

## Sherlin Tung

PARTNER | HONG KONG

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### Sherlin is a partner in the international arbitration and litigation team.

She is a specialist in cross-border disputes, international commercial arbitration, and multi-jurisdiction litigations. With over a decade of experience, Sherlin has advised clients in Asia, the Americas, and Europe on all phases and aspects of cross-border disputes (both litigation and arbitration). Sherlin also advises clients on the enforcement of international arbitral awards and/or court judgments. Sherlin has a rare set of skills given her unique background. Her career has given her the ability to be involved in all roles of a dispute. Given this experience, she is able to understand the overlaying objectives of not only of her clients but also the strategies implemented by counterparties, how arbitral tribunal members/judges think, and how arbitral institutions/courts operate.

Prior to joining Withers, Sherlin worked with a leading international law firm in Hong Kong where she was a member of the international disputes practice group. Sherlin started her international disputes career by working with a leading independent arbitrator where she acted as tribunal secretary for over 35 complex, international arbitration matters. Thereafter, Sherlin worked for the leading arbitral institution, the Secretariat of the ICC International Court of Arbitration, in both Hong Kong and New York, the latter of which she was a founding member of the case management office. During her time at the ICC, she managed over 300 international arbitration proceedings. Sherlin also worked in-house with a publicly listed international conglomerate where she handled the group's international litigation and arbitration disputes. She is currently appointed as a permanent member of the ICC International Court of Arbitration's National Committee Nominations Commission for Hong Kong. The committee is responsible for selecting candidates for proposal to act as arbitrators for ICC arbitrations. She is also appointed to be a commissioner to the ICC Belt & Road Commission for its next term.

With her distinctive background and legal experience, Sherlin has an understanding of the various players in an international transaction and dispute. This allows her to prepare not only a winning strategy for her clients, but one that is most suited to their needs.

Sherlin regularly speaks in conferences worldwide and gives lectures and trainings on international arbitration and cross-border disputes. She is prominent in the international arbitration community and sits on various international committees and boards. Sherlin is a member of the ICC Dispute Resolution Bulletin Editorial Board and the BVI International Arbitration Centre Rules Committee. She is currently on the South China International Arbitration Center (Hong Kong)'s Panel of Arbitrators. Sherlin is also the Deputy Director of the Vis East Moot Foundation, a non-profit organization that promotes international arbitration and trade law and operates the Vis East Moot Court Competition, the sister competition to the Willem C. Vis International Commercial Arbitration Moot, which is the world's largest and most renowned law student competition in the fields of international commercial arbitration and trade law.

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## Track record

### Artificial intelligence based web marketing and technology services

Represented an artificial intelligence based web marketing and technology services company in a dispute with an Australian headquartered artificial intelligence conglomerate over the company's investments in a Cayman Islands' based fund. The dispute was resolved before commencing any litigation or arbitration proceedings.

### Belgian funder

Represented a Belgian funder in a dispute with Chinese counterparties over a financial investment in a Cayman Islands' incorporated company that was meant to go public. All disputes to be resolved by arbitration in Hong Kong is to be administered by the Hong Kong International Arbitration Centre.

### A Mainland Chinese industrial conglomerate in a claim against the Federal Republic of Nigeria

Acting for a PRC industrial conglomerate in a billion-dollar treaty claim against the Federal Republic of Nigeria under the China-Nigeria bilateral investment treaty. The claim was for expropriation and breaches of fair and equitable treatment and other standards regarding an investment in a 10,000-hectare free trade zone and joint venture agreement with Ogun State in Nigeria.

### Hong Kong based family office

Representing and advising a Hong Kong based family office in commercial disputes with business partners over investments in the U.S. and Hong Kong.

### HKIAC arbitration

Representing and advising a privately held, Belgian incorporated private funds company and its subsidiaries in the U.K. and the BVI in a HKIAC arbitration involving a dispute with a P.R. Chinese privately held investment company and its Cayman Islands and BVI subsidiaries.

## New York litigation and ICC arbitration

Representing and advising a publicly held Chinese international aviation conglomerate in parallel proceedings: a New York litigation and ICC arbitration seated in New York against a publicly held U.S. technology company.

## Court litigation

Providing an expert report for an international conglomerate headquartered in Brussels in a court litigation against a customer over the breach of a sale and distribution agreement for the sale of medical products.

## HKIAC arbitration

Representing and advising a publicly listed Japanese technology company and its Hong Kong subsidiary in a HKIAC arbitration in a dispute with a publicly listed Australian investment company and its Hong Kong, Cayman Islands, and BVI subsidiaries.

## German distribution company

Advising a German distribution company in a P.R. Chinese litigation over a commercial dispute with a P.R. Chinese factory over the manufacture and distribution of FFP face masks.

## German and P.R. Chinese subsidiaries

Representing and advising German and P.R. Chinese subsidiaries of an international power module and systems conglomerate in a commercial dispute against its P.R. Chinese supplier in an ICC arbitration seated in Hong Kong with parallel proceedings in P.R. China.

## German technology company

Representing and advising a German technology company in a commercial dispute with an international conglomerate of factories based in Germany, Indonesia, Hong Kong, and P.R. China.

## Dispute with Korean investment company

Advising a UK subsidiary in a UK litigation in the hospitality sector of an international conglomerate in a dispute with a Korean investment company in a commercial dispute over the sale and purchase of retail and hospitality entities.

## Advertising & marketing firm

Representing and advising a Canadian incorporated advertising & marketing firm in a commercial dispute with a U.S. privately held company over a breach of a media contract.

## ICC arbitration

Representing and advising a P.R. Chinese international conglomerate in an ICC arbitration seated in New York, New York (U.S.A.) against a U.K. subsidiary of an American Aerospace and Defense Company.

## ICDR arbitration

Representing and advising a P.R. Chinese international conglomerate in an ICDR arbitration seated in Seattle, Washington (U.S.A.) against a U.S. subsidiary of a French international high technology group operating in the aviation, defense, and space markets.

## Taiwanese pharmaceutical company

Representing and advising a publicly listed Taiwanese pharmaceutical company in parallel ICC arbitrations against its Austrian business partner, seated in Frankfurt, Germany.

## Parallel ICC arbitration proceedings

Representing and advising a publicly listed international rubber medical and industrial conglomerate in three parallel ICC arbitration proceedings seated in Zurich, Switzerland, with its Thai joint venture partner involving a joint venture and shareholder dispute over claims of conspiracy, fraud, and unfair business practices with the joint venture company.

## Commodities litigation

Advising a publicly listed international conglomerate in various cross-border disputes involving the commodities trade resulting in litigations in Singapore, Thailand, and the U.S.A.

## Singaporean medical device company

Representing and advising a Singaporean medical device company in a commercial dispute against its Korean distributor in an SIAC arbitration seated in Singapore.

## Acting as Tribunal Secretary

Acting as Tribunal Secretary in over 35 international arbitration proceedings covering the Americas, APAC, and European regions. Sectors include commodities, complex corporate matters (joint ventures and shareholders), general commercial disputes, international contracts (including the CISG), construction, energy, medical devices, pharmaceuticals, and supply chain management.

- Guest Lecture for Humboldt University's International Dispute Resolution LL.M. Programme: Specific Features of Arbitration and the
- International Dispute Resolution Market in Hong Kong (November 2021)
- 2021 YSIAC Annual Conference: Speed Networking (November 2021)
- Exclusive Interview with YSIAC Committee Member Sherlin Tung (November 2021)
- SIAC Academy, Inaugural training on Tribunal Secretaries in International Arbitration: Overview of Key Arbitration Documents from the Perspective of Tribunal Secretaries (November 2021)
- Generations in Arbitration Conference - Hong Kong Legal Week 2021 Edition: Second Bite at the Apple: Is Public Policy Really Only a Last Line of Defence? (November 2021)
- 2021 British Virgin Islands Arbitration Week: BVI IAC Rules Change (November 2021)
- 2021 Sao Paulo Arbitration Week: CIArb Brazil Presents Arbitrator Ethics, Challenges and Vacatur: International Experience (October 2021)
- 2021 Hong Kong Arbitration Week: The Future of International Arbitration Following COVID (October 2021)
- 2021 Taipei International Conference on Arbitration and Mediation: Ethics in International Arbitration (October 2021)
- 2021 GAR Live Hong Kong: The Courts and International Arbitration - the Year in Review (October 2021)
- Young Arbitral Women Practitioners Presents: Path to Partnership (July 2021)
- Arbitrating the Vis Case in Practice (May 2021)
- Guest Lecture for Hong Kong University's LL.M. in Arbitration & Dispute Resolution: Jurisdictional Challenges (April 2021)
- The BVI IAC presents Arbitration Life with Janette and Hana - Interview with Sherlin Tung (April 2021)
- Guest Lecture for Hong Kong University's LL.M. in Arbitration & Dispute Resolution: Discovery and Inspection of Documents (March 2021)
- The Korean Commercial Arbitration Board ("KCAB") Webinar: Aren't we Forgetting What Arbitration is For: Disputes Resolution, Not Creation? (March 2021)
- 16th Annual ICDR Y&I Coffee House Debate: The House only has one door! The Joinder of Non-Signatories Should Only be Decided Under the Law of the Place of Arbitration (March 2021)
- 15<sup>th</sup> Annual Generations in Arbitration Conference: Behind the Scenes - Arbitrating Pharmaceutical Disputes (March 2021)
- Contract Negotiations in Asia - Latin America Transactions: How and Why Negotiate Applicable Law and Dispute Resolution? (March 2021)
- Perks and Pitfalls of Virtual Hearings (February 2021)
- The Law of the Arbitration Agreement: Does Where You Stand Depend on Where You Sit? (February 2021)
- The 13th Swiss Chinese Law Association Global Forum: Diversity in International Legal Negotiations - Genders, Cultures, and Strategies (January 2021)
- Maximizing Your Options in International Cross-Border Disputes (December 2020)
- Joinder of Parties and Virtual Hearings: When, Why and How? (November 2020)
- Generations in Arbitration Conference - Hong Kong Legal Week 2020 Edition: Chasing the Asymmetries in Arbitration Clauses - to be or not to be valid? (November 2020)
- Swiss Chinese Law Association 12th Global Online Forum: The 'Selection' Panel - Which Institution to Choose - Regional or International? (October 2020)
- CISG as a Tool for Global Trade - Theory and Practice Hong Kong, Celebrating the 40th Anniversary of the CISG (October 2020)
- Arbitral Women Presents: Developing Your Career During the Current Crisis: Strategies for Success (October 2020)
- Does Party Autonomy Trump Statutory Winding-Up Proceedings (October 2020)
- 2020 GAR Interactive Hong Kong: GAR Live Decision Time (October 2020)
- The Future of Investment Arbitration in Asia: Opportunities and Challenges (January 2020)

- *2017 Taipei International Conference on Arbitration and Mediation: More Transparency in International Arbitration: To Have or Not to Have?* (August 2017)
- *2017 GAR Live: Frankfurt - Document Production in International Arbitration* (June 2017)
- *2017 Vienna Arbitration Days: Transparency in International Commercial Arbitration* (February 2017)
- *ICC Austria: Effects of the New ICC Rules on Small Claim Procedures - Launch of the new ICC Arbitration Rules* (February 2017)
- *2016 Taipei International Conference on Arbitration and Mediation: Language in International Arbitration* (August 2016)
- *Made in China 2025 vs. Industry 4.0: The European Way of Solving Disputes Arising from International Transactions* (June 2016)
- *2016 International Bar Association Spring Meeting: Document Production in International Arbitration and Litigation* (April 2016)
- *HKIIAC-VIAC Jointly Presents: One Size Fits All - A Cultural Lens on the Ideal Arbitrator* (March 2016)
- *HK45 Seminar: A Young Practitioner's Perspective on a Career in International Arbitration* (March 2016)
- *YIMC Seminar: When and How to Encourage Mediation in an Arbitration?* (March 2016)
- *Guest Lecture for the University of San Diego School of Law: The Rise of Emergency Arbitrators in International Arbitration* (February 2015)
- *Fall 2014 American Bar Association's Section on International Law Conference: The Rise of International Arbitrations between Latin America and Eastern Asia* (October 2014)

## External publications

*'Investment treaties and their role in protecting Chinese businesses abroad: A look at the Zhongshan v Nigeria award'*, Mar 2022, co-author

*'Review of Gustav Flecke-Giammarco et al. (EDS.), The DIS Arbitration Rules: An Article-By-Article Commentary'* - Contemporary Asia Arbitration Journal (Vol. 14, No. 2), Nov 2021, co-author

*'A radical reform of the PRC Arbitration Law: A summary of the key revisions'* - Withers, 23 August 2021, co-author

*"Enka v. Chubb Russia: The Law of the Arbitration Agreement - An end to the continuous battle between the law of the seat and the law of the underlying contract?"*, Contemporary Asia Arbitration Journal - May 2021, co-author

*'A new year, a new set of arbitral rules: a summary of the key changes introduced in the 2021 ICC arbitration rules'* - March 2021, co-author

*'Opening Pandora's Box: Unpacking the principles relating to the law governing the arbitration agreement across various jurisdictions'* - March 2021, co-author

*'Would Party Autonomy Trump Winding-Up Petitions? An Analysis of Hong Kong's Position'*, Contemporary Asia Arbitration Journal - Dec 2020, co-author

*'Why Hong Kong is the Ideal Place to Resolve Your Commercial Disputes'* - 16 July 2020, co-author

*'Finances in International Arbitration: Liber Amicorum Patricia Shaughnessy'* - 26 November 2019, co-editor with Fabricio Fortese and Crina Baltag

*'More Transparency in International Commercial Arbitration: To Have or Not To Have?'*, 2018 Austrian Arbitration Yearbook / Contemporary Asian Arbitration Journal Volume 10.2 - November 2017, co-authored with Brian Lin

*'The Powers and Duties of an Arbitrator: Liber Amicorum'* - June 2017, co-editor with Patricia Shaughnessy

*'Languages and Their Impact on Parties' Due Process Rights in International Arbitration Proceedings'*, Contemporary Asian Arbitration Journal Volume 10.1 - June 2017, author

## Admissions

Hong Kong (Registered Foreign Lawyer), 2018

New York, 2014

California, 2009

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## Education

Stockholm University, LL.M. in International Commercial Arbitration, 2010

University of San Diego School of Law, J.D., 2009

University of California Los Angeles, B.A., 2005

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## Languages

English

German

Mandarin

Spanish

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## Memberships

ICC International Court of Arbitration's National Committee Nominations Commission for Hong Kong - Member

ICC Belt & Road Commission - Commissioner

Vis East Moot Court Foundation - Deputy Director & Board Member

Verein zur Veranstaltung und Förderung des Willem C. Vis International Commercial Arbitration Moot - Member

Moot Alumni Association - President

ICC Dispute Resolution Bulletin - Member of the Editorial Board

Singapore International Arbitration Centre ("SIAC") Users Council - Member

South China International Arbitration Center (Hong Kong) ("SCIAHK") - Panel of Arbitrators

British Virgin Islands International Arbitration Centre Rules - Committee Member

Young Singapore International Arbitration Centre ("YSIAC") - Committee Member

Young Hong Kong International Arbitration Centre ("HK45") - Regional Ambassador

ArbitralWomen - Member

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## Key dates

Year joined: 2020

Year became partner: 2020

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