

**CURRICULUM VITAE OF SIMON GABRIEL**

Dr. Simon Gabriel LL.M.  
Gabriel Arbitration AG  
Rämistrasse 6  
CH-8001 Zurich

Phone +41 44 206 20 80  
Fax +41 44 206 20 81

s.gabriel@gabriel-arbitration.ch



**Professional Experience**

2012–present Arbitrator and counsel for parties at Gabriel Arbitration AG.  
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 60 arbitration  
proceedings under ICC Rules, Swiss Rules, Vienna Rules, DIS Rules,  
SCC Rules and *ad hoc* rules.

Counsel for parties in over 40 arbitration proceedings under  
Swiss Rules, ICC Rules, DIS Rules, Vienna Rules, SCC Rules, and *ad hoc*  
rules with places of arbitration in Switzerland, Turkey, 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**

ICC Switzerland.  
Vienna International Arbitral Centre (VIAC).  
Russian Arbitration Association (RAA).  
Asian International Arbitration Centre (AIAC).

**Distinctions**

President of the ICC Swiss Commission of Arbitration and ADR and Swiss Delegate in the ICC Commission of Arbitration and ADR in Paris.  
Member of the Working Group on the Revision of the Vienna Rules.  
Teaching assignment for the lecture "*International Arbitration*" at University of Lucerne, Switzerland (autumn 2016).  
Teaching assignment for the first module of the Swiss Arbitration Academy (spring 2017).  
Recommended as leading arbitration professional by Chambers Global and Europe (Chambers and Partners), Legal 500 (Powerlist DACH Region), Who's Who Legal (Law Business Research), and Expert Guides (Euro-money) since 2016.  
Recognized in GAR's and WWL's Thought Leaders in Arbitration since 2019.  
Recipient of the Client Choice Award for arbitration in Switzerland 2016 (Globe Business Publishing).

**Conferences**

Organizer of the annual Gabriel Arbitration Conference in Zurich since 2017 (together with Axel Buhr).

**Publications**

*Commentary on Art. 178 PILA (with Johannes Landbrecht) and Art. 182 PILA (with Andreas Schreggenberger)* in: Aebi-Müller, Müller (eds.), *Berne Commentaries on Swiss Civil Law, International Arbitration: Art. 176–194 PILA as well as Art. 7 und 196 PILA*, Berne 2022 (coordination: Simon Gabriel and Marco Stacher).

*Arbitrators' independence after deliberations no longer required?* in: dRSK, 22 June 2022.

*Swiss International Arbitration Law—The 2021 Reform in Context*, in: ICC Dispute Resolution Bulletin 2022/1, p. 49 et seqq. (with Johannes Landbrecht).

*59 Setting Aside Arguments Rejected as Inadmissible*, in: dRSK, 14 January 2019.

*How to Set Aside a "Procedural Order" on Arbitrators' Impartiality?*, in: dRSK, 23 May 2018.

*Of Confidentiality Orders And Confidentiality Offers*, in: Klausegger, Klein, Kreamlehner et al. (eds.), *Austrian Yearbook On International Arbitration 2018*, Vienna 2018, p. 53 et seqq. (with Johannes Landbrecht).

*Iura novit arbiter*, in: dRSK, 13 February 2018 (with Axel Buhr).

*Conflict Management in International Law*, Berne 2017 (co-editor together with Johannes Landbrecht).

*Schiedsfähigkeit* (Arbitrability), in: Torggler et al. (eds.), *Handbuch Schiedsgerichtsbarkeit*, 2nd ed., Vienna 2017 (with Christian Aschauer and Ulrike Gantenberg).

*Missed Deadline*, in: dRSK, 3 April 2017.

*Set-off defenses in arbitration*, *IJAL Volume 5 Issue 2, 2017, p. 55 et seqq.* (with Katalin Meier).

*Arbitration vs. prior expert determination*, in: dRSK, 20 April 2016.

*Commentary on the Swiss Private International Law Act (i.e. Art. 1–24 and 129–142 PILA)*,

in: Furrer, Girsberger, Müller-Chen (eds.), *Handkommentar zum Schweizer Privatrecht, Internationales Privatrecht*, 3rd ed., Zurich 2016 (with Axel Buhr).

*Not decided or not heard?*, in: dRSK, 16 March 2016.

*Arbitral award extra petita because of US-Dollars instead of Euros?*, in: dRSK, 21 October 2015.

*Onus to cross-examine witnesses in arbitration proceedings?*, in: dRSK, 26 June 2015.

*Commentary on Art. 367–371 and 373 ZPO on Challenge of Arbitrators and Arbitral Procedure*,

in: Hausheer et al. (eds.), *Berner Kommentar zum Schweizer Privatrecht, Schweizerische Zivilprozessordnung, Band III*, Bern 2014 (with A. Buhr).

*Should Procedural Orders Be Construed as Party Agreements Binding on the Arbitral Tribunal?*

ASA Bull. 1/2014, p. 167 ff.

*Commentary on Art. 123–125 Swiss Private International Law Act*,

in: Honsell et al. (eds.), *Basler Kommentar zum IPRG*, 3rd ed., Basel 2013.

*Damages for Breach of Arbitration Agreements*,

in: Arroyo (ed.), *Arbitration in Switzerland, The Practitioner's Guide*, Kluwer 2013, p. 1473 et seqq.

*Book Review: International Arbitration in Switzerland: A Handbook for Practitioners (2nd Edition)*, in: GAR Newsletter, published on 15 August 2013.

*Strenge Rügeobliegenheit in Ablehnungskonstellationen*

(Strict Onus to Object when Challenging Arbitrators), in: dRSK, 17 July 2013.

*Investment Planning via Switzerland*

ASA Bull. 1/2013, p. 11 et seqq.

*Commentary on Art. 689–697h Swiss Code of Obligations*

in: M. Amstutz et al. (eds.), *Handkommentar zum Schweizer Privatrecht*, 2nd ed., Zurich 2012 (with A. Raemy and D. Girsberger).

*Dealing with “Challenged Documents”*

ASA Bull. 4/2011, p. 823 et seqq.

**Speaking Engagements and Teaching Assignments**

*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. (eds.), Festschrift P. Tercier,  
Zurich 2008, p. 819 et seqq. (with D. Girsberger).

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

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

*Clausula Rebus Sic Stantibus* (from a substantive and procedural perspective), ICC Turkey Arbitration Day, Panel on Construction Arbitration, Istanbul 2022.

*Access to Justice in Times of War*, ICC Switzerland Centenary Celebration, Zurich 2022.

*Was bringen Mitschiedsrichter (What is the Advantage of Co-Arbitrators)*, ASA Berne 2022.

*Particularities of the Taking of Evidence in Arbitration (Besonderheiten der Beweisaufnahme in Schiedsverfahren)*, Universität Innsbruck 2021 (speaker together with Prof. Dr. Klaus Sachs and Dr. Gerold Zeiler).

*Turkish-Swiss Arbitration Forum*, ITOTAM Istanbul 2019 (co-organizer and speaker).

*Arbitration and Insolvency*, Europa Institut Zurich, Zurich 2019.

*Prague Rules*, ASA Local Group, Basel 2019.

*SCAI Innovation Conference on "All Eyes on the Arbitrator"*, Swiss Chambers Arbitration Institution, Zurich 2019 (co-organizer and speaker).

*Security for Costs in Arbitration: Legal Situation in Switzerland – International Developments*, Zurich 2018 (co-organizer and moderator).

*SCAI Innovation Conference on "Arbitrating the Future"*, Swiss Chambers Arbitration Institution, Zurich 2018 (co-organizer and speaker).

*Changing Transparency*, Vienna Arbitration Days, Vienna 2017.

*SCAI Innovation Conference on "Expedited Proceedings and their Limits"*, Swiss Chambers Arbitration Institution, Geneva 2017 (co-organizer and speaker).

*Flexible Kaufpreisklauseln im Streitfall* (Price adaption clauses in dispute), University of Graz, Graz 2016.

*Confidentiality in Swiss arbitration*, Dreiländerkonferenz, Schaan 2016.

*Tribunal-assisted settlements in international arbitration*, ICC YAF Zurich, Zurich 2016 (co-organizer).

*Deliberation: Good practices, reasoning, dissenting opinions*, ICC YAF European Regional Conference, Athens 2016.

*Iura novit arbiter*, Hamburg Arbitration Circle (HAC), Hamburg 2016.

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

*Third-party finance*, Europa Institut Zurich, Zurich 2015.

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

*Die Einbeziehung Dritter in Schiedsverfahren (Joinder of Third Parties in Arbitration Proceedings)*, 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, Zurich 2013.

*Expedited Proceedings under Swiss Rules*, Arbitration and Business Seminar, Warsaw 2013.

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

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

*Blocklehrveranstaltung Leistungsstörungen (Lectures on Breach of Contract)*, University of Lucerne, Lucerne 2011 and 2013.

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

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

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

*Teaching assignment for lecture on "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).

ICC Switzerland, International Bar Association, Swiss and Zurich Bar As-

**Memberships**

sociation, ASA, ArbAut, DIS.

**Hobbies**

Boxing and Tango Argentino.