Hansjörg Stutzer



Practice Summary

Thouvenin Rechtsanwälte, Zurich, Switzerland, Founding Partner

A law firm specialising in commercial law, corporate law, merger and acquisitions, litigation, arbitration, telecommunication and new technologies, banking law, real estate and competition law.

Arbitration (commercial, investment treaty and sport arbitration), corporate and commercial, telecommunication, joint ventures, interim management.

Hansjörg Stutzer acted as chairman, sole arbitrator (party appointed and appointed by arbitration institutions), party-appointed arbitrator, counsel and co-counsel in over 155 international and national arbitrations under the rules of ICC, LCIA, UNCITRAL, CAS, Swiss Rules, Vienna Rules, Zurich Chamber of Commerce, Slovak Arbitration Court and ad hoc.

For the above proceedings the laws of the following states were applied: Argentina, Austria, Belgium, Brazil, Czech, England, France, Georgia, Germany, Hungary, Iceland, India; Italia; Luxembourg, Norway, State of Ohio, Poland, Slovakia, South Africa, Spain, Switzerland, Turkey and two cases under “ex aequo et bono”.

Disputes involving, amongst other, disputes on turn-key factories, shareholders agreements (amongst other re change of control, dead lock, transfer of shares and change of management), adjustment of purchase prices under M&A agreements, break-up of joint ventures, mining and oil exploitation (confirmed in the Court of the Queen’s Bench of New Brunswick, Canada), performance under franchise agreements and various aspects of performance and termination under distributorship agreements and agency agreements (such as telecommunications, pharmaceutical, steel trading).

Investment Treaty Arbitration: expropriation and discriminatory treatment in energy sector.

Transfers of football players, disciplinary sanctions against football clubs and doping disciplinary offences of football players and actions for annulment of arbitral awards at the Swiss Federal Supreme Court in Lausanne, in particular, and most recently, (4_558/2011, March 27, 2012) in the matter of Francelino Metuzalem da Silva vs FIFA, representing the player, in the first decision of the Federal Supreme Court in the 25 years of existence of the Private International Law Act ("PILA") annulling an arbitral award rendered in Switzerland based on Art. 190 (2)(e) PILA for violation of public policy.

Directory Entries

Who's Who Legal 2014"The "top-notch" Hansjörg Stutzer of Thouvenin is picked out for the "depth and quality of his practice"."

Who's Who Legal 2013"… In Zurich, Hansjörg Stutzer of Thouvenin Rechtsanwälte stands out as a "first-rate practitioner", and received admiring comments from across Switzerland and beyond."

Legal 500 2013"… Hansjörg Stutzer is highly regarded for arbitration."

Publications

"The Yukos-Award – Spectacular but no Special"Neue Zürcher Zeitung, August 12, 2014

Arbitration Newsletter Switzerland; comments on selected decisions of the Swiss Federal Supreme Court in Lausanne on actions for annulment of arbitral awards, ongoing and published on www.thouvenin.com news arbitration

Revised IBA Rules on the Taking of Evidence and new Guidelines and new Recommendations – do we need all of this? "sansfrontières", SJ Berwin, Issue 10, September 20, 2010

Accord Suisse-Libye, des questions en suspensLe Temps, June 25, 2010

Les clauses ambiguës de l'accord passé avec Tripoli,Le Temps, August 28, 2009

Verfahrensrechtliches zum Schiedsvertrag der Schweiz mit Libyen,Neue Zürcher Zeitung, S. 19, August 26, 2009

Country Report on Switzerland, in PLC Cross-border Dispute Resolution Handbook 2008/05Volume 2: Arbitration

Interim Measures in Arbitration, in International Arbitration and Mediation,Yorkhill Law Publishing, 2007

Swiss Federal Supreme Court: Waiver of Annulment and the Right to be Heard,IBA Arbitration Committee, Newsletter, August 2007

Swiss Amendment to Private International Law Act expected soon,Global Arbitration Review, Volume 1, Issue 5, 2006

Der Anwalt im Verwaltungsrat: Welche Fähigkeiten sind besonders gefragt?,Neue Zürcher Zeitung, S. 31, November 16, 2006

Lectures

Lecturer at the Instituto Superior de Derecho y Economia (ISDE), Madrid, LL.M. in International Sports Law, on “Swiss Arbitration Law” and “Advocacy in Arbitration” (2013 and 2014)

Hong Kong Conference of March 2014

“The IBA Guidelines on Party Representation”, June 2014, Tel Aviv

“Arbitration, why at all and, if so, how?” Zug, September 2013

“The relevant decisions of the Federal Supreme Court in the last 12 months”, Cascais, June 2013

Arbitraje Internacional: Por qué, Cuándo y Cómo, Santa Cruz, April 2013

“citius, altius, fortius – also in Sportslaw?” – A critical analysis of recent decisions of the Federal Supreme Court in sportsarbitration cases, Zurich Lawyers Association, October 2012

“Challenges of arbitrators – a critical analysis of the Federal Supreme Court’s case law”, Swiss Arbitration Association, Zurich Section, June 2012

Executive Positions

Posalux SA, Bienne, SwitzerlandVice Chairman of the Board, 1995 – Precision and Erosion Drilling (ca. 150 employees)

Satlynx AG, Leuk, SwitzerlandVice Chairman of the Board, 2001 – 2012Chairman of the Board, 2003 – 2005Satellitecommunication

Bosshard + Co. AG, Rümlang, SwitzerlandMember of the Board, 1995 –Paint and Coating (ca. 120 employees)

Locher-Hauser Group, St. Gallen, SwitzerlandChairman of the Board, 1991 – 1996Steel Trading and Construction Supply (ca. 250 employees)

L. Kellenberger + Cie. AG, St. Gallen, SwitzerlandChairman of the Board, 1990 – 1995Member of the Board, 1988 – 1990Precision Grinding Machines (ca. 150 employees)

As well as non-executive board memberships of various other Swiss companies, in particular Swiss subsidiaries of foreign groups, such as SCA, Mölnlycke and ESAB.

Education

- 1980 Doctorate in Law (Dr. iur.), University of Zurich

- 1971 Degree in Law (lic. iur.), University of Zurich
- Professional Experience
- 1983 – Partner, Thouvenin Rechtsanwälte, Zurich
- 1982 Associate, Baker & McKenzie, New York
- 1978 – 1981 Associate, Homburger Achermann Müller & Heini, Zurich
- 1976 – 1978 Associate, Meister & Stickelberger, Zurich
- 1975 – 1976 Assistant of a Judge at the District Court of Affoltern (Canton of Zurich)
- Professional Licence
- 1977 Admitted to the Bar of Zurich

Areas of Expertise

- Commercial
- International Arbitration