



Michael Ramirez

Consultant

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Practices: Dispute Resolution and Litigation, Employment, Anti-Corruption, Transportation and Logistics

BIOGRAPHY

Michael Ramirez is a senior consultant in Tilleke & Gibbins' dispute resolution group, where he assists clients in a wide range of domestic and international disputes. Michael focuses his practice on commercial litigation, including products liability, employment, and transportation and logistics disputes. In addition, Michael and his team of experienced litigators represent major international businesses and their principals in white-collar criminal disputes, including corporate investigations, pre- and post-charge inquiries, and subsequent litigation. Michael also serves as a client advisor on the strategic aspects of claims management for international litigation, cross-jurisdictional disputes, and compliance with international anti-corruption laws, including the Foreign Corrupt Practices Act (FCPA).

Supplementing Michael's practice is his representation of clients in arbitration and mediation. This experience includes representation in domestic enforcement proceedings, as well as acting with a team of litigators in ad hoc, domestic and international claim resolution. Michael is a member of the Chartered Institute of Arbitrators.

Michael has authored and co-authored numerous published articles on topics including arbitration, products liability, and civil and criminal liability. He is also a regular presenter on dispute resolution topics and has been the recipient of the American Bar Association's Rule of Law Award for his presentations on attorney ethics with the Lawyers Council of Thailand.

EXPERIENCE

- Acted on behalf of several multinational corporations in high-profile criminal customs disputes involving the assessment and calculation of customs duties and penalties. In addition to our representation in active customs investigations and inquiries, our customs experts regularly counsel clients in a variety of compliance and operational matters related to the import and export of goods and services in Thailand.
- Represented an American manufacturing conglomerate in four complex defective product claims in Thailand. In all cases we successfully defended the client and secured favorable judgments after comprehensive trials in connection with power generation equipment with a value of approximately USD 3,000,000 each.
- Planned and executed the layoff of 1,900 employees. Thereafter, 279 of the affected employees submitted claims against the client in the total amount of THB 300,000,000. We successfully proved that our client had cause to terminate its employees and that such was done fully within applicable Thai law, resulting in judgment in our client's favor. This was a high-stakes matter because, if we had lost the labor cases, the approximately 1,600 additional employees would have filed claims totaling approximately THB 2,000,000,000. We also act as ongoing labor compliance counsel.
- Obtained a favorable judgment for the Thai affiliate of a leading animal health company in a case filed against a group of former executives who left to work for our client's chief competitor. We secured this successful result even though there is still debate among Thai legal scholars as to whether noncompetition clauses are fair to employees.
- Defended a leading global logistics company in three separate criminal actions brought by the Thai Customs Department with potential fines in excess of USD 15,000,000. After a defense put forth at the prosecutorial review stage, the Public Prosecutor issued non-prosecution orders in favor of our client. These orders have since been confirmed and this case is final.
- Represented a well-known Japanese manufacturer in the prosecution of both civil and criminal matters related to use of confidential trade secret and theft of client property. Our client reached a favorable settlement in the civil claims. In the criminal matter, we worked with the police and the public prosecutor and successfully secured sufficient evidence to support prosecution of the criminal claims.
- Represented the precious metals division of a large Japanese multinational corporation in claims it filed against its shipper and freight forwarder for the loss of gold dram.
- Prevailed in a highly publicized termination case wherein the client sought court permission to terminate the president of a labor union based on her television appearance while wearing a controversial T-shirt. The president maintained that she had given such interview on her own time and that her actions were protected by the Constitution. Although she was

supported by many NGOs, the court ruled in favor of our client.

- Defended a leading apparel company in a THB 50,000,000 labor claim and in a criminal case brought against the client's director. We prevailed in both claims brought by the client's former HR manager.
- Represented an international investment banking and asset management company in recovering funds provided to a Thai property developer (claims total USD 15,000,000).
- Represented a U.S. government office in negotiations with a Thai debtor.
- Assisted a client with business reorganization. Our representation included providing legal advice, preparing and submitting the debt repayment application, attending the creditors' meeting, and attending court hearings.
- Negotiated a favorable settlement of a highly contested termination of a company director involving our client, the director, and the company of the spouse of the director. The dispute included two criminal cases and two civil cases (one of which involved a claim of THB 20,000,000). We successfully gathered evidence of the director's misconduct and leveraged that evidence to secure a favorable settlement for our client.
- Secured the dismissal of a large cargo claim brought by a joint-venture insurance company against a domestic freight forwarder. We successfully proved that our client was not liable because our client was not a carrier or actual carrier of goods. The court dismissed the plaintiff's claim against our client.
- Obtained court approval of a bankruptcy claim in the amount of nearly THB 120,000,000. Our representation included submitting the application for debt repayment, providing supplemental explanations and evidence, and proving our client's right to the sum.
- Obtained court approval of bankruptcy claims in amounts of over THB 75,000,000 (company 1), THB 75,000,000 (company 2), and THB 150,000,000 (company 3). Our representation included submitting the application for debt repayment, providing supplemental explanations and evidence, and proving our clients' right to the sums.

EDUCATION

JD, University of California, Hastings College of the Law

BA, University of California, Berkeley

LANGUAGES

English, Spanish, Thai