

SHOOK LIN  BOK

EST 1918

KUALA LUMPUR

WWW.SHOOKLIN.COM.MY

“Shook Lin & Bok is a highly-respected firm in Malaysia. Recognised for having a strong **Dispute Resolution Practice**, the firm also features highly on **Banking & Finance** and **Corporate transactions** in Malaysia.

Its **Insurance Practice** acts for some of the biggest clients operating in the sector.”

- Asialaw 2016

**“Top-tier firm in
Dispute Resolution; Intellectual Property;
Islamic Finance.”**

- LEGAL 500 2015

“Enjoys significant market recognition for its robust domestic corporate practice. Caters to the advisory and transactional needs of domestic and international clients.”

- Chambers & Partners 2015

“Leading practice operating across the spectrum of conventional and Islamic financings and DCM transactions.

Highly sought after by local banks for work ranging from acquisition and project finance to syndicated loans and Islamic bond issuances.”

- Chambers & Partners 2015

“Shook Lin & Bok is recognised for its sophisticated banking and finance, dispute resolution, corporate and insurance practices.

Labour and employment, construction and real estate and shipping are also well-established practice areas.”

- Asialaw 2015

**“Highly recommended for Banking & Finance;
Capital Markets; Construction & Real Estate;
Corporate/M&A; Dispute Resolution; Insurance;
Intellectual Property; Labour & Employment,
Shipping, Maritime & Aviation.”**

- Asialaw 2015

Shook Lin & Bok

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“Esteemed litigation practice that is home to well-known names in the dispute resolution field.

Highly active in the areas of corporate, banking, insolvency and insurance litigation and arbitration”

- Chambers & Partners 2015

“Highly regarded for its litigation prowess, acting on complex patent and design infringement claims, as well as passing-off and trade mark cases.”

- Chambers & Partners 2015

THE FOUNDERS



YONG SHOOK LIN



TAN TEOW BOK

*In our continuous pursuit
of innovation, success and
excellence in providing
quality legal services in this
challenging era of globaliza-
tion, we in Shook Lin &
Bok, recognize that certain
values are timeless and must*

History

*be preserved regardless, for
it is this commitment to
professionalism, integrity
and quality, which has
sustained our firm over the
years, setting us apart.*

In 1918, Yong Shook Lin was called to the Bar of the Federated Malay States. He was the first Chinese lawyer to be admitted to the local Bar. A graduate of Cambridge University, he proceeded to set up his practice under the style of Messrs Yong Shook Lin, in Kuala Lumpur, in Malaya as Malaysia was then called). The setting up of Messrs Yong Shook Lin meant that his firm holds the distinction of being the first to be established by a local advocate and solicitor, making it one of the oldest law firms in Malaysia. In 1938, Yong Shook Lin was joined by Tan Teow Bok, a Queen's scholar who had read law at Oxford University. The latter was admitted to both the Malayan and English Bars. The firm thereafter took its present name of Shook Lin & Bok.

Apart from practising law, Yong Shook Lin was very active in public affairs and was a member of the Federal Legislative Council, serving in its Executive Council both before and after the Second World War. Yong Shook Lin's son, Yong Pung How, followed in his legal footsteps. He had also read law and graduated from Cambridge University, joining the firm upon his return in 1952. Tan Teow Bok, together with Yong Pung How, led the firm after Yong Shook Lin's demise in 1955.

In 1965, Shook Lin & Bok set up a branch office in the Republic of Singapore. However, due to legislative changes in Malaysia in 1971, the Singapore branch became autonomous and continued as an independent law firm although bearing the same name.

In 1970, Yong Pung How retired from practice in Malaysia and was, for several years, involved in the corporate sector in Singapore. Tan Teow Bok took over the helm of Shook Lin & Bok, Kuala Lumpur from 1970 and remained as its Managing Partner for the next 11 years, until his retirement in 1981. He passed away in 1994 after a legal career spanning 62 years. Michael K L Wong headed the firm from 1981 until his retirement in 1991. He sat on the Central Presidential Council of the Malaysian Chinese Association and was a Central Committee Member of the same. In addition, he was appointed as a Senator and was a Director of Bank Negara Malaysia (the Central Bank of Malaysia).

Dato' Param Cumaraswamy was the Managing Partner from 1992 to 1997.

He was succeeded by Too Hing Yeap who led the firm from 1997 until his retirement in 2012. Dato' Dr. Cyrus V. Das headed the firm in 2013 and 2014. Patricia David who was our first female managing partner headed the firm from 2015 to 2016.

The present Managing Partner is Nagarajah Muttiah. The present Deputy Managing Partner is Michael Soo Chow Ming.

About Us

From its humble origins as a sole-proprietorship established in 1918, Shook Lin & Bok has grown into one of the largest law firms in Malaysia. It is also the oldest law firm of local origin in the country.

The practice began in a limited number of practice areas. As Malaysia evolved from being a British colony into the modern country it is today, the firm grew in tandem to meet the challenges of globalization, building on its strong, trusted relationships with all its clients. The firm's practice has evolved into a leading full service firm offering a comprehensive range of legal services, spanning the globe. Such services range from civil and commercial practice, banking and finance, international arbitration, complex litigation disputes and intellectual property.

The firm has distinguished itself in its commitment to high standards of professionalism and integrity for over nine decades. It has built on that heritage and continues to invest in the development of its human resources, team of legal practitioners and infrastructural resources, including the latest technological systems, for the benefit of its clients. Always solution-focused, the firm prides itself not just in highlighting pitfalls in transactions but also in providing alternatives.

The latest in online legal research facilities enhances and complements one of the most comprehensive traditional library facilities in the country, enabling the firm to deliver on its mission of service with effectiveness and efficiency.

The firm has seventeen departments representing major, though not exclusive, practice areas, which combine in a complementary and multidisciplinary practice to serve the needs of clients.

The Departments

- Corporate
- Banking & Finance
- Real Estate, Commercial & Conveyancing
- Insurance & Shipping
- Banking & Finance Litigation
- Islamic Finance
- International & Domestic Arbitration
- General & Civil Litigation
- Intellectual Property, Information Technology & Licensing
- Family, Probate & Trusts
- Labour & Industrial Disputes
- Tax & Revenue
- Company Secretarial
- Loans & Debt Restructuring
- Technology, Multimedia & Telecommunications Law
- Competition & Anti-Trust Law
- Building, Construction & Engineering

Heads of Departments



Ho Yue Chan, Ivan

Corporate /
Company Secretarial /
Technology, Multimedia &
Telecommunications Law



Jalalullail Othman

Banking & Finance /
Islamic Finance



Khong Mei Lin

Real Estate, Commercial
and Conveyancing /
Loans & Debt
Restructuring



Nagarajah Mutiah

Insurance & Shipping /
International & Domestic
Arbitration / General Civil
Litigation



Yoong Sin Min

Banking &
Finance Litigation



Michael C.M. Soo

Intellectual Property,
Information Technology
& Licensing



Steven Thiruneelakandan

Family, Probate & Trusts /
Tax Revenue /
Competition & Anti-Trusts Law



Romesh Abraham

Labour &
Industrial Disputes



Lam Ko Luen

Building, Construction &
Engineering

Corporate

Our corporate department provides a range of services in the various aspects of corporate and securities law. Our scope of work includes the rendering of legal advice and preparation of documentation in relation to, among others, the following:-

- incorporation of new companies and local subsidiaries of foreign corporations, formation of Malaysian branches of foreign corporations by way of registration as foreign corporations;
- sale and purchase of shares and other securities, leveraged buy-outs, acquisition of businesses and undertakings of companies, in particular, those of commercial and investment banks, insurance companies and stockbroking companies;
- formation of joint ventures, privatisation exercises, shareholders' agreements and memoranda of understanding;
- initial public offerings of shares to be listed on Bursa Malaysia Securities Berhad and the MESDAQ and foreign currency private debt securities to be listed on the Labuan International Financial Exchange, Inc., rights and bonus issues, issuance of redeemable preference shares and other preference shares, warrants, structured warrants, structured products, ringgit and foreign currency private debt securities. (including equity-linked private debt securities) both conventional and Islamic, transferable subscription rights, derivatives and other securities; capital reduction and restructuring;
- employees' share option schemes, directors' rights and responsibilities, management agreements and consultancy agreements, corporate administration, board and general meetings;
- mergers and amalgamations, reconstructions and restructurings;
- takeovers of companies including defence against takeovers, and management buy-outs;
- receivership of companies, schemes of arrangement under Section 176 of the Companies Act 1965, appointment and functions of special administrators pursuant to the Pengurusan Danaharta Nasional Berhad Act 1998, voluntary winding-up of companies, appointment and functions of liquidators;
- asset securitisation exercises;
- establishment and listings of exchange traded funds;
- establishment of unit trust funds;
- due diligence exercises and issues and responsibilities relating thereto;
- corporate compliance and regulatory issues, and advising investment banks and companies in respect of such issues:
 - drafting of information memoranda and prospectuses
 - preparation and drafting of applications and submissions to the Securities Commission and other governmental and quasi-governmental authorities for licences or approvals, including applications to the Foreign Investment Committee in relation to acquisitions of shares in Malaysian companies by local and foreign parties and the Labuan Offshore Financial Services Authority in relation to the issue/offer of foreign currency private debt securities by Labuan companies.

Patricia David Saini heads the team, Ivan Ho Yue Chan is also a key contact. Clients include Malayan United Industries, automotive finance company ELK-Desa Resources and GW Plastics Holdings. The firm has experience in disposals, reverse takeovers and share acquisitions. - Legal 500 [2016]

“Enjoys significant market recognition for its robust domestic corporate practice. Caters to the advisory and transactional needs of domestic and international clients. Provided Malaysian counsel for Zurich Asia on its MYR304 million sale of 40% stake in MCIS Zurich Insurance, now MCIS Insurance. Patricia David Saini is a seasoned practitioner and brings to bear over three decades of experience in handling major transactions, including cross-border mandates.” – Chambers Asia Pacific [2015]

“A long-standing practice that is sought after for its in-depth understanding of the Malaysian corporate arena. It also offers clients the support of a strong banking practice.” – Chambers Asia Pacific [2014]

“This long-standing player maintains a strong position in the market, acting for a range of important domestic and foreign clients. The team is well equipped to handle complex large-scale transactions and advises a number of top local and international banks and corporates. Highlights include advising Hong Leong Islamic Bank on the ground-breaking transfer of EONCAP Islamic Bank’s entire business to it via a vesting order. This is the first instance in Malaysia of a business transfer being effected by a Scheme of Arrangement.” – Chambers Asia Pacific [2013]

“Shook Lin & Bok’s five-partner team is active in high-profile domestic M&A transactions. Ivan Ho Yue Chan advised both EON Capital and Hong Leong on a first-of-its-kind merger of their Islamic banking units. Patricia David Saini recently advised AMMB Holdings on a RM623m stake acquisition in MBF Cards, and also acted for an oil and gas company on acquiring a 30% share in a company.” – Legal 500 [2013]

Banking & Finance

The banking and finance practice of the firm provides services across all areas of transactions and products in banking and finance. Our team has experience in the negotiation, preparation and structuring of various documentation relating to:

- bonds, loan notes, securitisation, private debt securities, capital market instruments and derivatives;
- infrastructure, project and asset financing, including highway, telecommunications and high technology projects;
- both cross border as well as domestic syndications in foreign and local currencies and financing, ship and aircraft financing including purchase of ships and aircrafts, mortgages of ships and aircrafts and leveraged leasing;
- offshore loan transactions in foreign currencies including acting as local legal counsel in such transactions;
- suppliers' credit documentation and trade financing;
- traditional and core areas of corporate banking and retail banking facilities;
- financing using the Malaysian tax haven of Labuan.

Our lawyers are also involved in the emerging area of Islamic Finance. These include developing, structuring and documenting Islamic bonds and sukuks, Islamic capital market instruments. Islamic project financing, Islamic trade financing, product development, Islamic funds. Islamic equity and quasi equity instruments and Islamic profit & loss schemes.

Shook Lin & Bok's practice is led by Lai Wing Yong, and its dedicated loan and debt restructuring team is led by Khong Mei Lin. Jalalullail Othman and Hoh Kiat Ching are also key figures in the firm, which frequently advises major Malaysian financial institutions on multimillion-ringgit loan facilities – Legal 500 Asia Pacific [2016]

“Shook Lin & Bok is recognised for its sophisticated banking and finance, dispute resolution, corporate and insurance practices. Labour and employment, construction and real estate and shipping are also well-established practice areas.” - Asialaw [2015]

“Leading practice operating across the spectrum of conventional and Islamic financings and DCM transactions. Highly sought after by local banks for work ranging from acquisition and project finance to syndicated loans and Islamic bond issuances.” “They look at issues, address them, and give us suggestions on how to deal with them.” “Advised a large Malaysian financial institution on a MYR200 million financing granted to finance the construction and development of a luxury resort in Langkawi. Jalalullail Othman is renowned for his work on Islamic finance and led the team advising on a MYR25 million tawarruq financing facility granted by a development bank. He also acts on DCM transactions including sukuk issuances. One client appreciates that he is “very reachable,” and that his depth of knowledge of Islamic finance enables him to offer a range of workable solutions.” – Chambers Asia-Pacific [2015]

“A well-established firm that maintains a firm foothold in the market. It is especially noted for handling significant Islamic finance transactions, and also has expertise in niche areas such as in relation to asset financing. Jalalullail Othman is a premier Islamic finance expert, advising on capital markets issuances and bank lending. He is also well placed to handle conventional financing matters.” – Chambers Asia-Pacific [2014]

“This well-established full-service firm offers a team which is skilled in all aspects of finance and corporate work. The team routinely advises domestic and foreign clients on a wide range of matters including structured and asset financing, banking and capital markets transactions both conventional and Islamic. It also works very closely with the firm's first-class banking and finance litigation group on contentious aspects of the transactions.” – Chambers Asia-Pacific [2013]

“Shook Lin & Bok mainly acts for domestic banks, with its work often involving a cross-border element. It recently advised a major Malaysian bank on a RM75m loan facility for a local company to buy shares in a Hong Kong corporation” – Legal 500 Asia Pacific [2013]

Real Estate, Commercial & Conveyancing

The conveyancing department represents clients in transactions related to:

- sale and purchase of movable properties and landed properties;
- joint venture agreements over real estate;
- tenancies and leases of shopping and commercial complexes, high rise office and residential buildings and other real estate;
- Government concessions;
- documentation relating to privatisation for land development;
- distributorship and licensing transactions;
- employment and management contracts;
- contracts for the sale and supply of goods;
- documents and applications in respect of government approvals and licences for foreign acquisition of assets and interests in Malaysia.
- business joint ventures, land development, privatisation, concession agreements, private law and estate planning, drafting and advice on Wills.

“Shook Lin & Bok’s work includes joint ventures, and sale and purchase agreements for office and commercial buildings, as well as land development and residential projects. Lai Wing Yong heads the firm’s real estate, commercial and conveyancing department, which includes key figure Khong Mei Lin” – Legal 500 Asia Pacific [2016]

Insurance & Shipping

The firm has a department offering advisory and litigation services in the fields of general and life insurance and re-insurance. The areas of practice include general, life, motor, industrial, maritime and aviation, construction risk, professional indemnity, product liability and workmen’s compensation insurance claims.

The shipping and aviation practice handles all aspects of contentious and non-contentious marine, aviation and other transportation matters including related insurance contracts. We represent both local and international clients including shipowners, managers, agents, charterers, P&I clubs, insurers, freight forwarders, banks, salvors, shipbuilders and classification societies. Contentious work includes shipping litigation as well as litigation in relation to international trade and transport, domestic and international arbitration and mediation.

Our team regularly deals with claims and disputes relating to bills of lading, charterparties, bunkers supplies, salvage, towage, death and personal injury, crew wages, pollution, mortgage enforcement, shipbuilding and repair, cargo damage and loss, marine insurance and P&I club work and the arrest and release of vessels. Non-contentious areas of work include advising on the sale and purchase of ships, ship and aircraft financing, ship registration, relocation of operative headquarters to Singapore for shipowners and operators, drafting and negotiation of ship sale and purchase contracts, ship construction and repair contracts, contracts for the carriage of goods or passengers and insurance contracts.

Banking & Finance Litigation

“Its insurance practice acts for some of the biggest clients operating in the sector. The firm has a strong shipping and maritime practice which routinely handles claims and disputes relating to bill of lading, charterparties, salvage, death and personal injury, pollution, shipbuilding and repair, cargo damage and loss, marine insurance and P&I club work, and the arrest and release of vessels. A separate team lead by Nagarajah Muttiah, advises clients on the sale and purchase of ships, ship and aircraft financing and other non-contentious matters.” - Asia Law Profiles [2016]

“Nagarajah Muttiah of Shook Lin & Bok has a thriving shipping practice primarily advising P&I clubs and shipowners. He specialises in insurance, hull and cargo claim matters”
– Chambers Asia [2012]

The banking and finance litigation department was established in the early 1980s with the aim of creating a team of litigation lawyers fully dedicated to resolving disputes involving banking and financial institutions and securities companies. Our department regularly handles disputes concerning, inter alia, banking and securities laws, all aspects of a financial institution's operations and corporate dealings, IPOs, bills of exchange, private debt securities, offshore loans, international trade financing, foreign exchange transactions, financial derivatives as well as stockbroking transactions.

The broad range of services offered also encompasses debt recovery under, inter alia, conventional retail and corporate credit facilities, syndicated loans, Islamic financing, trade facilities, performance guarantees, share margin facilities, hire purchase and leasing and enforcement/realisation of security including land and shares charges. We are fully experienced in handling receiverships, insolvencies, schemes of arrangement and restructuring of debtor companies.

Our department also trouble-shoots problems faced by financial institutions including defending them against legal claims. The department's portfolio also includes advisory and litigation work concerning asset management corporations as well as acquisitions of non-performing loans and financial assets by non-banking institutions and related issues.

“Esteemed litigation practice that is home to well-known names in the dispute resolution field. Highly active in the areas of corporate, banking, insolvency and insurance litigation and arbitration” - Chambers & Partners [2015]

“Shook Lin & Bok's team of nine partners primarily acts for banking and financial groups. It successfully defended an investment bank against a claim for alleged negligence and breach of contract in relation to a lending arrangement. Yoong Sin Min is currently assisting Maybank in an appeal regarding the stipulated validity of clauses in bank guarantees” – Legal 500 Asia Pacific [2013]

Islamic Finance

Partners, Yoong Sin Min and Tan Gian Chung have been named as Leading Lawyers in their respective categories of “Litigation and Dispute Resolution” and “Insolvency & Restructuring” in the 2012 Islamic Finance news Leading Lawyers and Law Firm polls.

“The firm has a distinct banking litigation department, which acts principally for local banks, and in this arena, Ms Yoong Sin Min has an excellent record.” - Legal 500 [2010/2011]

Our lawyers are skilled in the dual disciplines of Islamic Finance and Conventional Finance and this enhances the Department’s breadth and depth of advice.

The department adopts a holistic approach to its advisory role and in this respect, actively engages with the various deal stakeholders including the Shariah scholars and the Shariah Advisory Councils.

We act for financial institutions and customers (including offshore and foreign parties in addition to domestic stakeholders) as well as for clients from the public and private sectors.

We provide a full range of services covering retail financing, mezzanine financing and debt capital markets including:

- Islamic bonds and sukuks;
- Islamic capital market instruments;
- Islamic project financing;
- Islamic trade financing;
- Islamic syndicated financing;
- product development;
- Islamic funds including offshore funds, partnership funds and venture capital funds;
- Islamic equity and quasi equity instruments.

The scope of work undertaken by our team includes, deal structuring, due diligence, formulation of concept papers, identification of Shariah parameters, risk Identification and documentation.

Industries and Projects

Our team regularly advise clients in the following sectors of industry and projects, including:

- Entry Point Projects under the Economic Transformation Programme;
- The Private Finance Initiative (“PFI”) and the Public Private Partnership Initiative (“PPP”) projects;
- Energy and power including renewable energy, waste to energy projects, hydro and coal fired plants;
- Infrastructure including highways and bridges;
- Automotive industry;
- Shipping industry;
- Oil Palm industry;
- Healthcare industry;
- Education industry;
- Real estate and buildings;
- Banking and financial mortgage industry;
- Biometrics identification projects.

Academia and Faculty

The firm is committed to the development of human capital and in this respect we have an established working relationship with the International Islamic University with the department head holding an adjunct professorship in the IIUM Institute of Islamic Banking and Finance.

The firm’s commitment to the academia is further reflected by the Department Head’s presence on the Senate of INCEIF University, the global university for Islamic Finance.

Continuing Education

Our team of lawyers frequently conduct training workshops for the Association of Islamic Banking Institutions (“AIBIM”) on Shariah concepts and principles, legal documentation and deal structuring.

Industry Involvement

As part of the firm’s continuing engagement with members of the industry, the Department Head serves on the technical committees of the Malaysian Accounting Standards Board and the Malaysian Institute of Accountants and provides advice on, inter alia, the impact of the various accounting standards on the Islamic Finance industry.

Shook Lin & Bok's head of Islamic finance Jalalullail Othman advised a number of major Malaysian financial institutions on a RM2bn senior Islamic medium term notes programme, and the team assisted a financial institution with granting Islamic financing facilities of RM33.9m under the Shari'ah principles bai' bithaman ajil and wakalah - Legal 500 Asia Pacific [2016]

Tier 1 firm for Islamic Finance - Legal 500 Asia Pacific [2013]

"Jal Othman and Hoh Kiat Ching advised three financial institutions on a RM458m syndicated Islamic lending facility to part-finance a hospital construction project" – Legal 500 Asia Pacific [2013]

"Shook Lin & Bok is a firm that enjoys a traditionally good reputation in the banking and project finance area. This practice is led by well-regarded partner Jal Othman, who handles both conventional and Islamic financings. Given its leading market position, the firm frequently acts for financial institutions in sophisticated transactions. Shook Lin & Bok is a firm with a historic reputation that has long-standing relationships with lenders," says a peer. – IFLR 1000 [2012]

"Jalalullail Othman is the key figure at the firm for Islamic finance, recently taking the lead on the innovative sukuk issuance" – Chambers Asia [2012]

...acted in the historic first Islamic Bank merger in Malaysia which became effective on November 1st, 2011.

...was awarded Malaysia Deal of the Year 2010 pursuant to the Islamic Finance News Awards Deals of the Year 2010 for its innovative and "first-of-its kind" Sukuk al-Amanah Li al-Istithmar (Sukuk ALIm) transaction

International & Domestic Arbitration

- Construction and Engineering
- Adjudication
- Oil and Gas
- Insurance, Shipping & Aviation
- Joint Ventures
- Commercial Disputes

The firm regularly acts for clients in all aspects of construction and engineering work, including litigation and arbitration involving disputes ranging from small claims to billion dollar actions. Recent notable cases include a billion dollar claim for construction of a pulp and paper mill with a Singapore seat under SIAC rules, and a multi-million dollar road construction claim in Delhi. The firm also advises on issues arising from the design and construction of major port and airport in Malaysia. As adjudication is making in-roads into the Malaysian construction scene, the firm is also equipped with the expertise to advise and to act for clients in adjudication matters.

Oil and gas is a fast growing area for arbitration disputes in South East Asia. This is a natural consequence of the active oil and gas sectors in many regional economies. The firm is a market leader in oil and gas practice for dispute resolution. Consonant with the international character of oil and gas contracts we have acted in disputes not only in Malaysia, but also overseas. Some recent international work with successful outcomes for our clients include a USD100 million claim on an EPC contract for an offshore oil and gas platform with an LCIA arbitration in London, a claim involving fabrication of an export gas compressor with a Geneva seat under ICC rules, and a claim on an international production sharing contract with a Singapore seat under SIAC rules.

Most insurance policies contain an arbitration clause. Disputes arising from major insurance claims are frequently resolved by way of arbitration. The firm represents the main players in the insurance industry in arbitration proceedings arising from such disputes. Shipping or maritime arbitration is also gaining popularity in the region, in particular with the July 2011 amendment to the Arbitration Act 2005 which made specific reference to admiralty proceedings.

Joint ventures and commercial disputes are amongst other areas of dispute where parties have opted to resolve their disputes through arbitration proceedings. The firm has also acted in an arbitration proceeding involving joint ventures between local and foreign parties with a Singapore seat under ICC rules.

Several of the partners of the firm are also listed in the panel of arbitrators for various arbitral institutions.

Apart from pre-award proceedings, the firm also acts for various multi-national clients including some foreign governments in respect of post-award challenges and enforcements.

General & Civil Litigation

The firm has been noted in international legal guides as having one of the best civil litigation or dispute resolution practices. Its litigation lawyers have been involved in most of the high profile civil cases. The team is led by Nagarajah Muttiah and fellow senior litigator Romesh Abraham.

The matters and legal disputes which come within the ambit of the team's portfolio include corporate disputes, shareholder and joint venture disputes, hostile take-overs, insolvency and corporate recovery, claims in contract, tort and trust, commercial disputes, defending prosecutions under various regulatory statutes including the Employees Provident Fund Act, the Trade Description Act and Securities legislation, applications under the Companies Act including for capital reduction or restructuring, planning and rating appeals and land acquisition cases.

The civil litigation team also handles public law disputes where persons adversely affected by decisions of public bodies seek to challenge such decisions by way of judicial review.

An integral aspect of the service we provide is to advise clients on overall litigation strategy especially in complex disputes, and also to participate, lead and advise clients in any settlement negotiations.

The 'excellent' Shook Lin & Bok 'goes the extra mile' for clients from a broad range of industries, notably banking, insurance and engineering. Head of banking and finance litigation Yoong Sin Min represented Affin Bank in an appeal before the Federal Court concerning land rights. Yoong displays 'admirable attention to detail, a tremendous knowledge of the law and a focus on achieving the desired result'. Nagarajah Muttiah's expertise covers insurance, shipping and commercial disputes, Steven Thiruneelakandan leads the family, probate and trusts department, and Lam Ko Luen is known for his arbitration work. – Legal 500 [2016]

“Highly regarded for its litigation prowess, acting on complex patent and design infringement claims, as well as passing-off and trade mark cases.”- Chambers & Partners [2015]

Top-tier firm in Dispute Resolution; Intellectual Property; Islamic Finance. - Legal 500 [2015]

“Esteemed litigation practice that is home to well-known names in the dispute resolution field. Highly active in the areas of corporate, banking, insolvency and insurance litigation and arbitration. Successfully acted for Maybank in the Federal Court in relation to a case concerning a bank guarantee it gave to the government of Sarawak and whether a clause specifying a deadline for the claim on the guarantee was valid. Yoong Sin Min maintain a solid reputation among market sources, who greatly value her experience in the banking sector. She is frequently sought after by financial institutions on a range of litigation matters, including those involving insolvencies, private debt securities and financings.” – Chambers Asia-Pacific [2015]

“Highly respected dispute resolution practice with an exceptional reputation with regard to banking and finance disputes. Led by one of Malaysia’s most prominent litigators, the group also handles employment, IP and tax disputes. Yoong Sin Min is regularly instructed by financial institutions on cases involving Islamic financing, insolvencies, schemes of arrangements, receiverships and securities-related disputes.” – Chambers Asia-Pacific [2014]

Tier 1 firm for Dispute Resolution – Legal 500 Asia Pacific [2014]

“ This firm’s dispute resolution practice is among the strongest in the country and is home to litigators with a wealth of experience in various areas of litigation and arbitration. It has a dedicated banking litigation department that represents the likes of Public Bank, OCBC, Affin Investment Bank and Maybank. The corporate and commercial litigation team handles a wide range of disputes, including IP, insurance, liquidation and construction litigation and international arbitration.” – Chambers Asia-Pacific [2013]

“The team works well and is responsive to clients’ needs.” – Chambers Asia-Pacific [2013]

“Offers a good service to clients and one of the only firms that compete at the top level of litigation.” – Chambers Asia [2012]

Intellectual Property, Information Technology & Licensing

The firm's practice in the areas of intellectual and industrial property, information technology and licensing law handles applications, filing and prosecution, in respect of trade marks, service marks, patents, utility innovations and designs, for local and international clients. In the area of copyright protection, we deal with the documentation relating to the protection, subsistence, ownership and assignment of copyright.

Our services in the establishment and recognition of intellectual and industrial property rights are complemented by our experience in the enforcement of such rights. This encompasses, amongst others, administrative and legal proceedings concerning anti-counterfeiting and anti-piracy measures, legal proceedings involving urgent interlocutory applications for injunctions, Anton Piller orders and criminal seizure actions.

Licensing and franchising are a significant part of the department's work, and our services extend to advice and documentation relating to the licensing and exploitation of intellectual and industrial property rights including licensing and joint venture arrangements, transfer of ownership and compliance thereof.

In the area of information technology, our lawyers advise on legal issues relating to e-commerce, issues relating to licensing, and exploitation and compliance thereof, of intellectual property rights in the context of the information technology legal framework.

Shook Lin & Bok's practice is led by Michael Soo, who acted for beverage manufacturer Fraser and Neave as the appellants in an industrial design case, and represented YTL Corporation, convincing the Court of Appeal to reverse a High Court decision relating to trade mark infringement and passing off. The firm also handles patent litigation, and acts for major international brands from a range of sectors. – Legal 500 [2016]

“A practice deeply rooted in the Malaysian market and home to a team of highly experienced specialists. Best known for its contentious work, including enforcement and anti-counterfeiting proceedings. Also adept at handling licensing and franchising matters. Practice head Michael Soo is one of the best known IP litigators in the country. He has practiced for nearly 30 years and is especially noted for his expertise in infringement and passing-off cases.”

– Chambers Asia-Pacific [2014]

Ranked Tier 1 for Contentious Work in Malaysia [2014 Asia IP Patent Survey]

Tier 1 firm for Intellectual Property – Legal 500 Asia Pacific [2014]

“This firm is a long-standing player in the market and is particularly commended for its IP litigation capabilities. The practice is aided by the wider firm’s extensive dispute resolution experience, which is brought to bear on contentious IP matters. Highlights include representing Fraser & Neave in an industrial designs infringement suit brought by Tropicana Products relating to the Tropicana design. Other notable clients include Ronic Corporation and DJ Auto Components Manufacturing.” – Chambers Asia-Pacific [2013]

“One of the oldest and largest firms in Malaysia, Shook Lin & Bok holds much sway on the IP scene, having long practised at the forefront of both the non-contentious and contentious arenas. It is particularly espoused for its superb civil infringement litigation skills, with senior member of the Bar Michael Soo leading the charge.” Always a top name to go to for complex litigation,” Soo is known for his ability to secure favourable decisions for his clients in challenging cases...” – World Trademark Review 1000, 2013 Edition

Family, Probate & Trusts

Family

Our lawyers handle a wide range of family matters. We provide practical solutions with the aim of minimising acrimonious litigation to resolve disputes in the best interests of the children and for the protection of family obligations.

We provide legal representation to clients in areas such as, divorce, judicial separation, adoption, annulment proceedings, maintenance for spouse and children, division/distribution of matrimonial property, custody disputes and settlement agreements. In addition to this, we have handled cases involving the unilateral conversion of minors in matrimonial disputes.

Probate

We advise in all matters related to the administration of estates of deceased persons, including:

- preparing petitions to the High Court for the issuance of grants of probate or letters of administration;
- resealing of grants of probate and administration obtained from any part of the Commonwealth or granted by British Courts in a foreign country;
- providing assistance in obtaining administration in respect of small estates;
- rendering advice to executors and administrators of estates in relation to their duties in law;
- facilitating the distribution of assets to beneficiaries;
- handling disputes related to contested wills/probate.

We frequently advise clients in complex and high-profile probate matters which include disputes on challenges to the validity of wills, construction of wills, advising beneficiaries for an account and inspection of documents, acting for beneficiaries in the removal of trustees.

We have acted and provided legal representation to wealthy families on inheritance issues as well as executors, administrators, family members, beneficiaries and in contentious and non-contentious probate, trust and estate matters which may span multiple jurisdictions.

Apart from the above, we provide advisory work relating to the preparation of Wills for assets situated locally and/or overseas.

Trusts

We have advised clients in Malaysia and abroad on the establishment of family trusts, charitable trusts and foundations. In addition, we advise clients in matters involving issues of constructive

Nominee for “Matrimonial and Family Law Firm of The Year 2016” – Asian Legal Business [2016]

Labour & Industrial Disputes

The firm has a very established employment and labour law department. We provide a whole host of services, both in advisory and litigation work. We are rated by the International Legal Guide Legal 500 (2008) as a tier 1 firm for industrial relations matters. Our advisory work include advice on dismissals/constructive dismissals under section 20 of the Industrial Relations Act 1967, includes advising on proposals and negotiations for collective bargaining, employment law aspects of retrenchment, re-organisation and redundancy, closure of business and change of ownership of businesses, take-overs and mergers, assisting clients in the implementation of internal disciplinary proceedings involving the preparation of charges of misconduct and poor performance, the requisite notices, and the conduct of domestic inquiries. The department also advises on the drafting of terms and conditions of employment in respect of both individual contracts as well as collective agreements.

The litigation practice of the department provides representation in litigation matters under the Industrial Relations Act 1967 in the Labour Court/Director General of Labour (which include trade disputes, collective agreement disputes, non-compliance and dismissal claims) and claims for employment benefits under the Employment Act 1955 as well as matters under the Trade Unions Act 1959. The team undertakes applications for judicial review, including certiorari or mandamus, review of Industrial Court awards as well as legal challenges to the Minister's reference under section 20 of the Industrial Relations Act 1967. The team further handles appeals to the High Court from the Labour Court under the Employment Act 1955.

Shook Lin & Bok's clients include an airline, several banks and a vehicle inspection company. The team, led by Romesh Abraham, advises companies on the drafting of contracts and represents them in litigation. – Legal 500 [2016]

“Extensively experienced in assisting clients with employee terminations and related disputes, and in drafting employment contracts. Also adept in advising on issues arising from corporate transactions and restructurings.” – Chambers Asia-Pacific [2015]

“Esteemed employment group that exclusively represents employers, including government-linked companies, multinationals and local banks. Routinely appears before the courts on a range of disputes including trade union cases, and also provides advisory services on matters such as retrenchment. Steven Thirunelakandan heads the employment and industrial relations practice and enjoys a strong reputation in this field. Clients regard him as “very knowledgeable and smart” and appreciate that “he’s willing to share his knowledge, ideas and advice.” – Chambers Asia-Pacific [2014]

“This well-established firm maintains a strong foothold in the employment market and focuses exclusively on representing employers. The team has been particularly active in contentious proceedings, representing a number of government-linked entities and more recently acting for one of the largest Malaysian banks in a major union-related dispute. The team also frequently advises foreign clients setting up in Malaysia on local labour and employment laws.” – Chambers Asia-Pacific [2013]

Tax & Revenue

The tax law practice renders advice on matters relating to income tax, customs and excise duties, sales and service tax, Labuan Offshore Financial Centre, Real Property Gains Tax and the impact of stamp duties on instruments.

The department provides representation and advocacy in income tax appeals before the Special Commissioner of Taxation and appeals from the Special Commissioner's decisions to the High Court and to the Court of Appeal and handles applications for orders of certiorari, mandamus and declarations in the High Court.

Company Secretarial

This department provides services pertaining to the formation and administration of companies and business entities, and their compliance with laws. We advise on and assist in the incorporation of companies, conversion of status of companies to or from private and public companies and registration of foreign companies or branches.

The scope of support includes:

- drafting, reviewing and amending memorandum and articles of association;
- preparation of incorporation and registration forms;
- liaising with the authorities, conducting company searches at the Companies Commission and submitting applications for reservation of names;
- further recurrent processes of maintenance of statutory records;
- filing of statutory forms with the Companies Commission;
- preparation of notices for convening meetings, minutes of meetings and drafting of resolutions;
- attendance at board and general meetings;
- advice generally on compliance with relevant legislation and guidelines of supervisory bodies.

Loans & Debt Restructuring

The firm has a dedicated team of lawyers advising on all aspects of debt restructuring. The team regularly advises banks, institutional lenders, agent to syndicated lenders, bondholders, trustees and special administrators in relation to debt restructuring and rescheduling, debt to equity swaps and other forms of restructuring and settlement including property set-offs and settlement via issuance of private debt securities and put and call option arrangements.

Our experience includes advising, negotiating, structuring and drafting the necessary documentation for the implementation of complex restructuring, workouts, schemes of arrangement under Section 176 of the Companies Act 1965 and debt restructuring schemes under the Corporate Debt Restructuring Committee of Bank Negara Malaysia (CDRC).

The team has extensive experience in the sale and acquisition of distressed debts and non-performing loans and has acted for both sellers and buyers in such transactions.

Technology, Multimedia & Telecommunications ("TMT") Law

The TMT Law department was established to enhance and streamline the provision of a diverse range of legal services tailored to the needs of companies and individuals alike in the TMT industries.

These include:

- mergers and acquisitions
- commercial contracts
- hardware, software and services procurement
- privacy and data protection
- regulatory issues
- dispute resolution
- cyber security

Competition & Anti -Trust Law

The Competition & Anti-Trust Law department has been established to enhance and streamline our provision of a diverse range of legal services in connection with the Competition Act 2010. The administration and enforcement of the Act has been placed in the hands of the Malaysian Competition Commission (MyCC). Whilst the MyCC's initial focus was on education and advocacy, the MyCC's focus is now firmly on implementation and enforcement of the Act. Examples of steps taken by MyCC to implement/enforce the Act are as follows:

- Enforcement action against Cameron Highlands Floriculturist Association (Dec 2012)
- Rejection of Application for Individual Exemption by Nestle Sdn Bhd (Feb 2013)
- Enforcement action against Pan-Malaysia Lorry Owners Association (PMLOA) (Oct 2013)
- Grant of Block Exemption in favour of Liner Shipping Services (Dec 2013)
- Enforcement action against Ice Manufacturers (Feb 2014)
- Enforcement action against MAS and AirAsia (April 2014)
- Enforcement action against Confection, Bakery Product Producers (September 2014)

The broad range of services provided by the department include:

- Advice on all matters relating to competition law, including advice on compliance with the Competition Act 2010 and guidelines issued there under.
- Representation and advocacy before the MyCC and appeals to the Competition Appeals Tribunal.
- Appearance in Court.

Building, Construction & Engineering

Our Building, Construction & Engineering Practice Group advises clients on major deals and projects. Our services range from advisory and documentation to dispute resolution via litigation, arbitration, adjudication (in particular under the Construction Industry Payment and Adjudication Act 2012 (CIPAA)) and other alternative dispute resolution processes.

We are well-versed in all aspects of construction and engineering advisory and documentation work, including:

- pre-bid agreements;
- consortium or joint venture agreements;
- tender documentation;
- main contracts (both standard form, e.g. FIDIC Conditions of Contract, PAM Conditions of Contract, IEM Conditions of Contract and the PWD Form, and tailor-made agreements);
- subcontracts;
- consultancy services agreements;
- project management agreements;
- operation and maintenance agreements.

We have negotiated, reviewed and drafted agreements in the following areas:

- building construction and maintenance (e.g. hotel and commercial complex);
- construction and maintenance of infrastructure (e.g. bridges, expressways and highways);
- cooling plant for major transportation hub;
- construction and maintenance of educational and training facilities (e.g. campus, hospital and PWD training);
- power generation (e.g. gas and hydropower);
- renewable energy (e.g. biogas, biomass and waste to energy).

Our portfolio of clients includes leading local and international contractors and developers, as well as government-linked companies.

In addition, we have represented clients in negotiations with the Government on concession agreements for major infrastructure projects based on the Public Private Partnership concept.

We have also represented clients in various dispute resolution processes involving disputes ranging from small claims to billion dollar actions. These include::

- an arbitration of a billion dollar claim for construction of a pulp and paper mill with a Singapore seat under SIAC rules;
- a USD280 million claim arising from a production sharing contract for oil and gas development in India;

- a USD141 million claim arising from a storage agreement and deed of commitments in Malaysia;
- a USD100 million claim on an EPC contract for an offshore oil and gas platform with an LCIA arbitration in London;
- a USD56 million claim arising from a project development agreement in Laos;
- an arbitration involving a multi-million dollar road construction claim in Delhi;
- an adjudication of a RM63 million payment claim arising from the construction of a major bridge in Malaysia;
- a dispute arising from the design and construction of major port and airport in Malaysia;
- a claim involving fabrication of an export gas compressor with a Geneva seat under ICC rules;
- a claim on an international production sharing contract with a Singapore seat under SIAC rules.

Several of the partners of the firm are also listed in the panel of arbitrators for various arbitral institutions. A few of our firm's partners are also listed in the KLRCA panel of adjudicators.

GOLDEN TRIANGLE

SHOOK LIN & BOK

20th Floor,
AmBank Group Building,
55, Jalan Raja Chulan,
50200 Kuala Lumpur,
Malaysia.



ADDRESS

20th Floor,
AmBank Group Building,
55, Jalan Raja Chulan,
50200 Kuala Lumpur,
Malaysia.

OFFICE HOURS

Mondays-Fridays
8.30am-5.30pm

GENERAL E-MAIL

general@shooklin.com.my

WEBSITE

www.shooklin.com.my

TELEPHONE

+ (603) 20311788 (25 Lines)

FAX

+ (603) 20311775
+ (603) 20311778
+ (603) 20311779

