

WILHELM
RECHTSANWÄLTE

OUR FIRM AND ADVISORY SERVICES

JUVE 2017
AWARDS
Kanzlei des Jahres
für Versicherungsrecht



OUR FIRM

Our law firm specializes in insurance and liability, commercial criminal law and corporate law.

Solutions for critical situations

We advise domestic and multi-national corporations, medium-sized companies, investors, shareholders and decision makers in critical situations – for example when facing a possible personal liability, when experiencing an unexpected loss or after a breach of law by an employee.

We analyze the respective situation and put up a team of experts. For this, we combine interdisciplinary expertise:

- Damages and insurance
- Dispute resolution
- Restructuring and financing
- Commercial criminal law and compliance

In Germany and worldwide

In Germany we are currently represented with 18 lawyers in Düsseldorf and Berlin. In cross-border cases we work closely together with our international partner network.



WHAT OTHERS SAY

“Brilliant minds who are very engaged and act strategically”.

JUVE Handbook German Commercial Law Firms 2016/17

Recognised for its “efficient and structured approach and very high quality standards”.

The Legal 500 Germany 2019

“The firm is always excellent, precise and very flexible,” enthuses a client. Another client highlights the team's “extraordinary skills in solving complex cases”.

Chambers Europe Guide 2019

Ranked in The Legal 500, Chambers Europe, JUVE Handbook, Kanzleimonitor of the Federation of General Counsels in Germany, Best Lawyers, WirtschaftsWoche, FOCUS and many more.



INTERNATIONAL PARTNERS

We advise our multi-national clients for example on insurance and liability issues under German law or on cross-border transactions with a connection to Germany. Our firm handles matters in German, English, Polish and French.

Selected partnerships

In international projects and disputes, we work together with local law firms chosen by our clients. Furthermore, we can rely on a broad network of partner firms around the globe among others in the United States, the UK, France, Poland, Sweden, Italy, Spain, and Belgium.

Together with our international partner firms we support clients in complex matters such as:

- Settlement of cross-border liability and coverage disputes
- Proceedings before courts in the US, UK and Continental Europe
- Advice on national company law, regulatory law and capital market law
- Optimization of international insurance programs
- Settlement of reinsurance disputes by arbitration



WILHELM
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PRACTICE GROUPS

ADVICE ON INSURANCE LAW

We advise companies and corporate groups, international direct and re-insurers as well as brokers on all matters regarding commercial insurance.

Development

- Drafting and review of general terms on insurance and individual clauses
- Optimization of insurance portfolio of policy holders
- Development of coverage concepts for complex risks
- Advice on captives and alternative risk transfer (ART)

Claims settlement

- Discovery and review of facts
- Examination and evaluation of possible coverage claims
- Representation in out-of-court settlement negotiations with the insurer as well as in coverage proceedings

Advising the insurance industry

- Advice on regulatory issues / supervisory law and representation vis-à-vis BaFin
- Re-insurance and retrocession disputes
- Litigation monitoring
- Support with run-offs
- Social insurance
- Product development



DR. MARK WILHELM, LL.M.

Dr. Mark Wilhelm specializes in the strategic advice of companies and their board members in critical situations. He develops efficient solutions for complex questions and supports responsible managers both with legal advice and tactical considerations.

A focus of his advice is on liability, coverage and concept development, from the coordination of complex, multicausal liability cases to coverage disputes re commercial insurance to the drafting of financing concepts.

Mark worked with an international law firm for several years. In 2006 he founded the law firm Wilhelm together with Lars Winkler.

Recent mandates:

- Advice and representation of board members in defense against liability claims
- Negotiation and litigation regarding major D&O claims
- Various financing and reinsurance projects (Financial - ART)
- Development of coverage concepts for special risks (e.g. parametric weather insurance)

Contact:

+49 (0) 211.68 77 46-12

mark.wilhelm@wilhelm-rae.de

*Leading Individual in Insurance Dispute Resolution
("Excellent tactician")*

Legal 500 Germany since 2015

*Leading Lawyer in Insurance in Germany
(„Very straightforward in developing solutions fit for
the clients")*

Chambers Europe since 2015

*Highly recommended in insurance law
("Highly qualified and experienced")*

JUVE Handbook German Commercial Law Firms
since 2008



DR. FABIAN HERDTER, LL.M. EUR.

Dr. Fabian Herdter specializes in insurance, reinsurance and liability. He focuses his advice on liability insurance and group insurance.

He advises companies and managers on directors' and officers' liability and related insurance, especially with regard to the defense against and the assertion of damage claims as well as the representation in disputes on D&O-cover and fidelity insurance. He supports clients with the drafting of insurance policies and international insurance programs.

As a research fellow at the Institute for Insurance Law/House of Finance at Goethe-University Frankfurt, Fabian obtained his doctorate on group insurance contracts.

Recent mandates:

- Advice and representation of companies and board members in D&O-insurance cases
- Advising multinational companies in fidelity insurance cases (i.a. re CEO fraud)
- Examination of a company's D&O-insurance program to identify gaps in coverage

Contact:

+49 (0) 211.68 77 46-50

fabian.herdter@wilhelm-rae.de

*Recommended in Insurance Dispute Resolution
("He has 'an analytical and creative' approach and
'provides strong arguments'")*

Legal 500 Germany since 2017

Highly recommended in insurance law

JUVE Handbook German Commercial Law Firms
since 2015

ADVICE ON LIABILITY AND LITIGATION

We help advising liability risks when drafting contracts and support our clients in bringing claims as well as in defending against claims.

Minimization of liability risks

- Review and drafting of contracts (e.g. purchase agreements, contracts for services, work and materials, general terms and conditions, statutes, management contracts etc.)
- Representation in contract negotiations with business partners
- Identification of personal liability risks of board members
- Advice on the optimal choice of law and place of jurisdiction

Dispute resolution

- Examination of damage claims (clarification of facts, legal review)
- Litigation before state and arbitration courts to defend against claims or to assert liability claims
- Examination, preservation and assertion of recourse claims
- Considering implications for insurance coverage during the liability dispute



LARS WINKLER

Lars Winkler is Head of our Litigation-Team . He represents companies, public corporations and decision-makers to ward off claims or to assert damages or cover claims.

The first goal of our advice is always to find a pragmatic dispute resolution out-of-court. Often however, a judicial proceeding is inevitable. Our clients then profit from Lars' extensive trial experience and legal know-how in insurance and liability law, corporate law and labour law.

Lars is founding partner of our firm.

Recent mandates:

- Defending directors and board members against damage claims
- Representing industrial companies in lawsuits to ward off product liability claims
- Asserting coverage in a number of proceedings i.a. relating to D&O insurance, CAR and EAR insurance, product liability insurance

Contact:

+49 (0) 211.68 77 46-11

lars.winkler@wilhelm-rae.de

*Highly recommended in insurance law
("Tough opponent in proceedings")*

JUVE Handbook German Commercial Law Firms
since 2013

Leading Lawyer in Litigation

Handelsblatt Best Lawyers 2016 & 2017

Recommended in Insurance (Dispute Resolution)

Legal 500 Germany since 2015



TOBIAS WESSEL

Tobias Wessel represents clients in legal disputes, among others in the areas of liability and insurance law.

With his experience in litigation, Tobias asserts claims for damages, recourse and coverage or defends clients against unjustified claims. He puts emphasis on out-of-court settlement and advice. In close cooperation with the client, he achieves dispute resolutions that meet the interests of all parties in order to settle disputes pragmatically at an early stage.

Tobias advises clients on drafting contracts, terms and conditions or statutes. He identifies potential conflictual aspects helping the client avoid liability risks.

Recent mandates:

- Advising a major energy supplier on claims under business interruption insurance following a delay in start-up at a power plant
- Assertion of claims before court
- Out-of-court representation and negotiation to settle disputes

Contact:

+49 (0) 211.68 77 46-29

tobias.wessel@wilhelm-rae.de

ADVICE ON CORPORATE LAW

Our corporate team advises investors and companies as well as their shareholders and board members in critical situations, for example in connection with transactions or restructuring and reorganization.

Drafting

- Negotiation and drafting of purchase agreements including legal due diligence
- Restructuring and reorganization (e.g. merger, change of legal form)
- Advice on spin-off, outsourcing and joint-ventures

Financing

- Development of financing concepts and contracts
- Negotiation with contract partners, investors and banks
- Advice on tax law and capital market law
- Conception and realization of restructuring measures in solvency crises

Risk and conflict management

- Minimization of transaction risks (e.g. via insurance concepts) to eliminate transaction hurdles
- Conflict solution in corporate disputes
- Advising board members on avoiding personal liability and prosecution following wrong decisions in critical situations



FELIX SCHAEFER

Felix Schaefer specializes in corporate and insolvency law. He manages the corporate practice at Wilhelm Rechtsanwälte.

He advises companies and board members among others on transactions, capital measures and financing matters as well as on the optimal drafting of contracts. Felix Schaefer puts a focus on handling critical situations, for example in case of imminent insolvency or corporate restructuring projects.

Before joining Wilhelm Rechtsanwälte, Felix worked as a partner for a major international law firm for several years.

Recent mandates:

- Advice on the liquidation of an international investment bank in Germany
- Support with mergers, take-overs and joint-ventures
- Conception of group reorganization
- Development of restructuring concepts

Contact:

+49 (0) 211.68 77 46-56

felix.schaefer@wilhelm-rae.de



DR. FRIEDRICH ISENBART

Dr. Friedrich Isenbart specializes in corporate law and M&A. A focus of his advise is on internal risk management and drafting of compliance systems.

He advises national and international clients in the field of M&A, Private Equity, restructuring, reorganization, compliance, as well as current corporate law matters. He possesses particular experience with transactions in the financial industry as well as with transactions of companies in critical situations and insolvency.

Friedrich has worked with a major international law firm in the areas of corporate and restructuring as well as with a renowned German law firm specializing in banking law.

Recent mandates

- Assessment and review of the organizational structures (risk management, compliance, internal audit, finance) of a multinational group following a change of management
- Advising a strategic investor on the purchase of a Ukrainian bank

Contact:

+49 (0) 211.68 77 46-21

friedrich.isenbart@wilhelm-rae.de

*Legal Awards 2017: Reinsurance Law
Specialist of the Year – Germany*
Acquisition International

Financial Business Award 2014
Finance Monthly Magazine
Category Private Equity

*Ukrainian Banker Award:
M&A-Deal of the Year 2012*
InvestGazeta

ADVICE ON COMMERCIAL CRIMINAL LAW

We defend companies and board members in proceedings regarding commercial criminal or tax law, help avoiding white collar crime risks and support in case of compliance breaches within companies.

Representation and advice

- Individual defense of board members and private persons
- Coordination of the defense of several board members
- Defense of companies in case of disgorgement and fines
- Advice on how to cooperate with investigating authorities
- Helping avoid criminal law risks in critical situations

Tax criminal law

- Defense in tax and customs proceedings
- Support during critical company audits
- Conception of economically reasonable corporate structures in accordance with tax law

Compliance

- Conception of compliance systems and re-audits of existing programs
- Support with internal investigations and with the reaction on infringements (e.g. measures concerning criminal law, labor law and potentially other civil law measures)



TH. CHRISTIAN JURASCHECK

Th. Christian Jurascheck advises and represents companies and private persons in all areas of commercial criminal law (and tax criminal law) in and out-of-court. He furthermore advises businesses on how to avoid compliance violations by employees.

Christian has comprehensive experience and expertise in navigating clients through complex investigation proceedings conducted by public prosecutors and in defending clients in white collar crime trials.

He also coordinates internal investigations following suspected compliance breaches and helps to develop and optimize compliance management systems

Recent mandates:

- Defending individuals in white collar crime proceedings
- Conducting interviews with employees and analyzing files, emails and digital data during internal investigations
- Advising on tax and customs law issues and voluntary disclosures

Contact:

+49 (0) 211.68 77 46-28

christian.jurascheck@wilhelm-rae.de



CONTACT

Please also visit our website for further information:

www.wilhelm-rae.de/en

If you have any questions please do not hesitate to contact us:

Wilhelm
Partnerschaft von Rechtsanwälten mbB

Düsseldorf:

Reichsstraße 43
40217 Düsseldorf
Germany

Telefon: + 49 - (0) 211.68 77 46 - 0
Telefax: + 49 - (0) 211.68 77 46 - 20

info@wilhelm-rae.de

Seat: Düsseldorf
AG Essen: PR 1597

Berlin:

Fasanenstraße 65
10719 Berlin
Germany

Telefon: + 49 - (0) 30.81 72 732 - 0
Telefax: + 49 - (0) 30.81 72 732 - 20

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