
PROFILE



Partner, Dispute Resolution
Tilleke & Gibbins, Bangkok, Thailand

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Qualifications

LLB, Thammasat University

BBA, Thammasat University

Language

English, Thai

THAWAT DAMSA-ARD

ABOUT THAWAT

Thawat Damsa-ard is a partner and the chief litigator in Tilleke & Gibbins' dispute resolution group. Widely regarded as foreign investors' attorney of choice for legal conflicts where the outcome directly impacts future operations in Thailand, Thawat litigates fast-moving, high-stakes matters involving product liability, customs, the Foreign Corrupt Practices Act, white-collar crime, transportation and logistics, and cross-border disputes.

Together with his team of experienced trial lawyers, Thawat prosecutes and defends complex civil and criminal claims and matters of first impression through all stages of litigation, from seeking preliminary injunctions to negotiating settlements to appeals to the Supreme Court of Thailand. Thawat has been recognised as a leading lawyer in *The Legal 500 Asia Pacific*, *Chambers Asia-Pacific*, and other definitive legal publications. In 2022, *Asian Legal Business* named Thawat to its Asia's Top 15 Litigators list—the only lawyer in Thailand to receive such a recognition.

His extensive experience in transnational litigation has made Thawat a sought-after advisor by multinational corporations as well as Thailand's Legal Execution Department, which recruited the firm to represent the state authority in high-profile extraditions.

Thawat has completed the Thammasat Leadership Program, organised by the Thammasat University Alumni Office, and is a strong supporter of legal education, such as through his membership on the committee in charge of curriculum development for Thammasat University's LLB program. He is also a member of ICC FraudNet, an international network of leading asset recovery specialists.

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 industry leader in edible coatings. Our client purchased products from a supplier, the quality of which was certified by a third party. Although the third party was dismissed from the case by a lower court, we successfully convinced the Supreme Court to amend the judgment below and hold the third party liable for failing to examine the product.
- Represented a foreign brewery in a dispute against a local brewery pertaining to a joint venture agreement. The local brewery alleged that our client had terminated the joint venture improperly and took the case to arbitration. Our litigation strategy (based on both the issue of termination and the issue of bad faith) gave us leverage to successfully settle the case.
- Represented an American manufacturing conglomerate in four litigation matters related to power generation equipment (claims total USD 12,000,000).
- Protected the right of a charitable foundation to a newly constructed centre for disabled persons and preserved all of the benefits that flowed from the centre to the community and needy persons. The foundation purchased a plot of land and constructed a centre on the land to benefit disabled persons. Before the transfer of the property, but after the building was completed, the land was attached by a judgment creditor. The court of first instance and the appellate court declined to release the land. With little hope of success, the foundation came to our firm. We convinced the Supreme Court that the land should be released because the foundation had a preferential right. The land and the centre for the disabled was returned to the foundation.
- Proved that our client was innocent in the critical appeal of a criminal case. The court of first instance ruled that our client, the head of a company commissioned to tow a historical submarine from Europe to Asia, committed fraud and assessed a lengthy term of imprisonment. We zealously appealed this judgment. Our persuasive arguments led the appellate court to conclude that our client's innocence was proven beyond a reasonable doubt.

ACCOLADES

Chambers Asia-Pacific

Dispute Resolution – Band 2

The Legal 500 Asia-Pacific

Dispute Resolution – Hall of Fame

- *“Thawat Damsa-ard is one of the leading lawyers in the country.”*

Asialaw Leading Lawyers

Dispute Resolution – Elite Practitioner