

YSIAC CONFERENCE 2017

Friday, 9 June | Maxwell Chambers, Singapore

EVOLUTION AND INNOVATION: KEEPING PACE WITH THE FUTURE OF ARBITRATION

7.45am – 8.30am Registration and Refreshments

8.30am – 8.45am **Welcome Address** by Mr Davinder Singh, SC, CEO, Drew & Napier LLC; Chairman, SIAC Board of Directors

8.45am – 9.15am **Keynote Address** by Mr Gary Born, Chair, International Arbitration Practice Group, Wilmer Cutler Pickering Hale and Dorr LLP; President, SIAC Court of Arbitration

9.15am – 9.30am **Introduction to “Speed Conferencing” Sessions**

9.30am – 10.00am Coffee Break

10.00am – 11.15am **SPEED CONFERENCING**

This is the conference version of “speed-dating”. There will be 10 sessions. Prior to the conference, delegates will be asked to select 3 sessions they would like to attend.

Each session will be an interactive discussion run by co-moderators on a “hot” topic in international arbitration. Each session will run for 20 minutes. Then a bell will ring and delegates will move to the next session (although the co-moderators will stay in the same place). Delegates will attend 3 sessions in total.

Supervising Moderator:

- Mr Duncan Matthews QC, *Barrister and Arbitrator, 20 Essex Street*

Co-Moderators:

- Topic 1 – Ms Yoko Maeda & Ms Tan Weiyi
- Topic 2 – Mr Koh Junxiang & Ms Julie Raneda
- Topic 3 – Ms Suegene Ang & Mr Rishab Gupta
- Topic 4 – Ms Deepa Somasunderam & Ms Shannon Tan
- Topic 5 – Mr Sunil Abraham & Ms Jeonghye Ahn
- Topic 6 – Mr Nicholas Lingard & Ms Priscilla Lua
- Topic 7 – Mr Andrew Battison & Ms Gitta Satryani
- Topic 8 – Mr Moazzam Khan & Ms Zoe Zhang
- Topic 9 – Ms Holly Blackwell & Mr Daryl Chew
- Topic 10 – Mr Jae Min Jeon & Ms Hazel Tang

11.15am – 11.45am Coffee Break

11.45am – 12.30pm **PLENARY SESSION 1**

CONCLUSIONS FROM “SPEED CONFERENCING” SESSIONS – PART I
Each co-moderator summarises the discussions in their sessions, and the issues raised and debated. Feedback will be followed by discussion and Q&A with the audience.

Moderator:

- Mr Duncan Matthews QC

12.30pm – 1.30pm Lunch Break

1.30pm – 2.15pm **PLENARY SESSION 2**

CONCLUSIONS FROM “SPEED CONFERENCING” SESSIONS – PART II
Each co-moderator summarises the discussions in their sessions, and the issues raised and debated. Feedback will be followed by discussion and Q&A with the audience.

Moderator:

- Mr Duncan Matthews QC

2.15pm – 2.30pm **Presentation of Essay Competition Prizes**

2.30pm – 3.30pm **GC PANEL SESSION**

THE GENERAL COUNSEL’S PERSPECTIVE ON THE FUTURE OF INTERNATIONAL ARBITRATION

General Counsel (“GC”) play an important, but oft-overlooked, role in shaping international arbitration. At the contract negotiation stage, GC are the ones determining whether an arbitration clause is incorporated into the contract, the applicable arbitration rules, whether it provides for a sole arbitrator or a three-member tribunal etc. At the initial stages of a dispute, before external counsel are engaged, GC are the ones undertaking the initial cost-risk-benefit assessment of the case and advising on pre-arbitration settlement efforts.

As legally-trained representatives of the end-users of arbitration, together with the management of the company and on the advice of external counsel, they can, among other things, help tailor-make the arbitral procedure of a case to ensure that it is time and cost efficient and meets the specific requirements of the case.

It is thus imperative in discussing the future of international arbitration, that GC are consulted, and that they make their voices heard.

Moderator:

- Mr Chelva Rajah, SC, *Managing Partner, Tan Rajah & Cheah; Member, SIAC Board of Directors*

Panellists:

- Mr Bhaskar Chandran, *Group President, Legal, GMR Group*
- Mr Cameron Ford, *Corporate Counsel, Rio Tinto*
- Ms Geraldine Lim, *Regional Legal Director, Heineken Asia Pacific*
- Ms Valerie Tan, *Country Head Legal, ABN AMRO*

3.30pm – 4.00pm Coffee Break

4.00pm – 5.00pm **DEBATE**

MOTION: THIS HOUSE BELIEVES THAT ARBITRATORS BECOME BETTER WITH AGE

In a society that chases after youth, the international arbitration industry has somewhat bucked that trend. Instead, experienced arbitrators, typically of some seniority in terms of age, are generally preferred over the more junior ones. In a multi-million dollar dispute, it is easier for counsel to recommend senior international arbitrators to their clients as party-nominated arbitrators, instead of younger arbitrators who are most likely cutting their teeth on their first few cases.

Age typically equates with experience.

This House Believes that Arbitrators Become Better with Age.

Moderator:

- Mr Darius J. Khambata, *Senior Counsel; Member, SIAC Court of Arbitration*

Speakers Arguing for the Motion:

- Ms Foo Yuet Min, *Director, Drew & Napier LLC; Member, YSIAC Committee*
- Mr Toby Landau QC, *Barrister and Arbitrator, Essex Court Chambers; Member, SIAC Court of Arbitration*

Speakers Arguing against the Motion:

- Mr Emmanuel Gaillard, *Head, International Arbitration Practice, Shearman & Sterling LLP; Member, SIAC Court of Arbitration*
- Mr Jern-Fei Ng, *Barrister, Essex Court Chambers; Member, YSIAC Committee*

5.00pm – 5.40pm **Q&A PANEL**

Moderator:

- Mr Darius J. Khambata

Panellists:

- Mr Emmanuel Gaillard
- Ms Foo Yuet Min
- Mr Jern-Fei Ng
- Mr Toby Landau QC

5.40pm – 5.45pm **Closing Remarks** by Ms Lim Seok Hui, CEO, SIAC

6.15pm **COCKTAIL EVENING**

Appendix A - List of Topics for Speed Conferencing

1. Confidentiality: keeping information confidential third parties in an era of greater transparency
2. Cross-examination and oral advocacy: the art of persuasion
3. Arbitrator conflicts of interests
4. Summary procedures and early dismissal of claims and defences
5. Third-party funding: its impact on security for costs and cost allocations
6. Privilege: choice of law issues
7. Interim relief from courts and tribunals: lessons learned
8. Contractual waivers of setting-aside rights: valid or not
9. Mediation and arbitration: friends or foes
10. Artificial intelligence & its impact on the future of arbitration