

VIAC – Questionnaire for Arbitrators

1. **Name:** Dr. Petra Rihar

2. **Citizenship:** Slovenian, Swiss

3. **Contact information:**

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4. **Current position:**

Attorney-at-law/Partner with focus on dispute resolution

5. **Education:**

Dr. iur., University of Lucerne, 2006 (*magna cum laude*)

LL.M., Columbia Law School, 2006

Lic. iur., University of Zurich, 2000 (*magna cum laude*)

Bar admission (all Swiss courts), 2004

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?
Over 35 arbitrations; ICC, UNCITRAL, Swiss Rules, VIAC, ad hoc, Konkordat vom 27. März 1969 über die Schiedsgerichtsbarkeit, Pravilnik o arbitražnem postopku pred Stalno arbitražo pri Gospodarski zbornici Slovenije

How often have you acted as Chairman? None

How often have you acted as Sole Arbitrator? Over 10 times

How often have you acted as Co-Arbitrator? 3 times

How often have you acted as Counsel? Over 15 times

How often have you acted in a different function
(e.g. Administrative Secretary)? Over 10 times

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

Author and co-author of various articles on Swiss arbitration law and arbitration related decisions of the Swiss Federal Supreme Court published on LexisNexis, Kluwer Arbitration Blog and Practical Law Arbitration:

- Case Analysis of the Swiss Federal Supreme Court Decision 4A_187/2020 of 23 Feb 2021 (1 April 2021)
- Decisions of the Swiss Federal Supreme Court in 2020 (5 Feb 2021)
- Decisions of the Swiss Federal Supreme Court in 2019 – Part I (9 Feb 2020)
- Decisions of the Swiss Federal Supreme Court in 2019 – Part II (9 Feb 2020)
- Decisions of the Swiss Federal Supreme Court in 2018: Part I (9 Feb 2019)
- Decisions of the Swiss Federal Supreme Court in 2018: Part II (9 Feb 2019)

- Swiss Federal Supreme Court Confirms the Principles for the Admissibility of a Success Fee (7 Oct 2018)
- The right to a tribunal appointed expert (9 Aug 2011)
- Swiss Federal Supreme Court Denies the Applicability of an Arbitration Clause in the Articles of Association to Liability Claims Against Board of Directors of an Insolvent Company (7 July 2010)
- The Swiss Federal Court Dismisses Two Appeals Concerning the Constitution of an Arbitral Tribunal (7 July 2010)
- The Swiss Federal Court Confirms an Award Granting Damages for the Violation of an Arbitration Clause (7 July 2010)
- New Rules on Domestic Arbitration and Their Relation to the Rules Governing International Arbitration in Switzerland (19 Feb 2010)
- Piercing the Corporate Veil – Effect on the Arbitration Clause and Jurisdiction (24 Nov 2009)
- A decision based on a written submission of a third party does not violate the right to be heard if the parties to the proceedings had enough time to comment on it (15 Oct 2009)
- Right to be heard not violated by arbitrator's refusal to hear witness whose evidence anticipated to be irrelevant (2 May 2012)
- Supreme Court finds that right to appointment of expert by arbitral tribunal was not violated as request was made out of time and not in proper form (4 Aug 2011)
- Swiss Supreme Court dismisses appeal to set aside CAS award for lack of jurisdiction (30 Jun 2011)
- Swiss Federal Supreme Court dismisses appeal to set aside decision of the FEI Tribunal and CAS award (30 Sep 2010)
- Swiss Federal Supreme Court dismisses an appeal to set aside a CAS award (31 Aug 2010)
- Swiss Federal Supreme Court is bound by factual findings of lower courts (13 Aug 2010)
- Swiss Federal Supreme Court dismisses appeal without examining the merits where the party filing the appeal declined to pay advance on costs (4 Aug 2010)
- Directors cannot rely on arbitration clause in articles of association of an insolvent company for liability claims by company's creditors (30 Jun 2010)
- Swiss Federal Supreme Court dismisses two appeals concerning the (irregular) constitution of an arbitral tribunal (5 May 2010)
- Swiss Federal Supreme Court confirms award granting damages in principle for breach of an arbitration clause (5 May 2010)
- Switzerland: anticipated arbitration developments of 2010 (4 Feb 2010)
- Switzerland: important arbitration developments of 2009 (16 Dec 2009)
- Court of Arbitration for Sport amends its rules (5 Nov 2009)
- Effect on arbitration agreement of piercing the corporate veil (2 Oct 2009)
- Swiss Federal Supreme Court holds right to be heard not violated (3 Sep 2009)
- Law firm providing services to an arbitral tribunal is exempt from VAT (3 Sep 2009)
- Ongoing international arbitration discontinued vis-a-vis insolvent co-respondent (13 Aug 2009)
- Award based on matters not directly addressed in submissions does not violate the right to be heard (12 Aug 2009)

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

Swiss Arbitration Association

9. Languages

Mother tongue: Slovenian

Working languages: German, English, Slovenian Croatian, Serbian, Bosnian, Montenegrin

10. In which legal systems have you trained?

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

Other: US (LL.M.)

11. What is your main jurisdiction of practice?

Switzerland, Slovenia and other countries of former Yugoslavia, Germany, Austria

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

Switzerland

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

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

14. Date of birth: 28 June 1974

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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>.

15 April 2021 and _____
Date Signature