

Marcin Robenek

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EXPERIENCE

Specialises in highly complex, and often precedent-setting, court and arbitration proceedings, first and foremost from the civil liability angle. His practice to date has spanned a broad range of adversarial proceedings involving, among other issues, construction and infrastructure projects (many of them based on the FIDIC rules), contract performance and liquidated damages, public procurement law, rescission of contract, representations and warranties in investment agreements, and IT system implementation.

In his work, follows the general rule that the dispute arises not upon filing of the statement of claim, but when performance of the contract is first disrupted. It is already at this point that the lawyer should apply himself to gathering evidence and planning lines of argument which might be deployed if the matter goes to court. His advice is tailored to the specific needs and circumstances of the given Client, and all its individual elements are subordinated to the greater whole.

During his time with GESSEL, represented Clients in disputes with an aggregate value in excess of PLN 1 bln before the Polish general courts, the Polish Supreme Court, the International Arbitration Court of the ICC in Paris, the Arbitration Court of the National Chamber of Commerce, and ad hoc arbitration tribunals appointed in accordance with the UNCITRAL Rules.

Before joining GESSEL in 2011, worked at the District Court for Krakow-Podgórze and at the Regional Court in Krakow as well as at a Krakow law firm.

Selected briefs

- Represented a Client in a dispute and in settlement negotiations with the State Treasury concerning implementation of a complex IT system for the tax authorities and the contracting party's claims for millions of PLN in liquidated damages
- Represented a Client in a complex dispute concerning implementation of a pioneering intelligent metering system for a power grid operator, with the contentious points covering validity of the contract, calculation of liquidated damages by the contracting

authority, rescission of the contract, and rectification of harm suffered by the contracting authority (the total value of the claims exceeded PLN 360 mln)

- Represented a Client in a dispute with a local self-government authority concerning damages for non-performance of a construction works contract under the FIDIC rules and resulting bankruptcy (the total value of the claims exceeded PLN 140 mln)
- Represented a Client in a dispute with a local self-government authority concerning settlement for refurbishment of the iconic Opera Leśna auditorium in Sopot
- Represented a Client in a dispute with a local self-government authority concerning payment by the contractor of PLN 74 mln in liquidated damages for delays in construction of a sports hall
- Represented a Client in a dispute with a local self-government authority concerning settlements for construction of a sports and entertainment complex involving claims of the contractor for additional works, time extensions and payment
- Represented a Client in a dispute concerning construction of a section of the A4 motorway involving claims for mutual offset of liabilities, settlement for the work already completed, rescission of the contract, and millions of PLN in liquidated damages for abandoning the construction site
- Represented a Client in a dispute concerning untruthfulness of representations and warranties made in an investment agreement concerning the financial situation of a company and remittance of the guarantee damages provided for in the agreement
- Represented a Client in a dispute concerning untruthfulness of representations and warranties made in a share purchase agreement concerning the company's settlements with the tax authorities and the Social Insurance Institution and remittance of the guarantee damages provided for in the agreement
- Represented a Client in a dispute concerning non-performance of a share purchase agreement and misleading of the purchaser leading to invalidation of the agreement and a claim for return of the price
- Represented Władysław Frasyński, the veteran civic rights campaigner, in criminal proceedings concerning alleged assault of a police officer during a demonstration in June 2017
- Represented a Client in criminal proceedings concerning alleged participation in a tax fraud scheme and organised crime charges

Publications

- Co-author: Glosa do wyroku Sądu Apelacyjnego w Warszawie z dnia 14 czerwca 2012 r., sygn. akt I ACa 1241/11 [commentary to a Court of Appeals judgment]
- Autor: Zapis na sąd polubowny przeszkodą do skutecznego zawezwania strony do próby ugodowej przed sądem powszechnym [Arbitration clause as an impediment to an effective call to settlement before the general courts], e-Przegląd Arbitrażowy (03.2013)

- Author: Kardynalnie błędna ocena przepisów przez Mariusza Muszyńskiego [Fundamentally flawed reading of the law by Mariusz Muszyński], Archiwum Osiatyńskiego
- Author: Sprawa Volkswagena okiem prawnika [The Volkswagen case: A lawyer's view] – Samar.pl
- Author: Porozumienia międzygminne mają charakter publicznoprawny [Agreements between local councils have a public law character] – Dziennik Gazeta Prawna
- Author: Zmiana kierownika nie skutkuje unieważnieniem pełnomocnictw [Replacement of a head official does not lead to invalidation of powers of attorney] – Dziennik Gazeta Prawna
- Author: Kara umowna nie chroni gminy w każdej sytuacji [Liquidated damages do not cover local councils in all scenarios] – Dziennik Gazeta Prawna
- Author: Ochrona prawna jednostki na podstawie unijnej dyrektywy [Legal protections for the individual pursuant to the EU Directive] – Dziennik Gazeta Prawna

Education

- Faculty of Law and Administration, Jagiellonian University, Krakow – graduated with honours (2010)
- Civil procedure workshops, Jagiellonian University, Krakow (2010)