

# VIAC – Questionnaire for Arbitrators

**1. Name: Eliane Fischer**

**2. Citizenship: Swiss**

**3. Contact information:**

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**4. Current position:**

Partner at rothorn legal AG

**5. Education:**

- 2006: Master of International Affairs, Graduate Institute of International and Development Studies, Geneva, Switzerland
- 2004: Bilingual law degree University of Fribourg, Switzerland
- 2002: Diplôme d'administration et politique internationales, University Pierre-Mendes France, Grenoble, France

**6. Practiced experience in arbitration**

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

- 3 domestic / 30+ international (DIS, ICC, ICSID, LCIA, VIAC)

**How often have you acted as Chairman?**

- none

**How often have you acted as Sole Arbitrator?**

- 3x

**How often have you acted as Co-Arbitrator?**

- 1x

**How often have you acted as Counsel?**

- 30+

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

- 2x as Administrative Secretary

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

**Selected Conferences:**

- Co-Chair of ASAb40, AIA-ArbIt40, DIS40 and YAAP Summer Retreat since 2017
- Co-Chair of GAR Live Vienna 2017-2019
- Tylney Hall discussion, ArbAut Forum, Vienna, 30 October 2017
- Solving construction disputes under different arbitration rules: does it matter and is there a best choice?, 6th IBA Construction Projects from Conception to Completion Conference, Brussels, 14-16 September 2017
- Cost Allocation – Does the winner take it all?, ICC Young Arbitrators Forum, Zurich, 30 June 2017
- Waiving examination of witnesses and experts, ASAbelow40 Spring Seminar on Strategic Questions in Arbitration, Geneva, 12 May 2017

- Is it possible to tame the unruly horse of public policy?, Enforcement of Arbitration Agreements and Arbitral Awards under the New York Convention: Thorny Issues and Recent Trends, ICDR Young & International Seminar, Tbilisi, 1 December 2016
- Das Zusammenwirken von Schiedsgutachter und Schiedsgericht bei M&A Streitigkeiten, Schiedsverfahren – Mediation: Neue Herausforderungen und Perspektiven, Karl-Franzens-Universität Graz, 18 November 2016
- Unconscious Bias in International Arbitration, Arbitral Women Unconscious Bias and Negotiation Workshop, Vienna, 2 June 2016
- Power Imbalances in Document Production, Efficiency of Arbitration – Party Autonomy and its Limits, Generations in Arbitration Conference, Vienna, 18 March 2016
- Res judicata in arbitration - Recent Swiss Case Law, ICC Young Arbitrators Forum, Zurich, 27 November 2015
- Drafting effective arbitration clauses, ICC Young Arbitrators Forum, Izmir, 13 March 2015
- Disclosure and Challenge of Arbitrators, Annual Conference of the Young Austrian Arbitration Practitioners, Vienna, 11 December 2014

#### **Teaching:**

- International Commercial Arbitration course at the Université catholique de Lille, France, since 2015
- Organization of the Proceedings class at the Austrian Arbitration Academy since 2017
- Damages in Arbitration class at the Austrian Arbitration Academy, 2018
- Guest lectures on International Commercial Arbitration at the University of Basel, Switzerland, 2012-2013

#### **Publications:**

- The Consequences of a Tribunal Secretary's Breach of Duties – the Games of Thrones Edition, in: ASA Bulletin Volume 37, Issue 2, 2019 (co-authored with Flavio Peter)
- Verfahrensbeendigung, in: Handbuch Schiedsrecht, 2018 (co-authored with Günther Horvath)
- Costs Follow Conduct – A Musical Altercation, Kluwer Arbitration Blog, 26 October 2017 (co-authored with Flavio Peter)
- Verfahrensbeendigung, in: Praxishandbuch Schiedsgerichtsbarkeit, 2017 (co-authored with Günther Horvath and Désirée Prantl)
- Efficient and Expeditious Dispute Resolution in M&A Transactions, in: Austrian Yearbook on International Arbitration, 2017 (co-authored with Michael Walbert)
- Commentary on Art. 109 and 110 of the Swiss Code of Criminal Proceedings, Basler Kommentar, 2014 (co-authored with Peter Hafner)
- The Arbitral Tribunal in International Arbitration in Switzerland, 2013 (co-authored with Nathalie Voser)
- Stiftungen und Schiedsgerichtsbarkeit in der Schweiz, in: Wandel im materiellen Stiftungsrecht und grenzüberschreitende Rechtsdurchsetzung durch Schiedsgerichte, 2013 (co-authored with Manuel Liatowitsch)
- Translations/commentaries of numerous decisions of the Swiss Supreme Court for PLC

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

- ArbAut
- ASA
- Arbitral Women

### **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): English, French

### **10. In which legal systems have you trained?**

- Civil Law                       Common Law

- |                                       |  |  |
|---------------------------------------|--|--|
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input checked="" type="checkbox"/> <b>Swiss Law</b> |
| <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"/> European Law                |

**Other: French Law**

**11. What is your main jurisdiction of practice?**

Switzerland, Austria and Germany

**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 checked="" 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 checked="" type="checkbox"/> Energy       | <input checked="" 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 type="checkbox"/> Commercial disp. / transactions  | <input type="checkbox"/> Entertainment           | <input type="checkbox"/> Life sciences             | <input type="checkbox"/> State/Public contracts  |
| <input 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 type="checkbox"/> Contract law                     | <input type="checkbox"/> Infrastructure          | <input type="checkbox"/> Natural resources         |  |
| <input type="checkbox"/> Other _____                      |  |  |  |

**14. Date of birth: 21 October 1979**

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>.

24 November 2020

Date and Signature