

Michael E. SCHNEIDER

Senior Counsel



Admission
Munich (Germany), 1970

Geneva (foreign lawyer)

Nationality
German

Languages
German, English, French,
Basic: Spanish, Italian,
Arabic

Practices

Investment Arbitration

International Commercial Arbitration

Public International Law

Areas of focus

Construction and Infrastructure

Energy and Mining

Pharma and Biotechnology

Technology and Telecom

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BIOGRAPHY

Michael E. Schneider is a founding partner of LALIVE and now senior counsel. He has practised in international arbitration for more than 40 years as counsel in ad hoc proceedings and under various rules, including those of the ICC, ICSID, LCIA, Swiss Rules, Stockholm Institute, the Cairo Regional Centre for International Commercial Arbitration (CRCICA), Dubai International Arbitration Centre (DIAC), European Development Fund, UNCITRAL, and before other international bodies, including the WTO Appellate Body and the United Nations Compensation Commission (UNCC). He has also acted in many cases as arbitrator (chair, sole or co-arbitrator) under the rules of many institutions both in Switzerland and abroad.

Mr Schneider's main areas of practice are disputes involving States and corporations in construction, industrial engineering and infrastructure projects, natural resources (in particular oil and gas), pharmaceuticals, telecommunications and investment disputes. He has specific experience in dealing with technical issues and in managing large and complex disputes, organising and leading teams of specialists from different fields and different legal and cultural backgrounds.

Mr Schneider is honorary president of the Swiss Arbitration Association (ASA). At ASA, he developed inter alia the Arbitration Practice Seminar organised annually since 1997 with civil law and common law practitioners. He was vice chair of the ICC Commission on Arbitration until 2014 and has been a member of several of its working groups (1998 and 2012 revisions of the ICC rules, construction, pre-arbitral referee). He chaired the UNCITRAL Working Group II (Arbitration) at its Sessions in New York and Vienna (2006-2010) on the revision of the Arbitration Rules and on the revision of the Notes on Organizing Arbitral Proceedings (2014-2015) and was Vice-Chair of the Commission (2015-2017). He is past president of the International Academy of Construction Lawyers (IACL) and was co-chair of the IBA Committee on international Construction Projects. He is member of the Board of Trustees of the Cairo Regional Centre for International Commercial Arbitration (CRCICA) and of the Court of Arbitration of the Singapore Arbitration Centre; he was a member of the Board of Trustees and the Executive Committee of the Dubai International Arbitration Centre. He also was advising as inhouse counsel Universal Engineering and Finance Corporation (UNEFICO) on all contract matters.

Mr Schneider lectures at the University of Fribourg LLM Programme and was Director of Studies at the Centre for Studies and Research at the Hague Academy of International Law (Transnational Arbitration and State Contracts). He studied law and history at the universities of Munich, Bonn and Geneva and completed the 1st and 2nd State examination (capacity to hold office as a judge). He completed postgraduate studies at the Graduate Institute of International Studies in Geneva and is a former AIESEC trainee with the Shell Company in Sierra Leone.

PUBLICATIONS

Expert Evidence

Michael E. Schneider, Joachim Knoll, Christophe Guibert de Bruet, 2022

In: Andreas J. Roquette/Tom Christopher Pröstler (Eds.), *International Construction Disputes – A Practitioner’s Guide*, C.H.Beck/Hart/Nomos, 2022, pp. 305-328

Uluslararası İnşaat Sözleşmelerinde Beklenmeyen Hal Kavramı

Michael E. Schneider, 2020

In: *Uluslararası İnşaat Sözleşmelerinde Beklenmeyen Hal Kavramı* / Eds. Yesim M. Atamer, Ece Bas Süznel, Elliott Geisinger. – Istanbul : Onikilevha, 2020. – pp. 222-254. – (Istanbul Uluslararası İnşaat Hukuku Konferansları ; 4)

Интерактивные арбитры? Оптимистические предложения и культурный багаж.

Michael E. Schneider, 2018

New Horizons of International Arbitration, A.V. Asoskov, A.I. Muranov, R.M. Khodykin (eds.), 2018, p. 216-236

Construction (Switzerland)

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

In: Robert S Peckar (Contributing Ed.), *Getting the Deal Through. Construction in 31 jurisdictions worldwide - 2017*, Law Business Research Ltd, 2017

Internationales Bau- und Anlagengeschäft – vom Vertragsschluss bis zur Streiterledigung

Michael E. Schneider, Bernd Ehle, 2015

In: Peter Münch/Nicolas Passadellis/Jens Lehne (éds.), *Handbuch Internationales Handels- und Wirtschaftsrecht*, Helbing Lichtenhahn, Bâle, 2015, p. 271-310

Construction (Switzerland)

Michael E. Schneider, Matthias Scherer, Bernd Ehle, Samuel Moss, 2015

In: Robert S. Peckar and Michael S. Zicherman (Contributing éds.), *Getting the Deal Through: Construction in 26 jurisdictions worldwide – 2015*, Law Business Research Ltd, 2015, p. 120-124

Hommage à Pierre Lalive (1923-2014) : un (trop bref) regard sur la carrière d'un juriste hors normes

Michael E. Schneider, Teresa Giovannini, Jean-Paul Vulliéty, 2015

B-Arbitra – Revue belge de l'Arbitrage, 2015/1, p. 17-39

The Role of Iraq in the UNCC Process with Special Emphasis on the Environmental Claims

Michael E. Schneider, 2015

In: Timothy J. Feighery, Christopher S. Gibson, Trevor M. Rajah (éds.), *War Reparations and the UN Compensation Commission-Designing Compensation After Conflict*, Oxford, 2015, p. 135-184

The Role of the State in Investor-State Arbitration – Introductory Remarks

Michael E. Schneider, 2015

In: Shaheeza Lalani and Rodrigo Polanco Lazo (éds.), *The Role of the State in Investor-State Arbitration*, BRILL, NIJHOFF, Volume 3, p. 1-13

Investment Disputes – Moving Beyond Arbitration

Michael E. Schneider, 2014

In: Laurence Boisson de Chazournes, Marcello G. Kohen, Jorge E. Viñuales (éds.), *Diplomatic and Judicial Means of Dispute Settlement*, Brill, 2013, p. 119-151

Construction (Switzerland)

Michael E. Schneider, Matthias Scherer, Bernd Ehle, Samuel Moss, 2014

In: Robert S Peckar (éd.), *Getting the Deal Through. Construction in 31 jurisdictions worldwide - 2014*, Law Business Research Ltd, 2014, p. 156-161

Welcome Address and Introduction to the Conference Topic

Michael E. Schneider, 2014

In: Berndhard Berger & Michael E. Schneider (éds) *Inside the Black Box: How Arbitral Tribunals Operate and Reach Their Decisions*, Juris, 2014, ASA Special Series N° 42, p. 3-5

Assistance to the Tribunal: Options, Advantages and Dangers

Michael E. Schneider, 2014

In: Berndhard Berger & Michael E. Schneider (éds) *Inside the Black Box: How Arbitral Tribunals Operate and Reach Their Decisions*, Juris, 2014, ASA Special Series N° 42, p. 73-76

Commentary on Article 182 and 184 of the Swiss Private International Law Act (arbitration procedure)

Michael E. Schneider, Matthias Scherer, 2013

In: Honsell/Vogt/Schnyder/Berti (éds.), *Das Internationale Privatrecht (Basler Kommentar)*, Helbing & Lichtenhahn, Bâle, 2013, p.1822-1861, p.1870-1896 respectivement

Construction (Qatar)

Georges Racine, Ramy Saleh, Marcus C. Boeglin, Stefan Jury, Melina Llodra, Matthias Scherer, Michael E. Schneider, 2012

In: David S. Peckard (éd.), *Getting the Deal Through - Construction 2013*, Law Business Research Ltd, Londres, 2012, p. 165-169

Twenty-four Theses about Witness Testimony in International Arbitration and Cross-Examination Unbound

Michael E. Schneider, 2011

In: Wirth, Rouvinez, Knoll (éds.), *The Search for "Truth" in Arbitration: Is Finding the Truth What Dispute Resolution Is About?* Chapitre 5, ASA Special Series N° 35, p. 63-69

The revision of the UNCITRAL Arbitration Rules: Some observations on the process and the results

Michael E. Schneider, 2011

Les Cahiers de l'Arbitrage 2011-4, p. 1-35

Non-Monetary Relief in International Arbitration: Principles and Arbitration Practice

Michael E. Schneider, Joachim Knoll, 2011

In: Juris, New York / ASA, Suisse (éds.), *ASA Performance as a Remedy*, Chapitre 1, ASA Special Series N° 30, p. 3-48

The Essential Guidelines for the Preparation of Guidelines, Directives, Notes, Protocols and other Methods Intended to Help International Arbitration Practitioners to Avoid the Need for Independent Thinking and to Promote the Transformation of Errors into "Best Practices"

Michael E. Schneider, 2011

In: Liber Amicorum en l'honneur de Serge Lazareff, sous la direction de Laurent Lévy et Yves Derain, 2011, Editions A. Pedone, p. 563-567

The Paper Tsunami in International Arbitration Problems, Risks for the Arbitrators' Decision Making And Possible Solutions

Michael E. Schneider, 2009

In: Teresa Giovannini and Alexis Mourre (éds.), *Written Evidence and Discovery in International Arbitration New Issues and Tendencies*, 2009, Editions Dossiers ICC Institute of World Business Law, Chapitre 9, p. 365-371

A civil law perspective: Forget e-discovery

Michael E. Schneider, 2008

In: David J. Howell (éd.), *Electronic disclosure in international arbitration*, JurisNet, LLC, New York, 2008, p. 13-37

Combining Swiss arbitration with English enforcement - A powerful tool

Michael E. Schneider, Matthias Scherer, Bernd Ehle, 2007

Chambers Client Report, 2007, N° 22, p. 39

International construction contracts under Swiss law: An introduction

Matthias Scherer, Michael E. Schneider, 2007

Construction Law Journal, 2007, vol. 23, N° 8, p. 559-569

ITC contractual joint venture model agreements

Michael E. Schneider, 2004

(en collaboration avec Dr. Arthur E. Appleton, Luigi Capucci, Dr. Philippe Gilliéron, Christophe Léchaud et Jonathan Curci Staffler) Genève, ITC Trade Law Series, CNUCED/OMC, Genève, 2004, 107 pages, ISBN 92-9137-266-8

How fair and efficient is the UNCC system? A model to emulate?

Michael E. Schneider, 1998

Journal of International Arbitration, 1998, Vol. 15, pp. 15-26

Towards more cost-effective arbitration

Michael E. Schneider, 1998

IBA Arbitration and ADR, 1998, vol. 3, p. 26-33

Dispute resolution in international electronic commerce

Michael E. Schneider, 1997

(en collaboration avec Christopher Kuner) Journal of International Arbitration, 1997, vol. 14, no 3, p. 5-37

Combining arbitration and conciliation

Michael E. Schneider, 1996

Rapport de la Conférence de Seoul (Conseil international pour l'arbitrage commercial), ICCA Congress Series, n° 8, 1996, p. 57-99

Streitbeilegung auf dem Information Highway - Problematik und Lösungsansätze

Michael E. Schneider, 1996

In: Reto M. Hilty (éd.), *Information Highway*, Stämpfli, Berne, 1996, p. 625-660

Arbitration of construction disputes

Michael E. Schneider, 1995

Contracts and Dispute Settlement in Civil Engineering and Construction of Plants, 1995, vol. 4, p. 187-244

Lean arbitration: Cost control and efficiency through progressive identification of issues and separate pricing of arbitration services

Michael E. Schneider, 1994

Arbitration International, 1994, vol. 10, n° 2, p. 119-140

Major construction cases

Michael E. Schneider, 1994

In: Scott (éd.), *The Reform of Commercial Arbitration Procedures*, Londres, LCIA, 1994, p. 157-181

International organizations and private persons: The case for a direct application of international law

Michael E. Schneider, 1993

In: Dominice/Patry/Reymond (éds.), *Etudes de Droit international en l'honneur de Pierre Lalive*, Bâle, Helbing & Lichtenhahn, 1993, p. 345-358

Mastering the interfaces - Construction contracts drafting for dispute avoidance

Michael E. Schneider, 1993

The International Construction Law Review, 1993, vol. 10, p. 403-424

Technical experts in international arbitration, introductory comments to the materials from arbitration practice

Michael E. Schneider, 1993

ASA Bull. 3/1993, vol. 11, p. 446-465

Multi-fora disputes

Michael E. Schneider, 1990

Arbitration International, 1990, Vol. 6, n°2, p. 101-121

The new Swiss law on international arbitration

Michael E. Schneider, 1989

(en collaboration avec Paolo Michele Patocchi) *Arbitration, the Journal of the Chartered Institute of Arbitrators*, 1989, vol. 55, p. 268-280

Turnkey contracts - Concepts, liabilities, claims

Michael E. Schneider, 1986

The International Construction Law Review, 1986, vol. 3, p. 338-359

CONFERENCES

Russian Arbitration Day 2018

Procedural Issues in International Arbitration

Moscow, 30 March 2018

Speaker: Interactive Arbitrators? Optimistic Proposals and Cultural Baggage.

The Cairo Regional Centre for International Commercial Arbitration (CRCICA)

The Belt and Road Initiative Economic Legal Landscape and dispute Settlement

Cairo, 12 December 2017

Speaker: The Belt and Road Initiative

IBA Arbitration 40 Subcommittee

IBA's Toolkit for Award Writing

Cairo, 11 December 2017

Speaker: Question and Answer Session

Young ICCA workshop

IBA's Toolkit for Award Writing

Cairo, 11 December 2017

Speaker: Key note address on Procedural Tactics and Strategies

The Cairo Regional Centre for International Commercial Arbitration (CRCICA)

Celebrating the 50th Anniversary of UNCITRAL – Global Inclusion and Dispute Resolution: Harmonization

Trends in International Arbitration

Cairo, 9-10 December 2017

Speaker: The Modernizing Role of UNCITRAL Texts

Associazione Italiana per l'Arbitrato (IAI)

L'Arbitro Profili e internazionali

Rome, 6 December 2017

Speaker: La missione e la responsabilità dell'arbitro

Dutch Arbitration Association (DAA)

Fifth anniversary edition of the Dutch Arbitration Day – Advocacy and Evidence

Amsterdam, 14 September 2017

Speaker: Capitalizing of arbitration's potential in respect of advocacy and evidence

Institute for Transnational Arbitration (ITA)

Challenges to the Legitimacy of International Arbitration - 29th ITA Workshop and Annual Meeting

Plano, Texas (Dallas), 15 June 2017

Speaker: Legitimacy Of The Decision-Makers (Part 1)

Swiss Arbitration Academy

Graduation Ceremony 2016-2017

Geneva, 4 May 2017

Speaker: Current issues in international arbitration – keynote speech

Global Arbitration Review

2nd Annual GAR LIVE Abu Dhabi Conference

Abu Dhabi, 22 February 2017

President / Moderator: GAR LIVE Question Time – The Gulf Region: A legal melting pot or a clash of legal cultures?

Columbia University NY – Columbia Center for International Commercial and Investment Arbitration

Where public meets private: International law and the dynamic interpretation of treaties in the context of the draft UNCITRAL Rules on Transparency

New York, 5 February 2013

Speaker: The provisions of the Standard concerning its scope of application

Swiss Arbitration Association (ASA)

Inside the black box: How arbitral tribunals operate and reach their decisions

Zurich, 1 February 2013

Moderator: Assistance to the Tribunal: options, advantages and dangers

Ministry of Foreign Affairs of Belarus / International University "MITSO" / UNCTAD / UNCITRAL / ICSID

Investment Dispute Settlement Workshop

Minks, Belarus, 19-20 November 2012

Speaker (with J Salasky): Trends in investment arbitration / A brief overview on the UNCITRAL Arbitration Rules / The project of developing rules on transparency in treaty-based investor-State arbitration

Global Arbitration Review

3rd Annual GAR LIVE London

London, 8 November 2012

Co-chair: How to make International Arbitration work better?

SAA Swedish Arbitration Association

Swedish Arbitration Days: The Challenge of Taking Evidence in International Arbitration

Stockholm, 13-14 September 2012

Moderator: Witnesses of Fact

ABA American Bar Association – Section of International Law – Dispute Resolution/Litigation

Spring Meeting 2012

New York, 17–21 April 2012

Speaker: Ethics Guidelines for International Arbitration: Room for Debate

United Nations commission on International Trade Law (UNCITRAL) and the International Arbitral Centre of the Austrian Federal Economic Chamber VIAC

VIAC - UNCITRAL 2012 Conference

Vienna, 29–30 March 2012

Speaker: Travaux préparatoires, enactments and case law on interim Measures and preliminary orders

Chair of Session / Moderator: Issues regarding the role of arbitral institutions acting under the UNCITRAL Arbitration Rules

University of Oslo - Faculty of Law - APA project (Arbitration and Party Autonomy)

The impact of the applicable law on the interpretation of contracts - Arbitration and the not unlimited party autonomy

Oslo, 21-22 November 2011

Panellist: Does international arbitration assume that contracts are written on their own terms or as an interplay with the applicable law? - Panellist: The impact of intellectual property rules and of the arbitrability on the enforceability of arbitral awards

Chartered Institute of Arbitrators (CIArb)

The Costs of International Arbitration Conference

London, 27- 28 September 2011

Speaker: Evidence - how costs can be reduced

International Chamber of Commerce - ICC

6th Annual ICC New York Conference: the new ICC Rules of Arbitration

New York, 19-20 September 2011

Speaker: General Provisions

Arbitration Academy

International Arbitration Special Summer Course 2011

Paris, 18-22 July 2011

Lecturer: Evidence and the Use of Experts in International Arbitration

Fordham University New York

6th Annual Conference on International Arbitration and Mediation

New York, 14-15 June 2011

Speaker: The New Rules of International Arbitration: Practical and Analytical Issues: The 2010 Revised UNCITRAL Arbitration Rules

Istanbul Chamber of Commerce (ICCC)

UNCITRAL Arbitration Rules 2010

Istanbul, 31 May 2011

Speaker: Introductory Rules and Composition of the Arbitral Tribunal (Arts 1-16)

International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC)

VIAC-UNCITRAL 2011 Conference

Vienna, 14-15 April 2011

Speaker: Transparency in investment arbitration: Questions regarding the content of a legal standard on transparency; Legal theory of international arbitration: The revised UNCITRAL Arbitration Rules in practice

Dubai International Arbitration Centre (DIAC)

DIAC 4th Arbitration Dialogue

Paris, 16 November 2010

Member of the DIAC Executive Committee and moderator

International Chamber of Commerce (ICC)

Arbitral Awards

Dubai, 19-20 October 2010

Speaker: Arbitral case-law

American Bar Association (ABA) / New York City Bar

From Revisions to Reform? Roundtable Discussion on Revising the 1976 UNCITRAL Arbitration Rules to Meet New Demands

New York, 3 February 2010

Speaker as Chairman of the UNCITRAL Working Group

International Bar Association (IBA) - SERIL - International construction projects committee

Time and acceleration issues affecting international construction contracts

Madrid, 7 October 2009

Speaker: Delay in civil law

Swiss Arbitration Association (ASA) Geneva Group

L'arbitrage international au bord du Léman: hier, aujourd'hui, demain

Geneva, 8 May 2009

Speaker: L'évolution de l'arbitrage en général depuis une trentaine d'années

Swiss Arbitration Association (ASA)

The Search for the "Truth" in Arbitration – Is Finding the Truth what Dispute Resolution is About?

Zurich, 6 February 2009

Speaker: Cross-examination – How helpful is it for finding the "Truth"?

Geneva Bar Association (Foreign Lawyers' Section)

Anti-Money Laundering Regulations and Legal Practice

Geneva, 19 November 2008

Co-organizer and Chair

LALIVE

International Bar Association (IBA)

International Construction Projects (ICP) Committee annual conference

Buenos Aires, 12-17 October 2008

Speaker: Termination of construction contracts and completion of the works by replacement contractors & Report of the ICP session on Adopted Projects on recent developments in the Swiss Alptransit Project

13th Geneva Global Arbitration Forum

The Rise of international arbitration in the Gulf States

Geneva, 5-6 December 2007

Speaker: Adapting the legal environment in the United Arab Emirates: acceding to the New York Convention, adopting a modern arbitration law, informing the State Court Judges

Istanbul Chamber of Commerce (ICOC), Association of the Mediterranean Chambers of Commerce and Industry (ASCAME)

The Revision and Modernization of the UNCITRAL Arbitration Rules

Istanbul, 30 November 2007

Speaker: Revision of Section III of the Regulation on the arbitration

ICDR Young and International Conference

How to tailor arbitrations to fit the individual case

Paris, 17 November 2007

Speaker: Thinking Outside the Box

Dubai International Arbitration Centre (DIAC), Association of International Petroleum Negotiators (AIPN), Dubai Chamber of Commerce and Industry

Dispute Resolution in International Oil and Gas Contracts

Dubai, 13-14 November 2006

Moderator

International Bar Association (IBA)

Annual Conference

Prague, 25-30 September 2005

Speaker: Use of Independent Experts in Arbitration

ACADEMIC POSITIONS

Lecturer

Fribourg University School of Law, Master of Laws (LL.M.) in Cross-Cultural Business Practice
International Construction Contracts (including dispute resolution) / International Joint Ventures
2011-

Director of Studies

Center for Studies and Research in International Law and International Relations at The Hague Academy
of International Law
1987

Consultant

Geneva Law School and Graduate Institute of International Studies, Geneva
1987
