

# VIAC – Questionnaire for Arbitrators

- 1. Name:** Dr. Simon Gabriel LL.M. Rechtsanwalt
- 2. Citizenship:** Swiss
- 3. Contact information:**  
Address: Bahnhofstrasse 108, 8001 Zurich, Switzerland  
Telephone: +41 44 206 20 80  
Fax: +41 44 206 20 81  
E-Mail: s.gabriel@gabriel-arbitration.ch  
Website: ww.gabriel-arbitration.ch  
LinkedIn: <https://ch.linkedin.com/in/simon-gabriel-8251b54b>
- 4. Current position:** Partner
- 5. Education:** Dr. iur.; LL.M.; Rechtsanwalt (Swiss Attorney at Law)



## 6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

**Over 70 arbitration proceedings** under ICC Rules; Vienna Rules; Swiss Rules; SCC Rules; DIS Rules; ad hoc rules

- How often have you acted as Chairman? **9 times**
- How often have you acted as Sole Arbitrator? **14 times**
- How often have you acted as Co-Arbitrator? **11 times**
- How often have you acted as Counsel? **36 times**
- How often have you acted in a different function (e.g. Administrative Secretary)? **4 times**

## 7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

### Articles and legal commentaries (selection):

- *Commentary on Art. 33 Vienna Rules (Security for Costs)*, in: VIAC Handbook, Vienna 2019 (with Florian Haugeneder and Karl Poernbacher).
- *Commentary on the Swiss Private International Law Act (i.e. Art. 1–24 and 129–142 PILA)*, in: Furrer, Girsberger, Müller-Chen (eds.), Handkommentar zum Schweizer Privatrecht, Internationales Privatrecht, 3rd edition, Zurich 2016 (with Axel Buhr);
- *Commentary on arbitral procedure and challenge of arbitrators (art. 367–371; 373 ZPO)*, in: Hausheer & Walter (eds.), Berner Kommentar zur Schweizerischen Zivilprozessordnung, Band III, Berne 2014 (with Axel Buhr);
- *Commentary on art. 123 – 125 Swiss Private International Law Act*, in: Honsell et al., Basler Kommentar zum IPRG, 3rd ed., Basel 2013;

- *Damages for Breach of Arbitration Agreements*, in: Arroyo (ed.), *Arbitration in Switzerland The Practitioner's Guide*, Kluwer 2013, p. 1473 et seqq;
- *Investment Planning via Switzerland*, ASA Bull. 1/2013, p. 11 et seqq.;
- *Dealing with "Challenged Documents"*, ASA Bull. 4/2011, p. 823 et seqq.;
- *Vorvertragliche Schiedszuständigkeit* (Pre-contractual Jurisdiction of Arbitral Tribunals), ASA Bull. 2/2009, p. 236 et seqq. (with J. Wicki);
- *Die Rechtsnatur der Schiedsvereinbarung im schweizerischen Recht* (The Legal Nature of the Arbitration Agreement under Swiss Law), in: Gauch et al. (ed.), *Festschrift P. Tercier*, Zurich 2008, p. 819 et seqq. (with D. Girsberger).

#### **Speaking Engagements (selection):**

- *Changing Transparency*, Vienna Arbitration Days, 2017
- *Vertraulichkeit in Schiedsverfahren*, Dreiländerkonferenz Schaan, 2016
- *Teaching assignment for the lecture "International Arbitration"*, University of Lucerne, 2016
- *Deliberation: Good practices, reasoning, dissenting opinions*, ICC YAF European Regional Conference, 2016
- *Iura novit arbiter*, Hamburg Arbitration Circle (HAC), 2016
- *Vorprozessuale Verhandlungen, Mediationen und Schiedsgutachten*, Vereinigung Schweizer Unternehmensjuristen (VSUJ), 2015
- *Prozessfinanzierung*, Europa Institut Zürich, 2015
- *Written Submissions in Arbitration*, ICC YAF, Vienna 2014;
- *Third Party Joinder*, YAAP Roundtable, Vienna 2014;
- *Visiting the Institutions: Swiss Chambers' Arbitration Institution*, ASA below 40, Zurich 2013 (moderator);
- *Englisch vor Bundesgericht* (English in proceedings before the Swiss Federal Tribunal), ASA Section Zurich 2013 (speaker and panelist);
- *Expedited Proceedings under Swiss Rules*, Arbitration and Business Seminar in Warsaw 2013 (speaker and panelist);
- *Konsequenzen der Vorschussverweigerung* (Consequences of the Refusal to Pay the Advance on Costs), Bar Association Zurich, Section Arbitration, 2011;
- *Die Textform* (Textform), Bar Association Zurich, Section Arbitration, 2010;
- Regular assignments as arbitrator at the Willem C. Vis Moot Court in Vienna 2006 up to present.

#### **8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

- Member of the Swiss ICC Arbitration Commission.
- Swiss Delegate in the ICC Arbitration Commission in Paris.
- Member of the Working Group of the Vienna Rules 2018 (security for costs).
- Arbitrator of the panels of: ICC, VIAC, AIAC, RAA.
- Member of IBA, ICC Switzerland; ArbAut; DIS; SVIR.

#### **9. Languages**

Mother tongue: German

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English

**10. In which legal systems have you trained?**

- Civil Law
- Austrian Law
- Czech Law
- German Law
- Hungarian Law
- Polish Law
- Slovakian Law
- Common Law
- Swiss Law
- Ukrainian Law
- European Law

Other \_\_\_\_\_

**11. What is your main jurisdiction of practice?**

Switzerland

**12. Special expertise or specializations (please list a maximum of five):**

- Antitrust/Unfair competition
- Aviation
- Banking & Finance
- Capital markets
- CISG
- Civil fraud disputes
- Commercial disp. / transactions
- Commodity market
- Company/Corporate/M&A
- Construction
- Contract law
- Other \_\_\_\_\_
- Damages
- Distribution
- Domain name disputes
- Employment
- Energy
- Engineering
- Entertainment
- Healthcare & Pharmac.
- Hotel/Gastro./Tour.
- Inform. technology (IT)
- Infrastructure
- Insolvency
- Insurance
- Intellect. property (IP)
- ISDS/ Foreign invest.
- Joint ventures
- Licensing
- Life sciences
- Maritime arbitration
- Media
- Mining
- Natural resources
- Power plants
- Private Intern. Law
- Public Intern. Law
- Real estate
- Shipping
- Sports
- State/Public contracts
- Technology
- Telecommunication
- Transport

**13. Date of birth:** 26 March 1977

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

16 April 2019

\_\_\_\_\_  
Date