

VIAC – QUESTIONNAIRE

1. **Name:** Dr. Günther J. Horvath, MCJ
2. **Date of birth:** 28 July 1952
3. **Citizenship:** Austrian
4. **Contact information:**

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5. **Current position:** Partner, Head of the Dispute Resolution Practice Group, Vienna
6. **Education:** Dr. juris University of Graz (1976)
MCJ New York University (1977)

7. **Practiced experience in arbitration:**

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

- 120
- ICC, VIAC, Zurich Chamber of Commerce, Stockholm Chamber of Commerce, ETSII, ICSID, IChemE, *ad hoc*

How often have you acted as Chairman?

- 24

How often have you acted as Sole Arbitrator?

- 2

How often have you acted as Co-Arbitrator?

- 15

How often have you acted as Counsel?

- 79

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

- 0

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

Publications:

- “Compensation for a Dismissed Arbitrator?”, *Entscheidungsbesprechung Ob 197/13v*, Kluwer Law Arbitration Blog, 2014
- “Die Bestellung von Schiedsrichtern unter besonderer Berücksichtigung der Preisanpassungsschiedsverfahren bei langfristigen Energielieferungsverträgen”, *Festschrift DDr. Hellwig Torggler*, 2013
- “Schiedsverfahren – Exoten oder Heilsbringer?”, *Artikel Wirtschaftsblatt* 2013
- “Guerrilla Tactics in International Arbitration”, *Kluwer Law* 2013
- “Schiedsgerichtsbarkeit in Österreich – quo vadis?”, *Artikel in Advocatus’ 12*, “Die Presse” *Handbuch Wirtschaftsanwälte*

- “Möglichkeiten und Grenzen der Rechtsgestaltung in Langzeitverträgen durch (Schieds-)gerichte”, Artikel in “Der Gesellschafter”, Festschrift für Karl Hempel zum 75. Geburtstag, 2012
- “Schiedsgutachten über Abfindung bindend?“, Artikel in “Der Gesellschafter”, 40. Jahrgang/Oktober 2011/Nr. 5
- “The Judicialization of International Arbitration - Does the Increasing Introduction of Litigation-Style Practices, Regulations, Norms and Structures into International Arbitration Risk a Denial of Justice in International Business Disputes”, Liber Amicorum Eric Bergsten, Kluwer Law International 2011;
- “Guerilla Tactics in Arbitration, an Ethical Battle: Is There Need for an Universal Code of Ethics”, Austrian Yearbook on International Arbitration 2011;
- “Unternehmensinterne Untersuchungen: Handbuch für Internal Investigations”, Linde Verlag 2010;
- “How May Commercial Arbitral Tribunals Cope With and Sanction Guerilla Tactics of the Parties/Their Counsel?“, Guerilla Tactics in International Arbitration & Litigation, Transnational Dispute Management Journal Issue 2, 2010;
- “What Weight Should be given to the Annulment of an Award under Lex Arbitri?“, Journal of International Arbitration Volume 26 Issue 2, 2009;
- “Costs in Arbitration – A Central Eastern and Southern Eastern Europe Perspective”, Linde International Verlag 2008;
- “Dispute Resolution Mechanisms and Austrian Foundations – Thoughts on Arbitration”, Austrian Yearbook on International Arbitration 2008;
- “Streitschlichtungsmechanismen in der Stiftung”, Stiftungsjahrbuch 2008;
- “Die Regeln des Schiedsgerichtsinstituts der Stockholmer Handelskammer”, Praxishandbuch Schiedsgerichtsbarkeit 2007;
- “Schiedsgerichtsbarkeit und Mediation – ein glückliches Paar?“, SchiedsVZ September 2005;
- “The Duty of the Tribunal to Render an Enforceable Award”, Journal of International Arbitration Volume 18 Issue 2, 2001;

Lecture and Seminars:

- “Diversity Challenge in International Arbitration – The Arbitrator as a Settlement Faciliator”, TRAC International Arbitration Day, Tehran, 2015
- “International Arbitration and Economic Sanctions”, ICC Switzerland, Zurich, 2015
- “Drafting an Arbitral Award”, Austrian Arbitration Academy, 2015
- “Costs in International Arbitration”, IBA Conference Munich, 2015

- “The Taking of Expert Evidence – Matters of Procedure”, Croatian Arbitration Days, 2014
- “Corruption in Arbitration”, Kiev Arbitration Days 2014
- “How to Run a Successful Arbitration”, Austrian Arbitration Academy, 2014
- “Dealing with Guerrilla Tactics in International Arbitration: Which tools for counsels and arbitrators?”, KIAC International Arbitration Conference Kigali, 2014
- “Code for Ethics für Parteivertreter, Kreative Prozessstrategien – zwischen berechtigter Wahrung von Parteiinteressen und Verfahrensubstruktion”, Dispute Resolution Forum Düsseldorf, 2013
- “The Vienna Rules (VIAC)”, China Europe Legal Forum, 2013
- “Energie-Langzeitverträge in Schiedsverfahren – prozessrechtliche Aspekte”, Petersberger Schiedstage 2013
- “The (Perceived) Powers of the Arbitrator, The Power to Enforce Discipline – what is the key?”, Vienna Arbitration Days 2013
- “Arbitrator and Counsel: Sitting on two Chairs?”, Kiev Arbitration Days 2012
- “International Arbitration”, Renmin University, Beijing 2012
- “Subtle Ways to Address Guerrilla Tactics”, CILS Conference 2012
- “Guerrilla Tactics – Arbitration Advocacy in Times of Crisis”, MAA-Seminar, 2012
- “The revised UNCITRAL Arbitration Rules in Practice“, VIAC-UNCITRAL Conference - round table, Vienna 2011
- “Guerilla Tactics in International Arbitration – An Arbitrator’s Perspective”, Vienna Arbitration Days 2010;
- “How May Commercial Arbitral Tribunals Cope With and Sanction Guerilla Tactics of the Parties/Their Counsel?”, ICC Conference on Guerilla Tactics, Vienna 2010
- “The Recoverability of In-House Costs in International Commercial Arbitration: A Cost-Control Mechanism?”, Stockholm 2009;
- “Mediation”, CBLF Round Table, Zagreb 2008;
- “What Weight Should be given to the Annulment of an Award under Lex Arbitri?”, CILS, Salzburg 2008;
- “Kosten und zeitökonomische Anspruchsverfolgung im Anlagenbau – Neue Trends in der Schiedsgerichtspraxis”, Frankfurt 2007;
- “Vorbereitende Hearings in komplexen Schiedsverfahren“, ICC Symposium, Vienna 2007;
- “The new Austrian Arbitration Law“, Prague 2006;

- “Anti-Suit Injunctions – Protection of Legal and Equitable Rights”, CILS, Salzburg 2006;
- “Einführung in das neue österreichische Schiedsrecht“, In-house Seminar, Vienna 2005;
- “Turnkey Verträge, Lieferung Aufbau und Inbetriebnahme von Maschinen und Anlagen“, ICC Austria Seminar, Vienna 2005;
- “Streitschlichtungsmechanismen in der Stiftung – Überlegungen zur Schiedsgerichtsbarkeit“, Vienna 2005;
- “Schiedsgerichtsbarkeit in Österreich – Geltende Rechtslage und Reformpläne“, Vienna 2005;
- “Juristisches Konfliktmanagement in internationalen Großprojekten – Vertragsrechtliche Problemstellungen und Lösungsstrategien in der Praxis“, Heidelberg 2004;
- “Schiedsgerichtsbarkeit – Neueste Internationale Entwicklungen, Der Schiedsrichter als Vergleichshelfer“, ICC Austria Seminar, Vienna 2004;
- “Partnering & Alliancing, Eine Alternative zur herkömmlichen Vertragsgestaltung, ICC Austria Seminar, Vienna 2003;
- “Turnkey Verträge, Lieferung Aufbau und Inbetriebnahme von Maschinen und Anlagen, ICC Austria Seminar, Vienna 2003;
- “Grundzüge Alternativer Streitbeilegung und Schiedsverfahren in Österreich“, ICC Austria Seminar, Vienna 2003;
- “The Duty of the Tribunal to Render an Enforceable Award“, CILS, Salzburg 2000;

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

- ICC International Court of Arbitration;
- Former Member of the ICC International Commission on Arbitration;
- Executive Board of the Vienna International Arbitral Centre (Vice-president);

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): German and English

11. In which legal system have you trained?

- Austria, New York (USA)

12. What is your main jurisdiction of practice?

- Austria

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

- Corporate Law; M & A
- Energy;
- Industrial engineering;
- Joint Ventures

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 18 / 1 / 2016

A handwritten signature in blue ink, appearing to be 'D. ...', written over a faint circular stamp or watermark.