

Seohyung Kim

Call: 2016

DD: +442078222028 s.kim@4newsquare.com

Clerk: Lizzy Stewart

l.stewart@4newsquare.com

+442078222032 +447912405153



Seohyung acts as an advocate and adviser in a broad range of commercial litigation and arbitration disputes. Her areas of expertise include commercial litigation/international arbitration, civil fraud, energy, construction, professional negligence, public international law and sports law. She acts for a wide range of clients, from multinational corporations, international organisations, and government and public bodies to private individuals.

She has particular experience in international arbitration having worked at both Freshfields Bruckhaus Deringer's international arbitration team in Paris and Fietta LLP in London before coming to the bar. She is familiar with many of the institutional rules, including ICC, ICSID, LCIA and UNCITRAL, and is frequently instructed as junior counsel in high-profile, high-value disputes, involving English law, foreign law and international law.

Prior to joining Chambers, Seohyung was a judicial assistant to Lord Justice David Richards in the Court of Appeal where she assisted in the preparation of a number of high-profile appeals.

Seohyung studied Maths and Literature at the Massachusetts Institute of Technology (Outstanding Achievement Award), a Masters in Social Anthropology at the University of Oxford (Distinction, highest mark of the year for dissertation), and an LLM at Harvard Law School.

Privacy Policy

Click here for a [Privacy Policy](#) for Seohyung Kim.

Areas of Expertise

International Arbitration

Seohyung has significant international arbitration experience from working in Freshfields Bruckhaus Deringer's international arbitration team in Paris and Fietta LLP in London.

Her experience includes:

- Acting as junior counsel in a £500m ICC arbitration in a force majeure and corruption claim;
- Acting as junior counsel in a £70m LCIA arbitration claim concerning fraudulent misrepresentations and contractual breaches;
- Advising on service of arbitration claim forms and applications for enforcement on a state and questions concerning the State Immunity Act 1978;
- Assisting Tom Ogden in an arbitration relating to a construction project in South Asia;

- Assisting a counsel team led by Justin Fenwick QC and Lucy Colter in *Filatona Trading Ltd v Navigator Equities Ltd* [2019] EWHC 172 (Comm), challenging an arbitration award relating to a shareholder dispute concerning a Cypriot company which owned valuable real-estate in Moscow, under sections 67 and 68 of the Arbitration Act 1996;
- Assisting George Spalton in a commercial arbitration concerning the supply of pharmaceutical products.
- Research on the use of MFN provisions for importing substantive and procedural rights in an investment arbitration;
- Research on sovereign immunity and enforcement measures;

Her experience before coming to the bar includes:

- Assisting in a £100m+ ICC arbitration concerning a long-term supply contract in the nuclear energy industry;
- Assisting in a US\$100m+ UNCITRAL investment arbitration in relation to nationality issues raised at the jurisdictional stage of proceedings;
- Assisting in an LCIA arbitration;
- Advising on arbitrator challenges under ICSID;
- Assisting in an ICSID arbitration concerning the expropriation of an oil field;
- Assisting in an ICSID arbitration against a European State relating to investments in the photovoltaic sector.

General Commercial, Commercial Chancery and Fraud

- Advising in and assisting with the drafting of a multi-million pound economic torts claim, concerning fraud, bribery and dishonest assistance in breach of trust and fiduciary duties;
- Advising in a pension liberation fraud claim involving tax charges and relating to the Pensions Act 1995 and Financial Services and Markets Act 2000;
- Assisting Jonathan Hough QC and Tom Ogden in a claim against SIPP providers;
- Assisting Gavin Kealey QC and George Spalton in *Towergate Financial (Group) Ltd v Hopkinson & Others* [2018] (Court of Appeal), concerning the construction of a notification clause under an indemnity in a sale agreement;
- Assisting George Spalton in an application for summary judgment and freezing injunction in the Business and Property Courts;
- Assisting George Spalton in a claim by a retailer against a factory following incidents of pest infestation;
- Assisting in preparing for a CMC in a claim relating to notes issued under an indenture as part of a restructuring scheme;
- Assisting in advising on the recovery of a vintage classic car with an urgent *ex parte* injunction under the Torts (Interference with Goods) Act 1977;
- Acting for a bank to enforce its security over an unregistered multi-million pound estate in priority to alleged beneficial owners;
- Advising on the prospects of defending a claim barred by the reflective loss principle;
- Assisting in a contractual interpretation claim concerning the supply of mobile telephony services

Insurance

- Assisting George Spalton in *Palliser v Fate Ltd v Ors* [2019] EWHC 43 (QB), concerning policy interpretation, the *Berni Inns* doctrine and a claim for lost profits;
- Assisting in advising in an insurance coverage claim involving non-disclosure and misrepresentation, policy interpretation and collateral lies;
- Considering an employee's claim arising out of a permanent health insurance policy which gave rise to issues of policy interpretation and assignment

Professional Negligence

- Assisting Tom Ogden in a mediation in a claim against negligent construction professionals
- Assisting in advising and drafting in a professional negligence claim against a firm of conveyancing solicitors for failing to advise the buyer that the seller did not have title to the property, involving *BPE v Hughes-Holland* issues;
- Advising in a pension fraud claim against negligent financial advisers, pension trustees and administrator;
- Advising and drafting in a claim against an insurance broker;
- Advising a firm of structural engineers accused of procuring a settlement agreement under duress;



NEW SQUARE

- Assisting and drafting in a claim against a property maintenance company for the provision of negligent services at high-value properties in London;

Construction

- Assisting a counsel team led by Lucy Colter in defending a claim against structural engineers and builders for the negligent design and construction of sheet piling;
- Assisting in defending a firm of surveyors for negligent reinstatement following a fire;
- Assisting in defending a construction firm for alleged negligence in building a hall of student accommodation;
- Assisting in defending a firm of architects/builders for allegedly negligent design;
- Assisting in a claim against negligent building work done to a Grade II* listed property

Public International Law, International Human Rights Law and International Criminal Law

Seohyung's recent experience in this area includes:

- Advising on interim measures under the European Court of Human Rights
- Advising a prominent journalist in East Asia on her international human rights claims;
- Advising on service of arbitration claim forms and applications for enforcement on a state and questions concerning the State Immunity Act 1978;

Seohyung's pre-pupillage experience includes:

- Assisting in a dispute between two South American states before the International Court of Justice, concerning an alleged obligation to negotiate access to the Pacific Ocean;
- Assisting in an Inter-State case before the European Court of Human Rights regarding the violation of the right to fair trial;
- Contributing to an *amicus curiae* brief to the International Criminal Court on mass claims processing techniques in the case against a Congolese politician for war crimes;
- Preparing training materials on the Law of the Sea and Maritime Delimitation for a state's ministry of foreign affairs;
- Advising an NGO on bringing a European Convention on Human Rights claim against a state for crowded hospital conditions;
- Assisting in designing a training programme for Brazilian judiciary on conventionality control under the Inter-American Court of Human Rights;
- Contributing to a Pakistani NGO's shadow report on police accountability to the Committee Against Torture

Sports Law

- Drafting points of claim in a Football Association arbitration between a club and a prominent manager;
- Advising the British Para Table Tennis on its selection policy for the 2020 Tokyo Paralympic Games.

Qualifications & Memberships

BS, MIT; MSc, Oxford; LLM, Harvard.

Languages

Korean (fluent), French (reading), Spanish (reading).

Insights

Professional liability round up of 2019

7 January 2020

Helen Evans, Pippa Manby, Anthony Jones and Seohyung Kim of 4 New Square Chambers explain what the 2019 cases tell us, how



NEW SQUARE

the various strands of development interact, and what trends are evident as we go into 2020.