

Introduction to Arbitration

Fundamentals and Practical Insights

25 Oct 2024 (Friday) | 4:00 pm to 6:00 pm
Platform: Zoom



Session #1 / 4
Free Admission

The Bar Council Arbitration and Construction Law Committee is organising a series of webinars on the basics and key principles of arbitration.

[Register online here](#)

These webinars are tailored for entry-level practitioners, particularly young lawyers and pupils interested in building a foundation in arbitration practice. Participants will gain a comprehensive introduction to arbitration law, including an overview of arbitration agreements, key procedural steps, and the legal framework governing arbitration. The webinars will also explore practical insights into managing disputes, drafting arbitration clauses, and the interaction between domestic arbitration laws and international conventions.

Session 1 will cover the following topic(s):

Pre-Arbitration Assessment and Commencement

- (1) Understanding arbitration agreements and their interpretation;
- (2) Ensuring compliance with multi-tiered arbitration clauses;
- (3) Issuing a notice of arbitration and handling responses;
- (4) Appointing arbitrators, especially when the agreement lacks specific provisions; and
- (5) Key considerations in international arbitration, including the selection of seat, venue, and the applicable legal frameworks governing the process.

contract drafting, handling claims and disputes in the construction, engineering and energy sectors, as well as servicing these clients' needs when they have industrial relations disputes.

Adrian also provides on-project legal advisory and works with claims consultants on claims management and early dispute avoidance initiatives. He has appeared at all levels of the Malaysian court system, and in domestic and international arbitrations. Adrian's experience includes other forms of dispute resolution such as adjudication, mediation, expert determination and early neutral evaluation.

Adrian's notable cases include acting for contractors in high-value projects such as the Kuala Lumpur main sewerage pipeline project, design, fabrication and installation of specialised steel and sub-sea structures, mixed development projects, professional fee claims and installation of high-voltage distribution lines.

Speakers

Adrian See is a partner of Belden, a boutique legal practice focusing on construction and engineering dispute resolution. He is an accredited Asian International Arbitration Centre ("AIAC"), Thailand Arbitration Center ("THAC") and Asian Institute of Alternative Dispute Resolution ("AiADR") arbitrator, AIAC panel for the Construction Industry Payment and Adjudication Act 2012 ("CIPAA") adjudicator, mediator and a fellow of Chartered Institute of Arbitrators ("CIArb"), Malaysian Institute of Arbitrators ("MIArb") and AiADR.



Adrian focuses on the construction, engineering, oil and gas, energy and utilities industries. His practice area involves

Kalaiarasan Rasadurai is a dispute resolution lawyer in the construction and engineering practice of Skrine. His main practice areas include construction, engineering, oil and gas and commercial disputes. He regularly represents parties in court, arbitration, adjudication and mediation proceedings. He is a member of the Bar Council Arbitration and Construction Law Committee and a council member of the Society of Construction Law Malaysia.



Moderator



Laarnia Rajandran is a senior associate in the construction and engineering practice of Skrine, with experience in construction litigation, arbitration and adjudication on various projects as well as civil and commercial litigation at all tiers of the Malaysian Courts.

Laarnia also has experience on all aspects of environmental and occupational health and safety matters, ranging from regulatory compliance, crisis management, litigation and prosecution as well as dealings with relevant authorities such as the Department of Environment.

Please note that there will be a 15-minute question-and-answer session after each webinar.

These webinars are an initiative by the Bar Council Arbitration and Construction Law Committee. These webinars are free of charge, but advance registrations are required. Upon successful registration, a link to the webinar will be emailed to registered participants only. Registration for the webinar on 25 Oct 2024 (Friday) will **close on 24 Oct 2024 (Thursday)**, or when the webinar session is full (whichever is earlier).

No additional registration will be accepted once the closing date is passed, or if the webinar is full. The Bar Council may not permit future registration if you fail to attend a webinar after registering, unless you provide an acceptable and valid reason(s).

Organised by
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Should you have any enquiries, please contact
Noor Izzati bt Mohd Anuar (03-2050 2100);
Rajeswari Gunarasa (03-2050 2089); or
email (rajeswari@malaysianbar.org.my)

Introduction to Arbitration

Fundamentals and Practical Insights

22 Nov 2024 (Friday) | 4:00 pm to 6:00 pm

Platform: Zoom



Session #2 / 4

Free Admission

The Bar Council Arbitration and Construction Law Committee is organising a series of webinars on the basics and key principles of arbitration.

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Session 2 will cover the following topic(s):

Interim Measures

- (1)

Overview of the types of interim measures available to parties under the Arbitration Act 2005;
- (2)

Determining the appropriate timing, venue (whether the Court or Arbitral Tribunal), and circumstances that warrant interim relief; and
- (3)

Examination of recent Malaysian case law related to the use and application of interim measures.

and dispute resolution, including co-authoring books on construction law and corporate governance in Malaysia.

Crystal Wong Wai Chin has an active arbitration practice across Malaysia, Singapore, and the ASEAN region, with a focus on energy-related disputes, including electricity, renewable energy, water supply, and complex infrastructure projects. She advises a range of clients, including utility companies, independent power producers, government-linked entities, and multinational corporations, drawing on her experience with a major international utilities conglomerate. As co-head of her firm’s China desk, she works with Chinese state-owned enterprises and other mainland Chinese companies operating in Malaysia, leveraging her legal training from Southwest University of Political Science and Law in Chongqing, along with her proficiency in English and Mandarin. Crystal is a fellow of CIArb and serves on the arbitration panels of AIAC and the Chinese Arbitration Association in Taipei. She holds several committee roles, including with the Bar Council Arbitration Committee, CIArb Malaysia, AIAC’s Young Practitioners Group, and the Belt & Road Committee. Additionally, she is a Regional Ambassador of the HK45, a member of the Rising Arbitrators Initiative, and the founder of the Malaysian chapter of Energy Related Arbitration Practitioners (“ENERAP”). Recognised in various legal directories and publications, Crystal regularly contributes to arbitration-related publications, including the Malaysian Civil Procedure, and is active in both national and international conferences.



Speakers

Foo Joon Liang, admitted as an advocate and solicitor of the High Court of Malaya in 2000, is a partner at Gan Partnership, which he co-founded in 2011. He is a fellow of several arbitration institutes, including CIArb (UK), Singapore Institute of Arbitrators (“SIArb”), and Hong Kong Institute of Arbitrators (“HKIArb”), and previously served as chairman of the Malaysia branch of CIArb. He is on the panels of arbitrators and adjudicators at the AIAC, the Hainan International Arbitration Court, and Securities Industry Dispute Resolution Center (“SIDREC”), and is part of the International Chamber of Commerce (“ICC”) Malaysia Arbitration Committee. With over 20 years of experience in dispute resolution, his practice spans arbitration, litigation, and adjudication, focusing primarily on construction disputes. He has handled cases involving hill slope and bridge collapses, and acted in key adjudication matters such as the first CIPAA case heard at the Federal Court. Joon Liang also contributes to the legal field through advocacy training with the Bar Council and publications on arbitration



Moderator



Soh Zhen Ning, *Lee Hishamuddin*

Soh Zhen Ning is a dispute resolution lawyer with a focus on international and domestic disputes, particularly in the construction and energy sectors. He holds an LLM degree in commercial law from the University of Cambridge and is an Associate Member of the Chartered Institute of Arbitrators. His work spans arbitration, adjudication, and litigation, involving projects such as high-rise buildings, power plants, and railways. Soh Zhen Ning also contributes to legal publications, including the chapter on Order 69 (Arbitration) in the *Malaysian Civil Procedure* (White Book).

Please note that there will be a 15-minute question-and-answer session after each webinar.

These webinars are an initiative by the Bar Council Arbitration and Construction Law Committee. These webinars are free of charge, but advance registrations are required. Upon successful registration, a link to the webinar will be emailed to registered participants only. Registration for the webinar on 22 Nov 2024 (Friday) will **close on 21 Nov 2024 (Thursday)**, or when the webinar session is full (whichever is earlier).

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Introduction to Arbitration

Fundamentals and Practical Insights

6 Dec 2024 (Friday) | 4:00 pm to 6:00 pm

Platform: Zoom



The Bar Council Arbitration and Construction Law Committee is organising a series of webinars on the basics and key principles of arbitration.

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Session 3 will cover the following topic(s):

Setting Aside and Enforcement of Arbitral Awards

Setting Aside Arbitral Awards

- (1) Grounds for setting aside arbitral awards under Section 37 of the Arbitration Act 2005;
- (2) Case analysis to explore the Courts' approach to setting aside awards; and
- (3) Next steps for parties if an award is partially or fully set aside, including the possibility of reinitiating arbitration.

Enforcement of Arbitral Awards

- (1) Procedures for enforcing arbitral awards; and
- (2) Options and strategies when both setting aside and enforcement applications are filed.

Speakers

Thayananthan Baskaran is a partner with Baskaran, Kuala Lumpur, and an associate member of Crown Office Chambers, London. Thaya's primary area of practice is construction law. He drafts various building and engineering contracts, advises on disputes arising from such contracts and appears as counsel to resolve these disputes. Thaya also sits as an adjudicator, arbitrator, and mediator. Thaya is the author of *Arbitration in Malaysia: A Commentary on the Malaysian Arbitration Act* (Wolters Kluwer 2019). Thaya was the Chair of the Chartered Institute of Arbitrators



Malaysia Branch (2017–2019) and the President of the Society of Construction Law Malaysia (2016–2017). Thaya is the editor of *Construction Law International*, the magazine of the International Bar Association's International Construction Projects Committee. Thaya has been ranked by *Who's Who* Legal Arbitration (2018–2024) and included in the *Legal 500* Arbitration Private Practice Powerlist: South East Asia Region (2022–2023). Thaya read law at King's College, London, studied construction engineering at Queens' College, Cambridge, and was called to the Bar of Gray's Inn.

Raja Kumar Raja Kandan practice focuses on representing clients in construction and insurance-related disputes through litigation, arbitration, adjudication, and mediation. He has acted as counsel in adjudications under CIPAA and in arbitrations involving local and international projects, such as high-end developments, animal plantation units, and hotel construction. His arbitration experience includes disputes with international companies from Belgium, Japan, and France, covering issues like reclamation, gas turbine failures, and insurance claims. Raja Kumar has also handled litigation related to construction defects, trademark disputes, and quasi-criminal matters under the Occupational Safety and Health Act 1994. Additionally, he is involved in criminal cases concerning drug offences, immigration issues, and Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act ("AMLA") violations.



Moderator



Eric Gabriel Gomez is a senior associate in the construction and engineering practice group of Skrine. His portfolio includes litigation and arbitration, and he has experience in construction and aviation disputes. He was a founding member and former chairman of the Young Society of Construction Law Malaysia.

Please note that there will be a 15-minute question-and-answer session after each webinar.

These webinars are an initiative by the Bar Council Arbitration and Construction Law Committee. These webinars are free of charge, but advance registrations are required. Upon successful registration, a link to the webinar will be emailed to registered participants only. Registration for the webinar on 6 Dec 2024 (Friday) will **close on 5 Dec 2024 (Thursday)**, or when the webinar session is full (whichever is earlier).

No additional registration will be accepted once the closing date is passed, or if the webinar is full. The Bar Council may not permit future registration if you fail to attend a webinar after registering, unless you provide an acceptable and valid reason(s).

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Introduction to Arbitration

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10 Jan 2025 (Friday) | 4:00 pm to 6:00 pm
Platform: Zoom



Session #4 / 4
Free Admission

The Bar Council Arbitration and Construction Law Committee is organising a series of webinars on the basics and key principles of arbitration.

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Session 4 will cover the following topic(s):

Fast Track and Summary Procedures

- (1) Overview of various expedited procedures available under institutional arbitration rules, such as those of the ICC, AIAC, and Singapore International Arbitration Centre (“SIAC”);
- (2) Examination of the advantages and disadvantages of adopting fast-track or summary procedures; and
- (3) Review of case law addressing challenges to or enforcement of awards made under expedited procedures.

Speakers

Tatvaruban Subramaniam is a dispute resolution lawyer in the construction and engineering practice at Skrine and a member of the firm’s occupational safety and health and environmental crisis management group. He has experience across various stages of construction and engineering projects, advising clients on matters such as procurement, contract administration, and dispute avoidance and resolution. Tatvaruban is also experienced in multiple dispute resolution processes, including litigation, arbitration, adjudication, and mediation, and his key practice areas include construction disputes, oil and gas matters, energy disputes, regulatory compliance, and occupational safety, health, and environmental issues.



Serene Hiew Mun Yi was admitted as an advocate and solicitor of the High Court of Malaya in 2011 and is a partner at Harold & Lam Partnership.



Serene has been practicing in the areas of construction, infrastructure and engineering since 2011. Her involvement in the dispute resolution of construction, infrastructure and engineering is primarily focused in the alternative dispute resolution ie, adjudication and arbitration. While dispute resolution is her primary area of practice, Serene also undertakes advisory and construction project management work.

In the past several years, Serene has been involved in both geotechnical substructure-related disputes and infrastructure construction projects.

Serene also heads the adjudication practice at Harold & Lam Partnership and since the coming into effect of CIPAA in April 2014, she has been acting as counsel or client representative in CIPAA adjudication cases. She also sits as an adjudicator in the AIAC panel of adjudicators. Serene is currently a director of the International Group of Arbitrators (Chartered Institute of Arbitrators, Malaysia) (“CIArb”) and the deputy chairman of the Malaysian Society of Construction Law.

Moderator



Koh Yi Ting is currently a Senior Associate at Azman, Davidson & Co. and a member of the Malaysian Institute of Arbitrators (“MIArb”). She was admitted to the English Bar in 2018 and called to the Malaysian Bar in 2019. Koh Yi Ting has experience in dispute resolution, including arbitration, litigation, adjudication, and mediation, with a primary focus on construction disputes.

Please note that there will be a 15-minute question-and-answer session after each webinar.

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