

# HONG-SIK (Justin) CHUNG

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D.O.B.: 17 March 1970

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Prof. Hong-Sik (Justin) Chung is a law professor in civil law-based country as well as a common law experienced practitioner. Justin teaches and researches international business laws, private international law and international arbitration. He also has an ample experience of legal practice in the United States, particularly in the fields of commercial litigation, corporate law, M&A, and international business transactions, before joining the law school back in 2006.

Justin is particularly active in the fields of construction and project development overseas for which he has not only advised of various types of projects including IPP, infrastructure and water desalination in the regions of middle east and central Asia, but also edited/published numerous books and articles. As a founding president, notably, he has been successfully running Korean Society on International Construction & Energy Law since 2013. The Society has grown to have up to 600 professionals from industries of construction, project development, energy, and finance as well as lawyers of major domestic and international firms in Korea.

Justin regularly serves as sole arbitrator or co-arbitrator in various types of international arbitration cases, ranging from construction to commercial arbitrations. Justin has been appointed to panel of arbitrators with HKIAC and KCAB International and to ICISD panel of conciliators as well.

## **ACADEMIC EMPLOYMENT**

2006 to present

**Chung-Ang University School of Law**

*Professor of Law*

Subjects taught: International Business Transactions, Private International Law, International Arbitration, International Construction Contract and Dispute, PPP & Project Finance

2012-2013

**University of Washington, School of Law (in Seattle)**

*Visiting Affiliate Professor*

(taught “International Arbitration”)

## **LEGAL EXPERIENCE**

**ICSID**, *panel of conciliators*, 2021-present

**HKIAC**, *panel of arbitrators*, 2020-present

**Williams Kastner PLLC** (Seattle Office), *Of Counsel*, 2012-2013

Active in areas of international business transactions and international arbitration

**KCAB International**, *Roster of Arbitrator*, 2010-present

**Barnes & Thornburg LLP** (Chicago & Indianapolis Offices), *Of Counsel*, 2006-2007

Active in areas of international business transactions, Mergers & Acquisitions, and Antitrust

**Starkey Law Group, PC** (Indianapolis Office), *Associate Attorney*, 2001-2006

(This firm being merged into **Harrison & Moberly LLP** thereafter)

Active in areas of commercial litigations, general corporate law, real estate, and international business transactions

## **BAR LICENSE**

Indiana (2001) & Michigan (2005-2012)

## **PROFESSIONAL POSITION AND ACTIVITY**

**Korean Society on International Construction & Energy Law**

*Founder and President*, 2013-present

**Seoul IDRC, Steering Committee**

*Member*, 2018-present

**ICC Korea, International Arbitration Committee**

*Member*, 2016-present

**Korean Council for International Arbitration (KOCIA)**

*Vice President*, 2012-present

**Korean Commercial Arbitration Board (KCAB)**

*Member of Task Force for Revising International Arbitration Rules*, 2014-2016

**Ministry of Justice, Republic of Korea**

*Member in Advisory Committee of Int'l Trade & Business Laws*, 2011-present

*Member of Korea Delegation* to "Special Commission Meeting for draft Hague

Principles of Choice of Laws for International Contract (11/12/2012-

11/16/2012)” prepared by, and held at, Hague Conference on Private International Law (also acted as a *drafting committee member* of the Meeting)  
*Member in Revision Committee of Foreign Legal Consultant Act, 2014-2015*  
*Member in Drafting Committee of Arbitration Industry Promotion Act, 2015-2016*

**Ministry of Land, Infrastructure & Transportation, Republic of Korea**

*Member in Advisory Committee for Overseas Infrastructure Development & Investment, 2016-present*

**Korea International Trade Law Association**

*Vice President for Planning and Research, 2007-present*

**Korea Private International Law Association**

*Executive Director for International Affairs, 2011-present*

**Korean Arbitrators Association**

*Member, the Board of Directors, 2011-present*

**ARBITRATION RELATED PRACTICE**

1. *Legal Expert* in UNCITRAL Ad Hoc Arbitration, seated in Singapore and governed by Indonesian laws, between an Indonesian party and two different Korean parties arising under pipe supply arrangement and international agency relation
2. *Co-Arbitrator* in KCAB International arbitration, seated in Seoul and governed by Korean laws, between German and France parties and a Korean government entity arising under a purchase contract of major equipment for LNG combined cycle power plant
3. *Co-Arbitrator* in KCAB International arbitration, seated in Seoul and governed by Korean laws, between a Korean government entity and France, German and US parties arising under a purchase contract of major equipment for LNG combined cycle power plant
4. *Co-Counsel* in SIAC post-M&A arbitration case seated in Singapore and governed by Singapore laws, between Korean individuals as sellers of shares and a Singapore buyer entity, and completely prevailed over the case along the award of entire arbitration and legal costs
5. *Co-Arbitrator* in KCAB arbitration, seated in Seoul and governed by Korean laws, between Swiss and Korean parties arising under a supply contract for constructing offshore oil & gas refinery facility
6. *Sole Arbitrator* in KCAB International arbitration, seated in Seoul and governed by Indonesian laws, between Korean and Indonesian parties arising under a professional consultancy agreement for basic design and smart city plan

7. *Sole Arbitrator* in KACB International arbitration, seated in Seoul and governed by Korean laws, between Greece and Korean parties arising under a sales contract for manufactured parts
8. *Sole Arbitrator* in KCAB International arbitration, seated in Seoul and governed by laws of British Columbia, between Korean and Canadian parties arising under a distributorship contract for medical devices
9. *Co-Arbitrator* in KCAB arbitration, seated in Seoul and governed by Korean laws, between Korean and Thailand parties arising under a shipbuilding contract for a luxury yacht
10. *Co-Arbitrator* in KCAB arbitration, seated in Seoul and governed by Korean laws, between Korean parties arising under a transportation contract for massive irons from Africa to Korea and China
11. *Sole Arbitrator* in KCAB International arbitration, seated in Seoul and governed by Pakistan laws, between Pakistan and Korean parties arising under a contract for sale of manufactured goods

## **EDUCATION**

**Indiana University Maurer School of Law** (at Bloomington)  
J.D. 2001

**University of California Los Angeles**  
Professional Designation of International Trade & Commerce Certificate, 1998

**Chung-Ang University Graduate School** (Seoul, Korea)  
M.A. 1996 (International Relations)

**Chung-Ang University** (Seoul, Korea)  
B.A. 1993 (Political Science & Diplomacy)

## **ARBITRATION RELATED EDUCATION**

**SIAC Academy**  
Certificate, 15-16 June 2018, Seoul

**CIArb, Member**

**ICC Institute Masterclass for Arbitrators (advanced level)**  
Certificate, 15-17 January 2014, Singapore

## **PUBLICATION**

**[BOOK AND BOOK CHAPTER]**

HONG-SIK CHUNG, ed. *International Construction and Energy Law – Theory and Practice, Vol. II* (BakYoungSa Press, 2019)

HONG-SIK CHUNG, ed., *International Construction and Energy Law – Theory and Practice, Vol. I* (BakYoungSa Press, 2017)

Korea Legislation Research Institute ed., Book Chapter of “Korean Private International Law”, in *INTRODUCTION TO KOREAN LAW*, (Springer, 2013)

Joon-Sun Choi, et al., two separate Book Chapters of “International Agency & Distribution Agreements, and International License Agreement”, in *INTERNATIONAL BUSINESS TRANSACTIONS FOR LAW SCHOOL* (BakYoungSa Press, 2011)

Korea International Trade Association, ed., Book Chapter of “U.S. Government Procurement Market”, in *GUIDE FOR PROMOTION OF GOVERNMENT PROCUREMENT IN OVERSEAS* (2009)

**[ARTICLE]**

1. Hong-Sik Chung, “The Past, Present and Future of the Legal Researches Regarding International Construction Contract and Overseas Investment Development Projects”, *KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW*, Vol. 30., no. 2 (Korean International Trade Law Association, 2021. 12)
2. Hong-Sik Chung, “Critics on Korean Court Cases Regarding Fundamental Breach of Contract in CISG – Focusing on a few important cases rendered in 2010s”, *INTERNATIONAL TRADE LAW*, Vol. 153 (Korean Ministry of Justice, 2021. 11)
3. Hong-Sik Chung, et al., “Recognition and Enforcement of Arbitral Awards in Vietnam”, *KOREA PRIVATE INTERNATIONAL LAW JOURNAL*, Vol. 26, no. 2 (Korean Private International Law Association, 2020. 12)
4. Hong-Sik Chung, “Changed Circumstances in Overseas PPP Project – focusing on Changes in Law and Changes in Economic Conditions”, *KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW*, Vol. 29, no. 1 (Korean International Trade Law Association, 2020. 7)
5. Hong-Sik Chung, “Risk Allocation of Force Majeure in PPP Projects Overseas”, *KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW*, Vol. 28, no. 2 (Korean International Trade Law Association, 2019. 12)
6. Hong-Sik Chung, “Primary Legal and Practical Issues in Overseas Public-Private Partnership Project”, *KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW*, Vol. 27, no. 1 (Korean International Trade Law Association, 2018. 1)

- BUSINESS LAW, Vol. 27, no. 1 (Korean International Trade Law Association, 2018. 7)
7. Hong-Sik Chung, “Overview of Power Purchase Agreement in Independent Power Project and Its Effects on and Interfaces with Other Project Documents”, INTERNATIONAL TRADE LAW, Vol. 139 (Korean Ministry of Justice, 2018. 2)
  8. Hong-Sik Chung, “Critical Overview of February 2017 Draft Hague Convention on Recognition and Enforcement of Foreign Judgments” KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW, Vol. 26, no. 2 (Korean International Trade Law Association, 2017. 12)
  9. Hong-Sik Chung ▪ Kun-Joo Chang, “NEC3 Construction Contract Form – Focusing on Relational Contract Features” KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW, Vol. 25, no. 1 (Korean International Trade Law Association, 2016. 7)
  10. Hong-Sik Chung, “Contract Interpretation of Scope of Works in Case of Employer’s Exercise of Its Right to Variations in International Construction Contract – focusing on England Cases” BUPJO, Vol. 713 (Korean Lawyers Association, 2016. 02)
  11. Hong-Sik Chung, “Framework of Independent Power Project in Overseas and Key Issues in Relevant Contracts”, KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW, Vol. 24, no. 2 (Korean International Trade Law Association, 2015. 12)
  12. Hong-Sik Chung, “A Study on Hague Principles on Choice of Law in International Commercial Contract”, INTERNATIONAL TRADE LAW Vol. 125 (Korean Ministry of Justice, 2015. 10)
  13. Hong-Sik Chung, “Engineer’s Dual Roles and Liabilities in FIDIC Construction Model Forms – Employer’s Agent? Mediator? Or Fair Adjudicator?”, BUPJO, Vol. 707 (Korean Lawyers Association, 2015. 08)
  14. Hong-Sik Chung, “Employer’s Unilateral Variation Right in FIDIC Standard Construction Contract – focusing on Governing Law being Laws of England”, KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW, Vol. 24, no. 1 (Korea International Trade Law Association, 2015. 7)
  15. Hong-Sik Chung, “Considerations for Utilizing Contractual Joint Venture or Consortium in International Construction Project”, KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW, Vol. 23, no. 1 (Korea International Trade Law Association, 2014)
  16. Hong-Sik Chung, “Government Procurement in Korea-U.S. Free Trade Agreement: Fair Opportunities for Both Sides?”, NORTHWESTERN JOURNAL OF INTERNATIONAL LAW AND BUSINESS, Vol 34, no. 2 (Northwestern Univ. School of Law, 2014)

17. Hong-Sik Chung, “Comparative Analysis on Concurrent Delay in International Construction Contract”, *THE JOURNAL OF COMPARATIVE LAW*, Vol. 21, No. 2 (The Korean Association of Comparative Private Law, 2014)
18. Hon-Sik Chung, “Practical Guide to Arbitration Clauses in International Contracts”, *INTERNATIONAL TRADE LAW*, Vol. 115 (KOREAN MINISTRY OF JUSTICE, 2014)
19. Hong-Sik Chung, “Delay in International Construction Contract: Prevention Principle and Time-Bar Clause”, *KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW*, Vol. 22, no. 2 (Korea International Trade Law Association, 2013)
20. Hong-Sik Chung, “Applicability of Overriding Mandatory Rules in International Arbitration”, *JOURNAL OF ARBITRATION STUDIES*, Vol. 23, no. 4 (The Korean Association of Arbitration Studies, 2013)
21. Hong-Sik Chung, “Distributor’s Indemnity Rights in International Commercial Arbitration”, *KREOAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW*, Vol 22, no. 1 (Korea International Trade Law Association, 2013)
22. Hong-Sik Chung, “Taking of Evidence in International Arbitration Procedure – Focusing on 2010 IBA Rules on the Taking of Evidence in International Arbitration”, *JOURNAL OF ARBITRATION STUDIES*, Vol. 21, no. 3 (The Korean Association of Arbitration Studies, 2011)
23. Hong-Sik Chung, “Buyer’s Obligations to Examine Delivered Goods and Provide a Notice of Lack of Conformity under CISG – Focusing on Relevant Domestic and Foreign Decisions”, *KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW*, Vol. 20, no. 1 (Korea International Trade Law Association, 2011)
24. Hong-Sik Chung, “Key Issues in International Commercial Agency Contract – Focusing on ICC’s Model Commercial Agency Contract”, *COMMERCIAL LAW REVIEW*, Vol. 30, no. 1 (Korean Commercial Law Association, 2011)
25. Hong-Sik Chung, “Contract Drafting Considerations under the Application of the 1980 United Nations Convention on Contracts for the International Sale of Good”, *KOREAN JOURNAL OF INTERNATIONAL TRADE LAW*, Vol. 93 (KOREAN MINISTRY OF JUSTICE, 2010)
26. Hong-Sik Chung, “Revised Uniform Commercial Code, Article 2 (Sale of Goods) – Focusing on the Battle of Forms in Contract Formation”, *THE JOURNAL OF COMPARATIVE LAW*, Vol. 17, No. 2 (The Korean Association of Comparative Private Law, 2010)
27. Hong-Sik Chung, “The 3rd Draft of the Revision for ICC Uniform Rules for Demand Guarantees”, *JOURNAL OF BUSINESS ADMINISTRATION & LAW*, Vol. 20, No. 1 (Korean Academic Society of Business Administration and Law, 2009)
28. Hong-Sik Chung, “The United States' Federal Government Procurement Systems and

Procedures in KORUS FTA Era - Focusing on Multiple Award Schedule Program”, INTERNATIONAL TRADE LAW, Vol. 88 (KOREAN MINISTRY OF JUSTICE, 2009)

29. Hong-Sik Chung, “Enforcement of Forum Selection Clause and its Exceptions in Transnational Contracts - focusing on U.S. Cases and Multilateral Conventions”, CHUNG-ANG LAW REVIEW, Vol. 9, No. 2 (Chung-Ang Law Association, 2007)
30. Hong-Sik Chung, “Key Issues in the Latest (Sixth) Version of the Uniform Customs and Practice (UCP600)”, KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW, Vol. 16, No. 1 (Korea International Trade Law Association, 2007)
31. Hong-Sik Chung, “Effectiveness of Antitrust Compliance Program for Observance of U.S. Antitrust Laws”, CHUNG-ANG JOURNAL OF LEGAL STUDIES, Vol. 30, No. 2 (Institute of Legal Research of Chung-Ang University, 2006)
32. Hong-Sik Chung, “Extraterritorial Application of U.S. Antitrust Law and Criminal Sanctions against Foreign Firms”, KOREAN JOURNAL OF INTERNATIONAL TRADE AND BUSINESS LAW, Vol. 15, No. 1 (Korea International Trade Law Association, 2006)

#### **SELECTED REPRESENTATIVE MATTER AS LEGAL COUNSEL**

Advised an Iraqi sponsor developing various types of project finance related projects in Iraq, including LNG-to-Power plant, desalination plant, and LPC cylinder manufacturing plant

Advised Korea South-East Power Company(KOSEP) in connection with construction and operation of hydro-electric power plants in Nepal, Pakistan and Indonesia, including but not limited to negotiation and execution of Joint Development Agreement, Stock Purchase Agreement, Share Subscription Agreement, Shareholders Agreement, Owner’s Engineering Agreement, Project Finance, Operation & Maintenance Agreement, Power Purchase Agreement, EPC Contract, Project Development Agreement, etc.

Advised Korea Energy and Power Company (KEPCO) as to its cross-border transactions for technology transfer and strategic alliance with a German company to generate and commercialize powers through new IGCC technology

Advised Korea Airport Corporation as to strategies and legal issues in connection with its airport construction and operation project in Vietnam, including its strategic alliance with a local developer

Represented, as a leading counsel, one of major Korean automotive parts companies in connection with asset acquisition of Collins & Aikman’s subsidiary located in Saltillo, Mexico (Collins & Aikman, one of global automotive parts companies, was then under Chapter 11 reorganization)

Represented one of major Korean automotive parts companies in connection with negotiation



and execution of joint venture agreement with Rieter Automotive (based in Swiss), the joint venture company of which was established in Korea

Represented one of major Korean automotive parts companies in connection with dispute settlement by negotiation with its joint venture partner, Lear Corporation, one of the largest U.S. automotive parts companies

Represented, as a leading counsel, one of major Korean automotive parts companies in connection with establishment and operation of manufacturing facility and other related matters in Saltillo, Mexico, to supply parts worth of \$1 billion for five (5) years to GM Mexico

Represented, as a leading counsel, one of major Korean automotive parts companies in connection with joint venture negotiations with Collins & Aikman for a purpose of conducting a secured order (worth of \$1 billion) from GM Mexico

Represented, as a leading counsel, the largest Korean drugstore chain company in connection with establishment and operation of a business entity in the United States

Drafted and advised as to various types of international commercial contracts, including but not limited to Supply Agreement, Agency Agreement, Distribution Agreement, Technology License Agreement, Consulting Agreement, Research Agreement, Engineering Service Agreement, Lease Agreement, and Employment Agreement

Involved in civil and commercial litigation full-time for the first three (3) years as associate attorney in US based firm and experienced three (3) jury trials

### **AWARD**

Award for Legal System Improvement (by Minister of Justice, Korean Government, 2017)

12<sup>TH</sup> *SimDang* International Business Law Academic Award (By Korean International Trade Law Association, 2019)

### **LANGUAGE**

English; Korean