DISPUTE RESOLUTION

South Korea

LEXOLOGY
Getting The Deal Through

Consulting editor
Latham & Watkins LLP

Dispute Resolution

Consulting editors

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Latham & Watkins LLP

Quick reference guide enabling side-by-side comparison of local insights into litigation, arbitration and alternative dispute resolution (ADR) worldwide, including court systems; judges and juries; limitation issues; pre-action behaviour, starting proceedings and timetable for proceedings; case management; evidence; remedies; enforcement; public access; costs; funding arrangements; insurance; class action; appeals; foreign judgments and proceedings; the role of the UNCITRAL Model Law on International Commercial Arbitration; choice of arbitrator; arbitration agreements and arbitral procedure; court interventions in arbitrations; awards; types of ADR; requirements for ADR; other interesting local features; and recent trends.

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LITIGATION

Court system

What is the structure of the civil court system?

Korean courts are divided into three levels: courts of first instance (district courts), courts of the appellate level (high courts or appellate divisions in the district courts) and the Supreme Court. Civil cases generally start in a district court with jurisdiction over the defendant. There are 18 district courts, six high courts and one Supreme Court. There are roughly 2,500 judges at the district court level, 400 judges at the high court level, 100 Supreme Court research judges (chief judge level) and 14 Supreme Court justices as at December 2020.

In civil actions, the amount in dispute determines the proper court for appeal and the number of judges assigned to the case. Beginning 1 March 2022, cases with claims of 500 million won or less are heard by a single judge in a court of first instance. For cases with claims of more than 500 million won, a panel of three judges hears the case in a court of first instance. For cases with claims of 200 million won or less, appeals are heard by the appellate division of a district court before a panel of three judges. For cases with claims of more than 200 million won, appeals are heard by a high court before a panel of three judges.

Korea has specialised courts handling specific matters, and some district courts and high courts also have specialised divisions assigned to specific issues. The Family Court and the Administrative Court are courts of first instance, and the Patent Court functions as an appellate level court. The Patent Court hears matters appealed from the Intellectual Property Trial and Appeal Board. Appeals from the Patent Court are made to the Supreme Court. In addition, the Seoul Rehabilitation Court handles bankruptcy matters.

Korea's Constitutional Court exercises jurisdiction over cases involving:

- adjudication on the constitutionality of statutes upon petition by ordinary courts;
- impeachment;
- dissolution of a political party;
- competence disputes between government agencies, between government agencies and local governments, and between local governments; and
- constitutional complaints.

The Court consists of nine justices who are appointed by the President. Issues of impeachment, dissolution of political parties and competence disputes must be raised by the government. Individuals may file a constitutional complaint if a fundamental right has been infringed by the government. Constitutional Court cases are preliminarily reviewed by a panel and then transferred to the full bench of justices.

Law stated - 28 March 2022

Judges and juries

What is the role of the judge and the jury in civil proceedings?

Civil cases are decided by the presiding judge or a panel of judges. There are no jury trials for civil actions. Korean judges play an inquisitorial role in civil hearings. Judges can question the parties sua sponte and order submission of briefs or evidence.

Diversity is a factor considered by the chief justice in the appointment of justices to the Supreme Court.

Law stated - 28 March 2022

Limitation issues

What are the time limits for bringing civil claims?

Under the Civil Code , the general statute of limitations is 10 years. However, certain types of claims may be subject to a special statute of limitations. For instance, monetary claims arising out of commercial transactions must be brought within five years (article 64 of the Commercial Code). Claims for interest, support fees, salaries, rent and other claims based on the delivery of money, etc, within one year must be brought within three years (article 163-1 of the Civil Code). Claims for insurance premiums must be brought within two years, while claims for insurance coverage must be brought within three years.

Tort claims must be brought within the following periods (whichever ends earlier): three years from the date the injured party became aware of the injury and the tortfeasor's identity or 10 years from the date the tort was committed.

The statute of limitations period begins to run the day after a claim could have first been raised. It may be suspended by way of the claimant's demand notice followed by judicial proceedings, attachment or the obligor's acknowledgment of the claim. A tolling agreement between parties to suspend time limits is not recognised under Korean law. The time limit begins to run anew from when the cause of suspension ceases to exist.

Law stated - 28 March 2022

Pre-action behaviour

Are there any pre-action considerations the parties should take into account?

There are no pre-action requirements prior to filing a civil proceeding.

Law stated - 28 March 2022

Starting proceedings

How are civil proceedings commenced? How and when are the parties to the proceedings notified of their commencement? Do the courts have the capacity to handle their caseload?

Civil proceedings commence when a complaint is filed in a court with jurisdiction. In Korea, the court is responsible for service of process. A party is served when a court official or mail carrier delivers the complaint and related documents to the party. If there is no known address for the defendant, the court may allow service by public notice if there is no other way to effectuate service. For foreign defendants, service is determined by the defendant's country of residence. Defendants residing in a member state of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters or a bilateral treaty are served accordingly. All other foreign defendants are served through diplomatic channels.

The Supreme Court has a high caseload, and it may take several years for a final judgment to be issued by the Supreme Court. However, the first instance and the appellate courts are capable of rendering decisions in a relatively timely manner. Nonetheless, because of the covid-19 pandemic, most civil proceedings have experienced delays during the past two years. Courts have been encouraging ADR to ease capacity issues.

Law stated - 28 March 2022

Timetable

What is the typical procedure and timetable for a civil claim?

Once a complaint is filed, the court will serve the complaint within one to two weeks. The defendant must file an answer within 30 days of receiving the complaint, in principle. However, answers are often filed late, and courts are generally lenient with excusable delays. Subsequent written submissions do not have fixed deadlines. Parties may continue to submit preparatory briefs and supporting evidence until the hearing is closed. Once the hearing is closed, supplementary briefs may be submitted until judgment is rendered.

The court typically schedules oral hearings four to six weeks apart. The number of hearings held depends on the complexity of the case. In complex cases, the presiding judge may order preparatory hearings and pleadings to set out the main issues for decision, as well as each party's claims and evidence.

Once the hearing is closed, the court typically announces its decision within four to six weeks. The court thereafter issues a written judgment usually within a week.

Appeals to the appellate court or the Supreme Court must be filed within two weeks of receiving a written copy of the judgment. The grounds of appeal to the appellate court may be submitted after filing a notice of appeal, while the grounds of appeal to the Supreme Court must be submitted within 20 days of notice of the court’s receipt of the litigation record.

In general, a civil action before the court of first instance or the appellate court takes approximately 12 months to conclude. Pursuant to the Act On Special Cases Concerning Procedure For Trial By The Supreme Court , the Supreme Court can reject an appeal without stating any reason within four months of the records of appeal being received. More than 70 per cent of cases appealed to the Supreme Court are dismissed at this early stage following the above Act. If an appeal is not dismissed at the early stage, it may take several years for the judgment to be issued by the Supreme Court.

Law stated - 28 March 2022

Case management

Can the parties control the procedure and the timetable?

The court determines the schedule for the proceedings. However, parties may request extensions or changes to set dates. These requests are generally allowed unless it is deemed to cause undue delay.

Law stated - 28 March 2022

Evidence – documents

Is there a duty to preserve documents and other evidence pending trial? Must parties share relevant documents (including those unhelpful to their case)?

Compared to common law jurisdictions, the scope of discovery is substantially limited. There are no pre-litigation discovery requirements. Parties need only submit the documents necessary to prove their case.

If a document known to exist is held by the other party or a third party, a party may request the court to order this document be produced. A party or third party must produce a requested document when (1) they hold the document in question; (2) the applicant is legally entitled to seek production; or (3) the document has been prepared for the benefit of the party requesting it or prepared as to a legal relationship between the requesting party and the document holder.

If a party does not comply with the court's order to produce a document, then the court may draw an adverse inference against the party.

There is no duty to preserve evidence pending trial. However, if a party intentionally destroys evidence pending trial, the court may draw an adverse inference, and the party may be prosecuted for procedural fraud.

Law stated - 28 March 2022

Evidence – privilege

Are any documents privileged? Would advice from an in-house lawyer (whether local or foreign) also be privileged?

A party or a third party may refuse a production order if the document in question contains confidential information related to the duties of government officials, if disclosure may incriminate the person or his or her relatives or if the document in question is exempt. Under the Civil Procedure Act , documents are exempt from production orders containing the advice or work products of attorneys-at-law, patent attorneys, notaries public, certified public accountants, certified tax consultants, persons engaged in medical care, pharmacists, etc (ie, those who have a duty of confidentiality). Documents containing the advice or work products from foreign and locally licensed in-house lawyers are also protected from disclosure to the extent they are under a duty of confidentiality.

Attorney–client privilege is not recognised under Korean law. The Korean Supreme Court has ruled that attorney–client privilege cannot be inferred from the constitutional right to counsel or the rights of attorneys to refuse testimony (Supreme Court Decision 2009 Do6788, 17 May 2012). However, attorneys have a duty to maintain confidentiality under the Attorney-At-Law Act and must not divulge confidential matters that were learned in the course of performing their duties. There have been several attempts to enact legislation establishing attorney–client privilege; however, none has been successful to date.

Law stated - 28 March 2022

Evidence – pretrial

Do parties exchange written evidence from witnesses and experts prior to trial?

Parties may submit written evidence and statements during the trial phase before the hearing is closed. While article 149 of the Civil Procedure Act prohibits the late submissions of evidence, presenting new evidence in an appellate court is allowed in principle.

Law stated - 28 March 2022

Evidence – trial

How is evidence presented at trial? Do witnesses and experts give oral evidence?

Parties submit documentary evidence to the court during the course of the proceedings. As a private document is presumed to be authentic when it bears the signature, seal or thumbprint of the principal or of his or her representative, witnesses or attorneys are not required to authenticate documentary evidence in advance of submission.

A party may request a witness to provide oral testimony at trial. If deemed reasonable, a witness may be permitted to provide a witness statement instead of oral testimony.

A party may also request that the court appoint an appraiser. Court-appointed appraisers must be impartial. Appraisers

generally provide an appraisal report and sometimes provide oral testimony at trial. A party may hire their own expert witness and submit the expert's opinion as supporting evidence. However, testimony from a court-appointed appraiser generally has more evidentiary value than a party's own expert.

When witnesses provide oral testimony, the party calling the witness first conducts direct examination and must submit a list of questions in advance to the court. The opposing party may then cross-examine the witness, but cross-examination is, in principle, limited to the matters presented on direct examination.

Law stated - 28 March 2022

Interim remedies

What interim remedies are available?

The most frequently sought interim remedies are provisional attachment and preliminary disposition as stipulated in the Civil Execution Act . A party with a monetary claim to enforce may request a provisional attachment order to freeze the other party's assets. The requesting party must demonstrate a need to preserve the asset. For non-monetary claims, a party may request a preliminary disposition ruling. The court generally issues two types of provisional dispositions. The first type is an injunction prohibiting a party from disposing of property at issue. The petitioner must demonstrate the existence of circumstances that may threaten or prevent the party from exercising its rights. The second type is an injunction temporarily fixing the parties' respective positions in relation to a disputed right. The petitioner must show that it is likely to suffer substantial injury before final judgment if an injunction is not issued.

An application for provisional attachment or preliminary disposition may be granted only against properties, assets located in Korea and persons over whom the Korean courts have jurisdiction. Such application may be made in support of a foreign proceeding.

Under the Civil Procedure Act, a party may also move for the preservation of evidence by requesting the court to examine the evidence in advance. A party may apply for preservation of evidence before or after the filing of a complaint. The court may render a ruling ex officio for the preservation of evidence during trial.

Law stated - 28 March 2022

Remedies

What substantive remedies are available?

In addition to injunctive relief for specific performance and declaratory remedies, a court may order payment of monetary compensation for both economic and non-economic damage. In general, punitive damages are not allowed. There are only a few specific statutes that allow punitive damages, capped at three to five times the amount of actual damages, in cases of serious accidents, product liability, patent infringement and fair trade violations, among others. Both pre- and post-judgment interest is available. Unless the parties contracted otherwise, interest rates are set by the law. The statutory interest rate is 6 per cent per year for commercial claims and 5 per cent per year for civil claims. The Act on Special Cases Concerning Expedition of Legal Proceedings prescribes a statutory interest rate of 12 per cent per year, which accrues from the date the defendant is served with the complaint. If the court finds that the defendant had grounds to dispute the complaint, this interest accrues from the date of the court's judgment.

Law stated - 28 March 2022

Enforcement

What means of enforcement are available?

A judgment is enforceable when it is final and can no longer be appealed, but courts often allow provisional enforcement. A creditor may petition the court for compulsory performance, compulsory auction, compulsory administration or seizure of the debtor's property. A party can also request an order to set a date for the debtor to perform an obligation and order indirect compulsory damages for delayed performance.

Law stated - 28 March 2022

Public access

Are court hearings held in public? Are court documents available to the public?

Court hearings are open to the public. However, the court can limit access for national security or public policy reasons.

The case record, including parties' filings, is in principle not publicly available. While a third party vindicating legitimate interests may request to view and copy litigation records, these requests may be denied if the party refuses access. A party may apply in advance for restriction on perusal of the portions of litigation records containing secrets.

Court judgments can be made available to the public with personal information redacted. The court may decide not to disclose a judgment on national security or public policy grounds, or for the protection of individual privacy or trade secrets. Supreme Court and some lower court judgments are published through press releases or can be found on the Supreme Court's website. Copies of a judgment can be requested online.

Law stated - 28 March 2022

Costs

Does the court have power to order costs?

Korean courts have the power to order costs. Generally, the losing party is responsible for the winning party's costs. However, the court has discretion to allocate costs between the parties. In practice, costs are allocated to each party in proportion to the success of each parties' respective claim.

Once a judgment becomes final, the court determines the cost of litigation. The litigation cost consists of attorneys' fees, filing fees, service of process fees and other out-of-pocket expenses. Legal fees are fixed according to the formula found in the Supreme Court Rule on the Calculation of Legal Fee of Litigation Cost .

A plaintiff is not required to provide security for the cost of defence unless the court decides otherwise. If the plaintiff has no domicile, office or business place in Korea, or the claim is groundless, the defendant may request the court to order the plaintiff to pay security for the cost of litigation. The security may be satisfied through a surety bond.

Law stated - 28 March 2022

Funding arrangements

Are 'no win, no fee' agreements, or other types of contingency or conditional fee arrangements between lawyers and their clients, available to parties? May parties bring proceedings using third-party funding? If so, may the third party take a share of any proceeds of the claim? May a party to litigation share its risk with a third party?

Contingency or conditional fee arrangements are allowed in civil cases in Korea. Other fee arrangements, such as hourly or task-based billing, are also allowed. However, in exceptional circumstances, a court may reduce the legal fee if it determines that it is unreasonably excessive.

There are no laws or regulations that address third-party funding. However, the Attorney-at-Law Act prohibits attorneys from becoming assignees to any rights in dispute.

Law stated - 28 March 2022

Insurance

Is insurance available to cover all or part of a party's legal costs?

Insurance is available to cover all or part of a party's legal costs. Both a party's own costs and its potential liability for an opponent's costs can be covered by insurance.

Law stated - 28 March 2022

Class action

May litigants with similar claims bring a form of collective redress? In what circumstances is this permitted?

Litigants with similar claims may join a lawsuit as co-litigants.

Class actions are permitted only for certain securities-related cases, such as an action for damages based on false disclosure, insider trading or market manipulation. The representative party must file an application for class action permission along with the complaint. To certify a class, the following requirements must be met:

- there must be at least 50 class members;
- at least 1/10,000 of the outstanding shares must be held by the class members;
- there must be common questions of law and fact; and
- a class action must be an appropriate means of enforcing the rights of the class members.

Once permission is granted, members of the class are bound by any decision in the lawsuit unless they opt out.

A bill was proposed to allow class actions in all areas of civil litigation. Public comments were received but no legislation has been enacted.

Law stated - 28 March 2022

Appeal

On what grounds and in what circumstances can the parties appeal? Is there a right of further appeal?

Grounds for appeal depend on which court the appeal originates from. When decisions of the court of first instance are appealed, the appellate court reviews the case de novo. Parties are allowed to introduce new evidence and arguments.

Decisions of the appellate court may only be appealed to the Supreme Court on questions of law. Appeals to the Supreme Court must be based on one of the following grounds:

- there is a violation of the Constitution, statutes, administrative decrees or regulations that affected the judgment;
- there was erroneous determination of whether an order, rule or disposition is unlawful;
- an act, order, rule or disposition has been interpreted contrary to a Supreme Court precedent;
- a relevant Supreme Court precedent needs to be changed;
- there is a serious violation of any act or subordinate statute; or
- there are other grounds for appeal as prescribed in the Civil Procedure Act.

Law stated - 28 March 2022

Foreign judgments

What procedures exist for recognition and enforcement of foreign judgments?

To enforce a foreign judgment, the party seeking enforcement must obtain an enforcement judgment from the Korean court.

A final and conclusive judgment from a foreign court can only be recognised and enforced if it meets four requirements. First, the foreign court that issued the judgment must have international jurisdiction recognised under a Korean law or treaty. Second, the defendant must have been properly served with enough time to prepare a defence. Third, recognition of such judgment must not violate the public policy of Korea. Fourth, there must be a guarantee of reciprocity such that a Korean court judgment would be recognised and enforced in the courts of the foreign country in question or the recognition requirements in Korea and in the foreign country are not off-balance and do not differ on important points.

Law stated - 28 March 2022

Foreign proceedings

Are there any procedures for obtaining oral or documentary evidence for use in civil proceedings in other jurisdictions?

The Act on International Judicial Mutual Assistance in Civil Matters stipulates detailed procedures for obtaining evidence both by and from a foreign country. However, in jurisdictions where a bilateral treaty and the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters are in force, the bilateral treaties or the Hague Convention prevails.

Law stated - 28 March 2022

ARBITRATION

UNCITRAL Model Law

Is the arbitration law based on the UNCITRAL Model Law?

Yes, the Arbitration Act of Korea is based on the UNCITRAL Model Law on International Commercial Arbitration. The law was revised in 2016 to adopt the amendments of the 2006 UNCITRAL Model Law, with some variations.

Law stated - 28 March 2022

Arbitration agreements

What are the formal requirements for an enforceable arbitration agreement?

For an arbitration agreement to be enforceable, it must be in writing. The agreement may be in the form of an arbitration clause or a separate agreement.

Law stated - 28 March 2022

Choice of arbitrator

If the arbitration agreement and any relevant rules are silent on the matter, how many arbitrators will be appointed and how will they be appointed? Are there restrictions on the right to challenge the appointment of an arbitrator?

Unless the parties agree otherwise, the number of arbitrators under the Arbitration Act is three. Absent a party agreement, the manner of appointment is determined by law. For one arbitrator: if the parties cannot agree on an appointment within 30 days of a party's request to appoint an arbitrator, the appointment is made by a court or an arbitration institution designated by the court upon the request of a party. For three arbitrators: each party appoints one arbitrator, and the two arbitrators appoint a third arbitrator by mutual agreement. If the arbitrators cannot agree on the third appointment, a party may request that a court or an arbitral institution designated by the court appoint the third arbitrator.

Even if the parties have an agreement regarding the appointment of arbitrators, a party may request appointment of the arbitrator or arbitrators by a court or an arbitral institution designated by the court if an arbitrator cannot be appointed. Challenges to the appointment of an arbitrator are restricted to lack of impartiality or independence and lack of qualifications as agreed between the parties.

Law stated - 28 March 2022

Arbitrator options

What are the options when choosing an arbitrator or arbitrators?

The Korean Commercial Arbitration Board (KCAB) has a pool of 1,200 domestic arbitrators and 400 international arbitrators. Arbitrators have diverse backgrounds in, for example, industries, business, the government, the law and academia. Parties may nominate or appoint arbitrators from outside the KCAB's pool.

Law stated - 28 March 2022

Arbitral procedure

Does the domestic law contain substantive requirements for the procedure to be followed?

Under the Arbitration Act, parties are free to agree on the arbitral procedure, except those contrary to the mandatory provisions. If there is no agreement, the arbitral tribunal may conduct the hearing in a manner it considers appropriate. An arbitral tribunal sitting in Korea must follow the Arbitration Act, including notice of written communication (article 4), grounds for challenge (article 13), equal treatment of parties (article 19), and form and contents of arbitral award (article 32).

Law stated - 28 March 2022

Court intervention

On what grounds can the court intervene during an arbitration?

The Arbitration Act follows the UNCITRAL Model Law and limits court intervention, except for on those grounds specifically provided for in the Act. A court with jurisdiction may consider the following matters:

- appointment of arbitrators and designating an arbitral institution;
- requests for challenging an arbitrator;
- requests for terminating an arbitrator;
- requests to examine the authority of the arbitral tribunal;
- recognition of an interim measures, court decisions regarding interim measures or orders to provide assets as security;
- requests to challenge an expert;
- retention of the original copy of an arbitral award;
- actions for setting aside an arbitral award to court;
- recognition or enforcement of arbitral award; and
- other matters stipulated in the Arbitration Act.

The Korean Supreme Court has ruled that courts may intervene only in matters enumerated in the Arbitration Act, and specifically held that applications for preliminary injunctions to stay an arbitration on the grounds of non-existence or invalidity of an arbitration agreement would not be allowed (Supreme Court Decision 2017 Ma6087, 2 February 2018).

Law stated - 28 March 2022

Interim relief

Do arbitrators have powers to grant interim relief?

Arbitrators have the power to grant interim relief under the Arbitration Act unless otherwise agreed by the parties. Arbitrators may order a party to maintain or restore the status quo, act or not act to prevent harm to the proceeding, preserve assets and preserve evidence.

To grant an interim measure, the petitioner must show that without the interim measure they would be irreparably harmed, and that harm would be greater than any harm to the other party as a result of the interim measure. The petitioner must also demonstrate that they are likely to succeed on the merits of the claim.

Law stated - 28 March 2022

Award

When and in what form must the award be delivered?

Under the Arbitration Act, an arbitral award must be in writing, state the reasons on which it is based, state the date and the place of arbitration, and be signed by all arbitrators. The arbitral award must be delivered to each party. Upon the request of the parties, the arbitral tribunal may deliver the original copy of the award to a court with jurisdiction along with a document certifying delivery. The Arbitration Act does not stipulate when the award must be delivered.

Law stated - 28 March 2022

Appeal

On what grounds can an award be appealed to the court?

Once an arbitral award has been issued, a party challenging the award must file a request to set aside the award in a court with jurisdiction within three months of receipt of the arbitral award. An action to set aside an arbitral award is limited to the following grounds:

- a party was under some incapacity, or the arbitration agreement is not valid under the parties' chosen law or Korean law;
- the petitioner was not given proper notice or was otherwise unable to present its case;
- the award deals with a dispute that is not subject to the arbitration agreement or is beyond the scope of the arbitration; or
- the arbitral tribunal or procedure did not comply with the arbitration agreement of the parties.

The court, on its own initiative, may set aside an arbitral award if it finds that the subject matter of the dispute is not capable of settlement by arbitration under Korean law or the award is against the public policy of Korea. Under the Arbitration Act, disputes over property rights and disputes over non-property rights that are capable of resolution without a court judgment are considered proper subjects for arbitration.

Law stated - 28 March 2022

Enforcement

What procedures exist for enforcement of foreign and domestic awards?

A party may apply for recognition and enforcement of an arbitral award. A domestic award will not be recognised if the award has no binding power over a party or if the award has been set aside by a court.

For foreign awards subject to the New York Convention, recognition and enforcement of foreign arbitral awards is determined in accordance with the Convention. If the New York Convention does not apply, foreign arbitral awards are recognised and enforced in the same manner as foreign judgments.

Law stated - 28 March 2022

Costs

Can a successful party recover its costs?

Under the Arbitration Act, the arbitral tribunal may allocate costs and order payment of interest.

Law stated - 28 March 2022

ALTERNATIVE DISPUTE RESOLUTION

Types of ADR

What types of ADR process are commonly used? Is a particular ADR process popular?

Judicial conciliation, judicial and administrative mediation, and arbitration are widely used in Korea. ADR is gaining popularity.

Law stated - 28 March 2022

Requirements for ADR

Is there a requirement for the parties to litigation or arbitration to consider ADR before or during proceedings? Can the court or tribunal compel the parties to participate in an ADR process?

ADR is not compulsory. Korean courts generally encourage judicial conciliation to resolve disputes. Either party may object to the court's recommendation, and there is no sanction for refusal.

Law stated - 28 March 2022

MISCELLANEOUS

Interesting features

Are there any particularly interesting features of the dispute resolution system not addressed in any of the previous questions?

The following features are notable in Korean litigation: (1) the court has broad case management discretion on both procedural and substantive matters; and (2) more emphasis is placed on documentary evidence than on witness testimonies.

Law stated - 28 March 2022

UPDATE AND TRENDS

Recent developments

Are there any proposals for dispute resolution reform? When will any reforms take effect?

In the past year, there have been several key developments. The Serious Accident Punishment Act was enacted. The Act imposes criminal liability against (1) business owners or executives who fail to ensure the safety of their business operations and (2) businesses or institutions that fail their supervisory duties. The Act also imposes punitive damages of up to five times the actual damages. The Civil Procedure Act and Criminal Procedure Act were amended to expand video trials in response to the covid-19 pandemic. The Supreme Court extended CEO liability in shareholder derivative actions to cartel violations (Supreme Court Decision 2017 Da222368, 11 November 2021).

Law stated - 28 March 2022

Jurisdictions

Australia	Clayton Utz
Austria	OBLIN Attorneys at Law
Belgium	White & Case LLP
Cayman Islands	Campbells
China	Buren NV
Cyprus	AG Erotocritou LLC
Denmark	Lund Elmer Sandager
Ecuador	Paz Horowitz
Egypt	Soliman, Hashish & Partners
Germany	Martens Rechtsanwälte
Greece	Bernitsas Law
Hong Kong	Hill Dickinson LLP
India	Cyril Amarchand Mangaldas
Indonesia	SSEK Legal Consultants
Israel	Lipa Meir & Co
Japan	Anderson Mōri & Tomotsune
Liechtenstein	Marxer & Partner Rechtsanwälte
Luxembourg	Baker McKenzie
Malaysia	SKRINE
Malta	MAMO TCV Advocates
Pakistan	RIAA Barker Gillette
Panama	Patton Moreno & Asvat
Philippines	Ocampo, Manalo, Valdez & Lim Law Firm
Romania	Zamfirescu Racoți Vasile & Partners
Russia	Morgan, Lewis & Bockius LLP

South Korea	Jipyong
Switzerland	Wenger Vieli Ltd
Thailand	Pisut & Partners
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