

# Jake Lowther

Jake refers to himself as a “civilized common law lawyer” having qualified in first Australia and then Sweden. He is currently working as Legal Counsel (Sw. jurist) at the Secretariat of the SCC Arbitration Institute (“SCC”) in Stockholm. Prior to joining the SCC, Jake was an Associate (Sw. biträdande jurist) in the M&A and dispute resolution teams at Nordic-Baltic law firm Magnusson. Before this Jake worked in Seoul, Korea as Foreign Legal Specialist at the Korean Commercial Arbitration Board’s international division, KCAB INTERNATIONAL. Jake also has experience of arbitration practice in Germany, which he obtained alongside completing the International Dispute Resolution LL.M. program at Humboldt-University of Berlin. Jake began his legal career at Ashurst in Australia, where he worked in the employment, M&A, and infrastructure teams.

## DAY 1

09:00

### Registration & Morning coffee

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10:00

10:00

### Opening & Welcome

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10:10

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

Cezary Wiśniewski, ICC Poland, Linklaters, Poland

10:10

### ICC Court Welcome Address

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10:20

Alexander G. Fessas, ICC International Court of Arbitration, France

10:20

### Session I: Hot topics in M&A arbitration

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11:40

- Impact of impecunious party on arbitration agreement
- Post M&A ESG disputes - sources; is the arbitration a fitting forum?
- Interim relief around M&A: emergency arbitrators limiting state courts?
- W&I Insurance: procedural challenges in arbitration dealing with ‘insurance towers’
- Share Transfer Agreement + Shareholders’ Agreement + Accession Agreement - How does Cour d'appel de Paris interpret the parties’ agreement to arbitrate in the case of multiple arbitration clauses.

#### Moderator:

Alicja Zielińska-Eisen, YAAF, Queritius, Poland/Germany

#### Panellists:

Christian Borris, Borris Hennecke Kneisel, Germany

Joanna Kisielińska-Garncarek, GESSEL, Poland

Joanna Kolber, Strelia, Belgium

Dr. Ioana Knoll-Tudor, Addleshaw Goddard, France

Annet van Hooft, van Hooft , France

11:40

## Coffe break

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12:10

12:10

## Howden M&A Case study

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12:30

Drew Naylor, Howden, United Kingdom

Edward Copeman, Howden, United Kingdom

12:30

## Session II: Dialogue between counsel on legal nature of M&A award

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13:40

- Price adjustment made by the tribunal
- Is the award declaratory or constitutive and what are its practical effects?
- Interests computation

### Moderator:

Mary Mitsi, Queen Mary University of London, United Kingdom/Greece

13:40

## Dentons M&A Case study

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14:00

Michał Jochemczak, Dentons, Poland

14:00

## Lunch

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15:00

15:00

## Keynote speech: The paradigm of arbitration - yesterday, today and tomorrow - Yves Derains in conversation with Beata Gessel

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15:40

Yves Derains, Derains & Gharavi, France

15:40

16:50

## Session III: Voice of reason or hired gun? The independence and impartiality of party-appointed experts in M&A disputes

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- The difference between party-appointed and tribunal-appointed experts
- The role of geography
- The role of soft laws
- Expectations of the parties and the tribunal

### Moderator:

Mark Kantor, , USA

### Panellists:

Folashade Alli SAN, Folashade Alli and Associates, Nigeria

Luminita Popa, Suciu Popa, Romania

Alexander Demuth, , Germany

Renato Nazzini, King's Collage London, United Kingdom/Italy

16:50

## Treats & Meads

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19:30

## Gala Dinner

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Venue - Look Up! Skyliner building, 67 Prosta Street (upon separate registration)

## DAY 2

09:00

## Morning coffee

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10:00

10:00

## Opening & Welcome

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10:05

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

10:05

## Special Guest

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10:35

Special Guest's address: The Permanent Court of Arbitration: 125 years of

## Peace through Justice

Marcin Czepelak, Permanent Court of Arbitration, Netherlands

10:35

10:55

## Presentation: M&A Arbitration in Wartime under the SCC Rules

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Jake Lowther, SCC Arbitration Institute, Sweden

10:55

11:15

## Clifford Chance Case Study

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Adelina Prokop, Clifford Chance, Poland

Moritz Keller, Clifford Chance, Germany

11:15

12:45

## Session: M&A Arbitration in Wartime - Breaking up is never easy

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- M&A disputes risks when exiting high-risk jurisdictions
- Case studies from jurisdictions in the Middle East, Eastern Europe and Africa

### Moderator:

Bartosz Krużewski, Clifford Chance, Poland

### Panellists:

Timur Bondaryev, Arzinger, Ukraine

Joshua Kelly, Freshfields Bruckhaus Deringer, United Kingdom

Steven Finizio, Wilmer Hale, United Kingdom/USA

Jacob Enoch, M. Firon&Co. Advocates, Israel

Judith Mulholland, Baker McKenzie, UK

12:45

12:50

## Closing of the conference

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Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

**...and yes, bubbles and strawberries!!**

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