



## **Dr. iur. Ernst F. Schmid**

Of Counsel, Attorney-at-law, LL.M.

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Languages

German, English, French, Italian

## **Expertise**

Ernst F. Schmid is the former head of the dispute resolution group of Niederer Kraft Frey. He regularly acts as counsel in national and international litigation and arbitration cases, and as arbitrator in ad hoc and institutional arbitration proceedings. His arbitration experience includes disputes relating to banking, M&A agreements, joint ventures, licensing, construction and other commercial contracts.

Ernst F. Schmid has published articles on issues related to company law and contributed to various commentaries (Code of Obligations II, Debt Enforcement and Bankruptcy and Code of Civil Procedure).

Ernst F. Schmid is vice chairman of the Ethical Court of the Zurich Bar Association and a member of the Swiss Arbitration Academy Advisory Committee. He teaches Rules of the Legal Profession and Arbitration Law at the University of Zurich.

Dispute Resolution

## **Career**

- 2021 Of Counsel, Niederer Kraft Frey
- 1991 Partner, Niederer Kraft Frey
- 1984 Associate, Niederer Kraft Frey
- 1982 Associate with Zurich law firm
- 1980 Clerk with the Commercial Court of the Canton of Zurich
- 1978 Clerk with the District Court of Meilen
- 1975 Scientific Assistant to Professor Peter Forstmoser, Chair for company law at the University of Zurich

## Education

- 1984 Master of Law, Cambridge, England (LL.M.)
- 1981 Admitted to the Bar (Rechtsanwalt)
- 1979 Doctor iuris (Dr. iur.), University of Zurich
- 1975 Licentiatius iuris utriusque (lic. iur.), University of Zurich

## Experience

Ernst F. Schmid has extensive experience in all aspects of state court litigation, including administrative court proceedings, and domestic and international arbitration (ICC, Swiss Rules, etc. and ad hoc).

Recent experience includes:

- Presiding arbitrator in a VIAC arbitration between an international bank and a software developer relating to a core bank application
- Presiding arbitrator in an ICC arbitration between two groups of companies producing and marketing commodities
- Presiding arbitrator in a Swiss Rules arbitration in a construction dispute relating to a hotel
- Co-counsel in an ad hoc arbitration for a Swiss chemical company relating to remediation of a contaminated site
- Presiding arbitrator in a Swiss Rules arbitration between a Swiss claimant and a Dubai respondent relating to consumer goods
- Co-counsel on Swiss law in a litigation in Bermuda
- Enforcement of a Kazakh arbitral award in Switzerland against Swiss defendant
- Co-arbitrator in a Swiss Rules arbitration in the railways sector
- Representing a defendant in a series of D&O claims brought by the liquidator in connection with the bankruptcy of one of the largest Swiss groups of companies
- Advising an international bank in the context of the misappropriation of client funds by a customer relationship officer; representing the bank in criminal and civil proceedings against the CRO and clients
- Presiding arbitrator in an ICC arbitration between two BVI companies on commodities trading
- Presiding arbitrator in an ICC arbitration between a German manufacturer and a Singaporean distributor of medical equipment
- Co-arbitrator in an ad hoc arbitration between a US foundation and Austrian respondents for the restitution of art works
- Chairman in a Swiss Rules arbitration between a Swiss and a Spanish company concerning commodities
- Co-arbitrator in a Swiss Rules arbitration between a BVI company and a Swiss company relating to a joint venture
- Chairman of an arbitration between US claimants and a Swiss individual for the repayment of the investment in a Swiss company
- Sole arbitrator in a Swiss rules arbitration between a Jersey company and Austrian respondents in relation to an agency contract

- Sole arbitrator in a Swiss Rules arbitration between a Swiss company and an Italian company regarding commodities

## Publications

- Entwicklungen in Zivilprozessrecht und Schiedsgerichtbarkeit, yearly article in Schweizerische Juristen-Zeitung, by Ernst F. Schmid
- Kommentierte Musterklagen, by Ernst F. Schmid, in: Willi Fischer/Fabiana Theus Simoni/Dieter Gessler: Kommentierte Musterklagen, 2nd ed. Zurich/Basel/Geneva 2022
- Kommentierung von Art. 46-55 SchKG (Betreibungsort), by Ernst F. Schmid, in: Adrian Staehelin/Thomas Bauer/Daniel Staehelin (Hrsg.): Kommentar zum Bundesgesetz über Schuldbetreibung und Konkurs, 3rd ed. Basel/Genf/München 2021
- Kommentierung von Art. 160-167 ZPO, by Ernst F. Schmid, in: Karl Spühler/Luca Tenchio/Dominik Infanger (Hrsg.): Basler Kommentar, Schweizerische Zivilprozessordnung, 3rd ed. Basel 2017
- Sukzessivlieferungsvertrag, by Nicolas Birkhäuser, Ernst F. Schmid, in: Peter Münch/Sabina Kasper Lehne/Franz Probst (eds.): Schweizer Vertrags-Handbuch, 3rd edition, Basel 2017
- 5 Jahre ZPO aus Sicht der Praxis – Wünsche für die nächsten fünf Jahre, by Ernst F. Schmid, in: Annette Dolge (ed.): 5 Jahre ZPO, Zurich 2016, p. 21 et seqq.
- Kommentierung von Art. 921-925 OR, by Ernst F. Schmid, in: Heinrich Honsell/Nedim Peter Vogt/Rolf Watter (Hrsg.): Basler Kommentar zum Schweizerischen Privatrecht, Obligationenrecht II, 5th ed. Basel/Genf/München 2016
- Die Nebenfolgen bei vorsorglicher Beweisführung – Belohnung des widerspenstigen Gesuchsgegners, by Ernst F. Schmid, in: Peter Breitschmid et al. (ed.), Tatsachen, Verfahren, Vollstreckung, Festschrift für Isaak Meier zum 65. Geburtstag, Zürich /Basel/Genf 2015
- Swiss Arbitration – Practical aspects and new developments, 2015, by Ernst F. Schmid, Peter C. Honegger, András Gurovits, Daniel Eisele, Valerie Meyer Bahar, Tamir Livschitz, Danièle Müller, Christa Sommer-Sprenger, Andreas D. Blattmann, Andreas Lehmann, Martina Madonna-Quadri, Eva-Viola Bohnenblust, NKF Schriftenreihe Publikation #19 (322 Pages; 1425 kb)
- Dispute Resolution in Switzerland, by Ernst F. Schmid, in: Getting The Deal Through, Dispute Resolution, p. 224 et seqq., 2011
- Die Schiedsgerichtbarkeit nach der schweizerischen Zivilprozessordnung, by Ernst F. Schmid, in: NKF-Schriftenreihe Publikation "Das schweizerische Prozessrecht im Umbruch" # 16
- Schiedsvereinbarung und provisorische Rechtsöffnung, by Ernst F. Schmid, Brigitte Knecht, in: SJZ 105 (2009) 537-544
- Prozessuales zur aktienrechtlichen Verantwortlichkeitsklage, by Ernst F. Schmid, in: Gaudenz G. Zindel/Patrik R. Peyer/Bertrand Schott (ed.): Wirtschaftsrecht in Bewegung. Festgabe zum 65. Geburtstag von Peter Forstmoser, Zürich/St. Gallen 2008 and Zürich/Basel/Genf 2008, p. 601 et seqq.
- Country Report Switzerland, by Ernst F. Schmid, in: Charles Platto (ed.): Economic Consequences of Litigation Worldwide, The Hague/London/Boston 1999
- Veränderte Voraussetzungen für den Ausländerarrest, Einschränkungen von noch unklarer Tragweite, by Ernst F. Schmid, Thomas Sprecher, in: NZZ vom 28./29.12.1996 (Nr. 302), S. 23
- Zur prozessualen Umsetzung der Kostenpflicht der Gesellschaft im vom Aktionär eingeleiteten Verantwortlichkeitsprozess (Art. 756 Abs. 2 OR), by Ernst F. Schmid, in: Walter R. Schluemp/Peter R. Isler (ed.):

Neues zum Gesellschafts- und Wirtschaftsrecht. Zum 50. Geburtstag von Peter Forstmoser, Zürich 1993, p. 341et seqq.

- Country Report Switzerland, by Ernst F. Schmid, in: Michael G. Dickson/Wolfgang Rosener/Paul M. Storm (ed.): Security on movable property and receivables in Europe, ESC Publishing Limited (Oxford 1988)
- Genossenschaftsverbände (Dissertation), by Ernst F. Schmid, in: Schweizer Schriften zum Handels- und Wirtschaftsrecht vol. 39, Zürich 1979

## Market Perception

"Ernst Felix Schmid is lauded as 'a very experienced and clever practitioner in the area of litigation!.' (Who is Who Legal 2022)

"Sources highlight that he 'knows the subject matter very well, is responsive and is a pleasure to work with.'" (Chambers Global 2021)

"Ernst Schmid is an experienced litigator who provides consistently insightful and practical advice." (Legal 500 2020)

"Interviewees report that Ernst Schmid "has a good commercial understanding of the cases and is able to see potential common ground."He chairs arbitrations under a variety of rules, including ICC, Swiss and Vienna rules as well as in ad hoc arbitrations." (Chambers Global 2020)

"Interviewees describe him as being 'calm and sophisticated.'" (Chambers Global 2019)

Ernst Schmid is "astute and personable". (Legal 500 2019)

Ernst Schmid is "broadly experienced and very effective". (Legal 500 2018)

"He understands the client's needs and executes accordingly." (Chambers Global 2018)

"According to sources Ernst Schmid is a superb arbitrator and 'always very well prepared for the hearing; he knows his cases very well'." (Chambers Global 2015)

"He co-heads the practice." (Chambers Global 2015)

"Head of the disputes practice Ernst Felix Schmid is 'very active' before the courts, and he is praised for the 'pragmatic and sensible approach' he brings to proceedings." (Who is Who Legal 2015)

"Ernst Felix Schmid heads the dispute resolution department at Niederer Kraft & Frey and 'commands respect' from peers and clients alike." (Who is Who Legal 2014)

