

ASIAN-MENA COUNSEL

In this issue ...

The most responsive firms of Asia-MENA
The Saudi cooperative insurance market –
the Premier League of insurance?
The New Indian Gazettal and what it will
mean for China and Hong Kong
Financial dispute resolution in Hong Kong:
nothing to fear?

MAGAZINE FOR THE **IN-HOUSE COMMUNITY** ALONG THE NEW SILK ROAD | Volume 10 Issue 6, 2012

Representing Corporate Asia & Middle East

6th Annual Survey of In-House Counsel along the New Silk Road

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Japan, Nishimura & Asahi

Korea, Hwang Mok Park, P.C.

Malaysia, Skrine

New Zealand, Simpson Grierson

Pakistan, Rizvi, Isa, Afridi & Angell

Philippines, Romulo Mabanta Buenaventura Sayoc & de los Angeles

Singapore, Rajah & Tann LLP

Sri Lanka, F. J. & G. de Saram

Taiwan, Tsar & Tsai Law Firm

Thailand, Tilleke & Gibbins



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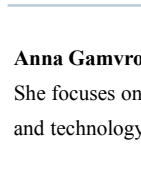
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Aaron Bleasdale is an associate at Baker & McKenzie and he focuses on commercial litigation and arbitration, compliance matters and regulatory investigations, as well as anti-corruption, anti-money laundering and data privacy law. Bleasdale also has expertise in e-discovery and computer forensic investigations.



Anna Gamvros leads Baker & McKenzie's Privacy and Data Protection Group in Hong Kong. She focuses on IT and communications issues, covering privacy and data protection, licensing and technology agreements, outsourcing, telecommunications and internet regulatory issues.



David Luk is the legal manager of Smyth & Co's Dispute Resolution practice in Hong Kong. He has experience in commercial disputes, insurance related claims and professional indemnity matters. He is an accredited Mediator (HKIAC & HKI Arb).

David Smyth is the senior partner of Smyth & Co Hong Kong (in association with Reynolds Porter Chamberlain LLP). Smyth specialises in litigation, particularly in insurance related claims and professional indemnity matters, where he represents a full range of professionals, financial institutions and their insurers. He advises in relation to a wide variety of commercial and financial disputes, regulatory, disciplinary and risk management issues, as well as on policy wordings and other general issues for insurers.



About the IN-HOUSE COMMUNITY

A mutually supportive community of In-House Counsel *helping* In-House Counsel and Compliance Professionals meet their ethical, legal and business commitments and responsibilities within their organisations.

The In-House Community comprises over 18,000 individual in-house lawyers and those with a responsibility for legal and compliance issues within organisations along the New Silk Road, who we reach through the annual IN-HOUSE CONGRESS circuit of events, ASIAN-MENA COUNSEL magazine and WEEKLY BRIEFING, and the In-House Community online forum.



ASIAN-MENA
COUNSEL



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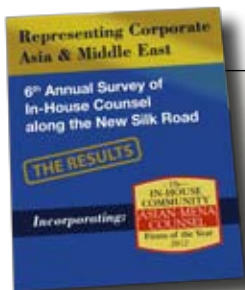
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Volume 10 Issue 6, 2012



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22 6th Annual Representing Corporate Asia & Middle East Survey

Canvassing the views and concerns of in-house counsel along the New Silk Road, our extensive results shine a light on the issues that are of concern to in-house counsel across a range of sectors, their expectations for the coming year, and the factors which they say tip the scales when selecting their external counsel.

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By Lasma Simbolon and Almira Prajna Ramaniya of *SSEK*



Liberalisation of the legal profession in Malaysia

By Norhisham Abd Bahrin of *Azmi & Associates*



Amendments to the Consumer Protection Law

By Laura Warren of *Clyde & Co*



Saudi cooperative insurance market – the Premier League of insurance?

By Peter Hodgins and Matthew Owen of *Clyde & Co*



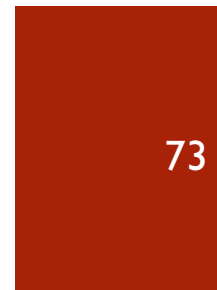
E-discovery in arbitration: a wake up call for Korean co's

By Bryan E Hopkins and Charles Choo of *Lee International*



Family businesses and succession planning – a ME perspective

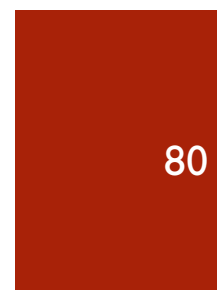
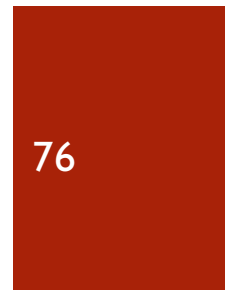
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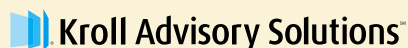
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ASIAN-MENA COUNSEL is grateful for the continued editorial contributions of:



MOVES

The latest legal appointments around the ASIAN-MENA region.

AUSTRALIA

Baker & McKenzie has appointed **Mathieu Hanaut** as a partner in their Sydney office. Hanaut was previously at Jones Day. He will continue to practice in resources and cross-border M&As. A French national with Australian citizenship, Hanaut is a commercial, resources and mining lawyer with 15 years' experience in France and Australia. He has extensive experience advising foreign companies in the APAC region and has developed niche expertise in the area of New Caledonian nickel mining and resource projects. Appointed by France's Prime Minister, Hanaut has been a French Foreign Trade Advisor in Australia since 2002.

King & Wood Mallesons has strengthened its practice with the appointment of partner **Scott Singleton**, who will be based in the firm's Brisbane office. He will join the firm from Minter Ellison where he was formerly a partner in its energy and resources group. Singleton brings with him a wealth of experience and specialist skills in mining and petroleum tenure and operational mining, land access, climate change and renewable energy. He has a unique blend of government and private practice experience, having held senior positions in the Queensland Government prior to joining Minter Ellison.

Squire Sanders Australia has firmed up its international dispute resolution practice with the addition of **Cris Cureton**. A prominent lawyer in the Northern Territory project and construction industry and one of Australia's leading litigation lawyers, Cureton has worked on many major projects in the Northern Territory in the past two decades. Among these are the Alice Springs to Darwin Railway and the Darwin Waterfront Redevelopment as well as the Bonaparte Gas Pipeline. His areas of expertise include adjudication, arbitration and mediation; litigation and dispute resolution; projects and public private partnerships including aboriginal land, native title and sacred site agreements and clearances. Cureton established the Minter Ellison Darwin office as a founding partner in 2003.

CHINA

Reed Smith has appointed **Ivan Chiang** to its partnership. Based in Shanghai, Chiang joins the firm's corporate and securities group from K&L Gates. He has over 15

years of experience advising clients in China on M&A, capital market transactions, private equity financings, RMB fund formation, direct investments, construction and property related matters. Chiang also has broad capital market experience advising companies offering and listing their securities on the Hong Kong, London and Luxembourg Stock Exchanges. He has worked in-house in the technology, semiconductor, and wireless communications industries. Chiang is admitted to practice in New York and Hong Kong and is fluent in Chinese and English.



Ivan Chiang



Simon Kai-Tse Cheong

Sheppard, Mullin, Richter & Hampton has appointed **Simon Kai-Tse Cheong** as a partner in the firm's corporate and finance and bankruptcy practice groups, based in the firm's Beijing office. Cheong joins from the Chinese law firm Zhong Lun in Beijing. He has more than 16 years experience advising

multinational companies and financial institutions on cross-border M&A and financing matters. Cheong has also served as senior counsel for the World Bank Group's International Finance Corporation (IFC) and was responsible for managing the IFC's legal activities in mainland China. His clients included major multilateral and government institutions, such as the IFC, China-ASEAN Investment Cooperation Fund, the Swedish Export Credit Corporation, KfW IPEX-Bank, and the Government of Singapore Investment Corporation

Miller Canfield has expanded its China practice with the appointment of **Yanping Wang** as a principal and resident director of its Shanghai office. A native of China, Wang has been a Chinese lawyer and is licensed to practice in the US. She has extensive experience in corporate, customs protection, employment, foreign exchange, intellectual property and real estate law. Wang joins from another US-based firm where she was partner-in-charge of its Shanghai office and co-chair of its China group. She received her JD

Lewis Sanders

— Legal Recruitment —

In-House

LEGAL MANAGER HONG KONG 5-10 years

Good opportunity for a corporate lawyer looking for a change in career direction & good hours. In this role, you will focus on regulatory policy formulation. Strong knowledge of the operation of the securities market is essential. Fluent written & spoken English & Chinese are required. AC3783

CORPORATE COUNSEL HONG KONG 3-5 years

MNC seeks a mid-level corporate/commercial lawyer with experience in commercial contracts & M&A to join the team. Good hours on offer in this regional role working closely with the business & reporting to the GC for Asia. Fluent Chinese is preferred but not essential. AC3766

FUNDS & SECURITIES HONG KONG 3-5 years

Globally renowned investment bank seeks a junior to mid-level legal counsel to join its legal team supporting the funds & securities business function. The ideal candidate will have broad funds experience in onshore & offshore funds, authorized funds, hedge funds, & private equity funds. AC3615

COMPLIANCE/EMPLOYMENT HONG KONG 8-12 years

Global name in the hospitality business seeks to hire a lawyer to advise on compliance (data protection, FCPA & anti-bribery) & employment issues across the region. The role is open to lawyers in HK, across Asia, UK & Aus. Excellent team environment. AC3727

LITIGATION HONG KONG 3-15 years

Regulatory body seeks litigators with general commercial/financial services experience to join its expanding team. Strong analytical skills & ability to understand complex issues are required. Interesting work & good work/life balance on offer. Fluent Chinese is preferred but not essential. AC3767

PRIVATE WEALTH MANAGEMENT HONG KONG 5-10 years

Leading investment bank seeks a VP level lawyer to join the legal team supporting the private wealth management business. You will have strong experience in funds &/or structured products/derivatives together with a grasp of relevant regulatory & compliance issues. AC3726

SENIOR DERIVATIVES HONG KONG 5-10 years

Global bank with significant expansion plans in Asia seeks an experienced derivatives lawyer to oversee all legal & transaction management support for the Structured Products Business, for Asia ex Japan. Chinese language skills would be an advantage. AC3659

Private Practice

FUNDS PARTNER/COUNSEL HONG KONG 8+ years

International firm with a highly regarded financial services & funds practice is looking to add a funds partner or counsel to the team. The ideal candidate will have a track record with an international law firm working in investment funds. Fast track to partnership if joining as a consultant. AC3699

LITIGATION PSL HONG KONG 4-10 years

Magic Circle firm with a strong dispute resolution practice seeks a litigation PSL for its HK office. The ideal candidate will have solid general commercial litigation experience gained from other international firms. Strong drafting & organisation skills are required. Excellent work/life balance. AC3777

MID-LEVEL LITIGATOR HONG KONG 4-5 years

A mid-level litigator is required by this Magic Circle firm with an excellent practice in dispute resolution. The successful candidate will have at least 4-5 years' relevant experience gained at a reputable international firm. Good commercial acumen & Mandarin skills are preferred. AC3769

CORPORATE M&A LAWYER SINGAPORE 3-7 years

US firm is seeking a Singapore qualified corporate lawyer for its corporate team in Singapore. You should have 3-7 years' experience with public M&A preferably from a top tier Singapore or international law firm. Fluency in English is a must. Excellent team environment. AC3689

PRACTICE DEVELOPMENT MANAGER HONG KONG 5+ years

US firm seeks a practice development manager in HK to support the funds, regulatory & project finance practices. The ideal candidate should have fluent English writing skills, & the ability to work with partners & as part of a team. Good working environment on offer. AC3772

FINANCE HONG KONG 3-7 years

Top off-shore firm seeks a mid to senior level banking lawyer to work on a range of general banking matters, structured finance and securitization deals. Excellent team environment, top quality work & good work/life balance on offer. Mandarin preferred but not essential. AC2919

CORPORATE PARTNER/TEAM HONG KONG 10+ years

US firm with a long established HK office & solid global & regional platform seeks to further expand its corporate practice. Individuals or teams with an M&A or corporate finance focus will be considered. Excellent remuneration on offer. Client following ideal but not essential. AC2912

This is a small selection of our current vacancies. Please refer to our website for a more comprehensive list of openings.

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MOVES

from the University of Kansas School of Law and LLM in civil and commercial law from Renmin University of China and an LLB in law with honors from the China University of Political Science and Law.



Weishi Li

Covington & Burling has boosted its corporate team with the appointment of **Weishi Li**. Li will join the Shanghai outfit (when the office opens.) Li's practice covers a wide range of technology transactions and IP-related advice. A native Mandarin speaker, she has significant experience representing multinational and

Chinese companies in structuring and negotiating cross-border IP and technology-related transactions. Li has represented numerous companies in the life sciences sector, focusing on licensing, strategic alliances and joint venture arrangements. She earned a bachelor's degree from Peking University, a law degree from Harvard Law School and a doctorate degree in microbiology from Columbia University.

HONG KONG

Jones Day has announced that **Maria Tan Pedersen** has joined their banking and finance practice as a partner and will be based in the firm's Hong Kong office. Formerly a partner with K&L Gates, she is an international projects and commercial lawyer, with an extensive and diverse background in international and domestic transactions, financing, contracts and arbitration, crossing multiple sectors and involving governmental, public and private clients. Pedersen is also experienced in matters involving the energy sector, both conventional and renewable, and will continue to maintain a special focus on Southeast Asia and Greater China. She received her JD at UC Berkeley's Boalt Hall School of Law and is admitted to the bars of District of Columbia, New York and is a registered foreign lawyer in Hong Kong. She is fluent in English and French.

INDIA

HSA Advocates (formerly known as Hemant Sahai Associates) has expanded its partnership with the appointment

of **Jagvir Singh**. Singh earlier worked with DSK Legal as partner, and at Fox Mandal Little. Prior to commencing his career as a lawyer, he worked with the Government of India as a Customs and Excise Officer for 13 years, during which time he earned his law degree from the University of Delhi and an LLM degree from the University of London.



Nitin Banerjee

J Sagar Associates has appointed **Nitin Banerjee** as a retained partner. A projects lawyer qualified both in India and UK, Banerjee has significant energy, infrastructure and corporate commercial experience. He has a good mix of private practice and in-house experience in a number of legal and management

roles and has worked on transactions in several countries across the globe. His expertise includes projects, M&A and disposals (including farm-in and upstream developments), governance and corporate commercial matters. Banerjee joins from the in-house legal team of BG Group plc UK where he was the senior lead counsel within the Africa, Middle East and Asia regions. He has extensive experience on upstream, midstream (LNG) and downstream transactions.

SINGAPORE

Mayer Brown JSM has appointed **Nathan Dodd** as a partner in the firm's Singapore office where he will be a core member of the firm's global projects group. Dodd has more than 13 years' experience in the Asian legal market, with a particular emphasis on the energy, natural resources and infrastructure sectors. His experience includes major project development transactions in Southeast Asia, South Asia and Africa. He joins from Linklaters, where he worked in London from 1997 until March 1999, when he transferred to Singapore.



Nathan Dodd

AMC

Jeremy Poh
Singapore

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To discuss legal roles in Hong Kong, China and North Asia, call Hayden Gordine on +852 2973 6333 or email haydengordine@taylorroot.com.hk

Singapore

Commercial/IP/IT 8+ years

Consultancy, technology and outsourcing services provider seeks an experienced legal manager gained in IT and/or commercial areas. Prior experience in a law firm or dynamic corporate legal/transaction group in the IT industry would be a strong advantage. Needs to be SG-qualified. **Ref: 187841**

Securities Services (Banking) 8+ years

Global banking giant seeks an experienced lawyer to look after the legal support function for the securities services team within the transaction bank. You should have strong transactional experience and be familiar with the various securities services businesses including custody and funds work. **Ref: 187831**

IT/Mandarin Speaker 5+ years

International IT company which provides services to the financial services industry seeks a native-level Mandarin speaker to take up a regional position covering Asia from its Singapore office. PRC qualification is preferred but not essential. General corporate/IT experience required. **Ref: 185741**

Commercial/IP/IT 6+ years

Opportunity with this well-known company that provides IT and communications engineering solutions. You should have a mixture of private practice and in-house experience. Prior exposure to an IT environment will be an advantage. Experience of working in Singapore is compulsory. **Ref: 187761**

Paralegal 3+ years

Major Fortune 500 giant is currently seeking an experienced paralegal to come on board. The ideal candidate should have a diploma in law or paralegal studies and have prior in-house experience. Exposure to a multi-national working environment will be highly advantageous for the position. **Ref: 187711**

Hong Kong

IBD – IPO Advisory 8+ years

Leading investment bank seeks an experienced ECM/corporate lawyer to move into a business advisory role supporting business teams offering solutions around equity capital raisings to corporate clients. Experience dealing with HK listed companies, pre IPO due diligence, HK Listing Rules & Take Over Code. **Ref: 187371**

Funds – Wealth Management 6+ years

Major financial institution seeks a funds lawyer to support its private client business on a full array of investment and wealth management products tailored to extreme HNW's across Asia. Tailored products include funds, structured products and derivatives. Experience in funds is essential. **Ref: 187611**

Custody – Securities 6+ years

Leading provider of custodian banking services is seeking to recruit a lawyer with custody services experience gained within a custodial financial institution or investment bank. Lawyers working in private practice with collateral, netting, clearing, cash and credit risk management are of interest. **Ref: 176900**

Legal Counsel, MNC 3-10 years

Renowned luxury brand seeks an IP Counsel to join its team. You will assist on a range of IP matters including copyright, trademark, anti-counterfeiting, enforcement and infringement matters. Open to candidates with experience gained from law firms or in-house. Fluent Mandarin skills are essential. **Ref: 187020**

Legal Counsel, MNC 4-8+ years

Great opportunity to join the dynamic legal team of this MNC. Reporting to the Head of Legal, you will be providing legal advice to the Group's business globally. Experience in corporate M&A transactions and commercial matters required. Candidates qualified in HK, Singapore, Malaysia or Philippines considered. **Ref: 186370**

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Featured below are some recent headline deals from across Asia and the Middle East



AUSTRALIA

Allens has advised **Macquarie Capital** in respect of the sale of its majority stake in mining services company CQMS Holdings Pty Ltd to Quadrant Private Equity. CQMS supplies mining wear parts and consumables to the mining extraction and mineral processing industries. The deal, which was completed on 31 July 2012, saw Macquarie sell its stake in CQMS in conjunction with the sale of the remaining minority stake by an entity associated with Thomas Meyers. Partner **Cameron Price** led the transaction.

Clayton Utz, supported by firms in South-East Asia and the United States, has also advised Japanese steel manufacturer **Nippon Steel Corporation** in respect of a US\$1.36 billion joint venture with BlueScope Steel to establish a new coated products business, NS BlueScope Coated Products, in South-East Asia and North America. Under the terms of the agreement, Nippon Steel will acquire a 50 percent equity interest in BlueScope's existing holdings in 14 coated products businesses in South-East Asia and North America, which will be reorganised into a 50:50 joint venture between Nippon and BlueScope to form NS BlueScope Coated Products. The new business will be headquartered in Singapore. Nippon Steel will also supply the JV substrates (hot- and cold-rolled coils) for hot-dip galvanised sheets

on a regular basis. Partner **Graham Taylor** led the transaction which was announced on 13 August 2012.

Minter Ellison is advising **OM Holdings Ltd** in respect of its 'low doc' A\$72.5 million (US\$75.76m) entitlement offer to its existing shareholders announced on 16 August 2012. OM Holdings, which has its foundations in metals trading, now operates commercial mining operations leading to a fully integrated operation covering Australia, China and Singapore. The net proceeds will be used to partly finance development and construction activities at the company's Sarawak project, in which the company has an 80 percent interest, and to assist in the timely financial close of that project which is expected to occur in the second half of 2012. The Sarawak project entails the development of a greenfield manganese and ferro-silicon alloy smelter with an expected annual production capacity of 575,000 tonnes. M H Carnegie & Co Pty Ltd was the sole lead manager in respect of the offer. Partner Daniel Scotti led the transaction.

Gilbert + Tobin is advising Australian gold producer **Silver Lake Resources Ltd** in respect of its acquisition of Integra Mining Ltd for A\$426 million (US\$450m). The transaction was announced on 6 August 2012 following a unanimously

recommended takeover by scheme of arrangement at an exchange ratio of one new Silver Lake share for every 6.28 Integra shares. Partner Marcello Cardaci is leading the transaction.



CHINA

Ogier has acted as Cayman Islands legal counsel to the issuer in respect of the AIM listing of China ChainTek United Holdings Co Ltd (China ChainTek) on August 2012. China ChainTek is one of the largest providers of logistics services to domestic sports shoe and apparel manufacturers in China. The listing in the UK will be used to expand the company's logistics services business and its inventory storage and management business. The raising of new money will partly fund the development of a 200,000 sq m warehouse in Jinjiang City which will centralise customer operations. Partner **Nathan Powell** led the transaction. **Pinsent Masons**, led by partner **Sean Page**, acted as lead advisers to China ChainTek.

Morrison & Foerster has represented **Softbank** in respect of a three-way transaction among Softbank, Yahoo and Alibaba pursuant to which Alibaba will repurchase half of Yahoo's shares in the company for US\$7 billion, the parties will re-state their shareholders agreements, and Softbank will become Alibaba's largest shareholder. The transaction represents one of the largest technology transactions of 2012 and is the largest ever investment/M&A transaction between a Japanese



In-House

LUXURY BRAND Hong Kong 8+ PQE

This leading brand name with a growing Asia Pac presence is looking for a senior commercial lawyer with fluent Mandarin to appoint as its Regional Counsel. In-house experience gained with an MNC is essential. Exclusive instruction. (IHC 8466)

LEGAL COUNSEL Singapore 6+PQE

Our client, a leading MNC is seeking to recruit its first counsel for Singapore, supporting the sourcing business. Drafting and negotiating commercial contracts for sourcing operations as well as providing IP support are key responsibilities for the role. Strong technical drafting skills, business partnering capability and fluent Mandarin are essential for this role. (IHC8479)

EMPLOYMENT Hong Kong/Singapore 5-10 PQE

Global brand name with a significant and growing presence across Asia Pac seeks a specialist employment lawyer to assist on regional employment matters. This will suit lawyers either in private practice or in-house looking to advise on regional issues. (IHC8464)

WEALTH MANAGEMENT Beijing 5+ PQE

A leading international bank is seeking a senior in house counsel with a strong understanding of PRC law, experience dealing with CSRC/CBRC and good knowledge of banking products. (IHC 8083)

COMMERCIAL AND REGULATORY COUNSEL Hong Kong 4+ PQE

Newly created legal counsel position for this well-known group company to support growing business in APAC. Commercial and regulatory matters and ongoing legal support to the business are key responsibilities for this role. Minimum 4 PQE required. (IHC8403)

IN HOUSE CORPORATE COUNSEL Hong Kong 3 PQE

Reporting to the Head of Legal, regional role offering challenging, diverse work ranging from M&A, corporate & general commercial matters. Solid M&A, cross-border transactional experience, ongoing listing compliance and general commercial experience key. Fluent English, Cantonese, written Chinese essential. (IHC 8475)

IN-HOUSE BANKING Singapore 1-2 PQE

An international banking group is seeking a junior lawyer to join their Singapore office. They are a full-range of financial services provider to corporate and institutional customers. This role is to support the senior lawyers in legal related issues and to work closely with all business units. You will have had exposure to banking and finance products, loan agreements and to other documentation work. The successful candidate will be admitted to an ASEAN jurisdiction (IHC 8491)

Private Practice

IP PARTNER Singapore Partner

Our client is well established international law firm with a solid brand in Asia. The Singapore office is seeking to grow and to hire an IP partner to join the team. You may already be a partner within the region wanting a new challenge and the opportunity to build a practice or at Counsel level and seeking a step up to partnership. You must be able to demonstrate that you have a good profile in the market and have the desire to build a practice. Asian market experience is essential. (IHC8531)

BANKING & FINANCE Hong Kong Partner/Counsel

Highly regarded international law firm is seeking an ambitious senior associate who is ready to step up to Partnership. Diverse banking and finance experience is necessary with exposure to cross border financings, asset and project finance matters. (IHC 8559)

FUNDS Hong Kong Partner

Leading global funds practice seeks a senior lawyer who has extensive experience advising hedge funds and who has exposure to various other funds matters. Following not essential, but you will have proven business development skills. Strong candidates from commonwealth jurisdictions will be considered if they have gained extensive experience in the hedge funds space. (IHC 8390)

PROJECT FINANCE, OF COUNSEL Shanghai 8+ PQE

A leading international law firm is seeking a senior Project Finance lawyer with extensive cross-border experience and ideally exposure to PRC deals. Previous exposure to the Energy/Infrastructure/Construction sectors is required and Mandarin is preferred but not necessary for this role. (ICH8534)

BANKING / PROJECT FINANCE Bangkok 4-7 PQE

One of the highest regarded regional practices is looking to appoint a seasoned project finance lawyer as part of their strong regional team. Excellent opportunity to work on cutting edge transactions and high profile projects. Top international law firm experience required. Very competitive package on offer. (IHC8441)

PSL CORPORATE FINANCE Hong Kong 4 PQE

Fantastic opportunity to join this highly regarded corporate finance practice. Solid PSL or fee earning experience in Hong Kong, including Hong Kong IPO and ongoing listings compliance essential. Fluent English and written & spoken Chinese required. Flexible work arrangement negotiable. (IHC7472)

ASSET FINANCE ASSOCIATES Singapore 1-3 and 3-5 PQE

Our client, a top international law firm, has a leading aviation finance practice in the region. They are seeking 1-3 Year PQE and 3-5 Year PQE asset finance lawyers who have strong cross-border asset finance experience, preferably with an aviation finance focus. You will have top tier firm experience and outstanding academics. Candidates will be UK or Australian qualified. (IHC8446)

Professionals Recruiting Professionals

These are a small selection of our current vacancies. If you require further details or wish to have a confidential discussion about your career, market trends, or would like salary information, then please contact one of the following consultants in Hong Kong:

Andrew Skinner, Jennifer Donnelly, Michael Godby or Nisha Chugh.

Hong Kong

(852) 2920 9100
als@alsrecruit.com

Singapore

(65) 6557 4163
singapore@alsrecruit.com

Beijing

(86) 10 6567 8728
beijing@alsrecruit.com

Shanghai

(86) 21 6372 1058
shanghai@alsrecruit.com

UAE

(971) 2412 4132
mena@alsrecruit.com

company and a Chinese company. Partner **Kenneth Siegel** led the transaction.

HONG KONG

Mayer Brown JSM is advising **Swire Resources Ltd** in respect of the formation of a multi-million retail joint venture in China with Columbia Sportswear Co. The formation of the joint venture is the culmination of a long-standing relationship between Swire Resources Ltd and Columbia Sportswear Co. Swire Resources Ltd, a subsidiary of Hong Kong-based conglomerate Swire Pacific Ltd, has been the exclusive independent distributor for Columbia and Mountain Hardwear-branded products in China and Hong Kong since 2004. The joint venture, which will begin operating in Shanghai in 2014, is aimed at expanding the brands' reach into mainland China. Columbia Sportswear Co will own a 60 percent share in the joint venture and Swire will own the remaining 40 percent. The transaction involves the acquisition of an existing PRC business and the transfer of business into a newly set up joint venture entity through a multi-stage completion. Partner **Martin Robertson** is leading the transaction.

Skadden has represented **Wynn Resorts (Macau) SA** in respect of a new US\$2.3 billion dual currency secured credit facility which consisted of: (i) a US\$750 million equivalent fully funded senior secured term loan facility; (ii) a US\$1.55 billion equivalent senior

secured term loan facility; and (iii) an option to upsize the total senior secured facilities by an additional US\$200 million. Borrowings under the senior secured credit facilities will consist of both Hong Kong dollar and US dollar tranches. The borrowings will be used to refinance Wynn Macau's existing indebtedness and to fund the design, development and construction of Wynn Macau's new casino resort in the Cotai area of Macau. The total cost of the Wynn Cotai project is expected to be between US\$3.5 - US\$4 billion. The transaction was led by partner **Alan Schiffman**.

INDIA

Amarchand Mangaldas has advised **Nestlé SA** in respect of securing approval from the Competition Commission of India (CCI) for its acquisition of the global nutrition business of Pfizer Inc. The CCI noted that, since Nestlé and Pfizer are amongst the major players in the nutrition business worldwide, there may have been a possibility that the proposed transaction could have raised anti-competitive concerns by way of a removal of a potential competitor, even though Pfizer presently does not have any sales in India. The CCI however observed that since Pfizer had not approved any proposal to enter the nutrition business in India and that there were no regulatory applications (by Pfizer) pending with any authority in India, the proposed transaction did not raise any concerns as a result of loss of potential competition. Partners **Pallavi Shroff** and **Shweta Shroff Chopra** led the transaction.

PHILIPPINES

Paul Hastings has represented **Deutsche Bank** as the sole bookrunner in respect of Ayala Corporation's US\$155 million treasury share block sale. Ayala is one of the Philippines' largest conglomerates, with interests in real property, banking, telecommunications, water, infrastructure and energy. Ayala is looking to invest up to US\$1 billion over the next five years in the transport infrastructure and power generation sectors in the Philippines, including in projects under the government's public private partnership program. Partners **Patricia Tan Openshaw** and **David Grimm** led the transaction.

SINGAPORE

Stamford Law Corporation has acted as lead transaction counsel for **Fraser and Neave Ltd** (F&N) in respect of its proposed S\$5.59 billion (US\$4.5b) sale of its 39.7 percent effective interest in Asia Pacific Breweries Ltd (APB) to Heineken International BV. The transaction saw Heineken revise its initial offer upwards from S\$50 (US\$40) to S\$53 (US\$42.5) for each APB share after Kindest Place Groups Ltd (KPG), an entity owned by the son-in-law of Thai Beverage plc founder Charoen Sirivadhanabhakdi, made an unsolicited offer of S\$55 (US\$44) per APB share for F&N's direct interest in APB. The successful negotiation for an increased offer from Heineken gives a S\$307 million (US\$246m) or a 6 percent increase over Heineken's initial offer. Partner **Lean Min-tze** led the transaction.

Stand Out With Hughes-Castell



In-house

AML Compliance | 8+ yrs pqe REF: 11056/AC

Become a part of the anti-money laundering team at this prestigious banking corporation. This role works with international teams on suspicious transactions, internal controls and MIS systems. A strong familiarity with local, Chinese and US anti-money laundering regulations is required with a focus on AML/CTF. The successful incumbent will hold at least 8 years experience in AML/CFT compliance; audit; banking operations; internal control; or regulatory work in financial services industry with fluent English and Mandarin language skills.

Corporate/General Counsel | 7+ yrs pqe REF: 9566/AC

Join this investment holdings corporation as they look to hire an experienced Corporate/General Counsel. The incumbent will look into all corporate legal matters including HKEX listing rules, take over codes, and will also act as the Company Secretary. They are looking for experienced solicitor or in-house counsel who has extensive experience in handling legal issues and corporate governance matters. You should have at least 7 yrs of practice gained in-house or within a leading firm and good managerial know-how. Sound experience in listed company and strong corporate governance knowledge would be an advantage but what is most important is the ability to work at senior levels providing practical solutions and advice. Excellent skills in Chinese (both in Cantonese & Mandarin) and English are required.

Legal Counsel | 6-10 yrs pqe REF: 11043/AC

Opportunity to join this well-reputed ODM Company to support their legal team in Hong Kong. In this key role you will be involved in legal and strategic aspects of the business with a wide variety of IP and legal relations. The successful incumbent will advise on commercial legal matters including IP, patent and licensing. To apply, you are required to possess HK qualification, 6-10 years of IP-specific experience inclusive of drafting & reviewing contracts, ability to work in tandem with senior management & evaluate alternative solutions and strategies for the company. Fluent English is must.

Employment Counsel | 5+ yrs pqe REF: 11040/AC

Oversee the legal function in Shanghai & advice the business across the PRC, Hong Kong and Taiwan at this world famous, Fortune 500 consumer products company. You will manage the employment legal

team and work with business leaders on general employment issues, and working on other employment and corporate compliance related projects and assignments. To qualify for this role, you should be a qualified lawyer from a top Chinese University; possess 5+ yrs of solid PRC employment law & corporate compliance experience gained from an MNC and at a top-tier law firm. Native Mandarin language skills & Fluency in English are a pre-requisite.

Private Practice

Banking Partner | 10+ yrs pqe REF: 10979/AC

General banking and finance partner is sought by this market-leading global firm's Hong Kong office. Candidates will have fluent written and spoken Mandarin, Cantonese and English and be Hong Kong-qualified. Experience of leading a practice is an asset, but credible deal experience at the top-end of the market is mandatory.

Mid-level Associate | 5-7 yrs pqe REF: 11045/AC

Our client, a US law firm is looking for a mid-level associate with solid corporate and capital markets experience. To qualify for this role, you should be a HK qualified lawyer with at least 5-7 yrs of capital markets experience in reputable law firms. Mandarin language skills are a pre-requisite.

Litigation Sr. Associate | 3-7 yrs pqe REF: 10727/AC

This magic circle firm is looking for enthusiastic HK-qualified commercial litigation lawyers for their practice in Hong Kong. You must have solid academics with 3-8 yrs of varied experience in general commercial litigation, arbitration, mediation. Additional knowledge in Restructuring/insolvency will be a plus but is not essential. Excellent Chinese language skills are mandatory.

Capital Markets Associate | 2-4 yrs pqe REF: 9237/AC

Great opportunity for a US qualified lawyer to join an international law firm in Hong Kong. This role gets hands-on exposure to top capital markets clients and has excellent prospects for career advancement. Prior US capital markets experience at a top-tier law firm required, Mandarin language skills strongly preferred.



To find out more about these roles
& apply, please contact us at:
T: (852) 2520 1168
E: hughes@hughes-castell.com.hk
www.hughes-castell.com

EVENT REPORTS

A decade of In-House Community gatherings in Korea

By Aparna Assomull Bundro



The Lotte Hotel served as the backdrop for the 10th Seoul In-House Congress on August 30th. A day of engaging workshops began with a fascinating plenary session which examined the Future of the Legal Industry. Distinguished speakers Sang Hyuk Park of Kim & Chang, Justin D'Agostino of the Hong Kong International Arbitration Centre and partner at Herbert Smith, Doil Son, VP of the International Bar Association and senior partner at Yulchon, Chan Woo Sung, Senior Executive Director of Homeplus, Jack Kwon GC of GE Korea and Nick Seddon, Managing Partner Asia, Eversheds gathered to engage in

a roundtable discussion that was interactive and thought-provoking. The session was moderated by Kap-You (Kevin) Kim, a partner at Bae Kim & Lee LLC.

After a short coffee break where members of the In-House Community took the opportunity to mingle and network, three workshops on Corporate Governance, Leniency and Consent Decrees as well hot topics on Korean Tax Law were hosted by Yoon & Yang LLC, Kim & Chang and Yulchon LLC respectively. This was followed by an enjoyable lunch and a smorgasbord of afternoon workshops hosted variously by our co-hosts: Bae Kim & Lee and the Singapore International Arbitration Centre, Shin & Kim, Finnegan Henderson, Farabow, Garrett & Dunner plus Yoon & Yang LLC as well as Lee & Ko and Yulchon LLC. From Saving Time and Costs in International Dispute Resolution to recent trends in FCPA Enforcement, Intellectual Property and Cross-Border M&A Transactions, as well as Legal Outsourcing, our presenters delivered presentations on a wide spectrum of topics that were both topical and captivating.

A big thank you goes out to all our speakers and co-hosts, as well as our professional recruitment friends at Hughes-Castell for their support of the In-House Community in Seoul.



Corporate Counsel (10+ PQE), Singapore

A globally recognised US MNC is seeking a dynamic Singapore qualified lawyer to join its legal team in Singapore. This role has regional scope and provides a good platform to work closely with senior management and business teams across the region. High calibre corporate counsel, ideally with a technology company, with experience working in the SEA region will be strongly preferred. An ability to work well with and motivate others will be highly valued. The successful candidate can expect a fast-paced, results-oriented environment. [A3058]

Legal Counsel (8+ PQE), Singapore

A leading IT and consulting services seeks a highly motivated and energetic lawyer to join their legal team to provide legal advice and support to the company's commercial projects in South East Asia. Based in Singapore, primary responsibilities include reviewing, drafting and negotiating legal documentation and transactions. The successful candidate should have good transactional experience in IT/IP as well as be an independent worker with keen commercial acumen who enjoys working within a dynamic environment. [A3136]

Secretariat Manager (6+ PQE), Singapore

An exciting opportunity has arisen for an experienced corporate secretary to join one of the largest listed property companies in Asia. Assisting the Legal and Secretarial Head, you will manage the corporate secretarial portfolio for local and overseas subsidiaries in the group and ensure compliance with statutory filings. Strong communication skills and the ability to work in a team are essential. Familiarity with the Singapore Companies Act and listing regulations is advantageous and candidates with ICSA qualifications and prior experience with listed companies are preferred. [A3074]

Regional Compliance & Legal Counsel (5+ PQE), Singapore

A global, multi-specialty healthcare company seeks a lawyer to join their Asia Pacific legal team. You will be primarily responsible for carrying out the compliance function for the region and expected to lead and drive compliance initiatives and policies. These would include matters relating to healthcare compliance with local laws and regulations, codes of conduct, the FCPA and UK Bribery Act, corruption, investigations, competition and data privacy. This is an opportunity to work on corporate commercial issues closely with the company's business units. The ideal candidate would have relevant experience in the healthcare / pharmaceutical sector. [A3129]

Associate Counsel (2-4 PQE), Singapore

A Fortune 500 financial services corporation seeks a lawyer with 2 to 4 years PQE to join their team. The successful candidate will support the Asia Pacific business units, and responsibilities will include drafting commercial agreements such as sale and purchase agreements related to technology and advertising, and promotion agreements, as well as advising on a range of legal matters including employment law, anti-trust law and privacy law. Interested candidates must be qualified in a common law jurisdiction and possess strong interpersonal skills. Familiarity with IT and fluency in Korean, Japanese or Indonesian would be advantageous. [A3110]

Project Finance Associate (4-8 PQE), Singapore

Our client, a Magic Circle firm is seeking an experienced associate to join their top-of-the-tier Projects practice based in Singapore. The ideal candidate will have quality transactional experience gained across the region with a well-ranked projects or project finance practice. This is an exciting opportunity for a candidate to join a leading law firm with a globally recognised projects practice and learn from the very best in the field. Competitive remuneration and excellent career track on offer. [A3164]

Banking & Finance Lawyer (3-7 PQE), Singapore

Join a Magic Circle firm! Our client requires a Singapore-qualified lawyer to join their recognised banking and finance practice. If you have excellent drafting skills and transactional experience gained in a top-ranked Singapore law firm, this is a chance not to be missed. The successful candidate can look forward to top-of-the-market remuneration, comprehensive training and career growth opportunities. [A3147]

Commercial Counsel (8-10 PQE), Kuala Lumpur/Penang, Malaysia

A leading US multinational seeks a Malaysian-qualified lawyer to join them in a standalone position to be based in either Kuala Lumpur or Penang. The successful candidate will report to the General Counsel based in Singapore and provide regional legal support in relation to key business functions including sales and manufacturing, create and implement negotiation strategies, and ensure proper due diligence and compliance with corporate governance policies. The ideal candidate should be dynamic, driven and possess high energy levels. A competitive remuneration package can be expected. [A3090]

Legal Counsel (3-7 PQE), Shanghai, PRC

A global engineering and construction company seeks a lawyer with 3 to 7 years PQE to cover the North Asian region, based in Shanghai. The work will entail managing contracts and related guarantees or bonds for proposals, bids and subcontracts. You will also provide legal advice on all issues arising during the lifetime of a project and any other general corporate commercial and litigation matters. The successful candidate must be admitted to practice in PRC and ideally have PRC experience in engineering and construction related legal work. Fluent written and spoken English and Mandarin necessary. [A3128]

Legal Manager (8-11 PQE), Delhi/Mumbai, India

Our client, a Swiss MNC, seeks an experienced lawyer to manage its India business operations based either in Delhi or in Mumbai. Reporting to the GC of APAC, work scope includes advising senior management on all operational and corporate-commercial matters as well as managing the compliance function. This high profile position offers an opportunity to carve out a niche as a key member of the local strategic team. Career progression, with the possibility of work scope being broadened to include the APAC region, is an added attraction. Travel to be expected. [A3122]

The New Indian Gazettal (India's recognition of China and Hong Kong in an arbitration context)

By Aparna Assomull Bundro

March 19th was a significant date on Hong Kong's arbitration calendar this year as the Indian government decided to officially recognise China and Hong Kong as jurisdictions to which the New York Convention would apply. Now that China, Hong Kong and Macau have been gazetted as convention jurisdictions, arbitration awards obtained in China, Hong Kong and Macau may now be enforced in India (under the Convention.)

The gazettal is important for various reasons, many of which were highlighted at an engaging Indian roundtable event hosted by the Hong Kong International Arbitration Centre (HKIAC) on 20 August 2012. Kumar Ramanathan, Chairman of the Hong Kong Bar Association, Chiann Bao, Secretary General of the HKIAC and Sheila Ahuja, associate at Allen & Overy discussed the merits of the decision and how it would impact upon the Hong Kong landscape. Historically, London, Paris and Singapore have been the seats of choice for many Indian parties, because of their

independence and neutrality. Perceived prejudice (now and in the past) against Hong Kong has been rooted in the misconceived notion that Hong Kong did not retain its judicial independence following the Handover in 1997. The fact that Hong Kong's legal system is steeped in common law heritage, remains transparent and boasts a pool of legal experts are points which (it is hoped) will come to the fore, post- gazettal, according to Ahuja and Bao. This in turn should torpedo the widely held view that Hong Kong's judicial enforcement regime is infused with or somehow subordinate to China's, encourage many Indian parties to leave their comfort zone and ultimately "change the status quo," according to Ahuja.

Given that the new gazettal has only been in place for a few months, the reality of what will happen in terms of trends and numbers, and whether or not Indian parties will look to Hong Kong as a seat of choice remains to be seen.

In next month's issue...

Admiralty law comes under the microscope in our next edition of ASIAN-MENA COUNSEL. In Vol 10 Issue 7, we throw the spotlight on Shipping, Piracy and Insurance issues which are currently trending in the market. After a steady rise in the number of piracies off the Gulf of Aden since 2007, the number of attacks tailed off in July and August of this year. The measures that have been taken to ramp up security and diminish exposure for ship owners are critical to efforts in mitigating and managing risk. In addition, the impacts of escalating freight rates and an increasing sense of receptiveness to arbitrations being held in Asia are issues which have recently come to the fore. For more on these subjects and other topical issues in the shipping arena, read our upcoming issue of ASIAN-MENA COUNSEL.



Magazine for the In-House Community
www.inhousecommunity.com



For information on how to contribute
email: editorial@inhousecommunity.com

As summer comes to an end, and many employers and employees have returned from their August vacations, numerous roles have opened up in the region. Take a look at some of our top-shelf professional opportunities for the month.

MNC, Employment Counsel
PQE: 4-9 years
Hong Kong

Exciting opportunity to join an expanding and well-known MNC to cover a broad range of APAC employment issues. This role offers manageable working hours in a collegiate environment and the successful candidate will have overarching responsibility for the employment law space including contentious issues, terminations, restructuring, disciplinary matters as well as a significant HR advisory component. A minimum of 4 years of exposure to employment law is essential. The ideal candidate will be solutions-orientated with strong interpersonal skills. Chinese language skills are not necessary. IHC/8464

Contact: Michael Godby
Email: m.godby@alsrecruit.com
Tel: (852) 2920 9100

Senior Funds/ Derivatives Lawyer
Wealth Manager
PQE: 5-9 yrs
Hong Kong

A major financial institution seeks a funds/ products /derivatives lawyer to join its global private client legal team. The successful candidate will advise on a full array of investment and wealth management products tailored to extreme high net worth individuals across Asia. Products include funds, structured products and derivatives. Applicants who have acquired experience at a recognised international law firm or a major financial institution in this field are sought for this role. 187611

Contact: Hayden Gordine
Email: haydengordine@taylorroot.com
Tel: (852) 2973 6333

Country Counsel, IT MNC
PQE: 10+ yrs
Malaysia

A Fortune 50 US technology corporation seeks a senior lawyer to join the team as Country Counsel in Malaysia. The successful candidate will lead bids and complex negotiations, handle import/export and HR matters, and advise management on legal, compliance and commercial issues. Interested candidates should be comfortable working in a matrix system and possess strong leadership qualities. Commonwealth qualified lawyers who are keen on moving to Malaysia are welcome to apply. A3043

Contact: Shaan Seth
Email: resume@legallabs.com
Tel: (65) 6236 0166

Private practice, Debt Capital Markets
PQE: 4-7 years
Hong Kong

US firm with strong ECM practice seeks a mid-level associate who is HK qualified and has solid DCM experience, ideally including high yield. Clients include the bulge bracket banks as well as some top tier Chinese banks. Chinese helpful but not essential. Good salary and attractive career prospects on offer. AC3800

Contact: Emily Lewis
Email: elewis@lewissanders.com
Tel: (852) 2537 7408

Asian Investment Bank
MD/Executive Director/ Deputy GC
Asia PQE: 8+ yrs
Hong Kong

A premier Asian investment bank is looking for a seasoned banking lawyer to join their regional management team as Deputy General Counsel.

The primary focus of the role will be to support the Principal Finance business globally, though the position also entails structured finance, derivatives and onshore RMB funds work. Strong China-focused transactional experience and the ability to speak fluent Mandarin is essential. In-house experience with a top-tier investment bank is preferable though candidates who are currently in private practice as Counsel/Partner will also be considered. 56214

Contact: Liam Richardson
Email: liamrichardson@puresearch.com
Tel: (852) 2168 0791

Enforcement/Brand Protection Counsel
PQE: 3-5 yrs
Hong Kong

A prestigious fashion & luxury brand seeks an enforcement lawyer to cover anti-counterfeiting and brand protection within Asia. The role entails planning robust IP enforcement strategies, working closely with local law enforcement on investigations, raid actions and litigation and liaising with internal as well as external counsel. The ideal candidate will possess solid IP and enforcement experience in the APAC region along with excellent investigation, negotiation & English language skills. Open to all jurisdictions. Chinese language skills would be an advantage. 11015/AC

Contact: Claire Kew
Email: hughes@hughes-castell.com.hk
Tel: (852) 25201168



By Abigail Cheadle, Managing Director,
Southeast Asia Financial Investigations

Complying with global anti-corruption legislation

In January 2012, Japanese trading company Marubeni Corporation agreed to pay a US\$54.6 million criminal penalty for the role it played in a decade-long scheme to bribe Nigerian government officials in order to obtain and retain contracts for its client, TSKJ joint venture. A clear violation of the Foreign Corrupt Practices Act (FCPA), the company also entered into a two-year deferred prosecution agreement with the US Department of Justice (DOJ), and agreed to engage an external consultant for two years to review the design and implementation of its compliance program.

Earlier last year, a Japanese engineering and construction company headquartered in Yokohama, JGC Corporation, agreed to pay a US\$218.8 million criminal penalty for the role it played in the same scheme, which has become known as the Bonny Island Bribery Scheme.

While at first glance this might seem to be just two more examples of corporate corruption coming to light, the events at Bonny Island hold particular significance for Asia. Despite the fact that Marubeni and JGC are Japanese companies and the officials they bribed were based in Nigeria, both organisations were still held accountable for their actions, sending a very clear message that Asian companies are not immune to the reach of FCPA prosecutors.

Individuals on trial

But it's not just companies that should be concerned. The DOJ, Securities and Exchange Commission (SEC) and the UK's Serious Fraud Office are increasingly looking to also punish the individuals who perpetrate corruption, and again this has serious implications for executives in Asia.

In 2008, the DOJ successfully prosecuted Misao Hioki, a Tokyo-based Bridgestone executive, for his role in a conspiracy to rig bids, fix prices and allocate market shares of marine hose both in the US and elsewhere around the world. He was also charged with violating the FCPA by making corrupt payments to government officials in Latin America, among other locations, to obtain and retain business for the company. He was sentenced to serve two years in jail and pay a US\$80,000 criminal fine.

Despite high-profile cases such as these, there is a pre-

vailing attitude of ambivalence among Asian companies and executives, many of whom continue to believe they have no liabilities under global anti-corruption acts. However, this simply isn't the case and as such, it is absolutely critical that organisations properly understand whether they are exposed to liabilities under this legislation.

The cost of corruption

The risks of FCPA or UK Bribery Act violations are very real and extremely costly. Companies found to be in violation of this legislation face severe penalties, however this is just the tip of the iceberg. They may also face further fines in the market where the infringement occurred, as well as the jurisdictions in which they operate or are registered for violation of local laws. They may also be expected to bear the cost of an independent internal investigation and even engage the assistance of an external consultant to help design, implement and monitor their compliance framework.

In addition to the fine, organisations found guilty of a violation are generally required to return the profit they made from their corrupt practices, and while many Asian companies believe this can't be enforced in their jurisdiction, they are wrong. Local governments are increasingly collaborating with US, UK and other regulators to allow them to access assets on the ground, and in cases where Asian multinational corporations (MNCs) have operations overseas, orders can often be obtained to seize these assets. As a result, it is no longer possible to hide behind geographical barriers.

But the costs don't necessarily stop there, and an FCPA or UK Bribery Act violation can continue to impact future earnings for some time to come. Not only will the company likely suffer a loss in revenue due to their tarnished reputation, in some instances they may be disbarred from tendering for government contracts or risk losing their biggest clients as a result, which can cause stock prices to drop.

Given the extensive risks, smart companies are already taking steps to ensure they aren't the next Asian example, seeking professional assistance to assess their risk.

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Financial Dispute Resolution in Hong Kong: “FDR” – nothing to fear?

David Smyth and David Luk of *Smyth & Co* (in association with *Reynolds Porter Chamberlain LLP*), review Hong Kong’s new Financial Dispute Resolution Scheme and highlight some pertinent issues that may arise for prospective claimants, financial institutions and their in-house lawyers.

Hong Kong’s new Financial Dispute Resolution Centre (FDRC) has a new Financial Dispute Resolution Scheme (FDRS), to encourage mediation or arbitration of individuals’ claims against certain financial institutions. However, the FDRS is not without concerns for both retail investors and financial institutions regulated by the Hong Kong Monetary Authority (HKMA) and the Securities and Futures Commission (SFC). In particular, in-house lawyers at financial institutions will want to compare the FDRS to more informal and quicker settlement options with which they are already familiar. As is often the case, “the devil is in the detail”.

FDRC – some key points

- An individual has to give written notice of his or her claim to the financial institution and give it at least 60 days to reply or receive a final written reply, before filing a claim with the FDRC.
- To be accepted by the FDRC, the claim must be an “eligible claim”.

If accepted by the FDRC, the FDRS is triggered.

- At the risk of over-simplification, an “eligible claim” is one that (among other things) arises out of a financial service provided by a financial institution regulated by the HKMA or the SFC. The individual or sole proprietor must have had a “customer relationship” with, or been provided with a financial service by, the financial institution (Annex II of the FDRC terms of reference).
- The monetary value of the claim must not exceed HK\$500,000 (or the foreign currency equivalent), including interest.
- If the FDRC accepts the claim, the dispute can proceed to a form of “med-arb”; a form of mediation which (if the claim is not resolved) can proceed to arbitration.
- Once the claim is accepted by the FDRC the FDRS is triggered and the financial institution is obliged to accept the FDRC’s jurisdiction, unless the claim is satisfactorily resolved.

FDRS mediation – a summary

- The mediation is conducted under the FDRS Mediation Rules (Annex IV of the FDRC terms of reference).
- A single mediator is chosen from a list of mediators kept by the FDRC.
- Mediators on the FDRC approved list are bound by the FDRS Mediation Rules and the Ethics Code (Annex V).
- The mediation will normally be limited to four hours.
- The mediation fees are relatively inexpensive with the financial institution paying the much larger share (Annex 1).
- FDRS mediations are facilitative only. The mediator does not have power to make a monetary award.
- The outcome of the mediation, or FDRS Mediated Settlement Agreement, does not establish liability or fault on the part of any of the parties, beyond the enforcement value set out in the settlement agreement.
- While parties are entitled to take



David Smyth

“It is important that the FDRC cast its net wide for suitable talent but not at the expense of diluting quality. The choice of mediator or arbitrator is often crucial; particularly, if there is only one”



David Luk

legal or expert advice with respect to their rights, legal fees will not be recoverable as part of a mediation.

- A party may be accompanied by one or more persons who are not their legal representatives to assist and advise them during the mediation. However, legal representatives (including in-house lawyers) will not be allowed to attend a mediation (FDRS Mediation Rule 2.3.3).

FDRS arbitration – a summary

- If a dispute is not resolved by mediation, the claimant can make a written request to proceed to arbitration.
- The arbitration is conducted under the FDRS Arbitration Rules (Annex IV).
- A single arbitrator is chosen from the FDRC approved list and is bound by the FDRS Arbitration Rules and the Ethics Code.
- The arbitration will usually be “documents-only”.
- An “in-person” arbitration hearing will only be allowed if the arbitrator decides that is necessary and the parties are willing to pay the extra FDRC fees.
- The arbitration fees are significantly cheaper than commercial arbitrations.

- An arbitrator may permit legal representation at an “in-person” arbitration. In that event, recoverable legal costs cannot exceed HK\$25,000.
- An arbitration award cannot exceed HK\$500,000 (inclusive of interest).
- An award is final and binding and can only be appealed in very limited circumstances.

FDRS – nothing to fear?

- **Confidentiality**
While the FDRS mediation and materials are confidential, a mediator can send a Mediated Settlement Agreement (if concluded) to the HKMA or the SFC and the FDRC. An arbitrator can send a FDRS Arbitration Award (if concluded) to the HKMA or the SFC via the FDRC. In cases where the financial institution expects a wave of similar or related claims, this raises concerns for the institution. Financial institutions are likely to turn to their in-house lawyers for advice.
- **Pool of suitable mediators/ arbitrators**
It is important that the FDRC cast its net wide for suitable talent but not at the expense of diluting quality. The choice of mediator or

arbitrator is often crucial; particularly, if there is only one.

- **“Better the devil you know?”**
While it is still early days, looking ahead, one can envisage certain types of claim in which a financial institution decides it is better to settle rather than proceed to a FDRS mediation. Again, financial institutions are likely to turn to their in-house lawyers for advice.
- **Legal representation**
The prohibition on lawyers (external advisers or in-house) attending mediations is designed to encourage an “equality of arms” and to prevent the mediation process being “over-lawyered”. However, as a result, much time and internal resources within a financial institution may be taken up with the preparation for a mediation or arbitration.
- **The wrong focus?**
Concerns have been expressed that there is a danger of too much focus being directed towards the mediation process at the expense of the parties’ interests.

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ASIAN-MENA COUNSEL

Representing Corporate Asia & Middle East

6th Annual Survey of In-House Counsel along the New Silk Road

Representing Corporate Asia & Middle East Survey

Canvassing the views and concerns of in-house counsel along the New Silk Road, our extensive results shine a light on the issues that are of concern to in-house counsel across a range of sectors, their expectations for the coming year, and the factors which they say tip the scales when selecting their external counsel 22

ASIAN-MENA COUNSEL In-House Community Firms of the Year 2012

A run-down of the winning firms from around the ASIAN-MENA region as voted for by the In-House Community. The list comprises the winners and honourable mentions broken down by jurisdiction 51

Responding to the call...

ASIAN-MENA COUNSEL speaks to some of the firms that dazzled for their responsiveness, as they tell us about some of the silver bullets they used to knock out the competition..... 62



By Rebecca Brookes

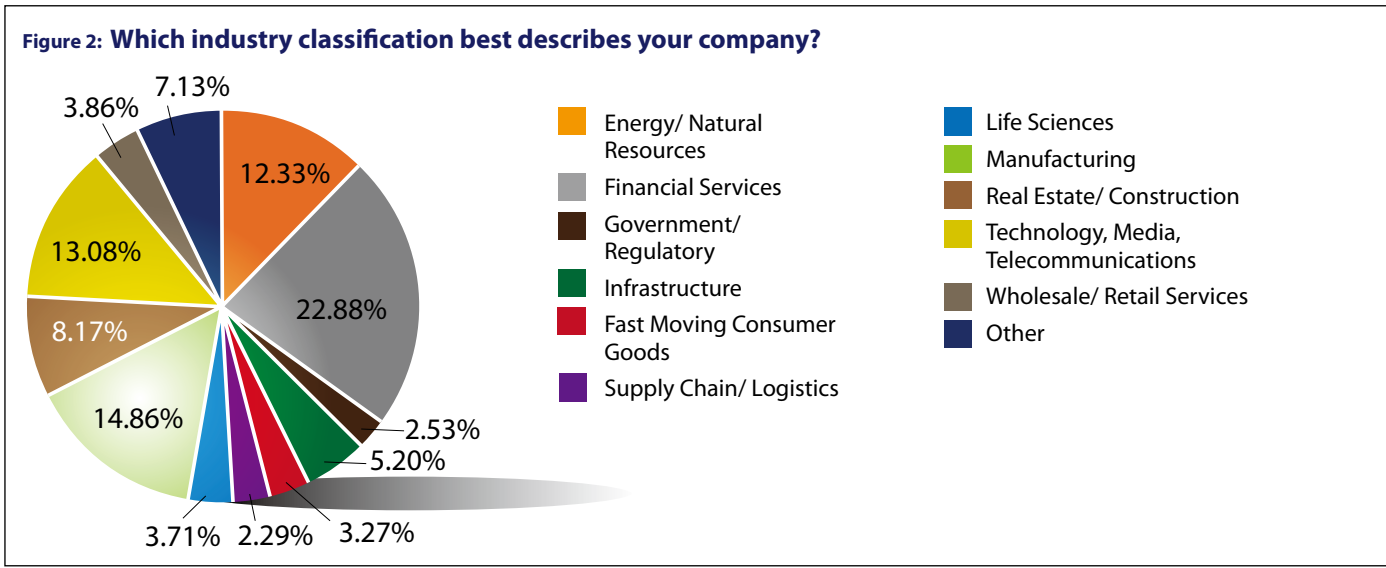
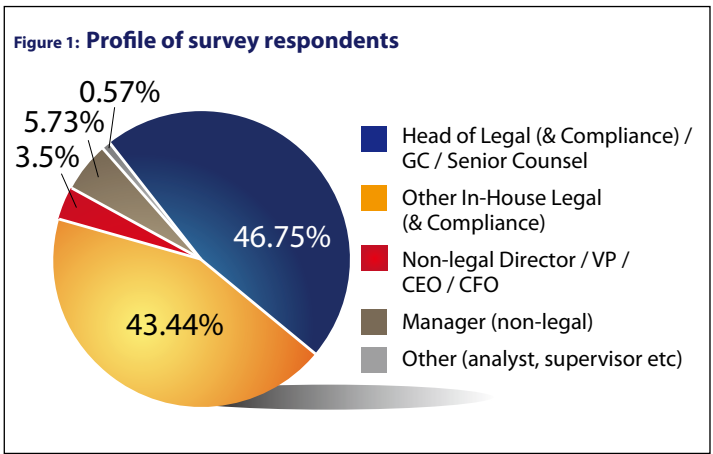
As a region Asia Pacific has enjoyed relative buoyancy in the past four years as countries around the globe have sought to find their feet in a post-Global Financial Crisis world. In 2012 cash-rich companies in the region have continued to exhibit an eagerness to explore global opportunities, yet a review of business commentary suggests that enthusiasm for takeover and merger activity in the first half of the year was tempered by a number of factors. These include Europe's continuing debt crisis, a global economy that remains sluggish, and the outcome of political events on the horizon such as the US presidential election in November and the change of leadership planned in China later in the year.

As a result M&A deal volumes got off to a slower start in 2012 than anticipated, and Thomson Reuters reported mid-way through the year a 29.5 percent drop (to US\$223b) in Asia Pacific M&A from the previous year, whilst in-

bound M&A with Asian targets also fell 30 percent to US\$177b. The deal size of PE-backed IPOs in Q2 was also much smaller than that of previous quarters, with the intelligence agency reporting that Asian IPO volumes (ex-Japan and ex-Australia) declined 72.4 percent from a volume of US\$24.5 billion during the same period in 2011. Amidst the decline South East Asia sparkled early in 2012, in March posting a record year of debt issuance year-to-date, and in Q2 keeping M&A lawyers and bankers busy with sizable deals after a sluggish start to the year. Meanwhile, the number of M&As in the MENA region increased by almost 45 percent in the first quarter of 2012 compared to Q1 2011, however the total value of those deals was some 50 percent down on those completed in the same period twelve months before (though, positively, up almost 20 percent on the previous quarter).

Against this backdrop, it is interesting to consider the trends that have emerged from our *Representing Corporate Asia & Middle East Survey 2012*, the largest and most objective survey of in-house counsel and buyers of legal services along the New Silk Road. Analysed on a regional and jurisdictional level, the results of the survey provide us with an in-depth insight into the make-up of the in-house legal/compliance function of companies in Asia Pacific and the Middle East, the challenges faced by the in-house community, and their views on the quality of services and legal support received from law firms across the region.

Following an assessment of the many hundreds of responses, a clear picture also begins to emerge of any anticipated deal activity, growth and diversification



by companies across the region in the coming twelve months.

SURVEY METHODOLOGY

Over 18,000 in-house counsel and senior corporate management in ten jurisdictions were invited to take part in the confidential survey online or at one of our fifteen *In-House Congress* and *Symposium* events held each year across the region. The survey contained questions designed to canvass views on the state of the in-house community in each jurisdiction, and areas of consideration and concern in respect of utilising and retaining the services of external counsel. In collating the regional trends, results from China, Hong Kong, India, Indonesia, Japan, Malaysia, Singapore, South Korea and Thailand were aggregated together with results from the UAE.

FIRMS OF THE YEAR 2012

The Representing Corporate Asia & Middle East Survey 2012 also provided in-house counsel with an opportunity to recognise the law firms which have made a significant impression on them in the past

Figure 3: How big is your in-house legal/compliance team?

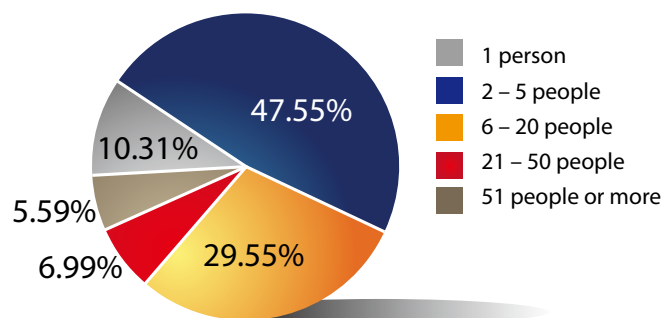
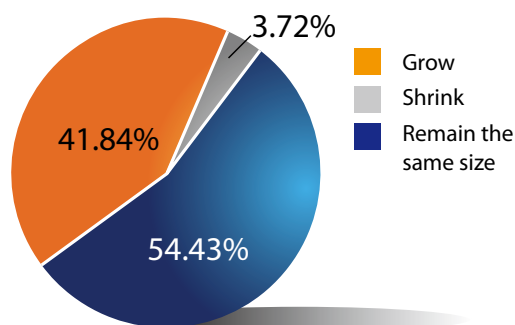


Figure 4: In the coming year, do you expect your in-house team to ...



Ali Budiardjo, Nugroho, Reksodiputro

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- Banking & Finance
- Project and Project Financing

Honorable Mentions:

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- Corporate and M&A
- Environmental
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- Real Estate/Construction
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- Taxation
- Most Responsive Domestic Firm

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Figure 5: What is the most common way your company locates and hires its in-house lawyers?

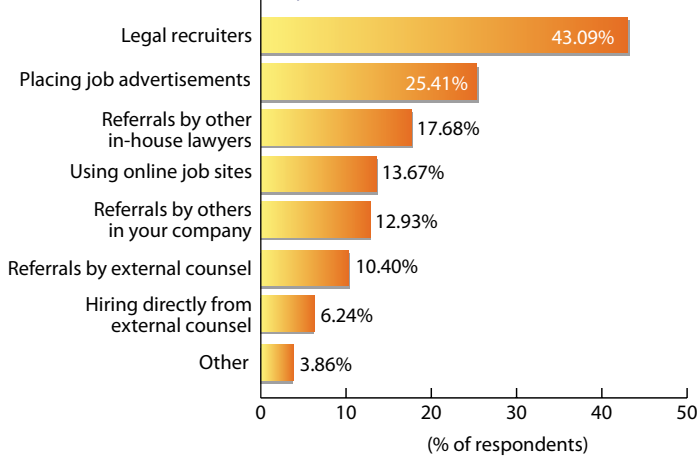


Figure 6: In the coming year, do you expect to use external counsel ...

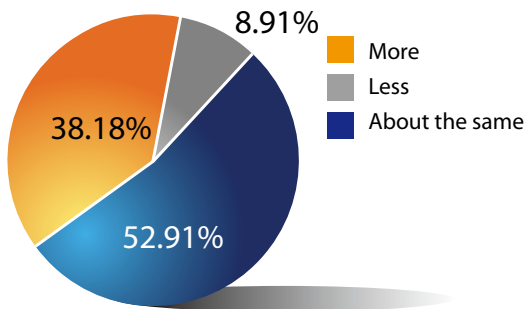
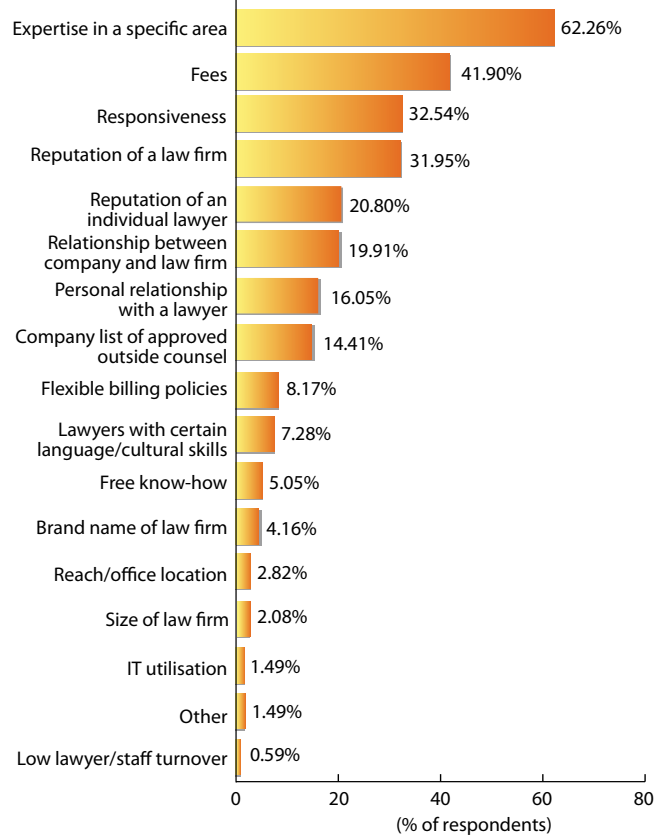


Figure 7: Which factors most influence your choice of external counsel?



year. Based on the votes and testimonials from hundreds of in-house lawyers from across the region, our *Firms of the Year 2012* is not intended to be an inventory of the largest or most active firms practising in Asia Pacific or the Middle East, but rather a genuine representation of the firms which have made the most positive impression on their clients for a range of reasons, whether it be because of a firm's expertise or responsiveness, its reputation, or perhaps the flexibility it shows its clients.

For a look at this year's winners, please turn to page 51. Where appropriate, both a 'local firm' (i.e. a firm which originated in that jurisdiction) and an 'international firm' have been honoured. Honourable Mentions have also been awarded to the many firms who received a high number of votes and strong recommendations in certain practice areas.

REGIONAL TRENDS

First things first... who are the people responding to our survey and where do they come from?

As usual, the calibre of survey respondents in 2012 was second to none, with 46.67 percent of participants comprising Heads of Legal/Compliance, General Counsel or Senior Counsel, and a total of 90.11 percent of respondents representing in-house counsel of varying levels. Meanwhile, an additional 3.50 percent of participants carry company titles of Director, Vice President, CEO or CFO, and 5.73 percent carry the title of Manager. In addition to in-house counsel, these participants are invited to take part in our survey where their companies do not have a permanent in-house legal function and they have responsibility for the purchase of legal services. (Figure 1)

Given the breadth of responses received to our survey in 2012, each of the ten industry options was assured some level of representation at a regional level and it was more a race to see which sector would prove the most dominant across Asia Pacific and the Middle East. By a clear margin the winner was Financial Services, snaring more than one fifth of votes (22.88 percent). Unsurprisingly, given the region's strength in each of these areas, Manufacturing

(14.86 percent), TMT (13.08 percent) and Energy/Natural Resources (12.33 percent) were next in line, whilst Real Estate/Construction (8.17 percent) polled in fifth place in 2012. (Figure 2)

When it comes to team size, it is most common for in-house counsel across the region to work in teams of 2-5 people (47.55 percent), with a strong showing also for teams of 6-20 people (29.55 percent). One tenth of respondents currently shoulder sole responsibility for their company’s legal matters (10.31 percent), and must look to external counsel when assistance is required to deliver legal advice to their internal customers. (Figure 3)

On the employment front the signs are positive for job seekers, with a healthy 41.84 percent of survey participants predicting an expansion in the size of their legal/compliance teams in the coming twelve months, down by only 4.5 percent from 2011 survey results. Job insecurities across the region remain at a minimum, with a diminutive 3.72 percent of respondents anticipating a reduction in team size. (Figure 4)

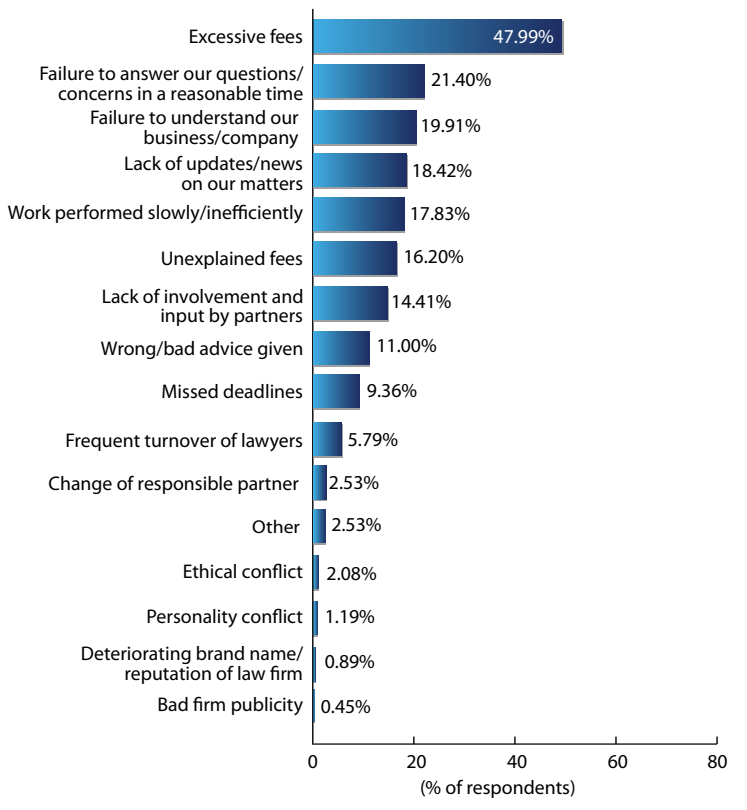
The hiring methods used across the region are varied where approval for an increase in headcount has been obtained, yet the most popular approach taken by in-house counsel when striving to find the right talent for their team is to engage the services of legal recruiters (43.09 percent). External lawyers hoping to make the move in-house with an existing client may be surprised to learn that respondents are least likely to go down this path, despite the fact they would presumably already be familiar with the company and have built a relationship with the in-house team. (Figure 5)

External counsel

Survey respondents were invited to select the three factors most likely to influence their choice of external counsel in the coming year, from a possible seventeen options. Participants were also given the opportunity to comment on the issues they have found most concerning in their dealings with external counsel in the past year.

The data that emerges from this aspect of the survey is particularly pertinent given the significant number of law firms along the New Silk Road looking to secure work. There is no doubt the competition is fierce after economic uncertainty in the West fuelled a desire on the part of many firms in recent years to either enter Asian and Middle

Figure 8: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



Eastern markets for the first time, bolster smaller offerings that were already on the ground or forge relationships with domestic firms, all in the pursuit of solidifying their positions on domestic, regional or global levels. Whilst some firms have opted to strengthen key specialisations through attracting the best local talent and/or relocating lawyers from home, others have invested in a wider vision by building full-service offerings on the ground. With 38.18 percent of in-house counsel predicting a need to increase the levels of service from external counsel in the coming year (Figure 6), firms vying for work would do well to take these results into consideration.

For the fourth year in a row, a firm’s expertise in a specific area (62.26 percent) was by far the strongest consideration for in-house counsel across the region. Retaining second polling position in 2012, fees (41.90 percent) also continue to be of significance. Meanwhile, there was little to separate the criterion in third and fourth places: close to one third of all respondents told us they would be swayed by how responsive a firm was to their needs (32.54 percent) and the reputation of a law firm (31.95 percent). (Figure 7)

In respect of the most concerning issues to have arisen in the past year, whilst the matter of excessive fees (47.99 percent) troubled close to half of all survey participants, complaints were many and varied and only a slim margin of 7 percent separated the second-most criticised issue – a failure by law firms to answer questions/concerns in a reasonable time (21.40 percent) – from that in seventh position, which was a lack of involvement/input by partners (14.41 percent). (Figure 8)

COUNTRY BY COUNTRY



CHINA

Of the many in-house counsel from China to respond to our survey in 2012, close to one third of respondents told us they came from the Manufacturing sector (31.94 percent) which, along with Financial Services (16.67 percent), TMT (12.5 percent) and Life Sciences (9.72 percent), claimed the lion's share of votes.

The vast majority of respondents from China work in teams of 2-5 people (41.18 percent) or 6-20 people (42.65 percent), with a significant number anticipating that their team size will increase in the coming twelve months (41.18 percent) due to expectations of strong business growth. This fact is unsurprising given China played host to the most M&A activity in the region in the first half of 2012, with Thomson Reuters reporting the Asian powerhouse claimed 38 percent of all deals.

Job security concerns for in-house lawyers are virtually non-existent at present. Only 2.94 percent of respondents predicted any reduction in headcount in the coming year, with one noting this was due to a forthcoming integration with a major US company. Several respondents who expect no movement in team size confirmed that recent recruitment had already taken place to bolster in-house numbers. When it comes to hiring, the use of legal recruiters is the primary method to secure new talent (79.41 percent), whilst placing job advertisements (25 percent) and using online job sites (19.12 percent) are the next most popular techniques.

CHINA

Figure 9: Which factors most influence your choice of external counsel?

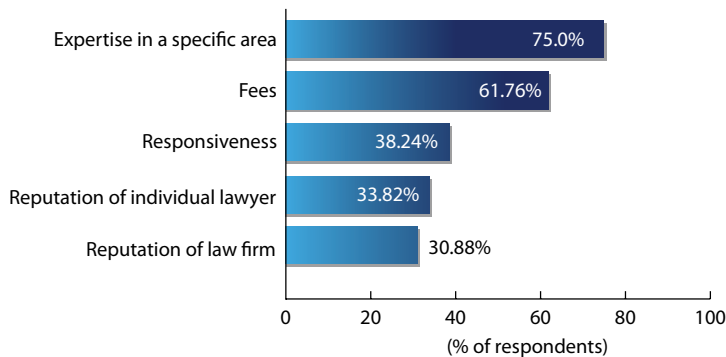
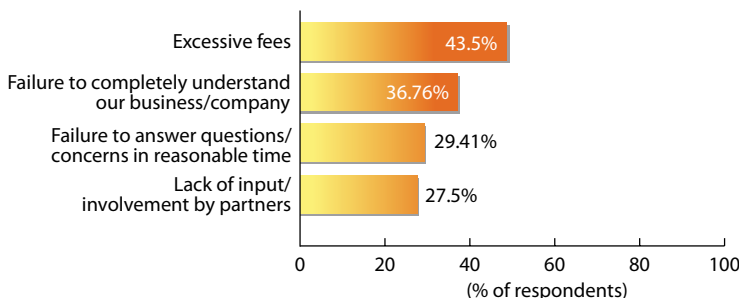


Figure 10: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



External Counsel

Current levels of engagement of external counsel are satisfactory for the majority of survey participants (57.58 percent), however a solid 36.36 percent expect their need for external legal services to increase in the coming year due to business expansion (new projects involving joint ventures and outbound investments were specifically mentioned). As was the case in 2011, the small percentage of respondents who expect to see a decrease in levels of engagement (6.06 percent) said they will be better equipped to undertake a greater proportion of work in-house following recent improvements (in terms of headcount and other resources) to their internal teams.

Whilst expertise in a specific area (75.00 percent) is once again the dominant influential factor in the selection of external counsel, the reputation of a law firm, which has polled in third place for the past three years, dropped to fifth position (30.88 percent) in 2012. In-house counsel have placed greater emphasis on levels of responsiveness (38.24 percent) this year, the first time this criterion has made the top three in China. Moreover, the reputation of an individual lawyer (33.82 percent) has made it back onto the charts after taking a tumble in 2011. (Figure 9)

Excessive fees (48.53 percent) remained the primary issue of concern for in-house respondents in their dealings with law firms in the past twelve months, whilst a failure to answer questions/concerns in a reasonable time (29.41 percent) jumped from sixth to third position in 2012. (Figure 10)

Key issues and concerns

In line with their counterparts from other jurisdictions, in-house counsel in China noted the difficulties associated with staying abreast of shifting legal frameworks across the region and the impact related changes are likely to have on their companies' operations. However, it is apparent that the speed with which China's own legal and judicial systems is developing offers its own set of problems. The fact that new laws, regulations and interpretations are published frequently and sometimes create vague, inconsistent and conflicting legal requirements is one of the major headaches for Chinese lawyers.

And, whilst eager to support their internal business customers to the greatest effect, many in-house counsel feel constrained by ongoing cultural issues within their compa-

nies and the associated effect these have on attitudes towards the in-house function. As one respondent noted, *"The practice of an in-house counsel is not always deemed the practice of a lawyer"*. Some respondents spoke of a desire to improve levels of communication between the in-house function and other business departments to redress the imbalance of power, and of endeavouring to transform their role from that of legal advisor to accepted business partner without compromising the need for internal control and compliance.

HONG KONG

Unsurprisingly, the Financial Services sector provided the strongest voice from Hong Kong, representing more than half of all respondents (52.54 percent) from the Special Administrative Region. TMT (11.86 percent), Manufacturing (6.78 percent), Real Estate/Construction and Energy/Natural Resources (5.08 percent apiece) were the industries next in line.

Whilst the majority of respondents across industries told us they came from legal/compliance teams that were small to medium in size (2-5 people: 36.21 percent; 6-20 people:

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HONG KONG

Figure 11: Which factors most influence your choice of external counsel?

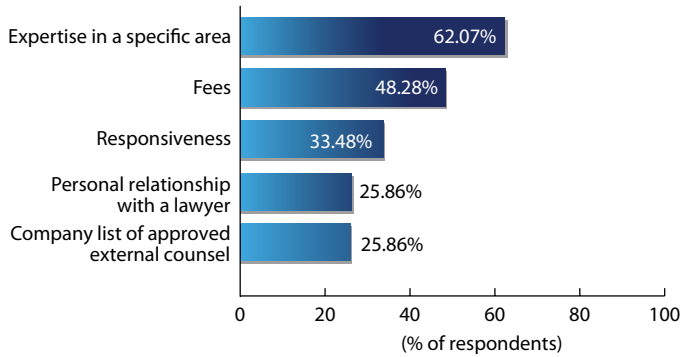
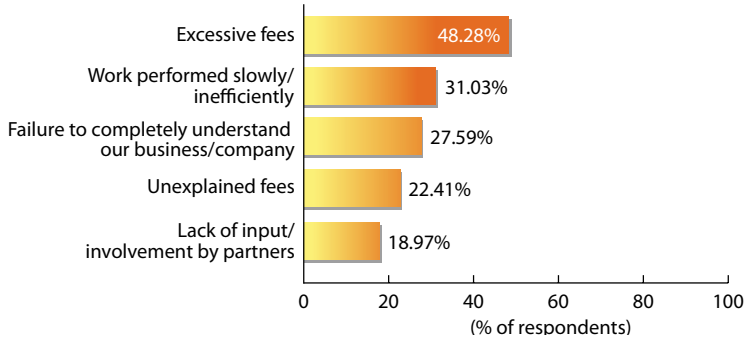


Figure 12: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



22.41 percent), almost one fifth of survey participants work in teams of 51 people or more (18.97 percent). On a positive note, more than one third of all respondents anticipate their team size will grow further in the next twelve months (34.48 percent), most pointing to intra-region or global expansion plans. In a competitive legal market, recruiters remain the most popular method for hiring (65.52 percent), whilst referrals are likely to carry some weight be they from other in-house lawyers (20.69 percent) or company colleagues (10.34 percent). More than one fifth of respondents would also take steps to place job advertisements directly (27.59 percent).

A lack of clarity concerning current market conditions was the main reason provided by those who expect their teams to remain the same size (60.34 percent). Whilst a number of respondents identified the European debt crisis as the reason ultimately underpinning any lack of in-house growth at this time, few shared the glum sentiments of one respondent who, noting his team would shrink in size, declared, “Eurozone = PRC Slowdown = HK Recession = Australian Recession”.



Achievements and Accolades :

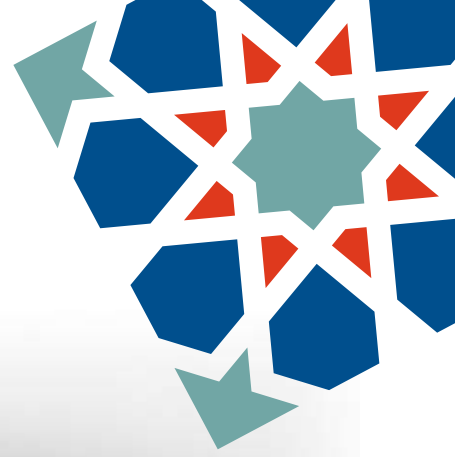
- AsiaLaw Profiles top-tier firm, 2009/2010, 2010/2011 and 2011/2012
- In-House Community 2011 capital markets law firm of the year, and honorary mention as “most responsive law firm”
- IFLR 1000 Tier-1 firm, 2010, 2011, and 2012
- Chambers Asia Pacific recommended firm, 2010, 2011 and 2012
- Legal 500 recommended firm, 2010, 2011 and 2012
- 2 AHP transactions named 2011 Deals of the Year by In-House Community

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External counsel

Music to the ears of private practitioners will be the fact that fifty percent of respondents told us they expect to increase their use of law firms in the coming year, the main reason being to support a growth in business. When it comes to the selection of the external legal advisors, in-house counsel will be most attracted to firms which can demonstrate expertise in a specific area (62.07 percent), whilst personal relationships with a private practitioner continues to carry sway for more than one quarter of respondents (25.86 percent). (Figure 11)

As in 2011 and in line with this year's regional results, excessive fees (48.28 percent) proved to be the issue of most concern for in-house respondents over the past twelve months. However, in 2012 respondents did deviate somewhat from regional averages by identifying work being performed slowly or inefficiently as the second most concerning factor (31.03 percent). (Figure 12)

Key issues and concerns

Staying abreast of changing legislation and developing compliance laws and protocols, becoming acquainted

with the extraterritorial requirements of other regions, and responding to heightened regulatory scrutiny, were amongst the major challenges identified by in-house counsel in Hong Kong as their companies expand into new markets and their teams are increasingly required to work across multiple and disparate jurisdictions within the region. Specific mention was made of the implications for companies of the *Fair and Accurate Credit Transactions Act* (FACTA), Basel III, and the Volcker rule.

Balancing risk assessment with business strategy and ensuring the in-house function is properly embedded into the business were also identified as ongoing challenges, as was the age-old problem of delivering on key performance indicators in the face of a stretched legal budget. Interestingly, despite Hong Kong's competitive legal market and resulting number of law firms on the ground in the S.A.R, several respondents queried the quality of lawyers available to them (from both an in-house and private practice perspective), noting a lack of experienced and skilled lawyers with the relevant experience. High turnover within law firms was one reason provided for this supposed shortfall in quality.



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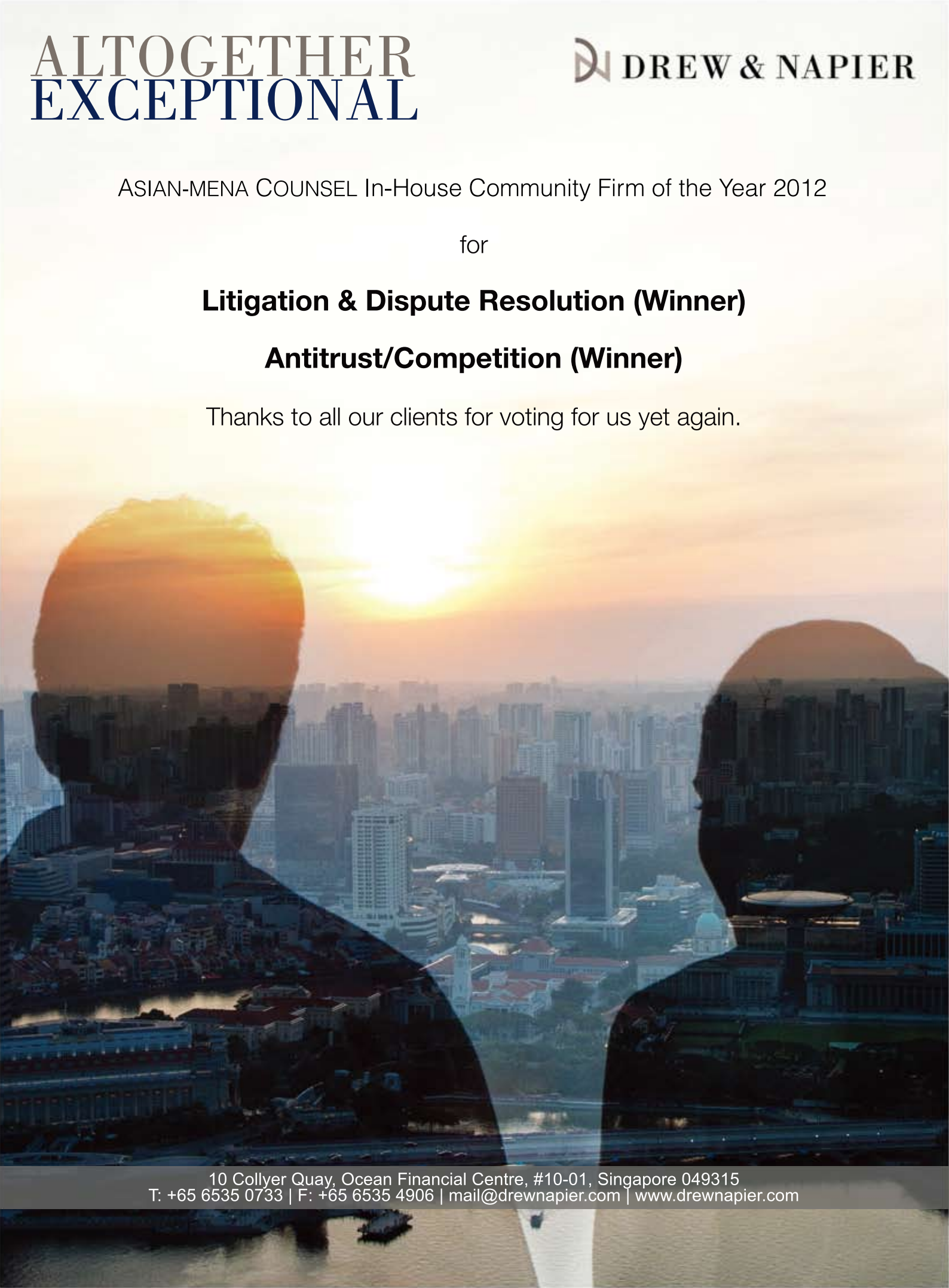
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INDIA

A very strong response rate delivered a mixed bag when it came to industry representation from India, with each of the possible industry options claiming a percentage of votes. And whilst the more dominant sectors in 2011 again took the lead in 2012, TMT (19.15 percent) rose from equal third polling position to knock Financial Services (14.89 percent) from its previously-held first place perch. Manufacturing remained in second place, attracting 18.09 percent of votes.

The majority of respondents told us they currently work in team sizes of 2-5 people (41.98 percent) or 6-20 (35.80 percent), but from all indications these numbers won't remain idle for long, with a very healthy 53.85 percent of all survey participants signalling that their in-house teams are likely to grow in the coming twelve months. Whilst many in-house counsel pointed to a growth in current business operations, with mention made of upcoming projects in the Middle East and South Africa, a number also spoke of diversification plans which will require existing legal resources to grow in competency. Emphasis was also placed on the growing complexity of legal and compliance issues in the jurisdiction, and the challenges associated with

litigation. Mirroring Indian's strong presence within the region, only 3.85 percent of respondents foresee any reduction in the size of their in-house teams.

Engaging the services of legal recruiters (55.56 percent) remains the leading method when it comes to hiring in India, whilst word-of-mouth recommendations are also taken seriously with referrals from in-house colleagues (39.51 percent) and external counsel (27.16 percent) both proving popular choices.

External counsel

The level of respondents who expect their use of external counsel to remain at a similar level in the coming year (57.58 percent) has jumped by almost twenty percent from 2011, whilst a solid 36.36 percent anticipate a need for increased service, some noting a broadening of their companies' investment portfolios.

In-house counsel in India are effectively in step with their regional counterparts when it comes to identifying the top five most influential factors for choosing external counsel, including identifying expertise in a specific area (75.31 percent) as the most significant factor. However, the order of the remaining rankings indicates that their priorities do



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INDIA

Figure 13: Which factors most influence your choice of external counsel?

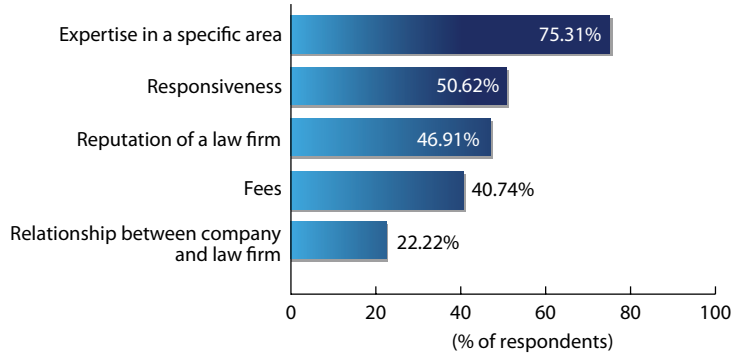
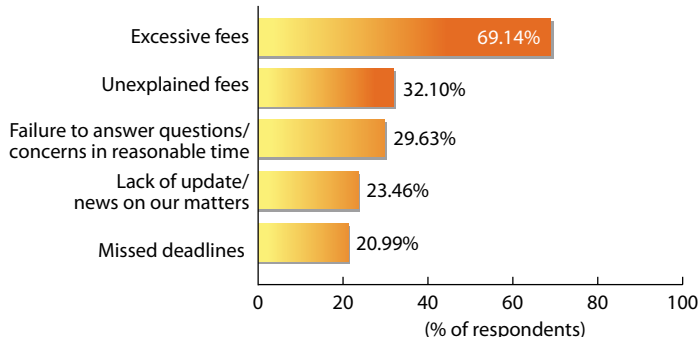


Figure 14: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



differ somewhat: for the third year running, the question of fees (40.74 percent) has polled in fourth place, receiving less emphasis than responsiveness (50.62 percent) and the reputation of a law firm (46.91 percent). (Figure 13)

The subject of fees is not one taken lightly however, and these rankings are made more interesting by the fact that Indian respondents went on to identify excessive fees (69.14 percent) and unexplained fees as the most pressing concerns in their dealings with external counsel in the past twelve months. Respondents also expect to receive prompt attention from their retained law firms and more than one quarter have recently been unsatisfied with levels of service, specifically a failure on the part of their external lawyers to answer questions/concerns in a reasonable time (29.41 percent) and a lack of involvement/input by partners (27.94 percent). (Figure 14)

Key issues and concerns

A “herculean task” was how one respondent described meeting the aspirations of stakeholders whilst keeping pace with rapidly changing legal frameworks on

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a domestic, regional and global level, when asked to comment on the major issues facing in-house counsel in the coming year. His sentiments were shared by others, many who also queried the availability of quality legal resources from both an in-house and private practice perspective. *“The demand for intelligent and competent legal resources far exceeds the supply,”* wrote one respondent, who continued, *“Unless a challenging work environment coupled with adequate compensation is provided, it will be difficult to contain attrition levels.”*

In fact, identified challenges were many and varied in India, and also included the fees of external counsel becoming prohibitive, the corruption of regulatory bodies in India, and persuading internal business clients to *“accept the legal function as a business partner and not a hurdle for sign-off”*. Respondents also called for greater training of in-house personnel to enhance their business acumen and as a measure to deal with a fast-changing environment and increasing demands on their time.

 **INDONESIA**

In-house counsel in Indonesia were also keen to make themselves heard, and the robust response rate meant that in addition to each sector receiving representation, thirteen percent of respondents identified themselves as coming from industries outside those provided in the survey. Given the country’s abundance of natural resources, it comes as little surprise that the Energy/Natural Resources sector (25 percent) attracted the largest proportion of respondents, with Financial Services (19 percent) and Manufacturing (13 percent) proving the next most popular categories.

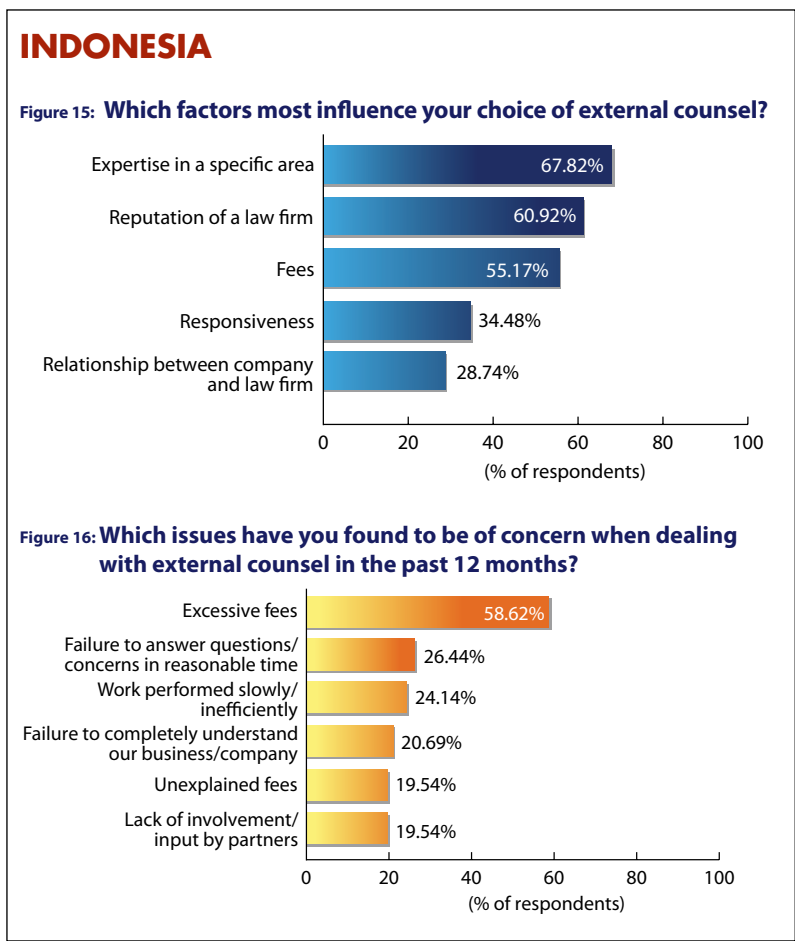
The majority of in-house counsel are required to make-do with a relatively small headcount (62.07 percent told us they work in teams of 2-5 people) in the performance of their roles, whilst cumulatively only 3.45 percent of respondents work in in-house teams of twenty-one people or more. However, lawyers seeking greener pastures will be pleased to learn that over half of all respondents expect their team size to increase in the coming year (54.02 percent), with

nearly all of this group citing business expansion plans and upcoming projects.

In a shift from previous years, respondents in 2012 told us that referrals from other in-house lawyers (37.93 percent) carry the most appeal when it comes to recruiting new lawyers. The direct placement of job advertisements, which polled in first place in previous years, remains a popular approach for 34.48 percent of survey participants. Whilst not as prevalent as in some other jurisdictions, the need for legal recruiters is by no means redundant, with nearly one third of participants (32.18 percent) willing to engage their services to secure the right talent for their teams.

External counsel

Close to one third of respondents presume they will need to engage law firms at a greater level than in the previous year (32.14 percent), providing a range of reasons including the anticipated legal complexity of new projects, in order to prepare for an upcoming IPO or Public-Private Partnership, or as their companies delve into new products and fields of



business. A number of the respondents who expect levels of service to remain at a similar intensity (52.28 percent) to that of 2011 indicated that their in-house departments have developed the capacity to handle most matters, with external counsel only engaged to respond to matters of particular complexity or litigation.

When it comes to the selection of external counsel, expertise in a specific area (67.82 percent) is once again the key criteria for in-house respondents in Indonesia. However, the emphasis on responsiveness (34.9 percent) has fallen by more than 22 percent from 2011 to 2012, with the reputation of a law firm (60.92 percent) carrying considerably more weight this year. (Figure 15)

Meanwhile, more than half of all respondents have labelled the bills they have received from law firms in the past twelve months as excessive (58.62 percent), whilst close to one fifth of survey participants also find themselves troubled by the presence of unexplained fees (19.54 percent). (Figure 16)

Key issues and concerns

Corruption continues to be a very real problem for a number of in-house respondents in Indonesia, and dealing

with bribery and an expectation of illegal payments is an unwelcome element of the in-house role for some. *“The challenge is how to implement the ‘equity before law’ motto, since Indonesian law enforcement is so often dependent on a ‘show me your money’ attitude,”* noted one respondent, whilst another lamented having to liaise with people who are not afraid to *“play-easy”* with the law.

Other challenges include dealing with contradictory regulations and government bureaucracy, and becoming familiar with emerging mining and banking laws/regulations. Lastly, several respondents queried the impact on Indonesia’s developing legal framework of the country recently regaining investment grade, as potential investors flock to its shores.

JAPAN

As was the case last year, Financial Services (29.17 percent), Manufacturing (25.00 percent) and TMT (20.83 percent) were the clear leaders when it came to industry representation of in-house respondents from Japan. Interestingly, the Energy/Natural Resources sector, which had previously enjoyed a strong presence in 2010 when it polled in second position with 23 percent of votes, contin-

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ued its significant decline, dropping from 5.26 percent in 2011 to 4.17 percent in 2012.

On par with regional trends, the majority of Japanese respondents told us they worked in a team of 2-5 people (57.14 percent). However, the similarities concerning the size and growth expectations of in-house teams end there, with close to one fifth indicating they work on a solo basis (19.05 percent) – almost double the regional average – and only 23.81 percent indicating their teams are likely to expand in the coming year, some 18 percent less than the regional outlook and the lowest figure of the individual jurisdictions. Reasons provided by the 71.43 percent of respondents who expect their teams to remain the same size included static market conditions, an existing capacity to meet any growth, budget/headcount restrictions and, for some who said they were part of a large organisation already carrying on regional activities, the ability to lean on Asia-Pacific legal resources should the need present itself.

When it comes to hiring methodology, in-house lawyers place most value on the skills of legal recruiters (52.38) to secure the best talent for their team, with referrals by other in-house counsel and external lawyers (14.29 percent

apiece) the next most utilised methods but comparatively far less popular.

External counsel

The numbers were even in Japan when it came to respondents determining whether their teams are likely to require greater assistance from external lawyers in the coming year, or whether current levels of engagement are sufficient (45.00 percent apiece). Whilst a pick-up in international capital market transactions is anticipated by several participants and others see a need for greater risk management – both which were deemed to require an increase in support from law firms – others noted that budgetary restrictions would prevent them from seeking any further levels of assistance.

In 2011 in-house respondents from Japan proved unique when it came to identifying what drove them in the selection of their law firms when they failed to place any particular emphasis on a firm's level of responsiveness. Whilst this criteria has jumped significantly to claim second position this year (38.10 percent), Japanese respondents have again managed to stand out from the crowd in that they are the

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JAPAN

Figure 17: Which factors most influence your choice of external counsel?

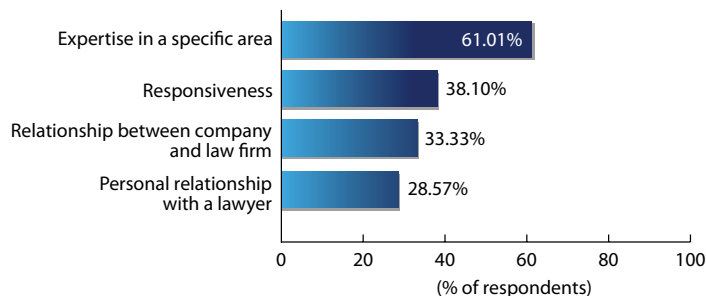
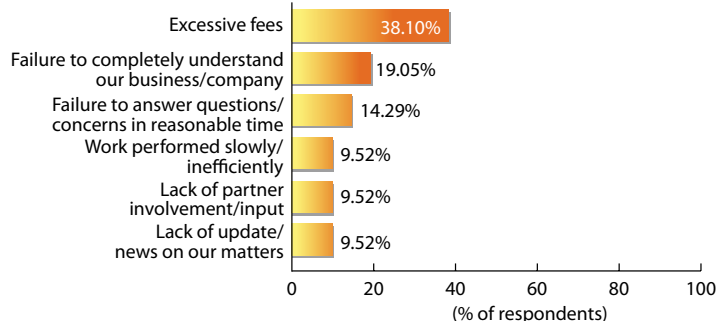


Figure 18: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



only jurisdiction where fees (23.81 percent) are not identified as one of the top four influential factors when choosing external counsel. (Figure 17)

Excessive fees (30.10 percent) was again the dominant concern for in-house respondents in their dealings with external counsel in the past year, whilst almost one fifth of participants do not believe the law firms they have engaged have truly understood their company or business operations (19.05 percent). (Figure 18)

Key issues and concerns

Respondents were quick to articulate the current challenges facing in-house lawyers in Japan, and whilst some concerns were in harmony with those offered by lawyers in other jurisdictions, such as keeping up with a regulatory changes, others clearly carried a more domestic flavour. One respondent noted the difficulty for Japanese lawyers of becoming familiar with “lengthy, western-style” contracts, whilst others pinpointed a lag between the expertise of in-house lawyers and their external counterparts.

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Several respondents also found the extra-territorial application of Japanese laws difficult to understand.

MALAYSIA

Energy/Natural Resources (17.19 percent) made a substantial jump from sixth place in 2011 to secure representation at the top of the charts in 2012, whilst there was little to separate the next strongest contenders in Financial Services (15.63 percent) and TMT (14.06 percent), which had claimed first and second polling positions in 2011 respectively.

Strongly in line with regional averages, just over one half of all respondents told us they work in teams of 2-5 people (51.91 percent), with teams of 6-20 people (30.91 percent) the second most common size. Lagging somewhat behind the regional average in 2012, however, are expectations concerning growth of in-house teams in the coming twelve months, with just under one third of respondents (29.09%) indicating any likelihood their teams will increase in size, a drop from the 40.79 percent of participants who

forecast growth in 2011. This year, growth for some was attributed to an increase in pipeline projects, whilst several noted that the increase in headcount was due to company restructuring.

When it comes to hiring, legal recruiters (34.55 percent) may have to work slightly harder in Malaysia than in other jurisdictions to make a placement, with a greater number of respondents likely to place job advertisements directly (56.36 percent) in their search for the best talent. Interestingly, a greater proportion of respondents told us they are more likely to trawl online job sites for suitable candidates (23.64 percent) before seeking referrals from other in-house lawyers (16.36 percent) or hiring directly from external counsel (14.55 percent).

External counsel

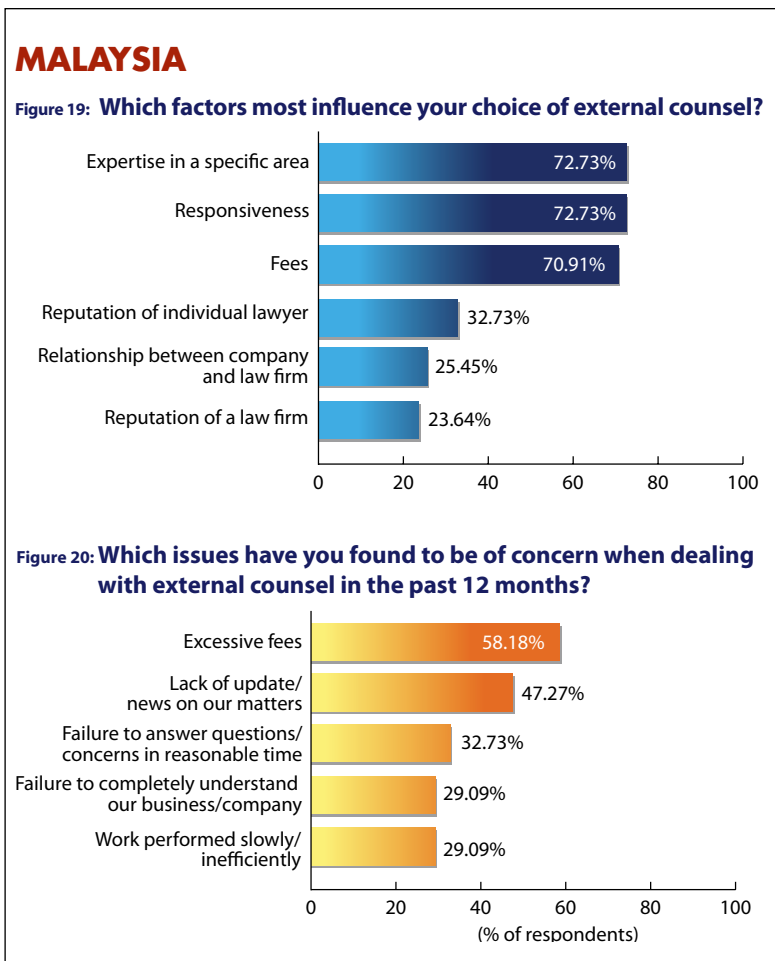
Expectations concerning the use of external counsel in the coming year were muted, with only one fifth of survey participants from Malaysia indicating any likely increase on existing levels of services received from private practitioners (20 percent), the lowest figure of any of the jurisdictions covered in the survey.

Despite the large number of respondents and therefore large number of votes cast from the jurisdiction, there was a dead heat for first place when it came to the factor most likely to influence in-house counsel in their choice of external counsel, with expertise in a specific area and responsiveness each attracting 72.73 percent of the votes. In third place by only the narrowest of margins, fees (70.91 percent) also proved a highly persuasive factor. Interestingly, a sizable 32.73 respondents from Malaysia placed emphasis on the reputation of an individual lawyer, second only to results from China. (Figure 19)

After falling by 21.65 percent and into second position in 2011, excessive fees has risen in 2012 to once again become the most concerning factor for in-house respondents in their dealings with external counsel in the past twelve months. Meanwhile, a lack of update/news on matters, last year's victor, remains a significant problem for 47.27 percent of respondents. (Figure 20)

Key issues and concerns

An overwhelming number of respondents identified two particular pieces of legislation – *the Competition*



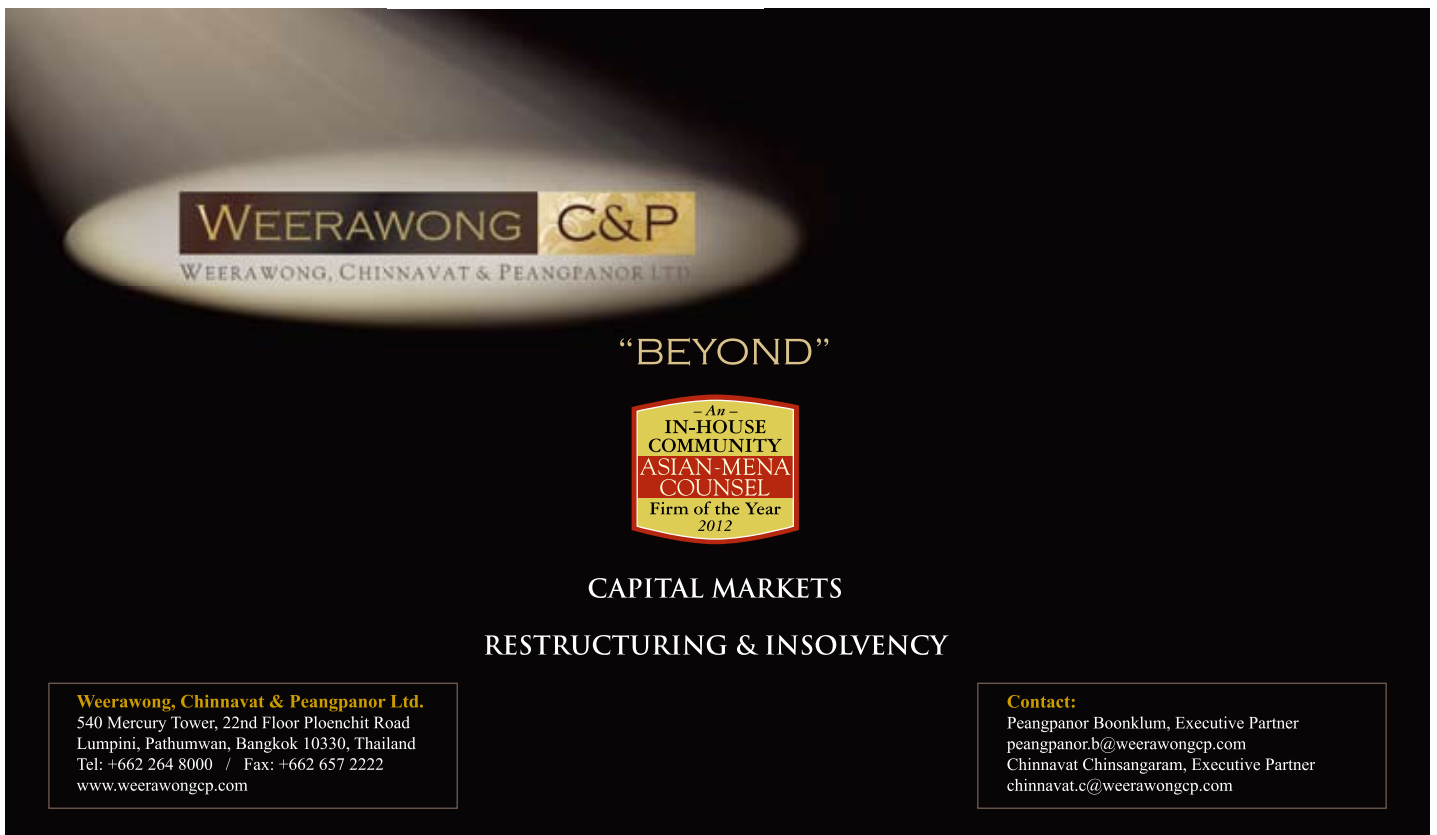
Act 2010 and the *Personal Data Protection Act 2010* – as amongst the major challenges currently facing in-house counsel in Malaysia, not only in terms of their application but also in respect of creating awareness amongst internal clients of the importance and implications of the legislation. A significant number also spoke of a need for more updates on recent case law and legislation, including the Malaysian code on corporate governance, and the need to continuously develop commercial acumen in order to stay relevant to the business.

For those exposed to cross-border transactions, other challenges include juggling the management of risk across various countries whilst endeavouring to understand the laws of multiple jurisdictions. Meanwhile, talent management and ongoing legal education and training of the in-house team in the face of budgetary restrictions are also a problem for some. As one respondent noted, *“Our operations team (which includes legal) is considered a cost and so for some time we have faced a lack of encouragement or any re-adjustment of salary and bonus, which can make it difficult for morale and attracting fresh talent.”*

 **SINGAPORE**

After polling in third place in 2011 with only 12 percent of votes, Financial Services was given a far stronger voice in 2012 (28.57 percent), easily claiming the mantle as the best-represented industry in Singapore. TMT (19.64 percent), Manufacturing (12.50 percent) and Energy/Natural Resources (10.71 percent) were the sectors next in line.

Most in-house counsel told us they work in teams of 2-5 people (36.73 percent) or 6-20 people (30.61 percent) in size, with just under 15 percent of respondents from Singapore flying solo in the performance of their legal duties. Predictions of growth within the in-house function (27.08 percent) in the coming year are amongst the lowest of all the jurisdictions covered in the survey, second only to data from Japan, with two thirds of all respondents indicating their teams are likely to remain the same size (66.67 percent). Explanations surrounding lack of growth were varied but on the whole not unusual; some companies continue to face budget restrictions and headcount freezes, others predict minimal business expansion at this time, whilst some respondents must deal with the expectation



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SINGAPORE

Figure 21: Which factors most influence your choice of external counsel?

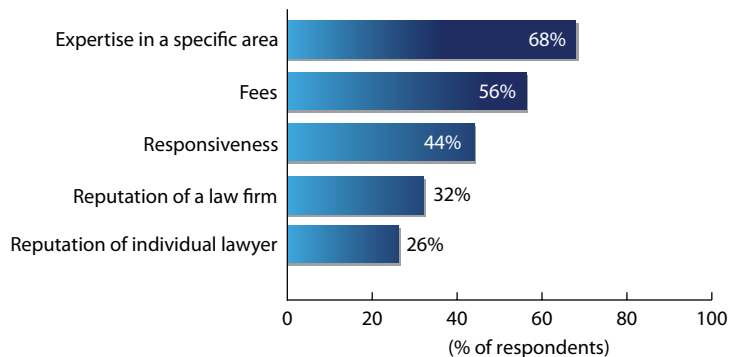
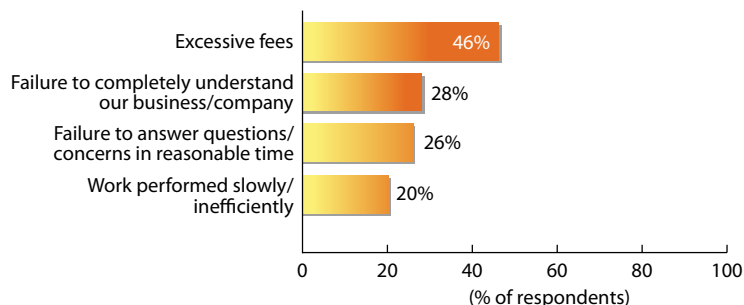


Figure 22: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



that the in-house team will take-on a greater volume of work with existing resources.

Legal recruiters (70 percent) are heavily favoured by those looking to bolster their in-house capabilities, with the second most popular approach – the placement of job advertisements (22 percent) – trailing far behind in the popularity stakes, appealing to only one fifth of all respondents. Meanwhile, the third most utilised method – referrals from other in-house lawyers – carried sway with only one tenth of survey participants.

External counsel

Close to one third of those surveyed in Singapore predict a need for increased levels of service from law firms in the coming twelve months (30.43 percent), a respectable number but well down from the 2011 forecast of 45 percent. The two dominant reasons provided were business expansion and, for a number of respondents, the fact that the size of the existing in-house team is simply too small to deal with the allocated workload.

Results from Singapore were in remarkable harmony with regional trends when it came to the factors most likely

to influence in-house counsel in their selection of external counsel. Not only did respondents emphasise the same top nine factors as those from the regional average (out of a possible sixteen), but the results were ranked in exactly the same order, with expertise in a specific area (68 percent) the clear favourite. (Figure 21)

Survey participants from the small republic were also consistent in respect of the main concerns to emerge from their dealings with law firms in the past year. Whilst excessive fees was the dominant issue for close to half of all respondents (47.99 percent), one fifth of respondents are also troubled by work being performed slowly/inefficiently (20 percent). On a positive note, concerns over unexplained fees have dropped from 20 percent in 2011 to a more manageable 12 percent in 2012. (Figure 22)

Key issues and concerns

Respondents wasted little time in identifying regulatory compliance as the major concern currently facing in-house counsel from Singapore, both on a domestic and regional scale. Anti-corruption, anti-competition and data protection laws were identified in particular, as was the general challenge of maintaining multi-jurisdictional knowledge and remaining abreast of new legal developments as they arise.

But gaining the relevant knowledge appears to be only half the battle, with a number of respondents commenting on the challenges associated with educating young local teams prone to high-turnover on the impact and reach of relevant legislation, and convincing business colleagues of the value of legal review of transactions and business operations. One respondent also remarked that the existence and increasing reach of social media would bring about its own set of challenges in the future.



SOUTH KOREA

As was the case in Singapore, the Financial Services sector was more assertive in South Korea in 2012 following a relatively lacklustre performance in 2011, jumping from fourth to secure first polling position with 23.33 percent of votes. Manufacturing (18.33 percent) and Energy/Natural Resources (13.33 percent) rounded out the top three, whilst several industries – Life Sciences, Real Estate/Construction and Wholesale/Retail Services – fought it out

but were ultimately tied for fourth place (6.67 percent apiece).

Indications of team size in 2012 largely mirrored regional results with almost half of all respondents working in teams of 2-5 people (47.37 percent), followed by 26.32 percent who work in teams of 6-20 people. Just over one tenth (10.53 percent) of respondents told us they work in teams of 21-50 people.

After being the most optimistic jurisdiction when it came to predictions of internal growth in 2010, expectations fell notably in 2011 with only 30.95 percent of respondents calculating a need for any increase in headcount within their in-house teams last year. Expectations have once again taken a turn for the better, with exactly half of all respondents from South Korea anticipating growth in 2012 (50.00 percent), business expansion by far the dominant explanation provided. A tiny 1.79 percent of respondents indicated any likely job loss within their teams, the smallest figure of all jurisdictions surveyed.

Legal recruiters (37.29 percent) currently have the edge over the direct placement of job advertisements (32.20 percent) when it comes to hiring

SOUTH KOREA

Figure 23: Which factors most influence your choice of external counsel?

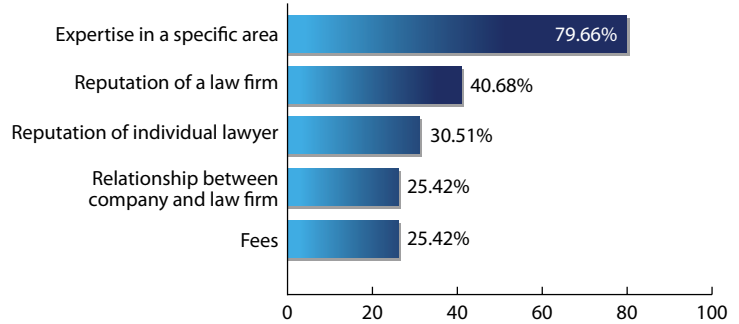
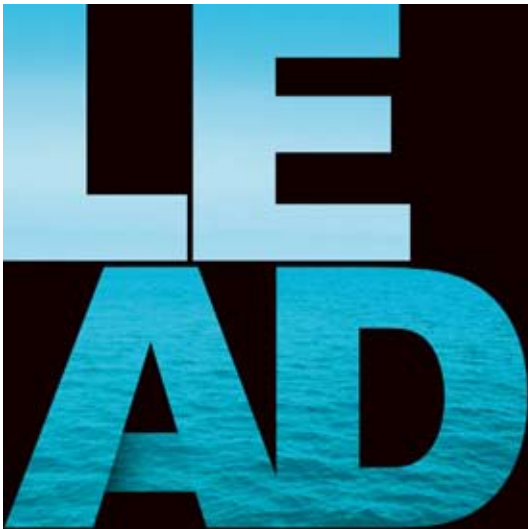
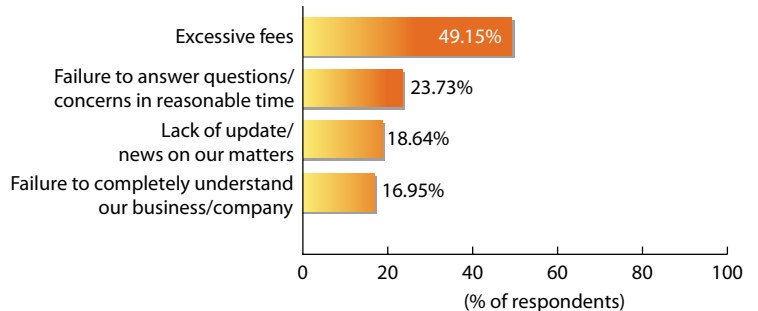


Figure 24: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



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methodology in South Korea, whilst the use of online job sites to search for suitable candidates, referrals by external counsel and hiring directly from external counsel carried equal favour (10.17 percent) for one tenth of respondents.

External counsel

Respondents from South Korea were the most bullish of all the jurisdictions in their assessment of whether they would need to increase current levels of service from external counsel in the coming year. A very solid 51.85 percent of all survey participants indicated that greater engagement was on the cards, with a number of respondents pointing to overseas expansion plans currently in the pipeline.

This data will no doubt appeal to law firms practising in the jurisdiction, however firms need to remain mindful of managing relationships with clients and delivering prompt service. Whilst excessive fees (49.15 percent) was the dominant concern for respondents in their dealings with external counsel in the past year, survey participants were next most troubled by a failure by firms to answer their questions and concerns in a reasonable time (23.73 percent) and a lack of updates/news on their matters (18.64 percent). (Figure 23)

When it comes to their selection of law firms in the coming year, the overwhelming majority of respondents will continue to choose a suitable firm based on its expertise in a specific area (79.66 percent). Reputation also carries great significance in South Korea, with 40.68 percent of all respondents likely to be swayed by the reputation of a firm and 30.51 percent by that of an individual lawyer. (Figure 24)

Key issues and concerns

When asked to comment on the major challenges facing in-house counsel in South Korea the responses were many and varied, but three major themes could quickly be identified. A number of respondents pointed to difficulties with managing the fees and work quality of external counsel, commenting on the high rates charged by many local firms and the difficulty of overcoming language barriers and finding quality lawyers with relevant cross-jurisdictional expertise, again at a reasonable cost.

Another common topic was the implications of the Korea-US (KORUS) and the Korea-EU Free Trade Agreements for the domestic legal environment. Lastly, respondents called for clear guidelines from regulating

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bodies to address the ambiguity often arising from the interpretation of laws and regulations, and spoke of the challenges associated with balancing increasing demands from their internal clients with the growing scrutiny of regulators.

THAILAND

As in 2011, Financial Services (26.09 percent) and Energy/Natural Resources (23.91 percent) attracted the strongest representation rates in Thailand in the 2012 survey, clearly ahead of TMT (13.04 percent) and Manufacturing (10.87 percent).

Cumulatively, a remarkable 95.56 percent of respondents told us they work in teams of 20 people or less (1 person: 17.78 percent; 2-5 people: 44.44 percent; 6-20 people: 33.33 percent). A very healthy 43.90 percent of all respondents predict growth of their in-house teams in the coming twelve months owing to business expansion, for a number of companies through the undertaking of M&A activity. Like many of the other jurisdictions surveyed, concerns regarding job security are minimal, with only 4.88 percent of participants

THAILAND

Figure 25: Which factors most influence your choice of external counsel?

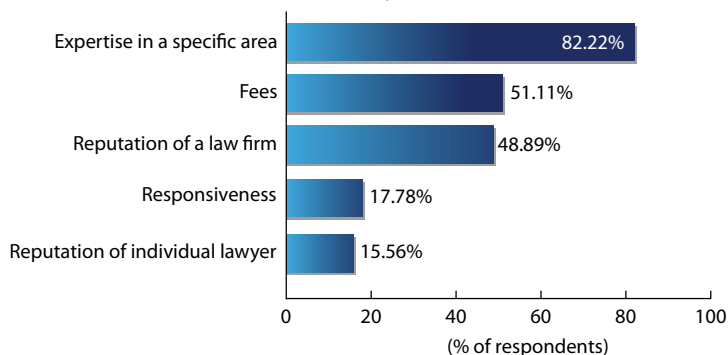
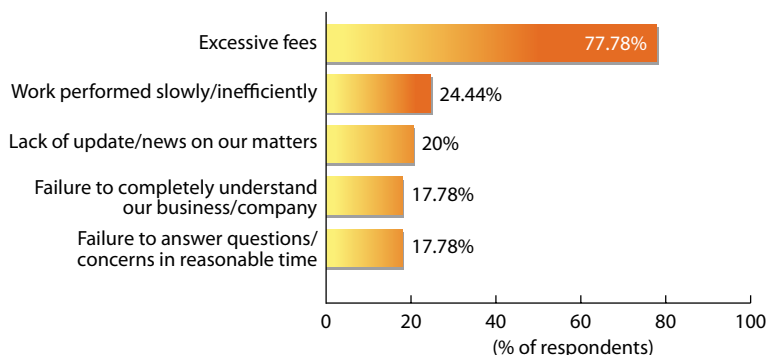


Figure 26: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



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Yulchon is a full-service international law firm of over 300 professionals headquartered in Seoul, Korea. We strive to provide innovative solutions to the legal challenges that confront clients in Korea and around the world. We are frequently retained to negotiate complex cross-border transactions, help draft new legislation and regulations, and provide representation in high-stakes adversarial proceedings.

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indicating there is likely to be any loss of headcount in the near future.

Thailand is one of the few jurisdictions, alongside its South East Asian counterparts Malaysia and Indonesia, where legal recruiters (24.44 percent) are not necessarily the first option utilised by in-house counsel seeking fresh talent for their team. A greater proportion of respondents are more likely to place job advertisements themselves (37.78 percent). And somewhat unusually, survey participants told us they were more likely to solicit referrals from company colleagues (11.11 percent) and external counsel (6.67 percent) than in-house counterparts, with referrals from other in-house counsel (4.44 percent) ranking the least popular method of recruitment.

External counsel

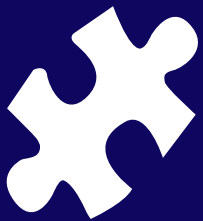
Law firms practising in Thailand will be pleased to note that 46.67 percent of respondents predict a need for increased service levels from external counsel in the coming year, as companies expand business lines, enter into M&A agreements, or undertake a greater volume of cross-border transactions.

Respondents from Thailand have been remarkably consistent year-on-year in defining the factors which are most influential when it comes to the selection of external counsel. As in 2010 and 2011, expertise in a specific area was the overwhelming favourite (82.22 percent), with fees (51.11 percent) and the reputation of a law firm (48.89 percent) also receiving a significant proportion of votes. (Figure 25)

It was also a clear case of majority rules in respect of the issue which respondents have found most concerning in their dealings with external counsel in the past year. A hefty 77.78 percent of all respondents in Thailand told us they have had reason to be concerned by excessive fees in the last twelve months, disturbingly well up from 42.55 percent in 2011. Billing is far and away the biggest issue for in-house counsel at the moment, with the next most highlighted issue – work being performed slowly/inefficiently – attracting only 24.44 percent of votes. (Figure 26)

Key issues and concerns

Whilst the usual challenges – such as coping with existing and emerging laws and regulations – were listed by Thai in-house respondents as in other jurisdictions, it was



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refreshing to see survey participants not only emphasise the need to develop their legal knowledge and capability, but acknowledge a need to also improve on softer skill-sets such as communication. Achievement of such a goal may help to address other identified challenges, such as helping to alter the perception that the legal function is an obstacle to business. As one respondent commented, *“The aim should be to gain acceptance of the notion that legal advice must, at the end of the day, help to shape the company’s business.”*

Many respondents also queried the effect the new government in Myanmar and the Asean Economic Community (AEC) will have on cross-border investments, whilst several articulated concerns over a lack of precedent and case reporting in Thai labour law.

 **UNITED ARAB EMIRATES**

And finally to the UAE, where the industry results are immediately distinguishable from those of the jurisdictions in Asia Pacific owing to the fact that it is Real Estate/Construction (22.45 percent) that claims first position as the most well-represented sector in 2012. Financial Services (19.39 percent), TMT (13.27 percent) and Manufacturing (8.16 percent) take successive spots, with Infrastructure (7.14 percent) making an appearance in fifth place.

The majority of respondents work in teams of 2-5 people (58.82 percent), whilst the next most common team sizes are 6-20 people (21.57 percent) and a solitary one person (13.73 percent). Growth expectations for the in-house function in the UAE are relatively strong, with 36.54 percent of all respondents anticipating an increase in headcount in the coming year in order to cope with a shifting business and legal environment, and an escalation in contractual matters and disputes.

For those respondents looking to hire, the majority will first turn to legal recruiters (51.92 percent), whilst word-of-mouth recommendations from company colleagues and other in-house counsel are relatively popular approaches garnering 23.08 percent and 21.15 percent of votes respectively. The least common tactic is to hire directly from external counsel, with only 3.85 percent of respondents likely to go down this path.

UNITED ARAB EMIRATES

Figure 27: Which factors most influence your choice of external counsel?

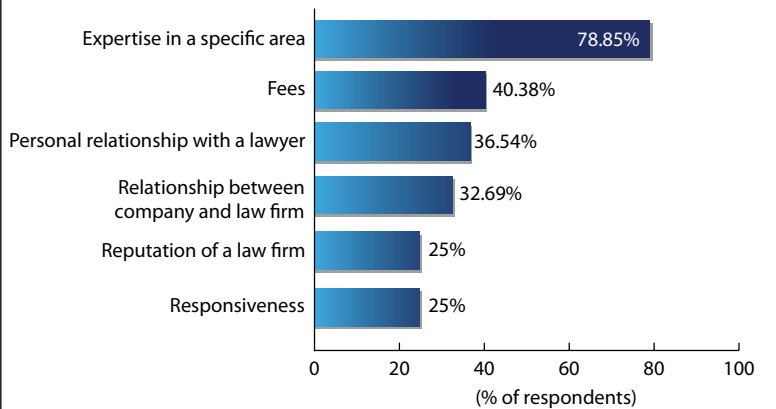
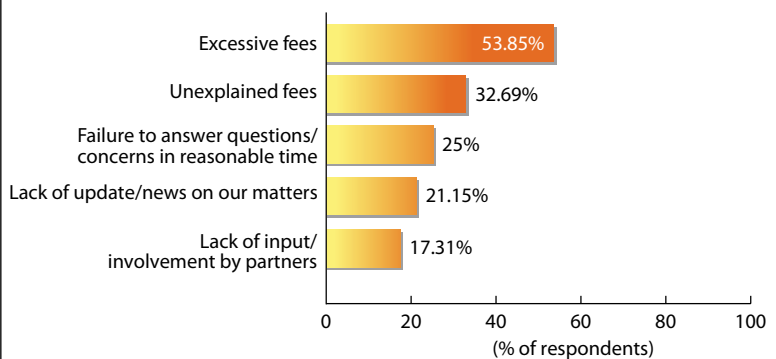


Figure 28: Which issues have you found to be of concern when dealing with external counsel in the past 12 months?



External counsel

A healthy 36.73 percent of respondents anticipate they will need to use the services of external counsel at greater levels in the coming year, largely owing to improving business conditions that will see an expansion in workload, and due to an expectation that disputes will grow in number and require the expertise of litigation lawyers.

Whilst expertise in a specific area (78.85 percent) holds undeniable influence when it comes to the selection of appropriate external counsel and attractive fee rates (40.38 percent) also prove persuasive, as in 2011 the significance of relationships in the UAE should not go unnoticed. Indeed, more than one third of all respondents indicate they will be guided by a personal relationship with an individual lawyer (35.54 percent) and the relationship between their company and a law firm (32.69 percent). (Figure 27)

Even where strong foundations exist between external counsel and their in-house clients, the former will need to remain mindful of the need to review billing strategies

periodically in order to maintain the strength of relationships, with fee-related concerns the top two issues identified by in-house respondents in their dealings with external counsel in the past twelve months. (Figure 28)

Key issues and concerns

Compliance and corporate governance continue to be key challenges for in-house respondents from the UAE, whilst in 2012 the spotlight was also clearly shone on issues within the judicial system. One respondent complained of a “Lack of Jurisprudence, and a low level of knowledge within the courts”, whilst others lamented inconsistent judgments and the difficulties of ensuring enforcement of judgments and arbitration awards.

There were multiple calls for more lawyers with GCC experience, and a number of respondents from the UAE also spoke of the difficulties of advising on matters where the legal and practical realities are not aligned, especially when dealing with in-house clients who are not sophisticated users of legal services. As one respondent commented, “There is still a perception on the part of the commercial team that we are stopping them from making money.” Another noted, “The challenge is in maintaining an independent legal function so as not to compromise on the legal position taken. This is best achieved through the use of diplomacy and taking a tactical approach when advising internal customers.”

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ASIAN-MENA COUNSEL is pleased to announce the ‘In-House Community Firms of the Year’ for 2012. The results are based entirely on the nominations and testimonials of the in-house counsel surveyed as part of the sixth annual ASIAN-MENA COUNSEL - In-House Community ‘Representing Corporate Asia & Middle East’ Survey.



A Unique & Objective Methodology

Over 18,000 pre-qualified in-house counsel and buyers of legal services were invited to participate in our survey directly and personally online, through a controlled interface, or while attending one of our In-House Congress or Symposium events across the region (over 2,500 in-house counsel attend at least one of our 15 In-House Community events annually). With no obligation, 583 individuals responded to the survey in full (see Figure 1 on page 22 for a full breakdown of our respondents by job title and role). Participants were asked, among other things, for their comments on the quality and value of service they received from external counsel in their jurisdiction, and which firms they ‘prefer to use’ for various activities. In-house counsel were able to nominate any firm of their acquaintance – the poll does not lead their choices in any way whatsoever and hence is unique among legal polls in the region – with votes aggregated to select the winning firms in each category. As such, the results do not indicate which law firms have been the most active in any given area, but rather those private practice teams whose service has been of meritable quality and who have been responsive to their clients needs beyond the norm.

Where applicable, both domestic and international firms have been recognised as ‘Winners’, and where results have been ‘too close to call’, joint category winners have been announced. In addition to the winning firms, ‘Honourable Mentions’ have been awarded to law firms that have also received notable in-house recognition, and in the event of significant votes but no outright winner in a category, we have named all the firms as ‘Honourable Mentions’.

Congratulations to all those who have played a part in the teams honoured below.

CHINA

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- **Allen & Overy**
- **Zhong Lun Law Firm**

Honorable Mentions:

- Allbright Law Offices
- Dacheng Law Offices
- Gunderson Dettmer
- King & Wood Mallesons
- Llinks Law Offices

ANTITRUST / COMPETITION

- **Freshfields Bruckhaus Deringer**
- **King & Wood Mallesons**

Honorable Mentions:

- Jun He Law Offices
- T&D Associates
- Zhong Lun Law Firm

AVIATION

Honorable Mention:

- **Clifford Chance**

BANKING & FINANCE

- **Allen & Overy**
- **Clifford Chance**
- **King & Wood Mallesons**
- **Linklaters**

Honorable Mentions:

- DLA Piper
- Jun He Law Offices
- Llinks Law Offices
- Norton Rose
- Zhong Lun Law Firm

CAPITAL MARKETS

- **Freshfields Bruckhaus Deringer**

Honorable Mentions:

- Clifford Chance
- Haiwen & Partners
- King & Wood Mallesons
- Linklaters
- Llinks Law Offices
- Sidley Austin
- Commerce & Finance Law Offices

COMPLIANCE / REGULATORY

Honorable Mentions:

- Jade & Fountain PRC Lawyers
- Jun He Law Offices
- King & Wood Mallesons
- Norton Rose
- Sheppard Mullin Richter & Hampton
- Sidley Austin
- Squire, Sanders & Dempsey

CORPORATE AND M&A

- **Clifford Chance**
- **Jun He Law Offices**
- **King & Wood Mallesons**
- **Zhong Lun Law Firm**

Honorable Mentions:

- Allbright Law Offices
- Allen & Overy
- Baker & McKenzie
- DeHeng Law Offices
- Fangda Partners
- FenXun Partners
- Global Law Offices
- Hylands Law Firm



- Links Law Offices
- Martin Hu & Partners
- Paul Hastings
- Paul, Weiss, Rifkind, Wharton & Garrison
- Shearman & Sterling

EMPLOYMENT

- Jun He Law Offices
- King & Wood Mallesons

Honorable Mentions:

- Allbright Law Offices
- Clyde & Co

ENERGY & NATURAL RESOURCES

- Allen & Overy
- Vinson & Elkins

Honorable Mention:

- Broad & Bright Law Firm

ENVIRONMENTAL

- Baker & McKenzie
- King & Wood Mallesons

INSURANCE

- Grandall Law Firm
- King & Wood Mallesons

INTELLECTUAL PROPERTY

- CCPIT Patent & Trademark Law Office

Honorable Mentions:

- Hogan Lovells International
- King & Wood Mallesons
- Zhong Lun Law Firm

INTERNATIONAL ARBITRATION

- Fangda Partners
- King & Wood Mallesons

LITIGATION & DISPUTE RESOLUTION

- Jun He Law Offices

Honorable Mentions:

- Dacheng Law Offices
- DeHeng Law Offices
- Global Law Offices
- Kang Da Law Firm
- King & Wood Mallesons
- Zhong Lun Law Firm

MARITIME & SHIPPING

Honorable Mention:

- Yao Liang Law Offices

PROJECTS & PROJECT FINANCING

- Allen & Overy
- Clifford Chance

REAL ESTATE / CONSTRUCTION

- Zhong Lun Law Firm

Honorable Mentions:

- Allbright Law Offices
- Dacheng Law Offices
- Fangda Partners
- Jun He Law Offices
- King & Wood Mallesons

RESTRUCTURING & INSOLVENCY

Honorable Mention:

- Dacheng Law Offices

TAXATION

- DLA Piper

MOST RESPONSIVE INTERNATIONAL FIRMS OF THE YEAR

- Clifford Chance
- Linklaters

Honorable Mentions:

- Allen & Overy
- Baker & McKenzie
- Freshfields Bruckhaus Deringer
- Norton Rose

MOST RESPONSIVE DOMESTIC FIRMS OF THE YEAR

- King & Wood Mallesons
- Zhong Lun Law Firm

Honorable Mentions:

- Dacheng Law Offices
- Global Law Offices
- Jincheng, Tongda & Neal
- Jun He Law Offices

HONG KONG

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- Sidley Austin

Honorable Mentions:

- Allen & Overy
- Akin Gump Strauss Hauer & Feld
- Clifford Chance
- Linklaters
- Ogier
- Simmons & Simmons
- Stephenson Harwood

ANTITRUST / COMPETITION

- Clifford Chance

Honorable Mentions:

- Allen & Overy
- Baker & McKenzie
- King & Wood Mallesons

AVIATION

- Mayer Brown JSM

Honorable Mention:

- Clifford Chance

BANKING & FINANCE

- Allen & Overy
- Clifford Chance

Honorable Mentions:

- Baker & McKenzie
- King & Wood Mallesons
- Linklaters
- Norton Rose

CAPITAL MARKETS

- Davis Polk & Wardwell
- Linklaters

Honorable Mentions:

- Allen & Overy
- Cleary Gottlieb Steen & Hamilton
- Clifford Chance
- Latham & Watkins
- King & Wood Mallesons
- Ropes & Gray
- Shearman & Sterling
- Sidley Austin
- Simpson Thacher & Bartlett

COMPLIANCE / REGULATORY

- Baker & McKenzie
- Clifford Chance
- Linklaters

Honorable Mentions:

- Allen & Overy
- Deacons
- Freshfields Bruckhaus Deringer
- King & Wood Mallesons
- Latham & Watkins
- Mayer Brown JSM
- Reed Smith Richards Butler
- Simmons & Simmons

CORPORATE AND M&A

- **DLA Piper**
- **Linklaters**

Honorable Mentions:

- Baker & McKenzie
- Clifford Chance
- Eversheds
- Herbert Smith
- Latham & Watkins
- King & Wood Mallesons
- Milbank, Tweed, Hadley & McCloy
- Ropes & Gray
- Sidley Austin
- Skadden, Arps, Slate, Meagher & Flom
- Slaughter and May

EMPLOYMENT

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- **Simmons & Simmons**

Honorable Mentions:

- Allen & Overy
- Baker & McKenzie
- Mayer Brown JSM
- Tanner De Witt

ENERGY & NATURAL RESOURCES

Honorable Mentions:

- DLA Piper
- Herbert Smith
- Linklaters

INSURANCE

- **Baker & McKenzie**

Honorable Mentions:

- Clifford Chance
- Deacons
- Simmons & Simmons

INTELLECTUAL PROPERTY

Honorable Mentions:

- Bird & Bird
- Deacons
- Jones Day
- Hogan Lovells
- Pinsent Masons
- So Keung Yip & Sin
- Squire Sanders
- Stephenson Harwood

INTERNATIONAL ARBITRATION

- **Clifford Chance**

ISLAMIC FINANCE

- **Clifford Chance**

LITIGATION & DISPUTE RESOLUTION

- **Clifford Chance**
- **Holman Fenwick Willan**

Honorable Mentions:

- Minter Ellison
- Reed Smith Richards Butler
- Stephenson Harwood

MARITIME & SHIPPING

- **Holman Fenwick Willan**
- **Ince & Co**

Honorable Mentions:

- DLA Piper
- Eversheds
- MFB
- Norton Rose

PROJECTS & PROJECT FINANCING

Honorable Mentions:

- Allen & Overy
- Clifford Chance
- King & Wood Mallesons

REAL ESTATE / CONSTRUCTION

Honorable Mentions:

- Deacons
- DLA Piper
- Mayer Brown JSM

RESTRUCTURING & INSOLVENCY

Honorable Mentions:

- Bingham McCutchen
- Clifford Chance
- Gall
- Sidley Austin

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Honorable Mentions:

- Baker & McKenzie
- Hogan Lovells

MOST RESPONSIVE INTERNATIONAL FIRM OF THE YEAR

- **Clifford Chance**
- **Eversheds**

Honorable Mentions:

- Baker & McKenzie
- DLA Piper
- Holman Fenwick Willan
- King & Wood Mallesons

MOST RESPONSIVE DOMESTIC FIRM OF THE YEAR

- **Deacons**

INDIA

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- **AZB & Partners**
- **Amarchand & Mangaldas & Suresh A Shroff & Co**

Honorable Mentions:

- J. Sagar Associates
- Nishith Desai Associates

ANTITRUST / COMPETITION

- **Amarchand & Mangaldas & Suresh A Shroff & Co**
- **Khaitan & Co**

Honorable Mentions:

- AZB & Partners
- Luthra & Luthra
- Nishith Desai Associates

AVIATION

Honorable Mentions:

- Amarchand & Mangaldas & Suresh A Shroff & Co

BANKING & FINANCE

- **Allen & Overy**
- **AZB & Partners**
- **Clifford Chance**
- **Wadia Ghandy & Co**

Honorable Mentions:

- Amarchand & Mangaldas & Suresh A Shroff & Co
- Bharucha & Partners
- Juris Corp
- Norton Rose



CAPITAL MARKETS

- Amarchand & Mangaldas & Suresh A Shroff & Co
- AZB & Partners

Honorable Mention:

- J. Sagar Associates

COMPLIANCE / REGULATORY

- Amarchand & Mangaldas & Suresh A Shroff & Co
- AZB & Partners

Honorable Mentions:

- J. Sagar Associates
- Kanga & Co

CORPORATE AND M&A

- AZB & Partners

Honorable Mentions:

- Amarchand & Mangaldas & Suresh A Shroff & Co
- J. Sagar Associates
- Khaitan & Co
- Nishith Desai Associates
- Vaish Associates
- Wadia Ghandy & Co

EMPLOYMENT

Honorable Mentions:

- AZB & Partners
- Bhasin & Co
- Rajinder Narain & Co

ENERGY & NATURAL RESOURCES

- Amarchand & Mangaldas & Suresh A Shroff & Co
- Norton Rose

Honorable Mention:

- Rajinder Narain & Co

INSURANCE

- PRA Law Offices
- Wadia Ghandy & Co

INTELLECTUAL PROPERTY

- Anand & Anand
- W.S. Kane & Co

Honorable Mention:

- Arjun T. Bhagat & Co

INTERNATIONAL ARBITRATION

- AZB & Partners
- Economic Laws Practice
- Herbert Smith

ISLAMIC FINANCE

- Clasis Law

LIFE SCIENCES

- AZB & Partners
- Nishith Desai Associates

LITIGATION & DISPUTE RESOLUTION

- Herbert Smith
- Wadia Ghandy & Co

Honorable Mentions:

- Amarchand & Mangaldas & Suresh A Shroff & Co
- Bharucha & Partners
- Luthra & Luthra
- Trilegal

PROJECTS & PROJECT FINANCING

- Amarchand & Mangaldas & Suresh A Shroff & Co
- Clasis Law

Honorable Mentions:

- Allen & Overy
- Clifford Chance
- Linklaters

REAL ESTATE / CONSTRUCTION

- Amarchand & Mangaldas & Suresh A Shroff & Co

Honorable Mentions:

- Kanga & Co
- Phoenix Legal

RESTRUCTURING & INSOLVENCY

- Khaitan & Co

Honorable Mention:

- Tiwari & Associates

TAXATION

- KPMG
- Lakshmikumaran & Sridharan

Honorable Mentions:

- Deloitte Touche Tohmatsu
- Economic Laws Practice

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

- AZB & Partners
- J. Sagar Associates

Honorable Mention:

- Nishith Desai Associates

MOST RESPONSIVE INTERNATIONAL FIRMS OF THE YEAR

- Clifford Chance
- Eversheds
- Norton Rose

Honorable Mentions:

- Allen & Overy
- Baker & McKenzie
- Reed Smith

MOST RESPONSIVE DOMESTIC FIRMS OF THE YEAR

- Amarchand & Mangaldas & Suresh A Shroff & Co
- AZB & Partners
- J. Sagar Associates
- Wadia Ghandy & Co

Honorable Mentions:

- Advaya Legal
- India Law Services
- Khaitan & Co
- Nishith Desai Associates
- Phoenix Legal
- S.N. Gupta & Co

INDONESIA

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- Hadiputranto, Hadinoto & Partners

Honorable Mentions:

- Lubis Ganie Surowidjojo
- Makes & Partners

ANTITRUST / COMPETITION

- Hadiputranto, Hadinoto & Partners

Honorable Mentions:

- Adnan Kelana Haryanto & Hermanto
- Ignatius Andy Law Offices
- Lubis Ganie Surowidjojo

AVIATION

- Makarim & Taira S.

Honorable Mentions:

- Bahar & Partners
- Assegaf Hamzah & Partners

BANKING & FINANCE

- Ali Budiardjo, Nugroho, Reksodiputro
- Assegaf Hamzah & Partners
- Makarim & Taira S.

Honorable Mentions:

- Hadiputranto, Hadinoto & Partners
- Lubis Ganie Surowidjojo
- Melli Darsa & Co

CAPITAL MARKETS

- **Hadiputranto, Hadinoto & Partners**

Honorable Mentions:

- Assegaf Hamzah & Partners
- Makarim & Taira S.
- Makes & Partners
- Melli Darsa & Co
- Roosdiono & Partners (ZICOlaw)

COMPLIANCE / REGULATORY

- **Makarim & Taira S.**

Honorable Mentions:

- Ali Budiardjo, Nugroho, Reksodiputro
- Soewito Suhardiman Eddymurthy Kardono

CORPORATE AND M&A

- **Hadiputranto, Hadinoto & Partners**
- **Makes & Partners**
- **O'Melveny & Myers (in association with Tumbuan & Partners)**

Honorable Mentions:

- Ali Budiardjo, Nugroho, Reksodiputro
- Bahar & Partners
- Latham & Watkins
- Lubis Ganie Surowidjojo
- Milbank, Tweed, Hadley & McCloy
- Soewito Suhardiman Eddymurthy Kardono

EMPLOYMENT

- **Kemalsjah & Associates**

Honorable Mention:

- Soewito Suhardiman Eddymurthy Kardono

ENERGY & NATURAL RESOURCES

- **Hiswara Bunjamin & Tandjung (in association with Herbert Smith)**
- **Widyawan & Partners**

Honorable Mentions:

- AKSET Law
- Allen & Overy (in association with Ginting & Reksodiputro)
- Hadiputranto, Hadinoto & Partners
- Ignatius Andy Law Offices
- Latham & Watkins
- Melli Darsa & Co

- Oentoeng Suria & Partners
- White & Case

ENVIRONMENTAL

- **Hadiputranto, Hadinoto & Partners**

Honorable Mention:

- Ali Budiardjo, Nugroho, Reksodiputro

INSURANCE

- **Makarim & Taira S.**
- **Soewito Suhardiman Eddymurthy Kardono**

Honorable Mention:

- AAP Law Firm

INTELLECTUAL PROPERTY

- **AMR Partnership**

Honorable Mentions:

- Acemark
- Soemadipradja & Taher

INTERNATIONAL ARBITRATION

- **Hiswara Bunjamin & Tandjung (in association with Herbert Smith)**

Honorable Mentions:

- Baker & McKenzie
- KarimSyah Law Firm
- Linklaters
- Lubis Ganie Surowidjojo

ISLAMIC FINANCE

- **KarimSyah Law Firm**

LITIGATION & DISPUTE RESOLUTION

- **Assegaf Hamzah & Partners**

Honorable Mentions:

- Adnan Buyung Nasution & Partners
- Adnan Kelana Haryanto & Hermanto
- ASP & Associates
- Hiswara Bunjamin & Tandjung (in association with Herbert Smith)
- Lubis Santosa & Maramis

MARITIME & SHIPPING

- **Lubis Ganie Surowidjojo**

Honorable Mentions:

- Ali Budiardjo, Nugroho, Reksodiputro
- Stephenson Harwood

PROJECTS & PROJECT FINANCING

- **Ali Budiardjo, Nugroho, Reksodiputro**
- **Lubis Ganie Surowidjojo**
- **Makarim & Taira S.**
- **Wiriadinata & Saleh Law Offices**

REAL ESTATE / CONSTRUCTION

- **Makes & Partners**

Honorable Mentions:

- Ali Budiardjo, Nugroho, Reksodiputro
- Hadiputranto, Hadinoto & Partners
- Lubis Ganie Surowidjojo

RESTRUCTURING & INSOLVENCY

- **Hadiputranto, Hadinoto & Partners**

Honorable Mentions:

- Ali Budiardjo, Nugroho, Reksodiputro
- Assegaf Hamzah & Partners
- Lubis Ganie Surowidjojo
- Makarim & Taira S.
- Melli Darsa & Co
- Roosdiono & Partners (ZICOlaw)
- Soewito Suhardiman Eddymurthy Kardono
- O'Melveny & Myers (in association with Tumbuan & Partners)

TAXATION

- **Hadiputranto, Hadinoto & Partners**

Honorable Mentions:

- Ali Budiardjo, Nugroho, Reksodiputro
- Lubis Ganie Surowidjojo
- Soewito Suhardiman Eddymurthy Kardono

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

- **Assegaf Hamzah & Partners**
- **Christian Teo Purwono & Partners**

Honorable Mentions:

- Indonesian Law Alliance
- Webb Henderson

MOST RESPONSIVE INTERNATIONAL FIRMS OF THE YEAR

- **Herbert Smtih**
- **Latham & Watkins**
- **White & Case**

Honorable Mentions:

- Baker & McKenzie
- Clifford Chance
- O'Melveny & Myers
- Sidley Austin
- Stephenson Harwood



MOST RESPONSIVE DOMESTIC FIRMS OF THE YEAR

- **Assegaf Hamzah & Partners**
- **Hadiputranto, Hadinoto & Partners**

Honorable Mentions:

- Ali Budiardjo, Nugroho, Reksodiputro
- Lubis Ganie Surowidjojo
- Makarim & Taira S.
- Oentoeng Suria & Partners
- Soewito Suhardiman Eddymurthy Kardono
- Tumbuan & Partners

JAPAN

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- **Nishimura & Asahi**

Honorable Mention:

- Mitsui Company

ANTITRUST / COMPETITION

Honorable Mentions:

- Anderson Mōri & Tomotsune
- Baker & McKenzie GJB Tokyo Aoyama Aoki Koma Law Office (Gaikokuho Joint Enterprise)
- Iwata Godo Law Firm
- Kuroda & Partners
- Nagashima Ohno & Tsunematsu

AVIATION

Honorable Mention:

- Fitzpatrick & Hunt, Tucker, Collier, Pagano, Aubert

BANKING & FINANCE

- **Clifford Chance**
- **Mori Hamada & Matsumoto**

CAPITAL MARKETS

Honorable Mentions:

- Clifford Chance
- Morrison & Foerster
- Simpson Thacher & Bartlett
- Sullivan & Cromwell

COMPLIANCE / REGULATORY

Honorable Mentions:

- Nishimura & Asahi
- Nagashima Ohno & Tsunematsu

CORPORATE AND M&A

Honorable Mentions:

- Clifford Chance
- Davis Polk & Wardwell
- Iwata Godo Law Firm
- Jones Day
- Morrison & Foerster
- Nishimura Asahi
- Shearman & Sterling

EMPLOYMENT

- **Freshfields Bruckhaus Deringer**

Honorable Mentions:

- Anderson Mōri & Tomotsune
- Mori Hamada Matsumoto
- Nagashima Ohno & Tsunematsu
- TMI Associates

ENVIRONMENTAL

- Nishimura & Asahi

INTELLECTUAL PROPERTY

- TMI Associates
- Yuasa and Hara

Honorable Mention:

- Kotto Dori Law Office

INTERNATIONAL ARBITRATION

Honorable Mentions:

- Herbert Smith
- Nagashima Ohno & Tsunematsu

LITIGATION & DISPUTE RESOLUTION

- **Herbert Smith**

Honorable Mention:

- Iwata Godo Law Firm

PROJECTS & PROJECT FINANCING

- **Baker & McKenzie GJB Tokyo Aoyama Aoki Koma Law Office (Gaikokuho Joint Enterprise)**

REAL ESTATE / CONSTRUCTION

- **Anderson Mōri & Tomotsune**
- **Morrison & Foerster**

RESTRUCTURING & INSOLVENCY

- **Abe, Ikubo & Katayama Law Firm**

TAXATION

Honorable Mentions:

- Morrison & Foerster
- Iwata Godo Law Firm

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

Honorable Mention:

- Kotto Dori Law Office

MOST RESPONSIVE INTERNATIONAL FIRM OF THE YEAR

- **Jones Day**

Honorable Mentions:

- Chadbourne & Parke
- Clifford Chance
- Herbert Smith
- Morrison & Foerster
- White & Case

MOST RESPONSIVE DOMESTIC FIRMS OF THE YEAR

- **Nagashima Ohno Tsunematsu**
- **Nishimura Asahi**

Honorable Mentions:

- Anderson Mōri & Tomotsune
- Mori, Hamada & Matsumoto
- TMI Associates
- Yuasa and Hara

MALAYSIA

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- **Skrine**

Honorable Mention:

- Rahmat Lim & Partners

ANTITRUST / COMPETITION

- **Shearn Delamore & Co**

Honorable Mentions:

- Skrine
- Wong & Partners
- Herbert Smith

AVIATION

- **Norton Rose**

Honorable Mentions:

- Skrine
- Zul Rafique & Partners

BANKING & FINANCE

- **Wong & Partners**
- **Zaid Ibrahim & Co (ZICOlaw)**

Honorable Mentions:

- Chooi & Company
- Skrine
- Zul Rafique & Partners

CAPITAL MARKETS

- Norton Rose
- Zaid Ibrahim & Co (ZICOlaw)

Honorable Mentions:

- Skrine
- Wong & Partners

COMPLIANCE / REGULATORY

Honorable Mentions:

- Chooi & Company
- Skrine
- Wong & Partners
- Zaid Ibrahim & Co (ZICOlaw)

CORPORATE AND M&A

- Kadir Andri & Partners

Honorable Mentions:

- Adnan Sundra & Low
- Rahmat Lim & Partners
- Skrine
- Shearn Delamore & Co
- Wong & Partners
- Zaid Ibrahim & Co (ZICOlaw)
- Zul Rafique & Partners

EMPLOYMENT

- Shearn Delamore & Co

Honorable Mentions:

- Lee Hishammuddin Allen & Gledhill
- Wong & Partners

ENERGY & NATURAL RESOURCES

- Skrine

Honorable Mentions:

- Kamilah & Chong (in association with Rajah & Tann)
- Lee Hishammuddin Allen & Gledhill
- Shearn Delamore & Co

ENVIRONMENTAL

- Skrine

INSURANCE

- Skrine

Honorable Mentions:

- Lee Hishammuddin Allen & Gledhill
- Clyde & Co
- Raja, Darryl & Loh

INTELLECTUAL PROPERTY

- Skrine

Honorable Mentions:

- Azmi & Associates

- Haryati Deepak
- Henry Goh
- Lee Hishammuddin Allen & Gledhill
- Rahmat Lim & Partners
- Shearn Delamore & Co
- Wong & Partners
- Wong Jin Nee & Teo

INTERNATIONAL ARBITRATION

- Skrine

Honorable Mentions:

- Zain & Co
- Zul Rafique & Partners

ISLAMIC FINANCE

- Zaid Ibrahim & Co (ZICOlaw)

Honorable Mentions:

- Adnan Sundra & Low
- Kadir Andri & Partners
- Skrine
- Wong & Partners

LIFE SCIENCES

- Skrine

LITIGATION & DISPUTE RESOLUTION

- Lee Hishammuddin Allen & Gledhill
- Shearn Delamore & Co
- Skrine

Honorable Mentions:

- Chooi & Company
- Zul Rafique & Partners

MARITIME & SHIPPING

- Shearn Delamore & Co
- Skrine

PROJECTS & PROJECT FINANCING

- Herbert Smith
- Lee Hishammuddin Allen & Gledhill

Honorable Mentions:

- Albar & Partners
- Kadir Andri & Partners
- Rahmat Lim & Partners
- Skrine
- Zaid Ibrahim & Co (ZICOlaw)

REAL ESTATE / CONSTRUCTION

Honorable Mentions:

- Adnan Sundra & Low
- Shearn Delamore & Co
- Skrine
- Zul Rafique & Partners

RESTRUCTURING & INSOLVENCY

- Skrine
- Zaid Ibrahim & Co (ZICOlaw)

TAXATION

- Shearn Delamore & Co

Honorable Mentions:

- Lee Hishammuddin Allen & Gledhill
- Skrine

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

- Zul Rafique & Partners

Honorable Mentions:

- Haryati Deepak
- Skrine
- Wong & Partners
- Nixon Peabody (US)

MOST RESPONSIVE INTERNATIONAL FIRM OF THE YEAR

- Norton Rose

Honorable Mentions:

- Ashurst
- Baker & McKenzie
- Herbert Smith
- Trowers & Hamlin

MOST RESPONSIVE DOMESTIC FIRMS OF THE YEAR

- Lee Hishammuddin Allen & Gledhill
- Shearn Delamore & Co
- Skrine
- Zul Rafique & Partners

Honorable Mentions:

- Wong & Partners
- Zaid Ibrahim & Co (ZICOlaw)

SINGAPORE

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- Allen & Overy
- WongPartnership

Honorable Mention:

- Clifford Chance

ANTITRUST / COMPETITION

- Allen & Gledhill
- Drew & Napier

Honorable Mention:

- Baker & McKenzie.Wong & Leow



BANKING & FINANCE

- **Allen & Gledhill**
- **WongPartnership**

Honorable Mentions:

- Baker & McKenzie.Wong & Leow
- Clifford Chance
- Latham & Watkins

CAPITAL MARKETS

- **Allen & Gledhill**

Honorable Mentions:

- Clifford Chance
- Linklaters
- Rajah & Tann

COMPLIANCE / REGULATORY

- **Allen & Gledhill**
- **Baker & McKenzie.Wong & Leow**

Honorable Mention:

- DLA Piper

CORPORATE AND M&A

- **Allen & Gledhill**
- **WongPartnership**

Honorable Mentions:

- Baker & McKenzie.Wong & Leow
- DLA Piper

EMPLOYMENT

Honorable Mentions:

- Ashurst
- Baker & McKenzie.Wong & Leow
- DLA Piper
- TSMP Law Corporation

INSURANCE

- **Rajah & Tann**

INTELLECTUAL PROPERTY

- **Allen & Gledhill**
- **Baker & McKenzie.Wong & Leow**

Honorable Mentions:

- Amica Law
- ATMD Bird & Bird
- UniLegal
- Infinitus Law Corporation
- WongPartnership

INTERNATIONAL ARBITRATION

Honorable Mentions:

- Drew & Napier
- Haridass Ho & Partners
- Rajah & Tann
- Stephenson Harwood

ISLAMIC FINANCE

- **Duane Morris & Selvam**

LITIGATION & DISPUTE RESOLUTION

- **Drew & Napier**

Honorable Mentions:

- Allen & Gledhill
- DLA Piper
- Rajah & Tann

MARITIME & SHIPPING

- **Rajah & Tann**

Honorable Mentions:

- Drew & Napier
- VoskampLawyers

PROJECTS & PROJECT FINANCING

- **Allen & Overy**

Honorable Mention:

- RHTLaw Taylor Wessing

REAL ESTATE / CONSTRUCTION

- **Ashurst**
- **Rajah & Tann**

RESTRUCTURING & INSOLVENCY

- **Allen & Overy**
- **Rajah & Tann**

TAXATION

- **Allen & Gledhill**
- **WongPartnership**

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

- **Baker & McKenzie.Wong & Leow**

Honorable Mention:

- Rajah & Tann

MOST RESPONSIVE INTERNATIONAL FIRM OF THE YEAR

- **Baker & McKenzie**

Honorable Mentions:

- Clifford Chance
- White & Case

MOST RESPONSIVE DOMESTIC FIRMS OF THE YEAR

- **Allen & Gledhill**
- **Rajah & Tann**

Honorable Mentions:

- Drew & Napier
- WongPartnership

SOUTH KOREA

ALTERNATIVE INVESTMENT FUNDS

(Including Private Equity)

- **Kim & Chang**
- **Shin & Kim**

ANTITRUST / COMPETITION

- **Kim & Chang**
- **Lee & Ko**
- **Yulchon**

Honorable Mention:

- Bae, Kim & Lee

AVIATION

- **Kim & Chang**

BANKING & FINANCE

- **Kim & Chang**
- **Lee & Ko**

Honorable Mentions:

- Bae, Kim & Lee
- Shin & Kim

CAPITAL MARKETS

- **Kim & Chang**

Honorable Mentions:

- Bae, Kim & Lee
- Clifford Chance

COMPLIANCE / REGULATORY

- **Kim & Chang**

Honorable Mentions:

- Bae, Kim & Lee
- Lee & Ko
- Yoon & Yang
- Yulchon

CORPORATE AND M&A

- **Bae, Kim & Lee**
- **Kim & Chang**

Honorable Mentions:

- Hwang Mok Park
- Shin & Kim

EMPLOYMENT

- Kim & Chang
- Lee & Ko

Honorable Mentions:

- Bae, Kim & Lee
- Kim, Choi & Lim
- Yulchon

ENERGY & NATURAL RESOURCES

Honorable Mentions:

- Bae, Kim & Lee
- Kim & Chang
- Lee & Ko
- Shin & Kim

ENVIRONMENTAL

- Kim & Chang

INSURANCE

- Kim & Chang

INTELLECTUAL PROPERTY

- Bae, Kim & Lee
- Kim & Chang

Honorable Mentions:

- Cho & Partners
- Lee & Ko
- Lee International IP & Law Group
- Muhann Patent & Law Firm

INTERNATIONAL ARBITRATION

- Bae, Kim & Lee
- Kim & Chang

Honorable Mentions:

- Shin & Kim

ISLAMIC FINANCE

- Lee & Ko

LIFE SCIENCES

- Kim & Chang
- TY & Partners

LITIGATION & DISPUTE RESOLUTION

- Bae, Kim & Lee
- Lee & Ko
- Shin & Kim
- Yulchon

Honorable Mentions:

- Hwang Mok Park
- Kim & Chang

MARITIME & SHIPPING

- Holman Fenwick Willan
- Jipyong Jisung
- Lee & Ko

Honorable Mention:

- Kim & Chang

PROJECTS & PROJECT FINANCING

- Bae, Kim & Lee
- Lee & Ko
- Yulchon

REAL ESTATE / CONSTRUCTION

- Bae, Kim & Lee
- Kim & Chang
- Yulchon

RESTRUCTURING & INSOLVENCY

- Shin & Kim

TAXATION

- Kim & Chang
- Yulchon

Honorable Mentions:

- Hwang Mok Park
- Shin & Kim
- Yoon & Yang

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

- Bae, Kim & Lee
- Lee & Ko

MOST RESPONSIVE INTERNATIONAL FIRMS OF THE YEARS

- Baker & McKenzie
- Jones Day

MOST RESPONSIVE DOMESTIC FIRM OF THE YEARS

- Kim & Chang

Honorable Mentions:

- Shin & Kim
- Bae, Kim & Lee
- Yulchon
- Lee & Ko

THAILAND

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

- Baker & McKenzie

Honorable Mentions:

- Chandler & Thong-ek
- Clifford Chance
- Norton Rose
- Siam Premier
- Weerawong, Chinnavat & Peangpanor
- White & Case

ANTITRUST / COMPETITION

- Allen & Overy

Honorable Mentions:

- Baker & McKenzie
- Chandler & Thong-ek
- Clifford Chance

BANKING & FINANCE

- Baker & McKenzie
- Chandler & Thong-ek
- Clifford Chance

Honorable Mentions:

- Hunton & Williams
- LawPlus
- LS Horizon

CAPITAL MARKETS

- LS Horizon
- Weerawong, Chinnavat & Peangpanor

Honorable Mentions:

- Baker & McKenzie
- Chandler & Thong-ek
- Clifford Chance
- Linklaters
- Siam Premier

COMPLIANCE / REGULATORY

- Baker & McKenzie

Honorable Mentions:

- Chandler & Thong-ek
- Siam Premier
- Weerawong, Chinnavat & Peangpanor

CORPORATE AND M&A

- Allen & Overy
- Clifford Chance

Honorable Mentions:

- DLA Piper
- Hunton & Williams



- Linklaters
- Rajah & Tann
- SCG Legal
- Siam Premier
- White & Case
- Weerawong, Chinnavat & Peangpanor

EMPLOYMENT

- **Baker & McKenzie**

Honorable Mentions:

- Chandler & Thong-ek
- Rajah & Tann
- Seri Manop & Doyle

ENERGY & NATURAL RESOURCES

- **Chandler & Thong-ek**

Honorable Mention:

- Hunton & Williams

ENVIRONMENTAL

- **Baker & McKenzie**

INSURANCE

- **Baker & McKenzie**

INTELLECTUAL PROPERTY

- **Tilleke & Gibbins**

Honorable Mention:

- Satyapon & Partners Ltd

INTERNATIONAL ARBITRATION

- **Baker & McKenzie**

Honorable Mention:

- Watson, Farley & Williams

LITIGATION & DISPUTE RESOLUTION

- **Baker & McKenzie**
- **Chandler & Thong-ek**
- **Siam Premier**

MARITIME & SHIPPING

- **Pramuanchai Law Office**

PROJECTS & PROJECT FINANCING

- **Chandler & Thong-ek**

Honorable Mentions:

- Baker & McKenzie
- Clifford Chance
- Hunton & Williams

RESTRUCTURING & INSOLVENCY

- **Baker & McKenzie**
- **Weerawong, Chinnavat & Peangpanor**

TAXATION

- **PwC**

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

- **Baker & McKenzie**

MOST RESPONSIVE INTERNATIONAL FIRM OF THE YEAR

- **Baker & McKenzie**

Honorable Mentions:

- Clifford Chance
- Hunton & Williams
- PwC
- White & Case

MOST RESPONSIVE DOMESTIC FIRM OF THE YEAR

- **Chandler & Thong-ek**

Honorable Mentions:

- LawPlus
- LS Horizon
- Weerawong, Chinnavat & Peangpanor

UNITED ARAB EMIRATES

ALTERNATIVE INVESTMENT FUNDS (Including Private Equity)

Honorable Mentions:

- Al Tamimi & Company
- Hogan Lovells
- King & Spalding
- White & Case

ANTITRUST / COMPETITION

Honorable Mentions:

- Al Tamimi & Company
- Fulbright & Jaworski

BANKING & FINANCE

- **Al Tamimi & Company**
- **Clifford Chance**

Honorable Mentions:

- Allen & Overy
- Clyde & Co
- Latham & Watkins

CAPITAL MARKETS

Honorable Mentions:

- Allen & Overy
- Al Tamimi & Company
- Clyde & Co
- Freshfields Bruckhaus Deringer

COMPLIANCE / REGULATORY

- **Al Tamimi & Company**
- **Clyde & Co**
- **Hadef & Partners**

CORPORATE AND M&A

- **Hadef & Partners**

Honorable Mentions:

- Al Tamimi & Company
- Ashurst
- Clifford Chance
- Clyde & Co
- Freshfields Bruckhaus Deringer
- Fulbright & Jaworski
- Linklaters
- Patton Boggs

EMPLOYMENT

- **Eversheds**
- **Hadef & Partners**

ENERGY & NATURAL RESOURCES

- **Shearman & Sterling**

ENVIRONMENTAL

- **Al Tamimi & Company**

INSURANCE

- **Clyde & Co**

Honorable Mentions:

- Al Tamimi & Company
- Holman Fenwick Willan
- Simmons & Simmons

INTELLECTUAL PROPERTY

- **Al Tamimi & Company**
- **Clyde & Co**

Honorable Mention:

- Salih El Amin

INTERNATIONAL ARBITRATION

- **Al Tamimi & Company**

Honorable Mentions:

- Clifford Chance
- Clyde & Co
- DLA Piper

- Freshfields Bruckhaus Deringer
- Reed Smith

ISLAMIC FINANCE

- **Al Tamimi & Company**

Honorable Mentions:

- Allen & Overy
- Clyde & Co

LIFE SCIENCES

Honorable Mention:

- SNR Denton

LITIGATION & DISPUTE RESOLUTION

- **Clyde & Co**
- **Hadef & Partners**

Honorable Mentions:

- Al Tamimi & Company
- Clifford Chance

MARITIME & SHIPPING

- **Al Tamimi & Company**

PROJECTS & PROJECT FINANCING

- **Allen & Overy**

Honorable Mentions:

- Al Tamimi & Company
- Hadeef & Partners
- King & Spalding

REAL ESTATE / CONSTRUCTION

- **Al Tamimi & Company**
- **Clyde & Co**
- **Hadef & Partners**
- **Jones Day**

Honorable Mentions:

- Berwin Leighton Paisner
- Freshfields Bruckhaus Deringer
- Galadari & Associates
- Norton Rose
- Simmons & Simmons

RESTRUCTURING & INSOLVENCY

- **Clifford Chance**

TELECOMMUNICATIONS, MEDIA & TECHNOLOGY

- **Al Tamimi & Company**

Honorable Mentions:

- Simmons & Simmons
- SNR Denton

MOST RESPONSIVE INTERNATIONAL FIRMS OF THE YEAR

- **Clyde & Co**
- **Simmons & Simmons**

Honorable Mentions:

- Allen & Overy
- Clifford Chance
- SNR Denton

MOST RESPONSIVE DOMESTIC FIRMS OF THE YEAR

- **Al Tamimi & Company**
- **Hadef & Partners**

Honorable Mention:

- Galadari & Associates

TOP CATEGORY WINNERS BY JURISDICTION

JURISDICTION		FIRM	CATEGORY WINS
CHINA	Domestic	• King & Wood Mallesons	8
	International	• Allen & Overy	4
HONG KONG	Domestic	• Deacons	1
	International	• Clifford Chance	7
INDIA	Domestic	• AZB & Partners	9
	International	• Clifford Chance	2
		• Norton Rose	2
INDONESIA	Domestic	• Hadiputranto, Hadinoto & Partners	8
JAPAN	Domestic	• Nishimura & Asahi	2
MALAYSIA	Domestic	• Skrine	11
	International	• Norton Rose	2
SINGAPORE	Domestic	• Allen & Gledhill	8
	International	• Baker & McKenzie (Baker & McKenzie.Wong & Leow)	4
SOUTH KOREA	Domestic	• Kim & Chang	15
	International	• Baker & McKenzie	11
THAILAND	Domestic	• Chandler & Thong-ek	5
	International	• Baker & McKenzie	11
UAE	Domestic	• Al Tamimi & Company	10
	International	• Clyde & Co	6

Most Responsive Firm in most jurisdictions: Baker & McKenzie

Responding to the call.....

ASIAN-MENA COUNSEL speaks with some of the winning firms around the region after the In-House Community weighed in with their top choices for Most Responsive Firm of the Year. After speaking with some of the firms that dazzled, they tell us about the silver bullets they used to knock out the competition.

By Aparna Assomull Bundro

Over the last few years, the legal industry has undergone a discernible face lift; traditional structures of law firms have steadily crumbled, as ‘super firms’¹ (resulting from mergers or “combinations”) have rapidly gained traction, jobs are increasingly being outsourced to LPO’s and commercially-savvy clients have become more focussed on achieving value added results.

The tectonic plates beneath fee structures and billing are also shifting. Lawyers are becoming more amenable to capped fees and fixed costs as clients are becoming more involved in the bottom line.

The focus on costs – as ASIAN-MENA COUNSEL uncovers in the feature that follows – has been recalibrated. The approach taken by law firms is now much more customised and personal. The service now is sometimes strategic, sometimes anticipatory.²

In addition, the law is losing its halo as it is no longer as nebulous a subject as it once was for clients: with easy access to legal judgments and legal reviews online, firms are expected to punch above their weight and deliver platinum service at a ‘reasonable’ cost and on time.

As we take a look at some of the firms that have garnered their blue ribbons, we examine how they have achieved a leading edge in terms of responsiveness. We see that for example a 24 hour turn-around time has become the norm for many, as have in-house seminars to home in on specialist sectors of the market in a manner that puts the client first.

After in-house counsel from around the region weighed in on their top choices for most responsive firms along the New Silk Road, we spoke with some of these winning firms and here they disclose some of their secrets to securing the 2012 accolade for responsiveness.

CHINA

King & Wood Mallesons

King & Wood and Mallesons Stephen Jacques merged earlier this year creating a new legal milieu within the Chinese market. Boasting a legion of lawyers poised to practice Australian, PRC and English law, the firm has cemented its reputation for offering up trilingual and tri-partite capabilities. Their strategic offering has paid dividends and the firm has won acclaim from the In-House Community for its responsiveness. As King & Wood Mallesons has worked to heighten its skill set in the most active sectors of the market, the recognition it has won for its responsiveness in China is a tribute to its successful mix

Footnotes

1. Taken from “The End of Lawyers?” by Richard Susskind.
2. Taken from Generation eXit by Jordan Furlong, partner with Edge International and senior consultant with Stern Legal Web Enterprises.

of expertise and its extensive global reach. Paying particular attention to the quality service it delivers involves maintaining staunch supervision procedures (over junior lawyers), adopting various training courses and investing in a solid knowledge management system, according to Wang Ling, King & Wood Mallesons' Managing Partner.

Being client driven, specific focus is directed towards legal services in industries such as mining and oil and gas and the firm strives to deliver results which consistently meet the clients' needs and expectations. The firm additionally takes a flexible approach to billing; studying the business models of each client as well as the nuances of their respective industry to come up with a suitable fee structure which is reflective of the client's expectations as well the firm's.

What in-house counsel say: “The best Chinese law firm in terms of quality and professionalism.”

CHINA AND HONG KONG

Clifford Chance

Clifford Chance's integrated mainland China practice combined with a long-established presence in Hong Kong earns it kudos for its responsiveness both in China and in Hong Kong. Given that “many transactions routinely involve cross-border elements, legal expertise across multiple areas and jurisdictions” is a must, according to Managing Partner, Peter Charlton. Hand in hand with a focus on responsiveness is their commitment to thought leadership. This involves anticipating the market, their clients' future needs and concerns as well as “engaging in roundtable discussions to better understand the key drivers and issues affecting them.” The firm is noted as well for providing insights into upcoming trends and regulatory changes which go beyond the mere legal landscape.

As far as industry specific advice goes, their lawyers are sent to ‘work in the trenches’ getting their hands dirty with first-hand experience in various industries which gives them a deeper understanding of their clients' individual sector. This forms part of Clifford Chance's secondment programme and in terms of added value, the firm also conducts seminars at its offices on a host of current topics which are either “open to all interested clients or tailored to meet specific clients' concerns.” Dedicated sector websites are also set up to discuss current trends and this is disseminated internally amongst partners so that they can stay

ahead of the curve with regards the latest developments. Ultimately, this information is shared with their clients as part and parcel of their focus on responsiveness.

HONG KONG

Deacons

Claiming the unique distinction of being both the oldest and the largest independent law firm in Hong Kong, Deacons has over the years cultivated enduring relationships with its clients and their legacy and client-centric approach has garnered the firm praise for being highly responsive.



Offering up an extensive suite of services, their “practice groups are headed up by lawyers across a range of industry sectors” and this, according to Executive Partner, Jeremy Lam facilitates an “excellent platform from which to grow and maintain deep relationships with in-house counsel.”

Each practice group within the firm is autonomous when it comes to fees, and decisions can be agreed with each client at the outset of the relationship/ transaction in a transparent manner. “Understandably, clients are requiring increased certainty over legal fees in order to plan their internal legal budgets. Open and upfront communication on fees is in all parties' interests,” Lam comments candidly. It is this type of cost-consciousness that ensures client retention.

A commitment to delivering added value also keeps the clients coming back, as Deacons' lawyers are constantly working to re-evaluate how best to offer guidance to their clients and maintain their status as trusted advisers. One of the ways they achieve this is by promoting business development through an initiative programme which prompts clients and in-house counsel to attend on-site seminars. 2012 also marks the first time the firm will organise an in-house counsel forum covering an array of topics which are current and relevant to the community.

What in-house counsel say: “They're reliable!”

HONG KONG AND INDIA

Eversheds

“Arranging [themselves] at the very heart of their clients'

business,” Eversheds has “developed a sector approach” which ensures that they align themselves with “the issues that each client is facing rather than following the usual lines of internal teams, regions or practice groups,” according to Nick Seddon, Eversheds Asia Managing Partner and Parmjit Singh, Partner and Head of Eversheds India Group. In doing so, the firm has won the hearts and minds of the In-House Community in both Hong Kong and India in terms of responsiveness. The firm takes a collaborative approach to working with each team, supporting each other in order to effectively manage client relationships. This can include mentoring, marketing, and training.



Nick Seddon

Eversheds adopts a client-facing approach which sees its lawyers physically roundtable with its clients at their offices to facilitate an understanding of their needs. Their partners also undergo training courses through Harvard University to instil in them a sense of business acumen which, according to Seddon and Singh, their clients really appreciate. In terms of added value, the firm offers a range of services and tools including legal updates and briefings, training sessions and secondments for its team members.

From in-house counsels’ vantage point they are afforded opportunities to participate in conferences and webinars as well as supplementary services such as Company Secretarial and Corporate Governance, Eversheds Consulting and Eversheds Agile.

Sounding out their clients on the question of costs, Eversheds takes an adjustable approach to billing by



Parmjit Singh

“putting their clients in control.” “Even where the transaction is complex or a one-off piece of specialist work, it is capable of being scoped and budgeted,” asserts Singh and Seddon. Impressively, the firm has an award winning project management tool, known as *Dealtrack* for non-contentious work as well as *RAPID*, for contentious work which ena-

bles their clients to keep abreast of developments as well as up to date on costs.

What in-house counsel say: *“Quick response, quality work, competitive fees.”*

INDIA

AZB & Partners

Managing Partner, Zia Mody offered her insights as to what made her firm, India-based AZB & Partners, (AZB) a standout firm in terms of responsiveness. Her answer to cultivating long-lasting client relationships is to respond quickly and sensibly to queries that come in. “Short, specific advice with a bottom line approach is key” she asserts. Part of overall responsiveness for any firm, in part, depends upon providing industry sector advice. And in this regard Mody maintains that AZB’s lawyers have over the years “developed domain in industry specific areas so that valuable advice” can be delivered without adding to the clients’ expense. In addition, a robust human resource team enables them to “readily assemble dedicated teams of professionals with the requisite expertise to meet client requirements.”



Zia Mody

Finally, Mody states that a practical approach is taken to their fee structure and clients are encouraged to speak candidly about the length of the project. A two way discussion then ensues, and depending on the strength of the relationship and the time the matter will require, a decision on billing is made.

What in-house counsel say: *“They understand the issues and advise thoroughly considering the situation.”*

Wadia Ghandy & Co

India-based Wadia Ghandy & Co won recognition from the In-House Community for raising the bar in terms of responsiveness. Their dual focus on client matters and internal training has yielded a successful one-two punch delivery.

Trainees are initially exposed to an array of different practice areas so that they can become “good generalists”

according to Partner Ashish Ahuja. Once they have attained a wealth of experience as general practitioners, they hone their skills in a specialist area depending on their preference. In this way, they are “competent to address the basic issues on a *prima facie* basis” before homing in on a niche sector. When advising clients, Ahuja explains that “this ensures that specialists in making rockets are introduced only when rocket science is required for the appropriate transaction.”

As far as added value from the client’s perspective, Wadia Ghandy & Co conducts in-house seminars at a particular client’s request, and secondments are limited, initiated only on an exceptional basis.

In terms of billing, Wadia Ghandy & Co eschews client retainers all the while adopting a “fair” approach to fees. “We offer multiple billing options to clients including fixed fees, capped fees and flexible billing. Success-related (that is, contingency) fees are not permitted according to our ethical rules of conduct” states Ahuja.

What in-house counsel say: “Quick in their response, they generally stick to their timelines, with knowledgeable, competent and efficient lawyers on their payroll.”

INDONESIA

Assegaf, Hamzah & Partners

A pluralistic society with a Dutch colonial legacy, Indonesia’s legal system is very much “undergoing a process of development” according to Managing Partner Ahmad Fikri Assegaf of Assegaf, Hamzah & Partners. Accordingly “the awareness of the need for specialisation in Indonesia (as obvious as it seems) is still relatively new.” Assegaf, Hamzah & Partners came up spades for responsiveness in Indonesia with a tried and tested recipe consisting of rapid turnaround times, easy access (round the clock service) and consistent client updates.

Open and transparent communication with the client is key to Assegaf, Hamzah & Partners’ premier practice, states Assegaf. A solid understanding of the relevant industry, can only enhance the quality of the advice delivered to the end client. As such, the firm has installed a professional development programme which encourages its casehandlers to participate in in-house training workshops to augment their skill set. They also engage in secondments with their clients to “assist on matters as the need arises,” as a means of adding value. Interestingly,

many of the firm’s associates have post-graduate degrees in many of the requisite disciplines, be it oil and gas law or industrial relations, thereby boosting their knowledge base and their overall receptiveness to each client.

What in-house counsel say: “They work 24/7.”

White & Case

Joining Assegaf, Hamzah and Partners on the winning ticket for responsiveness was White & Case, LLP Indonesia. With a legacy which dates back more than three decades in Jakarta, White & Case LLP attributes the accolade to its longevity in the market as well as its extensive client offering. With a broad knowledge base that assists both domestic and international entities, the firm has created a niche for itself by supporting the growth of local clients seeking an expansion overseas.

According to Charlie Wilson, one of White & Case’s M&A partners who also leads their Indonesian practice, “the firm’s offering is tailored specifically to meet the present and future needs of each client, taking into account billing arrangements, on-site training, legal updates and secondments.”

What in-house counsel say: “They have always been very responsive to the company’s concerns.”

Hadiputranto, Hadinoto & Partners

A rapidly evolving legal landscape in Indonesia has meant that law firms on the ground need to keep abreast of developments and respond to clients’ changing demands. Founding (and senior) partner, Tuti Hadiputranto tells us how the firm has gone about doing this.

“With more than two decades of experience in Indonesia, we have lawyers specialising across practice areas and industry sectors. This, as well as being a member firm of Baker & McKenzie in Indonesia, means we are uniquely placed to draw upon the firm’s global network and expertise to offer our clients both local and international capabilities from one source,” she comments. Their long established practice in Indonesia also means that they are able to tap into their



Charlie Wilson

extensive network of contacts within the private and the public sectors to augment their knowledge of the market.

According to Hadiputranto, one of the key responsibilities of being a commercial lawyer is to ensure that you find a workable solution for the client – no matter what challenges may be encountered along the way. This ethos is instilled into team members at the start of their careers to foster a keen problem solving mentality. It is also critical to possess a distinctive skill set given that “lawyers cannot be generalist anymore.” The firm’s lawyers specialise in various practice groups and industries in order to tailor their advice in a manner which is industry specific.

What in-house counsel say: *“They give on-time and accurate legal opinions.”*

MALAYSIA

Lee Hishammudin Allen & Gledhill

With a winning mandate which lends itself both to the delivery of specialist advice and a cross fertilisation of thought, Lee Hishammudin Allen & Gledhill (Lee Hishammudin), Malaysia manages to stay ahead of the curve on responsiveness. The firm prides itself on maintaining tightly disciplined teams to meet the increasingly complex needs of each client, according to Senior Partner Datuk D.P.



Datuk D.P. Naban

Naban. And taking this a step further in terms of accessibility, their lawyers take full advantage of an array of mobile and communication devices, pushing the envelope on client accessibility. This also ensures that they work from wherever they need to be.

Partners and associates also regularly present industry specific updates to the rest of the firm which “creates a high level of awareness of legal developments across different practice groups,” according to Naban. This ultimately translates to adding value from the client’s perspective given that any relevant information is consequently shared in a client-friendly forum. Seminars, in-house talks and workshops are hosted periodically by Lee Hishammudin to keep their clients apprised of current developments and trends in the legal industry.

The firm also celebrates its relationship with corporate counsel in an event which “addresses current developments and challenges that legal practitioners on both sides of the practice-industry divide share in common.” At the firm’s Corporate Counsel Day, partners and associates are given an opportunity to mingle and network with corporate counsel at a unique and exclusive function.

Finally, as far as fees are concerned, the firm strives to “reflect the balance between affordability for the clients and the firm’s investment in resources and tools that enable [them] to provide the demanding level of service that the firm’s clients deserve,” comments Naban.

What in-house counsel say: *“Our queries are addressed in a timely fashion.”*

Zul Rafique & Partners

With an enthused approach towards knowledge management and client-training, Zul Rafique & Partners won plaudits with the In-House Community in Malaysia. Having established a solid presence in Kuala Lumpur more than a decade ago, the firm has branded itself as a broad-based commercial law firm – which takes a solutions-oriented and proactive approach to incoming work. As part of its value added service, the firm incorporates into its bi-monthly publication and newsletter updates on landmark judgments as well as the latest legal trends in a bid to keep its clients in the know.

Clients also benefit from their deep bench of expertise, which is streamlined into different practice groups with each lawyer creating a niche for themselves, (whenever possible) according to Managing Partner, Dato Zulkifly Rafique.

What in-house counsel say: *“They give fast, accurate and helpful responses.”*

Skrine

A dedicated practice group intranet database enables Skrine to bolster its capabilities and ensure that its lawyers are privy to industry specific knowledge, states Audrey Choo Pao Lin, a partner at Skrine. Skrine was lauded by the In-House Community for its responsiveness in Kuala Lumpur. Seconding lawyers to work in-house at their clients’ organisations particularly in the banking and oil and gas industries also allows them to stay embedded in each

industry and in the know. In this way, the firm effectively closes the gap in each sector by gaining first-hand experience of each industry, which ultimately strengthens the quality of the advice given. Skrine's policy of focussing also on the twin issues of understanding the "long-term commercial realities" of the individual client's case as well as the "climate in which they operate" ultimately enhances the service they provide.



Audrey Choo Pao Lin

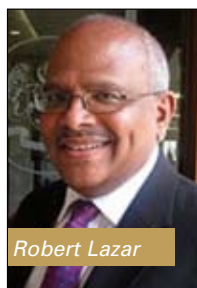
Unique to Skrine's outfit is its centralised system of managing cold calls and cold emails. The firm's marketing and communications team keeps track of these enquiries, progressing them until the appropriate partner is tasked to manage the particular client.

Like other firms of similar ilk, Skrine adopts a flexible approach to billing with a view to offering the client "good value based on what they need, whether it is a capped or estimated fee based on stages of work or retainers," according to Lin.

What in-house counsel say: *"Reasonable fees with good lawyers."*

Shearn Delamore & Co

With a history which goes back over 100 years, Shearn Delamore & Co is one of Malaysia's oldest law firms. The firm's range of services spans the gamut and encompasses 15 different practice areas giving its clients easy access to a spectrum of expertise. According to Managing Partner, Robert Lazar, it is a combination of their people and their resources which ensures a quick turn-around time and the ability to pinpoint clients' needs. In what Lazar calls 'knowledge transfer'. Shearn Delamore & Co regularly hosts in-house seminars to bring their clients up to speed on the latest legislation and legal developments in each of their practice groups. This is part and parcel of their added value service which involves the client in the decision making process and assists in cementing their long-term relationships.



Robert Lazar

As far as billing goes, Shearn Delamore & Co takes a flexible approach which is budgetary conscious. A fixed or capped fee structure for certain long-term projects or bulk work ensures that their clients' concerns are met and discounts on hourly rates can also be built in, in a client-centric manner, according to Lazar.

What in-house counsel say: *"They work very efficiently, they're responsive and partners are very involved."*

SINGAPORE

Rajah & Tann

Rajah & Tann won credit for being amongst the most highly responsive firms of the year in Singapore. With an impressive smattering of offices across Asia and the Middle East, the firm's geographical footprint enables it to respond to client requests and queries with a rapid turnaround time. "If required, our lawyers will work in different time zones and will always respond to clients' emails and phone calls...in less than 24 hours, but in reality, almost instantly," according to Managing Partner Lee Eng Beng SC. Streamlining their policies and ensuring compliance with a high professional standard across the board also assists with what Lee calls their "near instinctive understanding of the issues."



Lee Eng Beng

Additionally, an impressive platform has been set up to keep their clients updated on current legal affairs, including landmark judgments and key legislative changes. This allows Rajah & Tann to corner the Singapore legal market on client updates by email, regular newsletters, iPhone and iPad apps and seminars and workshops. Establishing a client-centric framework for updates is one of the ways they are able to sustain long term relationships.

Adding breadth to their significant reach around the region, Rajah & Tann Singapore is a member firm of the Lex Mundi Network. "This allows us to tap into excellent legal expertise in more than 100 countries including countries where we do not have offices, thereby providing clients with a truly global reach" remarks Lee.

Additionally, their “hub-n-spoke” approach according to Lee works in a way that allows them to “assign lawyers and resources for regulatory work in any client matter based on relevant industry experience.”

Baker & McKenzie.Wong & Leow

The combination of a wide-sweeping network as well as on-the-ground knowledge has proved to be a successful blueprint for Baker & McKenzie.Wong & Leow in Singapore. The scale and depth of their expertise on a global basis enables them to advise simultaneously on domestic and cross-border issues and operate as “one of the few full service law firms in Singapore,”



according to Managing Principal, Edmund Leow. Part and parcel of this advantage is their built-in rights of audience. By virtue of Baker & McKenzie’s tie-up with Wong & Leow LLC, the firm has full rights of audience before the Singapore courts and their fee earners can consequently take on cases with contentious elements.

Part of being responsive, according to Leow, is understanding the role of the in-house legal team as well as their own role as external counsel so that the two teams can work symbiotically. An ability to work in harmony is critical to working efficiently and ultimately servicing the end client’s needs, remarks Leow.

And as seasoned firms know, part of ensuring client retention, especially in a highly competitive market, necessitates that the firm distinguish itself in some way. The lawyers at Baker & McKenzie.Wong & Leow have striven to create a team which converges on industry sectors and specific expertise rather than location. Accordingly, each office’s local industry knowledge is supplemented by its extensive global network and resources. “The reach and scale of Baker & McKenzie’s network enables us to draw upon our cumulative industry experience to improve our client offering.”

In terms of its cost efficiency, the firm is guided by its clients’ needs. For Leow, the “value of our work can be measured by its quality, timeliness and cost.”

What in-house counsel say: *“They satisfy the three factors that most influence the choice of outside counsel: personal relationship with a lawyer, relationship between company and law firm, and expertise in a specific area.”*

SOUTH KOREA

Kim & Chang

Kim & Chang’s mainstays sweep the gamut from international trade to health and pharmaceuticals. Their strengths, as confirmed by our Representing Corporate Asia & Middle East Survey 2012 lie in anti-trust /competition as well as IP, corporate law and alternative investment funds amongst others. Having



achieved significant acclaim in these areas as well as winning commendation for being amongst the most responsive firms in South Korea, the In-House Community have affirmed that Kim & Chang are recognised leaders in the legal industry.

With a team of 800 professionals they have considerable bandwidth to take on work from various multinational corporations, and international financial institutions which involve cross-border elements. The focus for the firm is to build enduring relationships with their clients according to Senior Partner, Kye Sung Chung. Kim & Chang’s success, he states, hinges upon its “ability to anticipate and satisfy the clients’ needs.” By insisting that every decision reflects the interests of their clients, they place a premium on the client’s needs from inception to closing.

Their ability to deliver industry specific advice depends in part upon the firm’s model which is designed to create a “one-stop shop” for clients: their deep well of market knowledge and industry insight goes a long way towards cementing their reputation for being sector focussed.

What in-house counsel say: *“Their depth of practice and reach in the Korea market is unrivaled.”*

THAILAND

Baker & McKenzie

It is interesting to note that Thailand, as a country has never been colonised and this fact has had a direct bearing and influence on the evolution of its legal framework. The word ‘Thai’ itself means free. In terms of its system of law, Thailand is a constitutional monarchy and follows civil law concepts. It has recently undergone changes (with the introduction of specialised courts) in order to meet the needs of increasing commercialisation, with its attendant banking, financial, IP and trade issues.

Baker & McKenzie won recognition from our In-House Community for meeting some of those needs and this was reflected by the fact that it was voted by in-house counsel as one of the most responsive firms of the year in Thailand. Celebrating its 35th year in Bangkok, Managing Partner Siripong Silpakul states that the firm does not just have a presence but that it has “roots.” “This foundation of experience is key to providing clients with pragmatic and insightful advice,” according to Silpakul. On the subject of differentiation, Silpakul comments that as a firm, they “seek to push beyond black-letter legal advice” in order to deliver advice that is “commercial and pragmatic” at the same time. “We begin with extremely high standards for client communication and interaction, whilst also regularly seeking client feedback on our work in order to improve our quality of service.”

Bolstering its bandwidth with the addition of a Myanmar-qualified lawyer has also assisted clients with investment there, states Silpakul. The firm also has industry groups with expertise in specific areas such as pharmaceuticals, insurance, energy, telecommunications and entertainment and media. In most cases, these groups include lawyers and industry-experts that focus almost exclusively on their particular industry. In terms of value-added service, the firm circulates exclusive publications aimed at addressing changing trends in the law. Their case-handlers additionally host seminars and roundtables for their clients as well as tailored training on topical issues.

What in-house counsel say: “Prompt response ... comprehensive services and expertise.”

UAE

Al Tamimi & Company

Al Tamimi & Company is the largest law firm in the Middle East and boasts an extensive reach around the region. By shoring up its capabilities in several key areas, the firm makes responsiveness one of its chief priorities. With a band of internationally qualified lawyers, matters can be addressed in Arabic and/or English depending on what the situation calls for. The fact that the firm also has a guild of internationally qualified lawyers additionally assists with representation given that their rights of audience allow them to go before judges in the local courts. This is key to servicing a wider range of clients and working collaboratively with foreign firms, according to Al Tamimi’s Managing Partner Husam Hourani, and to him, it is one of the firm’s unique strengths.

Leveraging its resources both in terms of contacts with the government as well as regulators means that the firm stays “up to date with legislative changes” which enables their lawyers to “build positive relationships which work to their client’s benefit in terms of keeping them well-informed.”

Forecasting and understanding clients’ needs are integral to maintaining their track record as well, according to Hourani. “The firm operates an internal Learning & Development Academy which is the only locally based academy of its type amongst commercial law firms and they run core training for their professional staff at all levels of the firm” he states. Amongst these courses, are ‘Client Development Skills’ and ‘Determining Client Requirements.’ This, coupled with high retention of their staff and a philosophy which promotes long-term relationships with their clients, enables them to both tailor their legal advice as needed, as well service clients across multiple jurisdictions.

On the subject of fees, Al Tamimi prides itself on taking an adjustable approach towards their clients on a case by case basis. “We sit down with our clients to discuss their budgeting/billing requirements and provide fee caps



and fee estimates so that we can tailor our service accordingly” Hourani comments.

What in-house counsel say: *“Flexible, delivering good advice within promised timeframes and at a reasonable price.”*

Hadef & Partners

Hadef & Partners received acclaim from the In-House Community for its responsiveness in the UAE.

Whilst it is easy to pay lip service to identifying the client’s needs, Hadef & Partners make it a priority to “understand and manage the legal risks” their clients face in a bid to “protect their interests and enhance their competitiveness.”

With a history that can be traced back more than three decades, the firm’s understanding and know-how of the region has long been a draw for clients. In order to overcome many of the unique “challenges” that are intrinsic to the Middle East, Hadef & Partners has cultivated a network of contacts and developed relationships, thereby giving them a leg-up on any obstacles as they arise.

A large and varied pool of international and local lawyers has led to rights of audience within the UAE as well as elsewhere. This, according to Sadiq Jafar, Managing Partner of the firm’s Dubai office, is what enables the firm to stay domestic but operate at an international standard.

With the cost-conscious client in mind, the firm adopts a forward thinking approach to the issue of fees. “Being clear and transparent at the outset about what we will and won’t charge for avoids surprises.” remarks Jafar. It may be the case that outsourcing certain matters reduces the overall costs of the bill, but this is something that is discussed so that clients are clear about the costs trajectory. In addition, a proactive approach to the billing structure reaps dividends in the long-run given that it “achieves the best value, produces optimum results and ultimately develops into deep relationships,” according to Jafar.



What in-house counsel say: *“They seem to blend international quality with local knowledge.”*

Clyde & Co

Clyde & Co too won commendation from the In-House Community for its responsiveness in the Middle East. The three elements which distinguish the firm, according to Sara Khoja, Partner at Clydes’ Middle East Employment & Incentives Group are their legacy, their critical mass and their local knowledge. By legacy, she means the two decades the firm has been on the ground in the UAE, by critical mass she means their staff comprised of over 100 in the region and by local knowledge she means their offering of domestic advice which is pitched at an international standard.

Commenting also on the importance of client communication, she states that maintaining an honest and open dialogue with their clients paves the way for a relationship grounded in trust and integrity. And this represents the backbone of their service.

Against this backdrop, the firm has also installed a CRM (Client Relationship Management) programme which “varies from client to client and involves regular reviews and visible action on feedback.” Clyde & Co also “invests in independent market research to identify trends and challenges facing the givers of legal work across the GCC region.” The results enable them to “identify areas of improvement” and to “benchmark” their offering “in relation to their clients’ needs and against their competitors.”

As to providing specific sector advice, Clyde & Co operates a core-sector focused approach which assists in identifying trends early. In addition, their legal staff hail from different backgrounds, are commonly multi-lingual and bring to the table a unique perspective and skill set rounding out the service they provide.

What in-house counsel say: *“Good expertise and depth of knowledge.”*



Changes to Hong Kong's Data Protection law: what they mean for you

Slated to take effect in October of this year, the new Personal Data (Privacy) (Amendment) Ordinance has been introduced with a view to invigorating and reinforcing the data privacy landscape in Hong Kong. The new amendments will home in on the use and transfer of personal data for direct marketing purposes. Anna Gamvros and Aaron Bleasdale of *Baker & McKenzie* examine the importance of these changes and the penalties for non-compliance.

Hong Kong's Legislative Council has amended the Personal Data (Privacy) Ordinance (PDPO), introducing a number of changes, including new offences with dramatically increased penalties particularly focused on direct marketing. Most of the provisions of the Personal Data (Privacy) (Amendment) Ordinance (Amendment Ordinance) will come into effect on October 1st 2012, although the direct marketing provisions will come into effect at a later date to be determined. The changes will require that data users in Hong Kong review their data collection practices and privacy notices as well as ensuring that usage of data for direct marketing is in accordance with the data subject's consent.

Direct Marketing: The New Regime

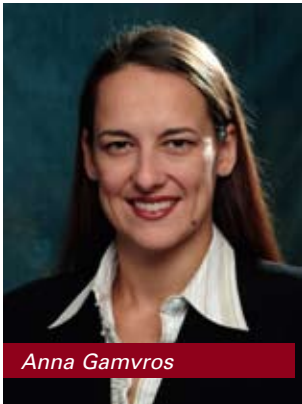
The Amendment Ordinance introduces numerous provisions specifying a data user's obligations in respect of using or providing personal data to a third party for direct marketing purposes. The direct marketing provisions will likely come into effect around mid-2013, and we expect the Office of the Privacy Commissioner (**PCO**) to issue practical guidance on compliance with the new regime on or before commencement.

Information Requirements

Before using or providing personal data to a third party for direct marketing purposes, a data user must provide certain information in an easily readable and easily understandable format. Data users intending to use or transfer personal data for direct marketing purposes must inform a data subject: (i) of the data user's intention to use or transfer the data for direct marketing (and that it will be paid for the transfer if that is the case); (ii) that the data subject's consent is required before it does so; (iii) of the kind of personal data to be used or transferred (for example name and email address); (iv) the classes of marketing subjects to which the direct marketing will relate (for example travel and telecommunications); and (v) in the case of transfer, of the classes of persons to whom the data will be provided. This information should be clearly communicated, for example in documents such as the Personal Information Collection Statement, a separate information notice or terms of service.

Consent

If a data user intends to use or transfer data for direct marketing purposes, it must obtain the data subject's consent before doing so. For use of personal data, the data subject's consent may be written or oral (although if consent is



Anna Gamvros



Aaron Bleasdale

“Consent for providing personal data to third parties for direct marketing purposes will be required from the date the new direct marketing provisions come into effect.”

given orally a written confirmation must be sent to the data subject within 14 days). For *transfer* of personal data, the consent must be in writing.

For the purposes of the new direct marketing provisions, “consent” is defined to include “an indication of no objection” but it is not clear at this stage whether consent is to be express or implied. This leaves open the possibility of using various consent mechanisms, including “opt-in” or “opt-out” or consent by action, such as the submission of information for a mailing list. We expect the PCO to provide practical guidance on this issue and also as to what constitutes a “response channel” for providing consent under the new regime.

Transitional Provisions

There is some relief provided for data users for existing use of personal data for direct marketing, if such use meets certain criteria specified in the Amendment Ordinance. To take advantage of these transitional provisions, a data user will need to understand what its current collection notices say regarding direct marketing use and whether current usage is in accordance with those notices.

The transitional provisions apply only to use of data, *not provision* of data to a third party, for direct marketing purposes. Therefore, consent for providing personal data to third parties for direct marketing purposes will be required from the date the new direct marketing provisions come into effect.

First Use of Data

The existing requirement on a data user to notify the data subject that the data user is obliged to cease using their personal data on request when using personal data for direct marketing purposes for the first time remains. If the data subject, at any time after collection of their personal data, requests that a data user stop using or transferring its personal data for marketing purposes, then the data user must cease such activities.

Penalties

Non-compliance with any of the information, consent or “response channel” requirements, using personal data without consent, or failing to cease use after an objection has been received, carry penalties ranging as high as HK\$1 million (approximately US\$129,000) and 5 years’ imprisonment. It is a defence for the data user to show that it took all reasonable precautions and exercised all due diligence to avoid commission of the offence, therefore staff training and awareness of the requirements and putting a compliance system in place is key.

Other Changes

The Amendment Ordinance introduces a number of other changes to the PDPO. Some of the more noteworthy changes are listed below:

- new offence created to address malicious disclosure of personal data without the consent of the data user;
- enforcement notice regime changed to bring data users one step closer to the penalties imposed for breaching an enforcement notice;
- obligations on data users to implement contractual and other methods to ensure the security of data transferred to an external data processor and to ensure that such data is kept no longer than necessary;
- exemption for the use of personal data for due diligence conducted in connection with certain business transactions or as required in connection with any legal proceeding in Hong Kong; and
- legal assistance provided by PCO to help data subjects make complaints against or seek information from data users, but only where cases are complicated or raise a question of principle.

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Further refinement to the BVI Business Co's Act



**By Stuart Baldwin and
Omonike Robinson-Pickering**

The BVI Business Companies Act, 2004 was a significant milestone for the British Virgin Islands. The British Virgin Islands rose to prominence as an offshore jurisdiction under the landmark International Business Companies Act, 1984, and the 2004 legislation's clear and flexible provisions have enabled the jurisdiction to build upon that success.

The BVI Financial Services Commission has recently consulted with the financial services industry, and this has culminated in the passing of the BVI Business Companies (Amendment) Act, 2012 (the Amendment Act) and the BVI Business Companies Regulations, 2012 (the Regulations). The Amendment Act and the Regulations provide for even greater flexibility and clarify certain matters under the existing legislation.

It is expected that the Amendment Act and the Regulations will become effective shortly. Some of the key amendments include the following.

Conversion of share classes. Shares of a particular class may be convertible into shares of a different class, if permitted by the memorandum and articles of association. This is welcomed, as previously there was no clear statutory ability to convert shares between classes.

Share charge enforcement. Under a BVI-law share charge the chargee may, if the share charge so provides, exercise their statutory enforcement rights immediately upon a default occurring.

Consent to short notice of general meeting. Short notice may be waived by any such majority as may be specified in the memorandum or articles (previously the maximum majority was 90 percent).

Service of notice on members. The Amendment Act confirms that notices can be served on a member via electronic means if the member has consented to this.

Listed companies and funds. New Listed Companies and Funds Regulations (yet to be drafted) may in future disapply or

modify the statutory corporate record keeping requirements in relation to listed companies, public funds, private funds and professional funds. The Amendment Act also allows for Regulations to be passed concerning the application of the Act to listed companies and funds more generally.

Directors' resolutions. The Amendment Act confirms that a written resolution of the directors may be passed by a majority of the directors.

Alternate directors. The Amendment Act contains new provisions regarding the appointment, removal and powers of alternate directors, and confirms that alternate directors are able to sign written resolutions.

Segregated portfolio companies. The Amendment Act clarifies a number of matters regarding segregated portfolio companies, including the steps which must be taken if the directors fail to record that a document has been entered into on behalf of a specific portfolio. A company may also terminate a segregated portfolio which no longer has any assets or liabilities attributed to that portfolio.

Public charge filings. The Amendment Act confirms that a person will be deemed to have notice of the provisions and contents of a document which is the subject of a charge filing at the BVI registry. Such charge filings must also include contact details for a person located in the BVI who is authorised to receive notices on behalf of the chargee. A release filing may now either confirm (a) that all liabilities have been paid or satisfied in full, or (b) that a charge has ceased to affect the property, or any party of the property, of the company.

Dissolution of company. A company which has been struck off the Register by the Registrar will now be dissolved after 7 years (rather than after 10 years). The Amendment Act also clarifies a number of matters regarding a company being restored to the Register by the court, including the powers of the court.

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Arbitration clause of an unregistered document

By **Harshil Dalal** (pictured) and **Dhaval Vussonji**



There have been divergent views in legal circles in India as to the legal position with respect to the enforceability of an arbitration clause in a document which requires compulsory registration but is not registered. This issue, which has been a matter of debate for sometime, has now been laid to rest by the recent orders of the Hon'ble Supreme Court of India in the matters between *Naina Thakkar Vs. M/s Annapurna Builders and SMS Tea Estates Private Limited Vs. Chandmari Tea Company Private Limited*.

Before proceeding with a discussion on the subject, a few provisions of the Indian Registration Act, 1908 (Registration Act), the Indian Stamp Act, 1899 (Stamp Act) and the Indian Arbitration and Conciliation Act, 1996 (Arbitration Act) need to be looked at. In terms of the Registration Act, if a document which requires compulsory registration is not registered, the same cannot, *inter-alia*, be received in evidence before any judicial authority (i.e., such document cannot be acted upon in any legal proceeding) unless the same is in a suit for specific performance or it is to be taken as an evidence for a collateral transaction. In terms of the Stamp Act, any document which is not adequately stamped, the same cannot, *inter-alia*, be admitted in evidence by any person having by law or by consent of parties to receive such evidence and such document is liable to be impounded by such authority, unless the deficient stamp duty is paid along with the statutory penalty. Further, in terms of the Arbitration Act, *inter-alia*, an arbitration clause in a document may also be construed as a separate arbitration agreement.

The Apex Court in the aforesaid judgments held that if a compulsorily registrable document is not registered but is adequately stamped, the court may, after considering all other factors/objections, de-link the arbitration clause from the main document and enforce it as a separate and independent arbitra-

tion agreement unless the document itself is voidable under the Indian Contract Act, 1872, e.g., if it is made under undue influence or coercion. However, at the same time, the Apex Court has held that if such arbitration proceedings are commenced pursuant to the aforesaid arbitration clause, the arbitrator shall have no authority to adjudicate on matters forming the subject matter of the main document since it is unregistered. It can only admit the unregistered document in evidence of a contract in a claim for specific performance or as evidence of any collateral transaction which does not require registration, as stated in the Registration Act.

The Apex Court also concluded that if a certain document is not adequately stamped and if an arbitration clause therein is to be enforced, the same cannot be enforced and the document cannot be taken in evidence, unless the deficient stamp duty and the statutory penalty thereon are duly paid in terms of the Stamp Act. Further, it is interesting to note that if a document containing an arbitration clause is inadequately stamped, it cannot be received in evidence and the arbitration clause cannot be enforced, even for the purposes of specific performance or for a collateral transaction, unlike in case of unregistered but adequately stamped document. The Stamp Act does not carve out exceptions to unenforceability and inadmissibility of documents, unlike the Registration Act where specific performance and collateral transactions are excepted.

Therefore, in light of the aforesaid exceptions mentioned in the Registration Act, it is also interesting to consider as to how fruitful would the enforceability of the arbitration clause be since, even if the arbitration proceedings are commenced, the main document itself cannot be acted upon during the arbitration proceedings. Even in the words of the Apex Court, it is observed that in such a case, "arbitration will virtually be a non-starter".

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New regs on share ownership of commercial banks



**By Lasma Simbolon
and Almira Prajna Ramaniya**

Long awaited by the banking industry, and having gone through a lengthy process within Bank Indonesia (BI) itself, BI finally issued a new regulation on the ownership of commercial banks, as contained in BI Regulation No. 14/8/PBI/2012 regarding the Share Ownership of Commercial Banks on July 13, 2012 (BI Reg 14/2012). BI wanted to make certain that bank owners continue to maintain and implement policies of good corporate governance. In addition, the proposed ASEAN financial integration plan of 2020 will allow banks with certain qualifications to operate freely within ASEAN, forcing Indonesian banks to step up their game. BI considered it necessary to integrate share ownership percentages with bank soundness levels to incentivise investors to not just invest but to also have an interest in maintaining the performance of the banks they own.

With the issuance of BI Reg 14/2012, the maximum percentage of share ownership based on the category of shareholders is:

1. for financial institution shareholders (bank or a non bank), the maximum share ownership is 40 percent of the bank's capital;
2. for non financial institution shareholders, the maximum share ownership is 30 percent; and
3. for individual shareholders of conventional commercial banks, the maximum share ownership is 20 percent of the bank's capital, while for individual shareholders in syariah banks, the maximum share ownership is 25 percent.

Additionally, BI provides that financial institutions in the form of banks may maintain a share ownership percentage exceeding 40 percent of the bank's capital, so long as it is approved by BI, subject to the fulfillment of certain requirements by such shareholder, such as the bank's ability to go public no later than five years after being owned by such financial institution, resulting in at least 20 percent of the bank's capital to be owned by the public.

BI also regulates that banks owned by related parties having an affiliated relationship through ownership in the same bank or a rela-

tionship in the form of an affiliation of up to the second degree, and/or a relationship referred to as 'acting in concert', are deemed by BI as one party, which would be applicable for family owned banks. These share holders will be required to follow the share ownership percentages based on the shareholders category as previously mentioned.

Foreign potential controlling shareholders are required to fulfill the following requirements: (i) committed to support the economic development of Indonesia, (ii) obtain a recommendation letter from the relevant supervisory authority in its home country, and (iii) have the minimum percentage previously explained in points 1 to 3, depending on the form of its investment vehicle.

It is noteworthy to conclude that BI Reg 14/2012 does not specifically limit the ownership of foreign shares in a bank since, in total, foreign parties can still hold up to 99 percent share ownership in an Indonesian bank, to the extent it fulfills the requirements stipulated by BI in this regulation.

It is important to note that BI Reg 14/2012 does not apply retroactively. All existing share ownership in place before July 13, 2012 will remain as is, subject to the bank's soundness level. Until the end of December 2013, shareholders of certain banks will be required to adjust their share ownership percentage to the applicable maximum amount in a period of no more than five years as of January 1, 2014. Shareholders that manage to have their banks maintain the minimum required bank soundness level and/or good corporate governance level as of December 2013, they are allowed to maintain their existing share ownership percentage above the allowed stipulated percentage. However, adjustments are required to be made if that level plummets after three periodical valuations.

Failure to comply with the share ownership limitation provisions of this regulation will cause the shareholder's rights to be limited to the maximum percentage allowed by the regulation, specifically to its voting rights at a General Meeting of Shareholders and also for the payment of dividends.

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Liberalisation of the legal profession in Malaysia



By Norhisham Abd Bahrin

Malaysia has decided to liberalise its legal profession, reflecting the increase of cross-border trade and investment which requires transnational legal services. Access to foreign legal firms and foreign lawyers, which were previously largely restricted for a variety of reasons has begun to be gradually liberalised.

The change has been brought forth with the passing of the Legal Profession (Amendment) Bill (the Bill) in June this year which seeks to amend the Legal Profession Act 1976 (the Act). The amendment to the Act via the inclusion of Part IVA (International Partnerships, Qualified Foreign Law Firms and Registration of Foreign Lawyers) will allow foreign law firms to practise in Malaysia in certain permitted practice areas through an international partnership or via issuance of a qualified foreign law firm licence. Local law firms will also be able to employ foreign lawyers subject to certain conditions.

Generally, the aim of the liberalisation is to further develop Malaysia into an international Islamic financial hub and to expand the work, expertise and specialisation of the legal profession in the country. The prior restrictions imposed on foreign lawyers practicing in Malaysia has prevented many large-scale overseas legal firms from establishing a base of operations there, denying them an avenue to tap Malaysia's expanding cross-border investments, as well as sharing international expertise with domestic legal players.

The Bill allows senior partners of foreign legal firms to inculcate foreign working culture into the Malaysian legal scene, which may bring forth greater dynamism and morph Malaysia into a melting pot of legal practices of varying cultures. In essence, the amendment states that senior partners of foreign law firms are required to be in Malaysia for 182 days per year for the purpose of transferring expertise.

The liberalisation however, does not blindly accept lawyers from foreign jurisdictions. Approval is required to be obtained by the foreign law firms from a committee (consisting of the Malaysian Bar Council and Attorney-General's Chamber). Only duly licensed foreign law firms with good reputation, not subjected to disciplinary action and not involved in any criminal or civil prosecution will be approved to set up practice in Malaysia.

Despite the liberalisation, limitations are still maintained. Foreign lawyers are not permitted to represent cases affecting the sovereignty

of the country, particularly in matters pertaining to the Federal Constitution, the supreme law of Malaysia. The reasoning behind this is apparent, as it allows matters pertaining to the state to remain in the hands of local lawyers, who understand the local scenario better.

There are two main methods in which liberalisation may take place i.e. via a limited liberalisation, or a full-blown liberalisation. If the former is adopted, the impact is limited as the foreign lawyers would not be in direct competition with local lawyers. Foreign lawyers would be limited to merely offering legal services involving the law of their country of origin. This would mean that under this limited licensing approach, the scope of practice is limited to rendering legal advice on the law of their country of origin, excluding all court work, host country law and law of any other jurisdiction where the foreign lawyer is not qualified and licensed.

However, if the latter is adopted, it is anticipated that there will be significant repercussions. Foreign lawyers will be integrated as full members of the local profession with no restriction on their scope of practice, provided they fulfill certain basic conditions stipulated by the Malaysian Bar Council. Such complete liberalisation would involve the possibility of foreign law firms employing local lawyers who shall deal with local legal matters. In order to survive this wave of competition, local law firms, especially small firms, may need to merge with these foreign firms and the larger firms would certainly face fierce competition for their share of the legal services market.

Weighing between both the extremes, it is wise for Malaysia to progressively open up its legal market over a period of time. It is crucial that Malaysia follows this route so that the impact of liberalisation will not negatively affect the market structure. The transition period should be closely monitored to see how the domestic legal market reacts to and withstands such impact.

No doubt significant changes will take place over time such as the composition of the relative legal market and the type of firm that lawyers will wish to join. Small and large firms will have to innovate and develop a dynamic culture in order to stay solvent and afloat with the influx of foreign firms vying for market share. The opening of the gates must be dealt with a delicate hand and with a certain degree of protection afforded to local firms. But on behalf of local lawyers, we will be ready when the time finally comes, and would like to cordially welcome our foreign counterparts to Malaysia.

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Amendments to the Consumer Protection Law

By **Laura Warren**



Law No.(8) of (2008) regarding Consumer Protection (the Consumer Protection Law) as amended by Law No.(14) of (2011) was enacted in recognition of the unlucky recipients of unscrupulous merchants. Previously protection had been granted under Law No.(2) of (1999) on Combating Commercial Fraud. Traditionally, save for the 1999 law, consumers had, in the event of faults or malpractice, little or no recourse against suppliers. Underhand practices appeared, such as the sale of defective or sub-standard goods, misrepresentation of prices (influencing inflation) and negligence over safety standards. It became necessary to introduce statutory measures to bring suppliers to the Qatar market into line and to make them more accountable to their consumers.

The Consumer Protection Law, in essence, protects the rights of the consumer in actions against a supplier or advertiser of goods. Article 2 of the Consumer Protection Law provides examples of how a consumer's rights are guaranteed and also includes provision for the right to the protection of health and safety when using commodities and services, as well as the right to participate in any society or council related to consumer protection.

Article 3 of the Consumer Protection Law places the onus on the supplier to initially refund or replace the defective item, as well as incorporating into any contract the obligation to repair, maintain or offer an after-sale service for the commodity in question.

The supplier is further obliged not to sell, display, or otherwise offer any defective commodity, and commodities on display must be clearly marked with all relevant product information. Consumers must be made aware of dangerous items and the supplier will be liable for any non-compliance with conditions relating to health and safety. If a supplier discovers that the commodity or service is faulty in any way, he must immediately withdraw it from sale and advise the relevant local authorities. For

locally produced goods, both the manufacturer and the seller will be jointly liable for losses caused by such fault.

The Consumer Protection Law also deals with price, whereby the supplier is legally obliged to prominently display the price of any commodity. The consumer can also expect to receive a detailed invoice confirming the sale. Law No.(14) of (2011) states in summary that the prices of commodities and services may not be increased unless in compliance a Ministry of Business & Trade resolution.

Article 18 of the Consumer Protection Law provides details of the penalties unscrupulous suppliers can expect to incur should they contravene the law, i.e., detention for a term not exceeding two years and a fine. Pursuant to the amendments made by Law

No.(14) of (2011), such fines have been changed from between 5,000 and 10,000 Riyals to between 3,000 and 1 million Riyals. This penalty will double if the supplier repeats the offence within five years of the original infringement. Furthermore, if the supplier fails to advise of a dangerous commodity the fine has been amended from between 15,000 and 100,000 Riyals to between 15,000 and 1 million Riyals. Suppliers who unwittingly advertise incorrect information

are excluded from this penalty if it is determined that the information provided was too technical to verify.

Law No.(14) of (2011) further adds that violating shops can be closed by up to three months where repeat violations occur.

Local authorities may, if a situation is not corrected within a specified time, suspend a supplier's activities for a period of a maximum ten days, destroy any defective goods and refer the matter to the court for further action.

Qatar law may not be as comprehensive as the laws in other jurisdictions, it nonetheless offers consumers the right to be heard and to receive due consideration. The increased penalties should act as a deterrent.

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Saudi cooperative insurance market – the Premier League of insurance?



By Peter Hodgins and Matthew Owen

In the way the Premier League leads world football, the Saudi cooperative market dominates global Islamic insurance. With the hotly anticipated 2012/13 Premier League season shaping up to rival last year's excitement and controversy, the 2012/13 'season' for the Saudi Arabian cooperative insurance market could be equally eventful. Continuing last year's surprises, we anticipate an ongoing focus on the role of the 'referee', the insurance regulator (the Saudi Arabian Monetary Agency), the new 'rules of the game', through recently introduced regulations, as well as the financial health of market players.

The Premier League of Takaful: According to Ernst & Young's World Takaful Report 2012, global takaful premiums increased by 19 percent in 2010, totalling US\$8.3 billion. The GCC accounted for US\$5.6 billion; Saudi Arabia's market representing US\$4.3 billion of this (51 percent of global contributions).

The Kingdom is the only Islamic country to not have a conventional insurance market. Since 2004, insurance companies have been obligated to operate in accordance with the cooperative model, which differs from Takaful models used elsewhere in the world. However many companies in the Kingdom nevertheless operate in accordance with the Takaful model.

Goal Line Technology: The rules of modern football were invented in 1863, developing steadily in the last 150 years – lately through the introduction of goal line technology. Regulatory developments have similarly been a hallmark of the Saudi Arabian market of late, including the introduction of: *The Online Insurance Activities Regulation*, which presents insurers with a series of regulatory obligations and reporting requirements for transacting online business; *The Investment Regulation*, which stipulates requirements as to companies' investment policies, information to be disclosed to SAMA regarding internal investment authorities, and procedures for the monitoring and controlling of investment risks; and *Anti-money Laundering & Combating Terrorism Financing Rules*, which set out requirements (intended to align with the Financial Action Task Force's recommenda-

tions), obligating cooperatives to comply with certain 'know-your-client' and due diligence procedures, as well as related training.

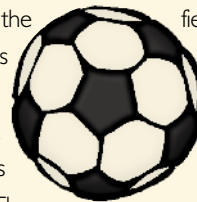
Forthcoming regulations: Further regulations are anticipated this year, with three draft regulations currently in circulation – the Actuarial Work Regulation, the Audit Committee Regulation and the Outsourcing Regulation.

The Referee: Unlike Premier League officials, SAMA and its linesmen – the Capital Markets Authority and the Council for Cooperative Health Insurance – have avoided criticism, proactively overseeing the Kingdom's cooperative insurance market and introducing new regulations. However, an immediate concern for SAMA is likely to be how to deal with the volume of information the industry must now submit to it for review or approval under the new regulations.

The Players: Premier League teams thrive on the quality of their players. However, Saudi Arabia continues to face a shortage of qualified insurance practitioners. As with football clubs' investments in their youth squads, companies must assess how much to invest in training their staff, particularly considering the risk of poaching by competitors with deeper pockets.

The Financial Health of the League: Stricter regulations and broader economic recession will likely mean a slowdown in the number of companies seeking to set-up and be licensed in the Kingdom, although companies already in the Kingdom will keep competition fierce. Factors such as sub-optimal scale, aggressive pricing strategies, over-focus on motor and health risks, and inability to retain risk, will continue to affect profitability; exacerbated as companies seek to recoup their set-up costs.

The 'television' money: Much as the Premier League's status results from the influx of cash from the sale of television rights, growth of the cooperative insurance market is heavily dependent upon the availability of reinsurance. However, Saudi Re aside, there is a lack of dedicated reinsurance capacity within the Kingdom itself, compounded by mandatory retentions under the Reinsurance Regulations. The development of regional reinsurance (and retakaful) will hopefully assist in further developing the Saudi market.



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E-discovery in arbitration: a wake up call for Korean co's



**By Bryan E Hopkins
and Charles Choo**

Though changes in the US Federal Discovery Rules as well as case law such as Zubulake have escalated Electronically Stored Information (ESI) costs as it relates to Electronic Discovery (e-discovery) in the US, many non-US companies, including Korean companies have remained relatively complacent regarding e-discovery issues such as preservation of ESI.. Even in light of headlining court cases such as the e-discovery spoliation ruling against Kolon in the Dupont case or Samsung Electronics in Mosaid, most Korean companies (including some that have experienced litigation in the US) have completely ignored ESI related issues or have tried to shield themselves from e-discovery obligations and costs through arbitration in hopes ESI documents would not have to be produced. Though many Korean corporations are aware of basic discovery rules applicable in US litigation, most have also failed to recognise the complexity of gathering, collecting and reviewing ESI for use in e-discovery. Though arbitration does decrease exposure to the burdensome and ballooning demands of ESI rules in the US, it does not completely protect companies from ESI requirements and e-discovery obligations. This article will discuss the ramifications of e-discovery obligations as they relate to Korean companies involved in international arbitration.

E-discovery impact on international arbitration

For Korean companies facing international arbitration under ICC Arbitration Rules (the Rules), the prospect of having to produce ESI documents is quite real. Practitioners know that discovery and therefore e-discovery opportunities are not as great in ICC arbitration as in US Federal Courts, but there are circumstances in which discovery itself is or maybe warranted.

Though the ICC Arbitration Rules do not specifically mention the production of ESI documents and e-discovery obligations, Article 15 (2) of the Rules requires the arbitral tribunal to "ensure that each party has a reasonable opportunity to present its case". It appears that the arbitrators and parties to ICC arbitration must themselves decide how to handle ESI including how many docu-

ments and under what circumstances such documents should be produced to establish the case as needed.

There is no doubt that e-discovery has become a major problem for non-US companies as well as US companies when litigation takes place in the US. Because of the expansive nature of 'discovery in the US', foreign companies involved in US litigation face not only the costly and time consuming burden of providing some form of ESI documents in accordance with the US Federal Rules of Civil Procedure or case law, but also the associated data privacy issues that normally follow such broad discovery requests.

Korean companies may also have a difficult time dealing with the scope of required ESI documents in arbitral proceedings. For example, if arbitration is held in the US in accordance with the law of a particular state such as NY, the odds are US licensed lawyers shall either sit on the arbitral proceedings or shall represent the parties in the dispute, those US lawyers being more familiar with the 'expansive discovery process'. Such arbitrators or arbitration lawyers may demand or expect numerous ESI documents.

In either case, Korean companies are now at a crossroads. Not only should Korean companies prepare for ESI and ESI demands from opposing counsel but they should also realise they must also demand ESI documentation in arbitration. Evidence is all about document exchange, including ESI. This is true in arbitration as it is in litigation. Therefore, e-discovery in international arbitration may be the key to success.

Moreover, to mitigate the legal costs associated with cross-border litigation or arbitration, it is highly recommended that Korean companies implement a sound e-discovery plan that locates, collects and indexes ESI records and data that may be relevant in future arbitrations as well as litigation. Otherwise, Korean companies face the same fate as Samsung Electronics or Kolon and a host of other companies in the US and elsewhere which failed to consider the implications of ESI in today's highly technical and electronically communicative world.

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Family businesses and succession planning – a ME perspective



By Prarthna Chaddha and Faisal Buali

The family business is one of the most dominant and enduring forms of organisation in the world. In fact, according to some estimates, over 90 percent of all commercial activity within the Gulf Cooperation Council (GCC) countries is controlled by family businesses.*

However, according to the Institute of Family Business in the US, a major obstacle which prevents family businesses from making a successful transition into the next generation is the absence of a sound succession plan.

What is a succession plan and why is it important?

A succession plan can be anything from a loose unwritten understanding or agreed cultural norms to formal constitutions and family charters. The key document contains a set of rules and guidelines that have been agreed by members of the family, to run the family business and segregating family matters from business matters. Some of the matters that a Family Charter should address include:

- providing an agreed process for the representative governance of the family business;
- establishing a mechanism for avoiding conflict between family members, through, for example, the formation of a 'Family Council' to arbitrate on disputes between family members;
- specifying an employment policy for the business and establishing guidelines in relation to the employment of family and non-family members;
- determining who is a 'family member' for the purposes of running the business;
- establishing mechanisms to ensure compliance with the rules and guidelines of the Family Charter and to deter violations; and
- providing an exit plan for family members who do not wish to remain in the family business.

A succession plan is important for a family business because it oversees the management of the family business and its transition from one generation to another.

The main objectives of a succession plan are to: develop a **long-term vision** for the family business; ensure the continuity of

the business after the founder's death or retirement; promote family harmony and **avoid conflict** between family members; and enhance the **longevity of the family name** and reputation.

Families where the founder of the business (G1) still plays an executive role can be very different from families where the sons/daughters of the founder (G2) or the grandsons/granddaughters of the founder (G3) run or supervise the management of the business.

What does succession planning involve?

The process to implement a succession plan should be consultative in nature, and should ideally begin from within the family.

The use of specialist advisors is also a growing trend, especially among large family businesses in the MENA region. In particular, some of the advantages that may be achieved by utilising a corporate structure include:

- reducing the liability of the owners of the business to third parties by introducing limited liability;
- facilitating the disposal of the business, or part of it, in the future;
- facilitating the continuity of ownership of the business from one generation to another through the separation of holding and operating companies;
- improving the corporate governance of the business particularly as it evolves from a G1 structure to a G2 or G3 structure; and
- reducing the business' tax liability through tax planning.

According to MEED Magazine, only 30 percent of family businesses survive into the second generation, 10 percent into the third and 3 percent into the fourth. For a G1 founder, it is best to put in place structures which allow G2 family members to deal with each other within the business when the G1 founder is there to guide them rather than waiting to see what fills the often substantial vacuum left by the G1 founder.

* Source: "The Impact of Private Equity on GCC Family Businesses", a report by Ithmar Capital in partnership with Dow Jones Private Equity.

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