

Dr. LUU TIEN DZUNG,

Partner

Hanoi

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PROFILE SUMMARY

Dr. Luu Tien Dzung, formerly a Law Clerk for the Chief Justice of the Supreme People's Court of Vietnam, is a chair of YKVN's litigation practice, and also the Chairman of the Committee for International Co-operation of the Vietnam Bar Federation, and an Arbitrator of the Vietnam International Arbitration Center (VIAC).

Dr. Dzung has more than 20 years of experience in negotiating and settling complex commercial and business disputes. Before becoming a partner at YKVN Lawyers, Dr. Dzung had assisted the Chief Justice in reviewing many complex and lengthened commercial and business disputes under the cassation procedure.

At YKVN, Dr. Dzung has represented/advised state-owned, local and foreign corporations in negotiating and handling multi-million-dollar foreign trade and contractual disputes at Vietnamese Courts, as well as under VIAC, Singapore, London, ICC and US GAFTA arbitration procedures. Dr. Dzung also regularly advises multinational companies on investment, international trade, M&A, and franchising.

Dr. Dzung also acts as Chairman of a number of VIAC arbitral tribunals, adjudicating many complex disputes. In addition, Dr. Dzung was recently appointed by the ICC International Court of Arbitration an arbitrator for adjudication of a dispute between a foreign contractor and the Ministry of Transport of Vietnam.

Dr. Dzung has been recognized by Chambers Asia 2011, 2012 and 2013 as a first tier "experienced and talented litigator" in dispute resolution. He was also granted an Award for Most Representative Case of the year of 2012 by Vietnam Ministry of Justice Law Newspaper for a dispute he represented before the Supreme People's Court of Vietnam.

Dr. Dzung has been a scholar in several prominent programs, including the Fulbright, Stanford University's Draper Hills, and the United Nations Development Programme. He is also the author of the book "Judicial Independence for the Rule of Law in Vietnam" and numerous articles on prestigious magazines such as the *Communist Review*, *National Assembly Legislative Research Journal*, *State and Law Journal*, and the *People's Court Magazine*.

Profiles



Education

Ph.D. in Law, Institute of State and Law, Graduate Academy of Social Sciences, Hanoi, 2011

Draper Hills Summer Fellow, Freeman Spogli Institute for International Studies, Stanford University, USA, 2009

LL.M, University of Iowa College of Law, USA, 2000

LL.B, Kubansky State University College of Law, Russian Federation, 1989

Areas of Practice

Dispute Resolution

International Arbitration

Membership

Vietnam Bar Federation (Member of the Standing Committee, Chairman of the Committee for International Co-operation)

Hanoi Bar Association

Legal Club for Enterprise, Ministry of Justice (Member of Executive Board)

Vietnam International Arbitration Centre (Arbitrator)

Visiting Lecturer, HCMC University of Economics and Law (2013-2014)

NOTABLE DEALS

- Acted as the Chairman of the arbitral tribunals at the Vietnam International Arbitration Centre in adjudicating many complex disputes;
- Appointed by ICC Court of Arbitration as a member of an arbitral tribunal;
- Acted as a witness on Vietnamese law before the High Court of Singapore and Singapore International Arbitration Centre;
- Pre-litigation advice to a commercial joint stock bank in a dispute over a US \$100 million bank guarantee;
- Advised Vietnam Machinery Installation Corporation (LILAMA) in a claim against the largest state-owned bank in Russia (VTB Bank) regarding enforcement of VTB Bank's multi-million dollar first demand guarantee;
- Represented a former Minister of Vietnam in a criminal economic case;
- Advised and represented a number of state-owned corporations including the Vietnam National Oil and Gas Group and PetroVietnam Exploration Production Corporation in a number of investment transactions and in the negotiation and settlement of a number of domestic and international disputes;
- Together with a Nigerian firm, acted for the Vietcombank Hai Phong Branch in a Admiralty *in Rem* case before Lagos High Court of Nigeria;
- Represented a leading Danish construction company in the negotiation and settlement of a dispute with a Vietnamese subcontractor with the Project Management of the People's Committee of a large centrally-run city in Vietnam;
- Advised a foreign investment company in the negotiation and settlement of more than US \$40 million following VIAC arbitration procedures in a dispute over a FIDIC construction contract in relation to a complex of super luxury hotels and apartments;
- Represented Ben Kien Shipbuilding Industry Company in the successful negotiation and settlement of disputes with the Dutch purchaser of the vessel and the sub-contractor over a shipbuilding contract of over €13 million following London arbitration procedures;
- Represented Bachy Soletanche Vietnam before the Supreme People's Court of Vietnam in a dispute over a FIDIC contract;
- Co-represented/advised Vietnamese state-owned and private corporations in the settlement of multi-million-dollar commercial, construction, and maritime disputes following SIAC, UNCITRAL, GAFTA 125, VIAC arbitration procedures or foreign court procedures;
- Advised a foreign insurance company in settling an insurance dispute over an oil refinery construction contract;
- Advised and/or represented Standard Chartered Bank, the Joint Stock Commercial Bank for Foreign Trade of Vietnam and HSBC in the settlement of credit and financial disputes;
- Advised McDonald's, Burger King, Carter, Illy Coffee, Eurocar, Hachette Filipachi Presse, Sandler Systems, and a number of other international investors in their franchise transactions in Vietnam; and

- Advised a number of foreign investors and FDI enterprises in Vietnam, such as Intel, Metro Cash, Verizon, P&G, Amtek, Teva Pharmaceutical Investment, Visa, Reuters, Dow Jones, Sheraton, Hilton Corporations, Hanesbrands, Constella Futures, and Ernst & Young on a number of legal issues on business law and labour disputes.

OTHER ENGAGEMENT

- Member of a number of international expert teams building and evaluating a number of Projects supporting and enhancing the capacity for Vietnamese agencies such as the Office of the National Assembly, the Supreme People's Court of Vietnam, the Supreme People's Procuracy of Vietnam, the Ministry of Justice, the Government Inspectorate of Vietnam, Vietnam Lawyers Association, Vietnam Bar Federation.
- Lecturer of a number of advanced and specialised professional training courses in a number of areas of law such as Dispute Resolution in the World Trade Organization, Vietnam's International economic integration, International Commercial Arbitration, National legislation of international commitments, Negotiation and resolution of commercial disputes through arbitration, etc.

SCHOLARSHIPS AND AWARDS

- Fulbright Scholarship from the U.S. Department of State (1998);
- Carroll Sample Award at the University of Iowa Law School (2000);
- Development Policy Research Scholarship awarded by the Deputy Secretary General of the United Nations (2002);
- Recognition Medal for the Development of Vietnam Lawyers Association (2006);
- Draper Hills Fellowship at Stanford University (2008).

PUBLICATIONS

1. Settlement of the Commercial Disputes in Vietnam, *Griffin's View on International and Comparative Law*, Vrije Universiteit, Netherlands, Volume 4, Number 2, June 2003; pp. 98-106.
2. Judicial Independence in the Transitional Countries, UNDP Oslo Governance Center Publication (January 2003), 44 pages; available online at <http://www.undp.org/oslocentre/docsjuly03/DungTien%20Luu.pdf>.
3. Judicial Independence in Vietnam, Status Quo Juridisch faculteitsblad, (Netherlands: June 2003), pp. 6-12.
4. Legal Needs Assessment in Vietnam – Building Ownership and Partnership for Legal Reforms (Case Study), *UNDP Asia-Pacific Access to Justice Initiative* (2003).
5. *Judicial Independence for the Rule of Law in Vietnam*, Judicial Publisher, Hanoi: 2012.
6. *Scientific Commentaries on Law on Promulgation of Legal Normative Documents*, Judicial Publisher, Hanoi: 2006 (co-author).
7. *Legal Aids in Vietnam: Current Status and Development Orientations*, Judicial Publisher, Hanoi: 2005 (co-editor).

8. *Evaluation of the Current Status of International Cooperation in the Legal Sector in Vietnam*, Judicial Publisher, Hanoi: 2005 (co-editor).
9. *Evaluation of the Capacity of Local Justice Officials*, Judicial Publisher, Hanoi: 2005 (co-editor).
10. *Legal Drafting for Social Advancement and Democracy (by Ann Seidman, Robert B. Seidman and Nalin Abeyesekere)*, National Political Publishing House, Hanoi: 2003 (co-translator).
11. *Scientific Commentaries on the Civil Code*, National Political Publishing House, Hanoi: 2002 (co-author).
12. *Vietnam and the United Nations Convention against Corruption*, Judicial Publisher, Hanoi: 2004 (co-author).
13. *Certain fundamental Issues on the Prevention and Fighting against Corruption in Vietnam*, Judicial Publisher, Hanoi: 2004 (co-author).
14. *Scientific Commentaries on Certain Fundamental Issues of the Civil Code*, National Political Publishing House, Hanoi: 1996 (co-author).
15. *Scientific Commentaries on Japanese Civil Law*, National Political Publishing House, Hanoi: 1995 (co-translator).
16. "Judicial Power in the Draft Amended 1992 Constitution", *Communist Review*, 8-2013.
17. "Suspension in Civil Procedures", *Jurisprudence Magazine*, Ho Chi Minh City University of Law, 1(44), 2008.
18. "Law Interpretation in Adjudicating Activities in Vietnam", *People's Court Review*, No. 9, 2008.
19. "WTO Accession – A Thought on Legal Education Innovation in Vietnam", *People's Court Review*, No. 4, 2007.
20. "Courts Need Judicial Independence", *Tia Sang Magazine*, No. 11, 2007.
21. "Competition Law from the Perspective of Dispute Resolution", *People's Court Review*, No. 22 (November), 2005, p. 2-11.
22. "Promulgation of the Legal Normative Documents of the Supreme People's Court and Supreme People's Procuracy", *People's Court Review*, No. 11 (June), 2005, p. 12-16.
23. "Discussion on the Application of Law in Adjudication", *People's Court Review*, No. 10 (May), 2005, p. 10-14.
24. "Publicity and Transparency in the Process of Promulgating Legal Normative Documents", *Legislative Studies Magazine*, No. 3 (March), 2005, p. 27-34.
25. "Court Judgment – A Counsel's Perspective", *People's Court Review*, No. 2, 2005.
26. "Roles of Precedents in the Common Law and Civil Law Systems", *Judicial Science and Information Magazine*, No. 5, 2003, p. 3-18.
27. "Initial and Continuing Trainings of Judges over the World", *People's Court Review*, No. 2, 1996, p. 23-25, and No. 8, 1996) p. 16-23.
28. "Invalid civil transactions", *People's Court Review*, No. 6, 1995.

29. "A number of Issues on Inheritance of Heirs Independent of Wills", *People's Court Review*, No. 5, 1994, p. 18-20.
30. "Bankruptcy", *People's Court Review*, No. 12, 1993, p. 10-14 and No. 1, 1994, p. 7-10.
31. "Some Issues on Amendment and Withdrawal of the Grant for Cert Petitions", *People's Court Review*, No. 7, 1992, p. 21-22.
32. "Liabilities for Damages Caused by Juveniles", *People's Court Review*, No. 3, 1992, p. 7-10.
33. "Liabilities Holders for Damages Caused by Highly Dangerous Sources", *People's Court Review*, No. 9-1991, p. 8-11.
34. "The People's Procuracy's Roles in the Court's Proceedings", *People's Court Review*, No. 7, 1991, p. 15-16.
35. "Conditions for the Rise of Non-contractual Liabilities", *People's Court Review*, No. 4, 1991, p. 9-12.
36. "Certain Comments on Ordinance on Housing and Ordinance on Civil Contracts", *People's Court Review*, No. 11, 1991, p. 2-5.
37. "Settlement of Economic and Commercial Disputes", *Trading Magazine*, No. 12, 1991, p. 11-12.
38. "Invalid Contracts", *Business and Law Magazine*, No. 1, 1991; p. 13-15.

MEMBER IN SCIENTIFIC RESEARCH PROJECTS

39. *Settlement of Disputes between Consumers and Business Entities and Entrepreneurs under Simplified/Summary Procedures*, University-Level Scientific Research, Law University of Ho Chi Minh city, July, 2013.
40. *Modalities of Civil Procedures in the World*, Research of the Office of the Steering Committee for Central Judicial Reform, 2013.
41. *Case Precedents Schools in the World*, Ministerial-level Scientific Research of the Supreme People's Court of Vietnam, 2011.
42. *Functions, Duties and Powers of the Chief Judges of the Local People's Courts*, Ministerial-level Scientific Research of the Supreme People's Court of Vietnam, 2011.
43. *The US Legal System – View from Aspects Related to Implementation of the United States and Vietnam Trade Agreement*, Ministerial-level Scientific Research of the Ministry of Justice, 2003.
44. *Roles of Precedents in the Common Law and Civil Law Systems*, Ministerial-level Scientific Research of the Supreme People's Court of Vietnam, 2001.
45. *Recognition and Enforcement of Civil Judgments and Decisions of Foreign Courts and Foreign Arbitration Awards*, Ministerial-level Scientific Research of the Supreme People's Court of Vietnam, 1996.
46. *Role of the Courts in Implementation of Civil Obligations*, Ministerial-level Scientific Research of Ministry of Justice, 1996.

47. *Certain Aspects of Foreign Civil Procedures*, Ministerial-level Scientific Research of the Supreme People's Court of Vietnam, 1995.

SPEAKER

- Spoke on Current Licensing Reforms in Vietnam at the Seminar held by Singapore Business Association, Singapore 22 September 2008;
- Guest of on various national television program debating different legal issues.