

Prof. Joongi KIM
Yonsei Law School
November 2015



Professional Experience

Yonsei University Law School, Professor of Law & Associate Dean for International Affairs, 1998-present

Georgetown University Law Center, Visiting Professor, 2010-2011, Jan. 2016 (scheduled)

WilmerHale, Scholar-in-Residence, International Arbitration Group, London, June-July 2011

University of Florida, Visiting Professor, Levin College of Law, January 2010

Founding Executive Director, Hills Governance Center, 2003-2007

National University of Singapore, Visiting Professor, Faculty of Law, 2004-2005, Feb. 2016 (scheduled)

Hongik University, Assistant Professor of Law, Business Administration Department, Seoul, 1995-1998

Foley & Lardner, Attorney, International Business Group, Washington, D.C., 1992-1995

Education

Georgetown University Law Center, Juris Doctor, 1992

Yonsei University, Graduate School of International Studies, Master of Arts in Political Science, 1991

Columbia University, Columbia College, Bachelor of Arts in Political Science, 1988

Bar Membership

U.S. New York State Bar, 1993-present

U.S. District of Columbia Bar, 1994-present

Dispute Resolution Areas of Expertise

International Law, Common Law (U.S.: New York State; District of Columbia), Civil Law (Korea)

Trade & Investment, Corporate Law, Banking, Financial Services, Shipbuilding, Mergers & Acquisitions, Agency & Distributorships, Construction, Real Estate, Insurance, Conflicts of Law, Enforcement & Recognition, Escrow Agents, Technology, Competition

Recent Arbitration Experience

Sole/Presiding Arbitrator

Sole Arbitrator, ICC arbitration seated in Tokyo and governed by New York law regarding a shareholder agreement dispute between British Virgin Island, Italian and U.S. parties

Sole Arbitrator, SIAC arbitration seated in Singapore under expedited procedures and governed by Illinois law regarding a dispute between U.S. and Chinese parties relating to a loan agreement

Sole Arbitrator, HKIAC/UNCITRAL Arbitration Rules seated in Hong Kong and governed by New York law in a dispute between U.S., Hong Kong and Indian parties involving an investment management agreement

Sole Arbitrator, KCAB arbitration governed by Korean law concerning a sale of industrial machinery between Indonesian entity and Korean company

Sole Arbitrator, KCAB arbitration governed by Korean law regarding an information technology supply dispute between Singaporean subsidiary and Korean company

Presiding Arbitrator, KCAB arbitration governed by Korean law involving a distribution of digital electronic components between Chinese company and Korean manufacturer

Co-Arbitrator

Co-Arbitrator, ICC arbitration seated in Hong Kong and governed by English law involving a corporate guarantee and indemnity for a shipbuilding contract between Norwegian and Korean companies

Co-Arbitrator, ICC arbitration governed by French law involving construction of a desalination plant in the Middle East between French and Korean companies

Co-Arbitrator, ICC arbitration governed by Korean law involving a joint venture to manufacture industrial equipment between U.S. and Korean companies

Co-Arbitrator, ICC arbitration seated in Hong Kong and governed by English law involving a corporate guarantee and indemnity for a shipbuilding contract between Norwegian and Korean companies

Co-Arbitrator, SIAC arbitration governed by Singaporean law seated in Singapore involving an infrastructure construction project in Southeast Asia between Korean and Japan parties

Co-Arbitrator, JCAA arbitration governed by Korean law and seated in Tokyo regarding a dispute arising out of a shareholder agreement in the automotive sector between German, Japanese and Korean parties

Co-Arbitrator, HKIAC/UNCITRAL Arbitration Rules dispute governed by Hong Kong law and seated in Hong Kong involving a share purchase agreement between a British Virgin Island company and Korean party

Co-Arbitrator, ad hoc arbitration seated governed by Luxembourg law in Mediterranean country concerning European real estate investment and bank guarantee dispute between Irish and Cypriot companies

- Co-Arbitrator, ad hoc arbitration (LMAA) governed by English law and seated in London involving shipbuilding dispute between Cypriot and Korean companies
- Co-Arbitrator, KCAB arbitration governed by Korean law in defense industry between U.S. party and Korean entity
- Co-Arbitrator, KCAB arbitration governed by Korean law involving procurement dispute between U.S. party and Korean entity
- Co-Arbitrator, KCAB arbitration governed by Korean law involving aerospace industry between U.S. party and Korean entity
- Co-Arbitrator, KCAB arbitration governed by Korean law regarding sports equipment distributorship dispute between Austrian company and Korean party
- Co-Arbitrator, KCAB arbitration governed by Korean law regarding a dispute over solar cell supply agreement between Korean companies
- Co-Arbitrator, KCAB arbitration governed by Korean law in a dispute between two Korean parties concerning engineering and supervising services

Panel of Arbitrators

International Organizations

- Global Green Growth Institute (GGGI)
- World Bank's International Centre for Settlement of Investment Disputes (ICSID)

Free Trade Agreements

- Republic of Korea and European Union Free Trade Agreement
- Republic of Korea and United States Free Trade Agreement

Arbitral Institutions

- Cairo Regional Centre for International Commercial Arbitration (CRCICA)
- Chicago International Dispute Resolution Association (CIDRA)
- China International Economic and Trade Arbitration Commission (CIETAC)
- Chinese Arbitration Association (CAA)
- Dubai International Arbitration Centre (DIAC)
- Hong Kong International Arbitration Centre (HKIAC)
- International Center for Alternative Dispute Resolution (ICADR)
- Japan Commercial Arbitration Association (JCAA)*
- Korean Commercial Arbitration Board (KCAB)
- Kuala Lumpur Regional Centre for Arbitration (KLRCA)
- Pacific International Arbitration Centre (PIAC)
- Shanghai International Arbitration Centre (SHIAC)
- Shenzhen Court of International Arbitration (SCIA)
- Singapore International Arbitration Centre (SIAC)*

* Also acts as Emergency Arbitrator

Expert Experience

Expert, U.S. District Court, Central District of California, 2012
Expert, U.S. District Court, District of Connecticut, 2011
Expert, High Court of Justice, Queen's Bench Division, Commercial Court, England and Wales, 2010
Expert, U.S. Tax Court, 2009

Mediation Experience

Sole Mediator, Construction Dispute, Seoul District Court Annexed Mediation 2010 Muh 42354
Counsel, JAMS International Mediation Dispute, California

Professional Activities

Vice Chair, Korean Council for International Arbitration

Vice President, In-House Counsel Forum

Board Member, International Bar Association, Korea Advisory Board

Academic Council Member, Center for Strategic and International Studies (CSIS) Hills Program on Governance

Editorial (Advisory) Board Member: Asian Journal of Comparative Law (Cambridge University Press), International Investment Law & Arbitration (Brill Research Perspectives), Korea Arbitration Review, International Trade Law, Korean Journal of International and Comparative Law

SIAC Users Council

Member: IDR Group; Australasian Forum for International Arbitration

Member, Arbitration Industry Promotion Act Committee, Ministry of Justice

Member, Commercial Code (Corporate Law) Revision Committee, Ministry of Justice

New Round Legal Assistance Council Member, Ministry of Justice

Dispute Mediation Commission, Korea Securities Dealers Association Automated Quotation Market (KOSDAQ), 2001-2005

Director: Korean Arbitrators Association (Academia Representative for International Arbitration Forum), Korea Association of Arbitration Studies, Korea Association of International Law, Korea International Trade Law Association, International Economic Law Association of Korea, Korea Business Law Association, Korea Institute of International and Comparative Law

Consultant: World Bank, Organization for Economic Cooperation and Development, Ministry of Finance and Economy, Ministry of Foreign Affairs, Financial Supervisory Service, Korean Institute for International Economic Policy

Advisor, ICC Korea, Commercial Law and Practice

International Jury Member/Coach, Willem C. Vis (East) International Commercial Arbitration Moot, 2009-present

Selected List of Publications

Books

INTERNATIONAL ARBITRATION IN KOREA (forthcoming Oxford University Press)

INTERNATIONAL ECONOMIC LAW, Co-Author, Bakyoungsa (2006)

THE WTO DISPUTE SETTLEMENT SYSTEM, Ministry of Justice (2002)

Articles or Book Chapters

A Bellwether to Korea's New Frontier in Investor-State Dispute Settlement? The Moscow Convention and Lee Jong Baek v Kyrgyz Republic, PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL, Vol. 15, 549-565 (2015)

Interim Measures under the Rules of Asian Arbitral Institutions, INTERIM AND EMERGENCY RELIEF IN INTERNATIONAL ARBITRATION (Juris 2015)

Streamlining the ICSID Process: New Statistical Insights and Comparative Lessons from Other Institutions, REFORM OF INVESTOR-STATE DISPUTE SETTLEMENT: IN SEARCH OF A ROADMAP, ed., Jean E. Kalicki & Anna Joubin-Bret, BRILL (2015) [TRANSNATIONAL DISPUTE MANAGEMENT, Vol. 11, No. 1 (2014)]

International Arbitration in East Asia: From Emulation to Innovation, THE ARBITRATION BRIEF, Vol. 4, No. 1, 1-30 (2014)

The Formulation of Korea's Resource Policy through Its International Agreements, ASIAN JOURNAL OF WTO & INTERNATIONAL HEALTH LAW AND POLICY, Vol. 9, No. 1, 287-329 (March 2014)

International Arbitration in Korea, INTERNATIONAL COMMERCIAL ARBITRATION PRACTICE: 21ST CENTURY PERSPECTIVES, LexisNexis, 18:1-22 (2013)

A Pivot to Asia in Investor-State Arbitration: The Coming Emergence of Asian Claimants, ICSID REVIEW – FOREIGN INVESTMENT LAW JOURNAL, Vol. 27, No. 2, 399-415 (2012)

The Evolution of Korea's Modern Investment Treaties and Investor-State Dispute Settlement Provisions, FOREIGN INVESTMENT AND DISPUTE RESOLUTION LAW AND PRACTICE IN ASIA, ed., Vivienne Bath and Luke Nottage, Routledge, 211-224 (2011)

The Role of Rules of Origin to Provide Discipline to the GATT Article XXIV, JOURNAL OF INTERNATIONAL ECONOMIC LAW, Vol. 14, No. 3, 1-26 (2011)

Trade in Services, in TRADE LAW AND REGULATION IN KOREA, ed., Seung W. Chang, Won-Mog Choi, Edward Elgar (2011)

The Formation of Rule of Law in Corporate Governance, in RULE OF LAW IN SOUTH KOREA, ed., Jongryn Mo, Hoover Institution Press (2010)

- RTAs for Development: Utilizing Territoriality Principle Exemptions under Preferential Rules of Origin*, with Jong Bum Kim, *JOURNAL OF WORLD TRADE*, Vol. 43, No. 1, 153-172 (2009)
- A Forensic Study of Daewoo Corporate Governance: Does Responsibility for the Meltdown Solely Lie with the Chaebol and Korea?* *NORTHWESTERN JOURNAL OF INTERNATIONAL LAW & BUSINESS*, Vol. 28, No. 2, 273-340 (2008)
- The Judiciary's Role in Good Governance in Korea*, *POLICY & SOCIETY*, Vol. 26, No. 2, 15-32 (2007)
[also in *TRANSFORMING ASIAN GOVERNANCE: RETHINKING ASSUMPTIONS, CHALLENGING PRACTICES*, ed., M Ramesh & Scott Fritzen, Routledge (2008)]
- Fears of Foreign Ownership: The Old Face of Economic Nationalism*, *SAIS REVIEW OF INTERNATIONAL AFFAIRS*, Vol. 27, No. 2, 167-177 (2007)
- The Formation of an East Asian Corporate Governance Model*, *NEW ASIA*, Vol. 12, No. 1, 214-235 (Spring 2006)
- NATIONAL INTEGRITY SYSTEMS: COUNTRY STUDY REPORT REPUBLIC OF KOREA*, Transparency International, Yonsei University Press (2006)
- The Next Stage of Reforms: Korean Corporate Governance in the Post-Asian Financial Crisis Era*, *ASIAN JOURNAL OF COMPARATIVE LAW*, National University of Singapore, Vol. 1. No. 1, 44-67 (2006)
- The Challenges of Attracting Foreign Investment into North Korea: The Legal Regimes of Sinuiju and Gaeseong*, *FORDHAM INTERNATIONAL LAW JOURNAL*, Vol. 27, No. 4, 1306-1321 (Apr. 2004)
- Changes in Corporate Governance due to Global Standards and the Rule of Law*, in *GLOBAL STANDARDS AND THE RULE OF LAW*, Bakyoungsa (2004)
- Revamping Fiduciary Duties: Does Law Matter in Corporate Governance?* with Konsik Kim, in *GLOBAL MARKETS, DOMESTIC INSTITUTIONS: CORPORATE LAW AND GOVERNANCE IN A NEW ERA OF CROSS-BORDER DEALS*, ed., Curtis J. Milhaupt, Columbia University Press, 372-399 (2003)
- Sub-Regionalism, Regionalism, Trans-Regionalism – Implications for Economic Integration and International Trade Policies*, *ASIA EUROPE JOURNAL*, Vol. 1, No. 2, 183-196 (2003)
- Clientelism, Corruption and Economic Development in Korea*, in *THE POLITICAL CORRUPTION OF TRANSITION: A SKEPTIC'S HANDBOOK*, ed. Stephen Kotkin & Andras Sajo, Central European University Press (2002)
- Nascent Stages of Corporate Governance in Emerging Markets*, with Hasung Jang, *Corporate Governance: An International Review*, Vol. 10, No. 2, 84~95 (2002)
- Recent Amendments to Korea's Commercial Code and Their Effects on International Competition*, *UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL ECONOMIC LAW*, Vol. 21, No. 2, 273-330 (Summer 2000)

Recent Presentations & Panels

ISDS in North Asia: Infrastructure Projects, 4th Asia Pacific ADR Conference, UNCITRAL, Ministry of Justice, KCAB, ICC, 4 Nov. 2015

Panelist, *International Arbitration and Asia: Recent Development and Prospects*, Evolution of International Arbitration and Asia, Korea National Diplomatic Academy, 28 Oct. 2015

Why Arbitration and the UNCITRAL Arbitration Model Law? Lessons from Korea, 2015 UNCITRAL South Pacific Seminar, Port Moresby, 17 Sept. 2015

Treaty Termination and Sunset Clauses, Seminar on Investors-State Dispute Settlement, KCAB, Ministry of Justice, Ministry of Trade, Industry & Energy, SIDRC, 18 Aug. 2015

Asia as a Hub for International Arbitration: Korea, Asia Desk Forum, Victoria, Canada, 17 Apr. 2015

Judge, *This House Does Not Consider That International Arbitral Tribunals Take Sufficient Note of Cultural Differences When Reaching Their Decisions*, CIArb Centennial Conference in Hong Kong: A Century – Shaping the Future of Arbitration, 20 Mar. 2015

Korean Perspectives on Trade and Investment Multilateral Agreements and Dispute Resolution, Dispute Resolution in the Korean Community, Pepperdine Dispute Resolution Journal & Pepperdine Law School, 6 Mar. 2015

Streamlining the ICSID Process: New Statistical Insights and Comparative Lessons from Other Institutions, Reshaping the Investor-State Dispute Settlement System: Journeys for the 21st Century, Wilson Center, Washington, D.C., 26 Feb. 2015

Panelist, *Lawful versus Unlawful Expropriation: Is this a Distinction Without a Difference?*, Ninth Annual Investment Treaty Arbitration Conference, Washington, D.C., 26 Feb. 2015

Panelist, *Changes and Challenges: Main Issues of Recent Arbitration Regimes in Korea and Asia-Pacific*, Ministry of Justice, KCAB, 19 Nov. 2014

Moderator, *Other ADR Measures: Rediscovery of their Values*, 3rd Asia Pacific ADR Conference, UNCITRAL, Ministry of Justice, KCAB, 17~18 Nov. 2014

Recent Developments of ISDS from the Viewpoint of Korea, UNCITRAL Japan Seminar 2014: The Development of ISDS from a Viewpoint of Asia, Doshisha University, Kyoto, Japan, 25 Oct. 2014

Investment Arbitration – What Does It Really Mean?, ICDR Young & International, KCAB, Seoul, 21 Aug. 2014

Panelist, *Seminar on Investor-State Dispute Settlement*, KCAB, Ministry of Justice, Ministry of Trade, Industry and Energy, Seoul IDRC, Seoul, 20 Aug. 2014

Enforcement, Execution and Recognition of Arbitral Awards in Korea and Across the Region, ALB International ADR Conference, Seoul, 23 July 2014

Panelist, *New Development in International Investment Rule-Making*, The 3rd International Conference on

International Investment Law: Changing Contours of International Investment Law, Ministry of Justice, KCAB, SNU, Seoul IDRC, Seoul, 23 May 2014

Korea and Investment Arbitration: What Lies Ahead?, Fourth Annual ICC Asia-Pacific Conference International Arbitration - A Regional Journey, Seoul, 20 May 2014

Interim Measures under the Rules of Asian Arbitral Institutions, Interim Measures in International Commercial Arbitration, International Investment Law Center, IDR Group & International Law Institute, Washington, D.C., 24 Apr. 2014

Contributions of UNCITRAL to Investment Arbitration, Arbitration Reform in the Asia Pacific Region: Opportunities and Challenges, UNCITRAL, Ministry of Justice, KCAB, Seoul, 11 Nov. 2013

International Arbitration in East Asia: From Emulation to Innovation, Symposium: Salient Issues in International Commercial Arbitration, American University Center on International Commercial Arbitration, Washington, DC, 7 Nov. 2013

Panelist, Hong Kong Secretary for Justice Rimsky Yuen's Keynote Address on the Future Development of Arbitration in Asia: the Policy Perspective, ICC-HK & HK 45, Hong Kong, 21 Oct. 2013

Panelist, *Recent Developments on Major Issues in Investment Treaty Arbitrations*, Seminar on Investor-State Dispute Settlement, Ministry of Justice, Ministry of Trade, Industry and Energy, KCAB, KOCIA, Seoul, 21 Aug. 2013

The Emergence of Korea in International Arbitration, University of Pennsylvania Law School, Philadelphia, 13 Feb. 2013

Korea's Position in Investment Arbitration: A Strategic Perspective, Workshop on Enhancing Arbitration, Ministry of Justice, KCAB, Korean Council for International Arbitration, Seoul, 10 Dec. 2012

Investment Arbitration under UNCITRAL Arbitration Rules: A Comparison with ICSID, Asia-Pacific Perspectives on International Commercial Investment Arbitration, UNCITRAL Regional Centre for Asia and the Pacific, Ministry of Justice, KCAB, Seoul, 22-23 Nov. 2012

The Future of Korean Investment Arbitration, ICSID Brown Bag Series, Washington, DC, 7 June 2012

Panelist, *Effective Advocacy*, International Arbitration Seminar, Bradley, Arant, Boult, Cummings, Washington, DC, 20 Feb. 2012

Chair, *Salient Issues in International Commercial Arbitration in the Middle East and East Asia*, Symposium: Salient Issues in International Commercial Arbitration, American University Center on International Commercial Arbitration, Washington, DC, 16 Nov. 2011

Panelist, *The Arbitral Award Closing Oral Statement – Deliberations and Issuance of an Arbitral Award*, Eighth Annual Seminar How to Handle Distribution and Agency Issues in International Commercial Arbitration, AAA/ICDR, ICSID, ICC, American University, Washington, DC, 11-13 Oct. 2011

How International Agreements Are Help Shaping Korea's Resource Policy, University of Technology Sydney & University of Sydney, Sydney, 29 July 2011

Securities Market and Corporate Governance in Korea: Comparative Insight and Potential Lessons for Cambodia, Cambodia Society of Comparative Law, Nagoya University/Royal University of Law and Economics/Harvard-Yenching Institute/Japan Jurists League for Cambodia, Phnom Penh, 5-6 Mar. 2011

Panelist, *Locating Arbitrations in the Asia Pacific Region: Choices & Challenges*, ICC, Korean Chamber of Commerce and Industry, ICC Korea, Seoul, 3 Mar. 2011

Korea's Corporate, Trade and Investment Policy: Challenges for the Future, The Center for Strategic and International Studies (CSIS), Korean Platform Event, Washington, D.C., 10 Feb. 2011

Chair, *Board Oversight and Approval*, OECD Asia Roundtable on Corporate Governance, New Delhi, 25-26 Oct. 2010

Panelist, *Adopting Best Practices of International Arbitration for Asia: Desirability and Feasibility*, Asia Pacific Regional Arbitration Group Conference (APRAG) 2009, Seoul, 23 June 2009

Decalogues Divide, Global Standards in the XXI Century, Italian Ministry of Economy and Finance & Aspen Institute Italia, Rome, 11-12 May 2009

Corporate Governance Reforms In Korea: In the Post-Asian Financial Crisis Era, Many Faces of East Asian Capitalism: Network, Institution and Politics, University of California, Berkeley, 28 Mar. 2009

Experiences in Korea: Government and Business Corruption, Governance Problems Workshop, University of Indonesia, U.S.-ASEAN Business Council, World Bank Institute, CSIS Hills Program on Governance, The World Bank, Jakarta, 15-16 July 2008

Corporate Transparency, Accountability and Economic Growth, 5th International Association of Prosecutors Asia-Pacific Regional Conference, Seoul, 9 June 2008

Democratization and Corporate Governance in Korea: One Step Forward, Two Steps Back? Law and Democratization in Korea and Taiwan: Twenty Years' Experience, University of Wisconsin Law School, 19-20 Oct. 2007

Conflicts of Interest in the Business Sector, 3rd Annual Conference of Corporate Decision-Makers in Asia, Managing Corporate Governance in Asia and Corruption in Asia: Effects on Business and the Nation, Bali, 7 Apr. 2005

Operation of the Board and Enforcement: Regulatory Requirements and Enforcement, The 2nd Taipei Corporate Governance Forum, Taiwan Financial Supervisory Commission, Taipei, 5 Nov. 2004

Financial Globalization and East Asian Capitalism, Asia/Pacific Research Center, Stanford University, Palo Alto, 14-15 Aug. 2003

Sub-Regionalism, Regionalism, Trans-Regionalism – Implications for Economic Integration And International Trade Policies, Regionalism In Asia And Europe And Significance For Asia-Europe Relations, Seventh Asia-Europe Foundation (ASEF) University, Barcelona, 10-24 Nov. 2002

Corporate Governance and Corruption, Fighting Bribery and Corruption Panel, OECD Forum 2002, Paris, 14-15 May 2002

Main Lecture Courses

International Arbitration
Dispute Resolution in International Business and Trade
International Trade Law
International Law
Comparative Corporate Governance

Languages

English (native proficiency)
Korean (native proficiency)
Japanese (reading proficiency)
Chinese (characters)

Nationality

Republic of Korea