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CONSTRUCTION CLAIMS & ADR CONFERENCE 2021

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23rd July 2021

9am – 9pm (MY Time / GMT +8)

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Registration Fee:
RM100

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WELCOME MESSAGE

LADIES AND GENTLEMEN,

On behalf of the Construction Claims and ADR Conference 2021, it is my pleasure to invite all lawyers, consultants, arbitrators, academicians, contractors, industries practitioners, students and all those who are interested in this subject from all over the world to attend the Conference.

The Conference is the first of its kind in many ways. Firstly, it is a brainchild of the strategic collaboration between Legal Plus (event organiser on legal topic) and L2 i-CON (professional platform for legal digitalisation and virtual event hosting). Secondly, it is a 12-hour marathon virtual event. And thirdly, it is a virtual event which allows everyone to participate from anywhere and at anytime.

The Conference covers a range of fundamental issues of construction claims and alternative dispute resolution and we have worked very hard to bring together a panel of moderators and speakers who are the cream of the crop of their respective fields. This is a Conference anyone interested in construction claims and ADR should not miss.

No doubt, the ongoing Covid-19 pandemic has created many new challenges for us but I think we must stay resilient to continue our professional advancements with continuing learning and sharing of knowledge. Apart from insight and knowledge sharing, the Conference will launch the 'Caring is Sharing 2.0', a charitable initiative that I personally proud to be part of.

Lastly, I look forward to welcome you to this exciting and meaningful 'Construction Claims and ADR Conference 2021' and I hope the Conference will be of professional and personal benefit to all of us. See you, virtually, on 23rd July 2021.

Yours sincerely,



YABhg Tan Sri James Foong

ABOUT LEGAL PLUS



Legal Plus was set up in 2014 by YA Bhg Tun Zaki Azmi, Chief Justice of the International Financial Court in Dubai, Retired Chief Justice, Malaysia as Chairman, YBhg Tan Sri James Foong, Chairman of the Ombudsman for Financial Services, retired Federal Court Judge, Malaysia and Ms Catherine Eu, retired Executive Director of the Bar Council, Malaysia as Directors. The main objective of the Company is to provide continuing professional training, public seminars and events pertaining to legal issues and legal compliances for the various professions, trade, industries and enterprises. One of the notable features of Legal Plus events is the presence of knowledgeable and experienced speakers in the various specialised field on the topic under discussion. This is evidence by the recent seminar arranged by Legal Plus titled 'The Malaysian Construction Law and Dispute Resolution Landscape' in Kota Kinabalu which was attended by stakeholders from the industries and almost all the judges from Sabah and Sarawak.

For more information on Legal Plus please access www.legalplus.com.my.

ABOUT L2 i-CON



L2 i-CON was co-founded by Lam Wai Loon, a founding partner of Messrs. Harold & Lam Partnership and Leong Hong Kit of MAC Consultant in early 2020. L2 i-CON is a professional platform that provides e-learning and digitalisation of legal and consultancy services including virtual event hosting and e-conference organising services.

For more information about L2 i-CON, please visit www.L2icon.org

CONFERENCE PROGRAMME

Jointly Organised by :



■ 08:30 - 09:00

Registration (Log-in)

■ 09:00 – 09:05

Opening and Launching of Construction Claims & ADR Conference 2021

By Tun YAA Tun Dato Seri (Dr) Zaki Bin Tun Azmi

Chief Justice of International Financial Centre Dubai

Retired Chief Justice, Malaysia and Chairman of Legal Plus

■ 09:05 – 09:20

KEYNOTE ADDRESS: The Past, Present and Future of Construction ADR By Tan Sri Dato' Cecil Abraham

Senior Partner, Messrs. Cecil Abraham & Partners

■ 09:20 – 09:25

Launching of Charity Drive: Caring is Sharing 2.0

■ 09:25 – 10:45

SESSION 1: Extension of time and loss & expense claims arising from the COVID-19 pandemic

The COVID-19 pandemic was beyond the contemplation of the contracting parties. Most construction projects have either come to a complete halt, or experienced substantial delay to their completion. This has, in turn, resulted in additional costs to be incurred in completing the projects, something which was not expected nor included in the budgeting during the tender stage. Questions often arise, for example – who should be responsible for the delays, and who bears the additional costs in completing the projects? If the COVID-19 pandemic is not an event which is contemplated in the contract, then what would be the fair, practical and/or legally correct solution to this situation to resolve the conflict between the employer and the contractor?

MODERATOR: Justice Dato' Mary Lim FCJ

PANELLISTS:

1. Dr. Christopher To [Hong Kong]
2. Mr. Kevin Prakash [Malaysia]
3. Mr. Rajendra Navaratnam [Malaysia]

■ 10:45 – 10:55

Covid-19 - A walk by the river: about global disruption and a strategic approach to successfully managing projects

SPEAKER: Mr. Christian Swift [Malaysia]

■ 10:55 – 12:15

SESSION 2: Legal ramifications and fallout from some recent decisions of the apex court

Should the Court in these cases have decided otherwise?

- (1) SK M&E Bersekutu Sdn Bhd v Pembinaan Legenda Unggul Sdn Bhd & Another Appeal [2019] 4 CLJ 590, F.C.;
- (2) Jack-In-Pile (M) Sdn Bhd v Bauer (Malaysia) Sdn Bhd [2020] 1 CLJ 299, F.C.;
- (3) Cubic Electronics Sdn Bhd (In Liquidation) v Mars Telecommunications Sdn Bhd [2018] 1 LNS 2017; and
- (4) Far East Holdings Bhd & Anor v Majlis Ugama Islam Dan Adat Resam Melayu Pahang & Other Appeals [2018] 1 CLJ 693, F.C.

MODERATOR: Justice Dato' Lee Swee Seng JCA

PANELLISTS:

1. Mr. Foo Joon Liang [Malaysia]
2. Mr. Choon Hon Leng [Malaysia]
3. Dato' Nitin Nadkarni [Malaysia]

■ 12:15 – 12:25

Latest developments in assessing concurrent delay

SPEAKER: Mr. Peter Hiebler [Malaysia]

CONFERENCE PROGRAMME

■ 12:25 – 13:45

SESSION 3: Termination and/or determination

Should you terminate or, determine the contractor's employer, or do both? Are these rights different? What are the considerations to be taken into account before terminating the Contract or determining the Contractor's employment under the Contract?

MODERATOR: Tan Sri Datuk Seri Panglima David Wong Dak Wah, Retired Chief Judge of Sabah & Sarawak

PANELLISTS:

1. Ir. Harbans Singh K.S. [Malaysia]
2. Ms. Tan Swee Im [Malaysia]
3. Mr. Kuhendran Thanapalasingam [Malaysia]

■ 13:45 – 13:55

The arbitrability of Public-Private Partnership contracts under PRC Law

SPEAKER: Dr. (Elvis) Zhou Xianfeng [China]

■ 13:55 – 14:10

The move towards plain language construction contracts

SPEAKER: Associate Professor Dr. Naseem Ameer Ali [New Zealand]

■ 14:10 – 14:25

Treatment of liquidated damages in construction contracts in England, Malaysia and Singapore

SPEAKER: Dr. Colin Ong QC [Brunei / Singapore / UK]

■ 14:25 – 15:45

SESSION 4: Common challenges in VO claims and how to overcome them?

Disputes often arise as to whether an instruction issued by the Contract Administrator constitutes a Variation or not. This is not surprising given that a Variation often has costs and time impact. Difficulties arise when a Contractor refuses to comply with the Contract Administrator's instruction unless the Contractor Administrator recognises it as a Variation. Can the Contractor in such a situation refuse to carry out the instruction? Should the Contractor carry out the instruction first, and then submit a Variation claim thereafter? If there is a conflict, is it practicable for the Contractor to refer such dispute to arbitration as provided in some standard form contracts, such as PAM Conditions of Contract, while the project is still ongoing?

MODERATOR: Mr. Ivan Loo, Partner of Messrs. Skrine

PANELLISTS:

1. Mr. Rodney Martin [Malaysia]
2. Mr. Anand Anthony [Singapore]
3. Ms. Laina Chan [Australia]

■ 15:45 – 15:55

TBC

■ 15:55 – 17:15

SESSION 5: Pay or argue now? A key hindrance to an effective statutory adjudication.

"Pay Now Argue Later", the mantra so often repeated in the description of a statutory adjudication regime due to its key twin features, provisional binding nature and swiftness. Yet, the law has not always upheld the "Pay Now Argue Later" regime. What has really gone wrong, and what are the proposed solutions to these problems?

MODERATOR: Justice Dato' Lim Chong Fong JHC

PANELLISTS:

1. Mr. Nicholas Gould [UK]
2. Mr. Christopher Chuah [Singapore]
3. Datuk Professor Sundra Rajoo [Malaysia]

CONFERENCE PROGRAMME

- 17:15 – 17:30

Keeping construction disputes connected with Opus 2
SPEAKER: Ms. Katie-Beth Jones [UK/Singapore]
- 17:30 – 17:40

Managing expert witnesses in arbitration
SPEAKER: Ms. Louise Azmi [Malaysia]
- 17:40 – 17:55

Managing parallel proceedings in construction claims
SPEAKER: Professor Choong Yeow Choy [Malaysia]
- 17:55 – 19:15

SESSION 6: Litigation, arbitration, adjudication, mediation or somewhere in between?
 Arbitration and court decisions are final and binding, but the process is often too long and costly. Adjudication is faster and cheaper, but it is a rough process. Mediation is less acrimonious and cheap, but the rate for a successful mediation is low. Is there a better mode of resolution for construction disputes?

MODERATOR: Professor Philip Yang

PANELLISTS:

 1. Ms. Marion Smith QC [UK]
 2. Mr. Chan Leng Sun, SC [Singapore]
 3. Mr. Ng Jern-Fei [UK]
- 19:15 – 19:25

28 USC § 1782: What is a Foreign Tribunal?
 28 US § 1782 is a powerful discovery tool allowing parties to obtain US discovery for use before foreign tribunals. The US Supreme Court is posed to decide the question of whether use of 28 US § 1782 extends to private commercial arbitrations. This presentation will focus on Section 1782's origins, its use, and the pending US Supreme Court case.

SPEAKER: Ms. Ann Ryan Robertson [United States]
- 19:25 – 20:45

SESSION 7: Liquidated damages to purchasers
 The twin Federal Court decisions in PJD Regency Sdn Bhd v Tribunal Tuntutan Pembeli Rumah & Anor and other appeals, and Ang Ming Lee & 34 Others v Menteri Kesejahteraan Bandar, Perumahan Dan Kerajaan and Anor, have led to a proliferation of claims from homebuyers against the developers for Liquidated Damages on the ground that there was a delay in the delivery of vacant possessions of their houses. During this Session, the Panel will discuss the application of these decisions, and their impact on the developers, the contractors, and the property development sector in Malaysia as a whole.

MODERATOR: Dato' Lim Chee Wee, Senior Partner of Messrs. Lim Chee Wee Partnership

PANELLISTS:

 1. Mr. Niak Hiong Keong [Malaysia]
 2. Mr. Thayananthan Baskaran [Malaysia]
 3. Mr. Sudharsanan Thillainathan [Malaysia]
- 20:45 – 20:55

TBC
- 20:55 – 21:00

Closing Remarks
By YBhg Tan Sri James Foong
 Retired Judge, Federal Court Malaysia and Director of Legal Plus
- 21:00

Thank You

CONSTRUCTION CLAIMS & ADR CONFERENCE 2021

23 July (Friday)
9am – 9pm (KL Time/GMT +8)

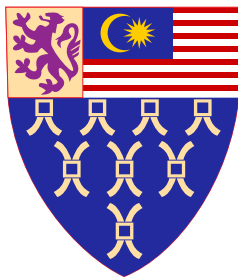
The construction industry is full of conflicts and dispute. This is not surprising given the vast number of trades involved in the construction chain (and many more connected with them), and the complexity, constraints and limitations involved in or affecting the construction works. Too often, construction claims are a result of entrenched positions, lack of communication, clashes of ego and mismanagement of various issues in construction contracts. More and more of these conflicts and claims ended up in Courts, or alternative dispute resolution ("ADR") processes, and as a result, more and more money are being spent on either litigation or ADR process. These could be avoided with better management skills or properly designed mechanism.

The Construction Claims & ADR Conference 2021 has assembled a line of distinguished moderators and speakers to discuss and share with our audience their views on various recent and interesting topics affecting the construction industry.



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MEET OUR KEYNOTE SPEAKER



TAN SRI DATO' CECIL ABRAHAM

Senior Partner, Messrs. Cecil Abraham & Partners

Tan Sri Dato' Cecil Abraham is the Senior Partner at Cecil Abraham & Partners. His career at the Malaysian Bar spans over 50 years.

Within that time, he has appeared in all the divisions of the High Court of Malaya. He has appeared regularly before the Court of Appeal, the Federal Court, the Special Court, and the Privy Council. He has over 300 reported decisions of note to his name. He is first and foremost an advocate and is regarded by his peers and clients alike as one of Malaysia's leading counsel known to be devastatingly effective in Court. He has a strong reputation for dealing with complex

disputes where the stakes are high and is known to work hard to achieve a satisfactory result for his clients.

Tan Sri Dato' Cecil Abraham's practice covers a wide breadth of areas that includes Corporate and Commercial, Environmental, Banking and Securities, Insurance, Maritime, and Competition Law as well as Arbitration. He has in recent times argued the leading cases in Malaysia concerning the applicable principles relating to the termination of contracts in *Catajaya Sdn Bhd v Shoppoint Sdn Bhd* [2021] 2 MLJ 374, the applicable test to applications for review under Rule 137 of the Rules of the Federal Court 1995 as well as the application of the de-facto doctrine in *Yong Tshu Khin & Anor v Dahan Cipta Sdn Bhd & Anor and Other Appeals* [2021] 1 MLJ 47, the adjudication of construction claims in *Ireka Engineering & Construction Sdn Bhd v PWC Corporation Sdn Bhd* [2020] 1 CLJ 193; constitutional law issues relating to the proper practice and procedures to be adopted by State Legislative Assemblies in *The Speaker of Dewan Undangan Negeri Sarawak, Datuk Amar Mohamad Asfia Awang Nassar v Ting Tiong Choon & Ors and other appeals* [2020] 2 AMR 313; the validity of introducer agreements within the meaning of Section 24 of the Contracts Act 1950 in *Wong Yee Boon v Gainvest Builders Sdn Bhd* [2020] 2 CLJ 727; enforcement and setting-aside of arbitration awards in *Far East Holdings Bhd & Anor v Majlis Ugama Islam dan Adat Resam Melayu Pahang and another appeal* [2018] 1 MLJ 1, unjust enrichment in *Dream Property Sdn Bhd v Atlas Housing Sdn Bhd* [2015] 2 MLJ 441, the doctrine of separate legal entities in *Gurbachan Singh v Vellasamy s/o Ponnusamy* [2015] 1 MLJ 773, on equitable fraud in *Zung Zang Wood Products Sdn Bhd v Kwan Chee Hang Sdn Bhd & Ors* [2014] 2 MLJ 799, the powers of liquidators in *Ooi Woon Chee & Anor v Dato' See Teow Chuan & Ors* [2012] 2 MLJ 713 and the exercise of royal prerogative powers in *Dato' Seri Ir Hj Mohammad Nizar bin Jamaluddin v Dato' Seri Dr Zambry bin Abdul Kadir (Attorney General, intervener)* [2010] 2 MLJ 285 and *His Royal Highness Sultan Ismail Petra Ibni Almarhum Sultan Yahya Petra v His Royal Highness Tengku Mahkota Tengku Muhammad Faris Petra & Anor and another suit* [2011] 1 MLJ 1, non-delegable duty and vicarious liability in *Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor and another appeal* [2018] 3 MLJ 281, to name but a few.

He holds of the distinction of having acted for the former Prime Minister of Singapore, the late Mr. Lee Kuan Yew, and several Prime Ministers of Malaysia.

He is also regularly appointed as an arbitrator in domestic and in international commercial arbitrations and is the only Malaysian to be regularly appointed as an arbitrator in investment treaty disputes.

He has been regularly recognised as a leading individual by Legal 500 Asia Pacific, Asia Law Profiles and is ranked in Tier 1 by Chambers & Partners Asia Pacific as well as Who's Who Legal in the area of dispute resolution for both litigation and arbitration. In 2016, he was named by Asian Legal Business as Dispute Resolution Practitioner of the Year. In 2019, he was named by Benchmark Litigation as Dispute Resolution Practitioner of the Year. In 2020, he was named by Asian Legal Business as Dispute Resolution Practitioner of the Year. In 2021, he was named by Benchmark Litigation as Dispute Resolution Practitioner of the Year.

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**Justice Dato'
Mary Lim Thiam Suan**
Federal Court Judge of Malaysia



**Justice Dato'
Lee Swee Seng**
Court of Appeal Judge of Malaysia



**Justice Dato'
Lim Chong Fong**
High Court Judge of Kuala Lumpur



**Tan Sri Datuk Seri Panglima
David Wong Dak Wah**
Retired Chief Judge of
Sabah & Sarawak



Ivan Loo
Partner, Skrine



Dato' Lim Chee Wee
Senior Partner,
Lim Chee Wee Partnership



Philip Yang
Arbitrator

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JUSTICE DATO' MARY LIM THIAM SUAN

Federal Court Judge of Malaysia



Justice Dato' Mary Lim Thiam Suan read law at the University of Leeds, UK and graduated with LLB (Hons). She was admitted to Lincoln's Inn as a Barrister-at-law. She also obtained her Master of Laws degree from the University of Western Australia. Prior to her elevation to the High Court of Malaya where she had sat in her new Commercial Court, her Ladyship served in various capacities at the Attorney General's Chambers of Malaysia. These include as Senior Federal Counsel, Senior Assistant Parliamentary Draftsman, Legal Advisor to the State of Negeri Sembilan, Deputy Head of Civil Division and Commissioner of Law Revision and Law Reform. Justice Lim was the first judge of the Construction Court in Kuala Lumpur until her Ladyship's elevation to the Court of Appeal.

Justice Lim is a qualified advocacy trainer with the Bar Council Malaysia and has conducted numerous courses on the subject including the Advanced Advocacy Course at Keble College, Oxford. She has also delivered many public lectures of various topics associated with the law both nationally and internationally.

Her Ladyship is now a Judge of the Federal Court of Malaysia.

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JUSTICE DATO' LEE SWEE SENG

Court of Appeal Judge of Malaysia

Justice Dato' Lee Swee Seng graduated with Bachelor of Laws (Hons) degree from University of Malaya and obtained his Master of Laws from the same university. He also holds an MBA degree from University of Southern Cross, Australia.

Justice Dato' Lee was called to the Malayan Bar in February 1985 and was in active legal practice until May 2010 when he was appointed a Judicial Commissioner of the High Court of Malaya. He was made a Judge of the High Court of Malaya in 2014 and elevated to the Court of Appeal on 8 August 2019.

Justice Dato' Lee has presented numerous papers and spoken at seminars and conferences on corporate and securities law, intellectual property, construction and adjudication, mediation, contractual disputes and many other topics. He was also a visiting fellow of Taylor University Law School and a part-time lecturer with UM Law Faculty for the LLM Masters Programme. Justice Dato' Lee is a trained advocacy trainer with Bar Council Malaysia and has conducted numerous courses on this subject.

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JUSTICE DATO' LIM CHONG FONG

High Court Judge of Kuala Lumpur



Mr. Justice Dato' Sr Lim Chong Fong D.S.P.N. has a Bachelor of Science (Building) Honours degree from the National University of Singapore, Bachelor of Laws Honours degree from the University of London and Master of Laws degree from the University of Malaya.

He is also a Chartered Arbitrator, Chartered Quantity Surveyor and Barrister at Law (Middle Temple).

He has worked as a quantity surveyor in the construction industry and practised as construction lawyer and arbitrator from 1985 to 2013. He was ranked as leading lawyer in construction dispute resolution by Chambers & Partners, Asialaw Profiles and The International Who's Who of Construction Lawyers legal directories.

He has undertaken research on security of construction payment as Fulbright scholar at the William S. Richardson School of Law in Hawaii, USA and subsequently appointed by the Construction Industry Development Board Malaysia to formulate the draft Construction Industry Payment and Adjudication bill (now Act 746 of Malaysia).

He was Honorary Advisor (Contracts) of the Master Builders Association Malaysia and was appointed by the Minister of Works in 2013 as a member of the expert panel to review the Malaysian construction industry practices following the construction accident at the Penang Second Bridge project.

Mr. Justice Dato' Sr Lim has been appointed as Judicial Commissioner of the High Court of Malaya on 15 January 2014 and confirmed as Judge of the High Court of Malaya on 30 January 2017. He is presently serving in the specialist construction court after having served in the general civil and criminal courts and the specialist intellectual property court.

In 2017, he was awarded the Lifetime Achievement Award (Quantity Surveying) by the Royal Institution of Surveyors Malaysia.

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TAN SRI DATUK SERI PANGLIMA DAVID WONG DAK WAH

Retired Chief Judge of Sabah & Sarawak

YAA Tan Sri Datuk Seri Panglima David Wong Dak Wah read law at University of New South Wales, Sydney, Australia. He also obtained a B.Com (majoring in accountancy) from the same University. From 1978 to 1979 Tan Sri Datuk David was attached to a Public Accounting Firm in Sydney as a qualified auditor. In 1979 he was admitted as a Barrister of the New South Wales Supreme Court in Australia.

Tan Sri David was in private practice from 1979 until 2005 in Sabah and Sydney, Australia. On 29 August 2005 Tan Sri David was appointed a Judicial Commissioner of the High Court of Sabah and Sarawak in Kuching and elevated as a Judge of the High Court of Sabah and Sarawak with effect from 11 April 2007. On 15 January 2009 Tan Sri David was transferred to the High Court of Kota Kinabalu, Sabah until his elevation to the Court of Appeal Malaysia on 8 January 2013 where he headed the Construction Court. He was appointed as Judge of the Federal Court on 27 April 2018 and Chief Judge of Sabah & Sarawak on 11 July 2018.

Tan Sri David retired as the Chief Judge of Sabah and Sarawak on 19 February 2020.

He is now attached to Chang and Wong Partners, Advocates and Solicitors as the Legal Consultant doing advisory works especially on court related matters. He also acts as an Arbitrator, Mediator and Adjudicator.

MEET OUR MODERATORS

PROFESSOR PHILIP YANG

Arbitrator

Mr. Philip Yang has been a full-time arbitrator for well over 30 years, mainly in international trade, shipping and commercial disputes. He has acted as arbitrator in thousands of cases. Mr. Yang is the member of the Expert Committee of China International Commercial Court of the Supreme People's Court of China, the Honorary Chairman



of the HKIAC, the Committee Member of the Strategy and Development Committee of BAC/BIAC, the member of the International Advisory Board of CIETAC, the member of the General Committee of SCMA, the immediate past Vice-Chairman of the BIMCO Documentary Committee, the Past President of the APRAG, and the past Hong Kong Representative of ICC International Court of Arbitration. He has published many books and a lot of articles on international trade, shipping and arbitration related topics/matters.

MEET OUR MODERATORS



IVAN LOO

Partner, Skrine

 <https://www.linkedin.com/in/ivan-loo-171b0936/>

Ivan is the co-head of the Construction and Engineering Practice Group in Skrine. His expertise lies in the construction industry where he appears as lead counsel in arbitration, adjudication and litigation proceedings on construction related disputes. Ivan also regularly sits as arbitrator in both international and domestic arbitrations conducted under various rules of arbitration. He also sits as adjudicator under the Construction Industry Payment & Adjudication Act 2012 and as mediator with the Malaysian Mediation Centre.

MEET OUR MODERATORS

DATO' LIM CHEE WEE

Senior Partner, Lim Chee Wee Partnership

 <https://www.linkedin.com/in/chee-wee/>



Chee Wee is the Senior Partner of the firm and has been in practice for more than 27 years. He has a broad commercial, corporate, public law, and regulatory disputes practice with experience in a wide variety of high value and high-profile cases including international arbitrations in Asia and Europe.

He is the former President of the Malaysian Bar (2011-2013), a former member of the National Unity Consultative Council, a former member of the Operations Review Panel of the Malaysian Anti-Corruption Commission, and a former member of the TMDB Task Force for the investigations, prosecution and asset recovery.

He primarily acts as counsel having appeared at all tiers of the Malaysian Courts. He has more than 100 cases reported in the law reports with a portfolio including arbitrations, contractual disputes (involving joint ventures, IT, franchise, oil and gas), boardroom/takeover tussles, fraud investigation and recovery, regulatory enforcement action, corporate restructuring, insolvency claims, competition law, and estate disputes.

He has an established public and administrative law practice, regularly advising and acting for the Malaysian stock exchange (Bursa Malaysia Berhad), Malaysian Competition Commission (MyCC), Energy Commission, the Malaysian Aviation Commission, the Securities Industry Dispute Resolution Centre and the Securities Commission Malaysia.

He is consistently listed in various international legal directories as a leading legal practitioner. He is ranked as a Band 1 dispute resolution lawyer in Chambers Asia-Pacific and in the Hall of Fame for dispute resolution in Legal 500 Asia-Pacific. He has been described as “a leading presence in the market, handling a range of disputes concerning areas such as energy, competition and fraud” (Chambers Asia-Pacific) and “[u]ndoubtedly the grandmaster in this area of practice” (Legal 500 Asia-Pacific).

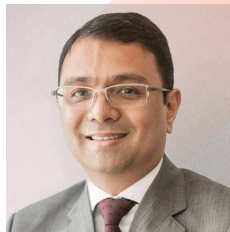
A number of his cases are landmark decisions in the areas of contract law (liquidated damages), administrative law (setting aside leave) and strata management (basis for charges). His pending high value and high-profile cases include MyCC enforcement actions against MAS/Air Asia, MyEG and Grab, Pelangi Prestasi Sdn Bhd's billion Ringgit dispute against the Receiver and Manager of Sabah Forest Industries Sdn Bhd and Sabah State Government, and Prestariang SKIN Sdn Bhd's RM732 million claim against the Government of Malaysia for its expropriation of the national immigration control system concession and a number of high-profile fraud recovery claims.

CONSTRUCTION CLAIMS & ADR CONFERENCE 2021

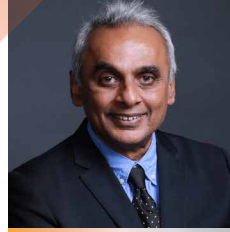
MEET OUR SPEAKERS



DR CHRISTOPHER TO



KEVIN PRAKASH



RAJENDRA
NAVARATNAM



FOO JOON LIANG



CHOON HON LENG



DATO' NITIN
NADKARNI



IR HARBANS
SINGH KS



TAN SWEE IM



KUHENDRAN
THANAPALASINGAM



RODNEY MARTIN



ANAND ANTHONY



LAINA CHAN



NICHOLAS GOULD



CHRISTOPHER
CHUAH



DATUK SUNDRA
RAJOO



MARION SMITH QC

CONSTRUCTION CLAIMS & ADR CONFERENCE 2021

MEET OUR SPEAKERS



CHAN LENG SUN SC



NG JERN-FEI QC



NIAK HIONG KEONG



THAYANANTHAN
BASKARAN



SUDHARSANAN
THILLAINATHAN



DR NASEEM
AMEER ALI



PROF CHOONG
YEOW CHOY



DR COLIN ONG QC



PETER HIEBLER



CHRISTIAN SWIFT



LOUISE AZMI



DR ELVIS ZHOU



ANN RYAN
ROBERTSON



KATIE-BETH JONES

MEET OUR SPEAKERS



DR CHRISTOPHER TO

Accredited Mediator, Chartered Arbitrator, Chartered Engineer, Chartered Information Technology Professional, Barrister-at-law and a Law Professor (adjunct)

[in https://www.linkedin.com/in/christopher-to-2a3a542a/](https://www.linkedin.com/in/christopher-to-2a3a542a/)

Dr Christopher To is an independent mediator and arbitrator who is on the panels of various leading global alternative dispute resolution bodies. He has arbitrated and mediated a variety of cases and is representing clients in cases within the dispute resolution field. He is an accredited mediator, chartered arbitrator, chartered engineer, chartered information technology professional, barrister-at-law and a law professor (adjunct). Christopher is currently the Programme Director of the LLM in Arbitration and Dispute Resolution at the City University of Hong Kong and was the former Secretary-General of the Hong Kong International Arbitration Centre.

KEVIN PRAKASH

Principal, Kevin Prakash

[in https://www.linkedin.com/in/kevin-prakash-b1892897/](https://www.linkedin.com/in/kevin-prakash-b1892897/)

Kevin has an active practice in dispute resolution and has been involved in complex disputes in various forms since being called to the Malaysian Bar in 1998. He is regularly engaged as counsel in arbitration as well as in trial and appellate advocacy at the High Court and the appellate Courts in Malaysia.

His principal practice is in construction and building contract disputes and has represented a diverse set of clients including employer, main-contractor and sub-contractor.

Kevin is a member of the AIAC Panel of Arbitrators and Adjudicators and is regularly appointed as adjudicator and arbitrator both by party appointment and by the appointing authority.



MEET OUR SPEAKERS

RAJENDRA NAVARATNAM

Partner, Azman Davidson & Co.

 <https://www.linkedin.com/in/rajendra-navaratnam-9056416/>

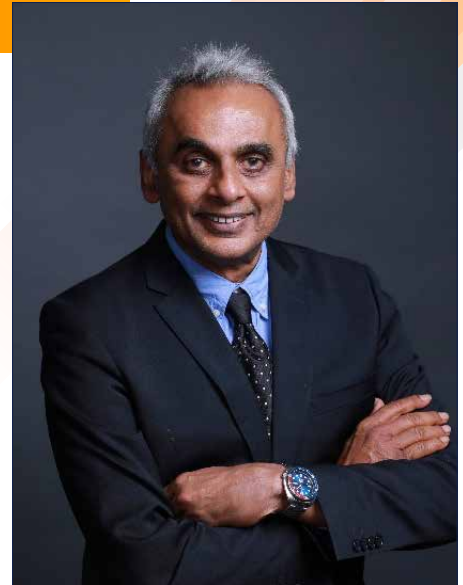
Rajendra Navaratnam is a lawyer with a first degree in electrical engineering and 10 years of experience in the power industry before commencing legal practice.

He began his legal career with Azman Davidson & Co in 1988 and became a Partner in 1993. Rajendra practises primarily in the areas of technology-related law, in particular construction, energy, insurance and intellectual property law in both dispute resolution (litigation and arbitration) as well as in advisory roles.

He appears as counsel and sits as arbitrator in in both international and domestic arbitrations, and appears in court up to the Federal Court.

He is one of the two members for Malaysia sitting in the International Chamber of Commerce (ICC) Court of Arbitration for the 2021-2024 session. He is on the panel of arbitrators of the Asian International Arbitration Centre (AIAC), Singapore International Arbitration Centre (SIAC), Hong Kong International Arbitration Centre (HKIAC), Vietnam International Arbitration Centre (VIAC), Korean Commercial Arbitration Board (KCAB), Pacific International Arbitration Centre (PIAC), and AIAC-Hainan International Arbitration Centre (HIAC) joint panel, Chartered Institute of Arbitrators (CIArb), Malaysian Institute of Arbitrators (MIArb) and the Institution of Engineers Malaysia (IEM).

He is a Fellow of the CIArb and MIArb, is a Chartered Arbitrator, CIArb and is on the approved faculty list of the CIArb. He is a past chairman of the CIArb Malaysia Branch, is a member of the Arbitration Committee of the Bar Council, member of the Contracts and Practices Committee, Master Builders Association of Malaysia (MBAM) and was a past Council Member of the Society of Construction Law Malaysia.



MEET OUR SPEAKERS



FOO JOON LIANG

Partner, Gan Partnership
Immediate Past Chairman of the Malaysian Branch of CI Arb

[in https://www.linkedin.com/in/joon-liang-foo-b19b1789/](https://www.linkedin.com/in/joon-liang-foo-b19b1789/)

Foo Joon Liang was called to the Malaysian Bar in 2000. He is a partner of Gan Partnership, a firm he co-founded in 2011. He is a Fellow of the Chartered Institute of Arbitrators (CI Arb), United Kingdom, Singapore Institute of Arbitrators (SI Arb), and Hong Kong Institute of Arbitrators (HKI Arb).

Joon Liang is the Immediate Past Chairman of the Malaysian Branch of CI Arb and a Committee Member of the ICC Malaysia Arbitration Committee. He sits on the panel of arbitrators and adjudicators of the Asian International Arbitration Centre (AIAC) and the Securities Industry Dispute Resolution Center (SIDREC)'s Panel of Mediators and Adjudicators. He is one of the first 10 Malaysian appointees to the panel of arbitrators of the Hainan International Arbitration Court.

Joon Liang is listed as a Future Leader in Construction by Who's Who Legal (WWL) and ranked as a Future Star in Construction, Dispute Resolution and International Arbitration by Benchmark Litigation. WWL noted "Foo Joon Liang has impressive experience in high-value construction disputes across litigation and arbitration proceedings." He is also recommended by the Legal 500 Asia Pacific for Real Estate and Construction.

Joon Liang has spent the past 20 years building upon an active dispute resolution practice in arbitration, litigation and adjudication. He regularly appears as counsel in arbitration as well as at all levels of the Malaysian courts. His expertise covers a broad spectrum of complex and high value disputes, especially in engineering, construction, and energy. His notable representations include the first and oft-cited Construction Industry Payment & Adjudication Act 2012 (CIPAA) case decided by the Malaysian apex court, the first reported constitutional challenge on statutory adjudication against the AIAC in Malaysia, and a recent landmark decision on the interplay between the direct payment provision of CIPAA and insolvency laws which ensures financing of on-going construction projects in Malaysia.

Joon Liang has been increasingly involved in engineering and geotechnical incidents in construction projects. He is acting in a series of disputes arising from a bridge collapse which involved leading engineering experts from Europe and Asia. He also represented the engineering consultants in a highly publicised hill slope failure before a State Commission Inquiry in Malaysia.

Joon Liang often speaks at conferences and trains with the Malaysian Bar's advocacy training programme for advocates. He has authored several publications in Arbitration and Dispute Resolution, his scholarly contributions include a book titled "Manoeuvring Corporate Governance in Malaysia: Litigation Perspectives" published by Lexis Nexis Malaysia in March 2021.

MEET OUR SPEAKERS

CHOON HON LENG

Partner, Raja, Darryl & Loh
President, Chartered Institute of Arbitrators (Malaysia Branch)

 <https://www.linkedin.com/in/hon-leng-choon-281579154/>

Hon Leng's niche is in Infrastructure Projects with clients that are Government-owned infrastructure companies – involving, for example, mass rapid transit and government housing projects. He has also advised various players in the construction industry, including employers, main contractors, subcontractors and consultants in projects of various sizes and types. Hence his experience includes pre-contract negotiation, contract documentation, project advice, post-dispute negotiation and formal dispute resolution (including construction adjudication under the Construction Industry Payment and Adjudication Act 2012). He has also acted as lead counsel in several construction arbitrations, notably as the lead counsel for an arbitration held in the People's Republic of China involving Malaysian and Chinese entities where the proceedings were conducted wholly in Mandarin under the CIETAC arbitration rules.

In addition, Hon Leng has handled disputes in intellectual property and has developed his expertise to dispute management, advising on matters as complex as infrastructure building, network sharing, network services, equipment procurement/upgrading and data security.

AsiaLaw Profiles in its 2017 publication listed Hon Leng as a Rising Star Lawyer, in its 2018 and 2019 publications as a Leading Lawyer and in its 2020 and 2021 publications as a Distinguished Practitioner. He is the President of the Chartered Institute of Arbitrators (Malaysia Branch).



DATO' NITIN NADKARNI

Partner, Lee Hishammuddin Allen & Gledhill

 <https://www.linkedin.com/in/nitin-nadkarni-437424170/>

Nitin is the Head of the Firm's International Arbitration Practice. Nitin's main area of practice is in international arbitration, focusing on oil & gas, energy, construction and engineering, and infrastructure projects.

Nitin has more than 35 years' experience representing major governmental organisations, multinational corporations, national and international contractors, sub-contractors, financial institutions and high-profile individuals in arbitration, litigation and tax-related disputes.

Nitin has acted as counsel or sat as arbitrator in disputes arising in Malaysia, Singapore, Korea, London, Switzerland, Vietnam, United Arab Emirates, Sudan, Paris and Algeria under ad hoc and institutional rules – AIAC, ICC, SIAC and LCIA rules.

He has been consistently ranked by Chambers & Partners as leading lawyer (Band 1 from 2013-2021), and by Asia Pacific Legal 500 as a leading dispute resolution lawyer, and real estate and construction lawyer. Most recently, Nitin has been recognized as an Elite Practitioner by Asialaw 2020.

MEET OUR SPEAKERS



IR. HARBANS SINGH K.S.

Professional and Chartered Engineer, Chartered Arbitrator, Mediator, and Adjudicator

Ir. Harbans Singh K.S. is a Professional and Chartered Engineer, Chartered Arbitrator, Mediator, and Adjudicator. Called to the Malayan Bar in 1995, he is at the moment however not in active practice as an Advocate & Solicitor. He commenced his career with the Public Works Department (JKR), Malaysia before joining an international German consultancy practice with whom he worked locally and then in Koblenz as a designer, resident engineer and contract administrator. Later, Ir. Harbans served with a local consultancy firm in various professional capacities and presently is heading HSH Consult Sdn. Bhd and HSKS Dispute Resolution Chambers. He is a regular contributor to "The Ingenieur", "The Malayan Law Journal", "The Law Review" and other publications and is the recipient of a number of awards including IEM's Tan Sri Hj. Yusoff Prize for an outstanding Technical Paper (2001), the Cedric Barclay Award and the Chartered Institute of Arbitrator's Award for the Diploma in International Commercial Arbitration examination (2003). Ir. Harbans is also the author of a series of four books entitled 'Harbans' Engineering and Construction Contracts Management', co-author of "Construction Law in Malaysia", "Law and Practice of Mediation" and "The PAM Contract 2006", contributor to 'The Malaysian Standard Precedents and Forms (Vol.N)' and is a regular speaker at courses/seminars and conferences both locally and internationally.

TAN SWEE IM

International Arbitrator Member
39 Essex Chambers (Kuala Lumpur)

 <https://www.linkedin.com/in/swee-im-tan-a8aab51/>

Tan Swee Im is a Chartered Arbitrator and an international arbitrator member at 39 Essex Chambers, based in their Kuala Lumpur office. Her focus is on the construction, infrastructure and energy sectors with extensive experience ranging from the early procurement strategy stage, to contract drafting, advisory during the project life, through to dispute resolution. She has spent more than 30 years in these sectors in counsel and advisory roles, including having been seconded to the KL International Airport and Malaysia-Singapore Second Crossing projects, been an in-house counsel and founded a boutique legal firm in 1999. She is a fulltime Arbitrator and Adjudicator and Accredited Mediator. She is a panel arbitrator of various panels including the AIAC, SIAC, HKIAC, an Advocate & Solicitor of the High Court of Malaya, Barrister-at-Law (Middle Temple), FCI Arb, FMI Arb, FAIADR, FCI OB, FMS Adj, FDBF and holds a Diploma in International Commercial Arbitration. She is appointed as a member of the Asian International Arbitration Centre Advisory Council.



MEET OUR SPEAKERS

KUHENDRAN THANAPALASINGAM

Partner, Messrs. Zul Rafique & Partners

 <https://www.linkedin.com/in/kuhendran-thanapalasingam-2a6a2b7a/>

Kuhendran Thanapalasingam is the Head of Construction Dispute Resolution practice group of Messrs. Zul Rafique & Partners. He holds a Bachelor of Laws (Hons) degree from the University of Leicester, United Kingdom. He is a Solicitor of the Supreme Court of England & Wales and was admitted as an Advocate & Solicitor of the High Court of Malaya in 1992. He is also a Fellow of the Chartered Institute of Arbitrators.

Kuhendran is principally involved in dispute resolution, particularly in construction and engineering related disputes. Apart from his experience in dispute resolution, he has also advised on different aspects of construction and engineering law. In addition, he has drafted and vetted various construction and engineering related contracts.



RODNEY MARTIN

Chief Executive of the Charlton Martin Group

 <https://www.linkedin.com/in/rod-martin-0776567/>

Rodney is the Chief Executive of the Charlton Martin Group, having previously been employed as Group Regional Director and Senior Vice President of two major contracts consultancy groups in the Asia Pacific Region. Of his 35 years of experience, 24 have been at senior level in this region. Additionally, Rodney has worked for many clients in Europe, Africa, the Middle East and India. Rodney holds dual qualifications in quantity surveying and law and as a chartered quantity surveyor is a specialist in construction contract consultancy providing professional and technical advice to clients relating to contract documentation, contractual claims, dispute avoidance and resolution. He is an accredited mediator, panel arbitrator and panel adjudicator with the Asian International Arbitration Centre and is an experienced speaker within the region.

He is a Fellow of the Chartered Institute of Arbitrators as well as both the Malaysian and Singapore Institute of Arbitrators. Rodney has been appointed as Expert Witness on matters relating to quantum and delay and has acted as lay advocate in arbitration proceedings. Rodney has also been appointed as an arbitrator, mediator, adjudicator and dispute adjudication board member in Malaysia. He has lived and worked in Kuala Lumpur since 1997.

MEET OUR SPEAKERS



MR. ANAND ANTHONY

Director, Capital Consulting International

 <https://www.linkedin.com/in/anand-anthony-安杰福-45b2542/>

Anand has over 30 years' experience in the construction and engineering industries, and for the last 22 years has advised numerous client companies in connection with project and contract management issues. During the course of his career Anand has undertaken a range of roles, including Project Director, Project Manager, Construction Manager, Project Controls Manager, Contracts Manager, Commercial Manager, Cost Engineer, Contracts Engineer, Planning Engineer – this broad experiential platform enabling him to consider matters from a wholistic perspective and to advise clients accordingly. He testifies

regularly as a Delay Expert (Forensic Planner), Quantum Expert (Cost Engineer), Expert Building Surveyor/Engineer, including acting as Expert on matters involving Value Engineering, at the Singapore High Court, regional adjudications, and regional arbitrations.

MS. LAINA CHAN

Barrister specialising in Property, Construction and Professional Indemnity

Chair of the Society of Construction Law Australia and Director of the Australian Construction Industry Forum

 <https://www.linkedin.com/in/lainachanbarrister/>

Laina is a barrister as well as the Chair of the Society of Construction Law Australia and a Director of the Australian Construction Industry Forum. Laina practices in the area of construction, property and insurance law. Recognised as the leading authority on the interplay between construction and insurance law, she has published extensively on the construction, property and insurance law. Recently, she authored the chapters on professional

liability and insuring risk in construction law in Bailey's, 'Construction Law in Australia', Thomsen Reuters, 4th Edition. Laina and Professor J W Carter have also recently co-authored a paper on Mann v Paterson, a New Approach to Quantum Meruit Claims (2020) 36 BCL 4.

Laina has a Certificate of Management Excellence from Harvard Business School having completed programs in negotiation, strategy and leadership. The programs have had a significant impact upon the way Laina approaches all negotiations and dispute resolution. Laina focuses on the interests of the parties during all negotiations and pursues resolutions that are in the best interests of the parties.



MEET OUR SPEAKERS

DATUK PROFESSOR SUNDRA RAJOO

President of Council, Asian Institute of Alternate Dispute Resolution (AIADR)

 <https://www.linkedin.com/in/sundra-rajoo-923a34b0>

Founding President, Asian Institute of Alternate Dispute Resolution (2018 to date); Certified International ADR Practitioner (AIADR); Chartered Arbitrator (CIArb); Advocate & Solicitor; Architect and Town Planner; Director, Asian International Arbitration Centre (2010-2018); Chairman, Asian Domain Name Dispute Resolution Centre (2018); Deputy Chairman, FIFA Adjudicatory Chamber (2018); President, Chartered Institute of Arbitrators (2016); President, Asian Pacific Regional Arbitration Group (APRAG)(2011); Founding President, Society of Construction Law Malaysia; Founding President, Malaysian Society of Adjudicators; Founding President, Sports Law Association of Malaysia; sometime Visiting and Adjunct Professors at Universiti Teknologi Malaysia,

Universiti Kebangsaan Malaysia, Universiti Sains Malaysia, University of Malaya. Hon LLD (Leeds Beckett). Since 1990, Datuk Sundra has served as chairman, co-arbitrator of three-man panels and sole arbitrator in over 300 international and domestic arbitrations including ad hoc and institutional arbitrations administered by ICC, SIAC, HKIAC, KIAC, CIETEC, PCA and KLRCA.



As Director of AIAC (formerly known as KLRCA before 2018) from 2010 to 2018, he was responsible for the revival, transformation and growth of the Centre into one of the great Centres of World. It moved into Sulaiman Building in 2015 rated the best ADR facility beside the Peace Palace in the Hague. During his directorship, there was massive increase in case load from a mere 22 arbitration cases in 2010, 52 arbitration cases in 2011, 135 arbitration cases in 2012 (118 domestic and 17 international proceedings), 156 arbitration cases in 2013 (128 domestic and 28 international proceedings), 282 arbitration cases in 2014 (221 domestic and 61 international proceedings), 103 arbitration cases in 2015, 62 arbitration cases, 12 domain disputes including 8 international cases, 5 domestic mediations in 2016, 126 arbitration cases (109 domestic and 17 international), 6 domain disputes with 2 international cases as well as 2 administered mediations, one of which was international in 2017. The adjudication cases started in 2015 with 84 cases, 207 cases in 2016, 765 cases between 16th April 2017 to 15th April 2018, 764 cases between 16th April 2018 to 15th April 2019. The total number of persons who have attended its events and trained in its courses since 2010 is in excess of 16,000 with many speciality courses. By 2017, the Centre was organising about 50 events a year. In 2018, AIAC moved into dispute prevention by offering the first free standard form building contracts, a first for an arbitration institution.

Datuk Professor Sundra Rajoo has authored, co-authored, edited several books and contributed chapters and articles on arbitration, contract and construction law, including, UNICITRAL Model Law & Arbitration Rules: The Arbitration Act 2005 (Amended 2011 and 2018) and the AIAC Arbitration Rules 2018, 2019, Sweet & Maxwell; A Practical Guide to Statutory Adjudication in Malaysia, 4th Edition, 2018, Construction Adjudication Reports 2018, Sweet & Maxwell AIAC; Chapter on Annulment of Investment Arbitration Awards in Barton Legum, The Investment Treaty Arbitration Review, 2017, 3rd Edition, Law Business Research; Law, Practice and Procedure of Arbitration, 2nd Edition, 2016, Lexis Nexis; Arbitration in Malaysia: A Practical Guide, 2016, Sweet & Maxwell; Construction Law in Malaysia, 2012, Sweet & Maxwell; The Malaysian Arbitration Act 2005 (Amended 2011) – An Annotation, 2013, Lexis Nexis; The PAM 2006 Form, 2010, Lexis Nexis; The Arbitration Act 2005 – UNCITRAL Model Law as Applied in Malaysia, 2007, Sweet & Maxwell; The Malaysian Standard Form of Building Contract (The PAM 1998 Form), 1999, Malayan Law Journal. He is now involved writing three books on arbitration in India, adjudication and construction law which is planned for publication in 2021.

MEET OUR SPEAKERS



NICHOLAS GOULD

Partner, Fenwick Elliott LLP

 <https://www.linkedin.com/in/nicholasgould/>

Nicholas is a Partner in the international specialist construction, engineering and energy lawyers Fenwick Elliott LLP, where he conducts a mix of international dispute resolution and projects work. A solicitor advocate and chartered surveyor, his dual qualifications provide a layer of expertise that adds a practical level to his work. He acts for contractors, employers and governments in the building, construction, engineering, infrastructure, transport, nuclear, energy, oil and gas, technology and process engineering sectors.

Nicholas' dispute resolution experience spans litigation, arbitration (ICC, LCIA, DIFC, DIAC, SIAC, ICSID, AAA LMAA, CIMAR and ad hoc UNCITRAL), adjudication, DAB/DRB/DAAB, mediation, early neutral evaluation and expert determination. He regularly acts as lead mediator in multiparty, multimillion disputes, conducting more than 100 mediations, and is a CEDR Chambers lead mediator. He is a Registered Legal Practitioner in the UAE and DIFC Dubai Court. Nicholas is a FIDIC certified adjudicator and sits on international dispute boards and as arbitrator. Currently he chairs the five-member panel of adjudicators for CERN's expansion programme and is a DAB member at the ITER Fusion for Energy project in France.

Nicholas is a Visiting Professor at King's College London and Vice President of the ICC's Arbitration Commission. He is President Elect of the DRBF and past Chairman of the Society of Construction Law. The IBA's International Who's Who of Business Lawyers Today, listed Nicholas as one of the 'ten most highly regarded individuals internationally for construction law'.

CHRISTOPHER CHUAH

Partner of Wong Partnership LLP

Senior Accredited Specialist in Building and Construction Law

 <https://www.linkedin.com/in/christopher-chuah-a8a72a25>

Christopher Chuah heads the Infrastructure, Construction & Engineering Practice and is a Partner in the International Arbitration, China and Myanmar Practices. In January 2018, Christopher was amongst the inaugural batch of select practitioners to be appointed Senior Accredited Specialist in Building and Construction Law by the Singapore Academy of Law with many years of experience in adjudication.

He was amongst the first batch of adjudicators to be accredited under the SOP Act and a member of the Construction Adjudication Accreditation Committee and co-editor of the Singapore Construction Adjudication Review.

Christopher has also acted as leading counsel in many landmark construction cases.

He is also an adjunct Professor in Construction Law at the Law Faculty of the National University of Singapore.



MEET OUR SPEAKERS

MARION SMITH QC

Barrister, Arbitrator and Mediator at 39 Essex Chambers

 <https://www.linkedin.com/in/marion-smith-qc-82494ala/>

Marion Smith QC specialises in complex, high-value commercial and construction disputes for UK and international clients. She has extensive experience litigating matters before domestic courts and tribunals as well as in international arbitration. She has appeared before institutional and ad hoc tribunals, including under the Rules of the DIAC, DIFC-LCIA, ICC, LCIA, LMAA and the UNCITRAL Arbitration Rules. She has significant expertise in arbitrations where the law of the contract is not the law of England and Wales. She has been appointed as

sole, chair and co-arbitrator, adjudicator and as an expert determiner. Marion is a Fellow of the Chartered Institute of Arbitrators and is presently Deputy Chair of the Chartered Institute's Board of Trustees. She is noted as a leading silk by the leading legal directories. Marion is a visiting senior lecturer at Queen Mary University of London and a Professional Fellow of Aston University. She is a Bencher of Gray's Inn and has been involved with the Vis Moot for many years as an arbitrator and a coach of the Gray's Inn Vis Moot Team.



CHAN LENG SUN, SC

Senior Counsel of the Supreme Court of Singapore
Deputy Chairman of the Singapore International Arbitration Centre and
the SGX Appeals Committee

 <https://www.linkedin.com/in/lengsunchan>

Leng Sun is a Senior Counsel of the Supreme Court of Singapore. He is the Deputy Chairman of the Singapore International Arbitration Centre and the SGX Appeals Committee. He is a member of the ICC Commission on Arbitration and ADR and the Advisory Panel of the Singapore Maritime Foundation. Leng Sun is qualified in Malaysia, Singapore and England. He frequently acts as lead counsel and arbitrator in a broad range of commercial areas. Leng Sun is a Chartered Arbitrator and a Specialist Mediator of the Singapore International Mediation Centre. He is the Immediate Past President of the Singapore Institute of Arbitrators (SIArb) and the former

Global Head of Arbitration of an international law firm. He is the author of the book Singapore Law on Arbitral Awards and Co- Editor of Conflict of Laws in Arbitration.

Leng Sun is recognized among the top lawyers worldwide by legal directories, such as "Who's Who Thought Leaders – Litigation 2021", "Who's Who Legal - Arbitration 2021" and Acritas Stars 2021. He is described by WWL as being "among the very best disputes lawyers in the world" and lauded as one of ALB Asia's Super 50 Dispute Lawyers, which reported him to be "spectacular, with exceptional knowledge and depth of insight"

MEET OUR SPEAKERS



NG JERN-FEI QC

Queen's Counsel

[in](https://www.linkedin.com/in/jern-fei-ng-qc-00608840/) <https://www.linkedin.com/in/jern-fei-ng-qc-00608840/>

Jern-Fei Ng QC was one of the youngest QCs to be appointed in 2018 and is described in the legal directories as: “exceptional”; “formidable”, “truly superb advocate”. Praised as a “brilliant strategist” who “can eat documents for breakfast” and who is “able to annihilate the opposing witness in cross-examination”. Has an ability to “present practical legal solutions that not only win you the battles, but also the war”. Featured in the Legal 500’s Arbitration Power List and Who’s Who Legal Arbitration: Future Leaders. Acted as counsel in over 200 arbitrations and as arbitrator in over 30 cases. Ranked in up to 6 practice areas in the UK legal directories and in up to 3 practice areas in the Asian legal directories.

NIAK HIONG KEONG

Partner of Dispute Resolution & Litigation Practice Group, Messrs. Christopher & Lee Ong (Member of Rajah & Tann Asia Network)

[in](https://www.linkedin.com/in/hk-niak-996866144/) <https://www.linkedin.com/in/hk-niak-996866144/>

HK Niak is a Partner of Dispute Resolution & Litigation Practice Group of Christopher & Lee Ong.

Niak is experienced in a broad spectrum of litigation. He is commended by the clients as a “standout” and “well versed in the areas of law we have engaged him in. His advice is practical with commercial sensibilities, as opposed to just academic advice”. – Legal 500 (Asia Pacific), 2021.



His specialities are corporate litigation and shareholder disputes. Clients also regularly engage Niak to handle various complex matters involving oil & gas industry, construction disputes, receiverships and insolvencies, restructuring of debts and schemes of arrangements, banking industry, freight forwarding and shipping disputes, intellectual property disputes and IT related disputes. Niak also acts in a variety of claims concerning fraud, negligence, breach of trust, and defamation.

He is one of the expert contributors in a book titled ‘Law and Practice of Injunctions in Malaysia’ published by Sweet & Maxwell in November 2020.

MEET OUR SPEAKERS

THAYANANTHAN BASKARAN

Partner, Baskaran
Associate member, Crown Office Chambers, London

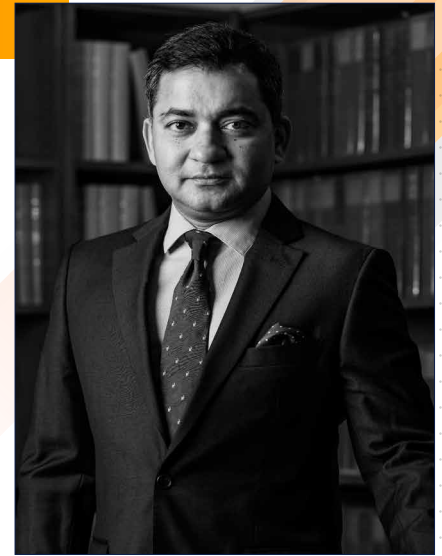
 <https://www.linkedin.com/in/thayananthan-baskaran-4582b618/>

Thayananthan Baskaran is a partner with Baskaran, Kuala Lumpur, and an associate member of Crown Office Chambers, London. Thaya's primary area of practice is construction law. He drafts various building and engineering contracts, advises on disputes arising from such contracts and appears as counsel to resolve these disputes.

Thaya also sits as an adjudicator, arbitrator, and mediator. Thaya was appointed as an adjudicator in the fifteenth statutory adjudication registered in Malaysia and now regularly sits as an adjudicator. Thaya is on the panel of several international arbitration centres and has been appointed as arbitrator in a variety of commercial disputes. Thaya also sits as a mediator in Kuala Lumpur and Singapore.

Thaya is the author of *Arbitration in Malaysia: A Commentary on the Malaysian Arbitration Act* published by Kluwer Law International in 2019. The reviews say 'This book is outstanding, and I would recommend it to all in the arbitration community' Dr Cyril Chern in *Dispute Board Federation* (2020), 'There can be little doubt that this work will become one of the leading texts on the subject...a solid first edition' Gordon Blanke in *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, and 'This book is both a valuable addition to the existing corpus of leading works on arbitration law and practice in Malaysia and an essential reference tool for arbitrators and practitioners alike' Robert Morgan in *Asian Dispute Review* (2020).

Thaya was the Chair of the Chartered Institute of Arbitrators Malaysia Branch (2017-19) and the President of the Society of Construction Law Malaysia (2016-17). Thaya is described 'as the best example of the new wave of Asian practitioners who offer great talent and fresh ideas' in *Global Arbitration Review* (2018), which adds 'He is incredibly smart, agile and resourceful'. Thaya is ranked as an Arbitration Future Leader in *Who's Who Legal* (2021), which described him as 'skilled and knowledgeable in the area of arbitration law'. Thaya is also ranked in *Chambers* (2021), which states that he 'has a notable practice acting on construction and engineering matters. He has experience handling adjudication and frequently represents clients in the power and infrastructure sectors'.



MEET OUR SPEAKERS

SUDHARSANAN THILLAINATHAN

Senior Partner, Steven Thiru & Sudhar Partnership

 <https://www.linkedin.com/in/sudharsanan-thillainathan-3126861a5>

Sudharsanan Thillainathan was called to the Malaysian Bar in 1997. Sudhar is a senior partner in the firm of Messrs. Steven Thiru & Sudhar Partnership. He is recognised as a market leading lawyer in the field of dispute resolution and leading lawyer in the fields of tax law and competition and anti-trust law. He is also recognised as an expert in commercial arbitration. Sudhar has extensive litigation experience in different levels of Courts including the High Court, Court of Appeal and Federal Court, where he has appeared for various interlocutory applications, full trials and appeals which have been reported in local law journals.



His main practice areas are in the field of Civil Litigation as well as Commercial and Corporate Litigation with a focus on complex commercial and corporate disputes and fraud. His practice areas also cover Tax and Competition Law. Sudhar is experienced in the field of Competition and Anti-Trust law. He also has appeared in many landmark decisions on corporate and commercial litigation, cross-border, defamation, probate, construction, professional negligence, land and land acquisition disputes and revenue law. Sudhar has also given expert evidence on Malaysian Law in the Singapore Courts on various occasions.

Sudhar has had approximately two decades of experience handling domestic arbitration disputes and more than one decade of experience handling international arbitration disputes. He is the immediate Past President of the Malaysian Institute of Arbitrators, the national body for Arbitration and other forms of Alternative Dispute Resolution in Malaysia. Sudhar's practice also includes regularly handling construction disputes as adjudicator and counsel under the Construction Industry Payment and Adjudication Act 2012. He has appeared as lead counsel in a wide range of arbitrations in Malaysia and overseas.

In addition, Sudhar also participated in the inaugural Singapore International Arbitration Academy (SIAA) in 2012, presented by the Centre for International Law, National University of Singapore where he was a recipient of the Award for Excellence in Advocacy. Subsequently, he was invited to be a member of the SIAA Faculty for 2013 and again for 2015. He has appeared as counsel and acted as arbitrator in arbitrations under various rules including AIAC (formerly KLRCA), ICC, SIAC and UNCITRAL. He is regularly invited to speak at national and international on current topics in arbitration and adjudication. He has also been the organising chairperson of several domestic and international arbitration and adjudication conferences.

MEET OUR SPEAKERS



DR COLIN ONG QC

Master of the Bench of the Inner Temple
Queen's Counsel and Chartered Arbitrator, 36 Stone (London)
Counsel, Eldan Law LLP (Singapore) and Senior Partner, Dr
Colin Ong Legal Services (Brunei)

 <https://www.linkedin.com/in/dr-colin-ong-qc-784102183/>

Dr Colin Ong QC has over 28 years of experience as lead counsel and arbitrator. He regularly leads many international teams as well as sits as arbitrator across 7 key countries. His practice areas include banking / finance; infrastructure projects (airports / bridges / pipe-lines / ports / railways and roads), insurance, energy disputes (coal mining / JOAs/ supply disputes / production sharing contracts / electricity supply / gas and oil contracts), information technology, intellectual property; insurance, Post-M&A disputes; shipping and trade related matters.

He has sat as arbitrator or acted as counsel in over 380 arbitrations in commercial disputes and investment disputes governed under most institutional rules. Ranked as a 30 global elite arbitration practitioner by biennial Expert Guides: Best of the Best (2017/2019/2021). Ranked as Thought Leader by Who's Who Legal in Arbitration/Construction and Litigation. Author of arbitration publications with 2 books listed as End-note 1 reference books in CIArb Practice Guidelines (Costs and Interim Measures). Author of texts on advocacy including chapter one for the GAR Guide to Advocacy. Listed as arbitrator in over 25 international arbitration panels (including P.R.I.M.E. and WIPO).

He is President, AABD, Brunei; Chairman, Advisory Board (THAC, Thailand); Advisory Council (BANI, Indonesia); Appointing Council, (CEAC, Germany); Chairman, Advisory Board (JIIART, Japan); Immediate Past Chairman, RAIF; Co-Chair, IBA APAG; Vice-President, APRAG. He holds LLB (Sheffield) / LLM / PhD (Queen Mary) / FCIArb / FMIArb / FSIArb / DiplCarb / Chartered Arbitrator (CIArb) and Chartered Arbitrator (IDRRMI, HK). Former Adjunct Professor, Universiti Kebangsaan Malaysia and University of Malaya. Core drafter of the Malaysian PAM 2006 Standard Building Forms of Contract. Chambers & Partners Most-in-Demand Arbitrators. Legal 500 English Bar (AP) – Construction and Infrastructure (2021) “very deep specialist knowledge and is able to quickly get on top of complex issues and marshal a highly effective case for his clients”. Legal 500 London Bar International Arbitration (Leading counsel as arbitrators 2021): “on top of material and the law, and experienced in both common and civil law”.

MEET OUR SPEAKERS

DR NASEEM AMEER ALI

Associate Professor and Director for Internationalisation, School of Built Environment at Massey University and Adjunct Professor at University of Science Malaysia

 <https://www.linkedin.com/in/dr-naseem-ameer-ali-14a9a315/>

Multidisciplinary construction professional with over 30 years of industry and academic experience. Past President of the Royal Institution of Surveyors Malaysia. Currently serving on the New Zealand Institute of Quantity Surveyors Auckland branch board and New Zealand Society of Construction Law council.

Author of the world's first construction contract (STCC-RSP 2015) to attain the Plain Language Commission UK's Clear English Standard accreditation.

Advocate of plain language, which is heavily emphasised in the Master of Construction (Construction Law) programme.



PROF CHOONG YEOW CHOY

Professor and Former Dean at the Faculty of Law, University of Malaya
Member of the Monetary Penalty Review Committee of the Central Bank of Malaysia

Profile: <https://umexpert.um.edu.my/choongyc.html>

Choong Yeow Choy is Professor and former Dean at the Faculty of Law, University of Malaya. Yeow Choy obtained his Bachelor of Laws degree from the University of Malaya, his Master of Laws degree from Harvard Law School and his Doctor of Philosophy degree from the University of Melbourne. He has also been admitted as an Advocate and Solicitor of the High Court of Malaya. His primary area of research and publication is in Resolution of Transnational Commercial Disputes. He has taught courses relating to this area of the law in the Duke Law School Summer Program, the University of Hong Kong, the National University of Singapore, the University of Tokyo, Kyushu University, Southwest University of Political Science and Law and Hainan University.

Yeow Choy is currently a member of the Monetary Penalty Review Committee of the Central Bank of Malaysia. He is also an Executive Council Member of the ASEAN Law Association of Malaysia, the Inns of Court Malaysia, the founder member of the Malaysian National Committee of the International Academy of Comparative Law and a Fellow of the Asian Institute of Alternative Dispute Resolution. He has served as a member of the Judicial Appointments Commission of Malaysia and a member of the Governing Council of the ASEAN Legal Information Centre.

MEET OUR SPEAKERS



PETER HIEBLER

Director, Turner Commercial Advisory Services

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Peter is the Director for Turner Commercial Advisory Services, Turner's commercial and claims management practice. Peter possesses wide experience in the international and SE Asian construction industry, having worked in the United Kingdom, the Middle East, South Africa and most recently Malaysia since 2013. Peter has over 30 years of construction experience, having held senior management roles with Contractors, Consultants and Developers on major infrastructure, rail, metro, roadworks, commercial, residential, retail and hospitality projects.

Peter holds qualifications in Civil Engineering, Quantity Surveying, Business Administration and Construction Law; his strong commercial knowledge and acumen, coupled with his technical proficiency allows him to effectively advise clients on project management, commercial management, dispute avoidance and dispute resolution matters.

His expertise lies in contract management & administration, scheduling & delay assessment, claims & dispute resolution, procurement & commercial strategy as well as risk management, and he provides expert witness services on scheduling and quantum related matters.

Peter is a member of the Chartered Institute of Arbitrators, Royal Institute of Chartered Surveyors, as well as an adjudicator, empanelled with the Asian International Arbitration Centre.

MEET OUR SPEAKERS



CHRISTIAN SWIFT

Operations Director, Plus Three Consultants

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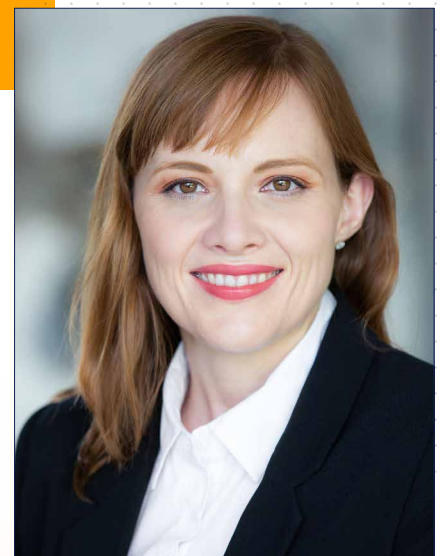
Christian is the Operations Director for Plus Three Consultants (Plus 3), having previously been employed by Plus 3's partner company Quantum Global Solutions in Qatar. He has over 21 years' of international experience in the building and civil engineering industries established from working with leading consultancy firms in the United Kingdom, Indonesia, Malaysia, New Zealand and the Middle East. Christian has particular expertise in dispute resolution through the preparation and defence of notices, interim particulars and submission of full and detailed particulars under Government and private forms of contract for extensions of time, prolongation, acceleration and disruption claims on behalf of contractors, sub-contractors and employers. Christian's expert witness work includes assisting the appointed experts in the preparation of expert reports and independent opinions for adjudication and arbitration. Christian has a strong background in commercial and contract management established from working on complex construction projects across most sectors of the industry. He advises on contractual and commercial matters as well as preparing contractual correspondence, independent opinions and entitlement submissions on matters of quantum and delay to clients internationally.

LOUISE AZMI

Partner, Ravindran and Azmi Chambers (Kuala Lumpur) and Door Tenant, 2 Kings Bench Walk (London)

 <https://www.linkedin.com/in/louise-azmi-30530a199/>

Louise Azmi is a partner at Ravindran and Azmi Chambers, Kuala Lumpur. She was called to the Bar of England and Wales in 2004, and was in private practice as a Barrister in England until relocating and being called to the High Court of Malaya. Louise undertakes advisory and counsel work in cases involving constitutional and administrative law, construction, including oil and gas, and general civil litigation. She is also a door tenant at 2 Kings Bench Walk, London, which means that she has been granted permission to join chambers and work with them from different premises. Louise is a qualified arbitrator (FCIArb) (AIAC), mediator (MMC) (AIAC) and adjudicator (AIAC), and undertakes counsel work in these proceedings, as well as acting as third party neutral.



MEET OUR SPEAKERS



DR. (ELVIS) ZHOU XIAN FENG

Partner, Junhe LLP

Dr. Zhou specialises in construction and engineering law. Prior to joining JunHe, he served as Managing Partner of Hesun Law Firm in alliance with Pinsent Masons LLP. He was retained as an Adjunctive Professor by Tsinghua University - IIEPM, and now is the listed arbitrator of China International Economic and Trade Arbitration Commission (CIETAC) as well as Beijing International Arbitration Centre (BIAC).

Dr. Zhou specializes in all aspects of law relating to construction and engineering for energy and infrastructure projects, particularly EPC projects, construction insurance and bonds, claims and counter claims, cross-border construction disputes resolution both domestically and internationally. Based on his working experiences as engineer, he has extensive experience in providing professional legal services to project owners and contractors.

Dr. Zhou was awarded as the first PhD in Engineering Law in PRC in 2004. He is a member of Chartered Institute of Building (MCIOB), a member of the Royal Institute of Chartered Surveyors (MRICS), and an affiliate member of Institute of Civil Engineers. He is also National Qualified Constructor of PRC. For many years, he has been ranked by Chambers and Partners Global as Band 1 in individual rankings in the category Projects and Infrastructure (PRC).

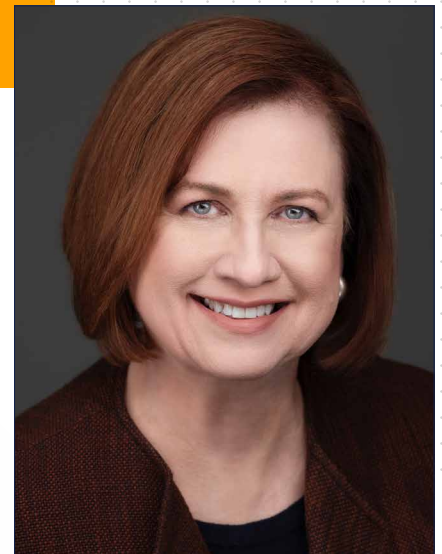
ANN RYAN ROBERTSON

International Partner in Locke Lord LLP's Houston office
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Ann Ryan Robertson, Chartered Arbitrator, FCI Arb, is the global President of the Chartered Institute of Arbitrators. An International Partner in Locke Lord LLP's Houston office, Ann acts as arbitrator and advocate in a wide variety of complex business disputes. She holds a J.D., as well as an LL.M in International Economic Law. Ann has been named to Global Arbitration Review's "Who's Who Legal: Arbitration" since 2015 and to "The Best Lawyers in America, International Arbitration / Governmental" since 2014. She is a member of a number of arbitral institution panels, including the International Centre for Dispute Resolution (ICDR), the Singapore

International Arbitration Centre (SIAC), the Hong Kong International Arbitration Centre (HKIAC), the Asia International Arbitration Centre (AIAC), the Korean Commercial Arbitration Board (KCAB), the International Institute for Conflict Prevention & Resolution (CPR), the British Virgin Islands International Arbitration Centre (BVI-IAC), the Maldives International Arbitration Centre (MIAC) and the Court of Arbitration for Art (CAfA). She is an adjunct professor at the University of Houston Law Center and a frequent author and speaker on arbitration issues. A recipient of many awards and honors, most recently, the United States Department of Trade selected Ann as one of ten arbitrators appointed by the United States to serve as a dispute settlement panelist pursuant to Chapter 31 of the United States-Mexico-Canada Agreement (USMCA). Long a supporter of diversity in arbitration, Ann is also a founding member of ArbitralWomen.



MEET OUR SPEAKERS

KATIE-BETH JONES

Senior Business Development Consultant – APAC

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Katie-Beth leads commercial strategy for Opus 2 in Asia-Pacific, where she is focused on helping clients in the litigation and arbitration sector overcome barriers with Opus 2's premier dispute resolution solutions and services. Since joining Opus 2 in 2012, Katie-Beth has pioneered for paperless trials in several high-profile cases and is a skilled speaker on the topic of the evolution of technology in litigation and arbitration. Most recently, Katie-Beth has partnered with leading arbitration centres and institutions to educate and help members navigate the challenges of conducting arbitration hearings during and after COVID-19.



CONTINUING PROFESSIONAL DEVELOPMENT (CPD) POINTS

As of 2 July 2021:

CIDB Malaysia
Board of Quantity Surveyors Malaysia
Bar Council Malaysia
Board of Architects Malaysia

Subject to approval
Subject to approval
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A participant is qualified to request a Certificate of Attendance when the following is satisfied:

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