

# Dr. iur. Roberto Dallafior, H.E.E.

## Position

Partner

## Expertise

Roberto Dallafior represents clients in proceedings before state courts, arbitral tribunals (in particular ICC, Swiss Rules and ad hoc) and administrative bodies, focusing on corporate and commercial disputes and on complex insurance/reinsurance, banking and financial litigation and arbitration (including banking insolvencies and FINMA enforcement proceedings) as well as on unfair competition, antitrust and procurement proceedings.

He also serves as arbitrator in arbitrations, in particular in proceedings under the ICC Rules, the Swiss Rules and in ad hoc proceedings.

## Further business activities

Arbitrator with the International Chamber of Commerce (Swiss List); vice chairman of the Commission on Legal Fees of the Zurich Bar Association

## Professional experience

Admitted to the bar since 1990; junior associate with Henrici, Reber & Wicki, Zurich (1986-1987); associate with Homburger Rechtsanwälte, Zurich (1990-1991 and 1993-1996); foreign associate with Cleary, Gottlieb, Steen & Hamilton, Brussels (1992-1993); foreign associate with Brosio, Casati & Associati, Milan (1993); partner with Stern & Partner, merged into Hess Dallafior Rechtsanwälte, Zurich (1996-2006); partner with Nater Dallafior Rechtsanwälte AG, Zurich, since 2006 (founding partner)

## Languages

German, English, Italian, French

## Professional recognition

Recommended in **Chambers Global** and **Chambers Europe** since many years as leading individual in commercial litigation. Chambers Global and Europe 2020 write that according to clients, *"he is able to shape your strategy because of his experience"*.

In prior editions Chambers Europe and Global quoted clients as follows: *"He does a brilliant job and is terrific in developing and anticipating strategy."* Furthermore: *"Roberto Dallafior ' strikes a balance between tactics, conceptual thinking and a pragmatic approach,' according to clients. Although best known for his litigation practice, he is taking on an increasing amount of arbitration work."* And continue: *"Roberto Dallafior is a commercial litigator who ' really knows how to win proceedings.'* Sources note his proactive attitude and ability to anticipate his clients' needs. He also handles arbitration." Further, he has *"immense expertise and is a litigator par excellence."* *"His legal experience and know-how are second to none. He tackles and resolves the key issues without getting sidetracked."*

**Legal500** quotes: *"He is calm and objective. He identifies and concentrates on the important*



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issues, but also pays attention to the 'nuisance' side-issues. His overall grasp and management of the (complicated) case, as well as related matters, makes him invaluable."

**Who's Who Legal** says: "'Top litigator' Roberto Dallafior is highly respected for his expertise in banking litigation as well as his specialist knowledge of regulatory matters". Further, WWL summarized statements of third parties as follows: "Dallafior provides sensible advice and is highly commercial in his approach to matters." And continues: "The 'terrific' Roberto Dallafior heads the commercial litigation practice at specialist dispute resolution firm Nater Dallafior Rechtsanwälte AG. He has a 'wonderful reputation' for guiding clients through all phases of litigation from the advisory stage to actual proceedings, including enforcement proceedings." **Expert Guides** recommends Roberto Dallafior as an expert for litigation.

### Education

Studies at the University of Zurich (lic. iur., 1986; Dr. iur., 1990); research assistant with the chair of international private law and contract law at the University of Zurich (Prof. A. Heini, 1987-1988); post graduate studies at the College of Europe (Diploma of Advanced European Legal Studies, 1992)

### Professional affiliations

Zurich Bar Association (ZAV); Swiss Bar Association (SAV); International Bar Association (IBA); Swiss Arbitration Association (ASA); London Court of International Arbitration (LCIA)

### Publications

- Roberto Dallafior, Kommentierung von Art. 2-4 und 59-62 LugÜ, in: C. Oetiker/T. Weibel (Hrsg.), Basler Kommentar zum Lugano-Übereinkommen, 3. Auflage, Basel 2023 (together with Benjamin Schumacher)
- Florentin Weibel/Roberto Dallafior, Statutarische Schiedsklauseln - Echte Game Changer?, GesKR 1/2023, S. 34-47
- Benjamin Schumacher/Roberto Dallafior, Die Vereinbarung von Erfolgsprämien für den Anwalt - Bundesgerichtlicher Angriff auf die Vertragsfreiheit und was sonst zu beachten ist, AJP 11/2017, S. 1284 ff.
- Kommentar zu Art. 2-4 und 59-62 LugÜ, in: C. Oetiker/T. Weibel (ed.), Kommentar zum Lugano-Übereinkommen, 2nd edition, Basel 2015.
- Contract law, in: Ch. H. Kälin (ed.), Switzerland Business & Investment Handbook, 3rd edition, Zurich 2011, p. 117 et seqq.
- Überblick über die wichtigsten Änderungen des Lugano-Übereinkommens, SJZ 2008, p. 105 et seqq.
- Neue Regeln für die freie Fahrt im Automobilvertrieb, sic! 2002, p. 776 et seqq.
- Jahr 2000, Wegweiser zu den wichtigsten rechtlichen Fragen, Zurich 1999
- David gegen Goliath, Lex Dossier: Kartellrecht, Handelszeitung vom 3. Februar 1999
- Kommentar zu den Missbrauchstatbeständen (Art. 7 Abs. 2 KG), in: E. Homburger/B. Schmidhauser/F. Hoffet/P. Ducrey (Hrsg.), Kommentar zum schweizerischen Kartellgesetz, Zurich 1997
- Die Legitimation des Erben, Eine rechtsvergleichende und internationalprivatrechtliche

Studie, Diss., Schweizer Studien zum internationalen Recht 66, Zurich 1990

- Durchsetzung des gesetzlichen Anspruchs auf Einberufung der Vereinsversammlung (Art. 64 Abs. 3 ZGB), SJZ 1989, p. 376 et seqq.

- Können Fakten Verträge begründen? - Zum sog. faktischen Vertragsverhältnis, Bemerkungen zu einem Urteil des Obergerichts des Kantons Solothurn, SJZ 1989, p. 273 et seqq.

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