

# LAWYERS IN CLASS ACTIONS

## ENHANCED ACCESS TO JUSTICE V. LITIGATION ABUSE ON STEROIDS

An American perspective on lawyers as actors in class action litigation followed by comments by two outstanding Polish lawyers who will discuss the topic from practical and theoretical angles. The seminar is organized by the Institute of Public Affairs (ISP) along with the Institute for Law and Society (INPRIS) within the Expert Council of the "Citizen and Law V" Program, financed by the Polish-American Freedom Foundation.

### Keynote Speaker:

- Profesor Leah Wortham  
Columbus School of Law, The Catholic University of America

### Comments by Polish Experts:

- Dr Beata Gessel-Kalinowska vel Kalisz  
GESSEL, Managing Partner
- Dr Arkadiusz Radwan, LL.M., Allerhand Institute, Chairman

### Moderator:

- Filip Wejman, INPRIS

### Time:

2:00 PM, Tuesday, 27 April 2010

### Venue:

Institute of Public Affairs (ISP)  
ul. Szpitalna 5/22, Warsaw

### Language:

English (translation will NOT be provided)

### Points of Focus:

- How lawyers behave when Class Action (CA) is available? How does CA affect the business of lawyers?
- How does CA affect access to justice?
- What positive and negative incentives result from availability of CA for: lawyers, businesses, consumers, public authorities?
- What rules or other ethical constraints of lawyers can enhance the positive social effects of CA?
- What are the most common CA ethical issues for lawyers that have arisen in the United States?

**RSVP not later than April 26, noon, to seminarium at [isp.org.pl](http://isp.org.pl).**

## SPEAKERS

**Professor Leah Wortham** is a Professor of law at the Columbus School of Law of The Catholic University of America (CUA).

Leah Wortham graduated *summa cum laude* and with membership in *Phi Beta Kappa* from Macalester College in St. Paul, Minnesota. She received a law degree from Harvard Law School.

At CUA, she has served as the clinical coordinator of clinical programs and an Associate Dean. She teaches Professional Responsibility, Criminal Law, and in the externship clinical program.

Leah Wortham has worked extensively with the bar of the District of Columbia (D.C.) in the area of legal ethics and the regulation of the legal profession. The Washington D.C. Bar is the second largest in the United States with more than 80,000 members. She served as the Chair and Vice-Chair of the D.C. Bar Rules of Professional Conduct Review Committee, which in 2005 proposed extensive revisions to the ethical rules for D.C. lawyers that were enacted by the D.C. Court of Appeals. The Committee received the Abramson award for the year's most significant contribution to the D.C. Bar and its members, and the Committee was selected as the „Best Bar Committee” in 2001.

Leah Wortham served on the D.C. Bar Legal Ethics Committee, including as Chair and Vice-Chair. This Committee issues opinions interpreting the D.C. Rules of Professional Conduct. She served on and chaired Board of Professional Responsibility Hearing Committees, which hear and issue decisions in lawyer discipline cases.

Before joining academia, Leah Wortham worked as a staff lawyer for the Atlanta Legal Aid Society. She was the legislative assistant for New York Congresswoman Elizabeth Holtzman. She served as assistant to the President of the U.S. Legal Services Corporation for Policy Planning, and as Deputy Associate Director of the U.S. International Development Cooperation Agency. She is a member of the D.C. and Georgia Bars.

In 1996, she commenced working with Jagiellonian University in Kraków, Poland, which established the first successful clinical program in Central Europe and the second in the former Soviet sphere. Countries in which she has worked include Poland, Croatia, Macedonia, Montenegro, Latvia, Hungary, Bulgaria, Russia, Kazakhstan, the Kyrgyz Republic, Ukraine, South Africa, Argentina, India, and Japan. In 2008, she was selected as an International Scholar to work with the American University of Central Asia in Bishkek, Kyrgyz Republic, as part of the Academic Fellows Program of the Higher Education Program of the Open Society Institute.

She serves as the CUA director for an LL.M. program offered in conjunction with Jagiellonian University and for the JU-CUA American Law Program program in which Jagiellonian University and international LL.M. students are enrolled. This semester she is teaching U.S. Criminal Law at Jagiellonian as a visiting professor in the Criminal Law Chair.

In June 2008, she received the *Zasluzony dla UJ*, a medal awarded by the University Senate upon recommendation of the University Rector to honor people whose services are deemed to be of extreme merit to Jagiellonian University.

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**Dr Beata Gessel-Kalinowska vel Kalisz** is an attorney, the Managing Partner in GESSEL, one of Poland's premier law firms. She is a legend of Polish business law and economical transformation in Poland since the early nineties. She is an expert in M&A, company and commercial law, arbitration.

Beata Gessel graduated from the Warsaw University, and received her doctor degree from Cardinal Stefan Wyszyński University in Warsaw in 2009.

Having gained experience with a number of organizations (*Arthur Andersen, Weil, Gotshal & Manges, the*

*Parliamentary Committee for Economic Co-operation Abroad*), dr Gessel established in January 1993 *Beata Gessel – Attorney at Law*. This single-lawyer practice has since grown into GESSEL, which she continues to head as the Managing Partner.

Since 1999, Beata Gessel is an arbitrator with major Polish business organizations.

Beata Gessel is consistently named in the annual ranking of law firms compiled by the “Rzeczpospolita” daily; the 2008 edition mentions her as a leader in M&A. The Practical Law Company includes her in the “highly recommended” category in Private Equity/Venture Capital and in Corporate/M&A (2007, 2008). In “Private Equity Global Counsel Handbooks”, she is recommended in the Private Equity and Venture Capital category. Beata Gessel has been recommended in Chambers Global’s “The World’s Leading Lawyers” and in “Chambers Europe Legal Directory” since 2001 (the latter’s 2008 edition names her as a leader in Private Equity and as an expert in M&A transactions, pointing out that Beata Gessel is something of a private equity celebrity in Polish legal circles, with a highly impressive track record in the sector).

Dr Gessel is committed to initiatives geared at propagating knowledge of law. She cooperates with the *Equity Market Leaders Academy of the Lesław A. Paga Foundation* and with the academic community: the *School of American Law* at Jagiellonian University in Krakow or the *Cambridge Python* project.

Being fond of modern art, Beata Gessel established in 1996 the *Foundation for Contemporary Art* of the National Museum in Warsaw, which has purchased almost 50 works to augment the Museum’s own collections. In her leisure time, she likes mountain hiking in the Tatra Mountains and in Podhale.

Beata Gessel is the author of numerous publications on business law (the list is available at [http://gessel.pl/ready\\_to\\_go/beata\\_gessel\\_managing\\_partner](http://gessel.pl/ready_to_go/beata_gessel_managing_partner)).

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**Dr Arkadiusz Radwan, LL.M.** is a lawyer specializing in business law. He is engaged in academic research and teaching, social activism, management, legal counselling, independent journalism.

Arkadiusz Radwan graduated from the Jagiellonian University (Master of Law) and from the University of Jena in Germany (LL.M). He holds a doctoral degree in law from tJagiellonian University and certificates from programs in German law from the Universities of Heidelberg and Mainz, as well as a certificate in management from the Jagiellonian University.

Dr Radwan serves as the Chairman of the *Allerhand Institute of Advanced Legal Studies* based in Krakow. He is the founder and Managing Director of *Centrum C-Law.org*, an international network of legal scholars, economists and practicing lawyers dedicated to legal research and policy studies.

Arkadiusz Radwan is the editor-in-chief of the Polish law journal *HUK (Quarterly for the Entire Commercial, Insolvency and Capital Market Law)*.

Arkadiusz Radwan practices part-time as of counsel at *Kubas Kos Gaertner Attorneys-at Law.*, one of the leading law firms in Poland specialised in litigation, commercial arbitration, corporate law and project finance and other areas of business law.

He served as the Director of the Education Department at the Polish Financial Supervision Authority. Arkadiusz Radwan worked as Hauser Research Scholar at the New York University School of Law (2004-2005) and as Post-Doctoral Fellow at the Institute of Law and Economics, Hamburg University. He was involved in international legal studies and policy research at the Copenhagen Business School, European University Institute Florence, Ghent University, Hertie School of Governance Berlin, University of Cologne, University of Bonn and University of Jena.

Dr Radwan has taught at the Jagiellonian University, at the Krakow University of Economics and at the University of Rzeszow. He was a visiting professor at SWUPL in Chongqing (China), the College of Media Management in St. Pölten (Austria), the State University of Economics in Ternopil (Ukraine), and the Ivan

Franko National University of Lviv (Ukraine).

His list of publications can be viewed at: <http://tinyurl.com/Radwan-Publications>.

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**Filip Wejman, LL.M.** is a lawyer. He is the co-founder of legal think tank *INPRIS – Institute for Law and Society*, and member of its Management Board. His areas of interest include general questions of private law, e-commerce, information & law, empirical methods of analysis of law, legal profession and education of lawyers.

Filip Wejman graduated from the Jagiellonian University (Master of Law) and Harvard Law School (LL.M.). For ten years Filip Wejman managed, since its inception, the Jagiellonian University *School of American Law*. He is admitted to the Cracow Bar as an attorney (currently not practicing) with experience in wide range of pro bono cases or consulting for other lawyers in complex, high value business law litigation and transactions.

Filip Wejman has been a Senior Researcher at the University of Bielefeld, Germany collaborating with the Acquis Group as a member of the editing team for the Acquis Principles. He was an Assistant the Chair of Civil Law at the Jagiellonian University and a Teaching Assistant at Harvard's *Berkman Center for Internet and Society*.

Filip Wejman is a member of the Management Board of the *Polish Legal Clinics Foundation*, and of the Program Board for the *Precedent Litigation Program* at the Helsinki Foundation for Human Rights. He sits on the Editorial Board of the law journal *Transformacje Prawa Prywatnego* (transformacje.pl).