

VIAC – QUESTIONNAIRE

- 1. Name:** Dr. Simon Gabriel LL.M. Rechtsanwalt
- 2. Date of birth:** 26 March 1977
- 3. Citizenship:** Swiss
- 4. Contact information:**



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- 5. Current position:** Partner at GABRIEL Arbitration

6. Education:

Lic. iur: Universities of Berne (CH) and British Columbia, Vancouver (CDN);
Bar exam: High Court of Berne (CH) with admission to all Swiss courts;
Dr. iur: University of Lucerne (chair of Prof. Dr. Daniel Girsberger; CH);
LL.M. in Advocacy: University of Strathclyde, Glasgow (UK).

7. Practiced experience in arbitration:

How many arbitrations have you participated in (domestic/international)?
Under which Rules?

Over 70 arbitrations under VIAC, ICC, Swiss, DIS, SCC and ad hoc rules

How often have you acted as Chairman?

8 times (Vienna, Swiss, DIS and ad hoc Rules)

How often have you acted as Sole Arbitrator?

14 times (Vienna, ICC and Swiss Rules)
Once as Emergency Arbitrator

How often have you acted as Co-Arbitrator?

9 times (Vienna, ICC and Swiss Rules)

How often have you acted as Counsel?

Over 30 times (Vienna, ICC, Swiss, DIS, SCC Rules)

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

4 times (ICC Rules and ad hoc rules), and
1 time as emergency arbitrator (Swiss Rules)

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

Articles and legal commentaries (selection):

- *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):

- *How to Become an Arbitrator*, Swiss Arbitration Academy, 2018
- *Security for Costs*, Presentation of the new Vienna Rules, 2018
- *Changing Transparency*, Vienna Arbitration Days, 2017
- *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.

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

Arbitrator lists/panels:

- VIAC (member of the working group for the Vienna Rules revision 2018)
- ICC Switzerland (Swiss delegate in the ICC Arbitration and ADR Commission)
- Russian Arbitration Association (member of the working group for the Prague Evidence Rules)
- Kuala Lumpur Regional Centre for Arbitration

Membership:

International Bar Association; Swiss Bar Association; ASA; Arb Aut; DIS; SVIR.

10. 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

11. In which legal system have you trained?

Civil law system at University of Berne (CH) and University of Lucerne (CH). Common law system at University of British Columbia, Vancouver (CDN) and University of Strathclyde, Glasgow (UK).

12. What is your main jurisdiction of practice?

First: Switzerland; second: Austria; third: Germany

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

- Post M&A
- International sales
- Joint ventures
- Energy

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Date and signature

Zurich, 14 November 2018

Simon Gabriel