

## Member Spotlight: Dominic Wai

# From golf tournaments to Ronald McDonald House - Dominic has no plans to slow down



Before joining the legal profession, Dominic has worked in the banking sector and as well as in the Independent Commission Against Corruption (ICAC).

Dominic's practice focuses on advising clients on matters relating to anti-corruption, white-collar crime, law enforcement, regulatory and compliance matters in Hong Kong, including advice on anti-money laundering. He also handles cases involving corporate litigation, shareholders' disputes and insolvency matters, defamation cases, domestic and international arbitration cases, cybersecurity, data security and privacy law issues, competition law matters, e-Discovery, and forensic investigation issues as well as property litigation.

When Dominic Wai first left school he had two careers in mind – journalism or the law.

Both of them appealed to his natural sense of justice and order, and he liked unravelling puzzles and finding simple solutions. But his dad told him journalism wouldn't pay and he failed his entrance exam for Hong Kong's only law school (this was the 1980s remember).

Dominic went into banking instead.

It was while working at one of Hong Kong's banks that he was offered the chance to join the Independent Commission Against Crime (ICAC) in 1990. As he still had his heart set on becoming a lawyer he joined in the fight against corruption, working mainly in the Community Relations Department trying to promote and educate the public about the evils of corruption.

"Back at that time when I joined a very senior government prosecutor, Warwick Reid, was found to be taking bribes," Dominic says. "This was a person at the very top of the legal profession. It showed that corruption ran from the lowest to the highest levels of society. And that was very damaging – the guy who was doing the prosecuting was also taking bribes."

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That was Dominic's first brush with the law and he's never looked back: "At last I'd got into something that was legal related. It also helped me understand how the operations department worked, and how investigations were carried out. Above all, it confirmed my desire to become a full-time lawyer."

It was while he was working at the ICAC that Hong Kong opened its second law school. The ICAC operated on a two-and-a-half-year contract basis and at this point Dominic had to make the decision that would change his life and career: choose to remain at the Corruption Commission and start to climb the managerial ladder into more senior positions or use the money he'd saved over the years and pay for law school. Of course, he chose the latter.

"When they opened the second law school I applied and got in," Dominic recalls. "And it was at exactly the same time that I was finishing my contract with ICAC. Perfect timing. I used the gratuity paid on the termination of my contract to pay for my law school studies. I had a choice at the time – buy a flat or go to law school. I wanted to be a lawyer more. It's sounds like a cliché, but that was my dream. The flat would have to wait."

After qualifying as a lawyer, Dominic joined an international law firm as a trainee and while he found corporate transactions and M&A dealing interesting and challenging, particularly with his banking background, his view was that if "I'm going to be a lawyer I want my day in court". That ambition led him into litigation: "I was ambitious and that was

driving me. I wanted to be in court. I wanted to understand how the courts operated. To me that was what law was all about. Disputes and the whole court experience."

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"That's where I'm operating to this day, in litigation dispute resolution. And it's satisfying because sometimes you might be able to be part of something that can develop the law further. If you work on a new case and that becomes a legal precedent, I like to think that I've made my own modest contribution to the jurisprudence of Hong Kong."

As Dominic grew more into his role, dealing with cross-border shareholder disputes, he started travelling to the Chinese Mainland and also working more closely with Mainland Chinese companies. With its two systems, one country, Hong Kong and Chinese law is very different and this was a steep learning curve for him.

"Working with Mainland companies gave me the chance to spend a lot of time over there and see how their legal systems worked regarding corporate law and business generally," Dominic says. "At the time, and this is a few years ago now, the way they worked on the Mainland was a challenge for me. In Hong Kong you have common law, of course, but on the Mainland they handle cases, protocols very differently. I think they really respected that lawyers from Hong Kong were regarded as incorruptible and always stick to the legal procedures."

Another issue that was an eye opener for Dominic was that international firms would fly foreign lawyers into China and these lawyers would be totally unprepared for the way the legal system operates on the Mainland. "They'd misunderstand cultural norms and make huge mistakes interviewing corporate bosses," he adds. "Coming from

Hong Kong we could see why they made those mistakes, but we could also see why they upset their Chinese hosts."

But rather than a negative issue, Dominic believes the confusion around the cultural and legal differences between Chinese and foreign firms has been a strength for Hong Kong law firms. They help to fill the gap between the often lofty expectations of Western businesses and the reality when dealing with Chinese partners and clients. For Dominic it's a good selling point.

"Our position at ONC is kind of East meets West," he says. "Mainland Chinese businesses have had decades of reforms – and they've reaped huge benefits and riches from that – but they have a very different mindset and many businesspeople and their legal teams in the West simply fail to understand that. Hong Kong Chinese and Mainland Chinese businesses and legal systems operate in very different ways, but there's also a common cultural understanding that outsiders simply don't get. I suppose it's a very Chinese culture thing and I kind of like that."

Dominic is proud of Hong Kong's legal heritage and believes Mainland China sees it as a huge benefit for the territory and for China itself. Regionally, Hong Kong is often used as the disputes territory by clients from countries such as Japan, South Korea and Taiwan, all of whom want a stable, impartial legal systems for arbitration, overseen by Hong Kong law.

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"We want to position ourselves as the legal hub for this part of the world with our common law system, independent judiciary and ease of travel," he says. "A dispute may originate outside the territory, but they'll bring the dispute to Hong Kong because of

the territory's reputation – and the Mainland government understands that and wants to build on it.

"This is particularly true of China's One Belt, One Road initiative where Hong Kong has become the location of choice for dispute resolution and that's a big opportunity. There are 66 countries involved in that One Belt initiative. Hong Kong is being pitched as the legal as well as the financial centre for all Southeast and East Asia."

As well as working all hours as a disputes lawyer, Dominic also works tirelessly for his chosen children's charity, Ronald McDonald House, where he is a director. This provides a home away from home for children who need extensive hospital treatment, supporting families by providing much-needed accommodation close to the hospital.

**Despite his incredibly busy life, Dominic has no plans to slow down. The law is his life.**

"We're able to provide a kind of hospital hostel service for the whole family, so the family can be close by and accompany their child to the hospital. The idea is to try to keep the family together during such a stressful time."

Fund raising usually involves gala dinners with raffle tickets, golf tournaments and celebrities joining in fun runs. As part of this charity work, Dominic is even training for an Ultramarathon but admits it is early days: "I can't run more than a few miles at the moment, but give it time..."

Despite his incredibly busy life, Dominic has no plans to slow down. The law is his life.

"My wife always asked me about possible retirement plans, but I just can't see it happening. I simply don't want to stop. If I didn't have the law I'd have no idea what to do. Each day is different and I really get a buzz when people look to me for advice and guidance. That's very gratifying."

## Dominic Wai

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