

Dr Niklaus Zaugg, LL.M.

Partner

Niklaus Zaugg is a partner of the CMS Zurich dispute resolution team.

He has engaged in various international and domestic arbitrations as counsel and arbitrator. The arbitrations he has been involved in related to various supply agreements in different industries, to construction projects, as well as to financial and post M&A disputes. Niklaus Zaugg has also repeatedly published in the area of international arbitration, such as his doctoral thesis on the effects of partial and interim awards in international arbitral proceedings conducted in Switzerland.

Niklaus Zaugg graduated from the Universities of Geneva and Zurich in 2003. In 2006, he was admitted to the bar and passed the Concours Diplomatique of the Swiss Foreign Ministry. He further holds an LL.M. degree from the University of Sydney Law School, obtained in 2011. In 2014, Niklaus Zaugg's doctoral thesis was approved by the University of Lucerne.

Before joining CMS and working as an attorney, Niklaus Zaugg has worked as a law clerk and chairman of the conciliation authority dealing with lease and rental matters at the District Court of Zurich. He has further been a diplomatic attaché at the Political and Legal Affairs' Section of the Swiss Embassy in Washington, D.C. and has acted as the executive secretary of the Center for Conflict Resolution CCR at the Faculty of Law at University of Lucerne.

Recent experience

- Representing multinational tier one supplier in the automotive industry regarding the delivery of defective components by the sub-supplier in an ICC arbitration before an arbitral tribunal seated in Paris
- Representing German insolvency administrator regarding an infrastructure project in Turkey in an ICC arbitration before an arbitral tribunal seated in Geneva
- Representing multinational tier one supplier in the automotive industry regarding the sub-supplier's threat to stop deliveries in a Swiss Rules emergency arbitration
- Representing multinational tier one supplier in the automotive industry in a dispute over prices in a Swiss Rules arbitration before an arbitral tribunal seated in Zurich
- Representing Danish supplier of medical equipment regarding the delivery of nitrile gloves in an ICC arbitration before a sole arbitrator seated in Basle
- Representing multinational tier one supplier in the automotive industry regarding the delivery of defective components by the sub-supplier in a Swiss Rules arbitration before an arbitral tribunal seated in Zurich
- Representing multinational designer and supplier of nuclear steam supply systems in relation to the drawing of a bank guarantee in an ICC emergency arbitration
- Representing multinational tier one supplier in the automotive industry regarding the dispute over the termination of a delivery agreement before an arbitral tribunal seated in Zurich
- Representing multinational tier one supplier in the automotive industry regarding the sub-supplier's threat to stop deliveries in an ICC emergency arbitration



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Expertises

Commercial
Dispute Resolution

Languages

German
English
French
Norwegian
Spanish

Directories

To be released: Ranked in Who's Who Legal Arbitration 2023:

"Niklaus is a brilliant lawyer and a very pleasant guy" "He is a big name in the market" "He offers very effective advice and is highly skilled in advocacy" "He is known for his accuracy, thoroughness and intelligence"

Recognized in The Best Lawyers in Switzerland 2023 for work in Litigation

Ranked in Who's Who Legal:

- Representing multinational tier one supplier in the automotive industry regarding a dispute over prices in an ICC arbitration before an arbitral tribunal seated in Düsseldorf
- Representing multinational German engineering company regarding a construction project in Saudi Arabia in an ICC arbitration before an arbitral tribunal seated in Zurich
- Representing Turkish airline business regarding a dispute in connection with a wet-lease agreement in arbitration proceedings under the Swiss Rules before a sole arbitrator seated in Zurich
- Acting as co-arbitrator in a dispute between a Caucasian construction company and a Germany-based global supplier of electromechanical systems and services for hydropower plants regarding a large infrastructure refurbishment project in Central Asia
- Acting as sole arbitrator in a domestic dispute regarding a shareholders' agreement (Swiss Rules arbitration)
- Acting as co-arbitrator in a dispute between a German commodities supplier and a Latin American supplier of items for the construction sector (Swiss Rules arbitration)
- Acting as sole arbitrator in a dispute between a Croatian and a Slovenian company active in the domestic appliances industry (Swiss Rules arbitration)
- Acting as co-arbitrator in a dispute between a European supplier and a Central Asian telecommunications business (Swiss Rules arbitration)

Education and professional career

- Since 2018 Partner with CMS von Erlach Partners Ltd
- 2014 Approval of Niklaus Zaugg's doctoral thesis by the University of Lucerne (PhD)
- 2013-2017 Attorney at law with CMS von Erlach Poncet Ltd
- 2011-2013 Executive Secretary at the Center for Conflict Resolution at the University of Lucerne Faculty of Law
- 2011 LL.M. degree from the University of Sydney Law School
- 2008-2013 Attorney at law with CMS von Erlach Poncet Ltd
- 2007-2008 Diplomatic Trainee and Diplomatic Attaché at the Swiss Foreign Ministry in Berne as well as at the Political and Legal Affairs' Section of the Swiss Embassy in Washington
- 2006 Admission to the bar and passing of the Swiss Foreign Ministry's Concours Diplomatique
- 2003-2005 Law Clerk at the District court of Zurich (including acting as Chairman of Conciliation Authority dealing with lease and rental matters)
- 2003 Licence (Master) Universities of Geneva and Zurich

Memberships

- Zurich and Swiss Bar Association
- ASA Swiss Arbitration Association
- ICCA International Council for Commercial Arbitration
- UIA Union Internationale des Avocats
- Norgesklubben Sveits
- SEC Handelskammer Schweiz-Mitteuropa
- Swiss Diplomats – Zurich Network

Arbitration as National Leader - 2022:

"Niklaus Zaugg 'handles large and complex cases in the automotive industry' and comes highly recommended for his wealth of experience in international arbitration."

Ranked in The Legal 500:

Dispute resolution: litigation, arbitration, Switzerland, 2022, 2021 and 2020:

"Niklaus Zaugg provides in-depth know-how as well as solution-oriented legal advice, is very responsive and provides client-oriented legal services."

Ranked in Who's Who Legal: Arbitration as Future Leader - 2022 and 2021:

"He shows willingness to dig into and understand highly specialised and industry-specific topics"; "Niklaus is very thorough and a pleasure to work with"; "An up-and-coming name".

Ranked in Who's Who Legal: Commercial Litigation as Global Leader - 2021:

"Niklaus Zaugg is highly esteemed for his 'hard-working and professional' approach to complex litigations."

Ranked in Who's Who Legal: Arbitration as National Leader - 2021

Ranked in Who's Who Legal: Arbitration as Future Leader - 2020:

"Niklaus Zaugg is a first-rate arbitration lawyer who stands out for his 'ability to explain complex matters in a very comprehensible way'."

Ranked in Who's Who Legal:

Publications

- **Upcoming:** Schulthess Commentary: Die revidierte ZPO – Gesetzesausgabe annoté (in particular Articles regarding domestic arbitration)
- Business Human Rights - A new field of activity for international arbitration?, ASA Bulletin 1/2021
- Imposing Virtual Arbitration Hearings in Times of COVID-19: The Swiss Perspective, Kluwer Arbitration Blog, January 2021
- The modification of Switzerland's international arbitration law, CMS International Disputes Digest, June 2020
- The New Swiss Financial Market Legislation – New Momentum for ADR?, juriste international 4/2019, Union Internationale des Avocats, March 2020
- ADR under the new Swiss Financial Services Act, CMS International Disputes Digest, July 2019
- Schiedsgerichtsbarkeit als alternative Streitbeilegungsmethode, KMU Magazin Nr. 09, September 2018
- Implications of Third Party Funding on the integrity of arbitral proceedings – Is there need for action in Switzerland?, Von A wie Arbitration über T wie Transport bis Z wie Zivilprozess – Liber discipulorum für Professor Dr. Andreas Furrer zum 55. Geburtstag, April 2018
- Objective scope of res judicata of arbitral awards – Is there room for discretion?, ASA Bulletin 2/2017, June 2017
- Teil- und Zwischenschiedssprüche – Treue Diener im Dienste der Verfahrensökonomie?, News Schiedsgerichtsbarkeit der Zürcher Handelskammer, May 2016
- Vorprozessualer Anspruch von Bankkunden auf Erstellung von Stichtag-bewertungen ihrer Portfolios?, AJP/PJA 7/2015, July 2015
- Verfahrensgliederung in der internationalen Schiedsgerichtsbarkeit – Wirkungsweise von Teil- und Zwischenschiedssprüchen unter dem 12. Kapitel IPRG, *Luzerner Beiträge zur Rechtswissenschaft, Diss. Lucerne/Zürich 2014*
- How caucusing and other elements of mediation fit into International Commercial Arbitration, *The Australian ADR Reporter, June 2012* [awarded Chartered Institute of Arbitrators (Australia Branch) Book Price]

Lectures list

- **Upcoming:** Swiss Arbitration/DIS/VIAC conference "Gemeinsame Schiedsverfahrenskultur in der DACH-Region?", Panel moderation on the topic "Frühzeitige Streitbeilegung"
- ASA Arbitration Forum, Panel moderation on hot topics chosen by the participants at ASA Local Group Event in Zurich, August 2022
- How to prepare a Witness Statement, Lecture at YOUNG ICCA Skills Training Workshop on Cross-Examination in International Arbitration in Zurich, May 2019
- Schiedsgerichtsbarkeit in der Finanzindustrie – Gibt es handfeste Vorteile?, Lecture and panel moderation at Swiss Chambers' Arbitration Institution Event in Zurich, March 2019
- Zum Umgang mit Anlegerklagen, Lecture at CMS Breakfast "FIDLEG und FINIG – Herausforderungen für Unabhängige Vermögensverwalter" in Zurich, November 2018
- Multi-tiered dispute resolution clauses – the Swiss perspective, Lecture at

Litigation as Future Leader - 2020:

"Niklaus Zaugg is 'highly recommended' for his 'skills and professionalism' in litigation proceedings, as well as his 'ability to explain complex matters in a simple and convincing way'."

Ranked in Who's Who Legal: Litigation as Future Leader - 2019:

"Niklaus Zaugg is an 'excellent litigator', remark impressed commentators, who commend his strong banking practice."

UIA 13th Winter Seminar in Zermatt, March 2018

- Prozessfinanzierung in der internationalen Schiedsgerichtsbarkeit – Besteht Handlungsbedarf?, Lecture and panel moderation at ASA Local Group/ZAV FG Schiedsgerichtsrecht Event in Zurich, November 2017
- Dos and Don'ts bei der Vertragsgestaltung aus Schweizer Sicht, Lecture at Handelskammer Schweiz-Mitteuropa (SEC) Event "Polen Kompakt" in Zurich, November 2017
- *Res Judicata* – Can the diverging national approaches be bridged in international arbitration?, Lecture at ELSA Switzerland Summer Law School on Arbitration in Geneva, August 2017
- Die Forderung der Beklagten: Strategien und Hindernisse rund um die Widerklage, Lecture and panel moderation at 3. Tagung zur Schiedsgerichtsbarkeit: Hot Topics, Europa Institut der Universität Zürich, Zurich, May 2017
- Die Rechtskraft von Schiedssprüchen – Praxis in der Schweiz, Lecture at ASA/arb aut/LIS Dreiländer-Conference in Schaan, September 2016
- Enforcing Contracts with Russian Parties, Lecture at Switzerland Global Enterprise Event in Zurich, September 2015

Zurich, 22 November 2022