

# Dr. Stephan Wilske, LL.M

**Dr. Stephan Wilske, LL.M.**, is a partner in the Gleiss Lutz Dispute Resolution Practice Group and regularly advises clients in international commercial (in particular post M&A disputes) and investment arbitration proceedings, as well as in cross-border litigation. He regularly serves as arbitrator (party-appointed or chair) in international arbitrations. He is admitted in New York (1997), Germany (1997) and to the U.S. Court of Appeals for the Federal Circuit (2007), the U.S. Supreme Court (2009) and the U.S. Court of Appeals for the Second Circuit (2010). Stephan is Fellow of the Chartered Institute of Arbitrators (FCI Arb), a Fellow of the Asian Institute of Alternative Dispute Resolution (AIADR) and a member of the American Law Institute (ALI). He is International Advisor to the Korean Institute of Technology and the Law (KITAL), Senior Committee Member of the Contemporary Asia Arbitration Journal, Kluwer ITA Country Law Reporter for Turkey (together with Ismail Esin), International Correspondent (Germany) of the Revista Română de Arbitraj (Romanian Arbitration Review), Advisory Committee Member of the Swiss Arbitration Academy (SAA), a member of the Panel of Expert Neutrals of the Mediation and Conciliation Network (MCN) (India) and a contributor to the Max Planck Encyclopedia of Public International Law (MPEPIL). He teaches at the Universities of Heidelberg and Jena. In 2010, Stephan was a visiting professor at National Taiwan University College of Law. Since 2019 he is a Vice President of the Court of Arbitration of the CAA International Arbitration Centre. Stephan Wilske has studied at the Université d'Aix-Marseille III (Maîtrise en Droit, 1987), University of Tübingen (First State Exam, 1990; MA in Political Sciences, 1991; Dr. iur. 1998) and The University of Chicago Law School (LL.M.; Casper Platt Award 1996).

## 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

11:30

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

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- 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

11:30

## Howden M&A Case study

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11:50

Drew Naylor, Howden, United Kingdom

Edward Copeman, Howden, United Kingdom

11:50

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

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13:00

- 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

13:00

## Lunch

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14:00

14:00

14:20

## Dentons M&A Case study

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Michał Jochemczak, Dentons, Poland

14:20

15:00

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

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Yves Derains, Derains & Gharavi, France

15:00

16:10

## 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 College London, United Kingdom/Italy

16:10

## 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

10:00

## Morning coffee

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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

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

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10:55

Jake Lowther, SCC Arbitration Institute, Sweden

10:55

### Clifford Chance Case Study

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11:15

11:15

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

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12:45

- 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

12:45

## **Closing of the conference**

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12:55

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

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

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