

YANHUA LIN

Partner

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PRACTICE AREAS

MS. LIN SPECIALIZES IN DISPUTE RESOLUTION THROUGH ARBITRATION AND LITIGATION, AND SPECIALIZES IN COMPLIANCE AND GOVERNMENT ENFORCEMENT MATTERS.

REPRESENTATIVE MATTERS AND CASES

Commercial Dispute Resolution (Arbitration & Litigation)

- Represented a PRC state-owned company in successfully settling an HKIAC arbitration involving a several-billion-RMB dispute related to a real estate investment project, including hotel management issues and PRC corporate governance issues, with Hong Kong governing law
- Represented a PRC investor in successfully settling an ICC arbitration in Hong Kong in relation to a US \$100 million dispute arising from a share purchase agreement
- Represented and successfully defended the PRC subsidiary of a Southeast Asian company in an ad hoc arbitration in Hong Kong over disputes arising from a commodities purchase and sale contract with Hong Kong governing law
- Represented the founders of a Swiss company in an arbitration over an investment dispute in accordance with the HKIAC Administered Arbitration Rules with Hong Kong and Swiss governing law
- Represented a PRC internet company and its founders in several Hong Kong arbitration proceedings over founder disputes about shareholder control of the company, removal of directors, etc., with the case involving complex issues such as transaction failure liability and complex transactions such as VIE dismantling and share swap acquisition

- Represented a real estate rental company in obtaining a favorable arbitral award in CIETAC arbitration over investment and listing disputes
- Represented and successfully defended an education company in Beijing Arbitration Center arbitration over share transfer and acquisition disputes
- Represented several European clients in a court action regarding the enforcement of an ICC arbitral award, which was ultimately decided by the PRC Supreme People's Court in a groundbreaking decision invoking for the first time the "public policy ground" under the New York Convention
- Represented an Israeli company seeking enforcement in China of an ICC arbitral award
- Represented a US company seeking enforcement in China of a SCC arbitral award
- Defended the receiver of Lehman Brothers (Europe) in PRC court proceedings about its role in structuring certain financial derivatives worth approximately US\$200 million, with the proceedings involving Hong Kong, UK and PRC laws
- Represented ConocoPhillips China Inc. (COPC) in obtaining a favorable court decision (affirmed on appeal) in an action brought by 21 sea-cucumber farmers over the farmers' alleged aquaculture losses arising from the Penglai 19-3 Oil Spill that occurred in June 2011 (Selected by the People's Court Daily as the one of the Ten Civil and Administrative Cases of the Year 2016)
- Represented a renowned global investment institution in an administrative litigation involving tax disputes
- Represented a company in a series of civil and administrative litigation proceedings in a dispute over control of the company
- Defended a "Big 4" accounting firm in PRC court in securities fraud cases brought by hundreds of plaintiffs
- Defended a "Big 4" accounting firm in litigation alleging professional negligence in tax advisory and audit work
- Represented an asset management company in court litigation and enforcement proceedings in relation to the disposal of non-performing assets and debt restructuring
- Represented an overseas bankruptcy trustee in domestic court litigation in relation to asset disposal and debt collection
- Represented several clients in litigation and arbitration proceedings in relation to disputes arising from put options and earn-out clauses
- Assisted Alibaba Group in a class action brought against it before the District

Court of the Southern District of New York and before a Californian court

- Advised several China-based, US-listed companies in securities lawsuits before US courts and advised other Chinese clients in overseas litigation matters, such as assisting in discovery proceedings

Compliance and Government Enforcement

- Assisted an international investment institution on reaching administrative reconciliation in a Chinese regulatory investigation into securities and futures trading
- Advised an accounting firm in administrative investigation proceedings before the China Securities Regulatory Commission
- Advised a multinational company in an investigation initiated by the Chinese police into data privacy violations
- Advised the “Big 4” accounting firms on Chinese state secrecy and cross-border data production laws in connection with administrative proceedings initiated by the US SEC and with other cross-border regulatory investigations
- Advised several China-based, US-listed companies on Chinese state secrecy, data privacy and cross-border data production laws in connection with investigations initiated by US regulators
- Advised a major internet company and its affiliates on cross-border data transmission in connection with an overseas investigation and litigation; provided an opinion on data security and privacy protection under the Cyber Security Law, the State Secrecy Law and the Privacy Law; and participated in the review of hundreds of thousands of documents
- Advised a leading Chinese private bank on data compliance in obtaining and handling customer personal and financial data
- Advised a leading investment firm on Chinese data compliance issues in its potential investment into several medical data-processing companies
- Advised a “Fortune 500” company on the Chinese anti-corruption, state secrecy and privacy laws in its internal investigation into potential FCPA violations

OTHER INFORMATION

Education

- Columbia University, LL.M.: James Kent Scholar; Columbia Journal of Asian Law, Editorial advisor on Chinese law

- University of Hong Kong, MCL: Lee Shiu Scholar; Thesis: Ad hoc Arbitration and its Potential Development in the PRC (August 2006)
- Peking University, LL.B.: Honors; President (2003-04), Peking University Law School Students' Union
- Peking University, B.Ec., Economics

Professional Qualification

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

Work Language

- Mandarin
- Cantonese
- English

Publications

- Getting the Deal Through – Class Actions 2017 – China Chapter
- Lexology Getting The Deal Through – Securities Litigation 2020 – China Chapter

Professional Affiliations

- China representative of the ICC YAF (Young Arbitrators Forum) from 2017 – 2019
- Hong Kong International Arbitration Center HK45 – Regional Representative

Professional Background

Ms. Lin has worked with a top-tier UK firm and a leading US law firm.

She was awarded “Future Star” in Commercial and Transactions International Arbitration, Benchmark Litigation Asia-Pacific 2019 and was awarded "Notable Practitioner" by Asialaw Leading Lawyer 2020.