=6ATFJroe10Q> Lyndon Maither, BComm, An updated helpful lay out of the 2021 provisions w case on Canadian Income tax collection A great picture of a great Act [https://www.youtube.com/watch?v=ZbZSe6N\\_BXs](https://www.youtube.com/watch?v=ZbZSe6N_BXs) bi polars and their colouring and story books <https://www.youtube.com/watch?v=bEeaS6fuUoA> Everything I ve practically ever done in The Swirl has been for you Kim Hope you like [Hearings, Reports and Prints of the Senate Committee on the Judiciary](#) United States. Congress. Senate. Committee on the Judiciary, 1978

*Bankruptcy Reform Act of 1978* United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Improvements in Judicial Machinery, 1978 **The Canada Income Tax Act: Enforcement, Collection, Prosecution - A**

**Case Compilation, 6th Ed. The "First Book" I really wrote. Another, written for Kim Neufeld, for being Proper - and Professionally Conservative, w/ historic Discipline (something I value, still, the most**  
**[https://www.youtube.com/watch?v=0LHmevWVvpc&list=RD0LHmevWVvpc&start\\_radio=1](https://www.youtube.com/watch?v=0LHmevWVvpc&list=RD0LHmevWVvpc&start_radio=1) ) - her dry professionalism is the memory that kept me going, from what I merely observed in her while academically interacting, as my Originating Destined-to-be-a-Great-Lawyer-Too, Tax I Professor (I always had drive to do her proud since contact - she has too-nice a face not to smile ... <https://www.youtube.com/watch?v=WTetM-jo83M> I remember thinking "I'm going to win her writing a book on Her subject...but what do I know about The Law of income tax!?! Everyone will tell you about the forms and the math...but She looks at it, humbly, maturely, from a gentle, - serious - female lawyerly perspective, all w/ professional "curiosity"...from the cases of fact and Judges, a beautiful woman, with a highly insightful, at-that-early-stage studious mind...More than a mere tax accounting teacher: a pending GREAT lawyer too!" YOU, prepared me so so so well - All By Yourself: ALL my successes are yours, all my failures are mine alone! YOU earned well and can rest on your laurels, and I Will Only Honour Them. <https://www.youtube.com/watch?v=sMmTkKz60W8> "Living, and exploiting opportunities, from w/in the calculus line - and sustaining death threats" as I rode Code at 4:00 AM...**

**<https://www.youtube.com/watch?v=cPtMgsN8Tpo> ...for only all of your immortal utter beauty Kim, into perpetuity now...<https://www.youtube.com/watch?v=izZtr5g-4WY>** Lyndon Maither, The Most Intensive of Love happened to me when I was 23 in the form of a tax professor my Queen of Wisdom of Rightful Respectable Adoration and about as strong plutonic can be a Sacred Place for me The Mother of my Mind and Spirit of my moral disposition When I had nothing She gave it to me thru my inadvertant need and dedication to please Her It has lasted my life time The Lady chuckled at my one liner when I was sincerely interested in getting to know her I took my chance and worked and lived a good life fighting the Good fight For us All <https://www.youtube.com/watch?v=HKh6XxYbbIc> Because when that s all you have that s an awful lot When you go to study at a Cdn University you re there to STUDY you re not there to make your clique chuckle w your smart ass insulence only to LEARN to improve your MIND but what do I know eh having had TWO books on advanced commonwealth tax case analysis after 6 yrs in E Cdn best law libraries AS I WAS FINISHING a mere BComm in Accountancy accepted in two law faculty libraries for Kim as always so while you may not have the resources or brain power to be the best you do tend to try to admire and respect your professors remembering their syllables hoping they ll remember you and you ll always have their basic guidance as you professionally mature You re there to pick up maturity as maturely as you can Concordia U in Accounting was is a GREAT university for that it has no law program let alone tax Yet Soon <https://www.youtube.com/watch?v=oQ0oImqUZ4c> And that guided me since 1987 to try to fill the World w love except for 93 95 giving a 61 yr old s worn out polluted body I tried to document it all along as always I left my mark as fleeting emotive memories are the

last to fade w a mental illness strong bi polarity from caring too much <https://www.youtube.com/watch?v=MlVl6gkqRxU> This case compilation met to be d loaded as merely a stepping stone to get you INTO as a mere intro to the case stream was put together in 2016 The law has evolved onwards so use CANLII.org to acquaint yourself accordingly A lot of people are thankful for what Kim Neufeld did for me as my initial Tax I Teacher at Concordia U in 1987 merely being so nothing more nothing less A lot She taught me a lot that s for sure About the utter beauty of eventual full truth with all its kalidoscope of its attendants as an observant and strict observer willing always to follow our law and enforce it pay for it myself if I ve offended it are we going near Silly Territory yet Kim AGAIN You I don t exchange FOR ANYTHING Kim <https://www.youtube.com/watch?v=F8Ctn5etVvI> t 428s Income tax is a cost of doing business in Canada is a phrase I remember so well from an accounting prof as she taught me the liability side of our Balance Sheet a pro And you can ask Harris if there s almost ALWAYS an accrued tax liability tho maybe the NDP can try and still collect it eh I have thought all along that I was brought into my existence to honour and adore you from what I perceived in you in 1987 to what you did through your life All of you my pillars of intergity and discipline Probably to what you ll do to the end of it Kim a STANDARD that I never saw again You ve been the most satisfying of Dreams End of my day and days always aimed for that since nothing compares to you And I now know that I ll probably never see you again and I wouldn t recognize myself anyway I brought back the World not just some puny flash in the pan gang And you and your like have been the mastheads of my ships On my LinkedIn I note that I abide by law not business goals because of you all that I met at Concordia U as I spent so much time in your Libraries and ors <https://www.youtube.com/watch?v=N0tOm2mjWAw> list RDN0tOm2mjWAw start\_radio 1 this gurl ain t no lawyer just a singer looking for some bucks ehh <https://www.youtube.com/watch?v=Zs3pIvHhUq8> list RDZs3pIvHhUq8 start\_radio 1 <https://www.youtube.com/watch?v=yWcGtLbLBxs> list RDyWcGtLbLBxs start\_radio 1 Anti fraud Professional Proud with the same accomplished smile not grin 38 yrs later Yes little did we know that I take care of the promoters too the whole slew [https://books.google.ca/books/about/id\\_z\\_fZEAAAQBAJ](https://books.google.ca/books/about/id_z_fZEAAAQBAJ) redir\_esc y <https://books.google.ca/books/id/crfSEAAAQBAJ> printsec frontcover source gbs\_ge\_summary\_r cad 0 v onepage q f false I only know lines where things meet that s what I ve studied since 87 [https://www.youtube.com/watch?v=\\_BlBA590sE](https://www.youtube.com/watch?v=_BlBA590sE) though now I m practically irrelevant a bundle of known memories Getting older is like nature You can build against it and draw construct lines streets buildings but nature with its purported chaos always just grows at it at the edge of its peripherals and its been decades since I ve seen any that have been the landmark pillars of my life I now have new faces relationships to build but it will take a lot of growth to overcome the principles that you all gave me When you only gave me your professional instructional guidance 239 1 Every person who has a made or participated in assented to or acquiesced in the making of false or deceptive statements in a return certificate statement or answer filed or made as required by or under this Act or a regulation b to evade payment of a tax imposed by this Act destroyed altered mutilated secreted or otherwise disposed of the records or books of account of a taxpayer c made or assented to or

acquiesced in the making of false or deceptive entries or omitted or assented to or acquiesced in the omission to enter a material particular in records or books of account of a taxpayer d wilfully in any manner evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act or e conspired with any person to commit an offence described in paragraphs 239 1 a to 239 1 d yes Kim and your Al Capone he did go to jail for tax evasion but OUR law talks about co conspirators too And maybe we all need more R vs eBay and its progeny 2008 FCA 141 More auditors and fines do pay for a lot collecting 38 12 or Bentleys AND leveraged tasteless sheds tho what can our population sustain Maybe our population needs to be clamped down on as the little guys are always ALWAYS looking for their little loop holes but in the arena of our tax law of YES or NO only who is more guilty and a contributor he who offers or he who assents to or acquiesces Bookkeepers swim in a sea of small business tax cheats out there that s why I finally got back to picking up the CFE for Cda and that s where a vast amount of unsophisticated tax evasion occurs since NO ONE wants to simply PAY THEIR so called DAMN TAXES ridiculing those who have their own discipline to not cheat the Tax Man and sacrifice to NOT do it But you don t grow your country any country CHEATING its tax system REMEMBER THAT BUT I once wrote a bunch of books on tax law and this is the one I put together on collection enforcement prosecution Just in case people didn t think I didn t know how but never worked for the CRA as an employee Grow a brain discipline it to want more and add to it while you can then maybe try your hand at adding to the milieu w your own maybe yours will encompass the evolving thankfully growing spirit thereof in your time too Kim got me to study tax law I merely got to live it <https://www.youtube.com/watch?v=s1gr3KGxUjc> Kim Neufeld CA only was a Sessional Tax I Professor in 1987 when I took her class wanting to be a lawyer too She moved on from it in her professional life I stuck w it and focussed perhaps too much wanting to specialize in tax thus the reason to spend 5 6 yrs cloistered in Cda s Eastern Law and or Libraries where ideas meet in front of Judges I learned a lot there And then I met Larry Jacobson teaching Professional Tax at Concordia last class Ya Kim I m that guy who stuck around I grew highly addicted to your magic This is why you shouldn t argue and BE PATRIOTIC as a bookkeeper client business man if you prosper contribute THE MONEY HAS TO COME FROM SOMEWHERE [https://www.youtube.com/watch?v=tLk\\_DNSGotw](https://www.youtube.com/watch?v=tLk_DNSGotw) In my idealist World there s hardly any what s mine is mine what s yours is yours I don t like hogs or extreme capitalism just contributions I could just as easily show you vids on our health care system since we do have to pay for that But sorry We tax the wine too better than poisoning yourself operating a basement coke bottle still It was Kim who set me off on this path of god knows World YOU TOO GET TO HELP BUILD A COUNTRY As advised by the Guy at the Podium you re just as important as he is but they have far broader responsibilities So don t complain about the quality of the wood or the size of the nails just get busy I once spent the better focus of my life in the taxation of trusts and estate planning heard the phrase where there s a will there s a way Have you BTW that got me pretty far Where can your will lead you Keep applying your thoughts and keep your stick on the ice START with TAX If you want to study law anywhere in this World sharpen your mind with tax law From

there you ll be able to reach out to ors <https://www.youtube.com/watch?v=yf12NEW8wPk> list RDyf12NEW8wPk start\_radio 1 Volunteer to always collect and pay Don t cheat and don t let others <https://www.youtube.com/watch?v=WUYChL9N3kQ> list RDWUYChL9N3kQ start\_radio 1 This tome of case compilation was meant for you to read thoroughly and Yes I did read them like you should too there are no short cuts to developing your mind KNOW THE LAW And follow it Since in your hands money individually is while rare and squeezed it s much more useful to the experts who enact and adminiter our laws Our ITA law has moved on from this thankfully CRA s ability to collect has been honed to high finess to ferret out tax cheats advisors Perhaps it s just a question now of having more acute collection capacity technique court capacity and jails since why so many Why So Few I ve seen my share of tax cheats and larger fraud artists in my life when do we all say ENOUGH IS ENOUGH and collect WITHOUT a glitter in our eyes since there s only ever One truth with all its contributing attendant reason it s OUR money too I was noting on LinkedIn a populace webite the other day that someone was criticizing the CRA for sending out a FORM 38 12 collection letter Everyone jumped on and laughed unfortunately No one commented about when that same process spending that same stamp and envelope sends out a demand letter for 480 000 or 3 800 000 coz then you know you ve garnered the attention of The Whole Glory of Our Processes and Our Teams And this is why this book is about collection etc thereof It was composed a long time ago but its principles its processes and committed people remain the same Thankfully for us all Not much gets by the CRA we rely on them for the collection of our funding so why cheapen yourself needing it all when your parents didn t bring you into this World to NOT contribute if you could legally and you have a great chance to be a simple warmly hearted philanthrophist legal and settled Tax evasion is ILLICIT It s A LIE you re perpetrating on the World and it cheapens you like your first tasting of a environment that you think you can handle as EVERYONE is telling you to NOT I ve met MANY who think they can stop some day but they become addicted after all A little pinch here won t hurt when it s THEFT on EVERYONE And the line is fine but don t go near it since I have met enough who can t control themselves That all leads to an underground economy and more illegalities once that ball gets rolling Wanta go there For yourself and your fellow stranger Neighbour After all would you LIE to your parents when they know or could investigate your dealings like the back of their hand YOU D BE STUPID TO as they too were sent into the World like lambs amongst the wolves and had to grow to having YOU You were born in a hospital in Cda and had your care at least one time in your Cdn life taken care of there where do you think that ALL comes from <https://www.youtube.com/watch?v=JUNMD8EgV0s> list RDJUNMD8EgV0s start\_radio 1 Kim is there something wrong with love and happiness Yes life can be very hard for the weakest bringing out hardness in them that they didn t know they d be tested on But there s only ever one truth too In our lives of law order and good government <https://www.youtube.com/watch?v=32Fx20WAD0> list RD 32Fx20WAD0 start\_radio 1 With only all of it for you you poor poor gurl [https://www.youtube.com/watch?v=kD1ruD7\\_2](https://www.youtube.com/watch?v=kD1ruD7_2) I list RDOOmoRkLonRE index 10

China's Insolvency Law and Interregional Cooperation Xinyi Gong,2017-11-20 As a result of resumption of sovereignty



over Hong Kong and Macao as well as the uncertain relationship between the Mainland and Taiwan China has become a country composed of peculiar political compounds resulting in four independent jurisdictions This makes inter regional legal cooperation a complicated yet compelling topic Divided into five parts this book considers possible solutions to problems in China s inter regional cross border insolvency cooperation These solutions are developed on the basis of two groups of comparative studies including comparison among the cross border insolvency systems of the four independent jurisdictions in China and comparison between EU Insolvency Regulation and the UNCITRAL Model Law The author discusses the advantages and disadvantages of the two systems and presents original recommendations for the way forward The book will be a valuable resource for academics and policy makers in insolvency law Asian law and comparative law

**Goals of Civil Justice and Civil Procedure in Contemporary Judicial Systems** Alan Uzelac,2014-01-11 This book is a collection of papers that address a fundamental question What is the role of civil justice and civil procedure in the various national traditions in the contemporary world The book presents striking differences among a range of countries and legal traditions but also points to common trends and open issues It brings together prominent experts professionals and scholars from both civil and common law jurisdictions It represents all main legal traditions ranging from Europe Germanic and Romanic countries Scandinavia ex Socialist countries and Russia to the Americas North and South and China Mainland and Hong Kong While addressing the main issue the goals of civil justice the book discusses the most topical concerns regarding the functioning and efficiency of national systems of civil justice These include concerns such as finding the appropriate balance between accurate fact finding and the right to a fair trial within a reasonable time the processing of hard cases and the function of civil justice as a specific public service In the mosaic of contrasts and oppositions special place is devoted to the continuing battle between the individualistic liberal approach and the collectivist paternalistic approach the battle in which seemingly paternalistic tendencies regain momentum in a number of contemporary justice systems

**Judicial Decisions** United States. Securities and Exchange Commission,1960 **Conceptualising Home** Lorna Fox O'Mahony,2006-12-01 It is difficult to overstate the everyday importance of home in law Home provides the backdrop for our lives and is often the scene or the subject of legal disputes In addition in recent decades there has been growing academic interest in the meaning of home which has prompted empirical studies and theoretical exploration in a wide range of disciplines Yet while the authenticity of home as a social psychological cultural and emotional phenomenon has been recognised in other disciplines it has not penetrated the legal domain where the proposition that home can encapsulate meanings beyond the physical structure of the house or the capital value it represents continues to present conceptual difficulties This book focuses on the competing interests of creditors who lend money against the security of the property and the occupiers who dwell in the property in the context of possession actions By mapping the concept of home as it has evolved in other disciplines against existing legal frameworks Conceptualising Home examines the possibilities for developing a coherent concept of home in law

*Effective Enforcement of Creditors' Rights* Masahisa Deguchi, 2021-11-27 The problem of enforcing a money judgment exists in every legal system in the world but the methods and orientation vary significantly Effective enforcement proceedings are crucial to ensure full access to justice for creditors Complete and full knowledge of the debtors assets is crucial to choose the appropriate enforcement measure But each legal system must balance the creditors rights to an efficient enforcement with the debtors rights The wide differences between enforcement proceedings mirror the way each society tries to find a balance between confronting rights and interests This book explores and compares how different legal systems approach these issues with a focus on the discovery of debtors assets which is a common problem for enforcement and execution proceedings in almost every jurisdiction This is the first book to compare enforcement proceedings around the world and presents a variety of information and country reports from leading experts from four continents It represents the joint work of academic and legal authorities from Germany Japan Korea France the UK Switzerland Austria Spain Poland Russia Greece North America Taiwan Brazil Argentina Chile and the EU **Congressional Record** United States. Congress, 1947 **Entrepreneurs and Insolvency Law** Remigijus Jokubauskas, 2025-05-23 This book analyses the discharge of debts procedure in relation to insolvent entrepreneurs covering the protection of human rights under insolvency law The process of discharge of debt is a key mechanism in insolvency law when addressing individual over indebtedness This book promotes the fresh start principle which is the primary objective of the debt discharge process for insolvent entrepreneurs and explores how fundamental human rights apply within such insolvency proceedings Aiming to justify the limitation of creditors property rights when their claims are discharged it discusses the models and procedures for insolvency proceedings involving entrepreneurs Discussing the EU Restructuring and Insolvency Directive EU 2019 1023 and the UNCITRAL Legislative Guide on Insolvency Law for Micro and Small Enterprises 2022 the book addresses specific aspects of the discharge of debt process that present practical and theoretical challenges and suggests practical solutions The book will be of interest to researchers in the field of insolvency law financial law and entrepreneurship **Research Handbook on Corporate Restructuring** Omar, Paul J., Gant, Jennifer L.L., 2021-08-27 This timely Research Handbook examines the increasingly economically vital topic of corporate restructuring Reflecting a shift in the global approach to insolvency towards a focus on rescuing viable businesses rather than liquidation chapters consider all areas of the law closely connected to corporate insolvency rehabilitation and rescue as well as the introduction of the EU Preventive Restructuring Directive and other reforms from around the world Reports of Cases Decided in the Court of Chancery of the State of New Jersey New Jersey. Court of Chancery, 1907

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