



# Damien McDonald

**Year of Call:** 2021 (England and Wales), 2020 (Hong Kong)  
**Direct Access:** No

	damien.mcdonald@outertemple.com
	020 7353 6381



Damien specialises in **international commercial and contractual disputes** predominately involving mainland China having worked in Shanghai, Beijing, and Hong Kong. He mainly divides his time between Hong Kong and Darwin but also practices from London where he accepts instructions as advocate and advisor. In Hong Kong, he practices from Prince's Chambers and in Darwin as a barrister from William Forster Chambers.

He has experience of **international arbitration** under HKIAC, SIAC, ICC and UNCITRAL rules within petrochemical, energy and natural resources, China related investment, and hospitality sectors. Matters typically arise from contractual, M&A, shareholder, joint venture, private equity and fund-related disputes.

He is a former solicitor in Australia (2001) and England and Wales (2008) and Hong Kong (2016). Before transferring to the bar in Hong Kong (2020), he was a registered foreign lawyer and then international arbitration partner with a leading Chinese law firm in Hong Kong, Fangda Partners, between 2014 and 2019. Before then he was with Herbert Smith Freehills in London, Shanghai and Beijing. He commenced his legal career in Australia with Mallesons Stephen Jaques (now King and Wood & Mallesons)

Damien is a Fellow of the Chartered Institute of Arbitrators and an arbitrator on the HKIAC List of Arbitrators and the Asian International Arbitration Centre Panel of Arbitrators. He accepts appointments as an arbitrator in commercial disputes.

He is also a CEDR qualified mediator. He accepts appointments as a mediator and will work with parties in the region and internationally to undertake mediations in person and remotely.

## Areas of Expertise

### International Arbitration

Examples of work as counsel in arbitration proceedings and litigation instructions as a solicitor:

#### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: clarks@outertemple.com  
DX: LDE 351 (Chancery Lane)

#### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: OTC-UAE@outertemple.com

#### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

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F: +971 4401 9578  
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## Notable International Arbitration cases

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Acting in a HKIAC arbitration for an investment fund in a claim to recover a deposit under a SPA and defence of a counterclaim alleging unlawful termination

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Acting for an Asian investment fund in a HKIAC arbitration in respect of its investment in Mongolia

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Acting for a leading international hospitality company in a HKIAC arbitration in respect of a hotel management contractual dispute with a mainland Chinese real estate developer/building owner

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Acting for a respondent in a HKIAC arbitration in respect of the sale of shares in a joint venture company and transfer of control of business in China

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Acting for a foreign investor in an ICC arbitration seated in Hong Kong in respect of a joint venture dispute with a mainland Chinese party

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Acting for a leading Chinese company in a SIAC arbitration in a dispute relating to trade secrets / ownership of technical designs for petrochemical plants in China

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Acting for a leading international investment bank in a HKIAC/UNCITRAL arbitration in relation to a private equity investment dispute

## Memberships

- Fellow of the Chartered Institute of Arbitrators
- Arbitrator on the HKIAC List of Arbitrators
- Arbitrator on the Asian International Arbitration Centre Panel of Arbitrators

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- CEDR qualified mediator

## Publications

### Books and Chapter Contributions

- Chinese Arbitration Law, Individual Contributor, Co-Author and Co- editor with Peter Yuen and Arthur Dong, Lexis Nexis, Hong Kong (2015)
- "China and Hong Kong", Arbitration of M&A Transactions, Justin D'Agostino, Damien McDonald, May Tai and Fanny Tam, Global Law and Business (2014)
- State Secrets and Trade Secrets in China, Damien McDonald and May Tai, Sweet & Maxwell, Hong Kong (2010)
- "Awards of Punitive Damages", Jessica Fei, Damien McDonald and Eunice Bai, Post Hearing Issues in International Arbitration, Juris Publishing, (2013)
- "Arbitration with Chinese Characteristics (仲裁的中国特色)", Jessica Fei and Damien McDonald, Contemporary Issues in International Arbitration and Mediation, The Fordham Papers (2012)

### Seminars, Speaking Engagements and Journal Articles

- Lecture to Australian National University, International Commercial Arbitration, Postgraduate Course, on "Effective Advocacy in International Arbitration" (2021)
- Presentation of the 8th CIETAC mini lecture on "Managing Expert Evidence-The Fundamentals of Process and Preparation" (2021)
- Panellist on "China's place in the global order: Insights and predictions on international arbitration" for King and Wood Mallesons online seminar to coincide with Australian Arbitration Week (2020)
- Panelist for seminar on "Legal Privilege and the Client under English and Hong Kong law: A refresher for in-house legal professionals" for Law Society of Hong Kong In- House Lawyers Committee (2019)
- Panelist and workshop leader for Fangda Partners workshops with BenchMark and Sinasure in Shenzhen and Guangzhou (2019)
- Hong Kong and Mainland China Agree upon Bilateral Arrangement Regarding Interim Measures for Arbitration, Kluwer Arbitration Blog, Peter Yuen, Helen H. Shi, Damien McDonald, Olga Boltenko and Matthew Townsend (2019)
- Dual language or bilingual arbitrations: five points for parties, China Business Law Journal, Damien McDonald and Matthew Townsend (2019)
- Commercial Arbitration Review, 2018, Financier Worldwide (2018)
- Panelist on Hong Kong Arbitration Week HFW sponsored panel "The Interaction between Arbitration and Insolvency Law" (2018)
- Hong Kong Court Grants Execution Against PRC State-Owned Enterprise, Rejecting Its Claim of Crown Immunity, Hong Kong Lawyer, Damien McDonald and Matthew Townsend (2017)
- Speaker on "Third Party Funding in International Arbitration", 3rd Annual International Arbitration, Compliance & Competition Law Summit (Beijing) (2017)
- In House Congress Hong Kong, Workshop leader on "28 Days – A Complex PRC Dispute in Action (2017)
- Hong Kong Court Opens Door to Winding Up Foreign Company Arbitration Award Debtor on Basis of Its Secondary Listing in Hong Kong, Hong Kong Lawyer, Damien McDonald and Matthew Townsend (2017)
- 4th Annual International Arbitration, Compliance & Competition Law Summit (Japan); Panelist, Managing Expert

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- Witnesses in the Arbitration Process and Avoiding the Common Problems – Advising In House Counsel (2017)
- In-house client seminar on Third-Party Funding and international arbitration (2017)

## Awards

Butterworths Prize for highest marks in Legal History (Shared) 1999 – University of Tasmania

## Privacy Policy

Read Damien's [privacy policy here](#).

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