

Expert Witness Institute Singapore Conference 2019



“Expert Evidence in the Asia Pacific Region”

Grand Copthorne Waterfront Hotel

392 Havelock Rd, Singapore 169663

Tuesday, 15 October 2019 • 9.00 am to 7.00 pm

About this Conference

This Conference is the inaugural conference of the Expert Witness Institute Singapore.

As the theme suggests, the Conference will be a platform for Experts from a wide range of disciplines and Disputes specialists including lawyers, accountants, bankers and technical experts to meet and discuss topical issues relating to the role of Experts and Expert Evidence in Dispute Resolution.

The focus of the Conference will be a discussion and review of the practices of Experts and Expert Evidence across the Asia Pacific particularly in the ASEAN region. The Conference will bring together practicing Experts who regularly provide expert testimony in courts and in arbitrations around the region. The speakers come from a diverse background and they will also contribute to the discussion on the comparative practices in the region.

In addition to dealing with the practice of expert testimony in dispute resolutions, the Conference will also attempt to undertake a little ‘crystal ball gazing’ and touch upon the shape Expert Evidence will take in the future.

Who Should Attend

- Experts • Lawyers • Accountants • Bankers • Construction Professionals
- Insurers • Medical Professionals • Anyone aspiring to be an expert witness

About our Guest of Honour



Mr. Gregory Vijayendran SC
President – The Law Society of Singapore

Gregory Vijayendran SC graduated from the National University of Singapore and was one of the main speakers in the university’s moot team in 1992 that emerged world runner-up at the 1992 Jessup International Law Moot Competition in Washington D.C. Gregory was thereafter admitted to the Singapore Bar in 1993 and joined Rajah & Tann after being in practice in two other leading law firms for 15 years (jointly heading the Banking and Insolvency Litigation Practice Group of another leading law firm).

Litigation Practice Group of another leading law firm).

Gregory presently serves as President of the Law Society of Singapore. In that capacity, he also serves on strategic and influential boards and committees impacting and developing the legal sector such as (i) Singapore Academy of Law (as Vice President) (ii) Singapore Institute of Legal Education (iii) SAL Ventures and (iv) the Promotion of Singapore Law Committee.

Gregory has considerable experience and expertise in various spheres of civil and commercial litigation, arbitration and dispute resolution. He is also a recognised expert in banking and insolvency law as well as charities governance. Most recently, Gregory has been recognised by Best Lawyers in Singapore (2019) for Insolvency and Reorganisation law.

Silver Sponsors:



Conference Official Journal:



Supporting Organisations:



Continuing Professional Development



Practice Area:
Others/Multi-disciplinary
Training Level: General
CPD Points: 6

BCA	8 CET Hours	BOA-SIA	TBC
PEB	7 PDUs	SISV	4 CPD Hours
RICS	7 CPD Hours	SPM	6 CPD Points

Programme Outline

08.30 – 09.00	Registration & Refreshments
09.00 – 09.15	WELCOME ADDRESS BY PRESIDENT, EXPERT WITNESS INSTITUTE SINGAPORE Prof. Leslie Chew SC
09.15 – 09.30	WELCOME ADDRESS BY PATRON, EXPERT WITNESS INSTITUTE SINGAPORE The Honourable Sir Vivian Ramsey QC
09.30 – 10.00	KEYNOTE ADDRESS BY GUEST OF HONOUR Mr. Gregory Vijayendran SC President – The Law Society of Singapore
10.00 – 11.30	SESSION 1: EXPERT EVIDENCE IN SINGAPORE <p>With every year that passes, the world becomes more connected and complex. To address issues which arise in such a world, the legal system will, increasingly, need the assistance of experts.</p> <p>Over the past 5-10 years, the increasing need for the assistance of experts has led to changes in the Singapore legal system. The introduction and use of hot-tubbing is one such change.</p> <p>As the need for experts increases, long-standing concerns about the independence of party-appointed experts and increased costs naturally arise.</p> <p>One of the great strengths of the Singapore legal system is its willingness and ability to adapt and change with the times. The Court decision to move from a paper-based system to an electronic system is an example of this.</p> <p>At present, there are proposals that will change how expert evidence will be adduced in proceedings in the Singapore Court. The most significant of these proposed changes would be the move to away from party-appointed experts as the default position and the move towards having a joint-expert as the default way of adducing expert evidence.</p> <p>Assuming the proposals are not implemented at the time of the Conference, the session is intended to:</p> <ol style="list-style-type: none">1. Review the pros and cons of the current system;2. Discuss the issues that are likely to arise if and when the proposed changes are implemented; and3. Encourage an exchange of ideas on how pitfalls can be avoided and how the system can be further improved. <p>Assuming the proposals are implemented at the time of the Conference, the session is intended to:</p> <ol style="list-style-type: none">1. Review the pros and cons of the previous system;2. Discuss the issues that have arisen and/or are likely to arise from the changes; and3. Encourage an exchange of ideas on how potential pitfalls can be avoided and how the system can be further improved. <p>Moderator:</p> <ul style="list-style-type: none">• Mr. Derek Tan – Managing Director, Stoa Law Corporation, Singapore <p>Speakers / Panellists</p> <ul style="list-style-type: none">• Prof. Leslie Chew SC – President, Expert Witness Institute Singapore; Dean, School of Law at the Singapore University of Social Sciences• Ms. Gho Sze Kee – LCC Manager, Shipowners' Club, Singapore• Dr. Tan Teng Hooi – Assoc Prof and the Head of the Building and Project Management Programme, School of Science and Technology, Singapore University of Social Sciences
11.30 – 11.50	Morning Break
11.50 – 13.10	SESSION 2: DEVELOPMENTS IN EXPERT EVIDENCE IN THE ASIA PACIFIC <p>Session 2 will concentrate on similar aspects to the first session but will deal with differences – actual and perceived – in other regions.</p> <p>The speakers will:</p> <ol style="list-style-type: none">1. Discuss the pros and cons of the current systems in each region with anecdotal stories – good and bad;2. Discuss the issues that are likely to change going forward; and3. Encourage an exchange of ideas on how the system can be further improved. <p>Moderator:</p> <ul style="list-style-type: none">• Mr. John Gibson – Director of Asia, Marine Engineer, Brookes Bell Singapore <p>Speakers / Panellists</p> <ul style="list-style-type: none">• Mr. Paul Aston – Partner, Holman Fenwick Willan LLP, Singapore• Mr. Drew James – Consultant, Aus Ship Lawyers, Australia• Mr. James P. Monteiro – Managing Partner, Messrs JamesMonteiro (Advocates & Solicitors), Malaysia

13.10 - 14.10	Standing Buffet Lunch
14.10 - 15.40	<p>SESSION 3: EXPERT EVIDENCE IN INTERNATIONAL ARBITRATION</p> <p>Experts are commonly called to give evidence before arbitral tribunals across Asia, however mixes of civil and common law tribunal members and counsel result in a wide range of approaches being taken to expert evidence.</p> <p>The panel will discuss the extent to which published rules and guidance on expert evidence are being adopted by tribunals in Asia and how tribunals and counsel are working with them in practice.</p> <p>The expectations that parties and experts bring from their respective jurisdictions can also lead to differing views on the roles of experts and the duties they owe to the tribunal. The panel will explore some of the problems this can cause and how experts and the other participants in arbitral proceedings can help to address them.</p> <p>Moderator:</p> <ul style="list-style-type: none"> • Mr. Iain Potter - Director, Matson Driscoll & Damico Pte Ltd, Singapore <p>Speakers / Panellists</p> <ul style="list-style-type: none"> • Ms. Christine Artero - Independent Arbitrator, The Arbitration Chambers (Singapore) & Fountain Court Chambers (London) • Mr. Stephen Cheong - Dispute Resolution Counsel • Mr. Gavin Margetson - Dispute Resolution Counsel & Chartered Arbitrator, Singapore • Ms. Charis Tan - Director, DWF LLP
15.40 - 15.55	Afternoon Break
15.55 - 17.25	<p>SESSION 4: EXPERT EVIDENCE - WHERE IT IS NOW AND WHERE IS IT HEADING?</p> <p>In this segment of the Conference, we assemble the moderators of the earlier sessions and bring to bear the combined 'wisdom' of the earlier sessions, to first undertake an overview of where Expert Evidence is today and second, to do a little crystal ball gazing to perhaps foreshadow what is in store for Expert Evidence in the era of disruption. They will be asked to touch on aspects of Expert Evidence which are in the minds of some of us, but which may not be part of the current discourse.</p> <p>Essentially, this session invites the participants to pose questions, even those without answers so as to encourage the community of experts, and users of expert evidence to ponder over what might be new but urgent issues. How might technology weigh in to enhance the role of Expert Testimony in dispute resolution? Or will technology disrupt the Expert Evidence space altogether; will there be a need for Expert Evidence in the conventional sense? Could, for example, Expert Evidence be replaced by Artificial Intelligence?</p> <p>Moderator:</p> <ul style="list-style-type: none"> • Mr. Derek Tan - Managing Director, Stoa Law Corporation, Singapore <p>Speakers / Panellists</p> <ul style="list-style-type: none"> • Mr. John Gibson - Director of Asia, Marine Engineer, Brookes Bell Singapore • Mr. Iain Potter - Director, Matson Driscoll & Damico Pte Ltd, Singapore • Dr. Thomas Walford - CEO, Expert Evidence Limited; Governor, Expert Witness Institute, United Kingdom
17.25 - 17.30	<p>CONFERENCE CLOSING REMARKS</p> <p>Dr. Thomas Walford CEO, Expert Evidence Limited; Governor, Expert Witness Institute, United Kingdom</p>
17.30 - 19.00	POST CONFERENCE NETWORKING COCKTAILS

About the Patron of Expert Witness Institute Singapore



The Honourable Sir Vivian Ramsey QC

Sir Vivian Ramsey qualified as a civil engineer before joining the English Bar in 1981, becoming a QC in 1992. He was head of Keating Chambers before being appointed a High Court judge in 2005 where he was judge in charge of the Technology and Construction Court from 2007 to 2010.

He was also heavily involved in the implementation of the Jackson Reforms which included a review of the costs of expert evidence. Following his retirement in 2014 he was appointed as an International Judge in the Singapore International Commercial Court and acts as an arbitrator, mediator, expert and dispute board member around the world.

He is a Visiting Professor at King's College, London and edits Keating on Construction Contracts, now in its tenth edition. He has had a long-standing involvement with EWI.

Moderators (alphabetical by surname)



Prof. Leslie Chew SC – President, Expert Witness Institute Singapore; Dean, School of Law at the Singapore University of Social Sciences; Consultant, Withers KhattarWong LLP

He graduated from law school in the then University of Singapore (now NUS) in 1978 and is an Advocate and Solicitor of the Supreme Court of Singapore. He is also a Solicitor of England & Wales. He was appointed a Senior Counsel by the Supreme Court of Singapore in 2000 and continues to practice as a Consultant at Withers KhattarWong, primarily at the Commercial Bar. He began his professional career in the Singapore Legal Service and was a Deputy Public Prosecutor and State Counsel with the Ministry of Defence. He was a lawyer in KhattarWong (now Withers KhattarWong, Singapore) for 20 years and was a joint Managing Partner from 1999 to 2006. In 2007, he was appointed a District Judge. He subsequently held office as a Senior District Judge overseeing the Civil Justice Division of the State Courts (then the Subordinate Courts) until he retired from the Singapore Legal Service in March of 2014. Upon retiring from the Singapore Legal Service, he returned to private practice, re-joining his previous firm of KhattarWong LLP. In the course of his career as a lawyer of almost 40 years' experience both in private practice and public service, Leslie has had a wide practice covering most areas of commercial law including international arbitration. He is a past President and a Fellow of the Singapore Institute of Arbitrators. He is also a Fellow of the Chartered Institute of Arbitrators.



Mr. John Gibson – Director of Asia, Marine Engineer, Brookes Bell Singapore

John was at sea for twenty years before joining the Brookes Bell in 1996. He is a Chartered Engineer, with a Master's degree, and since 2001 John has been a partner at Brookes Bell. An expert in his field, John uses his extensive consultancy and investigative experience to provide comprehensive assessments of marine and offshore casualties and disputes. The type of investigations John conducts are as diverse as they are thorough. As a member of the Institution of Fire Engineers John also reports on fatal and non-fatal fires. John has provided technical evidence for court proceedings and arbitration around the world and for the last 6 years he has been based in Singapore having set up the Brookes Bell office there. John is also a supporting member of the LMAA and a member of SCMA.



Mr. Iain Potter – Director, Matson Driscoll & Damico Pte Ltd, Singapore

Iain specialises in litigation support and expert witness assignments, in particular those involving business valuations or complex loss of profits claims. He has been instructed as an expert in proceedings before courts and arbitral tribunals in a number of jurisdictions including the UK, Singapore, Malaysia, Thailand, India, Australia and the BVI and has been appointed as a tribunal expert in an UNCLOS arbitration. He is currently pursuing a number of areas of research, including a PhD with the University of Leicester and is overseeing research projects with teams from the National University of Singapore's Business School, focussing on shareholder derivative actions and on Singapore-listed companies' cost of capital. Iain is a Fellow of the Expert Witness Institute and a founding Committee Member of the Institute's Singapore branch.



Mr. Derek Tan – Managing Director, Stoa Law Corporation, Singapore

Before setting up Stoa Law Corporation, Derek was a partner in the Admiralty and Shipping Practice Group of Rajah & Tann LLP as well as the Shipping & International Trade and Banking & Financial Disputes Practices of WongPartnership LLP. Derek's main areas of practice are commercial disputes related to international trade as well as the marine and transport industries. Derek works with clients to deal with issues that arise during their day-to-day operations. As an illustration, he advises clients in real time on problems encountered during loading. Where those issues cannot be resolved amicably, Derek acts for the clients in the litigation that follows (whether it be before the Singapore Court or before an arbitral tribunal). The matters that he has been involved in include disputes arising from or related to charter parties, bills of lading, contracts of marine insurance, collisions, groundings, personal injury on board vessels, contracts of the sale and purchase of vessels, contracts for the sale and purchase of commodities (e.g. steel, grain, chemicals, oil, coal and palm oil), letters of credit, salvage, fires and explosions on board vessels, ship mortgages, negligent repair of engines, the supply of bunkers, contracts for the repair of ships and contracts for the supply of goods and services. His experience has given Derek an understanding of maritime and international transactions and insights into problems that could arise in these transactions. Drawing on this, Derek advises on and handles various non-contentious matters including contracts of affreightment, tolling contracts and the sale and purchase of vessels.

Speakers / Panellists (alphabetical by surname)



Ms. Christine Artero - Independent Arbitrator, The Arbitration Chambers (Singapore) & Fountain Court Chambers (London)

Christine is an independent arbitrator, Resident at The Arbitration Chambers (Singapore) and Door Tenant of Fountain Court Chambers (London and Singapore). She is a dual-qualified lawyer, educated in both the civil law and the common law traditions, and she is admitted to the Paris Bar and as a solicitor in England and Wales. Christine's experience spans a broad range of commercial disputes, and she has served as arbitrator under most of the major institutional rules as well as in expedited proceedings. Prior to moving to Singapore, Christine worked in London at Shearman & Sterling and at the LCIA as counsel where she oversaw the administration of over 200 arbitrations. In 2014, she joined The Arbitration Chambers and was appointed Tribunal Secretary to over 80 arbitral tribunals before launching her own practice as independent arbitrator. Christine also teaches International Arbitration at the University of Toulouse 1, and regularly lectures at other leading institutions.



Mr. Paul Aston – Partner, Holman Fenwick Willan LLP, Singapore

He has substantial experience in acting for parties in international arbitration and mediation across Asia – including in many challenging jurisdictions – with a focus on the maritime, offshore and commodity sectors. Paul is a Fellow of CI Arb, is an associate mediator of the Singapore Mediation Centre and was a board member of the Singapore Chamber of Maritime Arbitration. In 2017, Paul was invited by the Singapore Academy of Law to sit on a working committee to establish a scheme for accreditation of Singapore Advocates in the shipping sector. Paul is recognised for his dispute resolution expertise. Legal 500 Asia-Pacific Guide 2018 praises his *'commitment and ability to understand and deal with complex technical issues and work with experts'* in International Arbitration, while Chambers & Partners Asia Pacific Guide 2019 ranks him as an expert based abroad for the PRC and says he "is well placed to advise on shipping and offshore matters in China."



Mr. Stephen Cheong - Dispute Resolution Counsel

Stephen was formerly a director with Morgan Lewis Stamford LLC, a Singapore law corporation affiliated with Morgan, Lewis & Bockius. Stephen Cheong's practice covers international arbitration and litigation with a particular focus on insurance and reinsurance disputes as well as cross-border disputes management and resolution in the Asia Pacific and South East Asian region. Stephen is regularly instructed by local counsel to advise and represent clients in international arbitration proceedings arising out of shareholder, joint venture, manufacturing and distribution and construction and engineering related disputes. Stephen is fluent in the institutional rules of major arbitral institutions including SIAC, HKIAC, ICC, ACICA, LCIA and UNCITRAL and is a Fellow of the Singapore Institute of Arbitrators and the Asian Institute of Alternative Dispute Resolution. Stephen is currently admitted to the Panel of Arbitrators of the Thailand Arbitration Centre.



Ms. Sze Kee - LCC Manager, Shipowners' Club, Singapore

Sze Kee joined the Shipowners' Club in June 2012. She was called to the Singapore Bar as an Advocate and Solicitor in 2003.

Prior to joining the Club, Sze Kee was practising as a lawyer with extensive litigation experience in handling Shipping and Admiralty claims. She has been employed by two prominent Singapore law firms, more recently as a Partner.



Mr. Drew James - Consultant, Aus Ship Lawyers, Australia

Drew James has been practising as a lawyer since 1982, primarily as a litigator specialising in maritime law. He is admitted to practice in Australia, England and Wales. He has practiced as a lawyer in Sydney, London and Singapore. Drew graduated from the University of New South Wales with a Bachelor of Commerce and Bachelor of Laws in 1982. He obtained a Master of Laws from Sydney University in 1999. He was appointed a Fellow of the Chartered Institute of Arbitrators and the Singapore Institute of Arbitrators in 2007 (not current).

He is a panel arbitrator with the Singapore Chamber of Maritime Arbitrators (SCMA), Shanghai International Economic and Trade Arbitration Commission (also known as the Shanghai International Arbitration Center) and the Maritime Law Association of Australia & New Zealand. He is also an Accredited Mediator under the Australian National Mediator Accreditation System. Drew is also a visiting lecturer at the University of Queensland teaching maritime law.



Mr. Gavin Margetson - Dispute Resolution Counsel & Chartered Arbitrator, Singapore

Gavin is a former partner of Herbert Smith Freehills (where he practiced in the Dispute Resolution department in Tokyo, Bangkok and Singapore) and Bryan Cave Leighton Paisner (where he led the Litigation & Corporate Risk department in Singapore). Gavin now operates independently. Gavin specialises in dispute resolution and has extensive experience in high-value cross-border litigation and international arbitration. He is an English solicitor advocate, a fellow of the Chartered Institute of Arbitrators and a former Chair of the ICC Thailand Commission on Arbitration. Gavin has represented clients in arbitrations conducted under ICC, LCIA, SCC, SIAC, TOMAC and pure ad hoc arbitration rules, with arbitral seats in Asia and Europe. He also sits as an arbitrator and is a panel member for SIAC, the Kuala Lumpur Regional Arbitration Centre, the Thai Arbitration Institute and THAC. Leading legal directory, Asia Pacific Legal 500 2019 praises Gavin with the following: "Practice head Gavin Margetson delivers 'clear, concise and robust legal advice', is 'very practical, pragmatic and commercial' and 'focused on achieving the best possible outcome'; he is 'an outstanding practitioner who combines excellent strategic judgement with close attention to detail and strong client-handling skills'"



Mr. James P. Monteiro - Managing Partner, Messrs JamesMonteiro (Advocates & Solicitors), Malaysia

James is the managing partner of Messrs JamesMonteiro (Advocates & Solicitors) and is in his 22nd year of practice as an Advocate & Solicitor of the High Court of Malaya. James specialises in the areas of construction, engineering, and energy, including contract, project and risk management advisory, dispute avoidance and dispute resolution. James has acted for a variety of clients, both foreign and local, ranging from multinationals, government linked companies/entities and public and private companies. James frequently appears as counsel in arbitration proceedings in Kuala Lumpur under the AIAC (previously KLRCA) and PAM Rules of Arbitration and ad hoc arbitrations under the Malaysian Arbitration Act 2005. He has been involved in international arbitrations under the ICC and LCIA Rules of Arbitration. James has appeared as counsel in all levels of courts in Malaysia. James and his team run an active adjudication practice under the Construction Industry Payment and Adjudication Act 2012 (CIPAA), resulting in the reporting of three cases, including the foremost case of UDA Holdings Berhad v Bisraya Construction & Anor in the High Court and Court of Appeal. James and his team are active in Project Work as well, and were appointed the legal advisor for SIPP Power Sdn Bhd for the concession and construction of the 1400MW SIPP Gas-Fired Power Plant in Pasir Gudang, Johor Bahru and the first Islamic Hospital to be built on wakaf land in Johor Bahru, with a capacity of 248 beds and specialist clinics. James is a member of Malaysian Institute of Arbitrators, Fellow of the Asian Institute of Alternative Dispute Resolution, empanelled adjudicator with the AIAC, founding member and past-president of the Society of Construction Law Malaysia. James sits on the Advisory Panel of the AIAC for Standard Form of Construction Contracts and was part of the team that rolled out the standard forms in Johor Bahru in 2017. James is a frequent participant in the construction and arbitration seminar and conference circuit.



Ms. Charis Tan - Director, DWF LLP

Charis specialises in commercial and investment treaty arbitration and public international law. She is admitted in three jurisdictions (Singapore, England and Wales and New York), and has represented States and multinational companies in numerous investment treaty and commercial arbitrations under the rules of major arbitration institutions, including ICSID, ICC, SIAC and SCC, as well as ad hoc proceedings under UNCITRAL Rules. Charis is appointed as Counsel and she also sits as an Arbitrator.

Charis has been named a Future Leader in arbitration by Who's Who Legal and GAR, and has been recommended by Asia Pacific Legal 500 for international arbitration. An initiative she spearheaded for the training of Government officials was awarded the Asia Pacific FT Innovative Lawyers Award. Charis is also co-editor of the first and only book on Investment Protection in Southeast Asia, A Country-by-Country Guide on Arbitration Laws and Bilateral Investment Treaties (Brill, 2017).



Dr. Tan Teng Hooi - Assoc Prof and the Head of the Building and Project Management Programme, School of Science and Technology, Singapore University of Social Sciences

Dr. Tan Teng Hooi is presently an Associate Professor and the Head of the Building and Project Management Programme, School of Science and Technology, Singapore University of Social Sciences (SUSS). He is a Chartered Engineer and Professional Engineer, a Fellow of the Institution of Civil Engineers (UK) and the Institution of Engineers Singapore (IES). In his thirty-nine years of engineering career, he has worked in the academia where he lectures, conducts research, provides consultancy in civil and structural engineering and in the industry as a practitioner. He has also served in many technical committees on standards in SPRING Singapore relating to the construction industry and has served as an Expert Witness in several cases in Singapore.



Dr. Thomas Walford - CEO, Expert Evidence Limited; Governor, Expert Witness Institute, United Kingdom

Thomas has wide experience in Private Banking, Investment Management and Wealth Management. Thomas spent 19 years managing Private Banks and nearly thirty in the city managing or advising clients on investment and banking needs. Also wide experience of UK, Offshore and International relationships. Recent cases include working for financial institutions and clients in Interest Rate Swaps, Property Lending and adherence to Investment Objectives. Has dealt with a multitude of client situations and resolved them to the satisfaction of the parties involved. Thomas is a governor of and is a certified expert by the Expert Witness Institute. In 2015 he was appointed on the jury of the European Expertise and Expert Institute ('EIII') as part of the European Guide to Legal Expertise ('EGLE') project. He is accredited by: the UK Register of Expert Witnesses, Expert Witness Institute, Academy of Experts, CEDR, also a member of the Chartered Institute of Arbitrators. Court Cross Examination a speciality, as is advising on pre-litigation decisions on a Particulars of Claim.