

Eliane Fischer

Partnerin // Rechtsanwältin

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Eliane Fischer practices in the area of dispute resolution and international arbitration. She focuses on complex international construction and engineering cases, oil and gas disputes, sales, supply and distribution contracts, blockchain and crypto disputes as well as on joint venture and post M&A disputes. Who is Who Legal praises her as standing out among peers as “a brilliant counsel in complex construction disputes” thanks to her “highly pragmatic and efficient approach” and commends her “excellent knowledge of the construction industry”, her strategic and straightforward thinking and the exceptional ideas she brings to her cases.

Eliane represents parties and acts as arbitrator in cases under various arbitration rules. She also advises applicants in cases before the European Court of Human Rights. Eliane speaks regularly at conferences and teaches the International Commercial Arbitration class at the Lille Catholic University.

Eliane is a founding partner of rothorn legal. She previously worked for more than ten years in major international law firms in Vienna and Zurich. She also practiced as a case lawyer at the European Court of Human Rights in Strasbourg. Eliane completed her legal education at the University of Fribourg, Switzerland (Master’s degree) and at the Graduate Institute of International and Development Studies in Geneva (Master of International Affairs).

Eliane is qualified to practise in Switzerland. She speaks German, English and French.

Experience (Excerpt)

- Representing a utility provider in a dispute regarding breaches of a contract for the construction of a coal-fired power plant
- Representing a world-leading automotive company in arbitration proceedings against one of its distributors concerning the alleged defective and late delivery of vehicles and spare parts
- Representing an international investment company in attachment and enforcement



- proceedings of an arbitral award
- Advising a distributor of pharmaceutical products in a dispute with the licensor over the termination of the licensing agreement
- Advising a crypto-asset investor in connection with proceedings against a foundation and its founder concerning unilateral restrictions imposed on the sale and distribution of crypto tokens
- Representing a joint venture in arbitration proceedings concerning delay and disruption incurred in the expansion of an oil field
- Representing a designer and manufacturer of high-performance sensor solutions in a dispute arising from an agency contract
- Representing a gas-storage provider in disputes over price adjustments in long-term gas-storage contracts
- Representing a leading power-plant construction company in several disputes over additional costs and penalty payments for delayed/defective works and in disputes over delays in planning, equipment delivery and overall completion of a combined-cycle power plant
- Representing parties before state courts and in Emergency Arbitration proceedings to ensure or prevent payment following a bond call
- Presiding arbitrator in a dispute regarding payment defaults and claims arising from the termination of a contract for the sale and purchase of natural gas

Qualifications

- Master of international affairs, Graduate Institute of International and Development Studies, Geneva, Switzerland
- Master of law, University of Fribourg, Switzerland
- Diplôme d'administration et politique internationales, University of Grenoble, France

Publications (Excerpt)

- *Legal Tech in Construction Disputes*, International Construction Disputes, 2022 (with Mino Han, Tom Pröstler, Christina Täuber)
- *Abuse of process in investment arbitration – key factors to be considered when restructuring investments*, Romanian Arbitration Journal, Issue 1/2022 (with Sorin Dolea)
- *Investment Arbitration, Mind the gap – Jurisdictional factors to be considered*, Austrian Yearbook on International Arbitration, 2021 (with Sorin Dolea) <https://www.kluwerarbitration.com/document/KLI-KA-Austrian-YB-2022-018-n>
- *Swiss Supreme Court Clarifies Arbitrability of Claims in Insolvency Context*, Kluwer Arbitration Blog, 12. July 2021 (with Kevin Li) <http://arbitrationblog.kluwerarbitration.com/2021/07/12/swiss-supreme-court-clarifies-arbitrability-of-claims-in-insolvency-context/>
- *Costs Follow Conduct – A Musical Altercation*, Kluwer Arbitration Blog, 26. October 2017 (with Flavio Peter)
- *Efficient and Expeditious Dispute Resolution in M&A Transactions*, Austrian Yearbook on International Arbitration, 2017 (with Michael Walbert), <https://www.walbert.law/wp-content/uploads/2018/04/Efficient-And-Expeditious-Dispute-Resolution-In-MA-Transactions.pdf>



- *Beendigung von Schiedsverfahren*, Handbuch Schiedsgerichtbarkeit, 2017 (with Günther Horvath and Désirée Prantl)
- *Kommentar zu Art. 109 und 110 der Schweizerischen Strafprozessordnung*, Basler Kommentar, 2nd edition 2014 (with Peter Hafner)
- *International Arbitration in Switzerland: A Handbook for Practitioners*, 2nd edition 2013 (with Nathalie Voser) The Arbitral Tribunal

