



Public CPD Points: 1.5



Supporting Organisation:



## Policing the Arbitrators

Thursday, 15 July 2021, 6.00pm – 7.45pm

### About this Webinar

An arbitrator's duty to be impartial is at the heart of his or her role; and maintaining impartiality is essential to enable international arbitration to provide a fair process for resolving disputes. But what does this duty require, and how is it policed? The English Supreme Court case of *Halliburton v Chubb* has thrown a spotlight on the interaction between the duty of impartiality and disclosure, particularly in the context of arbitrators accepting multiple appointments, but this is not the whole story. In this webinar, our three eminent speakers bring experiences as counsel, arbitrator and arbitral institution that bear on this important topic to discuss:

- what it means to be “impartial”, and how this relates to “independence”;
- whether an arbitrator’s duty of impartiality should be equated with that of a judge;
- what recent authorities tell us about the duty of disclosure and impartiality, and how *Halliburton v Chubb* compares with decisions from other key jurisdictions (such as *BYL v BYN* [2020] SGHC 6);
- practical points for counsel/arbitrators to bear in mind when approaching questions of disclosure and conflicts of interest at different stages of a dispute (e.g., at the point of arbitrator appointment, during the arbitration, and at the enforcement or challenge stage);
- when an arbitrator’s conduct of the proceedings (as opposed to links to the parties or other participants) may cast doubt on his or her impartiality;
- the significance of “soft rules” such as the IBA Guidelines and grey areas that remain; and
- transparency and the role of the institution in policing the arbitrators.

### Webinar Programme

Webinar participants will be able to watch and listen to (via computer audio or telephone line) the video presentation and Q&A discussion on their screens, receive a PDF copy of the presentation slides, as well as participate in the Q&A discussion by sending in their questions to the moderator via text using the built-in Q&A function.

6.00 – 6.15pm	<b>Opening Remarks by Chairperson</b> <i>Mr. Chia Chor Leong – Arbitrator, Adjudicator, Mediator; Council Member, Singapore Institute of Arbitrators</i>
6.15 – 7.30pm	<b>Policing the Arbitrators</b> <i>Ms. Judith Gill QC - Arbitrator Member, Twenty Essex chambers</i> <i>Ms. Sarah Grimmer - Secretary-General, Hong Kong International Arbitration Centre</i> <i>Mr. Thio Shen Yi SC - Joint Managing Partner, TSMP Law Corporation</i>
7.30 – 7.45pm	<b>Q&amp;A Session</b>

### About the Speakers



**Ms. Judith Gill QC** is recognised as one of the leading practitioners in the field of international arbitration. She was a partner in the International Arbitration Group of the global law firm Allen & Overy for more than 25 years and was Head of the Group for 11 years. She has particular experience of projects (especially in the energy and infrastructure sectors), joint ventures, distributorships, investor protection disputes, insurance claims and construction disputes. Judith moved to Singapore in September 2015 and joined Twenty Essex in Singapore in May 2018. Since joining Chambers Judith has practised exclusively as an arbitrator. She has extensive experience, both as sole and as a member of a panel of three arbitrators, in matters involving construction disputes, energy contracts, manufacturing, distributorship agreements and other commercial agreements. In particular, Judith is regularly appointed as arbitrator in arbitrations conducted under the auspices of different institutions, including the ICC, SIAC, HKIAC, PCA and ICSID.

Judith is the immediate past President of the LCIA Court (the first female to be appointed to the position) and in April 2020 became vice president of the International Council for Commercial Arbitration (ICCA). She was only the second female solicitor-advocate to be appointed QC in England.



**Ms. Sarah Grimmer** is Secretary-General of the Hong Kong International Arbitration Centre responsible for its international dispute resolution services and operations from Hong Kong, Seoul, and Shanghai. She was formerly Senior Legal Counsel at the Permanent Court of Arbitration in The Hague where she administered inter-state, investor-state, and commercial arbitrations involving states or state-entities. Prior to joining the PCA, Sarah was a member of the Secretariat at the ICC International Court of Arbitration in Paris where she administered commercial arbitrations under the ICC Rules. She was also a member of the international arbitration group at Shearman & Sterling LLP in Paris, prior to which she worked in private practice in Auckland.

In 2021, 2020 and 2019, Sarah was recognized by Who's Who Legal as a Global Leader and Global Elite Thought Leader in arbitration. She is currently a member of the ICCA-ASIL Task Force on Damages (2016) and the ICCA Diversity Task Force (2019). She previously served on the Special Tribunal for Lebanon Disciplinary Board (2015-2017) and was a member of the IBA Investment Arbitration Subcommittee (2014-2016). Sarah has an LLM from Cambridge University and an LLB/BA (Criminology) from Victoria University of Wellington. She is admitted to practice law in New Zealand.



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**Mr. Thio Shen Yi SC** read law at St John's College, Cambridge University, graduating in 1991. He topped the English Bar Examinations, and was called to the Singapore bar in 1993. Since then, he has practiced exclusively in dispute resolution, primarily as counsel, and occasionally as arbitrator. He was appointed Senior Counsel in 2008 at 40 and elected a Master Benchers of The Middle Temple in 2016. He served as the President of the Law Society, and as Vice-President of the Senate of the Singapore Academy of Law from 2015-2016.

Shen Yi has been consistently recognised in leading law journals, such as Chambers Global, Asialaw Profiles, Legal500 Asia Pacific and most recently identified as a Leading Individual (Dispute Resolution) in the Legal500 Asia Pacific 2021 as well as Elite Practitioner (Dispute Resolution) in the Asialaw Leading Lawyers 2021. He was also named Litigation Star by Benchmark Litigation Asia-Pacific 2020.

### About the Chairperson



**Mr. Chia Chor Leong** is a Fellow of the Singapore Institute of Arbitrators and serves on its Council. He is a lawyer who has been in practice since 1981, specialising in commercial and corporate dispute resolution. He currently practises mostly as arbitrator, adjudicator and mediator.

Chor Leong is on the panel of arbitrators of the Singapore International Arbitration Centre, Singapore Institute of Arbitrators, Law Society of Singapore, Asian International Arbitration Centre, and a member of the International Chamber of Commerce's Singapore Arbitration Group. He is also a Senior Adjudicator and Principal Mediator accredited by the Singapore Mediation Centre, a Certified Mediator accredited by the Singapore International Mediation Institute, a Senior Mediator on the panel of The Law Society Mediation Scheme, and a Panel Mediator of the Singapore Construction Mediation Centre.

REGISTRATION CLOSING DATE: <u>12<sup>th</sup> July 2021</u>	FEES
<b>Membership</b>	<b>Regular Rate</b>
SI Arb Members	S\$ 40.00
Members of: Asia Pacific Institute of Experts (APIEx); Marine Offshore Oil & Gas Association (MOOGAS); Regional Arbitral Institute Forum (RAIF); Singapore Corporate Counsel Association; Society of Construction Law Singapore (SCL (S)); Singapore Chamber of Maritime Arbitration (SCMA); Singapore Institute of Architects (SIA)	S\$ 60.00
Others	S\$ 90.00

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Practice Area: **Alternative Dispute Resolution**  
Training Level: **General**  
Public CPD Points: **1.5**

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