

Brigitte Umbach-Spahn

Partner

Brigitte Umbach-Spahn is a partner on the Insolvency and Restructuring team. She advises creditors and debtors in national and cross-border restructuring and insolvency cases and represents clients in court in insolvency matters. She also acts as administrator/liquidator in complex insolvency proceedings and serves as a member of creditor committees. Brigitte Umbach-Spahn has been appointed by FINMA as an investigating agent for banks and financial institutions.

Brigitte Umbach-Spahn is past co-chair of the IBA Insolvency Section. She regularly speaks at national and international conferences and publishes on topics relating to insolvency law.

Practice Areas:

[Insolvency and Restructuring](#)

[Banking and Finance](#)

[Litigation and Arbitration](#)

Functions:

Liquidator Bank Hottinger & Cie AG in bankruptcy liquidation
Liquidator Petroplus Marketing Ltd in debt restructuring liquidation
Liquidator Petroplus Refining Cressier SA in debt restructuring liquidation
Liquidator Swiss Market Maker & Securities AG in bankruptcy liquidation
Liquidator AAA Beteiligungen AG in Liquidation
Liquidator AI Technology AG in Liquidation
Liquidator Diamonds24 AG in Liquidation
Liquidator Top 24 AG in Liquidation
Liquidator Stanford Group (Suisse) Ltd in liquidation

Career:

2007	Partner Wenger Plattner
2001	Attorney at Law Wenger Plattner
2001	University of Pennsylvania (LL.M.)
1999	Law clerk High Court Zurich
1997	Law clerk District Court Hinwil, Zurich
1996	Trainee at Baker & McKenzie, Zurich
1996	University of Zurich (lic. iur.)

Selected publications:

- *Recognition and Enforcement of Foreign Arbitral Awards in Swiss Insolvency Proceedings – lessons learnt from the decisions of the Swiss Federal Supreme Court in the Swissair case (in German)*

Summary of the article in the ASA Bulletin, Volume 36, No. 4, 2018: When can a foreign arbitral award be enforced in Swiss insolvency proceedings against the insolvent defendant? This question arises because according to the pro-visions of the NYC, enforcement may be refused if the subject matter of the dispute is non-arbitrable. The arbitrability of insolvency-related claims is contentious under Swiss law and actions to contest a schedule of claims are portrayed as being non-arbitrable. In the Swissair case,



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Admission:

Bar admission (1999)

Languages:

German, English, French

the Supreme Court has now rendered various decisions dealing with the significance of foreign civil judgements for the assessment of claims and related schedules of claims proceedings in Swiss insolvency proceedings. The principles thereby developed can be applied to arbitration and lead to the identification of four different scenarios. These scenarios are discussed in the article.

- *Kommentar zu Art. 293-304 SchKG*
In: Schulthess Kommentar zum Bundesgesetz über Schuldbetreibung und Konkurs SchKG, Kren Kostkiewicz Jolanta/Vock Dominik (Hrsg.), 4. Auflage, Zürich/Basel/Genf 2017, basierend auf der 1911 erschienenen 3. Auflage von Carl Jaeger
- *Anfechtungsklage (in German)*
In: Kommentierte Musterklagen zur Zwangsvollstreckung und zu den Rechtsmitteln, Fischer Willi/Theus Simoni Fabiana/Gessler Dieter (Hrsg.), Band V, Zürich 2016, S. 73 ff.
- *Kommentar zu Art. 200 und Art. 285-292 SchKG (in German)*
In: Kurzkomentar SchKG - Schuldbetreibungs- und Konkursgesetz, Hunkeler Daniel (Hrsg.), 2. Auflage, Basel 2014
- *Kommentar zu Art. 29 BankG (in German)*
In: Basler Kommentar zum Bankengesetz, Watter Rolf / Vogt Nedim Peter / Bauer Thomas / Winzeler Christoph (Hrsg.), 2. Auflage, Basel 2013
- *Pauliana und Sanierung (in German)*
In: Europa Institut, Sanierung und Insolvenz von Unternehmen, Sprecher Thomas (Hrsg.), Zürich 2011, S. 157 ff.