



Dr. Peter C. Honegger, LL.M.

Partner (born 1955)

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Languages

German, English

■ **Areas of Practice**

Peter Honegger specializes in banking & finance as well as mergers & acquisitions, in particular in related litigation and proceedings. His clients include worldwide market leaders in the field of wealth management, luxury cars and information technology.

Particular areas of emphasis involve transnational litigation, foreign governmental investigations, enforcement and other regulatory proceedings initiated by Financial Markets Supervisory Authority FINMA or other authorities, and shareholder proxy fights. His litigation practice encompasses various types of complex litigation, including securities, post-mergers & acquisitions, insurance and other commercial litigation.

Peter has a long standing practice of advising companies and individuals with respect to US-style discovery, Swiss secrecy laws and the taking of evidence located in Switzerland for use in US proceedings. In the late 90s, Peter acted as secretary to the Board of Trustees (Messrs. Paul Volcker, Isreal Singer, René Rhinow) supervising the Claims Resolution Tribunal for dormant accounts in Switzerland with respect to victims of Nazi persecution.

■ **Professional Career**

- 1994 – Partner, Niederer Kraft Frey
- 1987 – Associate, Niederer Kraft Frey
- 1983 – Internship with Arent Fox, Washington D.C.
- 1982 – Clerk with the District Court of Hinwil

■ **Education**

- 1987 – Admitted to the Bar
- 1986 – University of Zurich, Dr. iur.
- 1982 – University of Virginia Law School, LL.M.
- 1981 – University of Zurich, lic. iur.

■ **Recent Experience**

The following is a selection of cases in which Peter Honegger was retained in the past five years:

- Legal counsel to various global players relating to anti-corruption compliance and financial market compliance
- Legal counsel to banks and their top management in high end enforcement proceedings initiated by FINMA
- Legal counsel to the world's largest wealth management bank in highly complex cross-border proceedings relating to the repatriation of a fortune, involving sophisticated questions and solutions in the field of mutual and judicial assistance
- Legal counsel to the world's biggest maker of luxury vehicles that allegedly violated competition laws, by impeding parallel imports into Switzerland, in court proceedings before the Swiss Federal Supreme Court (landmark case)
- Legal counsel to a leading European car manufacturer relating to a pioneering e-mobility cooperation with public transportation services
- Legal counsel to the leading Swiss retail bank group that allegedly violated its duties under a long standing cooperation agreement in arbitration proceedings initiated by a listed private bank (high media coverage)
- Legal counsel to a Swiss bank in enforcement proceedings related to disclosure rules and alleged sneaking tactics (landmark case)

- Legal counsel to a Swiss listed company in a complex claim against an international directors and officers liability insurance carrier
- Legal counsel to a Swiss listed company in a CHF 150 – 200 million arbitration proceeding against a European listed company regarding post-merger warranty claims and purchase price adjustments
- Legal counsel in an intense, highly adversarial post-merger dispute in the aggregate amount of CHF 200 million (landmark case with unprecedented media coverage)
- Legal counsel to a Swiss asset management company in a dispute regarding alleged kickback payments (landmark case)
- Legal counsel to an investment company in a proxy fight litigation against a Swiss listed company (landmark case)
- Legal counsel to a leading European car manufacturer relating to all issues relating to distribution and finance
- Legal counsel to a global market leader in the field of information technology with respect to financing and M&A transactions
- Legal counsel to various banks and financial institutions with respect to cooperation and outsourcing projects
- Legal counsel to global banks and sports federations with respect to cross-border investigations and compliance issues
- Legal counsel in a multitude of cases involving Swiss companies, listed and non-listed, with respect to foreign governmental investigations, in particular US-style discovery, and Swiss secrecy laws
- Legal counsel to a variety of Swiss companies and individuals relating to US service of process, US subpoenas and issues re control of US companies over Swiss affiliates and piercing of the corporate veil

■ Publications

- Peter C. Honegger, eDiscovery & Disclosure 2018, Trends & Developments Switzerland in: Chambers and Partners 2018, Online Publication, <https://practiceguides.chambersandpartners.com/practice-guides/ediscovery-disclosure-2018/switzerland/trends-and-developments>, 23.02.2018
- Peter C. Honegger, Peter Forstmoser, Zeugnisverweigerungsrecht für Unternehmensjuristen – eine Notwendigkeit im internationalen Kontext, in: Anwalts Revue 4/2017, S. 151-153
- Peter C. Honegger, Seven Reasons for Choosing Arbitration in a U.S. - Swiss Context, in: Swiss-American Chamber of Commerce, Yearbook 2016/17, Pages 115-117
- Peter C. Honegger, 10 Reasons for Choosing Arbitration in a U.S.-Swiss Context, in: Swiss Arbitration - Practical Aspects and New Developments, Niederer Kraft & Frey AG, Publication 19, 2015, S. 177-193
- Peter C. Honegger, Danièle Müller, Kaufpreisanpassung oder Gewährleistung?, in: Mergers & Acquisitions XV, Europa Institut Zürich, Bd. 137, Zürich 2013, S. 41-90
- Peter C. Honegger, Christoph Schmid, Anti-Corruption Compliance in Switzerland, in: Swiss-American Chamber of Commerce, Yearbook 2012/2013, Stäfa 2012, S. 61-63
- Peter C. Honegger, Faustregeln für Schweizer Banken im US-Steuerstreit, in: FuW vom 17. März 2012 (Nr. 22) 20
- Peter C. Honegger, Andreas Kolb, Mutual Assistance in Switzerland, in: Swiss-American Chamber of Commerce, Online Publication, http://www.amcham.ch/members_interests/p_business_ch.asp?s=2&c=13, January 2011
- Peter C. Honegger, Edith Kolb, Multi-Seller Transactions, Share Deals mit einer Vielzahl von Verkäufern, in: Recht und Wirtschaft in der Praxis, Liber Amicorum für Rudolf Tschäni, Zürich 2010, S. 81-106
- Peter C. Honegger, Andreas Kolb, Amts- und Rechtshilfe: 10 aktuelle Fragen, in: ASA Archiv für Schweizerisches Abgaberecht, Sonderdruck, Mai/Juni 2009
- Peter C. Honegger, Andreas Kolb, Amts- und Rechtshilfe: 10 aktuelle Fragen, in: Niederer Kraft & Frey AG, Publikation 13, Zürich 2009
- Peter C. Honegger, Peter Forstmoser, Rebecca Brunner-Peters, Business Location Switzerland: Disadvantage for Legal Advice?, Inside Counsel Also Need a Right to Refuse Testimony, in: Swiss-American Chamber of Commerce, Yearbook 2007/2008, S. 1-3
- Peter C. Honegger, Peter Forstmoser, Standortnachteil Rechtsberatung – Notwendiges Zeugnisverweigerungsrecht für Unternehmensjuristen, in: NZZ vom 19. April 2007 (Nr. 90) S. 29
- Peter C. Honegger, Website Liability, in: Swiss-American Chamber of Commerce, Yearbook 2006/07, S. 71-73
- Peter C. Honegger, Edith Kolb, Leasing und Schweizer Recht, Aktuelle Probleme und Tendenzen, in: CH-D Wirtschaft, Oktober 2006, S. 2-3
- Peter C. Honegger, Implications of U.S. Liability for Swiss Companies, in: Swiss-American Chamber of Commerce, Yearbook 2005/2006, S. 65-67
- Peter C. Honegger, András Gurovits, Daniel Eisele, Vermarktung und Organisation von Sportanlässen, in: Sport und Recht, Vermarktung und Organisation von Sportanlässen, NKF-Schriftenreihe Band 11, Zürich 2006, S. 7-73
- Peter C. Honegger, Stefan Breitenstein, E-Discovery – die neue Gefahr aus Übersee, Unerlässliche Regeln zum Umgang mit E-Mail, in: NZZ vom 27. Oktober 2005 (Nr. 251), S. 29
- Peter C. Honegger, Grenzenlose Schweizer Amtshilfe?, in: NZZ vom 09. September 2004 (Nr. 210) S. 21

- Peter C. Honegger, Daniel Eisele, Praktische Überlegungen zum Fernsehvertrag für Sportanlässe von weltweiter Bedeutung, in: Sport und Recht: Vertragsgestaltung im Sport, Europa Institut Zürich, Zürich 2004, S. 71-124
- Peter C. Honegger, Peter R. Isler, Thomas Graf, Securitisation in Switzerland, in: Global Securitisation Yearbook 2000/2001, A Euromoney Publication, S. 57-62
- Peter C. Honegger, Peter R. Isler, Urs Pulver, Banking and Finance in Switzerland, in: IFLR International Financial Law Review, Supplement-Switzerland, London 2000, S. 7-11
- Ulysses von Salis, Peter C. Honegger, Zur Offenlegungspflicht der Banken, in: NZZ vom 30. Dezember 1998 (Nr. 302), S. 22
- Gaudenz G. Zindel, Peter C. Honegger, Peter R. Isler, Ulrich Benz, Statuten der Aktiengesellschaft, in: Statuten der Aktiengesellschaft, NKF-Schriftenreihe Band 5, Zürich 1997
- Peter C. Honegger, Adrian Plüss, Leasing im Gesetzes-Dschungel, in: Handelszeitung Nr. 1, 4. Januar 1996
- Peter C. Honegger, Thomas A. Frick, Das Bankgeheimnis im Konzern und bei Übernahmen, in: SZW 68 (1996), S. 1-10
- Thomas A. Frick, Peter C. Honegger, Les groupes de sociétés face au secret bancaire, in: Les nouveaux défis au secret bancaire suisse, Lausanne/Bellinzona 1996, S. 47-58
- Peter C. Honegger, Daniel Schlatter, Bedingtes Kapital, Offene Fragen und Lösungsvorschläge, in: Jahrbuch des Handelsregisters, Zürich 1994, S. 22-27
- Peter C. Honegger, Markus A. Frey, Der Bankangestellte – Diener zweier Herren, in: NZZ vom 23. September 1994, (Nr. 222), S. 27
- Peter C. Honegger, Markus A. Frey, Sorgfaltspflichten und Geldwäscherei, in: SJZ 90 (1994), S. 341-344
- Peter C. Honegger, Guido Schoch, Bedingtes Kapital für Aktionärsoptionen, in: NZZ vom 17. Februar 1993 (Nr. 39), S. 33
- Peter C. Honegger, Guido Schoch, Das unpraktikable Vorwegzeichnungsrecht im neuen Schweizer Aktienrecht, in: NZZ vom 28. Juli 1992 (Nr. 173), S. 24
- Peter C. Honegger, Chapter XV Switzerland, in: European Product Liability. Ed. Patrick Kelly and Rebecca Attree of Laytons, London 1992, S. 413-428
- Peter C. Honegger, Product Liability in Switzerland. in: Butterworths Journal of International Banking and Financial Law, London 1992, S. 421-427
- Peter C. Honegger, Urs Brügger, Gegen eine stille Liquidation des Bankgeheimnisses, in: NZZ vom 18. Oktober 1991 (Nr. 242), S. 37
- Peter C. Honegger, Swiss Banking Secrecy, in: Butterworths Journal of International Banking and Financial Law, London 1990, S. 344-353
- Peter C. Honegger, Die Extraterritorialität des amerikanischen Rechts auf neuer Grundlage, in: NZZ vom 10. Februar 1989 (Nr. 34), S. 39
- Peter C. Honegger, Amerikanische Offenlegungspflichten im Konflikt mit Schweizerischen Geheimhaltungspflichten, unter besonderer Berücksichtigung der Rechtshilfe bei Steuerhinterziehungen und Insidergeschäften, in: Schweizer Schriften zum Handels- und Wirtschaftsrecht, herausgegeben von Prof. Dr. Peter Forstmoser, Band 89
- Peter C. Honegger, Demystification of the Swiss Banking Secrecy, Illumination of the United States-Swiss Memorandum of Understanding, in: North Carolina Journal of International Law and Commercial Regulation, 1983, S. 1-37

■ Speaking Engagements

- Michael Lauber, Lorenz Erni, Peter C. Honegger, Pitfalls Under Arts. 271 & 273 Criminal Code, Präsentationsfolien für die Veranstaltung der Swiss-American Chamber of Commerce vom 24. Mai 2016
- Peter C. Honegger, Thomas A. Frick, Financial Markets Criminal Law, Presentation Slides LL.M. in International Banking and Finance Law 2014/2016 University of Zurich, Faculty of Law, March 29, 2016
- Peter C. Honegger, Thomas A. Frick, Finanzmarktstrafrecht, Präsentationsfolien LL.M. Internationales Banken- und Finanzrecht 2015/2016 Universität Zürich, Rechtswissenschaftliche Fakultät vom 5. Februar 2016
- Peter C. Honegger, Jürg Bühlmann, Cooperation with US-Authorities - Does it pay off?, Präsentationsfolien Referat am Legal Committee Meeting der Swiss-American Chamber of Commerce vom 11. November 2014
- Peter C. Honegger, Swiss Companies Litigating in the USA: The Role of Swiss Law Firms in U.S. Proceedings, Präsentationsfolien Referat anlässlich der Veranstaltung des Europa Instituts Zürich sowie der Swiss-American Chamber of Commerce mit Guest Speaker Judge Jed Rakoff vom 12. Dezember 2013
- Peter C. Honegger, Thomas Graf, Kaufpreisanpassung oder Gewährleistung?, Präsentationsfolien Referat Mergers & Acquisitions XV, EIZ-Tagung vom 4. September 2012
- Peter C. Honegger, Unternehmerrisiko World Wide Web - Die Gefahr im Umgang mit sensiblen Daten, Präsentationsfolien Referat Fachanlass Kessler & Co AG vom 12. Juni 2012

NIEDERER KRAFT & FREY

- Peter C. Honegger, Thomas Graf, Multi-Seller Transactions - Share Deals mit einer Vielzahl von Verkäufern, Präsentationsfolien Referat ZAV Fachgruppe Handelsrecht vom 30. August 2011
- Martin Naville, Peter C. Honegger, FATCA - Überblick über die gesetzlichen Anforderungen, Präsentationsfolien Referat IBM Event "100 Minuten Apéro: FATCA - Sind Sie bereit?" vom 5. Juli 2011
- Dieter Dubs, Peter C. Honegger, Sneaking Tactics und FINMA Power Enforcement, Präsentationsfolien Referat EIZ Vortragsreihe am Mittag vom 29. April 2011
- Peter C. Honegger, Das Bankgeheimnis und Art. 271/273 StGB - Praktische Ratschläge im Umgang mit den USA, Präsentationsfolien Referat NKF Event vom 21. September 2009
- Peter C. Honegger, Andreas Kolb, Amtshilfe und Rechtshilfe: Neue Entwicklungen, Präsentationsfolien Referat Schweizerische Bankrechtstagung vom 6. Februar 2009
- Peter C. Honegger, Getting Sued in the USA: Art. 271/273 Swiss Penal Code, Präsentationsfolien Referat am Luncheon der Swiss-American Chamber of Commerce mit Guest Speaker Arthur R. Miller vom 17. März 2008
- Peter C. Honegger, Ein Berufsgeheimnis für Unternehmensjuristen in der Schweiz: Die Regelung in den USA und weiteren Jurisdiktionen - welche Schlüsse sind zu ziehen?, Präsentationsfolien Referat SwissHoldings Tagung vom 5. März 2007
- Peter C. Honegger, Vertragsverhältnisse im Zusammenhang mit Sportveranstaltungen, Präsentationsfolien Referat Swiss Sport Forum Veranstaltung vom 2. März 2007
- Peter C. Honegger, Swiss Companies Litigating in US Courts: Website Liability, Präsentationsfolien Referat am Luncheon der Swiss-American Chamber of Commerce mit Guest Speaker Justice Antonin Scalia vom 9. März 2006
- Peter C. Honegger, Corporate Veil and other Defense Strategies, Präsentationsfolien Referat EIZ-Event vom 8. Februar 2005
- Peter C. Honegger, Being Sued in the USA - What is at Stake for You? Defense Strategies, Präsentationsfolien Referat am Luncheon der Swiss-American Chamber of Commerce vom 15. November 2004
- Peter C. Honegger, Daniel Eisele, TV-Vertrag, Präsentationsfolien Referat EIZ-Seminar "Sport und Recht II" vom 23. Oktober 2003

■ Market Perception

"Peter Honegger is a 'highly reputable expert in cross-border issues, in particular with respect to US matters.'" (Chambers Global 2018)

"Peter Honegger is an expert in M&A and banking disputes. Clients report that 'Peter is the go-to guy if you have an important and complex dispute. His knowledge and experience in banking-related disputes and his understanding of the banking business is truly extraordinary.'" (Chambers Global 2017)

"... excellent knowledge of cross-border matters." (Legal 500 2017)

"Clients describe litigator Peter Honegger as 'a highly experienced, trusted adviser' and 'highly client-oriented, with very short response times.'" (Chambers Global 2016)

"I consider him one of the best I have met in this field (Banking)." (Client Choice 2015)

"He is an outstanding litigator with tremendous dedication to this profession." (Client Choice 2015)

"'Trouble-shooter' Peter Honegger has 'experience in banking disputes' and is an 'experienced litigator.'" (Legal 500 2015)

"Peter Honegger is described as 'accomplished and hardworking' and has recently advised banks and companies transactions." (Who's Who Legal 2015)

"We highly praise the top quality legal advice and commercial awareness of NKF," says a bank client, "it is a real pleasure working with Peter Honegger and his team including Danièle Müller and Lukas Beeler." (IFLR1000 2015)

"Sources are quick to highlight Peter Honegger for his 'profound expertise, his client-oriented approach and his responsiveness.' He co-heads the practice." (Chambers Global 2015)

