Kluwer Law Conference for In-house Counsel

TURKEY & MIDDLE EAST: 4TH 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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SPKERS

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

Jonathan W Blythe
Founder Member, British Turkish Lawyers Association
Welcome Speech
Moderator – 2nd Grand Panel

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

Noyan Gökşu
Managing Partner,
Gökşu | Aydınlık Avukatlık Bürosu

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

Değer Boden
Partner, Boden Law

Okan Demirkan
Partner,
Koçcuoğlu Demirkan Koçakları

Anne Hoffmann
Legal Director, Clyde & Co

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

Julian Cohen
Barrister, HK, Gilt Chambers

Serdar Paksoy
Founder and senior partner,
Paksoy

Sami Houerbi
Director for Eastern Mediterranean, Middle East & Africa, ICC International Court of Arbitration; Partner, Houerbi Law Firm, Dubai/Tunis

James Freeman
Counsel, Allen & Overy

Didem Mutlu
Head Legal Counsel, Enerjisa Enerji A.Ş.

Basar Şahin
Director, ICM Consulting, Turkey

Nazlı Demir Öba
General Counsel, Karadeniz Holding A.Ş.
Welcome Message
Jonathan W Blythe, Founder Member, British Turkish Lawyers Association

Opening Address
Prof. Dr. Ziya Akincli, President, Istanbul Arbitration Centre

Keynote Session — Recent Developments Affecting Global International Arbitration
Can Yeginsu, Barrister, 4 New Square Chambers

Joint Ventures: Some War Stories and Lessons to Learn from Them
James Freeman, Counsel, Allen & Overy

Arbitration of M&A Transactions
Ismail Esin, Managing Partner, Esin Attorney Partnership, a member firm of Baker McKenzie

Networking & Morning Refreshment

Choosing Governing Law and Arbitration in Cross Border Transactions
Deger Boden, Partner, Boden Law

Managing and Avoiding Disputes When Civil Code and Common Law Systems Meet?
Julian Cohen, Barrister, Gilt Chambers

Networking Lunch

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
Panelists:
- Okan Demirkap, Partner, Kocuğlu Demirkap Koçakli
- Noyan Goks, Managing Partner, Goks | Aydin Avukatlık Bürosu
- Didem Mutlu, Head Legal Counsel, Enerjisa Enerji A.Ş.
- Nazlı Dereli, Head Legal Counsel, Karadeniz Holding
- Başar Şahin, Director, ICM Consulting, Turkey

14:50 — 15:20
Investment Arbitration — Protecting Your Company
Anne Hoffmann, Legal Director, Clyde & Co
John Lewis, Senior Associate, Dispute Resolution Group, Clyde & Co

Networking & Afternoon Refreshment

Shareholder Disputes for International Companies in Turkey
Serdar Paksoy, Founder and Senior Partner, Paksoy

16:40 — 17:20
2nd Grand Panel — Saving Costs and Time in an Arbitration — Different Regions, Different Options
Moderator
Jonathan W Blythe, Founder Member, British Turkish Lawyers Association Panelists:
- Prof. Dr. Ziya Akincli, President, Istanbul Arbitration Centre
- Julian Cohen, Barrister, HK, Gilt Chambers
- Sami Houerbi, Director for Eastern Mediterranean, Middle East & Africa, ICC International Court of Arbitration; Partner, Houerbi Law Firm, Dubai/Tunis

Closing Remarks & Lucky Draw

Complimentary seats for the first 100
In-house General Counsel.
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Please note:
Limited to 1 complimentary seat per company, based on first-come-first-served basis.

Victor P. Leginsky, Canadian citizen, is an experienced international arbitrator and Barrister & Solicitor, resident in Dubai, UAE since April 2007. Victor has prior experience as a barrister and solicitor, having been called to the Attorney General's British Columbia, Canada, to be the Chair of the Manufactured Home Park Dispute Resolution Committee. He brings over 25 years of arbitration experience in energy and construction to the International Court of Arbitration. Victor is a member of the International Court of Arbitration (ICCA) – UAE branch. He also serves as the Chair of the Dubai International Financial Centre (DIFC) Courts. He is a member in good standing of the Law Society of British Columbia, Canada.

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 law. Jonathan is an affiliate arbitrator, and 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 has acted primarily on dispute resolution and international arbitration. He was known as counsel, expert sole arbitrator and co-arbitrator in many international and domestic proceedings including international construction projects, energy projects, investment disputes and 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 involving 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 barrister who combines a leading practice in international arbitration, commercial litigation, and private international law - recognised in Chambers Global, UK Chambers and Partners, and Legal 500 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 dept 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 The Legal 500. Can acts frequently as counsel in arbitrations under the auspices of the major institutions including the LCIA, ICC, ICCSI, LMAA, and CIARB, as well as in ad hoc cases under the UNCITRAL rules.

Outside of his work as counsel and arbitrator, Can is on the Faculty of Georgetown Law, Washington D.C. where he teaches international arbitration, a subject he has also been teaching since 2016 at Koc University Law School in Istanbul. Can is also a guest lecturer on investment and commercial arbitration at Harvard Law School. He 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 and holds prize-winning degrees from University College, Oxford and Harvard Law School. In a previous life, he taught English Literature as the Jane Eliza Proctor 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 construction law. He has acted 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 enforcement claim and air treatment investment claim against the Republic of Turkey, and a $50 million ICCSD 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 Houston Arbitration Court and arbitration proceedings before the Stockholm Chamber of Commerce, and before the Regional Court of Justice of the Economic Community of West African States in Nigeria. He lectured at the London School of Economics on commercial law, guest lectures at Koc University in international investment, commercial, 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.

Noyan Güksu, Managing Partner, Güksu | Aydin Avukatlık Bürosu

Noyan Güksu is a leading arbitration specialist of Turkey, with several high stakes cases argued before a wide spectrum of tribunals. As a member of the Istanbul Bar and a registered foreign attorney of the English Bar, he has worked for close to two decades in Turkey, the US and France with global law firms and an international court.

Combining credentials as an ISICD arbitration advocate in Washington D.C., a commercial arbitration advocate in Turkey, as well as a Legal Officer of the ECCHR in Strasbourg, Noyan has been one of the leading advocates representing Turkish and foreign companies in arbitrations before the most important arbitral institutions.

Noyan is recently recognized among the leading individuals in this practice area by Global Arbitration Review (2018). He is also recognized as a leading construction law expert by Who’s Who Legal (2018).

Noyan is a graduate of Galatasaray Law School (LL.B.) and Yale Law School (LL.M.). He has numerous publications on international arbitration and commercial litigation.

Ismaıl Eskin, Managing Partner, Eskin Attorney Partnership, a member firm of Baker & McKenzie

Ismaıl Eskin 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 in Turkey, and in The 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 Koç universities in Turkey. His commercial arbitration practice focuses on 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 English language book on international arbitration in Turkey. He was also recently appointed as an advisory board member for the Istanbul Arbitration Center.

Deger Boden, Partner, Boden Law

Deger 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 ISICD 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 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 English language book on international arbitration in Turkey. He was also recently appointed as an advisory board member for the Istanbul Arbitration Center.

Okan Demirkan, Partner, Kocçuğlu Demirkan Çokaklı

Okan Demirkan received his law degree from the University of Sussex. He has significant experience in arbitration, litigation, energy and infrastructure. He currently leads Kolcuoglu Demirkan Kokacali’s dispute resolution and energy practices. Mr. Demirkan has acted as counsel in several arbitration proceedings concerning major infrastructure projects, construction agreements, share purchase agreements, shareholders agreements, asset-transfer agreements and licensing agreements. In 2017, he acted as sole arbitrator in an ISICD arbitration between two Turkish parties. In 2016, Mr. Demirkan acted as a party-appointed arbitrator in an ICC arbitration between a Turkish party and a Spanish party. Currently, he is an expert witness in an energy related dispute involving governmental institutions and private legal entities. Mr. Demirkan is probably the only (or one of the very few) arbitrators who has heard a case pursued against the Istanbul Department of State as one of the three Middle-East arbitration experts as part of a weeklong training program for foreign officials. Currently, he is lecturing high ranking Turkish Transportation Ministry officials on construction dispute resolution, intricacies of FIDIC forms, and legal aspects of contract management.

Legal 500 and Chambers & Partners recognize Noyan as an advocate who “has an impressive track-record in international arbitrations and before international courts, including the ECCHR”. He has the “ability to bring completely different perspectives to complex questions without losing touch with common sense and practical solutions” and who “has strong experience in infrastructure, engineering and energy litigation, and also has substantial experience representing Turkish and foreign companies in arbitration and enforcement proceedings”. Noyan is recently recognized among the leading individuals in this practice area by Global Arbitration Review (2018). He is also recognized as a leading construction law expert by Who’s Who Legal (2018).

Noyan is a graduate of Galatasaray Law School (LL.B.) and Yale Law School (LL.M.). He has numerous publications on international arbitration and commercial litigation.
few non-academic lawyer in Turkey that has acted as counsel, arbitrator and expert witness in arbitration proceedings, thereby experiencing every possible role of arbitration.

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 practised in Switzerland and the UK. She is recognised as one of the leading arbitration lawyers in the UAE (BAR, Who’s Who Legal and Global Law Experts). 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 and acts as a lead counsel in cases worth up to $1 billion. In Legal 500, he is described as “an excellent advocate”. He has a Diploma in International Arbitration with Distinction from Queen Mary College, University of London.

James Freeman, Counsel, Allen & Overy
James is a Counsel in the International Arbitration Group in the London office. He has conducted arbitrations under a wide range of institutional rules and at various seats, in a wide range of industry sectors including oil and gas, electricity, banking, insurance, aerospace, telecoms and steel. He acts in both commercial and investor-state cases. He is a Solicitor Advocate and has appeared as an advocate in cases worth up to $1 billion. In Legal 500, he is described as “an excellent advocate”. He has a Diploma in International Arbitration with Distinction from Queen Mary College, University of London.

James is a former Co-Chair of the Young International Arbitration Group (YIAG) of the LCIA and sits on the CPR YADR Steering Committee. He has been Lawyer of the Week in The Times and was a judicial assistant to Lord Justice Kennedy in the English Court of Appeal. He was recognised among the top 10 “most highly regarded individuals” among non-partners globally in Who’s Who Legal’s Arbitration Future Leaders 2017, which says: “James is ‘a quality guy: excellent all round, highly visible on the circuit and very well respected.’” He has appeared as an expert witness in energy, construction and corporate matters. At the inhouse counsel, he has been involved in various arbitration disputes specifically related to the DIFC based companies, its contracts and construction contracts.

Didem Mutlu, Head Legal Counsel, Enerjisa Enerji A.Ş.
Didem Mutlu joined Enerjisa in 2009 as an attorney and since 2013 she is leading the legal department as the head legal counsel. Prior to joining Enerjisa, she worked as an associate at Hergerin Bilgen Ozekie Law Firm in MergersAcquisitions Team. She has an extensive experience in energy, construction and corporate matters. As the in house counsel, she has been involved in various arbitration disputes specifically related to the contracts, arbitration and construction contracts.

Didem holds a Master of Laws (LL.M.) degree from American University, Washington College of Law and Bachelor of Laws (LL.B.) degree from Marmara University. She speaks Turkish (native), English and French.

Basar Sahin, Director, ICM Consulting, Turkey
Basar Sahin holds a BSc in Civil Engineering and an LLM degree in Construction Law. He has held contract, commercial and project management positions with firms for over 15 years and gained experience in contract-claim management with a special emphasis in cost control, scheduling and dispute resolution methods. He represented clients in alternate dispute resolution forums and international arbitrations as expert witness. His professional career started in Turkey as construction field engineer and he then pursued commercial management in the USA for the past 10 years before returning to Turkey and co-founding ICM Consulting. His hand-on experience includes involvement in a wide variety of projects such as railways, highways, tunnels, airports, power plants, marine works, housing and oil-gas business in countries including Turkey, Russia, Qatar, Afghanistan, Iraq, Algeria, Libya, Saudi Arabia, Ethiopia, Albania, Egypt, Azerbaijan, Uzbekistan, Jordan, Nigeria and the USA.

Nazi Derelli Oba, General Counsel, Karadeniz Holding A.Ş.
I am the General Counsel of Karadeniz Holding A.Ş. since 2012, a company focused on generation of electricity through its Powerplants. Karadeniz Holding currently has established business in Turkey, Lebanon, Iraq, Ghana, Mozambique and Indonesia. It is expected to widen its operations to Myanmar, Latin America and South Africa by 2018. As the general counsel, I am responsible for the daily legal work in all jurisdictions as well structuring, contracts, company establishments and instructing and overseeing the work carried out by local counsel. I am also a member of the audit committee of Karadeniz Holding, responsible for the audit of the holding as a whole.

Prior to joining Karadeniz, I was the head of the legal department of Enerjisa Enerji Üretim A.Ş. which is involved in generation of electricity through different types of power plants, including hydro, wind power and gas power plants, trading of electricity and distribution. In the recent years, my practice mainly focuses on energy law, with concentration on electricity energy, as well as dispute resolution, especially investment arbitration, construction, banking and finance. In the early part of my career, I acted as the legal counsel of Citibank A.Ş. and a legal consultant in the banking and finance team of Hergün, Bilgen & Özeke law firm, I was a guest member of the Kadir Has University, Faculty of Law from 2011 to 2014, teaching contract and tort law.

I hold a LLM degree in Banking and Finance law from Queen Mary, University of Law, post graduate diploma in law from College of Law, London, and a BA degree in international studies from Johns Hopkins University.
Turkey & Middle East: 4th Annual International Arbitration Summit

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