

Yan Kalish

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I am a commercial lawyer with particular experience in dispute resolution. My practice focuses on commercial arbitration and international litigation. I represented clients before arbitral tribunals acting under the Rules of ICC, SCC, LCIA, SCAI, etc. I also advise clients on complex cross-border litigations involving proceedings before the courts of the United States, Norway, British Virgin Islands, Cyprus and Russia. My experience covers matters i.a. governed by New York, Delaware, English, Swedish, Norwegian, German, BVI, Cypriot, Swiss, Bahamian, Panamanian and Russian law. I also sit as an arbitrator.

I am also a researcher in the field of political science with specific interest for Eurasian Integration.

EDUCATION

Postgraduate education

Peoples' Friendship University of Russia 2018

Chair: Comparative Politics

Topic: "Eurasian integration: ideological grounds, political experience, challenges and perspectives"

Major: Candidate of sciences (PhD)

Higher education

Finance University under the Government of the Russian Federation, Law Department September 2008 – 2013

Specialization: Civil Law

PROFESSIONAL EXPERIENCE

- Rybalkin Gortsunyan & Partners, Associate, Counsel September 2018 – present
- Baker Botts L.L.P., Associate October 2016 – June 2018
- Quinn Emanuel Urquhart & Sullivan, Paralegal, Law Clerk, Associate 2012-2016
- VTB Capital, Legal Department, Trainee July – August 2011

PRACTICE AREAS

- Domestic and International Arbitration & Mediation
- Construction Arbitration and Litigation
- Corporate Arbitration and Litigation
- Commercial Litigation
- Transnational Litigation

- Sanctions Counselling

NOTABLE MATTERS

- Represents Renova Group and Viktor Vekselberg in a US\$1 billion commercial litigation case in the British Virgin Islands regarding a joint venture in respect of a domestic Russian electric power generation business. The dispute focuses on disagreements as to the terms of the joint venture and also involves claims of fraud, conspiracy and misrepresentation.
- Represents large Russian industrial group in court proceedings in Cyprus.
- Advises European trading company in relation to LCIA proceedings and associated actions in a number of jurisdictions.
- Advised international company on the Russian law aspects of a corporate dispute in the LCIA.
- Represented a prominent Russian business man in a complex multiparty dispute involving a number of litigations and arbitrations in various jurisdictions. The dispute ended by a settlement on the terms favorable for the client. Coordinated a cross-border team in Moscow, London and New York to compose the complex settlement structure involving a dozen of commercial agreements under the UK, The US and Russian law.
- Worked on sanctions advice for a Russian petroleum company involving documentary analysis, US sanctions legislation research, strategy.
- Represented a Russian company in a multimillion dispute with a Western contractor relating to construction of a unique high-tech plant in Russia in two parallel SCC and ICC arbitrations. The matter involved issues of scope and quality of works, liability for disruption of construction terms, return of advance payments, payments of penalties. The dispute was resolved by settlement on the terms favorable for the client.
- Advised a major Russian company on the upcoming investment arbitration.
- Due Diligence (dispute resolution section) of a large Russian oil equipment producer for the upcoming merger by the client, transnational company.
- Acted for an entity of the top Russian billionaire in a major dispute over one of the largest social networks in Europe – VKontakte. The dispute involved several proceedings, including in London, U.S. and offshore jurisdictions.
- Represented an offshore company of a Russian businessman against his former partner in a dispute relating to recovery of debt. The opponent agreed to recover the debt in full and repay the client's legal costs.
- Represented one of the world's leading mining groups, against one of the core production enterprises of Russian metal industry in multimillion LCIA arbitration out of an iron ore supply contract. Eventually the debtor proposed to settle and agreed to pay all the client's claims, including principle debt, late payment interest and 100% of legal fees and arbitration costs.
- Acted for the participants of a multibillion joint venture managing major business in Russia and CIS in a complex corporate conflict regarding management of the JV and contractual obligations of the JV members. The dispute settled in a favorable outcome for the clients.
- Represented the Russian Chess Federation in a dispute with the Organizing Committee of the 2014 World Chess Olympiad in Tromsø (Norway) in connection with non-admission of the Russian women's team. As a result, the Russian team was admitted to compete and received official apologies from the organizers.
- Worked on several US\$ multibillion arbitrations and court proceedings in various jurisdictions arising out of a arising out of a project to rebuild the Soviet-era Moskva hotel just off the Red Square.
- Represented a subsidiary of Group DF in proceedings in Russia regarding control over EMFESZ, a leading Hungarian gas trader with annual turnover of over \$1 billion, which were resolved in favor of the client.

- Represented Sukhoi Civil Aircraft in U.S. court proceedings initiated by a U.S. contractor regarding development of interior design for Sukhoi Business Jet aircraft. After important victory on the opponents' injunction application, which allowed presentation of the aircraft at the MAKS air show, the claim was withdrawn.
- Represented an international IT company against Saint Petersburg district prosecutor in relation to alleged employment law violations. Our defences made the claimant withdraw the claim.

ADMISSIONS

Admitted to practice in Russia, 2013

LANGUAGES

English: Fluent

Chinese: Basic knowledge (3rd Level HSK Certificate, 2012)

German: Basic knowledge

SELECTED PUBLICATIONS AND PRESENTATIONS

- The Hague Convention on the Recognition and Enforcement of Foreign Judgments: a New Reality or an Old Tale?, 18 September 2019, Kommersant, No. 169 // <https://www.kommersant.ru/doc/4088373?fbclid=IwAR27gnYFDZhQO8m0U8XEo12ONaCRdw3kBSVfMIgeT1gTY3tyUo-Je4ML9NE> (co-author)
- Chinese courts will secure Hong Kong arbitration, September 2019, Arbitration.ru Journal, No. 12 // https://journal.arbitration.ru/upload/iblock/84e/Arbitration.ru_N8_12_September_2019.pdf
- About a choice of arbitrator in international arbitration, February 2019, Arbitration.ru Journal, No. 6 // https://journal.arbitration.ru/upload/iblock/df2/Arbitration.ru_N2_6_February_2019.pdf
- Lecture “Arbitrability of disputes”, Summer Academy International arbitration in Russia and CIS by Russian Arbitration Center // <http://modernarbitration.ru/2019/08/15/летняя-академия-международный-арби/>.
- The Economy of Trust as the Key Driver of Integration in Greater Eurasia, St. Petersburg International Economic Forum 2018, 26 May 2018 (<https://roscongress.org/en/sessions/ekonomika-doveriya-klyuchevoy-drayver-integratsii-bolshoy-evrazii/discussion/>, <http://tass.ru/pmef-2018/articles/5239601>).
- Challenges and perspectives of Eurasian Integration, Book, INFRA-M, 2017 (<https://search.rsl.ru/ru/record/01008866623>).
- Conversation on the Eurasian Law, Article, Eurasian Law Journal, No. 11(66), 2013 (<https://eurasianlaw.ru/2013g/11-66-2013g>).

Professional associations

- CIArb, Member
- Thought Leaders 4 FIRE CEE-CIS Committee, Co-Founder
- ICC Russia Commission on International Arbitration, member
- RAA40, Co-Chair
- Commission for development of Arbitration and Alternative Dispute Resolution, Association of Lawyers of Russia (Moscow Branch), executive secretary

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