

Dr. Bernd EHLE

Partner



Admission

Germany, 1998

Switzerland, 2004

Nationality

German, Swiss

Languages

German, English

French, Spanish

Practices

International Commercial Arbitration

Investment Arbitration

Litigation

Areas of focus

Construction and Infrastructure

Energy and Mining

Technology and Telecom

Pharma and Biotechnology

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BIOGRAPHY

Bernd Ehle is a partner at LALIVE specializing in international arbitration. He has acted as counsel and arbitrator in more than 80 international arbitral proceedings brought under many of the major arbitration rules, including the ICC, Swiss, DIS, VIAC, LCIA, ICSID, NAI, KCAB, DIA and UNCITRAL rules, and governed by civil law and common law.

Bernd Ehle's practice focuses on complex, high-value disputes involving in particular major infrastructure and construction projects, joint venture agreements, M&A transactions and sales and distribution contracts. He has extensive experience in a broad range of industries, including energy (oil & gas, solar), telecommunications, life sciences, automotive, aviation and shipping. He also represents parties in arbitration-related court proceedings, especially relating to the setting aside of international arbitral awards before the Swiss Federal Supreme Court.

Bernd Ehle has for several years been recognized as a leading practitioner by Chambers, Legal 500 and Who's Who (both Arbitration and Construction). He is a Fellow of the Chartered Institute of Arbitrators (CIArb) and a former member of its European Branch committee. From 2007 to 2017 Bernd Ehle co-chaired the Geneva Group of the Swiss Arbitration Association (ASA). He is a member of the Arbitration Court of the Swiss Arbitration Centre, a member of the Executive Committee of the Foundation for International Arbitration Advocacy (FIAA) and co-chairs the Construction Group of the German Arbitration Institute (DIS). Bernd Ehle regularly speaks at conferences and publishes about international arbitration and construction law.

Prior to joining LALIVE in 2003, Bernd Ehle practiced in litigation and commercial law with Graf von Westphalen in Freiburg i.Br., Germany (2000-2003). He studied law at the Universities of Freiburg i.Br., Heidelberg, and Geneva from 1991 to 1996 before passing his First and Second State Examinations in 1996 and 1998, respectively. Bernd Ehle holds an LL.M. from Northwestern University School of Law, Chicago (2000) and a Ph.D. from the University of Heidelberg (2001).

PUBLICATIONS

Book review: The FIDIC Red Book Contract – An International Clause-by-Clause Commentary (Author: Christopher R. Seppälä, with the assistance of Dimitar Kondev), Wolters Kluwer, 2023

Bernd Ehle, 2023

In: Swiss Arbitration Association (ASA) Bulletin, Vol. 41, No. 2, 2023, pp. 517-519

Expanding the Toolbox: Expert Determination as a Mechanism for Resolving Construction Disputes in Africa

Bernd Ehle, 2023

In: Africa Construction law (ACL) Blog, 26 July 2023

Better safe than sorry: Risk management and dispute avoidance through efficient contractor due diligence

Bernd Ehle, Alain Le Berre, 2023

In: Construction Law International, Vol. 18, Issue 1, March 2023

Mitigating the costs of potential disputes in Africa through third-party funding

Bernd Ehle, Augustin Barrier, 2023

In: SABC Member Legal Insights Newsletter, 2023

Infrastructure Projects in West and Central Africa and Dispute Resolution

Bernd Ehle, Baptiste Rigau, Maël Deschamps, 2023

In: International Business Law Journal (IBLJ), 1/2023, pp. 1-19

Expert Determination

Bernd Ehle, 2022

In: Andreas J. Roquette/Tom Christopher Pröstler (Eds.), International Construction Disputes – A Practitioner’s Guide, C.H.Beck/Hart/Nomos, 2022, pp. 66-80

East African Infrastructure Projects and Dispute Resolution

Bernd Ehle, Baptiste Rigau, Benjamin Ng’eno, 2021

In: International Business Law Journal (IBLJ), 4/2021, pp. 469-487

The 2021 ICC Arbitration Rules – what revised joinder and consolidation rules mean for construction disputes

Bernd Ehle, Sam Moss, 2021

In: The International Law Office (ILO) - Projects, Construction & Infrastructure Newsletter

Commentary on Article I of the New York Convention (2nd ed.)

Bernd Ehle, 2019

In: Reinmar Wolff (Ed.), New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958, Article-by-Article Commentary, C.H.Beck/Hart/Nomos, 2019, pp. 25-82

SIA 150: 2018 – Modern Swiss arbitration rules for construction disputes

Bernd Ehle, 2018

Swiss Arbitration Association (ASA) Bulletin, Vol. 36, No. 4, 2018, pp. 895-906

Arbitrage en matière de construction

Bernd Ehle, 2018

In: Laurent Hirsch/Christophe Imhoos (Eds.), Arbitrage, médiation et autres modes pour résoudre les conflits autrement, Schulthess 2018, pp. 195-200

Eyeopeners – The Enlightening Effect of Site Visits in Construction Disputes

Bernd Ehle, Courtney Furner, 2018

In: International Bar Association Dispute Resolution International, Vol. 12, No. 2, October 2018, pp. 175-194

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

Bundesgerichtshof, Az. KZR 6/15, Pechstein v. International Skating Union (ISU), 7 June 2016

Bernd Ehle, Ignacio Guaia, 2018

Yearbook of International Sports Arbitration 2016, pp. 415-427

Extension of Time Claims and Declaratory Relief in International Construction Arbitration

Bernd Ehle, 2015

In: Giovanni Iudica (Ed.), *Construction Contract Arbitration and ADR – Papers from the Annual Conference of the European Society of Construction Law*, Milan, 10 October 2014, pp. 63-67

Getting Off on the Right Foot: Preparation for Case Management Conferences by Counsel – with a Special Focus on Arbitration Proceedings under the ICC Rules

Bernd Ehle, Laura Spataru-Negura, 2015

Revista Română de Arbitraj, 2015, No. 4, pp. 40-51

Internationales Bau- und Anlagengeschäft – vom Vertragsschluss bis zur Streiterledigung

Michael E. Schneider, Bernd Ehle, 2015

In: Peter Münch/Nicolas Passadelis/Jens Lehne (Eds.), *Handbuch Internationales Handels- und Wirtschaftsrecht*, Helbing Lichtenhahn, Basel, 2015, pp. 271-310

Construction Arbitration in Switzerland

Matthias Scherer, Bernd Ehle, Samuel Moss, 2014

In: Manuel Arroyo (Ed.), *Arbitration in Switzerland - The Practitioner's Guide: Commentary*, Wolters Kluwer, The Hague, 2013, pp. 1179-1202

Emergency Arbitration in Practice

Bernd Ehle, 2013

In: Christoph Müller/Antonio Rigozzi (Eds.), *New Developments in International Commercial Arbitration 2013*, Schulthess, Zurich/Basel/Geneva, 2013, pp. 87-109

Moral Damages in Investment Arbitration, Commercial Arbitration and WTO Litigation

Bernd Ehle, Martin Dawidowicz, 2013

In: J. A. Huerta-Goldman, A. Romanetti and F. X. Stirnimann (Eds.), *WTO Litigation, Investment Arbitration, and Commercial Arbitration*, Kluwer Law International, 2013, pp. 293-326

Changes to The Swiss Law on General Terms and Conditions: What Do Construction Practitioners Need to Know?

Bernd Ehle, Samuel Moss, 2013

Construction Law International, Volume 8, Issue 2, pp. 17-21

Commentary on Article I of the New York Convention

Bernd Ehle, 2012

In: Reinmar Wolff (Ed.), *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, Commentaire, C.H. Beck/Hart Publishing/Nomos, 2012, pp. 26-84

Effective Use of Demonstrative Exhibits in International Arbitration

Bernd Ehle, 2012

In: Alexander J. Bělohávek/Naděžda Rozehnalová (Eds.), *Czech and Central European Yearbook of Arbitration 2012*, pp. 43-59

Practical aspects of using expert evidence in international arbitration

Bernd Ehle, 2012

In: Marianne Roth/Michael Geistlinger (Eds.), *Yearbook on International Arbitration, Vol. II*, NWV Neuer Wissenschaftlicher Verlag, Vienna, 2012, pp. 75-84

The Court of Arbitration for Sport

Bernd Ehle, Guillaume Tattevin, 2012

In: G Wegen and S Wislke (Eds.), *Getting the Deal Through - Arbitration 2012*, Law Business Research Ltd, London, 2012, pp. 6-9

Privacy and Confidentiality in Arbitration – Switzerland

Bernd Ehle, Noradèle Radjai, 2011

In: A. Sheppard (Ed.), *Comparative Smart Charts*, Kluwer Law International Practice Tools, 2011

Concurrent jurisdiction: Arbitral tribunals and courts granting interim relief

Bernd Ehle, 2007

In: Anita Alibekova/Robert Carrow (Eds.), *International Arbitration and Mediation - From the Professional's Perspective*, Salzburg, Yorkhill Law Publishing, 2007, pp. 157-169

CONFERENCES

International Arbitration and Mediation Centre (IAMC), Hyderabad

Webinar, 22 September 2023

Speaker: Expert Determination as a Dispute Resolution Mechanism for Construction Disputes and its Interaction with Arbitration

DELOS Dispute Resolution – Written Advocacy and Writing Awards

Writings Awards Course

Online, 18 September 2023

Speaker/Faculty: Arbitrator conduct of the proceedings, in light of its relevance to the award

DIS Construction Group

Conference

Berlin, 13 September 2023

Co-organiser and moderator: Lex constructionis: construction industry-specific legal concepts

East Africa International Arbitration Conference (EAIAC)

Conference on “A Golden Age: Celebrating the Past and the Future of International Arbitration in Africa”

Zanzibar, 24 August 2023

Speaker: Integrity in the Arbitral Process

Africa Arbitration Academy

Africa Arbitration Academy Flagship Training Programme 2023

London, 29 June 2023

Speaker: Overview of construction and commercial disputes in the mining sector in Africa

Africa Construction Law

3rd Africa Construction Law Conference: Navigating Turbulent Times

Lagos, 6 June 2023

Speaker: Managing construction claims or disputes in Africa: challenges and best practices

LALIVE / Geneva-Society

Lunch Talk: Introduction to Arbitration in Construction Disputes

Webinar, 02 May 2023

Speaker

IBA International Construction Projects Committee (ICP)

8th Biennial Conference on Construction Projects from Conception to Completion

Berlin, 18 March 2023

Moderator: Addressing high volumes of low value claims in construction arbitration

Basel Winter Arbitration School

Conference

Basel, 8 February 2023

Speaker: Enforcement of Arbitral Awards

DIS Construction Group

Conference

Berlin, 13 September 2022

Co-organiser and moderator: Offshore Wind Construction Disputes in a changing Energy Market: Substantive & Procedural Intricacies

Swiss Arbitration Association (ASA) Geneva Group

Conference on Emergency Arbitration

Geneva, 30 June 2022

Speaker: Emergency Arbitration from Counsel's perspective

East Africa International Arbitration Conference (EAIAC)

Conference on "Resettling for a New Age of International Arbitration in Africa"

Kigali, 16 June 2022

Speaker: Disruptions in the Global Supply Chain – Effects and Potential for Disputes

Foundation for International Arbitration Advocacy (FIAA)

Advocacy Workshop

Nairobi, 9-11 June 2022

Faculty/Co-organiser

German Agency for International Cooperation (GIZ) Tanzania

Conference on "Enhancing Out-of-Court Dispute Resolution in Africa"

Dar es Salaam, 26 May 2022

Speaker: Centralization as Key – the case of Switzerland

Society of Construction Law (SCL) Turkey

Annual Construction Law Conference

Istanbul, 12 May 2022

Speaker: Force Majeure and Hardship under Swiss Law

DIS Construction Group

Webinar, 20 January 2022

Co-organiser and moderator: How to manage complexity

Ukrainian Arbitration Association

UAA Online Arbitration School 2021

22 April 2021

Speaker: Introduction to Arbitration in Construction Disputes

DIS Construction Group

Webinar, 22 April 2021

Co-organiser and moderator: Streitverkündung und Joinder bei Baustreitigkeiten

Swiss Arbitration Association (ASA) / Swiss Chambers' Arbitration Institution (SCAI)

Webinar, 21 January 2021

Speaker: How to select arbitrators and mediators?

Istanbul Arbitration Association

Webinar, 21 October 2020

Speaker: The 5 Es of International Arbitration

DIS Construction Group

Webinar, 8 October 2020

Co-organiser and moderator: Kein fester Grund? Wirkung und Durchsetzbarkeit von DAB-Sprüchen

Association of Young Arbitrators (AYA) of the African Arbitration Academy

1st AYA Virtual Symposium

31 March 2020

Speaker: Preparation for Case Management Conferences by Counsel

University of Neuchâtel

Seminar: Construction contracts – from negotiation to dispute resolution

Neuchâtel, 9 March 2020

Speaker: Preparing for the evidentiary hearing and expert examination

ICC Turkey

15th ICC Turkey Arbitration Day

Istanbul, 24 January 2020

Speaker: How to Secure an Enforceable Award

Society of Construction Law (SCL) & Chartered Institute of Arbitrators (CI Arb)

International Conference on Construction Law & Arbitration

New Delhi, 6-8 December 2019

Speaker: Trends in Construction Law in Europe

DIS Construction Group

Inaugural Meeting

Frankfurt, 10 October 2019

Co-organiser/Moderator: The Party-Appointed Expert's Duty to the Tribunal in International (Construction) Arbitration – Do's and Don'ts

Centre of Excellence for Cooperation in Construction

International Construction Contracts Conference

Prague, 16 May 2019

Moderator: Efficient Risk Allocation and Cooperation is the Key!

Istanbul Arbitration Centre (ISTAC) / LALIVE

Turkish-Swiss Arbitration Day

Istanbul, 9 May 2019

Speaker: The Swiss Courts' Approach to the Setting-Aside and Enforcement of Arbitral Awards

German-Swiss Lawyers' Association (DSJV)

SIA Norm 150:2018

Zurich, 10 April 2019

Organiser and Speaker: Neue Schweizer Schiedsregeln für die Baubranche: Überblick und Ausblick

Dispute Resolution Board Foundation (DRBF)

DRBF Regional Conference

Geneva, 15 November 2018

Speaker: Starting out right: DAAB and FIDIC 2017 clauses

Center for International Legal Studies (CILS)

International Arbitration Symposium

Salzburg, 8 June 2018

Moderator and speaker: Site inspections as evidence in construction disputes

International Bar Association (IBA)

International Construction Projects Committee (ICP): Working Weekend

Amsterdam, 13 May 2018

Speaker: New 2017 FIDIC contract – a step forward or simply a heavier work load for parties?

LALIVE

Seminar: Introducing the revised FIDIC Conditions of Contract

Geneva, 3 May 2018

Organiser and speaker: Dispute Resolution under the revised FIDIC Conditions

Global Arbitration Review (GAR)

GAR Live Zurich

Zurich, 26 April 2018

Moderator: International arbitration – a play area for deceit, corruption, fraud and money laundering?

UNCITRAL – Ljubljana Arbitration Centre

Dispute Settlement – turning shadow into light

Ljubljana, 20 March 2018

Speaker: Red flags and the power and duty of arbitral tribunals to investigate suspicions of economic crime in international arbitration

German Bar Association (DAV) – Working Group on International Construction Law

The importance of English contract law in international plant engineering and construction

Munich, 9 November 2017

Speaker: Englischsprachige Verträge in der Praxis des deutschen bzw. schweizerischen Anlagenbaus

International Chamber of Commerce (ICC) / The Nordic Arbitration Centre (NAC)

Effective Dispute Resolution for International Business Transactions

Reykjavík, 7 September 2017

Speaker: Expedited Procedures: Is Faster Always Better?

Swiss Arbitration Association (ASA)

Annual Conference: Shaping Arbitral Proceedings to Best Examine Quantum

Geneva, 3 February 2017

Speaker: Shaping Arbitral Proceedings to Deal with Claims where Quantum Depends on Information Possessed Solely by the Respondent: the Lawyer's View

Ministry of Finance of the Czech Republic/KPMG

6th Investment Treaty Arbitration Conference

Prague, 13 October 2016

Speaker: Whether non-pecuniary remedies are more readily available in commercial arbitration than they are in investment arbitration, and why that might be so

International Bar Association (IBA)

Annual Conference – International Construction Projects Committee (ICP)

Washington DC, 21 September 2016

Speaker: Time-related obligations in key jurisdictions: an update (Switzerland)

Center for International Legal Studies (CILS)

9th Biennial International Arbitration Symposium

Salzburg, 2-5 June 2016

Moderator (Panel on Construction Arbitration)

German-Swiss Lawyers' Association (DSJV)

Schiedsgerichte im Deutsch-Schweizerischen Rechtsverkehr

Berlin, 6 November 2015

Organiser, Moderator

European Society of Construction Law

Annual Conference: Construction Contract, Arbitration and ADR

Milan, 10 October 2014

Speaker: Extension of Time Claims and Declaratory Relief in International Construction Arbitration

Permanent Arbitration Court at the Croatian Chamber of Economy

21st Croatian Arbitration Days

Zagreb, 5-6 December 2013

Speaker: Calculation of Damages in Construction Arbitration

International Bar Association (IBA)

Annual Conference - International Construction Projects Committee (ICP): Latest developments in Construction

Boston, 10 October 2013

Speaker: The FIDIC Guidance Memorandum of 1 April 2013 (enforcement of 'binding' DAB decisions)

Chartered Institute of Arbitrators (CIArb) North American Branch & Georgetown University Law Center

Privately-Financed Infrastructure Projects: Managing and Resolving Disputes Involving Commercial and State Actors

Washington D.C., 4 October 2013

Speaker: State Contracts and Commercial Arbitration (Germany – Switzerland – Austria)

International Chamber of Commerce (ICC)

Advanced PIDA Training International Commercial Arbitration

Paris, 30 September – 1 October 2013

Speaker, Moderator: Setting-up of Claimant's Strategy in Preparing the Request for Arbitration

Management Circle Seminar

Schweizer Recht im Anlagenbau (Swiss Law in The Plant Construction Industry)

Frankfurt, 16 July 2013

Lecturer, Workshop Director

Foundation for International Arbitration Advocacy (FIAA)

Workshop: Questioning of Expert Witnesses in International Arbitration

Paris, 8-10 December 2011

Faculty member

Speaker: Law Applicable to the Extension of Arbitration Agreements

Management Circle Seminar

Schweizer Recht im Anlagenbau (Swiss Law in the Plant Construction Industry)

Cologne, 6 July 2011 – Frankfurt, 8 August 2011 – Munich, 6 September 2011

Lecturer, Workshop Director

WTO

Symposium: WTO Litigation, Investment and Commercial Arbitration, Cross-fertilization and Reciprocal Opportunities

Geneva, 9 May 2011

Speaker: Legal remedies in International Commercial Arbitration

Management Circle Seminar

Schweizer Recht im Anlagenbau (Swiss law in the plant construction industry)

Cologne, 17 November 2010 – Munich, 13 December 2010 – Frankfurt, 25 January 2011

Workshop Director

State Chancellery of the Republic of Latvia

Topicalities in international commercial arbitration

Riga, 4-5 September 2006

Speaker: Arbitration of merger & acquisition disputes

ACADEMIC POSITIONS

Lecturer

University of Fribourg, LL.M. in International Contracts & Arbitration

Since 2012
