



## **Dr Helena H. C. Chen (陈希佳 博士)**

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Helena has vast experiences in arbitration, infrastructure projects and cross-border investments. Helena has been named to the International Who's Who of Construction Lawyers for many years from 2011 and was featured in a roundtable discussion by Who's Who Legal (Roundtable: Construction 2013). She is listed as a Recognized Practitioner in the category of Construction by the Chambers.

Helena is qualified in Taiwan, mainland China and New York State. She received PhD in Law degrees respectively from Peking University and Taiwan University. She has served as sole, chair or co-arbitrator in over 80 arbitrations, under the rules of the ICC, SIAC, HKIAC, CIETAC, BAC/BIAC, SCIA, SHIAC, CAA etc. She has also served as sole arbitrator in expedited proceedings. Matters have included shareholder disputes, joint venture disputes, intellectual property and licensing disputes, construction disputes and infrastructure projects, energy and resources, manufacturing, cross-border transactions and investments, and general commercial contractual disputes.

Helena's experience as arbitration counsel includes representing clients in international arbitrations under the arbitration rules on the ICC, DIAC, CIETAC, HKIAC, CAA, etc. Helena is a Fellow of the Chartered Institute of Arbitrators. She is included in the Roster of International Arbitrators (edited by Hans Smit & Loukas Mistelis) and on the Panels of Arbitrators of the following institutions: ICDR, SIAC, HKIAC, CIETAC, BAC/BIAC, SCIA, SHIAC, AIAC, KCAB, ACICA, CAA, VIAC, Arbitration Center Across the Straits, PIAC, THAC etc.

She is an accredited adjudicator with AIAC and listed as one of the Recommended Experts of the Construction Dispute Board (DB) of BAC/BIAC and CAA.

Helena is listed as one of the 32 PPP Experts in the legal sector in the database maintained by the PPP Center of the Ministry of Finance of the PRC (PPP Center) and led the Pinsent Masons team to prepare PPP Contract Guidelines on the request of the PPP Center. She also prepared PPP case study reports and PPP sample contracts for the PPP Center in the capacity as an international consultant with the Asian Development Bank. She is also the convener of CIETAC's PPP Industry Arbitration Group, one of the members of the PPP Expert Committee of the South China International Economic and Trade Arbitration Commission (also known as the Shenzhen Court of International Arbitration, SCIA) as well as one of the members of the BAC/BIAC's PPP Research Group.

Helena has provided legal opinions on arbitration law and choice of law issues to the Supreme People's Court of the PRC.

Helena is fluent in English, Mandarin Chinese, Taiwanese and Hakka.

### **Professional Qualification and Membership**

Helena is qualified in Taiwan, Mainland China and New York State.

#### **Arbitration**

- Fellow of the Chartered Institute of Arbitrators (FCIArb, UK, since 2010)
- Fellow of International Dispute Resolution Academy (IDRA)
- Director, China Chamber of International Commerce (CCOIC)
- Committee Member, Arbitration and ADR Committee, ICC China (since 2017)
- Founding Officer of Taiwan Chapter of the Chartered Institute of Arbitrators, East Asia Branch
- Founding member of China International Arbitration Professionals 30 (CIAP30)
- Panel of Arbitrators, International Centre of Dispute Resolution (ICDR, the international division of the American Arbitration Association)
- Panel of Arbitrators, Chinese Arbitration Association, Taipei (CAA, since 2003)
- Panel of Arbitrators, Singapore International Arbitration Centre (SIAC, since 2011), Member of SIAC Users Council
- Panel of Arbitrators, Hong Kong international Arbitration Centre (HKIAC)
- Panel of International Arbitrators, Korean Commercial Arbitration Board (KCAB)
- Panel of Arbitrators, Asian International Arbitration Centre (AIAC)
- Panel of Arbitrators, Australian Centre for International Commercial Arbitration (ACICA)
- List of Practitioners, Vienna International Arbitration Centre (VIAC)
- Panel of Arbitrators, China International Economic and Trade Arbitration Commission (CIETAC, since 2008)
- Panel of Arbitrators, Arbitration Center Across the Straits (ACAS)
- Panel of Arbitrators, South China International Economic and Trade Arbitration Commission (also known as Shenzhen Court of International Arbitration, SCIA)
- Panel of Arbitrators, Shanghai International Economic and Trade Arbitration Commission (also known as Shanghai International Arbitration Center, SHIAC)
- Panel of Arbitrators, Beijing Arbitration Commission (also known as Beijing International Arbitration Center, BAC/BIAC)

- Panel of Arbitrators, Shanghai Arbitration Commission (China)
- Panel of Arbitrators, Wuhan Arbitration Commission (China)
- Panel of Arbitrators, Shenzhen Arbitration Commission (China)
- Panel of Arbitrators, Guangzhou Arbitration Commission (China)
- Panel of Arbitrators, Xiamen Arbitration Commission (China)
- Panel of Arbitrators, Xi-An Arbitration Commission (China)
- Panel of Arbitrators, Shijiazhuang Arbitration Commission (China)
- Panel of Arbitrators, Chongqing Arbitration Commission (China)
- Panel of Arbitrators, Langfang Arbitration Commission (China)
- Panel of Arbitrators, Harbin Arbitration Commission (China)
- Panel of International Arbitrators, APAC Arbitration Center (USA)
- Panel of Recommended International Arbitrators, Pacific International Arbitration Centre, Vietnam (PIAC)
- Panel of international arbitrators, Thailand Arbitration Center (THAC)
- Supervisor, CAA
- Chairperson, Mainland China Affairs Committee of CAA

### **Mediation**

- Associate Mediator, Singapore Mediation Centre
- Vice-Chairperson, Mediation Center of CAA
- Panel of Mediators, China Council for the Promotion of International Trade/China Chamber of International Commerce Mediation Center (CCPIT/CCOIC Mediation Center)
- Counsel, Hebei Mediation Center of China Council for the Promotion of International Trade
- Panel of Mediators, Taiwan-related and Pilot-Free-Trade-Zone-related ADR Mechanism, Arbitration Center Across the Straits
- Former Mediator, Taiwan Taipei District Court

### **Others:**

- Accredited Adjudicator, Asian International Arbitration Centre (AIAC)
- List of Recommended Experts of the Construction Dispute Board (DB), Beijing Arbitration Commission (BAC/BIAC)

- Panel of “Master Chang,” Mainland Affairs Council of the Executive Yuan in Taiwan
- Patent Attorney (Taiwan)
- Former Deputy Secretary-General, Taipei Bar Association
- Former Founding Supervisor, Taiwan Construction Law Society
- Former Director, Taiwan Construction Law Society

## Education

Ph.D. in Law- National Taiwan University (Taiwan)	Ph.D. in Law- Peking University (China)
LL.M.- National Taiwan University (Taiwan)	LL.M.- University of Washington (Seattle, USA)
LL.B.- National Taiwan University (Taiwan)	

## Career

Pinsent Masons LLP (Beijing)	2014 to date
Formosan Brothers, Attorneys-at-Law (Taipei)	2011 - 2014
King and Wood (Beijing)	2009 - 2011
Formosan Brothers, Attorneys-at-Law (Taipei)	1998 - 2014

## Recent Publication (Books in English)

- Co-Author, Annual Review of Commercial Arbitration in China (2017), in Commercial Dispute Resolution in China: An Annual Review and Preview (2017), 1-56 (Wolters Kluwer, 2017)
- Predictability of the “Public Policy” in Article V of the New York Convention under Mainland China’s Judicial Practice, Kluwer, 2017.
- Co-Author, Annual Review of Commercial Arbitration in China (2016), in Commercial Dispute Resolution in China: An Annual Review and Preview (2016), 1-52 (Wolters Kluwer, 2016)
- Co-Author, Taming the Unruly Horse? The New York Convention’s Public Policy Exception to the Enforcement of Arbitral Awards, in Legal Thoughts between the East and the West in the Multilevel Legal Order – A Liber Amicorum in Honour of Professor Herbert Han-Pao Ma, 575-595 (Springer, 2016).
- Co-Author, Annual Review of Commercial Arbitration in China (2015), 32(1) Construction Law Journal 6-44 (2016).
- Co-Author, China Chapter, in Getting the Deal Through—Construction 2016 & 2017 (Law Business Research Ltd., July 2015 & July 2016)
- Taiwan Chapter, in Getting the Deal Through—Construction 2014, 2015, 2016 & 2017 (Law Business Research Ltd., August 2013, August 2014, July 2015 & July 2016)

- Author, Taiwan Chapter, in *Getting the Deal Through—Arbitration 2013 & 2016* (Law Business Research Ltd. January 2013 & January 2016).
- Co-Author, Taiwan Chapter, in *The Funding and Costs of Civil Litigation: A Comparative Perspective* (Hart Publishing, UK, 2010).

#### **Recent Publication (Periodicals in English)**

- New Changes to Arbitration Framework in China's Pilot Free Trade Zone, 2017(2) *International Arbitration Law Review*, N-1-N-2 (April 2017).
- Can Concession Agreement Disputes be Arbitrated in China?, 8(2) *China Business Law Journal* 21-22 (Feb. 2017).
- Arbitration in China— a Brief Report on Recent Developments, *Commercial Arbitration Expert Guides* 5-6 (2015).
- New BAC Arbitration Rules-Leading the BAC into a More Internationalized New Era, 112 *China Law* 107-108 & 119-120 (Jan. 2015).
- Promotion of PPP and the Challenges to Investors, *Construction and Real Estate Expert Guides* 7-8 (Dec. 2014).
- The Meaning and Validity of an "Arbitration, If any" Clause, 2014(6) *International Arbitration Law Review* N-47-N-48 (Dec. 2014).
- A Review of the Taiwanese Court's Ruling on Ad Hoc Arbitral Awards, 20(1) *Asia Pacific Law Review* (**SSCI** listed) 89 (Jun. 2012).

#### **Recent Publication (in Mandarin Chinese)**

- Predictability of the "Public Policy" in Article V of the New York Convention under Mainland China's Judicial Practice (in Chinese), *Angle Publishing* (Mar. 2016).
- Current Status and Future of Mutual Enforcement of Arbitral Awards and Mediated Settlement Agreements on both Sides of the Taiwan Strait, 17 *Chinese Yearbook of Private International Law and Comparative Law* 188-206 (Apr. 2016).
- Invest PPP Projects in China--Opportunities and Risks, 89(1) *Construction* 24-31 (Feb. 2016).
- Will a Taiwan Arbitral Award be Recognized and Enforced by the US Courts?, 85 *TEEMA Times* 64-68 (Jan. 2015).
- Commercial Arbitration after the Cross-strait Bilateral Investment Protection and Promotion Agreement—Focused on the Interpretation and Application of Article 14.4 of the Cross-strait Bilateral Investment Protection and Promotion Agreement, 92 *NTPU Law Review* (**TSSCI** listed) 137-186 (Dec. 2014).

- The Enforcement of Mediated Settlement Agreements on both Sides of the Taiwan Strait, 88 Arbitration in Beijing 112-128 (Sep. 2014).
- Co-Author, An Analysis on the Judicial Practice of Revocation of Arbitral Awards (CAA, 2013)
- Co-Author, Mediation in Practice: Commercial Disputes (Tsinghua University Press, Beijing, 2013).
- Co-Editor & Co-Author, A Study of Construction Laws in Practice (Peking University Press, Beijing, 2011).
- Code of Conduct for Mediators, in Legal Ethics (Taipei Bar Association ed., 2011; 2nd ed. 2012).
- Co-Author, Theory and Skill of Civil Mediation—100 FAQ (Taiwan Law Journal Co. Ltd., 2011).