Brian W. Gilchrist OBE

Partner

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Hong Kong



Brian Gilchrist is a partner in the Hong Kong office of Gibson, Dunn & Crutcher LLP. He is a member of the firm's Litigation and White Collar Defense and Investigations Practice Groups. Brian has extensive experience in dispute resolution, with a focus on commercial litigation involving matters concerning banking, insurance, tax, employment, contentious probate, directors' duties, and minority shareholders' rights. He is also an experienced advisor on regulatory matters and has handled both domestic and multijurisdictional arbitrations. Brian has acted as a key legal advisor to many of the largest Hong Kong and international companies and institutions. He has acted for, as well as against, Regulators, and is recognized in the market as someone who is usually involved in any 'bet the company' dispute in Hong Kong.

He is consistently recognized as a leading lawyer and notable practitioner by publications and is a top-ranked lawyer by *Chambers Greater China Region*. Interviewed clients remark that Brian "is unique in the sense that he is a strategist. He's always three steps ahead - sometimes even ahead of the client in terms of what they want to achieve" and "is on the speed dial of everyone who is anyone. He's head of the team and is extremely important as the overall strategist and with regard to communicating with the client." Other sources note that "He's the real big dog in town. He's the real deal and is every bit as good as advertised in terms of his advice and analysis", "people like him are set apart for their commercial and strategic judgement when it comes to decision making in litigation", and that he "is very good at dealing with difficult situations and finding a simple commercial solution, that's what he's known for in the market. He's definitely the person to go to for complexity".

Brian is ranked Band 1 in the *Chambers Global* and *Chambers High Net Worth Guides*. Described as a "legendary figure" with vast experience, clients were quoted saying, "Brian has seen anything and everything, he has roamed the earth in the litigation scene in Hong Kong". "Brian is a trusted adviser who always produces commercial solutions", "Brian Gilchrist has unparalleled gravitas and experience in the area…he is particularly knowledgeable in terms of trust-related matters", and further, "Brian is unique in the sense that he is a strategist. He's always three steps ahead - sometimes even ahead of the client in terms of what they want to achieve". Brian is also recognized in *The Legal 500* Hall of Fame, having been listed as a Leading Individual for many consecutive years, as well as classed as a Leading Individual in *The Legal 500 Asia Pacific*'s Dispute Resolution: Litigation, Domestic and International Corporate Tax, and Private Client and Family categories. In *The Legal 500 Asia Pacific* guide, a client noted that Brian "is an exceptional litigator and a trusted advisor whose counsel goes far beyond the purely legal. He consistently demonstrates an ability to identify and address the real concerns underlying complex commercial disputes". He is also recognized by *Lexology Index* (formerly *Who's Who Legal*) for Commercial Litigation, Commercial Mediation, and Asset Recovery; *Benchmark Litigation Asia Pacific*; and *Lawdragon* 500's Leading Global Litigators and Global Leaders in Crisis Management guides.

Capabilities

Litigation
Administrative Law and Regulatory Practice
Appellate and Constitutional Law
Crisis Management
Family Office
Higher Education
Judgment and Arbitral Award Enforcement
Labor and Employment
National Security
Securities Regulation and Corporate Governance
Shareholder Activism
Tax
Tax Controversy and Litigation
Transnational Litigation
Trials
White Collar Defense and Investigations

Credentials

Education

Magdalene College - University of Cambridge - 1990 Master of Arts
Magdalene College - University of Cambridge - 1988 Master of Laws (LL.M.)
Magdalene College - University of Cambridge - 1987 Bachelor of Arts

Admissions

England & Wales - Solicitor
Solicitor of the High Court of Hong Kong

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Some of his recent and most significant experience includes advising:

- The company and opposing shareholders in resisting a petition to wind up a highly successful company brought by a minority shareholder seeking to enforce minority shareholders' rights involving court proceedings in Hong Kong and the British Virgin Islands.
- The Trustee in a high-profile breach of trust claim that was successfully defended at trial and the appeal was eventually withdrawn.
- One of the parties to a high-profile contested probate action concerning the succession rights to the significant estate of a high net worth individual.
- Various entities in defending or intervening in judicial review proceedings brought before the courts of Hong Kong.
- Various corporates and financial institutions in structuring and managing internal investigations of misconduct or other improper actions of employees and former employees, and handling the resulting litigation, regulatory inquiries, and any criminal investigation of the wrongdoers.
- A Hong Kong tertiary institution in relation to disciplinary-, grievance- and discrimination-related investigations and hearings.

Brian has sat as a deputy judge of the High Court of Hong Kong SAR, as well as the tribunal chairman for a statutory body dealing with appeals. He was a member of the Council of the Law Society of Hong Kong from 2009 to 2022 and was elected and served as a vice president of the Law Society of Hong Kong for 3 terms from 2018 to 2021. Brian has also acted as the honorary legal advisor to the British Consul General in Hong Kong for over 20 years and was recognized for his contribution in such role with the award of an OBE in 2020.

Brian has acted as the general editor for Chitty on Contracts Hong Kong Specific Volume since the initial edition, as well as having contributed to the Hong Kong White Book since it was first published. He has been a member of the Solicitors Higher Rights of Audience Assessment Board, the Court of Final Appeal Rules Committee, and the High Court Rules Committee, and is presently a member of the Civil Court Users' Committee and the Standing Committee on Legal Education and Training, as well as a number of other statutory bodies and committees.

Brian graduated from the University of Cambridge, Magdalene College with a Bachelor of Arts in 1987 and a Master of Laws in 1988. He is a Cambridge Rugby Blue. Brian has been admitted as a solicitor in England and Wales since 1991 and Hong Kong since 1995.

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