

JOE-HAN HO

Year called 2016

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Joe-han has a broad commercial practice. He has experience in a range of commercial matters involving both litigation and arbitration, including contractual disputes, insolvency, civil fraud, construction, and banking.

Before transferring to the Bar, Joe-han qualified and practised as a solicitor at Cleary Gottlieb Steen & Hamilton LLP. He also taught Trusts & Equity at King's College London for a number of years, and has published articles (inter alia, in the Journal of Business Law, and Trusts & Trustees) that addressed commercial law issues in contract law and trusts law.

Joe-han holds law degrees from Durham University (LL.B.; ranked 1st in year), Harvard Law School (LL.M.), and the University of Oxford (B.C.L.). He is a Jarman Scholar of the Inner Temple (ranked 1st in year in advocacy), and also speaks Mandarin Chinese.

PRACTICE AREAS

- Alternative Dispute Resolution
- Banking & Finance
- Commercial
- Construction & Engineering
- Insolvency
- International Arbitration

PRACTICE AREAS

ALTERNATIVE DISPUTE RESOLUTION

Joe-han has experience in a range of alternative dispute resolution matters. Recent instructions and matters on which he has worked include:

- Acting for the Defendant in the mediation of a c. £260,000 contractual dispute relating to VAT advisory

services.

- Advising a Brazilian corporation as to the proper interpretation of a pharmaceuticals supply contract with a South Korean joint venture counterpart and assisting in the negotiation between the parties.

BANKING & FINANCE

Joe-han has experience in a range of banking and financial matters. Recent instructions and matters on which he has worked include:

- A Commercial Court dispute concerning the interpretation of an English exclusive jurisdiction clause in an ISDA Master Agreement and an Italian exclusive jurisdiction clause in an advisory contract governed by Italian law.
- Advising a global bank on privilege issues in the context of an internal investigation.
- Advising on a claim relating to the mis-selling of financial products between an Italian municipality and a bank.
- Advising on a test claim relating to the provision of mortgage advice, including issues relating to the actions of the Financial Ombudsman Service and the Limitation Act 1980.
- Defending the set-aside of a statutory demand, raising issues as to the Bills of Exchange Act 1882.

COMMERCIAL

Joe-han has experience in a range of commercial matters. Recent instructions and matters on which he has worked include:

- *Yaroslavna Lasytsya v Inter Export LLC [2018] EWCA Civ 2068*: A fraud claim brought by a Ukrainian company against the director of a contractual counterparty regarding the sale of sunflower oil. The appeal raised complex issues regarding Lord Tenterden's Act and the application of the tortious measure of damages. (Led by Hugh Jory QC)
- *Kagazy Kazakhstan plc & Ors v Zhunus & Ors [2017] EWHC 3374 (Comm)*: Defending a very high value fraud claim (Commercial Court) brought by a group of companies alleging misappropriation, conspiracy, and breach of fiduciary duty. Advised on satellite litigation before the Courts in the US, Switzerland, and Cyprus, as well as interim measures relating to freezing injunctions.
- *Alliance Bank JSC v Zhunus & Ors [2015] EWHC 714 (Comm)*: Defending a very high value fraud claim (Commercial Court) brought by a foreign bank. The claim was dismissed in full, and the worldwide freezing order was discharged.
- *Perkins Engines Company Ltd & Anor v Ilkerler Otomotiv Sanayi Ve Ticaret AS (unreported) (Comm)*: A dispute regarding the termination of a distributorship agreement, raising issues as to contractual interpretation, estoppel, and laches.
- *Kotak v Kotak & Ors [2017] EWHC 1821 (Ch)*: A partnership dispute, raising issues as to the scope of a bank account mandate, estoppel, and agency.
- *EMA Sarl v Universal Music Publishing Ltd [2017] EWHC 1058 (IPEC)*: A dispute regarding the IP rights to a Mungo Jerry song, raising issues as to misrepresentation, warranties, and indemnities.
- Advising on a civil fraud claim, raising issues as to sham sale and leaseback agreements, guarantees, indemnities, and actual/apparent authority.

- Advising on Appointed Representative Agreements regarding FCA-regulated investment, mortgage, and non-investment insurance mediation activities.
- Advising on a Formula 3 dispute between the racing driver and the racing team.

CONSTRUCTION & ENGINEERING

Joe-han has experience in a range of construction and engineering matters. Recent instructions and matters on which he has worked include:

- Advising on a contractual dispute relating to an Engineering, Procurement, Construction, and Commissioning project in Asia.
- *Hadley Industries Holdings Ltd v Mezzanine Floors (Hull) Ltd*: Sole Counsel in the trial of a construction dispute raising issues as to the 'battle of the forms'.
- *4 UK Specialists Ltd v M & I Ceilings Ltd*: Sole Counsel in a construction dispute raising issues as to variation, overpayments, and non-party costs orders.
- Sole Counsel in an application for an urgent injunction in the High Court to prevent the presentation of a winding up petition which raised issues as to 'pay when paid' clauses and the interpretation of the term "construction operations" within the meaning of the Housing Grants, Construction and Regeneration Act 1996.

INSOLVENCY

Joe-han has experience in a range of insolvency matters. Recent instructions and matters on which he has worked include:

- Extensive experience in relation to set-aside statutory demands, bankruptcy petitions, winding up petitions, and the review of Orders under Rule 12.59 of the Insolvency Rules 2016.
- *Dubai First PJSC v Wright*: Instructed as sole Counsel in an appeal in the High Court regarding a statutory demand for c. £250,000, raising issues of private international law and procedural irregularity.
- Sole Counsel in an application for an urgent injunction in the High Court to prevent the presentation of a winding up petition which raised issues as to 'pay when paid' clauses and the interpretation of the term "construction operations" within the meaning of the Housing Grants, Construction and Regeneration Act 1996.

INTERNATIONAL ARBITRATION

Joe-han has experience in a range of international arbitration matters. Recent instructions and matters on which he has worked include:

- *SCC Arbitration*: Allegations of asset-stripping of a company, raising issues as to the validity of a contract, sham trusts, breach of fiduciary duty, and corporate capacity.
- *ICC Arbitration*: Representing an Italian corporation in an ICC arbitration arising out of an oil and gas dispute in Africa, involving allegations of misrepresentation and breach of contract.
- *ICC Arbitration*: A dispute regarding the termination of agreements relating to international payment systems, raising issues as to variation and breach of contract.
- *LCIA Arbitration*: A dispute arising out of the collapse of a long-term JV between a Fortune 500

company and its local partner in an emerging market economy, raising issues as to privilege, contractual interpretation, and breach of contract.

MEMBERSHIPS

bankin

ADDITIONAL INFORMATION

PUBLICATIONS:

'Sham Trusts' (2016) 22(4) Trusts & Trustees 464 (co-authored with Sunil Gadhia and Konrad Rodgers)

'Trust structures under English law', Legal Insight, September 2015 (co-authored with Sunil Gadhia and Konrad Rodgers)

'TAEI One Partners: contractual interpretation as an iterative process' (2015) 5 Journal of Business Law 393 (co-authored with Konrad Rodgers)

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