



Frank Spoorenberg

Partner

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Languages

French, English, German

Expertise

Frank acts as counsel before arbitral tribunals as well as state courts. He regularly sits as co-arbitrator, sole arbitrator and chairman. He also assists parties in pre-arbitration or pre-litigation phases, as well as in annulment proceedings against awards before the Swiss Supreme Court. His cases relate among others to M&A, joint ventures, distribution, agency, licensing, service agreements and international sales. His industry experience includes among others energy, telecommunications, trading, machine industry, automobile, pharma, luxury industry, robotic, construction, oil and gas, bank and finance, sport industry and real estate. Frank is a member of the ICC Commission on Arbitration and ADR.

Dispute Resolution

Career

- 2023 Partner, Niederer Kraft Frey, Geneva
- 2007 Partner, Swiss law firm, Geneva
- 2002 Associate, Swiss law firm, Geneva
- 2001 Foreign Associate, international law firm, New York and Washington, D.C.
- 1997 Associate, Swiss law firm, Geneva
- 1993 Trainee, Associate, Swiss law firm, Geneva

Education

- 1995 Admitted to the Swiss Bar
- 1993 LL.M., College of Europe, Bruges, Belgium

1991 Master of Law, University of Fribourg, Switzerland

Experience

- Frank has acted as counsel and arbitrator in over 70 arbitration proceedings. He has published and spoken in the area of contract and arbitration law.
- Before focusing on international arbitration and commercial litigation, Frank developed a strong expertise in M&A, financing, general corporate and commercial contracts.
- Experience highlights include:
 - Counsel in an ICC arbitration in a trust dispute, representing a private client
 - Counsel in an LCIA arbitration in the oil and gas industry, representing an African bulk distribution company against a leading commodity trading company
 - Counsel in a CiArb arbitration in the shipbuilding industry, representing a top tier European shipbuilder and shipyard operator
 - Counsel in an Emergency arbitrator proceeding (ICC) in the steel industry, representing a top tier international group
 - Counsel in a Swiss Rules case in the air travel food and beverage industry, brand owner against a multinational group

Professional Memberships

Geneva and Swiss Bar Associations

Swiss Arbitration Association (former board member)

Member of the ICC Commission on Arbitration and ADR

International Bar Association

Inter-Pacific Bar Association

Court of the Swiss Arbitration Centre (former Vice-President and former court member)

Speaking Engagements

- Nouveau Règlement suisse supplémentaire pour les différends relevant du droit des sociétés, Swiss Arbitration Association, Geneva, December 2022
- Profils, attentes et transparences des arbitres français et suisses: quelles convergences, quelles différences? Swiss Arbitration Association (ASA), Association Française d'Arbitrage (afa), Ordre des Avocats de Paris, Ordre des Avocats de Genève, Genève, October 2022
- Arbitrage du droit des sociétés: clause arbitrale et procédure, Swiss Arbitration Association, Geneva Group, October 2021
- Turkish Arbitration Law: Thoughts for change as a 20th - birthday present? Istanbul Bilgi University, Webinar, October 2021
- Putting Corporate Law Arbitration into Practice: The Swiss Rules and DIS Approaches, Swiss Arbitration Association (ASA), Fall Conference, Bern, September 2021

- Dealing with possible objections regarding jurisdiction – Absence of a party, IDArb, Dispute Resolution for International Distribution, Geneva, November 2018
- The conditions for an effective expedited procedure. A comparison of different experiences, IDI, International Distribution Institution, Florence, June 2018
- Dispute Resolution in Turkey: Challenges & Opportunities, ICC Turkey Arbitration Day, Istanbul, February 2018
- International Arbitration Rules of the Swiss Chambers' Arbitration Institution (SCAI) in comparison with the Rules of the Tehran Regional Arbitration Center (TRAC), Appointment and Challenge of Arbitrators, Tehran, April 2016
- Disputes from A to Z – Handling disputes with commercial partners from other jurisdictions: choosing the best dispute resolution technique, optimizing costs..., General Counsel 2016, Development Institute International, Geneva, March 2016
- International Arbitration: Limitless Flexibility?, DRI, Zurich, April 2015
- Réconcilier les attentes des traditions de common law et de droit civil: L'exemple des Règles IBA sur la Preuve, UIA, Florence (Italy), October 2014
- Swiss Rules: Expedited Procedure, 2014 International Distribution Institute annual conference, Turin (Italy), June 2014
- Arbitration Legislation Reform in Russia: Comments from a Swiss Perspective, Russian Arbitration Association, Moscow, April 2014
- 10 Years of Swiss Rules of International Arbitration, an Arbitrator's View: A few Reflections about Case Administration under the Swiss Rules, ASA annual conference, Basel, January 2014
- Arbitrages concernant des contrats d'intermédiaires – Questions procédurales et de fond, y compris allégations d'illicéité, Swiss Arbitration Association, Geneva Group, Geneva, November 2013
- Methodology to instruct and monitor counsel in complex arbitration/litigation proceedings, while securing the desired outcome, 15th Annual Roundtable, General Counsels, Geneva, June 2010, with Pierre-Yves

Market Perception

Frank Spoorenberg acts as arbitrator on commercial arbitration cases, including construction as well as supply and distribution agreement disputes. He also represents clients in post-M&A cases. A source states: "What makes him very pleasant to work with is that he is very calm, he is always on top of the issues and he is very straightforward." (Chambers Global and Europe 2022 – Counsel, Arbitrators)

Frank Spoorenberg possesses "extensive knowledge of the arbitration process" and provides a "strategic and professional approach" in M&A, financing and contract disputes. (Who's Who Legal 2021 – Arbitration)

Frank Spoorenberg is an "excellent professional, he is quick and reliable and he has a bright spirit," according to sources. He acts as arbitrator on commercial arbitration cases, including construction as well as supply and distribution agreement disputes. He also represents clients in post-M&A cases. (Chambers Global and Europe 2021 – Counsel, Arbitrators)

Frank Spoorenberg assists clients with commercial and post-M&A disputes. Sources highlight his "thorough analysis and ability to develop the best strategy" and add that "even under pressure, he is able to remain on top of things." He also chairs commercial, construction and contractual arbitrations, particularly in the energy industry. Interviewees describe him as "very efficient and smart." (Chambers Global and Europe 2020 – Arbitration)

Publications

- Yearly Review of Swiss arbitration decisions
by Frank Spoorenberg (with Pierre-Yves Tschanz)
in: Revue de l'arbitrage, 2018 to 2021
- Yearly review of Swiss arbitration cases
by Frank Spoorenberg
in: Turkish Journal of International Trade and Arbitration Law (JITAL), 2011 to 2021
- Commentary of Art. 1-2 of the Swiss Rules of International Arbitration
by Frank Spoorenberg
in: Zuberbühler/Müller/Habegger (edit.), Commentary of the Swiss Rules of International Arbitration, 3rd ed, Zurich 2023 (co-author)
- Arbitration in Switzerland – The Practitioner's Guide, ICC Rules Art. 38-41
by Frank Spoorenberg
in: Manuel ARROYO (edit.), Wolters Kluwer, Arbitration in Switzerland – The Practitioner's Guide, 2nd ed., 2018
- The Arbitrators' Initiative: When, Why and How Should It Be Used?
by Frank Spoorenberg
in: ASA Special Series No. 45, 2016 (co-editor with Domitille Baizeau)
- An arbitrator's perspective : A few reflections about the case administration under the Swiss Rules in 10 years of Swiss Rules of International Arbitration
by Frank Spoorenberg
in: Nathalie VOSER (edit.), ASA Special Series No. 44, 2014
- Consent to Arbitrate: A Prerequisite to Arbitration
by Frank Spoorenberg
in: Journal of International Trade and Arbitration Law (JITAL) vol 1/2 2012, pp. 241 ff (co-author)
- Energy Agreements – Force Majeure and Hardship Clauses
by Frank Spoorenberg
in: Makuch/Pereira (edit.), Environmental and Energy Law, Wiley-Blackwell Publishing, Chapter 11, 2012 (co-author)