

Heading East : A Practical Approach to Managing Commercial Realities and Resolving Business Disputes



18 April 2012 (Wednesday)
Washington DC

WilmerHale
1875 Pennsylvania Avenue, NW,
Washington DC 20006

2:00 pm - 6:45 pm
A Half Day Seminar

Organizers:



Heading East : A Practical Approach to Managing Commercial Realities and Resolving Business Disputes

Cross-border disputes are inevitable as foreign outbound investment by Chinese parties and investment into China continue to surge. This half day seminar adopts a practical approach, focusing on a case study of a Chinese-foreign party joint venture.

Learn from the expert advocates and dealmakers who have extensive experience in disputes resolution and discuss the most current techniques to mitigate risks and manage disputes.

1:30 **Registration**

2:00 **Program**

2:05 - 2:25 **Keynote Speech - Neil Kaplan CBE QC SBS, Honorary Chairperson of HKIAC**

2:30 - 3:45 **Session 1**

Planning Ahead: Effective Strategies For Mitigating Risks (Case Study - A Chinese-Foreign Party Joint Venture - Part I)

- Working with China's Lawyers
- Drafting Arbitration Clauses and Commercial Contracts
- Assessing Dispute Resolution Options

Speakers:

Robert Woll, Co-Partner-in-Charge, WilmerHale, Beijing

Michael Martinez, Senior Vice President and Associate General Counsel, Marriott International Inc.

Terence Wong, Partner, Hogan Lovells, Shanghai

3:45 - 4:00 **Refreshment Break**

4:00 - 5:15 **Session 2**

Taking It Out of the Courts: Overview of Dispute Settlement (Case Study - A Chinese-Foreign Party Joint Venture - Part II)

- Enforcing Arbitration Awards and Judgment
- Arbitration Inside and Outside of China

Speakers:

Robert Wolinsky, Partner, Hogan Lovells, Washington DC

Mark Flanagan, Partner, WilmerHale, Palo Alto

5:15 - 6:30 **Session 3**

China and Hong Kong: Recent Developments and Legal Trends

- Legislative Developments in Hong Kong and China
- Proposed HKIAC Administered Rules

Speakers:

Eric A. Szweda, Managing Partner, Troutman Sanders, Hong Kong

Chiann Bao, Secretary-General, Hong Kong International Arbitration Centre

6:30 - 6:45 **Questions and Answers**

Cocktail Reception



Neil Kaplan, CBE QC SBS, Honorary Chairperson of HKIAC

Neil Kaplan CBE QC SBS is an international arbitration adviser in the Hong Kong office of Mallesons Stephen Jaques. He has over 40 years of experience in dispute resolution, including a practice at the London Bar, as a government lawyer and practice as a Queens Counsel in Hong Kong and as the judge in charge of the construction and arbitration list of the Hong Kong High Court.

During the last 17 years Neil has solely performed the role of international arbitrator. Among the key positions that Neil held, he was chairman of the Hong Kong Branch of Chartered Institute of Arbitrators (1984 to 1987; and 1988 to 1989), chairman of the Hong Kong International Arbitration Centre (1990 to 2004), chairman of the disputes review board for Hong Kong's new airport at Chek Lap Kok (1995 to 2000) and president of the Chartered Institute of Arbitrators (1999 to 2000). He is currently chairman of the Telecommunications Appeal Board.

Neil is a fellow of the Chartered Institute of Arbitrators, a fellow of the Singapore Institute of Arbitrators and a fellow of the Hong Kong Institute of Arbitrators and a panelist at many arbitration centres including CIETAC and a member of the LCIA. Since 1995 Neil has been in full-time practice as an arbitrator and has administered several hundred cases as co-arbitrator, sole arbitrator or chairman of an arbitral tribunal all over the world. He has conducted a wide range of commercial, infra-structural and investment treaty disputes. These have been under the rules of ICC, HKIAC, LCIA, UNCITRAL, SIAC, SCC, ICSID and CIETAC. Neil has conducted ad hoc cases as well as cases administered by the PCA and other institutions.

Chiann Bao, Secretary-General, Hong Kong International Arbitration Centre

Chiann is the Secretary-General of the Hong Kong International Arbitration Centre (HKIAC). As Secretary-General, she functions as the chief executive of the HKIAC and oversees the administration of over 600 arbitrations, mediations, adjudications and other forms of dispute resolution proceedings at the HKIAC. She also ensures the HKIAC performs the statutory functions of the HKIAC in appointing arbitrators and mediators, and leads the team in promoting the use of Hong Kong arbitration and other forms of dispute resolution worldwide.

Prior to joining the HKIAC, Chiann worked with several international law firms and clerked at the International Court of Arbitration in Paris. She also worked with Neil Kaplan, CBE QC SBS in London as an arbitration assistant. Chiann regularly speaks on international arbitration, with a focus on Asia. Chiann is a Cornell University graduate and Fulbright Scholar in China. She obtained a Juris Doctor from the University of Wisconsin Law School and a Master of Arts in Arbitration and Dispute Resolution from the City University of Hong Kong. She is admitted to the New York and Wisconsin Bars.

Mark Flanagan, Partner, Litigation/Controversy Department, WilmerHale, Palo Alto

Mark Flanagan is a partner at the firm's Litigation/Controversy Department, and a member of the Intellectual Property Litigation, International Arbitration, International Litigation, and Investigations and Criminal Litigation Practice Groups. He is also a member of the firm's Management Committee and is the hiring partner for the firm's Palo Alto office. He joined the firm in 2006. Mr. Flanagan's practice is diverse, focusing on intellectual property litigation and counseling, white collar criminal defense and international arbitration.

Mr. Flanagan is a seasoned trial attorney with in-depth experience in IP litigation, white collar criminal defense and international arbitration. He represents clients principally in the semiconductor, computer, telecommunications, clean tech and publishing industries in a variety of matters, including patent and copyright infringement, trade secret misappropriation and licensing disputes. Mr. Flanagan also represents companies and individuals in white collar criminal defense matters. His practice spans a variety of jurisdictions and fora, including district and appellate courts throughout the country and arbitration organizations throughout the world.

Michael L. Martinez, Senior Vice President and Associate General Counsel, Dispute Resolution, Marriott International Inc.

Eric A. Szweda, Managing Partner, Head of International Arbitration and Dispute Resolution Team, Troutman Sanders, Hong Kong

Eric A. Szweda is the managing partner of Troutman Sanders' Hong Kong office. He also leads the firm's International Arbitration and Dispute Resolution Team. He is admitted to practice in Hong Kong and in the United States, and Chambers recognizes him as one of the leading lawyers in Asia-Pacific for arbitration.

Mr. Szweda's engagements include litigation in the national courts and international arbitrations. His practice is overwhelmingly transnational, with cases currently venued in or involving Hong Kong, China, the United States and Europe and governed by numerous different laws and legal systems including English, Hong Kong, American, Chinese, Mexican, and Swiss law.

Mr. Szweda is a graduate of Cornell University and Vanderbilt University School of Law, where he was editor in chief of the Vanderbilt Journal of Transnational Law.

Robert Wolinsky, Partner, Hogan Lovells, Washington DC

Robert Wolinsky practices complex commercial litigation in federal and state courts across the country, as well as in arbitration proceedings. Robert's practice includes extensive trial experience and significant client victories.

Robert represents companies in disputes involving a wide range of legal issues, including antitrust and consumer protection claims; contract disputes; false advertising and unfair competition claims; patent, trademark, and copyright claims; constitutional issues; tax disputes, data and privacy issues; and other statutory issues. His experience covers a wide range of industries with a focus on clients in the energy and natural resources industry in the United States and internationally. Robert's work in the energy sector recently earned him a spot on Law360's list of five energy lawyers under 40 to watch. He has represented clients in disputes across a broad spectrum of issues including natural gas (sales/trading, storage and transportation), electricity (generation and distribution), nuclear power, and alternative energy. Many of his cases have a significant regulatory overlay relating to oversight or regulations promulgated by the Federal Energy Regulatory Commission (FERC), the Commodity Futures Trading Commission (CFTC), the Department of Energy, or state regulatory bodies. He also has represented companies in connection with FERC and CFTC investigations, as well as in FERC proceedings to provide litigation advice and assistance.

Robert Woll, Co-Partner-in-Charge, Chair, Asia Corporate Practice Group, WilmerHale, Beijing

Robert Woll is a partner at WilmerHale, based in the firm's Beijing office. He advises clients on mergers and acquisitions, joint ventures, strategic alliances, private equity transactions and the formation of China-focused private equity funds and other investment vehicles.

Mr. Woll has been ranked as a leading private equity, M&A and investment funds lawyer in the Asia-Pacific region by Chambers Asia-Pacific and Chambers Global (2007-2012), and has been recognized by PLC Which Lawyer? and the Asia-Pacific Legal 500 for many years for his experience in private equity and M&A transactions. Mr. Woll has worked with a number of leading technology and telecommunications companies in China, including Baidu, ChinaHR.com, DYXnet Group, Peking University Founder Group, SINA Corp. and Zhenai Inc., with respect to venture capital financings, joint ventures and strategic alliances, securities offerings, spin-offs and M&A transactions.

Before attending law school, Mr. Woll taught Chinese language at Middlebury College. He began his legal career in New York and has practiced in Hong Kong and China since 1997. He is a graduate of Princeton University (summa cum laude) and Stanford Law School, where he was Senior Note Editor of the Stanford Law Review.

Terence Wong, Partner, Hogan Lovells, Shanghai

Terence is experienced in contentious construction issues. He has acted in various major arbitrations, court proceedings, and mediations, on behalf of employers, contractors, sub-contractors, consultants, etc regarding projects in China, Hong Kong and other countries. He has worked on the Arbitration Rules of many arbitration institutions, including the China International Economic and Trade Arbitration Commission, the Hong Kong International Arbitration Centre, the Singapore International Arbitration Centre, the International Chamber of Commerce, the UNCITRAL Model Rules, the Terms of the London Maritime Arbitrators Associations etc.

Terence's experience includes providing legal advice to the construction industry, including advising on the drafting and negotiation of joint venture agreements, construction contracts, sub-contracts, managing the tendering process, and advising on disputes arising from the construction process. Terence is familiar with various bespoke contracts including FIDIC, the contracts promulgated by the Ministry of Housing and Urban-Rural Development (previously known as the Ministry of Construction) in China, the JCT Contracts, etc.

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Registration Form - Please register by 16 April 2012

Attendance is by invitation only and will be allocated on a first-come-first-served basis. Registration is complimentary, but you will need to register by sending the completed form to us by email: acc@hkiac.org. For more information, please email at acc@hkiac.org

DELEGATE REGISTRATION - PLEASE TYPE OR PRINT IN BLOCK LETTERS

I/We will will not be attending the Post Seminar Cocktails (please tick applicable box)

TITLE: _____

NAME: _____

COMPANY: _____

POSITION: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

EMAIL (ESSENTIAL, PLEASE INDICATE): _____

IMPORTANT NOTES

1. Confirmation will be sent to all registered delegates via email.
2. The programme of the event is subject to change without prior notice.
3. Please bring a photo ID to gain access through building security.

