



Public CPD Points: 1.5



Interest in Arbitration is Interesting! (But the Law of Interest Claims is A Mess.)

Thursday, 20 May 2021, 5.30pm – 7.15pm

About this Webinar

Almost every arbitration includes a claim for interest. There will often be a delay of years between the event giving rise to the claim and final determination, and interest can amount to substantial sums. It deserves careful attention, but often fails to get it. Often, the claim is little more than a few words in the prayer for relief, and then a paragraph or two at the end of the submissions. When the claim for interest does receive attention, there is often heated debate over the appropriate approach to take, but this may be inhibited by what are, arguably, flaws in the approach the law has historically taken to interest and a failure to get to grips with the economic rationale for awarding it.

In this webinar, Matthew Secomb (partner at White & Case and author of “Interest in International Arbitration”) will explain the legal framework applicable to interest in international arbitration and discuss where it has, arguably, gone wrong. Jonathan Ellis (managing director at Secretariat and experienced quantum expert) will discuss the economics underlying interest. They will provide a road map for counsel to advance claims for interest (and arbitrators who have to determine them) on a principled basis and in accordance with the law. Amongst the issues they will discuss are:

- The economics of interest
- Common law/civil law/shari’a law – the diverse legal treatment of interest
- The source of arbitrators’ powers to award interest
- Selecting the rate, date from which interest should run and calculation method (simple v compound)
- Claiming interest as damages

Webinar Programme

Webinar participants will be able to watch and listen to (via computer audio or telephone line) the video presentation and Q&A discussion on their screens, receive a PDF copy of the presentation slides, as well as participate in the Q&A discussion by sending in your questions to the moderator via text using the built-in chat function.

5.30 – 5.45pm	Opening Remarks by Moderator <i>Mr. Andrew Pullen – Barrister, Fountain Court Chambers; Council Member, Singapore Institute of Arbitrators</i>
5.45 – 7.00pm	Interest in arbitration is interesting! (But the law of interest claims is a mess.) <i>Mr. Jonathan Ellis - Managing Director, Secretariat</i> <i>Dr. Matthew Secomb - Partner, White & Case Pte. Ltd.</i>
7.00 – 7.15pm	Q&A Session

About the Speakers



Mr. Jonathan Ellis is a Managing Director with Secretariat and is based in Singapore. He has had broad forensics, litigation and arbitration experience over the past 15 years. He specialises in the quantification of damages and valuations, in particular in dispute contexts. He has testified on many occasions, in both court and arbitration, undertaken expert determinations and has been engaged as a tribunal appointed expert. Since 2017 he has been recognised among the leading arbitration expert witnesses worldwide by Who’s Who Legal and was classified as “Global Elite Thought Leader” for 2020.



Dr. Matthew Secomb is a partner based in White & Case’s Singapore office. His practice focuses on international arbitration, with a particular emphasis on energy and construction disputes. He also acts as arbitrator, having chaired or sat as sole or co-arbitrator in arbitrations under various rules (ICC, HKIAC, LCIA, SIAC etc). Matthew is qualified as an *avocat à la cour* at the Paris bar, a solicitor-advocate in England & Wales and a barrister and solicitor in Victoria. He teaches an annual course on Energy Arbitration as an Adjunct Associate Professor at NUS Law. Matthew is listed as one of the top 10 Asia-Pacific based lawyers named in Who’s Who Legal: Global Elite Thought Leaders 2020 – Arbitration.



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About the Moderator



Mr. Andrew Pullen is an English-qualified barrister specialising in international arbitration, appearing as counsel and sitting as arbitrator. He has been based in Singapore since 2011.

Andrew's recent cases range from construction disputes in Australia and Asia, to claims relating to software licensing and the development of pharmaceuticals, to joint venture disputes. His diverse experience covers energy, finance, mining, automotive, defence, utilities, heavy industry, manufacturing, brewing and media, and cases determined under a wide variety of governing laws and arbitral rules, in Asia, Europe and the US. He frequently works as co-counsel with lawyers from many jurisdictions and has considerable experience of interim measures and jurisdiction issues in arbitration.

REGISTRATION CLOSING DATE: <u>13th May 2021</u>	FEES
Membership	Regular Rate
SI Arb Members	S\$ 40.00
Members of: Asia Pacific Institute of Experts (APIEx); Marine Offshore Oil & Gas Association (MOOGAS); Regional Arbitral Institute Forum (RAIF); Singapore Corporate Counsel Association; Society of Construction Law Singapore (SCL (S)); Singapore Chamber of Maritime Arbitration (SCMA); Singapore Institute of Architects (SIA)	S\$ 60.00
Others	S\$ 90.00

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Practice Area: **Alternative Dispute Resolution**
Training Level: **General**
Public CPD Points: **1.5**

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