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

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 Budidjaja  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 field 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
Sarocha 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 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
Thang Pham  YKVN, Singapore
Mahesh Rai  Drew & Napier, Singapore
Sarocha Thongperm  Weera Wong C&P, Bangkok

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  Kyndyrl, Manila
Harald Sippel  Skrine, Kuala Lumpur

1755 – 1800  Closing remarks

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.