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Areas of Practice

Arbitration

Expertise

Hansjörg Stutzer founded Thouvenin Rechtsanwälte together with André Thouvenin in 1983. He acted as chairman, sole arbitrator (party appointed and appointed by arbitration institutions), party-appointed arbitrator, counsel and co-counsel in over 160 international and national arbitrations under the rules of ICC, LCIA, UNCITRAL, CAS, Swiss Chambers' Arbitration Institution, Vienna International Arbitral Centre, Zurich Chamber of Commerce, Slovak Arbitration Court and ad hoc.

Commercial Arbitration; 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), disputes under partnership agreements, one of them dealing with res judicata, which was then confirmed by the Federal Supreme Court in its leading decision of 29 May 2015 in this field (BGE 141 III 229).

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



Sport Arbitration: transfers of football players, disciplinary sanctions against football clubs and doping disciplinary offences of football players, representing FIFA officials in proceedings at the FIFA Adjudicatory Chamber, the FIFA Appeal Committee and CAS, challenges of resolutions taken by the Congress of UEFA at CAS (2016/A/4602) and FIFA at CAS (2017/A/5166) respectively, as well as actions for annulment of arbitral awards at the Swiss Federal Supreme Court in Lausanne, in particular, BGE 138 III 122 of March 27, 2012, in the matter of Francellino da Silva Matuzalem vs FIFA, representing the player, in the first and so far only decision of the Federal Supreme Court, as of the enactment of the Private International Law Act ("PILA") in 1989, annulling an international arbitral award rendered in Switzerland by CAS based on Art. 190 (2)(e) PILA for violation of substantive public policy.

For the above proceedings the laws of the following states were applied: Argentina, Austria, Belgium, Brazil, Congo, 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*".

Credentials

- Who's Who Legal Arbitration 2014:
"The *"top-notch"* Hansjörg Stutzer of Thouvenin Rechtsanwälte is picked out for the "depth and quality of his practice"."
- Who's Who Legal Arbitration 2016:
"Hansjörg Stutzer is praised for his *"careful handlings"* of sensitive issues"
- Chambers and Partners Global 2016:
"Hansjörg Stutzer leads the arbitration practice and is frequently appointed as an arbitrator on a variety of disputes. Clients speak highly of him, with one remarking: *"He offered excellent service and has a lot of expertise. He's not confrontational and looks for common ground in negotiations, where he establishes a relationship of respect and trust."*
- Who's Who Legal Arbitration 2017:
"Hansjörg Stutzer is a highly eminent figure in the arbitration field." Sources call him *"a great chairman"*
- Chambers and Partners Global Arbitration 2018:
"an experienced dispute resolution practitioner - creative, fast, efficient and very reasonable."

Panel of Arbitrators

Swiss Panel of ICC Arbitrators

Chartered Institute of Arbitrators (CIArb)

Professional Experience

Since 1983 Founding Partner, Thouvenin Rechtsanwälte AG
1982 Associate, Baker & McKenzie, New York
1978 - 1981 Associate, Homburger Achermann Müller & Heini, Zurich
1976 - 1978 Associate, Meister & Stichelberger, Zurich
1975 - 1976 Assistant of a Judge at the District Court of Affoltern

Legal Education / Bar Admission

2005 Member of the Chartered Institute of Arbitrators (MCI Arb)
1980 University of Zurich, J.D. (Dr. iur.)
1977 Admitted to the Bar of Zurich
1971 University of Zurich, Master of Law (lic. iur.)

Memberships in Professional Associations

Swiss Arbitration Association
Chartered Institute of Arbitrators (CI Arb)
London Court of International Arbitration
Miami International Arbitration Society
DIS The German Institution of Arbitration
Zurich and Swiss Bar Association
International Bar Association
International Council for Commercial Arbitration (ICCA)
CBar – Brazilian Arbitration Committee
Club Español del Arbitraje
Rex Sport
Association Suisse de Droit du Sport (ASDS)

Languages

German, English, French, Italian (read) and Spanish (read)

Lectures (recently)

- "Documents in Arbitration - How to get, produce and value them", New York, October 2017
- "The Role of Legislation and Judiciary of Host States of Arbitration Institutions, "II TRAC & ISTAC Joint Conference", July 2017
- Lecturer at the Instituto Superior de Derecho y Economía (ISDE), Madrid, LL.M. in International Sports Law, on "Swiss Arbitration Law" and "Advocacy in Arbitration" (2013-2016)
- "The IBA Guidelines on Party Representation", Tel Aviv, June 2014
- "International Arbitration and Local Procedural Traditions: to what extent should the Arbitral Tribunal follow such Traditions?" Hong Kong, March 2014
- "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 yo Cómo, Santa Cruz, April 2013
- "citius, altius, fortius – also in Sportslaw?" – A critical analysis of recent decisions of the Federal Supreme Court in sports arbitration 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

Selected Publications

Articles and Monographs:

- Arbitration Newsletter Switzerland; comments on selected decisions of the Swiss Federal Supreme Court in Lausanne on actions for annulment of arbitral awards, started in 2005 and on-going, published on www.thouvenin.com/news.
- "Settlement Facilitation: Does the Arbitrator have a Role? The "Referentenaudienz" - the "Zurich-Way" of settling the Case", ASA Bulletin, Volume 35, No. 3, 2017, pp 589 *et seq.*
- "Lack of Transparency at CAS"
Neue Zürcher Zeitung, June 8, 2016
- Arbitration in Switzerland: ad hoc notes; Co-author: Norair Babadjanian, Redstone Chambers, Moscow, Russian Arbitration Association, October 2015
- "«Ja» zu Schiedsgerichten"
Neue Zürcher Zeitung, September 9, 2015
- "The Yukos-Award - Spectacular but not Special"
Neue Zürcher Zeitung, August 12, 2014
- Revised IBA Rules on the Taking of Evidence and new Guidelines and new Recommendations – do we need all of this?

- “sans frontières”, SJ Berwin, Issue 10, September 20, 2010
- Accord Suisse-Libye, des questions en suspens, Le 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 2008/05, Volume 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

Executive Positions

Posalux SA, Bienne, Switzerland

Vice Chairman of the Board, 1995 -
Precision and Erosion Drilling (ca. 150 employees)

Satlynx AG, Leuk, Switzerland

Vice Chairman of the Board, 2001 – 2012
Chairman of the Board, 2003 – 2005
Satellitecommunication

Bosshard + Co. AG, Rümlang, Switzerland

Member of the Board, 1995 -
Paint and Coating (ca. 120 employees)

Locher-Hauser Group, St. Gallen, Switzerland

Chairman of the Board, 1991 – 1996
Steel Trading and Construction Supply (ca. 250 employees)

L. Kellenberger + Cie. AG, St. Gallen, Switzerland

Chairman of the Board, 1990 – 1995
Member of the Board, 1988 – 1990
Precision Grinding Machines (ca. 150 employees)

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