



Samuel Koh
Associate Director, Dispute Resolution

LL.B. (First Class Honours), National University of Singapore
LL.M. (International Legal Studies), New York University
Advocate and Solicitor of the Supreme Court of Singapore (2019)
Attorney and Counselor-at-Law in the State of New York (2022)
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ABOUT SAMUEL

Samuel acts for clients in a range of complex cross-jurisdictional civil and commercial disputes in various industries, and maintains an active litigation and arbitration practice. He has experience representing and advising clients in relation to all key modes of dispute resolution.

Samuel is dual-qualified, having been admitted as an Advocate and Solicitor of the Supreme Court of Singapore and also as an Attorney and Counselor-at-Law in the State of New York.

Samuel has appeared as counsel before the Singapore Courts and arbitral tribunals, and has acted as tribunal secretary in international arbitrations. Among others, he has successfully argued numerous interlocutory applications before Assistant Registrars and interlocutory appeals before Judges in the High Court of Singapore. He has experience in international arbitrations conducted under a variety of institutional and ad hoc rules (including the ICC, LCIA, SIAC and UNCITRAL Rules), and has notably independently conducted cross-examination in the merits hearing of a high-value international commercial arbitration matter.

Samuel graduated with a Bachelor of Laws with First Class Honours from the National University of Singapore (NUS) in 2016, having consistently placed near the top of his class in all his years at NUS while contributing actively to the student body by playing an active role in student government. He also holds a Master of Laws with a specialisation in International Legal Studies from New York University (NYU), where he represented NYU in the Willem C Vis International Commercial Arbitration moot as a team oralist, among others.

In 2023, Samuel joined the International Arbitration Practice Group of Wilmer Cutler

Pickering Hale and Dorr LLP in London as a Senior Associate on a six-month secondment, during which he acted for clients in a range of complex international commercial and investment treaty disputes.

In 2022, Samuel was selected by the Supreme Court for the Young *Amicus Curiae* Scheme, and was appointed Young *Amicus Curiae* in an appeal before the High Court in 2022 that raised novel issues of criminal procedure in the context of disposal inquiries. The Court broadly agreed with all his recommendations on the questions posed, and “thank[ed] Mr Koh for his comprehensive submissions that were of assistance to this court”: *William Lim Tien Hou v Ling Kok Hua* [2023] SGHC 18.

Before joining private practice in 2019, Samuel served as a Justices’ Law Clerk for the Chief Justice and Judges of the Supreme Court of Singapore, during which he undertook legal research and assisted in the drafting of decisions, among others. Noteworthy arbitration-related matters that he was involved in include the landmark Court of Appeal decision in *Swissbourgh Diamond Mines (Pty) Ltd and others v Kingdom of Lesotho* [2019] 1 SLR 263, which addressed important issues in investment treaty arbitration and public international law. Samuel was also previously a Deputy Public Prosecutor in the Criminal Justice Division of the Attorney-General’s Chambers.

Samuel is an Assistant Editor for Southeast Asia for the Kluwer Arbitration Blog, and is a member of the ICDR Singapore Committee, YSIAC, Young ICCA and ICC Singapore Arbitration Group. Samuel also volunteers with the Law Society of Singapore by serving on the Alternative Dispute Resolution Committee and contributing to the Criminal Legal Aid Scheme.

Samuel speaks English and Mandarin.

EXPERIENCE

Samuel has successfully handled a range of complex and high-value cross-jurisdictional civil and commercial matters, including in areas of LNG, mining, powerplant construction, banking and finance, sports, and trust. Some of the noteworthy matters which Samuel has acted in include:

International commercial arbitration

- Acted for a major US-incorporated oil and gas company in an arbitration commenced under the ICC Rules by a British multi-national oil and gas company, in a dispute arising out of the interpretation of an agreement for the sale and purchase of LNG. The agreement was governed by English law and raised issues of contractual interpretation as well as technical issues regarding the operation of a floating LNG facility.
- Acted for a Thai Ultra High Net Worth individual in an arbitration commenced under the ICC Rules against a Swiss-incorporated multi-national company (MNC), which is the world's largest food and beverage conglomerate, in a dispute arising out of the Swiss MNC's termination of the joint venture agreement in relation to the parties' coffee business in Thailand. The dispute involved claims amounting to US\$5.5 billion. The dispute raised issues of contractual interpretation under English law and corporate offences and economic torts under Thai law.
- Successfully acted for a Chinese government-linked company in an SIAC-administered arbitration commenced under the UNCITRAL Rules in respect of a dispute arising from the construction of a coal-fired supercritical thermal ultra-mega power plant located in India. The claims and counterclaims amount to more than US\$579 million, and involve English law, Singapore law and Indian law. The client was awarded US\$146million in damages. The matter also involves parallel proceedings seeking interim asset preservation relief before the Delhi High Court.
- Acting for a Chinese government-linked company in an arbitration commenced

under the SIAC Rules in relation to the same dispute arising from the construction of a coal-fired supercritical thermal ultra-mega power plant located in India. The client faces claims amounting to more than US\$509 million.

- Represented an international sports marketing, media and event management group in relation to disputes arising out of a master rights agreement entered into between the client and a football confederation regarding the sale and distribution of commercial rights in relation to football competitions organised by the confederation. Assisted the client in achieving a favourable outcome by helping to facilitate a settlement of the disputes under the master rights agreement that would have been referred to arbitration under the SIAC Rules.
- Served as tribunal secretary in an arbitration commenced in respect of a contractual dispute under the SIAC Rules and conducted in accordance with the expedited procedure under the SIAC Rules before a sole arbitrator.

Investment treaty arbitration

- Advised a Canadian investor in a potential dispute with the People's Republic of China (PRC), arising out of the PRC's alleged unlawful expropriation of the client's mining rights. The dispute involved breach of provisions of the Canadian-PRC Bilateral Investment Treaty, and the damages sought amounted to US\$200 million.

Arbitration-related litigation

- Successfully defended Shanghai Electric Group Co Ltd in a challenge brought by India's Reliance Infrastructure Limited before the Singapore International Commercial Court ("**SICC**"), preserving a US\$146 million SIAC award. The challenge was based on allegations that the underlying arbitration agreement was forged: see *Reliance Infrastructure Limited v Shanghai Electric Group Co Ltd* [2024] SGHC(I) 3. The decision of the SICC (which is a rare public judgment on an arbitration-related matter) has been affirmed by the Court of Appeal.

Litigation and other matters

- Successfully acted for a Chinese High Net Worth individual in proceedings before the Singapore High Court relating to alleged breaches of contract and trust alleged by a Chinese corporation. The client faced claims of breach of contract, trust and/or duties owed to the plaintiff, by allegedly failing to return sums in excess of S\$3 million. The High Court did not find in favour of the client at first instance. However, the team successfully overturned the first instance decision on appeal to the Appellate Division of the High Court: see *Ma Binxiang v Hainan Hui Bang Construction Investment Group Ltd* [2022] SGHC(A) 37.
- Successfully set aside a world-wide Mareva injunction before the Singapore High Court that was obtained by the Plaintiff against the client's assets (in excess of US\$20million), on the basis of the Plaintiff's failure to show a real risk of dissipation of the client's assets and an abuse of the Court's process.
- Acted for a Singapore-incorporated wholly owned subsidiary of a major banking institution, in a matter before the Singapore High Court involving claims in fraudulent misrepresentation and unlawful means conspiracy brought by retail investors against primarily banks who were the underwriters of investment notes issued to the investors. The claims are valued at SG\$35.75 million.

ACCOLADES

Benchmark Litigation Asia-Pacific 2024

"Samuel was very responsive to communications and built an excellent relationship with HKA and its experts. He was a pleasure to work with and very helpful in providing direction and clarity on instructions."

Benchmark Litigation Asia-Pacific 2023

"Samuel was on top of all the details and had a clear vision of how to progress the matters at the heart of the case."

APPOINTMENTS/MEMBERSHIPS

- Assistant Editor for Southeast Asia, Kluwer Arbitration Blog (2024-present)
- Member, International Centre for Dispute Resolution (ICDR) Singapore Committee (2024-present)
- Member, Alternative Dispute Resolution Committee, Law Society of Singapore (2020-2023)
- Member, YSIAC
- Member, Young International Council for Commercial Arbitration (ICCA)
- Member, ICC Singapore Arbitration Group
- Member, Singapore Academy of Law
- Member, Law Society of Singapore
- Member, New York State Bar Association