

Gleiss Lutz partner joins Japanese firm



Lars Markert

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German practitioner **Lars Markert** has joined Japan's largest law firm as foreign counsel in its Tokyo office after more than a decade of practising at Gleiss Lutz in Stuttgart.

Markert started at Nishimura & Asahi on 2 April as the newest member of the firm's international dispute resolution group in Tokyo. He will become a foreign law partner at the firm after he is admitted to the Japanese bar as a registered foreign lawyer.

For the past 11 years, Markert has practised at Gleiss Lutz in Stuttgart, joining the firm as an associate in 2007 and becoming an associated partner five years later. From 2012 to 2014, he was seconded to Nishimura & Asahi in Tokyo and continued acting with the firm as co-counsel upon his return to Gleiss Lutz. He also previously practised at Simpson Thacher & Bartlett in New York and Shearman & Sterling in Dusseldorf.

Markert tells GAR that "the opportunity to work in Nishimura & Asahi's growing disputes practice and in the dynamic Asian market was just too good to pass up," adding that he feels "right at home" at the Japanese firm following his secondment in Tokyo.

He says he will miss his colleagues at Gleiss Lutz and is grateful to the firm for supporting his professional and personal growth.

Markert – who speaks Japanese as well as English, French, German and Spanish – has experience in investor-state and international commercial arbitrations.

At Gleiss Lutz, he acted in two investor-state cases against Turkmenistan. In 2014, he was part of a team that convinced an ICSID tribunal composed of **Jan Paulsson**, **Philippe Sands** and **Markus Wirth** to issue an award in favour of German poultry farmer Adem Dogan for the expropriation of his farm. An ad hoc committee dismissed Turkmenistan's bid to annul the award two years later.

He also helped the insolvency administrators of German construction company Unionmatex Industrieanlagen serve a 2016 notice of dispute on Turkmenistan over a government tender to build grain mills and café-bakeries. The dispute remains unresolved.

Markert also focuses on disputes involving Japanese companies in Europe. During his secondment at Nishimura & Asahi, he helped represent the Japanese subsidiary of a Swiss pharmaceutical company in a dispute over a co-promotion agreement.

Upon his return to Gleiss Lutz, he acted as co-counsel with Nishimura & Asahi for Japanese pharmaceutical companies in two ICC arbitrations with European parties. He says one ended in a favourable settlement while the other remains pending.

His other recent work includes representing a Swiss manufacturer in an ICC dispute with a US purchaser over alleged defects in food processing machinery and several companies in a series of post-M&A arbitrations under Swiss and DIS rules.

Markert, who is qualified to practise in New York and Germany, graduated with law degrees from Aix-Marseille University and the Julius Maximilian University of Würzburg. He later obtained a Master of Laws from Georgetown University in Washington, DC, and a PhD in investment arbitration from the University of Cologne, where he is now an adjunct professor.

GAR's sister publication *Who's Who Legal* named Markert in a list of "Future Leaders" in 2017 and identified him as a leading individual this year.

The global head of Nishimura & Asahi's international dispute resolution group **Hiroyuki Tezuka** says the firm is thrilled to welcome Markert, describing him as one of the few foreign civil lawyers with experience in investor-state arbitration to have chosen to reside in Japan.

"Through his secondment and work with us as co-counsel, Lars has gained a complete understanding of the culture and mindset of Japanese companies and their legal departments. He will not only strengthen our team's capability to handle large international commercial arbitration cases, but also contribute to our firm's public international law practice," he says.

Kevin Kim, Seoul-based head of international arbitration at Bae Kim & Lee, praises Markert as one of the most experienced arbitration practitioners in Germany who is also knowledgeable about Japan and Asia. He says Markert's move is timely in light of the rapid expansion of international arbitration in Asia.

Swiss arbitrator **Pierre Tercier**, who mentored Markert in the Young ICCA mentoring programme, says that his move to Japan represents an "outstanding contribution by a young promising arbitrator" who is open to all cultures.

Stephan Wilske, partner at Gleiss Lutz in Stuttgart, tells *GAR*: "I very much regret that Gleiss Lutz could not convince Lars to stay and I congratulate Nishimura & Asahi for winning one of the best arbitration lawyers of his generation." He adds that he wishes Markert the best personally and professionally for his promising career "as a truly global arbitration practitioner".

Markert's move comes at a time when Japan appears to be taking serious steps to promote itself as an arbitral hub in Asia. While a leading economic force in the region, the state has historically hosted a fraction of the cases that go to Hong Kong and Singapore.

Last year, *GAR* reported that the Japanese government is working with local practitioners and companies to launch a new arbitration hearing centre in Tokyo, with rumours that another centre will be established in Osaka.

Japan also supported the inclusion of investor-state dispute settlement or ISDS provisions in the successor to the Trans-Pacific Partnership and was a key player in concluding the agreement, which was signed last month by 11 nations except for the US.

Its emerging role as a champion for ISDS was recently discussed in an article by Markert and Wilske that was published in the Japan Commercial Arbitration Association newsletter last month.