

# Dentons Litigation Day 2015

DENTONS

Handling Disputes: Strategies and Tactics

Conference

Hotel Westin, Warsaw

## Agenda

Tuesday, 9 June 2015

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**8.30** Registration and coffee

**9.00** Opening of Dentons Litigation Day 2015

**9.15** The psychology of civil proceedings, or how to win a case even if you are in the wrong

This session will be presented from a former judge's perspective. You will learn useful tricks and the most frequent procedural errors, along with instruments to help you achieve a favorable outcome in a dispute.

**Patrick Radzimierski**, Legal Advisor, Partner, former common court judge

**10.00** When a company faces a crime – how to cope with the crisis

Crime is an unusual event, but it will occur sooner or later in almost every company. The company may be a victim, but it may also be a perpetrator. Relying on our experience in investigative projects we will tell you how to survive this difficult time. We will share our observations concerning internal investigations as well as those carried out by State authorities, their impact on employees, the outside world and on the culture and reputation of the organization concerned. We will show examples of what we consider good practice in internal and official investigations and what must be avoided. We will also suggest things to consider in advance and what should be done to heal the situation in the company.

**Agnieszka Wardak**, Advocate, Partner,  
**Aleksandra Minkowicz-Flanek**, Legal Advisor, Counsel

**10.45** The preliminary stage in court proceedings - the key time to gain the upper hand in litigation; managing proceedings to maximize your control over the timeline and course of proceedings

Civil law procedure allows the court and parties to proceedings to shape a trial in a flexible manner. During this session we will point out formal and factual possibilities available to businesses to shape the schedule and course of a trial. We will address the issues of whether it is worth requesting a procedural hearing to plan the proceedings, and whether a party may propose the order and type of procedural actions or affect their timing. We will give some advice on how to plan support for managers and staff in a trial.

**Katarzyna Bilewska**, Professor at Warsaw University, Advocate, Partner

**11.30** Coffee break

## 12.00 Procedural and practical aspects of new regulations governing compensation for damage resulting from breaches of anti-trust law

Should a supplier or a competitor abuse its dominant position or act in a cartel, it may expose a business to serious damage. However, until recently, suits in this respect were nothing more than a myth. The situation is set to change due to an EU Directive of November 26, 2014, aimed at facilitating the pursuit of claims for damages caused by the violation of antitrust regulations in EU member states. Indeed, we have already seen the first court actions of their kind in Poland, and they have highlighted numerous practical problems which caused controversy already during the phase of works on the Directive. These include valuation of damage and finding a balance between overcoming evidentiary difficulties and protection of confidential information submitted to antitrust authorities in leniency applications. It is worthwhile to discuss these issues while the implementation of the Directive is still at an initial stage.

**Agnieszka Stefanowicz-Barańska**, Legal Advisor, Partner  
**Wojciech Kozłowski**, Legal Advisor, Partner

## 12.45 Disputes in a time of restructuring; changes to expect once the Restructuring Law comes into force

The interests of debtors and creditors seldom coincide, while their differences of opinion often escalate into disputes. In a situation where creditors strive to secure their interests and enforce payment at all cost, a debtor may apply to court for “protection against creditors,” and—after January 1, 2016 when the Restructuring Law takes effect—they may try to initiate a restructuring procedure. Restructuring proceedings are intended to give a debtor a chance to keep the enterprise and restructure its obligations. However, it may happen that the effect, or even the purpose, of the procedure will be harmful to creditors. This session will explore issues to do with resolution of disputes connected with restructuring and will recommend solutions to ensure there is a proper balance between the debtor’s and the creditors’ interests.

**Anna Maria Pukszo**, Legal Advisor, Partner  
**Beata Szczytowska**, dyrektor finansowy, Polbita  
**Przemysław Jaroński**, adwokat i radca prawny, dyrektor operacyjny, Bank Pekao

## 13.30 Lunch

## 14.15 Warranties and representations in agreements – phrasing to make them legally binding

Representations and warranties deriving from Anglo-Saxon standard agreements are widely used in business relations in Poland. We will discuss selected representations and warranties applied in various types of transactions on the real estate market and provide you with examples of contractual provisions concerning the rules and scope of liability for a false representation. Representations and warranties as well as liability for false representations will be presented from the procedural perspective through the particular trial positions of an aggrieved party and the party in breach and a discussion of the legal measures available to them.

**Dr Joanna Łagowska**, Advocate, Partner  
**Bartłomiej Kordeczka**, Advocate, Counsel

## 15.00 Dispute resolution – when is arbitration preferable to litigation in common courts of law? How to phrase arbitration clauses to avoid disputes over jurisdiction

When is it recommended to insert an arbitration clause in a contract? What mistakes should be avoided and what should be taken into consideration to ensure an enforceable arbitral award? We will analyze a case showing practical advantages and disadvantages of arbitration compared to trial before a common court.

**Michał Jochemczak**, Legal Advisor, Counsel

## 15.45 Summary: How to combine strategy and tactics in multifaceted proceedings

(This panel will include all the speakers.)

Please note: The agenda may be subject to change.

## Speakers

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### Prof. Katarzyna Bilewska, Advocate, Partner



Katarzyna is the Head of the Corporate Disputes team in Dentons' Warsaw office and a professor of law at Warsaw University. She advises banks, investment funds and investors in the pre-trial stage of disputes and represents them in court proceedings in matters such as challenging resolutions of corporate bodies, disputes between shareholders, as well as shareholder company disputes.

### Przemysław Jaroński, Advocate, Legal Advisor, Operational Director, Bank Pekao



Head of Collection Office of the Corporate Loan Workout Department of Bank Pekao, in charge of restructuring and collection vis-à-vis corporate clients to which the Bank granted the most considerable loans.

He has gained over 10 years of experience in pursuing claims against the Bank's clients and securitization of loans. He was also dedicated to distressed loans sale transactions.

Prior to joining Bank Pekao, he worked for GESSEL law firm and Sołtysiński Kawecki & Szlęzak. He is admitted in Poland as a legal advisor and advocate.

### Michał Jochemczak, Legal Advisor, Counsel



Michał focuses on arbitration and litigation. He has represented clients in arbitrations under the leading arbitration rules (ICC, VIAC and LCIA) and in ad hoc Polish and international arbitration. A lawyer entered in the roll of arbitrators, he received his first appointment in international arbitration under the ICC Rules in Paris at the age of 30.

### Bartłomiej Kordeczka, Advocate, Counsel



Bartłomiej focuses on matters within broadly understood real estate law, applicable at all stages of an investment. He has negotiated various transactions involving real estate (including asset and share deals), e.g. Greenfield, office buildings, warehouses, hotels, also under sale-and-leaseback and forward purchase.

### Wojciech Kozłowski, Legal advisor, Partner



Wojciech heads the Public Law and Litigation practice groups in Dentons' Warsaw office. He deals with administrative litigation and other disputes between private business and the State. He is a litigator with more than 20 years of experience handling Poland's largest commercial and civil lawsuits for corporate clients, including litigations with awards exceeding €1 billion. He co-heads Dentons' Dispute Resolution group in Europe, comprised of several dozen lawyers. His experience encompasses legal advice to clients from the pharmaceutical, energy, telecom, banking, engineering and infrastructure sectors, including representing investors in disputes with State authorities.

### Dr Joanna Łagowska, Advocate, Partner



Joanna is the head of the Construction Disputes practice group. Her areas of experience also include commercial law, contract law and rights in rem. As part of her practice, Joanna concentrates on conducting Fidic-based construction disputes, bank guarantee disputes and disputes with subcontractors, including cross-border construction disputes. In addition she conducts arbitration disputes concerning issues relating to rights *in rem*.

### Aleksandra Minkowicz-Flanek, Legal Advisor, Counsel



Aleksandra heads the Labor and Employment practice team. She focuses on labor and employment law and also on corporate issues. She has broad experience in individual and collective labor law issues, employment restructuring, collective dismissals, remuneration and benefits, protection of employee personal data, discrimination and employment-related aspects of corporate transactions. She is experienced in servicing clients in the banking, food processing, healthcare, automotive and advanced technology sectors. Her work includes negotiating with employee representatives, drafting transactional documentation and advising on cross-border employment relations.

### Dariusz Oleszczuk, Legal Advisor, Senior Partner and Member of the Board



Dariusz is a former Global Managing Partner and CEO of Dentons Europe (formerly Salans) elected to this post for three consecutive terms by the firm's partners from 2005 on. He was the first Pole to head an international law firm. Dariusz is also a founder (1991) and for many years Managing Partner of the Warsaw office. Currently a member of both Dentons Europe Board and Dentons Global Board, he shares his time between Paris and Warsaw. He is responsible for strategic growth of Dentons Europe and - together with other leaders - of Dentons globally. Dariusz is an Arbitrator of the Court of Arbitration at the Polish Chamber of Commerce and a member of the International Bar Association.

### Anna Maria Pukszto, Legal advisor, Partner



Anna heads the Warsaw office Insolvency and Restructuring practice group and is also a core member of the litigation and arbitration practice group. She has been recognized as an expert in restructuring and insolvency, including cross-border bankruptcies and distressed asset acquisitions. Anna was a World Bank consultant in a project involving assessments of the Polish Bankruptcy and Rehabilitation Law and of instruments serving to protect creditors' rights under Polish law. In her arbitration practice, she has been involved in several high-profile disputes regarding foreign investments in Poland and commercial transactions (under LCIA, ICC and VIAC rules) and in post-arbitration proceedings..

### Patrick Radzimierski, Legal Advisor, Partner, former common court judge



Patrick is the head of Dentons' Litigation practice team in Warsaw. He focuses on litigation and civil law procedure. As a former judge and president of a law department, he has vast experience in the field of civil law procedure. He also has significant competence in such areas as law of contracts, corporate law, rights in rem as well as labor law. He represents clients from various industry sectors in civil and administrative proceedings, as well as before the Supreme Court and Constitutional Tribunal of Poland. He also advises in arbitrations..

### **Agnieszka Stefanowicz-Barańska, Legal Advisor, Partner**



Agnieszka heads Dentons' Competition law practice group in Warsaw. She offers advice on antitrust aspects of M&A and commercial contracts, shaping of distribution systems, abuse of dominant position, agreements between competitors, state aid and unfair competition issues. She represents clients in merger control proceedings before the Polish competition authority and the European Commission and during antitrust proceedings and inspections by these authorities. She conducts internal anti-trust audits of companies' operations and anti-trust compliance programs for clients. Since 2003 she has been the chairperson of the Polish Competition Law Association.

### **Beata Szczytowska, Finance Director, Polbita**



Finance Director at Polbita, a countrywide chain of cosmetics retail stores in Poland. Her duties include supervision over finance, accounting, IT, audit departments of the company as well as financial analysis and budgeting and administration of the chain. Among other things, she dealt with the restructuring of the capital group which included Polbita Sp. z o.o., introduced new forecasting methods (sales budgeting), implemented an expenditure control system and introduced means aimed at lowering tax risks, and negotiated better insurance terms.

She worked as a finance director, chief accountant and board member of Super-Pharm Poland, and prior to that as a finance director at Oriflame Products Poland.

### **Agnieszka Wardak, Advocate, Partner**



Agnieszka heads Dentons' Criminal Litigation and Internal Investigation practice in Warsaw. She has unique experience as both a litigator and criminal defense counsel. She assists international companies in some of the most high profile corruption cases in Poland, involving companies subject to FCPA regulations. She is one of the few lawyers on the market specializing in corporate liability issues and crisis and risk management. She also coordinates criminal litigation projects and initiatives across Central and Eastern Europe.

# About Dentons

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## How to book

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If you are a Dentons' client please confirm attendance by e-mail: [sebastian.dabrowski@dentons.com](mailto:sebastian.dabrowski@dentons.com)

Representatives of other companies may apply to attend Dentons Litigation Day 2015 by emailing us the following data

- First and last name
- Name of company
- Position
- Adres e-mail

Please add the following data processing consent to your application and send it to: **[sebastian.dabrowski@dentons.com](mailto:sebastian.dabrowski@dentons.com)**

*I hereby consent to Dentons Europe Oleszczuk sp.k. sending commercial information in the meaning of the Act of July 18, 2002 on the provision of electronic services (Journal of Laws 2002, No. 144, item 1204 as amended) to the email account provided by me. I have the right to withdraw the above consent at any time.*

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