



Elena V. Rodriguez

Senior Associate, Attorney-at-law, MLaw,
LL.M

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Languages
German, English, French, Spanish

Expertise

Elena Rodriguez specializes in corporate internal and regulatory investigations, white-collar crime investigations, and civil litigation in international matters. Elena represents financial services firms and individuals in proceedings before the Swiss Financial Market Supervisory Authority FINMA, prosecution and government authorities. Elena helps public and regulated companies and their boards to navigate critical corporate governance, regulatory compliance, and sanctions issues. She also advises clients in cross-border criminal and regulatory enforcement proceedings.

Elena has experience representing companies and individuals in commercial contract, corporate, and banking disputes before Swiss civil, commercial and administrative courts. She also advises clients on contract negotiations.

Elena has worked for a preeminent U.S. law firm in Washington, D.C., where she was involved in international white-collar criminal litigation and arbitration.

Corporate / M&A Investigations & White Collar Dispute Resolution

Career

- 2021 Senior Associate, Niederer Kraft Frey
- 2019 Associate, Niederer Kraft Frey
- 2018 Foreign Associate, Quinn Emanuel Urquhart & Sullivan, Washington, D.C.
- 2016 Associate, Niederer Kraft Frey
- 2013 Law Clerk with the District Court of Meilen
- 2011 Junior Associate, Niederer Kraft Frey
- 2009 Legal intern with the Public Prosecutor's Office Zurich-Sihl

Education

- 2011 Maastricht University, the Netherlands, Master of Laws (LL.M.), with honors
- 2011 University of Zurich, Master of Law - Legal Practice
(distinguished with the Orelli Award for her Master thesis)
- 2009 University of Zurich, Bachelor of Law

Admission

Admitted to practice in all Swiss courts.

Professional Memberships

Swiss Bar Association (SAV); Zurich Bar Association (ZAV); Association of Young Lawyers (AIJA).

Experience

Matters in which Elena Rodriguez acted as counsel include the representation of:

- A reputable Swiss bank in preliminary enforcement proceedings by the Swiss Financial Market Supervisory Authority (FINMA) relating to the bank's reporting of suspicions of money laundering
- A Swiss bank in regulatory proceedings relating to corporate governance, control environment, and corporate organizational matters vis-à-vis FINMA
- A global steel producer in a cross-border investigation into economic sanctions compliance (Iran/US) triggered by a whistleblower complaint
- A Swiss entity in internal investigations involving suspected violations of AML/KYC obligations and criminal law by an employee
- A Swiss bank in an internal investigation relating to the hiring, conduct and termination of an external employee
- A Swiss bank in court proceedings regarding complex international financial investments
- An investment company in criminal proceedings and the cooperation with the Office of the Attorney General of Switzerland relating to international transactions
- A member of the board of directors of a Swiss-based entity in relation to proceedings by the U.S. Department of Justice (together with local co-counsel)
- A client regarding the recognition of a foreign bankruptcy order in Swiss proceedings
- A real estate company in proceedings relating to alleged deficiencies in the organization of the company
- The world's largest wealth management bank in highly complex cross border proceedings relating to the repatriation of a fortune, involving sophisticated questions and solutions in the field of mutual and judicial assistance in criminal matters
- A leading European car manufacturer in investigations and court proceedings initiated by the Swiss Competition Commission regarding alleged prevention of parallel imports of vehicles to Switzerland (landmark case)

- Companies involved in U.S. governmental investigations and proceedings in international judicial assistance proceedings and on the taking of evidence in Switzerland
- A client on public broadcasting and sponsorship rights in worldwide sports events
- A Swiss biotech company in connection with evidence collection for investigations by the U.S. Financial Industry Regulatory Authority (FINRA)
- A Swiss association in a Swiss Rules arbitration proceeding relating to a contractual dispute with a marketing company
- A publicly listed technology company in drafting and negotiating a controversial and important maintenance agreement for custom development, framework agreements, and assessing the implications of an arbitration clause in an international context
- Financial institutions regarding cooperation and outsourcing projects and cross-border data transfers
- A German insurance company with presence in Switzerland in connection with cross-border insurance contracts
- A Swiss watch and jewelry manufacturer in a dispute with a large shareholder regarding the controversial calling of a general meeting, fiduciary duties of the Board of Directors, and other critical company law matters
- A large international fabrics producer in Supreme Court, cantonal and local proceedings regarding the validity of termination of a mixed employment/agency contract and substantial severance claims

Publications and Speaking Engagements

- Mission Impossible: Do I have to prove it all? Standards of Evidence. Speaker at the AIJA conference in Vienna, 14-16 October 2021
- Virtual Hearings in Civil Trials and FINMA Proceedings, by Elena Rodriguez, Janine Reudt-Demont, in: Jusletter, 12. April 2021
- Ernennung eines Sachwalters infolge eines Organisationsmangels [Judicial Appointment of an Administrator Due to a Deficiency in the Corporate Organization], Case Note to Supreme Court Decision 4A_717/2014, by Elena Rodriguez, in: Ius Focus 08/2015
- Auflösung einer Genossenschaft [Judicial Dissolution of a Cooperative Society], Case Note to Supreme Court Decision 4A_729/2011, by Elena Rodriguez, in: Ius Focus 07/2012
- Übertragung der Geschäftsführung [Delegation of Management Duties], Case Note to Supreme Court Decision 137 III 503, by Elena Rodriguez, in: Ius Focus 03/2012
