

Dispute Resolution in China

Jade & Fountain has a team of experienced lawyers representing both Chinese and multinational clients in numerous Chinese proceedings. Jade & Fountain's lawyers have expertise in resolving contractual, joint venture, IP, financing and other disputes in Chinese proceedings. Jade & Fountain lawyers have represented such well known clients as Bank of China, Shanghai Electric, General Motors, Johnson Controls, WWF International, and Pepsi Co.

Chinese arbitration proceedings fall into two broad categories (1) Arbitration proceedings under the auspice of the China International Economic and Trade Arbitration Commission ("CIETAC") and (2) Arbitration proceedings under numerous Provincial or Municipal Arbitration Commissions ("Local Arbitration"). Jade & Fountain's lawyers are seasoned experts in both of these areas.

CIETAC is a prominent arbitration institution established and operated by the China Council for the Promotion of International Trade, a semi-government agency established by the Chinese government in 1952 to promote trade or business activities with foreign companies. At the center of China's globalization boom, CIETAC is the busiest arbitration venue in the world. During last year alone, CIETAC received 1,230 arbitration applications (almost double that of the ICC!) Our international clients find that our lawyers can skillfully navigate through the complicated processes of CIETAC.

Local Arbitration mostly handles disputes between domestic entities (including foreign invested companies such as Sino-foreign joint venture companies). Such arbitration is relatively quicker and less expensive and many corporations seek it as an alternative venue for resolution for relatively small matters. For instance, many clients find that disputes arising from property leases and supply contracts are can be decided quickly at a local arbitration venue. Jade & Fountain partner David Chen is on the list of arbitrators for both CIETAC and the local Shanghai Arbitration Commission.

In the past two decades, Chinese judges and Chinese court systems have made enormous strides in improving the capacity of judicial analysis and procedural transparency. As a result, more multinational clients are confident in initiating Chinese court proceedings in major transactions. Jade & Fountain has recently won numerous court decisions representing major multinational clients in Chinese court proceedings.

Jade & Fountain firmly believes that legal services revolve around the three P's: **P**revent **P**rotect and **P**romote business. However, our clients have found that **p**reventing dispute is often times the best way to **p**rotect clients and **p**romote business. Jade & Fountain provides the finest legal counsel that allows our clients to structure, operate, and initiate business transactions in China that prevent costly disputes. Our clients consistently cite this as an important factor that has permitted them to expand and promote their business operation in China.



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