



Public CPD Points: 1



With Thanks to our Sponsor:



SI Arb DEBATE 2019

“This House Believes That Arbitral Tribunals Should Appoint Their Own Experts As A Matter Of Course”

1 Marina Boulevard, NTUC Centre, Level 9 Room 903, Singapore 018989
Thursday, 5 December 2019, 5.30pm – 7pm

ABOUT THIS DEBATE:

Expert witnesses are a common sight in arbitration. From engineers and quantity surveyors in construction disputes, to bankers explaining complex financial products, to accountants and economists calculating losses, to lawyers opining on principles of an unfamiliar law, their evidence is crucial to many disputes. Their role is to give objective and professional expert opinions to assist the tribunal in resolving the dispute, but they are typically (at least in Singapore) selected and appointed by the parties and their legal teams.

In this debate, the Singapore Institute of Arbitrators invites you to consider whether expert evidence requires a shake-up. Should arbitral tribunals be using their powers to appoint their own experts much more often, either to supplement or as a replacement for the evidence of party-appointed experts?

Participants:

- For the motion: **Chloé Vialard** (*Associate, Shearman & Sterling*) and **Maximilian Benz** (*Senior Consultant, HKA*)
- Against the motion: **Nicholas Poon** (*Director, Breakpoint LLC*) and **Elan Krishna** (*Senior Associate, Clifford Chance Asia*)
- Moderator: **Richard Hayler** (*Partner, Deloitte*)
- Judges: **Shilppa Sabarinathann** (*Senior Accountant, Matson Driscoll & Damico*), **Kate Apostolova** (*Senior Associate, Freshfields Bruckhaus Deringer*) and **Wendy Lin** (*Partner, Wong Partnership*)

Join us for free flow of wines, beers, cocktails and mocktails after the event!

OBJECTIVE OF THIS DEBATE:

SI Arb’s mission includes the education of arbitration practitioners, the promotion of arbitration and the development of the profession of arbitrator, as well as providing social and networking opportunities for all those involved in arbitration in Singapore. The Institute is keen to play its part in helping younger practitioners develop their careers in arbitration.

Following the success of last year’s inaugural debate, we have again assembled a group of leading younger practitioners to elucidate an important area of practice. Whilst particularly aimed at younger practitioners, the debate is open to all.

PROGRAMME:

5.30 – 6.00pm	Registrations and Standing Buffet Reception
6.00 – 7.00pm	Debate On The Motion: “This House Believes That Arbitral Tribunals Should Appoint Their Own Experts As A Matter Of Course”
7.00 – 8.30pm	Networking Drinks

ABOUT THE DEBATERS:

	<p>Maximilian Benz - Senior Consultant, HKA</p> <p>Maximilian Benz is a Chartered Quantity Surveyor with over 7 years’ experience in the industry. Maximilian currently works in the construction disputes team at HKA advising a variety of client throughout APAC and further afield. Maximilian has held Commercial and Contract Management positions which has enabled him to become a specialist in facilitating the successful execution of a variety of projects employing various forms of contract. His experience encompasses projects from a variety of sectors including theme parks, airports, rail and large infrastructure to name a few.</p>
	<p>Elan Krishna - Senior Associate, Clifford Chance Asia</p> <p>Elan Krishna is a senior associate in Clifford Chance Asia’s International Arbitration and Dispute Resolution practice. Elan has acted for clients in a wide variety of high value and complex arbitration matters under the auspices of major international arbitral institutions, with a particular focus on arbitrations involving allegations of fraud, corruption or illegality. Elan has been recommended in Legal 500 Asia-Pacific 2019 with clients praising him as <i>‘relentlessly productive’</i>.</p> <p>He also has an active litigation practice centred on commercial appeals to the Court of Appeal. Elan speaks fluent Mandarin.</p>



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	<p>Nicholas Poon - Director, Breakpoint LLC</p> <p>Nicholas Poon is the founder of Breakpoint LLC, a specialist dispute resolution practice. He has represented clients as lead counsel at all levels of the Singapore Courts, including the Court of Appeal, and in arbitrations. His experience in international arbitration includes assisting the Singapore Courts in a number of leading arbitration decisions as a Justices' Law Clerk, and co-teaching the international arbitration course at Singapore Management University. Nicholas publishes regularly, and several of his works have been cited by the Singapore Courts and commentators.</p>
	<p>Chloé Vialard - Associate, Shearman & Sterling</p> <p>Chloé Vialard is an associate in Shearman & Sterling's International Arbitration practice. In September 2018, Chloé transferred to Singapore after having practiced 5 years in Paris. Her experience includes acting as counsel in international arbitrations concerning commercial, energy and construction disputes with Asian, European and African nexus. As a French qualified lawyer, Chloé also has experience in enforcement and annulment proceedings before French courts.</p>

ABOUT THE JUDGES:

	<p>Kate Apostolova - Senior Associate, Freshfields Bruckhaus Deringer</p> <p>Kate is a senior associate based in Freshfields' Singapore office and has experience in both international commercial and investor-State arbitrations. Recognized as one of the most highly regarded international arbitration practitioners in Asia, Kate has extensive experience representing clients in a wide-range of industries, including oil & gas, mining, nuclear power, construction, finance, technology. Kate is also on the committee of the Singapore International Arbitration Centre's young practitioners group.</p> <p>Kate previously worked as an associate at Cleary Gottlieb in New York City. Prior to that, she was a law clerk to the President of the International Criminal Tribunal for the Former Yugoslavia and a research assistant to the late Professor David D. Caron. Kate has a juris doctorate degree from the University of California, Berkeley School of Law, where she was editor-in-chief of the <i>Berkeley Journal of International Law</i>. She is admitted to practice in New York, before the Supreme Court of the United States and the Singapore International Commercial Court.</p>
	<p>Wendy Lin - Partner, Wong Partnership</p> <p>Wendy Lin is a Partner in the International Arbitration and Commercial & Corporate Disputes Practices at WongPartnership LLP. She is also presently the Co-Chair of the YSIAC Committee. Wendy has an active practice in a wide-array of high-value, multi-jurisdictional, and complex disputes, both before the Singapore Courts as well as in arbitrations conducted under various arbitral rules (including the SIAC, ICC, HKIAC, LCIA, UNCITRAL and ICSID rules). Amongst her many accolades, Wendy was selected as one of the four most highly-regarded litigation partners in Asia-Pacific under the age of 45 in the inaugural publication of <i>Who's Who Legal: Litigation – Future Leaders 2018</i>. She has also been recommended for both her dispute resolution and arbitration work by <i>The Legal 500: Asia Pacific</i>.</p>
	<p>Shilppa Sabarinathann - Senior Accountant, Matson Driscoll & Damico</p> <p>Shilppa is an accountant based in MDD's Singapore office where she specialises in disputes over loss quantum or the interpretation of financial reporting standards and GAAP. She has assisted in the preparation of numerous expert witness reports for disputes for court and arbitral proceedings involving parties from around the world. She is a Singapore-qualified Chartered Accountant and a Chartered Global Management Accountant. Shilppa is also regularly involved in assessing insured losses for domestic and international insurers and reinsurers and has quantified fidelity and business interruption claims in the telecommunication, financial services, professional services and resorts and casino industries.</p>



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ABOUT THE MODERATOR:



Richard Hayler - Partner, Deloitte

Richard is Deloitte’s lead partner for disputes and arbitration in Southeast Asia. A fellow of multiple societies, he is internationally recognized as a leading accounting, finance and valuations expert. Richard has previously lectured at Singapore Management University as Adjunct Faculty and currently helps set global valuation standards as a member of the Standards Review Board of the International Valuation Standards Council. Richard was formerly the treasurer of the Chartered Institute of Arbitrators Singapore Branch, a position he held for almost seven years. Richard is an ICAEW and ISCA Chartered Accountant and Chartered Alternative Investment Analyst.

REGISTRATION CLOSING DATE: <u>28 November 2019</u>	FEES (includes refreshments & materials, if any)	
	40 years old and below	Above 40 years old
Category		
SI Arb Members	S\$ 20.00	S\$ 40.00
Members of: Marine Offshore Oil & Gas Association (MOOGAS); Regional Arbitral Institute Forum (RAIF); Singapore Institute of Architects (SIA); Society of Construction Law Singapore (SCL (S))	S\$ 25.00	S\$ 50.00
Others	S\$ 30.00	S\$ 60.00

REGISTRATION FORM (Please use 1 form per participant)

I am a: (please select as appropriate)

- SI Arb Member MOOGAS Member RAIF Member SIA Member SCL (S) Member Others
- 40 years old and below Above 40 years old

Name (*Prof / Dr / Mr / Mrs / Ms): _____

Company: _____

Address: _____

Designation: _____

Tel: _____ Fax: _____ E-mail: _____

Check if SILE CPD points are required AAS/S36B FL no: _____

Mode of Payment (Please tick one): [] Cheque [] Cash [] Credit Card

❖ Please return the registration form below, together with your cheque or cash, if applicable, made payable to “Singapore Institute of Arbitrators” and mail to c/o Intellitrain Pte Ltd, 6 Eu Tong Sen Street, #05-07, Clarke Quay Central, Singapore 059817” or **Fax to (65) 6225 9426**.

❖ **Credit Card:** Please visit http://siarb.org.sg/index.php?option=com_content&view=article&id=193
Select Payment Category accordingly and enter payment details.

For further enquiries, please contact: Singapore Institute of Arbitrators

Tel: (65) 6551 2785

Fax: (65) 6225 9426

E-mail: secretariat@siarb.org.sg

Practice Area: **Alternative Dispute Resolution**
Training Level: **General**
Public CPD Points: 1

SILE Attendance Policy

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes arriving punctually, not leaving the activity before it has ended, and signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

REGISTRATION, REFUND & CANCELLATION POLICY

- Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
- SI Arb reserves the right to update or amend the details of the programme and/or the names of speakers without prior notice.
- No refunds will be made for cancellations or no-shows by those registered. If you are unable to attend the event, an equivalent substitute may attend in your place at no extra charge provided that at least 3 days prior written notice is given to SI Arb.
- We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
- By completing this form, you fully consent to the collection, use and disclosure of your personal data as appears in any form, document or electronic template, by SI Arb.