

Dr. iur. Mladen Stojiljkovi?, LL.M.

Position

Partner

Practice focus

Representing clients in complex commercial disputes before arbitral tribunals (ICC, Swiss Rules, DIS, ad hoc, etc.) and all Swiss courts, in judgment and arbitral award enforcement, attachment and insolvency proceedings, and in cross-border evidence taking and other legal assistance matters.

Serving as arbitrator (sole arbitrator, co-arbitrator, chairman) in arbitration proceedings, particularly under the ICC Rules, Swiss Rules, and in ad hoc arbitration.

Serving as expert witness on Swiss law in proceedings abroad.

Other activities

Arbitrator at the International Chamber of Commerce (Swiss Arbitrators List); Author at Weblaw's digital case notes ("digitaler Rechtsprechungskommentar") for "Private International Law/International Civil Procedure and Arbitration" and "Civil Procedure"

Professional experience

Admitted to the bar in Switzerland (2010) und California (2022); Associate at Homburger, Zürich (2011-2013); International Counsel at Williams & Connolly, Washington, D.C. (2014-2015); Senior Associate at Homburger, Zürich (2015-2019); Counsel at Vischer, Zürich (2019-2023); since 2023 Partner at Nater Dallafior Rechtsanwälte AG

Languages

German, English, French, Serbian/Croatian/Bosnian

Recognitions

Recognized by Who's Who Legal as "Thought Leader Global Elite - Commercial Litigation - under 45 2023" and as one of the "Most Highly Regarded" in the category "Future Leaders - Europe, Middle East, and Africa - Non-Partners - Commercial Litigation" (2021 und 2022). Recognized by Who's Who Legal for Arbitration (Future Leaders, 2018-2023; "Mladen is [a] brilliant arbitration practitioner"; "He impresses with his focused and determined approach"; "[he] wins high praise from market sources who distinguish him as "professional and extremely well-prepared counsel"; "[he] is 'a bright and experienced young arbitration practitioner with high potential" say sources, who note "his calm and controlled manner distinguished him in his advocacy"; "[he] is highly regarded for his top-tier counsel work as well as his impeccable commercial knowledge") and Commercial Litigation (National Leaders, 2022; Future Leaders, 2020-2022; Mladen Stojiljkovi? is looked upon with enormous favour as 'a competent, smart and up-to-speed' litigator' who is 'very experienced for his age'; "[he] is 'a very good technician and negotiator' with 'an excellent academic background"; "[he] impresses Sources with his leading litigation work. One source notes that



Dr. iur. Mladen Stojiljkovi?, LL.M.

+41 44 250 45 61 Phone

+41 78 884 78 29 Mobile

stojiljkovic@ndlegal.ch

he is 'extremely competent while humble''').

Expert Guides (Euromoney/Legal Media Group) lists him as a "Rising Star" in "Commercial Arbitration" (2021-2022).

Education

Law degrees from the University of Zurich (lic. iur., 2007; Dr. iur., 2014) and Columbia Law School, New York, NY (LL.M., 2014)

Research Assistant to Prof. George A. Bermann, Walter Gellhorn Professor of Law and Jean Monnet Professor of European Union Law, Columbia Law School (2013-2014); Assistant at the Chair for Private Law, Comparative Law and Private International Law at the University of Zurich (Prof. Dr. Helmut Heiss, 2007, 2009-2011); Assistant at the Chair for Swiss and European Private Law at the University of Zurich (Prof. Dr. Heinrich Honsell, 2007)

Professional affiliations

Swiss Arbitration Association (ASA), German Arbitration Institute (DIS), American Bar Association (ABA), International Bar Association (IBA), Zurich Bar Association (ZAV); Swiss Bar Association (SAV)

Publications

- Art. 18-21 Lugano Convention (jurisdiction in employment matters), in: Basler Kommentar, Lugano Übereinkommen, 3rd ed. (forthcoming)
- Wer entscheidet über die Rechtzeitigkeit der Aberkennungsklage - Betreibungsamt oder ausländisches Schiedsgericht?, Case Note on Decision 5A_496/2021, in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 9 September 2022
- Art. 30a, 261-264, 266-267, 268-270 SchKG, in: Basler Kommentar, Schuldbetreibungs- und Konkursgesetz, 3rd ed., 2022 (with M. Staehelin)
- Zur Substanziierungslast der nicht beweisbelasteten Partei, Schweizerische Zeitschrift für Zivilprozess- und Zwangsvollstreckungsrecht (ZZZ), 57/2022, 3-6
- Switzerland, in: D. Taylor (ed.), The Dispute Resolution Review, The Law Reviews, 14th ed., 2022, 341-355 (with K. Graf)
- Swiss Federal Court addresses waiver clause under Article 192 PILA, Case Note on Decision 4A_382/2021, in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 16 December 2021
- Contract Interpretation under the CISG from the perspective of Swiss law: selected issues, in: Unifikacija prava I pravna sigurnost, Zbornik radova 33. Susreta Kopaoni?ke ?kole prirodnog prava - Slobodan Perovi?, Tom III, Belgrade, 2020, 53-63
- Subjective Interpretation of Arbitration Agreements and Judicial Review, Case Note on Decision 4A_418/2019, in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 24 September 2020
- Dispute Resolution, in: U. Studer/K. Tsün/S. Stählin (eds.), Lexology/Getting The Deal Through - Practice Guides, Swiss M&A, 2020, 131-139 (with G. Virieux)
- Burden and Standard of Proof in Investment Arbitration, in Investment Treaty Arbitration Law Review, 5th ed., 2020 (with D. Favalli)

- Arrestprosequierung mittels Schiedsklage, Schweizerische Zeitschrift für Zivilprozess- und Zwangsvollstreckungsrecht (ZZZ), 2020, 21-29
- Zur Auslegung von Schiedsvereinbarungen, Case Note on Decision 4A_342/2019, in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 31 March 2020 (with S. Pfenninger)
- Swiss Federal Court Addresses Jurisdiction and Admissibility in CAS Arbitration, Case Note on Decision 4A_413/2019, in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 17 December 2019
- State Immunity from Enforcement and the New York Convention, Case Note on Decision 5A_942/2017 (BGE 144 III 441), in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 30 September 2019
- Non-Signatories and Article II of the New York Convention, Case Note on Decision 4A_646/2018 (BGE 145 III 199), in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 22 July 2019
- Zur Schiedsfähigkeit arbeitsrechtlicher Streitigkeiten, Case Note on Decision 4A_7/2018 (BGE 144 III 235), in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 31 May 2018
- Arbitration clauses in corporate bylaws, Case Note on Decision Urteil 4A_344/2017, in: digitaler Rechtsprechungskommentar (dRSK), Weblaw, 21 March 2018
- The arbitration agreement: an unreviewable finding of fact?, Case Note on Decision 4A_150/2017, in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 21 February 2018
- Waiving any recourse against the arbitral award - do parties waive also the right to request revision?, Case Note on Decision 4A_53/2017 (BGE 143 III 589), in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 19 December 2017
- Swiss Supreme Court Addresses Judicial Reviewability of Interim Awards on Jurisdiction, Case Note on Decision 4A_98/2017 (BGE 143 III 462), in digitaler Rechtsprechungskommentar (dRSK), Weblaw, 18 August 2017
- Challenging Interim Awards on Jurisdiction in Swiss-seated Arbitrations, Euromoney Commercial Arbitration Expert Guide 2017 (with G. Naegeli)
- Arbitral Jurisdiction and Court Review: Three Swiss Federal Supreme Court Decisions to Reconsider, ASA Bulletin 4/2016, 897-913
- The Challenge of an Arbitral Award on the Basis of Pararegulatory Texts, in: D. Favalli (Hrsg.), Sense and Nonsense of Guidelines, Rules and Other Pararegulatory Texts, ASA Special Series No. 37, 2015 (with B. Gross)
- Art. 18-21 Lugano Convention (jurisdiction in employment matters), in: Basler Kommentar, Lugano Übereinkommen, 1st ed. 2011 and 2nd ed. 2015 (both with B. Meyer)
- Die Kontrolle der schiedsgerichtlichen Zuständigkeit, Zürich/St. Gallen 2014 (Diss. Zürich 2014)
- Perjury in Arbitral Proceedings, Global Arbitration Review, 29. Juli 2011 (mit T. Müller)
- Untaugliches Widerspruchsverfahren im Kartellrecht - Wenn Firmen auf offene Fragen nach dem Erlaubten keine Antwort erhalten, in: Neue Zürcher Zeitung, Nr. 163, 17. Juli 2009 (mit K. Neff)

Speaking Engagements

- Disputes in Uncertain Times, DIS40 Zurich, Geneva, 30 November 2022

- Diversity in Arbitration, Belgrade Arbitration Conference 2022, Belgrade, 1 April 2022
- Is Joinder in Arbitration Up to the Challenge, ICC Young Arbitrators' Forum (YAF) & Young Austrian Arbitration Practitioners (YAAP), Vienna/online, 27 March 2021
- Utjecaj pandemije Covid-19 na arbitražni postupak - izazovi, iskustva i (tehnološka) rješenja
- Influence of the COVID-19 pandemic on the arbitral procedure - challenges, experience, and (technological) solutions, Young Croatian Arbitration Practitioners (YCAP)/Under 40 Section of the Serbian Arbitration Association, online, 8 May 2020
- Dos and Don'ts of Cross-Examination, Cross-Examination Workshop, ASA Below 40/Swiss Chambers' Arbitration Institution/Geneva Chamber of Commerce, Geneva, 28 February 2019
- Structuring Dispute Resolution Clauses in Investment Projects: Dos and Don'ts, Sarajevo Arbitration Days, Sarajevo, 24 October 2018
- The Brush-up of Chapter 12 of the Swiss Private International Law Act, Belgrade Arbitration Conference 2018, Belgrade, March 2018
- The Arbitrator's Duty to Disclose Potential Conflicts, ICC Young Arbitrators' Forum (YAF), Zurich, 8 December 2017
- Determining the Arbitral Procedure, ASA Below 40, Geneva, June 2016
- The Arbitrator as Settlement Facilitator, guest lecture in the course "Advocacy in International Arbitration", Yale Law School, New Haven (CT), April 2016
- Jurisdiction and Choice of Law, guest lecture in the course "Advocacy in International Arbitration", Yale Law School, New Haven (CT), February 2015

Nater Dallafior Rechtsanwälte AG

Stockerstrasse 38
 CH 8002 Zürich
 +41 44 250 45 45 Phone
 +41 44 250 45 00 Telefax
www.ndlegal.ch