

# Kluwer Law Conference for In-house Counsel TURKEY & MIDDLE EAST: 4<sup>TH</sup> ANNUAL INTERNATIONAL ARBITRATION SUMMIT

(This conference will be conducted in English)

Wednesday, 27 September 2017, 8:50am – 5:30pm

Intercontinental Istanbul



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**SPEAKERS**



**Jonathan W Blythe**  
Founder Member, British Turkish  
Lawyers Association  
**Welcome Speech**



**Prof. Dr. Ziya Akinci**  
President,  
Istanbul Arbitration Centre  
**Opening Address**



**Can Yeginsu**  
Barrister,  
4 New Square Chambers  
**Keynote Speaker**



**Anthony Jones**  
Barrister,  
4 New Square Chambers  
**Moderator — 1st Grand Panel**



**Victor P. Leginsky**  
Independent International  
Chartered Arbitrator B.Ed.,  
J.D., FCI Arb  
**Moderator — 2nd Grand Panel**



**Noyan Göksu**  
Managing Partner,  
Göksu Avukatlık Bürosu



**Ismail Esin**  
Managing Partner,  
Esin Attorney Partnership,  
a member firm of  
Baker & McKenzie



**Değer Boden**  
Partner, Boden Law



**Okan Demirkan**  
Partner,  
Kolcuoğlu Demirkan Koçaklı



**Anne Hoffmann**  
Legal Director, Clyde & Co



**John Lewis**  
Senior Associate, Dispute  
Resolution Group, Clyde & Co



**Ravi Shankar**  
Senior Partner, Head of  
Arbitration, Law Senate



**Christopher Grout**  
Registrar,  
Qatar International Court and  
Dispute Resolution Centre



**Julian Cohen**  
Barrister, HK, Gilt Chambers



**Serdar Paksoy**  
Founder and senior partner,  
Paksoy

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Venue: Intercontinental Istanbul  
Anadolu Room, Asker Ocagi Cad No.1 34435  
Taksim, Istanbul, Turkey

Normal rate:	US\$740
Early Bird rate:	US\$592
(20% off on or before 31 August 2017)	
Supporting Organisation rate:	US\$592
Half Day rate:	US\$450
All registration includes networking lunch.	

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SCHEDULE

8:50 – 9:00	Welcome Speech Jonathan W Blythe, Founder Member, British Turkish Lawyers Association	14:40 – 15:10	Investment Arbitration – Protecting Your Company Anne Hoffmann, Legal Director, Clyde & Co John Lewis, Senior Associate, Dispute Resolution Group, Clyde & Co
9:00 – 9:15	Opening Address Prof. Dr. Ziya Akinci, President, Istanbul Arbitration Centre	15:10 – 15:30	Emergency Arbitration in Turkey – Does it Work?
9:15 – 9:45	1st Keynote Session – Recent Developments Affecting Global International Arbitration Can Yeginsu, Barrister, 4 New Square Chambers	15:30 – 15:55	<b>Short Break &amp; Afternoon Refreshment</b>
9:45 – 10:15	Construction and Infrastructure Disputes in Turkey – Advice to Counsels	15:55 – 16:20	Shareholder Disputes for International Companies in Turkey Serdar Paksoy, Founder and Senior Partner, Paksoy
10:15 – 10:45	3rd Party Funding in Arbitration	16:20 – 16:40	Enforcement of Foreign Judgements in Turkey and the Middle East
10:45 – 11:15	Networking & Morning Refreshment	16:40 – 17:30	2nd Grand Panel – Saving on Costs and Time – Different Regions Different Options? Moderator • Victor P. Leginsky, Independent International Chartered Arbitrator B.Ed., J.D., FCI Arb Panellists: • Ravi Shankar, Senior Partner, Head of Arbitration, Law Senate • Christopher Grout, Registrar, Qatar International Court and Dispute Resolution Centre • Julian Cohen, Barrister, HK, Gilt Chambers • Representative of DIFC-LCIA • Representative of ISTAC
11:15 – 11:45	Arbitration of M&A Transactions Ismail Esin, Managing Partner, Esin Attorney Partnership, a member firm of Baker & McKenzie	17:30 – 17:35	<b>Closing Remarks &amp; Lucky Draw</b>
11:45 – 12:15	LNG Energy and Oil Disputes in Turkey & Middle East	17:40 – 18:40	<b>Networking Cocktail</b>
12:15 – 12:45	Choosing Governing Law and Arbitration in Cross Border Transactions Deger Boden, Partner, Boden Law		
12:45 – 14:00	<b>Networking Lunch</b>		
14:00 – 14:40	1st Grand Panel – Managing an Effective Arbitration and Use of the An Expert Witness for Inhouse Counsel Moderator • Anthony Jones, Barrister, 4 New Square Chambers Panellists: • Okan Demirkan, Partner, Kolcuoğlu Demirkan Koçaklı • Noyan Göksu, Managing Partner, Göksu Avukatlık Bürosu		

**Jonathan W Blythe, Founder Member, British Turkish Lawyers Association**

Jonathan is one of the founder members of the BTLA and is currently adviser to the board. He is a qualified Scottish and English solicitor, but for the majority of his professional life he has been located in Turkey. Having completed an MA (Law) at Istanbul University, in 1995 he set up and ran the Istanbul office of the Scottish oil and gas law firm Ledingham Chalmers. A veteran of the BTC pipeline deal, he has acted for a number of State and Private Entities. Following an MBO in 2004 he has been 12 years with the successor firm Senguler law office. Besides energy and project work, Jonathan advises foreign investors setting up in Turkey across a range of sectors.

Being fluent in Turkish but having a common law background he and his team at Senguler assist clients as they seek to navigate the sometimes uncertain waters of Turkish local regulation. Jonathan is a qualified Arbitrator, and a member of CIARB, he has sat in a number of ICC cases involving multinational parties under both Turkish and English law.

**Prof. Dr. Ziya Akinci, President, Istanbul Arbitration Centre**

Ziya Akinci, is the founding partner of Akinci Law Office, carries out his duty as the President of Istanbul Arbitration Centre (ISTAC). Dr. Akinci is a member of the ICC International Court of Arbitration since 2006 and he is also head of the International Private Law Division of Galatasaray University Faculty of Law. Dr. Akinci focuses primarily on dispute resolution and has acted as counsel, expert, sole arbitrator and co-arbitrator in many international and domestic proceedings including international construction projects, energy projects, investment disputes, mergers and acquisitions, international commercial disputes. Dr. Akinci was admitted to the Bar in 1986. In 2003 he became a professor of Private International Law in Galatasaray University. He has authored numerous publications on topics including but not limited to international arbitration, international construction law, applicable law to the contracts, international family law and the international carriage of goods by road.

**Can Yeginsu, Barrister, 4 New Square Chambers**

Can Yeginsu is a barrister who combines a strong practice in international arbitration and commercial litigation (including civil fraud) with professional liability work and a busy commercial judicial review specialism, while also fostering a wider human rights and public international law practice, equivalent in depth and breadth to his commercial work. Recognised in Chambers Global, UK Chambers and Partners, and Legal 500 as a leading junior in international arbitration, commercial litigation, and administrative and public law, Can has been described as “fiercely clever but also a true team player; he knows arbitration inside out and is a very elegant and effective advocate”, possessing “serious legal brainpower, accompanied with a deft touch with clients”, and “in a class of his own”. In 2013, Can was recognised as one of ten “Stars of the Bar” practising at the Commercial Bar of England and Wales by Legal Week Magazine.

Can acts frequently as counsel in arbitrations under the auspices of the major institutions including the LCIA, ICC, ICSID, LMAA, and CIARB, as well as in ad hoc cases under the UNCITRAL rules. Can has appeared in cases before the UK Supreme Court, the Court of Appeal and in trials in the Commercial Court and Chancery Division of the English High Court. Can is also admitted to the Bar of the DIFC Courts. Since 2016, Can has been Visiting Professor of Investment Law and Arbitration at Koç University Law School, Istanbul. He is also a guest lecturer on investment and commercial arbitration at Harvard Law School and Columbia University. Can is a member of the British Institute of International and Comparative Law’s Investment Treaty Forum and the author of a leading human rights textbook, published by Oxford University Press. Can is bi-lingual in English and Turkish. He holds prize-winning degrees from University College, Oxford and Harvard Law School. In a previous life, he taught English Literature as the Jane Eliza Procter Fellow at Princeton University.

**Anthony Jones, Barrister, 4 New Square Chambers**

Anthony Jones is a barrister at 4 New Square with a substantial practice in commercial and international law. He frequently acts in cases related to cross-border and offshore investments, and is currently involved in litigation before the Court of Appeal and Commercial Court in England, the courts of the Isle of Man and a number of Caribbean jurisdictions, for a major European bank in a \$75 million expropriation and fair treatment investment claim against the Republic of Turkey, and a \$50 million ICSID claim against Turkmenistan.

Anthony also has substantial experience in claims before international tribunals, appearing as sole counsel before the General Court of the European Union, before the European Court of Human Rights on five occasions, and before the regional Court of Justice of the Economic Community of West African States in Nigeria. He lectures at the London School of Economics on commercial law, guest lectures at Koç University in Istanbul on investment treaty disputes and public international law, and has recently been appointed as a Research Visitor to the Bonavero Institute of Human Rights at the University of Oxford for 2018.

**Victor P. Leginsky, Independent International Chartered Arbitrator B.Ed., J.D., FCIArb**

Victor P. Leginsky, Canadian citizen, is an experienced international arbitrator and Barrister & Solicitor, resident in Dubai, UAE since April 2007. Victor has prior high-level mediation experience having been appointed by the Attorney General of British Columbia, Canada, to be the Chair of the Manufactured Home Park Dispute Resolution Committee. He brings over 25 years of arbitration experience in Canada. Victor has earned the internationally-recognized designations of Chartered Arbitrator and Fellow from the Chartered Institute of Arbitrators. He is a committee member of the International Court of Arbitration (ICC) – UAE and member of ICC-Canada. He is alternate regional chapter co-ordinator of the Association of International Petroleum Negotiators (AIPN) and launched its seminar on oil & gas dispute resolution in the Middle East. He co-instructs, with Prof. Dr. Klaus Peter Berger a practical course in International Commercial Arbitration in Dubai. He is registered as a Barrister with the Dubai International Financial Centre (DIFC) Courts and is a member in good standing of the Law Society of British Columbia, Canada.

**Noyan Göksu, Managing Partner, Göksu Avukatlık Bürosu**

Noyan Göksu is the managing partner of Göksu Avukatlık Bürosu, an Istanbul-based law firm focusing on international litigation and arbitration. He is also a partner of Pinsent Masons LLP within the Construction Advisory and Disputes practice group. A member of the Istanbul Bar, the English Bar and the Scottish Bar, Noyan has practised law internationally, including in the USA and France with leading law firms and the European Court of Human Rights. Throughout his career, Noyan has undertaken a large number of commercial and investment arbitrations under the ICSID, ICC, LCIA, Stockholm Chamber of Commerce, Hamburg Stock Exchange and DIAC rules in jurisdictions ranging from Egypt, Uzbekistan, Algeria, Serbia to the Philippines. His disputes practice involves complex infrastructure projects under various FIDIC and bespoke forms of contract, oil and gas disputes, M&A and shareholder disputes among others.

In addition to being a recognized arbitration attorney with over 15 years of experience, Noyan teaches at law schools and other institutions. He previously taught the International Commercial Arbitration class at Istanbul Bahçeşehir University Law School and gave lectures on Alternative Dispute Resolution in M&A and JV projects at Istanbul Bilgi University as part of the ELSA M&A School. Since 2010, he has been an Adjunct Professor at Istanbul Yeditepe University Law School, teaching the International Commercial Arbitration class. In 2014, he was chosen by the US State Department as the leading regional expert to train Iraqi officials on alternative dispute resolution.

Noyan holds an LL.B. from Galatasaray University Law School (2000) and an LL.M. from Yale Law School (2003).

**Ismail Esin, Managing Partner, Esin Attorney Partnership, a member firm of Baker & McKenzie**

Ismail Esin has more than 15 years of experience advising clients in arbitration and mergers and acquisitions matters. He is listed in The International Who’s Who for mergers and acquisitions and commercial arbitration and in Chambers & Partners and Legal 500 for Corporate/M&A and Dispute Resolution. He has lectured on law of obligations and mergers and acquisitions law at Marmara, Galatasaray, Yeditepe and Bilgi universities in Istanbul, and writes extensively on these topics. Ismail advises banks, multinational companies, governments and private equity funds on investments and major projects in Turkey, the Middle East and the CIS. His work focuses primarily on the energy, infrastructure, construction, telecom and healthcare industries. He also acts as an arbitrator and as counsel in arbitration matters, especially focusing on arbitration of M&A transactions. He recently co-edited Arbitration in Turkey published by Kluwer Law International, the first comprehensive guide to arbitration in Turkey published by Kluwer. He was also recently appointed as an advisory board member for the Istanbul Arbitration Center.

**Deger Boden, Partner, Boden Law**

Değer Boden has significant experience in energy, infrastructure and arbitration matters. She is listed in Legal 500, Chambers & Partners and Who’s Who Legal for her energy and natural resources’ practices. She assists clients in avoiding or resolving disputes and regulatory issues (including energy regulations) through negotiation, mediation, arbitration and litigation. Her experience embraces international commercial and investment treaty arbitration. She was a member of the team in representation of the Republic of Turkey in the first ICSID arbitration case pursued against the Republic of Turkey. She also advises clients in relation to the structuring of their overseas investments to benefit from investment treaty protection. Her commercial arbitration experience includes disputes arising from shareholders agreements, construction agreements and EPC contracts. She also represents clients in enforcement proceedings. She publishes, teaches and speaks extensively on arbitration and energy matters. She has lectured on Legal and Regulatory Aspects of Energy Markets at Yeditepe University. She received her law degree (LL.B) from Galatasaray University, School of Law (2000). She is a member of Istanbul Bar since 2001. She holds an LL.M. degree in International Business Law from the University of Minnesota, School of Law (2005) and another LL.M. degree in Law of Economics from Istanbul Bilgi University, School of Law (2004). She speaks Turkish, English and French.



**Okan Demirkan, Partner, Kolcuoğlu Demirkan Koçaklı**

After spending ten years at a major İstanbul-based law firm, Mr. Demirkan joined what is now Kolcuoğlu Demirkan Koçaklı. Mr. Demirkan has significant experience in energy and infrastructure, arbitration and litigation. He currently leads the Firm's dispute resolution and energy practices.

Mr. Demirkan has been heavily involved in several arbitration proceedings, concerning disputes arising from major infrastructure projects including build-operate-transfer (BOT) model investments; share purchase agreements, shareholders agreements; asset transfer agreements; and licensing contracts. In 2002, Okan Demirkan was a member of the team that acted in the first (published) arbitration that was pursued under the then new International Arbitration Law of Turkey. He has represented several clients in all stages of arbitration proceedings, as well as in post-arbitration litigation such as enforcement and setting aside lawsuits. In addition to international arbitration, Okan represents many clients in their local litigation proceedings.

**Anne Hoffmann, Legal Director, Clyde & Co**

Anne is a Legal Director in the firm's international arbitration team based in Dubai. A lawyer qualified to practice both in Germany as well as England & Wales, Anne's practice focuses on international commercial and investment arbitration where she regularly acts as counsel in disputes arising under all major rules (in particular ICC, LCIA, ICSID, Swiss Rules, DIAC, UNCITRAL) as well as in ad hoc proceedings, involving disputes from a great variety of sectors. Anne has particular experience in investment arbitrations - she advises and represents parties concerning all issues arising out of bilateral and multilateral investment treaties and acts as an arbitrator in investment arbitration proceedings.

Prior to working in Dubai, Anne practiced in Switzerland and the UK. She is recognised as one of the leading arbitration lawyers in the UAE (GAR, Who's Who Legal 2015, 2016 and 2017).

Anne is also a visiting lecturer at Humboldt University Berlin and regularly speaks and publishes on arbitration issues. She speaks English, German, Russian and French.

**John Lewis, Senior Associate, Dispute Resolution Group, Clyde & Co**

John has practised commercial dispute resolution in the Middle East since 2006 at which time John was based in Sana'a, Yemen, representing the Government of Yemen in what is recognised as one of the major arbitration successes of recent years. Following the successful outcome of that arbitration, John relocated to Clyde & Co's Dubai office in 2008 to join the Dubai dispute resolution group.

John's practice focusses on commercial litigation and international arbitration with an emphasis on corporate, commercial, real estate and transport and logistics disputes. John acts for a wide variety of local and international businesses in court and arbitration proceedings administered by a range of international institutions including DIAC, ICC, LCIA and the DIFC-LCIA, providing pragmatic commercial and strategic legal advice on contentious issues. John has appeared as counsel in several arbitration proceedings and is currently sitting as sole arbitrator and co-arbitrator in a number of DIAC arbitrations. John is also a member of the DIFC-LCIA Working Group Committee and the DIFC Pro Bono Panel.

**Ravi Shankar, Senior Partner, Head of Arbitration, Law Senate**

S. Ravi Shankar is an International arbitration lawyer practising in the field of arbitration and corporate dispute resolution. He is a Senior Partner in the New Delhi based Lawsenate law firm. He is a qualified Advocate on Record in the Supreme Court of India. He is also the President of "Arbitration Association of India" which is a national body of practitioners, arbitrators and users. He is holding a Post graduate degree in Business Administration and a degree in the field of law. He is having about 20 years of experience in the field of dispute resolution and has travelled across the globe on various assignments. He has published various publications in the field of law particularly in the field of Arbitration. He also has addressed various international and domestic conferences in the field of Dispute resolution. He has handled various high value arbitrations and litigations in India and outside India. He is an active member of various international professional organisations including IBA, ICCA, IAA, IAI, AAI etc.

**Christopher Grout, Registrar, Qatar International Court and Dispute Resolution Centre**

Christopher has occupied the role of Registrar at the QICDRC since 2012. As Registrar, he is head of the Registry that services both the Qatar International Court and the Qatar Financial Centre Regulatory Tribunal. The Qatar International Court (established in law as the QFC Civil and Commercial Court) has jurisdiction over civil and commercial disputes which relate to those institutions, authorities and other entities established or conducting business in the QFC. In addition, since 2017, the Court has additional responsibilities where it is nominated as the Competent Court for arbitrations seated in Qatar pursuant to the provisions of Law No 2 of 2017 issuing the Law of Arbitration in Civil and Commercial Matters. Christopher is responsible for the case management of cases that come before the Court and Tribunal and will, where necessary, conduct costs assessments following the conclusion of cases. Where required, Christopher will provide procedural directions in relation to cases and, along with his team, will be available to assist parties with any queries they may have.

Christopher is a qualified barrister of England and Wales and is a tenant at 15 New Bridge Street (London), the Chambers of David Aarongberg QC, having been called to the Bar (Inner Temple) in 2007. Christopher's main specialism is in the field of crime, particularly criminal defence.

**Julian Cohen, Barrister, HK, Gilt Chambers**

Julian has nearly 25 years of specialist experience of heavyweight international commercial arbitration in Asia Pacific, the Middle East and Europe. In addition to acting as counsel, he also acts sits regularly as an arbitrator. His areas of practice include a wide range of company and commercial disputes as well as construction and engineering arbitrations. He was called to the Bar in England in 1990, became a solicitor in 1993, and moved to Hong Kong in 1998. He was a Partner in the Construction and Engineering Disputes practice of Pinsent Masons before moving to the Hong Kong Bar in 2010. Julian has been recognised as one of the world's leading construction disputes lawyers (Expert Guides 2013 and 2015) and lectures and writes regularly on arbitration related topics.

**Serdar Paksoy, Founder and Senior Partner, Paksoy**

Serdar Paksoy is the founder and senior partner of the firm. For over 30 years, he has been actively advising foreign investors and assisting them in their transactions and also disputes work in Turkey and abroad. Serdar's practice focuses on corporate governance, mergers and acquisitions, white collar crimes, investigations and dispute resolution. He extensively advises clients on matters involving crossborder acquisitions, joint ventures, private equity investments, strategic investments, investigations and litigation across a wide range of sectors from financial services, banking, retail, transportation, logistics and manufacturing to energy, insurance, health care and pharmaceuticals. Serdar is the head of Paksoy's litigation and dispute resolution practice and an active trial lawyer in arbitration. He has extensive experience in matters acting for many clients as an advocate in court actions including commercial litigation, administrative lawsuits, corporate governance, insolvency, investigations, white-collar crimes and crisis advisory.

## Turkey & Middle East: 4<sup>th</sup> Annual International Arbitration Summit

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