



Public CPD Points: 1.0



Procedural Approaches of International Arbitral Tribunals: Is There a Common Law/Civil Law Divide?

Thursday, 17 September 2015, 4.30pm - 6.00pm
Intellioffices, 146 Robinson Road, Singapore 068909

About this Seminar:-

Reference is sometimes made to a “common law-civil law divide” to describe the different approaches adopted by arbitrators coming from different jurisdictions in the resolution of international disputes. While it may be part of human nature for legal professionals who sit as arbitrators to be influenced to some extent by their legal background and culture, the practice of international arbitration is in the process of creating a generally accepted manner of conducting arbitral proceedings that combines elements taken from different legal traditions, first and foremost the common law and civil law systems. Thus, with the growth and progressive internationalisation of arbitration the notion of two separate camps neatly separating the two main legal traditions seems to be more a myth than actual reality.

One of the most classical examples of this progressive bridging of differences is provided by the document production mechanisms employed in international arbitration. These differ greatly from the common law approaches. UK and US-style discovery is not accepted in international arbitration but it has morphed into a much less extensive process of document production influenced by the civil law approach. At the same time, it is also true that other important features that are typical of the common law tradition, such as, notably, the cross examination of witnesses, are now commonly used in international arbitration.

The harmonisation of procedural practices of international arbitral tribunals has been accompanied in parallel by the modernisation of the procedural rules of the main arbitral institutions and the work of professional associations who have adopted instruments such as, for instance, the IBA Rules on the Taking of Evidence, the UNIDROIT Transnational Rules of Civil Procedure, the UNCITRAL Model Law and the UNCITRAL Draft Notes on Organising Arbitral Proceedings.

The presentation will expand on these issues and will notably focus on the administration of evidence in international arbitration from the experience of the speaker to show through some concrete examples the growing procedural convergence of different legal systems achieved in the practice of international tribunals.

Seminar Programme:-

4:30 – 4:45pm	<i>Registrations</i>
4:45 – 4:50pm	Opening Remarks by Chairperson <i>Mr Naresh Mahtani - Partner, Eldan Law LLC; Honorary Secretary, SI Arb</i>
4:50 – 5:50pm	Procedural Approaches of International Arbitral Tribunals: Is There a Common Law/Civil Law Divide? <i>Ms Loretta Malintoppi – Of Counsel, Eversheds LLP (Singapore Office)</i>
5:50 – 6:00pm	Q&A Session

The talk will be followed by the SI Arb Annual General Meeting (AGM). SI Arb Members in the audience are invited to stay on for the AGM.

About the Speaker:



Loretta Malintoppi is Of Counsel in the Singapore Office of Eversheds LLP. She has a law degree from Rome University and holds an LLM in Common Law Studies from Georgetown University Law Centre. Ms Malintoppi is dually qualified (Paris and Rome Bars) and is registered to practice as a Foreign Lawyer in Singapore. She specializes in both international commercial and investment arbitration. She acts as counsel, advocate and arbitrator and has represented private companies, States and State entities in proceedings under a variety of arbitration rules, including ICSID, ICC, UNCITRAL, SIAC, LCIA and DIAC.

Ms Malintoppi also appears as counsel and advocate in State-to-State disputes before the International Court of Justice and in ad hoc arbitrations. She was a Member for Italy of the ICC International Court of Arbitration from 2000 to 2009 and served as a Vice-President of the ICC Court from 2009 until 30 June 2015. Ms Malintoppi has written a number of articles on investment arbitration and State-to-State litigation and is one of the co-authors of The ICSID Convention – A Commentary published by Cambridge University Press in 2009. She is also a member of the Editorial Board of The Law and Practice of International Courts and Tribunals, editor of the series International Litigation in Practice Series, and a member of the editorial advisory board of the Journal of World Investment and Trade. Ms Malintoppi is regarded by the legal directory Chambers Global as a leading individual in international arbitration.

About the Chairperson:



Naresh Mahtani, has been in legal practice for 30 years in dispute resolution, commercial transactions, construction and oil & gas projects. He was founding partner of ATMD Bird & Bird LLP and is currently a partner of Eldan Law LLP with an active practice in projects and dispute resolution. He was Chairman of the Society of Construction Law, Singapore (2006-2008) and is Honorary Secretary of SI Arb. He has been counsel in various domestic and international arbitrations and litigations in Singapore and the region; and appointed as arbitrator in institutional and ad hoc arbitration cases. He is on the SIAC, ICC and several other international arbitration panels; on the Disputes Resolution Panel of Singapore Wholesale Electricity Market; Adjudicator with Financial Industry Dispute Resolution (FidreC), as well as adjudicator and mediator with the Singapore Mediation Centre. He has written widely and been a speaker at various conferences on subjects relating to arbitration, expert determination and other progressive forms of ADR, and has lectured and tutored at the SI Arb IEC and Fellowship courses for several years.



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MEMBERSHIP (Please circle as appropriate.) REGISTRATION CLOSING DATE: <u>10 September 2015</u>	FEES
Members of SI Arb	Free
Marine Offshore Oil & Gas Association (MOOGAS); Regional Arbitral Institute Forum (RAIF); Singapore International Arbitration Centre (SIAC); Singapore Institute of Architects (SIA); Society of Construction Law Singapore (SCL (S)); Others	S\$80

REGISTRATION FORM (Please use 1 form per participant)

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Practice Area: **Alternative Dispute Resolution**

Training Level : **General**

Public CPD Points : 1.0

(Based on 100% attendance)

SILE Attendance Policy

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REGISTRATION, REFUND & CANCELLATION POLICY

- Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
- SI Arb reserves the right to update or amend the details of the programme and/or the names of speakers without prior notice.
- No refunds will be made for cancellations or no-shows by those registered. If you are unable to attend the event, an equivalent substitute may attend in your place at no extra charge provided that at least 3 days prior written notice is given to SI Arb.
- We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
- By completing this form, you fully consent to the collection, use and disclosure of your personal data as appears in any form, document or electronic template, by SI Arb.