

CONFLICTS OF LAWS IN ARBITRATION & CONFLICTS OF INTEREST OF ARBITRATORS

FTSE Room, Capital Tower, Friday, 27 October 2006, 5.15 to 7.45pm

About this Seminar

The Law Society is pleased to present this seminar by two Queen's Counsel from Fountain Court Chambers who will discuss the common issues of conflicts of interests that confront arbitrators as well as current problems in relation to choices of law which arise in arbitrations.

This update is recommended for all lawyers who practise arbitration law, arbitrators, law academics, in-house counsel/legal officers who manage disputes for their organisations as well as experts who work closely with arbitrators and counsel in arbitrations.

Program Outline

5.15–5.30pm	Registration & Welcome Refreshments
5.30–5.35pm	Opening Remarks by Chairperson
5.35–6.20pm	Conflicts of Interest of Arbitrators <i>Mr. Michael Brindle QC - Joint Head of Fountain Court Chambers, Temple, London</i>
	<ul style="list-style-type: none"> ◆ Actual and apparent bias of arbitrators ◆ Lawyer-arbitrators and relations with professional and lay parties involved in the reference ◆ Lawyer-arbitrators and relations with other lawyers or firms involved in the reference ◆ Lawyer-arbitrators and relations with the advocates ◆ Lawyer-arbitrators and relations with business interests involved in the reference ◆ Lawyer-arbitrators and relations with arbitral bodies or associations ◆ Arbitration panel members and relations between each other ◆ Foreign elements involving conflicts ◆ Means of resolving conflict problems and court intervention ◆ The changing climate and the future
6.20–6.40pm	Networking Break
6.40–7.25pm	Current Problems In Relation to Choices of Law Which Arise In Arbitrations <i>Mr. Raymond Cox QC - Fountain Court Chambers, Temple, London</i>
	<ul style="list-style-type: none"> ◆ The law governing the agreement to submit to arbitration ◆ The law governing the reference to arbitration ◆ The law governing the arbitral proceedings ◆ The law governing the substance of the dispute <ul style="list-style-type: none"> ○ Express or implied choice of the parties ○ Choice by the arbitral panel ◆ Future developments
7.25–7.45pm	Question & Answer Session / Concluding Remarks

About the Speakers

Mr. Michael Brindle QC – Joint Head of Fountain Court Chambers, Temple, London



Practice

Work in the commercial/corporate sphere and in employment law. Emphasis on banking and financial services, company law, professional negligence in financial and commercial matters, insurance, arbitration and international trade. Experience in City-related matters, including litigation arising out of audits, take-overs and rights issues. Practice in chancery as well as commercial and common law courts.

Queen's Counsel: 1992
Call: 1975
Date of Birth: 1952

Other relevant experience

Sits as an arbitrator under City Disputes Panel rules

Notable cases (concise list)

Caparo v Dickman (1992)

Professional negligence

KAFCO v Trans-ammonia (1998)

Arbitration – restraint of trade

Lasma Exploration (Middle East) Ltd v BP Amoco Plc & anor (2000)

Arbitration



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State of Brunei v Jefri (2000)

Apparent or actual bias of judge

Barings v Coopers & Deloitte (2001-2)

Auditors' negligence

Customs & Excise v Barclays Bank (2003)

Freezing injunction and duty of care

Rank Organisation v Serena (2004)

Arbitration

HSBC v Fortis (2004)

Mutual Funds – Bahamas

Shell Oil Company and Equilon Enterprises v Oil Insurance Ltd (2005)

Arbitration

Lloyds v NCF Insurers (2005)

Arbitration

MTC/Celtel – Vee Networks (2006)

Arbitration

Philip Davis Trustee of The ABW Trust (2006)

Court of Appeal

Mr. Raymond Cox QC – Fountain Court Chambers, Temple, London



Practice

Broad Commercial and Common Law practice with an emphasis on reinsurance and insurance disputes of all types in courts and arbitration, banking including increasing regulatory work, professional negligence and disputes arising from commercial disputes of all types including audit, takeovers and mergers.

Queen's Counsel 2002

Call 1983

Date of Birth 1959

Fountain Court Chambers, London

Other relevant experience

Co author of **Private International Law of Reinsurance and Insurance** (to be published end 2006 by Informa LLP); and **Law of Bank Payments** (3rd ed., Sweet and Maxwell 2004)

Notable cases (concise list)

Sphere Drake v Stirling Cooke Brown 2003

Arbitrage on the Personal Accident LMX market

FSA investigation of split capital investment trusts (2005)

Insurance and regulation

FSA investigation of credit card charges (2005)

Banking and regulation

John Mowlem v Neil F Jones (2003)

Duty of care – solicitors

London Underwriting Ltd. v KPMG Peat Marwick (1993)

Audit of reinsurance

Astra v Stoy Hayward and Paine Webber (1998)

Merchant bank and professional negligence.

British Sugar v Babbini (2005)

Jurisdiction

About the Chairperson

Mr Thio Shen Yi – Joint Managing Director, TSMP Law Corporation; Chairman, Continuing Professional Development Committee

Thio Shen Yi is the Joint Managing Director of TSMP Law Corporation and heads its Litigation and Arbitration practice. He read law in St John's College, Cambridge University, graduating in 1991. He was admitted as a barrister in England in 1992, and was awarded first prize in the English Council of Legal Education Bar Examination that same year. His practice is in the area of commercial litigation, and he specialises in handling and advising on complex technical disputes, particularly in construction and engineering and information technology and forensic project disputes. Shen Yi is also active in corporate litigation and corporate restructuring and rescues. He is committed to the idea that a lawyer's professional development is a career long process that never ceases, and has served in the Law Society's Continuing Professional Development Committee since 1998, and as its Chairman since 2002. He also current serves as a Council Member of the Law Society.

The Law Society's vMCPD Scheme

Programme Category: Professional Practice

Training Level: Update

Practice Area: Category 4 (Dispute Resolution)

CPD Hours: 1 hour 30 minutes

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REGISTRATION FORM

<p style="text-align: center;">Venue: FTSE Room Level 9, Capital Tower 168 Robinson Road Singapore 068912 (Registrations will begin at 5.15pm)</p>	<p style="text-align: center;">Fee: S\$105.00 (Members of Law Society, SIAC, SI Arb & SCCA & employees of Singapore law practices)</p> <p style="text-align: center;">S\$ 168.00 (others) (includes 5% GST, materials & refreshments)</p>
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Name (Dr/Mr/Mrs/Miss/Mdm): _____

Name and Address of Law Firm/Law Corporation/Organisation: _____

Date of Admission: _____ Number of years in Practice: _____

AAS No: _____ NRIC/Passport No: _____
(Law Society Members) (Law Society Associate Members & Non Law Society Members)

Position in Law Firm/Law Corporation/Organisation: _____

Tel number: _____ Fax number: _____ Email: _____
(A valid email address is required for confirmation of registration.)

Law Society Member ☐ Employee of Singapore law practice ☐

SIAC Member ☐ SI Arb Member ☐ SCCA Member ☐ Other ☐

Mode of payment: **GIRO DDA** ☐ **Cheque** ☐ **Credit Card** ☐
(Only for law practices with GIRO accounts with the Law Society)

Credit card: Mastercard/Visa No. _____ Card Expiry Date: _____ (MM/YY)

Cardholder's Name: _____ Signature: _____
Kindly note that an administration charge of 3% is applicable for payments made via credit card.

Cheque payments should be made payable to **"The Law Society of Singapore"** & arrive at our office with the completed registration form on or before the closing date, **Friday, 20 October 2006**:

The Training & CPD Department
The Law Society of Singapore
39 South Bridge Road (S) 058673

For further enquiries, please contact
The Training & CPD Department at
Tel: (65) 6557 2747 Fax: (65) 6557 2751
E-mail: cpd@lawsoc.org.sg
CPD Portal: www.lawsociety.org.sg/CPD
Website: www.lawsociety.org.sg

REGISTRATION, REFUND & CANCELLATION POLICY

1. Registrations will be confirmed upon receipt of full payment accompanied by a duly completed registration form.
2. The Organisers reserve the right to refuse to register or admit any participant, and to cancel or postpone the course.
3. Substitute delegates are welcomed, subject to the Organisers being notified at least 2 working days before the course of the details of the substitute delegate.
4. The Organisers reserve the right to impose a cancellation fee in the event any registrant wishes to withdraw from the course after the registration closing date.
5. The Organisers will not entertain any request for a refund of fees made later than 24 hours before course commencement. However a confirmed registrant who has paid in full the course fees but does not turn up for the course will be entitled to collect a set of the materials provided.