



李炳翰

Partner

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Mr. Byung Han Lee is a partner at Shin & Kim.

Mr. Lee served as a judge at district courts in Seoul and Jeju Province from February 1995 to February 2006, as a judge at the Seoul High Court from February 2006 to February 2008, as a research judge at the Supreme Court of Korea, and as the chief judge of the Wonju Branch of the Chuncheon District Court.

While serving as a research judge at the Supreme Court of Korea, Mr. Lee was in full charge of labor-related cases in his role as an aide to the chief justices. At the Seoul High Court, Mr. Lee dealt with various civil cases as a civil department officer. As a judge at the district courts, Mr. Lee handled various civil, criminal, warrant and auction, family, provisional attachment and injunction cases.

経歴

2015-2020	Member, Statutory Interpretation Review Committee, Ministry of Government Legislation
2014-2018	Professor, Judicial Research & Training Institute (Labor Law)
2012-Present	Shin & Kim LLC
2010-2012	Chief Judge, Wonju Branch, Chuncheon District Court
2008-2010	Research Judge, Supreme Court of Korea (for Labor-related Cases)
2006-2008	Judge, Seoul High Court
2002-2006	Judge, Seoul Southern District Court
2001-2002	Judge, Jeju District Court
2000-2001	Judge, Jeju District Court (Seogwipo City)
1999-2000	Judge, Jeju District Court

1997-1999	Judge, Seoul Central District Court
1995-1997	Judge, Seoul Southern District Court
1995	Judicial Research & Training Institute, the Supreme Court of Korea

主な実績

- Represented Ssangyong Motors in their Supreme Court case regarding its layoffs.
- Represented KBS and others in litigations related to the inclusive wage system of broadcasting companies.
- Represented an electronics company, construction company, and others in litigations involving illegal dispatch, normal wage, change of jobs, layoff, wage peak system, and serious industrial accidents.
- Advised a bank on HR and labor management, labor unions, and other similar issues.

学歴

2006	University of British Columbia Law School (Visiting Scholar)
2006	Korea University Graduate School of Law (Antitrust Law)
1998	Seoul National University Graduate School of Law (LL.M., Coursework)
1983-1989	Seoul National University, Department of Sociology (B.A.)

資格

1995	Admitted to bar, Korea
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言語

Korean, English, Chinese

主な活動

- Concept of Employer as the Principal Agent of Unfair Labor Practice of Control and Intervention (Explanation of Supreme Court Precedents No. 83, first half of 2010)
- On whether a Local Autonomous Entities Holds the Right to Limit the Scope of Benefits Derived from Labor such as Overtime Pay included in the Budget without a Legal Basis (Explanation of Supreme Court Precedents No. 81, second half of 2009)
- The Criteria for Judging whether Comprehensive Wage System is Established (Explanation of Supreme Court Precedents No. 81, second half of 2009)
- In the Case where an Employer Conducts a Personnel Appraisal Unfavorable to an Employee for the Fact that He/ She is a Member of the Labor Union and the Employee Claims, after being Dismissed, that such Personnel Appraisal became the Criteria for Selecting the Employees to Dismiss due to Managerial Reasons, whether the Employer's Action Constitutes Unfair Labor Practice (Explanation of Supreme Court Precedents No. 79, first half of 2009)
- The Criteria for Interpretation of "Purposes to Avoid Criminal Punishment" as a Reason for Suspending Statutory Limitation of Section 253.3 of Criminal Procedure Law (Private Law No. 8, June 2009)
- Dangerous Dispatched Labor and Regarded Direct Employment (Private Law No. 6, December 2008)
- The Scope of New Labor Unions Not Prohibited for Establishment under Supplementary Provision 5.1 of Trade Union and Labor Relations Adjustment Act (Explanation of Supreme Court Precedents No. 77, second half of 2008)
- In the Case where more than Two Subcontracted Construction Work for the Purpose of Completion of Final Object are Appraised as One Total Construction Work and the Business Owner of the Two Subcontracted Construction Work are Required to Report the Insurance Relations as set forth in the Section 12.1 of Industrial Accident Compensation Insurance Act, the Criteria for Determining the Expiration Date of the Reporting Period (Explanation of Supreme Court Precedents No. 78, second half of 2008)
- The Scope of the Third Party that is the Other Party of the Right to Indemnity and the Requirements for Application of the Clues of the Main Text of Section 54.1 of the old Industrial Accident Compensation Insurance Act (before its full amendments to become Act No. 8373 as of April 11, 2007) (Explanation of Supreme Court Precedents No. 75, first half of 2008)

外部評価

- "Leading Lawyer" for Labor, Legal Times, 2017, 2019, 2021-2026