

2nd IPBA Asia-Pac Arbitration Day

JOINTLY HOSTED WITH KLRCA

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REGIONAL RESOLUTION GLOBAL SOLUTION

IPBA
INTER-PACIFIC BAR ASSOCIATION



Malaysian Bar Council CPD points: 6

KEYNOTE SPEAKER:
THE RT. HON. LORD
SAVILLE OF NEWDIGATE

LORD SAVILLE was Lord of Appeal in Ordinary from 1997 to 2010 with judgments spanning diverse areas of law, and was instrumental in the coming into force of the UK Arbitration Act 1996. In his keynote speech, he will address issues which are likely to define and shape the relevance of arbitration in the coming decade. Delegates will hear from him on topics which include, *"Appeals to the courts on questions of law (in the wider context of the relationship between the courts and arbitral tribunals); Confidentiality; Emergency arbitrators and the power to make orders in the absence of one of the parties."*

Lord Saville also chaired the *"Bloody Sunday"* inquiry concerning an incident where troops opened fire on civilians in Londonderry, Northern Ireland. The findings of this inquiry are available on the internet.



DATE

8 September 2016

VENUE

Auditorium, Kuala Lumpur
Regional Centre for Arbitration

Bangunan Sulaiman, Jalan Sultan Hishamuddin, 50000 Kuala Lumpur

TIME

9.00am–6.00pm

REGISTRATION FEE

RM636 Early Bird Special (inclusive of GST)



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PROGRAMME

- 8.00 am Registration
- 9.00 am Welcome Remarks by the Organising Chairman
Mohanadass Kanagasabai
- 9.15 am Keynote Address by The Rt. Hon. Lord Saville of Newdigate
- 10.15 am Coffee Break
- 10.30 am **Session 1: Guidelines: Their Legitimacy and Utility in International Arbitration**
- Panelists:*
Luke Parsons | Quadrant, UK
Andrea Martignoni | Allens, Australia
Khoo Guan Huat | Skrine, Malaysia
Kevin Prakash | Mohanadass Partnership, Malaysia
- 11.30 am **Session 2: Transparency in Arbitration Trumps Confidentiality**
- Panelists:*
Denis Brock | O'Melveny & Myers, Australia
Dato' Nitin Nadkarni | Lee Hishammuddin Allen Gledhill, Malaysia
Christopher To | Counstruction Industry Council, Hong Kong
Sudharsanan Thillainathan | Shook Lin & Bok, Malaysia
Ms Wendy Lin | Wong Partnership, Singapore
- 12.30 pm Lunch
- 2.00 pm Presentation on IPBA Annual Conference 2017 by
Denis McNamara | New Zealand
- 2.15 pm **Session 3: Expert Evidence**
- Panelists:*
Matthew Christensen | Bae Kim & Lee, Korea
Dhinesh Bhaskaran | Shearn Delamore & Co, Kuala Lumpur
Iain Potter | MDD, Singapore
Jeremy Joseph | International Malaysian Society of Maritime Law
Rodney Martin | Charlton Martin, Malaysia
- 3.30 pm Coffee Break
- 3.45 pm **Session 4: Best Practices in International Arbitration**
- Panelists:*
Blossom Hing | Drew Napier, Singapore
Gavan Griffith QC | Owen Dixon Chambers, Australia
Urs Weber-Stecher | Wenger & Viele, Switzerland
Hiroyuki Tezuka | Nishimura Asahi, Japan
Sanjay Mohanasundram | Mohanadass Partnership, Malaysia
- 5.00 pm Closing Remarks by Mohan Pillay | Pinsent Masons MPillay, Singapore
- 6.00 pm Cocktails

SESSIONS

Session 1: Guidelines: Their Legitimacy and Utility in International Arbitration

Virtually every reputable arbitral institute has come up with its set of guidelines on various aspects of arbitration. Which of these to choose and their potential legal impact and utility will be among the issues in this session. The session will include a discussion on the independence, impartiality and conflicts of interests in arbitration particularly the recent comments of the English Commercial Court in *W v M* 2016 EWHC 429 (Comm) on the IBA guidelines on conflict of interest arising from a dispute involving a Malaysian party.

Session 2: Transparency in Arbitration Trumps Confidentiality

This session will examine whether confidentiality is overrated as one of arbitration's strong points, and if arbitration is better served by embracing transparency. Issues for discussion will include communications between arbitrators, the use of Tribunal appointed secretaries or assistants and potential transparency issues this might create, parties access to arbitrator's appointment history and previous awards.

Session 3: Expert Evidence

Fact finders or advocates of their cause – An examination of how best to elicit the evidence of experts in an independent, effective, and non partisan manner with a view to achieving efficiency and cost benefits and key points in expert cross examination. The session will include a discussion on the CI Arb Protocol for the Use of Party-Appointed Expert Witnesses in International Arbitration; biased experts in arbitration; encouraging early interaction and conferencing between party appointed experts; the benefit of joint statements and giving concurrent evidence during the hearing; and the role of the expert from a maritime law perspective.

Session 4: Best Practices in International Arbitration

An interactive analysis of current issues in the arbitral process offering views from diverse cultural and legal backgrounds on best practices and navigating potential pitfalls. This session will examine best practices in arbitration including methods of reducing costs and time in arbitration including drafting the proper arbitration clause; mid-stream conferencing; crystallising issues after the exchange of the first memorials; confining disclosure with strict approach interim costs awards; directions on major issues to be dealt with in the Post Hearing Briefs, use of party-appointed experts as tribunal's experts at the last stage of the proceedings, Kaplan openings and experts' conclaves and examination.

For more information, please contact:

Paul Savuriar Tel: +603 2271 1000 Email: paul@klrca.org

REGISTER NOW!

Kindly complete the registration form as below and send it together with your payment by 5 SEPTEMBER 2016 via:

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Payment by bank transfer or account deposit must be evidenced by a copy of the bank-in slip or transaction reference and submitted with the registration form. Registration will be confirmed after receipt of payment. No cancellations allowed after confirmation but you may send another person to attend in your place. The organisers reserve the right to (1) postpone or change the timing and content of the programme and venue at any time; or (2) cancel the event at any time and under such circumstances, will refund the registration fee in full.

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