

BING YAN

INTRODUCTION

I have been practicing international arbitration and litigation at world-leading arbitration firms across global financial centers for the past two decades including Shanghai, New York, Singapore, and London.

I have represented clients in arbitration proceedings under the rules of all major arbitral institutions, handling disputes across a wide range of commercial and financial matters, as well as several high-profile investment treaty arbitrations and multi-billion dollar litigation proceedings. My practice spans various sectors, including energy, mining, insurance, and trusts, and I have experience in white-collar matters, such as FCPA investigations.

Trained in both common law and civil law systems, I am proud to be one of the very few mainland Chinese lawyers who have practiced international arbitration in top Western law firms for an extended period of time.

EXPERIENCE

Skadden, Arps, Slate, Meagher & Flom LLP, London

Senior Associate, September 2014 – Present

Specializing in international commercial arbitration, litigation, investment treaty arbitration, white-collar and compliance matters.

- Led internal investigation for a leading global port operator, responding to an investigation by the Inter-American Development Bank regarding a port in Ecuador.
- Provided strategic advice to the major shareholder of a Saudi conglomerate in a dispute with a minority shareholder.
- Represented an offshore construction company in its ICC arbitration (Geneva) against a major European oil company relating to an Iranian gulf-based gas production platform.
- Advised one of the world's leading credit card services companies in its exit of the Russian market.
- Guided a global sports streaming TV company through the termination of service contracts with Russian and Belarusian counterparties, formulating dispute resolution strategies.
- Represented a shareholder in LCIA arbitration proceedings concerning controlling interests in Turkey's leading mobile telephone company.
- Represented the estate of an Asian multibillionaire in respect of claims brought to trace trust assets, in multiple proceedings in Asia, US and Bermuda. The claims were in excess of US\$20 billion, and represented the highest value dispute in Bermuda's legal history.
- Represented the estate of a founding partner of a world leading private equity fund in a dispute with the existing partners concerning the distribution of profits and carried interest.

- Represented the majority shareholders and the director of an international sea and river cruise company defending a minority shareholder claim in the Bermuda Supreme Court and Court of Appeal.
- Advised a Russian investment group on an Energy Charter Treaty claim against the UK government concerning the revocation of its Exploration Licenses of oil and gas fields of North Sea.
- Represented a number of Russian oligarchs in an LCIA dispute relating to ownership of one of the largest iron-ore mining assets in Ukraine.

White & Case LLP

Associate, New York (October 2010 – August 2013)

Associate, Singapore (August 2013 – July 2014)

Specializing in international commercial arbitration, investment treaty arbitration, white-collar and compliance matters.

- Represented a major Indonesian oil and gas company in SIAC arbitration proceedings concerning a Pipeline Throughput Fee and Payment Agreement.
- Represented a major Taiwanese producer of sapphire crystal wafers in ICDR arbitration proceedings concerning defective manufacturing equipment.
- Advised a Bermuda energy insurance company in a dispute with its reinsurers regarding the sinking of an oil tanker off the coast of France.
- Represented a Bermuda energy insurance company in an *ad hoc* arbitration in London regarding the leaking of contaminants into Lake Michigan.
- Represented a Bermuda energy insurance company in an *ad hoc* arbitration in London regarding explosion at an underground coal mine.
- Advised Japanese purchasers of LNG in a pricing dispute under a long-term supply contract.
- Represented the Government of Georgia in an ICSID arbitration commenced by a Turkish construction company under the Turkey-Georgia Bilateral Investment Treaty (*Karmer v. Georgia*).
- Represented Swiss investor SGS in an ICSID arbitration against the Government Paraguay under the Switzerland-Paraguay Bilateral Investment Treaty (*SGS v. Paraguay*).
- Represented a major multinational mining company in LCIA and ICC disputes with a large Eastern European mining company arising out of bauxite and alumina delivery contacts.
- Advised a US multi-national company in connection with FCPA compliance and training in the conduct of the company's international operations, including official travel, entertainment, sponsorship and donations in mainland China and Hong Kong.

Herbert Smith LLP, Shanghai

Associate, December 2006 – July 2009

Specializing in international commercial arbitration, litigation, and internal compliance matters.

- Represented a US investment bank in LCIA arbitration proceedings concerning a sale and purchase of distressed assets.
- Represented a US telecommunications company in various institutional and *ad hoc* arbitrations concerning the provision of telecommunications infrastructure in Asia.

- Represented a Dutch company in an HKIAC arbitration and other proceedings concerning supply of sugar-related products.
 - Advised a German automotive company and its Chinese subsidiary in disputes under a supply contract.
 - Represented an international hotel management company in HKIAC arbitration proceedings concerning the division of profits with the Chinese owner.
 - Conducted internal compliance investigation of Morgan Stanley Properties, Shanghai Branch.
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PUBLICATIONS

- Patrick Heneghan, Gulnaar Zafar & Bing Yan, *Chapter of England & Wales, Arbitration World*, Sweet & Maxwell, Thomson Reuters (2015).
 - Paul Friedland & Bing Yan, *Negotiating and Drafting Arbitration Agreements with Chinese Parties: Special Considerations of Chinese Law and Practice*, *Journal of International Arbitration* (2011).
 - Editor, *IBA Rules on the Taking of Evidence in International Arbitration* (Chinese edition, 2010).
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SPEAKING ENGAGEMENTS

- Panellist, “Choice of Law and Seat in International Arbitration: Evolution or Revolution?”, 6th Penn Law International Arbitration Annual Conference, Philadelphia (March 2024).
 - Speaker, “Arbitration Institutions and Practice in England,” Chartered Institute of Arbitrators, London (October 2015).
 - Speaker, “International Arbitration in Emerging Markets,” Seminar on “State to State, Investor to State and Commercial Arbitration: Procedures and Implications” held by Asian-African Legal Consultative Organization, New York (March 2012).
 - Speaker, “Choice of Chinese Parties in International Arbitration,” CIETAC and White & Case Seminar, Beijing (February 2012).
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BAR ADMISSIONS

- Solicitor, England and Wales
 - New York State Bar
 - People’s Republic of China (Not Practicing)
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EDUCATION

University of Pennsylvania, Philadelphia, PA
LL.M., May 2010

Wuhan University, Wuhan
Master of Arts, June 2007
LL.B. & Bachelor of Arts, June 2005

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- Member, Chartered Institute of Arbitrators (CIArb)
 - Member, London Court of International Arbitration (LCIA)
 - Member, ICC Young Arbitration and ADR Forum (YAAF)
 - Member, Arbitral Women
 - Member, New York State Bar Association
 - Member, American Bar Association
 - Member, International Bar Association, Arbitration Committee
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LANGUAGES

- Chinese
- English