

BREACH OF CONTRACT 2013

Strategies to Effectively Manage Risk & Remedies in Commercial Contract Disputes

Tuesday, 10 December 2013 • 9.00am – 5.00pm • Renaissance Hotel, Kuala Lumpur

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Programme Overview ►

Contracts are inherently vital to legally bind all parties to perform and consequently reimbursed as agreed. But what happens when that contract is broken and losses are incurred? Who is responsible? How will this affect you? What are the steps required to prevent escalation and further repercussions?

This **Breach of Contract** conference aims to address the legal and regulatory boundaries and to effectively survive or capitalize a contract dispute crisis.

The speakers will share their in-depth knowledge and experience in contractual disputes to equip delegates with the necessary information and strategies to successfully confront or defend a breach of agreement.

Key Benefits of Attending ►

- **ADDRESSING** the latest issues, challenges and responsibilities that surface from legal contracts
- **UNDERSTANDING** the legalities of a breach of contract and its effects
- **PROTECTING** your rights against breach of duties and obligations
- **ADOPTING** effective risk management strategies in contractual agreements
- **ESTABLISHING** the best strategy in contractual breach remedies to minimize repercussions

Who Should Attend ►

- In-House Legal Counsel
- Legal Managers and Senior Legal Executives
- Contract Managers and Officers
- Procurement Managers
- Commercial and Business Development Managers
- Project Managers
- Lawyers

6 CPD
POINTS

Bar Council Malaysia CPD Code:
T2/10122013/CCPLM/KL1298/6

About the Speakers ►

Lim Tuck Sun's primary focus is in the area of commercial and corporate litigation and arbitration. He advises clients on shareholders' disputes and company law related issues, including cross-border disputes. He also advises on competition law, IT-related contracts, and telecommunications matters, and handles related litigation. Tuck Sun is named as a Leading Lawyer in the field of Dispute Resolution in the 2012 edition of Asialaw Leading Lawyers and is recommended in the field of Dispute Resolution in the 2013 edition of the Asia Pacific Legal 500.

Lee Shih's portfolio of litigation work focuses on international arbitration, corporate litigation and corporate insolvency. He has acted as lead Counsel in a variety of shareholder disputes, involving just and equitable winding up and oppression petitions. He also advises and acts in insolvency, schemes of arrangement and receivership matters. He is also a partner in the Competition Practice Group. Lee Shih was listed in the Legal 500 Asia Pacific 2013 as "a name to watch for the future".

Kamraj Nayagam's areas of practice covers mainly Arbitration & Alternative Dispute Resolution, Construction & Engineering Contracts, Corporate & Commercial Disputes, Oil and Gas and Tort. Kamraj possesses a wealth of experience on both sides of the spectrum i.e. at the preliminary stage of drafting and negotiating contracts and also thereafter at the stage of a dispute where he has been involved in numerous litigation and arbitrations.

Mr. Choon Hon Leng has been practising mainly in the areas of construction dispute resolution and arbitration. Hon Leng has acted for various players in the industry including employers, main contractors, subcontractors and consultants in projects of various sizes and nature. Apart from dispute resolution, he also has experience in works relating to pre-contract negotiation, contract documentation, project implementation advisory, post-dispute negotiation and conducting in-house training, workshop and seminar. He has acted as lead counsel in many arbitrations and was also the lead counsel for an arbitration held in China involving a Malaysian party where the proceedings was conducted fully in Mandarin under the CIETAC arbitration rules. He is a Fellow of the Chartered Institute of Arbitrators and the Malaysian Institute of Arbitrators. He is also listed in the Panel of Arbitrators of the Kuala Lumpur Regional Centre for Arbitration.

Syed Naqiz Shahabuddin is a well-rounded lawyer, having practised in the Dispute Resolution and Intellectual Property practice groups of Skrine and thereafter the Technology and Corporate and Commercial practice groups of Wong & Partners (a member firm of Baker & McKenzie International). Naqiz has been involved in transactions and negotiations of various agreements such as asset transfer agreements, share sale and purchase agreements, restructuring for compliance with foreign equity guidelines, partnership agreements, teaming agreements, management agreements, outsourcing agreements, collaboration agreements, joint venture agreements, trust structures, development agreements and franchises. Naqiz has also given talks in Sri Lanka on behalf of WIPO and in New York and Boston on the topics of doing business in South East Asia. Locally, Naqiz has given talks on behalf of Microsoft, Petronas, Telekom, Nokia, Multimedia University, Multimedia Development Corporation, TV3 (Money Matters), Federation of Malaysian Manufacturers, Malaysian Bar Council, Regional Centre for Arbitration Kuala Lumpur among many others on a myriad of legal issues.

Programme Outline ►

TIME	TOPIC
08.00am	REGISTRATION AND MORNING COFFEE
09.00am	<p>Understanding the Legalities and Boundaries of a Breach of Contract</p> <ul style="list-style-type: none"> Defining breach to ensure understanding and knowing your contractual obligations Exploring the legalities and consequences of a breach Preventive and predictive strategies to avoid breach of contracts Discovering important considerations of waiver of breach and its effects Ascertaining the best steps to take if a contract fails <p>Lim Tuck Sun Partner, Chooi & Co</p>
10.00am	<p>Breach and Termination of Contract</p> <ul style="list-style-type: none"> Examining breach entitling termination including issues of: <ul style="list-style-type: none"> Express rights of termination for breach Breach of implied terms Wrongful repudiation vs. rescission Acquiescence and waiver of contract breach Understanding specific issues in relation to commercial contracts Considering practical and evidentiary issues <p>Lee Shih Partner, Skrine</p>
11.00am	MORNING COFFEE / TEA BREAK & NETWORKING SESSION
11.30am	<p>Options Available Following a Breach of Contract</p> <p>Breach of a contract causes legitimate expectations to fail or change and gives rise to a number of options. To pursue the most effective options, we will explore:</p> <ul style="list-style-type: none"> Whether to cancel or affirm the contract Claiming damages; what is the nature of the loss suffered and its extent? Examining the risk factors for the claimant Determining the legalities and the degree of the breach of contract <p>Lee Shih Partner, Skrine</p>
12.30pm	NETWORKING LUNCH
01.30pm	<p>Choosing the Best Remedies & Minimizing Penalties in a Commercial Contract</p> <ul style="list-style-type: none"> Identifying suitable remedies available in event of breach Exploring the Agreed Damages Clause Limiting Damages Clause Reducing the effects of Penalty Clauses on contracts Proving Damages <p>Kamraj Nayagam Partner, Kadir Andri & Partners</p>
02.30pm	<p>Common Equitable Remedies for Breach of Contract and Settlement of Disputes</p> <ul style="list-style-type: none"> What are these equitable remedies? Why/when are they useful? Are you entitled to equitable remedies? Settlement of Disputes - the practical and tactical considerations <p>Choon Hon Leng Partner, Raja Darryl & Loh</p>
03.30pm	AFTERNOON COFFEE BREAK
04.00pm	<p>Risk Management Implications for Contractual Arrangements</p> <ul style="list-style-type: none"> Identifying and allocating risk between the parties Drafting indemnity and insurance clauses to reflect the division of risk Minimizing risk by selecting appropriate contract types Assessing your exposure in contracts <p>Syed Naqiz Shahabuddin Partner, Naqiz & Partners</p>
05.00pm	END OF SESSION

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Registration Form:

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BREACH OF CONTRACT 2013

TUESDAY, 10 DECEMBER 2013 • 9.00AM - 5.00PM • RENAISSANCE HOTEL, KUALA LUMPUR

Registration Fee Details

EARLY BIRD: (BY 22 NOVEMBER 2013)	RM 890.00
REGULAR FEE:	RM 990.00
GROUP BOOKING:	RM 800.00

Closing date of Registration: 6 December 2013

Delegate Details

Delegate1 Mr / Ms / Mrs / Dr: _____

Position: _____

Department: _____

Tel: _____ Fax: _____

Email: _____

Delegate2 Mr / Ms / Mrs / Dr: _____

Position: _____

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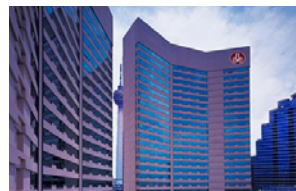
To register for the Course, fax, email or mail this whole page to:

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Email: ambran@crimsonlogic.com

Mail: **CRIMSONLOGIC MALAYSIA SDN BHD**
D-2-10, Plaza Damas, 60, Jalan Sri Hartamas 1
Sri Hartamas, 50480 Kuala Lumpur Malaysia

Venue Details



Renaissance, Kuala Lumpur

Corner of Jalan Sultan Ismail and
Jalan Ampang
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BOOKING CONDITIONS

- Registrations will be confirmed upon receipt of your completed Registration Form.
- Full payment must be made before the date of the conference.
- If you are unable to attend, a substitute delegate is welcomed at no extra charge. Please provide the name and the title of the substitute delegate at least 5 working days prior to the Conference / Workshop. Alternatively, your registration can be credited to a future conference within the next 6 months.
- In the event payment is not received within 30 days after the event date, penalty fee of 5% will be imposed on the outstanding sum.
- For cancellations received in writing more than 3 weeks prior to the conference, a full refund less RM100 admin charge will be made. Regrettably, no refund can be made less than 3 weeks prior to the event and the amount will remain pay above in full. A complete set of conference documentation will be given.
- All speakers and topics are correct at the time of printing. CrimsonLogic reserves the right to substitute speakers and cancel or alter the content and timing of the programme for reasons beyond its control.
- Where group discounts are offered, delegates must sign up collectively.

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