JOONKYU CHOI

Professor, Seoul National University School of Law kyu77@snu.ac.kr | Gwanak-ro 1, Gwanak-gu Seoul 08826 Korea

WORK EXPERIENCE

Academic Positions:

Seoul National University School of Law	Seoul, Korea
Vice Dean for Student Affairs	2022 - 2024
<i>Professo</i> r	2024-present
Associate Professor	2019-2024
Assistant Professor	2017-2019
Lectures: Contract Law, Property & Tort & Unjust Enrichment Law,	Secured Transactions
Law, Insolvency Law, Family & Succession Law, Civil Law Practice	
Hanyang University School of Law	Seoul, Korea

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Associate Professor	2015-2017
Assistant Professor	2012-2015

Non-academic Positions:

Seoul Eastern District Court	Seoul, Korea
Judge	2010-2012

Seoul Central District Court	Seoul, Korea
Judge	2008-2010

Navy Headquarters, Republic of Korea	Chungcheongnam(Gangwon, Gyeonggi), Korea
Navy Judge Advocate	2005-2008

Judicial Research	& Training 1	Institute,	Supreme	Court of	Korea	Gyeonggi,	Korea
Judicial Trainee						2003	-2005

EDUCATION

Seoul National University, Graduate School, Department of Law	Seoul, Korea
Doctor of Philosophy in Law	2007 - 2012
Doctoral Thesis: A Study on the Interpretation of Contract	

Seoul National University, Graduate School, Department of Law Seoul, Korea Master of Law 2003-2007 Mater's Dissertation: A Study on the Change of Position in English Unjust Enrichment Law

Bachelor of Law

PUBLICATIONS

Books/Book Chapters (in Korean):

Choi J.K., *Discipline Process on the members of Community*, in Sohn K.H. & Yune J.S. (eds.), Community and Law, (Pakyoungsa, 2023).

Ernst A. Kramer (translated by Choi J.K.), **Methodology of Jurisprudence (Juristische Methodenlehre)**, (Pakyoungsa, 2022).

Choi J.K. & Ko Y.K & Kwon J.H., A Study on the Appropriate Number of Law Clerks for Solid Trial Proceeding, (National Court Administration, Republic of Korea, 2022).

Choi J.K., *The Future of Succession Law*, in Yune J.S. & Han S.H. & Ahn S.J. (eds.), Law's Futures, (Bobmunsa, 2022).

Reinhard Bork (translated by Choi J.K.), **German Insolvency Law (Einführung in das Insolvenzrecht)**, (Pakyoungsa, 2021).

Choi J.K., Contract law and Insolvency Law -Reading Insolvency Law from the Perspective of Civil Law-, (Kyungin Publishing, 2021).

Choi J.K., Commentary on Housing Lease Protection Act & Commercial Building Lease Protection Act, in Kim Y.D. (ed.), Commentary on Civil Code 5th Special Part of Obligation Law (3), (Korean Academy of Judiciary and Administration, 2021).

Choi J.K., *How to improve Korean Forced-Share Law for activating legacy donation*, in BKL & Dongcheon Foundation (eds.), Legislative Research for Public Interest Foundation, (Kyungin Publishing, 2021).

Choi. J.K., A Study on the Interpretation of Contracts -Focusing on the normative aspects of contract interpretation-, (Kyungin Publishing, 2020).

Choi. J.K., Intention of 'Past' Legislator or Intention of 'Current' Legislator? Which intention is important in statutory interpretation? in Yune J.S. & Han S.H. & Ahn S.J. (eds.), Law's Dilemmas, (Bobmunsa, 2020).

Choi J.K., Commentary on the Article 262~278 of Civil Code (Co-ownership), in Kim Y.D. (ed.), Commentary on Civil Code 5th Property Law (2), (Korean Academy of Judiciary and Administration, 2019).

Choi J.K., Commentary on the Article 1112~1118 of Civil Code (Forced Share), in Yune J.S. (ed.), Commentary on Succession Law 2, (Pakyoungsa, 2019).

Choi J.K., *Does the Forced-Share System Need to Exist?*, in Yune J.S. & Han S.H. & Ahn S.J. (eds.), Dangerous Ideas in Law, (Bobmunsa, 2018).

Choi J.K., Life Insurance from the Perspective of Succession Law, (Korea Insurance

Research Institute, 2018).

Choi J.K., On the Meaning of Para.2 Art.12 of the Addendum No.4199 to the Civil Code, which is a Transitional Provision on Inheritance due to the Judicial Declaration of Disappearance, in Ten Important Family Law Cases of 2017, (Sechang Publishing, 2018).

Choi J.K., Commentary on Housing Lease Protection Act & Commercial Building Lease Protection Act, in Kim Y.D. (ed.), Commentary on Civil Code 4th Special Part of Obligation Law (3), (Korean Academy of Judiciary and Administration, 2016).

Choi J.K., Commentary on the Article 767~781 of Civil Code (the Meaning & Scope of Family, the Family name of Children), in Yune J.S. (ed.), Commentary on Family Law 1, (Pakyoungsa, 2015).

Choi J.K., Commentary on the Article 974~979 of Civil Code (the Obligation to Support), in Yune J.S. (ed.), Commentary on Family Law 2, (Pakyoungsa, 2015).

Han K.J. & Choi J.K., A Comparative Study among the Insurance Regulation Laws of Germany, Japan, USA, UK, Australia, and Korea –Focusing on the Regulations about Insurance Product Distribution Channels & Business Conduct—, (Korea Insurance Research Institute, 2014).

Book Chapters (in English):

Choi J.K., *Taking the Intention of Current Legislators Seriously*, in Bruns & Bu & Meier & Pawlik & Takahashi & Vöneky & von Hein (eds.), Legal theory and Interpretation in a Dynamic Society, (Nomos Verlags Gesellschaft 2021).

Journal Articles (in Korean/English/Japanese):

on Insolvency law

Choi J.K. (2024), Legal Relationship between two Bankrupt Parties of Executory Contract, Juris 69 (in Korean).

Choi J.K. & Ko J.E. (2024), The Restitution Relationship Following the Bankruptcy Trustee's Avoidance of a Bilateral Contaract -Commentary on Supreme Court Decision No. 2022Da211928 rendered on August 25. 22—, Justice 203 (in Korean).

Choi J.K. (2023), The Effect of No Set-Off Clause and Trustee as the Third Party in the Rehabilitation Proceeding, Seoul Law Journal 209 (in Korean).

Choi J.K. (2023), Contract law and insolvency law: Continuity or discontinuity? —Recent amendment proposal of Korean insolvency law—, Journal of Korean Law 22—2 (in English).

Choi J.K. (2023), The Choice-of-Law Rules for Ipso-Facto Clauses in Cross-Border Insolvency-Insolvency-Typical Effect?—, Seoul Law Journal 206 (in Korean).

Choi J.K. (2022), Secured Creditor in Bankruptcy Procedure & Rehabilitation Procedure -

Korean Perspective-, Korean Journal of Insolvency Law 12-1 (in Korean).

Choi J.K. (2021), To whom should the deposit money be distributed under the bankruptcy procedure, when the bankruptcy procedure for the debtor started before a general creditor is given the deposit money reserved separately for themselves under the civil enforcement procedure? –Comment on the Supreme Court Decision, July 24, 2018, 2016Da227014—, Collection of Important Insolvency Law Cases (in Korean).

Choi J.K. (2021), Executory Contract, Transaction Based on Credit and the Principle of Equality Among Creditors —a Critical Review on Supreme Court Decision 2018Da255143 Decided January 14, 2021, Juris 57 (in Korean).

Choi J.K. (2021), Start of Rehabilitation Process for the main debtor, and the guarantor's set off based on the Civil Code Art.434 —a Critical Review on Supreme Court Decision 2015Da209347 Decided September 13, 2018—, Civil law of Autonomy and Justice (Festschrift in honor of Prof. Yang Chang—Soo) (in Korean).

Choi J.K. (2021), Financial Lease in Insolvency Proceeding -Revisited-, Justice 183 (in Korean).

Choi J.K. (2020), Rechtsverhältnis im Insolvenzverfahren des Anfechtungsgegners – Zur Haftungspriorität des Anfechtungsanspruchs innerhalb und außerhalb des Insolvenzverfahrens im Verhältnis zu den Eigengläubigern des Anfechtungsgegners –, Seoul Law Journal 195 (in Korean).

Choi J.K. (2020), The effect of the security assignment of future receivables in US Bankruptcy Code —de lege lata of \$552(b) and its implications—, Korean Journal of Civil Law 90 (in Korean).

Choi J.K. (2019), Abolition? or Permanent Legislation? Recent Discussions on the Corporate Restructuring Promotion Act, Journal of Korean Law 18-2 (in English).

Choi J.K. (2018), *Die Insolvenzanfechtung in Mehrpersonenverhältnissen -unter besondere Berücksichtigung von Anweisungs- und Drittzahlungs Fällen-*, Seoul Law Journal 59-2 (in Korean).

Choi J.K. (2017), Legal Issues of Future Claims in Insolvency Proceedings -Focusing on Set-Off and Avoiding Power-, Juris 40 (in Korean).

Choi J.K. (2015), The Effect of Security Assignment of Future Claims in Insolvency Proceeding, Juris 32 (in Korean).

on Property law & Law of Debtors and Creditors

Choi. J.K. (2024), Assignment of Future Claims and Contractual Prohibition of Assignment, Korean Lawyers Association Journal 765 (in Korean).

Choi J.K. (2024), Eine Studie über die Begriff der Beeinträchtigung und des Störers beim negatorischen Beseitigungsanspruch, Festschrift in honor of Prof. Choi Jong-Kil (in Korean).

Choi J.K. (2019), Sale of Sports Facilities Based on the Trust for Security Purposes, and Transfer of Membership Contract —Subject case: Supreme Court en banc Decision 2016Da220143 Decided October 18, 2018—, Juris 48 (in Korean).

Choi J.K. (2018), Gläubigeranfechtbarkeit einer Forderungsabtretung unter aufschiebender Bedingung —Anmerkung zum Urteil des Obersten Gerichtshofes vom 28. 6. 2013, 2013Da8564—, Korean Journal of Civil Law 84 (in Korean).

Choi J.K. (2016), Criteria of Avoiding the Transaction that Granted a Security to Creditor, Hanyang Law Review 33-4 (in Korean).

Choi J.K. (2014), A Study on the Legal Problems arising when the Pledged Claim is seized by other general Creditors who have Claim against the Pledgor, Korean Journal of Civil Law 67 (in Korean).

Choi J.K. (2009), Transfer of Money and Proprietary Right over Money —Implication from "Wertvindikation" and "constructive trust", Korean Lawyers Association Journal 638 (in Korean).

on Interpretation of Contracts

Choi J.K. (2013), Survey on three recent Supreme Court's cases about Contract Interpretation —Social Institution and Private Autonomy—, Journal of Comparative Private Law 63 (in Korean).

Choi J.K. (2013), Interpretation of Renegotiation Clause and Adjustment of Contract, Korean Lawyers Association Journal 677 (in Korean).

Choi J.K. (2012), *The Justification of Formalism in Contract Interpretation and its Limit*, Korean Journal of Civil Law 60 (in Korean).

Choi J.K. (2012), *Interpretation of Guarantee Contract about Commercial Bill*, Journal of Private Case Law Studies 34 (in Korean).

Choi J.K. (2011), *Interpretation of Insurance Contract and Contra Proferentem*, Business, Finance & Law, 48 (in Korean).

Choi J.K. (2011), Fire Insurer's Subrogation against Tenant and Supplementary Interpretation of Contract -Introduction of German & USA cases and their Implications for Korean Law-, Supreme Court Law Review 51 (in Korean).

on Contract law

Choi J.K. (2022), Revisiting Public Auction and Liability Due to a Defect in Title —Focusing on the Case of the Collateral Provided by the Third Party—, Juris 60 (in Korean).

Choi J.K. (2016), *Introduction of the Bill to revise the Korean Civil Code : On Gift*, Comparative Law Review(Chuo University) 50-2 (in Japanese).

Choi J.K. (2015), The External Effect of Tripartite Set-off Contract, Justice 150 (in

Korean).

Choi J.K. (2014), The External Effect of Set-Off Contract -Focusing on Contract between Two Parties-, Korean Lawyers Association Journal 690 (in Korean).

Choi J.K. (2013), The Various Perspectives on the Default Rule in Contract Law, and their Implications, Korean Lawyers Association Journal 684 (in Korean).

Choi J.K. (2013), "Chonsegwon" and Sham Transaction, Korean Journal of Civil Law 63-1 (in Korean).

on Tort law

Choi J.K. (2023), Sudden Unintended Acceleration and Product Liability -Introduction of US precedents and their implications—, Journal of Comparative Private Law 103 (in Korean).

Choi J.K. (2023), *Billigkeitshaftung: de lege ferenda*, The Journal of Property Law 40-3 (in Korean).

Choi J.K. (2022), Critical review of the Korean Supreme Court precedent on the joint tort liability in case of alternative tortfeasor—Revisiting the legal theory about joint torts—, Korean Journal of Civil Law 99 (in Korean).

Choi J.K. (2020), The Infringement of the Right to Participate in the Administrative Procedure and the Damages for Non-pecuniary Loss -Comparison with German Law-, Journal of Comparative Private Law 89 (in Korean).

Choi J.K. (2019), *Liability for Ecological Prejudice in French Civil Code*, Environmental Law and Policy 23 (in Korean).

on Landlord-Tenant law

Choi J.K. (2021), The Criticism on the Article about Protection of the Opportunity to Collect Premiums in the Commercial Building Lease Protection Act —de lege ferenda—Korean Journal of Civil Law 96 (in Korean).

Choi J.K. (2019), The Lessee's Continuous Occupation of the Leased Object after Termination of Lease Contract and Substantial Profit, Justice 174 (in Korean).

Choi J.K. (2018), The Lessee's Legal Liability for Damages from Fire of Unknown Cause in the Leased Building —Comment on the Supreme Court en banc Decision, May 18, 2017, 2012Da86895, 86901—, Ilkam Real Estate Law Review 17 (in Korean).

on Succession law

Choi J.K. (2024), Forced Share and Business Succession: On the Occasion of the 2024 Constitutional Court's Decision of Unconstitutionality and Constitutional Nonconformity, Business, Finance & Law, 128 (in Korean).

Choi J.K. (2021), *A Legislative Suggestion on the Joint Inheritance -Comparison with French law-*, Study on Korean Civil law and French Civil law (Festschrift in honor of Prof. Nam Hvo Soon) (in Korean).

Choi J.K. (2021), A Legislative Suggestion on an Heir's Qualified Acceptance of Succession, Separation of Inherited Property, and Bankruptcy Procedure for Inherited Property, Journal of Korean Law 39 (in English).

Choi J.K. (2017), The Relationship between the Forced Heir's Reserve and the Heir's Contributory Portion, Justice 162 (in Korean).

Choi J.K. (2016), Forced Share and Business Succession: Critical Perspective on Korean Forced-Share System, Juris 37 (in Korean).

Choi J.K. (2008), Forced Share in German law, Korean Journal of Family Law 22-1 (in Korean).

on Family law

Choi J.K. (2024), Legislation Proposal on the Denial of Paternity and Provisional Birth Registration by Biological Father of a Child, Korean Journal of Family Law 38-1 (in Korean).

Choi J.K. (2023), Kindes Herausgabeanspruch des Kindesvermögens und Ausgleichsanspruch gegenüber den Eltern mit der elterlichen Sorge —mit Schwerpunkt auf Fällen, in denen Lebensversicherungsgelder unrechtmäßig an minderjährige Kinder ausgezahlt wurden—, Korean Journal of Family Law 37-3 (in Korean).

Choi J.K. (2017), Concealment of past child-birth as ground for marriage cancellation, Korean Journal of Family Law 31-2 (in Korean).

Choi J.K. (2012), The Maintenance and Support Relationship among Multiple Parties -the legal nature of maintenance claim—, Korean Journal of Family Law 26-3 (in Korean).

on Insurance law

Choi J.K. (2020), Payment, Acknowledgement, Settlement by the Insured without the Liability Insurer's Consent and the Liability Insurer's duty of Insurance Payment —de lege ferenda of Article 723 of the Korean Commercial Code—, Juris 52 (in Korean).

Choi J.K. (2018), *Independent Guarantee and Guaranty Insurance*, Hanyang Law Review 35-4 (in Korean).

Choi J.K. (2018), Die Rechtsstellung des dritten Bezugsberechtigten bei Lebensversichrung –in Bezug auf die Anfechtungsklage gegen den Bezugsberechtigten–, Juris 44 (in Korean).

Han K.J. & Choi J.K. (2016), Study on the Legal Problems about the Export Financing Facility, Business, Finance & Law, 76 (in Korean).

Choi J.K. (2015), *A Study on the Duty to Disclose Other Insurance Contract*, Hanyang Law Review 32-1 (in Korean).

Choi J.K. (2012), On Insurer's Subrogation against People who Burdened the Insurance Premium, Business, Finance & Law 56 (in Korean).

on Animal law

Choi J.K. (2023), The Restriction of the Animal—abuser's Ownership on the Abused Animal—Legislative history of Animal Protection Act and de lege lata in Korean Civil Code—, Environmental Law and Policy 31—1 (in Korean).

Choi J.K. (2022), Korean Civil Code Amendment Draft on the Legal Status of Animal, Future Tasks of Civil Law for Animal Protection, and its Limit, Environmental Law and Policy 28 (in Korean).

on Trust law

Choi J.K. (2022), Legal Relationship of Copyright Trust from the Perspective of Civil Law —Supreme Court Decision 2004Da10756 Decided July 13, 2006 & Supreme Court Decision 2010Da1272 Decided July 12, 2012—, Justice 192 (in Korean).

Choi J.K. (2015), Forced Share and Trust, Juris 34 (in Korean).

on Law & Economics

Choi J.K. (2020), The Economic Analysis of the Creditor's Avoiding Power, Justice 177 (in Korean).

Ko H.S. & Choi J.K. (2014), Changes in Judicial Case Precedents at the Supreme Court of Korea: a Law and Economics Perspective, Journal of Private Case Law Studies 36 (in Korean).

on Environmental law

Choi J.K. (2024), Environmental Protection through Usufruct -Obligation Réelle Environmentale in French Law and Conservation Easement in American Law-, Journal of Comparative Private Law 107 (in Korean).

Choi J.K. (2018), *Preliminary Remedies in Environmental Litigation*, Justice 164 (in Korean).

on miscellaneous Civil-law Topics

Choi J.K. (2023), *Prior Waiver of the Defense of Extinctive Prescription -Introduction of the newly amended Swiss Code of Obligation 2020-*, Civil Law opening New Spring (Festschrift in honor of Prof. Jung Tae-Yoon and Prof. Jee Won-Lim) (in Korean).

Choi J.K. (2023), Judicial review on the discipline of religious organization against its members — The realm free from law? and prerequisite for autonomy—, Korean Journal of Civil Law 102 (in Korean).

Choi J.K. (2016), Der Rücktritt vom Abtretungsvertrag und der Schutz vom Schuldner, Justice 156 (in Korean).

INTERNATIONAL CONFERENCE PRESENTATIONS

Speaker, Contract Law and Insolvency Law -Continuity or Discontinuity?-, 4th SNU & U.Tokyo Civil Law Forum (2023).

Speaker, Secured Creditor in Bankruptcy Procedure & Rehabilitation Procedure - Korean Perspective-, 12th Annual Symposium of East Asian Association of Insolvency and Restructuring (2021).

Speaker, Methodology of Statutory Interpretation: Intention of 'Past' Legislator? or Intention of 'Current' Legislator?, Legal Theory and Interpretation in a Dynamic Society, The 7th Seoul-Freiburg Law Faculties Forum (2019).

Speaker, Korean Corporation Restructuring Promotion Act: Abolition or Improvement?, Big Company, Social Responsibility and Governance, SNU LAW & Renmin University of China Law School Joint Symposium (2019).

Speaker, Who should burden the risk of fire accident in the leased building, when the cause of fire not identified?, LAW INTO THE FUTURE: Perspectives from Asia, 15th Asian Law Institute Conference (2018).

Speaker, *Good-will trade in commercial lease : recent trend in Korean law*, Globalisierung und kulturelle Gegensätze im gegenwärtigen Rechtsstaat, 7. Trilateralen deutsch-japanisch-koreanischen Seminars (Hanyang University, Kansai University and Konstanz University Joint Symposium), (2016).

Speaker, Korean Civil Code Amendment Draft on Gift Contract, The current Legal situation in Japan and the Republic of Korea, Hanyang University and Chuo University Joint Symposium, (2016).

Speaker, Termination of Claim-Assignment Contract and the Protection of Debtor, Hanyang University and Kansai University Joint Symposium, (2016).

Speaker, "Past Accomplishments" and "Future Suggestions" about Comparative Law Study in Korean Civil Law, Die Erträge und die Defizite der rechtsvergleichenden Forschungen, 6. Trilateralen deutsch-japanisch-koreanischen Seminars (Hanyang University, Kansai University and Konstanz University Joint Symposium), (2014).

Speaker, Investigating Change in Judicial Case Precedents at the Supreme Court of Korea, Envisioning New Paradigm of Creative Economy, KLEA International Conference on Law and Economics, (2013)

PROFESSIONAL MEMBERSHIPS

Current:

Member, the Special Committee for Amending Family Law, Ministry of Justice

Review Board, Law Division 4 (Civil law/Commercial Law), Humanities and Social Sciences Research Center, National Research Foundation of Korea

Advisor to the Korean Delegation at the UNCITRAL Working Group V (Insolvency Law)

Member, Committee for Researching Constitution and Constitutional Court System, Constitutional Court of Korea

Member, Financial Supervisory Advisory Committee (Bank Division), Korean Financial Supervisory Service

Director, The Korean Association of Civil Law

Director, The Korean Law and Economics Association

Director, The Korean Society of Family Law

Director, Insolvency Law Institute of Korea

Director, The Korean Association of Private Law

Editor, The Journal of Property Law

Member, Academy of Private Case Law Studies

Past:

Member, Task Force on Legal-Tech, Ministry of Justice

Member, the Debtor-Rehabilitation and Bankruptcy Act Amendment Committe, Ministry of Justice

Member, Task Force for Improving Corporate Restructuring System and Amending Corporate Restructuring Promotion Act, Korean Financial Services Commission

Member, Task Force for Inspecting Corporate Restructuring System, Korean Financial Services Commission

Member, Financial Supervisory Advisory Committee (Insurance Division), Korean Financial Supervisory Service

Expert Member on Financial Dispute, Dispute Mediation Committee, Korean Financial Supervisory Service

HONORS AND AWARDS

Commendation 2024: Merit in Legislative Improvement Work

Ministry of Justice, Republic of Korea

Outstanding Academic Book 2024: Community and Law, (Pakyoungsa, 2023) (co-author) The National Academy of Sciences, Republic of Korea

13th Wigong Prize 2023

Korean Law and Economics Association

Outstanding Academic Book 2022: Contract law and Insolvency Law -Reading Insolvency Law from the Perspective of Civil Law-, (Kyungin Publishing, 2021) (sole author)

The National Academy of Sciences, Republic of Korea

Outstanding Academic Book 2022: Economic analysis of Civil Law, (Pakyoungsa, 2021) (co-author)

The National Academy of Sciences, Republic of Korea

6th Award for outstanding paper 2020: A Legislative Suggestion on the Heir's Qualified Acceptance of Succession, Separation of Inherited Property, Bankruptcy Procedure of Inherited Property, Seoul Law Journal 191, (2019)
Seoul National University Law Research Institute

23th Juridical Paper Award 2019: Preliminary Remedies in Environmental Litigation, Justice 164, (2018) Korean Society of Law

10th Award for outstanding paper 2017: Concealment of past child-birth as ground for marriage cancellation, Korean Journal of Family Law 31-2, (2017)
Korean Society of Family Law

Best Lecture Award 2017: Civil Law II, Civil Law III Hanyang University School of Law

Best Teacher Award 2016 Hanyang University School of Law

Best Lecture Award 2015: Civil Law I, Civil Law Practice I Hanyang University School of Law

Research Grant for Excellent Papers 2015: A Study on the Legal Problems arising when the Pledged Claim is seized by other general Creditors who have Claim against the Pledgor, Korean Journal of Civil Law 67, (2014)

National Research Foundation of Korea

Research Grant for Excellent Papers 2014: The Various Perspectives on the Default Rule in Contract Law, and their Implications, Korean Lawyers Association Journal 684, (2013)

National Research Foundation of Korea

10th Yulchon Academic Award for Junior Scholar 2014 Korean Civil Law Association

The President of JRTI Award 2005

The Judicial Research & Training Institute, Supreme Court of Korea

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