



Herbert Smith Freehills-SMU

Asian Arbitration Lecture

Home

ADJUDICATOR, ADVOCATE, OR SOMETHING IN BETWEEN?

Coming to terms with the role of the party-appointed arbitrator

24 November 2016, Thursday

5.00pm - 6.30pm

(Registration starts at 4.30pm)



Guest Speaker

Chief Justice Sundaresh Menon

Venue

Singapore Management University

Mochtar Riady Auditorium

Administration Building, Level 5

81 Victoria Street

Singapore 188065

Dress Code

Business Attire

Admission is free

Please register online

**This event is opened to our donors, law firms, Supreme/State Courts, Law Academics and students as well as invited guests*

Public CPD Points	1.5 points
Practice Area	Alternative Dispute Resolution
Training Category	Intermediate

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 www.sileCPDcentre.sg for more information.



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Herbert Smith Freehills-SMU Asian Arbitration Lecture

About the Herbert Smith Freehills - SMU Asian Arbitration Lecture Series

The Herbert Smith Freehills - SMU Asian Arbitration Lecture Series was established in 2010 and was made possible by a term fund contribution by Herbert Smith Freehills.

The objective of the Lecture Series is to promote collaborative forms of dispute resolution and access to justice and in so doing promote Singapore as the centre for dispute resolution in Asia, particularly in arbitration and mediation.

Each year, a distinguished international arbitrator will be invited to present this lecture, which in turn will be published in a leading regional arbitration journal.

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About the Organisers

Centre for Cross-Border Commercial Law in Asia

The Centre for Cross-Border Commercial Law in Asia (CEBCLA) facilitates research in all areas of commercial law especially in the Asian context. CEBCLA aims to be the leading Asian centre of research in commercial law which is informed by a variety of research methods including doctrinal, theoretical, empirical, historical and comparative perspectives. The goal is that CEBCLA will act as the meeting point and first port of call for scholars, leading practitioners, governments and policy makers pursuing rigorous, informed and significant research in commercial law in Asia.

<http://cebcla.smu.edu.sg/>

Singapore Management University

A premier university in Asia, the Singapore Management University (SMU) is internationally recognised for its world class research and distinguished teaching. Established in 2000, SMU's mission is to generate leading edge research with global impact and produce broad-based, creative and entrepreneurial leaders for the knowledge-based economy. It is known for its interactive and technologically-enabled pedagogy of seminar-style teaching in small class sizes.

Home to about 8,800 students, SMU comprises six schools: School of Accountancy, Lee Kong Chian School of Business, School of Economics, School of Information Systems, School of Law and School of Social Sciences, offering a wide range of bachelor's, master's and PhD degree programmes in various disciplines.

With an emphasis on generating rigorous, high impact cross-disciplinary research that addresses Asian issues of global relevance, SMU faculty collaborates with leading foreign researchers as well as partners in the business community and public sector through its research institutes and centres.

<http://www.smu.edu.sg>

Herbert Smith Freehills

HERBERT SMITH FREEHILLS

Herbert Smith Freehills is a leading global law firm with over 2,800 lawyers in 26 offices worldwide. We are the largest fully integrated law firm in the Asia Pacific. We have been in

Singapore for over 20 years and this is the centre of the firm's South and Southeast Asia practice. Ranked in Band 1 by Chambers for International Arbitration in Asia-Pacific, and winner of the Asia Legal Business award for Southeast Asia Arbitration Law Firm of the Year 2016, we are widely recognised as the pre-eminent dispute resolution practice in Southeast Asia. Operating across the region from offices in Singapore, Bangkok and Jakarta (through our associated firm Hiswara Bunjamin & Tandjung), the powerful combined force of three partners and 25 other disputes lawyers has unprecedented expertise and experience.

We represent global and regional investors, international and local corporations, and governments and state-owned entities in major domestic and cross-border disputes. We conduct arbitrations in all major industry sectors including energy, construction, manufacturing, finance, international trade, telecoms and investment disputes. Our team of arbitration specialists acts as counsel and advocates before tribunals across the region and under all main rules including ICC, SIAC, AAA/ICDR, BANI, TAI, KLRCA, LCIA and UNCITRAL. Members of the team serve as arbitrators in regional and international cases.

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Synopsis of Lecture & Download Paper

Adjudicator, advocate, or something in between?

COMING TO TERMS WITH THE ROLE OF THE PARTY-APPOINTED ARBITRATOR

The disturbing revelations arising out of the Croatia-Slovenia arbitration have underscored the importance of having a clear understanding of the role of the party-appointed arbitrator. At least in part, the problem can be traced to the tension between the arbitrator's personal incentives and professional obligations.

On the one hand, the party-appointed arbitrator owes his appointment to the favour of his appointer. How the appointer assesses his performance will likely have a bearing on the appointee's prospects of future appointments. But any such assessment will be from the subjective perspective of the appointer and will almost inevitably be tied to the outcome of the matter. This can create an economic incentive for the appointee to be sympathetic to the appointer's case.

On the other hand, most members of the arbitration community still hold to the view that there subsists a professional obligation of impartiality which inheres in the office of arbitrator and which is not to be diminished at all in the case of a party-appointed arbitrator. This requires not only that he act fairly, but also that he be seen to be doing so.

In this lecture, Chief Justice Sundaresh Menon will examine the functions, duties and ethical obligations of the party-appointed arbitrator from pre-appointment consultations to the final discharge of the mandate. He will consider whether there is an adequate common understanding of these matters. Finally, the Chief Justice will also suggest some practical rules of engagement and best practices that emerge from his analysis.

Following the presentation, the Managing Partner of Herbert Smith Freehills Singapore and Head of International Arbitration Practice Southeast Asia, Mr Alastair Henderson will be following up with a commentary of the presentation.

[Download Delivery Speech - 2016 Lecture](#)

[Download paper -2015 Lecture](#)

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Herbert Smith Freehills-SMU

Asian Arbitration Lecture

About the Speaker



Chief Justice Sundaresh Menon

Chief Justice Sundaresh Menon graduated in law from the National University of Singapore in 1986 and later obtained a Masters degree from Harvard Law School. He is an advocate and solicitor of the Supreme Court of Singapore and an Attorney and Counsellor-at-law of the Bar of the State of New York. He was appointed Senior Counsel in January 2008.

As a private practitioner, Mr Menon was recognised as one of the leading lawyers in the fields of commercial litigation and arbitration, insolvency and construction law, in Singapore and abroad. He advised and represented numerous local and overseas clients in complex and technical disputes and appeared before as well as in arbitration tribunals in various jurisdictions. He also served as the Deputy Chairman of the Singapore International Arbitration Centre and has represented Singapore at the UNCITRAL Working Group on Arbitration.

From April 2006 to March 2007, Mr Menon served as a Judicial Commissioner of the Supreme Court and returned to Rajah & Tann becoming its Managing Partner in August 2009. He was appointed as the Attorney-

General of Singapore on 1 October 2010. On 24 June 2012, he was appointed as a Judge of Appeal of the Supreme Court on 1 August 2012 and as the Chief Justice on 6 November 2012.

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Herbert Smith Freehills-SMU

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Registration

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Herbert Smith Freehills-SMU

Asian Arbitration Lecture

Location Map



SMU Campus Map

How to get here

Singapore Management University

Mochtar Riady Auditorium

Administration Building, Level 5

81 Victoria Street

Singapore 188065

Bus Service Numbers :

NTUC INCOME CENTRE

(Bras Basah Road)

106, 111, 131, 14, 14e, 16, 162, 162M, 167, 171, 175, 36,
502, 502A, 518, 518A, 551, 575, 576, 577, 578, 579, 580,
581, 7, 700, 700A, 77, 857

MRT Stations :

City Hall MRT (EW13/NS25)

Bras Basah MRT (CC2)

Bus Service Numbers :

GRAND PACIFIC HOTEL

**(formerly Allson
Hotel) (Victoria St)**

12, 175, 2, 32, 33,
51, 61, 63, 7, 80

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