

Debt recovery

Many businesses suffer from financial and cash flow problems caused by bad debtors. In an environment where money is tight and conventional revenue streams disrupted, cash flow management is more crucial than ever. Our team aims to help our clients realise the debt on their books, while minimising the costs of doing so.

Clyde & Co offers our commercial clients a low cost and no risk specialist service for the recovery of unpaid debts across the region. We are pleased to handle debt collection cases on a **no win, no fee** contingency fee basis without starting legal proceedings.

Geographical coverage

Clyde & Co is a leading international law firm with over 440 partners and 4,000 staff operating from over 50 offices and associated offices across 6 continents, and a network of over 500 cooperative law firms, we have the ability to provide debt recovery services in a large number of the world's jurisdictions, e.g. China, Singapore, India, Korea, Vietnam, Malaysia, Australia, UK, Spain, Italy, America, Canada, UAE, Qatar, Kuwait, Saudi Arabia, Brazil, Ecuador, etc.

Our tried and tested approach is designed to ensure that clients have access to the very best legal counsel available in each jurisdiction, as well as the benefits of central co-ordination and management. **Whenever a dispute or issue may arise and wherever the chosen jurisdiction to pursue this dispute may be, we have the capability to assist.**

Debt recovery team in China

Unlike many other international law firms, our Shanghai, Beijing, Chongqing and Hong Kong offices operate as an integrated unit and there is much involvement and interaction between the four offices. We have formed a joint law venture with Chinese local law firm Westlink Partnership. **The joint law venture is licensed by the People's Republic of China Ministry of Justice**, meaning we can provide seamless onshore and offshore legal services as a single entity, including

representation in Chinese courts. Should litigation in China be required, we can offer clients a "one-stop-shop proposition".

Under the umbrella of Clyde & Co's leading dispute resolution practice, we are pleased to offer our commercial clients a low cost and no risk specialist service for the recovery of unpaid debts across the region. Our experienced China debt recovery team comprises of professional and qualified lawyers.

Our objective in debt recovery cases is to achieve full payment for our clients in the shortest time period possible, or to negotiate with debtors to agree on a workable payment solution acceptable to our client without recourse to litigation. In rare cases where litigation is considered desirable, our core dispute resolution team is perfectly placed to advise on how to proceed.

We act for a number of local and multinational corporations in collecting their unpaid debts and account receivables. Our cases involve jurisdictions across the world, often in very difficult and emerging markets. We have a proven track record of successful debt recoveries for a wide range of commercial clients across the world.

We are also able to conduct searches and investigations into the authenticity of the relevant shipping and sales documents, and explore whether any aspects of the logistics arrangement or cargo sales concerned are fraudulent and/or non-existent.

Our fee arrangement

On the basis that we are instructed on a considerable amount of cases per year, and with a view to building a long-term business relationship with you, we are pleased to handle debt collection cases on a **no win no fee** contingency fee basis without starting legal proceedings.

Non-litigation

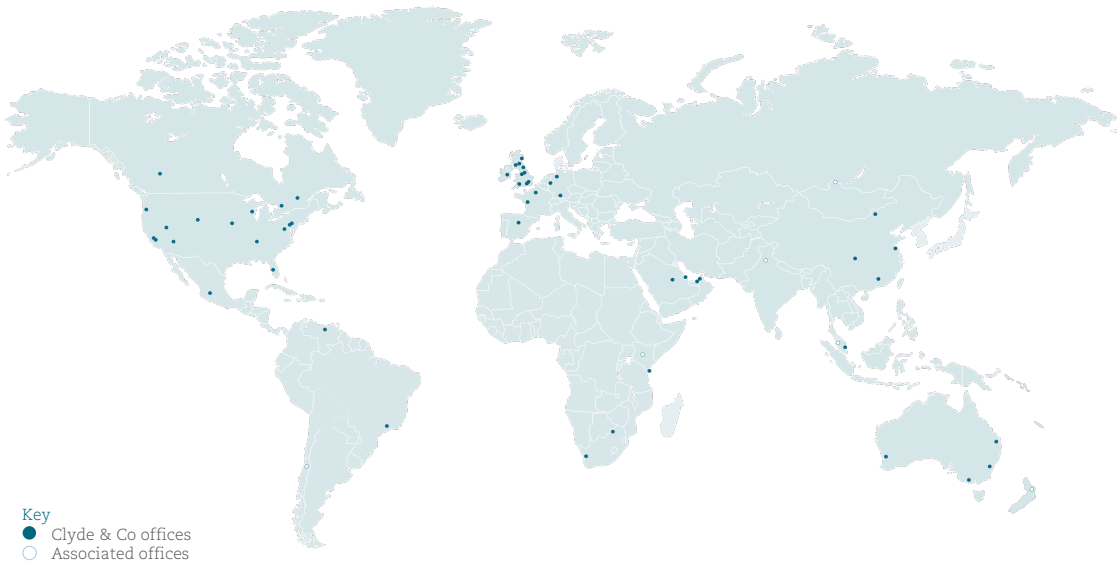
In the event of no recovery	Disbursements only
In the event of a full or partial recovery	Normally we charge 15% contingency fee on each instalment of monies received plus miscellaneous disbursements, but specific contingency fee rate can be discussed / agreed on a case-by-case basis.

These fees cover the work done in connection with negotiations for an amicable settlement. Any out-of-pocket expenses and disbursements (e.g. fax / telephone / postage / photocopying charges, travel expenses, company searches, VAT, etc) we incur on your behalf will be included in our invoices.

Litigation / legal proceedings

We are able to obtain collection in most cases (say 60% - 80%) without starting legal actions or arbitrations. For cases involving legal actions or arbitrations, if the creditor has obtained a successful judgement or award, and the debtor has assets / funds, we should be able to obtain collection in the majority of cases. Before recommending on commencing legal actions or arbitrations, we would normally suggest that credit reports and asset investigations to be carried out in the first place to assess the recovery prospects. If we are unable to obtain recovery at pre-litigation stage, we will write to you advising whether legal proceedings are viable for recovery. You may then decide based on our report, whether to proceed with the matter further.

For litigation cases, we are in general able to continue charging on a contingency fee basis, however, actual fee rate may vary from case to case. Please note that the Bar Association / Law Society regulations in certain jurisdictions, such as Hong Kong, Singapore and India, do not allow pursuit of litigation on contingency "no win no fee" basis. You will have to pay for your own local lawyers' fees, court fees, etc. Having said that, we should be able to provide a capped fee arrangement for simple / undisputed matters where we are expected to apply for summary judgment or issue a statutory demand as prelude to winding up proceedings.



Further information

If you would like further information on any issue raised in this overview please contact:



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