

Derivatives Disputes

Litigating and Arbitrating the ISDA Master Agreements

Thursday, February 21, 2019

Singapore

This conference discusses considerations for market participants in the derivatives markets which dispute resolution mechanism to adopt, in particular focusing on certain issues which may be relevant for Asia-Pacific market participants. If arbitration is chosen, we will discuss how to use the 2018 ISDA Arbitration Guide and further drafting considerations beyond the issues covered by the Guide itself. If litigation is chosen, we will discuss various cases from domestic and international litigations involving sell-side and buy-side firms as well provide some observations on expert witnesses and enforcement. This conference will also consider the 2018 ISDA Choice of Court and Governing Law Guide. This conference will also feature speakers from the Ministry of Law (MinLaw), Singapore Academy of Law (SAL), Singapore International Commercial Court (SICC) and Singapore International Arbitration Centre (SIAC).

This program is eligible for FTS claims.

8:00 AM

Registration and Morning Coffee

8:45 AM

Introduction and Welcoming Remarks

Peter Werner, Senior Counsel, ISDA

9:00 AM

Opening Remarks by the Ministry of Law

Joan Janssen, Director-General, Legal Group, Ministry of Law

9:10 AM

ISDA's work on Dispute Resolution

Erryan Abdul Samad, Assistant General Counsel, ISDA

Peter Werner, Senior Counsel, ISDA

9:30 AM

The 2018 ISDA Arbitration Guide: What does it aim at and what does it cover?

This session will consider the 2018 ISDA Arbitration Guide. Speakers will provide an overview of the Guide as well as focus on differences between the 2013 and the 2018 Guides.

Sheila Ahuja, Partner, Singapore, Allen & Overy

10:00 AM

Further Issues to Consider in the 2018 Arbitration Guide

Issues for discussion will range from multiparty proceedings, optional forum clauses, expedited proceedings and confidentiality to disclosure, interim relief and appeal. This session will also consider issues which may be relevant for market participants in Asia-Pacific.

Margaret Kim, Director, General Counsel, Credit Suisse

Amanda Lees, Partner, Simmons & Simmons JWS

10:40 AM

Morning Break

10:55 AM

Remarks by the Singapore International Arbitration Centre (SIAC)

Aliona Bitkivskaja, Counsel, Singapore International Arbitration Centre (SIAC)

11:05 AM

The ISDA Choice of Court and Governing Law Guide: What does it aim at and what does it cover?

- The two types of model clauses
- The extension of choice of governing law into non-contractual obligations
- Definition of "proceedings"

This session will also consider the effects of Brexit on dispute forum clauses.

Jelita Pandjaitan, Partner, Linklaters Singapore Pte. Ltd.

Peter Werner, Senior Counsel, ISDA

12:00 PM

Remarks by the Singapore Academy of Law (SAL)

Sriram Chakravarthi, Senior Director & Chief Legal Counsel, Singapore Academy of Law (SAL)

12:10 PM

The User Perspective: Litigation or arbitration for financial disputes?

Moderator: Peter Werner, Senior Counsel, ISDA

Natalie Everaert, Director, Markets & Securities Services Legal, Citibank, N.A.

John Ho, Head, Legal, Financial Markets, Standard Chartered Bank

Lyn Lee, Head, Legal - Global Treasury and Investment Banking, OCBC Bank

Stephen Trevis, Managing Director, Head of Markets Legal Asia Pacific and South East Asia Legal, Barclays

1:10 PM

Luncheon

2:10 PM

China's Derivatives Market and Judicial Trends

Jing Gu, Senior Counsel, ISDA

Feng (James) Guan, Partner, King & Wood Mallesons

2:50 PM

Is There Anything Special about Financial Disputes? Enforcement and Expert Witnesses

Rick Grove, Partner and Chief Executive Officer, Rutter Associates LLC

Shaun Leong, Counsel, International Arbitration, Eversheds Harry Elias

Andrew Pullen, Barrister, Fountain Court Chambers

3:50 PM

Remarks by the Singapore International Commercial Court (SICC)

Colin Seow, Assistant Registrar, Singapore International Commercial Court (SICC)

4:00 PM

Afternoon Break

4:15 PM

Discussion on Recent Domestic and International Litigation in the OTC Derivatives Market

Cases from the courts of the UK, US and the Asia-Pacific region as well as international arbitration will be covered.

Erryan Abdul Samad, Assistant General Counsel, ISDA

Evan John Lam, Partner, Allen & Gledhill LLP

Paul Landless, Partner, Clifford Chance

Kai Loon Loh, Counsel, Ashurst ADT Law

5:45 PM

Conference Concludes

Agenda is subject to change.

Venue Location:

Marina Mandarin Singapore, 6 Raffles Boulevard, Marina Square, Singapore 039594. Phone: +65 6845 1000

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