

# Leading Lawyer Jonathan Mok on the Trials and Tribulations of Advising UHNW Families in Hong Kong and Greater China

Jonathan Mok is a highly experienced dispute resolution lawyer specialising in contentious and non-contentious family and private client matters in Hong Kong, where he is also a solicitor advocate, an accredited family mediator and a private financial adjudicator. He is a Partner at Karas So LLP, joining them with his team to help build out their private client capabilities. He was inspired to join roughly one year after Karas So LLP and Mishcon de Reya launched their formal association, with that deal and Jonathan's subsequent arrival complementing the expertise and reach of private clients practice across Mishcon de Reya's London and Singapore offices. Jonathan is highly regarded in legal circles, with a reputation for promoting his clients' interests well beyond focusing only on high-end family legal and financial matters, disputes and resolutions to also focusing on regional and global wealth planning. For over three decades from 1992 onwards, he has built his expertise in major international firms in Hong Kong, and during that time, he also launched his own firm, Jonathan Mok Legal. Hubbis met with him recently to learn more about the man, his missions, his passion for law, his empathy with his clients and his sense of duty to the families he represents.

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**JONATHAN MOK**  
Karas So LLP

### **Navigating Complex Issues with Skill**

Jonathan Mok's extensive practice in private client law stretches beyond the shores of Hong Kong to encompass the broader vistas of Asia. He takes a historical perspective on the evolution of high-end wealth in the region, offering that as background for the complexities and too often the disputes that invariably arise within such uber-affluent families. He notes that as Hong Kong witnessed the rapid emergence of multi-millionaires and billionaires from the 1970s onwards, a new set of challenges came to the fore for the ageing patriarchs and matriarchs tasked with passing down their legacies.

His observations reveal a landscape marked all too often by familial disputes, often exacerbated by the existence of multiple families and the challenge of equitable wealth distribution. He says these types of disputes underscore the critical importance of early and pre-emptive wealth planning and the great value of innovative solutions that leading lawyers can help advise on and curate to avoid or, at worst, mitigate the potential for later conflict.

### **Getting Things Right from the Outset**

The adoption of family constitutions mandating prenuptial agreements stands out as a significant trend, the aim being to secure the family's financial future while ensuring fair treatment for all husbands, wives and descendants.

However, wealth transition is only one facet of the challenges faced by Hong Kong's very wealthy families. Jonathan points to the increasing instances of mental incapacity among the older generation, which can lead to contentious legal battles over financial guardianship. Despite the Hong Kong courts' great efforts to remain impartial and entirely objective, often appointing independent professionals to oversee financial matters, the battle

for control among family members persists, highlighting the intricate relationship between wealth and power within these family dynasties.

Moreover, the occurrence of disputes over wills reveals another layer of complexity in wealth management. He notes the frequency with which wills are now contested — some of those claims genuine, some not - as well as the plight of adult children who find themselves inadequately provided for. These cases not only reflect the personal dimensions of wealth transition but also the legal intricacies involved in ensuring that all parties receive fair treatment.

### **Unique Challenges for UHNW Families**

Jonathan's journey through the corridors of high-end private client law has given him a unique vantage point on the multifaceted challenges faced by ultra-high net-worth families. His insights shed light on the critical need for early wealth planning and transparent communication among family members, especially in a cultural context where discussing future testamentary intentions might be considered taboo or even bad luck.

His experiences reveal that many such individuals and families delay wealth structuring and planning,

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often under the misconception of invincibility or due to cultural superstitions regarding wills and death. This sort of prevarication can lead to complex disputes, especially in families where patriarchs or matriarchs have children from multiple relationships. Jonathan has observed patriarchs who might induce certain offspring to believe they are favourites, potentially misleading them about their status or share of the inheritance. Such actions can not only sow discord among siblings but also complicate the process of wealth distribution and succession planning.

The solution, he suggests, lies in the transparency of wealth planning processes. By involving children and informing them of their intentions early on, patriarchs and matriarchs can mitigate misunderstandings and potentially reduce disputes that may arise after their passing. This approach is particularly vital in families with business interests, where the distinction between those who will inherit management roles, and those who will not, might create rifts. Transparency ensures that each member knows their role and expectations early, fostering a smoother transition and preserving family harmony.

### Advice for Preventing Disputes

Jonathan's advice to these families is straightforward yet profound: embrace transparency and engage in early wealth planning. By doing so, families can avoid many of the disputes that arise from secrecy and delayed decision-making. Engaging in open dialogues about wealth distribution and succession plans, even when it might seem counterintuitive or challenging, can strengthen family bonds and ensure a legacy's continuity.

## Jonathan Mok: The Evolution of a Leading Light in Hong Kong's Legal World

Jonathan Mok's career trajectory illustrates an exemplary journey through the complex fabric of private client law in Hong Kong. Having studied Law in the UK, where he completed his professional training, he then returned to Hong Kong in 1992, embarking on a professional path that would see him emerge as a leading figure in private client disputes, family law, and beyond.

In the early days of his Hong Kong career, Jonathan focused on matrimonial law, and after three years at a specialist firm there, he joined Johnson Stokes & Master in 1995. At the time, this firm was known for its comprehensive service offering, covering a wide range of legal disciplines, including private client work. His role there was multifaceted; he not only handled divorce work but also began to acquaint himself with wealth planning matters after the handover in 1997. As the firm transitioned through retirements and departures, Jonathan found himself at the helm of both the contentious and non-contentious departments, overseeing wills, trusts, probate, and the intricacies of wealth structuring and planning.

The merger of Johnson Stokes & Master with Mayer Brown marked a pivotal moment in his career. Seeing the US firm's divergent focus away from private client work, Jonathan sought new avenues to pursue his passion for his key areas of expertise. That led him to establish Jonathan Mok Legal and enter into an association with Charles Russell Speechlys, facilitating their entrance into the Hong Kong market.

His dedication to providing a full-service arrangement for private clients remained undiminished throughout his independent practice. Recognised as the only solicitor advocate in Hong Kong specialising in family law, his ability to represent clients in court as well as offer comprehensive legal advice sets him apart. His unique position allowed him to serve as a one-stop solution for clients, particularly in family-related disputes where his expertise in asserting beneficial interests in complex divorce proceedings became in high demand.

His practice also encompassed significant non-contentious work, including wealth structuring, the formation of wills and trusts, and enduring powers of attorney. His accreditation as a family mediator, and recently a private financial adjudicator, further evidenced his commitment to offering a holistic service to clients in Hong Kong.

Jonathan's decision to join Mishcon de Reya, moving his team to Karas So LLP in December 2022, marked the beginning of the latest chapter in a fascinating career in private client law. He says he lives by the belief in a deep commitment to his clients and also in the need for agility in the evolving legal landscape of Hong Kong amidst his clients' changing needs.

Furthermore, considering the unique dynamics of each family, personalised strategies that cater to individual member's aspirations and the family's collective goals are essential. This might involve creating distinct pathways for those interested in continuing the family business and providing clear, equitable structures for those who choose to pursue different paths.

### Jonathan's USP

Jonathan's approach is very evidently to navigate the delicate intricacies of private client law with a great deal of experience and empathy. His experience sitting as a deputy judge in the family courts also helped him to understand the perspective from the Bench. He underscores the necessity of blending legal acumen with a deep understanding of human relationships, which helps greatly in proffering advice and solutions that will help avoid problems later and that also helps immensely in his role in dispute resolution. If the creation and maintenance of harmony is at all possible, he sees his role to strive diligently to achieve that end.

Jonathan sees a very wide angle on these challenges and objectives, giving him somewhat of a distinctive approach to wealth structuring, blending contentious and non-contentious perspectives, and setting him as a fascinating character in the world of private client law. His ability to draw upon a rich repository of 'war stories' provides his clients with pragmatic, foresightful advice aimed at avoiding the pitfalls and disputes that have ensnared others. He indicates that this blend of expertise not only offers a holistic view of potential legal battles but also ensures that wealth

### Expert Perspectives on Key Topics from Jonathan Mok

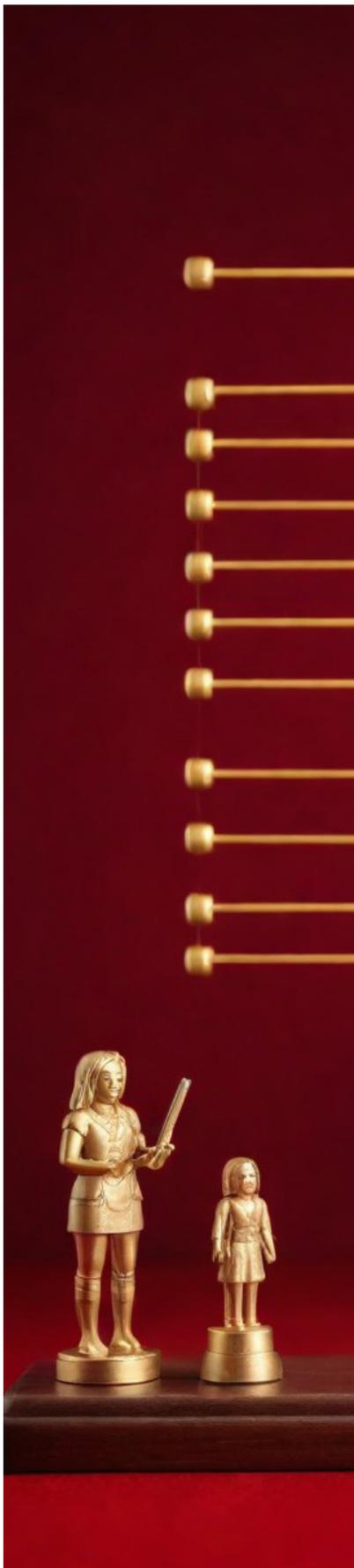
**On the Breadth of his Private Client Law Practice:** "My journey in private client law spans from divorce and family disputes to the intricacies of wealth planning. This spectrum requires not only a solid legal foundation but a nuanced understanding of the personal dynamics at play for very wealthy families seeking to plan legacies and avoid disputes."

**Solicitor Advocate - A Hybrid Role:** "Being the only solicitor advocate in Hong Kong to specialise in family law gives me a somewhat unique position to serve my clients in court if required and also outside of the courtroom. This hybrid role facilitates a more integrated and holistic approach to handling family-related disputes spanning both contentious and non-contentious landscapes."

**Addressing High Net Worth Family Dynamics:** "In my many years of practice, I have observed that the tremendous HNW and UHNW wealth generated post-World War II and especially since the 1970s in Hong Kong has led to complex family structures and highly complex situations and needs. If not approached properly and pre-emptively, these can all too often result in disputes, underscoring the vital importance of early wealth planning and transparent communication among family members."

**The Importance of Prenuptial Agreements:** "Despite the absence of legislation in Hong Kong, the practice of drafting prenuptial agreements is gaining momentum. This trend reflects a proactive approach to safeguarding assets and relationships, illustrating a shift towards more structured familial wealth planning. Having observed a prenuptial agreement prepared by myself for a HNW family's descendant in 2005 being attached to it full weight by the family court last year, I myself have increasingly advocated for their use, as they can serve as a critical tool in wealth preservation and can mitigate disputes before they arise."

**The Role of Mediation:** "My work as an accredited mediator is highly valuable, I believe, as the role of mediation is so important in resolving disputes outside the courtroom. This approach not only saves time and resources, and huge amounts of cost and stress but often preserves family relationships. My long experience has armed me with plenty of cases that I can relay to clients, and their understanding of the potential pitfalls from real cases provides cautionary tales and invaluable lessons."



**Marital Trends in Older Generations:** “The phenomenon of marriage breakdowns among the ‘silver hair’ demographic reflects changing social norms and increased life expectancy. This shift has led to a rise in postnuptial agreements as a pragmatic solution for those looking to separate amicably in their later years, for whatever reasons they might have.”

**Mental Incapacity and Wealth Management:** “An increasing concern among very wealthy families is the issue of mental incapacity among ageing patriarchs and matriarchs. This scenario necessitates meticulous planning and legal foresight to ensure the welfare of the individual and the prudent management of their assets.”

**The Role of Family Constitutions in Wealth Preservation:** “Family constitutions are becoming a pivotal tool in the governance of family businesses and wealth preservation. They formalise the roles, responsibilities, and expectations of family members, promoting harmony and reducing the potential for disputes.”

**Advisory Trends and Client Diversification:** “As wealth in Hong Kong continues to diversify regionally and globally, my role has evolved to include working with international firms and partners. This trend reflects a broader movement of assets from East to West, necessitating a global approach to wealth planning. Moreover, the old reliance on real estate investments and wealth poses a significant risk for wealth preservation in more volatile markets and conditions. This trend further underscores the need for diversification, prompting families to explore investments beyond Hong Kong, in regions with more stable economic or other environments.”

structuring is robust and prepared for any eventuality.

His long experience in family disputes and his approachability and empathy clearly help him to connect effectively with wealthy and uber-rich patriarchs and elder testators, offering them perspectives grounded in decades of experience. Word of mouth, underpinned by endorsements from private banks, has bolstered his reputation as a go-to lawyer for private wealth contentious issues, alongside his adeptness in non-contentious matters.

### Multi-skilled

He is also an accredited mediator with deep expertise in mediation for resolving potentially contentious situations before they escalate into litigation. His role often extends to acting as a communicator between generations, facilitating highly sensitive discussions that patriarchs might be hesitant to engage in directly with their children. This includes conversations around the necessity of prenuptial agreements, where he says

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he has built considerable experience in helping to bridge understanding and laying the groundwork for harmonious familial relationships.

Jonathan, having passed the Private Financial Adjudication assessment last year, is among the first private financial adjudicators accredited by the Institute of Private Family Adjudicators (Hong Kong) Limited.

This accreditation allows Jonathan to adjudicate financial claims in family cases, offering parties a swifter resolution to their disputes while sparing them from

protracted court proceedings and excessive legal costs.

He sheds light on an emerging and awkward trend among the older generation, where longevity and changing life expectations are leading to an increase in marital breakdowns among the wealthy. Unlike in the past, when couples would remain together due to shorter life expectancies and perhaps less choice, the modern ‘silver hair clan’ is increasingly seeking to go their separate ways, necessitating unique legal solutions such as postnuptial agreements. This trend underscores the evolving

nature of family law, where Jonathan helps with innovative legal and bespoke solutions for his clients’ constantly evolving needs.

Jonathan is a personable and engaging character with long experience and a great career. His ability to offer a one-stop solution, combining contentious and non-contentious skills and coverage, as well as his expertise as a mediator, and of course, his extensive practice experience, all make him a key figure for ultra-high-net-worth families seeking to secure their legacies and avoid disruption and disputes. ■



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## Getting Personal with Jonathan Mok

Jonathan Mok's journey from his native Hong Kong to becoming a distinguished figure in private client law is a narrative of dedication, discipline, and consistency. Born in Hong Kong to a family rooted in civil service, Jonathan's formative years were influenced by the city's unique blend of Eastern traditions and powerful Western influences. However, it was his teenage years, spent at a boarding school in the UK, that broadened his horizons and laid the foundation for a career in law that would bridge continents and cultures.

Attending a boarding school in Surrey, Jonathan navigated the challenges of adapting to a new culture and educational system. As his father was a senior government servant, Jonathan was instilled from an early age with a respect for duty and a keen sense of ambition as well as discipline. The UK environment at the time suited him well and was an important period in developing his resilience and adaptability—traits that would later become hallmarks of his legal career.

His academic journey continued at university in London, where, amidst the vibrant life of 1980s London, he pursued his Law degree. Despite the distractions of city life, Jonathan remained focused on his legal studies, and driven by a growing passion for litigation and advocacy.

Despite the allure of staying in the UK, Jonathan recognised the greater potential for plying his trade in Hong Kong, and he returned there in 1992, armed with a Law degree and a resolve to make his mark in the legal profession.

His personal life is as rich and diverse as his professional journey. When he returned to Hong Kong in 1992, he was accompanied by his wife, a fellow Hongkonger whose family had migrated to the UK, where he had first met her. Together, they have two sons who have carved out their careers in London, reflecting the family's deep ties to Hong Kong and the UK. He plans to spend more time in England, so as to be closer to their sons, highlighting his enduring connection to the country.

Despite his demanding career, Jonathan always finds solace and joy in travel, particularly to Tokyo and London, exploring jazz clubs, enjoying cinema, and indulging in the cultural richness and cuisines of these cities. An early riser, he maintains a disciplined routine of morning exercises, balancing the demands of his legal practice with his personal well-being.

He says his approach to law is deeply personal. He believes not every lawyer can thrive in private client practice, a field that requires a unique blend of empathy, insight, and interpersonal skills. He takes pride in building relationships with his clients, often transitioning from legal representative to lifelong friend and trusted advisor.

The same passion runs through his leisure time, with his commitment to personal well-being, family cohesiveness, and a love for exploration and music. Whether jogging in the early hours or traversing the globe, Jonathan's life outside the legal consulting rooms and courtrooms is marked by a quest for knowledge, experience, and personal growth.

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**« “Independence is the *golden thread* that runs through the fabric of our firm, intricately woven into our daily operations and *strategic decisions*, ensuring that we remain aligned with the *evolving expectations* of our clients.” »**

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