

## [Webinar] To arbitrate or litigate, that is the question!



20 May 2021, Thursday (2.30pm – 4.30pm)

*This programme will be conducted as a webinar.*

Registration Fees	
Category	Fees (Inclusive of 7% GST and course materials)
Law Society Member	<del>\$64.20</del> Free*
SCCA Member	\$115.56
Non-Member	\$128.40



No. of Public  
CPD Points:  
**1.5**

Practice Area:  
**Civil Procedure**

Training Level:  
**General**

\*From 15 February to 30 June  
2021, webinars are free for all  
LawSoc Members.  
*Terms and conditions apply.*

## About the Programme

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Arbitration and litigation are areas which are commonly subject to preference. But which one is truly fit for purpose, serves its stakeholders (especially the parties) most effectively, which has greater predictability of outcomes, and represents the best value for money? These and other questions will be explored in a gloves-off debate where no sitting on the fence will be allowed, with opportunities for participants to engage with (and challenge) the speakers.

Putting the case for arbitration: Mark Mangan, Miranda Elvidge – Dechert LLP

Putting the case for litigation: Thio Shen Yi SC, Monisha Cheong – TSMP Law Corporation

Moderator: Celeste Ang - Principal, Baker & McKenzie.Wong & Leow

Debating topics include:

- Domestic vs international disputes – is one more suited to litigation than the other
- Jurisdiction – how it is established, its breadth and reach, including joinder and consolidation
- Applicable laws and rules – imposed by the state v party autonomy
- Rules of evidence and document production – getting to the truth
- Available remedies – can arbitrators match the power of the courts
- Procedural fairness and rules of ethics – getting the balance right
- Time and cost – including current and emerging funding options
- Public vs private – the importance of being discrete
- Finality vs appeals – what do parties really want
- Enforcement

## Programme Outline

Time	Programme
2.00pm – 2.30pm	<b>Registrants to log on</b>
2.30pm – 3.20pm	<b>Moderated debate on:</b> <ul style="list-style-type: none"> <li>· Domestic v international disputes</li> <li>· Establishing jurisdiction</li> <li>· Applicable laws and rules</li> <li>· Rules of evidence</li> <li>· Available remedies (final and interim)</li> </ul>
3.20pm – 3.30pm	<b>Break</b>
3.30pm – 4.15pm	<b>Moderated debate on:</b> <ul style="list-style-type: none"> <li>· Procedural fairness and ethical rules</li> <li>· Time and cost (including third party funding and contingency fees)</li> <li>· Public v private</li> <li>· Finality v appeals</li> <li>· Enforcement</li> </ul>
4.15pm – 4.30pm	<b>Q&amp;A and declaration of a winner!</b>
4.30pm	<b>End</b>

### Admin Note to Singapore Practitioners and s36B Foreign Lawyers in relation to the Mandatory CPD Scheme:

No of Public CPD Points: 1.5  
Practice Area: Civil Procedure  
Training Level: General

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 logging in at the start of the webinar and logging out at the conclusion of the webinar in the manner required by the organiser, and not being away from any part of the webinar 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.sg> for more information.

Note: In the course of the event, photographs/videos/interviews of participants could be taken/conducted by the Law Society or parties appointed by the Law Society for the purpose of post event publicity, either in the Law Society's official publication/website, social media platforms or any third party's publication/website/social media platforms approved by the Law Society.

## Speakers' Profile



### **Thio Shen Yi, SC - Joint Managing Partner, TSMP Law Corporation**

Shen Yi 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 Bencher 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 2020 as well as Elite Practitioner (Dispute Resolution) in the Asialaw Leading Lawyers 2020. He was also named Lawyer of the Year in the Benchmark Litigation Asia-Pacific Awards 2020.



### **Mark Mangan - Partner, Dechert LLP**

Mark Mangan is one of the leading arbitration lawyers based in Asia. He has appeared as counsel in over 50 cases, arising all around the world. Many of the cases have been ground-breaking; have often raised novel and complex issues requiring innovative solutions; and routinely involve some of the world's leading corporations, sovereign governments and state-owned entities. He is a co-author of a leading book on Singapore Arbitration, A Guide to the SIAC Arbitration Rules (Oxford University Press); has written over 40 published articles and book chapters on arbitration; and has taught arbitration and advocacy techniques at several universities and higher learning institutions. Mark also regularly sits as an arbitrator.



### **Monisha Cheong - Associate Director, TSMP Law Corporation**

Monisha is an Associate Director at TSMP Law Corporation, a leading boutique law firm in Singapore. As counsel, Monisha has represented clients in various complex and high-value international and domestic arbitrations (under the ICC Rules, SIAC Rules and Singapore Institute of Architects Rules) and in various arbitration-related Court proceedings (involving the ICC Rules and UNCITRAL Rules). Monisha is also a member of the YSIAC Committee for 2021-2022. Complementing her active arbitration practice, Monisha specialises in construction, infrastructure and engineering disputes, regularly acting for architects, employers and contractors at all levels of the Singapore Courts, as well as in adjudication proceedings. In addition to her active litigation and arbitration practices, Monisha also has a dynamic cross-border white-collar crime practice, acting on behalf of ultra-high-net-worth individuals, state-owned enterprises and foreign-domiciled companies to safeguard their interests.



**Miranda Elvidge - Associate, Dechert LLP**

Miranda Elvidge is an associate in Dechert's Singapore International Arbitration team. She has experience working on a range of matters, including in the oil and gas, construction, sports and pharmaceutical sectors. Notable cases include one of the very first third party funded arbitrations in Singapore and two multi-billion dollar Asian LNG price review arbitrations which established important precedents in the Asian LNG industry. Miranda is English-law qualified and, prior to joining Dechert, completed her training contract at a leading London firm.



**Celeste Ang - Principal, Baker & McKenzie.Wong & Leow**

Celeste Ang's practice encompasses corporate litigation and arbitration, both domestic and cross-border. Celeste has represented a broad range of multinational clients across various industries in domestic and international arbitrations administered under major institutional arbitral rules, and in court proceedings. She also has significant experience advising clients on compliance and regulatory issues in the context of cross-border investigations, and on a wide range of employment and employment-related issues, with a focus on contentious or potentially contentious issues including termination of employment, dismissal, retrenchment, breach of fiduciary duties and enforcement of restrictive covenants and confidentiality provisions. Celeste has represented employers on employment and employment-related disputes in the Singapore courts as well as in arbitrations and mediations. Celeste is ranked by Chambers Asia Pacific and Legal500 in the area of employment. She is described as "very smart, very innovative - a good example of someone who thinks outside the box" and "very technically competent, very thorough and very responsive" by clients.

## Registration

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To register, please visit our website at: <https://www.lawsociety.org.sg/CPD-Portal/Law-Society-Events>. For enquiries, please contact us at [cpd@lawsoc.org.sg](mailto:cpd@lawsoc.org.sg) or 6530-0225.

### 1. Terms and Conditions

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- 1.1. **"Free" registration tickets are extended only to Law Society of Singapore Members.**  
**Note: Other employees of law firms are not eligible**
- 1.2. **"Free" Registration tickets are strictly non-transferable.**
- 1.3. **If a Member is found to have lapsed in attendance of 3 free webinars, without cancellation of registration at least 3 working days prior to the event, their subsequent free registrations will be rejected and the usual registration fee will apply. Strictly no exemptions will be considered.**
- 1.4. Registration closes on the date as stipulated on the registration page or when all seats are filled.
- 1.5. Allocation of seats is on a first-come-first-served basis and there are limited seats for each programme.
- 1.6. The registration fee is due and payable upon registration and must be received prior to the programme.
- 1.7. Payment must be made by the closing date stated. Registration will only be confirmed upon receipt of full payment.
- 1.8. The Law Society reserves the right to refuse to register or admit any participant, and to cancel or postpone the programme.
- 1.9. For paid registrations, a substitute delegate is welcome, provided that The Law Society is notified in writing of the substitute delegate's name and particulars at least 3 working days before the programme. Substitution of registrant is not applicable for "Free" registration tickets.

### 2. Cancellation and Refund of Fees

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- 2.1. Participants who cancel their registration before the commencement date shall be liable to pay the percentage of the registration fee set out as follows:
  - i. 20 calendar days before commencement date: 25% of registration fee.
  - ii. 8 to 19 calendar days before commencement date: 50% of registration fee.
  - iii. 7 calendar days or less before commencement date: 100% of registration fee.
- 2.2. Participants who cancel their registration without prior payment shall also be liable to the cancellation fee set out in 2.1. In the event that the payment for cancellation fee is not received despite multiple chasers, a tax invoice will be issued and mailed to your law practice/organisation.
- 2.3. Participants who are unable to attend the programme due to medical exigencies will be subject to a cancellation fee of 50% of the registration fee.