

## HELEN SHI

Partner

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### PRACTICE AREAS

MS. SHI'S PRACTICE FOCUSES ON DISPUTE RESOLUTION, INCLUDING INTERNATIONAL COMMERCIAL ARBITRATION AND LITIGATION. MS. SHI ALSO SERVES AS VICE-PRESIDENT OF THE ICC COURT OF ARBITRATION AND CO-CHAIR OF THE IBA ASIA PACIFIC ARBITRATION GROUP.

Recognized by Chambers & Partners as “an icon of arbitration”, Ms. Shi has acted in more than 100 cases, representing many multinational companies and large domestic enterprises in a wide range of disputes, including disputes arising from equity acquisitions, oil and gas projects, hotel management, aircraft leasing and construction. Ms. Shi represents clients in litigation before the Chinese courts and in arbitration before the ICC, SIAC, HKIAC, CIETAC and ad hoc arbitrations under the UNCITRAL rules.

Ms. Shi has also participated as an arbitrator in over 50 cases. Moreover, being an experienced legal practitioner, she has also provided Chinese legal opinions and testified as an expert in a number of China-related overseas court cases and arbitrations, including court proceedings in Hong Kong and Canada as well as arbitration conducted before HKIAC and an ad hoc tribunal in London.

Who's Who Legal says: “Helen Shi is an acclaimed lawyer, recommended for her strong experience as both counsel and arbitrator in international commercial disputes.”—— Who's Who Legal, 2020

Chambers & Partners remarks: “Helen is widely considered as one of the leading practitioners in the arbitration arena.” She is especially well known for handling SIAC and HKIAC cases and is regularly instructed by entities from the energy, media and investment sectors. She receives praise from many sources, one of whom remarked: “She is a client-oriented person and we have had good experience working with her. In terms of professional knowledge and ability to handle our needs, she is superb.”—— Chambers Asia-Pacific, 2020

### REPRESENTATIVE MATTERS AND CASES

## International Arbitration

- Represented a Canada-listed UK oil and gas company in an over RMB 3 billion dispute with a Chinese state-owned company arising from an offshore natural gas project in Chinese territorial waters with two parallel arbitration proceedings: an ad hoc arbitration seated in Singapore under the UNCITRAL rules and a CIETAC arbitration
- Represented a Korean industrial gas company in an SIAC arbitration concerning a dispute arising from the US counterparty's failure to perform its take-or-pay obligation in a long-term gas supply contract
- Represented a leading global US technology firm in an HKIAC arbitration regarding a licensing fee dispute over a standard essential patent. The dispute involved complex legal issues related to the determination of the price of a standard essential patent in accordance with the FRAND principle
- Represented a major German investment company before CIETAC in a real estate dispute for over RMB 720 million with a Chinese real estate developer. The case spanned 10 years and involved various procedural and substantive issues
- Represented a prominent US investment fund before CIETAC in a cooperation dispute and successfully obtained an award of around RMB 300 million for the fund
- Represented a multinational hotel chain management group in concurrent CIETAC and HKIAC arbitration proceedings and the subsequent settlement process arising from a US\$70 million dispute over the development and management of high-profile hotel and residence projects
- Represented a Chinese real estate developer in successfully reaching a settlement favorable to the developer in a dispute before CIETAC with two WOFE purchasers over the sale of a real estate project located in Beijing's Central Business District valued at over US\$300 million
- Represented a Chinese company providing online business services in a share transfer dispute before HKIAC, involving contractual and tort claims, as well as various parallel arbitral proceedings and litigation in Chinese courts
- Represented the most famous Chinese herbal tea brand before CIETAC in a high-profile CIETAC arbitration involving unique trademark licensing issues related to trade dress and state-owned enterprises
- Represented a Spanish manufacturer in a joint venture dispute before the ICC

## Cross-border Litigation

- Representing a leading British aircraft engine manufacturer before a Chinese court in litigation over claims of more than US\$47 million arising from a plane crash
- Represented a Brazilian aircraft manufacturer in disputes arising from the fatal Henan Airlines Flight 8387 crash
- Represented an Irish aircraft leasing company before Chinese courts against a private Chinese airline company and assisted the client in obtaining and enforcing a US\$12 million judgment
- Represented one of China's largest pharmaceutical companies together with attorneys engaged by MOFCOM and attorneys representing other defendants in a series of multidistrict class action suits in the US involving allegations of price fixing of Vitamin C
- Represented a US agricultural products trading and futures company in successfully challenging a Chinese court's attachment of agricultural goods valued at RMB 400 million, with the attachment being removed in time to prevent the spoiling of the agricultural goods
- Represented a South African company in the enforcement of an ICC award before a local court in Shanghai

## **OTHER INFORMATION**

### **Education**

- Renmin University of China Law School, LL.B
- University of Pennsylvania Law School, LL.M

### **Professional Qualification**

- Admitted to practice in the PRC
- Admitted to practice in New York

### **Presentations/Speeches**

- "Arbitration developments in China", 5th ICC Asia Conference, June 2019
- "The Recognition and Enforcement of Foreign Arbitral Awards in China", "Greater Bay Area" Enterprises Sailing in the Blue Ocean—Legal Forum on the Opportunities and Risks of Overseas Investment, April 2019
- "Role, Powers and Duties of Arbitrators", ICC Institute of World Business Law, Advanced Training Class for Program of the Institute for the Development of Arbitration, March 2019

- “Regional aspects of International Arbitration”, Tel Aviv Arbitration Day, Israel, February 2019
- “Arbitral Tribunals & Courts: the Eve of a New Era?”, 4th ICC Asia Conference on International Arbitration, Hong Kong, June 2018 • “The Institutions in International Arbitration”, 4th ICC-CIETAC Joint Conference, Beijing, May 2018 • “Crouching Tiger, Not-so-hidden Dragon: the Advent of the Belt and Road”, 2nd ICC European Conference, Paris, April 2018
- “The Features of ICC Arbitration and the Highlights of ICC Arbitration Rules 2017”, 3rd ICC-CIETAC Joint Conference, Beijing, June 2017
- “How Can Chinese Parties and Counsel Best Protect Their Rights on the International Scene?”, 2nd ICC-CIETAC Joint Conference, Beijing, July 2016
- “China Court System”, 20th LAWASIA Biennial conference, Hong Kong, June 2007
- “Meeting the Challenges of Cross-border Disputes”, Beijing, March 2007
- “Litigation and Alternative Dispute Resolution”, Structuring for Success, the Asialaw China Summit, Shanghai, September 2006

### **Publications**

- “Mainland Chinese Courts Can Order Interim Measures in Support of ICC Arbitrations Seated in Hong Kong”, ICC Dispute Resolution Bulletin (2020 ISSUE 1), April 2020
- “Create a New Model of Mutual Assistance of Interim Measures in Different Jurisdictions — Mutual Assistance between the Courts of the Mainland and Hong Kong for Preservation Measures in Arbitration Proceedings”, Legal Daily, April 2019
- “Have PRC Courts Ordered Interim Relief Measures in Support of HKIAC Arbitration without an Express Legal Basis: What lies Ahead?” , Kluwer Arbitration Blog, August 2018
- “PRC Chapter”, Co-author, Asia Arbitration Handbook, Oxford University Press, 2011
- “China Chapter”, PLC Dispute Resolution Handbook / Arbitration Handbook, 2010/11

### **Honors and Awards**

- Chambers & Partners, Global, Leading Practitioner – Arbitration (PRC) (2008-present)
- Chambers & Partners, Global, Leading Practitioner – Dispute Resolution

(PRC) (2008-present)

- Included on the Who's Who Legal list of leading international arbitration practitioners (2013-present)
- Asialaw, "Leading Lawyer in Dispute Resolution" (2012-2013) and "Disputes Star of the Year" (2016)

### **Professional Affiliations**

- Vice-President of ICC Court of Arbitration
- Vice Chair of the ICC China Arbitration Committee
- Co-Chair IBA Asia-Pacific
- Former Member of the HKIAC's Proceedings Committee
- Listed Arbitrator for CIETAC
- Listed Arbitrator for HKIAC
- Listed Arbitrator for SIAC

### **Professional Background**

Before joining Fangda Partners in 2005, Ms. Shi practiced with an international law firm for six years in Beijing and New York City, focusing on dispute resolution. Her previous experience also includes three years as legal counsel at CIETAC in Beijing. Ms. Shi is qualified in China and the State of New York.