

CURRICULUM VITAE OF SIMON GABRIEL

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Professional Experience

2012–present	Arbitrator and counsel for parties in independent legal practice.
2007–2012	Member of the dispute resolution group of CMS in Zurich.
2004–2007	Research and teaching assistant of Prof. Dr. Daniel Girsberger, University of Lucerne.
2002–2004	Legal clerkships at Naegeli and Streichenberg Attorneys at Law, in Berne and Zurich and first instance courts in Berne.

Education

2012–2013	LL.M. program in advocacy at University of Strathclyde, Glasgow, United Kingdom (LL.M.).
2007–2012	CMS academies on witness examination in international arbitration.
2004–2007	Ph.D. at University of Lucerne, Switzerland (Liability of Mediators; Dr. iur.).
2002–2004	Mandatory legal clerkships and Swiss bar exam (attorney at law, admitted to all Swiss courts).
1997–2002	Legal studies at Universities of Berne, Switzerland and British Columbia, Vancouver, Canada (lic. iur.).

**Arbitration and
Dispute Resolution
Experience**

Chairman, Sole Arbitrator and Co-arbitrator in over fifteen arbitration proceedings under ICC Rules, Swiss Rules, Vienna Rules and DIS Rules.

Counsel for parties in over twenty-five arbitration proceedings under Swiss Rules, ICC Rules, DIS Rules, Vienna Rules, SCC Rules and ad-hoc rules with places of arbitration in Switzerland, France, Germany, Austria and Sweden.

Counsel for parties in numerous state court proceedings in Switzerland, including proceedings with a connection to arbitration (designation of arbitrators, enforcement of awards, attachment of assets).

Panels of Arbitrators	<p>ICC Switzerland</p> <p>Vienna International Arbitral Centre (VIAC)</p> <p>Russian Arbitration Association (RAA)</p> <p>Kuala Lumpur Regional Centre for Arbitration (KLRCA)</p>
Distinctions	<p>Swiss Delegate of the ICC Arbitration and ADR Commission in Paris.</p> <p>Teaching assignment for the lecture “<i>International Arbitration</i>” at University of Lucerne, Switzerland (autumn 2016).</p> <p>Recommended as leading arbitration professional by Chambers Europe (Chambers and Partners), Who’s Who Legal (Law Business Research) and Expert Guides (Euromoney).</p> <p>Winner of the Client Choice Award for arbitration in Switzerland 2016 (Globe Business Publishing).</p>
Publications	<p><i>Arbitral award extra petita because of US-Dollars instead of Euros?</i>, in: dRSK, Oct. 21, 2015</p> <p><i>Onus to cross-examine witnesses in arbitration proceedings?</i>, in: dRSK, June 26, 2015</p> <p><i>Commentary on Art. 367–371 and 373 ZPO on Challenge of Arbitrators and Arbitral Procedure</i> in: Hausheer et al. (ed.), Berner Kommentar zum Schweizer Privatrecht, Schweizerische Zivilprozessordnung, Band III, Bern 2014 (with A. Buhr)</p> <p><i>Should Procedural Orders Be Construed as Party Agreements Binding on the Arbitral Tribunal?</i> ASA Bull. 1/2014, p. 167 ff.</p> <p><i>Commentary on art. 123–125 Swiss Private International Law Act</i>, in: Honsell et al., Basler Kommentar zum IPRG, 3rd ed., Basel 2013.</p> <p><i>Damages for Breach of Arbitration Agreements</i> in: Arroyo (ed.), Arbitration in Switzerland The Practitioner’s Guide, Kluwer 2013, p. 1473 et seqq.</p> <p><i>Book Review: International Arbitration in Switzerland: A Handbook for Practitioners (2nd Edition)</i>, in: GAR Newsletter, published on 15 August 2013.</p> <p><i>Strenge Rügeobliegenheit in Ablehnungskonstellationen (Strict Onus to Object when Challenging Arbitrators)</i>, in: dRSK, published on 17. Juli 2013.</p> <p><i>Investment Planning via Switzerland</i> ASA Bull. 1/2013, p. 11 et seqq.</p> <p><i>Commentary on art. 689–697h Swiss Code of Obligations</i> in: M. Amstutz et al. (ed.), Handkommentar zum Schweizer Privatrecht, 2nd ed., Zurich 2012 (with A. Raemy and D. Girsberger).</p> <p><i>Dealing with “Challenged Documents”</i> ASA Bull. 4/2011, p. 823 et seqq.</p>

Formvorbehalt für Vertragsänderungen
(Reservation regarding Form for Contract Modifications),
SJZ 106 (2010), p. 533 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).

Die Haftung des Mediators im schweizerischen Rechtssystem
(The Liability of Mediators in the Swiss Legal System), ASR, Bern, 2008.

Commentary on art. 689–697h Swiss Code of Obligations,
in: Amstutz et al., Handkommentar zum Schweizer Privatrecht,
Zurich 2007 (with D. Girsberger).

Speaking Engagements and Teaching Assignment

Pre-trial negotiations, mediations and expert determinations, Society of Swiss In-house Counsel (VSUJ), Zurich 2015

Third-party finance, Europa Institut Zurich, 2015

Vom Konflikt zum streitigen Verfahren (From Conflicts to Legal Disputes),
ETH Zurich 2014

Die Einbeziehung Dritter in Schiedsverfahren (Joinder of Third Parties),
YAAP, 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 (panelist).

Expedited Proceedings under Swiss Rules, Arbitration and Business Seminar in Warsaw 2013 (speaker and panelist).

Block Course "Lucerne Moot Court", University of Lucerne, 2012 and 2013.

Konsequenzen der Vorschussverweigerung
(Consequences of the Refusal to Pay the Advance on Costs),
ASA Section Zurich, 2011.

Blocklehrveranstaltung Leistungsstörungen
(Block Course on Breach of Contract), University of Lucerne, 2011 and 2013.

Die Textform (Textform), ASA Section Zurich, 2010.

Zielführende Streitbeilegung (Goal-Oriented Dispute Resolution),
Rotary Club Zurich, 2010 and Rotary Club Bellerive, 2011.

Die Haftung des Mediators (Liability of the Mediator),
Swiss Umbrella Organization on Mediation, 2009.

Teaching assignment for the lecture "International Arbitration",
University of Lucerne, 2016.

*Teaching assignment on Swiss civil law (ZGB I and II),
University of Lucerne, 2006 and 2007.*

Regular assignments as arbitrator at the Willem C. Vis Moot Court
in Vienna 2006 up to present.

Languages

German (native speaker)
English (fluent)
French (advanced knowledge)
Russian (basic knowledge)

Membership

International Bar Association, Swiss and Zurich Bar Association,
Inter-Pacific Bar Association, ASA and ASA below 40, ICC YAF, YAAP,
DIS and DIS 40, SVIR

Hobbies

Boxing, Tango Argentino and Willem C. Vis Moot Court