

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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SPEAKERS



Victor P. Leginsky
 Independent International
 Chartered Arbitrator B.Ed.,
 J.D., FCI Arb
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 Göksu
 Managing Partner,
 Goksu | Aydın 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



Julian Cohen
 Barrister, HK, Gilt Chambers



Serdar Paksoy
 Founder and senior partner,
 Paksoy



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



James Freeman
 Counsel, Allen & Overy



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



Başar Şahin
 Director, ICM Consulting, Turkey



Nazlı Dereli Oba
 General Counsel,
 Karadeniz Holding A.Ş.



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SCHEDULE

8:55 – 9:10	Welcome Message Jonathan W Blythe, Founder Member, British Turkish Lawyers Association	14:50 – 15:20	Investment Arbitration – Protecting Your Company Anne Hoffmann, Legal Director, Clyde & Co John Lewis, Senior Associate, Dispute Resolution Group, Clyde & Co
9:10 – 9:30	Opening Address Prof. Dr. Ziya Akinci, President, Istanbul Arbitration Centre	15:20 – 15:50	Networking & Afternoon Refreshment
9:30 – 10:00	Keynote Session – Recent Developments Affecting Global International Arbitration Can Yeginsu, Barrister, 4 New Square Chambers	15:50 – 16:15	Shareholder Disputes for International Companies in Turkey Serdar Paksoy, Founder and Senior Partner, Paksoy
10:00 – 10:30	Joint Ventures: Some War Stories and Lessons to Learn from Them James Freeman, Counsel, Allen & Overy	16:15 – 16:40	Advising Turkey on Construction and Infra Structure Disputes in Turkey Noyan Göksu, Managing Partner, Goksu Aydın Avukatlık Bürosu
10:30 – 11:00	Arbitration of M&A Transactions Ismail Esin, Managing Partner, Esin Attorney Partnership, a member firm of Baker McKenzie	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 Panellists: • Prof. Dr. Ziya Akinci, President, Istanbul Arbitration Centre • Julian Cohen, Barrister, HK, Gilt Chambers • Sami Huerbi, Director for Eastern Mediterranean, Middle East & Africa, ICC International Court of Arbitration; Partner, Huerbi Law Firm, Dubai/Tunis
11:00 – 11:30	Networking & Morning Refreshment	17:20 – 17:25	Closing Remarks & Lucky Draw
11:30 – 12:00	Choosing Governing Law and Arbitration in Cross Border Transactions Deger Boden, Partner, Boden Law	17:30 – 18:30	Networking Cocktail
12:00 – 12:30	Managing and Avoiding Disputes When Civil Code and Common Law Systems Meet? Julian Cohen, Barrister, Gilt Chambers		
12:30 – 14:00	Networking Lunch		
14:00 – 14:50	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, Goksu Aydın Avukatlık Bürosu • Didem Mutlu, Head Legal Counsel, Enerjisa Enerji A.Ş. • Nazlı Dereli, Head Legal Counsel, Karadeniz Holding • Başar Şahin, Director, ICM Consulting, Turkey		

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.

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 barrister who combines a leading practice in international arbitration, commercial litigation, and public 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 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.

Outside of his work as counsel and arbitrator, Can is on the Faculty of Georgetown Law in Washington D.C. where he teaches investor-state arbitration, a subject he has also been teaching since 2016 at Koç 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 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.

Noyan Göksu, Managing Partner, Goksu | Aydın Avukathk Bürosu

K. Noyan Göksu 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 ICSID arbitration advocate in Washington D.C., a commercial arbitration advocate in Turkey, as well as a Legal Officer of the ECHR in Strasbourg, Noyan has been on both sides of the bench. Since 2009, he has also been teaching at law schools and other academic and professional institutions as a part time arbitration professor. He was recently instructed by the US 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 ECHR”. 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.

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

Okan Demirkan received his law degree from the University of Sussex. He has significant experience in arbitration, litigation, energy and infrastructure. He currently leads Kolcuoğlu Demirkan Koçaklı’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 ISTAC 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) 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 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.

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.

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

Sami Huerbi is the Director of the ICC Eastern Mediterranean, Middle-East and Africa ICC Dispute Resolution Services, where he is in charge of raising awareness about Alternative Dispute Resolution mechanisms throughout the region and promoting ICC Arbitration and ADR Rules. Prior to that, he was member of the Secretariat of the International Court of Arbitration in Paris, where he was directly involved in the administration and managing ICC arbitration proceedings.

Mr Huerbi is a registered lawyer of the Tunis Bar Association and the Managing Partner of Huerbi Law firm, which areas of practice include mainly: Corporate Law, Arbitration and Litigation. Sami Huerbi acts regularly as arbitrator under ad hoc and various international arbitration institutions. He holds a post-graduate

degree in international law from the University of Paris II and an LL.M in German Law from the Ludwig-Maximilian University in Munich. His working languages are Arabic, English, French and German.

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 Y-ADR 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.'" Chambers UK 2016 says: "'Excellent critical thinker' James Freeman is particularly adept at disputes involving financial instruments as well as those arising in the energy sector. Observers say: 'Freeman has excellent instincts for what the client needs and exceeds client expectations'."

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 Hergüner Bilgen Özeke Law Firm in Mergers&Acquisitions Team. She has an extensive experience in energy, construction and corporate matters. As the inhouse counsel, she has been involved in various arbitration disputes specifically related to FIDIC based contracts, EPC contracts 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.

Başar Şahin, Director, ICM Consulting, Turkey

Başar Şahin holds a BSc in Civil Engineering and an LL.M 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 nearly 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 railroads, 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.

Nazlı Dereli 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 Powerships. 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 counsels. 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 hydos, 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 Hergüner, 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 LL.M degree in Banking and Finance law from Queen Mary, University of Law, a 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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· Complimentary seat is applicable to in-house counsel from non law / consultancy firm and based on first-come-first-served. Results are based on the organiser's discretion and applicants will be notified by email.

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The Organiser

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