



14–17 August 2018

The Royale Chulan Kuala Lumpur

**RAISING THE BAR**  
Innovate • Integrate • Emulate

CPD Code: T3/1417082018/IMLC/BC172888/16 | 16 Points

**IMLC 2018 | Conference Programme (14–17 August 2018)**

The biennial International Malaysia Law Conference (“IMLC”), the flagship event of the Malaysian Bar, will be held from 14–17 August 2018 at The Royale Chulan Kuala Lumpur.

Our theme for IMLC 2018 – “Raising the Bar: Innovate. Integrate. Emulate” – spotlights innovations that can and will impact the legal community, and the need to embrace and integrate these innovations seamlessly. Emulating innovative trailblazers can make all the difference between merely surviving, and truly excelling, in the legal profession.

To cater to the needs and interests of an evolving and globalised legal community, IMLC 2018 has been expanded into two significant parts over four days:

- (1) **The domestic segment** on the first two days follows the traditional conference-style format, and includes plenaries and breakout sessions; and
- (2) **The international segment** on the last two days has been uniquely conceived as a series of in-depth discussions with members of national Bars as well as international Bar associations, in the style of “working groups”.

We are pleased to present the detailed Conference Programme, which is attached and also accessible [here](#).

Join us for relevant, informative and thought-provoking sessions at IMLC 2018, as well as engage with knowledgeable, insightful and scintillating domestic and international speakers including:

- (1) The Honourable Margaret Beazley AO, *President, New South Wales Court of Appeal*
- (2) The Honourable Robert Shenton French, *Former Chief Justice of Australia*
- (3) The Honourable Muzammel Hossain, *Former Chief Justice of Bangladesh*
- (4) Chunghwan Choi, *President-Elect, LAWASIA; Lee & Ko, Seoul, Korea*
- (5) Christina Blacklaws, *President-Elect, The Law Society of England and Wales*
- (6) Nicholas Stewart QC, *Past President, UIA (2001–2002); Barrister, Ely Place Chambers, UK*
- (7) Dr Ahmed Shaheed, *United Nations Special Rapporteur on Freedom of Religion or Belief*
- (8) Datuk Seri Gopal Sri Ram, *Former Judge, Federal Court of Malaysia; Messrs Sri Ram*
- (9) Abu Hassan Alshari Yahaya, *Assistant Governor, Bank Negara Malaysia*
- (10) Tan Sri Datuk Dr Rebecca Fatima Sta Maria, *Chairman, IDEAS Board of Directors*

With over 200 foreign and domestic speakers engaging with a diverse range of law- and non-law-related areas of interest, this is the legal conference of the year, and not to be missed!

Click [here](#) to register, and [here](#) for regular updates.

See you, your friends and your colleagues at IMLC 2018!

Thank you.

Steven Thiru and Karen Cheah Yee Lynn  
Co-Chairpersons  
IMLC 2018 Organising Committee



Please submit completed registration forms by  
fax to +603-2026 1313 / +603-2050 2113,  
or by email to [imlc2018@malaysianbar.org.my](mailto:imlc2018@malaysianbar.org.my).

For assistance, kindly contact:

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### DAY 1 | 14 August 2018 (Tuesday) | Domestic Sessions

- 07:30 – 09:00 Registration | Ground Floor, Registration and Info Counter
- 09:00 – 09:10 **OPENING CEREMONY**  
Introductory Remarks by **Steven Thiru**, Co-Chairperson, IMLC 2018 Organising Committee
- 09:10 – 09:20 Welcoming Address by **George Varughese**, President, Malaysian Bar
- 09:40 – 10:05 Opening Address by **Tommy Thomas**, Attorney General of Malaysia
- Introduction to Keynote Address by **Dato' Abdul Fareed Abdul Gafoor**, Vice-President, Malaysian Bar
- 10:10 – 10:50 Keynote Address by **His Royal Highness Sultan Nazrin Muizzuddin Shah**, Sultan of Perak Darul Ridzuan
- Tea Break
- 11:15 – 12:45 **Plenary 1 | 100 Days: Scorecard on GE14 Promises**  
The new Government's has pledged to fulfil 10 promises during its first 100 days, ie by 17 Aug 2018. Some promises are of a financial nature whilst others include institutional and political reforms to adhere to the rule of law. The Government aims to review the composition, functions, and scope of power of a variety of institutions, and to deal with hot-button matters including 1MDB, Tabung Haji, FELDA, and Lembaga Tabung Angkatan Tentera. This plenary will review the Government's progress in fulfilling its promises, and the lessons learnt.
- Speakers:
1. **Dato' Ambiga Sreenevasan**, Member, Committee on Institutional Reforms; 27<sup>th</sup> President, Malaysian Bar (2007–2009); President, National Human Rights Society ("HAKAM"); Messrs Sreenevasan
  2. **Professor Andrew Harding**, Director, Centre for Asian Legal Studies and Director of the Asian Law Institute, National University of Singapore
  3. **Robert Lau**, Stephen Robert & Wong Advocates, Sibu, Sarawak
  4. **Dr Michael Jeyakumar Devaraj**, Former Member of Parliament, Sungai Siput, Perak
- Moderator: **Christopher Leong**, 30<sup>th</sup> President, Malaysian Bar (2013–2015); President, LAWASIA; Messrs Chooi & Company + Cheang & Ariff
- 12:45 – 13:30 **Special Session with the Attorney General of Malaysia** at Chulan View (limited seating of 70 only)
- Networking Lunch
- 13:30 – 14:45 **Breakout Session 1**

#### Stream A | Taming Sari 2

##### Artificial Intelligence, Humanity and the Law — What Does the Future Hold for the Legal Sector?

Artificial Intelligence ("AI") and Machine Learning ("ML") are changing the business landscape as we know it. Who bears the responsibility to ensure that humanity and morality still have a place in technology? What should come first — legality, humanity, or creativity — and must one choice be at the expense of the others?

How can we ensure that humans are still able to provide input and thus add value? How will such value complement the huge capacity of AI and ML to reduce human errors and enhance the quality of decision making? What does this mean for the legal sector, and how can practitioners embrace the transformation delivered by AI and ML to achieve the best outcomes?

Join this not-to-be-missed session for a stimulating and thought-provoking discussion between leading industry figures on this topical issue, and hear from subject-matter practitioners on case examples.

##### Speakers

1. **Donnie Prakoso**, Technology Evangelist - South East Asia Region, Amazon Web Services
2. **Gregor Hohpe**, Technical Director, Office of the CTO, Google Cloud
3. **Harsha Purasinghe**, Founder and CEO, Microimage HCM - Corporate Sector
4. **David Dinesh Mathew**, Messrs Steven Thiru & Sudhar Partnership

##### Moderators

1. **Mah Xian-Zhen**, Executive Director, OMESTI Group
2. **Navrita Kaur**, Group Legal Counsel, OMESTI Group

Session Sponsor  
Omesti Group



#### Stream B | Taming Sari 1

##### Cyber Risk and Insurance

This interactive session will address key issues including: (a) What is cyber risk — how can it be easily explained? (b) Global perspectives on this issue and why lawyers and their clients should be concerned; (c) How to manage these risks and how existing and new insurance products respond to these risks? Law firm operators will learn to evaluate the operations of their own law firms and their dealing with their clients on this matter.

##### Speakers

1. **Ali Chaudhry**, Managing Director, Financial Lines Group - Asia, Jardine Lloyd Thompson Sdn Bhd
2. **Brendan Laws**, Principal Consultant and Security Specialist, SecureWorks
3. **GK Ganesan Kasinathan**, Messrs GK Ganesan

##### Moderator

**Balbir Singh**, Messrs Balbir & Associates

##### Session Sponsor

Jardine Lloyd Thompson



#### Stream C | Taming Sari 3

##### CIPAA: Adjudication Leading the Way?

Despite the significance of the construction industry to the Malaysian economy, the industry was riddled with problems before 2014, including non-payment. Contractors suffered cash flow difficulties, causing complications for the execution of projects. The solution? The Construction Industry Payment and Adjudication Act 2012 ("CIPAA"). Explore the effect CIPAA has had, how CIPAA protects and balances the rights of all parties involved, and the key issues to consider when submitting a dispute to adjudication.

##### Speakers

1. **Lam Wai Loon**, Messrs Harold & Lam Partnership
2. **Ir Harbans Singh**, Harbans' Engineering & Construction Contracts Management
3. **Belden Premaraj**, Messrs Belden

##### Moderators

**Iliia Putilin**, Deputy Head of Legal Services, Asian International Arbitration Centre

##### Joint Session with

Asian International Arbitration Centre



## Stream A | Taming Sari 2

## Future of Lawyering: Fight or Flight?

Are wood-paneled offices and the colourful display of boundless volumes of law reports a thing of the past. Has the time come to embrace all that is technology by going completely online and living in 'the cloud'. Are we ready for virtual law offices, and building and maintaining lawyer-client relationships completely online? How can we compete with non-lawyers offering legal services, and AI replacing human interaction with legal templates and algorithms that make lawyering seem easy. What is the road ahead for the legal profession?

## Speakers

1. **Min Chen**, Vice President & Chief Technology Officer of Asia Pacific, LexisNexis
2. **Gaythri Raman**, Managing Director, LexisNexis Southeast Asia
3. **Foong Cheng Leong**, Messrs Foong Cheng Leong & Co.
4. **Wan Zafran Pawancheek**, Messrs Wan Marican, Hamzah & Shaik

## Moderator

**Syahredzan Johan**, Messrs RamRais & Partners

## Session Sponsor

Lexis Nexis



## Stream B | Taming Sari 1

## Dispute Resolution in the Securities Industry: The Way Forward

Resistance to mediation — are clients doing themselves a disservice by not including mediation and other avenues as a part of their dispute resolution options? What role should legal counsel play? Are you ready for modern problem solving? The capital market is taking mediation to a whole new level, by creating not just a specialist dispute resolution centre for investors and capital market intermediaries, but also utilising mediation as an effective tool to achieve positive outcomes, and ensuring closure through adjudication, where mediation is unsuccessful.

For disputes involving higher claims (ie exceeding RM250,000), the Securities Industry Dispute Resolution Center ("SIDREC") now permits lawyers to participate as legal counsel, thereby providing a new space for legal practice specialising in capital market-related disputes. With the Judiciary having endorsed mediation as a useful tool for dispute resolution, how might lawyers explore growth opportunities in this area of legal practice?

## Speakers

1. **Marion Smith QC**, Visiting Senior Lecturer in the School of International Arbitration, Queen Mary University of London; Barrister, 39 Essex Chambers, UK
2. **Khoo Hsu Chuang**, Founder and Managing Director, Khoo Publishing; Writer, The Edge; Broadcaster, BFM 89.9: The Business Radio Station
3. **Shanti Abraham**, Messrs Shanti Abraham & Associates

## Moderator

**Sujatha Sekhar Naik**, Chief Executive Officer, SIDREC

## Session Sponsor

Securities Industry Dispute Resolution Centre



## Stream C | Taming Sari 3

## Investigating International Financial Fraud

International financial fraud and money laundering have long had a material impact on national and international financial systems, with a global cost of roughly USD450 billion. How does international financial fraud happen, and why? How can it be prevented? What are the best ways to respond? This panel will draw on its experience in advising on fraud prevention and investigation, and delve into how institutions can be structured to mitigate against the risks, as well as the importance of the overall financial ecosystem in combating the menace.

## Speakers

1. **Helen Briant**, Trowers & Hamlin LLP, Birmingham, UK
2. **Colum Bancroft**, Managing Director, AlixPartners, Hong Kong
3. **Abu Hassan Alshari Yahaya**, Assistant Governor, Bank Negara Malaysia
4. **Andrew Chiew**, Messrs Lee Hishammuddin Allen & Gledhill

## Moderator

**Nick Edmondes**, Trowers & Hamlin LLP, Kuala Lumpur

## Session Sponsor

Trowers & Hamlin



16:15 – 16:45 Evening Tea

16:45 – 18:00 **Plenary 2 | Freedom of Speech and Expression | A New Malaysian Perspective on the Challenges of a Post-Truth Age**

Speech and expression take many forms. Article 10 of the Malaysian Federal Constitution provides for the right to freedom of speech, but laws exist that restrict this right. Such laws have been used — sometimes heavy-handedly, arbitrarily or indiscriminately — to curtail the freedoms of speech and expression, including those of cartoonists and artists. What internationally accepted norms and practices should the new Government bear in mind in fulfilling its pledge to review and even abolish such laws? What will be the impact on the media industry, which has stood on the sidelines, torn between the "truth" and selective versions of the "truth"?

## Speakers:

1. **Dato' Mah Weng Kwai**, 24<sup>th</sup> President, Malaysian Bar (2001–2003); Commissioner, Human Rights Commission of Malaysia ("SUHAKAM"); Judge, Court of Appeal (Rtd); Messrs MahWengKwai & Associates
2. **Richard Naidu**, Head, Commercial Group, Munro Leys, Fiji
3. **Zulkiflee Sm Anwar Ulhaque (Zunar)**, Political Cartoonist
4. **Fahmi Reza**, Political Graphic Designer, Street Artist and Documentary Film-Maker

Moderator: **Dato' Lim Chee Wee**, 29<sup>th</sup> President, Malaysian Bar (2011–2013); Messrs Skrine (To be confirmed)

18:15

**Welcome Cocktail Reception** at Taman Mahsuri, The Royale Chulan Kuala Lumpur

Sponsored by BMW



### Stream A | Taming Sari 2

#### Evolving Law Firm Structures: A Roadmap for the Malaysian Bar

The traditional structure of legal firms - sole proprietorships and partnerships, may have run their course. The time has come to move into more cost efficient, multidisciplinary structures for the set up and operation of law firms. What does this entail from the legal community, and what can Bar Council do the facilitate this process from a technological perspective? How can technology be used as a tool to develop more effective and productive operations for law firms? What are the international perspectives about the road ahead?

##### Speakers

1. **Paul Neo**, Chief Operating Officer and Chief Financial Officer, Singapore Academy of Law
2. **Stephen Revell**, Senior Corporate Partner for Asia, Freshfields Bruckhaus Deringer
3. **Deepak Pillai Chandrasekaran**, Head, Technology, Media & Telecommunications, Data Privacy, Messrs Christopher & Lee Ong
4. **R Jayabalan**, Chairman, Johore Bar Committee; Messrs R. Jayabalan

##### Moderator

**Karen Cheah Yee Lynn**, Messrs Chooi & Company + Cheang & Ariff

### Stream B | Taming Sari 1

#### The Unknown Remedy: Investment Arbitration in the Belt and Road Initiative

Though Malaysian businesses have been investing across its borders, Asian businesses have typically turned to commercial arbitration as a means to manage their legal risk. However, the remedial potential of commercial arbitration is at times limited, particularly in disputes involving state-owned enterprises and governments. This panel will discuss the vast, untapped potential of investment arbitration for businesses and why businesses should begin understanding this regime.

##### Speakers

1. **Tan Sri Datuk Dr Rebecca Fatima Sta Maria**, Chairman, IDEAS Board of Directors
2. **Dato' Nitin Nadkarni**, Messrs Lee Hishammuddin Allen & Gledhill

##### Moderator

**Tatiana Polevshchikova**, Senior International Case Counsel, Asian International Arbitration Centre

##### Session Sponsor

Messrs Lee Hishammuddin, Allen & Gledhill



### Stream C | Taming Sari 3

#### Written Submissions for Advocacy

Written work is no longer only a tool to supplement oral advocacy; it has become an integral part of legal proceedings. At all levels of litigation and arbitration, written advocacy is a primary means of presenting pleadings, evidence and arguments effectively, to capture the attention of judges and arbitrators. This session highlights key elements that make up effective written advocacy for interlocutory applications, and submissions after trial and at the appellate level, including applications for leave to appeal. The panellists will also explore matters of style and structure, visual presentation, and common mistakes made, as well as expectations of judges and arbitrators.

##### Speakers

1. **Dato' Varghese George**, Judge, Court of Appeal (Rtd)
2. **Robert Low**, Messrs Ranjit, Ooi & Robert Low
3. **Ira Biswas**, Messrs Chooi & Company + Cheang & Ariff
4. **Gopal Sreenevasan**, Messrs Sreenevasan Young

##### Moderator

**Dato' Dr Cyrus Das**, Messrs Cyrus Das

##### Session Sponsor

College of Law Australia & New Zealand



10:15 – 10:30 Morning Tea

#### 10:30 – 11:45 Plenary 3 | Freedom of Religion and the Freedom to Manifest One's Religion: Balancing the Scales of Secularism

Article 9 of the European Convention on Human Rights provides for the freedom of thought, conscience and religion, and also the freedom to manifest one's religion or beliefs. What is the balance that can be struck between the right to manifest one's religion and the protection of individuals who did not want to manifest their religion in the same way, who may face pressure to do so? Can we, and how do we defend the principle of secularism?

##### Speakers:

1. **Dr Ahmed Shaheed**, United Nations Special Rapporteur on Freedom of Religion or Belief
2. **Dato' Sri Jahabdeen b YM Mohamed Yunoos**, Messrs Jahabdeen & Co.

##### Moderator:

**Datuk Hj Kuthubul Zaman Bukhari**, 25<sup>th</sup> President, Malaysian Bar (2003–2005); Messrs Zaman & Associates

11:45 – 12:00 Set up for Breakout Session

## Stream A | Taming Sari 2

## Tomorrow's Law Firms: Innovation in the Legal Profession

As technology charges into the legal sector, it is time for law firms to embrace and leverage on technological innovations to stay relevant. Do we shy away or embrace these innovations? What are the rules? Law firms may choose to invest in innovations that offer greater value to clients, or adopt technological tools to enhance productivity and performance. What is the impact of such innovations, and do we need to reinvent the wheel or can law firms "piggy back" on each other's innovations as well?

## Speakers

1. **Thavakumar Kandiahpillai**, *Head of Legal and Contracts, Sapura Exploration & Production*
2. **Fahri Azzat**, *Messrs Fahri & Co*
3. **Dato' Quek Ngee Meng**, *Messrs Halim Hong & Quek*
4. **Leon Gan Han Chen**, *Messrs Halim Hong & Quek*

## Moderator

**Shanmuga Kanesalingam**, *Messrs Kanesalingam & Co.*

## Session Sponsor

Messrs Halim, Hong & Quek

13:15 – 14:15 Networking Lunch

14:15 – 15:30 Breakout Session 5

## Stream A | Taming Sari 2

## Technology is Knocking at Your Door. Resistance is Futile

The Malaysian Bar Council has proactively moved to embracing technology. In recent years, it has introduced the Malaysian Bar phone app, SAPC online submissions, a fully online platform for training videos amongst others. The statistics suggest however, that only a small percentage of Malaysian lawyers are responsive to these technological changes. In considering the positive impact that technology can have on an organisation, gain insight into the value of using technology and the impact of leveraging on its strengths. Follow the perspectives of Members of the Malaysian Bar and the Singapore perspective on how to embrace technology in the provision of legal services.

## Speakers

1. **Rajesh Sreenivasan**, *Head, Technology, Media & Telecommunications and Director, Rajah & Tann Technologies Pte Ltd, Singapore*
2. **Saravanes Supramaniam**, *Messrs Allen Chee Ram*
3. **Raphael Tay**, *Messrs Chooi & Company + Cheang & Ariff*

## Moderator

**Andrew Khoo Chin Hock**, *Messrs Andrew Khoo & Daniel Lo*

## Stream B | Taming Sari 1

## The FinTech Legality: Stay Ahead of the Curve

The rapid application of modern technology into the finance industry has led to the emergence of "FinTech". FinTech companies now compete against traditional banks, brokerages, insurance companies, and other intermediaries to provide financial services to businesses and individuals in more innovative and efficient ways. The adoption of FinTech has vast implications for the legal profession. How do business models based on the new technology interact with the established legal system? Has the nature of risk changed with the adoption of the new technology? How has the regulatory environment changed to meet the challenges posed by FinTech?

## Speakers

1. **Azrina Azmel**, *Assistant General Manager, Innovation, Digital & Strategy, Securities Commission Malaysia*
2. **Lum Kar Hoe**, *Assurance Senior Manager, PwC Malaysia*
3. **Jenna Beh**, *FinTech Division, Malaysia Digital Economy Corporation ("MDEC")*

## Moderator

**Raymond Mah**, *Messrs MahWengKwai & Associates*

## Stream B | Taming Sari 1

## How to Conduct Regional Investigations

Regional investigations require both global and local expertise to achieve the best outcomes. Alongside arbitration, this is the fastest growing area of practice for disputes lawyers in Asia. Our panellists will draw on their practice experience across Asia to explore why a successful outcome to an investigation often involves coupling local knowledge with global practices. They will provide insight, through actual case analysis, on what can — and often does — go wrong when clients rely on one without the other. Learn how to deal with thorny issues from the outset, and sidestep grave errors.

## Speakers

1. **Kyle Wombolt**, *Head, Global Corporate Crime & Investigations Practice, Herbert Smith Freehills (Hong Kong)*
2. **Pamela Kiesselbach**, *Herbert Smith Freehills (Hong Kong)*
3. **Narendra Adiyasa**, *Partner, Hiswara Bunjamin & Tandjung, Jakarta, Indonesia*
4. **Peter Godwin**, *Regional Head of Practice - Dispute Resolution, Asia and Managing Partner, Herbert Smith Freehills (Malaysia)*

## Moderator

**Dato' Lim Chee Wee**, *29<sup>th</sup> President, Malaysian Bar (2011-2013); Messrs Skrine*

## Session Sponsor

Herbert Smith Freehills



## Stream C | Taming Sari 3

## Corporate Responsibilities: The Place of Fiduciary Obligations

Company directors have a fiduciary obligation to always act in the best interests of their company — in accordance with the business judgment rule — and to discharge their directors' duties in compliance with the law. How should conflicts of duty and interests be dealt with? How does the Malaysian position compare with the position in New South Wales?

## Speakers

1. **The Hon Margaret Beazley AO**, *President, New South Wales Court of Appeal*
2. **Dato' Anantham Kasinather**, *Judge, Court of Appeal (Rtd); Messrs Sree Harry & Co.*
3. **Dato' Mohammed Faiz Azmi**, *Executive Chairman, PwC Malaysia*
4. **Lee Shih**, *Messrs Skrine*

## Moderator

**Datuk Roger Tan Kor Mee**, *Messrs Roger Tan & Partners*

## Stream C | Taming Sari 3

## Sports Law: Rule the Game!

This session will allow delegates to interact with leading sports lawyers and eSports advocates. The focus is on the key areas in Sports Law including the future development and evolution of Sports Law in Malaysia and South East Asia. Learn about the highly exciting new area of eSports and the legal framework and structural regulation of eSports which will provide delegates with insights into a cyber-space of games.

## Speakers

1. **Nick De Marco QC**, *Blackstone Chambers, UK*
2. **Khor Siew Fei**, *Head of Innovation and Regional President, AirAsia AllStars & Sports Club*
3. **Assoc Prof Dr Jady Zaidi Hassim**, *Faculty of Law, University Kebangsaan Malaysia*

## Moderator

**Lesley Lim**, *Messrs MahWengKwai & Associates*

15:30 – 16:00 Coffee Break / Turnover

16:00 – 17:15 **Hard Talk: Civil Society Speaks**

Civil society in Malaysia is under constant pressure. Amongst these are funding issues, the freedom to respond critically and constructively to issues that are part of their vision and mission, and external challenges that may arise from regulation and government interference. The question is where to draw the line and how to strike a balance? Such organisations often support marginalised communities or highlight issues of concern that may impact negatively on us as a society. How do we balance the need for these organisations with the negative impact to such organisations or individuals within them, when they are criticised or penalised by the government and / or regulatory bodies for the work that they do. Gain access to the thinking behind what it takes to function as an effective civil society group, the key challenges faced by these organisations and their leaders, and how the government can aid them through greater engagement, discourse and even funding.

Speakers:

1. **Cynthia Gabriel**, *Director, Center to Combat Corruption and Cronyism ("C4")*
2. **Dr Colin Nicholas**, *Coordinator, Center for Orang Asli Concerns ("COAC")*
3. **Shahrul Aman Mohamad Saari**, *Acting Chairperson, BERSIH 2.0 (Coalition for Clean and Fair Elections)*
4. **Sumitra Visvanathan**, *Executive Director, Women's Aid Organisation ("WAO")*
5. **Rozana Isa**, *Executive Director, Sisters in Islam ("SIS")*

Moderator:

**Dato' Dr Professor Gurdial Singh Nijar**, *Deputy President, National Human Rights Society ("HAKAM"); Messrs Sreenevasan*

17:15 – 17:45 Coffee Break / Turnover

17:45 – 18:45 **5<sup>th</sup> Raja Aziz Addruse Memorial Lecture | 30<sup>th</sup> Anniversary of the 1988 Judicial Crisis: Lessons about the Importance of Judicial Independence and Impartiality**

A crucial element in a democracy is that the Judiciary must be seen to be impartial and independent from all external and other pressures. When this is achieved, the public and those who appear before these judges can have confidence that judicial decisions will be fair and in accordance with the laws of the nation. Freedom from improper influence means that when judges carry out their judicial functions, there should not be improper pressure – from the Executive or Legislature, or by individual litigants, pressure groups, the media, other judges, or even self-interest – that could taint the decisions that are made. How can this be achieved and, when the independence of the Judiciary may be at risk, what should be done to ensure that judges discharge their constitutional responsibility by providing fair and impartial justice?

Speaker:

**Emeritus Professor Datuk Dr Hj Shad Saleem Faruqi**, *Holder of the Tunku Abdul Rahman Chair, Faculty of Law, University of Malaya; Fellow of the Academy of Sciences Malaysia*

Moderator:

**George Varughese**, *President, Malaysian Bar*

## Conference Programme DAY 3

**DAY 3 | 16 August 2018 (Thursday) | International Sessions**

09:00 – 09:15 Welcome Address by **George Varughese**, *President, Malaysian Bar*

09:15 – 10:15 **Plenary Session 1 | Shattering the Glass Ceiling: Significant Roles for Women in the Law**

About 62% of university enrolment in Malaysia is female, but for various reasons, women in their late 20's and 30's leave the workforce, never to return. Women have made great strides in every field they have ventured into, and have contributed to the workforce and economy of every nation, and, if the numbers of women joining the legal profession are equal to or exceed men, then logically, there is no problem. The journey to the pinnacle of the legal sector takes hard work, long hours and sacrifice. This cannot be achieved without a passion for the law. For a woman, this journey is also about resilience in the face of unconscious bias, demonstrations of courage in the most ordinary circumstances, and an unerring sense of direction and purpose.

Speakers:

1. **The Hon Margaret Beazley AO**, *President, New South Wales Court of Appeal*
2. **Malathi Das**, *Past President, Singapore Council of Women's Organisations ("SCWO"); 22<sup>nd</sup> President, LAWASIA; Joyce A Tan & Partners LLC, Singapore*
3. **Dr Elsa Satkunasingam**, *Deputy General Manager, Corporate Secretariat, Perbadanan Insurans Deposit Malaysia*

Moderator:

**Sitpah Selvaratnam**, *Messrs Tommy Thomas*

10:15 – 10:30 Coffee Break / Turnover

10:30 – 11:30 **Plenary 2 | Independence of the Legal Profession: Drawing Lines in the Sand**

An independent legal profession performs a critical function in ensuring effective and adequate access to legal services for all who need it. This can only be achieved where there is an equitable system for the administration of justice that allows lawyers to discharge their professional duties without any improper restrictions, or direct or indirect pressures or interference. National Bar associations play a vital role in upholding professional standards and ethics, and must be able to protect their members from improper restrictions and infringements while cooperating with government and other agencies in pursuit of justice. How can this be best achieved?



Speakers:

1. **Thio Shen Yi SC**, 25<sup>th</sup> President, Law Society of Singapore (2015–2016); Founding Partner, TSMP, Singapore
2. **Paul Lam Ting-kwok SC**, Former Chairman, Hong Kong Bar Association; Parkside Chambers, Hong Kong
3. **On Hung Zheng**, President, Law Society of Brunei Darussalam; Partner, CCW Partnership, Brunei Darussalam
4. **Associate Professor Amanda Whiting**, Legal academic and legal historian, Melbourne Law School's Asian Law Centre, University of Melbourne

Moderator:

**Ragunath Kesavan**, 28<sup>th</sup> President, Malaysian Bar (2009–2011); Messrs Kesavan

11:30 – 11:45 Turnover

11:45 – 12:45 **Plenary 3 | The Judiciary as the Principal Guardians of the Rule of Law**

In the second part of the series on Debating Judicial Power: Papers from the Administrative Law Bar Association Summer Conference 2015, Sir John Laws, Lord Justice of Appeal [1999–2016] said on “judicial activism” that judges “mediate Parliament’s legislation so that, so far as possible, it conforms to civilised constitutional principles whose guardians are the courts”. Is this true, and how do judges balance between ensuring compliance with the laws of the nation and being accused of judicial activism, in cases where their decisions may contradict government aspirations?

Speakers:

1. **The Honourable Robert Shenton French**, Chief Justice of the High Court of Australia (Rtd)
2. **The Hon Md Muzammel Hossain**, Chief Justice of Bangladesh (Rtd)
3. **Dato’ Mohamad Ariff b Md Yusof**, Judge, Court of Appeal, Malaysia (Rtd); Messrs Chooi & Company + Cheang & Ariff
4. **Datuk Seri Gopal Sri Ram**, Judge, Federal Court of Malaysia (Rtd); Messrs Sri Ram

Moderator:

**Steven Thiru**, 31<sup>st</sup> President, Malaysian Bar (2015–2017); Co-Chairperson, IMLC 2018 Organising Committee; Messrs Steven Thiru & Sudhar Partnership

12:45 – 13:45 Networking Lunch / Turnover

13:45 – 15:00 **Working Group Session 1**

### Access to Justice: A Critical Component of the Rule of Law

Access to justice is a basic principle of the rule of law. However, this basic right can be hindered by various factors, including prohibitive costs, and limited access to legal aid.

Is it the responsibility of every national Bar to ensure that there is access to justice for all, or is this an obligation of the State? What initiatives can be put in place to promote and increase access to justice in respect of criminal defence, protection from violence and/or various types of abusive conduct, and immigration cases where the affected parties often face obstacles such as language barriers, and geographical and other hurdles? This session will evaluate feasible alternatives to enhance access to justice, from a global perspective.

**Speakers:** (1) Avninder Singh, Co-Director, Human Rights and Protection of Lawyers, UIA-IROL (Institute for the Rule of Law)  
(2) Ravinder Singh Dhaliwal, Co-Deputy Chairperson, Bar Council National Legal Aid Committee; Messrs Vin Partnership

**Moderator:** Nicholas Stewart QC, Past President, UIA (2001–2002); Barrister, Ely Place Chambers, UK

**Session Host:** Union Internationale Des Avocats



### Surge of New Competition between Digital Law Firms and Traditional Law Firms: Uberisation of the Legal Profession

We are experiencing daily the signs of a material change in the legal profession’s landscape following an unprecedented advance of technology. Technology is also transforming the clients’ legal needs and their expectations of legal services. Artificial intelligence will accelerate this, as law firms move from business models premised on human to ones involving a mix of human and technology. New types of digital law firms are emerging in Asia and at this session we will discuss on how technology affects the legal profession and what would be the challenges and opportunities that technology brings.

**Speakers:** (1) Chunghwan Choi, Lee & Ko, Seoul, Korea; President Elect, LAWASIA (2) Justin Dowd, Watts McCray, Sydney, Australia; Vice-President, LAWASIA

**Moderator:** Christopher Leong, 30<sup>th</sup> President, Malaysian Bar (2013–2015); President, LAWASIA; Messrs Chooi & Company + Cheang & Ariff

**Session Host:** LAWASIA



## Winds of Change in Competition Law

The evolution of competition law is critical to the legal and corporate sectors of numerous developing and mature jurisdictions. It is imperative to consider when a general mandatory merger control regime should be introduced in Malaysia; how the battle to identify and dismantle cross-border cartels is progressing, including recent trends and practical challenges; and how to deal with state-owned enterprises and government-linked companies as well as the existence of dominant and *de jure* or *de facto* monopolies, including a critical appreciation of whether or not such enterprises prevent, restrict or distort competition in markets and negatively impact consumers in Malaysia, as well as the case for reform.

**Speakers:** (1) Janet Hui Yung Yung, *JunHe (Hong Kong)* (2) Atsushi Yamada, *Anderson, Mori & Tomotsune, Tokyo, Japan* (3) Dr Derek Ritzmann, *Director and Expert, Economics Partners, Hong Kong* (4) Serene Seet, *Principal Legal Counsel, Legal Division, Competition and Consumer Commission of Singapore ("CCCS")* (5) Iskandar Ismail, *Director, Investigation & Enforcement Division, Malaysia Competition Commission ("MyCC")*

**Moderator:** Anand Raj, *Messrs Shearn Delamore & Co.*

**Session Host:** Inter-Pacific Bar Association



## Child Sexual Abuse Images | The Impact on Corporations

With the coming into force of the Sexual Offences Against Children Act 2017 ("SOAC") in Malaysia, various new offences now exist concerning child pornography. Corporations are too often unaware of provisions that criminalise failure to report or investigate in-house incidents, such as those involving images of child sexual abuse that find their way into the information technology set-up. There is a critical need to create awareness on corporate compliance with SOAC, and the role of individuals and organisations within the child protection spectrum. Discover what needs to be done, and how.

**Speakers:** (1) Marianne Clark-Hattingh, *UNICEF Representative, Malaysia* (2) DSP Saroja Egamparam, *D11 Unit, Royal Malaysia Police* (3) YB Azalina Othman, *Member of Parliament, Pengerang* (4) Philip Ling, *Head of Sustainability, Digi Telecommunications Sdn Bhd* (5) Ajeet Kaur, *Co-Chairperson, Bar Council Child Rights Committee; Messrs Gerard Samuel & Associates*

**Moderator:** Srividhya Ganapathy, *Co-Chairperson, Bar Council Child Rights Committee; Messrs Muhendaran Sri*

**Session Host:** Bar Council Malaysia



15:00 – 15:15 Turnover

15:15 – 16:30 Working Group Session 2

## Global Britain: Trade between the United Kingdom and Asia Post-Brexit

The outcome of the United Kingdom's 2016 Brexit referendum means a reshaping of the United Kingdom's trading relationships with countries worldwide. In addition to European Union-United Kingdom negotiations, the United Kingdom must now build on and expand existing alliances with non-European Union member states, to safeguard trade in services. What opportunities are there to strengthen trade relationships with Asian countries, and what are the potential challenges?

**Speaker:** (1) Christina Blacklaws, *President-Elect, The Law Society of England and Wales* (2) Nahendran Navaratnam, *Messrs Navaratnam Chambers (To be confirmed)*

**Session Host:** The Law Society of England and Wales



## Fads to Fortunes: The Evolution of Intellectual Property Systems in a Disruptive, Fidget-Spinning World

Technology and the Digital Age have propelled us into a time where it is not quite business as usual. We live in an age of Youtubers and social media influencers, where simple fads like Furbies and fidget spinners become global sensations, and where everything is 'in the cloud'. Traditional innovation is often displaced by disruptive technologies, and individuals and businesses are challenging the norm regularly. All this ties in to intellectual property – the intangible assets of creativity. With the current speed of fads, trends and fortune-makers, are our IP systems keeping up with the pace? This panel will explore a global perspective on IP systems and developments, thoughts on global law harmonization, and insight on IP issues in the borderless, digital world we now live in.

**Speakers:** (1) Hao Ma, *President, International Association for the Protection of Intellectual Property ("AIPPI"); Attorney-at-Law, CCPIT Patent and Trademark Law Office, Beijing, China* (2) Dr Armin Kühne, *Noerr LLP, Munich, Germany* (3) Peter Willimott, *Senior Program Officer, World Intellectual Property Organization, Singapore* (4) Rekha Mahendran, *General Counsel & Senior Vice President, Human Capital, Astro Malaysia Holdings Berhad*

**Session Host:** International Association for the Protection of Intellectual Property





## Amendments to the Arbitration Act 2005: A Practical Overview

On 5<sup>th</sup> April 2018, the Parliament passed the Arbitration (Amendments) (No 2) Bill 2018. The Arbitration (Amendments) (No 2) Bill 2018 adopts the 2006 revision of the UNCITRAL Model Law, and introduces a number of other procedural and substantive improvements to the arbitration framework to reinstate Malaysia's status as an international arbitration hub. Industry practitioners will discuss the current arbitration framework and case law, and how the amendments could affect parties to domestic and international arbitrations in Malaysia.

**Speakers:** (1) Kevin Prakash, *Messrs Mohanadass Partnership* (2) Thayananthan Baskaran, *Messrs Baskaran, Kuala Lumpur; Associate Member, Crown Office Chambers, London* (3) Peter Godwin, *Regional Head of Practice - Dispute Resolution, Asia and Managing Partner, Herbert Smith Freehills (Malaysia)*

**Moderator:** Dr Harald Sippel, *Head of Legal Services, Asian International Arbitration Centre*

**Session Host:** Asian International Arbitration Centre ("AIAC")



## Legal Education | What the National Bar Wants from Law Schools and What Law Schools Want from the National Bar?

The relationship between legal academia and the profession is often harmonious, but sometimes challenging. In addition to training lawyers for the profession, law schools serve general educational and academic functions which can be in competition to its professional role. This panel explores ways and means to manage the tension.

**Speakers:** (1) Michael Hor, *Dean and Professor, Faculty of Law, The University of Hong Kong; Member, Law Reform Commission of Hong Kong* (2) Associate Professor David Tan, *Vice Dean (Academic Affairs), NUS Law, and Director of Intellectual Property, EW Barker Centre for Law & Business, NUS Law, National University of Singapore* (3) Brian Speers, *Vice President, Commonwealth Lawyers Association; CMG Cunningham Dickey, Belfast, Ireland*

**Moderator:** Brendon Keith Soh, *President, Sabah Law Society*

**Session Host:** Bar Council Malaysia



16:30 – 16:45 Turnover

16:45 – 18:00 Working Group Session 3

## Collaborate for Success: Capturing Belt and Road Opportunities Through Financing / Fundraising in Hong Kong

The Belt and Road Initiative (the "Initiative"), a visionary strategy of the Chinese government in 2013, has developed and evolved. The Initiative now embraces all countries which subscribe to the Initiative's core goals of policy coordination, facilities connectivity, unimpeded trade, financial integration and people-to-people bonds. With an open economy and extensive international connections, Hong Kong has immense potential to create synergy and collaborate with all the Belt and Road countries. **The speakers will examine ways on assisting enterprises to raise capital in different jurisdictions, and how lawyers intertwine and collaborate with each other under the Initiative.**

The Initiative means more business. More business for clients means more business for lawyers. But the lawyers must first explore and understand the Initiative in order to exploit the opportunities the Initiative presents.

**Speakers:** (1) Amirali Nasir, *Council Member, The Law Society of Hong Kong* (2) Simon Lai, *Council Member, The Law Society of Hong Kong* (3) Dr Jimmy Chiang, *Associate Director-General, Invest Hong Kong* (4) *Representative from Hong Kong Trade Development Council*

**Session Host:** The Law Society of Hong Kong



## The Death Penalty | A Diminishing Punishment

The worldwide decline in the use of the death penalty continues, with executions in only 23 countries in 2017. But as capital punishment becomes more restricted in its scope, retentionist countries are more aware of the inevitability of arbitrariness and inequity in the infliction of the penalty. Only 11 countries, including Malaysia, imposed mandatory death sentences in 2017. Recent legislative amendments in Malaysia reintroduced an element of only limited judicial discretion, and the amendments are not retrospective. The strengths and weaknesses of this legislative change require critical evaluation.

International case law reflects a virtual consensus that imposing the mandatory death penalty is cruel and inhuman, impacts disproportionately on vulnerable populations, and amounts to an arbitrary deprivation of life. Learn how the evidence available provides a foundation to pursue progressive restriction and abolition of capital punishment within Malaysia and other Southeast Asian countries.

**Speakers:** (1) Saul Lehrfreund, *Co-Executive Director, The Death Penalty Project, UK* (2) Priscilla Chia, *Peter Low & Choo LLC, Singapore; Co-Founder, "We Believe in Second Chances"* (3) Abdul Rashid Ismail, *Former President, National Human Rights Society ("HAKAM"); Messrs Rashid Zulkifli* (4) Mansoor Saat, *Co-Chairperson, Bar Council Human Rights Committee; Messrs Mansoor Saat, Siti Kasim & Associates*

**Session Host:** The Death Penalty Project



## Women in the Law: Congregate, Communicate, Collaborate

Women are already inextricably involved in the law — from lecture halls and court rooms, to boardrooms, national bar associations and all branches of government, women perform pivotal functions in developing the law and legal communities. Yet, in most countries fewer than a quarter of these women rise to the top in their professional sectors. As members of international and regional communities, what collaborative action can be taken to ensure that there is a level playing field and equal opportunities for women in all aspects of education, professional training and career options? The International Bar Association's recent "Women in Commercial Legal Practice Report" will provide a starting point for these discussions.

**Speakers:** (1) Kieran Pender, *Legal Advisor, Legal Policy and Research Unit, International Bar Association ("IBA")* (2) Christina Blacklaws, *President-Elect, The Law Society of England and Wales* (3) Rashda Rana SC (QC), *Head, RANA IDRS, London and Sydney* (4) Anne Abraham, *Chairman, Lead Women, Kuala Lumpur*

**Moderator:** Preetha Pillai, *Litigation Liaison Officer, International Bar Association-Asia Pacific Regional Forum; Messrs Skrine*

**Session Host:** International Bar Association



## Environmental Laws | Where is Our Moral Compass?

Environmental problems are now an omnipresent phenomenon transcending geographical boundaries, which can jeopardise the very survival of all living organisms — the human species included — as we edge ever closer to numerous tipping points. The ever-growing list of environmental evils that pose a serious threat to the delicate ecological balance on earth is cause for serious concern. Business cannot be permitted to continue as usual; the cost is too great.

Environmental crises continue to despite the laws that exist to prevent and deal with such situations, which calls for an urgent evaluation from a domestic and global perspective. Are the laws adequate? Whose interests do they serve? Do they cater for a holistic approach? Do they incorporate key environmental principles, as well as global norms and best practices? Are they effectively enforced?

**Speakers:** (1) Kiu Jia Yaw, *Co-Chairperson, Bar Council Environment and Climate Change Committee*

**Moderator:** Roger Chan Weng Keng, *Secretary, Malaysian Bar*

**Session Host:** Bar Council Malaysia



19:00

**Gala Dinner: Carnival** at Rama V Fine Thai Cuisine, No 5 Jalan U-Thant, Kuala Lumpur

**DAY 4 | 17 August 2018 (Friday) | International Sessions**

09:00 – 10:15 **Working Group Session 4**

## Is Litigation Reclaiming the Edge Arbitration Once Enjoyed?

As arbitration disputes become larger and more complex, it has also become unwieldy in terms of time and costs for arbitrating parties. Whilst it is still popular and commands a sizable following, the initial novelty of this ADR mechanism as a faster and more cost-effective alternative to litigation has diminished slightly. This multi-disciplined panel will attempt to uncover the root cause of these concerns and discuss effective strategies for corporations and businesses entering into contracts to achieve optimal arbitration results while saving time and money. These include practical tips on key safeguards embedded in arbitration clauses, the use of multi-tiered jurisdictional clauses, and techniques and tools for navigating international arbitration.

**Speakers:** (1) Toby Landau QC, *Essex Court Chambers, London; Essex Court Chambers Duxton (Singapore Group Practice), Singapore* (2) Koh Swee Yen, *WongPartnership LLP, Singapore* (3) Jelita Pandjaitan, *Linklaters Singapore Pte Ltd, Singapore* (4) Khoo Guan Huat, *Messrs Skrine*

**Session Host:** Messrs Skrine

**SKRINE**

**Conference Programme  
DAY 4**

## Data Protection in the Legal Community

There are now innumerable global laws and regulations about the protection and retention of data, and failure to comply can result in liability – even criminal liability. The global legal community must collectively identify how to implement effective policies responsibly, and proactively fulfil the obligations that arise. The German Federal Bar Association will provide insights on how this is achieved in Europe through specific regulations and directives by the European Union. The discussions will cover data protection requirements for lawyers and law firms in a digitised environment; international client data transfers; and the need or sector-specific Data Protection Officers (“DPO”) nominated by the law society, who are independent of public administration, to guarantee the law society’s autonomy.

**Speakers:** (1) Klaus M Brisch, *Partner, DWF Germany and Global Head of Technology; Member, Data Protection Section, Federal German Bar Association* (2) Jeremiah Gurusamy, *Messrs Koh Dipendra Jeremiah Law*

**Session Host:** Bundesrechtsanwaltskammer (The German Federal Bar)



## Sports Law: Step Up the Game! Towards a South East Asian Sports Law Framework

This discourse, which brings together sports personalities to explore regional sporting issues involving sports integrity, anti-doping, and the emergence of eSports, will interest sports enthusiasts and the regional legal community alike. Speakers with experience in sports media and image rights in sports will provide input into these specific areas of focus.

**Speakers:** (1) Gobinathan Nair, *Director-General, South East Asia Regional Anti-Doping Organization; External Auditor, World Anti-Doping Agency (“WADA”)* (2) Benoît Pasquier, *General Counsel & Director of Legal Affairs, Asian Football Confederation* (3) Jeffrey Ong, *Former national swimmer and Olympian, Regional Commercial Director, #CIMBClassic* (4) Dato’ Low Beng Choo, *Member, International Olympic Committee (“IOC”) Women in Sport Commission; Secretary-General, World Baseball Softball Confederation*

**Moderator:** Richard Wee Thiam Seng, *Messrs MahWengKwai & Associates*

## The Impact of Technology on the Legal Profession | The Regional Perspective

Rapid technological advances are already impacting the legal profession globally. The advent of new technologies that enhance legal workplace productivity are evolving to make the legal services environment more competitive. For existing law firms, large and small, this means a need to charge more competitive fees, reduce costs, and evolve work culture and legal practice. The Singapore Academy of Law has taken ownership of this activity for the Singaporean legal community, and is on the journey of equipping Singaporean lawyers with the technological skills and support it believes are essential for competitiveness and survival. Delegates can explore the thinking behind this process, and the critical steps taken, including by the Singapore Government, to enhance the provision of legal services by embracing technological advancements, and in fact, spearheading some of these advancements themselves.

**Speakers:** (1) Gregory Vijayendran, *President, Law Society of Singapore; Vice President, Singapore Academy of Law* (2) Paul Neo, *Chief Operating Officer and Chief Financial Officer, Singapore Academy of Law*

**Moderator:** Suaran Singh Sidhu, *Messrs Koh Dipendra Jeremiah Law*

**Session Host:** Bar Council Malaysia



10:15 – 10:45 Coffee Break / Turnover

10:45 – 12:00 Working Group Session 5

## Advocacy Training: Regional Cooperation and Collaboration for Development and Training Advocates

A commitment toward developing advocacy, and training advocates is a fundamental obligation of every Bar Association or Law Society. A strong body of advocates will enhance, preserve and maintain the Rule of Law. The continuous development and training of Advocates should be pursued through regional cooperation and collaboration. The session will focus on the work of the IATC and its affiliated Bar Associations in relation to the continuing development and training of advocates. The session will provide information relating to advocacy training initiatives in Asia, how to set up a faculty of advocacy trainers, how to promote advocacy training in non-English speaking jurisdictions, and experienced advocacy trainers will demonstrate how to teach advocacy.

**Speakers:** (1) Samuel Chacko, *Director, Legis Point LLC, Singapore; Chairman, Advocacy Committee, The Law Society of Singapore* (2) Kumar Ramanathan SC, *Former Chairman, Hong Kong Bar Association* (3) Ryan Soo, *Treasurer, Sabah Law Society* (4) Brendan Navin Siva, *Messrs Brendan Siva*

**Session Host:** International Advocacy Training Council



## Young Lawyers: Future Options and Opportunities

The road to becoming a lawyer is a tough one filled with many questions and uncertainties. That is just the prologue. The profession has grown tremendously and there is now increasing competition. As a young lawyer, whether at a large or small law firm, there are various challenges including the demand for early specialisation in a practice area, or work / life balance, or the tough job market, or coping with a highly intense work environment. How does one stand out? Would it be better to start off on your own? How can you grow in your current practice?

**Speakers:** (1) Khaizan Sharizad Abdul Razak, *Chairperson, Bar Council National Young Lawyers and Pupils Committee ("NYLPC"); Messrs Seira & Sharizad* (2) Lim Wei Jiet, *Member, NYLPC; Messrs Sreenivasan* (3) Louis Liaw, *Member, NYLPC; Messrs RamRais & Partners* (4) Vince Tan, *Member, NYLPC; Messrs Karpal Singh & Co.* (5) Shauna Pereira, *Member, NYLPC; Messrs Suraiya Arif, Miranda & Tan* (6) Sin Chen Yeong, *Member, NYLPC; Messrs Chenyeong*

**Session Host:** Bar Council Malaysia



## Cross-Border Dispute Resolution: Access to Justice for Investors

The focus of this working group is on how the legal community – both local and international – and dispute resolution centres, can collaborate across borders and various jurisdictions to provide access to justice for participants of cross-border transactions. Thinking out of the box by using the latest trends and technological advancements, the working group will discuss and share developments in this area and further explore how these advances have created new opportunities for legal practitioners to provide legal services in this area.

**Speakers:** (1) Marion Smith QC, *Visiting Senior Lecturer in the Schol of International Arbitration, Queen Mary University of London; Barrister, 39 Essex Chambers, UK* (2) Chittu Nagarajan, *Managing Director, Modria India* (3) Sujatha Sekhar Naik, *Chief Executive Officer, Securities Industry Dispute Resolution Center ("SIDREC")* (4) Shanti Abraham, *Messrs Shanti Abraham & Associates*

**Session Host:** Securities Industry Dispute Resolution Centre



## Spratly Islands Dispute: Perspectives in International Law

The long-standing territorial dispute over the Spratly Islands has resulted in diplomatic stalemates and military incursions. Various countries have economic and strategic interests in the islands, and ownership would extend the continental shelf of the "owning" country. The 2002 Declaration on the Conduct of Parties in the South China Sea stipulates that its signatories will "resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force". What are the relevant international law perspectives? How will the endgame unfold?

**Speakers:** (1) Prof Dr Michael Gau Sheng-ti, *Professor of Public International Law, Hainan University, Law School, China* (2) Bunn Nagara, *Senior Fellow in Foreign Policy and Security Studies, Institute of Strategic and International Studies ("ISIS"), Malaysia; media commentator on international strategic issues*

12:00 – 14:15 Networking Lunch & Friday prayers

14:15 – 15:30 Working Group Session 6

## Mediation: Missed Opportunities Across the Commonwealth

Mediation is encouraged across commonwealth jurisdictions and in some is compulsory before litigation can be commenced. But does encouragement, or even a requirement to mediate, change much about how lawyers view disputes? Could it be said that lawyers generally have not embraced mediation and have allowed others to encroach on traditional lawyers' work - that of disputes and resolution? The session will consider the role of lawyers in mediation - and how lawyers could be missing out on opportunities.

**Speaker:** Brian Speers, *Vice President, Commonwealth Lawyers Association; CMG Cunningham Dickey, Belfast, Ireland*

**Session Host:** Commonwealth Law Association



## Business and Human Rights

The responsibilities of businesses in the area of human rights have long been governed by “soft legal” rules, which are now slowly creeping into substantive legislation - the 2017 law on the duty of vigilance in France is one example. This inexorable and rapid change highlights the importance of this field for future laws. The legal profession and the Conseil National des Barreaux have participated actively in the move to place human rights at the forefront of business concerns. It is an area that offers a new scope of activity for the legal community and involves complex issues for both clients and lawyers alike.

**Speaker:** Louis-Bernard Buchman, *Dispute Resolution Group, Fieldfisher (Paris)*

**Session Host:** French National Bar Council

## Introduction to Collaborative Law by the IACP

Is there a way to resolve disputes respectfully? Yes! Is there a way for different professionals, like financial planners, accountants and counsellors to work with lawyers to solve family disputes? Yes! The session introduces the concept of Collaborative Law and its possible impact on family law practice. Speakers will demonstrate how the Collaborative Process works and touch on the history, development, international presence and the skills required. Professionals who are interested in dispute resolution, family law, probate practice and disputes involving close relationships should come and exchange ideas.

**Speakers:** (1) Christopher Farish, *President, International Academy of Collaborative Professionals (“IACP”); Quaid Farish, LLC, Texas, USA* (2) Rajan Chettiar, *Rajan Chettiar LLC, Singapore* (3) Kay Chan, *Director, IACP; Vice Chairman, Hong Kong Collaborative Practice Group; Admiralty Chambers, Hong Kong*

**Session Host:** International Academy of Collaborative Professionals (IACP)



## The Forgotten Convention: Our Responsibilities to Persons of Differing Abilities

Almost a decade ago, Malaysia enacted the Persons with Disabilities Act as part of its obligations under the United Nations Convention on the Rights of Persons with Disabilities. This legislation requires the provision of equal access to public facilities and transport, education and employment, recreation and cultural life and more. Malaysia had, by that time, already amended the Uniform Building Bylaws to ensure that buildings would be disabled-friendly. What is the real impact of such laws? Do differently-abled individuals have equal access to what everyone else takes for granted? The time is ripe to walk the talk. How can this be done, by whom, and by when? What can the legal community do to strengthen support in this area? What can be done to enhance inclusive education for the public?

**Speakers:** (1) Anne Sivanathan, *Advocates for Inclusive Education, Inclusive Outdoor Classroom* (2) Peter Tan, *Disability Equality Facilitator* (3) Francis John Adam, *Commissioner, Human Rights Commission of Malaysia (“SUHAKAM”)*

**Session Host:** Bar Council Malaysia



15:30 – 16:00 Coffee Break / Turnover

16:00 – 17:30 **Plenary 4 | Equanimity: Perspectives on Handling Criminal Investigations Relating to Government Corruption and Abuse of Power**

A ‘kleptocracy’ exists in a society whose leaders enrich and empower themselves by stealing from the people. At a time when the movement of monetary assets is strictly regulated by international laws against money laundering, and there are international collaborations between enforcement agencies worldwide to curb such activities, we think it would be impossible for a kleptocracy to exist, much less thrive. And yet, we learnt otherwise. The magnitude of the crime brings to the fore the need to handle government corruption and abuse of power cohesively on an international scale especially when the impact of such crimes undermines the democracy and legal system of a sovereign nation. Somewhere along this journey, Malaysia, with the help of international law enforcement agencies, needs to regain its equanimity (‘calmness and composure, especially in difficult situations’).

**Speakers:**

1. Ho Kay Tat, *Publisher and Group Chief Executive Officer, The Edge Media Group*

**Moderator:**

**Dato’ Sri Ramachelvam Manimuthu, Messrs Rama-Rozi & Assoc.**

17:30 – 17:45 **Closing Remarks:** Karen Cheah Yee Lynn, *Co-Chairperson, IMLC 2018 Organising Committee; Messrs Chooi & Company + Cheang & Ariff*

18:15 onwards **After Party** by Messrs Thomas Philip



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Submit completed forms by fax to +603-2050 2133 or by e-mail to [imlc2018@malaysianbar.org.my](mailto:imlc2018@malaysianbar.org.my)

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[imlc2018@malaysianbar.org.my](mailto:imlc2018@malaysianbar.org.my)

**Sandy Thoong See Year**

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Category	16 April to 12 July 2018 (MYR)	After 12 July 2018 (MYR)	16 April to 12 July 2018 (MYR)	After 12 July 2018 (MYR)		
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<input type="checkbox"/> Non-Member	<input type="checkbox"/> 3,736	<input type="checkbox"/> 4,151	<input type="checkbox"/> 2,802	<input type="checkbox"/> 3,113		
<input type="checkbox"/> Accompanying Person (Non-Delegate)	<input type="checkbox"/> 778		<input type="checkbox"/> 585		<input type="checkbox"/> 358	
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## Accompanying Persons

Persons who accompany delegates are entitled to attend **only** the Opening and Closing Ceremonies, Raja Aziz Addruse Memorial Lecture, Social Events (except the Gala Dinner), and Exhibition.

(1) Name \_\_\_\_\_ Age \_\_\_\_\_ Country of Residence \_\_\_\_\_

(2) Name \_\_\_\_\_ Age \_\_\_\_\_ Country of Residence \_\_\_\_\_

## Meal Preference

Vegetarian meals are available upon request. Advance notice is required.

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Payment must be made in advance of the conference. Payment can be made by cheque, bank draft, direct deposit or Internet banking, or credit card. Cheques and bank drafts should be made payable to "Malaysian Bar Law Conference".

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Signature

Signature

Date

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- (5) The personal information that you provide to the IMLC 2018 Organising Committee, whether now or in the future, may be used, recorded, stored, disclosed or otherwise processed by or on behalf of the IMLC 2018 Organising Committee for the purposes of facilitation and organisation of this conference, research and audit, maintenance of a delegate database for the promotion of this conference, and such ancillary services as may be relevant.

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