

Truong Trong Nghia
Partner

Ho Chi Minh City

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PROFILE SUMMARY

Professional Practice Experience

Truong Trong Nghia is one of the co-chairs of YKVN's litigation practice, a well-recognized as one of Vietnam's most experienced litigators with over 25 years of litigation and arbitration experiences. He focused on international litigation and domestic litigation related to international arbitration proceedings, regularly advises domestic and foreign companies on corporate, trade, foreign investment and M&A matters. Nghia's clients include major Vietnamese corporations like VNPT, Vietinbank, Eximbank, Satra, Saigon Coop, foreign-invested enterprises and multinationals like Bunge, Bachy Soletanche, Hill International, Metro Cash & Carry, RMIT, Academic Colleges Group (ACG).

Nghia is ranked Band 1 in Dispute Resolution by Chambers & Partners continuously from 2011 to present. In 2011, they noted that Nghia has been "pivotal to the Vietnam legal community for many years", is one of "very well-known and experienced litigators who are sought out for their counsel on some of the most complicated cases." Following 2012, they remarked that Nghia is "a well-established figure in the Vietnamese legal community and is sought after for his advice in complex cases." Asialaw Profiles remarked Nghia as one of the "most successful and respected litigators in Vietnam" in 2012, and awarded him the title as "Dispute Star of the Year" for 2016. Nghia is recommended by Legal 500 (2009-2010) in Dispute Resolution, and is ranked as "one of the four *Leading Individuals in Disputes Resolution*" in 2017.

Civic Leadership Activities

Nghia was nominated as a candidate of Vietnam Lawyers Association in the election of Vietnam's National Assembly for its 13th term (2011-2016) and elected to the highest state power of Vietnam that makes law and appoints the Government, the Supreme Court and the Supreme Procuracy of the country. The only practicing lawyer in the National Assembly at that time, he was elected by the deputies of the National Assembly to its Judiciary Committee, actively took part in the amendment, updating of key laws, including the Civil Code and the Civil Procedures Code, the Penal Code and Penal Procedures Code. Nghia was re-elected to the National Assembly and its Judiciary Committee for its 14th Term (2016 – 2021).



Education

New York University, School of Law, Master of Comparative Jurisprudence (MCJ) (1995)

Karl Marx University, Germany, LLB (1980)

Areas of Practice

Corporate and M&A
Dispute Resolution
Foreign Investment
International Arbitration

Bar Membership

Vietnam Bar Federation: Vice-President since 2009, Member of Standing Committee since 2015.

Ho Chi Minh City Bar Association: Vice-President since 2008.

Arbitrator of International Arbitration Center (VIAC)

Vietnam Society of International Law (VSIL): Vice President since July 2016.

NOTABLE MATTERS

Dispute resolution/ Litigation

- Representing SATRA, one of Vietnam's largest trading corporations, in a commercial dispute worth several millions USD, with Satra being victorious in both first and appellate instance.
- Advising a foreign-invested company in a 300 million USD infrastructure BOT & BT project on disputes with a municipal government whereby the initially approved invested capital cap was accepted to be increased by more than 60 million USD.
- Advising the foreign owner/operator of a 5-star hotel in Ho Chi Minh City, being charged of tax evasion and involved in a complex dispute with the local BCC partner and tax authority, and helping the investigation be dropped and the originally criminal charge was changed into an administrative fine.
- Representing the major shareholder of VCCT, a company operating large cable-car project worth tens of million USD in winning the lawsuit over a shareholders dispute.
- Representing a major foreign fund in Vietnam in an arbitration case involving a claw-back valued tens of million USD from a share-subscription agreement with a local joint-stock company.
- Representing the subsidiaries of P&G, METRO CASH & CARRY and Abbott in Vietnam in settling its labor and land use rights disputes.
- Representing Exxon Mobil before the Economic Court of Ho Chi Minh City and the Supreme Court in connection with disputes arising from a long-term gas distribution contract (final judgment of the Supreme Court upholding the favorable lower court judgment).
- Representing American Coffee before the Economic Court of Ho Chi Minh City in pursuing contractual remedies against a Vietnamese coffee company (probably first Vietnamese court ruling awarding damages to an offshore buyer).

M&A, Project Finance, and Foreign Investment

- Advising EIB in a multimillion-dollar financing for a multinational corporation in connection with the expansion of its activities in Vietnam.
- Advising BIDV in a multimillion-dollar financing for a significant real estate project invested by a foreign investment fund.
- Advising one of the largest foreign investment funds in Vietnam in a private equity deal in which the fund was buying a majority stake from a local company in the telecom sector.
- Advising Saigon Advertisement Company in its joint venture with a leading Japanese advertiser.

- Advising RMIT on issues of new business lines, new operation premises and land use rights under amended laws.
- Advising BUNGE on settlement of enduring disputes with a local joint-venture partner by a multi-million-dollar buy-out that also ended a series of multi-level legal proceedings lasting more than seven years.

Arbitration

- Acting as panel arbitrator over several cases at VIAC relevant to trade, insurance and construction;
- Having presided over a number of cross-border and complex cases in maritime transactions and FIDIC contracts in English as language of arbitration.

RANKINGS, AWARDS, PUBLICATIONS AND LECTURE

Rankings

- Legal 500 (2017): Leading individual in Disputes Resolutions.
- Chambers & Partners (2011): “pivotal to the Vietnam legal community for many years”, and is one of “very well-known and experienced litigators who are sought out for their counsel on some of the most complicated cases.”
- Chambers & Partners (2012): “a well-established figure in the Vietnamese legal community and is sought after for his advice in complex cases”.
- Asia Law Profiles (2012): One of the “most successful and respected litigators in Vietnam” and “one of the most experienced litigators in Vietnam”.
- Chambers & Partners (2013): “Enormously wise about the realities of the court systems”, whilst putting a “huge amount of thought into strategy”.
- Chambers & Partner: Ranking Band 1 in Dispute Resolution from 2011 to 2017.

Award

- Asialaw: Disputes Star of the Year 2016.

Publications

- Economic Arbitration in Vietnam, Ho Chi Minh City Publishing House (1988).
- Rule of Law in Vietnam - Theory and Practice, The Maureen and Mike Mansfield Foundation (2001).
- Author of a large number of articles on Vietnamese legal issues including Vietnam’s international integration (US-Vietnam BTA, Vietnam’s accession to WTO, TPP, EUVFTA),

application of precedent in Vietnam's court, human rights in Vietnam's Constitution, presumption of innocence and right to remain silent in Vietnam's Law.

Bar Leadership

- Vice President of the Vietnam Bar Federation (VBF) for the inaugural 2009 – 2014 term and re-elected to the Standing Committee for the 2014 – 2019 term.
- Vice Chairman of the Ho Chi Minh City Bar Association for a second time for the 2013 – 2018 term.
- Vice Presidents of Vietnam Society of International Law (VSIL), just founded in July 2016.

Lecture

- Lectured on law in undergraduate and graduate programs at University of Law and University of Economics of Ho Chi Minh City.