

VIAC – QUESTIONNAIRE

1. **Name:** Beata Gessel-Kalinowska vel Kalisz

2. **Date of birth:** 11 June 1964

3. **Citizenship:** Polish

4. **Contact information:**

Address: GESSEL Attorneys at Law

Telephone: +48 22 318 69 10

Fax: +48 22 318 69 31

E-Mail: b.gessel@gessel.pl

5. **Current position:** Senior Partner GESSEL, President of the LEWIATAN Court of Arbitration, Alternate Member of the ICC International Court of Arbitration

6. **Education:**

2015/2016 Visiting Academic. Oxford University. Faculty of Law
Oxford, UK

2009 Cardinal Stefan Wyszyński University. Faculty of Law and Administration
Warsaw, Poland
PhD in law. Thesis: Legal Character of Representations and Warranties in a Limited Liability Company Share Purchase Agreement (in Light of the Freedom of Contract Principle).

1992 Admitted to Practice by the National Council of Legal Advisers
Warsaw, Poland
Attorney at Law.

1989 Warsaw University. Faculty of Law and Administration
Warsaw, Poland

7. **Practiced experience in arbitration:**

How many arbitrations have you participated in (domestic/international)? Under which Rules? – cir. 100 of which cir. 29 were international arbitration (under ICC, IAA, FCC, Lewiatan, KIG, UNCITRAL and other ad hoc)

How often have you acted as Chairman? – cir. 24

How often have you acted as Sole Arbitrator? – cir. 3

How often have you acted as Co-Arbitrator? – cir. 42

How often have you acted as Counsel? – cir. 24

How often have you acted in a different function (e.g. Administrative Secretary)? – cir. 1

8. **Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

Conferences, training sessions, seminars:

- ICC Arbitration and ADR Training Programme, Workshop Trainer: Arbitrators. Interim Measures. Emergency Arbitration, Jagiellonian University, Cracow, Poland, 15 April 2016.
- States and States Entities in International Arbitration Conference. Panel: M&A Arbitration involving states and states entities, Bucharest University, Romania, 16 October 2015.

- AW Breakfast Seminar at the IBA Conference in Vienna, Panel: What happens after an arbitration award is annulled, Vienna, Austria, 5 October 2015.
- Women in ADR, C5 conference, Panel: Setting the Agenda for Diversification of Arbitration Appointments, London, UK, 23 June 2015.
- 3rd Dispute Resolution in M&A/JV Transactions conference. Moderator: Hot topics in M&A/JV arbitration, Warsaw, Poland, 28-29 May 2015.
- Judiciary Congress. Speech: Arbitration Courts vs. State Courts, Warsaw, Poland, 3 February 2015.
- ICC School of Arbitration at the Jagiellonian University – Workshop trainer, Cracow, Poland, 16 January 2015.
- ICC Lex Mercatoria Forum and Arbitration Moot Court. Russian-language presentation on: “Do We Need Interim Measures in International Arbitration” – Panellist, Minsk, Belarus, 29 November 2014.
- “Promotion of Female Practitioners in the field of ADR: Best practices and Experiences”. GIZ Round table – Panellist, Tirana, Albania, 11 November 2014.
- ICDR Y&I Seminar “Need for Speed in International Arbitration: What Tools Are Available to Parties for Obtaining Urgent Relief?” – keynote speaker, Kiev, Ukraine, 5 November 2014.
- Inauguration of the Mazovian Center for Mediation and Arbitration. Panel: Mediation and Arbitration – chances for coexistence – Panellist, Warsaw, Poland, 9 October 2014.
- VII Forum of the Legal Departments Directors, Panel: Commercial Arbitration as an Alternative for Litigation – Panellist, Warsaw, Poland, 17 September 2014.
- XXIV Economic Forum. Panel: Growth Goes Beyond the Borders. M&A Transactions in Foreign Markets – Panellist, Krynica Zdrój, Poland, 2 September 2014.
- Private Equity Forum & Awards Gala, Panel: Private equity as a Way to Innovation in Economy – Panellist, Warsaw, Poland, 3 June 2014.
- CIArb European Branch Conference: “European ADR: Ethics, Empathy and Exasperation”. Panels: “A Review of Differing Mechanisms for Upholding Arbitration Awards in Europe”; “The development of Regional Arbitration Centres in Europe; the view from Spain, Poland and Lithuania”, Warsaw, Poland, 25-26 April 2014.
- GENERATIONS IN ARBITRATION XI. Expanding Horizons - How to Profit from “Multi” Developments in Arbitration? Panel Moderator: “Corporate disputes at public and private companies: How much room is there for arbitration?”, Vienna, Austria, 11 April 2014.
- VI Belgrade Arbitration Conference, part of the VII Belgrade Open Pre-Moot. Open speech with lecture "ArbitralWomen, ArbitralMen... ArbitralPeople". "Round Table on the Code of Ethics" debate with members of the academic community and of arbitration organisations from Albania, Bosnia and Hercegovina, Croatia, Kosovo, Macedonia, Montenegro, and Serbia. Belgrade, 4-5 April 2014.
- The international conference on “Current Trends in Arbitration Laws and Rules” at the University of Warsaw. Panel “Recent developments in arbitration rules: Long term trends or just passing fads?”, Warsaw, Poland, 12 February 2014.
- The II International Legal Forum ICC Lex Mercatoria, Russian-language presentation on the “Arbitration agreement in international dealing, discussing the liberal and the conservative approaches in light of applicable regulations”, Minsk, Belarus, 29 November - 2 December 2013.
- The Second Russian-Polish Legal Day. Panel “Investment and business development in Russia and securing investments”, Moscow, Russia, 24 October 2013.
- Arbitration in the International Law, Lecture: “M&A Transactions in the light of the international commercial arbitration jurisprudence”, Zegrze, Poland, 7 September 2013.
- XXIII Economic Forum, Panels: “From Manager to owner, how to execute and finance a MBO/MBI transaction?”; Management of the private company vs. management of the public company” – Panellist, Krynica Zdrój, Poland, 4 September 2013.
- IBA Arbitration Committee White Nights Conference, Panel: “International Arbitration: Back to Basics?” – Panellist, St. Petersburg, Russia, 28 June 2013.
- Arbitration & Dispute Resolution Summit 2013 organized by Allerhand Institute, Panel “Conditions for Development of Arbitration and Mediation in Poland” – Panelist, Warsaw, Poland, 25 June 2013.

- 2nd edition “Dispute Resolution in M&A Transactions: Tactics, Challenges, Defences” – Conference Chair, Moderator: “Hot topics in M&A Arbitration”, Warsaw, Poland, 6-7 June, 2013.
- Lewiatan Arbitration Moot Court (KAL). Originator and organizer of the first Polish arbitration moot court addressed to the trainees of the Polish advocates’ and legal advisors’ bars, Warsaw, Poland, May 2012, May 2013.
- “Commercial Arbitration and Arbitration of Corporate Disputes”. Series of academic seminars for students of Warsaw School of Economics (SGH) – Visiting Lecturer, Warsaw, Poland, May 2012, May 2013
- Nomination for OGEMID 2012 Award in Diversity category for organising M&A and Arbitration conference held on 13-14 May 2010 in Warsaw, January 2013.
- 19th Forum on CEE Private Equity, Panel: “Poland as the most attractive Private Equity Proposition in CEE” – Moderator, London, Great Britain, 4 November 2011.
- European Forum Conference at the International Bar Association (IBA), The Arbitration Workshop: “Cost and time: how to efficiently manage an arbitration proceeding” - Moderator of the Workshop, Warsaw, Poland, 21 November 2012.
- Kiev Arbitration Days 2012, Panel: “Interim Measures in International Arbitration” – Panellist, Kiev, Ukraine, 15 November 2012.
- „Hot Topics in International Arbitration 2012” SJ Berwin Seminar – Panellist, London, Great Britain, 24 September 2012.
- “Procedural Issues in Arbitration in the light of rulings of the Polish Supreme Court” - lecture for members of the The Circuit Chamber of Legal Counsel in Warsaw - Speaker, Warsaw, Poland, 20 September 2012.
- “Civil liability arising from breach of representations and warranties made with regards to a subject of transaction” Academic Seminars on Civil Law organized Civil Law Faculty at Kozminski University, Warsaw, Poland, 23 May 2012.
- “Arbitration. Polish and International Institutions and Regulations.” Series of academic seminars for trainees of the The Circuit Chamber of Legal Counsel in Warsaw, Visiting Lecturer, Warsaw, Poland, February and May 2012.
- “Contemporary Investment Banking.” Panel organized by Law and Administration Faculty at Cardinal Stefan Wyszyński University, Department of Banking, Finance and Accounting at The Faculty of Economic Sciences of the University of Warsaw and Lewiatan Court of Arbitration – Panellist, Warsaw, Poland, 23 April 2012.
- CIArb European Branch Annual General Meeting and Conference. Panel: “Changes and improvements across the Continent” – Panellist, Madrid, Spain, 20 April 2012.
- Congress of Listed Companies. Panel: “Arbitration - advantages and disadvantages” – Panellist, Warsaw, Poland, 8 March, 2012.
- International Conference organized by Faculty of Law and Administration at the University of Warsaw: “Arbitration in Sport 2012.” Panel: “International sports arbitration. Court of Arbitration for Sport in Lausanne (CAS) and other fora” – Moderator, Warsaw, Poland, 8 February 2012.
- Inaugural Conference of CIArb International Young Members Group. Panel: “International Best Practice: What can arbitral seats learn from one another?” – Panellist, Dublin, Ireland, 11 November 2011.
- 18th Forum on CEE Private Equity, Panel: “Poland as the most attractive Private Equity Proposition in CEE” – Moderator, London, Great Britain, 4 November 2011.
- ICC Conference: Party Autonomy versus Autonomy of Arbitrators “Limits of the parties’ autonomy and the tribunal’s powers in procedural matters (evidence-taking procedures)” – Speaker, Prague, Czech Republic, 25 October 2011.
- 7th M&A International Lawyers Conference. M&A – Responsibility of Management and Advisors. „Representations and warranties made by the management of the target company. The challenges for legal advisors” – Speaker, Dresden, Germany, 21 October 2011.
- European Forum for New Ideas. Summit of European Arbitration Institutions: “International Arbitration in Europe in the 21st Century: Beyond Splendid Isolation?” – Organizer and Speaker, Sopot, Poland, 28 September 2011.
- European Forum for New Ideas. Panel: “Arbitration – an emblem of civil society” – Organizer and Moderator, Sopot, Poland, 28 September 2011.

- International Commercial Arbitration: Austrian/Polish Twin Conference – Organizer, Warsaw, Poland, 17 June 2011.
- The European Financial Congress 2011. Panel: “Business Value Management and the Challenges of Globalisation” – Panellist, Sopot, Poland, 26 May 2011.
- 8th Global M&A Conference – Special Guest Speaker, Warsaw, Poland, 25 May 2011.
- ArbitralWomen Round Table Discussion “Arbitration in the EU in the 21st century” – Co-Chair and Moderator, Geneva, Switzerland, 19 May 2011.
- 17th Forum on CEE Private Equity, Presentation: KRUK SA. Case study: GP’s and Legal Advisor’s Perspectives – Speaker, Warsaw, Poland, 18 May 2011.
- Debate: Commercial Arbitration in the 21st Century in Poland and Europe – Chair and Panellist, Warsaw, Poland, 25 April 2011.
- Vienna Arbitration Days. Panel: Arbitration Rules on the Move – Panellist, Vienna, Austria, 4-5 March 2011.

Selected publications:

- Proceedings before arbitration court. Commentary to the Lewiatan Arbitration Court Rules*, ed. Beata Gessel-Kalinowska vel Kalisz, Wolters Kluwer 2015.
- Evolution of interim measures as an example of the judicialisation of 21st century international commercial arbitration [in:] The challenges and the future of commercial and investment arbitration (ed. Beata Gessel-Kalinowska vel Kalisz), Warsaw 2015
- Written form of the arbitration agreement as a form for evidentiary purposes*. [in:] Państwo i Prawo, 12/2015.
- Influence of the new regulation on warranty applicable to sale (Art. 556(1) of the Civil Code) on the definition of physical defect of share right. Remarks in the light of amendments to the Civil Code introduced by the Act of 30 May 2014 on Consumer Rights [in:] PPH, 12/2015.
- A Defect of the Enterprise as a Defect of a Share – One of the Dilemmas of M&A Transactions (Polish law perspective) [in:] Global Wisdom on Business Transactions, International Law and Dispute Resolution, CH Beck 2015.
- Chapter Lewiatan Court of Arbitration [in:] World Arbitration Reporter (WAR) 2nd Edition. International Institutions.
- Polish Arbitration Law (ed. Beata Gessel-Kalinowska vel Kalisz), Warsaw 2014.
- Representations and Warranties in Cross-Border Mergers and Acquisitions: The Challenges of Cultural Diversity, ICC International Court of Arbitration Bulletin, Vol. 24/Number 1-2013, June 2013.
- Perception of the practices followed in the field of the confidentiality obligation in arbitration [in:] Arbitration E-Review No. 2-3(10-11)/2012, January 2013.
- Normative basis of confidentiality principle in Polish commercial arbitration*n [in:] Przegląd Prawa Handlowego No. 1(245), January 2013.
- CEE Overview Chapter [in:] The International Comparative Legal Guide to International Arbitration 2012. A practical cross-border insight into international arbitration work. Global Legal Group Ltd. and Commercial Dispute Resolution (CDR), London 2012.
- New Rules of the Lewiatan Court of Arbitration. Co-author of a Chapter in YAR - Young Arbitration Review, April 2012.
- Chapter "Poland" [in:] The International Comparative Legal Guide to: International Arbitration 2011. A practical cross-border insight into international arbitration work. Global Legal Group Ltd. and Commercial Dispute Resolution (CDR), London 2011.
- Solving corporate disputes in arbitration proceedings [in:] Arbitration in Poland (ed. Beata Gessel-Kalinowska vel Kalisz), Warsaw, 2011.
- The European Parliament draft Resolution on Brussels I: A return to the pre-West Tankers era? Arbitration e-Review, No. 4 (7)/2011
- Class Action Arbitration*. Chapter in the book commemorating 60th Anniversary of the Arbitration Court at the Polish Chamber of Commerce. Warsaw, 2010.
- Legal Character of Representations and Warranties in a Limited Liability Company Share Purchase Agreement (in Light of the Freedom of Contract Principle)*, WoltersKluwer, Warsaw 2010.
- Distinct Evidentiary Proceedings in Cases Heard by Alternative Dispute Resolution Tribunals* [in:] ADR Arbitraż i Mediacje, Beck, Poland, 2010.

- Conflicts of interests involved where arbitrators are members of law firms [in:] International and Domestic Commercial Arbitration at the Outset of the 21st Century. The Commemorative Book to Honor dr. hab Tadeusz Szurski*, 2008.
 - Capital share in a limited liability company as a subjective right*, Przegląd Prawa Handlowego No. 5 (189) May 2008.
 - Mergers and Acquisitions: Don't Buy a Pig in a Poke* [in:] Law at 2008 Company, Harvard Business Review, Poland, Supplement, March 2008.
- *Published in Polish

9. Membership in arbitral institutions / functions in arbitral institutions/organizations:

- President of the Lewiatan Court of Arbitration, Warsaw, Poland
- Alternate Member representing Poland: ICC International Court of Arbitration, Paris, France
- Arbitration Commission Member: ICC Poland, Warsaw, Poland
- Fellowship (FCI Arb) and member of The CI Arb European Branch Committee: Chartered Institute of Arbitrators (CI Arb), London, Great Britain
- IBA Subcommittee on Recognition and Enforcement of Awards: International Bar Association, London, Great Britain
- Chairperson of the Audit Committee: Polish Private Equity Association (PSIK), member of the European Venture Capital Association (EVCA), Warsaw, Poland
- Member of the Audit Committee: Polish Arbitration Association, Warsaw, Poland
- Member of the Editorial Board of the Arbitration E-Review.

10. Languages:

Mother tongue: Polish

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English, Russian

11. In which legal system have you trained? Polish

12. What is your main jurisdiction of practice? Polish

13. Special expertise or specializations (please list a maximum of three):

M&A/JV transactions, commercial law, construction law

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Date and signature,
6 May 2016