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(This conference will be conducted in English)

Thursday, 9 December 2021, 1:55pm - 5:30pm

(Hong Kong Local Time - GMT +8)

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SPEAKERS



Paul Key QC
Essex Court Chambers London
Chairman



Christine Artero
Independent Arbitrator
Panel Moderator



Julian Cohen
Barrister, Resolution
Chambers International



Charles Allen
Partner, RPC



Boey Swee Siang
Partner, RPC



Dakai Liu
Partner, Forensic, KPMG
Advisory (China) Limited



Mohit Kumar
Associate Director – Cyber
Response, KPMG Advisory
(China) Limited



Thomas G. Allen
Partner, Kilpatrick Townsend
& Stockton LLP



Elvira Aliende Rodriguez
Partner, Shearman & Sterling



Sangyub (Sean) Lee
Deputy Director,
KCAB INTERNATIONAL



Tavish MacLean
Senior Manager,
Perun Consultants



Damien McDonald
Barrister, Prince's Chambers



Benjamin Siino
Founding Partner, Gaillard
Banifatemi Shalbaya Disputes



Francisco Leitão
Partner, MdME Lawyers



Lucy Martinez
Independent Arbitrator



Velislava Hristova
International Arbitration
Lawyer

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SCHEDULE

13:55 – 14:05	Opening Welcome Chair and Arbitration Update Paul Key QC, Essex Court Chambers London
14:05 – 14:15	Navigating Complex Shareholder Disputes in Asia Swee Siang Boey, Partner, RPC
14:15 – 14:25	Confidentiality and Anonymity in Hong Kong Arbitration-related Litigation Charles Allen, Partner, RPC
14:25 – 14:35	Arbitrating M&A Disputes – Protecting and Defending Value Damien McDonald, Barrister, Prince's Chambers
14:35 – 14:45	The Virtual Reality, Seeking New Opportunities in a Changing International Arbitration World Sangyub (Sean) Lee, Deputy Director, KCAB INTERNATIONAL
14:45 – 15:05	Supply Chain Disputes: Does the Global Supply Chain Crisis Call for A New Paradigm? Thomas G Allen, Partner, Kilpatrick Townsend & Stockton LLP
15:05 – 15:25	Effective Management of Construction Disputes in a Virtual Age: Practical Experiences and Tips? Julian Cohen, Barrister, Resolution Chambers
15:25 – 15:45	Cyber Investigation • Dakai Liu, Partner, Forensic, KPMG Advisory (China) Limited • Mohit Kumar, Associate Director - Cyber Response, KPMG Advisory (China) Limited
15:45 – 15:55	Litigating in Macau: An Overview Francisco Leitão, Partner, MdME Lawyers
15:55 – 16:05	Asset Tracing & Recovery in Cross Border Disputes Tavish MacLean, Senior Manager, Perun Consultants
16:05 – 16:30	Managing Cartel Investigations & Advising Whistleblowers Elvira Aliende Rodriguez, Partner, Shearman & Sterling
16:30 – 17:10	Grand LIVE Panel & Q/A – Enforcement of Awards – Different Regions Different Options in The Current Climate Moderator: • Christine Artero, Independent Arbitrator Panellist: • Benjamin Siino, Founding Partner, Gaillard Banifatemi Shelbaya Disputes • Lucy Martinez, Independent Arbitrator • Velislava Hristova, International Arbitration Lawyer
17:10 – 17:20	Closing Remarks

* program is subject to change without prior notice

Paul Key QC, Essex Court Chambers London

Paul Key Q.C. is recognised as one of the leading QCs at the English Commercial Bar. He has particular expertise and specialism in arbitration, both international commercial arbitration and investment treaty arbitration (including ICSID). He also regularly appears in arbitration-related Court matters, including appearing in the English Supreme Court in *Jivraj v Hashwani*.

He has been ranked in the top-tier (band 1) rankings for arbitration for over 10 years and has consistently been identified as one of the leading figures in that field (“a real arbitration expert”, “few can rival his expertise, ability and knowledge in the field of arbitration”, “the first port of call for important arbitration disputes”, “an arbitration guru”).

He has appeared as advocate in over 300 major international arbitrations worldwide, as well as appearing regularly before the English Courts (at all levels) and foreign Courts on arbitration matters. In addition to his extensive experience in international commercial arbitration, he is one of the very few English QCs to have real expertise in investment arbitration. He has been lead counsel in a very large number of BIT / investment arbitrations, acting both for and against States. He is Visiting Professor in international arbitration law at King's College, London, and has lectured and published widely in this field. He has been a longstanding representative of the UK on the ILA International Commercial Arbitration Committee and is also a delegate for the UNCITRAL Working Group on Arbitration.

Christine Artero, Independent Arbitrator

Christine is a full-time arbitrator with The Arbitration Chambers (Singapore) and Fountain Court Chambers (London and Singapore).

She is educated in both the civil law and the common law traditions, and she is admitted to the Paris Bar and as a solicitor in England and Wales. Christine is also a Fellow of the Chartered Institute of Arbitrators and of the Singapore Institute of Arbitrators.

Christine has served as sole arbitrator, co-arbitrator and presiding arbitrator in arbitrations administered by the ICC, SIAC, LCIA, HKIAC, KCAB and PCA, as well as in ad hoc arbitrations.

Her experience spans a broad range of commercial disputes, including joint venture and shareholder disputes, fraud cases, construction and infrastructure projects, shipping, shipbuilding, heavy machinery manufacturing, agency and distributorship agreements, hotel services, employment, sale of goods and general contractual disputes.

Prior to launching her career as independent arbitrator, Christine worked in private practice, at Shearman & Sterling, as counsel at the LCIA, where she oversaw the administration of over 200 arbitrations, and as tribunal secretary to over 80 arbitral tribunals at The Arbitration Chambers.

As adjunct professor, Christine teaches International Arbitration at the University of Toulouse 1 (France), and regularly lectures at other leading institutions.

Julian Cohen, Barrister, Resolution Chambers International

Julian has 30 years of specialist experience of heavyweight international, and domestic, disputes. Sums in dispute in his cases vary from small to in excess of USD 2 billion. In addition to acting as counsel, he also regularly sits as an arbitrator.

Julian has over 10 years' experience in the MENA region, including 2 years based full time in Dubai, and an ongoing long-term commitment to the region. Julian has been involved in projects and disputes in Dubai, Abu Dhabi, Qatar, Oman, Iran, Saudi Arabia, Benin, Sierra Leone and Mali.

Julian was called to the Bar in England & Wales in 1990. He was with Pinsent Masons' Construction Disputes practice in London and Hong Kong from 1993 to 2009. He left Pinsent Masons as a partner in 2009, and was called to the Bar in Hong Kong in 2010.

Julian is particularly well known for his heavy weight practice in relation to the Construction and Engineering sectors; the Energy, Oil and Gas sectors; and International and domestic arbitrations.

Charles Allen, Partner, RPC

Charles Allen focusses on Commercial Disputes. He is a solicitor advocate supporting clients in domestic and cross-border litigation as well as in international arbitrations across numerous jurisdictions. During the course of more than 20 years of practice in Asia, Charles has been involved in a wide range of disputes before the Hong Kong courts as well as in other jurisdictions around the region, including China, Singapore and India. Charles also specialises in domestic and international arbitration across a range of industries and has extensive experience under various rules including HKIAC, ICC, LCIA, UNCITRAL and LMAA. He has handled numerous institutional and ad hoc arbitrations as counsel, and has also sat as arbitrator. Among others, Charles is on the arbitrator panels of the Hong Kong International Arbitration Centre and the Law Society of Hong Kong. He is a Fellow of the Chartered Institute of Arbitrators.

Charles is a versatile and “very sharp and tactical lawyer” who represents clients on a variety of commercial disputes. He acts for a range of clients, including individuals, private and listed companies, multinationals, conglomerates and financial institutions. Charles is ranked as a leading individual in Chambers Asia Pacific 2020.

Boey Swee Siang, Partner, RPC

Boey Swee Siang heads the Dispute Resolution practice at Premier Law. He has around 25 years of experience advising and representing clients in high value commercial and corporate disputes, including complex multi-million dollar cross-border litigation and international arbitration cases. Swee Siang's areas of expertise include contractual and tortious claims encompassing various practices such as construction, defamation, professional negligence and employment disputes. Swee Siang's practice also encompasses insolvency and restructuring. He has acted as lead counsel in numerous cases before the High Court of Singapore and has also appeared before the Court of Appeal, which is the highest court in the jurisdiction.

He has acted as counsel in numerous domestic as well as international arbitrations conducted under various institutional rules, such as the SIAC, ICC, LCIA and Swiss Rules of Arbitration. He has also been involved in ad hoc arbitration proceedings applying the UNCITRAL Rules. In 2014, Swee Siang received the International Law Office (ILO) Client Choice Award in the Arbitration category for Singapore and was recognised as an Acritas Star Lawyer in 2017.

Dakai Liu, Partner, Forensic, KPMG Advisory (China) Limited

Dakai leads KPMG's Forensic Technology service in China as well as the forensic practice in southern China. Dakai has over 15 years of combined experiences in providing Cyber Incident Response, E-Discovery, Data Analytics and investigation services. He started his career in KPMG Holland and relocated to Shanghai in year 2011. Dakai started his Forensic Technology career at KPMG The Netherlands and has been working with different teams across Europe ever since. He was on various international projects where he spent years working in UK, German, Belgium for projects serving different large multinational corporations. In 2011, Dakai relocated to KPMG's Shanghai office, where he continued to provide technology solutions to overseas companies as well as supporting engagements in regards to internal auditors, cyber security, risk and compliance, fraud prevention/detection, anti-corruption practices, FCPA and UK-Bribery compliance, due diligence, data acquisition and preservation, Anti Money Laundry, litigation support engagements.

Dakai lead various Digital investigation engagements in China to assist client and its external counsel exploring facts lay beneath different ERP data sources. He has significant knowledge working with different local ERP packages as well as global ERP solutions to identify, extract, map, modelling, analysis and visualizing data from different angles, transform such information into meaningful business interpretations. Dakai combines his extensive knowledge of data analytics with his system development skills to assist clients from various industries. Including provide information system solution to meet client's specific requirements on fraud/loss prevention and detection related issues. Dakai also specialized in E-Discovery by assisting clients and their internal and external counsels to collect, preserve and analyze large volume of structural and un-structural data. He provides technical inside and identifies factual findings in related to various commercial investigations and litigations. Over the past years, Dakai has been leading numerous large E-Discovery projects in China for pharmaceutical companies. In the past few years, Dakai helped clients investigate urgent cyber breaches such as ransomware, phishing attacks, etc. by providing Incident Response service in Mainland China.

Mohit Kumar, Associate Director — Cyber Response, KPMG Advisory (China) Limited

Mohit is a seasoned cyber forensic professional with over 11+ years of experience in both Offensive Cyber and Cyber Défense Operations. He is part of KPMG Global Cyber Response Team and has lead, managed multiple engagements in Asia and Globally, and is currently based in Shanghai for over past 2.5 years. He specializes in assisting organizations in building capability to defend themselves against cyber-attacks, investigate incidents and strengthen their overall cyber security posture. He has worked across various sectors and some of his significant engagements in the past were ransomware breach investigations, data thefts investigations and email attack investigations.

In today's webinar, he will be discussing cyber investigation overview and case studies about ransomware attack and business email compromise attack.

Thomas G. Allen, Partner, Kilpatrick Townsend & Stockton LLP

Thomas G. Allen is a Partner and Global Lead for International Disputes at Kilpatrick Townsend. His practice focuses on international commercial and investor-state arbitration. Tom has participated in arbitrations seated throughout Asia and advises companies in a variety of industries. He currently serves as Vice Chair of the Dispute Resolution and Arbitration Committee of the Inter-Pacific Bar Association. Tom acts as arbitrator and is a member of the roster of arbitrators for the Japan Commercial Arbitration Association. He is a frequent lecturer on international arbitration topics and is a former adjunct professor in the international arbitration discipline.

Tom is a primary member of the firm's Construction & Infrastructure team with an emphasis on energy generation and industrial projects. He also represents clients in disputes centered on manufacturing, M&A, aviation, and technology licensing. Tom additionally litigates arbitration-related issues in U.S. trial and appellate courts. He also counsels corporations on U.S. government investigations and enforcement proceedings.

Elvira Aliende Rodriguez, Partner, Shearman & Sterling

Elvira Aliende Rodriguez is a partner in the Antitrust practice. She focuses on Spanish and EU competition law. Elvira advises clients across a range of sectors, including air transport, chemicals, telecommunications, energy, pharmaceuticals, steel, hotel accommodation, textiles and financial services. She has extensive experience in advising clients on Article 101 (restrictive agreements) and the equivalent provisions under Spanish law. She has also participated in State aid procedures and in Article 102 (abuse of dominance) cases before the EU competition authorities. She has in-depth knowledge of working before the European Commission and the European Courts.

Sangyub (Sean) Lee, Deputy Director, KCAB INTERNATIONAL

Sangyub (Sean) Lee, the Deputy Director of KCAB INTERNATIONAL, is mainly in charge of promotion of institution by managing diverse networks of the international arbitration community, also administering arbitration cases in English and Korean as a case manager. Before joining KCAB, he had worked as a journalist and an in-house counsel for the Korea Economic Daily, one of the most influential local newspaper companies. He had a role in trying to keep the public informed of KCAB's achievements and potential through writing a variety of articles, especially covering international arbitration.

Tavish MacLean, Senior Manager, Perun Consultants

Tavish has specialised in forensic accounting for over 9 years, covering both local and cross-border engagements. His areas of expertise include valuations, insolvency, litigation support, and due diligence matters. He has completed numerous civil and criminal litigation support and forensic accounting assignments relating to asset-tracing, commercial fraud, employee fraud, anti-money laundering and terrorist financing, organised and serious crimes, internal audit, damages claims and shareholders disputes. His experience spans a broad range of industries, including accounting & auditing, securities & commodities trading, casinos & hospitality, real estate, construction, telecommunications technology, and manufacturing. Tavish's practice covers investigations, corporate advisory, quantum of damages calculations, expert witness assignments, and litigation support.

Damien McDonald, Barrister, Prince's Chambers

Damien is a barrister with Prince's Chambers in Hong Kong and Outer Temple Chambers in London, focusing on international arbitration. He was initially admitted as a solicitor in Australia in 2001 and has practised with leading disputes firms in Melbourne, Darwin, London, Shanghai and Beijing. Before joining the bar in 2020, Damien was an international arbitration partner with a leading Chinese law firm in Hong Kong.

Damien deals with a broad range of commercial and contractual disputes, including M&A, shareholder, joint venture, and private equity/fund-related disputes. He has experience across a range of sectors ranging from minerals and resources, petrochemical, private equity, and funds, IT and systems integration and general commercial.

He is a Fellow of the Chartered Institute of Arbitrators and an arbitrator on the HKIAC List of Arbitrators and Asian International Arbitration Centre Panel of Arbitrators. He is also a CEDR qualified mediator.

Benjamin Siino, Founding Partner, Gaillard Banifatemi Shelbaya Disputes

Benjamin Siino is a founding partner of Gaillard Banifatemi Shelbaya Disputes and is recognized as "one of the best French experts in enforcement of arbitral awards". Prior to founding Gaillard Banifatemi Shelbaya Disputes he was a partner at Shearman & Sterling LLP where he practiced for more than ten years.

His experience includes international ad hoc arbitrations, including under UNCITRAL Rules, and institutional arbitrations under the Rules of the ICC and ICSID, with a strong focus on energy, investment and general commercial arbitrations, as well as arbitrations related to Africa. Benjamin has secured many landmark victories for his clients, including a major victory on behalf of Algeria in a dispute with Orascom TMT, where the Tribunal dismissed USD 4 billion claims brought by Orascom TMT.

Benjamin also acts as counsel in litigation proceedings before French courts, with a focus on proceedings to seek the recognition and enforcement of arbitral awards and foreign judgments. Notably, Benjamin is heavily involved in the enforcement of the USD 50 billion award on behalf of the majority shareholders of the former Yukos Oil Company against the Russian Federation, across multiple jurisdictions.

Benjamin is featured in Who's Who Legal: Arbitration - Future Leaders 2020. The publication, which is based upon an independent survey of general counsel and private practice lawyers worldwide, profiles the foremost practitioners in the global arbitration community aged 45 and under. It notes that Benjamin "has great advocacy skills" and that he is considered as "one of the best French experts in enforcement of arbitral awards".

Francisco Leitão, Partner, MdME Lawyers

With a strong focus on dispute resolution, civil and criminal litigation. Francisco is the head of the litigation, arbitration & dispute resolution practice at MdME Lawyers, having joined the firm following several years practising law. Francisco is one of the most active litigation lawyers in the Macau jurisdiction. He has assisted and represented several local and international companies and individuals in their Macau-based disputes, including corporate and property litigation, high-profile commercial and construction disputes, bankruptcy proceedings and mass labour litigation, as well as in infraction proceedings, before the Macau regulators in a number of areas.

Francisco's experience in recent years includes acting for clients such as a public transportation concessionaire in voluntary bankruptcy proceedings, a leading financial services provider in civil claims related to securities investment, several international engineering and construction companies in contractual disputes and arbitration proceedings against local gaming and hospitality operators, a multinational security company in mass labour litigation, and several overseas gaming operators in their Macau-based debt recovery proceedings in Macau.

He has also acted in many of the highest-profile cases in the Macau Courts in recent years, in such diverse roles as criminal defence, attorney against charges of corruption of public officials, racketeering or drug trafficking, or counsel for international real estate developers in administrative appeals and civil claims against the Macau Government in connection with nullified or reclaimed land concessions. Francisco is also frequently requested to take part as Macau counsel in multi-jurisdiction teams handling complex cross-border litigation. In that capacity, he has partnered with other leading litigation practitioners.

Lucy Martinez, Independent Arbitrator

Lucy Martinez is an independent arbitrator, with experience as sole, co-, or presiding arbitrator in ACICA, HKIAC, ICC, LCIA, and SIAC arbitrations, including in expedited proceedings, governed by the laws of Australia, England & Wales, Hong Kong, India, Singapore, and Thailand. She also acts as independent counsel, and has extensive experience advising and representing private and sovereign clients in disputes relating to investment treaties, contracts, and/or national investment legislation, including in AAA, ICC, ICSID, LCIA, UNCITRAL, and ad hoc arbitrations, governed by international and domestic law (common and civil law). Her industry experience includes energy (oil, gas, electricity, mining), telecommunications, satellite technology, banking, finance, insurance and reinsurance, trademarks, shipping, sports, supply of goods, gambling, and leisure sectors. Ms. Martinez is also a Sessional Lecturer in International Arbitration (part-time) at the University of Queensland, in Brisbane, Australia. For more information, please see www.martinez-arbitration.com.

Velislava Hristova, International Arbitration Lawyer

Velislava Hristova specialises in investor-state arbitration, complex commercial disputes and public international law. She has experience in investment, commercial, energy, post-M&A and financial services disputes under the rules of ICSID, ICC, LCIA, SCC, BCCI and in ad hoc proceedings gained while working at law firms in London, Vienna, Stockholm and Sofia. Velislava is Co-Founder of the Young Bulgarian Arbitration Practitioners. She frequently publishes and speaks on topics in the fields of International Arbitration and Oil & Gas and takes part in capacity-building initiatives in Europe, Asia and Africa. Currently, Velislava is a Dispute Resolution Fellow of the Section of Dispute Resolution of the American Bar Association and a Diversity Fellow of the International Law Section.

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