

Singapore International Arbitration Academy

26 November – 14 December 2012, Singapore
National University of Singapore
Bukit Timah Campus

FULL PROGRAMME



Organised by:



Supported by:



AT A GLANCE...

PART 1: FOUNDATIONS		VENUE	TOPICS / ACTIVITY
Monday, 26 November	Day 1	NUS BTC	- Welcome Ceremony - General Theory and Introductions - Luncheon Speech
Speaker(s) of the Day		Attorney-General Sundaresh Menon, S.C., Mr. Gary Born, Mr. Philip Jeyaretnam, S.C.	
Tuesday, 27 November	Day 2	NUS BTC	- Arbitration agreements (separability, choice of law, validity (substantive/form), non-arbitrability, effects and enforcement, non-signatory issues) - Armchair Session: What Tribunals Look for in Counsel - Drinks Reception
Speaker(s) of the Day		Mr. Gary Born, Prof. Michael Pryles, Mr. Michael Hwang, S.C., Mr. Christopher Lau, S.C.	
Wednesday, 28 November	Day 3	NUS BTC	- Drafting Arbitration Agreements - Arbitral procedures (procedural law, selection/removal of arbitrators, evidence taking, arbitral procedures (within the arbitration))
Speaker(s) of the Day		Mr. Gary Born	
Thursday, 29 November	Day 4	NUS BTC	- Selecting Arbitrators - What Clients Expect of their Legal Counsel, Part 1 - Arbitral awards (effects/preclusion, annulment, recognition)
Speaker(s) of the Day		Mr. Gary Born, Ms. Veronica Lai	
Friday, 30 November	Day 5	NUS BTC	- Arbitral awards (effects/preclusion, annulment, recognition) (Cont'd) - 7 Minute Presentations Workshop
Speaker(s) of the Day		Mr. Gary Born	

PART 2: ETHICS AND CONFLICTS			
Monday, 3 December	Day 6	NUS BTC	- Ethics & Conflicts in International Arbitration - What Clients Expect of their Legal Counsel, Part 2 - Disruption of Arbitration (Challenges of Arbitrators)
Speaker(s) of the Day		Prof. Catherine A. Rogers Mr. Simon Cheong	

PART 3: DISRUPTIONS AND COURT INTERACTIONS			
Monday, 3 December	Day 6	NUS BTC	- Disruption of Arbitration (Challenges of Arbitrators)
Speaker(s) of the Day			Mr. John Savage
PART 3: DISRUPTIONS AND COURT INTERACTIONS			
Tuesday, 4 December	Day 7	NUS BTC	- Judicial Support of Arbitration (anti-suit injunctions, anti-arbitration orders and stays)
Speaker(s) of the Day			Ms. Hilary Heilbron, Q.C., Mr. Patrick G. Foy, Q.C.
Wednesday, 5 December	Day 8	NUS BTC	- The Role of Judicial Review in Arbitration - Enforcement (and Resisting Enforcement) of Awards - What Clients Expect of their Legal Counsel, Part 3
Speaker(s) of the Day			Ms. Hilary Heilbron, Q.C., Mr. Patrick G. Foy, Q.C., Mr. Andrew Lim
Thursday, 6 December	Day 9	Supreme Court	- The Courts and Arbitration: A Theory of Judicial Review
Speaker(s) of the Day			Lord Phillips of Worth Matravers, K.G. Supreme Court Judge of Singapore

PART 4: EXPERT EVIDENCE			
Wednesday, 5 December	Day 8	NUS BTC	- Expert evidence (duties of experts, relations between counsel and experts, ethical issues, etc.)
Speaker(s) of the Day			Prof. Catherine A. Rogers, Mr. David Saunders, Mr. Philip Fong
Thursday, 6 December	Day 9	Supreme Court	- Damages: The DCF Method of Valuation & Possible Abuses
Speaker(s) of the Day			Mr. David Saunders, Dr. Ivan Png

PART 5: ARBITRATION IN ASIA			
Thursday, 6 December	Day 9	Supreme Court	Arbitration in Asia: Regional Perspectives
Speaker(s) of the Day			Attorney-General Sundaresh Menon, S.C. , Mr. Harish Salve Ms. Ariel Ye

PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW			
Friday, 7 December	Day 10	NUS BTC	<ul style="list-style-type: none"> - Arbitration in Public International Law - Relations between Counsel and the Governmental Client - Working with external legal consultants and organising the State's response.
Speaker(s) of the Day			Sir Franklin Berman K.C.M.G, Q.C., Prof. S Jayakumar Lic. Hugo Perezcano, Mr. Larry Martin
Saturday, 8 December	Day 11	NUS BTC	<ul style="list-style-type: none"> - PRACTICE TRACK: Handout and Discussion of Oral Argument Problems - GOVERNMENT ADVISOR / INSTRUCTING SOLICITOR TRACK: Working with external advisors: Practical Issues - Plenary Session on the Counsel-Government Relationship
Speaker(s) of the Day			Mr. Christopher Thomas, Q.C., Prof. Robert Beckman, Lic. Hugo Perezcano, Mr. Larry Martin
Monday, 10 December	Day 12	NUS BTC	<ul style="list-style-type: none"> - Issues in ASEAN Investment Law - Practice and Procedure before International Investment Tribunals
Speaker(s) of the Day			Prof. Michael Ewing-Chow, Mr. Christopher Thomas, Q.C.
Tuesday, 11 December	Day 13	NUS BTC	<ul style="list-style-type: none"> - Recent Developments in Investment Treaty Law
Speaker(s) of the Day			Dr. Jürgen Kurtz, Prof. Andrew Newcombe
Wednesday, 12 December	Day 14	Shangri-La Singapore	THE 3RD ANNUAL SINGAPORE INTERNATIONAL INVESTMENT ARBITRATION CONFERENCE
PART 7: SKILLS DEVELOPMENT AND ADVOCACY			
Thursday, 13 December	Day 15	NUS BTC	<ul style="list-style-type: none"> - Conducting arbitration: the tribunal's view - The "School of Hard Knocks": Lessons from Counsel
Speaker(s) of the Day			Mr. Bernard Hanotiau, Mr. V.V. Veeder, Q.C., Ms. Gabrielle Kaufmann-Kohler, Mr. Daniel M. Price, Mr. Chelva Rajah, S.C., Mr. Vinayak Pradhan, Mr. Patrick G. Foy, Q.C.
Friday, 14 December	Day 16	NUS BTC & Shangri-La Singapore	<ul style="list-style-type: none"> - Oral Submissions - GALA DINNER & AWARDS CEREMONY

PROGRAMME

[Day 1] Monday, 26 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am	Welcome Ceremony Mr. Sundaresh Menon, S.C., Attorney-General of Singapore
9.30am	Overview of Course and Expectations
10.30am	<i>Morning Coffee Break</i>
10.50am	General Theory and Introduction SPEAKER: Mr. Gary Born
1.00pm – 2.30pm	Luncheon speech SPEAKER: Mr. Philip Jeyaretnam, S.C.
2.30pm - 4.30pm	<i>Continued ...</i> General Theory and Introduction A problem will be distributed to the Practice Track Participants who will make oral submissions during the “7 minute presentation workshop”, which will be held on Friday, 30 November 2012.

[Day 2] Tuesday, 27 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Arbitration agreements (separability, choice of law, validity (substantive/form), non-arbitrability, effects and enforcement, non-signatory issues)</p> <p>SPEAKER : Mr. Gary Born</p> <p>10.30am <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	Lunch
2.30pm – 4.15pm	<p><i>Continued ...</i> Arbitration agreements (separability, choice of law, validity (substantive/form), non-arbitrability, effects and enforcement, non-signatory issues)</p> <p>SPEAKER : Mr. Gary Born</p>
4.15pm – 4.45pm	<i>Afternoon Coffee Break</i>
4.45pm – 6.15pm	<p>Armchair Session: What Tribunals Look for in Counsel</p> <p>SPEAKERS: Prof. Michael Pryles Mr. Michael Hwang, S.C. Mr. Christopher Lau, S.C.</p>
6.15pm – 7.30pm	DRINKS RECEPTION

[Day 3] Wednesday, 28 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 11.15am	<p>Drafting Arbitration Agreements</p> <p>SPEAKER : Mr. Gary Born</p> <p>10.30am <i>Morning Coffee Break</i></p>
11.15am – 1.00pm	<p>Arbitral procedures (procedural law, selection/removal of arbitrators, evidence taking, arbitral procedures (within the arbitration))</p> <p>SPEAKER : Mr. Gary Born</p>
1.00pm – 2.30pm	Lunch
2.30pm - 4.30pm	<p><i>Continued ...</i> Arbitral procedures (procedural law, selection/removal of arbitrators, evidence taking, arbitral procedures (within the arbitration))</p> <p>SPEAKER : Mr. Gary Born</p>

[Day 4] Thursday, 29 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	Selecting Arbitrators SPEAKERS: Mr. Gary Born Prof. Catherine A. Rogers
1.00pm – 2.30pm	Luncheon Speech: What Clients Expect of their Legal Counsel, Part 1 SPEAKERS: Ms. Veronica Lai
2.30pm - 4.30pm	Arbitral awards (effects/preclusion, annulment, recognition) SPEAKER: Mr. Gary Born

[Day 5] Friday, 30 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p><i>Continued ...</i></p> <p>Arbitral awards (effects/preclusion, annulment, recognition)</p> <p>SPEAKER: Mr. Gary Born</p> <p>10.30am <i>Morning Coffee Break</i></p>
1.00pm - 2.30pm	Lunch
2.30pm - 5.30pm	<p><u>Practice Track Participants</u></p> <p>7-minute Presentations Workshop</p>

[Day 6] Monday, 3 December 2012	
PART 2: ETHICS AND CONFLICTS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Ethics & Conflicts in International Arbitration</p> <p>SPEAKER: Prof. Catherine A. Rogers</p> <p>10.30am <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	<p>Luncheon Speech: What Clients Expect of their Legal Counsel, Part 2</p> <p>SPEAKER: Mr. Simon Cheong</p>
2.30pm - 4.30pm	<p>Disruption of Arbitration (Challenges of Arbitrators)</p> <p>SPEAKER: Mr. John Savage</p>

[Day 7] Tuesday, 4 December 2012	
PART 3: DISRUPTIONS AND COURT INTERACTIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Judicial Support of Arbitration (anti-suit injunctions, anti-arbitration orders and stays)</p> <p>SPEAKER: Ms. Hilary Heilbron, Q.C.</p> <p>10.30am <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	Lunch
2.30pm – 4.30pm	<p>The Role of Judicial Review in Arbitration</p> <p>SPEAKER: Mr. Patrick G. Foy, Q.C.</p>

[Day 8] Wednesday, 5 December 2012	
PART 3: DISRUPTIONS AND COURT INTERACTIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 10.30am	Enforcement (and Resisting Enforcement) of Awards SPEAKERS: Mr. Patrick G. Foy, Q.C. Ms. Hilary Heilbron, Q.C.
10.30am	<i>Morning Coffee Break</i>
10.45am – 12.30pm	<i>Continued ...</i> Enforcement (and Resisting Enforcement) of Awards SPEAKERS: Mr. Patrick G. Foy, Q.C. Ms. Hilary Heilbron, Q.C.
12.30pm - 2.00pm	Luncheon Speech: What Clients Expect of their Legal Counsel, Part 3 SPEAKER: Mr. Andrew Lim
PART 4: EXPERT EVIDENCE	
2.15pm – 5.00pm	Expert evidence (duties of experts, relations between counsel and experts, ethical issues, etc.) SPEAKERS: Prof. Catherine A. Rogers Mr. David Saunders Mr. Philip Fong 3.30pm <i>Afternoon Coffee Break</i>

[Day 9] Thursday, 6 December 2012	
PART 4: EXPERT EVIDENCE	
VENUE	Supreme Court Singapore
9.30am – 12.00	<p>Damages: The DCF Method of Valuation & Possible Abuses</p> <p>SPEAKER: Mr. David Saunders Dr. Ivan Png</p> <p>10.45am <i>Morning Coffee Break</i></p>
12.00 – 1.30pm	Lunch at the Courts
PART 5: ARBITRATION IN ASIA	
1.30pm – 3.00pm	<p>Arbitration in Asia: Regional Perspectives</p> <p>SPEAKERS: Attorney-General Sundaresh Menon, S.C. Mr. Harish Salve Ms. Ariel Ye</p>
3.00pm	<i>Afternoon Coffee Break</i>
PART 3: DISRUPTIONS AND COURT INTERACTIONS	
3.30pm – 5.00pm	<p>The Courts and Arbitration: A Theory of Judicial Review</p> <p>SPEAKERS: Lord Nicholas Phillips Supreme Court Judge of Singapore</p>

[Day 10] Friday, 7 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Arbitration in Public International Law</p> <p>SPEAKER: Sir Franklin Berman K.C.M.G., Q.C.</p> <p>10.30am <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	Lunch
2.30pm - 4.30pm	<p>Working with external legal consultants and organising the State's response.</p> <p>SPEAKERS: Prof. S. Jayakumar Lic. Hugo Perezcano Mr. Larry Martin</p>

[Day 11] Saturday, 8 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 10.30am	<p>Two Breakout Sessions:</p> <p><u>PRACTICE TRACK:</u> Handout and Discussion of Oral Argument Problems COORDINATOR: Mr. Christopher Thomas, Q.C.</p> <p><u>GOVERNMENT ADVISOR / INSTRUCTING SOLICITOR TRACK:</u> Working with external advisors: Practical Issues COORDINATOR: Prof. Robert Beckman SPEAKERS: Lic. Hugo Perezcano Mr. Larry Martin</p>
10.30am	<i>Morning Coffee Break</i>
10.50am	Plenary Session on the Counsel-Government Relationship
1.00pm	Lunch
2.30pm - 4.30pm	Discussion of Oral Argument Problems

[Day 12] Monday, 10 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	Issues in ASEAN Investment Law SPEAKER: Prof. Michael Ewing-Chow 10.30am <i>Morning Coffee Break</i>
1.00pm – 2.30pm	Lunch
2.30pm - 4.30pm	Practice and Procedure before International Investment Tribunals SPEAKER: Mr. Christopher Thomas, Q.C.

[Day 13] Tuesday, 11 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 12.15pm	<p>Recent Developments in Investment Treaty Law (Part I)</p> <p>SPEAKER: Dr. Jürgen Kurtz</p> <p>10.30am <i>Morning Coffee Break</i></p>
12.15pm – 1.45pm	Lunch
1.45pm - 4.45pm	<p>Recent Developments in Investment Treaty Law (Part II)</p> <p>SPEAKER: Prof. Andrew Newcombe</p>

[Day 14] Wednesday, 12 December 2012

The 3rd Annual Singapore International Investment Arbitration Conference

VENUE: SHANGRI-LA Singapore

Arbitration Academy registrants given free admission

Can Investment Treaty Arbitration Be Improved?

Programme:

9:00-9:15: Welcome ceremony

9:15-10:30: Can investment treaty arbitration be improved and if so, in what ways?

Daniel M. Price, Daniel M. Price PLLC, Washington, D.C., USA
Sylvie Tabet, Department of Foreign Affairs and International Trade, Ottawa, Canada
Philippe Sands, Q.C., Matrix Chambers, London, UK

10:45-12:00: Should the institution of party-appointed arbitrators be done away with?

Sabine Konrad, K&L Gates LLP, Frankfurt, Germany
John Savage, King & Spalding LLP, Singapore
Peter Turner, Freshfields, Paris, France

12:35-1:30 Luncheon Speaker:

Mustaqeem De Gama

Director of Legal International Trade and Investment, Republic of South Africa

1:45-3:00: Is predictability and consistency of arbitral decision-making important? Is it attainable?

Mark S. McNeill, Shearman & Sterling LLP, Paris, France
Andrew Newcombe, University of Victoria, Canada
Jürgen Kurtz, University of Melbourne Law School, Australia
Michael Ewing-Chow, Centre for International Law, National University of Singapore

3:15-4:30: Are BITs and FTAs drafted with sufficient clarity to give guidance to tribunals?

Mark Feldman, Peking University School of Transnational Law, Shenzhen, China
Makhdoom Ali Khan, Fazle Ghani, Karachi, Pakistan
Bernard Hanotiau, Hanotiau & van den Berg, Brussels, Belgium

4:30-5:00: Wrap up "open floor discussion" and close of day

Drinks reception

[Day 15] Thursday, 13 December 2012	
PART 7: SKILLS DEVELOPMENT AND ADVOCACY	
VENUE	NUS Bukit Timah Campus
9.00am – 10.30am	<p>Conducting an arbitration: the tribunal’s view: Part 1</p> <p>SPEAKERS: Mr. Bernard Hanotiau Mr. V.V. Veeder, Q.C.</p>
10.30am	<i>Morning Coffee Break</i>
10.45am - 1.00pm	<p>Conducting an arbitration: the tribunal’s view: Part 2</p> <p>SPEAKERS: Prof. Gabrielle Kaufmann Kohler Mr. Daniel M. Price</p>
1.00pm - 2.00pm	Lunch
2.00pm – 3.30pm	<p>The School of Hard Knocks: Lessons from Counsel</p> <p>SPEAKERS: Mr. Chelva Rajah, S.C. Mr. Patrick G. Foy, Q.C. Mr. Vinayak Pradhan</p>

[Day 16] Friday, 14 December 2012	
PART 7: SKILLS DEVELOPMENT AND ADVOCACY	
VENUE	NUS Bukit Timah Campus
9.15am – 12.30pm	9.15am Oral Submissions 1 [Claimant & Respondent] 11.15am <i>Morning Coffee Break</i> 11.30am Oral Submissions 2 [Claimant]
12.30pm – 1.30pm	Lunch
1.45pm – 5.00pm	1.45pm Oral Submissions 2 [Respondent] 2.45pm <i>Afternoon Coffee Break</i> 3.00pm Oral Submissions 3 [Claimant & Respondent]
VENUE	Shangri-La Singapore
7.30pm	GALA DINNER & AWARDS CEREMONY