

## ASIAN LEGAL BUSINESS

# ASIA'S TOP OFFSHORE LITIGATORS

In its annual list of Asia's Top Offshore Litigators, ALB highlights top disputes practitioners working with offshore law firms, who have successfully handled significant cases and exceeded client expectations in the process. The full list is in alphabetical order, and a few lawyers have been profiled here.

LIST BY ASIAN LEGAL BUSINESS, TEXT BY APARNA SAI

## METHODOLOGY

- Lawyers were invited to submit for this list between the months of May and June 2021.
- To be eligible, they needed to be either based in Asia full-time, or do a significant amount of work-related to Asian jurisdictions.
- The lawyers were selected based on the profile of their cases, clients recommendations, and feedback from the market.

JOANNE COLLETT  
Walkers

STUART D'ADDONA  
Walkers

AISLING DWYER  
Maples Group

ROBERT FOOTE  
Walkers

NORMAN HAU  
Conyers

PAULA KAY  
Harneys

JEREMY LIGHTFOOT  
Carey Olsen

ANNA LIN  
Conyers

VICKY LORD  
Harneys

IAN MANN  
Harneys

CALLUM MCNEIL  
Walkers

JAMES NOBLE  
Carey Olsen

OLIVER PAYNE  
Ogier

NICOLA ROBERTS  
Harneys

JOHN TREHEY  
Maples Group



**JOANNE COLLETT**  
partner, Walkers, Hong Kong

Collett, who focuses on insolvency and dispute resolution, represents clients in relation to contentious and non-contentious matters including commercial disputes and fund related matters, complex cross-border restructurings and privatisations, and enforcement of rights.

She is qualified in five jurisdictions, and has been practicing offshore for 11 years. She leads the restructuring practice for Walkers in Hong Kong, and has been helping to build the Walkers Hong Kong-Bermuda offering.

Collett has recently acted on various bank enforcement actions, including Victory City International Holdings for HSBC and a lender syndicate in relation to Luckin Coffee, two large funds disputes involving allegations of fraud, and a shareholders' dispute involving Nam Tai Property.

Additionally, Collett has expertise in representing offshore listed companies in financial distress. She has also assisted for both company and dissenter side since 2015 in relation to appraisal cases of U.S.-listed Cayman Islands companies involving a determination of fair value.

"Jo is unquestionably one of the best, and most experienced, offshore practitioners in Hong Kong and an extremely safe pair of hands. She combines her top notch technical skills with a strong focus on commercial advice which really assists to drive matters forward" says a client. 



**STUART D'ADDONA**  
partner, Walkers, Hong Kong

D'Addona is an expert in corporate and commercial litigation across the Cayman Islands, the British Virgin Islands and Bermuda. He specialises in matters which include shareholder disputes, board disputes and advising investment funds and listed companies on contentious matters. He also regularly advises clients on transactional matters by assisting them on the identification of potential issues.

D'Addona has worked for clients in Greater China and across Asia and has been involved in many important cases over the years.

This has included advising one of the world's largest institutional investors in the first ever use of the Cayman Island Court's statutory jurisdiction to grant injunctive relief in support of foreign proceedings, in a case with a value in excess of \$230 million; acting as BVI counsel in a shareholders' dispute concerning the management and control of a substantial Asian investment fund; and representing the founders of Yingde Gases Group Company which was involved in a hostile takeover attempt.

"Stuart has deep experience and understanding of cross border litigation and contentious insolvency in Hong Kong and the BVI," says a client. "He approaches problems strategically and offers creative solutions with the client's commercial end goals firmly in mind." 



**ROBERT FOOTE**  
partner, Walkers, Singapore

Foote heads the firm's Singapore insolvency, restructuring and dispute resolution department, and specialises in contentious corporate, finance, funds, commercial and trusts disputes and contentious and non-contentious insolvency and restructuring matters, including shareholder disputes, regulatory disputes, contentious trusts and probate disputes and applications for disclosure orders and urgent injunctive relief.

Foote has spent nearly six years in the BVI, where he acted on some of the largest disputes in the region – including the Fairfield Sentry litigation, where he represented 25 investment banks in claims arising out of the Madoff estate. Foote has advised KrisEnergy's restructuring and liquidation of Phoenix Commodities; and was successful in persuading the Grand Court in the Cayman Islands, for the first time, to recognise and appoint a judicial manager in Singapore as a provisional liquidator for the purposes of a large debt restructuring of the China Sky Chemical Fibre, a Cayman Islands company listed on the Singapore Stock Exchange.

"Robert is an excellent lawyer, and a go-to for offshore disputes. He is highly hands-on, responsive and adept at distilling key issues in complex situations. His ability to formulate strategic and practical advice with high efficiency, is a true gem," says a client. 



**CALLUM MCNEIL**  
partner, Walkers, Hong Kong

McNeil is a highly experienced partner in Walkers' insolvency, restructuring and dispute resolution group. He is a commercial litigator who has developed expertise in contentious funds and cross border insolvency matters. He is qualified in four jurisdictions and has spent the last 15 years working offshore in the British Virgin Islands, the Cayman Islands and the Channel Islands.

Prior to this, McNeil gained five years of home jurisdiction experience in Australia where he also handled a wide range of commercial litigation and insolvency work, regularly appearing before the Queensland Supreme Court and the Federal Court of Australia.

McNeil also specialises in cross border insolvency, investment fund disputes, corporate disputes, banking litigation, trust litigation, fraud litigation and asset tracing.

McNeil has successfully represented American financial services senior banker Chad C. Holm in his claim for breach of an oral contract regarding the Bank of Asia. He acted in a matter which is believed to be the first time that the BVI Court had recognised and given full force and effect to a PRC judgment, making it a landmark ruling. In addition, he represented the successful litigant in recovery of a high value stake in a well-known PRC company, Lunan Pharmaceutical Group Corporation. ALB



**JAMES NOBLE**  
partner, Carey Olsen, Singapore

Noble is head of Carey Olsen's litigation, insolvency and restructuring team in Asia. He is based in Singapore and advises on Bermuda, British Virgin Islands (BVI) and Cayman Islands law. Noble leads the largest offshore litigation team in Singapore.

He is a specialist in shareholder litigation, asset recovery, cross-border enforcement and insolvency. He has over 20 years of legal experience and focuses on various commercial, trust and estate disputes and private wealth matters. As a result of Noble's expertise and reputation in the market, he is frequently instructed to give expert evidence on Cayman or BVI law in foreign proceedings.

Noble represents clients on market leading cases, particularly in connection with companies listed on the Hong Kong and New York Stock Exchanges. He was also recently successful in obtaining a significant judgment in favour of his client in the first ever derivative action brought on behalf of a Liberian company in the BVI Courts.

Some of Noble's clients include Credit Europe Bank (Dubai), Ernst & Young, Global Cord Blood Corporation, Hillhouse Capital Management and Pacific Fiber.

Noble is the only litigation partner in Singapore to be admitted in both Cayman and the BVI and registered in Bermuda. He is an active member of INSOL and IWIRC and is a regular speaker at litigation, insolvency and arbitration conferences. ALB



**OLIVER PAYNE**  
partner, Ogier, Hong Kong

Payne became a partner in 2016 at the age of 35 following his relocation from Ogier's Cayman Islands office to Hong Kong. He is the head of Ogier's dispute resolution and restructuring and insolvency practice in Asia.

He has built a strong Cayman and BVI practice and has overseen the growth of the disputes and R&I team in Asia, which has increased from a team of three to a team of 15 over the last 5½ years.

Among the numerous matters on which he is advising, Payne is acting as the Cayman counsel for Tianrui (International) Holding Company in just and equitable winding up proceedings brought in respect of China Shanshui Cement Group. He is also acting as the Cayman counsel for FamilyMart China Holding, a minority shareholder of a joint venture company which operates more than 1400 convenience stores in the PRC under the FamilyMart brand. Payne also counts Waterwood Group, Bitmain Technologies Holding Company, Adamas Global Alternative Investment Management, PwC, Deloitte, KPMG and EY among his client base.

Payne has counselled numerous dissenters on Cayman fair value cases and, over his more than 12 years practising offshore law, has appeared before the Financial Services Division of the Grand Court of the Cayman Islands. He has also appeared in LCIA and ICC arbitrations in London and Hong Kong. ALB

## Conversations with Walkers' Asia Insolvency & Dispute Resolution Partners

### What are some of your team's recent developments?

The Walkers Asia IDR team continues to focus on client service and standards, and we are really pleased to have promoted two of our team members from Senior Associate to Counsel (Gareth Murphy and Michaela Lam). We have also recently hired Partner Tom Pugh from Mayer Brown in Hong Kong who will be joining the Hong Kong team in September with a focus on the restructuring side of the practice.

On the litigation front, we have had a good year, with the first recognition of a PRC judgment in the BVI early last year, and subsequent enforcement proceedings, a number of ongoing creditor-side mandates including in relation to Luckin Coffee, and an ongoing large shareholders' dispute regarding a BVI incorporated PRC property developer where we successfully obtain a stay of the judgment at first instance pending an appeal. We were also heavily involved in the very public corporate restructuring and ultimate liquidation of KrisEnergy Limited in Singapore. Finally, the last 12 months has seen a significant increase in our Bermuda practice, and we now have 10 registered associates in the IDR team regionally, with 35 registered associates in Asia more broadly. This practice has largely focused on insolvency and restructuring matters for Bermuda companies listed on the Hong Kong Stock Exchange (with both company and creditor side mandates).

### What sets you apart from your competition?

The ethos of the firm is very much people focused – we hire good people and we train them to give the level of service and expertise that should be provided by a Tier 1 firm. Our people are efficient and effective, and are responsive to client needs even with short deadlines or outside of ordinary office hours. We work particularly closely with both our Finance, Corporate and Funds



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### Walkers

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colleagues, who we consider to be our internal clients, but also our colleagues in our home jurisdictions; providing true 24/7 service if needed. We have significant experience across a broad range of insolvency and litigation related matters, good internal Chinese language capability and particular areas of expertise amongst the Partner bench which can be utilised as needed. In this regard the Partners work collaboratively to ensure the best outcome for our clients.

### What specific ways do you feel you can benefit your clients?

Our team is highly motivated to achieve good outcomes for clients, and we

work consistently to maintain trust and confidence and to deliver. We are solutions focused, with both the technical expertise as to the law, but also a commercial approach. In particular, we are responsive to client requests and queries, we work long hours to make sure that client needs are met, and we provide the additional insight from the team in the home jurisdictions who are regularly in Court, and who can also provide advocacy services, at very short notice, as needed. We also deliver bespoke training, and work closely with our onshore colleagues to devise and implement a coordinated strategy for our clients using both the onshore and offshore world as appropriate. One of our key strengths is providing a life cycle approach for our clients and working very closely with our colleagues as mentioned – the IDR team will assist at the incorporation or structuring phase by providing risk assessment and advice about enforcement and exit, and then as needed help at the end of the life of an investment or deal by implementing the exit plan (be that consensual or otherwise).

### What have been some of the major offshore litigation trends recently?

As a result of the pandemic, the offshore world has had to embrace technology, and so we have seen how our day-to-day interactions with the Courts and clients has changed. In terms of work, a number of clients have been enquiring about offshore funds structures with so-called fixed returns, and we have also seen an uptick in insolvency queries and actual insolvency appointments, which we believe is fueled by economic uncertainty. There is still plenty of finance work around (and so to some extent less pure insolvency matters, but rather advisory work), and we are also looking increasingly at offshore asset protection and recovery. There have been some restructuring matters, and we expect these to increase.