

An e-learning initiative by



Course Title: Seminar on Multi-tiered Dispute Resolution Clauses - Multi-tiered Hurdles or An Invaluable Tool

Speakers: Paul Key QC – Barrister, Essex Court Chambers
Thio Shen Yi SC – Joint Managing Partner, TSMP Law Corporation

Duration: 68 minutes

Course description: Multi-tiered dispute resolution clauses (clauses incorporating different stages or tiers for parties to resolve disputes) are increasingly adopted in commercial contracts to allow parties every opportunity to resolve their disputes amicably before resorting to formal proceedings. If well drafted, they can be a powerful tool to facilitate the preservation of important commercial relationships and minimise legal costs.

On the other hand if not drafted properly, such clauses have the potential to lead to long drawn battles over issues of certainty, jurisdiction and enforceability. Opponents of the multi-tiered dispute resolution clause also complain about the need to incur further time and costs of going through the formalities of negotiation and mediation in circumstances where these are highly unlikely to lead to settlement. To further confuse matters, such clauses do not enjoy universal recognition in every jurisdiction.

Whilst the Singapore Court of Appeal decision in *International Research Corp PLC v Lufthansa Systems Asia Pacific Pte Ltd* [2014] 1 SLR 130 has provided valuable guidance, there remains a degree of mystique and uncertainty around the multi-tiered dispute resolution clause. This seminar, led by our distinguished speakers, Paul Key QC and Thio Shen Yi SC, will highlight the different approaches that have been adopted by the courts in England and Singapore and explore the impact of the Asian culture on the treatment of such clauses. This will be followed by a panel discussion including senior in-house counsel, who will each provide their unique perspectives based on their experiences as counsel, arbitrator and user of such clauses.

POWERED BY



LEARNED PROFESSIONALS

EST. 2013 - SINGAPORE

Learning anytime, any place.

An e-learning initiative by



About the speakers:



Paul Key QC - Barrister, Essex Court Chambers

Paul specialises in complex international commercial arbitrations and investment treaty arbitrations. He recently successfully defended a USD 13 billion claim in an ICC arbitration in Geneva between two state entities. He also regularly appears in arbitration-related court matters, including representing the ICC in the English Supreme Court in *Jivraj v Hashwani*. He is currently involved in 7 cases where the sum in dispute is over US\$1 billion, including 2 for clients in Singapore.

He has substantial experience as counsel in heavyweight and high value disputes in the following areas: foreign investment; international trade; joint ventures; power and other large-scale infrastructure projects; oil & gas; telecommunications; shipping; agency and distribution (including commercial agency); conflict of laws; and public international law (largely in the investment context).

He receives strong recommendations in the legal directories and, prior to becoming a Q.C., was awarded the Chambers UK Bar Awards "International Arbitration Junior of the Year".

He has very considerable experience of Commercial Court litigation and international commercial arbitrations, including ICC, LCIA, UNCITRAL, SCC, ARIAS and bilateral investment treaty arbitration (including ICSID)

Thio Shen Yi, SC - Joint Managing Partner, TSMP Law Corporation



Shen Yi read law at St John's College, Cambridge University, graduating in 1991. He subsequently topped the English Bar Examinations, and was called to the Singapore bar in 1993. Since then, he has practiced exclusively in dispute resolution, primarily as counsel, and occasionally as arbitrator. He was appointed Senior Counsel in 2008 at 40. He was elected a Master Bencher of The Middle Temple in 2016.

Shen Yi has been described as "a shining example of the younger generation coming through – he likes legal issues, thinks hard about the cases he has, approaches them carefully and won't rush off on something just to make an impact" (Chambers Global 2010). Considered "a formidable opponent in corporate disputes" (Asialaw Profiles 2013) with a reputation for "imaginative strategy" and "excellent cross-examination" (Legal 500 2015), Shen Yi believes in fighting hard but fighting honourably, and "receives praise from commentators and clients for his advocacy skills: "In Court, he doesn't flinch from a tough fight, but at the same time he is not abrasive" (Chambers Global 2011). As a "vastly experienced senior counsel" (Legal 500 2017), he has consistently been cited as a "Leading Individual-Dispute Resolution" in Singapore by both Chambers Global and Chambers Asia, and was most recently identified as a Market Leading Lawyer for Dispute Resolution & Litigation in the Asialaw Leading Lawyers 2017.

POWERED BY



LEARNED PROFESSIONALS

EST. 2013 - SINGAPORE

Learning anytime, any place.