



FALL 2011 NEWSLETTER

**Managing Legal Risks
for Chinese Companies and Banks:
Jurisdictional Reach of U.S. Courts and
Use of Arbitration as an Alternative
Dispute Resolution Method**

On June 29, 2011, CBLA, **White & Case** and **China General Chamber of Commerce - USA** (CGCC) co-hosted a seminar on managing legal risks for Chinese companies and banks. The seminar was held at White & Case's New York offices and was attended by approximately 100 business professionals. Five senior White & Case partners with significant experience and strong reputation in their practice areas discussed the legal risks faced by Chinese companies doing business in the U.S., and focused on the jurisdictional reach of U.S. courts and the use of arbitration as an alternative dispute resolution method.



Left to right: Dwight Healy, David Hille, Francis Zou, Paul Friedland and Ank Santens (White & Case)

Chinese companies are increasingly exposed to all kinds of legal risks when doing business in the U.S. Many Chinese banks and companies have received subpoenas from U.S. governmental authorities and have found themselves involved in various disputes with American companies and individuals. Due to their unfamiliarity with the American legal system, as well as language barriers, Chinese entities are usually at a disadvantage when facing lawsuits in the U.S. Helping Chinese companies to manage legal risks and to use alternative dispute resolution methods, like arbitration, to avoid being sued in American courts is of great interest to both Chinese companies and American lawyers including those at White & Case.



Paul Friedland, global head of White & Case's international arbitration practice group, described the potential advantages and disadvantages of electing to arbitrate rather than litigate in court and the factors to consider. **Dwight Healy**, a commercial litigation partner,

discussed his experience in *Samsun Logix Corp. v. Bank of China*, a major victory for Chinese banks. The panel also included head of U.S. disputes group **David Hille**, international arbitration partner **Ank Santens** and bank finance partner **Francis Zou**, who shared additional thoughts for Chinese companies to control their legal risks in the U.S. CBLA's **Steve Chen** and White & Case's **Bing Yan** contributed to the organization of this seminar.



Left to right: Jason Guo (CGCC), Bing Yan (White & Case) and Yong Chen (Baker Botts)

Shanghai Municipal People's Congress Visit

On July 20, 2011, senior members of the Standing Committee of the **Shanghai Municipal People's Congress** visited Sidley Austin's New York office and met with the firm's partners and representatives from CBLA and China General Chamber of Commerce - USA (CGCC). Sidley Austin partners **Joseph Armbrust**, **Michael Schmidtberger** and **Xiaowen Qiu** introduced the law firm's historical commitment to China and Chinese clients, and answered questions on legal challenges faced by global businesses in Shanghai. The group continued their cordial discussions during lunch at the Mandarin Oriental Hotel.

Alex Hao, partner of Jun He Law Offices in New York, facilitated the visit. CBLA's **Esther Chiang**, also a Sidley associate, acted as interpreter. **Jinfei Zhang** and CBLA's **Minzhang Zeng**, both Sidley associates, also helped organize and attended the meeting.



Student Event

On April 27, 2011, student union members from **Peking University** attended a seminar on "Practicing Law Across Borders," co-hosted by CBLA and Sidley Austin. Panelists included **Ying Wang**, legal counsel at ICBC and Sidley partners **Joseph Armbrust**, **Joel Mitnick**, **Bob Pietrzak** and **Xiaowen Qiu**. **Victor Zhixiang Liang**, general counsel of Baidu, also met with the students, CBLA officers and panelists. CBLA officers and Sidley associates helped organize and attended the seminar. Sidley associate **Jinfei Zhang** also attended the meeting.

Movers and Shakers

CBLA congratulates **Alex Hao** on his election to partnership of Jun He Law Offices, a leading law firm headquartered in China. Alex continues to be based in New York, where he had been practicing U.S. law for eight years at two leading U.S. firms, and will devote a significant part of his practice to advising Chinese strategic and financial investors overseas. Alex has significant experience in M&A, finance, private equity and capital market matters, and is also knowledgeable in various related areas, including antitrust, bankruptcy, dispute resolution, international trade and national security. Alex maintains excellent working relations in U.S. and China with companies, investment banks, commercial banks, private equity funds, venture capitalists, consultants, accountants, attorneys, regulators, diplomats, NGOs, media and academia. A co-founder and ex-director of CBLA, Alex is on LinkedIn and Facebook.

CBLA congratulates **Viking Weiqiong Tao** on her election to directorship of Kane Russell Coleman & Logan, a Dallas-based firm. With the new position, Viking will take on an active role in further expanding the firm's China Practice. Her experience includes advising clients on mergers and acquisitions, corporate finance, partnership negotiations, and dispute resolutions in a wide array of sectors, including real estate, hospitality, oil and gas, new energy, banking, insurance, and health care. She also represents real estate developers, investors, and financial institutions in connection with the acquisition, sale, construction and financing of hotels, shopping centers, office buildings, and apartment complexes. Viking currently serves on the Board of the Greater Dallas Asian American Chamber of Commerce and is the General Counsel of the U.S.-China Chamber of Commerce of Dallas.

CBLA congratulates **Norman Qi Zhong** on his election to partnership of Fangda Partners, a leading PRC law firm. Norman has been advising premier international private equity firms like TPG, Goldman Sachs PIA and KKR and leading industry players like Siemens, GE and Philips in their China investments. He is also spearheading the firm's Shanghai based fund formation practice. Norman previously worked in the M&A and Corporate Finance departments of Sullivan & Cromwell and Skadden Arps, both in New York. He graduated with a J.D. degree from Columbia Law School where he was a Kent Scholar (*highest distinction*). Norman is also an honored graduate of Fudan University School of Law (LL.M) and University of International Business & Economics (LL.B).

CBLA member and international dispute specialist **Dan Tan** has launched Dan Tan Law (www.dantanlaw.com), a boutique international arbitration and litigation firm based in New York City. Dan has a decade of international arbitration and litigation experience at Latham & Watkins and O'Melveny & Myers in New York, and at Lovells in London. The firm aims to provide cost-effective advice and representation to companies and individuals from all over the world who do business internationally. Dan teaches international arbitration as Lecturer on Law at Harvard Law School, and at the Singa-

pore Management University School of Law, where he is on the adjunct faculty. He was formerly Lecturer in Law at Oxford University, where he taught English contract law.

Community Bulletin Board

On August 25, 2011, **Asian Financial Society** held the closing ceremony for its annual AFS Career Enrichment Program. It was a phenomenal event with a full house of attendees. The closing ceremony hosted lectures from a veritable constellation of stars from the Asian financial community. AFS Vice Chair Blake Zhang hosted the certificate ceremony. Former AFS founding leaders Thomas Ho, Henry Tang and Fred Teng awarded certificates of completion to students and certificates of appreciation to lecturers and sponsors. The event was especially memorable as three senior founding leaders shared their career stories and described how they benefited from and contributed to the spirit of AFS. The ceremony concluded with a congratulatory speech from AFS Chair, Tracy Wan.

China Investment Group is a group of influential lawyers, accountants, bankers, investors, medical specialists, businessmen, government officials and cultural leaders, all with the common interest of being actively involved in China in one capacity or another. CIG meets in Manhattan every month to listen to prominent China experts and review investment opportunities. Duane Morris hosted the September meeting. Louis Ho, the Regional Director Americas for the Hong Kong Trade Development Council led an active discussion. Additional focus was directed to the offshore trading of RMB and a new derivatives trading platform developed by Spring Trading. The October meeting will feature Schuyler Schouten, who assisted Dr. Henry Kissinger in writing his latest book "On China." The November meeting will feature a comparison of China and India.

On September 17, 2011, **China Legal Education & Career Seminar Series** held its 18th legal education seminar on "Public Speech Skills for Lawyers" in Pudong, Shanghai. The seminar was delivered by several experienced trainers of Toastmasters Club. Traced back to 2007,

CLECSS has a long track record of providing pro bono seminars to law students and young lawyers in China. It is currently a fast-growing group of hundreds of legal and business professionals. On the career side, CLECSS has conducted 14 career seminars around leading law schools in China since 2007 to inspire law students and young lawyers to pursue their dream. On the education side, CLECSS has conducted 18 legal education seminars on hot legal topics in China. www.clecss.com. Write to info@clecsc.com to join the CLECSS program or register with its BBS.

“Four stars! The Chinese tiger roars, American business trembles. David Henry Hwang’s best work since *M. Butterfly*” (Chris Jones, Chicago Tribune). Direct from its sold-out run at Chicago’s Goodman Theatre, *Chinglish* now comes to Broadway. Tony Award winner and Pulitzer Prize nominee David Henry Hwang (*M. Butterfly*) returns to Broadway with *Chinglish*, a new comedy about the misadventures of miscommunication. Directed by OBIE Award winner Leigh Silverman (*From Up Here, Well*), *Chinglish* is the story of an American businessman desperate to launch a new enterprise in China. There are only three things standing in his way: He can’t speak the language. He can’t learn the customs. And he’s falling in love with the one woman he absolutely can’t have. Previews begin October 11, 2011 at the Longacre Theatre. www.ChinglishBroadway.com.

Peking University Alumni Association of Greater New York is a not-for-profit organization that currently has nearly 1,000 registered members including both alumni and non-alumni. It is aimed at serving not only Peking University alumni but also the larger community. It is a platform meant for Peking University alumni to reconnect with each other as well as for them to connect with non-alumni from all academic and professional backgrounds. The organization holds various social and professional events regularly that are open to the public, and currently does not require membership fee for registered members. The “Beida Monthly” series is very well attended and addresses a wide variety of professional and cultural topics. www.pkuny.org.

Silicon Dragon is hosting its annual China venture capital and entrepreneur event in Silicon Valley on October 6, 2011. This year’s theme is “Chinov8! From Clones to the Beginning Signs of Breakthroughs, China is moving up the innovation ladder.” Expert panelists will include Brad Bao of Tencent, Bill Tai of Charles River Ventures, Tim Draper of DFJ, Richard Lim of GSR Ventures, Marguerite Gong of Stanford, plus Chinese entrepreneurs Jeff Chen of Maxthon and Haidong Pan of Hudong. Sign up at silicondragonchinov8.eventbrite.com. Coverage of Silicon Dragon’s September 8, 2011 event at NASDAQ MarketSite, “China Deals, IPOs and Returns,” is at blogs.forbes.com/rebeccafannin.



Our Institutional Members

BINGHAM
宾汉麦卡勤律师事务所

Bingham McCutchen has over 100 years of history and 13 offices in the US, Asia and Europe with over 1,100 lawyers advising clients on transactions throughout the Asia-Pacific region, including China, India, Indonesia, Australia, Japan, Korea, Malaysia, the Philippines and Vietnam. In Asia, our Hong Kong and Tokyo offices provide a full range of business law services including cross-border financial restructurings, corporate, M&A, investment funds, finance, financial regulatory, litigation, arbitration, intellectual property, antitrust, employment, real estate and international trade. Bingham has a long history of practice relating to China. Our lawyers include Hong Kong, English, U.S., Japanese, and Australian-qualified lawyers who are fluent in English, Mandarin and Cantonese.



德恒律师事务所
DeHeng Law Offices

Founded in 1993 and formerly known as China Law Office, **DeHeng Law Offices** is one of the largest full-service international law firms headquartered in China. Over years, it has developed a service network with offices in all major cities in China and over 1,000 professionals worldwide. DeHeng is specialized in practice areas such as domestic and overseas issuance, underwriting, stocks and bonds listings, investment funds, spin-offs and M&A of domestic and foreign enterprises, company and assets restructuring, bankruptcy liquidation, equity transaction, cross-border investment, financing, international bidding, information communication, real estate development and operation, and key infrastructure projects. Its professional teams have received numerous awards including “Best IPO of the year,” “Equity Market Deal of the Year” and “The Best Equity Transaction.”

君合律師事務所
JUN HE LAW OFFICES



Jun He is widely recognized as a leading full-service law firm headquartered in China. As one of China’s first privately owned law firms, we are renowned as a pioneer in the re-establishment and continued development of the legal profession in contemporary China. Since our inception in 1989, we have evolved into one of China’s largest and most established law firms with offices in Beijing, Shanghai, Shenzhen, Guangzhou, Dalian, Haikou, Hong Kong, New York and Silicon Valley, with over 400 attorneys. All of our offices worldwide operate under a fully integrated system to provide seamless professional services of the highest standard. Our New York office, established in 1993, is the first overseas office of any Chinese law firm and, with its recent expansion, is uniquely positioned to serve the increasing needs of Chinese investors going overseas.



金杜律师事务所
KING & WOOD
P R C L A W Y E R S

Established in 1993 and headquartered in Beijing, **King & Wood** is one of the largest law firms in China, with over 830 lawyers and 16 offices. The firm has wide-ranging international reach through offices in Tokyo, Silicon Valley and New York. Believing that the professional qualifications of lawyers are key to its success, the firm recruits from prestigious law schools around the world, and has a training and mentoring system dedicated to providing all lawyers with the best opportunities for professional development. King & Wood’s extensive experience and knowledge of international and local laws allows us to deliver high-quality, comprehensive legal service, meet diverse client needs worldwide, and earn an outstanding professional reputation both within and outside of China.



LATERAL LINK
For attorneys, by attorneys.

Lateral Link is a full-service legal recruitment firm devoted to assisting our network of top attorney candidates and employer clients in making the right choices. Our diverse and talented team includes former practicing attorneys, recruiting directors and legal search professionals who share a commitment to high-quality, efficient service. Because our recruiting consultants have been in the shoes of our candidates and clients, Lateral Link understands the issues that attorneys and recruiting personnel face when making employment decisions. Lateral Link has successfully placed hundreds of attorneys throughout the United States, Europe and Asia. We leverage our status as one of a very few true “go-to” recruiting firms for non-public positions with major US-based and international firms and companies with the localized on-the-ground connections necessary to get our candidate members expedited attention during their job search.

美富律师事务所

Morrison & Foerster is a leading international law firm with a diversified presence in Beijing, Shanghai, and Hong Kong. Having been handling major matters in greater China for more than 27 years, with nearly 80 multilingual U.S., PRC and HK qualified legal professionals, coupled with approximately 1,000 international lawyers in sixteen locations around the world, MoFo provides comprehensive coverage for investment, finance and regulatory matters to a wide spectrum of clients, including many of the world's largest multinationals, the most active institutional PRC companies as well as promising startups in telecoms, cleantech and life sciences industries. Key areas of the firm's practice in China are capital markets, mergers and acquisitions, private equity and venture capital, real estate, foreign direct investment, technology and sourcing, and litigation.



O'MELVENY & MYERS LLP
美国美迈斯律师事务所

O'Melveny & Myers was one of the first U.S. law firms to establish an office or become locally qualified to practice in Hong Kong, Shanghai and Beijing. The Firm's China practice covers the full spectrum of business, commercial matters, and adversarial proceedings, from providing advice on complex acquisition, investment, commercial, financial, and capital markets transactions; to establishing joint ventures; to international trade matters and cross-border disputes. O'Melveny is an acknowledged market leader in China, with more than 100 professionals on the ground representing clients on cross-border matters. The Firm also has strong China practice teams in the United States, Japan, and the United Kingdom that work closely with the firm's China offices. The Firm's China practice group is comprised of lawyers with U.S., PRC, Hong Kong, and U.K. legal training.

SHEARMAN & STERLING LLP

谢尔曼·思特灵律师事务所

Founded in 1873, **Shearman & Sterling** is one of the world's leading global law firms with approximately 900 lawyers based in 20 major financial and commercial centers in Asia, Europe, Latin America and North America. In China, Shearman has offices in Beijing, Hong Kong and Shanghai. We have been on the forefront of the region's most dynamic and innovative transactions for over 30 years. Many of our attorneys in China are from the region, or are long-time practitioners in China, and speak Mandarin and various Chinese dialects. Attorneys in Shearman's China practice are qualified in U.S., UK and Hong Kong law and have expertise in a wide range of practice areas. In 2010, Shearman expanded our pan-Asia capabilities further with the launch of a dedicated Hong Kong law practice.



Sidley Austin has an established presence in the Greater China region and with offices and professionals in Beijing, Hong Kong and Shanghai, we are well placed to offer a full range of services to all those involved in doing business in China. Sidley's professionals in China are capable of handling a broad range of corporate, finance, litigation, regulatory and industry-specific matters and are qualified to advise on U.S., Hong Kong and English law. The firm represents global, U.S. and European companies, financial institutions, funds, life science companies and others establishing business operations in China, as well as many Chinese companies establishing operations and dealing with regulatory schemes in the EU, the U.S. and elsewhere. The firm's Asia-Pacific practice has received numerous honors, including "Most Innovative U.S. Law Firm" by IFLR earlier this year.

Career Opportunities



Cypress Recruiting Group was launched in 2001 by a Harvard Law School graduate to guide U.S. and China based attorneys on their lateral moves in China. Unlike other large U.S. based recruiting firms that assign just one recruiter to the Asian region, the entire Cypress team focuses exclusively on the Asian legal markets and consists of research associates, marketing and H.R. specialists and ex-practicing attorneys from top-tier law firms. We hear stories about unresponsive recruiters in this market who are overwhelmed and taking on too many Asia candidates at one time. We pride ourselves on being responsive and honest. With our full staff and offices in New York and Asia, we have the resources and support that allow our recruiters to focus on one thing—their candidates’ professional and personal well-being. Cypress recruiters are highly selective and it’s our policy that we only work with a handful of candidates at any given time. We have recently had candidates interview at top firms such as Shearman, Milbank, Simpson Thacher, MoFo, Jones Day, Herbert Smith, as well in-house positions at Goldman Sachs and both US and RMB private equity funds. Given our history and unparalleled relationships in China, we have placed more attorneys in China than any other Asia focused US recruiting firm. Cypress is known for the regional expertise, full staff and long lasting relationships that simply no other recruiting firm can offer. Visit www.cypressrecruiting.com or contact us at (212) 979-5900 or info@cypressrecruiting.com. Our legal blog provides lifestyle information, hiring trends and substantive legal and financial updates-- www.asialegalblog.com.

“Cypress Recruiting is a superb recruiting team. Frankly, they are our #1 recruiter – and we will look at candidates Cypress sources more positively than others because, frankly, they have some ability to get the good ones.” – Ken Siegel, Managing Partner, Morrison & Foerster.

About CBLA

Chinese Business Lawyers Association, Inc. (www.cblalaw.org) is a New York non-profit organization founded in early 2009. CBLA is a unique global forum of professional and social exchanges for legal, finance and other professionals with an interest in law and business in U.S. and China, without regard to location, ethnicity and language. If you have information to contribute to our quarterly newsletters, including the “Movers and Shakers” and “Community Bulletin Board” sections, please email media@cblalaw.org. Please note that CBLA has not verified and cannot be responsible for third-party statements contained in this newsletter.