

TRAN HA HAN

- **BA - Ho Chi Minh City Law University, Vietnam**
- **LL.M - Ho Chi Minh City Law University, Vietnam**
- **Admitted to Ho Chi Minh City Bar, Vietnam**

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Partner

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Ms Tran Ha Han is the Head of Shipping Practice in Dzungsr & Associates LLC – Saigon Office. She has over 12 years’ experience covering a wide range of matters including all types of wet work and dry work such as Ship Arrest, Ship Finance, Shipping Litigation, Commercial and Enforcement Litigation, Debt Collection and Corporate Law.

She obtained her LL.M Degree at the Ho Chi Minh City - University of Law, which is ranked as the most prestigious law school in Vietnam.

As the Head of the Shipping Practice in Dzungsr & Associates LLC, she leads a team of 6 fee-earners including 3 Partners and 3 Associates. Ms Han has frequently represented the leading P&I Clubs, the world’s top multinational shipping lines, and various global trading companies in the cases relating to ship arrest, collision, allision, bills of lading, charterparties, sale and purchase of vessels, maritime insurance, limitation of liability, and general average. She has worked closely with cargo underwriters, H&M underwriters and their correspondents around the world and provided them with important advices, prompt assistances and strong supports on their daily works.

She has represented clients in many shipping, commercial and enforcement cases at various courts at provincial and high court levels and domestic arbitration in Vietnam.

The Legal 500 Asia Pacific in its publication 2018 describes her as “*a talented young lawyer*”.

YEARS OF EXPERIENCE

12 years

ACADEMIC AND PROFESSIONAL QUALIFICATION

- BA- Ho Chi Minh City University of Law, Vietnam
- LLM- Postgraduate in Economic Law - Ho Chi Minh City University of Law
- Admitted to the Ho Chi Minh Bar Association;
- Certificate for participating the course of “Introduction to International Arbitration Course” in Ho Chi Minh City organized by CI Arb in October 2018;
- Certificate for participating the PIDA training on international commercial arbitration of ICC, Ho Chi Minh City, Vietnam in April 2019;
- Certificate for participating in the workshop on “Case law in court trials – Comparison between common law and civil law systems and the application of case law in Vietnam”;
- Certificate for participating in the workshop on “Dispute resolution by arbitration”.

LANGUAGE

- English: Excellent
- Vietnamese: Native

NOTABLE MATTERS

Ship Arrest

- Assisted Korea P&I Club and the shipowner to release a ship arrested due to a collision with a total claim amount over USD 1.7 million;
- Assisted Japan P&I Club and the shipowner to release a ship arrested due to cargo damage and shortage with a claim amount over USD 1.5 million;
- Assisted a large bank in Singapore (the mortgagee) to release a ship under a wrongful arrest by an order on interim relief of local court with a total claim amount of USD 1 million;
- Assisted Japan P&I Club and the shipowner to negotiate with a local port owner to settle their claims with an amount over USD 800,000 and release the vessel after the vessel contacted the jetty of the local port owner;
- Assisted Gard (Norway) and the shipowners to release ships arrested under an in rem action of the cargo owner and cargo underwriter due to cargo shortage with total claim amount over USD 225,000;

- Assisted Japan P&I Club and the shipowner to release a ship arrested under an in rem action of the cargo underwriter due to cargo shortage;
- Assisted a foreign correspondent of Standard P&I Club to release a vessel after she contacted a cargo vessel in Hai Phong City, Vietnam; and
- Assisted a foreign correspondent of West of England P&I Club to release a ship arrested by a local court in Vietnam.

Insurance and Limitation of Liability

- Assisted Korea P&I Club and a local P&I underwriter in a complicated dispute with hundreds of non-cargo owners, cargo owners and cargo underwriters arising from a sunken vessel with the dispute value over USD 9 million; and
- Assisted a large retail company which has damaged cargoes in value of USD 5.7 million due to a fire incident to request for compensation from the cargo insurer being an Australia's global insurer – branch in Vietnam.

Allision, Rescue, General Average

- Assisted Gard P&I (Bermuda) Ltd and the shipowner to negotiate with a local buoy owner to settle their claims and release the vessel after she contacted a buoy in Go Gia river, Ho Chi Minh City;
- Assisted Korea P&I Club and the shipowner to work with the state competent authorities in Nha Trang to rescue the foreign crews injured on board of the vessel; and
- Assisted a local seafood company in a case relating to the contribution of general average (GA) handled by the adjuster Richards Hogg Lindley with the GA contributed amount of USD 215,000 due to cargo damages caused by a fire on board.

Ship Finance

- Assisted buyers and buyers' banks in various S&P and Shipbuilding deals worth over USD 127 million with Vinashin Hyundai shipyard in Nha Trang and its subsidiaries around Vietnam;
- Assisted a Scotland buyer in a S&P deal to take delivery of a ship from a local shipyard with a total value over GBP 12 million;

- Assisted a US buyer to acquire a floating dock in Nha Trang from a local seller with a value of USD 6.2 million;
- Assisted a Russian buyer in a S&P deal to purchase 02 vessels from a local shipowner with a total value of USD 2.5 million; and
- Assisted one of the world's largest dry bulk shipping companies in Germany on how to conduct transshipment services in Vietnam, restriction of Vietnamese law on cabotage activities in respect of the foreign shipping companies.

Shipping Litigation

- Represented an Australia's global insurer – branch in Vietnam in a lawsuit against a foreign shipowner due to an allision between the vessel and the jetty of a local port with total claim amount over USD 9 million at local court;
- Represented Korea P&I Club and the shipowner in a lawsuit initiated by a local shipowner due to a collision between two vessels with total claim amount over USD 2 million at local court;
- Represented North of England P&I Association Limited and the shipowner in a claim in tort against a local port with total claim amount around USD 600,000;
- Represented one of the world's largest shipping lines to work with local police in a criminal case relating to 100 kg cocaine in containers carried on a ship from Africa to Vietnam;
- Represented a local shipowner in a dispute over a bareboat charterparty against the charterers with total claim amount over USD 250,000 at the District Court of Ho Chi Minh City;
- Represented a Singapore company in an arbitration in VIAC to claim local company with an amount over USD 200,000 under a service agreement;
- Represented a shipowner in Hong Kong in a lawsuit against a local shipowner due to a collision with total claim amount over USD 180,000 at local court;

- Represented a foreign invested shipping line in Vietnam in a lawsuit initiated by a cargo owner under a bill of lading with a total claim amount of USD 100,000 at local court;
- Represented a Malaysia company in a lawsuit against ICD Phuoc Long port under a service agreement with a total claim amount of USD 50,000; and
- Represented a Chinese shipowner in a lawsuit initiated by a cargo underwriter due to a shortage claim with total claim amount of USD 32,000.

Commercial and Bankruptcy Litigation

- Represented foreign creditors in a complicated bankruptcy proceeding at local court against a local shipyard with total claim amount of hundreds of USD millions;
- Represented a famous French group in a court proceeding on disputes relating to the real estate lease agreement and development of supermarkets in Vietnam with total disputes value of USD 40 million;
- Represented a US company in a criminal case to recover the debt over USD 1.5 million from a Vietnamese company and relevant individuals;
- Represented various State-owned textile corporations in successfully achieving of Judgments issued by the court of Da Nang City and the appellate court of Supreme People's court in Da Nang City to accept our clients' claims against an American investment fund in a joint venture company in Vietnam;
- Represented a very large and famous French invested retailer in successfully achieving of a Decision issued by Head of the People's Procuracy of Can Tho City on agreeing to protest against a first instance judgment in accordance with the judicial review procedure over disputes relating to a real estate lease agreement and development of a series of supermarkets in Vietnam;
- Represented a BVI Company in relation to an investment dispute involving a Vietnamese company and a Vietnamese state authority;
- Represented one of the largest energy company of Russia in a litigation case at local court to recover a deposit of 200,000

USD under a contract of office lease with a large real estate company in Vietnam;

- Represented two very well-known Japanese mega-banks before the court of Vietnam relating to the payment under the performance bond issued by those banks to the Vietnamese parties in accordance with a construction contract of a paper pulp factory;
- Represented a very famous Japanese logistic company in a dispute relating to the lease contract of warehouse with a Vietnamese company; and
- Represented a Swiss company in a bankruptcy proceeding at the Vietnamese court with value of USD millions.

Enforcement Litigation

- Represented several international trading groups in relation to the recognition and enforcement of 07 foreign arbitral awards of ICA with US\$ multiple millions in value;
- Represented a Swiss client in seeking recognition and enforcement in Vietnam of three (03) arbitral awards of the Grain Feed and Trade Association (GAFTA). This marked the first time GAFTA awards were recognized and enforced in Vietnam;
- Represented a Singapore company in successfully achieving of a Judgment of Ho Chi Minh City court for the recognition and enforcement of the 1st adhoc award in the territory of Vietnam;
- Represented a famous Swiss group in successfully achieving various judgments issued by the first instance courts and the appellate court of the Supreme People's court in Ho Chi Minh City accepting for the recognition and enforcement of awards of the International Cotton Associations (ICA) in Vietnam;
- Represented a Swiss group in successfully negotiating and settling with a local company in respect of the judgment enforcement with an amount of around 1 million USD;
- Represented a BVI Company, operating in Hong Kong, in relation to the recognition and enforcement of a SIAC award of US\$ multiple millions in value; and

- Represented several Singapore companies in relation to the recognition and enforcement of a few institutional and ad-hoc arbitral awards.

Debt Collection

- Represented a global company specializing in interior architectural design in various claims against a large real estate companies in Vietnam under Interior Design Consultancy Agreements and successfully collected overdue debts over USD 500,000;
- Represented a Singapore energy company in a claim against a large local company to request for payment of DEM under a Coal Sale & Purchase Agreement with an amount about USD 1 million;
- Represented NVOCC Co., Ltd in a claim for storage charges and Mafi costs over USD 160,000 against a large construction company in the most significant project on anti-flood in Ho Chi Minh City with total investment capital about 10,000 billion VND (450 million USD) by the People's Committee of Ho Chi Minh City;
- Represented a Singapore shipowner in a claim against a local Charterer to request for payment of an overdue hire amount of USD 300,000 under a Charterparty;
- Represented London P&I Club and the shipowner in a claim against the local Charterer to request for payment of an overdue amount over USD 130,000 for off-hire and bunker consumption under a Charterparty;
- Represented a Germany company in a claim against a local buyer to request for payment of an overdue amount about 80,000 USD under a Sale and Purchase Contract of potatoes;
- Represented CVOCC (Hong Kong) and NVOCC (Vietnam) in claims for storage charges and other costs over USD 50,000 against the shippers under related bills of lading;
- Represented Korea P&I Club in a claim against the shippers due to cargo damage under the bills of lading with total claim amount over KRW 64,000; and
- Represented foreign invested Insurance company in a claim against a logistic company to recover an amount over USD 20,000 under a subrogation letter.

Real Estate and Corporate

- Advising Malaysia real estate group on various deals relating to the contribution capital contract and S&P contract of commercial residential houses for their projects in Vietnam;
- Advising a local individual on a S&P contract to buy a house from a local seller with total value of 100,000 USD; and
- Advising one of largest Chinese group of companies on labor issues such as: settling labor disputes, termination of labor contracts, etc.,

Professional Career

- **October 2011 to date**

Dzungst & Associates LLC – Branch in Ho Chi Minh City

- **October 2009 – June 2011**

Associate in DC Law

- **May 2009 – September 2009**

Legal counsel at Viet Luat Consultancy Co., Ltd

- **November 2008 - April 2009**

Assistant for General Director of Tiger Drylac Co., Ltd, an Austria company established in Vietnam