

# In Memoriam

## Dr Daniel WEHRLI

Daniel Wehrli left us suddenly on 12 November of last year. For many years he served ASA, as the leader of the ASA Group in Zurich, as a member of the ASA Board and, since 2009, as Vice-President, as a thoughtful advisor and for many of us as a friend.

After studies in Zurich, he practiced as a young associate in law firms in New York and Rome; but soon returned to Zurich. Partner in his firm of Müller Wehrli & Partner, he joined some twenty years ago Gloor & Sieger as partner. Most of his career was focused on arbitration, acting as counsel and above all as arbitrator. In more than 140 cases he sat as chairman, sole arbitrator or co-arbitrator in a variety of proceedings, ad hoc and under the rules of the International Chamber of Commerce (ICC), the Zurich Chamber of Commerce and the Swiss Rules as well as a number of institutions abroad, such as the German Institution of Arbitration (DIS), the Vienna International Arbitration Centre (VIAC) and the Vilnius Court of Arbitration.

Dr Wehrli contributed to the development of arbitration in Switzerland and internationally, in his role on the Panel of Permanent Chairmen of the Zurich Chamber of Commerce and as an Expert Member of the Subcommittee on domestic arbitration in the new Swiss Code of Civil Procedure; and through his publications on Swiss and international arbitration. He represented ASA on the international scene, in particular as its observer in the UNCITRAL Working Group revising the Arbitration Rules; his reports to the Board and the synoptic tables showing the evolution of this work became useful tools. Through his interventions he brought to bear in the forum of UNCITRAL the development that led to the first edition of the Swiss Rules of International Arbitration; and he presented this experience in his contribution on The Swiss Rules and the Revision of the UNCITRAL Arbitration Rules.

Together with Daniel we formed “le Bureau” of the ASA Board, consulting over the telephone and by e-mail and meeting at occasions in Zurich or Geneva. Beyond his role and reputation as thorough and fair arbitrator, we will remember Daniel for his sense of duty and responsibility, his good judgment, balanced advice and loyal support of our joint assignment. Our sadness about his departure is shared by the

members of ASA who sent us thoughts of remembrance, some of which are reproduced below.

For the Board of ASA  
ELLIOTT GEISINGER, MICHAEL E. SCHNEIDER  
Vice-President, President

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**Piero BERNARDINI, Rome:**

*I have met Daniel on occasion of what probably was his last assignment in a very complex arbitration case. As arbitrator in that same case I have had the opportunity to fully appreciate Daniel's professional qualities and how much he, as chairman, was dedicated to the understanding of the case. He was ready to listen to the other arbitrators' views and to modify his own position whenever convinced that that was the right solution. It is with deep sadness that I have learnt of his unexpected passing away.*

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**François DESSEMONTET, Lausanne:**

*Daniel WEHRLI : A Subtle and Creative Friend*

*Daniel Wehrli sat on the ASA Board for most of the 20 years I had the privilege to come to its meetings. I could enjoy his quiet friendship and long discussions with him during informal occasions. I found him to be subtle and creative in his approach to the practice of law.*

*Not only has he been versed in arbitration, being appointed as arbitrator to more than 140 panels, but also in business law generally. Among other tours de force he told me about innovative operations of leasing for very essential and heavy equipment that a corporation had always owned. As is generally the case with inventions, this particular transaction would seem to be obvious as soon as you would describe it. Yet the first one to have the idea has to fight against prejudices, the symptom of "not invented here", the nostalgia for the past, the fear of the future. Who just knew the unassuming manner of Daniel Wehrli might not imagine that he would be at ease in those complex financial dealings, which he seldom if ever mentioned, and would have the indomitable energy to see them through.*

*Besides, Daniel was a true man of the world with command of French and Italian, and experience in the important but sometimes protracted deliberations of the UN agency that promotes international arbitration. His years abroad in the United States and Italy served him well to interact with delegates coming from other legal traditions. He was also appreciated as a*

*friend and counsellor in estate planning, and anyone who has known him along the years will understand how he could win the confidence of individuals in these areas that relate to the strongest-held beliefs and values of a person.*

*Like many of us I liked him.*

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### **Dominique BROWN-BERSET, Geneva:**

*I first met Daniel some 16 years ago on the occasion of an arbitration he was chairing and our professional paths kept crossing ever since. I did not know him well initially. He seemed like the archetype Zurich professional, precise and well organised, with the right level of distance with counsel and parties.*

*Over the years, he built a reputation as a first class international arbitrator, whose intellect, integrity and dedication to his profession made a profound impression on colleagues and parties alike. His attention to detail, preparation, genuine interest – with a laudable grain of restraint – in the various actors appearing before him, sensitivity to their different cultural backgrounds and total impartiality invariably forged trust in the arbitration process. And trust is, as we all know, the essential ingredient of successful international arbitration.*

*While a good arbitrator is expected to be fast, efficient and perfectly in tune with the latest case management guidelines, trends, rules and regulations, in today's global business context, parties expect more. They look for the human touch, as well as a sensitivity which bring the indispensable feeling that justice is being done. Daniel Wehrli exuded these qualities.*

*He was an honourable man, in the true sense of the word, with a deeply rooted sense of justice. Although he was a discrete and a man of few words at times he would open up during coffee or tea breaks to reveal his love for his children and his family with a twinkle in his eyes.*

*He left us much too early but his contribution as a talented, dedicated and truly decent colleague remains with us.*

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### **Daniel MARUGG, Zurich:**

*Office Sunday: A personal memory of Daniel Wehrli from brighter days, from the last 6 years when we were partners in the same law firm and next door neighbours with our respective offices.*

*We often met working on Sunday in the office (Daniel worked on almost every weekend throughout the year). It could have been in any given season, but I especially recall the shy sunny days in spring, because of the then again lighter blue lake just underneath our windows, with yet a lot of people walking at the shore line. Around noon, Daniel sometimes used to step into my office, stating that he was hungry now and will grab a sausage from the stand across our building, “shall I buy you one?” We thereafter sat in my office, and while eating, first discussed about our football teams (his were the Grasshoppers Zurich, mine YB from Berne – we then both had a lot to suffer with each of them), and subsequently about our work, about his big arbitration cases as well as mine and my state court proceedings. We of course did not always find the big “breakthroughs”, but it did happen that a “have you considered this?”, or “isn’t there this other case where this was also an issue?”, could lead to another thought or even a small step further into the right direction. Daniel’s knowledge and memory of cases and the law was outstanding, and I am grateful for what I all could learn from him. But I especially will also not forget Daniel’s satisfied face when leaving my office again, the hunger now appeased and with new energy after such petites fugues. He was happy in those moments.*

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### **Bernhard MEYER, Zurich:**

*My memories of Daniel are manifold. On the one side, there was this excellent and reliable lawyer with whom I worked closely in many different ways. I was co-arbitrator with him on several panels, I appeared before him as counsel, and there were cases where we acted the other way around. In every one of my professional encounters, I was deeply impressed by Daniel’s clear mind and his practical sense. Daniel was my predecessor as chair of the ASA Local Group Zurich, he was one of my esteemed colleagues on the ASA Board, and we were both approved co-chairs of the old Zurich Chamber of Commerce Arbitration Tribunal which was active under the old ZCC Rules. But, above all, he was a personal friend and a member of the same historical guild (“Zunft”) in Zurich to which I belong (the so-called “Bakers’ Guild”). The Bakers’ Guild, like the other historical guilds in Zurich, was established by nobleman (“Ritter”) Rudolf Brun, a charismatic leader of the so-called “guild revolution” of 1336. This revolution totally changed the political landscape in Zurich at the time. And, although the 13 trade guilds and the 1 noblemen’s guild (“Constaffel”) have no political powers anymore today, they are still socially important and are committed to uphold the historical heritage of the city (see Wikipedia: [http://en.wikipedia.org/wiki/Z%C3%BCnfte\\_of\\_Zurich](http://en.wikipedia.org/wiki/Z%C3%BCnfte_of_Zurich)). Daniel was a very committed and faithful*

*“guild-brother”. There were only very few major guild events that he missed. But, Daniel did not sufficiently take care of his own needs. It happened often that, at the end of a long guild evening, he would tell me that he had to go back to his office to finish some important work. Unfortunately, it is too late now to tell him that no task is more important than to care for a man’s or woman’s own health. So, in spite of his great intelligence and his meticulous character, Daniel failed to listen to the alarming signals of his body and he greatly overestimated his strength. We are all very, very sad to have lost Daniel in such a sad way.*

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