

OUR PEOPLE

Seohyung Kim

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Seohyung is a commercial litigator and arbitration practitioner focusing on civil fraud and asset tracing, professional liability, disciplinary and regulatory claims, insurance and construction. As of 2023, she is ranked as a Rising Star by the Legal 500 in Civil Fraud.

She regularly acts as a junior in heavyweight commercial disputes while also developing her practice as an advocate, having appeared led and unled in the High Court, as well as a number of international tribunals.

Prior to joining Chambers, Seohyung was a judicial assistant to Lord Justice David Richards (as he was then) 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.

For examples of her recent and ongoing work, please see the individual practice areas below.

Privacy Policy

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

Expertise

Commercial & Civil Fraud

Seohyung is frequently instructed in high profile commercial disputes, a number of which involve allegations of fraud, including conspiracy, deceit, knowing receipt, dishonest assistance and the payment and receipt of bribery/secret commissions. Seohyung is familiar with injunctions and interlocutory applications in the commercial and civil fraud context, including security for costs, pre-action disclosure, Norwich Pharmacal applications.

Seohyung has a degree in maths and is at ease handling complex expert evidence and all things numbers including forensic accountancy evidence, financial projections and valuations, complex financial and banking instruments and transactions.

Featured Commercial & Civil Fraud cases

- *Clifford Chance v Societe Generale* [2023] EWHC 2682 (Comm): Acting for Societe Generale in challenging the jurisdiction of the Court in a professional negligence matter flowing from the Goldas Dispute in which £384m of gold bullion were misappropriated;
- *A v B* (Comm.): Pre-action proceedings against a magic circle firm for negligent transactional work resulting in £25m of loss;
- *Fibula Air Travel v Just Us Air* [2023] EWHC 1049 (Comm): Acting for the claimant travel company in a successful amendment application, involving issues of estoppel by *Res Judicata*, *Henderson v Henderson* abuse, collateral attack, issue estoppel;
- *Luxx PCC Limited (in liquidation) and others v EFG Bank and others* (Guernsey): Acting for the defendant directors in a claim brought by twenty-two shareholders and the liquidators of the company for misrepresentation of share particulars (analogous to s.90/90A FSMA 2000) and for negligent management of the company with loss pleaded at £80m+. Successful security for costs application;
- *A v B* (Comm.): Pre-action proceedings against an auditor for negligent audit work of a green fuel company now in liquidation, whose fraudulent director misappropriated sums from the company.
- *Bonnier v Haysmacintyre* (Comm.): Acting for the Defendant auditor in a substantial professional negligence claim for damages in excess of £80m in connection with an alleged management fraud (settled);
- *Insurance Dispute* (Confidential): Acting for one of the first excess insurers in a coverage dispute concerning the aggregation of more than a hundred claims under a block notification in excess of £500m;
- *ARA v CMS Cameron McKenna Nabarro Olswang LLP* (KBD): Acting in a claim against a magic circle firm for the negligent preparation of transactional documents, involving trusts principles (settled);
- *Henderson & Jones v Veolia*: (Acting in breach of contract claim involving a waste processing facility (settled);
- *A v B, C* (LCIA, confidential): Defending a shareholder against allegations of conspiracy and receipt of bribery and secret commissions following the breakup of a hotel group worth £1 billion (led by Hugh Jory KC);
- *A v B* (LCIA, confidential): Acting in a £70m+ fraud claim arising out of a failed public-sector healthcare IT implementation, which was the largest ever IT public procurement project in the UK and has been the subject of Parliamentary scrutiny (settled);
- *A v B* (ICC, confidential): Acting in a claim concerning fraud, corruption and secret commissions in relation to the construction of a gas liquefaction plant in North Africa and long-term gas supply agreement, in excess of several billions of pounds (settled).
- *Barnett, Bune v Crouch*: Defeating a pre-action disclosure application where wide-ranging allegations of conflict of interest by a fiduciary, dishonesty and professional negligence had been made against a financial director/accountant.
- *Swindon Town Football v Axis Football Investments* (ChD): Acting in a claim brought by a former footballer against the chairman of a footballer concerning the sale of a Club, in an application to restrain the presentation of a winding up petition and the fortification of an undertaking given in an injunction.

International Arbitration

Seohyung has significant 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.

Featured Arbitration Cases

- LCIA arbitration: shareholder dispute for a hotelier following the breakup of hotel chain in excess of £1b;
- ICC arbitration: a multi-billion pound claim concerning fraud, corruption of a government official and secret commissions in relation to the construction of a gas liquefaction plant in North Africa and long-term gas supply agreement, in excess of several billions of pounds;
- LMAA arbitration; acting for a HNW individual in a luxury yacht charter dispute;
- LCIA arbitration: fraud claim arising out of a failed public-sector healthcare IT implementation, which was the largest ever IT public procurement project in the UK and has been the subject of Parliamentary scrutiny;
- Advising on service of arbitration claim forms and applications for enforcement on a state and questions concerning the State Immunity Act 1978;
- ICC arbitration: Assisting in a £100m+ claim concerning a long-term supply contract in the nuclear energy industry;
- Acting 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 in a £100m+ ICC arbitration concerning a long-term supply contract in the nuclear energy industry;
- UNCITRAL investment claim: a US\$100m+ claim with a jurisdictional challenge owing to the claimant's dual nationality
- 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 ECT Treaty arbitration against a European State relating to investments in the photovoltaic sector.

Insurance

Seohyung has experience of a range of insurance disputes, including coverage dispute and subrogated claims, which ties in with her expertise in general commercial matters as well as professional negligence and construction disputes. She is familiar with aggregation issues, attachment and notification of claims.

Featured Insurance cases

- *Insurance Dispute (Confidential)*: Acting for one of the first excess insurers in a coverage dispute concerning the aggregation of more than a hundred claims under a block notification in excess of £500m;
- Advising on a D&O insurance in which the liquidated company bringing the claim against the directors is the co-insured;
- Advising on coverage issues under an All Risks insurance following oil spill;
- Advising on coverage issues under public liability policies, professional indemnity insurance, employer's all risks policies, property insurance contracts;
- Acting in proceedings brought under the Third Parties (Rights Against Insurers) Act 2010, against the public liability insurers of a company in liquidation, raising scope of coverage issues;
- Advising on the scope of ATE policy in the context of a security for costs application, involving a company in liquidation and out-of-jurisdiction claimants;
- Advising on coverage issues in cladding claims;
- Acting for Insurers on the professional negligence of off-panel solicitors and wasted costs application;
- Acting on behalf of Insurers in a claim against a bank for mis-selling an interest hedging product;
- Advising in an insurance coverage claim involving non-disclosure and misrepresentation, policy interpretation and collateral lies.

Professional Negligence

Seohyung is regularly instructed in professional liability claims. In particular she has acted for or against solicitors, accountants,

auditors, financial advisers, including pension advisers, insurance brokers and IT professionals.

Featured Professional Negligence cases

- *Clifford Chance v Societe Generale* [2023] EWHC 2682 (Comm): Acting for Societe Generale in challenging the jurisdiction of the Court in a professional negligence matter following from the Goldas Dispute in which £384m of gold bullion were misappropriated;
- *A v B* (Comm.): Pre-action proceedings against a magic circle firm for negligent transactional work resulting in £25m of loss;
- *A v B* (Comm.): Pre-action proceedings against an auditor for negligent audit work of a green fuel company now in liquidation, whose fraudulent director misappropriated sums from the company.
- *Bonnier v Haysmacintyre* (Comm.): Acting for the Defendant auditor in a substantial professional negligence claim for damages in excess of £80m in connection with an alleged management fraud (led by Ben Hubble KC);
- *ARA v CMS Cameron Mckenna Nabarrow Olswang LLP* (KBD): Acting in a claim against a magic circle firm for the negligent preparation of transactional documents, involving trusts principles (led by David Turner KC);
- *Henderson & Jones v Veolia*: (Acting in breach of contract claim involving a waste processing facility (led by Roger Stewart KC);
- Acting in a claim brought against directors in Guernsey for breach of fiduciary duties in managing a close-ended investment fund with alleged losses in excess of £80m (led by Benjamin Wood);
- *A v B* (LCIA, confidential): Acting in a £70m+ fraud claim arising out of a failed public-sector healthcare IT implementation, which was the largest ever IT public procurement project in the UK and has been the subject of Parliamentary scrutiny (led by Roger Stewart KC);
- *Barnett, Bune v Crouch*: Defeating a pre-action disclosure application where wide-ranging allegations of conflict of interest by a fiduciary, dishonesty and professional negligence had been made against a financial director/accountant (sole counsel).
- *Niblett v Peacheys CA t/a UHY Hacker Young*: Successfully settling a professional negligence claim brought against the defendant accountant in relation to the Excalibur scheme/tax avoidance schemes

Construction and IT Disputes

Seohyung is experienced in acting and advising in construction and IT disputes with complex contractual arrangements and factual matrices. Her background in maths and science at the Massachusetts Institute of Technology gives her particular advantage.

Featured Construction and IT Disputes cases

- Acting for the claimant in a LCIA arbitration arising out of a failed public-sector healthcare IT implementation which concerned the design and implementation of a bespoke patient care software. Claims were brought for fraudulent misrepresentation and breach of contract, and required forensic examination of software design and implementation.
- Advising a cladding contractor on its contractual and regulatory liabilities including its responsibility to re-clad high-rise buildings;
- Advising on the liability of a piling contractor for supply of defective concrete;
- Acting for the employer against the contractors for negligent design and construction of sheet piling;
- Acting for the employer against structural engineers for negligent structural design of steel frames, concrete reinforcement, piles and site foundations;
- Acting on behalf of cavity wall insulation installers accused of negligence;
- Acting for the owner of a negligently constructed new-build home under NHBC guarantee.

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

Recent experience

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

Pre-pupillage experience

- 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

Seohyung is developing a sports law practice and welcomes instructions in this area.

- 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

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