VIAC – Questionnaire for Arbitrators

1. Name: HERBST Thomas

2. Citizenship: Austrian

3. Contact information:

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4. Current position:

Senior Associate / Rechtsanwalt at ZFZ Zeiler Rechtsanwälte GmbH

5. Education:

University of Vienna,

- Mag. iur (2012);
- Summer school diploma in European Studies (2009);
- Additional diploma in "Law of International Relations" (2014).

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
 28 (domestic: 1 / international: 27); Rules: ICC, VIAC, UNCITRAL, ICSID, LCIA, SSG WKW
 This excludes arbitrations in which our firm has been engaged by foreign counsel as experts on Austrian (procedural) law
- How often have you acted as Chairman?
 n.a.
- How often have you acted as Sole Arbitrator?

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- How often have you acted as Co-Arbitrator?
 n.a.
- How often have you acted as Counsel?

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How often have you acted in a different function (e.g. Administrative Secretary)?
 6 (Secretary to the Arbitral Tribunal)

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

I have published on matters related the field of arbitration, e.g.

- Beisteiner, Čech, Herbst & Weisgram (authors), "The Russian Ruble Decree-Crisis: Can European Gas Buyers "Pay in Rubles without Paying in Rubles"? What May Be the Consequences if Not?", Kluwer Arbitration Blog, 28.05.2022;
- Herbst (author), "Asserting Statutory Limitation against International Arbitral Awards Everything (Un)Clear?", Austrian Yearbook on International Arbitration 2021;
- Čech/Herbst (authors), "Mezigenerační střet úprav rozhodčího řízení", Právní rádce Journal,
 November 2020;

- Zeiler/Herbst (authors), "Parties' Obligation to Confidentiality in International Commercial Arbitration: Fact or Fiction?", American Bar Association, Just Resolutions Newsletter, May 2019;
- Herbst/Zojer (authors), "Section "Außerstreitverfahren" in the chapter "Schiedsfähigkeit"", Konfliktlösung in Privatstiftungen, Verlag Österreich, 2019;
- Sessler/ Herbst (authors), "The Vienna Repositioning Propositions. Made to Measure vs. Pret-à-Porter", Austrian Yearbook on International Arbitration 2018;
- Siwy/ Herbst (authors), "Schiedsverfahren in Kartellsachen", Czernich/Deixler-Hübner/Schauer (eds), Handbuch Schiedsrecht, 2018;

and spoken in arbitration related events, e.g.

- on 25 April 2023 at the ICC YAAF Conference in Skopje (panelist on the topic "Making sure that arbitration meets your (company's) expectations"),
- on 31 March 2023 at the Annual MAA International Commercial Law & Arbitration Conference (panelist on the topic "Arbitrability of Corruption Treading in Treacherous Waters"),
- on 30 March 2023 at the Visit of Dispute Resolution Club Turkey to ICC Austria (lecture on "Introduction to ICC Arbitration" co-lectured with Maximilian Burger-Scheidlin), and
- on 18 February 2021 at the YAAP Virtual Lunch (panelist on the topic "Mind the Gap: A Fresh Look at Procedural Gaps in Institutional Rules").

Further, since 2021, I act as external coach to University of Vienna's team at the Willem C. Vis Commercial Arbitration Moot.

8. Membership in arbitral institutions / functions in arbitral institutions/organizations: Young Austrian Arbitration Practitioners (YAAP)

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

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 🗖	À	European Law		
Other: While not having trained in these jurisdictions, I have acted in matters where the contract's governing law was German Law, Swiss Law, English Law, and Ghanaian (Common) Law.						
11. What is your main jurisdiction of practice?						
Austria						
12 In which jurisdictions are w	 .	admitted to the har?				
12. In which jurisdictions are you admitted to the bar?						
Austria (early 2020); Bar Exam with distinction (2018)						
13. Special expertise or specializations (please list a maximum of five):						
☐ Antitrust/Unfair competition		Damages		Insolvency		Natural resources
☐ Aviation		Distribution		Insurance	Ø	Power plants
☐ Banking & Finance		Domain name disputes		Intellect. property (IP)	內	Private Intern. Law
☐ Capital markets		Employment		Investment arbitration		Public Intern. Law
CISG	Ä	Energy		ISDS/Foreign inves.		Real estate
☐ Civil fraud disputes		Engineering		Joint ventures		Shipping
☐ Commercial disp. / transactions		Entertainment		Licensing		Sports
☐ Commodity market		Healthcare & Pharmac.		Life sciences		State/Public contracts
☐ Company/Corporate/M&A		Hotel/Gastro./Tour.		Maritime arbitration		Technology
X Construction		Inform. technology (IT)		Media		Telecommunication
☐ Contract law		Infrastructure		Mining		Transport
□ Other						
14. Date of birth: 13/7/1990						
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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 . 27.2.2024						

Date

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