



# TMA International NEWS

## Fourth Quarter 2009

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## A message from TMA's VP of International Relations



## 2009—a year to remember and, for many, a year to forget

by Steven J. Weisz

As 2009 comes to a close, stability appears to be returning to the global economy, and there is hope that the worst of the great recession has passed.

While 2009 has been a banner year for turnaround professionals, many businesses throughout the world have had a very difficult time transforming to and coping with the new financial world order.

Many opportunities for turnaround professionals should arise in 2010. TMA and its members once again appear to be poised to take on these challenges and assist in creating new value for businesses in the process of corporate renewal. Valuations may be at historical lows in some cases, and for many, this may be an opportune time to take advantage of buying and new financing opportunities.

As this is my final editorial for *TMA International News*, I would like to thank all of you for contributing to

the growth of TMA International as a truly global force in the corporate renewal industry. I also want to welcome and wish the best of luck to our incoming 2010 Vice President of International Relations, Alan Tilley, the first non-North American member to hold that office.

I have worked closely with Alan over many years and have always been amazed and impressed with his dedication and commitment to the turnaround profession, TMA, and in particular, the development of the highly successful UK Chapter. I look forward to working with Alan to continue developing and pursuing the goals of TMA to be the premier global organization dedicated to corporate renewal and the turnaround profession.

I hope you enjoy this final issue for 2009 that includes a global kaleidoscope of articles, such as Risto Pennanen's description of a wonderful

volunteer program that has been successful in the United Kingdom, France, Germany, and now Finland, in which volunteers receive calls from entrepreneurs in financial difficulty and provide them with free telephone counseling service. This is just another example of the extremely important pro bono services TMA members provide to their local communities.

This issue also includes a report on the highly successful TMA-UK annual conference that included many informative and educational programs on cutting-edge topics facing UK turnaround professionals during the great recession of 2009.

I am also delighted that this edition contains a thought-provoking article examining the realities of turnarounds in Latin America, and in particular Brazil, which has emerged as a leading player on the international stage in the wake of the global financial crisis.

Written by Peter Gault, a founding member of TMA-Brazil, the article explains how Brazil, a sleeping giant, has awakened and will be a major force in the global economy as it rises from the ashes of the recession. Turnaround professionals in Brazil who will be called on to interpret and administer the country's new bankruptcy and restructuring laws will surely play a key role in the development of the Brazilian economy as a global leader.

This edition closes out with reports from TMA-Australia and TMA-Taiwan, which are both vibrant affiliates contributing to the

continued growth of TMA on a global basis, as well as with news from TMA headquarters reminding our members about upcoming international seminars and events.

In particular, I invite you to visit beautiful Las Vegas, Nevada, for the Distressed Investing Conference, which for the first time, will feature the Turnaround Capital Forum. This event will provide a unique opportunity for capital providers interested in showcasing their firms to meet with investment bankers, turnaround consultants, crisis managers, bankruptcy attorneys, accountants, workout officers and others seeking debt and equity investments. The Forum will provide a relaxed venue to facilitate referrals and potential deal flow.

Hopefully, sunny days at the beautiful Bellagio Hotel will lead to more opportunities for TMA members to network and find ways to do business together.

Thank you all again for your interest in TMA and your assistance throughout my term as Vice President of International Relations and for continuing to promote the growth of TMA on an international basis. I wish each and every one of you and your families all the best for the holiday season and for the New Year. 🌐

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*Steven J. Weisz is a partner and the practice group coordinator of the Restructuring & Insolvency Group of Blake, Cassels & Graydon LLP. He is past president of the TMA-Toronto Chapter and has been a director of TMA International since 2002. He has served as TMA Vice-President Finance, of University Relations and of International Relations.*

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# 911 for entrepreneurs

Rescue phone service in Finland helps entrepreneurs out of crisis

by Risto Pennanen

When you're stuck deep in a swamp and your legs don't move, you don't start to read "Blue Ocean Strategy." You can't even remember Jim Collins and "Good to Great." And you don't have time for a turnaround. You just want to keep your head above the surface. You need hard ground under your feet and a lot of fresh air. And you need someone to pull you away from the jam.

This situation is too often the one faced by an entrepreneur who has been surprised by the sudden recession. Bills are piling up, and the taxman is hovering. No time for R&D, CRM or TQM. As Abraham Maslow wrote decades ago, basic needs come first.

That philosophy is the basis of a rescue telephone service that has been set up to help struggling entrepreneurs in Finland. Initiated by TMA-Finland, the project soon developed large muscles when two ministries, big banks, insurance companies and industry associations agreed to support the service.

The first ideas of a helping hand of this sort came a few years ago from the United Kingdom, France and Germany. But because the models from the bigger countries were not the best for small Finland, TMA-Finland began developing a version that would be more suitable.

## The need is there

The need for the free rescue service has already been proven. More than 200 calls were received during the first month, although the service was just getting off the ground.

Unpaid debts, taxes and salaries are the main concerns being brought to the rescue service, but deeper unspoken feelings are sometimes more to the point. Therefore, the service guarantees anonymity. Desperation can be devastating and interfere with taking care of daily operations. In the worst case, the ship has to sail without a captain.

Though all the problems can't be solved with a telephone conversation, it can help alleviate desperation and lead to the first concrete steps out of the immediate mess.

The rescue telephone service is provided by 15 experienced TMA consultants who are trained by TMA-Finland and can provide immediate advice. Still, a huge amount of work is needed before a firm in crisis can even begin discussing a real turnaround. The purpose of the service is **not** to compete with private consultants, but to save the smallest firms from unnecessary death.

## New steps to be taken

Telephone contact was a good start for the service, but the help it provides will soon be made available on a website as well. During the first half of next year, the service will also expand to a road show that will travel around the country to offer struggling businesses new tools, helpful networks and a positive attitude.

The road show will include presentations, clinics and networking opportunities, as well as access to advice from consultants, lawyers, auditors and other experts.

At least two business newspapers will feature the rescue service in their headlines. TMA-Finland is working with them to publish a series of articles about performing a turnaround in a crisis. A booklet on survival in a crisis is also due for publication. 🌐



*Risto Pennanen is a founder of Attention Communication, a Helsinki-based consulting firm focused in communication strategies. He has worked for more than 20 years within the business journalism and communications business.*

*Pennanen provides advisory services for TMA-Finland.*

# TMA-UK Annual Conference deals with economic crisis

**T**MA-UK is forecasting a long, slow, and, for many businesses, painful period of economic recovery. Among the reasons for this conclusion are the high unemployment rate leading to depressed consumer demand, tax increases, the end of tax deferrals, and cuts in government spending hitting many sectors of the economy.

All these economic factors point to a period of intensely increased demand for the professional expertise of turnaround and recovery specialists. So it was no surprise that attendance at this year's TMA-UK annual conference was up more than 10 percent over 2008.

On November 19, conference attendees gathered at the Royal College of

Physicians in Regent's Park, London, eager to hear from some of the biggest names in the field how the economic troubled waters of the coming years are to be bridged.

The TMA-UK annual conference opened with an introduction by the affiliate's President Tyrone Courtman and conference moderator James Wheeler, followed by the event's inaugural address from British Venture Capital Association CEO Simon Walker.

Walker spoke on private equity's role in turning round distressed businesses. He reminded conference delegates that private equity had the experience, the professionalism, and the financial muscle to turn ailing companies into profitable ones, despite the recession.

"Private equity is not immune to recession," Walker said. "But it has been around a long

time. It has ridden previous economic cycles and seen off previous recessions."

The conference's first keynote speaker was journalist Tim Harford. Better known as the "Undercover Economist" for the *Financial Times*, Harford noted that economics is more of an art than a science. Asked whether he would be able to forecast the next steps in the current financial crisis, he discussed the reasons that experts in any field systematically fail to report in full, or give distorted reports, when attempting to make forecasts.



Following his keynote speech, "Undercover Economist" Tim Harford autographs his latest book.



Bryan Green shares his forecast for Britain's independent high street retailers.

In one of the concurrent morning workshops, Paul Gorman, Barclays Risk Solutions Group, examined the effects of interest and exchange rate fluctuations on cash flow forecasting.

In the best-attended workshop of the day, Sandy McPherson and Paolo Tagazzin of Celerant Consulting led a discussion on a "repair and management" approach to

private equity investment portfolios. They reviewed many of the tried and tested processes central to performance improvement, outlining some typical interventions and calling on specific and highly documented case studies.

The first panel session of the day reviewed the prospects for the U.K.'s retail sector. Moderated by *Global Turnaround* magazine editor John Willcock, it featured Alex Brick of Gordon Brothers Europe and Bryan Green of

Salans forecasting further problems for Britain's independent high street retailers.

Keynote speaker Garry Wilson, Endless LLP, analyzed some failed turnarounds, as well as some triumphant successes, and laid out the different skills required by crisis managers and strategic recovery managers.

The importance of understanding the business methods, traditions, and cultures of different markets was the subject of one of two afternoon workshops led by Chris Hart of Lloyds TSB Commercial Finance.

A concurrent workshop focused on the potential for restructuring relationships with customers, creditors, landlords, banks and other stakeholders in negotiating innovative and imaginative funding solutions at a time when traditional methods of securing credit are under intense pressure.

Angela Knight, who took over as CEO of the British Banking Association in 2007, just as the storm was about to break, was the conference's third keynoter. In her address, she explained that the British banking industry was well advanced in the process of rebalancing capital and liquidity and addressing the controversies surrounding remuneration.

Knight said the banking industry accepted the need for reform, but warned that in-depth impact analysis was a vital precondition of a new regulatory



In his conference inaugural address, Simon Walker focuses on the role of private equity in turnarounds.

regime. The timing of reform is also vital if the recession is not to be deepened and prolonged, she said.

A former Economic Secretary to the Treasury, Knight also debunked the idea that retail and investment banking can be artificially separated. Classic retail banks will never be able to raise enough in deposits to fund demand for mortgages, she explained.

In the conference's second panel session moderated by Alan Tilley, Bryan Tappy & Tilley LLP, the likely implications of the crisis for suppliers to the automotive industry were explored by Andy Eggleston, Eggleston Partners, and John Kelly, Begbies Traynor.

The event's final keynote speaker was Ian Pegler of the Little Chef roadside

restaurant chain. He explained the critical role that motivating and revitalizing middle management and staff played in his company's spectacular recovery—and revealed how he became a somewhat reluctant TV star!

The day's business was closed with remarks by TMA International President Pat Lagrange and Bryan Green, TMA-UK President Elect. 🌐



Angela Knight provided conference delegates with insights into Britain's banking industry.



Ian Pegler tells how his company achieved a spectacular recovery.



Paul Gorman sheds some light on cash flow forecasting.

# Realities of turnarounds in Latin America—the case of Brazil

by Peter Gault

Brazil is of particular interest to turnaround professionals, since it has emerged as a lead player on the international stage in the wake of the global financial crisis.

**T**urnaround management is a relatively new concept in Latin America due to the lack of an effective legal framework to facilitate corporate restructuring and a historic lack of credit. While some countries in the region have taken steps in recent years to improve their legal insolvency laws, inconsistent implementation of new laws and a continuing shortage of adequate funding for distressed companies are the principal challenges to a new breed of turnaround managers.

## Background

While the global credit crunch has leveled the playing field somewhat for turnaround managers worldwide, most Latin American countries have suffered from a historic scarcity of credit. One of the main reasons for the scarcity (and high cost) of credit has been the ineffectiveness of national insolvency systems, based on the Napoleonic Code and dating back to the 19th Century. With lenders unable to realize their security, and liquidation the most common remedy for companies unable to pay their debts, archaic insolvency laws and a historic prejudice against ailing companies inhibited bank lending and presented a serious barrier to economic growth.

Over the past 15 years, however, internal and external pressures for economic growth and trade liberalization have produced a move towards the reform of insolvency laws to support the rehabilitation of companies in distress. While the process of reducing the length, cost and bureaucracy of insolvency proceedings began in Chile in 1982 (copied by Colombia in 1999), significant changes to insolvency laws followed in Argentina (1995), Mexico (2000) and finally in Brazil (2005).

## Brazil—a giant awakens

The case of Brazil is of particular interest to turnaround professionals, now that the

proverbial “country of the future” has emerged as a lead player on the international stage in the wake of the global financial crisis. That Brazil should have been the last of the major countries in Latin America to introduce a modern insolvency law may come as a surprise to observers who are unfamiliar with the complexities of this hitherto sleeping giant.

In fact, the long delay in approving the New Bankruptcy and Restructuring Law (NBRL) in February 2005 followed 12 years of heated political debate about how best to integrate it within the wider legal and commercial laws of Brazil. Approval was forthcoming only after an agreement was reached with the Federal Association of Banks, a powerful organization that had urged legislators not to affect privileged loans.

The new law, also known as the law of enterprise recovery, is based on the U.S. Chapter 11 model that aims to achieve a balance between reorganization and liquidation while facilitating corporate renewal and the protection of jobs. It provides for reorganizing distressed companies by either judicial, extrajudicial means (similar to a prepackaged plan) or bankruptcy (similar to Chapter 7 liquidation).

It is important to appreciate, however, that an insolvency system involves much more than an insolvency law. Changing the way that an insolvency system functions within a historically complicated judicial hierarchy is an extremely complex task. This is particularly the case in a country as diverse as Brazil, where outdated institutional practices and inauspicious cultural values are deeply ingrained.

## Cultural challenges

Looking back to the case of a small automotive component manufacturer in São Paulo that was referred to my turnaround practice in

2003 provides a good example of the challenges involved. With annual sales of R\$10 million, the company was suffering from cash flow problems. The owner explained that R\$4 million was owing to suppliers and R\$2 million to a local bank. On examination of the books, it transpired that the company owed R\$15 million in overdue federal and local taxes!

With companies in Brazil being subject to a myriad of local taxes, it is perhaps not surprising that tax avoidance was the first step that many companies resorted to when confronted with cash flow problems. Not only did an inefficient tax collection system facilitate non-payment, but it provided such companies with a huge competitive advantage over its tax paying competitors.

Due to the preferential status afforded to labor liabilities and tax claims under the 1945 bankruptcy law, these liabilities would have to be paid ahead of trade creditors and banks in event of a liquidation. Furthermore, even if these commercial debts could have been restructured, a potential buyer would be burdened with successor liability for overdue taxes as well as labor and work-related injury claims that had accrued during the previous ownership.

This case also provided a good example of what could be called the “rich owner, poor company” culture in Brazil. In the case of this small manufacturing company, the owner was a person of considerable wealth who admitted to having taken cash out of the business in better times. Whether due to his company’s huge tax liabilities, or to a refusal to risk his personal wealth, he was unwilling to put new money into his own business to save it.

In this business environment, opportunities to restructure companies prior to 2005 were limited to a handful of extrajudicial restructurings for larger companies.

### Key changes under the new law

The NBRL contained measures to address the most blatant shortcomings of the 1945

bankruptcy law by providing new protections for secured creditors and buyers of distressed assets in Brazil.

- a) it changed the order of priority between secured claims and tax claims, placing secured claims second in priority behind labor and work-related injury claims.
- b) a nominal cap was placed on the value of first priority labor claims, whose value had previously been potentially unlimited.
- c) successor liability was eliminated with respect to certain claims where the debtor sells part of its business through the reorganizational plan, or where the court-appointed administrator sells the debtor’s assets in a bankruptcy liquidation.

While these measures were much needed, the new law left two vital issues unresolved:

- tax claims were not included in the judicial restructuring process and therefore remain a cause of uncertainty
- the provision of new money or debtor-in-possession (DIP) financing in restructuring proceedings is not adequately addressed

Furthermore, real guarantees provided to banks remain largely unaffected by insolvency proceedings, which provide the debtor with a limited 180-day stay to reach a restructuring agreement with creditors.

The first test for the new law came in June 2005 when Varig, the troubled national airline, petitioned for “*recuperaçao judicial*” (RJ). Several thousand Varig employees were dismissed without compensation prior to the sale of the bulk of Varig’s operations to a competitor airline, Gol.

### Challenges to the new law

In August 2007, a lawsuit was filed challenging this action and the constitutionality of several articles of the NBRL. In June 2009, the Supreme Court upheld the successor liability limitation in the 2005 law, thereby freeing Gol from liability for making the redundancy

TMA-Brazil is playing an active role in reversing the exaggerated prejudices of the past toward ailing companies.

### Turnarounds in Latin America -continued

payments. This landmark decision of the Supreme Court also re-confirmed the cap on individual labor claims.

In September 2009, the RJ process for Varig was concluded. Although the primary business of Varig has survived, albeit on a much reduced scale, the judicial process failed to bring relief to the original creditors. With debts of R\$8 billion in 2005, it is feared that creditors will soon call for the liquidation of the company.

### Issues on the ground

While the recent Supreme Court ruling was vital to reinforce the legitimacy of the NBRL and promote the continuing move towards stimulating the recovery of insolvent businesses, the fact is that there have been less than 1,500 RJ filings under the NBRL. This compares with more than 160,000 Chapter 11 filings in the United States since 2005.

There remain important administrative challenges to be overcome in order to create an environment in which turnarounds can be undertaken successfully in Brazil. The same is true in other Latin American countries that have also reformed their insolvency laws.

It is recognized that implementation of the new law is lacking in many respects.

- The court appointed administrators are not adequately trained for the role.
- There is little meaningful interaction with either the debtor or creditors.
- Reorganization plans are often submitted late and are not subjected to the rigorous analysis required.
- Creditors are rarely consulted prior to submission, although plans normally require the rescheduling of debts for long periods.

The distressed companies themselves must also accept responsibility for the relatively poor results achieved to date. Among the most common problems are the following:

- many distressed companies fail to acknowledge their problems in time
- they rarely have a clear plan when entering into RJ
- management tends to focus on rescheduling debt rather than profitability and future cash flow
- although the cooperation of creditors is vital to the success of the restructuring, communication is generally poor

### Conclusions

Clearly, the environment in Brazil is ripe for turnaround professionals with experience in applying internationally recognized standards in a newly invigorated economy that is trying to shed off the lethargy and local business practices of the past.

To be successful, however, important initiatives will need to be forthcoming:

- new sources of funding will be required to finance successful restructurings and the use of debt-to-equity swaps encouraged
- this will require a modification to the NBRL to prioritize DIP lending and encourage the development of an active market for distressed debt in Brazil. The treatment of overdue taxes is also a critical issue to be addressed
- a dedicated effort to educate all participants in the insolvency process of the benefits and techniques of modern turnaround practices

According to Eduardo Lemos, President of the Turnaround Management Association-Brazil, [a provisional international affiliate of the Turnaround Management Association] the biggest challenge to successful turnarounds is a cultural one. By providing an active forum where bankers, prominent lawyers and judges can meet with professional turnaround practitioners and business managers, TMA-Brazil is playing an active role in reversing the exaggerated prejudices of the past toward ailing companies. Furthermore, by teaching best

management practices to managers, the goal is to help many distressed companies avoid making the mistakes that took them to the brink in the first place.

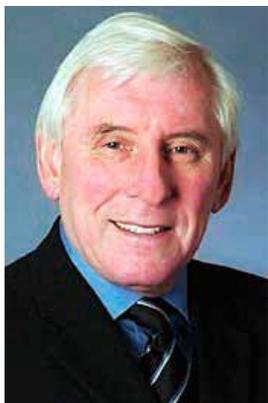
With many prominent TMA-Brazil members having been actively involved for several years in drafting the NBRL, it is pleasing to note that the same individuals are playing an equally important role in drafting amendments to improve the law as part of a focused group representing turnaround professionals throughout Brazil. TMA-Brazil is also stressing the importance of training in order to prepare judicial administrators and business managers to undertake the corporate renewal challenge effectively.

A similar approach to expand the reach of best turnaround management practices into other Latin American countries is a goal of TMA International that can only bring positive results to corporate renewal throughout this diverse region. 🌐



*Peter Gault is a partner in Turnarounds Latin America LLC, a founder member of TMA-Brazil, a provisional international affiliate of Turnaround Management Association, and an associate of the Begbies Global Network. This article was originally published in the 4th Quarter 2009 edition of INSOL World.*

## Tilley named 2010 TMA VP-International Relations



**O**n January 1, 2010, Alan Tilley of Bryan Tappy & Tilley LLP in the UK will take on the responsibilities of TMA's VP of International Relations. In so doing, he will become the first non-North American member to hold that office.

His duties will include:

- Encouraging the establishment of chapters outside North America
- Supervising the international chapter licensing program
- Supervising the interaction of TMA with its international chapters and the International Relations Committee, including any subcommittees
- Preparing strategic and operations plans for the program year, based upon the overall

goals/objectives and strategic plan of the organization

- Overseeing the development of committee operations plans

Currently TMA-UK's International Director, Tilley joined TMA's International Relations Committee in 2004 and has been instrumental in the formation of TMA affiliates in Germany, Spain, Italy and the Netherlands. He served as TMA-UK's President in 2005-6, and was recognized with the TMA International Chairman's Award in 2008 for his contribution to international development.

Tilley became managing director (Europe) of Glass & Associates in 1997. When Glass was merged into Huron Consulting, he was appointed managing director of its London-based restructuring practice. He later founded Bryan Tappy & Tilley LLP. Tilley is currently CRO of La Seda de Barcelona, a quoted Spanish company with operations across Europe.

AS TMA VP-International Relations, Tilley will also serve as the editor-in-chief of *TMA International News*. 🌐

# TMA-Australia awards outstanding turnarounds

Among the events at TMA-Australia's sixth Annual Conference held in September in Melbourne was the presentation of the affiliate's Turnaround of the Year Awards.



TMA-Australia's 2009 Turnaround of the Year award winners are (from left): Michael Sloan, Blake Dawson; Michael Fingland, Vantage Performance; Tim Norman, Deloitte.

Vantage Performance, Blake Dawson, Deloitte and Anchorage Capital were named 2009 national winners of the Small, Medium and Large Turnaround of the Year Awards.



The Outstanding Individual Contribution Award was given to Riad Tayeh of de Vries Tayeh.

Managing director of Vantage Performance Michael Fingland accepted the award for the Small Turnaround of the Year. His client, Brisbane Concrete Pumping, had been through significant change over the past twelve months, including renegotiation of a \$14 million debt and a vertical integration merger with Shepherd Contracting, which saved 80 jobs.

Michael Sloan of Blake Dawson and Tim Norman of Deloitte accepted the medium category award for their roles in turning around Waterford Wedgwood and Royal Doulton.

With the parent company insolvent, Sloan and Norman implemented an international restructure of the group. This included Australia's first pre-packed receivership,

which allowed the business to be sold to a U.S. private equity fund. The restructuring saved approximately 450 Australian jobs.

"It's not often you get thanked for putting a company into receivership," Sloan said. "The innovative pre-pack helped to save this Australian business."

Phil Cave and Michael Brittenden of Anchorage Capital accepted the large category award for their role in the turnaround of iconic Australian brand Golden Circle. The turnaround's achievements included cost savings of \$10 million, introduction of new debt facilities and a range of operational improvements and efficiencies, resulting in a \$29 million improvement in earnings.

Former Centro Property Group chief financial officer Tony Clarke won the CFO of the Year award for his collaboration with KPMG to renegotiate Centro's debt facilities while retaining the majority of the U.S. and Australian property portfolios. More than 1,400 jobs were saved through the restructure process.

The Outstanding Individual Contribution Award was given to Riad Tayeh of de Vries Tayeh.

## New President

Adrian Loader of Allegro Private Equity has recently replaced Ian Hyman as President of the TMA-Australia. A board member for four years, Hyman has been instrumental in progressing a number of initiatives, in particular, TMA-Australia's CTP program, which is on track to commence in 2010.

## Increased membership

TMA-Australia's board of directors reports that the affiliate's membership base has grown strongly this year and exceeded its budget. It now has more than 300 members, a 36% increase over last year. 🌐

# TMA-Taiwan workshop addresses current events

This year, many businesses in Taiwan have had to face not only the global financial crisis, but a flood disaster as well. TMA-Taiwan's 2009 Fall Advanced Education Workshop reflected these concerns.

The event took place September 15 and 16 at National Taiwan University College of Social Sciences in Taipei and concentrated

on turnaround case studies. It featured four general sessions and two panel sessions.

"How to Implement Turnaround Management From Financial Tsunami and Flood Disaster" was the topic of one of the general sessions, while one of the workshop's panel sessions dealt with the various aspects of turnaround management after the flood disaster. 🌐



Panelists participating in the discussion of "The Various Aspects of Turnaround Management after Flood Disaster" during TMA-Taiwan's 2009 Fall Advanced Education Workshop were (from left):

- Dr. Chung-Ming Liu, Professor, Department of Atmospheric Sciences, National Taiwan University
- Dr. Hong-Yuan Lee, Professor, Department of Civil Engineering, National Taiwan University
- Kao-Chao Lee, Council Member, Council for Economic Planning and Development Executive Yuan
- Dr. Dar-Yeh Hwang, President, TMA-Taiwan
- Susan S. Chang, Chairman, Bank of Taiwan/President-Elect, TMA-Taiwan
- Tanho-Chen, Chairman, Taiwan Ecological Engineering Development Foundation
- Dr. Norman Yin, Professor, Department of Money and Banking, National Chengchi University
- Yi-Shih Lin, Legislators, The Legislative Yuan of Republic of China

# News from TMA Headquarters

## New Turnaround Capital Forum at Distressed Investing Conference

Whether you are involved in distressed or special situations or are an investor or lender, mark your calendars for TMA's first Turnaround Capital Forum.

TMA's first event of its kind will bring capital providers interested in showcasing their firms together with investment bankers, turnaround consultants and crisis managers, bankruptcy attorneys and accountants, workout officers and others seeking debt and equity investments for their significant large or small transactions. Scheduled on January 27, the event is part of TMA's Distressed Investing Conference, January 27-29, 2010, at the Bellagio, Las Vegas, Nevada.

What makes TMA's Forum unique is that only the participants decide if they want to discuss opportunities or arrange to meet—not TMA. They will be able to communicate directly with each other through a special sign-up feature to

arrange informal exchanges during the one-and-a-half hour event. The result: a relaxed, less structured venue to facilitate deal flow.

This year, one registration fee (\$1195 USD members; \$1395 USD nonmembers) to the Distressed Investing Conference includes three programs in one. In addition to the Forum, the two-day conference this year incorporates the Advanced Case Study Session with an all-star panel dissecting Circuit City's Perfect Storm.

Plus, hear educational panels on finding capital, industry trends, where the banks are going, operations issues, real estate, and lessons learned from the deals that did not go as planned.

Hotel rates at the Bellagio are only \$149 USD, single or double occupancy (available only through December 31, 2009). Visit the conference site to learn more details and how to register. 

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## 2010 Webinar Series Announced, Archived Programs Available

Continuing its series of live programs on timely, industry topics by nationally known panelists, TMA is scheduling 10 Webinars in 2010—a first. During the next six months, you can look forward to the following programs:

- January 12 — Distressed Investing Conference 'Sneak Preview'**
- February 9 — Post-Holiday Season: What's in Store for Retail**
- March 9 — Media Industry**
- April 13 — Ethics Update**
- May 11 — Best of the TMA Spring Conference**
- June 8 — 13-Week Cash Flow**

Not only do TMA live Webinars offer convenience and affordability, they are now

approved for CPE credit by the National Association of State Boards of Accountancy (NASBA). Just connect by phone to a live presentation and follow the online PowerPoint slides. If you miss a program, just choose from the available Webinar archives for anytime access. Live or archived (only available in English), Webinar registration fees are only \$60 USD for members; \$120 USD for nonmembers.

Be sure to watch for email or on site updates, as live Webinar dates and topics are subject to change. For more information, or to register, visit Distance Learning in the Career Development part of our website or contact Quinn Meyer, Education Manager, 312/334-2580. 

# News from TMA Headquarters

## 2009 Annual Convention Recordings Now Available

If you missed the live event or a concurrent session, you can relive the dynamic presentations by industry experts at the 2009 Annual Convention through these recordings. Consider ordering one, or more, or all of them.

A full set of 11 sessions in the formats available and listed below is only \$199 USD. These are available as downloads through link provided at purchase.

### Audio, video, PowerPoint—\$85 USD each

- Automotive Suppliers: The Next Chapter 7, 11, Other?
- Somewhere Over the Rainbow: World Economy in Perspective
- The U.S. Retail Sector: It Finally Happened—Consumers Shopped Till They Dropped
- Capital: Who is Where on the Right Side of the Balance Sheet?
- State of the Capital Markets
- Avoiding Chapter 22

- Bankruptcy Preparation: Beyond the Basics

### Audio, PowerPoint only—\$35 USD

- A Peek Behind the Curtain: Turnaround Lessons Borrowed From Private Equity

### Audio, video only—\$65 USD each

- The Role of Government in Today's Restructurings: The End of the Absolute Priority Rule
- The Gathering Storm: Crisis in the CMBS/ Real Estate Industry
- Ethical Issues in Corporate Governance in Restructuring and Bankruptcy

Also available are selected sessions in DVD format from the 20th Annual Convention in New Orleans. DVDs are \$75 each for members; \$150 each for nonmembers.

Visit Recorded Conference Proceedings in the Career Development part of our website for recording descriptions and how to order any or all of them. 

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## New website knowledge center launches

TMA soft-launched TMAccess, its new website knowledge center and educational brand, at the Annual Convention in Phoenix, October 8-9.

Centralizing access to TMA educational programs and products for the busy executive, TMAccess offers online, affordable and on-demand learning including live and archived Webinars, e-learning courses, conference recordings and other educational materials.

Use the TMAccess link on the TMA home page for a sneak preview of what the site will look like in 2010 and to view the video shown at convention. Watch for the TMAccess logo on TMA continuing education that meets the career development needs of the corporate restructuring, distressed investing or turnaround management professional. 

## European affiliate presidents meet to discuss regional activities

Presidents from TMA affiliates in Europe gathered on November 18 in London to discuss strengthening future partnerships and coordination among affiliates and TMA International.

TMA President Patrick Lagrange, Chair Arthur Perkins, and 2010 Vice President of International Relations Alan Tilley were in attendance, as were Presidents of TMA Affiliates from France, Germany, Netherlands, Spain (provisional), Sweden and the United Kingdom.

Additional representatives from TMA-UK, TMA-Finland and an interest group in Romania also attended the meeting. Also participating by phone were 2010 TMA President Lisa M. Poulin, CTP, Vice President of International Relations Steven J. Weisz, Vice President of Certification Michael A. Feder, CTP, and TMA staff, including Executive Director Linda Delgadillo, CAE, and TMA's Director of Chapter Relations and Manager of Certification.

Among the topics the group discussed were the results of the second annual TMA European Conference held in June 2009 in Amsterdam, as well as plans for the 2010 European Conference, tentatively scheduled to be held in Berlin on June 10-11.

Significant interest was expressed in forming a pan-European CTP program. The group discussed requirements for an independent governance structure, sponsorship approaches, and ways to adapt the Body of Knowledge to

make the certification program meaningful to all TMA members in Europe. While the BOK Management and Accounting/Finance sections may need only minor alterations, the Legal section will need more work in order to incorporate both European Union and nation-specific content.

It was suggested that the presidents appoint representatives to serve on a steering committee that can meet regularly by conference call to gather specific affiliate needs and requirements and to ultimately make recommendations for next steps.

The group also revisited their discussion from June regarding a European secretariat. All agreed that developing a regional support structure would be valuable, but the specific duties and roles still need to be defined.

It was suggested that two components would be needed: a regional volunteer leader and a regional administrator. The volunteer role could potentially be filled by the president of the affiliate hosting that year's European Conference, while a co-chair position could be filled by the following year's host affiliate.

The administrative function could either be rotated among the affiliates or an administrative venue could be fixed with leadership responsibilities rotating. The goal would be to have the European conference serve as the primary source for the funding of the secretariat, with regional sponsorship support to fill any shortfall. 

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