



**EXPERIENCE WITH CHINA**

**April 7, 2015**



**CHINA**

One of the hardest parts in considering the China market there, and here, is knowing what questions to ask and having confidence in the person answering the questions as to strategy and thoughtfulness, and as to general knowledge of how the legal systems of China and the United States interrelate, or do not interrelate, in terms of preservation of capital, protection of rights, resolution of disputes, and return on investment.

I have helped a number of companies and individuals with their business and legal outlooks on China, combining judgment with business and legal advice and with 50 years of experience in practicing law and negotiations, and for many years strategic planning as to how to enter and get out of China, and what to look out for, from the legal perspective of both the Chinese and the American side.

Here is what Sam Ginn, the former Chairman of Pacific Telesis, had to say about my help to his company in entering China:

“This article [about you in the April 14, 2014. **China Daily** “**Tom Klitgaard: Cultivator for US-China Relations**”] understated your influence and contributions to our relationship with China. While you helped many of us learn our way, your most significant contribution was to help us understand each other. That will pay back big time through time.”

In 2011, the Shanghai Municipal Government presented me its Magnolia Silver Award for special contributions to Shanghai’s continuing economic development. Co-recipients included the Chairman of the Board of Directors of Dell (China) Co. Ltd., the Chairman of Shanghai General Motors Co., Ltd., the Managing Director Greater China for The Walt Disney Company, the Chairman of Kirin (China) Investment Company, the Chairman of Komatsu (China) Limited, and the President of Sony (China) Company. I was the only non-expatriate selected, one of only 6 Americans, and the only attorney.

**Recent Lecture**

In March 2015, I delivered a lecture at the Chinese Culture Center in San Francisco on Humanism and v. Legalism in Modern Chinese Law—how this will affect your activities involving China and differences from the United States. The topics were the increasing value of vagueness, the continuing underlying themes of morality, however defined, the evolving emergence of fairness rather than rights, and the increasing importance of actually solving the problem in judicial proceedings in lieu of just resolving legal issues, pragmatism vs. mental gymnastics. And what we are learning from evolving comparisons with the legal systems in Hong Kong and Macao, and what they are telling us about the future for Americans in and with China.

All keeping in mind that the law always follows the power and that in a peaceful setting the power follows the money. And that China has the money and we do not.

### **China Experience**

- Thirty five years business and legal experience with business and Chinese governmental entities involving China
- Administrator of Business Management Program conducted by the San Francisco-Shanghai Friendship City Committee with the Shanghai Municipal Government for training mid-level managers at Shanghai public agencies and government operated commercial enterprises, 1982-2011, 94 graduates)
- Adjunct Professor of Law, Asian Legal Systems (including the People's Republic of China, Hong Kong Special Administrative Region, the Macao Special Administrative Region, and Republic of Taiwan (considered by China to be a province)) University of San Francisco School of Law, 2002-present
- Visiting Lecturer in Law, Intellectual Property, Antitrust, East China School of Politics and Law, Shanghai 2010, 2011
- Founding Director, San Francisco-Shanghai Friendship City Committee (approximately 250 business, cultural, and governmental projects with Shanghai), 1982-2011

### **Summary**

There are many fine accounting and law firms providing legal advice on China, both inside and outside China. I do not duplicate them. I provide an added and, I hope, useful legal perspective for businesses, lawyers and legal departments for their strategic planning and for their unavoidable responses to actual and potential problems.

### **Legal Background**

I am a practicing attorney. I am also a domestic and international arbitrator and mediator. I have expertise in antitrust, commercial, intellectual property (copyrights, patents, trademarks, and licensing), and securities (insider trading, public reporting).

### **Fee Schedule**

Three hundred fifty U.S. dollars per hour; fifty U.S. dollars per hour for travel time over 4 hours, reimbursement of out of pocket costs at basic commercial rates.

\*\*\*

**Rated AV in Martindale-Hubbell's 2015 Directory of California Lawyers.**

www.dillinghammurphy.com  
Dillingham & Murphy, LLP  
601 California Street. Suite 1900  
San Francisco, CA 94108  
Phone (415) 397-2700 Fax (415) 397-3300  
[tjk@dillinghammurphy.com](mailto:tjk@dillinghammurphy.com)