



## ALB CHINA 2019

# TOP 15 LITIGATORS

## 十五佳诉讼律师

### METHODOLOGY 评选方法

For this year's list of ALB China Top 15 Litigators, the selection committee conducted detailed analysis and evaluation of the candidates' litigation work in 2018 primarily by assessing the following two aspects and relying on third-party recognition:

1. Typical cases provided by lawyers that showcase their achievements in 2017; and
2. Cases which lawyers participated in and for which judgments were pronounced in 2018, the information of which is available through public channels.

The criteria for assessing objective information in these two aspects include, among others:

1. Difficulty of cases
2. Litigation strategies employed by lawyers
3. Influence of cases
4. Innovative nature of cases

Winners are listed below in the alphabetical order of their surnames.

在本次的ALB China十五佳诉讼律师的评选中，评委会主要参考以下两个方面的内容，并引入第三方的认可情况，对报名者在2018的诉讼成就进行了详细的解析、评价：

1. 律师提供的可代表其2018年工作成就的典型案件；
2. 公开渠道可获取的该律师参与的裁判案例。

该两方面客观信息内容的评选标准包含但不限于以下几个方面：

1. 案件难易程度
2. 律师诉讼策略
3. 案件影响力
4. 创新性

以下获奖名单按姓氏字母排序。

China's commercial litigation business has experienced vigorous growth in recent years; and meanwhile Chinese commercial litigation lawyers have enhanced their overall professional competence and global competitiveness through profound accumulation of knowledge and solid experiences.

近些年，中国商事诉讼业务蓬勃增长，中国商事诉讼律师们在整体专业水准与全球竞争力上也开始厚积薄发。

BY INES YANG

■ The ALB China Top 15 Litigators has always received a lot of attention. It is an annual event in which ALB China research team annually selects the top 15 litigators in China who are representative and influential in the industry based on their high-profile cases, clients' recommendations and feedback from the market. Apart from their solid legal skills, litigation lawyers' capability of quickly and accurately targeting and grasping the core issues of disputes is really impressive. The best litigators perfectly interpret the cognitive advantages of "achieving a simple front-end result based on an extremely complex back-end operating system".

We admire litigation lawyers for turning the tide and helping their clients win lawsuits when situations did not look positive for the clients; we appreciate their rigorous arguments and eloquence in the courtrooms; and what's more, we are so impressed that many excellent litigators have bigger ambitions and expectations – what they care about is beyond win or loss – all disputes can be resolved without (involving no) litigation.

To achieve this final result, which is the "simple interface" of "involving no litigation", on the one hand, it is based on the return of the litigation lawyer's functional standard of "resolving disputes by determining the ownerships", in which "determining the ownerships" is the means, "resolving disputes" is the purpose, and "involving no litigation" is the philosophy; on the other hand, it depends on the invisible "back-end operating system" of

TOP 15 LITIGATORS 15佳诉讼律师	LAW FIRM 所在律所
1 <b>Cai Chencheng</b> 蔡晨程	Jia Yuan Law Offices 嘉源律师事务所
2 <b>Cai Li</b> 蔡黎	JunHe LLP 君合律师事务所
3 <b>Chang Yi</b> 常毅	JunZeJun Law Offices 君泽君律师事务所
4 <b>Chen Feng</b> 陈峰	Hiways Law Firm 海华永泰律师事务所
5 <b>Yingying(Lily) Li</b> 李影影	Dentons Shanghai Office 大成(上海)律师事务所
6 <b>Liu Yue</b> 刘悦	Jingtian & Gongcheng 竞天公诚律师事务所
7 <b>Ming Xingnan</b> 明星楠	WAN HUI DA Law Firm 万慧达律师事务所
8 <b>Peng Ya</b> 彭亚	King & Wood Mallesons 金杜律师事务所
9 <b>Lynn Qiu</b> 邱琳	Long An Law Firm 隆安律师事务所
10 <b>Xie Guanbin</b> 谢冠斌	Lifang & Partners 立方律师事务所
11 <b>Simon Xie</b> 谢涛	T&C Law Firm 天册律师事务所
12 <b>Weiguo (William) Yang</b> 杨伟国	Guantao Law Firm 观韬中茂律师事务所
13 <b>Zhang Baosheng</b> 张保生	Zhong Lun Law Firm 中伦律师事务所
14 <b>Zhao Shuzhou</b> 赵淑洲	Wang Jing & Co. 敬海律师事务所
15 <b>Zhou Junwu</b> 周俊武	Jincheng Tongda & Neal Law Firm 金诚同达律师事务所

each litigator – how to grasp the essence of things, and develop the best litigation strategy and win-win solution by screening and sorting out the complicated clues.

While the litigators use a complicated process to find a simplified result for their clients, we here try to find out and present you the efforts which are behind those simple results: their unique and rigorous ways of thinking, informed judgments of value and cognitive path have made them outstanding and successful in China's commercial litigation business.

### Interpretation: Three Prospects

Of the news included in the People's Courts Top Ten News of 2018, three are closely related to the development prospects of commercial litigation lawyers.

First, the first and second international commercial courts of the Supreme People's Court were inaugurated in Shenzhen of Guangdong Province and Xi'an of Shaanxi

ALB每年的诉讼律师评选都备受关注。撇开法律基本功不谈，诉讼律师这个群体能快狠准“靶心”式锁定问题主要矛盾的本事令人侧目。他们中的高手，完美诠释了何谓“界面简单、后台操作系统极其复杂”的认知优势。

我们钦佩他们帮客户力挽狂澜实现判决的反转式胜诉，欣赏他们在法庭上滴水不漏的严密论证与雄辩口才，但同时也看到——很多优秀诉讼律师在每个具体输赢之上，还怀有更大的抱负与期许：天下“无讼”。

而实现“无讼”这个“界面简单”的最终结果，一方面基于诉讼律师对“定分止争”功能本位的回归：定分是手段、止争是目的、无讼是境界；另一方面取决于每位诉讼律师的“后台操作系统”——如何透过纷繁案情与庞杂线索，庖丁解牛般迅速把握事物本质、制定最佳诉讼策略与多赢解决方案。

他们驭繁就简，我们试图还原背后的“复杂”：探究他们哪些思考方式、价值判断、认知路径成就了他们在中国商事诉讼领域的厚积薄发。

### 解读：三个前景

人民法院近期评出“2018年度十大法

院新闻”，其中三条都跟商事诉讼律师的发展前景契合紧密。

首先是2018年6月29日，最高人民法院第一国际商事法庭、第二国际商事法庭分别在深圳和西安揭牌办公，此举是新时代加强国际法治合作、为“一带一路”建设提供司法服务和法治保障的重大举措。截至2018年年底，两个国际商事法庭已受理一批国际商事纠纷案件。前景解读：“一带一路”沿线国家法律制度的多样性和国际商事争议的复杂性，进一步明确了中国商事诉讼律师的国际化发展。

其次是2018年8月20日，上海金融法院正式揭牌成立。对金融案件进行集中管辖、由专门性的法院和专业性的法官专事受理和审判金融案件。此外，北京、杭州的互联网法院也在去年相继落成。前景解读：专业化集中管辖趋势明显，对中国商事诉讼律师的专业化发展、行业性纵深提出更高要求。

再次是2018年10月31日世界银行发布了《2019年营商环境报告》，显示中国营商环境在全球190个经济体中从第78位跃升至第46位，中国执行合同指标全球排名第6位，且中国在时间和成本两个指标因素上被评为解决商业纠纷的“世界最佳经济体之一”。前景解读：中国司法有效助力商业发展，为中国商事诉讼律师提供了更为广阔的发展空间与坚实保障。

### 担当：推进法治化

今年获奖的15位诉讼律师，普遍都具备20年上下的执业经历，可谓切身感知并深度参与了商事争议解决领域的一路发展，也必将跟随商事诉讼律师国际化、专业化的责任担当，迎接未来更多的机遇与挑战。

他们中的一多半均有法院或检察院从业经历，多年的案件审判经验或司法训练能令他们在法官与律师两种视角与思维中自如切换，比如中伦的张保生律师（山东省高院，4年）、君泽君的常毅律师（山东省某法院，4年）、竞天公诚的刘悦律师（北京高院，5年）、万慧达的明星楠律师（北京高院，4年）、嘉源蔡晨程律师（上海市黄浦区检察院、上海市人大内务司法委员会，6年）、君合的蔡黎律师（朝阳区人民法院，12年）、隆安的邱琳律师（北京某法院，8年）、大成的李影影律师（检察官，4年）。

作为中国法律职业共同体的一员，他们以工匠精神对待每一个案件，也用

Province respectively on June 29, 2018. This is a major measure aiming to strengthen international cooperation on the rule of law in the new era, and meanwhile provide legal services and judicial guarantee for the implementation of the Belt and Road initiative. By the end of 2018, the two international commercial courts had accepted and tried a number of cases involving international commercial disputes. Prospect interpretation: the diversity of the legal systems of the countries along the route of Belt and Road initiative and the complexity of international commercial disputes further clarify the internationalized development orientation of Chinese commercial litigation lawyers.

Secondly, Shanghai Financial Court was established and officially unveiled on August 20, 2018, indicating that financial cases will be under centralized jurisdiction and accepted and tried by specialized courts and judges. Furthermore, the Internet courts were inaugurated in Beijing and Hangzhou last year. Prospect interpretation: The trend of specialized and centralized jurisdiction is obvious, which puts forward higher requirements for China's commercial litigation lawyers in terms of the further in-depth development of the professionalism and expertise.

And last, according to the Doing Business 2019 released by the World Bank on October 31, 2018, China's business environment ranking moved up to No. 46 from No. 78 among 190 economies around the world, China's enforcing contract indicators rank No. 6 globally, and China is named one of the "best economies in the world" in solving commercial disputes in terms of time and cost. Prospect interpretation: China's judiciary effectively facilitates business development and provides a broader development space and robust guarantee for Chinese commercial litigation lawyers.

## Commitment: Promoting the Rule of Law

The winners of ALB China Top 15 Litigators this year generally have about 20 years' experience in legal practice. We could say that they have been deeply

involved in and grown with the development of China's commercial dispute resolution sector, and they will be the mainstays in the progress of internationalization and professionalization of China commercial litigation lawyers. It is a progress that would bring both opportunities and challenges.

And more than half of them have experiences of working in courts or procuratorates. Years of trial experience or judicial training enables them to look at cases from perspectives of judges and lawyers. Mr. Zhang Baosheng at Zhong Lun Law Firm had four years of experience working at Shandong High People's Court. Ms. Chang Yi at JunZeJun Law Offices worked with a court in Shandong Province for four years. Mr. Liu Yue at Jingtian & Gongcheng worked with Beijing High People's Court for five years. Ms. Ming Xingnan at WAN HUI DA Law Firm worked with Beijing High People's Court for four years. Mr. Cai Chencheng at Jia Yuan Law Offices previously worked at the Shanghai Huangpu People's Procuratorate and the Internal and Judicial Affairs Committee under Shanghai Municipal People's Congress for six years; Ms. Cai Li at JunHe worked at Beijing Chaoyang District Court as a judge for 12 years before joining JunHe; Ms. Lynn Qiu at Long An Law Firm worked at a court in Beijing for eight years; and Ms. Yingying (Lily) Li at Dentons Shanghai Office once served as a prosecutor for four years.

As members of the legal community of China, they handle each case with the craftsman spirit and promote the rule of law in China in a practical sense. In addition to handling cases, they put in plenty of time to provide legal aid or special services. They also actively take law related industry positions and participate in legislation work. Some of them work as doctoral tutors in law schools of universities, contributing to the cultivation of future legal talent.

Ms. Peng Ya, a partner at King & Wood Mallesons, is a member of the Financial Derivative & Internet Finance Law Committee of the Beijing Lawyers

实际行动推动中国的法治化进程。办案之余，他们投入大量时间提供法律援助或专项服务，也积极担任行业职务、参与立法，还担任高校法学院的博士生导师，注重对未来法律人的培养，其中包括：

金杜律师事务所的彭亚律师现任北京律协金融衍生品与互联网金融法律事务专业委员会委员，同时担任中国互联网金融协会惩戒委员会委员；立方律师事务所的谢冠斌律师，现任清华大学硕士研究生导师、北大竞争法研究中心研究员、北大国家知识产权研究中心研究员；竞天公诚律师事务所的刘悦律师现任朝阳区侨联法顾委委员；金诚同达律师事务所的周俊武律师出版的普法读物入选广电总局2016年度农家书屋重点图书推荐目录；中伦律师事务所的张保生律师编写了多部关于公司诉讼、证券诉讼实务专著，主笔起草了多项律师业务操作指引，还担任全国律协公司法专业委员会秘书长、中国证券法学研究会常务理事等多个行业职务。

在张保生律师看来，“担任行业职务、参与规范起草工作的初衷是将律师执业过程中的实务经验、所思所得分享给更多的法律人，为推动我国公司法和证券法的完善、资本市场法治化、中国律师整体执业水平提高贡献一定力量。对我而言，分享的过程也是对自己的知识和经验总结梳理、深入思考的过程，是繁杂办案日常中难得的沉淀机会。”

## 破解：五个关键词

因篇幅受限，ALB采访了其中五位十佳诉讼律师，并从与每位律师的对谈中提取了一个关键词，发现可以分别对应：商事诉讼律师的发展定位；商事诉讼律师应担的使命；成为优秀商事诉讼律师的前提条件；商事诉讼律师进一步可提升的空间；以及成为优秀商事诉讼律师的“门槛”、同时也是这个职业的魅力所在。

### 关键词1：成为“行业律师”

中伦律师事务所合伙人张保生律师从业年限24年，见证了中国商事争议解决领域的日趋专业和成熟，具体表现为：商业交易模式更加多样复杂，法律规定逐步细化，法院审判经验日渐丰富，律师执业水平也稳步提高。在张保生律师看来，“经过二十余年的发展，在新产业、新模式、新常态层出不穷的当下，中国商事争议解决律师身处变革的时代也拥有改变的力量，是受益者也应当是贡献者。”

## “诉讼”“非诉”相辅相成—— 专访大成高级合伙人李影影律师

### Tapping into both litigation and non-litigation fields- interview with Yingying (Lily) Li, Senior Partner at Dentons



**李影影律师**  
大成（上海）律师事务所  
高级合伙人  
**Yingying (Lily) Li**  
Senior Partner of  
Dentons Shanghai Office

**ALB:** 李影影律师在金融领域深耕多年，在多个业务领域都获誉创新和首例，请问您的经历为您的工作带来了哪些特别的优势？

**李律师:** 律师执业16年以来，我始终专注于银行与金融法律服务业务领域。得益于客户的信任及行业的发展，我的执业领域逐渐由不良资产处置延伸至信托、资管、资产证券化、债券发行等全行业领域，且兼顾诉讼代理服务与非诉承做工作。

我始终坚持诉讼与非诉平衡兼顾，因为一个好的诉讼律师若对专注领域非诉项目处理有扎实的沉淀，便能灵活、自信地应对一些重大疑难复杂案件；同时，做好非诉业务也需诉讼业务经验，以代理诉讼案件所积累的司法判例、司法倾向、清收处置流程等实操经验反哺非诉文本。

**ALB:** 可否请李律师简单介绍您负责过的比较有代表性的国内知名要案以及您解决问题的方法？

**李律师:** 以乐风移动香港有限公司、乐视控股、贾跃亭等金融借款合同纠纷案为例，通过多元化法律服务方案，我们协助银行在正式提起诉讼后的短短6个月内成功清收回款港币8亿余元，实现了大部分债权金额的安全回收。

法庭内，我们迅速的财产线索排查及财产保全，为客户赢得了最佳财产保全时机，也为后续工作争取了时间和谈判主动权。法庭外，我们积极推动债务重组/资产处置进程，协同寻觅合适的潜在债权/资产受让方并与其针对债权/质押股票的受让方案进行谈判、讨论和方案设计，代表银行至香港办理股票解质押及过户手续，最终顺利实现质押股票的处置。

**ALB:** 李律师有很多国际性重量级客户，请问您在工作中如何保持新鲜的全球视野和了解市场最新的动向？

**李律师:** 在大成与Dentons合并前，大成也在海外开设了分所。我是大成第一家海外办公室——大成新加坡王盟律师事务所的投资人以及派驻合伙人，也是大成纽约律师事务所投资人。在诸多涉外重大纠纷案件中，我着力培养和引入多语种法律人才、实时更新国际金融市场最新动向，并带领团队积极与国外知名律师事务所开展国际合作，致力于打造一支国际化律师团队。

**ALB:** 未来五年内您的工作上有什么计划与目标？

**李律师:** 在未来五年内，我将继续深耕于为银行、资产管理公司、信托公司、证券公司及其子公司、基金公司及其子公司、期货公司及其子公司等代理泛资产管理类、证券类诉争案件、不良债权清收案件以及其他重大疑难复杂金融案件。与此同时，我仍将带领团队致力于专业金融领域的非诉工作，在实践中充分发挥专业所长，亦不断实时更新金融监管动向、探索和积累最前沿的法律服务经验。

**ALB:** You have been deeply involved in the finance sector for many years and earned a reputation for being innovative and the first in many business areas. What special advantages does your experience bring to your work?

**Li:** I have been focusing on the banking and financial legal services for the past 16 years since I became a legal professional. Thanks to the trust of customers and the development of the industry, my practice area has been gradually extended from the disposal of non-performing assets to the whole industry of trust, asset management, asset securitization, bond issuance, etc. I also offer both litigation and non-litigation services.

I always insist on balancing both litigation and non-litigation areas, because a good litigator can respond flexibly and confidently to major and complicated cases if he has a solid background in non-litigation projects. Accordingly, practical experience in litigation, such as in judicial precedents, judicial orientation, and collection and disposal procedures, can help with the paperwork in non-litigation cases as well.

**ALB:** Can you tell us about a case you have handled and how you solved the problem for the client?

**Li:** Take the cases of Leview Mobile HK Limited, LeEco and Jia Yueting as example. Through diversified legal service solutions, We helped the bank recover HK\$ 800 million within just six months after the formal filing of the lawsuit, basically realising the recovery of the amount of claims.

In court, our prompt inspection of property and property preservation won the best opportunity for our client in terms of time and negotiation initiative for the following procedures. Outside the courtroom, we actively promoted the debt restructuring/ asset disposal processes, assisted in finding the suitable potential credit/ asset transferees and negotiated, discussed and designed their transfer plans. Then we represented the bank in the final successful stock pledge and transfer in Hong Kong.

**ALB:** You have many international heavyweight clients. How do you maintain a fresh global perspective and understand the latest trends in the market?

**Li:** Before Dacheng's merge with Dentons, the firm opened branches overseas. I am the founder, investor and former resident partner of Dacheng's first overseas branch- Dacheng Wong Alliance LLP. I'm also a sponsor for Denton's New York branch. When dealing with major foreign-related disputes, I focused on cultivating and introducing multilingual legal talents, keeping up with the latest trends in the international financial market, and leading the team to actively cooperate with foreign well-known law firms to build an international team of lawyers.

**ALB:** What are your plans and goals for your work in the next five years?

**Li:** In the next five years, I will continue to deepen my efforts in providing pan-asset management, securities claims and bad debt clearance services to banks, asset management companies, trust companies, securities, fund and future companies and their subsidiaries, as well as assisting in complex financial cases. At the same time, I will continue to lead the team in the non-litigation work in the finance field, showcase our strengths in practice, track the latest regulatory development, explore and accumulate the most cutting-edge legal service experience.

# COVER STORY

Association, and also a member of the Disciplinary Committee of the National Internet Finance Association of China. Mr. Xie Guanbin is a senior managing partner at Lifang & Partners. His other roles include the tutor for graduates at Tsinghua University, a research fellow of the Competition Law Research Center of Peking University, and a research fellow of the Institute for International Intellectual Property of Peking University. Zhong Lun's partner Zhang Baosheng has written a number of articles and books on practices of litigation lawyers specializing in corporate lawsuits and securities lawsuits. He was also the lead writer of a number of business operation guidelines. Furthermore, he serves as the Secretary General of the Corporate Law Committee of All China Lawyers Association (ACLA), executive director of the Securities Law Research Association of the China Law Society, and other industry positions.

"My initial intention of taking other

positions in the legal industry and participating in legislation drafting work is to share with other legal professionals my experiences in legal practice and what I have learnt from those experiences, in an attempt to contribute to the improvement of China's company law and securities law, promote the rule of law in the capital market, and help improve the overall practice level of Chinese lawyers," Zhang Baosheng said. "For me, the process of sharing is also a process of summarizing and taking a deeper reflection on my knowledge and experience. It is indeed a precious opportunity for me to stop working on those complicated cases for a while and take some time to think."

## Decoding: Five Keywords

We only interviewed five of the winners of ALB China Top 15 Litigators due to space limitations, and summarized one keyword for each interview with the lawyers. These five keywords respectively correspond to five aspects concerning commercial litigation

张律师指出，各个行业都在积极寻求新突破、新技术、新机会和新格局，行业的升级传导至法律服务领域，要求律师在保持专业性的同时，还要完成从“专业律师”向“行业律师”的过渡和转型。作为争议解决资深专家，张律师尤为擅长公司诉讼、证券诉讼与证券合规业务，代理过诸多“首例”、“创新型”、“影响力重大”的复杂商事诉讼案，其中包括：中国首例对出资不到位的股东限制股东权利诉讼案；中国第一大证券虚假陈述民事赔偿诉讼案；中国争议标的额最大的外资公司控制权争夺案；中国商务部首例对申请撤销外资企业批复和批准证书进行行政审查的行政案，等等。

张律师的成功经验朴素务实，但真正做到着实不易，“诉讼律师应扎根案件事实进行全面的分析，明确客户的商业目的和风险边界，准确把握客户的正当目的和合法权益，围绕客户的商业目标寻求合法和可行的解决方案，而不是一味‘起诉’或追求‘胜诉’。好的争议解决方案不仅要高屋建瓴、别出心裁，最重要的是要符合客户需求，可以实现客户的正当目的。诉讼律师要养成‘以解决问题为导向’的思维，诉讼不是目的而是手



隆安律師事務所  
LONGAN LAW FIRM  
Since 1992



同  
兴  
隆  
安

COLLABORATION  
FOR PEACE  
AND PROSPERITY

Room 188,  
Beijing International Club 21  
Jianguomenwai Street,  
Beijing 100020, China  
Tel: +86 10 6532 5588  
Fax: +86 10 6532 3768  
Email: beijing@longanlaw.com  
www.longanlaw.com

---

### About Us

Established in 1992, Long An Law Firm is one of the earliest privately owned law firms in China. Now, Long An, with over 200 partners and almost 1000 attorneys working in twenty-four offices, has been successfully serving and representing clients, many of which are Fortune Global 500 companies, for 26 years in various industries, including intellectual property, capital markets, finance, corporate, large-scale projects, international business, litigations and arbitrations. Long An has been consistently ranked an outstanding law firm by many well-known international legal rating agencies, including 11 of the Asia Top 50 Largest Law firms, China Top 30 Largest Law Firms, (by “Asian Legal Business”), as well as China Elite Top 30 (by “The Lawyer”).

### Key Practice Area

- 知识产权  
Intellectual Property
- 资本市场/证券  
Capital Markets/Securities
- 公司法与法律顾问  
Corporate & Legal Consulting
- 私募股权与投资基金  
Private Equity & Investment Funds
- 银行与金融  
Banking and Finance
- 兼并与收购  
Mergers & Acquisitions
- 房地产与建设工程  
Real Estate and Construction
- 国际业务  
International Business
- 诉讼、仲裁及其他争议解决  
Litigation, Arbitration and other Dispute Resolution
- 破产重整与清算  
Bankruptcy & Reorganization
- 劳动法  
Labor and Employment
- 高新技术(电信、娱乐与媒体)  
Technology, Media, Telecoms and Entertainment
- 家事与私人财富规划传承  
Family Law & Wealth Planning
- 海事海商  
Maritime
- 环境、能源与自然资源  
Environment, Energy and Natural Resources
- 医药与健康  
Pharmaceuticals and Healthcare
- 税务  
Taxation



## 专访ALB十五佳诉讼律师获奖者- 隆安律师事务所高级合伙人邱琳律师

### Interview with ALB top 15 Litigator Lynn Qiu, Senior Partner at Longan Law Firm



邱琳律师  
隆安律师事务所高级合伙人  
Lynn Qiu  
Senior Partner of Long An Law Firm

**ALB:** 作为诉讼律师的同时，您也一直强调为企业提供整体的解决方案，可否与我们分享一个实例？

**邱琳律师:** 我及我的前法官团队曾经累计审理和代理过5300余件案件，我们逐渐意识到，律师不仅是打官司，更要为客户提供整套商业解决方案，帮组企业渡过难关，助力企业发展。

以最近一个海外上市公司收购过程中的总标的3亿多元的对赌系列纠纷案为例，该案涉境内、外主体共计12方，横跨京、沪、深三地，管辖包括诉讼和仲裁，我方委托人陷于被群起攻之的局面。接受委托后，我们不只将客户在这场纠纷中的极度弱势扭转过来，还从争议中跳出，在更高层面推动问题的解决，以打促谈，将交易对方拉回谈判桌，推动达成多赢的一揽子和解协议，公司恢复正常运营并有新发展。商业上的多赢，又反过来促成了最优的争议和解条件，赔偿金降至原诉求的三分之一，且付款周期长达3年。

**ALB:** 您的微信签名是“既往不恋、当下不杂、未来不迎”，请问这对您的工作和生活有什么意义？

**邱琳律师:** 我希望自己可以从过往的经历中更加了解自己，以便做好当下的事情，并为不确定的未来做好准备。“既往不恋”可与理解为我和团队里的每一位律师从不自满于过去的小成就，因为每一次的肯定都是一次新的开始；“当下不杂”其实是在不断的提醒我，在这样一个繁杂、多变的社会中从事法律职业，不仅需要想很多、做很多，还要做到不乱、不杂，在自己预设的整体解决方案中极尽杂之能事，为企业保驾护航；“未来不迎”是指我喜欢坚定并勇敢地去拥抱不确定性以及保持好奇心，我是最高院互联网法院课题组的专家委员、工信部区块链专家库的入库成员，也较早关注CDPR，但这些好奇心从未动摇我内心的坚定或迷失执业的信条。

**ALB:** 律师是一个竞争激烈的行业，对于女律师而言尤为如此，我知道您做律师的时间并不长，这次获奖，您有什么想和大家分享的吗？

**邱琳律师:** 首先感恩隆安互相帮扶、提携新人的律所文化让我有机会去挖掘自己的潜能。其次，感谢我的团队，我的每一份成绩，都能看到他们镌刻的工笔。第三，一些非专业的事情，比如读书、健身、公益与社会责任对于我也非常重要。我喜欢阅读，我阅读的范畴也不仅仅局限于法律著论，还有经济、人文、科学。健身于我就像空气和水，因为实现一切梦想的前提是强健的体魄、旺盛的精力和持久的耐力。另外，除了“中国慈善信用榜”项目，我计划更多地参与到公益事业中去，提供无偿、专项的法律服务。

**ALB:** As a litigator, you have always emphasized the need to provide a holistic solution for your clients, could you share an example with us?

**Qiu:** My team of ex-judges and I have handled and heard more than 5,300 cases, and through the practice we gradually realized that lawyers are not only aiming for winning the cases, but also providing our clients with a complete set of business solutions to help these enterprises overcome difficulties and grow.

For example, in the case of the recent RMB300 million series gambling agreement disputes in the acquisition process of an overseas listed company, 12 domestic and foreign parties were involved. The case spanned across Beijing, Shanghai and Shenzhen, involving litigation and arbitration. Our client was caught in a situation where he was being attacked from every direction. However, we not only helped the client reverse the extreme situation, but also was able to come up with solutions to push the case forward at a higher level and pulled the counterparty back to the negotiating table to generate a win-win package settlement agreement. Our client company returned to normal operations and was able to resume its development. The progress in business has in turn contributed to the optimal dispute settlement conditions - the compensation has fallen to one-third of the original claim, and the payment cycle was extended to three years.

**ALB:** Your intro on WeChat says “what is gone is gone, what stays in focus stays in focus, what will be will be”. What does this mean to your work and life?

**Qiu:** I hope that I can learn more about myself from my past experiences so that I can do the right thing and prepare for the uncertainties of the future.

“what is gone is gone” means that I and my team would never be complacent about what we have achieved in the past, because every affirmation is a new beginning; “what stays in focus stays in focus” is actually a constant reminder that being a law professional in such a complicated and ever-changing society, I need to think a lot, do a lot, but at the same time, stay focused; “what will be will be” means that I like to firmly and courageously embrace the uncertainties of the future and maintain curios, but these curiosities should never cost me my creed.

**ALB:** You're in a competitive industry, especially as a female lawyer. I know that you have not been a lawyer for a long time, what would you want to share about your experience?

**Qiu:** First of all, I'm grateful for Longan's culture of helping each other and supporting new comers, giving me the opportunity to explore my own potential. Secondly, I'd like to express my gratitude to my team, they're behind all my successes. Thirdly, some non-professional things, such as reading, fitness, public welfare and social responsibility are also very important to me: my reading extends beyond legal publications to economics, humanities and sciences, fitness is essential to me because a strong body, ample energy and good endurance are critical to achieving any dreams; I also plan to participate more in public welfare undertakings.

lawyers, which are: the development orientation, the mission, the prerequisites for becoming excellent commercial litigation lawyers, the development space, and the “threshold” for becoming excellent commercial litigation lawyers, which is also the charm of this profession.

KEYWORD

1

## Becoming an “Industry-specific Lawyer”

Mr. Zhang Baosheng, a partner at Zhong Lun Law Firm, has been in practice for 24 years. He witnessed the growth and development of China’s commercial dispute resolution sector – becoming more and more professional and mature, which is manifested in the following aspects: transaction modes become more diversified, laws and regulations have more detailed stipulations, courts accumulate trial experiences, and the practice and professional levels of lawyers improve steadily. In Zhang’s opinion, “With more than 20 years of development, under the current circumstances of continuous emergence of new industries, new models and new normal, China’s commercial dispute resolution lawyers are in the era of change and meanwhile have the power to change; we are beneficiaries, thus we should also be contributors.”

Zhang pointed out that all industries are actively seeking new breakthroughs, new technologies, new opportunities and new patterns. The upgrading of industries has direct impact on the legal sector, requiring lawyers to transform from “professional lawyers” to “industry-specific lawyers”. As a senior legal expert in dispute resolution, Zhang is particularly good at securities litigation and securities compliance business. He has represented many complex commercial litigation cases: some are “the first of its kind in China”, some are “innovative types” and some have “significant

influence”. For example: a litigation case of limiting the rights of shareholders that fail to make adequate capital contributions, which is the first of its kind in China; a civil compensation law suit involving the false statement concerning China’s largest securities; a case involving dispute over the controlling right of a foreign-funded company with the largest subject matter; and an administrative case involving administrative review by the Ministry of Commerce of China on the application for the revocation of the approval reply and approval certificate for a foreign-funded enterprise, which is also the first of its kind.

Zhang’s successful experience is very practical and looks quite simple. But it does not mean it is an easy achievement. “Litigation lawyers must conduct a comprehensive study and analysis based on a good understanding of cases, clarify the business purpose and risk boundary of clients, accurately grasp the legitimate purposes and legal rights and interests of clients, and find feasible solutions according to their business objectives. ‘Filing a lawsuit’ or ‘winning a case’ should never be the only purpose. A good dispute resolution should not simply be strategically advantageous and unique, but the most importantly, it should meet the needs of clients and help them achieve their legitimate goals. Litigators should develop a ‘problem solving oriented’ thinking pattern. Litigation is not an end but a means. The ultimate purpose of litigation is to resolve disputes. In my opinion, the most exciting yet the most difficult thing about being a litigation lawyer is to settle disputes by determining the ownerships, realizing the return of the functional standard of litigation lawyers,” Zhang said.

KEYWORD

2

## The “No Litigation” Philosophy

Zhou Junwu, a senior partner at

段, 诉讼的最终目的是解决争议。在我看来, 做诉讼律师最过瘾也最难的一点是‘定分止争’, 实现作为诉讼律师功能本位的回归。”

### 关键词2: “无讼”哲学

金诚同达律师事务所高级合伙人周俊武律师在知识产权及影视娱乐领域执业长达25年, 办理了诸多国内知名热点案例, 如陈楚生与上海天娱传媒有限公司演艺经纪合同纠纷案、舞蹈《千手观音》著作权侵权纠纷案、刘强东先生及北京京东世纪贸易有限公司诉王伟及多家自媒体的系列名誉权侵权纠纷案等等。

作为一名优秀的诉讼律师, 周律师却是无讼哲学的信奉者与践行者。在周律师看来, 他提倡的无讼哲学, 与传统的“无讼”所提倡的“禁止于未然”不同, 他更看重的是如何在纠纷业已形成的情况下, 通过律师的法律技术和策略化解矛盾, 其核心是立足于解决纠纷, 本质在于客户利益最大化。

如何在纠纷中实现无讼? 周律师总结了最重要的两点:

第一是了解纠纷本身。也就是说, 在遇到每一个案例时, 都扎根深入客户和纠纷所涉及的行业领域, 懂客户的行业, 才能了解纠纷的根源。这一点在周律师代理的《千手观音》一案的过程中体现的淋漓尽致。为了证明《千手观音》并无抄袭, 周律师花费了大量时间观摩各种舞蹈作品, 研究舞蹈作品的创作理论、形式和规律, 与知名舞蹈家反复交流, 将舞蹈的各种动作和形式“翻译”成一般人都能理解的语言, 并在此基础上概括出特殊的侵权判定规则, 最终成功说服法院认定舞蹈作品不构成侵权。为《千手观音》舞蹈在残奥会等世界级舞台上的绽放保驾护航, 震撼全球。

也正是周律师的这种钻研精神, 令他早在“娱乐法”一词流行以前, 就早已通过对娱乐行业的深刻理解, 积累了许多忠实的娱乐行业客户, 令他成为国内最早一批从事娱乐法业务的行业律师; 也正是因此, 周律师才始终能保持对泛娱乐产业升级迭代的关注, 成为TMT领域名列前茅的资深律师。

第二则是以客户利益最大化为第一要义的办案原则。周律师认为, “当律师以解决纠纷的初心去面对客户的时候, 就必须要求律师始终将客户利益放在自己利益之前, 在可能的情况下, 律师应更多的着眼于客户利益最大化, 而不是故意引导客户进行诉讼, 即便这样可能会

Jincheng Tongda & Neal Law Firm, has been practicing for 25 years. He specializes in advising clients in the entertainment and film & television industries, and has an active practice in the areas of intellectual property rights, etc. He has handled many well-known domestic high-profile cases, such as the case involving disputes over a brokerage contract between Chen Chusheng (a singer) and EE-Media Co., Ltd., the case where Liu Qiangdong, Beijing Jingdong Century Trading Co., Ltd. sued Wang Wei for the infringement of the right to reputation. "The most difficult thing for a litigation lawyer is to make a choice: choosing a party concerned that you are willing to trust and believe what he did is reasonable, and then defend him with all your strength and uphold justice – to do the right lawsuit and win it, it is what I call 'to succeed in the right way.' And I think

it is the most interesting and exciting thing about being a litigator," Zhou said.

Zhou is a believer and practitioner of the "no litigation" philosophy. In Zhou's view, the traditional "no litigation" philosophy aims at educating people to "prohibit the litigation before it happens" when disputes have not taken place, and advocates "calming down the parties concerned in disputes". The purpose of "calming down the parties concerned in disputes" is not to assert rights and obligations, or to determine the rights and wrongs of the parties concerned, but rather to stop disputes and reduce contradictions. Nowadays, people are willing to solve problems through legal means. The government also emphasizes on strengthening the rule of law in social construction. Zhou believes that the "no litigation" philosophy should stress on when disputes

失去代理案件、收取代理费或者利用案件成名的机会。我自己提倡无讼的价值观，就是希望律师行业应着力避免一种不良倾向，因为私利而忘了问题和纠纷解决的本质，忘了律师行业立业之本。”

这样的诉讼价值观，让周律师“失”掉了一些客户，但“得”到的永远是客户利益的最大化与行业不断规范化发展的推动力，这是周律师认为的商事诉讼律师身肩的职责。

周律师坦言，“诉讼律师最难的地方在于选择：选择你愿意去相信、认为有理的当事人，并为其据理力争、行正义之事——去做对的案子并且争取最好的结果，客户利益至上，受人之托、忠人之事，唯有走正道才会取得长远的成功，即所谓的‘正道成功’，是我认为最过瘾也是最有趣之处，也是我们团队的核心服务理念。”周律师也不断毫无保留地推出娱乐法专业丛书，希望鼓励年轻律师也走向正道成功的律师之路。

**关键词3：厚积而薄发**

从业20年的大成律师事务所李影律师

## 嘉源律师事务所 JIA YUAN LAW OFFICES



嘉源是一家提供全面法律服务的综合性律师事务所，尤其擅长资本市场、兼并与收购、金融领域法律业务和国际业务。成立十几年来，建立了有效的公司化管理模式和紧密合作的团队作业机制，已经为上千家不同性质的企业（其中包括十余家世界五百强企业 and 数十家中国五百强企业）的股票发行及上市、资产重组、并购、投资等项目担任法律顾问，其中部分项目在资本市场具有深远影响及创新意义。嘉源以综合素质高、整体业务能力强以及以善于完成高难度项目、解决疑难问题而著称业界，同时以具备服务于大型、超大型企业的卓越能力而显赫业界。

### 特色业务领域

证券与资本市场、兼并与收购、银行与金融、私募股权投资与风险投资、国际业务、争议解决。

### 分支机构

#### 北京

地址：北京市西城区复兴门内大街158号远洋大厦F408室  
邮编：100031  
电话：86-10-6641 3377  
传真：86-10-6641 2855

#### 上海

地址：上海市黄浦区西藏中路18号港陆广场2703室  
邮编：200001  
电话：86-21-6045 2660  
传真：86-21-6170 1189

#### 深圳

地址：深圳市福田区金田路4028号荣超经贸中心2511室  
邮编：518035  
电话：86-755-8278 9766  
传真：86-755-8278 9577

#### 广州

地址：广东省广州市天河区华夏路8号合景国际金融广场901室  
邮编：510623  
电话：86-20-89817645  
传真：86-20-89815429

#### 西安

地址：西安市高新技术产业开发区西区玫瑰大楼304室  
邮编：710075  
电话：86-29-8831 4902  
传真：86-29-8831 4901

#### 香港

地址：香港上环德辅道中238号17楼  
电话：852-2520 6166  
传真：852-2527 5788



already exist, how to resolve or settle disputes by mediation or other necessary means that do not involve litigation. The core of this “no litigation” philosophy is to resolve disputes.

“It requires a lawyer always putting the interests of his clients above his own if his intention is to resolve disputes. A lawyer should make efforts to maximize the interests of his clients if possible, and should not intentionally guide his clients to be involved in litigations even if it means to lose the opportunities to represent cases, collect attorney fees or use the cases to gain fame. I advocate the ‘no litigation’ philosophy because I hope that we, the whole legal industry, would stay focused on the fundamental commitments of the legal profession while staying away from following the trend that people anxiously seek personal gains but forget about fulfilling their duty of solving problems and disputes,” Zhou said. He “loses” some clients because of the practice of the “no litigation” philosophy, but what he “gains” from it is the driving force for maximizing the interests of clients and the continuous standardized development of the industry – which Zhou believes are the responsibilities of commercial litigation lawyers.

KEYWORD

3

## Accumulation and Preparedness

Yingying (Lily) Li, a senior partner at Dentons, has 20 years of experience in legal practice and has made outstanding achievements in the areas of finance and pan-asset management. She completed many major litigation cases, achieved many ‘firsts’ and innovative ones, and gained wide recognition from counterparts.

Speaking about the responsibilities of China’s commercial litigation lawyers, and the opportunities and challenges facing them, Li said, “We should always

be conscientious and diligent and take due care.” She knows what it means when lawyers give professional advice to clients. “It is the duty of lawyers to safeguard the legitimate rights and interests of the parties concerned. It is not about what situations facing the parties concerned, it is about we should always try our best to do the job well, and then the opportunities will follow. I would say that nothing happens by chance, opportunity favors the prepared mind.”

In recent years, with the rapid development of the finance and pan-investment asset management, the dynamic adjustment and real-time updating of financial regulation is a challenge and also an opportunity for lawyers. It is the changes in the industry that urge lawyers to move forward, and the emergence of new types of cases pushes lawyers’ self-improvement. In Li’s opinion, leaving aside the technical difficulties of specific cases, litigation cases are essentially the assessment of the capabilities of litigation lawyers, that is, whether they have the sensitivity to grasp the core breakthrough point of the cases; and this sensitivity largely depends on whether lawyers can gain comprehensive knowledge and understanding of the business model, project practice, laws and regulations, and judicial tendency concerning the industry to which the case belongs.

“The capability to quickly summarize the essential points of case rulings is not gained only through the accumulation of litigation experience. It should be noted that a professional litigation lawyer must first have a solid hands-on experience in dealing with non-litigation projects in a certain field in order to build up sufficient confidence in making a right judgment about the development trend of cases when accepting major difficult and complex cases. To grasp the essential points out of the complexities of the cases serves

师在金融与泛资产管理领域建树颇丰，承办了大量重大诉讼案件，在诸项领域获誉创新和首例，在业内引起舆论关注和广泛讨论的同时，亦被行业内同仁盛誉为长于承办国内外知名大案要案及重大疑难项目。

但当谈及作为中国商事诉讼律师肩的职责、面临的时代机遇与挑战时，李律师仍感觉“要时时刻刻保持兢兢业业、如履薄冰的状态”。李律师深知律师给出的专业意见对客户意味着什么，“维护当事人的合法权益是律师的职责。当事人面临的困境不分大小，尽心做好每一件工作就会有有机遇降临；反过来说，没有偶然，机遇的另一重涵义应当是水到渠成。”

近年来随着金融泛资管领域高速发展，金融监管的动态调整与实时更新对律师而言既是挑战也是机遇。但正是行业的变革推动律师不断向前发展，新型案件的层出不穷更倒逼律师的自我提升。在李律师看来，抛开具体案件的技术难点不谈，诉讼案件本质上都是对诉讼律师同一种能力的考核，即是否具备抓住案件核心突破点的敏锐度，而这种敏锐度很大程度上依赖于律师对案件所属行业业务模式、项目实践、法律法规、司法倾向的综合把握。

李律师强调，“当然这种快速提炼案件裁判要旨的能力不仅限于诉讼经验上的积累，须知一个专业的诉讼律师首先得是对单个领域的日常非诉项目处理有着扎实的沉淀，方能在接受重大疑难复杂案件时对案件走势的判断有足够的底气。实际上对绝对大多数的案件而言，真正影响案件走向、左右法官判断的核心要点只有一到两个，面对繁冗的枝节问题、海量错综的非核心信息，能够快速提炼案件的裁判要旨以及能够助益当事人在裁判要旨上获得支持的关键事实信息、法律依据，是考验一个诉讼律师是否专业的核心标准。”

## 关键词4：让法律更懂商业

隆安律师事务所高级合伙人邱琳律师从业14年，其中8年法官生涯，6年律师生涯，她和她的前法官团队累计审理和代理案件超过5300件。在过去的一年中，邱律师代理某海外并购引发的标的逾3亿元的系列对赌纠纷，以打促谈，最终促成各方共赢的一揽子和解协议，并为客户公司的再次起航奠定了基础；邱律师还成功代理了某银行、券商标的逾3亿元的股票质押式回购纠纷、某能源股份有限公司长达二十年的历史积案、某地产集团逾70亿资产被超标的额保全的股权转让纠纷，以及某医药集团

as a core benchmark for a professional litigator,” Li stressed.

KEYWORD

4

### Make the Law Know the Business Better

Lynn Qiu, a senior partner at Longan Law Firm, has 14 years’ experience in legal practice, including eight years as a judge and six years as a lawyer. She and her team have represented more than 5300 cases so far. According to her clients, she knows judge’s thinking patterns and knows very well judicial procedures, and she is good at switching between different roles in order to maximize interests of clients. Qiu Lin believes that an excellent commercial litigation lawyer should not only be like

a “weapon” used in litigation or arbitration, he should also be a partner of entrepreneurs to help the commerce community to be more harmonious and facilitate social development. “We hope that more and more practitioners will join us in making the legal profession to know better about the commerce community to satisfy the increasing demands of customers for higher-quality legal services,” Qiu said.

Qiu foresees that while the Internet Plus, artificial intelligence (AI) and big data help upgrade the legal industry, they also lead to disruptive changes in the work mode and cost structure of the legal services. As the head of the commercial litigation team of Longan, Qiu has a clear plan on how to lead her team to gain the initiative in the coming reforms. According to Qiu, “First, we will use legal technology to reconstruct the

逾2亿元股权转让再审查。

在客户眼中，邱琳律师深谙法官思维及司法程序，懂得在角色切换中为客户赢取最大利益；邱琳律师坚信优秀商事诉讼律师不应当只是诉讼、仲裁中的“核武器”，更应当是企业家的伙伴，助力商业社会更和谐、社会发展更美好。

邱琳律师预见到互联网+、AI及大数据在助力法律行业升级迭代的同时，也导致法律服务业工作模式、成本结构发生了颠覆性变革。作为隆安商事诉讼负责人，她在如何带领隆安团队在下一轮变革中赢得主动权，有着清晰的部署。据邱琳律师介绍，“首先，运用法律科技重塑律师团队的组织管理，基于大数据分析做定向挖掘，进行高端人才的招录；其次，业务流程产品化和精品化，将争议案件肢解、拆分，把可以标准化、流程化的前期工作进行标品打造；第三，运用大数据的思维和工具，革新案件的处理方式；第四，筹建“法与经济研究院”，让大数据不仅作为案例检索、法规查询等个案办理的辅助工具，更成为对客

**JT&N**  
金诚同达律师事务所

**JT&N leads you to the solution**  
金诚同达引领您  
直达解决方案

总部：北京市朝阳区建国门外大街1号国贸大厦A座10层  
10th Floor, China World Tower A, No. 1 Jianguo  
Menwai Avenue, Chaoyang District, Beijing 100004  
电话：86-10-5706 8585  
传真：86-10-8515 0267

[www.jtnfa.com](http://www.jtnfa.com)

organization and management of the team and recruit specific high-end talents based on big data analysis; secondly, we will standardize and subdivide the business process to further break down cases into smaller categories, and set up templates and samples for the preliminary work that can be standardized; thirdly, big data thinking and tools will be adopted to innovate the ways of handling cases; and fourthly, we are planning to set up the legal and economic research institute to harness big data not only as a supplementary tool for case retrievals and law and regulation inquiries, but also as a business development tool to realize the graded management of clients and predict the development trend of the industry.”

But in fact it is quite difficult to lead the whole team, especially the young lawyers in the team, to break free from pure legal thinking, and guide them into business thinking from the first step of drafting the preliminary representation plan. Qiu told ALB, “To help young lawyers develop empathy at work and business-oriented thinking pattern, we need to guide them to put down their stubbornness and arrogance about being a lawyer, and then make a breakthrough from there. When helping young lawyers grow, we should not only focus on helping them improve their legal skills, but pay more attention to helping them readjust their thinking mode and establish the sense of service.”

KEYWORD

5

## Showcasing Comprehensive Capabilities

Weiguo (William) Yang is a senior partner in the Dispute Resolution group of Guantao Law Firm, and he is one of the executive partners in the Beijing Office. He has 11 years' experience of legal practice. Yang has worked with Guantao for five years; and under his leadership, his team has handled many important and complex cross-border and domestic cases.

Before joining Guantao, Yang, as a member of the team of core lawyers,

represented Wahaha in dealing with the joint venture dispute between Danone and Wahaha. and represented Hubei Gezhouba Sanlian Industrial Co., Ltd. and Hubei Pinghu Cruise Co., Ltd. in the product liability dispute with Robinson Helicopter Company, Inc. Yang is also deeply involved in the cases where the relatives of PRC passengers on board MH370 sue against Malaysia Airlines. He is the barrister who appears in court for many Chinese plaintiffs. The case is still in litigation because it involves many complex procedural and substantive legal issues.

Yang believes that while the competition is becoming more and more intense in the globalization and the economy is generally slowing down, various types of commercial disputes take place more frequently. On the one hand, it provides more work opportunities for commercial litigation lawyers; on the other hand, it requires lawyers to have more comprehensive professional knowledge and capabilities to solve new types of disputes.

“Taking a large dispute resolution case represented by me and my team as an example, it involves in-depth knowledge concerning a series of substantive laws and procedural laws, such as contract law, company law, tort liability law, intellectual property right law, tax law, arbitration law, and international judiciary (cross-border recognition and enforcement of extraterritorial court rulings), which requires the comprehensive use of litigation, arbitration, complaints, media public relations, commercial negotiation and other means and measures. Meanwhile, we need to deal with all kinds of parties concerned, government departments and judicial organs at home and abroad,” Yang said. He believes that the dispute settlement can be a chance for lawyers to test, showcase and make full use of their comprehensive capabilities. According to Yang, the moment that he gets the sense of achievement is when he, by harnessing his professional skills and expertise, overcomes all kinds of obstacles, solve different

户分级管理、对行业发展趋势进行预判的市场发展工作。”

但带领整个团队、特别是团队里的年轻律师从纯粹法律思维里跳脱出来、从起草初步代理方案起就注入商业思维，其实很难。邱律师告诉ALB，“换位思考、商业思维的建立，需要帮助年轻律师先放下法律人的固执和傲娇，不破不立。所以，我们帮助年轻律师成长的时候，不仅限于法律技能的打磨，更注重思维方式的调整和服务意识的建立。”

## 关键词5：综合能力的展示

杨伟国律师是观韬中茂以最快速度晋升为高级合伙人和办公室执行合伙人的律师，执业年限11年，目前是观韬中茂争议解决业务的主要负责合伙人。自加入观韬至今的5年中，带领团队处理了诸多重大复杂的跨境及国内案件。

加入观韬之前，曾作为核心律师之一，代表娃哈哈集团处理与法国达能的合资纠纷系列案件，代理湖北葛洲坝三联实业股份有限公司和湖北平湖旅游船有限公司处理与美国罗宾逊直升机有限公司产品责任纠纷案等多个业界知名案例。目前，杨律师也深度参与马航公司MH370中国乘客家属索赔诉讼系列案，担任多名中国家属的出庭代理律师和案件负责人。因该案涉及诸多复杂程序和实体法律问题，目前仍在诉讼中。

杨律师认为，在国际化和全球化竞争愈发激烈且经济环境总体趋势下行的情况下，各类商事纠纷更加多发，一方面给商事诉讼律师提供了更多业务机会，另一方面也要求律师本身具备更加全面的各行业专业知识以及解决有别于传统业务的新型纠纷的综合能力。

“以我和团队代理的一起大型争议解决项目而言，深度涉及合同法、公司法、侵权责任法、知识产权法、税法、仲裁法、国际私法（跨境承认与执行域外法院判决）等多方面实体法和程序法的业务知识，需要综合运用诉讼仲裁、投诉、媒体公关、商业谈判等各项途径和措施，还需同时应对境内外不同类型和风格的当事方主体、政府部门及司法机构等”。杨律师认为争议解决业务最能考验、展示、发挥律师的综合能力，最具成就感的时刻恰恰是通过自身的专业经验，克服种种障碍，解决每个案件中不尽相同的难点，最终胜诉并协助客户实现商业目标。

difficulties in each case, and ultimately win the lawsuit and help clients achieve their business goals.

### Sharing: What Underlying Capabilities Have Never Changed?

Being conscientious and meticulous. "It is critical to be conscientious and meticulous in doing anything. I ask my team members to develop a down-to-earth attitude at work and pay attention to details; I also ask them to study each new rule and case carefully to ensure that each case is handled in an extremely accurate manner," said Yingying (Lily) Li.

Effective communication. "What is effective communication? It is not only to communicate the progress of a case or project in a timely manner, but also to understand the needs and goals of clients and obtain more detailed

information through communication. And the most importantly, it is to help clients achieve their goals to the maximum extent within the scope permitted by law," Zhou Junwu pointed out.

Knowing how to cooperate. "The greatest change in this era is the opportunities and challenges brought about by legal technology and artificial intelligence. The Internet economy has thoroughly eliminated the time and space limitations, thus the brand effect of lawyers will be magnified in the Internet era, and the law of 'the strong will always be strong' is more prominent. However, no matter how excellent a lawyer is, under the current circumstance in this era, he is not able to face so many challenges and pressures. We must learn to communicate and cooperate, select talents with common values to form teams, and form strong alliances with complementary advantages," Zhou added. <sup>ALB</sup>

### 分享：哪些底层能力从未改变

认真。“做任何事情最怕‘认真’二字，我要求团队律师自觉养成踏踏实实做好工作中的每个细节，对每一份新规、每一案判例都作深究，确保每一个案件的处理都极尽准确、精确。”大成的李影影律师提到。

有效沟通。“何谓‘有效沟通’？其不仅仅在于及时沟通案件或项目的进展情况，更在于通过沟通去了解客户的需求与目标、获取更多细节信息，以及最为重要的是，在法律允许的范围最大限度地协助客户实现目标。”金诚同达的周俊武律师指出。

懂得协作。“这个时代最大的变革莫过于法律科技和人工智能带来的机遇与挑战。互联网经济彻底打破了时空限制，律师的品牌效应也将在互联网时代被放大，‘强者恒强’规律凸显，但再优秀的律师在这个时代环境下都不足以面对如此多的挑战与压力，必须学会沟通协作，选择有共同价值观的专业人员组建团队，形成优势互补与强强联合。”周律师补充道。 <sup>ALB</sup>

SINCE 1999



# WANHUIDA PEKSUNG

## IP GROUP

WAN HUI DA LAW FIRM & WAN HUI DA  
IP AGENCY & PEKSUNG IP LTD.

# EXPERTISE MAKES IT POSSIBLE<sup>®</sup>

万 慧 达 北 翔

+86 10 6892 1000

+86 10 6894 8030

whd@wanhuida.com

T Head Office:  
F Yiyuan Office Building,  
E Friendship Hotel,  
 1 Zhongguancun Street  
 South, Beijing 100873

www.wanhuida.com www.peksung.com