

**Michael Bösch,  
Partner  
LL.M., FCI Arb**

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Michael (Mike) Bösch is the Managing Partner of Thouvenin Rechtsanwälte. His practice focuses on contentious and non-contentious matters concerning domestic and cross-border corporate and contractual issues. This provides him with a robust and profound understanding of clients' needs, from devising bespoke strategies to accommodating any cost sensitivities that may arise. His expertise in dispute resolution serves clients both within the board and before tribunals or courts by ensuring that their best interests are protected and pursued at all times.

## **Areas of Practice**

Arbitration, Litigation, Corporate, Insolvency and Restructuring, Employment, Migration and New Technology.

## **Dispute Resolution: Expertise and Recent Experience**

In the field of dispute resolution Michael is specialized in commercial arbitration where he has acted as counsel and arbitrator in over 40 international and national arbitration cases, both under institutional rules of the ICC, LCIA and Swiss Arbitration Centre *etc.* and *ad hoc*. His cases involved a wide area of matters, in particular relating to agency/distribution, sale of goods and construction (including turn-key projects) but also regarding shareholders' agreements and M&A transactions. Michael also represents clients before Swiss courts.

Michael's recent arbitration experience includes:

- Representation of a Belgium engineering company against a Russian steelmaker in a dispute about the revamping of a galvanization line
- Representation of two Swiss private bankers in a dispute arising out of a shareholders' agreement
- Representation of a Dutch company and its beneficial owner in a dispute about conditions precedent in a share purchase agreement
- Representation of a Russian lease company in a dispute about the purchase of industrial equipment
- Representation of an Austrian steel trader against several of its buyers for breach of contract

- Representation of a Swiss commodity trader against an Afghan company in a dispute arising out of a purchase agreement
- Co-arbitrator in a sport-related arbitration (Swiss Rules)
- Sole arbitrator in a dispute about a mandate agreement (ICC Rules)
- Sole arbitrator in a dispute about a turnkey project (Swiss Rules)
- Sole arbitrator in a dispute about cryptocurrency and marketplace (Swiss Rules)
- Co-arbitrator in a joint venture dispute (ICC Rules)
- Chairman in a license and supply dispute (Swiss Rules)

### **Corporate and Commercial: Expertise**

Michael advises national and international companies (including Fortune 500), ranging from the manufacturing and the financial services industry to the IT industry, in generally all corporate and commercial matters.

His corporate work includes particularly assisting the clients in connection with the establishment of (group) companies, capital stock increases and decreases, (intra-group) mergers and the daily corporate and governance work. Michael takes pride being the local counsel for all corporate work of the Swiss subsidiaries of Microsoft Corporation for more than a decade.

Michael's commercial work spans from drafting finance documents to employment agreements. Over the last years, Michael has gained particular expertise in the receivable finance (factoring) and fintech area.

He strives to maintain a long-lasting relationship with his clients and to act as their trusted advisor.

Michael serves as board member of companies such as United Grinding Group Management AG and the Swiss Wal-Mart group companies (for more examples see below) and acts also as secretary to the board of several companies.

### **Credentials**

#### *Who's Who Legal: Arbitration and Litigation*

For many years, Michael is being recognized in WWL's Global Guide as 'Future Leader' both in arbitration and litigation in the category Partner.

For his arbitration work he is praised by peers and clients as follows:

*"He is excellent as counsel and arbitrator" "Michael is a very knowledgeable, well-prepared and pragmatic arbitration practitioner; I highly recommend him" "He is very easy to work with and an excellent strategist" (2022).* In 2022, Michael has also been recognized as one out of the eleven leading individuals in Switzerland noting that he *"excels as counsel and arbitrator."*

*"He is knowledgeable, swift and a go-to in Switzerland" "He is a very well-rounded and savvy disputes lawyer" "A sharp-thinking practitioner" (2021)*

*"Michael Bösch is "a sharp-thinking" lawyer, and "epitomises the practitioner and arbitrator who gives succinct and no-nonsense advice and decisions." (2020)*

*"Michael Bösch is lauded by peers as "an excellent lawyer" who is "intelligent, knowledgeable and responsive." (2019)*

*"According to peers "it is impossible not to recommend" Michael Bösch for his vast knowledge of arbitration proceedings and client-oriented approach". (2018)*

For his litigation work Michael is praised by peers and clients as follows:

*"Michael Bösch is a highly regarded practitioner who draws praise for his expert handling of complex commercial and civil litigation." (2021)*

*"Michael Bösch is commended for his strong litigation practice, where sources recognise his skill at giving "succinct and no-nonsense advice". He has notable expertise in corporate and contract-related matters, as well as arbitrations." (2020)*

#### Legal 500: Litigation as well as Corporate and Commercial

Legal 500 recommends Michael for litigation praising him as "*dynamic*".

Michael is recognized by Legal 500 for his corporate and commercial work.

#### Leaders' League: Arbitration

Leaders' League recognizes Michael since many years in the category international arbitration.

### **Panel of Arbitrators**

Panel of Arbitrators of the ICC National Committee (Switzerland)

Arbitration Court of the Perm Chambers of Commerce

Panel of arbitrators of the Russian Arbitration Association

Chartered Institute of Arbitrators (CIArb)

### **Professional Experience**

Since 2011 Partner, Thouvenin Rechtsanwälte KLG, Zurich (since 2022: Managing Partner)

2005 - 2010 Associate, Thouvenin Rechtsanwälte KLG, Zurich

2003 - 2004 Associate, Wilms & Ruggle, Zurich

2001 - 2002 Court clerk at the District Court of Hinwil

2000 - 2001 Junior Associate, Wenger & Vieli AG, Zurich

### **Legal Education / Bar Admission**

2013	Fellow of the Chartered Institute of Arbitrators (FCI Arb)
2012	Member of the Chartered Institute of Arbitrators (MCI Arb)
2005	Georgetown University Law Center, Washington DC, Master of Laws in International Legal Studies with a special emphasis on dispute resolution (LL.M.)
2003	Zurich Bar (admitted to all Swiss courts)
2000	University of Fribourg, Master of Law (lic. iur.)

### **Memberships in Professional Associations**

Zurich and Swiss Bar Association

Swiss Arbitration Association

Chartered Institute of Arbitrators (CI Arb)

International Council for Commercial Arbitration (ICCA)

International Bar Association (IBA)

Russian Arbitration Association

Inter-Pacific Bar Association (IPBA)

### **Languages**

German, English and French

### **Professional Activities**

Global chair Arbitration & ADR of the elite law firm network Interlaw (since 2018)

Co-founder and member of the expert committee "Digitalization" of the Swiss Bar Association (since 2017)

Delegate of the Zurich Bar Association (since 2012)

Co-founder and committee member of the Zurich Bar Association below 40 (2008 - 2015)

### **Executive Positions**

United Grinding Group Management AG

Several Swiss Wal-Mart companies such as Wal-Mart Holdings International GmbH and WM Global Financial GmbH

JAB Josef Anstoetz AG

change.commerce GmbH

## Speaking Engagements

*"The New York Convention; Domestic Peculiarities on Recognition and Enforcement"*, chair, AGM Interlaw meeting in Rotterdam, The Netherlands, October 2022

*"Errors of the Tribunal in an Award rendered in Brazil and being enforced in Portugal and Third-Party Funding and Transparency"*, chair, EMEA Interlaw meeting in Lisbon, Portugal, June 2022

*"I need documents! Subpoenas under Section 1782 and the 2020 Amendments of the IBA Rules on the Taking of Evidence in International Arbitration"*, chair, Americas Interlaw meeting in Richmond, VA, USA, April 2022

*"A Level Playing Field? Determining Impartiality in Arbitration"*, chair, AGM Interlaw meeting (virtually) with *inter alia* Prof. Catherine Roger as external speaker, October 2021

*"Ahead of the Game - Europe Leading the Way to ADR"*, chair, EMEA Interlaw meeting (virtually), June 2021

*"Swiss Contract Law"*, speaker of the virtual work shop for an internationally operating gas pipeline constructor, January 2021

*"Virtual arbitration hearings: The new norm"*, chair, annual global Interlaw meeting (virtually), October 2020

*"New Trends of International Arbitration in China"*, chair, annual global Interlaw meeting in Beijing, China, October 2019

*"Towards Greater Efficiency in International Arbitration"*, moderator of the workshop *"The Counsel's Perspective"*, 11<sup>th</sup> AIJA Annual Arbitration Conference in Zurich, Switzerland, June 2019

*"Presenting verbal testimony: a comparative analysis"*, chair, Joint Americas and EMEA Interlaw meeting in Montreal, Canada, May 2019

*"Adjudication of International Commercial Disputes - Quo Vadis?"*, chair, annual general Interlaw meeting in Paris, France, October 2018

*"Lawyer as Entrepreneur"*, speaker, Zurich Bar Association below 40 conference in Zurich, Switzerland, November 2017

*"Res Judicata - Parallel Proceedings and Contradictory Awards"*, workshop panelist, 9<sup>th</sup> AIJA Annual Arbitration Conference in Stockholm, Sweden, June 2017

*"Should a foreign company agree to arbitrate under the BIAC Rules in Bucharest and if yes, how do they work?"*, chair, EMEA Interlaw meeting in Bucharest, Romania, June 2017

*"How to avoid the many Pitfalls in Forming an Arbitral Tribunal"*, chair, annual global Interlaw meeting in Tokyo, Japan, October 2016

*"Choosing if and how to Conduct Discovery/Document Production"*, workshop panelist, 8<sup>th</sup> AIJA Annual Arbitration Conference in New York City, USA, October 2016

*"Money Laundering in International Arbitration: the Arbitrator's Perspective"*, speaker, annual general meeting of the CIArb European Branch, Istanbul, Turkey, April 2016

*"Choice of Law and Arbitration in International Contracts: how to do it right"*, speaker, Perm Chamber of Commerce and Industry, Perm, Russia, June 2015

*"Written Advocacy"*, moderator of the third Session on *"the Role of the Evidence"*, ASA below 40, Geneva, June 2015

"*Von Lausanne nach Lausanne: vom CAS zum Schweizerischen Bundesgericht*", (From Lausanne to Lausanne: From CAS to the Federal Supreme Court), moderating and speaker, DIS40, Hamburg, Germany, May 2015 (cf. *SchiedsVZ*, 13<sup>th</sup> volume, book 5, September/October 2015, p. 247 et seq.)

"*Hände weg von Schiedsverfahren?*" (*Hands-off of arbitration?*), speaker, AXA Winterthur in Winterthur, May 2015

"*Introduction to the Court of Arbitration for Sports (CAS)*", speaker, law firm network EMEA meeting in Zurich, October 2014

"*ICC Guide on Effective Management of Arbitration*", moderator and panelist, annual global Interlaw meeting in Miami, USA, September 2014

"*The Common Law approach in International Arbitration*", speaker, EMEA Interlaw meeting in Düsseldorf, Germany, June 2014

"*Arbitration: why and if yes, how?*", co-speaker, Jusclub Zug, September 2013

Moderator at the 6<sup>th</sup> Arbitration Forum, Swiss Arbitration Association, Zurich Section, August 2013

"*Challenges of arbitrators - a critical analysis of the Federal Supreme Court's case law*", co-speaker, Swiss Arbitration Association, Zurich Section, June 2012

### **Newsletter / Publication**

Michael is the co-author of the firm's regularly published Arbitration Newsletter Switzerland commenting on selected decisions of the Swiss Federal Supreme Court in Lausanne on actions for annulment of arbitral awards. The newsletters can be found in the publications section at [Link](#).

"*The Guide to M&A Arbitration*", editor: Amy C. Kläsener, Global Arbitration Review (GAR), three editions (2018 until 2021), Survey of Substantive Law (Switzerland), Chapter 18, co-author with Dr. Patrick Rohn. Swiss Chapter 2021 downloadable at [Link](#)

"*International Arbitration*", three editions (2018 until 2021), contributing editor: Joe Tirado, Global Legal Insights (GLI), Switzerland chapter, co-author with Dr. Patrick Rohn and Simon Hohler. Swiss chapter downloadable at [Link](#)

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