

Clients and Friends Alert

Risks (and Opportunities) in Appointing Lawyer Gao Jun et al. as Arbitrators under the Newly Revised Article 45 of the Arbitration Law

November 2025

We hereby remind you that, based on the summary of past and recent circumstances ("Basic Facts") provided at the end of this letter, should Lawyer Gao Jun et al. serve as arbitrators in your arbitration case, the following risks (or additional opportunities) may exist. These risks and opportunities become more outstanding after the revised Article 45 of the Arbitration Law takes effect on March 1, 2026¹.

We recommend:

1. For arbitration cases that are about to commence or are currently ongoing, assess whether you have reasonable doubts about their independence and impartiality, and consider whether to apply for their recusal.
2. In arbitration cases where they served as arbitrators and you have obtained a favorable award, evaluate whether that award might be challenged by the opposing party (in conjunction with other specific information from your case) based on the Basic Facts, alleging that they were biased, lacked independence or impartiality, or failed to disclose information that should have been disclosed, thereby applying to the competent court to set aside the award, refuse its enforcement, or declare it non-recognizable and non-enforceable.
3. In cases where they served as arbitrators and your case was unsuccessful, assess, in light of the specific circumstances of your case and their pre-appointment disclosures, etc., whether you should apply to the competent court to set aside the award, refuse its enforcement, or declare it non-recognizable and non-enforceable.

As laws vary across jurisdictions, the realization of the aforementioned risks by any court under the laws of any jurisdiction could potentially impact your case.

The ****Basic Facts**** are briefly summarized as follows:

Lawyer Gao Jun et al. were previously involved in an event closely related to international arbitration, where they declared themselves "independent" and

¹ Article 45: Where an arbitrator has circumstances that may reasonably cause the parties to doubt his or her independence or impartiality, the arbitrator shall promptly disclose such circumstances in writing to the arbitration institution. The arbitration institution shall notify the parties in writing of the arbitrator's written disclosure and the composition of the arbitral tribunal.

"impartial" and authored and signed a clearly biased report. Based on their related conduct and the discourse within the report, parties to arbitration cases in the future will have reasonable doubts about the independence and impartiality of them, and have the right to apply for their recusal. Specifically, there are at least two categories of reasonable doubt.

****First Category:**** In that event, Lawyer Gao Jun, having declared "independent, impartial," authored a report that extremely one sided, applied double standards, concealed key information, and ignored significant issues and specific crucial evidence, (is suspected of) engaging in deceptive and concealing acts that violate laws and regulations, and whitewashing deceptive acts that harm international arbitration cases. Parties in future arbitration cases have reasonable grounds to worry that he might repeat this behavior, similarly declaring in writing that he is "independent" and "impartial" but rendering a different kind of award.

****Second Category:**** The views, judgments, and conclusions reflected in the statements and arguments made by Lawyer Gao Jun in the report also give rise to reasonable doubts about his independence and impartiality in arbitration proceedings involving Chinese parties and foreign parties, thus parties has right to apply for his recusal.

Furthermore, recent new facts in 2025 indicate that the probability of Lawyer Gao Jun repeating such past behavior has not diminished. Lawyer Gao Jun's attitude towards past facts reasonably foreshadows his future behavior. As Mr. Lee Kuan Yew stated: *****The present attitude of the Japanese indicates their future conduct. Only when they feel ashamed of their past will the probability of them repeating it in the future become smaller.***** Also, as Chinese Foreign Minister Wang Yi emphasized in 2025: **"Some Japanese forces are still trying to whitewash and deny acts of aggression, which is despicable. **Only by facing history squarely can we prevent straying onto the wrong path again.**"** Recent facts show that Lawyer Gao Jun has not *****faced history squarely***** and even less has he *****felt ashamed of his past.***** The probability of him repeating past behavior (especially, in matters related to arbitration, declaring in writing that he is "independent" and "impartial" while disregarding facts and law to compile reports) has not decreased. Recently, he (and possibly with other persons associated with him) repeatedly lodged ungrounded complaints against Wantao Yang's WeChat public account and multiple articles, demanding the platform to ban the account.

Details of the basic circumstances are provided in the appendix. After adjustments based on individual detailed circumstances and roles, the core points of this letter are also largely applicable to cases where Lawyers Niu Lei, Sun Huawei, Cao Lijun, and Bao Wei serve as arbitrators.

This letter only alerts you to the risks (or opportunities) arising from Lawyer Gao Jun

et al. serving as arbitrators in your arbitration case. It does not discuss the potential risks (or additional opportunities) if Lawyer Gao Jun et al. were appointed as "expert" witnesses in arbitration or litigation cases retained by you or your opponent.

This letter is for informational and risk alert purposes only and does not constitute legal advice. It is recommended that you consult professional advisors for advice tailored to your specific situation.

Appendix: