



JABATAN PERDANA MENTERI
BAHAGIAN HAL EHWAL UNDANG-UNDANG



ASIAN INTERNATIONAL ARBITRATION CENTRE

Supporting Organisations:



WORKSHOP ON THIRD-PARTY FUNDING LEGISLATION IN MALAYSIA: CHARTING A PATH FORWARD



Historically, the common law doctrines of maintenance and champerty are regarded as torts and crimes to safeguard the purity and sanctity of legal proceedings. The increasing costs to access justice have set the stage for the booming growth of modern litigation financing schemes such as third-party funding. While third-party funding enables greater access to justice, it inevitably opens room for officious intermeddling and undesirable control by third-party funders in the legal proceedings.

In Malaysia, given the absence of a specific governing framework, champertous contracts are often deemed null and void by virtue of the common law doctrine and public policy concerns. The time is ripe for Malaysia to consider liberalising the common law doctrine whilst ensuring that comprehensive regulatory, surveillance and ethical frameworks are put in place to ensure the sustainable and responsible growth of the third-party funding industry.



Tuesday
14th May 2024



10:00 a.m. - 4:00 p.m.
(MYT)



Seminar Room,
AIAC



By Registration



REGISTRATION

For more information, please contact
events@aiac.world or +603 2271 1000

PROGRAMME

10:00 - 10:15 a.m.

Opening Remarks by YB Dato' Sri Azalina Othman Said (*Minister in the Prime Minister's Department (Law and Institutional Reform), Malaysia*)



10:15 - 11:00 a.m.

Expert Presentation on Key Issues and Challenges Arising from Third-Party Funding in Malaysia



Mr Philip Koh Tong Ngee

Adjunct Professor, Faculty of Law, Universiti Malaya and Senior Partner at Mah-Kamariyah & Philip Koh

Dissecting the Key Aspects of the Third-Party Funding Practices

11:00 - 11:45 a.m.

Session 1: Eligibility, Statutory Criteria and Fiduciary Responsibility of A Qualified Funder



Ms. Kim M Rooney

Chair of the Hong Kong Law Reform Commission's Subcommittee for Third Party Funding of Arbitration (2013-2016)

11:45 - 12:30 p.m.

Session 2: Cultivating Funders' Professional Responsibility: The Importance of Code of Ethics and Guideline on the Best Practices



Professor Catherine A. Rogers

Department of Legal Studies, Bocconi University and the Co-chair of the ICCA-Queen Mary Task Force on Third Party Funding in International Arbitration

12:30 - 1:30 p.m.

Break

1:30 - 2:15 p.m.

Session 3: Disclosure, Conflict of Interests and Transparency Measures in Third-Party Funding Arrangements



Professor Victoria Shannon Sahani

Professor of Law, Boston University School of Law and Member of the ICCA-Queen Mary Task Force on Third Party Funding in International Arbitration

2:15 - 3:00 p.m.

Session 4: Funders' Liability in Arbitration Proceedings: Costs, Adverse Costs and Security for Costs



Dr Patricia Živković

Senior Lecturer in Law, University of Aberdeen

3:00 - 3:15 p.m.

Break

3:15 - 4:00 p.m.

Session 5: Access to Justice or Denial of Justice: The Role of Oversight and Regulatory Mechanisms in Third-Party Funding



Mr James Clanchy

London-based Independent Arbitrator, former Hon. Secretary of the London Maritime Arbitrators Association (LMAA) and former Registrar of LCIA

4:00 p.m.

End