

Biography



Julie Engwirda

Partner | Dispute Resolution | Hong Kong

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Expertise

Litigation & Insolvency , Listco Disputes , Investigations, Corporate Crime & Fraud , Mergers & Securities Disputes , International Arbitration , Distressed Funds

Julie Engwirda is a partner in the Litigation & Restructuring and Insolvency practice group in Hong Kong. Julie has a wealth of experience in complex cross border litigation, and is particularly sought after for her work on listed company disputes, fund disputes, shareholder disputes and insolvency. Julie regularly acts on matters involving fraud, arbitration, contentious trust, regulatory investigations, asset tracing, and breach of fiduciary duties. Matters typically involve litigation in multiple jurisdictions and often include pre-emptive action (injunctions, freezing orders, or disclosure orders).

Julie often works closely with corporate and fund colleagues, providing non-contentious advice on issues such as redemptions, mergers, shareholder rights, security review/enforcement, and director duties.

Julie is a regular contributor to the Offshore Litigation Blog and the Take 10 podcast.

Recommendations

Julie is recognised as a Global Elite - Hong Kong thought leader and in the Commercial Litigation - British Virgin Islands and Restructuring & Insolvency - Hong Kong guide.

- Who's Who Legal, 2024

Julie is ranked as a "leading individual" and is noted for her insolvency and fund disputes prowess.

- Legal 500 Asia Pacific, 2024

Julie has been recognised as a Future Leader in the Investigations guide.

- Who's Who Legal, 2023

Julie is identified by market commentators as "incredibly hard working, with extraordinary attention to detail and strong powers of analysis and strategy." She is "a good team player with great technical skills", and "comes up with unique ideas to find solutions," praise clients. Peers hold Julie in high regard for her well-established presence and long standing expertise in the area of insolvency.

- Chambers Global

Julie is ranked as a "leading individual" and has a "first-rate reputation".

- Legal 500, 2023

Julie has been recognised as a "highly knowledgeable" Future Leader, in Investigations with "widespread plaudits for her 'clear and practical advice', with market sources noting that 'she knows her subject area well and conveys it in a helpful manner". Besides, she is also recognised as a National Leader (Mainland China & Hong Kong SAR) in Business Crime Defence & Investigations.

- Who's Who Legal, 2022

Julie has won the 2022 Client Choice Award for Investigations.

- Lexology 2022

Experience

Privy Council

Advising Convoy Global Holdings Limited, which resulted in the recent landmark Privy Council decision in London of Convoy Collateral Ltd (Appellant) v Cho Kwai Chee (also known as Cho Kwai Chee Roy) (Respondent) (British Virgin Islands) which materially changed common law freezing injunctions for the first time in 44 years.

Advising a client on the successful winding up of a BVI joint venture company, with substantial shipping interests in Asia, on just and equitable grounds arising from irretrievable deadlock at board and shareholder level. The Eastern Caribbean Court of Appeal had overturned the first instance decision to appoint liquidators and the Privy Council subsequently was asked to consider whether the Court of Appeal had been correct to interfere in the first instance findings of fact and exercise of discretion to appoint liquidators. The Privy Council allowed the appeal, ruling on the novel point of law of when deadlock must be established.

Privatisation

Acting as Cayman Islands counsel to China Biologic Products Holdings, Inc. on its take-private transaction valued at approximately US\$4.76 billion.

Shareholder disputes

Acting for the majority shareholders of a Hong Kong-based airline in a high-profile shareholder dispute. The airline is owned and operated through a BVI holding company, with a mix of Cayman Island, BVI, and Hong Kong subsidiaries. Harneys assisted the client shareholders to take control of the board of directors of the BVI company and its group entities, which in turn led to taking control of the operation of the airline. Injunctions were obtained for the clients in BVI and Hong Kong to prevent interference in the ownership and operation of the group.

Acting for the majority shareholders of a BVI company that owned and operated a charter airline business in South Africa. The case set a precedent before the BVI courts on the valuation of shares on a buy-out.

Acting in a shareholders' dispute concerning the operation of a BVI company which holds a significant stake in a high-value luxury residential development in Macau. The derivative proceedings included claims for breach of fiduciary duties, fraud, and relief under the member remedies provisions of the BVI Business Companies Act.

Acting in BVI proceedings defending a claim arising from a shareholder dispute raising issues of corporate governance and the interplay of a terminated shareholders agreement. Successfully

opposed injunctive relief in the BVI and obtained a stay of the BVI proceedings in favour of arbitration.

Fund disputes

Acting in BVI proceedings as to the status of failed subscription money for an investment into a Madoff exposed fund. The subscription money was paid into an account in Bermuda operated by the BVI fund. The failed subscriber successfully established a trust claim over the subscription money seeing a return of all funds for all failed subscribers, rather than the funds forming part of the pool of assets available to creditors of the fund.

Serving as Chairperson of the Liquidation Committee for Fairfield Sentry for eight years. The liquidation of Fairfield Sentry, the largest exposed feeder fund to the Madoff fraud, has led to numerous key decisions from the Courts in BVI, New York, and the Privy Council that impact fund practice on issues such as clawback of redemption proceeds, claims against fiduciaries, and status of redeemed shareholders.

Acting for a stable of six BVI mutual funds, with Cayman co-funds, in action against a high-profile former director and other fiduciaries. The matter saw the intervention of US authorities to trace and freeze assets, and at BVI level considered a multitude of issues including the validity of shareholder action to reconstitute the board, declaratory relief as to proper control of the shareholder of the funds, and thus the funds.

Acting for the principal of a Cayman Islands fund in opposing a winding up petition brought against the fund by an investor on just and equitable grounds. The petition was dismissed with the Court returning operation of the fund to its principal.

Bar Admissions

British Virgin Islands
2005

England and Wales
2003

New South Wales
1996

Education

Bond University (LLB)
1995

Bond University (BCOM)
1993

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Global Leader – Investigations."*

Who's Who Legal 2022