

염정혜

염정혜 변호사는 클라이드앤코 (Clyde & Co) 송무 및 국제중재 그룹의 파트너 변호사로서 싱가포르 및 뉴욕 오피스에서 근무하고 있습니다.



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염정혜 변호사는 세계적인 법률시장 평가기관 챔버스 앤 파트너스 (Chambers and Partners) Global 2015로부터 "이례적으로 우수한 변호사 (an exceptional advocate)", 챔버스 앤 파트너스 Asia Pacific 2015로부터 "탁월한 변호사이자 맹렬한 협상가 (a standout practitioner and fierce negotiator)"라는 평가를 받았으며, Chambers Asia Pacific 2014는 "매우 예리하게 중재 분야의 난해한 법률적 문제를 해결하고 있다 (earned widespread applause from Korean and international clients and peers for her incisive handling of tough legal issues in arbitration)"는 한국 및 전 세계 클라이언트와 동료 변호사들의 평가를 소개하기도 하였습니다.

Chambers Global 2015 및 Chambers Asia Pacific 2015는 염정혜 변호사를 한국에서 활동하는 중재 전문변호사 랭킹에서 1위 그룹 (Band 1)의 변호사로 분류하였고, 올해 초 Clyde & Co의 싱가포르 오피스에 합류하자 "분쟁 해결을 위한 올바른 전략에 대하여 진정으로 고민하는 변호사 (genuinely concerned about what is the right strategy to resolve the dispute)"라는 평가와 함께 단번에 싱가포르에서 활동하는 중재 전문변호사 랭킹 (Band 4)에 포함시켰습니다. 염 변호사는 또한 Legal 500에 의하여 2014, 2015년 2년 연속으로 한국 관련 분쟁 해결 분야의 선두적 인물 ("Leading Individual")에 선정되기도 하였습니다.

염정혜 변호사의 업무는 국제 중재, 상사 소송 및 협상에 특화되어 있습니다. 특히 아시아 블루칩 기업들의 cross-border 거래에 대한 법률 자문 및 소송 수행과 관련하여 다양한 경험을 보유하고 있습니다. 또한 합작 투자, 라이선스, 물품매매계약, 에너지, 금융서비스, 보험 및 기업지배구조와 관련된 국제적 분쟁에서 수 많은 다국적 기업들을 대리하여 매우 성공적인 결과를 이끌어 내었습니다.

염정혜 변호사는 한미간 자유무역 협상 (FTA) 분쟁 해결 패널 중 한국측 지명 위원입니다. 또한 대한상사중재위원회 (KCAB), 세계지적재산권기구 (WIPO) 및 싱가포르 국제중재센터 (SIAC)에 의해 임명된 중재위원이기도 합니다. 염정혜 변호사는 뉴욕 변호사 협회의 비교법 및 외국법 위원회 위원으로도 활동하고 있습니다.

Clyde & Co에 합류하기 이전에, 염정혜 변호사는 법무법인 광장 국제 분쟁 해결 그룹의 공동 대표를 역임하였고, 베이커 맥켄지 (Baker & McKenzie)와 듀앤모리스 (Duane Morris) 뉴욕 오피스의 파트너 및 어소변호사로 근무하였습니다. 염정혜 변호사는 1999년 미국 조지타운 대학교 로스쿨에서 JD (Juris Doctor) 학위를 취득하였습니다. 조지타운 로스쿨 재학시절 1997년부터 1998년에는 워싱턴 D.C.에 소재한 미국 연방통신위원회 (FCC)에서 로클럭으로 근무한 바 있습니다. 연세대학교에서 학사 학위를 취득하였고, 변호사 업무를 시작하기 전에는 한국의 유명 경제 신문인 한국경제신문에서 기자로 근무한 경력이 있습니다.

클라이드앤코 (Clyde & Co)는 6개 대륙, 40개 오피스와 1,500명의 변호사들을 보유하고 있으며, Legal Business Disputes Yearbook 2014에 따르면 전 세계 세번째로 큰 분쟁해결팀을 갖추고 있습니다. 또한 Top 20 국제중재로펌 (GAR 100, 2015)으로 랭크되어 있고 영국 최대 분쟁해결 팀 (The Lawyer 2014)을 보유하고 있습니다.

Representative matters

Acting as First Chair

- Obtained a pair of ICDR arbitration awards in favour of a leading Korean trading company against UK entity and group of Brazilian investors. Case No. 50 501 T 0009 13
- Obtained a dismissal of claims and a favourable settlement on behalf of an Asian architecture firm in three litigation matters over a failed joint venture. 2011 WL 1302664 (S.D.N.Y. Feb. 7, 2011)
- Won an ICC arbitration in Washington, D.C. in favour of an Asian conglomerate against a US multinational involving subcontractor's failure to meet acceptance dates and equipment failure. ICC Case No. 14886.
- Obtained dismissal and favourable settlement of claims asserted against a multinational telecom company in an ICC arbitration over licensing and pre-determined damages issues. ICC Case No. 17612
- Obtained complete recovery sought by a Korean insurer against US distributor in an ICDR arbitration. Case No. 50 117 T 0043708
- Procured dismissal of 95% of claims asserted in New Jersey State Court against a Korean pharmaceutical company over inventor compensation and royalty issues, with the remaining 5% to be mediated. Case No. L-9261-08
- Won full dismissal of injunctive and damages claims by a US exclusive distributor against an Asian defense company. 2008 WL 5596891 (N.Y. Co. Sup. Feb. 14, 2008)
- Obtained confirmation of London award against an Indonesian conglomerate with no New York connection in the New York State Court (4th Dep't). Case No. 11-3375
- Obtained requested emergency relief on behalf of a US bank in the New York State Supreme Court. 2008 WL 5649946 (N.Y. Co. Sup. Apr. 8, 2008)
- Obtained a highly favourable settlement on behalf of an Asian conglomerate in post-M&A dispute under HKIAC Rules
- Handled adversary proceedings on behalf of a leading Korean financial institution in Circuit City Chapter 11 bankruptcy. Case No. 08-35653-KRH
- Represented a Korean equipment manufacturer against Chinese electronics entity in SIAC arbitration. Case No. ARB027/06
- Defended Section 1782 proceeding on behalf of a Russian client in New York federal court. Case No. 1:11-mc-00404-P1
- Managed adversary proceeding on behalf of a Korean bank in Fairfield bankruptcy. Case No. 11-4376
- Won a summary judgment motion in favour of a US financial institution in real estate dispute. 2007 WL 7268718 (N.Y. Co. Sup. Oct. 29, 2007); 2007 WL 7271723 (N.Y. Co. Sup. Oct. 24, 2007)
- Obtained an early settlement on behalf of a Japanese solar energy company for small fraction of asserted damages in an HKIAC arbitration
- Counseled on the early resolution of an ICC arbitration claim on behalf of a Korean conglomerate against Australian auto parts company
- Won an arbitration between a Korean trading company and US company under KCAB International Arbitration Rules over delayed payment and failure to comply with milestone dates
- Representing an Asian company in an SIAC arbitration over equipment failure involving large construction project relating to oil rig and single mooring
- Representing an Asian company in arbitration under KCAB International Arbitration Rules over alter ego and failure to provide goods and quality-related claims
- Representing an Asian company in SIAC arbitration over equipment failure and liquidated damages issues

Acting as Second Chair or Team Member

- Represented a multinational company in UNCITRAL arbitration over breach of water concession agreement and assessment of liquidated and other damages involving large infrastructure project
- Represented a US mutual fund owners in securities litigation (until May 2010), which went on to win a jury trial against the SEC on securities fraud and negligence charges. Case No. 1:09-cv-01288
- Represented one of the Big Four accounting firms in professional accounting malpractice litigation and obtained a settlement at less than one-hundredth claim value
- Obtained dismissal of claims asserted against a Korean telecommunications company in federal court in Virginia. 2008 WL 345835 (W.D.Va. Feb. 6, 2008)
- Obtained a summary judgment in favour of a large US real estate client. 2008 WL 857525 (S.D.N.Y. Mar. 31, 2008)
- Won a JAMS arbitration venued in New York against a UK data processing company.
- Won a summary judgment motion in favour of a leading US energy company. 2007 WL 1232072 (E.D.N.Y. Apr. 26, 2007)
- Won a motion to dismiss fraud and RICO claims asserted against directors and accountants. 387 F.Supp.2d 105 (E.D.N.Y. 2005).
- Won an ICC liability award in favour of a US technology company against Swedish energy company over licensing disputes
- Obtained an early resolution in an arbitration under CPR rules (WIPO as appointing authority) over trademark infringement issues.
- Defended claims asserted against a US health care provider in litigation. 2007 WL 7135318 (N.Y. Co. Sup. Jul. 13, 2007)
- Counseled on the early resolution of an impending LCIA arbitration claim against an Asian minerals resources company over a project in Mongolia

Selected Speaking Engagements

- “Subconscious Influences in International Arbitration,” The 27th Institute for Transnational Arbitration (ITA) Workshop, Dallas, Texas (June 2015)
- “Future of International Arbitration in Korea,” HKIAC/LCIA Joint Seminar, Seoul (Dec. 2014)
- “State of Play: Governing Law of the Arbitration Agreement in Korean Arbitral Jurisprudence,” HK45 Seminar, Seoul (Nov. 2014)
- “A Checklist for Korean Companies,” LK/HFW Joint Seminar, Seoul (Nov. 2014)
- “IP Arbitration in Korea,” European Chamber of Commerce Seminar, Seoul (Oct. 2014)
- “Crafting a Closing Argument in International Arbitration,” International Association of Korean Lawyers Annual Conference, New York (Oct. 2014)
- “Resolving IP Disputes in International Arbitration,” Korea Chamber of Commerce Seminar, Seoul (Sept. 2014)
- “Contract Drafting Tips for Avoiding Post-Closing Disputes,” Korea Chamber of Commerce Seminar, Seoul (July 2014)
- “Managing an International Arbitration Efficiently: Enforcement in Korea,” SIAC Workshop, Seoul (July 2014)
- “Best Practices in Samsung’s Arbitration Clauses,” Samsung Group Incoming In-House Counsel Training, Seoul (May 2014)
- “Basics of International Arbitration,” Korea Defense Acquisition Program Administration (DAPA), Seoul (May 2014)
- “A Call for a Greater Predictability in Korean Arbitral Jurisprudence,” Fourth Annual ICC Asia-Pacific Conference, Seoul (May 2014)
- “Best Practices in Pre-Litigation Management and Early Case Assessment,” KCAB/KOCHAM Seminar, Seoul (May 2014)
- “Our Road Ahead in the Next Decade,” APRAG 10th Anniversary Conference, Melbourne (Feb. 2014)
- “Best Practices in Drafting Arbitration Clauses,” India Chamber of Commerce/HKIAC Joint Seminar, Seoul (Mar. 2014)
- “The Unfolding Arbitration: A Step-by-Step Guide,” KCAB Arbitration In-House Training Program, Seoul (Feb. 2014)
- “Bridging Cultures in Arbitration,” IPBA Regional Conference, Zurich (2013)
- “Issues Facing Korean Businesses in Complex Arbitration,” IPBA Annual Conference, Seoul (2013)
- “Arbitrating Intellectual Property Issues,” International Arbitration Expert Program (2012)
- “Drafting Tips for Avoiding Legal Disputes,” KCAB Arbitration Academy, Seoul (2011)

- “ICSID Arbitration – Procedural Mechanism,” Trade Association Workshop, New York (2011)
- “Current Landscape and Probable Future of Arbitration in Southeast Asia,” International Chamber of Commerce (ICC) Arbitration Conference, Hong Kong (2011)
- “Discovery in U.S. Courts-What to Expect,” Chicago (2010)
- “How to Manage International Arbitration Effectively and Efficiently,” In-House Congress, Seoul (2010)
- “Dispute Resolution in the U.S. Involving Asian-Pacific Companies,” Fourth Annual Dispute Resolution Summit, Singapore (2009)
- “Defining “Best Practices of International Arbitration for Asia” I: Preliminary and Pleading Stages,” Asia Pacific Regional Arbitration Group (APRAG) Conference 2009, Seoul (2009)
- “Fundamentals of International Commercial Arbitration,” Harvard University, Boston, Massachusetts (2009)
- “Expert Evidence from American Legal Perspective,” Chartered Institute of Arbitrators (CIArb) Disputes Conference, Kuala Lumpur, Malaysia (2008)
- “Attorney-Client Privilege and Work Product Immunity in International Arbitration: Common Law and Civil Law Divide,” International Chamber of Commerce (ICC) International Arbitration Conference, Seoul (2006)

Selected Publications

- “The Baker & McKenzie International Arbitration Yearbook 2014, Korea Chapter,” Juris Publishing (2015)
- “Our Road Ahead in the Next Decade: Don’t Be Such a Cassandra,” Asia Pacific Regional Arbitration Group Quarterly Newsletter (June 2014)
- “The Baker & McKenzie International Arbitration Yearbook 2014, Korea Chapter,” Juris Publishing (2014)
- “The Baker & McKenzie International Arbitration Yearbook 2013, Korea Chapter,” Juris Publishing (2013)
- “Examining the Utility of IP Carve-outs in Light of Recent Developments in US Jurisprudence and International Arbitration,” Chartered Institute of Arbitrators (CIArb) Journal, 78 Arbitration 279-285 (Sweet & Maxwell 2012)
- “Pre- and Post-Arbitration Enforcement Measures in U.S. Courts,” The Korean Commercial Arbitration Board, Arbitration Journal Vol. 331, (2010) (in Korean language)
- “Caught in the Corporate Web: Triangular Setoffs and the Cross-Border Lehman Bankruptcy,” International Bar Association (IBA) Asia Pacific Regional Forum, co-author (2009)
- “What an Asian Company Needs to Know about Enforcing Arbitral Awards in the United States,” Asian Dispute Review, Hong Kong (2005)