



**Briana Young** Foreign legal consultant/Professional support consultant

**International arbitration, Hong Kong**

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### Experience

Briana has over 15 years' experience in international arbitration, first as counsel and now as a foreign legal consultant and professional support consultant in Herbert Smith Freehills' Greater China international arbitration team. She is also an experienced Tribunal Secretary, and sits as arbitrator.

Based in Hong Kong, Briana is a senior member of the Herbert Smith Freehills team and an expert in international arbitration law and procedure. She speaks and teaches on a range of arbitration topics, as well as writing articles, legal briefings and other publications.

Briana is Vice Chair of the Hong Kong International Arbitration Centre, and Chair of the HKIAC Proceedings Committee. She is also a member of the committee responsible for drafting the HKIAC Administered Arbitration Rules 2013 and 2018.

Briana co-chairs the Hong Kong Law Reform Commission's sub-committee on outcome-related fee structures in arbitration.

She also co-chaired HKIAC's Task Force on Third Party Funding in Arbitration, and writes and speaks frequently on arbitration funding.

She is a member of the Editorial Boards of Practical Law and Practical Law China.

Prior to joining Herbert Smith Freehills, Briana worked for many years in the international arbitration team of Freshfields Bruckhaus Deringer LLP in London and Paris.

### Credentials

Briana's work includes matters involving:

- a **prominent US fashion company** in UNCITRAL proceedings against its former agent in mainland China
- a **leading private equity fund** in a dispute against another large private equity firm, arising out of the sale of its shareholding in an Asian logistics business
- a **Chinese investor** on complex dispute resolution provisions for a major infrastructure project in North Asia under China's "Belt and Road" initiative
- the founder of a **leading cryptocurrency exchange** involved in UNCITRAL arbitration and related Hong Kong court proceedings in a dispute arising out of negotiations with a venture capital firm
- a **major French environmental company** in parallel ICC arbitrations against a Mexican party, involving significant claims for breach of representation and warranty
- a **Russian telecoms company** in a complex SCC arbitration governed by Swedish law and satellite proceedings in Bermuda and the BVI. The total value of the claims exceeded US\$1.5bn
- an **Irish company** in an ICC arbitration against an Eastern European purchaser
- a **US financial services provider** in French law/French court proceedings against a Paris-based bank accused of money laundering
- a **UK-based utility company** on the initial stages of its bilateral investment treaty claim against Argentina.

Briana has acted as sole arbitrator in HKIAC arbitrations involving:

- a **Hong Kong trading company** and its **Korean business partner** over a disputed loan agreement (Hong Kong law);



- a **Hong Kong technology company** alleging that its **distributor** had defaulted on the terms of a sale and purchase agreement (Hong Kong law).

She has acted as secretary to the arbitral tribunal in cases under the HKIAC, ICC and SIAC Rules, including:

- a dispute between a well-known **European telco** and its **Chinese joint venture partner** under the ICC Rules
- an HKIAC arbitration between **Indonesian and Chinese joint venture partners** arising out of a failed mining operation in Southeast Asia (BVI governing law)
- HKIAC proceedings between a **Hong Kong trading company** and its **US counterpart**, involving disputed loan agreements
- SIAC arbitrations between **Hong Kong and Singapore companies** arising out of disputed commodities contracts.

### **Publications and public appearances**

Briana's recent publications and speaking engagements include:

- Chasing the Asymmetries in Arbitration Clauses – to be or not to be valid? Generations in Arbitration Conference (2020)
- Kluwer ITA Reporter Roundtable (2020)
- China International Arbitration Summit (2020)
- Arbitration of M&A Transactions (Globe Law and Business, 2<sup>nd</sup> edn) – Hong Kong chapter (2020)
- Practicalities and Benefits In The Use Of Third Party Funding In Arbitration seminar, Hong Kong (2019)
- Getting the Deal Through – Litigation Funding (ed. Friel & Barnes, Law Business Research 2017 - 2020): contributing author
- Development and Challenges in International Commercial Arbitration & Investment Treaty Arbitration seminar, New Delhi: *Hong Kong Arbitration – Recent Developments* (2017)
- CIETAC Hong Kong Arbitration Dialogues Conference, Shanghai: *Third Party Funding in Arbitration* (2017)
- 14th IFCAI Biennial Conference, Hong Kong: *Due process issues and methods to ensure efficiency in relation to complex procedural issues* (2017)
- *Dispute Resolution and Governing Law Clauses in China-Related Commercial Contracts* (Herbert Smith Freehills, 7<sup>th</sup> edn)
- *A Guide to the HKIAC Arbitration Rules* (Moser & Bao, Oxford University Press 2017): contributing author
- *Arbitration in Hong Kong, A Practical Guide* (ed. Ma & Brock, Sweet & Maxwell, 4<sup>th</sup> edn)
- *Hong Kong and Singapore: chivalrous rivalry?* (Harbour View Q4 2016)