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IBA APAG Event: Exploring the use of IBA Rules and Guidelines in Asia and the rise of artificial intelligence in international arbitration

22 February 2024, Maxwell Chambers, Singapore

An event presented by the IBA Asia Pacific Arbitration Group, supported by the IBA Arbitration Committee, and the IBA Asia Pacific Regional Forum

The cost of the event is US\$25 per person. Register online at www.ibanet.org/conference-details/CONF2484 and make immediate payment by credit card.

Thursday 22 February

1530 – 1800 **Registration**

1600 – 1605 **Welcome remarks**

Desmond Ang *Sidley Austin, Hong Kong SAR; Co-Chair, IBA Asia Pacific Arbitration Group*

Kent Phillips *Norton Rose Fulbright, Singapore; Vice-Chair, IBA Asia Pacific Arbitration Group*

1605 – 1630 **Session one**

A review and discussion of the revised 2020 IBA Rules on the Taking of Evidence in International Arbitration and its use in Asia

In international arbitration, litigants commonly come from very different legal systems. When a French company retains counsel in the United States to initiate an international arbitration against a government or company in Asia, what evidentiary and procedural rules should govern the parties' dispute? Most commonly, the answer is the Rules on the Taking of Evidence in International Arbitration, issued by the International Bar Association (IBA). The IBA Rules on the Taking of Evidence provides parties and arbitral tribunals from diverse legal backgrounds with uniform guidelines that seek to harmonise evidentiary and procedural principles of both civil law and common law jurisdictions so that the taking of evidence is fair, economical, and efficient.

Moderator

Lijun Cao *Zhong Lun Law Firm, Beijing*

Speakers

Tony Budidijaja *Budidjaja Law, Jakarta*

Dinesh Dhillon *Allen & Gledhill, Singapore; Vice-Chair, IBA Asia Pacific Regional Forum*

Hangil Lee *Bae Kim & Lee, Seoul*

1630 – 1655 **Session two**

A review and discussion of the IBA Guidelines on Conflicts of Interest, together with its proposed amendments, and its use in Asia

The IBA Guidelines on Conflicts of Interest (the Guidelines) focus on when an arbitrator should disclose potential conflicts, as well as when he or she should simply not accept appointment. The Guidelines, even though non-binding, have become influential in the face of increasing challenges to international arbitrators and awards on the basis of arbitrator conflicts. The Guidelines are frequently considered by courts and arbitral institutions as providing relevant criteria for assessing the impartiality and independence of a challenged arbitrator.

Moderator

Shaneen Parikh *Cyril Armachand Mangaldas, Mumbai, Maharashtra*

Speakers

Thang Pham *YKVN, Singapore*

Mahesh Rai *Drew & Napier, Singapore*

Sarocho Thongperm *Weera Wong C&P, Bangkok*

1655 – 1720 **Session three**

A review and discussion of the IBA Guidelines on Party Representation and its use in Asia

Party representatives in international arbitration often hail from different legal backgrounds. Their behaviour may be subject to the bar rules of their home jurisdictions, but not all representatives are members of a bar and not all bar rules are applicable to arbitration proceedings conducted in a foreign jurisdiction. Thus, counsel acting in the same case might not be subject to the same rules of conduct, potentially creating an unlevel playing field when it comes to possible sanctions for misconduct. There is broad consensus that this situation should be addressed.

Moderator

Elodie Dulac *King & Spalding, Singapore*

Speakers

Katie Chung *Norton Rose Fulbright, Singapore*

Yoko Maeda *City-Yuwa Partners, Tokyo*

Corey Whiting *Executive Counsel, Head of Litigation, Kuok Group, Singapore*

1720 – 1755 **Session four**

The use of artificial intelligence in international arbitration – advantages and complications for clients, lawyers and arbitrators

Artificial intelligence (AI) is transforming the legal profession. In the context of international arbitration, the work of all key service providers – from legal counsel to arbitrators – is being transfigured by the technological revolution. Against this backdrop, AI is now poised to fundamentally change all aspects of the dispute resolution process. Lawyers can now rely on machines to complete legal research. Arbitrators can get a computer's assessment of the merits of a dispute.

Join us for a discussion on how AI can be employed in international arbitration and the corresponding complications and implications that may arise for clients, lawyers and arbitrators.

Moderator

Zee Kin Yeong *Chief Executive, Singapore Academy of Law, Singapore*

Speakers

Sarah-Jane Fick *Freshfields, Dubai*

Joanne Lau *Allen & Overy, Hong Kong SAR*

Jay Santiago *Kyndryl, Manila*

Harald Sippel *Skrine, Kuala Lumpur*

1755 – 1800 **Closing remarks**

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