

Prof. Joongi KIM 金基峻

Yonsei Law School

June 2015



Professional Experience

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

Founding Executive Director, Hills Governance Center, 2003-2007

Georgetown University Law Center, Visiting Professor, 2010-2011

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

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

National University of Singapore, Visiting Associate Professor, Faculty of Law, 2004-2005

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

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

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

Recent Arbitration Experience

- Sole Arbitrator, ICC arbitration seated in Tokyo governed by New York law regarding shareholder agreement dispute between British Virgin Island, Italian and U.S. parties [ICC 17619/VRO]
- Sole Arbitrator, HKIAC/UNCITRAL Arbitration Rules seated in Hong Kong governed by New York law regarding dispute between U.S., Hong Kong and Indian parties [HKIAC/14191]
- Sole Arbitrator, KCAB arbitration concerning sale of industrial machinery between Indonesian entity and Korean company [KCAB 14113-0037]
- Sole Arbitrator, KCAB arbitration regarding information technology supply dispute between Singaporean subsidiary and Korean company [KCAB 11111-0208 & 12111-0041]
- Presiding Arbitrator, KCAB arbitration involving distribution of digital electronic components between Chinese company and Korean manufacturer [KCAB 11113-0032]
- Co-Arbitrator, ICC arbitration seated in Hong Kong involving a corporate guarantee and indemnity for a shipbuilding contract between Norwegian and Korean companies [ICC 19718/CYK]
- Co-Arbitrator, ICC arbitration governed by French law involving construction of a desalination plant in the Middle East between French and Korean companies [ICC 19681/EMT]
- Co-Arbitrator, ICC arbitration involving a joint venture to manufacture industrial equipment between U.S. and Korean companies [ICC 15459/JEM/CYK]
- Co-Arbitrator, JCAA arbitration seated in Tokyo regarding a dispute arising out of a shareholder agreement in the automotive sector between German, Japanese and Korean parties [JCAA 14-08]
- Co-Arbitrator, HKIAC/UNCITRAL Arbitration Rules dispute seated in Hong Kong involving share purchase agreement between British Virgin Island company and Korean party [HKIAC/A12157]
- Co-Arbitrator, ad hoc arbitration seated in Mediterranean country concerning European real estate investment and bank guarantee dispute between Irish and Cypriot companies
- Co-Arbitrator, ad hoc arbitration (LMAA) seated in London involving shipbuilding dispute between Cypriot and Korean companies
- Co-Arbitrator, KCAB arbitration involving defense industry between U.S. party and Korean entity [KCAB 15112-0001]
- Co-Arbitrator, KCAB arbitration involving defense industry between U.S. party and Korean entity [KCAB 14112-0037]
- Co-Arbitrator, KCAB arbitration involving defense industry between U.S. party and Korean entity [KCAB 12113-0022 & 13112-0003]
- Co-Arbitrator, KCAB arbitration regarding sports equipment distributorship dispute between Austrian company and Korean party [KCAB 08113-0013]

Co-Arbitrator, KCAB arbitration regarding a dispute over solar cell supply agreement between Korean companies [KCAB 09111-0102]

Co-Arbitrator, KCAB arbitration in a dispute between two Korean parties concerning engineering and supervising services [KCAB 10111-0055 & 10111-0100]

Arbitral Institutions & Free Trade Agreements, Panel of Arbitrators

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 (KLRC)

Shanghai International Arbitration Centre (SHIAC)

Shenzhen Court of International Arbitration (SCIA)

Singapore International Arbitration Centre (SIAC)*

World Bank's International Centre for Settlement of Investment Disputes (ICSID)

* Also acts as Emergency Arbitrator

Free Trade Agreements

Republic of Korea and United States Free Trade Agreement

Republic of Korea and European Union Free Trade Agreement

Mediation Experience

Sole Mediator, Construction Dispute, Seoul District Court Annexed Mediation 2010 Muh 42354

Counsel, JAMS International Mediation Dispute, California

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

Professional Activities

Vice Chair, Korean Council for International Arbitration

Vice President, In-House Counsel Forum

Board Member, International Bar Association Korea Advisory

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

Member: IDR Group, Australasian Forum for International Arbitration

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, Korean 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

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

The Moscow Convention and the First Korean Investor Treaty Award: Lee Jong Baek v Kyrgyz Republic, PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL, Vol. 15 (forthcoming 2015)

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)

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 (2014) [TRANSNATIONAL DISPUTE MANAGEMENT, Vol. 11, No. 1 (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, Bakyounsa (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

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 March 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 Center on International Commercial Arbitration, 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

The Future of Arbitration in Korea, WilmerHale, London, 13 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)