

## Specialist Mediator's Curriculum Vitae

### Personal Particulars

First Name: D.K. (Dokyung)

Last Name: Kim

Designation: Head of Legal

Organisation: Macquarie Korea Asset Management

Nationality: Republic of Korea

Languages (Native and/or professional working proficiency): Korean / English

### Mediation Practice Areas

Please select as many areas as may be applicable. This information will be included in SIMC's website.

- |   |   |
|---|---|
| <input type="checkbox"/> Accountancy  | <input type="checkbox"/> Mining                                 |
| <input checked="" type="checkbox"/> Aviation & Airports                     | <input type="checkbox"/> Workplace Health & Safety              |
| <input checked="" type="checkbox"/> Banking/Finance                         | <input checked="" type="checkbox"/> Oil & Gas                   |
| <input type="checkbox"/> Business Interruption analysis                     | <input checked="" type="checkbox"/> Real Estate                 |
| <input checked="" type="checkbox"/> Energy                                  | <input checked="" type="checkbox"/> Risk Management             |
| <input checked="" type="checkbox"/> Information Technology                  | <input type="checkbox"/> Scientific Forensics                   |
| <input checked="" type="checkbox"/> Intellectual Property                   | <input type="checkbox"/> Sports Disputes (Law & Infrastructure) |
| <input checked="" type="checkbox"/> Infrastructure/Construction/Engineering | <input type="checkbox"/> Telecommunications                     |
| <input checked="" type="checkbox"/> Maritime & Shipping Logistics           | <input type="checkbox"/> Others (please specify) _____          |

### Educational/Professional Background

#### Education

- 2002 – 2006: Yonsei University, LL.M in commercial law
- 2001 – 2002: Judicial Research and Training Institute, Supreme Court
- 1997 – 2002: Yonsei University, LL.B in law

#### Professional Background

- Sep 2011 ~ Current: Macquarie Asset Management (MAM), Seoul, Head of Legal (2011~current), Board Member (2019~2022)

D.K. established the legal foundation of MAM Korea / Work experience through the entire fund's life cycle (from the establishment to the dissolution) / Lead Acquisition and Divestment / Control tower for Asset Management (various legal issues including complex disputes) / Listed Fund-related experience (proxy fight, media confrontation)

- Jan 2008 ~ Sep 2011: Yulchon, Seoul, Senior Associate

D.K. developed new opportunities (ship/aircraft financing) / Experienced various areas of financial industries (DCM, Derivatives, ABS, and Structured Finance), Corporate restructuring (International and domestic)

- Apr 206 ~ Dec 2007: Kim Chang & Lee (Kim & Company before merging), Seoul, Associate

D.K. was raised in a boutique firm which made him do all-in-one legal service (conduct all legal analyses, including documentation, execution, transactional laws, tax, anti-trust, and foreign exchange). As a result, D.K. acquired ownership and responsibility for each project.

- Apr 2003 ~ Mar 2006: Ministry of Justice, Seoul, Public Attorney

In place of mandatory military service, D. K. served MOJ as a public attorney. He is experienced in all kinds of litigation. Learned the dynamic of disputes and understood the psychology through the consultation with thousands of dispute clients

## Mediation Style

### Understanding-based integrative mediation – Omni-partiality

My role as a Mediator is to help the parties resolve their conflicting interests. Different types of disputes and each party's preference affect my methodology. There is no single mediation method that works for everyone. Integrating a facilitative, evaluative, and transformative approach is art. Among others, understanding-based mediation is of paramount importance. Without understanding the industry background, the underlying commercial reasons, and each party's emotions, it is impossible to resolve a dispute through mediation. I have witnessed many cases where parties could not reach an agreement without any rational reason but solely due to an emotional confrontation. We tend to believe that humans act based on logical analysis, but history proves that this is an illusion. A human mediator can't be neutral and impartial in mediation but can be Omni-partial. That's the way I meditate.

## Mediation Experience

I successfully resolved multiple disputes between the subnational government of Korea and the concessionaire regarding PPP infrastructure projects (road). Mediation and negotiation with the government require patience. Because the government is involved in politics, numerous stakeholders are involved in government disputes. For a settlement to be successful, a mediator must understand the local politics and bureaucracy.

I successfully mediated a dispute between a U.K. investment fund manager and a Korean institutional investor regarding the divestment of an investment asset and the fund's dissolution.

I successfully mediated a dispute between multinational shareholders of a container terminal in Busan, Korea. The investors were from the construction, financial (senior/junior), strategic, and operational sectors.

I successfully mediated a shareholder dispute between an individual founder (seller and minority) and a financial investor (purchaser and majority). Due to conflicting interests, various disputes arose from the earn-out clause in the share purchase agreement. Moreover, an individual founder has a deep emotional attachment to their company. A challenging case to resolve the conflict.

I successfully resolved a dispute between a Korean conglomerate with a majority share and an international investor with a minority share. The minority shareholder holds negative control, but the conglomerate has a greater influence within its territory. In order to resolve this kind of multicultural dispute, it is imperative that the mediator have a thorough understanding of the Korean conglomerate's culture.

I represented an international investor in a shareholder dispute with a Korean conglomerate. The dispute concerned a deadlock situation caused by equal shareholding between the investor and the conglomerate regarding the investor's divestment. In order to achieve a better-negotiating position, the mediator must accurately evaluate the best alternative to a negotiated agreement. Due to the successful negotiation, the shareholders ultimately settled and withdrew their ICC arbitration.

I successfully represented a Korean bank in a French conciliation procedure between a large French container shipping line and a Korean government-backed bank regarding a French shipping line's credit risk during the financial crisis.

## Mediation Education and Training

- Toolkit company online mediator and negotiator training in 2022 (IMI-Certified Mediator Training Program) – Qualified Mediator & Negotiator
- Singapore International Mediation Centre (SIMC) specialist mediator's workshop 2022 – SIMC Specialist Mediator
- Asia International Arbitration Centre (AIAC) mediation skills workshop 2022
- Korea International Mediation Centre (KIMC) international commercial mediator course

## Some Professional Affiliations

- Member of the Korean Bar Association since 2003
- Certified to work as Financial Planner by Korea Financial Investment Association in Korea since 2005
- Certified to work as Investment Asset Manager (Infrastructure) by Korea Financial Investment Association in Korea since 2014
- IMI Certified Mediation Advocate since 2022
- Institute Member of the International Chamber of Commerce (ICC) since 2022
- Specialist mediator of Singapore International Mediation Centre (SIMC) since 2022
- Mediator (MED22-118) of Saudi Center for Commercial Arbitration (SCCA) since 2022
- Conciliator /Arbitrator (المحكمين) of Qatar International Center for Conciliation and Arbitration (QICCA) since 2022
- Member of Korea International Mediation Centre (KIMC) since 2022
- Legislation Committee Member of Korean Bar Association since 2022
- Certified to operate small vessel operator by Incheon Regional Office of Oceans and Fisheries in Korea since 2022
- Appointed as WIPO Neutral – Mediator and Expert since 2022

## Testimonials

*More testimonials in LinkedIn recommendation.*



**Namsun Kim** 

NAVER Corp, Chief Financial Officer

June 12, 2022, Namsun worked with D. K. (Do Kyung, 度曠) but on different teams

I worked alongside DK for many years while executing billions of dollars worth of private equity investments at Macquarie. The journey spanned the entire fund process, from raising billions of dollars of commitments from scratch into a new strategy, executing investments/acquisitions and transaction documents, managing portfolio companies, and managing investors, all under a Korean capital markets and corporate governance regime, not to mention in an extremely competitive deal chasing environment.

I also worked alongside DK while defending a listed fund - Korea's largest - against an activist investor (who happened to be disgruntled former Macquarie employees attempting to appropriate a portion of Macquarie's fee generating opportunity). This involved an intricate complex of labor, litigation strategy, and corporate governance legal issues.

DK's knowledge of the Korean code / jurisprudence and balanced judgment were instrumental in guiding Macquarie through these challenging tasks.

But more importantly, he is one of the most commercial lawyers from whom I have had the pleasure of receiving advice, and one of very few actually willing to search for constructive solutions. Unfortunately, this is a very rare attribute, especially in a legal regime such as Korea where attorneys invariably tend to function as technical specialists, with scarce emphasis placed on the realistic problem solving needs of clients, whether in house or external



**Soichiro Suda** · 1st

Macquarie Group - Director, Infrastructure Investment

May 23, 2022, Soichiro worked with D. K. (Do Kyung, 度暉) on the same team

D.K. supported the Japan team's transaction several times. We had a fun memory with his documentation negotiation as he hardly gives up; he is outstanding negotiator with brilliant commercial sense. He knew something beyond our imagination.

I strongly recommend him as not only he is wise but respectful as a Man



**Seung Hun (Sean) Jung**

Stonebridge Asset Management / CIO

June 13, 2022, Seung Hun (Sean) worked with D. K. (Do Kyung, 度暉) but on different teams

I had worked with D.K. for 5+years at Macquarie, investing and managing various alternative assets valued at 1.4+ billion dollars.

Engaging D.K. as my legal counsel greatly benefits me as a fund manager. D.K. is knowledgeable and experienced in various legal issues regarding fund investment and management. In most cases, he gave explicit opinions and directions.

Moreover, he has a commercial mindset to support and smooth the transactions and a unique and rare attitude as in-house legal in Korean Market. Therefore, he is not only an outstanding lawyer with legal knowledge and case experience but has a commercial mindset beyond his role.

I firmly believe that D.K will be the best wingman for anyone on any transactions on any table



**박종혁Jong hyek Park**

인천대학교주식회사 대표이사

August 22, 2022, 박종혁Jong hyek Park worked with D. K. (Do Kyung, 度暉) but on different teams

I have collaborated with industry experts for over 25 years in Project Finance and M & A industry. Due to the nature of business, reconciling the interests of various stakeholders and finding an agreement is the most crucial success factor. Thus, a transaction lawyer's appropriate advice was one of the fundamental factors in the principal's decision-making.

I have worked with many lawyers in the industry. Among others, I received a lot of support from D.K Kim. Before he joined Macquarie as an advisor to my counterparty and as a co-worker after joining Macquarie, I recognized many strengths and expertise of D.K.

Above all, D.K has the capacity to bolster in deriving satisfactory results for all participants by nudging advice based on objective evaluation with a holistic approach to every single issue. Additionally, he can adequately reconcile interests among diverse stakeholders.

Last but not least, he has a proactive and passionate attitude towards everything he encounters. In addition to his professional legal knowledge, I believe his seasoned forces lie in efficiently reconciling conflicting interests and transformative mediating disputes and transactions.



### **Jaewoo JUNG**

Macquarie asset management / Real assets

June 21, 2022, Jaewoo worked with D. K. (Do Kyung, 度暻) but on different teams

I have worked with DK for the past 10+ years, executing investments, acquisitions, and portfolio management for listed (Market cap of KRW 6 trillion) and non-listed funds at Macquarie.

DK played an integral role in resolving various legal disputes arising from the government's default on obligations in the concession agreement for more than ten years. DK also led an ICC arbitration case (quite rare in Korea but highly complicated), achieving an excellent outcome. Furthermore, with his commercial mindset, DK provided optimal solutions for PPP, corporate M&A, and real estate acquisition deals (combined value of KRW 1.5 trillion). I have worked with him, delivering constructive legal solutions per business needs.

DK is one of few seasoned lawyers with versatile experience in corporate M&A, project finance, PPP, real estate, government/civil/tax litigation, and fund management, always pivotal in analyzing problems and providing solutions. I believe DK is one of the best lawyers I have worked with.



### **NamWook Choi**

Macquarie Korea Asset Management

August 14, 2022, NamWook was senior to D. K. (Do Kyung, 度暻) but didn't manage D. K. (Do Kyung, 度暻) directly

I worked alongside D.K. for 11 years since he joined Macquarie. Our journey was extraordinary, as we were together from the inception of the Korea Private Concession Fund series (KPCF). Through the long life span of KPCF, there were numerous asset management works in the legal area.

For instance, we have entirely resolved 30+ legal disputes around the '2014 Goyang Bus Terminal fire incident.' D.K. was always alongside me on the nine-year journey. D.K. tried resolving the entangled conflicts through creative ideas and mediating disputes.

Undoubtedly, D.K. is a talented lawyer, but I believe his core of professional edges is not technics but passionate curiosity and compassion toward clients. As a result, he is not only rare in the business world, but human kinds. I am anticipating his transformation.



### **Joong Sub Shin**

Senior Managing Director/ Head of Client Solutions Group Korea

July 19, 2022, Joong Sub was senior to D. K. (Do Kyung, 度暻) but didn't manage D. K. (Do Kyung, 度暻) directly

I have worked together with DK for more than 10 years. First of all, he has an outstanding capability to clearly analyze complicated legal issues associated with investment, asset management, capital formation, and conflict of interest etc and to provide staffs his view with various solution options in a easily understandable way.

He was very responsible and internal & external stakeholders-oriented. He is one of the best diligent colleagues in my life in working, hobbies, and professional studies. I observed he had been very well updated with changes of regulations, recent cases, theories, and views of legal experts.

I like his being introspective and aiming for a high level in anything he aspires to do.



**Masao Katsuyama** · 1st

Baker & McKenzie - Partner

May 15, 2022, D. K. (Do Kyung, 度暻) was Masao's client

I had the opportunity to work with him on several acquisitions in Japan. As Japanese lawyer, my support was mainly focused on Japanese legal issues. Although he was not licensed in Japan, he provided quite insightful comments on every Japanese legal issue which surprised the team including me. He is not only smart, but has a sense of humor. It was the first time that we ate Japanese noodle all together in the middle of negotiation. Maybe Korean, like Japanese, prefers noodle than sandwich. He provided quite a happy memory to all team including the counter parties.



**Johnno Kim**

Infrastructure Development and Asset Management Professional

August 25, 2022, Johnno was senior to D. K. (Do Kyung, 度暻) but didn't manage D. K. (Do Kyung, 度暻) directly

I have worked with DK as the Division Director of MKAM over 10 years while he was the legal director responsible for Korean business. DK is highly skilled in all legal aspects of fund management, asset management, acquisition and sales process as well as the dispute resolution amongst government and private sectors including investors, contractors, owner operators and public bodies. He has extensive experience in handling PPP related dispute resolution including international and local arbitration and legal proceedings. DK has all the good qualities of the professional lawyer and extensive professional and government network developed over the years.



**Byungwoo IM**

Kim & Chang Senior Lawyer

August 15, 2022, D. K. (Do Kyung, 度暻) was Byungwoo's client

I worked with D. K. in several international arbitration cases relating to large-scale Korean PPP projects.

In those cases, I worked as a member of outside counsel team and D.K. was an in-house lawyer who supervised our works.

D.K.'s comments and inputs during the course of arbitration were very helpful and showed his in-depth knowledge and insight on the Korean infrastructure market and the relevant Korean law. Further, his suggestions and observations on the strategic matters demonstrated that he is a good dispute lawyer with reasonable and balanced sense. In addition, he was very diligent and tried to understand even minor issues which I thought distinguished himself from ordinary in-house lawyers.

Based on the above I believe he can be a good candidate for mediator or arbitrator, particularly in infrastructure or construction cases.



**강효영Hyo Young Kang**

Planning and implementing various activities relating to EoC for the members of EoC Korea

May 17, 2022, 강효영Hyo Young Kang managed D. K. (Do Kyung, 度暻) directly

D.K. and I worked together at Yulchon, and I was most impressed with his understanding of the complex financial and legal issues which we often encountered during our practice. He always seemed to have a practical answer to the question at hand based on his experience and research. I would rank D.K. as one of the most intelligent lawyers I had come across during my legal career. To his further credit, he is very enjoyable to work with, and I still recall with a smile his laughter coming across the hallway. An outstanding lawyer and a super colleague.



**Helen Shi** · 1st

Partner at Fangda Partners

June 8, 2022, D. K. (Do Kyung, 度暻) was Helen's client

All LinkedIn members

D.K. is my client. I worked with him in handling a very confrontational case. As a client, he is very supportive. He impressed me by his ability to quickly identify the disputed issues and make affirmative decision to move forward.



**Kim Taehoon** · 1st

Aon

May 17, 2022, D. K. (Do Kyung, 度暻) was Kim's client

All LinkedIn members

Mr. DK Kim leads the strongest in-house legal team among Korean Asset Management firms. He is a lawyer, but over the years I have been working with him, he made me mix up him with an experienced insurance expert.

His sharp questions and insights about insurance from a lawyer's point of view, have always kept us busy and strained. He sometimes strenuously chases us, but when practical understanding is needed, he has the tolerance to understand reality better than anyone else.

I think this way of working of him makes an important contribution not only to me but also to all partners who work with him to achieve clearer and better performance and results.

He is an important client to Aon, and at the same time, I am grateful to him for giving me a legal perspective on insurance and for allowing me to grow one step further.

### 안지호

CFO, Macquarie Korea Managing Director

June 28, 2022, 안지호 worked with D. K. (Do Kyung, 度暻) but on different teams

I have been working with DK for 10+ years in Macquarie Asset Management Group, managing various infra funds and investment portfolio.

DK is excellent in leading documentation, negotiation, and structuring across various investment opportunities for private equity funds and infra funds. He articulates clearly complex legal implication and related context with using vivid and accurate language, helping stakeholders come to appropriate conclusions timely. DK has presented strong professional knowledge and prudent risk appetite in managing complex regulatory compliance and legal issues embedded in acquisitions, restructuring, and divestment of assets.

He actively makes suggestions and practical action plans with highlighting various potential consequences/hurdles, encouraging people to bring up different views.

He also has solid knowledge on other technical areas (e.g. tax rules) and escalates potential risks of those areas (other than legal area) promptly to team members, helping internal/external tax/accounting experts engaged at the early stage.



**Oliver Cruz** · 1st

Macquarie Korea

May 16, 2022, Oliver worked with D. K. (Do Kyung, 度暻) but on different teams

All LinkedIn members

I've known and worked with DK for more than 10 years. It was always a pleasure to work with DK. He and his team consistently provided sound legal advice, ranging from contract drafting and advice to more difficult issues. DK was always willing to lend a hand and personally participate as the circumstances dictate. Personally, easy to approach and very personable.



**Jeff Lu** · 1st

Vice President - Macquarie Infrastructure and Real Assets at Macquarie Group  
August 27, 2022, Jeff worked with D. K. (Do Kyung, 度暻) on the same team

DK has been an absolute pleasure to work with in his capacity as lead in-house legal counsel for MIRA's Korean and Japanese businesses.

DK is deeply knowledgeable and experienced in cross border M&A transactions in the infra space and the relevant issues. He is also commercially-minded and result-oriented and has never failed to be a valuable partner (and mentor) to the deal / asset team.



**Beumrae Kim**

Partner lawyer in a private equity team of Lee & Ko  
May 17, 2022, Beumrae reported directly to D. K. (Do Kyung, 度暻)

I worked with DK in the legal team of Macquarie Korea Asset Management for a year and two months.

DK was an impressive leader who had insight and knowledge in various fields. He was not afraid to approach issues from a variety of different angles or to expand an in-house lawyer's role from a conventional legal advisor to a partner who also understood the perspective of an investor.

His passion, curiosity, and willingness to learn from others always brought energy to the table. His business-friendly paradigm helped the team find the most 'beneficial' solutions rather than a repetition of the safest legal ways.

DK also had a passion for his juniors' professional growth. He was an enthusiastic leader who took the time to look after team members.



**Jeremy White**

Partner at Morrison & Foerster LLP  
May 13, 2022, D. K. (Do Kyung, 度暻) was Jeremy's client

I had the pleasure of working with DK on various acquisitions into Japan. He is a formidable in-house legal expert and transaction leader. He ensures a full understanding of the key details but also the big picture. Despite intense deal pressure he has always been friendly, approachable and humorous. A star.



**Hyemin Park**

Kim & Chang Lawyer  
August 5, 2022, D. K. (Do Kyung, 度暻) was Hyemin's client

I have worked with DK in an arbitration case (ICC, governed by Korean law, seated in Korea) where DK was the client representative. He has impressed me with his high commitment to the case and suggested many constructive ideas. With the support of the client, we were able to achieve a successful outcome. DK has comprehensive knowledge in Project Financing and is passionate in learning new things. He is not only sharp and has excellent insights, but also is a diligent worker.

It was a great pleasure to work with DK and I very much enjoyed working with him as a team.