

## Profile

Dr. Ernst F. Schmid mainly advises on commercial law matters and acts as counsel and arbitrator in civil and arbitration proceedings.

### Career

- since **2024** Ernst F. Schmid,  
Law firm, Zurich
- **2021** Of Counsel, Niederer Kraft Frey,  
Law firm, Zurich
- **1991** Partner, Niederer Kraft Frey,  
Law firm, Zurich
- **1984** Associate, Niederer Kraft Frey,  
Law firm, Zurich
- **1982** Associate, Henrici Reber Wicki,  
Law firm, Zurich
- **1980** Clerk,  
Commercial Court of the Canton of Zurich
- **1978** Clerk,  
District Court of Meilen
- **1975** Scientific Assistant to  
Professor Peter Forstmoser, Chair for company law,  
University of Zurich



### Education

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

### Memberships

- Zurich and Swiss Bar Associations (ZAV, SAV)
- ASA Swiss Arbitration Association
- Member of the Advisory Committee  
of the Swiss Arbitration Academy
- Association d'études juridiques et fiscales
- Ethics Court of the Zurich Bar Association  
(Standesgericht) (vice-chairman)
- Lecturer at the University of Zurich for Arbitration Law  
and the Rules of the Legal Profession

### Languages

- German
- English
- French
- Italian

# Expertise

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

## Selection of cases

- Presiding arbitrator in an UNCITRAL arbitration between parties of Central and SouthEast Europe regarding the transport of natural gas
- Representing the bankruptcy estate of a foreign bank for the recognition of the bankruptcy in Switzerland and the collection of the respective claims in Switzerland
- Requests for attachments at Swiss banks to secure claims by creditors
- Presiding arbitrator in an ad hoc arbitration between a non-Swiss foundation and a Swiss defendant regarding assets claimed by the foundation
- Co-counsel in an ICC arbitration between an Italian company and Turkish companies based on a EPIC agreement for a project in a Central Asia country
- 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-based 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
- 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

# Recognitions

2024

**Legal 500**

"Ernst Schmid is a highly qualified and reliable arbitrator with a sound judgment and cogent reasoning; highly recommended."

2022

**Who's Who Legal**

"Ernst Felix Schmid is lauded as 'a very experienced and clever practitioner in the area of litigation'."

2020

**Chambers Global**

"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 ad hoc arbitrations."

2020

**Legal 500**

"Ernst Schmid is an experienced litigator who provides consistently insightful and practical advice."

# Publications

## 1979 - 2024

- Entwicklungen in Zivilprozessrecht und Schiedsgerichtbarkeit, yearly article in Schweizerische Juristen-Zeitung
- Kommentierung von Art. 160-167a ZPO, in: Karl Spühler/Luca Tenchio/Dominik Infanger (eds.): Basler Kommentar, Schweizerische Zivilprozessordnung, 4th ed. Basel 2024
- Kommentierung von Art. 921-925 OR, in: Rolf Watter/Hans-Ueli Vogt (eds.): Basler Kommentar zum Schweizerischen Privatrecht, Obligationenrecht II, 6th ed. Basel 2024
- Kommentierte Musterklagen, in: Willi Fischer/Fabiana Theus Simoni/Dieter Gessler: Kommentierte Musterklagen, 2nd ed. Zurich/Basel/Geneva 2022
- Kommentierung von Art. 46-55 SchKG (Betreibungs-ort), in: Adrian Staehelin/Thomas Bauer/Daniel Staehelin (eds.): Kommentar zum Bundesgesetz über Schuldbetreibung und Konkurs, 3rd ed. Basel/Genève/Munich 2021
- Sukzessivlieferungsvertrag (together with Nicolas Birkhäuser), in: Peter Münch/Sabina Kasper Lehner/Franz Probst (eds.): Schweizer Vertrags-Handbuch, 3rd edition, Basel 2017
- 5 Jahre ZPO aus Sicht der Praxis – Wünsche für die nächsten fünf Jahre, in: Annette Dolge (ed.): 5 Jahre ZPO, Zurich 2016, p. 21 et seqq.
- Die Nebenfolgen bei vorsorglicher Beweisführung – Belohnung des widerspenstigen Gesuchsgegners, in: Peter Breitschmid et al. (ed.), Tatsachen, Verfahren, Vollstreckung, Festschrift für Isaak Meier zum 65. Geburtstag, Zurich /Basel/Geneva 2015
- Swiss Arbitration – Practical aspects and new developments (together with Peter C. Honegger, Andrés Gurovits, Daniel Eisele, Valerie Meyer Bahar, Tamir Livschitz, Danièle Müller, Christa Sommer-Sprenger, Andreas D. Blattmann, Andreas Lehmann, Martina Madonna-Quadri, Eva-Viola Bohnenblust) 2015, NKF-Schriftenreihe Publikation #19
- Dispute Resolution in Switzerland, in: Getting The Deal Through, Dispute Resolution, p. 224 et seqq., 2011
- Die Schiedsgerichtbarkeit nach der schweizerischen Zivilprozessordnung, in: NKF-Schriftenreihe Publikation "Das schweizerische Prozessrecht im Umbruch" #16
- Schiedsvereinbarung und provisorische Rechtsöffnung (together with Brigitte Knecht), in: Schweizerische Juristen-Zeitung 105 (2009) p. 537-544
- Prozessuales zur aktienrechtlichen Verantwortlichkeitsklage, in: Gaudenz G. Zindel/Patrik R. Peyer/Bertrand Schott (eds.): Wirtschaftsrecht in Bewegung. Festgabe zum 65. Geburtstag von Peter Forstmoser, Zurich/Basel/Geneva 2008, p. 601 et seqq.
- Country Report Switzerland, in: Charles Platto (ed.): Economic Consequences of Litigation Worldwide, The Hague/London/Boston 1999
- Veränderte Voraussetzungen für den Ausländerarrest, Einschränkungen von noch unklarer Tragweite (together with Thomas Sprecher), in: Neue Zürcher Zeitung 28/29 December 1996 (no. 302), p. 23
- Zur prozessualen Umsetzung der Kostenpflicht der Gesellschaft im vom Aktionär eingeleiteten Verantwortlichkeitsprozess (Art. 756 Abs. 2 OR), in: Walter R. Schluemp/Peter R. Isler (eds.): Neues zum Gesellschafts- und Wirtschaftsrecht. Zum 50. Geburtstag von Peter Forstmoser, Zurich 1993, p. 341 et seqq.
- Country Report Switzerland, in: Michael G. Dickson/Wolfgang Rosener/Paul M. Storm (eds.): Security on movable property and receivables in Europe, ESC Publishing Limited (Oxford 1988)
- Genossenschaftsverbände (Dissertation), in: Schweizer Schriften zum Handels- und Wirtschaftsrecht vol. 39, Zurich 1979