



MANNHEIMER SWARTLING IN COOPERATION WITH THE SWEDISH BANKING LAWYERS ASSOCIATION
INVITE YOU TO A SEMINAR ABOUT

Arbitration in financial market disputes

DATE: THURSDAY 17 MAY 2018, STARTING AT 12.00

VENUE: MANNHEIMER SWARTLING, NORRLANDSGATAN 21, STOCKHOLM

Arbitration is a method of dispute resolution by a privately-constituted tribunal, which results in an award that binds the parties. This means that arbitration is a true alternative to the resolution of disputes by litigation in a court. Through the New York Convention an arbitral award is enforceable in almost 150 jurisdictions.

Historically, international financial transactions have nevertheless tended to be documented under agreements governed by English or New York law and which contain jurisdiction clauses conferring jurisdiction on the English or New York courts. Domestic financial agreements have likewise typically relied on dispute resolution in local courts.

Since the global financial crisis, there has been a growing interest in arbitration in the financial markets. Financial market litigation has increased. It is often complicated. Just as the transactions and markets have become more complex, so have the disputes involved. The use of standard contracts and terms, and the volume of trading covered by these, means that wrong decisions will have adverse consequences in the wider marketplace.

For this seminar we have brought together a diverse group of Swedish and international experts, with expertise both in financing and arbitration. The purpose of the seminar is to discuss the suitability of arbitration in different types of Swedish and international financial transactions, covering everything from bilateral loan agreements to derivatives contracts.

PROGRAMME

12.00 REGISTRATION AND BUFFET LUNCH**13.00 WELCOMING SPEECH**

André Andersson, Partner, Mannheimer Swartling

AN INTRODUCTION TO ARBITRATION

An arbitral award is generally not subject to appeal on the merits. Arbitral procedures can be tailored to the circumstances. They are always private and may also be confidential. Most arbitration institutions have rules providing for emergency arbitration and accelerated timelines. Unlike what many believe, interim relief is generally available also in arbitration.

Azadeh Razani, Partner, Mannheimer Swartling
Aron Skogman, Senior Associate, Mannheimer Swartling

THE ARBITRATION INSTITUTE OF THE STOCKHOLM CHAMBER OF COMMERCE (SCC) AND ITS RULES

The SCC was established in 1917 and provides dispute resolution services for Swedish and international parties. It is one of the most important and frequently used arbitration institutions worldwide, and about 50% of the cases at the SCC are international. In 2015, the SCC published a model arbitration clause for use with the ISDA Master Agreement.

Charlotta Falkman, Partner, Gernandt & Danielsson

P.R.I.M.E. FINANCE AND ITS RULES

P.R.I.M.E. Finance stands for a Panel of Recognised International Market Experts in Finance. It was established in 2012 in The Hague with an exclusive focus on financial market disputes. The activities include dispute resolution services, expert opinions, as well as education and judicial training, and setting up a library and database of relevant cases.

Jeffrey Golden, Chairman, P.R.I.M.E. Finance Foundation

FINANCIAL DISPUTES IN ORDINARY COURTS

A panel discussion about financial disputes in ordinary courts and the challenges these may entail.

Moderator: *Thomas Pettersson*, Partner, Mannheimer Swartling

Panellists:

Christer Danielsson, Partner, Danielsson & Nyberg
Henriette Gernaas, Partner, Gorrissen Federspiel
Katherine Hardcastle, Barrister, 6KBW College Hill

14.30 COFFEE BREAK**15.00 ARBITRATION AND DERIVATIVES CONTRACTS**

Disputes under derivatives contract often relate to technical issues, such as close-out procedures and the calculation of termination payments. An arbitral tribunal with relevant expertise is probably better placed than a court to decide on these issues. This option was therefore introduced by the publication of the ISDA Arbitration Guide in 2013.

Rick Grove, Partner and CEO, Rutter Associates

MULTIPLE PARTIES AND CONTRACTS IN ARBITRATION

A typical financing transaction involves multiple parties, such as lenders, agents, borrowers, guarantors, etc. It may also involve a multitude of contracts, such as credit agreements, guarantees, security documents, etc. This has to be considered carefully when an arbitration agreement is entered into. To what extent should disputes be cumulated or dealt with separately?

Kristoffer Löf, Partner, Mannheimer Swartling

THE USE OF EXPERT EVIDENCE IN ARBITRATION

Evidential matters fall within the arbitral tribunal's procedural discretion. The evidence of experts may be handled in a variety of ways. Experts may be instructed by the court or the parties. They may or may not be deposed in advance of trial, and may give their evidence orally or in written statements.

Cecilia Carrara, Partner, Legance

THE CASE FOR ARBITRATION IN FINANCIAL DISPUTES

A panel discussion about arbitration in financial disputes and how it should be structured, the advantages and disadvantages in different circumstances, and the challenges and opportunities for the parties involved.

Moderator: *Per Henriksson*, General Counsel, DNB Sweden

Panellists:

Cecilia Carrara, Partner, Legance

Fanny Gleiss Wilborg, Partner, Lundberg & Gleiss

Kristoffer Löf, Partner, Mannheimer Swartling

Gerard Meijer, Professor at the Erasmus University in Rotterdam, and Partner of NautaDutilh

Michael Persson, Co-Head of Merchant Banking Law Sweden, Nordea

17.00

CONCLUDING REMARKS

MINGLE AND CANAPÉES IN THE ATRIUM

REGISTRATION

Please let us know no later than 7 May 2018 if you want to participate at the seminar. We would also be very grateful if you could let us know if your plans subsequently change and you are no longer able to participate.

Please register by clicking on the link below.

Arbitration in financial disputes: 17 May 2018

The seminar is free of charge and colleagues within your organisation are also welcome to register. You will receive confirmation by email that you are registered.

If you have any questions please contact Albin Lundmark at albin.lundmark@msa.se or +46 8 595 063 95.

WELCOME!