



DISPUTE RESOLUTION

We are pioneers in the
frontier markets of Asia.

Experts in Developing Asia

A unique vision

DFDL was established in 1994 and built on a unique vision: to create an integrated international legal, tax and investment advisory firm, with in-depth knowledge of the jurisdictions we work in, providing technical excellence across our core areas of expertise.

Twenty one years later, DFDL continues to build on its reputation as the obvious first choice legal and tax firm for sophisticated transactions in emerging markets across Asia and beyond.

As Southeast Asia and other emerging markets continue to expand and thrive, so has DFDL and we are uniquely positioned to help clients access promising international growth opportunities in the world's most dynamic region.

DFDL Dispute Resolution practice

The rapidly increasing development in the frontier markets of Asia, along with a corresponding increase in cross-border transactions, has driven an increase in commercial disputes, both in terms of quantity and complexity. Foreign investors, when considering whether to enter a new market, need to consider the ability to resolve disputes by transparent and efficient means as a significant factor in their decision making. DFDL is the only firm offering comprehensive dispute resolution advisory services throughout the jurisdictions we serve.

DFDL across Asia and beyond

DFDL is a leading international law firm specialized in frontier markets with regional legal, tax and investment advisory expertise focused on the Mekong region (Cambodia, the Lao PDR, Myanmar, Thailand and Vietnam), Bangladesh, Indonesia and Singapore.

With a team of over 140 local and foreign lawyers and advisers in 10 offices in Asia and three collaborating firms in Cambodia, Indonesia and the Philippines, we provide unique value propositions and innovative solutions to our clients.



BANGLADESH | CAMBODIA* | INDONESIA* | LAOPDR | MYANMAR | PHILIPPINES* | SINGAPORE | THAILAND | VIETNAM

* DFDL collaborating firms

Experience

DFDL has advised leading investors across a broad range of sectors in dispute resolution matters including corporate matters, telecommunications, financial services, real estate, construction, labor, trade and insolvency.

Examples of recent engagements include:

- Advising a major regional bank in a shareholders' dispute, regarding ownership of shares in the bank. This matter involved international arbitration at the SIAC as well as local civil court action.
- Acting for creditors holding in excess of USD 2 million in creditors' claims in bankruptcy proceedings involving a telecom provider.
- Assisting a client in a civil litigation matter relating to enforcing a land lease agreement and villa construction agreement.
- Representing a client in a corporate dispute involving revocation of a transfer of shares, revocation of the director appointment and objection to shareholder meeting.
- Advising a critical economic sector association in relation to import tariffs which failed to comply with WTO commitments.
- Advising a client in bankruptcy court both before and after placing the debtor under temporary and absolute receivership and attending to all formalities or seizure and disposing of debtor's assets under applicable bankruptcy law.
- Representing a client on a land dispute litigation matter where the seller of the land misrepresented itself as holder of the certificate of title.
- Acting in collaboration with litigation counsel to successfully motion the court to dismiss a petition for bankruptcy where the debtor had incorrectly represented itself as being insolvent.
- Advising the world's largest airline leasing company in a creditors' winding up petition against a major privately-owned airline.
- Representing a shareholder of a debtor in bankruptcy on protecting the shareholder's investment, ensuring the bankruptcy trustee's compliance with procedures and formalities of the bankruptcy process.
- Acting as co-counsel for a State Owned Enterprise in a Southeast Asian jurisdiction against a major telecom company in litigation in United States Federal Court and in arbitration at the SIAC.
- Assisting with a customs duty dispute on importation and distribution of tobacco products, impact of ASEAN free trade agreement and ASEAN-China free trade agreement.
- Acting in arbitration over unpaid electricity service in accordance with an electricity purchase contract.

Expertise and solutions

■ Local expertise at world-class standards

We offer unsurpassed solutions-oriented expertise in dispute resolution. We combine local expertise with world-class advisory experience. Our advisers bring a wealth of experience from jurisdictions around the world and regularly advise clients on their legal options and on procedures related to arbitration and litigation proceedings in areas such as contract disputes, construction disputes, land disputes, international trade, labor disputes and bankruptcy, to name a few. We also advise clients with respect to anti-corruption laws, compliance and risk mitigation.

We guide our clients through the dispute resolution process with a clear focus on securing the most favorable outcome possible to protect their interests.

■ International arbitration

Parties to transactions and business ventures, particularly in underdeveloped markets are increasingly selecting foreign venues to have their disputes heard. Institutions such as the Singapore International Arbitration Centre ("SIAC") and the Hong Kong International Arbitration Centre ("HKIAC") are increasingly becoming venues of choice for the resolution of commercial disputes, often based on a perception that such institutions offer greater efficiency and transparency than local courts. We provide expert advice on local law where such law is applied in foreign arbitration, and act as co-counsel with lawyers representing clients at the SIAC, the HKIAC and other such institutions.

Court action is invariably necessary in local jurisdictions in order to enforce arbitration decisions issued by foreign institutions. We advise clients on the enforcement of foreign arbitral awards, which often involves an intricate coupling of international arbitration procedures, local or foreign law applied to the resolution of the dispute, and local laws and regulations governing the enforcement of the foreign arbitration decision, as well as application of The Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Our experienced advisers guide clients through the complex enforcement process to ensure maximum protection of their rights.

■ Local arbitration

Local commercial arbitration and labor arbitration is available in some of the jurisdictions we serve. In these markets, we advise clients on arbitration procedures and applicable rules and represent clients throughout the proceedings. As the rules and procedures of arbitration vary from one jurisdiction to another, our unique combination of local and international advisers, which includes trained arbitrators, enables us to successfully guide clients through the arbitration process, from filing a notice of arbitration to submitting a statement of claim and evidence, through to the enforcement, or defense against enforcement, of the arbitration decision.

■ Civil litigation

We advise and act for clients, typically in collaboration with local litigators, in civil litigation matters, whether arising from contract disputes, property disputes, debt collection or otherwise. Navigating through the litigation process is often a demanding and inflexible process leaving little room for error. Our combination of local and international advisers ensures that procedures and local court practices are understood and complied with.

■ Insolvency

As the economies of frontier markets grow, so does the need for business ventures to have an exit strategy. In some cases, declaring bankruptcy/insolvency is the most attractive option, and in some situations is the only option, depending on the financial condition and viability of an enterprise. We regularly advise creditors and debtors, as well as directors and shareholders, to ensure protection of their interests. We act for clients to hold insolvency trustees/administrators accountable for their obligations, to make sure creditors' claims are satisfied to the maximum extent possible and to defend directors and shareholders against assertions of personal liability.

DFDL people

It is the people who make our Firm

At DFDL, our most valuable assets are our people. We are dedicated to hiring, developing and retaining experienced and efficient advisers. Key people who comprise our dispute resolution team include:



Alex Larkin (Cambodia)

Senior Adviser – Regional Dispute Resolution

Alex's experience includes more than 10 years of corporate and commercial law, litigation and arbitration, as well as intellectual property law and labor law, among others. He practiced law in Washington State and Vietnam prior to joining DFDL's Cambodia office. Alex has acted for clients in relation to civil litigation and arbitration in the United States and arbitration at the Singapore International Arbitration Center. His experience also includes corporate transactions and advising, M&A and due diligence. He is a regular speaker on legal issues for organizations in the region including the British Chamber of Commerce, the Indian Chamber of Commerce, the Singapore Ministry of Foreign Affairs, and the International Lawyers' Network, and has authored numerous articles published in the Vietnam Law and Legal Forum and the Vietnam Economic Times. He holds a Bachelor of Science degree in Mechanical Engineering from the University of Washington and a Juris Doctor degree from Seattle University School of Law.

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Thierry Gouguy (Singapore)

Senior Counsel

Thierry is a French qualified lawyer with more than 20 years of experience on foreign investment, M&A, infrastructure projects as well as taxation. He has worked in Asia for 14 years, 10 of which were spent in Vietnam. Thierry started his career with Gide Loyrette Nouel in France and was posted successively in Vietnam and Thailand. He then became a partner at a leading commercial law firm, Naciri & Associés in Casablanca, Morocco. Prior to joining DFDL, Thierry was the Managing Lawyer for the Hong Kong and Guangzhou offices of a French law firm. Thierry attended Paris Dauphine University where he studied International Business Administration and Paris Assas-Pantheon University where he obtained a Master degree in Business Law. He is a graduate of the Paris Institute of Political Studies (Sciences Po). He speaks French, English, basic Vietnamese and Mandarin.

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Marcus Collins (Thailand)

Partner;
Managing Director, Indonesia

Marcus has more than 20 years of experience advising clients on investing and operating businesses in Asia. He has significant experience in multiple (civil as well as common law) jurisdictions in the areas of M&A, banking and finance, project finance (especially in relation to infrastructure development and renewable energy), debt restructuring/insolvency, real estate and commercial litigation and more generally foreign direct investment in Myanmar, Thailand and Indonesia. Marcus has an LL.M. from Cornell Law School and an LL.B. from Erasmus Universiteit, Rotterdam, The Netherlands. He is a member of the New York State Bar Association and is also admitted in Amsterdam, The Netherlands. He speaks English, Dutch, conversational Thai and German.

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Huynh Dai Thang (Vietnam)

Country Partner, Vietnam

Huynh Dai Thang is a fully qualified Vietnamese lawyer with more than 15 years of experience in Vietnam. Before joining DFDL in late 2006, Thang practiced law at Gide Loyrette Nouel and PricewaterhouseCoopers Legal in Hanoi. Thang has an in-depth knowledge of real estate, M&A, infrastructure and other corporate, commercial and investment law in Vietnam. He assists clients in resolution of various disputes relating to their investment and business in Vietnam including court actions and arbitrations covering issues related to land lease, construction, sale and service contracts, medical malpractice, debt-collection, bankruptcy and others.

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Kristy Newby (Lao PDR)

Managing Director, Lao PDR

Kristy is a Managing Director of DFDL Lao PDR and is the Head of the Regional Mining Division for the firm. Kristy has more than 10 years' experience practicing as a solicitor in Australia, the Lao PDR and Vietnam. For the last five years, Kristy has focused on project financing in the Lao PDR advising both sponsors and lenders on a number of high profile power projects including Nam Ngiep 1, Xe Pian Xe Namnoy (2014 Asian-MENA Counsel Deal of the Year and 2014 The Asian Lawyer's Emerging Markets Awards Project Finance Deal of the Year), Xayaburi HPP (2012 Asian-MENA Counsel Deal of the Year) and Hongsa Lignite Power Project (2011 ALB Project Finance Deal of the Year). Kristy has substantial experience advising potential investors, existing operators and regulatory authorities in the mining sectors in the Mekong region. In Vietnam, Kristy advised private and public companies, financial institutions and investors on corporate and commercial matters, with a particular focus on mergers and acquisitions and foreign investment into Vietnam.

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Shahwar Nizam (Bangladesh)

Country Partner, Bangladesh

Shahwar qualified to practice in the bar of England & Wales after completing Pupillage at Erskine Chambers, London. He is also qualified in Bangladesh and is a member of the Dhaka Bar Association. He specializes in banking and international finance, corporate finance, mergers and acquisitions and general corporate work, international arbitration and litigation work and has worked in Bangladesh and Singapore. Shahwar graduated from Sheffield University (UK) and holds an LL.M. (University of London, London, UK). Shahwar regularly advises on litigation and arbitration matters, primarily in relation to corporate and commercial matters, company law, corporate insolvency, banking and shipping. Shahwar has also worked on a number of arbitration matters with the Singapore International Arbitration Centre and the London Maritime Arbitrators Association.

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We are everywhere you are, and want to be, in frontier Asia

Recent awards:



IFLR Asia Awards 2016

National Law Firm of the Year – Myanmar



Corporate LiveWire 2016

Excellence in International Tax Planning – Vietnam



Asian-MENA Counsel 2015

Deal of the Year 2015 – Honourable Mention

Recent rankings:



2016 AsiaLaw Profiles

Outstanding

Banking and Finance – Cambodia, Myanmar and Thailand

Corporate and M&A – Myanmar

Energy and Natural Resources – Lao PDR, Myanmar and Thailand

Project Finance – Lao PDR and Myanmar



2016 Chambers Asia Pacific

Band 1

General Business – Cambodia, Lao PDR and Myanmar



2016 The Legal 500

Tier 1

Corporate/M&A – Myanmar

Projects (including Energy) – Myanmar

Projects & Energy – Vietnam

Tax – Vietnam

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