This is a full context translation of the document "附件二-是否有各种特殊背景和情形构成例外或豁免(1).pdf."

Attachment 2

20 Questions Regarding Whether Specific Special Backgrounds and Circumstances Can Exempt the Respondents from the Complaint, or from the requirements of arbitration law and arbitration rules.

Neither the new nor old Arbitration Law, nor the relevant regulations/rules of arbitration institutions, set forth exceptions or exemptions for (1) the standard and requirement of "GONGDAO ZHENGPAI (fair and upright)" for arbitrators, and (2) the arbitrator's disclosure of "circumstances that may reasonably cause the parties to doubt his or her independence or impartiality." However, out of caution and pragmatic consideration, the Amicus Curiae and Complainant has attempted to analyze multiple factors (including the following 20 questions) to explore whether the Respondents may enjoy an exemption. These questions can be divided into three categories: (1) factors at the level of the Complaint Incident itself and the Respondents as individuals, (2) factors involving other individuals and institutions related to the Complaint Incident, and (3) factors outside the Complaint Incident, such as contemporary international economic and trade and political relations. The main questions include the following:

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8. **Does the involvement of other people in the Complaint Incident, including partners from Zhong Lun's management team, constitute a reason for exemption?**
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10. **Huawei Sun and Lijun Cao gained an opportunity to represent the Chinese government in a case amidst competition from multiple teams. Does this exempt the Respondents?**
11. **If Zhongxing Automobile were to accuse lawyer Huawei Sun of failing to exercise due diligence, would there be reasonable *prima facie* evidence?**
12. **Is the view that Wantao Yang's opposition to Huawei Sun joining Zhong Lun before the client's case was concluded proves there was no conspiracy and no *"body in Cao's camp, heart in Han"* and thus does not affect the enforcement of the client's arbitral award, legally sound?**
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15. **The Complaint Incident started in 2014–2015, now 10 years later, can it be "exempted" due to the passage of time?**
16. **The Complaint Incident started in 2014 and 2015, why is the complaint being filed now?**
17. **The Complaint Incident did not occur while acting as an arbitrator in an arbitration case; can the arbitration institution choose not to consider it?**
18. **Even assuming the Social Darwinist "rules" of <*The Three-Body Problem*>'s "Dark Forest," "survival of the fittest," or "acting from a position of strength" hold true, can the arbitration institution exempt the Respondents?**
19. **The Respondents' conduct does not seem to have caused any severe impact; do they need to bear the consequences?**
20. **If all the above factors are cumulatively considered, or "comprehensively considered," can the Respondents enjoy an exemption?**

Detailed Answers

1. Can a one-off incident indicate that a person does not meet the statutory requirement of " GONGDAO ZHENGPAI "?

Answer: Yes. Firstly, "GONGDAO ZHENGPAI" requires long-term positive (outward behavior and inner morality) accumulation. The opposite behavior becomes a negation of "GONGDAO ZHENGPAI" Secondly, if some negative, unfair, or un-upright behaviors become acceptable exceptions or exemptions (collectively "exemptions") due to special circumstances, they might not affect a person's "GONGDAO ZHENGPAI" character. The basic logic is that if a negative behavior occurs, the person must provide evidence to prove whether it constitutes an exemption.

Considering human imperfection and practical convenience, individuals are not typically required to explain every potentially unfair or un-upright act. However, for some behaviors, due to their (1) nature, (2) degree of fault, or (3) relevance to the arbitration theme, the person must prove that their actions do not detract from the "GONGDAO ZHENGPAI" standard, or at least the "GONGDAO ZHENGPAI" within the relevant subject area..

Furthermore, if the person does not prove an exemption but instead claims the act is "nothing," this constitutes a new act and manifestation of their lack of " GONGDAO ZHENGPAI " character. This is because, after engaging in negative behavior, the actor evades responsibility, fails to remedy the situation, or even seeks personal gain, any such act constitutes a new instance of lacking GONGDAO ZHENGPAI. .

2. What kind of one-off incident is non-excusable in indicating that a person does not meet the requirement of "GONGDAO ZHENGPAI"?

Answer: Some incidents expose deep-seated cognitive and moral issues, making them inherently difficult to exempt, which is why many systems have "one strike and you're out" scenarios; the Complaint Incident falls into this category. This is compounded by: (1) The Complaint Incident's high relevance to the subject (arbitrator qualification, arbitration independence, impartiality, credibility), and (2) The Respondents' subjective intent was active and deliberate (even premeditated), not passive, gross negligence, or ordinary negligence.

Moreover, the Complaint Incident is not a single, one-off act, as it involves cause and effect, subsequent responses, and other related behaviors. Thus, the complaint incident itself is not a single, isolated act.

It reveals the Respondents completely disregarded rules, systems, contracts, and laws solely for personal gain, adopted and supported deceitful methods, harmed the rights of clients and other lawyers, and violated the spirit of "professionalism, impartiality,

and independence" in arbitration. In Jun Gao's case, there is the added suspicion of seeking private gain through abuse of power to whitewash the fraudulent behavior in a quasi-arbitral format, making it hard to exempt.

3. Was the Respondents' conduct caused by coercion, self-defense, or a momentary passion?

Answer: No. On the contrary, written evidence clearly shows that the complained behavior was carefully planned and coordinated, with premeditation and close cooperation, demonstrating a high degree of organization and planning. The incident shows characteristics of long-term duration and secrecy, being a decision made after repeated weighing of personal interests.

4. Was the Respondents' conduct caused by deception?

Answer: No. There is no indication, nor have the Respondents claimed, that they were deceived. (See Question [3]) .

5. Did the law firms and lawyers on both sides suffer a serious (or any) breach of contract by their respective clients, thereby giving the law firms and lawyers any basis to adopt the methods used in the Complaint Incident against their clients?

Answer: The Respondents have not claimed, nor is there any evidence to show, that the lawyers on both sides suffered a serious (or any) breach of contract by their respective clients.

6. Did the Respondents suffer any breach of contract, illegality, or injustice by the Amicus Curiae/Complainant, thereby giving the Respondents any basis to adopt the methods used in the Complaint Incident against the Complainant?

Answer: No, the Respondents have not claimed any such circumstances, and the Complainant is also unaware of any such circumstances.

Notably, Respondent Lijun Cao did state that the secrecy was " Wantao [Yang], Huawei [Sun] were graduate students in the same year. To avoid misunderstandings and out of respect for [Yang] Wantao, as well as to prevent unnecessary psychological burden on the clients, [Sun] Huawei has consistently claimed to be on hiatus for months and has not publicized her joining Zhong Lun. In fact, handling it discreetly is also in [Yang] Wantao's best interest"[1]. The respondent seemed to imply that such maneuvers were "out of respect for [Yang] Wantao" and "reminded" the complainant that nondisclosure was also in the complainant's interest.

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[1] Evidence 6

This is absurd. However, someone once told the complainant: "Have you considered why others hid it from you? Why did so many people hide it from you? Isn't it because you have a problem?" This is akin to asking: "Why did eight nations invade China? Isn't it because China has a problem?" Post-pandemic, why did so many countries and governments accuse China of creating or spreading the virus? Isn't it because China has a problem?" Guo Degang joked about staying away during thunderstorms. As a figure in the entertainment industry, he can make such remarks on stage. However, some matters—such as the arbitration and arbitrators discussed in this complaint—cannot be simply walked away from.

7. Does the Respondents' age, experience, etc., at the time constitute an exemption?

Answer: No. The Respondents were all between 40 and 50 years old at the time. Lijun Cao had about 20 years of professional experience in international arbitration, Jun Gao had about 20 years of foreign-related legal work experience (including arbitration). Jun Gao was even invited by Zhong Lun management committee as an "expert" to provide opinions and was appointed head of Zhong Lun's arbitration department months later. Huawei Sun had over 15 years of full-time international arbitration experience (in the Zhongxing Automobile vs. AG dispute, her legal fees for a single Hong Kong arbitration case from June 2013 to March 2014 exceeded RMB 5 million in under 10 months). Their age and experience precisely indicate that they knew yet acted willfully and are factors that aggravate their lack of "GONGDAO ZHENGPAI" character.

8. Does the involvement of other people in the Complaint Incident, including partners from Zhong Lun's management team, constitute a reason for exemption?

Answer: No. First, the Respondents were not bystanders, passively coerced, or deceived but an active and willing participant in long-term deceptive behavior and a primary beneficiary. They must take responsibility. The involvement of their law firm's management team does not grant them privileges above the law, nor does it grant anyone privileges beyond the Arbitration Law or the rules of arbitration institutions.

Conversely, the involvement of multiple people, especially by leveraging the firm's "institutional public authority and institutional public resources," highlights the extreme seriousness of the complaint incident- a premeditated, organized violation.

Moreover, given Zhong Lun's duties to client, management committee's participation in deception exacerbates the gravity of the incident.
Additionally, as Evidence 15 shows, post-incident, Zhong Lun's management team did not protect client rights but imposed further restrictions on the complainant and clients, reflecting additional acts of lacking GONGDAO ZHENGPAI.
Thus, others' involvement is not a mitigating factor, but on the contrary, it reflects a more serious nature and becomes a factor contributing to more numerous and ongoing misconduct and consequences in the future.

9. Assuming the Complaint Incident better promoted the "development" of Zhong Lun Law Firm (than if the incident had not occurred), does this constitute a reason for exempting the Respondents?

Answer: No. Firstly, even assuming that this claim holds true under certain criteria, it merely suggests that "Zhong Lun Law Firm" may be a beneficiary under certain standards. However, does the fact that the law firm benefits from unlawful practices justify lowering the standards of the Arbitration Law for the arbitration community? Should this lead to a lowering of the benchmark for arbitration rules? And can we simply ignore future arbitration case participants' doubts regarding the independence and impartiality of the respondent?
Secondly, if Zhong Lun benefited from its own illegal conduct, it constitutes unjust enrichment, which would only increase—rather than diminish—the unfairness and impropriety inherent in both the complaint itself and the beneficiaries involved.

10. Huawei Sun and Lijun Cao gained an opportunity to represent the Chinese government in a case amidst competition from multiple teams. Does this exempt the Respondents?

Answer: No. Firstly, their subsequent participation in representing a case (as co-counsel with an experienced international law firm) is a benefit to them, and a benefit derived from their deception, breach of contract, violations of rules, and unlawful conduct in the complaint incident must not serve as grounds for exempting them from legal liability..
Secondly, absent the complaint incident, the law firm representing the case could have been any of several firms (listed in alphabetical order), such as DeHeng, Fangda, FenXun, HanKun, Global Law Office, HuanZhong, King & Wood Mallesons, Jincheng Partners, JingTian, JunHe, Zhong Lun, among others, or specific teams within these firms. The complaint incident also reveals that the respondent engaged in unfair competition through deceptive means, depriving other lawyers and law firms of

fair competition opportunities. This further demonstrates their lack of fairness and integrity, rather than justifying any exemption.

Thirdly, by representing the case, they have already received financial compensation through fees, as well as other benefits—even if such benefits may constitute unjust enrichment. There is no basis for granting them additional privileges beyond what is permitted by law and the rules of arbitration institutions..

Moreover, based on the ruling in that case, there is reasonable ground to believe that any of the aforementioned Chinese law firms, working alongside the experienced international law firm, could have effectively assisted the Chinese government in handling the case. [See Question 14]

On this matter, a recent article is worth noting: a June 2, 2025, report by "Corporate Patent Observation"[2] revealed that Zhong Lun Law Firm, originally a cooperating firm of Huawei, also represented a wholly-owned subsidiary of a U.S. company in challenging the validity of a key patent originating from Huawei. Furthermore, the patent involved in the case "represents another model for Huawei's patent licensing expansion. In September 2023, based on patent transfers, Huawei initiated a new model by collaborating with China Mobile, the Institute of Microelectronics of the Chinese Academy of Sciences, and others, under the organization of the China Patent Protection Association, to sign a memorandum of cooperation with Beijing Jishi Zhiben Intellectual Property Co., Ltd. and Beijing Zhifang Intellectual Property Management Co., Ltd. The core objective of this project is to leverage government support to promote the diversification of Huawei's patent licensing." Clearly, the respondent and their law firm only consider the benefits of each case to themselves, with no inherent allegiance to China or foreign interests. Moreover, the respondent's words and actions in the complaint incident have harmed China's international image and credibility in business. Therefore, any attempt to play a false patriotic card aligning China against foreign interests is untenable and unavailable to them.

11. If Zhongxing Automobile were to accuse lawyer Huawei Sun of failing to exercise due diligence, would there be reasonable *prima facie* evidence?

Answer: Yes. Examples of such evidence include:

(1) After representing the client (the respondent in the ICC case) in March 2013, Lawyer Huawei Sun stated in the new defense submission filed in May that she recognized the ICC arbitration tribunal's jurisdiction over two core disputed contracts[3]. AG's arbitration application was explicitly based on these two contracts and no others.

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[2] Evidence 16

[3] Evidence 17

In contrast, Zhongxing Auto's original counsel had never acknowledged ICC's jurisdiction, although Lijun Cao claimed the original counsel's work was "a complete mess from Huawei Sun's perspective"[4].

(2) In the new defense, Lawyer Huawei Sun also raised substantive claims, including requesting the arbitration tribunal to declare the two core disputed contracts expired[5]. Generally, while respondents may present substantive defenses while reserving jurisdictional objections, proactively requesting the tribunal to make substantive determinations beyond the scope of the arbitration application could be construed as implied acceptance of the tribunal's jurisdiction, or at least become a factor affecting future court considerations on jurisdiction. Therefore, the prudent approach would be to defend and rebut without filing new substantive claims..

- (3) In this ICC arbitration, the substantive law governing the dispute was Chinese law, while Egypt was the project's operational and primary performance location. Lawyer Sun failed to submit expert reports on Chinese law and Egyptian law by the tribunal's specified deadline. This wasn't merely a delay---no experts had even been retained at all. After negotiations, the tribunal eventually permitted submission of expert opinions, but only as rebuttals limited to the scope of the opposing party's expert reports, preventing comprehensive expert analysis of all relevant Chinese and Egyptian legal issues[6]. Based on the available evidence, no expert witnesses were arranged, and it is highly unlikely that her client unreasonably refused to arrange them.
(4) The contract in dispute explicitly stipulates that it is governed by Chinese law. Huawei Sun is an American lawyer, not a Chinese lawyer. According to Lawyer Wantao Yang's recollection, during the period when Huawei Sun led the team representing Zhongxing Automobile in the hearing before the ICC, for the vast majority of the time (approximately over 90%), there was not a single Chinese lawyer in their courtroom team, yet they were handling a contractual dispute involving tens of millions of dollars in claims under Chinese law.The respondents might naturally argue that the loss in international arbitration wasn't due to these reasons---they could claim it resulted from actual product defects constituting breach by their client, or blame foreign arbitrators' lack of understanding or bias. Therefore, there is no causal relationship between the aforementioned examples and the loss of the international arbitration case. So, does it mean that Zhongxing Automobile cannot hold Lawyer Sun liable, or that even if Zhongxing Automobile files a lawsuit, it cannot prevail? This closely resembles the argument in the three-person panel report.
If Zhongxing Automobile's newly hired lawyer carefully reviews the case files after

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[4] Evidence 10
[5] Evidence 17
[6] Evidence 18

losing the international arbitration, they would discover the following: First, these issues are at least reasonably questionable by their client. Second, considering that Huawei Sun was promoted as an expert lawyer specializing in international arbitration. Third, this case was extremely important to their client, and the client was willing to pay high legal fees (as corroborating evidence, Huizhong charged 5 million yuan for a single arbitration process over about 9 months), which makes these actions and arrangements even more questionable. Fourth, the work explicitly agreed upon in the power of attorney was far from completed, but when the situation indicated that the arbitration ruling would likely be unfavorable to Zhongxing Automobile, Sun suddenly terminated her services to Zhongxing Automobile and joined Zhong Lun, the law firm representing the opposing party. Fifth, Huawei Sun and Zhong Lun conspired to conceal the fact of her joining from Zhongxing Automobile, adding further doubts. Sixth, if Zhongxing Automobile further discovers that Huawei Sun had been communicating with Zhong Lun about the possibility of joining before representing Zhongxing Automobile, then decided to represent Zhongxing Automobile first, and after her efforts, the outcome of the arbitration case was largely determined (Zhong Lun's client was likely to win), Sun then secretly joined Zhong Lun. With this information, how would Zhongxing Automobile and its new lawyer assess this information? [See Question 12]

12. Is the view that Wantao Yang's opposition to Huawei Sun joining Zhong Lun before the client's case was concluded proves there was no conspiracy and no *"body in Cao's camp, heart in Han"* and thus does not affect the enforcement of the client's arbitral award, legally sound?

Answer: This argument does not hold. The reasons are as follows:

First, whether Huawei Sun colluded with Zhong Lun and whether Sun colluded with Wantao Yang are two entirely separate matters. Wantao Yang's opposition to Sun joining Zhong Lun under the circumstances at most indicates that Sun and Yang were not colluding (though even this cannot be conclusively proven). However, Sun and Zhong Lun were clearly colluding in their efforts to conceal Sun's relationship with Zhong Lun from Zhongxing Automobile.

Second, regarding “body in Cao's camp, heart in Han”, Xu Shu never conspired with Liu Bei against Cao Cao, yet he deliberately refrained from offering his full strategic counsel to Cao Cao. Regardless of whether Huawei Sun actually conspired with Zhong Lun or Yang against Zhongxing Automobile, if Sun's consideration of possibly joining Zhong Lun affected her representation of Zhongxing Automobile- meaning

she failed to devote her full efforts to strategizing for Zhongxing Automobile ---then she was indeed acting like Xu Shu "physically in Cao's camp but mentally with Liu." This conduct alone, being related to Zhong Lun, could very likely have caused flaws in the arbitration award.

Third, the examples mentioned in Question [11] provide several prominent pieces of evidence that the client could reasonably use to question whether Huawei Sun fulfilled her duties with full dedication.

13. Does the changing international political and economic environment and the escalation of geopolitical conflicts in recent years mean the Respondents can be exempted?

Answer:

Answer: No. First of all, this is completely different from the complaint incident.

Second, even in the context of the United States pursuing trade protectionism and economic decoupling, the decisions of the Chinese Communist Party and government remain unwavering in advancing the policy of opening up, and they are committed to elevating the level of openness to achieve a higher standard of opening up. In the face of an international political environment with intensifying geopolitical conflicts, the central government and the Party have incorporated "fairness and justice" into the "Five Principles of Peaceful Coexistence."As President Xi stated in the speech commemorating the 70th anniversary of the Five Principles of Peaceful Coexistence: "We must uphold the concept of fairness and justice. Without fairness and justice, power politics will run rampant, and the law of the jungle will prevail."

In contrast, the current turmoil in international politics and economy stems directly from powerful actors disregarding rules and "acting from a position of strength," allowing power politics to attempt dominance without restraint.

Thus, the contradictions in today's international economic, trade, and political environment not only fail to justify the respondents' actions but further highlight the egregious nature of the complaint incident and its potential negative repercussions.

Although the United States accumulated significant soft power and international influence through its post-World War II investments and long-term development, its recent approach of "acting from a position of strength" has eroded this soft power and international influence. For many years, Chinese arbitration has been dedicated to building its soft power and international influence. These efforts and the achievements made so far are worthy of appreciation. In the current international environment, addressing complaint incidents seriously, fostering and advancing the

"professionalism," "independence," and "impartiality" of Chinese arbitration at a high level, and safeguarding and guiding the international arbitration order are conducive to achieving the goal of building world-class, internationally leading arbitration institutions. Only by fulfilling their respective duties can all parties adapt to, coordinate with, and support the nation's overall efforts in enhancing international influence and promoting the rule of law in the contemporary global context.

It is particularly noteworthy that the complaint incident originated in 2014-2015, when no country dared to openly declare "acting from a position of strength" while flouting rules. Yet, even then, the respondents relied on power to disregard rules, contracts, and laws, all under the guise of "independence, impartiality, and professionalism," thereby undermining arbitration.

14. Given China's efforts, progress, and measures to expand arbitration influence in international arbitration center construction in recent years, and the emphasis on cultivating arbitration talent, can these exempt the Respondents?

Answer: No. See the answer to Question [13]. Moreover, expanding China's arbitration influence and building its international soft power precisely require Chinese arbitration institutions and arbitrators to demonstrate "professionalism," "independence," and "impartiality." The complaint incident has exposed how the respondents, while cloaked in the veneer of "arbitration," have acted unprofessionally, dependently, and partially. As listed arbitrators of Chinese Arbitration Institution, they would inevitably cast negative impacts on China's international arbitration credibility. In the current global context, addressing the complaint incident with due seriousness, building and advancing high standards of "professionalism," "independence," and "impartiality," safeguarding and guiding the international arbitration order, and introducing sound Chinese contributions of fairness and integrity to the international arbitration community represent a bright and broad path toward establishing an international arbitration center.

The Party and the government have long been vigorously cultivating talents in these fields, particularly in recent years, with a significant accumulation of experienced professionals. Against the broader macro-environment and given China's training models, once attention and resources are directed toward this area, there will be no shortage of such talent. Work in these fields does not involve breakthroughs in natural sciences, cutting-edge equipment, or large-scale complex engineering and devices—it is not that difficult! When international and domestic environments, national policies, and market demands all point in this direction, and with Chinese professionals entering the field, how could a relatively less challenging area still lack talent? Even if there is a shortage, it would be a shortage of individuals who are truly "professional,"

"independent," and "impartial," not those who merely pay lip service to these principles while currying favor or “just offering pledges of loyalty”.

15. The Complaint Incident started in 2014–2015, now 10 years later, can it be "exempted" due to the passage of time?

Answer: No.

Firstly, time is not a shield for escaping consequences and responsibility. Liability has already arisen, and the consequences have become apparent.

Secondly, the Respondents have not borne responsibility. As for bearing responsibility, the Respondent Lijun Cao might argue that Zhong Lun's management team privately criticized him through XXX and imposed a fine of tens of thousands of yuan. Even if this claim is true, what Zhong Lun referred to was not related to the complaint incident but rather to another event in which Lijun Cao actively participated months after the complaint incident—an event that violated explicit regulations requiring registration and disclosure, which were not carried out[7]. Moreover, additional relevant background and information indicate that even in 2015, the year the incident occurred, Lijun Cao's business revenue exceeded ten million yuan[8], and in an email dated April 11, 2014, he stated that Huawei Sun's business at Huizhong had already reached six million yuan within less than a year[9]. Furthermore, both the complaint incident and the other event for which Lijun Cao was criticized generated economic benefits for Lijun Cao (and Huawei Sun) that far exceeded the possible fine of tens of thousands of yuan—by tenfold or even several dozen times. Therefore, even assuming the alleged criticism and fine are true, they are inherently a joke and do not constitute the respondent's assumption of responsibility for the complaint incident. Instead, they are merely another trick akin to a restaurant caught cooking with gutter oil being fined 50 yuan.

It is particularly noteworthy that by 2025, Jun Gao and others repeatedly filed complaints against multiple articles on lawyer Wantao Yang’s WeChat public account (regardless of whether these articles mentioned the aforementioned incidents). Additionally, Jun Gao and others requested the WeChat platform to permanently ban lawyer Wantao Yang’s public account. Although the platform ultimately rejected all of Jun Gao’s requests, Jun Gao and others, fully aware (and ought to have been aware)

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[7] The Zhong Lun Management Committee is deeply involved in the complaint incident and will not fine the respondents unless absolutely necessary.

[8] As this evidence involves other data, it is not attached to this complaint letter but is available upon request.

[9] Evidence 3.

that their complaints lacked legal and factual basis, repeatedly filed complaints, including against articles unrelated to the aforementioned case. It is reasonable to speculate that this may have been a deliberate attempt to exploit the platform to harass and suppress speech. These actions in 2025 are not only new misconduct in themselves but also reflect that, even though it is now 2025, the likelihood of Jun Gao and others repeating their mistakes has not diminished—because, as observed and articulated by Singapore's former Prime Minister Lee Kuan Yew: "Their present attitude foreshadows their future conduct. Only when they are ashamed of their past conduct is the probability of their repeating it in the future reduced". Jun Gao and others are still taking actions to prolong the complaint incident from ten years ago.

16. The Complaint Incident started in 2014 and 2015, why is the complaint being filed now?

Answer: **I. Below are specific responses, but first it is necessary to clarify that, for this complaint, what is important and requires attention is:**

(1) Whether the respondent meets the statutory and arbitration institution-related rules/regulations' standard of being "GONGDAO ZHENGPAI";

(2) Whether future case parties may have reasonable doubts about the respondent's independence and impartiality, and whether they have the right to know relevant information;

(3) After the arbitration institution learns the specific circumstances of the complaint incident, whether retaining the respondent on the institution's panel complies with the institution's charter, objectives, values, and the potential impact on the institution's reputation, etc.

Whether the complainant previously used all his time and energy to file complaints with all possible other institutions and channels during all possible time windows is irrelevant to the arbitration institution's handling of this complaint. For the arbitration institution, the complaint incident is a public issue related to arbitration, not a personal matter between the complainant and the respondent.

II. It is additionally explained that, at the time the incident occurred, the complainant's

(1) primary concern was how to reduce the impact of these individuals' actions on the client's case;

(2) second concern was communication with the client and client relationship issues;

(3) third concern was the internal issues of Zhong Lun's management mechanism and management committee;

The respondents are the main origin and root of these problems, and the fact that Amicus Curiae needed to deal with the crisis they caused at that time does not serve as an excuse for them to evade responsibility.

III. Furthermore, the timing of the complainant's filing has been influenced and constrained by factors including but not limited to the following:

(1) At the time, the respondents likely were not arbitrators for any arbitration institution (except for Lijun Cao, who was an arbitrator for CIETAC), making it difficult to file a complaint with an arbitration institution;

(2) Their influence was largely confined to the lawyers' community at that time, and the impact of the aforementioned "misconduct" was also likely limited to the lawyers' community. However, as they have recently (particularly in the past year or so) obtained arbitrator positions in more well-known arbitration institutions and have actively promoted themselves externally in this capacity, their influence has expanded into the arbitration circle. Since they increasingly use their arbitrator roles as their public identity, it is natural that they should be evaluated and criticized against the higher standards expected of arbitrators. The complainant believes that their "GONGDAO ZHENGPAI", "professionalism," "independence," and "impartiality" do not meet the standards required for panel arbitrators of these institutions;

(3) For several years after the complaint incident occurred, it was difficult for the complainant to disclose relevant information to third parties outside the law firm, because if the opposing party in the client's case at the time, Zhongxing Automobile, had learned of the complaint incident, it would have substantially harmed the client's case and the enforcement of the arbitration award. It is worth noting that the respondents and the Zhong Lun management committee supporting them fully exploited this constraint to limit the complainant's and the client's room for action;

(4) Despite this, the complainant had previously condemned the actions of the respondents and their supporters through various channels and on multiple occasions;

(5) Other reasons.

Naturally, there have even been views expressed previously suggesting that the complainant was not "tolerant" or "compassionate" enough towards the participants and promoters of the complaint incident. Using the plain language of the people, the complainant would like to borrow a quote from Guo Degang: "I particularly detest those who, without understanding the situation, urge you to be magnanimous. Stay away from such people. When lightning strikes them, it might affect you." In the absence of sincere reflection and repentance from the infringing parties, no one has the right to demand magnanimity from the infringed. Otherwise, it is mere hypocrisy

and a desecration of justice and fairness. From the perspective of preventing history from repeating itself, let us borrow the words of Singapore's former Prime Minister Lee Kuan Yew: "Their present attitude foreshadows their future conduct. Only when they are ashamed of their past conduct is the probability of their repeating it in the future reduced".

17. The Complaint Incident did not occur while acting as an arbitrator in an arbitration case; can the arbitration institution choose not to consider it?
Answer: No.

First, the requirement of being "GONGDAO ZHENGPAI" under <Arbitration Law> and the higher standards set by relevant regulations and/or rules are in no way contingent on whether the unlawful or non-compliant conduct occurred in the context of an arbitration case in which the individual acted as an arbitrator. Second, the current <Arbitration Law>, in Article 13, clearly stipulates that the obligation falls on the arbitration institution. The arbitration institution must, and can only, make its determination based on the candidate’s conduct before they become an arbitrator of that institution. The revised <Arbitration Law>, which will take effect on March 1 of next year, designates the arbitrator as the direct subject of this obligation. However, this does not mean that arbitration institutions should disregard this standard and requirement. Third, by way of comparison, arbitration institutions have specific regulations governing the conduct of individuals who are already arbitrators when handling cases. Those regulations apply only to their conduct after becoming arbitrators of the institution and while handling its arbitration cases. Fourth, Article 45 of the revised <Arbitration Law>, effective March 1 of next year, states: "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." The complaint incident would fall under circumstances that may give rise to reasonable doubts about the respondents’ independence and impartiality. The arbitration institution cannot pretend to be unaware and ignore it.

Finally, and more importantly, many arbitration institutions, in their notices and announcements regarding applications for listed arbitrators, require applicants to be "GONGDAO ZHENGPAI". At this stage, most applicants are not yet listed arbitrators.

Clearly, the institution’s notice and announcement can only intend for assessment to be based on the applicant’s conduct before appointment, not on their conduct after becoming an arbitrator and while handling cases for the institution.

18. Even assuming the Social Darwinist "rules" of <_The Three-Body Problem_>'s "Dark Forest," "survival of the fittest," or " acting from a position of strength" hold true, can the arbitration institution exempt the Respondents?

Answer: No.

The complaint incident reflects that the respondents practiced the "dark forest" and "law of the jungle" principles. However, this complaint incident concerns arbitration institutions. It addresses the statutory and regulatory standards and requirements for arbitrators; it is about arbitration. The respondents' choice to follow these "dark forest" and "law of the jungle" "principles" cannot serve as an excuse for Chinese arbitration institutions to adopt these same "principles" on issues involving the statutory and regulatory standards for arbitrators, the parties' right to information, and the right to challenge an arbitrator.

Secondly, the CPC and Chinese government's contemporary policies on arbitration do not permit Chinese arbitration institutions to choose these "principles". The Fourth Plenary Session of the 18th CPC Central Committee emphasized "improving the arbitration system and enhancing the credibility of arbitration". In 2022, the Central Committee for Comprehensive Rule of Law supported pilot regions including Beijing, Shanghai, Guangzhou, Shenzhen and Hainan in building international commercial arbitration centers with high credibility and international influence---this is about building China's arbitration soft power. Chinese arbitration institutions also have many cadres under CPC leadership, and the CPC requires cadres to be “GONGDAO ZHENGPAI”, not to follow these "principles".

Thirdly, even assuming that the "dark forest", "law of the jungle", and "acting from a position of strength" principles apply between certain countries (of course, this is only a hypothesis, as China adheres to the Five Principles of Peaceful Coexistence supplemented with contemporary fairness and justice). The cost of openly adopting these "principles" would be too high even for superpowers to bear, and Chinese arbitration (which is not yet a superpower in the arbitration field) is in the process of actively building and enhancing its international soft power, influence and credibility, and therefore cannot and will not openly adopt these "principles". As a well-known Chinese arbitration institution, it is even less likely to adopt these "principles."

Therefore, even if the "dark forest", "law of the jungle" and other such "principles" were valid, they cannot serve as an excuse for the respondents to remain on the panel of arbitrators of a Chinese arbitration institution.

19. The Respondents' conduct does not seem to have caused any severe impact; do they need to bear the consequences?

Answer: Assuming responsibility and consequences is a requirement of "GONGDAO ZHENGPAI " as stipulated by <Arbitration Law>. More importantly, if there is direct evidence proving legally direct and severe consequences, then what may even need to be discussed are other liabilities, including potential criminal liability. This complaint letter only addresses whether arbitration institution retain the respondents as arbitrator in the panel, as well as whether the parties in the arbitration cases have the right to be informed of the complaint incidents and the right to apply for recusal.

Furthermore, the conduct of the respondents has also caused serious impact and consequences, but this complaint letter will not elaborate on them.

20. If all the above factors are cumulatively considered, or "comprehensively considered," can the Respondents enjoy an exemption?

Answer: No. As mentioned earlier, many of these factors not only failed to mitigate but actually aggravated the lack of "GONGDAO ZHENGPAI" character and even spurred new unfair and un-upright conduct.