

# VIAC – Questionnaire for Mediators

**1. Name:** Felix Michael Klement

**2. Nationality:** Austria

**3. Contact information**

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**4. Education and professional experience (original profession; where did you study?):**

*Please add your CV, see attached cv !*

**5. Core area of current professional activity:**

Transaction related Arbitration; litigation under civil law, Transactions

**6. Accreditation in the field of ADR (including relevant trainings and connected qualifications):**

No Accreditation

**7. Practical experience in mediation**

- How many (international) mediations have you participated in
  - as single/co-mediator/in a team?--
  - administered by an institution; under which Rules?--
  - in which areas/fields?--
  - how complex (*please provide examples, participation of lawyers/experts*)?--
  
- How often have you acted in a different function (e.g. consultant, expert)?  
Several times as board member
  
- What other ADR-experience do you have?  
external adviser of parties advisor and mediator in supervisory board functions

**8. Languages (including levels)**

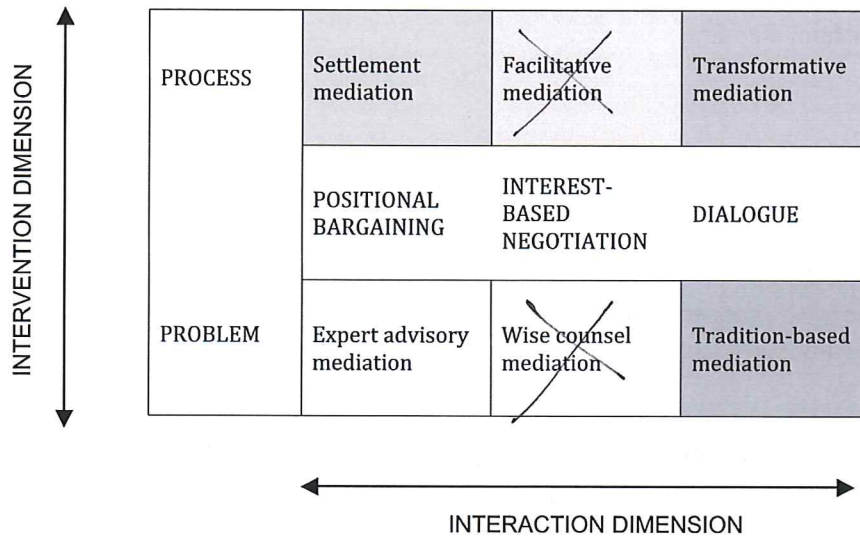
Mother tongue: German

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): English

Basic knowledge: French

**9. Style of mediation**

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

**10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?**

mode of perception and communication channel is logic (processing of data, numbers), preferred communication channel: directive, playful.

**11. Publications and other activities in ADR related matters**

(e.g. training sessions, seminars, conferences, articles and others):

seminar "Verhandeln nach dem Harvard-Konzept", PCM (Vienna School of Negotiation)

**12. Memberships in mediation institutions / functions in mediation institutions/organizations:**

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**13. Special expertise or specializations (please list a maximum of three) in your ADR-practice:**

Civil law, Antitrust law, Corporate law

**14. Soft Skills (e.g. intercultural competences):**

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**15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc?)**

Coaching, see above

**16. Date of birth:** 02/15/1970

VIAC offers mediation 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 a mediator of their choice and so is the VIAC Board when appointing a mediator. These presentations do not constitute recommendations but may assist the parties in choosing a mediator willing to conduct proceedings according to the Vienna Mediation Rules. The fact that a mediation practitioner appears on this list, does not authorize this person to use the title "VIAC-mediator".

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 mediators 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](mailto: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 [www.viac.eu](http://www.viac.eu).

Vienna, 01.09.2020

Date

and

\_\_\_\_\_  
Signature

Enclosure:

CV



## **Curriculum Vitae**

### **FELIX MICHAEL KLEMENT**

#### **CONTACT INFORMATION**

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1010 Wien  
+43/1/5131320

#### **PERSONAL INFORMATION**

Born: 15 February 1970  
Place of Birth: Wels, Upper Austria  
Citizenship: Austria

#### **PROFESSIONAL EXPERIENCE**

Since 2004	Partner Wildmoser/Koch & Partner Rechtsanwälte GmbH, managing partner of the Vienna Office
Since April 2002	Practising attorney (admitted to the Vienna bar)
2000-2002	Associate at auditing firm;
2000	Research Assistant, Constitutional Court
1997-2000	Associate (Linz Vienna: Weiss-Tessbach (DLA))

#### **EDUCATION**

1990-1994	Studies of Law University of Vienna
1994	Graduation in law, University of Vienna
1997	Awarded doctorate in law, University of Vienna, <u>Department of Civil Procedure</u>
2008-2009	Executive MBA, Mergers and Acquisitions, Technical University Vienna, pass with distinction

## **PROFESSIONAL QUALIFICATIONS**

Languages: German (native), English (fluent) and French (working knowledge)

Areas of Expertise:

*Litigation (since 2002 I devote 50% of my professional activities on either litigation or arbitration)*

*Arbitration (ICC, CAS, VIAC ad hoc) inter alia in the area of plant construction, incorporated in the List of practitioners of the Vienna International Arbitral Centre;*

*Implementation and adviser of several large joint ventures (Russia Ukraine, Mexico, South Africa).*

## **PROFESSIONAL MEMBERSHIPS/POSITIONS**

Member of the Vienna Bar Association, Member of „Studienvereinigung Kartellrecht e.V.“ (Antitrust law study association)

## **INTERESTS**

Economics, Cross Country Skiing, Golf, Languages.

## PUBLICATIONS:

- Susanne Fruhstorfer/Felix Michael Klement, "Forum Shopping" (Legal venues in Austria), LLP, London, Hongkong (1998 )
- Michael Metzler/Felix Michael Klement, "Cumulation of Coercive Penalties in Competition Law", *ecolex* 2000, 804
- Otto Dietrich/Felix Michael Klement, "Own-share Buy-backs and Takeover law", *ecolex* 2001, 675
- Roman Leitner/Felix Michael Klement, "„Update on Penal Tax Law 2001", published by Roman Leitner, "Legal Protection in Fiscal Penal Proceedings instituted by Governmental Bodies" (2002)
- Felix Michael Klement, "Tracking Stocks" – A Possible Approach for AG (joint-stock) and GmbH (private limited) Companies; economic, legal and fiscal considerations regarding the creation of profit-sharing stakes in certain divisions/segments of a business, *SWK* 2002, 766
- Felix Michael Klement, Group Medical Practices and Medical Practitioner Companies taking the Legal Form of an "OEG" (general business partnership), *ecolex* 2002, 431
- Felix Michael Klement, "Going Private - Delisting - P2P", on the preconditions required for a delisting by company law and capital-markets law, *WBI* 2003, 11
- Felix Michael Klement, "German Federal Court of Justice (BGH) sets out its opinion on the Preconditions for a Delisting under Stock Corporation Law", *WBI* 2003, 312
- Felix Michael Klement, "Comparison of the Legal Status of the Bidder under the Takeover Rules applying in Austria, Great Britain, Germany and Switzerland", *ZfRV* 2003/44
- Felix Michael Klement/Natalie König-Bechter, "The Revised EC Merger Regulation", *GesRZ* 2004, 353; 2005, 34
- Felix Michael Klement, "Personnel Interrelationships under Austrian Merger Control", *WBI* 2005, 156
- Felix Michael Klement, Constitutional Court scrutinizes core Regulations of the Austrian Take over Act *ecolex* 2006, 133
- Felix Michael Klement, Squeeze out of Shareholders pursuant to the Shareholder squeeze out Act, checklist, *ecolex* 2006, 912
- Felix Michael Klement, Constitutional Court in the case „Böhler Uddeholm" in the matter of the competence to issue ordinances of authorities organized on the collegial principle pursuant Art 133 Z 4 of the Austrian Constitution, *ecolex* 2007, 40
- Felix Michael Klement, Contractual arrangements on termination of *jouissance* rights under Austrian law, *GES* 2011/7, 321 ff.
- Felix Michael Klement, German Federal Constitutional Court sets out its opinion on the Preconditions for a Delisting, *WBI* 2013, 194 ff.

- Felix Michael Klement, German Federal Court of Justice (BGH) sets out its opinion on the Preconditions for a Delisting: No right to a cash settlement, no duty of a shareholders meeting, no mandatory offer WBI 2014, 133-135.
- Felix Michael Klement, "The Commercial Representation in the European and Austrian Anti-Trust Law", published in Michael Nocker, "Federal Law Concerning Legal Relations of Self Employed Commercial Representatives", legal commentary, 2015;
- Felix Michael Klement, "Why there is no Privilege for Commercial Representatives - on the Attribution of Trading Transactions Made by Merchant Intermediaries", WuW, 2016, 15 ff.
- Felix Michael Klement/Christian Fritz, "Civil Law Partnership" legal commentary, 2nd. Edition, Vienna 2018, LexisNexis
- Felix Michael Klement, Liability privilege for experts, ecolex 2020, 394 ff.
- Harald Fux/Felix Taub/Felix Michael Klement, The Virus on construction, Legal Consequences of impediments of Construction Work as a result of Covid-19-pandemic, ecolex 2020, 675 ff.