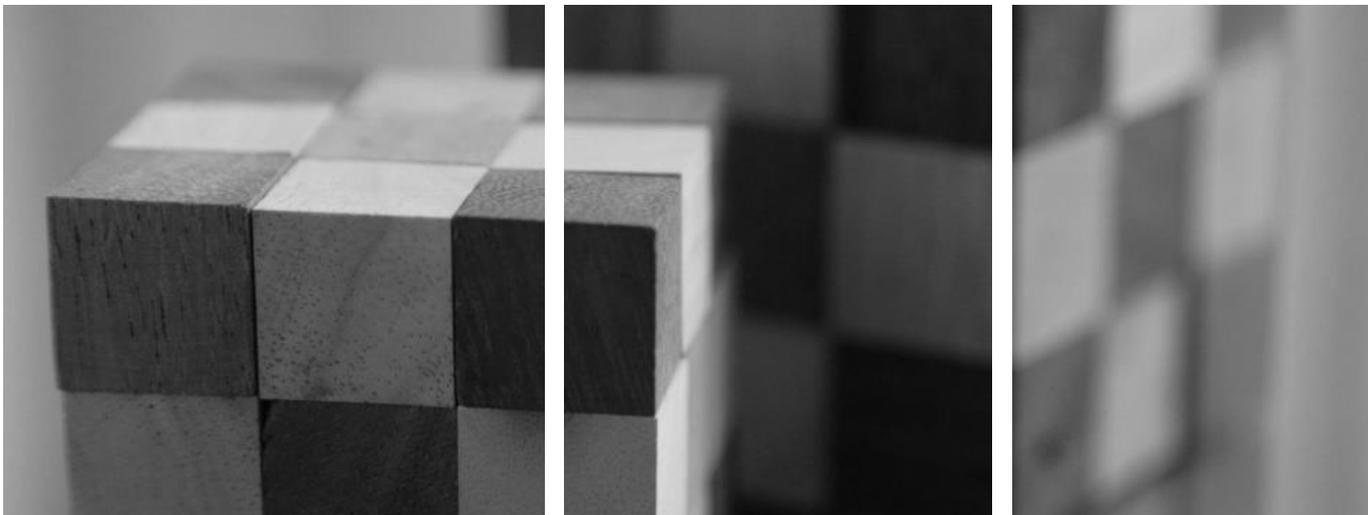


Employment Group

Capability Statement



Employment Practice Group



Our lawyers at Tanner De Witt have acted in several of the leading reported cases in Hong Kong over the last 15 years and are regular speakers to employers, business groups and human resource professionals. We act for many major employers as well as senior and high profile employees in a wide range of industry sectors including banking and finance, insurance, publishing, manufacturing and professional services.

Through our extensive experience and knowledge we strive to provide quality, cost-effective and commercial legal advice that delivers successful results for our clients. Further, through our experience we are also able to offer tactical and common sense guidance on best practice to ensure the best overall result for the client, including issues such as performance management, rewards and restriction structures, exit strategies and mediation. We regularly advise on:

- Remuneration and benefits, including commission, bonuses and housing issues
- Drafting and negotiation of employment contracts, secondments and handbooks
- Redundancy, retrenchment and separation agreements
- Terminations, garden leave and termination entitlements
- Enforcement of restrictive covenants and injunctive relief
- Protection of confidential and proprietary information
- Personal data privacy matters
- Discrimination and harassment claims

Some selected experience

- We acted for and successfully defended four senior executives in a claim brought by their former employer, alleging breaches of contract and fiduciary duty and seeking enforcement of restrictive covenants.
- We advised a Hong Kong listed entity and its subsidiary in connection with claims against an employee for suspected breaches of fiduciary duty and diversion of business opportunities.
- We acted for a senior insurance broker and insurance brokerage firm in defending a claim brought by the broker's former employer concerning allegations of breach of contract and common law duties. The case involved various forms of injunctive relief.
- We acted for two individual inter-dealer brokers in defending a claim brought by their former employer. The case involved a claim that bonus payments should have been included in the calculation of payment in lieu.
- We acted for a Hong Kong SME and obtained springboard injunctive relief against a group of former employees who had left en masse to join a competitor.
- We have advised on and negotiate employment contracts and separation agreements for directors, CEOs, CFOs, and other senior executives of various leading financial institutions, hedge funds, insurance companies and listed entities.
- We have advised a wide range of individual employees and employers on Hong Kong employment issues including enforceability of restrictive covenants and availability of injunctive relief, breaches of confidentiality and fiduciary duty, severance agreements, termination entitlements, and compliance with and remedies available under the Employment, Personal Data (Privacy) and Anti-Discrimination Ordinances.

"Tanner De Witt's employment practice is headed by Kim Boreham and Russell Bennett, both of whom have strong litigation track records, particularly in relation to the financial sector."

Asia Pacific Legal 500, 2014

Kim Boreham has been listed as a leading lawyer for the past 5 years for Employment.

Asia Pacific Legal 500
2010, 2011, 2012, 2013 & 2014

Tanner De Witt is listed as a leading Hong Kong law firm for Employment, with Kim Boreham recommended as a leading lawyer.

Chambers Asia 2012

"With deep-rooted experience in employment-related litigation, arbitration and dispute resolution, Kim Boreham is known to be a 'brilliant lawyer, who is cost-conscious and provides excellent value for money'".

Chambers Asia, 2011

Tanner De Witt's team is recommended for its 'responsiveness and practical advice'".

Asia Pacific Legal 500, 2011

"Tanner De Witt is highly professional in its approach to business, as well the lawyers who have a high degree of competence and strong work ethic," says an individual client. "Their vision is to focus on resolving disputes as peacefully as possible and avoiding unnecessary costs and stress."

Asia Law Profiles, 2010

**Our
Employment
Team**



Kim Boreham
Partner

kimboreham@tannerdewitt.com



Kim Boreham focuses her practice on employment law and litigation and dispute resolution. Kim regularly advises employers and employees on both contentious and non-contentious employment matters including drafting and negotiation of employment contracts, termination disputes and entitlements, structuring and negotiation of exit packages, enforcement of post-termination restrictions and confidentiality obligations, personal data privacy issues and discrimination claims.

She has also acted in a number of injunction applications brought against former employees for breach of confidentiality and restraint of trade, including an application in which a 'springboard' injunction was successfully obtained.

On the litigation side, Kim advises on a broad range of contentious issues including claims for breach of contract, constructive trust, breach of fiduciary duty, financial mis-selling, professional negligence, insurance and shareholder disputes. She has appeared regularly as a solicitor in the courts of Hong Kong. Kim was admitted as a barrister and solicitor in New Zealand in 1997 and as a solicitor in Hong Kong in 2001 and in England and Wales (non-practising) in 2002.

Russell Bennett
Partner

russellbennett@tannerdewitt.com



Russell specialises in employment and commercial litigation. On the employment side, Russell has extensive experience in acting for both employers and employees, with particular emphasis on high-value employment disputes in the financial sector. He advises on all aspects of employment law, termination entitlements, post-termination restrictions, bonuses, discrimination, drafting employment contracts, handbooks and other HR related documentation as well as health and safety matters. Recently, Russell also spent several years as regional in house counsel with a major international brokerage.

He focused primarily on dealing with the restructuring of their employment practices, documentation and structures and resolving the resulting disputes and issues throughout Asia Pacific.

Russell is involved in all aspects of litigation advice and procedures relating to: proceedings to trial, summary judgment and seeking and opposing injunctive relief, including the enforcement of post-termination restrictions by injunctions; liquidation and bankruptcy proceedings, international jurisdictional disputes and Magistrate Court proceedings. Russell was admitted as a solicitor in England and Wales (non-practising) in 1993, and in Hong Kong in 1996.

Darcy DavisonRobet

Solicitor

darcydavisonroberts@tannerdewitt.com



Darcy's employment experience includes providing assistance to clients on Employees' Compensation Claims, privacy, matters before the Labour Tribunal, terms of termination, the enforcement of restrictive covenants and employment litigation. Darcy has also advised clients regarding complaints lodged with the Equal Opportunities Commission as well as discrimination claims brought in the District Court.

Ken Ng

Solicitor

kenng@tannerdewitt.com



Prior to joining Tanner De Witt, Ken worked as a solicitor in a domestic law firm focusing on Corporate and Commercial and Employment law. Ken has experience handling employment disputes, severance and retrenchment, immigration matters, reviewing employment policies and advising various multinational corporations on termination of employment and defending claims against employees. He also advises and handles issues relating to mergers and acquisitions, commercial and transactional documentation, pre-acquisition and pre-IPO due diligence and Hong Kong legal advisory work for companies listing on the SGX.

Ken also has experience in a broad aspect of legal practice including litigation, insolvency, wills and probate and tenancy law.

Our Firm



Tanner De Witt was established in 1999 and now has 25 fee earners and around 60 staff in total.

We provide practical legal advice on business issues in Hong Kong, China and the wider Asia-Pacific region. We have excellent contacts with law firms worldwide with whom we work as and when required. We work to protect the interests of our clients by drawing on our firm's deep-rooted experience of Hong Kong and its surrounding region.

We are not a general practice law firm but instead operate a business-focused practice which offers considerable depth of experience in these specific fields:

- Corporate and commercial
- Litigation and dispute resolution
- Insolvency and restructuring
- Employment
- Regulatory and compliance
- Criminal including white collar crime
- Private client
- Family and matrimonial
- Wills and Trusts

Delivering Results by Understanding Your Business

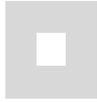
We make an uncompromising effort to provide our clients with exactly what they need. From day one we set out to know and understand your business as well as the legal issues that you may need our help with. In this way, we can most accurately assess how best to work on each case to achieve the results our clients want.

Our long-standing commitment to quality ensures that our work will be completed on time and to your full satisfaction. We aim to create long-term relationships with all of our clients by delivering the results that they want in the most cost-effective manner.

Our Commitment to You

We will represent your interests alone.	We will keep your business confidential.	We will give you clear legal advice that you can understand.
We will explain any risks involved in following your instructions.	We will keep you informed of progress.	We will deal with your questions promptly.

Cost Certainty



We pride ourselves on our ability to provide practical, cost-effective advice. As is usual for lawyers in Hong Kong, we generally charge clients on the basis of time spent.

Position	Hourly Rate (HKD)
Partner	\$6,000
Consultant	\$5,600
Assistant Solicitor	\$2,900 to \$5,300
Company Secretary Services	\$1,700
Trainee Solicitor / Paralegal	\$1,800 to \$2,700
Litigation Clerk	\$1,000

These rates are highly competitive in the market. In appropriate cases, we can agree alternative pricing structures.

Disbursements

In addition to our professional fees, our bills will include charges for disbursements and other out-of-pocket expenses such as telephone and fax charges, travel and computerised legal research. The fees of outside professionals (such as counsel) will be included at cost in our bills to you.

We hope this document provides sufficient information about Tanner De Witt, and specifically our employment group capabilities, to enable an informed judgment to be made about the suitability of our firm to be instructed on particular legal matters. More detailed information about the firm is available on our website (www.tannerdewitt.com). If you have any further questions, please contact **Kim Boreham** or **Russell Bennett**. We hope we can be of service.

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