

**SIAC Kuala Lumpur Conference 2019**  
***Damages in International Arbitration:  
Contemporary Principles and Practices***

**Friday, 29 March 2019 | 1.30pm – 5.45pm | Kuala Lumpur, Malaysia**  
(Registration from 1.00pm)

**Kuala Lumpur Bar Auditorium**  
*Unit 4.02, Level 4. Wisma Badan Peguam Malaysia  
No. 2, Leboh Pasar Besar 50050 Kuala Lumpur*

The assessment and quantification of damages in international arbitration is an important but oft-overlooked topic. Perhaps due to lawyers' natural aversion for numbers, most lawyers do not have a firm grip on the relevant principles for formulating, assessing or quantifying a claim for damages. Where parties, their counsel and the tribunal members hail from different legal backgrounds and traditions, the exercise may become even more complicated.

Join us at this exciting Seminar where legal and industry experts will expound on the principles and practices behind the assessment and quantification of damages in international arbitration. Specific focus will be placed on case studies from post-M&A disputes and construction disputes.

**PROGRAMME**

1.00pm – 1.30pm	<b>Registration</b>
1.30pm – 1.35pm	<b>Welcome Address</b> by Ms Harleen Kaur, <i>Chair, Kuala Lumpur Bar Committee</i>
1.35pm – 1.45pm	<b>Opening Address</b> by Mr Chan Leng Sun, SC, <i>Deputy Chairman, SIAC Board of Directors; Senior Counsel and Arbitrator, Essex Court Chambers Duxton</i>
1.45pm – 2.55pm	<p><b>Panel Session I: <i>Contemporary Damages Principles in International Arbitration</i></b></p> <p><u>Topics/Issues</u></p> <ul style="list-style-type: none"> <li>• Law applicable to damages: substantive or procedural issue?</li> <li>• Standard of proof for damages</li> <li>• Expectation model versus reliance model</li> <li>• Foreseeability of losses</li> <li>• Concepts of causation and remoteness of damage</li> <li>• Obligation to mitigate damages</li> <li>• Effect of contributory negligence on the claim for damages</li> <li>• Punitive and exemplary damages - whether they are recoverable</li> <li>• Penalty clauses versus liquidated damages clauses</li> <li>• Limitation of liability clauses</li> <li>• Comparison between common law and civil law approaches</li> <li>• 2010 UNIDROIT Principles of International Commercial Contracts</li> </ul> <p><u>Moderator:</u></p> <ul style="list-style-type: none"> <li>• Mr Francis Xavier, SC, PBM, <i>Regional Head, Disputes Practices, Rajah &amp; Tann Singapore LLP</i></li> </ul> <p><u>Panellists:</u></p> <ul style="list-style-type: none"> <li>• Ms Sheila Ahuja, <i>Partner, Allen &amp; Overy</i></li> <li>• Ms Claudia Cheah Pek Yee, <i>Partner, Skrine</i></li> <li>• Ms K. Shanti Mogan, <i>Partner, Shearn Delamore &amp; Co</i></li> </ul>
2.55pm – 3.10pm	<b>Refreshment Break</b>
3.10pm – 4.20pm	<p><b>Panel Session II: <i>Quantifying Damages in Post-M&amp;A Disputes</i></b></p> <p><u>Topics/Issues</u></p> <ul style="list-style-type: none"> <li>• Agreed minimum amounts, notice periods and warranty: How they impact the timing of a post M&amp;A arbitration</li> <li>• Expert determination</li> <li>• Proof of damages: Preservation of evidence and providing evidence</li> <li>• How to quantify the compensation: To opt for a more precise approach to quantify damages</li> <li>• Tips for post M&amp;A arbitrations</li> </ul> <p><u>Moderator:</u></p> <ul style="list-style-type: none"> <li>• Mr Chan Leng Sun, SC</li> </ul> <p><u>Panellists:</u></p> <ul style="list-style-type: none"> <li>• Ms Lim Wei Lee, <i>Partner, WongPartnership LLP</i></li> <li>• Mr KC Lye, <i>Partner, Norton Rose Fulbright (Asia) LLP</i></li> <li>• Mr Iain Potter, <i>Director, MDD Forensic Accountants, Singapore</i></li> <li>• Mr Wong Hin Loong, <i>Partner, Azman Davidson &amp; Co.</i></li> </ul>
4.20pm – 4.30pm	<b>Refreshment Break</b>
4.30pm – 5.40pm	<p><b>Panel Session III: <i>Assessment of Damages in Construction Disputes</i></b></p> <p><u>Topics/Issues</u></p> <ul style="list-style-type: none"> <li>• Different damages calculation methods: Total cost, modified total cost, direct or discrete pricing approach</li> <li>• Delay claims and disruption claims</li> <li>• Use of experts</li> <li>• Tips for construction arbitrations</li> </ul> <p><u>Moderator:</u></p> <ul style="list-style-type: none"> <li>• Mr Chong Yee Leong, <i>Member, SIAC Board of Directors; Partner, Rahmat Lim &amp; Partners</i></li> </ul> <p><u>Panellists:</u></p> <ul style="list-style-type: none"> <li>• Ms Janet Chai, <i>Partner, Chooi &amp; Company Cheang &amp; Ariff</i></li> <li>• Mr Alan Adrian Gomez, <i>Partner, Tommy Thomas</i></li> <li>• Mr Lam Ko Luen, <i>Partner, Shook Lin &amp; Bok</i></li> </ul>
5.40pm – 5.45pm	<b>Closing Remarks</b> by Mr Chong Yee Leong
6.00pm	<b>Networking Drinks</b>

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