

# Christina Beharry

Christina Beharry is a Partner in Foley Hoag's International Litigation and Arbitration Department in Washington, D.C. Her practice focuses on public international law, investor-State and commercial arbitration, and trade and investment policy. Ms. Beharry repeatedly assumes responsibility for damages arguments in high-stakes disputes with multi-million dollar claims. She works extensively with quantum experts on complex financial matters relating to the valuation of businesses and the quantification of compensation for environmental damages and adverse human health impacts. In addition, Ms. Beharry publishes regularly on compensation and valuation topics and has edited a book titled *Contemporary and Emerging Issues on the Law of Damages and Valuation in International Investment Arbitration* (Brill Nijhoff, 2018). Prior to joining Foley Hoag, she practiced in the Trade Law Bureau of the Department of Foreign Affairs and International Trade where she represented the Government of Canada in investment disputes brought under NAFTA Chapter 11 and assisted in the negotiation of bilateral investment treaties.

## 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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11:30

- 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

## **Dentons M&A Case study**

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14:20

Michał Jochemczak, Dentons, Poland

14:20

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

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15:00

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 Collage 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

## 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

### **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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