

DERRICK ZHAO

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PRACTICE AREA

MR. ZHAO SPECIALIZES IN GENERAL CORPORATE COMPLIANCE MATTERS, INTERNAL INVESTIGATIONS AND GOVERNMENT ENFORCEMENT ACTIONS.

Education

- Cornell Law School, LLM, 2011
- East China University of Political Science and Law, LLB, 2006

Professional Qualification

- Admitted to practice in the PRC
- Admitted to practice in New York

Work Language

- English
- Mandarin

Professional Background

- Before joining Fangda Partners, Mr. Zhao was a senior compliance officer in the APAC head office of a top-tier global investment bank, responsible for the bank's anti-corruption and anti-financial crime related affairs in the Asia Pacific. Before that, Mr. Zhao had practiced in a reputable Chinese law firm and in the Shanghai office of a renowned international law firm for many years.

Mr. Zhao has practiced as an attorney in private practice and as an in-house counsel for many years. He has acquired extensive experience in assisting domestic and multinational companies in establishing, improving and implementing key internal compliance policies and systems and in identifying and mitigating compliance risks for companies. Mr. Zhao has been recognized by Legal 500 as a "Next Generation Partner" in "Regulatory/Compliance".

Mr. Zhao has assisted domestic and multinational companies in different industries on all types of compliance matters. He has assisted clients in dealing with government enforcement actions and public crises, conducting internal investigations, assessing compliance risks in operations and businesses, conducting compliance due diligence in transactions, building compliance programs, and acting in compliance litigation and proceedings on white-collar crime.

Mr. Zhao focuses on anti-bribery and corruption, sanction and export control, anti-fraud, data protection and privacy, advertising compliance, state secrets law, etc.

REPRESENTATIVE MATTERS AND CASES

Government Enforcement and Crisis Management

- Represented a leading hotel management company in dealing with a public crisis arising from improper messages being displayed on the company's website leading to widespread public criticism and law enforcement investigations into advertising, network security and public security issues
- Represented hotels managed by world famous hotel management companies in government enforcement actions and inspections, involving commercial bribery, data breaches, workplace safety, fire safety, advertising rules, etc., and also assisted the hotels in dealing with "professional complainers"
- Represented a world-leading hospitality company in dealing with law enforcement investigations into a major data breach by the company
- Represented a world-leading maritime carrier in responding to an administrative investigation into alleged commercial bribery and in successfully persuading law enforcement to withdraw the underlying allegation
- Represented a Fortune 500 company in responding to an administrative investigation into alleged commercial bribery and in successfully persuading law enforcement to withdraw the underlying allegation
- Represented a Chinese state-owned airline in responding to inquiries from the SEC and the NYSE about a

potential FCPA violation by the airline

- Represented an employee of a world-leading mining company in a judicial proceeding that attracted worldwide attention for its allegations against the employee of criminal acceptance of bribes and infringement of commercial secrets

Sanctions and Export Controls

- Advised an international shipping company on sanctions and export control issues related to its international shipping and port operations in regards to sanctions on Iran and North Korea and provided assistance in establishing a sanctions and export control compliance system for the company
- Advised a famous Chinese undersea fiber-optic cable company on sanctions issues relating to its operations in the Middle East
- Assisted a large port company in assessing and inspecting its sanction risks and assisted it in establishing a compliance system
- Advised a leading Chinese automobile manufacturing company on its sanctions risks related to its business in Venezuela
- Assisted a Chinese high-tech company in negotiating with the United States Department of Commerce and dealing with procedures for removal from the BIS entity list
- Advised a number of Chinese chip makers on US export control issues, included providing analysis of whether their products, technology or parts were subject to US export control laws
- Assisted a number of Chinese and foreign companies on legal issues related to sanctions and export controls

Internal Investigation

- Represented a Fortune 500 infant and child formula manufacturer in conducting an internal investigation into its potential FCPA violation in China and in responding to an SEC subpoena
- Represented a Fortune 100 life sciences company in its internal investigations and its FCPA post-merger compliance integration and proactive reviews
- Assisted a leading international bank in conducting a comprehensive internal investigation into its rural banking business in multiple branches across China of various alleged employee misconduct, including problematic loan management, “off-the-book” secret funds, travel and expense fraud, and HR management deficiencies. Assisted a world-leading mechanical manufacturer in a series of internal investigations into employee wrongdoings involving bribery of government officials, conflicts of interest, non-compliance in third-party engagement, and collusion with third-party vendors to misappropriate company assets
- Assisted a world famous household appliance manufacturer in its internal investigations into employee misappropriation of company assets and successfully persuaded the police to open a formal case against the implicated employees
- Represented a global mining company in an internal investigation into its Chinese subsidiary's alleged FCPA violation
- Represented a China-based, US-listed company in conducting an internal investigation into its alleged accounting fraud in response to a subpoena from the SEC

Compliance Due Diligence

- Represented a US-listed Chinese company and its subsidiaries in conducting compliance due diligence for its investment and acquisition transactions worth billions of US dollars in various industries in China
- Represented a number of world famous private equity funds in conducting anti-corruption and data protection due diligence in their investment projects in China and advised on post-investment remediation measures

Compliance Advisory and Compliance Program

- Assisted a US-listed Chinese company in conducting a thorough anti-corruption risk assessment on its China business operations and a compliance program effectiveness review, which was followed by suggestions on remediation measures
- Assisted a Chinese subsidiary of a leading US pharmaceutical company in promulgating a compliance handbook adhering to global standards and Chinese law
- Provided legal services to several pharmaceutical and medical device multinationals in connection with FCPA and Chinese anti-commercial bribery issues; assisted them in establishing and implementing compliance policies and programs; provided advisory services on compliance matters in their daily operations
- Advised several pharmaceutical companies on FCPA, commercial bribery and unfair competition issues and helped them to implement internal compliance control systems
- Advised and assisted a number of Chinese and non-Chinese companies in sanctions and export control matters
- Advised an international shipping company on Iran and North Korea sanction-related issues relating to its shipping and port administration business
- Advised various Chinese semiconductor manufacturers on export control issues relating to re-export or release of US technology or products