



One Firm Worldwide<sup>SM</sup>



## HONG KONG DISPUTE RESOLUTION

With more than 2,500 lawyers in 35 offices, Jones Day has one of the world's largest litigation and arbitration practices, representing clients in jurisdictions around the globe, including the Hong Kong Special Administrative Region. Established in 1986, the Firm's Hong Kong Office has become one of the most prominent law firms in the region, providing a full range of legal services to Hong Kong, Mainland China and international clients.

In accordance with the principle of "one country, two systems", Hong Kong's legal system is separate from that of Mainland China and remains Asia's most independent, robust and active common-law jurisdiction, deeply committed to upholding the rule of law. Hong Kong's unique position as an international global centre and its common-law heritage make it a major forum for dispute resolution. The arbitration and

court systems in Hong Kong are highly sophisticated and on par with those of the world's major financial centres. In Hong Kong, disputes are resolved by high-calibre judges and arbitrators who are fair and independent. Parties in dispute know the case they face in advance through formal pleadings, discovery, witness statements, interrogatories and cross-examination of witnesses. Courts and tribunals are required to base their judgments and awards on established legal principles, statutes and case law.

### INTERNATIONAL LITIGATION & ARBITRATION

The Firm's International Litigation & Arbitration Practice includes a large number of Hong Kong-qualified lawyers with extensive experience appearing before the



Hong Kong courts. This experience includes representing clients in a variety of commercial litigation cases in the High Court of Hong Kong and landmark appeal cases before the Court of Final Appeal.

Our lawyers are also at the forefront of client representation in arbitration in which Hong Kong is the chosen venue of the disputing parties. These cases include ad hoc arbitrations under the HKIAC and UNCITRAL Rules and institutional arbitrations under the HKIAC Administered Arbitration Rules, the ICC Rules of Arbitration and the CIETAC Arbitration Rules.

We are involved in commercial dispute resolution in a wide range of areas, including the following:

- Administrative decisions
- Commercial fraud
- Company law
- Competition/antitrust issues
- Construction
- Defamation
- Employment
- Financial and investment regulations
- General commercial issues
- International trade
- IT/telecommunications

- Joint ventures
- Product liability
- Professional negligence
- Property
- Regulatory issues
- Restructuring and insolvency
- Securities and financial disputes
- Shareholder agreements

## LEADERS IN THE HONG KONG LEGAL PROFESSION

Our Hong Kong litigation and arbitration lawyers are recognised as leaders in a variety of areas, including insolvency, general commercial litigation, regulatory issues and construction. *Chambers Asia* (2010) and *The Asia Pacific Legal 500* (2009/10) have recognised our Dispute Resolution, Restructuring/Insolvency, Construction and Regulatory practices, and Jones Day partners in a number of practice areas have been ranked among Hong Kong's leading lawyers.

## MULTIJURISDICTIONAL AND CROSS-BORDER DISPUTES AND THE ADVANTAGE OF BEING "ONE FIRM WORLDWIDE"

As one of the largest global law firms, we represent many clients embroiled in multijurisdictional and cross-border disputes that give rise to complex substantive and procedural law issues. The most notable of these disputes has been the increasing number of cross-border cases arising from transactions with international, Hong Kong and Mainland Chinese elements, resulting from the massive growth in commercial activity on the Mainland over the past two decades.

"One Firm Worldwide" is not just a slogan; it underlies the Firm's foundation, our values and our approach to representing clients in multijurisdictional/cross-border litigation and arbitration. In practice it means that our Hong Kong lawyers regularly work closely with Jones Day lawyers around the world, including those in our Greater China offices of Beijing, Shanghai and Taipei, ensuring that the Firm's most qualified, experienced lawyers are assembled as a cohesive team to provide our clients with comprehensive and seamless representation.

This truly coordinated approach allows Jones Day to deal comprehensively with the complexities of multijurisdictional and cross-border cases and, at all times, to pursue our clients' overall litigation strategies and commercial objectives.

## ENFORCING JUDGMENTS AND ARBITRATION AWARDS

Our disputes lawyers regularly appear before the Hong Kong courts seeking and opposing enforcement of foreign judgments and international arbitration awards.

After the June 2006 signing of the *Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong SAR*, certain Hong Kong judgments rendered pursuant to commercial contracts containing exclusive Hong Kong or Mainland China jurisdiction clauses are recognised and enforceable on the Mainland. As a result, Hong Kong is the first and only common-law jurisdiction in the world whose court judgments may be recognised and enforceable in Mainland China and vice versa.

Because Hong Kong is a party to the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention), Hong Kong arbitration awards are already enforceable internationally. Of particular importance, arrangements between Hong Kong and Mainland China allow for the reciprocal enforcement of arbitration awards made in either jurisdiction.

## HONG KONG CIVIL JUSTICE REFORMS AND THE GROWTH OF ALTERNATIVE DISPUTE RESOLUTION

Civil Justice Reforms were recently adopted by the Hong Kong judiciary, leading to greater levels of case management and an increase in the use of alternative forms of dispute resolution, or ADR.

The willingness of parties to settle their differences by means other than court judgments or arbitral awards ebbs and flows throughout the course of the dispute. The point in the procedure at which ADR is adopted by the parties is conse-



quently one of the key determinants of the success or failure of the dispute resolution process.

We are already adept at advising and assisting clients that choose ADR in Hong Kong, since a number of our litigation and arbitration lawyers have practised in Australia, the UK and the US—jurisdictions where alternative dispute resolution is firmly entrenched in the legal system. Our practical experience puts our clients in a strong position to devise case strategies that maximise the potential for ADR success.

## REPRESENTATIVE CASES

Below is a partial list of significant litigation, arbitration and alternative dispute resolution cases handled by our Hong Kong Office in recent years:

- Appointed special counsel in the Asia-Pacific region to Lehman Brothers Holdings Inc. (in chapter 11).
- Represented a global professional services firm in a series of disputes in the High Court of Hong Kong arising from a sale and purchase agreement relating to the transfer to it of a business operating in Hong Kong, Singapore and Malaysia; the disputes were settled successfully.
- Representing a large Hong Kong construction company in its defense of multimillion-dollar claims brought against it in the High Court.
- Acting for a German civil engineering and construction company against the HKSAR government in ad hoc arbitration proceedings under the HKIAC Domestic Rules.
- Representing a top-tier European private equity firm

in ongoing litigations in the High Court relating to a multimillion-dollar share subscription in a Hong Kong-listed company for investment in a coal mine in China.

- Represented a Taiwanese conglomerate in an ICC arbitration against a major US venture capital firm in relation to a multimillion-dollar shareholders' dispute over commercial real estate assets in China.
- Representing a prominent individual in one of Hong Kong's largest and most complex shareholder disputes, involving several billion HK dollars.
- Representing a Hong Kong-listed communications company in relation to a dispute with the Telecommunications Authority regarding an alleged breach of the Telecommunications Ordinance; representing the same client in hearings before the Competition Appeal Board and the Court of Appeal.
- Advising a brokerage and investment group with respect to a dispute with one of its clients resulting from investment advice given to and trades made on behalf of that client concerning shares of a NASDAQ-listed company.
- Representing a major financial institution in a highly publicised corruption investigation concerning the fraudulent trading of warrants and options on the Hong Kong Stock Exchange.

- Represented the receivers of a major North American hedge fund in tracing and recovering fraudulently dissipated assets relating to the collapse of the multimillion-dollar fund.
- Represented a major US multinational in multiple proceedings relating to product liability issues arising in China, the United States, Europe and other locations but centred upon the client's China operations.

## ADDITIONAL INFORMATION

For additional information regarding our Hong Kong Dispute Resolution practice, please contact your principal Firm representative or one of the lawyers listed in this publication. General email messages may be sent using our "Contact Us" form, which can be found at [www.jonesday.com](http://www.jonesday.com).

## LAWYER CONTACTS

---

### HONG KONG

852.2526.6895

Robert L. Thomson  
[rthomson@jonesday.com](mailto:rthomson@jonesday.com)

Iain C.L. Seow  
[iseow@jonesday.com](mailto:iseow@jonesday.com)

Phillip Georgiou  
[pgeorgiou@jonesday.com](mailto:pgeorgiou@jonesday.com)

## JONES DAY GLOBAL LOCATIONS

---

ATLANTA	DALLAS	LOS ANGELES	NEW YORK	SHANGHAI
BEIJING	DUBAI	MADRID	PARIS	SILICON VALLEY
BOSTON	FRANKFURT	MEXICO CITY	PITTSBURGH	SINGAPORE
BRUSSELS	HONG KONG	MILAN	RIYADH	SYDNEY
CHICAGO	HOUSTON	MOSCOW	SAN DIEGO	TAIPEI
CLEVELAND	IRVINE	MUNICH	SAN FRANCISCO	TOKYO
COLUMBUS	LONDON	NEW DELHI	SÃO PAULO	WASHINGTON