



Jean-Marc Schaller

attorney-at-law | partner
PhD | Associate Professor for Banking law

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Expertise

Jean-Marc Schaller advises and represents clients in all matters of Banking, Financial markets and FinTech Laws and Regulations. He has particular experience in representing clients before courts and (supervisory) authorities, and in conducting external or internal investigations. Furthermore, he is associate professor for Banking Law at the University of Zurich.

Preferred Areas of Practice

- Banking, Finance, FinTech
- Litigation and Arbitration

Education and Experience

- since 2016: Associate Professor (“Titularprofessor”)
- since 2015: Partner at Holenstein Brusa (formerly Holenstein attorneys-at-law)
- 2010: Senior Lecturer (“Privatdozent”) for Banking Law (University of Zurich)
- since 2009: Associate with Holenstein Brusa (formerly Holenstein attorneys-at-law)
- since 2009: Lecturer on Contract Law (University of Zurich)
- 2008/2009: Lawyer in another business law firm
- 2007: Admitted to the Bar
- 2005-2007: Legal Secretary (District Court Zurich)
- 2004/2005: Clerk (District Court Zürich)
- 2004: PhD (University of Zurich, School of Law)
- 2003/2004: Academic Assistant at the chair of Prof. Rolf H. Weber (University of Zurich)
- 2002: lic. iur. (University of Zurich)

Languages

- German
- English
- Chinese

Focus in Practice (Selection)

- Representing and advising clients before courts in a number of contentious banking matters, namely:
 - Negative interest rates (LIBOR- and fixed-rate-mortgages; interest swaps cash deposits etc.)
 - Advisors’ liability based on FX-contracts
 - Wealth and asset managers’ liability
 - Retrocessions, inducements, other monetary awards
- Advising clients in the financial sector with regard to daily business, FinTech, cross-border, AML, market access Germany, Automatic Exchange of Information, US-DOJ-program (etc.) and providing legal opinions related hereto
- Review and implementation of GTC, Conditions for Online and Mobile Banking, Advisory and Wealth Management Contracts, Loan Agreements etc.

Publications (Selection)

- since Feb 2017: sev. blogposts on <https://www.finblog.ch>
- Bank-GTC (Jusletter 30 May 2016)
- Commentary on Mandate Law („KUKO OR“, Basel 2014)
- Handbook on Wealth Management Law, Zurich 2013
- Paper about the limitation period of retrocessions, inducements and other monetary awards (2012)
- Financial Analysts’ Law (Thesis Zurich 2004)

Speeches (Selection)

- Asking for Help: Duties and Rights (9 March 2020)
- 10 May 2019: Appropriateness and Suitability according to FINSA (and CO) (Banking Law Day, St. Gallen)
- 23 June 2017: The „Hidden Swap“ from Execution-Only to Advisory - a potential risk for banks
- 10 March 2017: Defaults in Clients’ Legitimation towards the Bank (Swiss Banking Law Day, Berne)
- 24 Jun 2016: Mortgage Contracts Banking Law Day, St. Gallen)
- 10 June 2015: “Bank-GTC” – current status and developments (Banking Law Day, St. Gallen)