

Partner
LL.M., FCIArbBar admission : Geneva (Zurich 2012)
Nationality : Swiss
Languages : German, English, French,
Italian fpeter@peterandkim.com +41 58 317 70 70**AREAS OF EXPERTISE**

- > Arbitration
- > Distribution / Agency
- > International Sales
- > Construction
- > Mergers & Acquisitions
- > Enforcement / Attachments
- > Commercial Litigation

INDUSTRY SECTORS

- > Aviation
- > Construction & Engineering
- > Energy
- > Oil&Gas
- > Pharmaceutical & Biotech
- > Transportation

PROFESSIONAL PRACTICE

Flavio Peter specializes in domestic and international arbitration and related litigation proceedings, including enforcement and attachment proceedings before local courts and setting aside proceedings before the Swiss Federal Supreme Court.

Flavio mainly acts as party representative and arbitrator, but has also gained vast experience as administrative secretary to arbitral tribunals in several international and domestic arbitration proceedings (conducted in accordance with ICC Arbitration and ADR Rules, Swiss Rules, UNCITRAL Arbitration Rules, VIAC Rules, DIS Rules as well as in ad hoc proceedings).

Flavio's experience covers disputes related to general trade and contract law, such as, for example, disputes arising under international sales contracts, agency agreements, construction contracts, joint venture contracts, post-M&A disputes as well as disputes concerning long term gas supply contracts, which in terms of the amounts in dispute range between 100,000 Swiss Francs and 2 billion euros.

Flavio is one of the current Co-Chairs of the Swiss Arbitration Association's (ASA) below 40 section, and co-chairing the Institute of Arbitration of the Berkeley Global Society. He further holds a teaching assignment at the University of Zurich (since 2015) and is a Fellow of the Chartered Institute of Arbitrators.

RANKING

- > Who's Who Legal (WWL): Global Leader in 2022; Future Leader (non-partners section) (2017-2021) and one of the "Most Highly Recommended" practitioners (non-partners section, 2021)
- > Ranked in the Legal 500 under Dispute Resolution: Arbitration, Switzerland

CAREER

- > Partner with Peter & Kim, Geneva (joined as Counsel in September 2021)
- > Attorney-at-Law with Wenger & Vieli Ltd., Zurich (2012 - 2021)
- > Trainee with Wenger & Vieli Ltd., Zurich (2010 - 2011)
- > Internship with leading business law firm in Zurich and with a local district court in the Canton of Lucerne (CH) (2009)

EDUCATION

- > Master of Laws (LL.M.), University of California at Berkeley (2013 - 2014)
- > Admitted to the Zurich Bar (2012)
- > CDT, Certificat du Droit Transnational, University of Geneva (2008)
- > MLaw, University of Lucerne (2008)
- > BLaw, University of Lucerne (2006)

PROFESSIONAL ASSOCIATIONS

- > ASA, Swiss Arbitration Association (Co-Chair of ASA Below 40)
- > BGS, Berkeley Global Society (Co-Chair of BGS' Institute of Arbitration)
- > CIArb, Fellow of the Chartered Institute of Arbitrators
- > YAAP, Young Austrian Arbitration Practitioners
- > YIAG, Young International Arbitration Group
- > AIJA, International Association of Young Lawyers
- > Swiss Bar Association (SAV)

FLAVIO PETER

Counsel
LL.M., FCIArb

QUOTES

- > Who's Who Legal (WWL): Global Leader - Arbitration 2022

"He is diligent and focused in his approach"

"Flavio is an excellent arbitration lawyer, who already has manifold experience in the field despite his young age"

Who's Who Legal (WWL): Future Leaders - Arbitration 2021:

"A well-renowned lawyer who is always up to the task, he stands out for the quality of his work"

"Flavio is an effective and client-driven advocate in commercial disputes"

REPRESENTATIVE CASES

- > Counsel in a > USD 500 million dispute representing a mining conglomerate in an ICC arbitration concerning the building of a smelting facility
- > Lead counsel in a CHF 145 million arbitration under the Swiss Rules concerning sale and purchase of securities (under Liechtenstein/Austrian law)
- > Lead counsel in setting aside proceedings before the Swiss Federal Supreme Court successfully defending an Award rendered under the Swiss Rules, resulting in a seminal decision (BGE 147 III 379) on the question whether, after one of the initial arbitrators resigned and had to be replaced, an arbitral tribunal in its new formation has to repeat a hearing (and other important procedural steps).

PUBLICATIONS

- > The Myth of Partial Awards on Advances on Costs in International Commercial Arbitration in Switzerland under the Swiss Rules, 39 ASA Bull. 3/2021 (with Dr. Urs Weber-Stecher).
- > The Swiss Federal Supreme Court's decision 4A_332/2020 of 1 April 2021 and its considerations on art. 14 Swiss Rules – if an allegedly biased arbitrator participated in the arbitration, but is replaced, should the arbitral tribunal in its new composition repeat the hearing?, in: Lexology, 26 April 2021
- > The Consequences of a Tribunal Secretary's Breach of Duties – the Games of Thrones edition, in: 37 ASA Bull. 2/2019, pp. 145 et seqq. (with Eliane Fischer, Freshfields Bruckhaus Deringer).
- > Commentary on Articles 389-399 of the Swiss Code of Civil Procedure (re. domestic arbitration), 3rd ed., Basle 2017, (with Dr. Michael Mráz);

LECTURES AND SPEAKING ENGAGEMENTS

A few noteworthy examples include:

- > Speaker at the ASA Winter Conference 2022, Obligations of the parties to act in "good faith" (from a procedural perspective), Geneva, 4 February 2022
- > Speaker at the MAA's Generations in International Arbitration 2021 webinar, CISG article 42 – "Who's Claims are Claimed?", 19 March 2021
- > Lecture on International Arbitration – Implementation of Key Concepts from a Practitioner's Perspective, University of Lucerne, 2020 and 2021;
- > Lecture on Introduction to International Arbitration in Switzerland, University of Zurich, LL.M. on Business Law, April 2020 and 2022.