

Prof. Dr. Kasper J. Krzemiński

Kasper J. Krzemiński is partner in the Litigation & Arbitration practice group of NautaDutilh (the Netherlands). He specializes in the resolution of commercial and contractual disputes. Kasper represents his clients in international and domestic arbitration under a variety of rules (including ICC, SIAC, LMAA, NAI, UNUM), Dutch court litigation and ADR. He assists clients in a wide range of industries, including energy & natural resources, offshore, finance and construction. Kasper is particularly experienced in the area of multi-jurisdictional debt recovery and the enforcement of arbitral awards and foreign money judgments, including sovereign debt. Alongside his legal practice, Kasper is Professor of Enforcement and Attachment Law at the University of Amsterdam School of Law (UvA). He frequently publishes on topics in the field of cross-border litigation, arbitration and Dutch property law. He also serves as Secretary-General of P.R.I.M.E. Finance, a specialized arbitration institution for the resolution of complex financial disputes. Kasper graduated from Erasmus University Rotterdam in 2005 with a Masters' degree in Dutch private law and Dutch business law. Kasper obtained his LL.M. degree from New York University School of Law in 2006. He joined NautaDutilh in the same year. In 2013, Kasper obtained his Doctorate (cum laude) at Erasmus University Rotterdam with a dissertation on repledge of collateral. Kasper is admitted to both the Rotterdam Bar (2006) and the New York Bar (2007).

DAY 1

09:00

Registration & Morning coffee

10:00

10:00

Opening & Welcome

10:10

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

Cezary Wiśniewski, ICC Poland, Linklaters, Poland

10:10

ICC Court Welcome Address

10:20

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

10:20

Session I: Hot topics in M&A arbitration

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

12:10

12:10

Howden M&A Case study

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

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

14:00

Michał Jochemczak, Dentons, Poland

14:00

Lunch

15:00

15:00

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

Yves Derains, Derains & Gharavi, France

15:40

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

16:50

- 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

19:30

Gala Dinner

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

DAY 2

09:00

Morning coffee

10:00

10:00

10:05

Opening & Welcome

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

10:05

Special Guest

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

10:55

Jake Lowther, SCC Arbitration Institute, Sweden

10:55

Clifford Chance Case Study

11:15

Adelina Prokop, Clifford Chance, Poland

Moritz Keller, Clifford Chance, Germany

11:15

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

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

Judith Mulholland, Baker McKenzie, UK

12:45

Closing of the conference

12:50

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

...and yes, bubbles and strawberries!!
