北京德和衡律师事务所
BEIJING DHH LAW FIRM



# DAI Yue

Equity Partner


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## Practice Focus

Litigation for Financial Institutions
Disposal towards Troubled Assets
Bankruptcy and Liquidation
Commercial Arbitration
Legal Due Diligence
Securities Litigation
Misrepresentation in Securities Market
PE and Assets Management
Enforcement
Perennial Legal Adviser

## Experience

Ms. DAI passed Chinese BAR exam in 2006, and archived Chinese Securities Practice Qualification, Fund Qualification Certificate and Certification of China Banking Professional.

After being an inhouse legal advisor in a Belgium company for years, Ms. DAI started worked in a commercial bank for 6 years since 2007. In the Legal & Compliance Department and Asset Management Department of the bank, she got promotion to be a deputy manager and led a team of 5-6 young staffs, being responsible for all the law-related work of the bank's Beijing branches and all the subbranches and departments, including but not limited to reviewing contracts, managing litigation work, AML, regulation compliance, white collar crime, etc.

In 2013, Ms. DAI was admitted to University of International Business and Economics as a doctoral candidate in law school, making research about economic and financial laws and regulations in the direction of Chinese securitization. In 2015-2016, funded by the Chinese States Scholarship Fund from China Scholarship Council, she went to U.S. as a

visiting scholar and a joint PhD student to research on legal regulations on U.S. securitization. When she did her visiting research in Temple University Beasley School of Law under the guidance of Professor Jonathan C. Lipson, Ms. DAI completed the substantial part of her doctoral dissertation. Then she took intern in Blank Rome LLP's Philadelphia Office, and participated in a securitization program of BR LLP's New York office which underlying assets is the payment right of preferred stock profit (CLO).

After coming back from U.S., Ms. DAI achieved her doctor degree of economic law in 2018, then she started her attorney career. In 2019, she obtained Chinese Legal Professional Qualification Certificate and became a professional attorney at practice. In 2020, Ms. DAI jointed DHH and became a partner of DHH and the Joint Management Director of DHH at the end of 2022. Then at the end of 2023, Ms. DAI started leading the Financial Law Department (in Competition Law Centre) which comprises 2 experienced attorneys now.

Ms. DAI's practice areas are about litigation for financial institutions, securities litigation, disposal towards troubled assets, misrepresentation in securities market?bankruptcy and liquidation, PE and assets management, commercial arbitration, enforcement, corporation legal works, foreign legal works, etc.

**Representative Cases & Programs**
**Litigations**

- On behalf of an investment bank, a trust company and institutional investors, disputes about securitization product (CMBS) documents and trust contracts towards a real estate group holding company (2 cases?totally over RMB 5 billion)
- On behalf of an investment bank, a trust company and institutional investors, dispute about securitization product (CMBS) documents and trust contracts towards a real estate group holding company (over RMB 2.6 billion)
- On behalf of an investment bank and an AMC, dispute about a listed credit debt (over RMB 1 billion)
- On behalf of a policy bank, dispute about a cross-border loan towards a company in Tajikistan with a project of petroleum refinery units which is a key program under China's Belt and Road Initiative, and the international commercial arbitration case has been featured in the *Chaoyang Lawyer Foreign-Related Legal Services White*

*Paper* (over USD 13 million)

- On behalf of a fund company and a policy bank as its investor, disputes about private equity investment contracts (2 cases)
- On behalf of a trust company, dispute about securities misrepresentation under a private placement debt of small and medium-sized enterprises
- On behalf of a trust company, dispute about trust contracts
- On behalf of a commercial bank?the first nationwide state-owned joint-stock commercial bank in China, which was listed on the Hong Kong Stock Exchange in June 2005 and on the Shanghai Stock Exchange in May 2007, and ranked 9th among global banks in terms of tier-1 capital in 2023?, disputes about fixed assets loan contracts and other loan contracts (over 30 cases), tort, batch litigation proceedings concerning a portfolio of micro-lending products (over 50 cases)
- On behalf of a commercial bank, disputes about loan contracts and real estates (over 20 cases)
- On behalf of trust company, dispute about application for canceling an arbitration award
- On behalf of trust company in the power industry?dispute about agreements of transfer and repurchase towards beneficial right to asset returns under a national project for caprolactam production (over RMB 729 million)
- On behalf of an AMC (one of the four major AMCs in China), dispute about tort liability related to an asset transfer transaction
- On behalf of an AMC (one of the four major AMCs in China), dispute about disposition of a large-scale commercial real estate (over RMB 13.75 billon)
- On behalf of a listed company, dispute about bidding for purchasing services, including application for confirmation towards the validity of an arbitration agreement
- On behalf of a commercial bank, disputes about credit card contracts (over 2000 cases)
- On behalf of a commercial bank and its branches, dispute about bank settlement contracts, including complex cross-border legal issues about applying U.S. laws and Hong Kong laws (over RMB 100 million and totally over RMB 600 million)
- On behalf of a commercial bank, disputes about tort liability concerning selling financial products, achieved a loss mitigation rate that was 25% higher than the average for the series of lawsuits (2 cases)
- On behalf of a nuclear power group company, dispute about equity transfer contracts
- On behalf of a nuclear power group company, dispute about an administrative litigation

- On behalf of a metallurgy group company, dispute about recourse
- On behalf of a bank, dispute about loan contracts and bankruptcy
- On behalf of a trust company and a commercial bank as its investor, disputes about stock payment right transfer and repurchase contracts and bankruptcy?2 cases?
- On behalf of a trust company and a commercial bank as its investor, disputes about off exchange stock pledged trust loan contracts?2 cases?
- On behalf of a commercial bank, disputes about PE custodian contracts?4 cases?
- On behalf of a former legal representative of a listed group company, issuing expert witness about recognition and enforcement of a Chinese Arbitral Award at United States District Court Central District of California Western District
- On behalf of a third-party payment company and an AMC, disputes about termination contracts towards equity holding of a commercial bank
- On behalf of a controlling shareholder of a listed company, disputes about the effectiveness of a corporate resolution

**Non-Litigation Programs**

- For a policy bank, a program about financial innovation for supply chain finance
- For a policy bank, providing legal services of witnessing legal counsel for bulk asset transfer bidding
- For a fund company and a policy bank as its investor, programs about risk disposal under private equity investment contracts
- For a commercial bank, programs about risk disposal of credit projects, including but not limited to fixed-asset credit projects and pension credit projects
- For a commercial bank, programs about the bulk portfolio resolution of inclusive finance small-value loans
- For a trust company, a program about securities misrepresentation of a private placement debt of small and medium-sized enterprises
- For an AMC?a central state-owned financial enterprise jointly founded by the Ministry of Finance and the National Council for Social Security Fund upon approval from the State Council?, programs about M&A towards targeted company and real estate projects?over 10 programs?, e.g. issuing a memo about legal validity and enforceability of a board resolution by Bermuda laws and regulations
- For an investment bank and an AMC, a program about risk disposal under a listed credit debt

- For rural credit cooperatives, a program about modifying and optimizing model forms of credit contracts
- For a commercial bank, a program about disposal towards underlying assets of a collective trust investment
- For a province government-owned assets supervision and administration commission holding company, a program about disposal towards liquidation of listed company non-public stock through PE
- For a controlling shareholder of a listed company, a M&A program about valued assets

**Perennial Legal Adviser**

- Offering perennial legal service for a listed company in communications industry, including but not limited to amending contracts and legal documents, legal consults, labor legal issues, internal compliance and corporate governance, legal negotiations, legal crisis resolution, issuing attorney letters, etc.
- Offering perennial legal service for a policy bank, including but not limited to research on legal system and specific legal issues, expert witness of troubled assets disposal programs, making analysis reports about strategy and legal risk for lawsuits and arbitrations, AML, compliance and internal control system construction and improvement, legal work related to international economic and financial organization, legal training, etc.
- Offering perennial legal service for an insurance group corporation, including but not limited to daily legal consult, insurance compliance, AML, legal training, etc.

**Education Background**

Visiting Scholar and Joint PhD, Temple University / Philadelphia

Master of Law, University of International Business and Economics / Beijing

Doctor of Law, University of International Business and Economics / Beijing

**Publications**

**Author**

- *Research on Legal Regulations and Improvement of Asset Backed Securities,* Doctor Degree Paper (2017)
- *A Comparative Study on the Legal Regulations on True Sale in Asset Securitization,* Published in Contemporary Economic Management (Chinese

Social Sciences Citation Index Extended) Vol.5, 2016

- *Research on Legislation System of True Sale in American Securitization,* Published in Securities Market Herald (Chinese Social Sciences Citation Index) Vol.12, 2015
- *Legal Responsibilities of Commercial Banks as Originators in Chinese Financial Assets Securitization,* Published in Hebei Law Science (Chinese Social Sciences Citation Index Extended) Vol.6, 2015

**Editor**

- Deputy Chief Editor, *Thematic Interpretation and Practical Guidance for Frontier Legal Issues on Resolution of Commercial Bank Dispute,* Law Press China, Frist Edition, 2021
- Editor for the Chapter of Bank Financial Products, *White Paper about Big Data of Dispute Resolution about Chinese Asset Management in 2018-2020*, 2021

**Honors**

- Listed in the Talent Pool about International Attorneys of Beijing Bar Association, since 2023
- Listed in Securities Legal Research Committee of Beijing Chaoyang District Bar Association, since 2023
- An international commercial arbitration case is selected for *The White Paper on International Legal Services of Attorneys in Beijing Chaoyang District,* 2023
- Listed in LexisNexis?40under40?Legal Professional Elite List, 2022
- A practice and career advisor for graduate students at University of International Business and Economics, since 2020
- Chinese States Scholarship Fund from China Scholarship Council, 2015-2016
- An excellent staff of a commercial bank (top 5%), 2012