



金周鉉

Partner

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Mr. Joo Hyun Kim is a partner at Shin & Kim, and his main practices include litigations and legal advices related to securities, finance, real estate trust, management disputes, administrative cases, and international disputes.

Mr. Kim has been involved in a number of criminal cases and successful in various litigation and legal advices.

Mr. Kim is also qualified to practice as attorney in the State of New York. As a litigation lawyer, he has been successfully settling international disputes (litigation, arbitration) on behalf of foreign corporate clients.

経歴

2019-Present	Member, Examination Committee for KPSPI Market, Korea Exchange
2017-Present	Legal Counsel, Korean Pharmaceutical Association
2007-Present	Shin & Kim LLC
2004-2007	Public-Service Judge Advocate, Korea Legal Aid Corporation
2002-2004	Judicial Research & Training Institute of the Supreme Court of Korea

主な実績

[Civil and Criminal Cases related to Securities and Finance]

(1) Criminal Cases related to Securities and Finance

- A case involving the CEO of Hyundai Securities related to alleged unfair trading practices of ELWs under the Financial Investment Services and Capital Markets Act (“FISCMA”) (found innocent, 2012)
- A case involving an executive of OCI for the use of undisclosed information under the FISCMA (2011)
- A case for tapping-related violations of the Futures Trading Act by traders of Meritz Securities (fine sentence, July, 2011)
- A case for unfair trading practices including price manipulations and use of undisclosed information (2014-2019)
- A case for unfair trading practices regarding non-capital M&As under the FISCMA (2014-2019)
- A case for alleged violations of the Foreign Exchange Transactions Act by Pine Tree Investment and Management, Saturn Investment Management, Growth Hill Asset Management, Timefolio Asset Management, and Petra Capital Management
- Other criminal cases, including the case for fraudulent transactions involving unlisted stock traders (2019-present)

(2) Civil Cases related to Securities and Finance

(a) A case for a director’s liability for damages

- Jeong-Eun Hyeon v. Hynix Semiconductor: A case for a director’s liability for damages (quashed and set aside by the Supreme Court in 2011)

(b) Cases related to incomplete contracts

- Lawsuits filed by investors to claim compensation for their losses in connection with Lehman Brothers (2009-2014) - Represented Hana Bank, etc. (won the case)
- Cases of incomplete contracts by Tongyang Securities (2013-2016): Lawsuits filed by investors to claim compensation for their losses in connection with the asset-backed short-term bonds sold by Tongyang Securities

(c) A case involving introductions and investment solicitations by financial investment business operators

- Represented Korea Investment & Securities and NH Investment & Securities (2014-2016)

(d) A civil case related to a discretionary investment contract

- Hanwha General Insurance v. Albatross Investment (2011)

(e) A civil case related to direct derivatives investment including futures and options

- Represented Tongyang Futures Trading and Woori Futures, etc. (won, 2010-2011)

(f) A civil case related to a forward exchange contract

- Represented KEB, etc. (won, 2010-2011)

(g) A civil case related to private equity fund of funds

- Mertiz Securities v. Korean Teachers' Credit Union: A case in which the Korean Teachers' Credit Union, which invested in a fund of funds investing in the Honua Fund, filed a claim against Alpha Asset Management and Meritz Securities (Meritz won the case, 2011)

(h) Civil cases and administrative cases related to false entries on registration statements and business reports

- Daewoo Securities: A case of claim for damages for false entries on the registration statement of China Gaoxian (2013-2017)
- Daewoo Securities v. HMC Investment: A case of claim for damages filed by the joint underwriter against the firm-commitment underwriter in connection with the China Gaoxian case (won, 2017)
- Hyundai Securities: An administrative case for false entries on the registration statement of China Ocean Resources (a fine sentence) (2015-2017)
- TAIHAN Electric Wire: A case of claim for damages for false entries on registration statements and business reports (2017-present)
- NH Investment & Securities, Korea Investment & Securities: A case of claim for damages for false entries on registration statements and business reports regarding Invossa of Kolon TissueGene (2019-present)

(i) A case related to the Electronic Financial Transactions Act

- NH Investment & Securities v. Professional trader: A case where a professional trader who invested in a large amount of options using a system error of a securities firm claimed damages on the ground of the financial institution's liability without fault (won the case and the court judgment for this case is the first court judgment on the concept of the HTS accident in which the financial institution becomes liable for damages without fault under the Electronic Financial Transactions Act, 2015)

(j) A dispute case related to the sale of NPLs

- Hana Bank v. United PF 1st: A case in which the purchaser cancelled the sale and purchase agreement for NPLs and sought the return of the purchase price for violation of the notification obligation by the seller (quashed and set aside by the Supreme Court in 2014)

[Trust Cases]

- KOREIT v. KB Kookmin Bank: A case of claim for damages related to the construction of a new commercial and

residential apartment in Yeonsan-dong, Busan (won)

- KOREIT v. Namyang Mutual Savings Bank, etc.: A case of claim for damages related to the construction of a new commercial and residential apartment in Yeonsan-dong, Busan (won)
- KOREIT v. Korea Land Corporation: A case of claim for damages for non-acceptance of unsold units (won)
- Daehan Real Estate Trust v. Gyeonggi Urban Innovation Corporation: A case related to the ownership transfer registration procedure (won)
- An lawsuit filed against a fraudulent trust related to the Saehaneul Park (won)
- KOREIT v. Moa Development: A case related to the claim for reimbursement of expenses and interest on construction funds (partially won)
- KOREIT v. KB Kookmin Bank: A case of claim for damages related to interest on construction funds (won)
- A criminal case involving a breach of trust by an officer of a real estate investment trust company

[Administrative Cases]

(1) General Administrative Cases

- Hansol Artone Paper v. Korean Agency for Technology and Standards: A case for cancellation of the order to revoke certification and suspension of enforcement (won, 2015)
- LIG Non-life Insurance, Daishin Securities v. Seoul Regional Employment and Labor Administration: case for cancellation of the order to claw back vocational training costs (won, 2011)
- Morning Bridge v. Yongin City Mayor: A case for cancellation of an order to impose the regional transportation facility charge (won)
- LG Chem, Hanwha L&C v. Korea Environment & Resources Corporation: A case for cancellation of an order to impose a waste charge (won)
- CJ Home Shopping v. Head of Seocho-gu Office: A case for cancellation of an order to impose a waste charge (won)
- Iljin Light Metal v. Korean Workers' Compensation & Welfare Service: A case for cancellation of an order to impose a premium for the workers' compensation insurance (won)
- Lotte Shopping v. Head of Busan Regional Maritime Affairs and Port Office: A case for cancellation of an order to change a shared water surface reclamation completion test (won)
- Booyoung Group v. Gyeonggi Urban Innovation Corporation: A case for cancellation of a disqualification order for supply of residential lands (won, 2017)
- A constitutional complaint related to the proviso of Article 1 of the Addenda of the former Public Officials Pension Act (found unconstitutional)

(2) Financial Administrative Cases

- A lawsuit seeking cancellation of a penalty for the results of accounting supervision and management (2014-2015)
- A lawsuit seeking cancellation of an order to impose a fine for false entries on registration statements and business

reports (2015-2017)

[Cases related to Foreign Corporations and Foreign-invested Corporations (Litigation/Arbitration)]

- Airbus helicopters v. The Republic of Korea: A lawsuit for the claw-back of government subsidies for non-performance of a localization plan (won, 2019)
- Barclays v. LG Chem: A lawsuit related to a dispute over international remittance of approx. KRW 25 billion (2017)
- Trocellen (Germany) v. Youngbo Chemical: An arbitration case related to infringement of trade secrets (2012)
- A case involving Monsanto: A case of claim for damages related to defoliant (2012)
- A case involving Ericsson Korea: A lawsuit seeking confirmation of the invalidity of dismissal (2012)
- A case involving Bayer Crop Science: A product liability lawsuit related to pesticide damage (2010)

[Cases related to Overseas Resource Development]

- POSCO International v. KORES (A case of preliminary injunction seeking the suspension of the effect of a resolution by the steering committee for a consortium for the development of a nickel mine) (won, 2020)

[Large-scale Criminal Cases and General Criminal Cases]

- A case involving the CEO of Hyundai Securities related to alleged unfair trading practices of ELWs under the FISCMA (found innocent, 2012)
- A case involving an executive of OCI for the use of undisclosed information under the FISCMA
- A case involving Ilgwang Group (Gyu-Tae Lee) for corruption in a defense project (found innocent on major counts, 2016)
- A case of violation of the Customs Act (sentence rendered in the first-instance court => sentence suspended in the second-instance court, 2008)
- A case of alleged interference with business and causal of damage to credibility by the representative director of Rational Korea (found innocent, 2009)
- A case of breach of trust by an executive of a savings bank (sentenced to three years in prison in the first-instance court => found innocent in the second-instance court, 2010)
- A case of violation of the Act on the Aggravated Punishment, etc. of Specific Economic Crimes related to investment (fraud) (sentence rendered in the first-instance court => found innocent in the second-instance court, 2012)
- A case of alleged embezzlement against the representative of a family clam (found innocent, 2016)
- A case of breach of trust by an executive of a real estate trust company
- A case of breach of trust by the Korean Sericultural Association (quashed and set aside (innocence) by the Supreme Court, 2018)
- A case of violation of the Framework Act on the Construction Industry by Hice Construction Corporation (found

innocent, 2019)

学歴

2012-2013	University of Southern California Gould School of Law (LL.M., 2013)
2006-2008	The University of Seoul, Graduate School of Science in Taxation
1994-1999	Seoul National University, College of Law (LL.B., 1999)

資格

2016	Admitted to bar, New York
2006	Financial Planner (FP)
2004	Admitted to bar, Korea

言語

Korean, English, Japanese

主な活動

- Korea Chapter - The Dispute Resolution Review, The Law Reviews, 2019-2020 (co-authored)
- “Thoughts on Value-Added-Tax Lawsuits relating to Gold Ingot,” Seoul High Prosecutors’ Office Case Materials Vol. 10, December 2006

受賞経歴

2006	Minister of Justice Commendation for Administrative Litigation
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