



Insolvency
Practitioners
Association of
Singapore

Singapore Institute of Arbitrators
&
Insolvency Practitioners Association of Singapore
As Supporting Organisation

Proudly Present

“IMPACT OF INSOLVENCY ON ARBITRATION”

Date	: 13 May 2009 (Wednesday)
Time	: 6.30pm to 8.30pm
Venue	: Marina Mandarin Singapore 6 Raffles Boulevard Marina Square Singapore 039594
Charges	: SI Arb & IPAS members – S\$100 Full-time students – S\$80 Others – S\$120
Total CPD Points	: 2 Points

Programme:

6.00pm – 6.30pm	Registrations & Refreshments
6.30pm – 6.45pm	Opening Address by Chairperson Mr. Michael Hwang, Senior Counsel
6.45pm – 8.00pm	“Impact Of Insolvency On Arbitration” Mr. Andrew Chan, Partner, Allen & Gledhill LLP
8.00pm – 8.30pm	Question & Answer Session

About the Seminar:

The global financial crisis will likely bring about an increase in situations where arbitrators, counsel and those involved in arbitration will come across the issue of insolvency. It could be something as basic as to what extent insolvency should be a ground or factor to order security for costs for the claim. Alternatively, the issues could be more fundamental, such as would the arbitration agreement survive insolvency or to what extent would arbitration get superseded by the insolvency dispute resolution process (e.g. to file a proof of debt). Would stays and moratoriums on proceedings that apply in insolvency affect arbitration? At what point of time would an insolvent entity lose its status to arbitrate? What interim measures or protection can properly be taken to protect a party where the other party is insolvent? Can arbitration awards and payments made thereunder be set aside by being an unfair preference or transaction at an undervalue? Can insolvency practitioners be liable personally for costs of the arbitration to the opposing party? These and a selection of other issues surrounding the impact of insolvency on arbitration will be examined during the seminar.

About the Chairperson:

Mr. Michael Hwang, SC was educated at undergraduate and postgraduate levels at Oxford University. He was called to the Singapore Bar in 1968, when he joined Allen & Gledhill, now Singapore’s largest law firm. He became a partner in 1972 and retired from the firm at the end of 2002 after serving as Head of its Litigation and Arbitration Department for 10 years. He served as a Judicial Commissioner of the Supreme Court from 1991 – 1992 and was one of the first twelve Senior Counsel of the Supreme Court of Singapore in 1997. Michael now practices as a Barrister, primarily servicing lawyers as Independent Counsel and Arbitrator. He has received specialist training in both domestic and international arbitration (as well as mediation), and has lectured and written extensively on international arbitration and mediation. He is active in domestic and international disputes (under ICC, CIETAC, UNCITRAL, LCIA, ICSID, AAA, BANI and SIAC Rules) as counsel and arbitrator as well as mediator. His arbitrations and mediations have involved disputes in Argentina, Bangladesh, Brunei, China, Egypt, Guam, Indonesia, India, Japan, Korea, Malaysia, Mauritania, Macau, Pakistan, Russia, Singapore, Sri

Lanka, the Philippines, the Seychelles, Taiwan, Tanzania, Turkey, UK, USA and Vietnam. Michael is a Vice-Chairman of the International Court of Arbitration of the International Chamber of Commerce, a Vice-President of the International Council for Commercial Arbitration, a Court Member of the London Court of International Arbitration and a Council Member of the International Council of Arbitration for Sport. He was formerly a United Nations Compensation Commissioner and a Vice-Chair of the International Bar Association's Arbitration Committee. He also serves as Singapore's Non-Resident Ambassador to Switzerland and is an Adjunct Professor at the National University of Singapore. In 2005 Michael was appointed the Deputy Chief Justice of the Dubai International Financial Centre. In 2008 Michael assumed office as the President of the Law Society of Singapore.

About the Speaker:

Mr. Andrew Chan is a Partner in Litigation & Dispute Resolution and Joint Deputy Head of the Corporate Restructuring and Insolvency Practice Group of Allen & Gledhill LLP. His practice encompasses commercial work, and is a specialist in dispute resolution (especially arbitration), trusts, and insolvency (corporate and personal). In arbitration, he has acted as counsel, arbitrator and expert on Singapore law. He has also given expert evidence for use in a foreign court. Andrew has been noted as a leading insolvency and restructuring lawyer in *The Asia Pacific Legal 500* since 2005. In the 2005/2006 edition of the directory, he is noted to be a "star" in the Firm's arbitration practice. The 2007/2008 edition recommends him for international arbitration. *Asialaw Profiles (2007)* lists Andrew as a key practitioner under Dispute Resolution. The *PLC Cross-border Restructuring and Insolvency Handbook (2007/2008 and 2008/2009)* lists Andrew as a leading lawyer in the area and describes him as a "highly regarded cross-border insolvency specialist". *Chambers Asia 2008* describes Andrew in the area of restructuring and insolvency as "very smart" and "indispensable for difficult matters in court, where complex legal issues are involved". Andrew is noted in *Who's Who Legal Singapore 2008* to be "an 'authority on schemes of arrangement, both cross-border and domestic'." The *2007 Guide to the World's Leading Insolvency and Restructuring Lawyers* lists Andrew as a leading practitioner. He is also listed under Insolvency and Reorganisation in the recently published *Best Lawyers International*. Andrew is a Fellow and a Council member of the Singapore Institute of Arbitrators (as well as being on its panel of tutors). He is on the panel of arbitrators of the Law Society Arbitration Scheme, Deputy Chairman and a Director and Fellow of the Insolvency Practitioners Association of Singapore, Vice-Chairman of the Insolvency Committee of Law Society and a director of newly incorporated American Arbitration Association Pte Ltd. He is also a member of both the main and working committees looking into proposed changes to Singapore's Insolvency legislation through the creation of an omnibus Insolvency Act for Singapore. Andrew has written over sixty articles covering many areas of the law and has contributed to various publications. On insolvency, Andrew is the General Editor of the leading local practitioner's book entitled *Law & Practice of Corporate Insolvency*. Andrew has also co-authored two books on personal insolvency: *Butterworths Annotations of The Singapore Bankruptcy In Singapore and Malaysia*. On arbitration, he has co-authored the Singapore Chapter of the publication *Arbitration in Asia*. Andrew's writings have been cited in decisions of the Singapore Court of Appeal, High Court and District Court.

REGISTRATION: "IMPACT OF INSOLVENCY ON ARBITRATION" ON WEDNESDAY, 13 MAY 2009, 6.30PM

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Notes:

1. Closing date is 8 May 2009. Placement is on a first-come-first-served basis.
2. The Organiser reserves the right to cancel, curtail or change the content of programmes and the names of speakers without prior notice.
3. The Organiser reserves the right to cancel or postpone the seminar in which case refunds will be given, but otherwise, no refunds will be made for cancellations or no-shows by those who registered. If you are unable to attend the seminar, a substitute may attend in your place at no extra charge with at least 3 days prior notice being given to the Institute, failing which there shall be no refund.