INAUGURAL SIARB NATIONAL ARBITRATION **CONFERENCE 2013**

The Golden Age of Arbitration – A Multi-Stakeholder Perspective



CONFERENCE OVERVIEW

The SiArb's inaugural National Arbitration Conference 2013 brings together various stakeholders in arbitration to dialogue on arbitration, as seen from different perspectives, with a view to bridge the gap between end-users, practitioners and the courts.

CONFERENCE OBJECTIVES

The Conference will explore key areas in arbitration at the heart of end-users concerns. Practitioners will share suggestions as to how to address these concerns. The Conference will also discuss input on the court's role in support of the growth of arbitration as an alternative dispute resolution mechanism.

Who Should Attend

- **Arbitrators**
- Consultants
- In-house counsels
- Lawyers
- Law academics
- Other professionals involved in arbitrations

GUEST OF HONOUR:



Ms. Indranee Rajah Senior Minister of State Ministry of Law and Ministry of Education



Practice Area: Alternative Dispute Resolution Training Level: General CPD Points: 6 Public CPD Points

DISTINGUISHED SPEAKERS

Mr. Mohan Pillay Managing Partner | MPillay Joint Head of Office | Pinsent Masons MPillay LLP

Ms. Audrey Perez

Head of Dept QSE & Maintenance | Dragages Singapore Pte Ltd

Mr. Peter Lalas

Principal Façade Engineer | Janus Facades Pty Ltd

Mr. Ho Chien Mien

Partner | Allen & Gledhill LLP

Mr. Raymond Chan Partner | Chan Neo LLP

Mr. Andre Yeap SC Senior Partner | Rajah & Tann LLP

Mr. Francis Goh

Partner | Harry Elias Partnership LLP

Mr. Steven Lim

Managing Director | Clasis LLC

Justice Quentin Loh
Judge | Supreme Court, Singapore

Prof. Lawrence Boo Head | The Arbitration Chambers

Mr. Alvin Yeo SC

Senior Partner | WongPartnership LLP









CLASIS LLC









CONFERENCE PROGRAMME

08:30	Registrations & Refreshments			
08:45	Arrival of Guest-Of-Honour Ms. Indranee Rajah Senior Minister of State Ministry of Law and Ministry of Education			
09:00 – 9:10	Opening Address by SIArb President Mr. Mohan Pillay Managing Partner MPillay; Joint Head of Office Pinsent Masons MPillay LLP			
09:10 – 9:55	Keynote Address: Ms. Indranee Rajah Senior Minister of State Ministry of Law and Ministry of Education			
09:55 - 10:30	Coffee Break/Networking			
ARBITRATION AS SEEN FROM THE END-USERS' PERSPECTIVE				
	In this session, the end users' perception and experience of arbitration will be explored. The panel will share key topics at the heart of end-users' concerns: The costs of arbitration, Conduct of arbitration, Issues and management of experts.			
10:30 – 10:45	Ms. Audrey Perez Head of Dept QSE & Maintenance Dragages Singapore Pte Ltd			
10:45 – 11:00	Mr. Peter Lalas Principal Façade Engineer Janus Facades Pty Ltd			
11:00 – 11:15	Mr. Ho Chien Mien Partner Allen & Gledhill LLP			
11:15 – 11:30	Mr. Raymond Chan Partner Chan Neo LLP			
11:30 – 12:00	Questions and Answers			
12:00 – 13:30	Lunch/Networking			
CURRENT DEVELOPMENTS IN ARBITRATION LAW				
13:30 – 14:00	Multiplicity of Proceedings and Third Party Issues in Arbitration This topic is one of the most challenging and arguably important contemporary areas of international arbitration. To what extent would arbitration agreements, arbitration proceedings and arbitration awards impact third parties? Globalisation has brought about an unprecedented level of sophistication in modern commercial transactions, resulting in less and less cross-border transactions being purely bilateral. It is increasingly common nowadays for multiple parties and multiple contracts to be involved in the implementation of a transaction, e.g. a construction project or a project finance arrangement. These contracts however may not always provide for arbitration, which typically only binds parties to the arbitration agreement. The talk will examine this topic as well as the current approach of the Singapore and Commonwealth courts, with reference inter alia to cases like Yeo Hong Pte Ltd v Tan Chye Hee Andrew (Ho Bee Development Pte Ltd, third party) [2005] 4 SLR(R) 398 as well as Car & Cars Pte Ltd v Volkswagen AG and another [2010] 1 SLR 625. Mr. Andre Yeap SC Senior Partner Rajah & Tann LLP			
14:00 – 15:00	Costs & Ethics in Arbitration This topic will address: Cost concerns in arbitration Is there a public interest in checking the explosion of costs? The role of tribunals, parties, and counsel in controlling costs Best practices in assessing and fixing costs Developing greater transparency and accountability in costs The role of SiArb The role of Singapore and Asian arbitrators as practitioners in thought leadership and as drivers of international arbitration developments. Mr. Steven Lim Managing Director Clasis LLC Mr. Francis Goh Partner Harry Elias Partnership LLP			
15:00 – 15:15	Questions and Answers			
15:15 – 16:00	Coffee Break/Networking			
THE COURT'S ROLE IN SUPPORT OF ARBITRATION				
16:00 - 16:25	Role of Courts in Supporting Arbitration Justice Quentin Loh Judge Supreme Court, Singapore			
16:25 – 16:50	Role of Courts – as seen from the Tribunal's perspective Most arbitrators expect minimal intervention and maximum support from domestic courts. What is 'intervention' and what ought to be properly construed as "support" may not always be clear and may even be different when seen from different perspectives. Should arbitrators be influenced by pre-arbitration court decisions arising from the same subject matter? Could res judicata or issue estoppel be raised if a court referring parties to arbitration made findings on the existence of the arbitration agreement or that a person is a party thereto? The answers to such questions may vary with courts of the seat of arbitration and courts from non-seat jurisdictions. Prof. Lawrence Boo Head The Arbitration Chambers			
16:50 – 17:15	The Court's Role in Support of Arbitration - What Do the Parties Want? While Singapore Courts have generally shown a great degree of judicial deference to the autonomy of arbitration, in limiting the extent of their intervention, the Honourable Chief Justice Sundaresh Menon (then Attorney-General of Singapore), at the Opening Plenary Session of the ICCA Conference in Singapore in June 2012, commented that recent international developments suggest a return to greater judicial oversight of arbitration. Has there been a change in the attitude of the Singapore Courts in light of those developments? When should the parties be turning to the Courts in respect of their arbitration proceedings? What is the balance that should be struck between ensuring arbitral finality and the need to protect parties against flawed arbitrations? Mr. Alvin Yeo SC Senior Partner WongPartnership LLP			
17:15 – 17:30	Questions and Answers			

ABOUT THE GUEST OF HONOUR, SPEAKERS & PANELLISTS



Ms. Indranee Rajah
Senior Minister of State | Ministry of Law and Ministry
of Education

Ms Indranee Rajah is the Senior Minister of State for Law and Education.

She was educated at Raffles Institution in Singapore, and read law at the National University of Singapore. She graduated with an LLB (Second Upper Honours) in 1986, and was admitted to the Singapore Bar in 1987. Ms Indranee joined the Singapore office of the UK law firm, Freshfields, in 1987 as a legal associate. A year later, she joined the Litigation department of Drew & Napier. She was made a junior partner of the firm in 1992, and admitted as a full equity partner in 1994. With the corporatisation of the firm in 2000, she became a director of the Dispute Resolution Department of Drew & Napier LLC. She was then appointed the Deputy Head of the Dispute Resolution Department, a post she held until October 2012.

Ms Indranee was appointed Senior Counsel by the Chief Justice of Singapore in January 2003. She has had an active practice as a trial lawyer. Her practice areas include cross-border disputes, corporate and commercial disputes and international arbitration.

Ms Indranee has also been the Member of Parliament for the Tanjong Pagar Group Representation Constituency [GRC] since 2001. She was Chairman of the Government Parliamentary Committees [GPC] for Law & Home Affairs [2004 to 2006], as well as Defence and Foreign Affairs [2006 to mid-2009]. She was elected by Parliament as one of the two Deputy Speakers of Parliament from 2006 to 2011.

As part of her portfolio at the Ministry of Law, Ms Indranee helms committees on the review for the law on homicide and promotion of pro bono legal work. She also co-chairs the Committees for Family Justice and the Singapore International Commercial Court with Justice V. K. Rajah. Together with the Chief Justice of Singapore, the Ministry of Law is also looking into the development of our commercial mediation sector.



Mr. Mohan Pillay
Managing Partner | MPillay
Joint Head of Office | Pinsent Masons MPillay LLP

Mohan Pillay is the Managing Partner of the Singapore law firm MPillay and Joint Head of Office of the Singapore Joint Law Venture of Pinsent Masons MPillay LLP. He is a Singapore

and UK qualified dispute resolution lawyer with over 25 years' experience in advisory, commercial litigation and regional arbitration work, particularly in construction and engineering projects.

Mohan is a Chartered Arbitrator and the first Review Adjudicator appointed under the adjudication regime in Singapore. He has acted as Arbitrator (both sole and presiding) and Mediator in a number of matters, both domestic and international

He is currently President of the Singapore Institute of Arbitrators, and Vice Chair of the Dispute Resolution & Arbitration Committee, Inter-Pacific Bar Association (IPBA). His recent past appointments include being Past Chair of both SCL (Singapore) and the International Construction Projects Committee, IPBA.

In addition to an active practice, Mohan has held teaching appointments as Adj. Assoc. Professor at the Faculty of Law, National University of Singapore (2003 - 2011) and Visiting Professor at the Centre of Construction Law & Dispute Resolution, King's College London, University of London (2005 – 2011). He is also one of the General Editors of Singapore Construction Adjudication Review.



Ms. Audrey Perez
Head of Dept QSE & Maintenance | Dragages Singapore
Pte Ltd

Audrey Perez is a Civil Professional Engineer graduated from Ecole Special des Travaux Publics (ESTP) in Paris and a Director in Dragages Singapore Pte Ltd. She joined Bouygues,

Dragages Singapore's Mother Company in 1994. She was transferred to Dragages Singapore in 1995 where she worked on Construction Projects, from site engineer until project manager. She covered Procurement, Design, Tendering, Construction and hand-over of milestone design and build projects for Dragages such as the Ritz-Carlton Hotel, The Fullerton Hotel, The Ladyhill-Limited Edition residences and several other projects. In 2002, she was called to join the management team to head two departments, Quality-Safety-Environmental Management and Completed Projects.

Her work includes taking over cases from projects when technical and legal issues are interlinked to prevent disputes and to facilitates a settlement when a dispute arises.

Lead auditor for Dragages and Bouygues, she audits locally and internationally

large projects and subsidiaries as well as Paris $\ensuremath{\mathsf{HQ}}$ on various construction management areas.

Throughout her corporate work, she endeavors to participate actively to several programs engineered by the BCA and MOM. She provides lectures as well for HDB, PSB, WSHC, SGBC and regionally. She writes in several local and international publications regarding various aspects of construction.

Audrey is a Fellow and Council Member of the SIArb and sat for four years as Council Member of the Society of Construction Law ("SCL"). She is a writer and regular speaker for that SCL and SIArb and the course leader for the SCL Engineering 101 (Construction course for non-engineers). She participates voluntarily and actively to various committees at both SIArb and SCL to help bridge the gap between Construction Law and actual Construction challenges. Audrey is an Arbitrator and chairs the Special Focus Committee for SIArb. She was lately appointed by BCA as BCA's Industry Ambassador for High Quality.



Mr. Peter Lalas Principal Façade Engineer | Janus Facades Pty Ltd

Peter Lalas is Principle Engineer, Façade Systems of Janus Facades Pty Ltd in the facade and remedial engineering disciplines. With more than 30 years of facade engineering experience, Peter has specialised in the design, manufacture

and installation of new and assessment of existing facades, including curtainwalls, doors and windows, skylights, cladding and precast.

Peter is a fully trained Arbitrator with extensive experience as an expert witness in façade related matters.



Mr. Ho Chien Mien
Partner | Allen & Gledhill LLP

Chien Mien's areas of practice encompass a wide range of contentious and non-contentious work in the areas of construction, engineering and infrastructure projects.

He sits on the main panel of arbitrators of the Singapore International Arbitration Centre and Kuala Lumpur Regional Centre for Arbitration. He is an Accredited Adjudicator with the Singapore Mediation Centre. He is also a Fellow of the Singapore Institute of Arbitrators and Accredited Arbitrator under the Law Society Arbitration Scheme.

Chambers Asia (2009) commends Chien Mien as being "(t)he obvious choice for building and construction work" and for being "really savvy from a commercial and legal point of view". According to Who's Who Legal Singapore, Chien Mien "is known for his 'formidable' litigation, arbitration and mediation experience, both at home and abroad" (2008) and a "top practitioner" (2012). The Asia Pacific Legal 500 (2007/2008) notes that "construction specialist Ho Chien Mien has a solid reputation" and that he "continues to be a leading light in construction disputes". He is also listed as a key practitioner for Project Finance, Infrastructure and Energy in Asialaw Profiles (2007), for Construction in The Asia Pacific Legal 500 (2009/2010/2011) and Who's Who Legal (2011/2012) and for Projects and Energy in Chambers Asia (2011).



Mr. Raymond Chan Partner | Chan Neo LLP

Raymond Chan is a Partner of Chan Neo LLP, a firm of Advocates and Solicitors. He is a Past President of the Singapore Institute of Arbitrators and a member of various

Arbitral Panels including the Panel of Arbitrators of the Singapore International Arbitration Centre, the National Electricity Market of Singapore, the Kuala Lumpur Regional Centre for Arbitration and the Singapore Institute of Architects.

He acts regularly for property developers, contractors and design consultants and has represented them as Counsel in the High Court as well as in domestic and international arbitrations. He was responsible for drafting the Standard Building Contract Forms for Private Sector Works – the REDAS Design & Build Conditions of Contract 3rd Edition and the 5th to 9th Editions of the Singapore Institute of Architects Conditions of Main Contract.

He is active as an arbitrator and has been appointed by the International Court of Arbitration of the ICC and by the Singapore International Arbitration Centre as Arbitrator in several international and domestic arbitrations. He drafted the Arbitration Rules of the Singapore Institute of Architects and the Arbitration Rules of the National Electricity Market of Singapore.

He has been the Course Director of the Fellowship Assessment Course conducted by the Singapore Institute of Arbitrators since 2011 and is listed in the 2012 Edition of the International Who's Who of Construction Lawyers as a Leading Construction Lawyer in Singapore.



Mr. Andre Yeap SC Senior Partner | Rajah & Tann LLP

As Senior Partner of Rajah & Tann LLP, Senior Counsel Andre Yeap also heads the firm's International Arbitration Practice.

With a diverse portfolio of international arbitration cases to his name, Andre has acted in several billion-dollar disputes, including one involving a steel plant, and another, a failed port venture, and other disputes involving a regional vehicle franchise, the development of hospitality resort project, hotel ownership and management, power plants, telecommunication systems, and underwater channels, and has also represented telecommunication giants such as AT&T.

Andre specialises in a broad range of corporate and commercial dispute work. Often acting for financial institutions, he also represented an insurance conglomerate in a dispute over a highly complex US\$220 million securitization transaction involving pulp and paper receivables, and had successfully restrained the execution and implementation of a series of collaterised equity leveraged loan securities backed notes in excess of US\$180 million.

He has also led some of the largest insolvencies in Singapore and the region, including the Lehman Brothers Group and MF Global Singapore and was responsible for the compulsory liquidation of Daewoo Singapore, with debts in excess of \$400 million.

In his varied practice, Andre was involved in some of the largest property disputes in Singapore, including the \$500 million en-bloc sale of Horizon Towers, and the \$550 million en-bloc sale of Gillman Heights. He also represented the Commissioner of Estate Duty in a dispute relating to the valuation of one of the largest estates in Singapore.

Andre also has a significant construction law practice. Apart from disputes relating to building projects, he has been involved in cases concerning the construction of vessels, oil rigs and a collapsed silo facility.



Mr. Francis Goh Partner | Harry Elias Partnership LLP

Francis graduated from the National University of Singapore in 1990 and was called to the Singapore Bar in April 1991. His areas of practice include advising clients on all forms of dispute resolution including litigation, mediation, arbitration

and negotiated commercial settlements with particular emphasis on management of risks and business processes. Francis also oversees the growing private client portfolio. He has participated in foreign courts, providing specialist views and advice on aspects of Singapore law.

Francis is an Accredited Principal Mediator of the Singapore Mediation Centre and a Fellow with the Singapore Institute of Arbitrators. He is also a Notary Public and Commissioner for Oaths. He previously served as the In-House Legal Counsel for the Singapore Sports Council. He is also an adjudicator on the FIDReC's panel.

As an undergraduate, Francis won top distinction in the Mallal Moots, an annual advocacy competition conducted by the National University of Singapore Law Faculty.



Mr. Steven Lim Managing Director | Clasis LLC

Steven Lim is the Managing Director of Clasis LLC, a Singapore law firm, working in association with Clyde & Co. Clasis LLC has obtained a licence to form a joint law venture with Clyde & Co. The initial law venture will be known as Clyde

with Clyde & Co. The joint law venture will be known as Clyde & Co. Clasis Singapore. Steven is Co-Managing Partner (Designate) of the joint law venture. Steven has more than 18 years' experience in disputes, particularly in arbitration, construction, shipbuilding, energy and oil and gas cases. He has represented clients in large and complex international arbitrations before several arbitral institutions, including the ICC, LCIA and SIAC and under the UNCITRAL rules. Steven also sits as an arbitrator. He is a member of the ICDR's International Panel of Arbitrators, the SIAC Panel of Arbitrators and the KLRCA Panel of International Arbitrators and sits as an arbitrator for ICC cases. Steven has been appointed an emergency arbitrator by the SIAC. He is a fellow of the Singapore Institute of Arbitrators.

Steven has experience with a broad range of commercial disputes covering private equity investments and M&A, banking, insolvency, hotel management, trading contracts, oil and gas and energy, offshore services and engineering, ship building and construction. In the construction field, he

has worked on building and engineering cases, including power, petroleum and petrochemical, road and rail and water management projects.

Steven has received recognition as a leading individual in international arbitration and in international dispute resolution in Singapore, Hong Kong and Asia-wide in the Chambers Global and Chambers Asia directories where he has been described as "a prominent counsel in arbitration", "is well known as high quality individual", "a pragmatic international arbitration professional who turns out quality work every time", "an excellent communicator - he identifies the salient issues to pursue and lets you know what the game plan is. He focuses people's minds on those issues", "meticulous, technically minded and excellent at assessing the merits of a client's position", and "well known for energy disputes, and commended as a lawyer who strives to better his understanding of client needs", and also in Asia Pacific Legal 500 and Global Arbitration Review.



Justice Quentin Loh
Judge | Supreme Court, Singapore

the Supreme Court of Singapore on 1 September 2009 and a Supreme Court Judge on 1 June 2010. Prior to his joining the Bench, he was the Deputy Managing Partner of Rajah & Tann LLP from December 2003 to 12 August 2009. He was a key member of its international arbitration group as well as head of the Construction & Projects and Insurance and Reinsurance practice groups. Prior to joining Rajah & Tann in 2001 as a member of its Executive Committee, he was Managing Partner of Cooma, Lau & Loh, a firm he co-founded in 1978. He was appointed Senior Counsel in 1999. Until his appointment as a Judicial Commissioner, he was also a director of Maxwell Chambers, a dedicated building for holding

Quentin Loh was appointed a Judicial Commissioner of



arbitrations.

Prof. Lawrence Boo Head | The Arbitration Chambers

Prof Lawrence Boo is the author of "Halsbury's Laws of Singapore Volume 1(2) - Arbitration" (Lexis-Nexis 2011 Re-issue), the chapter on Singapore in the book "International Handbook

on Commercial Arbitration" [Kluwer 1996, 2002 and 2011 Supplements] and the regular contributor to the "Annual Review of Singapore" chapter on "Arbitration" since 2001. His papers have also been published in various international journals including the Journal of International Arbitration, Asian International Arbitration Journal, Asia Business Law Review, Chinese Yearbook of Private International and Comparative Law (Peking University Press), Dispute Resolution Journal (London) and the Asian Business Lawyer (Korea University). He is on the editorial board of the Oxford International Arbitration Series, (Oxford University Press) and a General Editor of the Asian International Arbitration Journal.

The "UNCITRAL Digest on the Model Law on International Commercial Arbitration 2012" is his latest published work which he completed (with Prof Frederic Bachand and Dr Stefan Kroll) in July 2012.

Consistently ranked as one of Asia's most "in demand" "leading individuals" in international arbitration from 2008 to 2013, Prof Boo has sat as arbitrator in more than 200 cases in many jurisdictions and written numerous awards.



Mr. Alvin Yeo SC Senior Partner | WongPartnership LLP

Alvin Yeo, Senior Counsel, is the Senior Partner of WongPartnership LLP. Alvin has extensive experience as counsel in arbitration proceedings both in Singapore and in

the region, and also sits as arbitrator. Alvin graduated from King's College London, University of London, and is admitted to the English Bar (Gray's Inn) and the Singapore Bar. In January 2000, Alvin became the youngest lawyer to be appointed Senior Counsel.

He is a Fellow of the SIArb, a member of the Court of the SIAC, the ICC Commission on Arbitration, the Court of the LCIA, and on the panel of arbitrators of the ICDR, HKIAC, KCAB, KLRCA and SCIA. Among his publications, he is the co-author of the chapter on Singapore in the Asia Arbitration Guide (2nd edition). Alvin is recognised as a leading litigation and arbitration counsel in international legal directories such as The Legal 500, IFLR 1000, Chambers Global, Chambers Asia Pacific, PLC Which Lawyer, Best Lawyers, Asialaw Leading Lawyers, Asialaw Profiles, Expert Guides, and Who's Who Legal.

CONFERENCE REGISTRATION

Registrations close on Tuesday, 23 July 2013.

1. Please complete each section. 2. Please complete a separate form for each delegate 3. Return this form to: SIArb Conference Secretariat c/o Intellitrain Pte Ltd, Level 16, Malacca Centre, 20 Malacca Centre, Singapore 048979 or Fax to +65 31515797 (no 6 prefix)

1. CONFERENCE FEES:

	PLS TICK (√)	REGISTRATION FEES
SIArb Members		S\$380.00 Nett
Others		S\$500.00 Nett

Note:

Registration Fee includes attendance at the Conference, 2 coffee breaks Registration of ALL delegates starts at 8.30 am on 30 July 2013, before		ny.
2. DELEGATE DETAILS – Please complete all details		
Name (Prof/Dr/Mr/Mrs/Miss/Mdm):		
Name to Appear on Badge:		
Name and Mailing Address of Organisation:		
Designation:		
*Membership No.:	NRIC/Passport No.:	
*(Mandatory field for member)	•	
Please check if CPD points are required AAS no.	(fo	r practising lawyers requiring CPD Points)
Attendance Policy applies. For more information on the CPD Scheme, please visit www.sile	eCPDcentre.org.sg.	
Email:	Tel. No	
*(Email required for confirmation of registration)		
Please indicate any special dietary, medical or other requirements:		
Cheque Payment Details: Cheque payments should be made payable to "Singapore Institute of Arbit the closing date, Tuesday, 23 July 2013 Credit Card Details: (A surcharge of 1.75% will be applied to all payment made via credit card		th your completed registration form before
Mastercard/Visa Number:		[MM/YY]
Cardholder's Name:		
Telegraphic Transfer Details: Account Name: Singapore Institute of Arbitrators • Account Number: 20 Bank Details: United Overseas Bank Limited, 148 Upper Bukit Timah Fintellitrain.biz after the T/T has been done for our follow-up with the bank SUBSTITUTIONS, CANCELLATION & REFUNDS Equivalent substitute delegates (e.g. member for member or non-member for nin writing at least 5 working days in advance of such substitution. Cancellation and refunds may be made upon receipt of written notice, less had July 2013 – 50% refund; notice received after 23 July 2013 – no refund.	Road, UOB Centre, Singapore 58 The registration fee must be recommendated	38178. Please email us at <u>siarb_events@</u> ceived nett of all bank charges .
	ndling fee and bank service charge	es as follows: notice received on or before 23

FOR REGISTRATION ENQUIRIES For any enquiries on registration, please contact:

SIArb Conference Secretariat

c/o Intellitrain Pte Ltd

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