

Financial Litigation

As the Swiss presence of the largest global law firm solely devoted to dispute resolution, we are uniquely placed to achieve favorable results for our clients in complex domestic and international business disputes. In doing so, we work closely with the QE offices around the world, to offer coordinated, multi-jurisdictional dispute avoidance and resolution strategies for our clients.

We are one of the few top-tier firms that can be adverse to the global money center banks. Because we have no transactional department, we have no deal business to protect. Nor do we have “business conflicts.” As a result, we have been free to pioneer actions against the world’s largest banks, taking on essentially the entire financial industry.

In addition, we have the expertise and experience to analyze any of the complex financial products sold by banks to our clients and go toe-to-toe with the law firms for major financial institutions.

NOTABLE REPRESENTATIONS

- a) We represent a UHNWI in civil and criminal proceedings against a major bank with respect to claims arising from the illicit conduct of a whole team of the bank’s relationship managers.
- b) We represent the family office of an UHNW in a complex, high-stakes dispute against a major Swiss banks in both civil proceedings in Switzerland as well as proceedings brought under 28 U.S. Code § 1782 (request for discovery in support of foreign proceedings) in New York.
- c) We represent and advise EFG International, a major Swiss private bank, in connection with a significant cross-border litigation and regulatory investigation case spanning Switzerland, Singapore, Hong Kong and Taiwan. We are lead strategic adviser to the Board of Directors and top-ranking management of EFG. Issues include complex financial contract litigation, regulatory investigations in multiple jurisdictions, and criminal investigations against individuals among others.
- d) We advised the liquidator of a Dubai company in proceedings before the Dubai International Financial Centre (DIFC) Courts against IHAG Private Bank, Zurich, on Swiss law issues. Our advice focused on the scope of Swiss banking secrecy provisions and the enforceability of a DIFC judgment in Switzerland. Client sought our advice to substantiate its position that the DIFC Courts have jurisdiction over the case.
- e) We represented a Russian UHNWI in a EUR 70m complex financial dispute spanning multiple jurisdictions and numerous opaque corporate structures. Our client – amongst a number of other high-profile investors – had invested significant funds in illiquid bonds. We obtained a complete recovery plus all legal costs in less than one year.
- f) We advised the Swiss Market Participants Group, formed under the auspices of the Financial Stability Board (established by the G20) on risks and feasibility of replacing the existing Swiss Franc Libor with alternative benchmark rates and what impact, including risk of litigation,

such a transition would have on existing contracts worth billions of dollars that reference the Swiss Franc Libor.

- g) In a case regarding the cross-jurisdictional mis-selling of structured products, we acted in his capacity as a Swiss law expert for high-profile claimants in Dubai, which brought proceedings against two Bank Sarasin entities (one located in Switzerland, the other in Dubai; defendants) before the Dubai International Financial Centre Courts to recover substantial losses. Following Thomas Werlen's interpretation of Swiss law, the DIFC Court, presided over by Sir John Chadwick, held that both Sarasin entities had acted in breach of regulatory and contractual obligations and ordered the banks to pay a total sum of USD 70 million to the claimants in compensation. The DIFC Court's ruling has important implications with regard to two areas of the Dubai Financial Services Authority (DFSA): (1) how far does the DFSA's regulation extend, and (2) acceptable practice in treating customers fairly (i.e. assessing suitability) in relation to complicated financial products.
- h) We are representing a Liechtenstein-based investor who invested in a dual-currency (USD/CHF) bond, which following a technical error within the Swiss Stock Exchange continued to trade at around 95%. At maturity, the error was corrected and our client had lost close to 50% of the investment. Threatening litigation based on a convincing legal theory we obtained a favorable settlement for our client with their two deposit banks.
- i) We represented a Swiss private bank in connection with requests for banking records made by beneficial owners of two closed bank accounts that have been mentioned in the so called Panama Papers. The beneficial owners were targets of criminal investigations for possible tax offenses conducted by the US Department of Justice and the account holders. The case involved a potential criminal and regulatory exposure. We advised on US and Swiss law questions, here in particular the Swiss blocking statutes and specific banking law questions and represented the bank vis-à-vis the beneficial owners of said accounts.
- j) We represent a Middle Eastern sovereign wealth fund in connection with Swiss company law/corporate governance issues and a regulatory investigation against a Swiss-based subsidiary that is regulated by the Swiss Financial Market Supervisory Authority.
- k) We acted for a major Hong-Kong-based private equity group and two of its shareholders. We advised and represented both the private equity group as well as the shareholders with respect to asset freezing proceedings both in civil and criminal proceedings.
- l) We represent a US-based UHNWI in a litigation in the US against another wealthy individual regarding transactions in the commodities area valued at hundreds of millions of USD. A significant portion of these transactions involved a bank in Switzerland. The Swiss office supported the New York office in obtaining relevant information for use in the US proceedings.

RANKINGS AND AWARDS

The QE Swiss office has been mentioned in the key business and news media in Switzerland as among the premier firms in Switzerland, and has been described as one of the most innovative and most aggressive firms in its field.

Among others, the QE Swiss office is named as a top law firm in Switzerland and ranked in Tier 1 with “5 Stars” in Litigation & Arbitration, International Law, White-Collar Crime and Sports Law by Bilanz (2019).

Also, QE Swiss office is ranked in Tier 2 in Sports Law, Tier 3 in Dispute Resolution: Arbitration and Tier 4 in Dispute Resolution: Litigation by Legal 500.