

Partner, Frankfurt

International Litigation and Arbitration; Litigation



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Education

Second State Exam, State of Hesse, 1993

Dr. jur, University of Freiburg, 1991

First State Exam, University of Freiburg, 1988

Bar Admissions

Frankfurt am Main

Associations

ICC Commission on Arbitration and ADR

ICC National Committee Germany

ICC International Court of Arbitration

ICCA Advisory Board

Languages

German

English

Dr. Anke Sessler is widely recognized as one of Germany's leading disputes lawyers, with extensive experience in international and domestic arbitration and complex litigation proceedings. Dr. Sessler represents industrial corporations and financial service providers in complex disputes relating to inter alia M&A and supply contracts, joint ventures and other commercial agreements, as well as in shareholder litigation and disputes relating to corporate boards. In recognition of her work in arbitration, she has been repeatedly recommended in *Lexology Index* (formerly *Who's Who Legal*) and named in *Best Lawyers* for international arbitration, litigation and mediation.

Dr. Sessler joined Skadden as a partner in 2014. From 2008 to 2014, she was chief counsel litigation at Siemens AG in Munich. Prior to her tenure at Siemens, she was a partner at another top international law firm in Frankfurt for over 10 years.

Dr. Sessler holds positions in various arbitration institutions. Until recently, she was a member of the International Court of Arbitration of the International Chamber of Commerce (ICC). She serves on the ICC Commission on Arbitration and ADR, and the ICC National Committee (Germany), as well as on the Advisory Board of the International Council for Commercial Arbitration (ICCA). Dr. Sessler has been accredited as a mediator by the Center for Effective Dispute Resolution (CEDR).

Selected matters as counsel include:

- advising a major German car manufacturer in relation to cartel damages claims arising out of several supplier cartels
- representing a U.S.-based biotech company in a dispute — including mediation proceedings — with a French pharmaceutical company in relation to a licensing and collaboration agreement
- representing a major car manufacturer in a €1 billion arbitration against a U.S.-based automotive supplier and in a related U.S. lawsuit relating to the termination of a supply contract (DIS)
- representing a global chemical company in a €500 million post-M&A arbitration based on rising energy prices against an Eastern European purchaser of an industrial asset in Germany (DIS)
- sitting as chair in arbitration proceedings relating to a pricing dispute in the automotive industry between a manufacturer of control devices for commercial vehicles and its supplier (SAA)
- representing a German bank regarding the repayment of a loan against an Indonesian company (ICC)
- representing UniCredit Bank AG in three separate litigation proceedings against former management board members regarding damages claims in relation to transactions effected around dividend record dates (“cum/ex” transactions)
- representing a German bank in connection with claims against former board members and employees because of a range of tax-driven transactions that ultimately caused severe losses to the bank as the envisaged tax incentives were not granted by the German tax authorities
- advising an international investment bank in its defence against several damages claims by other banks regarding transactions effected around dividend record dates (“cum/ex” transactions)

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- defending the Republic of Moldova against a BIT claim by Russian investors in the banking sector (Arbitration Institute of the Stockholm Chamber of Commerce (SCC), Stockholm)
 - advising a global chemical company in relation to a €1 billion cartel damages claim
 - representing an international private equity fund as respondent in a post-M&A dispute with a strategic buyer regarding a target in the construction industry (DIS)
 - representing an Indian automotive supplier in a dispute against its joint venture partner, a German supplier of parts for the automotive industry (*ad hoc* arbitration)
 - representing a multinational business in parallel U.K. and German investigations in relation to national and EU competition law infringements by the company's German and U.K. businesses and resulting follow-on damages claims across the EU
 - advising a global mechanical and plant engineering firm in a dispute with a German original equipment manufacturer (OEM) in relation to the construction of an assembly line
 - sitting as arbitrator in two arbitration proceedings involving various entities of an Arabic state and an Indian construction company (ICC, Amman and UNCITRAL, Cairo)
 - representing a global specialty materials company against a customer in a mediation related to a warranty claim (mediation, Amsterdam)
 - sitting as arbitrator in an arbitration proceeding between a German automotive supplier and its Austrian subcontractor regarding a supply contract (ICC)
 - advising a manufacturer of stainless steel in a major post-M&A dispute relating to the carve-out of certain parts of the target company in an international post-M&A arbitration (DIS)
 - advising a U.S.-based biotech company in a dispute regarding license agreements in multiple disputes (ICC, Berlin and *ad hoc*, Paris)
 - advising a German construction company regarding enforcement issues in connection with a multimillion-dollar investment treaty arbitration case against the Republic of Argentina (ICSID, Washington, D.C.)
 - representing a German bank against former board members regarding tax evasion schemes through share deals (*ad hoc* arbitration)
 - defending a European state in its first treaty claim against a claim for damages filed by an Indian investor (UNCITRAL, Brussels)
 - advising a German investor against the state of Turkmenistan in connection with the expropriation of an investment
 - representing a technology startup enterprise in a landmark directors' liability case, claiming damages from the former CEO who had falsified books and records, and deceived shareholders about financial data
 - acting as co-lead counsel in a directors' liability case involving lawsuits against former board members of a German construction company for damages based on the negligent violation of their officers' duties
 - representing five state banks against the claim by the insolvency administrator of a U.S. airline regarding an aircraft lease agreement involving complex questions of international and German insolvency law
 - representing an investment management company against damage claims by institutional investors
 - defending a telecommunications company in a post-M&A dispute against warranty claims by the buyer
 - representing an English publishing house in arbitration and expert proceedings regarding warranty claims and claims for purchase price adjustment under an M&A contract
 - sitting as arbitrator in a major arbitration regarding claims and counterclaims under a gas delivery contract (UNCITRAL, London)
 - advising a German energy company in connection with applicable conflict resolution mechanisms for resolving certain disputes against sovereign entities
 - sitting as arbitrator in a dispute regarding alleged damages claims resulting from the termination of a supply contract between a Russian and a German company (DIS)
- Dr. Sessler regularly publishes and lectures on international dispute resolution topics.
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Selected Recent Publications

“Environmental Groups Have Sued Large German Companies To Reduce Their Products’ CO2 Emissions,” *Skadden’s 2022 Insights*, January 19, 2022

“Gesetz Ruft Zahlreiche Risiken Hervor,” *Börsen-Zeitung*, March 27, 2021

“Q&A Arbitration With An Insolvent Party,” *International Law Office*, August 20, 2020

“The German Act on Model Case Proceedings in Disputes Under Capital Markets Law Has Proven to be Successful,” *Börsen-Zeitung*, August 8, 2020

“How Trade Disputes With Vietnam Will Be Resolved,” *FAZ Einspruch*, June 30, 2020

“Goodbye to Investment Protection: Companies Will Soon No Longer Be Able To Turn To Arbitration Tribunals for Disputes in Europe,” *Frankfurter Allgemeine Zeitung*, May 20, 2020

“COVID-19: How To Prepare for Potential Future Disputes,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 15, 2020

“Financial Relief Under the CARES Act for US-Incorporated Subsidiaries of Foreign Companies,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 15, 2020

“Coronavirus/COVID-19: Implications for Commercial and Financial Contracts,” *Skadden, Arps, Slate, Meagher & Flom LLP*, February 26, 2020

Co-author, “Third-Party Arbitration Funding – An Overview,” *ILO Newsletter*, October 24, 2019

“§ 7. Einleitung des Verfahrens/Klageeinreichung” (§ 7. Commencement of the Proceedings/Submission of Statement of Claim) in: Salger/Trittmann (eds.), *Praxishandbuch Internationale Schiedsverfahren*, 2019, p. 169

Co-author, “2018 DIS Arbitration Rules – One Year On,” *ILO Newsletter*, July 18, 2019

Co-author, “Is Effective Intra-EU Investment Protection Ending?” *ILO Newsletter*, May 2, 2019

Co-author, “Germany,” in: Pitkowitz (ed.), *Handbook on Third-Party Funding in International Arbitration*, 2018, p. 225

“The Growth of Collective Shareholder Actions in Europe,” *Skadden, Arps, Slate, Meagher & Flom LLP*, July 2017

“Cross-Border Investigations Update,” *Skadden, Arps, Slate, Meagher & Flom LLP*, November 2017

“Die Konstituierung des Schiedsgerichts in Mehrparteienschiedsverfahren – eine Bestandsaufnahme” (Constitution of the Arbitral Tribunal in Arbitral Proceedings with Multiple Parties – an Inventory of the Current Situation) in: Dieners/Dietzel/Gasteyer (eds.), *Liber Amicorum Dolf Weber*, 2016, p. 527

Co-author, “Commentary on Sections 1052-1058 ZPO,” in: Böckstiegel/Kröll/Nacimientto (eds.), *Arbitration in Germany – The Model Law in Practice*, 2nd edition, 2015, p. 318

Co-author, “Im Praxistest. Ein Jahr nach der Reform: erste Erfahrungen mit dem Kapitalanleger-Musterverfahrensgesetz” (In a Practical Test. One Year after the Reform: Initial Experiences with the German Capital Markets Model Case Act), *DisputeResolution – Das Online-Magazin 2013*, 22

Co-author, “Die Revidierte ICC-Schiedsgerichtsordnung – Schwerpunkte” (The Revised ICC Arbitration Rules – Key Topics), *SchiedsVZ 2012*, 120

“Reducing Costs in Arbitration – The Perspective of In-House Counsel,” *SchiedsVZ 2012*, 15

“Außergerichtliche Streitbeilegung – Bedeutung, Vertragsgestaltung und Durchführung bei der Siemens AG” (Extra-Judicial Dispute Resolution – Significance, Contract Drafting and Implementation at Siemens AG) in: Eidenmüller (ed.), *Alternative Streitbeilegung*, 2011, p. 9