



Centre for  
**Cross-Border  
Commercial Law in Asia**

# Herbert Smith Freehills-SMU

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## Asian Arbitration Lecture

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## THE COURT'S ROLE IN ARBITRAL PROCEEDINGS: REGULATOR OR PROMOTER?

**2 October 2019, Wednesday**

5.00pm - 6.30pm

(Registration starts at 4.30pm)



### Guest Speaker

The Honourable Justice Judith Prakash

### 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 open to our donors, law firms, Supreme/State Courts, Law Academics, students and invited guests.

Public CPD Points	1.5 points
Practice Area	Alternative Dispute Resolution
Training Category	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 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 <http://www.sileCPDcentre.sg> for more information.



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## About the Herbert Smith Freehills - SMU Asian Arbitration Lecture Series

Herbert Smith Freehills is the only firm to hold a Band 1 ranking in Chambers for international arbitration work across the Asia-Pacific region. Winner of the Asian Legal Business award for Southeast Asia International Arbitration Law Firm of the Year in 2016, 2017 and 2018 and Indonesia Arbitration Law Firm of the Year 2017 (Hiswara Bunjamin & Tandjung in association with Herbert Smith Freehills), we have been described as a 'dispute resolution powerhouse that consistently tops the rankings across the world'.

With a team of more than 30 disputes specialists based in Singapore, Bangkok, Kuala Lumpur and Jakarta (through our longstanding association with leading law firm Hiswara Bunjamin & Tandjung) to handle cases throughout the region, we are widely recognised as Southeast Asia's pre-eminent disputes specialists.

Our lawyers represent global and regional investors, international and local corporations, and governments and state-owned entities in major domestic and cross-border disputes, as well as conducting 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, UNCITRAL and ICSID. Members of the team serve as arbitrators in regional and international cases.

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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**

In March 2017 Herbert Smith Freehills was described by Chambers Global as a *'Dispute resolution powerhouse that consistently tops the rankings across the world'*. We were recognised as a global specialist that is *'internationally renowned for its market-leading practice ... Their extensive network and excellent, user-friendly disputes lawyers in each of their offices are attributes that few other firms are able to match. Extensive praise is levelled at the firm for the consistency of its advice across all of its offices'*.

Ranked in Band 1 by Chambers and Partners for International Arbitration in Asia-Pacific, and winner of the Asia Legal Business award for Southeast Asia International Arbitration Law Firm of the Year consecutively in 2016 and 2017, we are widely recognised as the pre-eminent dispute resolution practice in Southeast Asia. With a specialist team of more than 30 disputes lawyers operating throughout the region from bases in Singapore, Jakarta, Bangkok and Kuala Lumpur, we are widely recognised as the pre-eminent disputes specialist in this region.

Our lawyers represent global and regional investors, international and local corporations, and governments and state-owned entities in major domestic and cross-border disputes, as well as conducting 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, UNCITRAL and ICSID. Members of the team serve as arbitrators in regional and international cases.

[www.herbertsmithfreehills.com](http://www.herbertsmithfreehills.com)

[Arbitration Notes Blog](#)

[Asia Disputes Blog](#)

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## Synopsis of Lecture & Download Paper

### THE COURT'S ROLE IN ARBITRAL PROCEEDINGS: REGULATOR OR PROMOTOR?

Since the enactment of the International Arbitration Act (Cap 143A) and the adoption of the Model Law, Singapore courts have consistently followed a policy of minimal curial intervention in arbitral proceedings. Following international trends, the courts have placed great weight on the centrality of party autonomy in the arbitration process. To the extent they have done this, courts have been praised as “constructive promoters” of arbitration. Is it however correct to see courts that “interfere” in the arbitral process whether in relation to jurisdiction or insisting on the observance of rules of natural justice or even correcting errors of law as trouble-making interveners? Notwithstanding the narrowly circumscribed grounds for intervention, the courts have regulated the arbitral process by setting aside awards on jurisdictional and due process grounds. As arbitration steadily grows in prominence as a dispute resolution process, how should the courts’ role in arbitral proceedings be properly characterised: as a regulator or a promoter? In any event is this a true or a false dichotomy? The thesis of the lecture will be that promotion and regulation are not mutually exclusive. Rather, appropriate regulation is an essential aspect of the promotion of any jurisdiction as a place where disputes are resolved justly. How should the courts exercise their regulatory powers to facilitate the growth of the arbitration field while ensuring the

integrity of the process? And should the courts be given greater powers of review? This year's lecture will explore these and other questions concerning the relationship between the courts and arbitral proceedings.

[Download Delivery Speech - 2016 Lecture](#)

[Download paper -2015 Lecture](#)

[Click here to watch the recorded video of the 2014 lecture](#)

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### About the Speaker



#### **The Honourable Judge of Appeal Justice Judith Prakash**

Justice Judith Prakash was appointed Judge of Appeal on 1 August 2016. She was the first woman to be appointed a permanent judge of the Singapore Court of Appeal. On 7 March 2017, she was appointed Judge of the Dubai International Financial Centre Courts where she serves on a part-time basis to hear appeal cases.

Justice Prakash graduated in from the University of Singapore in 1974 and was admitted as an advocate and solicitor in Singapore the following year. Thereafter she was in private practice until 1992. Starting as a shipping lawyer, she subsequently moved to commercial law in the areas of banking and finance and company law. She joined the


Supreme Court as Judicial Commissioner in 1992 and became Judge in 1995. As a judge, she has sat on many cases involving arbitration issues, both at first instance and on appeal, and is one of the Supreme Court's specialist arbitration judges.

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## Asian Arbitration Lecture

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### 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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## Contact Us

For enquiries, please contact:

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## Lecture Summary

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