

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 | Taming Sari 1, 2 & 3**
Introductory Remarks by **Steven Thiru**, *Co-Chairperson, IMLC 2018 Organising Committee; Past President, Malaysian Bar (2015–2017); Messrs Steven Thiru & Sudhar Partnership*
- 09:10 – 09:20 **Welcoming Address** by **George Varughese**, *President, Malaysian Bar*
- 09:20 – 09:45 **Opening Address** by **YBhg Tuan Tommy Thomas**, *Attorney General of Malaysia*
- 10:05 – 10:10 **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*
- 10:50 – 11:15 Coffee/Tea Break | Exhibition Area

11:15 – 12:45 **Plenary 1 | 100 Days: Scorecard on GE14 Promises | Taming Sari 1, 2 & 3**

The new Government has pledged to fulfil 10 promises during its first 100 days, ie by 17 Aug 2018. Some promises are of a financial nature while 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 learned.

Speakers:

- YB Puan Hajjah Fuziah Salleh**, *Deputy Minister in the Prime Minister's Department (Religion), Malaysia*
- YB Senator Liew Chin Tong**, *Deputy Minister of Defence, Ministry of Defence, Malaysia*
- Dato' Ambiga Sreenevasan**, *Commissioner, International Commission of Jurists; Member, Institutional Reforms Committee; Past President, Malaysian Bar (2007–2009); Messrs Sreenevasan*
- Andrew Harding**, *Professor, Faculty of Law, National University of Singapore*
- Robert Lau**, *Stephen Robert & Wong Advocates, Sarawak*
- Dr Jeyakumar Devaraj**, *Former Member of Parliament, Sungai Siput, Perak*

Moderator: **Christopher Leong**, *President, LAWASIA; Past President, Malaysian Bar (2013–2015); Messrs Chooi & Company + Cheang & Ariff*

- 12:45 – 13:30 **Special Session | Chulan View (for pre-registered delegates only)**
with **YBhg Tuan Tommy Thomas**, *Attorney General of Malaysia*

- 12:45 – 13:30 Networking Lunch (**Sponsored by** The Malaysian Current Law Journal) | Taman Mahsuri

- 13:30 – 14:45 **Breakout Session 1**



Stream A | Taming Sari 1

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 enhance the quality of decision making? How can practitioners embrace the transformation delivered by AI and ML to achieve the best outcomes?

Speakers

- YAM Tunku Zain Al-'Abidin ibni Tuanku Muhriz**, *Founding President, Institute for Democracy and Economic Affairs ("IDEAS")*
- Representative**, *Amazon Web Services*
- Gregor Hohpe**, *Technical Director, Office of the CTO, Google Cloud*
- David Dinesh Mathew**, *Messrs Steven Thiru & Sudhar Partnership*

Moderators

- Mah Xian-Zhen**, *Executive Director, OMESTI Group*
- Navrita Kaur**, *Group General Counsel, OMESTI Group*

Session Sponsor
Omesti Group



Stream C | Taming Sari 2

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

- Rohan Arasoo Jeyabalah**, *Messrs Harold & Lam Partnership*
- Ir Harbans Singh**, *HSKS Dispute Resolution Chambers*
- Belden Premaraj**, *Messrs Belden*

Moderator

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

Joint Session with

Asian International Arbitration Centre



Stream B | Taming Sari 3

Cyber Risk and Insurance

This interactive session will address key issues including: (a) What is cyber risk, and why lawyers and clients should be concerned; (b) Global perspectives on cyber risk; and (c) How to manage these risks, and how existing and new insurance products respond to these risks. Bearing these in mind, law practitioners will learn how to evaluate their law firms' operations and their dealings with clients.

Speakers

- Ali Chaudhry**, *Managing Director, Financial Lines Group – Asia, Jardine Lloyd Thompson Sdn Bhd*
- Brendan Laws**, *Principal Consultant and Security Specialist, SecureWorks*
- GK Ganesan Kasinathan**, *Co-Chairperson, Bar Council Professional Indemnity Insurance Committee; Messrs GK Ganesan*

Moderator

Balbir Singh, *Messrs Najiana Wan Balbir*

Session Sponsor

Jardine Lloyd Thompson



Stream A | Taming Sari 1

Future of Lawyering: Fight or Flight?

Are wood-panelled offices and the impressive display of innumerable bound volumes of law reports a thing of the past? Has the time come to embrace all that technology offers, thus going completely online and living in “the cloud”? Are we ready for virtual law practices, and building and maintaining lawyer-client relationships through wholly digital platforms? How can we compete with non-lawyers who offer so-called “legal services”, and with artificial intelligence that may (or will) replace human interaction with templates and algorithms, making 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

LexisNexis



Stream C | Taming Sari 2

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?

The panellists will draw on their 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 & Hamblins LLP, Birmingham, UK*
2. **Colum Bancroft**, *Managing Director, AlixPartners, Hong Kong*
3. **Andrew Chiew**, *Messrs Lee Hishammuddin Allen & Gledhill*

Moderator

Nick Edmondson, *Trowers & Hamblins LLP, Kuala Lumpur*

Session Sponsor

Trowers & Hamblins



Stream B | Taming Sari 3

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 in their dispute resolution options? What role should legal counsel play?

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. 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. 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**, *Co-Host, The Morning Run, BFM 89.9: The Business Radio Station; Contributing Editor and Video Presenter, The Edge Media Group*
3. **Shanti Abraham**, *Messrs Shanti Abraham & Associates*

Moderator

Sujatha Sekhar Naik, *Chief Executive Officer, SIDREC*

Session Sponsor

Securities Industry
Dispute Resolution Center



16:15 – 16:45 Coffee/Tea Break | Exhibition Area

16:45 – 18:00 **Plenary 2 | Freedom of Speech and Expression: A New Malaysian Perspective on the Challenges of a Post-Truth Age | Taming Sari 1, 2 & 3**

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, which has stood on the sidelines, torn between the “truth” and selective versions of the “truth”?

Speakers:

1. **Dato' Mah Weng Kwai**, *Commissioner, Human Rights Commission of Malaysia (“SUHAKAM”); Judge, Court of Appeal (Retired); Past President, Malaysian Bar (2001–2003); 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: **Muhammad Rafique Rashid Ali**, *Member, Bar Council Malaysia; Law Practice of Rafique*

18:15 **Welcome Cocktail Reception | Taman Mahsuri**

Sponsored by



Stream C | Taming Sari 1

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 (Retired)*
2. **Robert Low**, *Chairperson, Bar Council Advocacy Training Committee; Messrs Ranjit, Ooi & Robert Low*
3. **Ira Biswas**, *Messrs Chooi & Company + Cheang & Ariff*
4. **Gopal Sreenevasan**, *Messrs Sreenevasan Young*

Moderator

Dato' Dr Cyrus Das, *Past President, Malaysian Bar (1997–1999); Messrs Cyrus Das*

Session Sponsor

College of Law Australia & New Zealand



Stream A | Taming Sari 2

Evolving Law Firm Structures: A Roadmap for the Malaysian Bar

The traditional structures of Malaysian law firms — sole proprietorships and partnerships — may have run their course. It is time to explore options for more cost-efficient, multidisciplinary setups. What does this entail, and what can the Bar Council do to facilitate the process? How can technology be used as a tool to develop more effective and productive modes of operation for law firms? What can we glean from international perspectives?

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**, *Chairperson, Bar Council Ad Hoc Committee on Personal Data Protection; Head, Technology, Media & Telecommunications, Data Privacy, Messrs Christopher & Lee Ong*
4. **R Jayabalan**, *Member, Bar Council Malaysia; Co-Chairperson, Bar Council Future in Technology Committee; Messrs R. Jayabalan*

Moderator

Karen Cheah Yee Lynn, *Co-Chairperson, IMLC 2018 Organising Committee; Member, Bar Council Malaysia; Messrs Chooi & Company + Cheang & Ariff*

Stream B | Taming Sari 3

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. **Dr Intan Murnira Ramli**, *Policy Fellow, Policy Design Department, Economic Research Institute for ASEAN and East Asia ("ERIA"), Jakarta, Indonesia*
2. **Dato' Nitin Nadkarni**, *Co-Chairperson, Bar Council Arbitration and Construction Law Committee, Messrs Lee Hishammuddin Allen & Gledhill*

Moderator

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

Session Sponsor

Messrs Lee Hishammuddin Allen & Gledhill



10:15 – 10:30 Coffee/Tea Break | Exhibition Area

10:30 – 11:45 Plenary 3 | Freedom of Religion and the Freedom to Manifest One's Religion: Balancing the Scales of Secularism | Taming Sari 1, 2 & 3

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 belief, in worship, teaching, practice and observance. What is the balance that can, and should, be struck between the right to manifest one's religion and the protection of individuals who do not manifest their religion in the same way, yet 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 Jahaberdien b YM Mohamed Yunoos**, *Messrs Jahaberdien & Co.*
3. **Suri Kempe**, *Programme Manager, Musawah*
4. **Lim Heng Seng**, *Messrs Lee Hishammuddin Allen & Gledhill*

Moderator:

Datuk Hj Kuthubul Zaman Bukhari, *Past President, Malaysian Bar (2003–2005); Chairperson, Bar Council Syariah Law Committee; Messrs Zaman & Associates*

12:00 – 13:15 Breakout Session 4

Stream C | Taming Sari 1

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 judgement 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 (Retired); Messrs Sree Harry & Co.*
3. **Dato' Mohammed Faiz Azmi**, *Executive Chairman, PwC Malaysia*
4. **Lee Shih**, *Messrs Skrine*

Moderator

Datuk Roger Tan, *Member, Bar Council Malaysia; Chairperson, Bar Council Conveyancing Practice Committee; Messrs Roger Tan & Partners*

13:15 – 14:15 Networking Lunch | Taman Mahsuri

14:15 – 15:30 Breakout Session 5

Stream C | Taming Sari 1

Sports Law: Rule the Game!

This session will give delegates an opportunity to interact with sports lawyers and eSports advocates, and provide insights into a cyberspace of games. The focus is on key areas in sports law, including the future development and evolution of this area of law in Malaysia and Southeast Asia.

Learn about the exciting and dynamic new area of eSports, and the legal framework and structural regulation of eSports.

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, Universiti Kebangsaan Malaysia*

Moderator

Lesley Lim, *Messrs MahWengKwai & Associates*

Stream B | Taming Sari 2

The FinTech Legality: Stay Ahead of the Curve

The rapid application of modern technology to 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 evolved 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 2

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. **Narendra Adiyasa**, *Hiswara Bunjamin & Tandjung, Jakarta, Indonesia*
3. **Dato' Lim Chee Wee**, *Past President, Malaysian Bar (2011–2013); Messrs Skrine*

Moderator

Peter Godwin, *Regional Head of Practice – Dispute Resolution, Asia and Managing Partner (Kuala Lumpur), Herbert Smith Freehills*

Session Sponsor

Herbert Smith Freehills



Stream A | Taming Sari 3

Tomorrow's Law Firms: Innovation in the Legal Profession

As technology charges into the legal sector, is it time for law firms to embrace and leverage on technological innovations, to stay relevant? What are the opportunities, obstacles, and 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 piggyback on each other's innovations?

Speakers

1. **Thavakumar Kandiahpillai**, *Head of Legal and Contracts, Sapura Exploration & Production; President, Malaysian Corporate Counsel Association*
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



Stream A | Taming Sari 3

Technology is Knocking at Your Door – Resistance is Futile

Bar Council Malaysia is proactively embracing technology: it now has an app for portable devices, an online platform for training videos, and a website portal for Practising Certificate applications. However, the data suggests that only a small percentage of lawyers is responsive to these advancements.

Consider the positive impact that technology can have on an organisation, and gain insight into the value of leveraging on its strengths. Follow the Malaysian and Singaporean perspectives on adopting 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 ST Lim & Co.*

Moderator

Kuok Yew Chen, *Head, Regulatory & Trade, Messrs Christopher & Lee Ong*

15:30 – 16:00 Coffee/Tea Break | Exhibition Area

16:00 – 17:15 **Hard Talk | Civil Society Speaks | Taming Sari 1, 2 & 3**

Civil society in Malaysia is under constant pressure — including from challenges of strategic engagement; restrictions on the freedom to respond critically and constructively to issues that are part of their vision and mission; obstacles that may arise from regulation, government interference, and detractors; and funding issues. Such organisations often work on public interest issues of concern that have an impact on us as a society, and they also support marginalised communities. Where lies the balance between the need for these organisations and the roles they play, and the criticism, constraints or even penalties such organisations face, from the State or other actors? 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 the efforts to overcome them; and their views on how the Government can aid them through greater engagement, discourse and support.

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, *President, National Human Rights Society ("HAKAM"); Messrs G.S. Nijar*

17:15 – 17:45 Coffee/Tea Break | Exhibition Area

17:45 – 18:45 **5th Raja Aziz Addruse Memorial Lecture | 30th Anniversary of the 1988 Judicial Crisis: Lessons about the Importance of Judicial Independence and Impartiality | Taming Sari 1, 2 & 3**

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, *Member of the Institutional Reforms Committee; 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 1 | Shattering the Glass Ceiling: Significant Roles for Women in the Law | Taming Sari 1, 2 & 3**

Female students make up about 62% of university enrolment in Malaysia. Out of those who join the workforce, a significant number later leave, for a variety of reasons. The argument is often heard that since the number of women joining the legal profession is equal to or exceeds the number of men, the system is not flawed. Women have made great strides in every field — the legal sector included — and their journey takes hard work, long hours and sacrifice, more so due to the historical discrimination that women continue to face, and a playing field that is far from level. This therefore means that a woman's journey requires determination, resilience, courage, and an unerring sense of direction and purpose on a daily basis.

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"); 22nd 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/Tea Break | Exhibition Area

10:30 – 11:30 **Plenary 2 | Independence of the Legal Profession: Drawing Lines in the Sand | Taming Sari 1, 2 & 3**

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 governments and other agencies in pursuit of justice. How can this be best achieved?

Speakers:

1. **Thio Shen Yi SC**, 25th President, Law Society of Singapore (2015–2016); Founding Partner, TSMP Law Corporation, Singapore
2. **Paul Lam Ting-kiok 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, Past President, Malaysian Bar (2009–2011); Messrs Kesavan

11:45 – 12:45

Plenary 3 | The Judiciary as the Principal Guardians of the Rule of Law | Taming Sari 1, 2 & 3

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, regarding 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? How do judges strike a balance between ensuring compliance with the laws of the nation and that justice is served, and being accused of overreaching and improper judicial activism?

Speakers:

1. **The Honourable Robert Shenton French**, Chief Justice of the High Court of Australia (Retired)
2. **YA Datuk Dr Haji Hamid Sultan Abu Backer**, Judge, Court of Appeal
3. **The Hon Md Muzammel Hossain**, Chief Justice of Bangladesh (Retired)
4. **Datuk Seri Gopal Sri Ram**, Judge, Federal Court of Malaysia (Retired); Messrs Sri Ram

Moderator:

Steven Thiru, Co-Chairperson, IMLC 2018 Organising Committee; Past President, Malaysian Bar (2015–2017); Messrs Steven Thiru & Sudhar Partnership

12:45 – 13:45

Networking Lunch | Taman Mahsuri

13:45 – 15:00

Working Group Session 1

Stream D | Taming Sari 1

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 concerning child pornography now exist. Corporations are too often unaware of provisions that criminalise the 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, Head of Child Investigation Unit, Sexual, Women and Child Investigation Division (D11), Criminal Investigation Department, Royal Malaysia Police Headquarters, Bukit Aman (3) YB Dato’ Sri Azalina Dato’ Othman Said, Member of Parliament, Pengerang, Johore (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

Stream C | Taming Sari 2

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; and how the battle to identify and dismantle cross-border cartels is progressing, including recent trends and practical challenges. Also of vital importance is 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, Chairperson, Tax Subcommittee, Bar Council Corporate and Commercial Law Committee; Messrs Shearn Delamore & Co.

Session Host: Inter-Pacific Bar Association

Stream B | Taming Sari 3**Surge of New Competition between Digital Law Firms and Traditional Law Firms: Uber-isation of the Legal Profession**

Daily, we are experiencing signs of a material change in the legal profession's landscape, following the unprecedented advance of technology. Technological developments are also transforming the needs of clients and their expectations of legal services. Artificial intelligence will accelerate this, as law firms move from business models premised on human capabilities, to those involving a mix of human and technological ones. New types of digital law firms are emerging in Asia. At this session we will discuss how technology affects the legal profession, and 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* (3) H R Dipendra, *Member, Bar Council Malaysia; Messrs Koh Dipendra Jeremiah Law*

Moderator: Christopher Leong, *President, LAWASIA; Past President, Malaysian Bar (2013–2015); Messrs Chooi & Company + Cheang & Ariff*

Session Host: LAWASIA

Stream A | Chulan View (13th Floor)**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, Union Internationale des Avocats-Institute for the Rule of Law ("UIA-IROL")* (2) Ravinder Singh Dhaliwal, *Co-Chairperson, Bar Council Subcommittee on Yayasan Bantuan Guaman Kebangsaan; Messrs Vin Partnership*

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

Session Host and Sponsor: Union Internationale des Avocats



15:15 – 16:30

Working Group Session 2

Stream C | Taming Sari 1**Amendments to the Arbitration Act 2005: A Practical Overview**

On 5 Apr 2018, the Malaysian Parliament passed the Arbitration (Amendment) (No. 2) Bill 2018, which adopts the 2006 revision of the UN Commission on International Trade Law ("UNCITRAL") Model Law. It 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 the parties to domestic and international arbitrations in Malaysia.

Speakers: (1) Kevin Prakash, *Messrs Mohanadass Partnership* (2) Thayananthan Baskaran, *Messrs Baskaran* (3) Peter Godwin, *Regional Head of Practice – Dispute Resolution, Asia and Managing Partner (Kuala Lumpur), Herbert Smith Freehills*

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

Session Host and Sponsor: Asian International Arbitration Centre ("AIAC")

**Stream A | Taming Sari 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?

Speakers: (1) Mickaël Laurans, *Head of International, The Law Society of England and Wales* (2) Fara Mohammad, *Consultant Solicitor (Islamic Finance), UK* (3) Nahendran Navaratnam, *Messrs Navaratnam Chambers*

Moderator: Christina Blacklaws, *President, The Law Society of England and Wales*

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



Stream D | Taming Sari 3**Legal Education: What National Bars Want from Law Schools, and What Law Schools Want from National Bars**

The relationship between legal academia and the legal profession is often harmonious, but there are occasional challenges. In addition to providing formal legal education to law students, law schools serve general educational and academic functions that may be in conflict with their professional role. This panel will explore the nature of these challenges, and 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* (4) Mariette Peters-Goh, *Associate Director (Knowledge Innovation and Technology), WongPartnership LLP, Singapore* (5) Ravi Nekoo, *Treasurer, Malaysian Bar; Co-Chairperson, Bar Council Professional Standards and Development Committee*

Moderator: Brendon Keith Soh, *President, Sabah Law Society; Ronny Cham & Co, Sabah*

Session Host: Bar Council Malaysia

Stream B | Chulan View (13th Floor)**From Fads to Fortunes: The Evolution of Intellectual Property Systems in a Disruptive, Fidget-Spinning World**

Technology and the Digital Age have propelled us into an era of YouTubers and social media influencers, where simple fads like Furbies and fidget spinners become global sensations, and “the cloud” is a household phrase. Issues relating to intellectual property (“IP”) – the intangible assets of creativity – have been brought to the fore, as conventional technologies are being more and more disrupted by innovative advancements.

Are our IP systems keeping up with the pace of fads and fortune-makers? This panel will present a global perspective on IP systems and developments, and insights on global law harmonisation on IP issues, in our increasingly digital, borderless world.

Speakers: (1) Hao Ma, *President, International Association for the Protection of Intellectual Property (“AIPPI”); 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, Astro Malaysia Holdings Berhad*

Moderator: Karen Abraham, *Head, Intellectual Property, Technology & Communications, Messrs Shearn Delamore & Co.*

Session Host and Sponsor:

International Association for the Protection of Intellectual Property



16:30 – 16:45 Coffee/Tea Break | Exhibition Area

16:45 – 18:00 **Working Group Session 3**

Stream C | Taming Sari 1**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, The Law Society of England and Wales* (3) 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

Stream A | Taming Sari 2**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) Amiral B Nasir, *Vice-President, 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, *Hong Kong Trade Development Council* (5) Azlin Ahmad, *Senior Associate, Banking & Finance, Herbert Smith Freehills, Kuala Lumpur*

Session Host and Sponsor: The Law Society of Hong Kong



Stream B | Taming Sari 3

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. However, 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.

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

Stream D | Chulan View (13th Floor)

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! This session will introduce 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 skills required. Professionals who are interested in dispute resolution, family law, probate practice and disputes involving close relationships – come and exchange ideas!

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

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

19:00

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

Sponsored by Prime Minister's Department (Law)



DAY 4 |

17 August 2018 (Friday) | International Sessions

09:00 – 10:15

Working Group Session 4

Stream C | Taming Sari 1

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) Nick De Marco QC, *Blackstone Chambers, UK* (3) Andrew Mercer, *Deputy Director, Sports Legal Services, Disciplinary and Governance, Asian Football Confederation* (4) Jeffrey Ong, *Deputy President, Malaysian Olympians Association; Head, Dentsu Sports Malaysia* (5) 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*

Session Host: Bar Council Malaysia

Conference Programme
DAY 4

Stream B | Taming Sari 2 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 for 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, The German Federal Bar* (2) Jeremiah Gurusamy, *Messrs Koh Dipendra Jeremiah Law*

Session Host: Bundesrechtsanwaltskammer (The German Federal Bar)

Stream A | Taming Sari 3 Is Litigation Reclaiming the Edge Arbitration Once Enjoyed?

As arbitration disputes become larger and more complex, they have also become unwieldy in terms of time and costs for arbitrating parties. Whilst it is still popular and commands a sizeable following, the initial novelty of this alternative dispute resolution 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 and Sponsor: Messrs Skrine

SKRINE

Stream D | Chulan View (13th Floor) The Impact of Technology on the Legal Profession: A Regional Perspective

The advent of new technologies that enhance productivity in the legal workplace is making the legal services environment more competitive. Existing law firms – both large and small – feel the need to evolve their legal practice and work culture in order to keep up with the impact of rapid technological developments.

The Singapore Academy of Law is on a journey of equipping Singaporean lawyers with technological skills and support to enhance their effectiveness. Delve into the thinking behind this process and the critical steps being taken to embrace technological advancements, and how to begin spearheading your own innovations.

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, *Deputy Chairperson, Bar Council Future in Technology Committee; Messrs Koh Dipendra Jeremiah Law*

Session Host: Bar Council Malaysia

10:15 – 10:45 Coffee/Tea Break | Exhibition Area

10:45 – 12:00 Working Group Session 5

Stream B | Taming Sari 1 Young Lawyers: Future Options and Opportunities

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

Speakers: (1) James Jung, *Programme Director (Asia-Pacific), The College of Law Australia & New Zealand* (2) Christine Low, *Peter Low & Choo LLC, Singapore* (3) Khaizan Sharizad Abdul Razak, *Member, Bar Council Malaysia; Chairperson, Bar Council National Young Lawyers and Pupils Committee (“NYLPC”); Messrs Seira & Sharizad* (4) Lim Wei Jiet, *Member, NYLPC; Secretary-General, National Human Rights Society (“HAKAM”); Messrs Sreenevasan* (5) Louis Liaw, *Member, NYLPC; Messrs RamRais & Partners* (6) Vince Tan, *Member, NYLPC; Messrs Karpal Singh & Co.* (7) Sin Chen Yeong, *Member, NYLPC; Messrs Chenyeong*

Session Host and Sponsor: College of Law Australia & New Zealand

Stream A | Taming Sari 2 Advocacy Training: Regional Cooperation to Develop and Train Advocates

A commitment to developing advocacy skills and training advocates is a fundamental obligation of every Bar association. A strong body of advocates will play its proper role in the administration of justice, serve the public interest, and uphold the rule of law. Regional collaboration in the continuous development and training of advocates reaps benefits, as demonstrated through the work of the International Advocacy Training Council. Learn about advocacy training initiatives in Asia; and how to set up a faculty of advocacy trainers, promote advocacy training in non-English speaking jurisdictions, and 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; RYCO Law Firm, Sabah* (4) Brendan Navin Siva, *Messrs Brendan Siva*

Session Host: International Advocacy Training Council

Stream D | Taming Sari 3 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 Sheng-ti Gau, *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*

Moderator: Raphael Tay, *Messrs ST Lim & Co.*

Session Host: Bar Council Malaysia

Stream C | Chulan View (13th Floor) Cross-Border Dispute Resolution: Access to Justice for Investors

This working group will focus 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 School 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 and Sponsor: Securities Industry Dispute Resolution Center



12:00 – 14:15 Networking Lunch | Taman Mahsuri

14:15 – 15:30 Working Group Session 6

Stream A | Taming Sari 1 Mediation: Missed Opportunities Across the Commonwealth

Mediation is encouraged across the Commonwealth and, in some jurisdictions, 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 have generally not embraced mediation, and have allowed others to encroach on the traditional work of lawyers – that of disputes and resolution? This session will consider the role of lawyers in mediation, and how lawyers could be missing out on opportunities.

Speakers: (1) Brian Speers, *Vice President, Commonwealth Lawyers Association; CMG Cunningham Dickey, Belfast, Ireland* (2) Wong Lu Peen, *Mediator, Malaysian Mediation Centre; Messrs Wong Lu Peen & Tunku Alina*

Session Host: Commonwealth Law Association

Stream C | Taming Sari 2 Environmental Laws | Where is Our Moral Compass?

Environmental problems are now an omnipresent phenomenon transcending geographical boundaries, and can jeopardise the very survival of all living organisms — the human species included — as we edge closer and 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 escalate 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) TAKANO Takako, *Professor, School of Culture, Media and Society, Faculty of Letters, Arts and Sciences, Waseda University, Japan* (2) Yeb Saño, *Executive Director, Greenpeace Southeast Asia* (3) YB Puan Yeo Bee Yin, *Minister of Energy, Technology, Science, Climate Change and Environment, Malaysia* (4) Kiu Jia Yaw, *Co-Chairperson, Bar Council Environment and Climate Change Committee; Messrs Desmond Chan & Jeff Law*

Moderator: Roger Chan Weng Keng, *Secretary, Malaysian Bar; Co-Deputy Chairperson, Bar Council Environment and Climate Change Committee*

Session Host: Bar Council Malaysia

Stream D | Taming Sari 3 The Forgotten Convention: Our Responsibilities to Persons with Differing Abilities

A decade ago, Malaysia enacted the Persons with Disabilities Act 2008 in line with 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. Has the law had any meaningful impact in ensuring that differently-abled individuals have equal access to, and equal opportunities for, what everyone else takes for granted? What must, and can, the private and public sectors — and even individuals like you and me — do to walk the talk? How can the legal community play an active role and make a real difference?

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

Stream B | Chulan View (13th Floor) 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 (French National Bar Council) 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.

Speakers: (1) Véronique Tuffal-Nerson, *Chair, Business and Human Rights Working Group, French National Bar Council; Tuffal-Nerson Douarre & Associés, Paris, France* (2) Andrew Khoo Chin Hock, *Member, Bar Council Malaysia; Messrs Andrew Khoo & Daniel Lo*

Session Host: French National Bar Council

15:30 – 16:00 Coffee/Tea Break | Exhibition Area

16:00 – 17:30 **Plenary 4 | Equanimity: Perspectives on Handling Criminal Investigations Relating to Government Corruption and Abuse of Power | Taming Sari 1, 2 & 3**

A "kleptocracy" exists where 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, it would seem impossible for a kleptocracy to exist, much less thrive. And yet, in Malaysia, we have learned otherwise. The magnitude of the alleged crimes 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 democracy and the legal system of a sovereign nation. Malaysia, with the help of international law enforcement agencies, must now seek to regain its equanimity: its "calmness and composure, especially in difficult situations".

Speakers:

1. **YB Sivarasa K Rasiah**, *Deputy Minister, Ministry of Rural Development, Malaysia*
2. **Ho Kay Tat**, *Publisher and Group Chief Executive Officer, The Edge Media Group*

Moderator:

Dato' Sri Ramachelvam Manimuthu, *Vice-President, National Human Rights Society ("HAKAM"); Messrs Rama-Rozi & Assoc.*

17:30 – 17:45 **Closing Remarks | Taming Sari 1, 2 & 3**

Karen Cheah Yee Lynn, *Co-Chairperson, IMLC 2018 Organising Committee; Member, Bar Council Malaysia; Messrs Chooi & Company + Cheang & Ariff*

18:15 onwards **After-Party** by Messrs Thomas Philip | Laman Wau @ Kraftangan

Note: Only the names of confirmed speakers and moderators are listed.

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