

Karin Graf

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Biography

Karin Graf is a partner in the dispute resolution team of VISCHER. Her focus is on corporate disputes, commercial trade, banking matters, insolvency related claims and matters of enforcement. Karin Graf regularly represents private clients and corporations and acts before state courts of all levels and arbitral tribunals. In addition, Karin regularly serves as an arbitrator. Karin Graf advises her clients in German and English and also speaks French, Italian and Spanish.



What did you find most challenging about entering commercial litigation when you first started?

At university, students are taught to analyse and answer legal questions. The daily work of a litigator goes far beyond this task. Clients instruct litigators to represent their interests in the best possible way. This requires presenting a case as favourably as possible, exploiting procedural hurdles, developing defence or attack strategies, looking for room to negotiate and achieving the best possible judgment if settlement is not an option. Acquiring this knowledge about how to defend client interests, of how to be a party representative, was the challenge that I faced at the very beginning of my career. Today, using this knowledge is the joy of my daily work.

What key challenges arise for multinationals with litigation proceedings across several jurisdictions? How can practitioners best prepare for these challenges?

As external counsel, you first need to understand how your client's organisation and legal team works, where decisions are taken, where reporting lines exist and where knowhow is available. You then need to solve your client's problem. If a dispute involves several jurisdictions, you need to involve highly qualified, efficient and trustworthy lawyers in the jurisdictions where your client needs advice and you have to lead this multinational team ensuring compliance with the overall strategy. I have spent many years building an international lawyers network of competence and trust. I use a tailor-made approach, which always focuses on solving the client's problem. I am convinced that this is an important aspect of the overall preparation and the ultimate success for multijurisdictional disputes.

What advantages does a lawyer's multilingualism deliver to clients, and how does it enhance your practice?

Frank Harris said: "Every new language is like an open window that offers a new perspective on the world and broadens one's outlook on life."

To be able to solve conflicts, you have to understand them. Being able to discuss with clients in their mother tongue can thus make an important contribution to understanding their problems. I always enjoy being able to use my foreign language skills.

How effective are hybrid hearings, and what challenges do they pose?

Hybrid hearings are an unfortunate consequence of the covid-19 pandemic when courts had to change how they work. They are a mixture of a court hearing, where the people involved attend in person, and a remote hearing.

Hybrid hearings can be efficient and are often the better option than to postpone a hearing endlessly. However, much depends on the specific context of the case, on the importance of witnesses, on what exactly is done remotely and on how equal treatment of the parties is ensured. I personally prefer either remote or physical hearings but try to avoid a mixture of both systems because the organisational effort will almost double and increases the complexity, and because of concerns of equal treatment.

How do you think firms could better attract and retain diverse talent?

We need to understand the specific needs of our different talents. First, that means listening to them. What is important to them? For example: the wish that their work makes an impact, sustainability, work-life balance, variety in the content of their work, the ability to have

challenging work and combine it with a balanced family life etc. Together, we need to find creative ways to think about how to meet these specific needs in a way that creates benefit for both our talents and the firm. My firm is very open to developing concrete solutions and to breaking new ground and we are trying to lead by example.

How do you see your practice developing over 2022-2023?

During the last few years, I have had the pleasure of acting as lead counsel in various very complex disputes. When finishing those cases, I have left highly satisfied clients who greatly appreciated my personal involvement, my commitment and expertise. I am convinced that my recent move into the excellent dispute resolution team of VISCHER will further enhance my practice and will allow me to further develop my dispute resolution practice.

What is the best piece of advice you've ever received?

"In order to perform in court you need to be ready to adapt to the situation and you need to keep the end goal in mind. Be precise, not perfect."

The idea behind this advice was that perfection is almost unattainable because there will always be something that does not go according to plan or that cannot be controlled (witnesses, the judge, a document that was disclosed belatedly etc). If you aim for perfection, the goal necessarily becomes unreachable. That is why a successful litigator should aim for precision and develop a readiness to adapt and to modify a plan or action in order to reach a goal. The ability to be precise when things do not go entirely according to plan is, I have learned, an essential skill in producing excellent results in litigation and for my clients in general.

WWL says: *Karin Graf is applauded by clients and peers who say she is "an outstanding litigator" who is "definitely an asset to have".*