SHIN&KIM 韓国世宗律师事务所



金昌和

Partner

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Chang-Hwa Kim is a partner in the Construction & Real Estate Disputes Group, Trust and Estates Practice Group, and Urban Development Projects Practice Group at Shin & Kim whose main practice areas are litigation and advising on construction, real estate, private investment projects, trust, redevelopment and reconstruction, and aggregate buildings.

Mr. Kim particularly has an extensive experience in private investment projects, real estate development projects, trusts, redevelopment and reconstruction projects, and urban development projects he can leverage to achieve successful outcomes in various advisory and litigation services.

工作经历

2021	Redevelopment/Reconstruction Expert Course, Completed Course, Maeil Business Newspapaer,
2016-Present	Commentator of Court Cases, Law Times
2013	Academy for Urban Development
2006-Present	Shin & Kim LLC
2004-2006	Judicial Research & Training Institute of the Supreme Court of Korea

主要业绩

Public-Private Partnership Disputes and Consulting

- Advised on the claim for increased operating expenses relating to the Jeolla Line Build-Transfer-Lease (BTL)

Project

- Advised on the fee increase relating to the Gyeongsan City Resource Recovery Facility Build-Transfer-Operate (BTO) Project
- Advised on the claim for increased operating expenses relating to a new elementary school facility and facility maintenance (BTL) project
- Advised on the claim for increased operating expenses relating to a new elementary school facility and facility maintenance (BTL) project
- Litigation in connection with the increase of fees due to changes such as change of electricity tariff scheme and sewage concentration of the public-private partnership project of sewage treatment facilities (BTO) in Yongin-si (actual litigation value: approximately KRW 20 billion)
- Litigation in connection with the increase of fees due to changes such as change of electricity tariff scheme and inflow volume of the public-private partnership project of Dongbu sewage treatment facilities (BTO) in Busan (actual litigation value: approximately KRW 15 billion)
- Litigation in connection with the increase of fees due to change of design of the public-private partnership project of Gaya Railway (BTL) (actual litigation value: approximately KRW 10 billion)
- Litigation in connection with the increase of fees due to inflation and change of design of the private partnership project of Jeolla Railway (BTL) (actual litigation value: approximately KRW 150 billion)
- Consulting on adjustment of fees and termination of an implementation agreement of the public-private partnership project of food waste recycling in Busan

Litigations and Consulting in Connection with Reconstruction and Redevelopment

- Represented the client in a dispute for status confirmation of a preferred bidder in relation to the bid of a lease business operator for Deokhyeon-District Housing Reconstruction Project
- Advised on bidding for a contractor position for the Heukseok 9 Redevelopment Promotion Area Reconstruction Project
- Represented in a dispute with a contractor regarding loan payments, additional construction costs, and delay damages in the Oppo-Munhyeong Housing Cooperative Apartment Construction Project (of approximately KRW 60 billion)
- Represented in the claim for damages for breach of the project rights transfer agreement relating to the Hwaseong Sinnam Housing Cooperative Project
- Advised on cancellation of the contract with a contractor in the Jamsil Jinju Apartment Reconstruction Project
- Consulting on selection of a constructor and representation in criminal case filed by prosecutor in connection with housing redevelopment project in Hannam-3 zone
- Consulting on selection of a constructor for housing redevelopment project of Hannam Heights Apartment
- Litigation in connection with refund of project costs of housing redevelopment project in Jeonnong-7 zone
- Consulting on selection of a constructor for housing redevelopment project of Banpo-1 zone
- Representation in criminal case in connection with the violation of the Improvement of Urban Areas and

Residential Environments in selecting a constructor for housing redevelopment project in Jegi-4 zone.

- Consulting on reconstruction project of Yeouido Arcade
- Litigation in connection with termination and performance benefits of the housing reconstruction project of Daebong-1 and 2 zone in Daegu
- Litigation in connection with termination of dismissal of the chairperson of the promotion Committee of the reconstruction project of Jamsil Jinju Apartment
- Consulting on the urban redevelopment project of zone 3 of Mapo-ro-3 district planning
- Consulting on the reconstruction project of Sooseong District-2 Woobang Town
- Consulting on Sadang-3 housing reconstruction project
- Litigation in connection with refund of bidding deposit for the housing redevelopment project of Cheongchen-2 zone
- Litigation in connection with refund of the project costs due to termination of a provisional agreement of the housing redevelopment project of Shillim-4 zone
- Consulting on the housing redevelopment project of Changwon Gyobang-1 zone
- Litigation in connection with revocation of approval on the establishment of a cooperative of the housing redevelopment project of Sosa-1 zone
- Various litigations and consulting in connection with the housing redevelopment project of Guemho-15 zone
- Litigation in connection with a claim for sale in Baekdong Complex housing reconstruction project
- Litigation in connection with confirmation of invalidation of the establishment of the cooperative of the urban redevelopment project cooperative of Soonhwa-1-1 zone
- Litigation in connection with approval of the convocation of a general meeting for the urban planning project of Jeju Hot Springs (Sehwa and Songdang)
- Litigation in connection with conformation of the invalidation of land donation of Uiwang Daewoo company housing reconstruction project
- Litigation in connection with conformation of the invalidation of land donation of Bokhyeon Joogong-1 Apartment reconstruction project
- Litigation in connection with loans of Sadang-dong community housing cooperative

Disputes Related to State Contracts, etc.

- Represented in the claim for damages (of approximately KRW 13 billion) for breach of the contract relating to the construction of EMP-protection facilities for the Ministry of National Defense Library, etc.
- Represented in the claim for damages and the administrative proceedings relating to the poor performance of service in relation to the seismic performance reinforcement of undergrounds boxes of the Seoul Subway Lines 2 - 4
- Represented in the claim (of approximately KRW 5 billion) for additional construction costs due to the design changes relating to the facility stabilization construction project of the Juam Dam Water Tunnel

- Represented in the claim for additional construction costs due to the extension of contract period for Wonju-Gangneung Railway Zone 3-2 Construction Project
- Represented in the claim for additional construction costs due to the extension of contract period for Honam High-Speed Railway Zone 3-2 Construction Project
- Represented in the claim for additional construction costs for the construction of the Dodam-Yeongcheon Jungang Line
- Litigation in connection with additional construction fees due to design change of Area 4 in Wonju-Gangneung railway construction project (litigation value: approximately KRW 12 billion)
- Litigation in connection with additional construction fees due to design change of Area 1 in Wonju-Gangneung railway construction project (litigation value: approximately KRW 6 billion)
- Litigation in connection with liquidated damages for delay of the purchase agreement for ship construction (litigation value: approximately KRW 100 billion)
- Litigation in connection with design change of Area 1 of Busan subway line 1 extension construction project (litigation value: approximately KRW 3 billion)
- Block system construction project for flow rate improvement in Jeonju (litigation value: approximately KRW 4 billion)
- Litigation in connection with a claim for the price increase of the agreement related to the establishment of an industrial complex in Gochang-gun (litigation value: approximately KRW 4 billion)
- Litigation in connection with a claim for payment for service rendered for development of Tactical Command Information System
- Litigation in connection with service payment and liquidated damages for delay related to Cheollian Project of the Ministry of National Defense

Disputes Over Payments, Contract Price Increase, Delay Damages, etc. in Construction Projects

- Represented in the claim (of approximately KRW 200 billion) for additional construction costs due to suspension of work and design changes in the Samcheok Thermal Power Plant Construction Project
- Represented in the claim of approximately KRW 300 billion) for additional construction costs due to the implementation of a 52-hour workweek system in the Samcheok Thermal Power Plant Construction Project
- Represented in the claim for adjustment of the contract price due to price fluctuations based on invalidity of a special agreements restricting adjustments based on price fluctuations in a private construction project
- Represented in the claim (of approximately KRW 38 billion) for additional construction costs relating to the accident cause by the displacement of a coast guard pier due to an engineering mistake in the Yeosu New North Port Mooring Facilities Construction Project
- Represented in the claim for damages (of approximately 30 billion won) in connection with the accident caused by the collapse of a residential complex building due to an engineering mistake in the construction of slurry walls
- Represented in the claim for additional construction costs and delay damages relating to the civil engineering works for the Jincheon Industrial Complex Construction Project

- Litigation in connection with construction payment for a landside contract in SAB reconstruction project in Iraq
- Litigation in connection with construction payment for the establishment of optical cable-based national backbone network in Gabon
- Litigation in connection with product liabilities related to the installation of energy generation facilities in Incheon Airport (litigation value: approximately KRW 12 billion)
- Litigation and consulting in connection with compensation for damage related to a claim for payment of steam usage fees and steam leakage in the group energy project of Ulsan Petrochemical Industry
- Arbitration for a claim for the increase of agreement price related to LNG combined cycle power plant construction project in Saudi Arabia (litigation value: approximately KRW 20 billion)
- Arbitration for a claim for the increase of agreement price for repair of oil plant in Algeria (litigation value: approximately KRW 25 billion)
- Litigation in connection with liquidated damages for delay and performance bond related to construction of a new aluminum plate production plant in Saudi Arabia (litigation value: approximately KRW 18 billion)
- Arbitration for a claim for construction payment for construction of a gas-fired combine cycle combustion turbine plant in Malaysia (litigation value: approximately KRW 8 billion)
- Litigation in connection with a claim for the increase of agreement price and progress payment against the project owner of Yongsan development project (litigation value: approximately KRW 50 billion)
- Litigation in connection with a claim for additional construction payment against a subcontractor of Yongsan development project (litigation value: approximately KRW 2 billion)
- Claim for the price increase of an agreement related to Alpensia Resort construction project due to inflation (litigation value: approximately KRW 32 billion)
- Arbitration for a claim for the price increase of an agreement related to construction of a bridge connecting to the international zone in Songdo International City
- Litigation in connection with a claim for the price increase of an agreement related to the construction of a golf club in Busan (litigation value: approximately KRW 15 billion)
- Litigation in connection with additional construction payment and liquidated damages for delay related to construction of a golf club in Gangwon-do (litigation value: approximately KRW 10 billion)
- Litigation in connection with the price increase of an agreement related to urban residential housing construction (litigation value: approximately KRW 2 billion)
- Litigation in connection with the price increase of an agreement related to development of the Yeosu Expo AI transportation system

Disputes Related to Compensation for Damage Caused by Violation of Construction Agreements, etc.

- Advised in a claim for damages relating to the performance profits following the termination of construction contract for the Yongin Wangsan District Apartment Construction Project and other derivative cases, such as the dispute for confirmation of the contractor status and the injunctive claim to ban the conclusion of contracts
- Represented in the dispute for confirmation of the contractor status and dispute over performance profits

following the cancellation of a design service agreement related to Cheongju Bus Terminal Development Project

- Represented in the claim for damages from the short circuit of transmission line in the Jangja Industrial Complex in Pocheon
- Litigation in connection with access prohibitory injunctions for noise and vibration of the second metropolitan beltway tunnel construction
- Litigation in connection with a claim for compensation for damage of an eel farm due to tunnel construction
- Litigation in connection with compensation for damage related to gas spring defects of industrial robots (litigation value: approximately KRW 3 billion)
- Litigation in connection with a claim for compensation for damage related to lease of athlete's village for Gwangju Universiade (litigation value: approximately KRW 40 billion)
- Litigation in connection with a claim for compensation for damage due to violation of a construction agreement of Gamgye Hillstate 2-cha Apartment in Changwon (litigation value: approximately KRW 20 billion)
- Litigation in connection with a claim for compensation for damage due to violation of an agreement related to construction of Yangji distribution service facilities in Yong in (litigation value: approximately KRW 20 billion)
- Litigation in connection with compensation for damage due to negligence of construction supervision in Homeplus fire accident (litigation value: approximately KRW 25 billion)
- Litigation in connection with compensation for damage due to violation of an agreement related to complex development of residential-commercial facilities in Haengdang District (litigation value: approximately KRW 3 billion)
- Litigation in connection with demolition due to earth anchor near Sangdo the Sharp Apartment
- Litigation in connection with a claim for compensation for damage due to violation of an agreement related to installation of the Internet cables (litigation value: approximately KRW 2.5 billion)
- Return of investments related to bay area Free Economic Zone Authority
- Compensation for damage due to disconnection of cables used for marine communication near Jodo Island, Busan

Litigation and Consulting Relating to the Trust

- Represented in the claim for damages for the breach of a fiduciary duty of care by the trustee in the Yongin Wangsan District Urban Development Project
- Litigation in connection with compensation for damage due to collapse of a retaining wall of a land trust project for sale of new officetel in Pohang (litigation value: approximately KRW 30 billion)
- Consulting on ground difference and leakage of confined water in the land trust project for sale of a new Soyang-ro officetel in Chuncheon
- Consulting on accidents such as leakage of confined water in the land trust project for sale of a new officetel in Songjeong-dong, Busan
- Litigation in connection with payment for acceptances and guarantees and compensation for delay related to the land trust project for sale of an apartment house in Buyeo (litigation value: approximately KRW 25 billion)

- Litigation in connection with cancellation of fraudulent trusts and compensation for damage related to Gyeochang CC development and management trust
- Consulting on disposition of trust objects related to collateral trust of Yangji Logistics development project
- Litigation in connection with beneficiary right garnishment and exactions of collateral trust of a newly built officetel
- Various litigations and consulting on behalf of multiple trust companies

Disputes Relating to Real Estate Sales

- Represented in multiple claims for the return of sale proceeds relating to the land supply price-setting mechanism under the Apartment unit-sale Price Cap System
- Litigation in connection with refund of purchase payment for violation of price ceiling regulations on the newly built apartment (litigation value: approximately KRW 20 billion)
- Litigation in connection with refund of purchase payment due to common use of land and lack of area for sale (actual litigation value: approximately KRW 4 billion)
- Litigation in connection with calculation of lotting-transfer price of public rental housing (actual litigation value: approximately KRW 100 billion)
- Litigation in connection with refund of purchase payment due to exaggerated advertisements
- Litigation in connection with refund of purchase payment due to excessive construction of pillars in shopping arcade

Disputes Related to Contributions of Joint Supply and Demand Parties

- Litigation in connection with cost price sharing for construction of new Federation of Korean Industries Building (litigation value: approximately KRW 4 billion)
- Litigation in connection with cost price sharing for construction of Ulsan Bridge
- Litigation in connection with a claim for shared cost price of joint supply and demand parties related to complex development of Busan International Finance Center (litigation value: approximately KRW 3 billion)
- Litigation in connection with a claim for shared cost price of joint supply and demand parties related to expansion construction of BEXCO (litigation value: approximately KRW 6.5 billion in total)
- Litigation in connection with a claim for shared cost price of joint supply and demand parties related to Chungju Nexpolis Project (litigation value: approximately KRW 6 billion in total)

Litigations Related to PV Plants

- Litigation in connection with a claim for payment for design service rendered in Muan PV plant construction project
- Litigation in connection with compensation for damage for module defects and performance guarantee in Sancheng PV plant construction project

- Litigation in connection with construction payment and performance bond for performance guarantee in Bongsan PV plant construction project
- Litigation in connection with refund of advances due to force majeure events in Changseon PV plant construction project

Other Disputes and Litigations

- Represented in the claim for invalidation of the general assembly resolution of the management committee of an aggregate building
- Represented in the dispute for status confirmation of a preferred bidder following the bidder's violations of bidding procedures
- Represented in the disputes on dissolution fees following the termination of a partnership agreement
- Represented in the reimbursement claim for legitime portie
- Represented in criminal cases relating to various industrial accidents
- Represented in multiple disputes relating to the steam supply for collective energy business operators in Ulsan
- Represented in the claim for insurance proceeds following the Homeplus Fire Incident
- Litigations and consulting in connection with various trust issues
- Litigation in connection with bid rigging in Honam High-spped railway construction project, etc.
- Litigation in connection with indirect costs of Seongdeok dam construction project, etc.
- Litigation in connection with a claim for beneficial expenses and purchase of appurtenances related to lease of a funeral hall of Paik Hospital
- Litigation and consulting in connection with disputes of Hyoseong Jewerly City Managing Body
- Litigation in connection with various defects of Guweol Jugong Apartment rebuilt
- Litigation in connection with various noises, vibration, dust and right to have sunlight of Seongbok Hillstate 1-cha Apartment in Yongin
- Injunction to guarantee status of a charger maintenance and repair company related to new traffic card system development project
- Collective litigation in connection with compensation for damage related to illegal subscription to a flat rate payment agreement
- Litigation in connection with compensation damage due to fire at logistics warehouse
- Litigation in connection with commitments related to lotto commissions
- Litigation in connection with compensation for damage due to fire at Icheon logistics center
- Other multiple disputes

教育背景

2019	Completed the 12th Course of Finance Legal Practices (Issues of Trust Law), Seoul National University
2013	Completed the 6th Course of Finance Legal Practices (Theory and Practices of the Amended Trust Act), Seoul National University
2012	Korea University Graduate School of Law
2006	Yeungnam National University College of Law (LL.B.)

资格

2006	Admitted to bar, Korea

语言

Korean, English

主要活动

Explanation about precedent

- “Renewal Project with Trust company as developer”, BFL Vol. 119 (May 2023)
- The starting point of extinctive prescription of a compensation claim for after-effect disability diagnosed five years after a traffic accident is when related symptoms materialize(Law Times, October 2019)
- Effectiveness(validity) of an agreement on the payment of administrative fees between the franchisor and franchisee(Law Times, June 2017)

外部评价

- "Leading Lawyer" for Construction and Real Estate, Legal Times, 2021-2026

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