

Jointly Organised



# [In-person] The Singapore Convention on Trial: A Live Enactment of An Application to Set Aside a Mediated Settlement Agreement under the Convention

PART OF



SINGAPORE  
CONVENTION  
WEEK 2023



30 August 2023, Wednesday  
3.00pm – 5.30pm



Maxwell Chambers  
*Jubilee Room I and II*  
32 Maxwell Road  
Singapore 069115



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

Practice Area:  
**Alternative  
Dispute  
Resolution**

Training Level:  
**General**

## About the Programme

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Article 5 of the Singapore Convention provides that relief may be refused if there is proof of, *inter alia*, (i) a serious breach by the mediator of standards applicable to the mediator or the mediation without which breach a party would not have entered into the settlement agreement; and (ii) a failure by the mediator to disclose to the parties circumstances that raise justifiable doubts as to the mediator's impartiality or independence and such failure to disclose had a material impact or undue influence on a party without which failure that party would not have entered into the settlement agreement.

For the first time, and in conjunction with Singapore Convention Week, we will witness a live enactment of an application to set aside a mediated settlement agreement.

During the Moot, we will hear Counsel make submissions for and against the application to refuse relief pursuant to Article 5(1)(e) and (f) of the Singapore Convention. Counsel will submit on the standards applicable to the mediator; as well as the mediator's duties to disclose circumstances that would raise justifiable doubts as to the mediator's impartiality or independence.

The audience will gain knowledge of the law and procedure related to a contested application for enforcement under the Singapore Convention.

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

No of Public CPD Points: TBC  
Practice Area: Alternative Dispute Resolution  
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, participants are reminded to sign in on arrival and sign out at the conclusion of the event in the manner required by the organiser. Participants must not be absent from the event 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.

## Programme Outline

| Time               | Programme                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.30pm – 3.00pm    | <b>Registration</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3.00pm – 3.05pm    | <b>Welcome &amp; Introduction</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.05pm – 3.30pm    | <p><b>Overview of Problem and Issues</b></p> <p><b>Mediator’s Oral Evidence (Recorded Video)</b></p> <p><u>Moderator:</u><br/>Eunice Chua – Chief Executive Officer, Financial Industry Disputes Resolution Centre (FIDReC)</p> <p><u>Mediator:</u><br/>Aloysius Goh – Founder and CEO, Sage Mediation Pte Ltd</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3.30pm – 4.45pm    | <p><b>The Moot</b></p> <p><i>Enactment of an application to set aside a mediated Settlement Agreement under the Singapore Convention pursuant to Article 5(1)(e) and (f) of the Singapore Convention – on standards applicable to a Mediator and on a Mediator’s impartiality and independence.</i></p> <p><u>Judge:</u><br/>Lok Vi Ming, SC – Managing Director, LVM Law Chambers LLC</p> <p><u>Counsel:</u><br/>Una Khng – Director, Head of Commercial Disputes, Helmsman LLC Singapore<br/>Siraj Omar, SC – Managing Director, Dispute Resolution, Drew &amp; Napier LLC<br/>Avinash Pradhan – Deputy Head, International Arbitration, Co-Head, South Asia Desk, Rajah &amp; Tann Singapore LLP; Partner, Christopher Lee &amp; Ong, Malaysia<br/>Marion Smith KC – 39 Essex Chambers</p> |
| 4.45pm – 5.30pm    | <b>Panel Discussion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5.30pm and onwards | <b>End &amp; Networking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## Speakers' Profile



### **Eunice Chua – Chief Executive Officer, Financial Industry Disputes Resolution Centre (FIDReC)**

Eunice leads FIDReC, a not-for-profit company providing mediation and adjudication to consumers with disputes against licensed financial institutions in Singapore. Before that, Eunice was Assistant Professor at the Singapore Management University School of Law where she specialised in alternative dispute resolution, evidence, and procedure. She remains a Research Fellow at the Singapore International Dispute Resolution Academy. She is a Principal Mediator and Trainer of the Singapore Mediation Centre (SMC), a Director of the Chartered Institute of Arbitrators Singapore Branch, and an Executive Committee Member of the Society of Mediation Professionals.

Eunice was formerly a Justices' Law Clerk and an Assistant Registrar in the Supreme Court of Singapore. She has previously held the roles of Assistant Director of SMC and Deputy CEO of the Singapore international Mediation Centre.



### **Aloysius Goh – Founder and CEO, Sage Mediation Pte Ltd**

Mr Aloysius Goh is the Chief Executive Officer and Founder of *Sage Mediation*.

Aloysius is an international mediator with a strong track record of achieving practical solutions to complex disputes. His mediation clients include listed companies, as well as charities, non-government organisations, and public sector entities.

Aloysius currently serves as a member of the International Mediation Institute's Appraisal Committee for Mediation Advocacy, and the Madrid International Arbitration Centre Mediator Appointment Committee. He is also on the advisory board of Mundi Mediatores and a member of the NUS Research Ethics Committee.

A National University of Singapore (NUS) Law School Research Scholar and a Public Service Commission Humanities Scholar, Aloysius has a Master's degree in Law from the NUS, and a Master's degree in Education Leadership from Boston College Lynch Education School.



**Una Khng – Director, Head of Commercial Disputes, Helmsman LLC Singapore**

Una Khng heads the Commercial Disputes Practice Group at Helmsman LLC. Her practice covers both domestic and international disputes across a broad spectrum - including complex financial structured products, cryptocurrencies, joint venture and shareholder disputes, breaches of trusts, contract, fraud and misrepresentation, among others. Una is experienced in litigation and arbitration – having appeared in the Singapore courts and international arbitrations (including SIAC, ICC, LCIA). She also advises clients on contentious and non-contentious matters.

Una began her career as a Justices' Law Clerk and joined one of the largest law firms in Singapore after her clerkship. She returned to the Supreme Court in 2013 and held appointments as District Judge and Assistant Registrar, and subsequently, Deputy Divisional Registrar of the Singapore International Commercial Court. She re-joined practice in 2022 and is a Fellow of the Singapore Institute of Arbitrators.

Una read law at the University of Cambridge, graduating with First-Class Honours, and later obtained her Masters from the university. Una has taught at the law schools of the National University of Singapore and the Singapore Management University.



**Lok Vi Ming, SC – Managing Director, LVM Law Chambers LLC**

Mr. Lok Vi Ming SC is the Managing Director of LVM Law Chambers LLC.

Vi Ming is a seasoned and well-known Senior Counsel who began practice as a shipping and aviation lawyer. Since then, he has had more than three decades of advocacy experience on various legal topics, having led countless cases at all levels of the Singapore Courts and before both local and international arbitration tribunals in institutions all around the world. He has garnered numerous accolades as advocate, as arbitrator and more recently, as mediator. Vi Ming is presently the Vice Chairman of the Singapore International Mediation Centre (SIMC), and is an active mediator with both the SIMC and the Singapore Mediation Centre. He is also a former President of the Law Society of Singapore and a former Vice President of the Singapore Academy of Law. Vi Ming is regularly named in international publications such as Chambers & Partners, Legal 500, and Benchmark Litigation as a leading practitioner.



**Siraj Omar, SC – Managing Director, Dispute Resolution, Drew & Napier LLC**

Siraj is Managing Director of the Dispute Resolution practice at Drew & Napier LLC in Singapore.

He has an active trial and appellate practice in the Singapore courts with more than 25 years' experience in litigating complex, high-value commercial disputes. He has litigated many landmark disputes before the Courts in areas as diverse as banking, consumer protection, debt restructuring and insurance. He also has an active international arbitration practice, appearing as counsel as well as sitting as arbitrator.

He is recognized in all the leading legal directories, including being globally ranked in Chambers and recognised as a leading individual in The Legal 500.

He serves on the Board of Directors of the Singapore International Arbitration Centre (SIAC) and as a member of its Board Executive

Committee and also holds Fellowships at the the Chartered Institute of Arbitrators (CI Arb), the Singapore Institute of Arbitrators (SI Arb) and the Singapore Academy of Law (SAL). He is also the Chief Examiner for the Dispute Resolution Practice module of the Singapore Bar course conducted by the Singapore Institute of Legal Education.

Outside of practice, he serves as a civilian panel member of the Military Court of Appeal and as Deputy Commissioner of the Government Procurement Adjudication Tribunal. He also volunteers on the Council of the Law Society, as an Assigned Solicitor with the Legal Aid Bureau and as Secretary of the Singapore Indian Development Association (SINDA).



**Avinash Pradhan – Deputy Head, International Arbitration, Co-Head, South Asia Desk, Rajah & Tann Singapore LLP; Partner, Christopher Lee & Ong, Malaysia**

Avinash Pradhan is the Deputy Head of Rajah & Tann Singapore’s International Arbitration practice. He also practices in Malaysia as a partner of Christopher & Lee Ong, a firm within the Rajah & Tann Asia network.

Avinash was named as one of Singapore’s most influential lawyers under the age of 40 by the Singapore Business Review in 2016. Since then, he has been recognised in *Who’s Who Legal* for his ‘*superb advocacy skills and ability to explain complex concepts easily*’ and *Best Lawyers International* for his expertise in international arbitration. Legal 500 records that Avinash ‘*thinks around corners to chase down every avenue of attack*’, and Avinash has also been named in *Asialaw Profiles* as a leading lawyer in dispute resolution.

Avinash has wide-ranging experience in international arbitration, both institutional and ad hoc, and he regularly appears as counsel in court litigation. Avinash’s experience includes banking, corporate finance, hospitality, M&A, joint venture and shareholder disputes. Avinash also has broad experience of disputes in the construction, infrastructure & energy sectors. He is accredited by the Singapore Academy of Law, under the Singapore Academy of Law’s Specialist Accreditation Scheme, and GAR 100 records him as “*knowing construction and construction law inside out*”.

Much of Avinash’s practice has involved factually and legally complex matters, and he is experienced in the management of large-scale litigation and arbitration. Avinash is also familiar with the techniques for dealing with cross-border disputes and disputes involving a conflict between international arbitration proceedings and court litigation. For Avinash, disputes are to be approached strategically and commercially, and he emphasises a client-centric focus to the process.



**Marion Smith KC – 39 Essex Chambers**

Marion Smith KC is a barrister and arbitrator specialising in complex, high-value commercial and construction disputes in a wide range of geographical regions and business sectors, including construction, energy, engineering, infrastructure, insurance, media and transport matters.

She is well known for her ability to establish excellent working relationships with clients, experts and the legal team. Her in-depth experience in advocacy in document-heavy cases includes disputes in which the relevant law is not English law.

She is regularly appointed as an arbitrator (sole, party and president) by commercial parties and the major institutions, including the ICC, LCIA and SIAC, and as an adjudicator. Marion is recognised as a leading lawyer in many of the legal directories including, The Legal 500 Middle East 2023 for Construction, The Legal 500 2023 for Construction and Professional Negligence and Chambers and Partners 2023 for Construction which describes her as “robust, very thorough and very good at cutting through to the issues. She is very strategically minded.”

Marion’s expertise and experience in international dispute resolution is reflected by her present roles. These include representing the Chartered Institute of Arbitrators as Chair of the Trustee Board and the Bar of England and Wales as the Vice Chair of the Bar Council’s International Committee.

## Registration Fees

| Membership Category                                                   | Fees<br>(Inclusive of 8% GST and course materials) |
|-----------------------------------------------------------------------|----------------------------------------------------|
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| APIEx / RAIF / SCCA / SCL (S) / SCMA / SIA Member                     | \$145.35                                           |
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- 1.1 Registration closes on the date as stipulated on the registration page or when all seats are filled.
- 1.2 The registration fee is due and payable upon registration and must be received prior to the programme.
- 1.3 Payment must be made by the closing date stated. Registration will only be confirmed upon receipt of full payment. An email confirming your registration will be sent to the email address provided in your registration, and/or a message confirming your registration will be displayed on the Website. If you do not receive confirmation of your registration within twenty-four (24) hours of your registration, please contact the Law Society CPD team at [cpd@lawsoc.org.sg](mailto:cpd@lawsoc.org.sg).
- 1.4 The Law Society reserves the right to refuse to register or admit any participant, and to cancel or postpone the programme.
- 1.5 If you are unable to attend, a substitute delegate is welcomed, provided that the Law Society is notified in writing of the name and particulars of the substitute delegate at least 3 working days before the programme.

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- 4.2 By submitting this registration form, you consent that the Law Society may collect, use and disclose the personal data you provide in this form to administer your registration for this event and for statistical, analysis and planning purposes, solely related to this programme. You consent that we may disclose: (i) aggregate participant data to speakers to tailor their presentations for this event; (ii) aggregate participant data for publicity purposes.
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