



Singapore Institute of Arbitrators  
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Practice Area: Alternative  
Dispute Resolution  
Training Level: General  
Public CPD Points: 4.5

# SI Arb

## Commercial Arbitration Symposium 2017 & Launch of SI Arb Third Party Funding Guidelines

Organised by the SI Arb Arbitration Bar Committee  
The Old Parliament House, 1 Old Parliament Lane, Singapore 179429  
Thursday, 16 November 2017 11.30 AM - 8.00 PM

### Symposium Format

The SI Arb Commercial Arbitration Symposium, now into its eighth year, provides a distinctive and interactive forum for participants to discuss current issues and developments in the field of commercial arbitration. This year, one of our sessions will provide a rare opportunity to discuss third party funding of disputes with representatives of five leading litigation and arbitration funders operating in Asia.

The success of the Symposium is based on the free-flowing discussion of current issues, suggested by delegates, under the moderation of the experienced co-chairs. Sessions 1 and 3 will feature no set speakers. Delegates will be invited to submit topics for discussion in advance. Delegates whose topics are chosen will be invited to introduce their topics, which will then be followed by an open discussion. The topics will be grouped into themes, but the titles of these sessions are not prescriptive; participants are encouraged to present questions on any topic relevant to the practice of commercial arbitration.

Our second session picks up on a theme which we debated in 2013, but for which the landscape has changed considerably, as both Singapore and Hong Kong have enacted reforms this year permitting third party funding in international arbitration. In Singapore, the legislation has been supplemented by guidelines drawn up by SI Arb, SIAC and the Law Society. This session will feature a panel of experts, including representatives of five leading funders from around the globe who will be in Singapore specially for this event, and will combine a moderated Q&A with questions and comments from the floor. Again, delegates are invited to submit their questions – with a focus on the recent developments in Asia and its implications for the legal profession and practice, the practicalities of handling disputes where third party funding is utilised, or any other issue related to litigation and arbitration funding.

The Symposium will conclude with a special reception to mark the official launch of the SI Arb Guidelines for Third Party Funders.

This year we return to the Old Parliament House, with the formal sessions of the symposium held in the atmospheric surroundings of the former parliamentary debating chamber. There are limited places available so as to maintain the efficiency of the format, so please register your interest early to save a seat.

### PROGRAMME

11.30am - 12.30pm	Registrations & Networking Lunch
12.30pm - 12.35pm	Opening Remarks by President of Singapore Institute of Arbitrators
12.35pm - 2.00pm	<b>Session 1: Arbitration – Conduct, New Rules, Trends and Arbitral Innovation, Practice &amp; Procedure</b> Co-Chairs: <ul style="list-style-type: none"><li>The Honourable Justice Vinodh Coomaraswamy - Supreme Court of Singapore</li><li>Mr. Mohan Pillay - Joint Head, Pinsent Masons MPillay LLP; Managing Partner, MPillay</li></ul>
2.00pm - 2.30pm	Coffee Break
2.30pm - 4.00pm	<b>Session 2: Third-Party Funding of International Arbitration in Asia – Current Issues and Implications for Practice</b> Chair: <ul style="list-style-type: none"><li>Mr. Andrew Pullen - Barrister, Fountain Court Chambers</li></ul> Panelists: <ul style="list-style-type: none"><li>Mr. Tom Glasgow - Investment Manager (Asia), IMF Bentham</li><li>Mr. Alain Grec - Co-Founder, La Française International Claims Collection, La Française IC Fund and La Française IC 2</li><li>Mr. James MacKinnon - Vice President, Burford Capital</li><li>Mr. Charlie Morris – Managing Director, Asia Pacific, Woodsford Litigation Funding</li><li>Ms. Kim M. Rooney – Chair of the Hong Kong Law Reform Commission's Sub-committee on Third Party Funding for Arbitration; Arbitrator, Barrister and Mediator, Gilt Chambers</li><li>Mr. Mark Wells - Managing Partner, Calunius Capital</li></ul>
4.00pm - 4.30pm	Coffee Break
4.30pm - 6.00pm	<b>Session 3: Tribunals and Courts – Jurisdiction, Power and Duties, Role of Courts, Support, Annulment and Enforcement</b> Co-Chairs <ul style="list-style-type: none"><li>Mr. Nicholas Lingard – Partner, Freshfields</li><li>Mr. Tay Yu-Jin – Partner, Mayer Brown; Chair, SI Arb Arbitration Bar Committee; Member, SI Arb Third Party Funding Guidelines Drafting Committee</li></ul>
6.00pm - 8.00pm	<b>Official Launch of the SI Arb Third Party Funding Guidelines and Cocktail Reception</b>

### Who should attend

Arbitrators, arbitration counsel, litigators, transaction counsel, in-house counsel, academics and members of the business community interested in current developments in commercial arbitration. There is no expectation of any particular level of arbitration experience, and participants at all levels are encouraged to attend and share their views.

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Panel Sponsors



## About Our Session Chairs



### **The Honourable Justice Vinodh Coomaraswamy - Supreme Court of Singapore**

Justice Vinodh Coomaraswamy was appointed to the High Court bench in 2012. His docket focuses on arbitration, company law, insolvency and complex commercial disputes.



### **Nicholas Lingard – Partner, Freshfields**

A partner at Freshfields, Nick is an experienced international arbitration counsel and advocate, and leads the firm's international arbitration practice in Asia. Nick has a particular focus on oil and gas and politically delicate negotiations in the energy sector, and leads probably the most active treaty arbitration practice in Asia, representing both investors and States, in high-profile, politically complex cases around Asia and the world. He also represents clients in commercial disputes across a variety of industries, under all the major arbitral rules, including ICC, SIAC, UNCITRAL, ICSID, HKIAC, AAA and NAI, and under all major systems of law. He also accepts appointments as arbitrator.



### **Mohan Pillay - Joint Head, Pinsent Masons MPillay LLP; Managing Partner, MPillay**

Mohan Pillay is a well-known figure in the Singapore arbitration community having contributed much of his time to arbitration institutions and initiatives. Most notable in the context of this year's Symposium, was his past appointment as Chair of the SI Arb Arbitration Bar Committee, where he oversaw the launch of the inaugural Commercial Arbitration Symposium. Mohan is a Fellow of SI Arb and a Chartered Arbitrator. He has been appointed Arbitrator (both sole and presiding) in domestic and international matters. He also appears regularly as Lead Counsel before the Singapore High Court and Court of Appeal. He is a Past President of SI Arb, and the current co-Chair of the Dispute Resolution & Arbitration Committee of the Inter Pacific Bar Association (2014 – 2018).

Mohan is the Joint Head of the Singapore Joint Law Venture, Pinsent Masons MPillay LLP, and Managing Partner of the Singapore constituent practice of MPillay. He is jointly qualified in Singapore, England and Wales and has some 30 years' experience in commercial litigation and regional arbitration work, particularly in construction and engineering projects.



### **Andrew Pullen - Barrister, Fountain Court Chambers**

Andrew Pullen is an experienced dispute resolution lawyer and advocate. He specialises in international arbitration, with experience of both commercial and investment treaty arbitration. He is a member of the Bar of England & Wales and is a registered foreign lawyer with the Singapore

International Commercial Court.

Prior to joining Fountain Court Chambers, Andrew practised for 15 years as a solicitor.

Andrew has extensive experience in both Asia and Europe, having been based in Singapore (since 2011) and previously in London. Andrew has acted for clients in Asia, Europe and South America across a variety of business sectors, including finance, energy, automotive, defence, utilities, steel, manufacturing, brewing and media. He has acted in cases determined under common law and civil law systems and held under a wide variety of arbitral rules (ICC, LCIA, SIAC, SCMA, SCC, JCAA, AAA, Swiss Rules, UNCITRAL, and ICSID), in London, Hong Kong, Singapore, Stockholm, The Hague, Tokyo, Washington D.C. and Zurich.



### **Tay Yu-Jin – Partner, Mayer Brown; Chair, SI Arb Arbitration Bar Committee; Member, SI Arb Third Party Funding Guidelines Drafting Committee**

Yu-Jin Tay is a partner in Mayer Brown's global International Arbitration practice. Based in Singapore, he has also practised international arbitration in Paris, London and Washington DC. He specialises in international arbitrations arising from joint venture, energy, infrastructure, natural resources and general commercial disputes, with experience of over 80 arbitrations under the rules of most leading arbitral institutions and in the world's major seats. Yu-Jin sits regularly as arbitrator in ICC, SIAC, LCIA, HKIAC, VIAC and ad hoc arbitrations. He is a Fellow and Council member of the Singapore Institute of Arbitrators, in which he chairs the Arbitration Bar Committee. Since 2001, he has had experience advising and representing investors and governments in investment treaty arbitrations. In 2013, he was designated to ICSID's Panels of Arbitrators and Conciliators. In 2011, Yu-Jin was featured in Global Arbitration Review's global 45 under 45 ranking. He is listed annually as leading individual in legal directories including GAR's International Who's Who of Commercial Arbitration (since 2010), Chambers Asia-Pacific and Asia-Pacific Legal 500 (since 2008), the Euromoney Guide to the World's Leading Experts in Commercial Arbitration (since 2006) and Benchmark Litigation.

## About our Speakers



### **Tom Glasgow - Investment Manager (Asia), IMF Bentham**

As Investment Manager (Asia), Tom Glasgow leads IMF Bentham's Singapore office. He is responsible for assessing and managing funded cases throughout Asia, including arbitration, litigation and insolvency claims in Singapore and Hong Kong.

Prior to joining IMF Bentham, Tom was a senior member of Allen & Overy's international arbitration and disputes practice in Asia, where he handled complex multi-jurisdictional commercial matters for leading global businesses across a range of sectors, including financial services, automotive, energy production, industrial manufacturing and construction. Tom has managed international arbitrations under most leading sets of institutional rules, seated in Hong Kong, Singapore, Tokyo, Manila and London, as well as

related court applications across various jurisdictions in Asia and elsewhere.

Before moving to Asia, Tom worked with the leading New Zealand firm, Russell McVeagh, where he represented local and multi-national clients in high-end commercial matters before the High Court, Court of Appeal and Supreme Court of New Zealand as well as in administrative, contentious regulatory and insolvency proceedings.

Tom holds dual degrees in law and international relations, and is a qualified lawyer in both New Zealand and Hong Kong. He has a strong interest in international disputes, litigation finance and the development of legal services. He frequently speaks and publishes on these topics.



**Alain Grec - Co-Founder, La Française International Claims Collection, La Française IC Fund and La Française IC 2**

Alain Grec co-founded, with Guy Lepage, La Française International Claims Collection and La Française IC Fund in 2009. He is also co-founder and Director of La Française IC 2 since

2016.

Prior thereto, Alain held various positions within the Natixis group, in particular that of Managing Director of its branch in Germany, of its commercial network "Europe", and finally as Development director of its Corporate and Investment Financing bank.

Since 2001, Alain is a "French Foreign Trade Advisor" (Conseiller du Commerce Extérieur), a French Government organization. He also lectures in various French university courses dedicated to international arbitration and is a member of the Task Force on Third Party Funding of International Arbitration Proceedings co-chaired by the ICCA – International Council for Commercial Arbitration – and Queen Mary University London. He's a graduate from INSEAD (Fontainebleau/Singapore) Business School.



**James MacKinnon - Vice President, Burford Capital**

James MacKinnon is a Vice President of Burford Capital and a key member of Burford's underwriting and investing team focused on Asia-Pacific, the UK and Europe.

A qualified solicitor in both the UK and Hong Kong, Mr. MacKinnon was a member of Herbert Smith Freehills' International Arbitration practice in Hong Kong. He is an expert on third party funding law in Hong Kong and Singapore, and was a participant in the Third Party Funding for Arbitration Sub-committee of the Hong Kong Law Reform Commission (LRC) He began his legal career at White & Case LLP in London and Hong Kong, and later worked with DLA Piper in Dubai. Mr. MacKinnon also served as Counsel in the Secretariat of the Hong Kong International Arbitration Centre (HKIAC). Throughout his career, he has advised corporate and individual clients on high-value, complex disputes in the oil and gas, construction, financial and real estate sectors.

Mr. MacKinnon received his law degree from Nottingham Law School and graduated from the University of Durham.



**Charlie Morris – Managing Director, Asia Pacific, Woodsford Litigation Funding**

Charlie is a lawyer with significant experience of handling high-value domestic and international arbitration and litigation, having practised previously at London disputes boutique Enyo International firm Addleshaw Goddard. He joined Woodsford Litigation Funding as a Senior Investment Officer in March 2016 and is primarily responsible for underwriting cases and negotiating and concluding funding agreements with claimants. Charlie also heads up Woodsford's Asia Pacific practice and is therefore charged with considering and dealing with any opportunities which arise out of the region."



**Kim M. Rooney – Chair of the Hong Kong Law Reform Commission's Sub-committee on Third Party Funding for Arbitration; Arbitrator, Barrister and Mediator, Gilt Chambers**

Kim Rooney is an international arbitrator and barrister, a member of the ICC International Court of Arbitration, and admitted to practise in Hong Kong, England & Wales and Australia. Kim was previously a partner of White & Case LLP heading its Asian international dispute resolution practice based in Hong Kong.

Kim chaired the Hong Kong Law Reform Commission's Sub-committee on Third Party Funding for Arbitration. The recommendations in its Final Report on Third Party Funding for Arbitration published in October 2016 formed the basis of the Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill 2016 passed by Hong Kong's Legislative Council in June 2017.

Kim's experience as arbitrator and counsel includes in disputes around the world in the banking and financial services, commercial, infrastructure, investment, IT and trade sectors, involving investors, state owned enterprises and states under ICSID, institutional and ad hoc arbitration rules.



**Mark Wells - Managing Partner, Calunius Capital**

Mark's professional career includes 20 years in investment banking, principally in the field of derivatives. Mark left the banking industry in 2006 when he became one of the founding partners of Calunius Capital with the goal of providing litigants with solutions to the financial risk of litigation and arbitration.

Mark's professional life has been spent in valuing contingent assets and there is no better example of a contingent asset than a claimant's rights in a piece of litigation or arbitration.

Mark's key focus at Calunius is the assessment of the financial and valuation aspects of the cases in which Calunius has the opportunity to invest.

Mark has a degree in Engineering from Cambridge University.

(Registrations close when capacity is reached or Thursday, 16 November 2017)

**SILE Attendance Policy**

Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. This includes signing-in on arrival and signing-out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. 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.org.sg/> for more information.

**IMPORTANT:**

1. Please complete each section and please complete a separate form for each delegate.
2. Return this form to: Singapore Institute of Arbitrators, c/o Intellitrain Pte Ltd, 6 Eu Tong Sen Street, #05-07, Clarke Quay Central, Singapore 068909  
Email: [secretariat@siarb.org.sg](mailto:secretariat@siarb.org.sg) Fax: +65 3151 5797 (no 6 prefix required) Tel: +65-6551 2785
3. 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 the Singapore Institute of Arbitrators.

**SYMPOSIUM**

Please tick as appropriate:

Registration Fees	Early Bird (valid until 30/9/2017)	Standard
SIArb Members	\$S\$200	\$S\$250
Members of: Marine Offshore Oil & Gas Association (MOOGAS); Regional Arbitral Institute Forum (RAIF); Singapore International Arbitration Centre (SIAC); Singapore Institute of Architects (SIA); Society of Construction Law Singapore (SCL (S))	\$S\$300	\$S\$350
Others	\$S\$400	\$S\$450

**NOTE:**

1. Registrations are open until capacity is reached or by Thursday, 16 November 2017.
2. Registration of ALL delegates starts at 11.30am on 16 November 2017, before the Symposium Opening.
3. Light lunch will be served during registration, starting at 11.30am.
4. Symposium Registration Fee includes attendance at the Symposium, light lunch and coffee breaks, and Cocktail Reception.

**DELEGATE DETAILS** (Please Complete All Details)

Name (Prof / Dr / Mr / Mrs / Miss / Mdm): \_\_\_\_\_

Name to Appear on Badge: \_\_\_\_\_

Name, Designation and Mailing Address of Organisation: \_\_\_\_\_

Member of:  SIArb  RAIF  SIAC  SIA  SCL(S)  MOOGAS  Others

Check if CPD points are required AAS no. \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)

SIArb Membership No.: \_\_\_\_\_ Email: \_\_\_\_\_

Tel number: \_\_\_\_\_ Please indicate any special dietary, medical or other requirements: \_\_\_\_\_

I will attend the Networking Lunch before the Symposium from 11.30am-12.30pm

I will attend the Official Launch of the SIArb Third Party Funding Guidelines and Cocktail Reception after the Symposium from 6.00pm

**QUESTION & TOPIC SUBMISSION**

The success of the popular Tylney Hall format of this Symposium requires the active participation of delegates and early submission of contributions for discussion. **Each delegate is expected to contribute at least 3 questions or topics for discussion during the Symposium.** There is no limit to the number of topics that you may contribute; **please email your topics or questions to [secretariat@siarb.org.sg](mailto:secretariat@siarb.org.sg)** indicating which session your topic is submitted for. Deadline for submission is **2 November 2017**.

Topic or Question for Session (state Session 1, 2 or 3)	
Question/Comment for Discussion:	
Topic or Question for Session (state Session 1, 2 or 3)	
Question/Comment for Discussion:	
Topic or Question for Session (state Session 1, 2 or 3)	
Question/Comment for Discussion:	

**PAYMENT DETAILS**

**CHEQUE PAYMENT DETAILS**

Cheque payments should be made payable to "Singapore Institute of Arbitrators" and arrive at the Symposium Secretariat office with your completed registration form before the closing date, 9 November 2017. Registrations will be on a first come first served basis and the Secretariat may have to turn away delegates after capacity has been reached.

**CREDIT CARD DETAILS**

Please visit <https://www.siarb.org.sg/index.php/events/193-payment-for-events>

Go under Payment for Other Events. Enter "SIArb Commercial Arbitration Symposium 2017" as name of event, your full name, and the amount payable as above. Click "Update" and enter your credit card details.

**TELEGRAPHIC TRANSFER DETAILS**

Account Name: Singapore Institute of Arbitrators Account Number: 208-308-736-8 SWIFT Code: UOVBSGSG

Bank Details: United Overseas Bank Limited, 148 Upper Bukit Timah Road, UOB Centre, Singapore 588178.

Please email us at [secretariat@siarb.org.sg](mailto:secretariat@siarb.org.sg) after the T/T has been done for our follow-up with the bank. The registration fee must be received nett of all receiving and paying bank charges.

**SUBSTITUTIONS, CANCELLATION & REFUNDS**

Equivalent substitute delegates (e.g. member for member or non-member for non-member) are welcome at no additional charge, subject to our being informed in writing at least 5 working days in advance of such substitution. Cancellation and refunds may be made upon receipt of written notice, less handling fee and bank service charges as follows: notice received on or before 16 October 2017 – 50% refund; notice received after 16 October 2017 – no refund.

**Disclaimer:** The Organising Committee is committed to staging a successful Symposium; however it reserves the right to cancel or postpone the Symposium, change its venue or any of the other details published.