



→ Hwan Kim

Partner

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Hwan Kim is a partner in the Corporate Practice Group in the firm's Washington, D.C. office. He also serves as a leader of the firm's International Litigation and Arbitration Team.

Areas of Practice

Hwan advises multi-national companies and investment funds on international transactional matters, including on cross-border merger and acquisitions, joint ventures, securities offerings, and financings. He is highly experienced in structuring global holdings and operations of multi-national corporations.

He also represents clients in a broad array of cross-border disputes with foreign sovereigns and state-owned enterprises. He has particular expertise in lawsuits under the Foreign Sovereign Immunities Act and investor-state arbitration. He successfully resolves high-profile international disputes by developing unique strategies.

Hwan previously served as the Assistant General Counsel for Samsung Group, where he was in charge of international legal affairs. He also served as General Counsel for Samsung Chemical Group and the Chief Legal Counsel for Samsung's Olympic Task Force Team.

Honors

Mergers and Acquisitions, *Legal 500*, 2016

Real Estate and Construction, *Legal 500*, 2016, 2018 and 2019

Experience

International Transactions

- Advised investment funds in connection with investment from foreign pension funds and sovereign funds.
- Advised the Korean National Pension Service, one of the largest sovereign funds, in connection with establishment of its U.S. operations in New York.
- Advised Samsung Asset Management Co., Ltd. in connection with capital investments from one the largest Middle Eastern sovereign funds.
- Represented Samsung SRA Asset Management Co., Ltd. in connection with investment in real estate assets in the U.S.
- Represented an international investment fund take over control of a publicly traded pharmaceutical companies in the U.S.

- Represented pharmaceutical companies listed on Nasdaq and NYSE.
- Advised U.S. oil shale developer in connection with the financing of its petrochemical refinery by international investors.
- Represented several international power generation companies, including EDF EN, in connection with procurement of wind equipment from overseas, including turbines, towers, and power generation related equipment.
- Represented Samsung in connection with overseeing the structure and drafting of its global supply agreements and supply chain.
- Advised a major international steel producer in connection with its negotiations of the global supply agreement with GM and Chrysler.
- Advised POSCO, one of the world's largest steel producers, in connection with its investments in the United States.

International Disputes:

- Represent one of the largest U.S. pension funds in connection with a potential lawsuit against Russian Federation pursuant to the commercial exception under the Foreign Sovereign Immunities Act for default of the Russian sovereign bond.
- Advise some of the largest multinationals in avoiding expropriation of their operations to the Russian Federation in compliance with U.S. sanctions.
- Advise aircraft leasing company in connection with potential lawsuit against Russian Federation pursuant to the commercial exception under the Foreign Sovereign Immunities Act for expropriation of its aircrafts by Russian Federation.
- Represented the European Union in connection with a sovereign immunity lawsuit filed in the U.S. (successfully dismissed).
- Represented Samsung Engineering Co., Ltd. in an ICSID arbitration against the Sultanate of Oman in connection with a \$2 billion petrochemical plant expansion project (successfully settled).
- Represented the Export-Import Bank of Korea in connection with a sovereign immunity defense over \$2.6 billion judgment enforcement proceeding in Washington, D.C. (*Peterson, et al v. Islamic Republic, et al*) (successfully dismissed).
- Represented Samsung Engineering Co., Ltd. in a \$200 million lawsuit against Alcoa, Inc. arising from a \$1 billion construction project in Saudi Arabia (successfully settled).
- Represented Samsung Engineering Co., Ltd. in connection with a \$500 million construction dispute with Saudi Aramco (successfully settled).
- Represented Samsung C & T in connection with its dispute with Qatar Railways Company.
- Represented Samsung Group in connection with a certain U.S. Department of Justice investigation (successfully dismissed).

Special Representations:

- Represented Samsung Electronics Co., Ltd. in connection with its Olympic sponsorship and matters relating to the International Olympic Committee.

- Represented Korea International Trade Association in connection with the ratification of the Korea-US Free Trade Agreement.

Articles

International Arbitration Law Blog Posts

- "Remedy for Russian Aircraft Expropriation – FSIA Lawsuit," October 3, 2023
- "Sovereign Wealth Funds – Preserving Sovereign Immunity," July 11, 2019
- "Pursuing Parallel Arbitration Under an Investment Treaty," June 12, 2019

Intellectual Property Law Blog Posts

- "Will Supreme Court Consider Whether to Allow an Alternative to In-App Purchasing on the App Store?," November 13, 2023

Construction and Infrastructure Law Blog Posts

- "EPC Contractors Procuring from Foreign Companies need to Reconsider their Contracts," June 11, 2018
- "Contractors May Benefit by Taking Equity in the Project They are Constructing," January 17, 2018

Corporate and Securities Law Blog Posts

- "Contracts with Foreign Companies May Require a Rewrite," June 13, 2018

Global Trade Law Blog Posts

- "Legislatures Can Free App Developers from Platform Providers' Mandates to Use Their In-App Purchasing Systems Without Violating WTO Principles," August 31, 2021
- "Seeking foreign investors for your tech startup? Congress says, "not so fast." January 10, 2018

Media Mentions

Contracts with Foreign Companies May Require a Rewrite
General Counsel News, 06.27.2018

Sheppard Mullin Forges New Ties in Middle East
The Recorder, 01.23.2018

Samsung, Oman Reach Deal On Refinery Bidding Row
Law 360, 01.22.2018

Samsung, Alcoa Settle \$200M Saudi Metal Plant Dispute
Law360, 08.29.2016

Samsung Slams Alcoa's Bid To Pause Discovery In \$200M Row
Law360, 08.15.2016

Driverless Vehicle. Swaying Regulation Guidelines
Mainichi, 07.22.2016

, FCC
JoongAng Ilbo (Joins), 04.17.2016

,
ChosunBiz, 04.17.2016

Samsung Unit Claims Alcoa Interference Stymied Saudi Project
Law360, 03.30.2016

Samsung Engineering files for arbitration with Oman
The Korea Times, 07.23.2015

Sheppard Mullin Adds Ex-Samsung Chemical GC To Corporate Group
Law360, 06.09.2015

...
The Korea Economic Daily, 03.08.2005

Practices

Corporate
International Arbitration
International Reach
Korea
Distressed Real Estate Loan Workouts and Enforcement
International Trade and Investment
Technology Transactions

Industries

Construction
Energy, Infrastructure and Project Finance
Life Sciences

Education

J.D., Georgetown University Law Center, 1989
B.A., Economics, Yonsei University, 1984

Admissions

District of Columbia

U.S. Court of Appeals for the District of Columbia Circuit

U.S. District Court for the District of Columbia

Languages

Korean