

VIAC – Questionnaire for Arbitrators

1. Name: Dr. Christoph M. Pestalozzi

2. Citizenship: Switzerland

3. Contact information:

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4. Current position:

Partner

5. Education:

- Post-graduate studies at New York University, NYU School of Law, Master of Comparative Jurisprudence (M.C.J.,1982)
- Bar Admission to the Zurich and Swiss Bar (1979)
- University of Zurich (Dr. iur., 1977)
- University of Zurich (lic. iur., 1974)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
100+ proceedings, mainly international, Swiss Rules, ICC, VIAC, HKIAC, ad hoc, Uncitral
- How often have you acted as Chairman?
50+ proceedings
- How often have you acted as Sole Arbitrator?
10+ proceedings
- How often have you acted as Co-Arbitrator?
40+ proceedings
- How often have you acted as Counsel?
10+ proceedings
- How often have you acted in a different function (e.g. Administrative Secretary)?
5+ proceedings

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

- Vor- und Nachteile der Schiedsgerichtsbarkeit, Handbuch Schiedsrecht, Czernich/Deixler-Hübner/Schauer (editors), Part I, Chapter 4, Vienna 2018
- Schweizerisches Obligationenrecht, Basel Commentary, Obligationenrecht II, Art. 530 – 964 OR, inkl. Schlussbestimmungen, Honsell Heinrich, Vogt Nedim Peter und Watter Rolf (editors), 5th ed., Basel 2016, Art. 543 - 544, Art. 562 - 573 and Art. 606 – 618 (with Prof. Dr. Hans-Ueli Vogt)
- Schweizerisches Obligationenrecht, Basel Commentary, Obligationenrecht I, Art. 1 - 529 OR, Honsell Heinrich, Vogt Nedim Peter and Wiegand Wolfgang (editors), 6th ed., Basel 2015, Art. 111 and Art. 492 - 512
- Swiss Civil Procedure Code, The New Swiss Civil Procedure Code, VISCHER Brochure, Zurich 2013

- Gültige Schiedsabrede als Prozesshindernis in dem vor dem staatlichen Gericht angehobenen Prozess, Discussion of the court decision 100 09 257/ZWH of KGer BL dated 13 October 2009 in re G.H. gegen K B. und K.A., in: ius.focus, vol. 6, No. 151, 2011, 16 (with Delia Bosshard)
- Feststellungsinteresse, discussion of the Federal Supreme Court decision 4A_548/2008 dated 11 March 2009 (BGE 135 III 378), in: ius.focus, vol. 6, No. 155, 2010, 16-17 (with Mladen Stojiljković)
- Würdigung von Beweismitteln; Subsidiarität der Nichtigkeitsbeschwerde, discussion of the court decision AA080070 of the Cassation Court Zurich dated 13 May 2009, in: ius.focus, vol. 1, No. 20, 2010, 18 (with Mladen Stojiljković)
- Die widerspenstige Schiedspartei, Sanktionen im Verfahrensrecht der Schiedsgerichtsbarkeit, Wirtschaftsrecht in Bewegung, commemorative publication for the 65th birthday of Peter Forstmoser, Zurich 2008, pages 579 et seq., Gaudenz G. Zindel et al. (editors)
- Fusionsgesetz, Zurich Commentary, Vischer Frank (editor), Kommentar zum Bundesgesetz über Fusion, Spaltung, Umwandlung und Vermögensübertragung (FusG) dated 3rd October 2003, 2nd ed., Zurich 2012, Art. 56 – 58 (with Jana Essebier)
- New Arbitration Rules of the Swiss-American Chamber of Commerce, Swiss-American Chamber of Commerce, Zurich 2000

- "Efficiency and Evidence Production and the Role of the Arbitrator: US Style vs. Civil Law Style Arbitration" (Law and Economics Foundation St. Gallen, Arbitration Forum, Organisation and Moderator of the Panel, 11 April 2018)
- "Schiedsgerichtsbarkeit und Digitalisierung" (Zurich Chamber of Commerce/ Swiss Chambers' Arbitration Institution, Arbitration Breakfast@ZHK, Zurich, Organisation and Moderator of the Panel, 5 April 2018)
- "Wie suche und finde ich geeignete Schiedsrichter oder Schiedsrichterinnen? Der wichtigste Entscheid zuerst!" (Zurich Chamber of Commerce, Arbitration Breakfast@ZHK, Zurich, Organisation and Moderator of the Panel, 2 October 2017)
- "Interessenkonflikte in der Schiedsgerichtsbarkeit: Unparteilichkeit, Unabhängigkeit und Offenlegungspflichten" (Zurich Chamber of Commerce, Arbitration Breakfast@ZHK, Zurich, Organisation of the Panel, 18 October 2016)
- "Veramerikanisierung von internationalen Schiedsgerichtsverfahren – Fluch oder Segen?" (Zurich Chamber of Commerce, Arbitration Breakfast@ZHK, Zurich, Organisation and Moderator of the Panel, 26 May 2016)
- "Die Anfechtung von Schiedssprüchen" (Dreiländerkonferenz in Vienna, Organisation and Moderator of the Panel, 11 September 2015)
- "Schiedsverfahren – eine teure Alternative der Streitbeilegung?" (Zurich Chamber of Commerce, Arbitration Breakfast@ZHK, Zurich, Moderator of the Panel, 30 October 2014)
- "Where is the fun in arbitration or when should I avoid it (how do I become an arbitration practitioner)?" (SAA Swiss Arbitration Academy, An introduction on how to prepare for practice, Speaker, Zurich, 29 August 2014)
- "Streiterledigungsklauseln in Ihren internationalen Verträgen – Praxistipps aus Rechtsvertreter- und Schiedsrichter-Sicht" (Zurich Chamber of Commerce, Arbitration Breakfast@ZHK, Zurich, Organisation and Speaker on the Panel, 10 June 2014)
- "The Interface Client – Law Firm", The External View of the Law Firm (Management Program for the Legal Profession MPLP-HSG, Module 4, St. Gallen, Speaker, 22 September 2011)

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

- Swiss Arbitration Association (ASA)
- Liechtenstein Arbitration Association (LIS)
- Vienna International Arbitral Centre (VIAC)
- Zurich Chamber of Commerce (ZHK)
- Swiss-American Chamber of Commerce
- International Bar Association (IBA)
- Inter-Pacific Bar Association (IPBA)
- Swiss Arbitration Academy (SAA)
- Swiss and Zurich Bar Association (ZAV/SAV)

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): German, English

10. In which legal systems have you trained?

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input checked="" type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law <input type="checkbox"/> | <input checked="" type="checkbox"/> European Law |

Other _____

11. What is your main jurisdiction of practice?

Switzerland

12. In which jurisdictions are you admitted to the bar?

Switzerland

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

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

14. Date of birth: 15.07.1950

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>.

17.05.2021

Date

Signature