

# Patricia Nacimiento, PhD

Patricia Nacimiento, PhD is the co-head of the German dispute resolution practice. Patricia has over 20 years of experience as disputes practitioner. Her practice spans a wide range of disputes work with a special focus on domestic and international arbitration as well as investor state disputes. Patricia has significant experience in disputes related to energy, construction and post M&A. The German government has appointed her in 2007 as one of four arbitrators to the panel of arbitrators at the International Centre for Settlement of Investment Disputes (ICSID). As a party representative, she has conducted over 120 arbitration proceedings under the rules of numerous arbitration institutions - including ICC, ICSID, SCC, CIETAC, DIS, LCIA, ICDR, Swiss Chamber of Commerce, Indian Council of Arbitration, and the Danish Institution of Arbitration as well as ad hoc proceedings. She is also regularly appointed as an arbitrator and has led numerous international ICC-, DIS- and ad hoc arbitration proceedings as a chairperson, sole arbitrator or party appointed arbitrator. For years, Patricia has been listed as a leading disputes expert in renowned rankings and directories such as Global Arbitration Review, Women in Business, Best Lawyers, Who's Who Legal and Chambers Europe, Chambers Global, Legal 500 and leading German directory JUVE. She publishes regularly on disputes related subjects and is co-editor of the leading arbitration manuals "Arbitration in Germany - The Model Law in Practice" (Kluwer 2015) and "The New York Convention - a Global Commentary" (Kluwer 2008). Patricia is a German native speaker and fluent in English, Spanish, French and Italian.

## 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

## Coffee break

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12:10

12:10

## Howden M&A Case study: Insuring Known Legal Risks in M&A Transactions

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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: From the transaction closing party to the post closing hangover

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14:00

Michał Jochemczak, Dentons, Poland

Dominika Karsznia, ValueMind, 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

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

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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 College London, United Kingdom/Italy

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: Is it a case for an expert or arbitrator? Financial disputes under M&A contracts

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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

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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

Judith Mulholland, Baker McKenzie, UK

12:45

## **Closing of the conference**

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12:50

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

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

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14:00

## **ICC YAAF: Decoding the ESG: Passing Buzzword or Future Frontier for Dispute Lawyers?**

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16:30

[Register](#)