

OUR PEOPLE

## Seohyung Kim

CALL 2016



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Seohyung's practice is focused on the core areas of commercial litigation (particularly civil fraud), professional liability claims, insurance and construction.

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 (sole counsel in Circuit Commercial Court), as well as a number of international tribunals.

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.

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

- *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);
- *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 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, 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 (led by Roger Stewart KC);
- *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 (led by Justin Fenwick 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).
- *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 (led by Tom Asquith).

## International Arbitration

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She 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

- Acting in a shareholder dispute for a hotelier following the breakup of hotel chain in excess of £1b;
- Acting in a multi-billion pound ICC arbitration in a corruption and force majeure claim;
- 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\*;
- 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\*.

(\* denotes experience before coming to the Bar)

## Insurance

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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

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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

- *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

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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

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### 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

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- 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.

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