

Matthias SCHERER

Partner



Admission

Switzerland, 1992

Nationality

Swiss

Languages

German

English, French

Practices

International Commercial Arbitration

Investment Arbitration

Litigation

Public International Law

Areas of focus

Construction and Infrastructure

Energy and Mining

Technology and Telecom

Pharma and Biotechnology

Sports

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BIOGRAPHY

Matthias Scherer specializes in international litigation and arbitration, and commercial contracts, advising corporate and private clients as well as State parties. For many years, he has featured in the International Who's Who of Commercial Arbitration and of Construction Lawyers, and has been ranked by Chambers & Partners. In 2006, he was selected as one of the "45 leading arbitrators under 45" by GAR (Global Arbitration Review) and in 2014, he entered Chambers' global-wide ranking of international arbitration counsel, which includes a select group of only 80 lawyers worldwide. He has acted as counsel in more than 200 arbitration and ADR proceedings under various rules (ICC, ICSID, Swiss Rules, LCIA, UNCITRAL, VIAC, CAS/TAS, Stockholm Chamber, etc.), including in ICC ADR and pre-arbitral referee proceedings, and subject to both civil and common law procedural and substantive laws. He is regularly appointed as arbitrator by parties and major arbitration institutions (ICC, Swiss Chambers, ICSID, LCIA, Stockholm Chamber of Commerce, Dubai International Arbitration Centre, VIAC, Permanent Court of Arbitration (PCA), the Netherlands Arbitration Institute (NAI), the Danish Institute of Arbitration). He frequently represents parties in arbitral matters before the Swiss Supreme Court. Matthias Scherer is experienced in contracts disputes involving most aspects of commercial transactions, with a particular emphasis on joint ventures, shareholders, M&A, energy, construction and engineering, distribution and State-investor disputes. He is also member of the Disciplinary Board of *the Fédération Internationale de Gymnastique* (FIG).

He is a frequent speaker on international disputes at conferences and has published extensively in this field. He is the editor-in-chief of the journal of the Swiss Arbitration Association, the *ASA Bulletin* and the Swiss correspondent for construction and engineering matters for the *International Law Office*, a web-based legal newsletter.

Matthias Scherer is a past vice-chair of the International Bar Association's arbitration committee and past member of the arbitration committee of the Swiss Chambers of Commerce and the Geneva Chamber of

Commerce and Industry (administering arbitrations subject to the Swiss Rules). He is also a member of numerous professional associations.

Matthias Scherer was a foreign intern at Skadden, Arps, Slate, Meagher & Flom LLP in New York, USA (1998-1999). He holds an LL.M in European Law from the University of Lausanne (1993) and a law degree from the University of Bern.

PUBLICATIONS

Selection (for a complete list, please contact Matthias Scherer):

ASA Bulletin (Editor-in-Chief, Journal of the Swiss Arbitration Association (quarterly))

Contractors beware: clause requiring employer pre-approval of additional work costs

Matthias Scherer, Sam Moss, 2018

International Law Office Construction Newsletter, 10 September 2018

Construction Arbitration in Switzerland

Matthias Scherer, Bernd Ehle, Samuel Moss, 2018

In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide*, 2nd ed., Wolters Kluwer, The Hague, 2018, pp. 1015-1046

Contractors' obligation of diligence and duty to inform persist even after termination

Matthias Scherer, Samuel Moss, 2018

International Law Office, Newsletter (Construction), 2 July 2018

Regulatory changes and force majeure – impact on lump-sum and build-operate contracts

Matthias Scherer, 2017

International Law Office, Newsletter (Construction), 13 November 2017

No contractor liability for defects visible at final inspection except concealed defects

Matthias Scherer, Samuel Moss, 2017

International Law Office, Newsletter (Construction), 9 October 2017

Construction (Qatar)

Marcus C. Boeglin, Matthias Scherer, Samuel Moss, Marie-Anne Roberty-Jabbour, 2017

In: Robert S Peckar et Michael S Zicherman (Contributing Eds.), *Getting the Deal Through. Construction in 27 jurisdictions worldwide - 2017*, Law Business Research Ltd, 2017, pp. 109-114

Construction (Switzerland)

Michael E. Schneider, Matthias Scherer, Bernd Ehle, Cédric Lenoir, 2017

In: Robert S Peckar et Michael S Zicherman (Contributing Eds.), *Getting the Deal Through. Construction in 27 jurisdictions worldwide - 2017*, Law Business Research Ltd, 2017, pp. 139-143

Award in commodities sector enforced despite absence of original arbitration agreement

Matthias Scherer, Samuel Moss, 2016

Kluwer Arbitration Blog, 11 June 2016

International Public Procurement - Switzerland

Matthias Scherer, Cédric Lenoir, 2016

Center for International Legal Studies, *International Public Procurement – Chapter 40*, 2016

Inventory of Arbitration Proceedings Based on Swiss Bilateral Investment Treaties (BIT)

Matthias Scherer, 2015

ASA Bull. 1/2015, Vol. 33, pp. 66-79

Use of the PICC in arbitration

Matthias Scherer, 2015

In: Stefan Vogenauer (Ed.), *Commentary on the UNIDROIT Principles of International Commercial Contracts (PICC)*, 2nd edition, 2015, pp. 110-149

Corruption, Embargos and Sanctions as a Bar to the Enforcement of Contracts in International Arbitration. A Note on the decision of the Swiss Federal Supreme Court 4A_538/2012 dated 17 January 2013

Matthias Scherer, 2014

International Journal of Arab Arbitration, Vol. 6, No. 2 2014, pp. 64

Swiss Supreme Court analyses enforceability of pre-arbitral procedure in multi-tier dispute resolution provision (FIDIC DAB)

Matthias Scherer, Samuel Moss, 2014

Kluwer Arbitration Blog, 1 October 2014

Damages as a Sanction for Commencing Court Proceedings in Breach of an Arbitration Agreement

Matthias Scherer, 2014

Kluwer Arbitration Blog, 21 February 2014

Drafting the Award

Matthias Scherer, 2013

In: Bernhard Berger, Michael E. Schneider (Eds.), *Inside the Black Box: How Arbitral Tribunals Operate and Reach Their Decisions*, ASA Special Series No. 42, Juris, 2013, pp. 27.

Commentary on Article 182 of the Swiss Private International Law Act (arbitration procedure)

Michael E. Schneider, Matthias Scherer, 2013

In: Honsell/Vogt/Schnyder/Berti (Eds.), *Das Internationale Privatrecht (Basler Kommentar)*, Helbing & Lichtenhahn, Bâle, 2013, pp. 1822-1861

Commentary on Article 184 of the Swiss Private International Law Act (taking of evidence in international arbitration)

Michael E. Schneider, Matthias Scherer, 2013

In: Honsell/Vogt/Schnyder/Berti (Eds.), *Das Internationale Privatrecht (Basler Kommentar)*, Helbing & Lichtenhahn, Bâle, 2013, pp. 1870-1896

Impact of embargoes on construction contracts - Swiss sanctions against Iran

Matthias Scherer, André Brunschweiler, 2013

International Law Office, Newsletter, July 2013

Amendments extend warranty claim time limit and modify terms and conditions rules

Matthias Scherer, André Brunschweiler, 2013

International Law Office, Newsletter, February 2013

Swiss Federal Supreme Court provides guidance on rules of State immunity applicable to enforcement of ICSID awards

Matthias Scherer, Sandrine Giroud, 2011

Kluwer Arbitration Blog, December 2011

Swiss Embargos and their Impact on Contracts Governed by Swiss Law Illustrated by the Swiss Sanctions against Iran

Matthias Scherer, André Brunschweiler, 2011

Kluwer Arbitration Blog, April 2011

The Limits of the IBA Rules on the Taking of Evidence in International Arbitration: Document Production Based on Contractual or Statutory Rights

Matthias Scherer, 2010

International Arbitration Law Review, Vol. 13, issue 5, 2010, pp. 195-200

CONFERENCES

Selection of recent conferences (for a complete list, please contact Matthias Scherer):

UNIVERSITE PARIS II -ASSAS

Cours de Diplôme Universitaire DU CONTRACT MANAGEMENT

Paris, 15 May 2018

Speaker: CONTRACT MANAGEMENT, PREUVE & ARBITRAGE

YGPC Young Construction Practitioners

Management of a Construction Arbitration Case

Paris, 8 January 2018

Speaker
